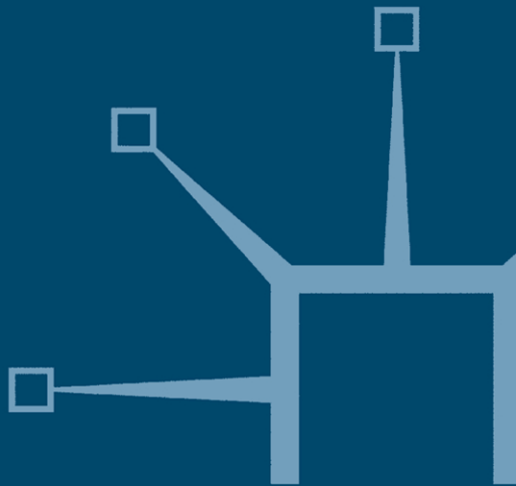


palgrave  
macmillan

# Global Inequality Matters

---

Darrel Moellendorf



# Global Inequality Matters

*Also by Darrel Moellendorf:*

COSMOPOLITAN JUSTICE

CURRENT DEBATES IN GLOBAL JUSTICE (*co-edited with Gillian Brock*)

GLOBAL JUSTICE: Seminal Essays (*co-edited with Thomas Pogge*)

JURISPRUDENCE (*co-edited with Chris Roederer*)

*Global Ethics Series*

**Series Editor:** Christien van den Anker, Reader, Department of Politics, University of the West of England, UK

Global Ethics as a field builds on longer traditions of ethical reflection about (global) society and discusses ethical approaches to global issues. These include but are not limited to issues highlighted by the process of globalization (in the widest sense) and increasing multiculturalism. They also engage with migration, the environment, poverty and inequality, peace and conflict, human rights, global citizenship, social movements, and global governance. Despite fluid boundaries between fields, Global Ethics can be clearly marked out by its multidisciplinary approach, its interest in a strong link between theory, policy and practice and its inclusion of a range of work from strictly normative to more empirical.

Books in the series provide a specific normative approach, taxonomy or an ethical position on a specific issue in Global Ethics through empirical work. They explicitly engage with Global Ethics as a field and position themselves in regard to existing debates even when outlining more local approaches or issues. The *Global Ethics Series* has been designed to reach beyond a liberal cosmopolitan agenda and engage with contextualism as well as structural analyses of injustice in current global politics and its disciplining discourses.

*Titles include:*

Ivan Manokha (*editor*)

THE POLITICAL ECONOMY OF HUMAN RIGHTS ENFORCEMENT

Darrel Moellendorf

GLOBAL INEQUALITY MATTERS

---

**Global Ethics Series**

**Series Standing Order ISBN 978-0-230-01958-4**

(*outside North America only*)

You can receive future titles in this series as they are published by placing a standing order. Please contact your bookseller or, in case of difficulty, write to us at the address below with your name and address, the title of the series and the ISBN quoted above.

Customer Services Department, Macmillan Distribution Ltd, Houndmills, Basingstoke, Hampshire RG21 6XS, England

---

# Global Inequality Matters

Darrel Moellendorf

*Professor, Department of Philosophy and Director Institute for Ethics  
and Public Affairs  
San Diego State University  
San Diego, CA*

palgrave  
macmillan



© Darrel Moellendorf 2009  
Softcover reprint of the hardcover 1st edition 2009 978-0-230-22457-5

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6-10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The author has asserted his right to be identified as the author of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2009 by  
PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries.

ISBN 978-1-349-30953-5 ISBN 978-0-230-24690-4 (eBook)  
DOI 10.1057/9780230246904

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1  
18 17 16 15 14 13 12 11 10 09

*To my father, Arnold Moellendorf, and the memory of  
my mother, Delores Moellendorf*

*All the grand sources . . . of human suffering are in a great degree, any of them almost entirely conquerable by human care and effort . . . every mind sufficiently intelligent and generous to bear a part, however small and inconspicuous, in the endeavour will draw a noble enjoyment from the conquest itself, which he would not for any bribe in the form of selfish indulgence consent to be without.*

John Stuart Mill, *Utilitarianism*

# Contents

<i>Acknowledgments</i>	viii
1 Inequality and the Inherent Dignity of Persons	1
2 Coercion and the Conditions of Distributive Justice	19
3 Equal Respect in Political and Economic Associations	40
4 Global Equality of Opportunity Defended	68
5 International Trade, Development and Labor	90
6 Climate Change, Development and Mitigation	106
7 Global Distributive Institutions	132
<i>Notes</i>	154
<i>Index</i>	175



# Acknowledgments

In writing this book I have been helped greatly by comments from, and discussions with, many colleagues from around the world. It seems appropriate to name them, but I fear that I will neglect to acknowledge my debts to everyone in doing so. At the risk of doing that, I'd like to thank the following people for comments and discussions: Christien van den Anker, Chris Armstrong, Christian Barry, Chris Bertram, Gillian Brock, Christoph Broszies, Luis Cabrera, Simon Caney, Victoria Costa, Ben Crow, Josh Gert, Alan Gilbert, Henning Hahn, Nicole Hassoun, Michael Howard, Jon Mandle, Thad Metz, Michael Pendlebury, Thomas Pogge, Kok-Chor Tan, Mary Tjiattas, Marius Vermaak, Paul Voice and Mark Wheeler.

Chapters 2, 4 and 6 of this book draw on material that I have published in journals. I am grateful to the journals for permitting me to use some what was published in following three articles:

"Equal Respect and Global Egalitarianism," *Social Theory and Practice*, 32:4 October 2006, 601–616;

"Equality of Opportunity Globalized," *Canadian Journal of Law and Jurisprudence*, XIX:2 July 2006, 301–318; and

"Treaty Norms and Climate Change Mitigation," *Ethics and International Affairs*, 23:3 September 2009.

Versions of several of the chapters were also presented at various venues. I would like to thank the organizers for the opportunities and the audiences for enriching my thinking about these matters. My list to thank includes the following: Bennington College; the Political Theory Workshop, Brown University; the Society for International Philosophical Cooperation in conjunction with the American Philosophical Association; the International Capabilities Network Conference in Pavia; the Department Philosophy, University of Maine; the Werkmeister Conference on Cosmopolitanism, Florida State University; the International Studies Association; the Department of Political Science and International Relations, the University of Birmingham; the Philosophy Department, San Diego State

University; the International Office, Rhodes University; the Department of Philosophy, University of the Witwatersrand; the Department of Philosophy, University of Johannesburg; the Department of Political Science and International Relations, Oxford University; the Philosophy Department, University of Rochester; the Mapping Global Inequalities conference at the University of California, Santa Cruz; the Institut für Interkulturelle und Internationale Studien, Universität Bremen; the Workshop on Absolute Poverty and Human Rights, Universität Erfurt and the Institute for Health and Social Policy, McGill University.

I am also grateful for the support that I have received from various institutions and organizations over the period of the several years when I was writing this book. These include the James Hervey Johnson Charitable Educational Trust, the International Office of Rhodes University and the Deutsche Akademische Austausch Dienst.

I would like San Diego State University for supporting me with a difference-in-pay leave while finishing this book. I am especially grateful to the Institute for Advanced Study and the Friends of the Institute for Advanced Study for hosting and supporting me as I was finishing this manuscript.

Finally, my deepest appreciation goes to Bonnie and Marino Friedmann for their encouragement and loving companionship that has sustained me.

# 1

## Inequality and the Inherent Dignity of Persons

### I

In this chapter I set out to do two things. One is to discuss certain concepts and claims that are foundational to the arguments in the subsequent chapters. Another is to set some expectations about arguments that will come later in the book. The chapter serves as an introduction in both respects but I do not summarize all the major claims or systematically list the most important arguments that I promise to make later in the book. That, I think, would make for pretty dreary fare. Instead, I hope to tantalize by simply starting with a discussion of the basic features of my approach to global inequality and the reasons that I have for thinking that it is unjust, and from time to time noting where certain ideas will be developed later.

In the next section I highlight various facets of global inequality and note different measures of global inequality that have been developed by empirical researchers. In Section III, I introduce my approach to respect for human dignity, an approach that is foundational for the normative arguments made in subsequent chapters. I also begin some reflections on justification in that section. These are further developed in Section IV. Section V introduces the view that respect for the dignity of persons establishes an egalitarian justificatory presumption, which is the basis of the criticism of inequality later in the book. Finally, I close the introductory comments of this chapter in Section VI by distinguishing the approach that I take in this book from the much-discussed approach of Thomas Pogge. Pogge's approach has deservedly received a great deal of attention.

It should help many readers to understand my approach by comparing it to Pogge's.

## II

Our world is marked by deep and persistent inequalities. The *World Development Report 2006* offers several examples, which make terribly vivid the nature of some of this inequality. One comparison is under five mortality rate. 'A baby born in Mali in 2001 had an approximately 13 percent chance of dying before reaching the age one, with this chance declining only slightly (to 9 percent) even if the baby were born into the top quintile of the asset distribution. By contrast, a baby born in the United States the same year had a less than 1 percent chance of dying in its first year.'<sup>1</sup> More generally, in 2001 the mortality rate for children under age 5 was nearly 26 times higher in the countries of sub-Saharan Africa than in the Organisation for Economic Cooperation and Development (OCED) countries.<sup>2</sup> According to the World Health Organization, over 60 percent of deaths in developed countries occur beyond age 70, compared to about 30 percent in developing countries.<sup>3</sup> Returning the Mali-USA comparison, consider education inequality: 'The average American born between 1975 and 1979 has completed more than 14 years of schooling (roughly the same for men and women, and in urban and rural areas), while the average school attainment for the same cohort in Mali is less than two years, with women's attainment less than half that for men, and virtually zero in rural areas.'<sup>4</sup> With the onset of adulthood the cumulative effects of these childhood inequalities is enormous income disparity. In 1994 the average income in Mali was less than \$2 PPP per day, or \$54 per month; in the USA it was more than 20 times greater, \$1,185 per month.<sup>5</sup> Considering the broader picture, the richest 5 percent of the world's population earns 114 times that of the poorest 5 percent. The total income of the richest 1 percent is equal to that of the poorest 57 percent. And the income of 25 million richest Americans is nearly as much as that of the 2 billion poorest people in the world.<sup>6</sup> Income inequality, however, is less severe than wealth inequality. The assets of the richest three people in the world are more than the combined GNP of all of the least developed countries.<sup>7</sup>

There is a great deal of longitudinal evidence about income inequality. Branko Milanovic shows that whether the trend is toward

greater or less inequality depends crucially on the concepts of inequality and methodology used. When one derives a Gini coefficient from the unweighted (for population size) GDP per capita of all countries, there is a strong trend toward increasing inequality.<sup>8</sup> This is a version of international inequality that he refers to as *concept 1 inequality*. But when the GDP per capita is weighted for population—a version of international inequality Milanovic calls *concept 2 inequality*—the trend is toward decreasing inequality.<sup>9</sup> Milanovic observes that this trend is reversed if China and India are excluded, and concludes that the rapid economic growth in these countries is responsible for the decreasing trend.<sup>10</sup> Finally, if the GDP per capita of countries is not used at all, but instead the incomes of persons are compared, the nature of the change over time varies depending on the methodology used for gathering the data.<sup>11</sup> This last approach measures what Milanovic terms *concept 3* or *global inequality*; and for most of this book it will be the most significant measure. He sees an overall increase in global inequality from the late 1980s to the late 1990s, but a decrease from the early to the late 1990s.

Despite the differences, by all measures income inequality remains extremely high. As noted in the comparison between persons in Mali and in the USA, income inequality is only one of several kinds of morally salient inequality, but it is quite plausibly causally related to other kinds. Inferior health care and education as a child grows up in Mali predictably leads to less income as an adult than the income of the citizen of the USA. The low income of the parent in Mali results in fewer resources to devote to the health and education of her children. And so it is not surprising that global inequality is so persistent.

Our world also contains staggering poverty. A recent World Bank study estimates that 1.4 billion people are living on less than \$1.25 PPP a day, and 2.4 billion on less \$2 PPP a day.<sup>12</sup> There is controversy surrounding the accuracy of these figures.<sup>13</sup> But no one denies that billions of people are living in terrible poverty. This is a moral catastrophe that replays itself every day, all the more horrible because the costs of eliminating it are so paltry. Pogge argues that a program of transfers to the desperately poor, the starving and dying children of the world for example, could be instituted without causing any significant hardship to the very wealthy.<sup>14</sup> Moreover, according to the United Nations Development Programme in 1998 the total assets of the 200 richest people in the world were \$1,042 billion. At a cost of

\$7–8 billion, less than 1 percent of the net wealth of the world's richest people, access to primary education could be provided to every child around the world.<sup>15</sup>

Not everyone who has studied global inequality judges it to be unjust. Jagdish Bhagwati, for example, condemns the absolute poverty that exists in various places around the world, but considers it 'lunacy' to condemn inequality. '[W]hat sense does it make to put a household in Mongolia alongside a household in Chile, one in Bangladesh, another in the United States, and still another in Congo? These households do not belong to a "society" in which they compare themselves with the others, and so a measure that includes all of them is practically a meaningless construct.'<sup>16</sup> Bhagwati's rejection of the injustice of global inequalities seems rather quick. But he is not alone in this view. The most influential egalitarian political philosopher of the twentieth century, John Rawls, agrees. He is followed in this judgment by several other egalitarian political philosophers; the most prominent is Thomas Nagel. All these philosophers (and perhaps Bhagwati too) would reject such inequalities as unjust if they were within a single state, but do not do so globally.

There are many good reasons to believe that global inequality matters. One is that reducing global inequalities could serve as a means for eliminating absolute poverty under which so many people suffer. The fact that poverty could be eliminated by slightly reducing the wealth of the very wealthy—thereby slightly narrowing inequality—supplies a premise to the argument that the current level of inequality is unjust. Moreover, if inequality is reduced, economic growth is distributed more equally and poverty is reduced more. Charles Beitz correctly makes the point, however, that this sort of argument against inequality is limited to cases in which the poverty is great and the costs of eradicating it are comparatively low.<sup>17</sup> Another reason that global inequality matters is that inequality makes possible, perhaps even likely, the dominance of poor countries by rich countries in international negotiations and institutions.<sup>18</sup> These are instrumental reasons to believe that global inequality matters. They take it to matter because it contributes to other social evils.<sup>19</sup> These reasons suggest that inequality matters a great deal when the gap between the rich and the poor is great and the condition of the poor is particularly bad. Indeed it might matter most in these cases

because of the accumulation of reasons.<sup>20</sup> But it does not follow that the only reasons that it matters is because it contributes to other social evils.

In this book I shall argue that there is another less instrumental and less limited reason for maintaining that justice requires reducing global inequality. I say *less instrumental* because I shall not argue that equality is a free-standing value, which commands our allegiance apart from all other values. I shall not argue that equality is intrinsically valuable. My criticism of global inequality is less instrumental in the sense that it does not derive from the service that reducing inequality plays in realizing other morally important social arrangements although it does rely on other important moral commitments.

The injustice of absolute poverty is urgent. It demands our attention and best efforts. But I shall argue that if we take seriously the fundamental basis of all major human rights documents of the twentieth century, which affirm that all persons possess inherent dignity, the construction of new institutions that reduce inequality is also a matter of global justice. That such institutions could also eliminate poverty is a strong reason to support them, but it does not exhaust the moral reasons in their favor. In the remainder of this chapter I begin this argument by providing an initial account of the relationship between respect for human dignity and the presumption of equality under social institutions.

### III

Respect is a pro-attitude, or perhaps more accurately a family of pro-attitudes. It is an attitude that positively values its object. It is commonly distinguished from other pro-attitudes, such as belief and concern: Although one might believe a statement, one would not respect it; and although a person might have concern for the functioning of her computer, she does not respect it. In many of the human rights documents of the twentieth century the object of respect is presumed to be the inherent dignity of persons. These are documents that a great many political elites have committed their regimes to observe and that provide hope for millions ordinary people who are seeking more just political, economic and social structures. And these documents typically explicitly acknowledge their basis in human dignity.

Consider the preamble to the Universal Declaration of Human Rights: 'Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.'<sup>21</sup> The Preambles of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights postulate a basis in human dignity: 'Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . .'<sup>22</sup> Also noteworthy is Article 5 of The African Charter on Human and Peoples' Rights: 'Every individual shall have the right to respect of the dignity inherent in a human being and the recognition of his legal status.'<sup>23</sup> References to inherent human dignity within human rights documents are not surprising since the justified claim that a person has a right is usually taken as support for a policy of directing state resources her way, either as protection or provision, even if it is contrary to the will of the majority.<sup>24</sup> The special status of persons as the basis for this anti-majoritarian position is well captured by the notion of dignity. Possessors of dignity are entitled to respect even if the majority thinks otherwise.

The inherent dignity of persons, and the respect that is appropriate to it, is a useful place to start a justification of global egalitarianism because of the wide appeal that these ideas have. To be sure, this is a pragmatic reason, appealing to a contingently accepted normative understanding of persons, not one appealing either to a necessary moral truth or to the conclusion of an argument about deep moral foundations. But it is also a reason appropriate to the task of justifying principles of global justice. In the final section of *A Theory of Justice*, John Rawls distinguishes between justification and proof.

[J]ustification proceeds from what all parties to the discussion hold in common. Ideally to justify a conception of justice to someone is to give him a proof of its principles from premises that we both accept, these principles having in turn consequences that match our considered judgments. Thus mere proof is not justification. A proof simply displays logical relations between propositions.



Proofs become justification once the starting points are mutually recognized...<sup>25</sup>

To begin an account of justice as Rawls recommends is to commit oneself to a view of what an account of justice is about, namely that it seeks a resolution to practical problems, where there are sufficient values held in common for such a resolution to seem possible. Accounts of justice are practical normative conceptions about how to order human affairs, suitable to the circumstances in which there is disagreement about such matters, but deeper agreement on some values. A person seeking a justification then has one eye on the social context and another on common values, seeking to provide arguments that might provide the basis for a reasoned resolution to on-going disputes. One implication of this view of justification is that it better not start with abstract metaphysical claims about the nature of the moral universe, the source of moral value, or a delimitation of all objects of moral concern. Justification must be more pragmatic than that.

To invoke the inherent dignity of persons is to claim that all persons have a special moral status or standing. The attribution of human rights to persons is an example affirming that standing of persons. Consider, for example, the manner in which Article 3 of the Universal Declaration of Human Rights constrains the use of power and force: 'Everyone has the rights to life, liberty and the security of person.'<sup>26</sup> Observance of the article requires that institutions not infringe on the life, liberty and security of others. Pogge, I believe, correctly argues that when this right is violated the moral demand that we halt the violation is a consequence of the negative duty against infringing on life, liberty and security.<sup>27</sup> But observance of human rights not only constrains the use of power, it also directs it. For observing the rights identified in Article 3 requires not only the negative duties of non-interference, but also duties to ensure (at least) the requisite institutional functioning for policing and prosecuting wrongdoing.<sup>28</sup> Human rights documents which invoke the inherent dignity of persons, then, take that moral status of humans to be the reason why they can justifiably demand of institutions that their power be constrained and directed in the ways required by the documents. These constraints and directions are enumerated in the human rights documents as fundamental human rights. Because

inherent dignity is a status possessed equally by all persons, human rights are equal for all persons. Equal treatment under common institutions is the baseline expectation.

Human rights documents assume that the inherent dignity of persons makes appropriate the attitude of respect. More specifically, respect of the kind that Stephen Darwall distinguishes as recognition respect. '[W]e respect something in the recognition sense when we give it standing (authority) in our relations to it.'<sup>29</sup> Recognition respect is the acknowledgment of this authority, which all humans have, to demand that the use of institutional power that affects them be appropriately constrained and directed. When human rights documents state that the inherent dignity of persons is the normative basis of the rights that the documents enumerate, the documents are expressing a kind of respect—recognition respect—for persons that is the attitude appropriate to the dignity of persons. This is one expression of recognition respect. It might be thought of as kind of declarative (recognition) respect since it issues in documents. It is echoed in institutional arrangements that constrain and direct power toward the fulfillment of human rights. This could be distinguished as institutional (recognition) respect.

#### IV

I have been arguing that a justification of global justice can sensibly start from a premise of the inherent dignity of persons. Such a justification seems to presume more than Rawls allows in *A Theory of Justice*. Indeed, there he apparently specifically rejects this approach: 'I believe, however, that while the principles of justice will be effective only if men have a sense of justice and do therefore respect one another, the notion of respect or of the inherent worth of persons is not a suitable basis for arriving at these principles. It is precisely these ideas that call for interpretation.'<sup>30</sup> Moreover, when he discusses the moral considerations that are worked into the original position these include that the deliberation be fair and reasonable and that persons be equal with conceptions of the good and capable of a sense of justice.<sup>31</sup> This could be interpreted as a weaker set of moral premises, than the premise that persons possess inherent dignity that demands respect.

Still, continuing the quotation just cited, it is clear that Rawls also believes that beginning in this manner sheds light on the demands of respect for persons. 'Once the conception of justice is on hand, however, the ideas of respect and of human dignity can be given a more definite meaning.'<sup>32</sup> Presumably, this is more than just a happy coincidence. Features of the original position argument, such as the veil of ignorance and justification by agreement, must connect up with ideas of respect and human dignity in order for there to be any assurance that the latter will 'be given a more definite meaning' by the principles derived from the former. It is not clear then that resting the justification of principles of justice on a premise of the inherent dignity of persons is more presumptuous than Rawls's attempts in *A Theory of Justice*; but it is at least making something explicit that is not explicit in Rawls.

Rawls's claim in *A Theory of Justice* that justification must proceed on the basis of commonly accepted premises is related to his concern in *Political Liberalism* that the account of justice be political and not metaphysical. Two, of the three, requirements of an account being political in the right sense (as opposed to the sense of politically expedient) are that the premises invoke values that can be endorsed from within all reasonable comprehensive conceptions of the good, and that the principles are narrowly focused to the ordering of institutions, rather than to directing the whole of a person's life.<sup>33</sup> The desideratum of such a political account is that it is plausible to expect that institutions directed by such principles will be legitimate.<sup>34</sup> Although in *Political Liberalism* Rawls defends a political conception that, in addition to satisfying the above two requirements, also employs premises involving conceptions of persons drawn from the liberal tradition, there is nothing about the political approach that restricts it strictly to such premises.<sup>35</sup> There is no reason to rule out in principle the possibility of other approaches, such as the employment of a moral conception of persons and goods drawn from some other kind of association. Such a procedure would be useful for the justification of principles of justice appropriate for assessing institutions of that association. An approach based upon the premise of the inherent dignity of persons in conjunction with an account of the goods of the global economic association could possibly be well suited to the justification of principles for the institutions of the global economic association. In Chapters 3 and 4 I pursue this kind of argument.

## V

I noted in Section III that recognition respect of the inherent dignity of persons is the acknowledgment of the authority, which all persons have, to demand that use of institutional power that affects them be appropriately constrained and directed. These constraints and directions are enumerated as rights in the human rights documents. The determination of whether the constraint and direction of institutional power is appropriate is a matter of justification. To what might justification appeal in order to be consistent with human dignity? The answer must be based on an interpretation of the premise of human dignity that is consistent with it being the basis of human rights.

To begin, institutions that observe human rights offer persons the ability to pursue goals and values without interference, even contrary to the will of the majority, so long as the pursuit observes the same institutional rules for other persons. Constructing institutions in order to observe human rights, then, involves seeing persons as sources of practical reasons, for example, to limit institutional reach and to ensure that institutions make adequate provisions. Taking persons as sources of practical reasons has a double sense. On the one hand, when crafting institutions we take persons as sources of practical reasons when they become reasons to constrain and direct the power of institutions that we endeavor to empower. We take them as having claims on institutional power. On the other hand, persons are reasons for us in part at least because they have reasons. They live their lives, or seek to do so, in accordance with reasons of their own. Article 18 of the Universal Declaration of Human Rights states, 'Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.'<sup>36</sup> We can interpret the right to freedom of conscience as making a claim on institutions, providing a reason for why institutions should function in one way and not the other, out of respect for the reasons that persons have. Taking persons as sources of practical reasons serves, then, as an interpretation of our commitment to the human rights expressed in Article 18.

Respecting human dignity then can be seen as involving taking humans as sources of practical reasons in the sense outlined above. Rawls states approximately the same idea when he takes persons to be 'self-authenticating sources of valid claims.'<sup>37</sup> This is a conception of inherent dignity as the status to make demands on institutions. But if the source of the reason that guides the use of institutional power is the demand that persons may make to have it so guided, then the principle that underlies the institutional construction must be one that persons can reasonably endorse. An institution directed by a principle that persons cannot reasonably endorse is an institution that is not respecting persons as sources of practical reasons. There is, then, another sort of respect for human dignity, in addition to the recognition respect that institutions can express in their functioning. This I call *justificatory respect*. Justificatory respect requires that the principles that guide institutional functioning be such that they can be reasonably endorsed by the persons participating within the institutions.<sup>38</sup> Respect for human dignity then requires a justification of institutional principles that can be reasonably accepted by those who live under them.<sup>39</sup>

I claim that justificatory respect follows from taking persons as possessing inherent dignity. I have not tried to derive a commitment to justificatory respect from deeper ethical theories. This relative shallowness is a consequence of the understanding of justification that I discussed in Section II. A justification must employ premises; it must make assumptions. I assume the inherent dignity of persons. Still, it seems to me that justificatory respect could well be consistent with several ethical theories. Perhaps it could be supported on rule-utilitarian grounds. It certainly echoes the injunction of the Formula of Humanity version of Kant's categorical imperative not to treat persons merely as means. And it could be a piece of contemporary contractualism or constructivism, which take the justification of moral principles to be a function of some kind of constrained consent. Indeed, such accounts fit particularly nicely because they provide the details of what should count as reasonable endorsement.<sup>40</sup> Reasonable endorsement is not equivalent to actual acceptance. The justification of principles cannot be held hostage to the unreasonable demands of persons. A full account of justification must then include an account that distinguishes reasonable from unreasonable acceptance of principles. This is a major philosophical project far exceeding

my more modest aims in this book. But, I believe that enough can be said, for present purposes, to avoid having to develop anything like a full account of the justification of principles. I shall have much more to say about this, however, in Chapter 3.

Let's suppose we have what I call a *common good association*. This is an association that by the joint effort of its members produces goods and powers, useful to the members, to which no person has a pre-associational moral entitlement. Let's suppose furthermore that this common good association is strong, non-voluntary, significant for people's lives, and under the collective control of persons.<sup>41</sup> Now consider a principle for the governance of this association. The principle 'institutions should be arranged so as to realize maximally the interests of persons in sub-group G' cannot be reasonably accepted *pro tanto* by persons who are not members of sub-group G. In contrast the principle 'institutions should be arranged so as to realize equally the interests of all those living under the institutions' can be reasonably endorsed *pro tanto* by everyone living under them. This reasoning is consistent with the requirements of Article 7 of the Universal Declaration of Human Rights, which includes the following commitment: 'All are equal before the law and are entitled without any discrimination to equal protection of the law.'<sup>42</sup>

There are four plausible exceptions that could support a difference between the *pro tanto* endorsement of a principle of equality and a complete justification of a principle in particular cases: (1) Some persons could deserve to have their interests treated less well because of something they have done to harm the interests of others; (2) some persons could voluntarily consent to lesser realization of their interests or to taking certain risks of this outcome; (3) there might be differences in morally relevant needs requiring more resources to satisfy; or (4) offering incentives that produce differential outcomes could benefit everyone in comparison to their condition under equality. In any particular case the *prima facie* principle of equality might not, then, upon further consideration, be appropriate because of one these exceptions.

Taking persons as possessors of inherent dignity establishes a *prima facie* principle of equality under common good institutions, including distributive institutions. This suggests a method for considering whether distributive inequalities between people who share common and unavoidable institutions are all-things-considered just despite

their violation of the *prima facie* equality principle: One must consider whether the exceptions to equality adumbrated above apply. It is highly implausible to believe that these exceptions apply when considering the bulk of current global inequality. The child growing up in Mali, for example, has done nothing to deserve her inferior health and education prospects. Nor has she voluntarily chosen them or put herself at risk having them by her choices. It is outrageous to suppose that her needs are so much less than the child growing up in an OCED country. Finally, the arguments of Pogge and the UNDP concerning the relative costs of eliminating absolute poverty also lend credence to the claim that alternative institutions can be devised that would better realize the child's interest in health. It's certainly not the case that everyone is benefiting from these massive global inequalities. If we assume the inherent dignity of this child and children like her in the underdeveloped world, we have good initial reasons to believe that the inequalities between their life prospects and children growing up in OCED countries are seriously unjust.

## VI

Now that I have sketched several of the main features of the account that will be more fully developed in subsequent chapters, it might be well to close these introductory arguments by contrasting my approach with Pogge's well-known human rights-based account of global justice. Pogge's account quite deservedly has received considerable attention. His argument that absolute poverty is a human rights violation caused in part by structural features of the international system, especially the international borrowing and resource privileges is insightful, plausible, and the best moral compass we have for dealing with this urgent global problem. My account differs from his in several ways, however. First, Pogge's account is human rights based. The account I defend here begins with the inherent dignity of persons, which is typically invoked in human rights documents, not with human rights themselves. Rather, the focus will be on social justice, in particular global distributive justice.

Second, Pogge's account is sufficientarian; he is concerned mainly with absolute deprivation. The account that I defend argues that we have reasons to oppose distributive inequalities, which reasons

are independent of the service that reducing inequality can play in remedying poverty. My account is, then, broadly egalitarian. Pogge believes that distributive injustices are 'mere symptoms of a deeper injustice: the imposition, by our governments in our name, of a coercive global order that perpetuates severe poverty for many who cannot resist this imposition.'<sup>43</sup> Perhaps Pogge merely means that attention to severe poverty is more urgent than attention to global inequality. I have no quarrel with that judgment. But his language suggests that his meaning is not that. Rather, the claim seems to be that the cause of the unjust distribution of wealth and income is the coercive imposition of a poverty causing global order by wealthy and powerful states and persons; distributive inequalities are 'mere symptoms' of this. Indeed, Pogge points out that his critique is not at all leftist. 'The political right, too, condemns poverty caused by an unjust coercive institutional order . . .'<sup>44</sup> It is, however, implausible to claim that if the international system did not provide powerful incentives to corruption and anti-democratic power-taking by recognizing the legitimacy of leaders to borrow and sell no matter how they take power, and if the World Trade Organization's (WTO) rules did not permit massive developed country protectionism, then significant market-generated global inequalities in resources and opportunities would not exist. This is not to deny that either the borrowing and resource privileges or the WTO rules are unjust, but merely to deny that an account that recognizes these injustices, is necessarily an egalitarian one.

The political right does not doubt that market-generated inequalities would exist. This is because such inequalities are not merely the symptom of the international borrowing and resource privileges, they arise in well-functioning markets for labor, resources and goods, markets that reward persons of certain talents, punish the unlucky and allow the opportunities of young children to be governed by their parents' fortunes in the market. The political right and the political left do not generally disagree about these empirical claims. The disagreement is about their moral significance. The political left argues that institutions that permit at least some of the market-generated inequalities mentioned above are unjust. Unlike, Pogge's criticisms, then, mine serve to align my account with the political left.

Third, in keeping with his general approach, which focuses on the *coercive imposition* of international institutions, including especially



the borrowing and resource privileges, Pogge argues that the central feature of global injustice is the harm caused by international institutions. Again, if he can succeed at this there is no reason why libertarians should not enthusiastically endorse his moral conclusions. In contrast, the account that I defend holds that global social injustice consists in inequalities of the global economic association, those inequalities at any rate that cannot be excused by reasons like the four adumbrated in Section IV above.

One might be inclined to think that Pogge's account has a certain justificatory advantage. It, unlike mine, holds out the hope of bringing libertarians on board because it is based upon the more ecumenical harm-causing conception of injustice. On further consideration, however, it is not obvious that the hope is well-placed and that the advantage is very substantial. For the claim that the relevant institutions cause harm is in fact controversial on both empirical (the extent of causation) and normative (the nature of the harm) grounds. Take causation first. The global economic association is massively complex and not well understood. How confident should we be that a particular international institution, which affects all states, causes poverty especially given the abundant evidence that some states are rapidly decreasing their poverty rates? Pogge, of course, has an answer for this. One way he puts the answer is to distinguish between local factors, which cause variations in poverty among states, and global factors, which negatively restrict the ability of all states to mount successful anti-poverty programs.<sup>45</sup>

A World Bank study concludes that complete trade liberalization would lower the Gini coefficient of international inequality (Milanovic's *concept 2 inequality*) by 0.06 percent.<sup>46</sup> This conclusion, I take it, is controversial, perhaps in part because it focuses only on the static effects of complete liberalization. In contrast, Joseph E. Stiglitz and Andrew Charlton argue that capital market imperfections make the protection of infant industries in developing countries a necessity of a successful development strategy.<sup>47</sup> But in either case we have the bases of arguments to support the claim that WTO rules—which require that developing and underdeveloped countries eliminate protectionist policies, but which allow countries with highly developed economies to maintain such policies—contribute to inequality and poverty. Either of these arguments then could be taken to support the role of global factors in causing poverty, despite

the existence of local factors as well. But given that some countries, most notably China, are rapidly reducing poverty, the question of how to understand the causation of the global factors persists. Pogge suggests an analogy to his students' learning. Individual factors might explain the variations between their performance, while a global factor—his teaching—might also exercise an effect on the performance of all the students.

[E]ven if student-specific factors fully explain observed variations in the performance of my students, the quality of my teaching may still play a major role in explaining why they did not on the whole do much-better or worse than they actually did. Likewise, even if country specific factors fully explain the observed variations in the economic performance of the poor countries, global factors may still play a major role in explaining why they did not on the whole do much better or worse than they did in fact.<sup>48</sup>

In the case of the students there are two phenomena that require explanation, students' performance relative to one another and students' performance relative to a less well-defined open-ended common goal of mastery of the class material. The global factor of teaching quality might have some explanatory value with respect to the second, even if we assume it has none with respect to the first. In the case of poverty reduction, there are also two phenomena that require explanation, states' success relative to one another and states' success relative to the common goal of poverty eradication, as defined by the \$1.25 PPP/day—or some other—goal. In the case of the students, their approach to the common goal is quite likely asymptotic; there is always room for improvement in the direction of mastery. Hence, one can nearly always sensibly query whether all or most of the students would not learn more effectively with a different teaching approach or a different teacher, in other words with different global factors. In the case of poverty reduction, if some states are realizing some well-defined goal (\$1.25 PPP/day or some other one), laying more stress on the explanatory value of local factors rather than global ones is not obviously incorrect. In other words, we should expect controversy regarding the claim that global factors are a significant cause of poverty.

If there is reasonable controversy regarding the empirical claim about the extent to which global factors cause poverty, there is bound to be reasonable controversy regarding the normative claim that global institutions are harming the poor since, of course, the harm must be caused. But in addition to such controversy, there is the matter of how harm is even identified. Consider our common-sense understanding of harm: Fritz's action harms Hazel only if Hazel is worse off than she was before Fritz acted. Following Pogge we can refer to the standard employed as *the diachronic comparison* since it compares well-being across time.<sup>49</sup> One recent World Bank study finds that the percentage of people living below \$1.25 PPP/day has been halved, falling from 52 percent to 26 percent from 1981 to 2005.<sup>50</sup> These findings are controversial.<sup>51</sup> Indeed, Pogge is a strong critic of World Bank measures of poverty.<sup>52</sup> The fact that there is controversy here is enough to cast doubt on the justificatory advantage that a harm-causing conception of injustice, which uses a diachronic comparison, has over an inequality conception. In any case, however, the international borrowing and resource privileges are long-term features of the global economy; and it would be difficult to measure harm in terms of a comparison between poverty levels before their existence and now.

An alternative conception of harm employs what Pogge he calls *a subjunctive comparison*.<sup>53</sup> According to such a comparison, harm (or benefit) is a measure of a person's actual condition in comparison either to her condition as it would have been in the absence of the institutional change (or individual action) or to her condition as it would have been under a fictional alternative institutional order (or some other individual action). When applied to agents, the idea is that Fritz harms Hazel only if either she is worse off than she would have been if Fritz had not acted or she is worse off than she would have been had Fritz acted differently. Or if we accept the fall in poverty, as asserted in the World Bank study cited above, persons would be harmed by global institutions (despite the fall in poverty) only if the fall would have been greater either in the absence of an institutional change or under some other (feasible) hypothetical institutional arrangement. The former Pogge calls *a subjunctive comparison with an historical baseline*, the latter *a subjunctive comparison with a hypothetical baseline*.<sup>54</sup> The distinction that Pogge draws between local and global factors in poverty elimination allows him

to argue that even a state that is reducing poverty might nonetheless be harmed by the global order if its poverty level would have been even better under other institutions.

Now, Pogge rejects the use of the subjunctive comparison with an historical baseline because it improperly assumes that the prior historical period was neutral; hence what might appear to be an instance of a benefit in relation to the past could suffer from an unappreciated harm if there were some causal factor of the same kind operating both in the past and the present that served to make people worse off than they might be.<sup>55</sup> This might suggest the appropriateness of the subjunctive comparison with a hypothetical baseline, but Pogge criticizes that too for the lack of 'a precise and morally uniquely appropriate standard for comparing the two worlds....'<sup>56</sup> The point seems to be that we must choose some picture of how people might be to employ such a comparison, but there are many possibilities; and the comparison provides us with no standard for choosing among them. Hence, Pogge contends that an assessment of harm must rely on a morally justified standard, an account of people's entitlements as clarified by a harm-independent conception of justice.<sup>57</sup> Pogge's preferred conception is apparently broadly Lockean.<sup>58</sup> In the end Pogge is left with an identificatory account of harm that is dependent upon an account of distributive justice. This effectively renders null any justificatory advantage that an account of injustice as harm-causing has over one based upon distributive inequality since both rely on controversial accounts of social justice.

The point of this section is not to offer a convincing critique of Pogge's account of global justice. Rather it is to show that there is no reason to suppose that Pogge's apparently ecumenical basis of harm-causing is any less philosophically controversial than an account based upon distributive inequalities. This clears away one source of resistance to exploring a more thorough-going egalitarian path. There will, of course, be many obstacles along the way. I hope to avoid some and remove others, and thereby advance some distance down the path in the chapters ahead.

# 2

## Coercion and the Conditions of Distributive Justice

### I

If the moral requirement of equal respect for all persons dictates some kind of an egalitarian distributive principal domestically, then surely it has similar implications globally. After all, the requirement contains a universal quantifier. But several prominent contemporary politically philosophers have presented challenges to this idea. The strategy of their arguments is to claim that egalitarian justice is required domestically only under contingent conditions, which involve centrally the existence of legal coercion, and that these conditions do not obtain between non-compatriots.<sup>1</sup> I call these accounts *coercion accounts*. Coercion accounts tend to conclude either that egalitarian duties to compatriots are weightier than to non-compatriots or that there are egalitarian distributive duties to compatriots but not to non-compatriots.

As will become clear in my discussion of coercion theorists, I take social justice to be a property of social and political institutions. I agree with a claim stressed by coercion theorists that duties of egalitarian justice require contingent conditions. But in contrast to coercion theorists, I maintain that these conditions are not limited to legal coercion. In Section II, I discuss Richard Miller's patriotic preference. In Section III my attention turns to Michael Blake's claim that duties of distributive justice are egalitarian in content for compatriots, but sufficientarian for non-compatriots. Section IV is given over to a criticism of Thomas Nagel's claim that duties of distributive justice do not exist in the absence of a sovereign state authority.

In Section V, I set out an alternative account of the conditions of egalitarian justice, including an idea that I call *the principle of associational justice*. That principle holds that duties of social justice exist between persons who have a moral duty of equal respect to one another if those persons are co-participants in an association that meets certain conditions. Because the conditions are not limited to institutions that have coercive legal power, the principle does not rule out the possibility of global egalitarian justice. I shall not argue in this chapter that the global economic association satisfies the sufficient conditions. That argument I leave till Chapter 3. Finally, Section VI compares the principle of associational justice to the principle of fair play for political obligation, and argues that the special duties of justice entailed by principle of associational justice are not vulnerable to criticisms (whatever their merits) that have been directed at the principle of fair play for political obligation.

## II

Miller's view is that duties of distributive justice to compatriots are weightier than those to non-compatriots. He expresses this in terms of a patriotic bias in favor of compatriots. He argues for patriotic biases of two kinds: A priority of attention to compatriots' needs, and a budgetary bias toward meeting those needs.<sup>2</sup> Both kinds of bias have fiscal implications. The budgetary bias is meant to defend proportionally much larger expenditures on compatriot needs than on foreign aid.<sup>3</sup> But attending to compatriots needs also requires expenditures on aid programs. The bias in attention to compatriots seems to support the budgetary bias. So, the main object of my interest will be the priority of attention to compatriots.

The moral grounds for the patriotic biases, according to Miller, are twofold. The first is our moral interest in having relations of mutual respect and trust with persons with whom we are especially interdependent. The second is that the self-respect of less privileged compatriots requires that they have appropriate incentives to follow the laws that are imposed upon them.<sup>4</sup> Although these grounds are distinct, both of Miller's two central arguments base an appeal to the first moral ground upon a prior appeal to the second.

Miller's first argument in defense of priority of attention to the needs of compatriots is based upon a claim about the psychological

limits of trust. It asks us to consider a 'failure to provide tax-financed aid sufficient to relieve serious burdens of inferior life-prospects among compatriots, when this shortfall is due to provision for neediness abroad.'<sup>5</sup> The consequential evils of this failure, Miller asserts, are reduced cooperation on the part of the disadvantaged, in which cooperation is substituted by mere acquiescence, deference out of self-abnegation, or compliance out of ignorance.<sup>6</sup> Thus, for the disadvantaged it is 'psychologically insupportable to engage respectfully in the political process that ultimately enforces these rules.'<sup>7</sup> This, I take it, is an appeal to the second ground of the patriotic bias concerning the self-respect of the less privileged, as stated in the paragraph above. Now, insofar as all persons have 'an interest in having one's relationships of dependence be relationships of mutual respect and trust,'<sup>8</sup> the first ground above, all persons, not merely the disadvantaged, have an interest in avoiding the social evils described in this paragraph.

It is important to appreciate that nothing that Miller says about the consequential social evils of failing to fund aid to disadvantaged compatriots depends upon the cause of the failure being a diversion of resources to fund global commitments. The argument is general; it could be invoked for any competing funding interest. If the appeal to the impossibility of cooperation on the basis of respect and self-respect is plausible, the generality of the argument favors weighing distributive duties to compatriots over all other duties whose fulfillment requires funding from the state treasury. The argument is much more demanding, and perhaps then less plausible, than is apparent at first glance.

More importantly for present purposes, the claim that there are important moral costs associated with failing to realize the requirements of domestic distributive justice does not entail that such requirements should be realized at the cost of failing to attend other demands of justice, including global distributive justice, since these latter failures of attention might also come at high moral costs. In other words, the moral appropriateness of attending to compatriot needs does not establish the attention bias.

Miller takes up the question of the comparative costs of acting on domestic and global duties in his discussion of the budgetary bias. There he argues that educational costs increase the bill for preventing domestic social evils and that international cost sharing reduces

the bill for preventing social evils experienced by non-compatriots.<sup>9</sup> This also does not entail the attention bias since even if domestic social evils are more costly to prevent, we might still be required by a morality of equal respect to give them no greater attention.

Miller comes closest to establishing priority of attention to compatriots when asserting the importance of respect and trust in compatriot relations. Because the interdependence among compatriots is 'specially intense and specially vulnerable to distrust and disrespect,' great attention must be paid to their relationships.<sup>10</sup> Moreover, the special valuing of a relationship requires taking one's own participation in the relationship as 'a specially demanding reason for appropriate forms of concern for the other.'<sup>11</sup> These considerations are supposed to be less applicable for relations between non-compatriots.

The account must, however, establish that there is nothing of equal, greater, or incommensurate moral import at stake in relations between non-compatriots in order to yield the conclusion that relations between compatriots deserve greater attention than relations between non-compatriots. For there is nothing about the claim that a person has a special duty to compatriots that rules out the possibility that she also has a special duty to non-compatriots that is not easily disregarded because either it is as strong as the obligation to compatriots or rests on incommensurate grounds.<sup>12</sup> Miller's first argument is vulnerable, then, to a challenge that gives a plausible account of the moral importance of relationships between non-compatriots such that special duties to non-compatriots deserve attention, especially if such an account renders duties to non-compatriots not obviously less important morally than duties to compatriots. I note this here, but shall try to sketch such an account in Section IV and to develop it further in Chapter 3.

Miller's second argument in defense of priority of attention to compatriots alleges a requirement to compensate disadvantaged compatriots for the existence of coercion in a state's legal system. Self-respect is incompatible with support for a system of coercion under which one's life prospects are seriously burdened, through no choice of one's own, if that burden could be eliminated at little cost to the advantaged. If self-respect is incompatible with the disadvantaged supporting such a system, support for such a system on the part of the advantaged fails to respect the disadvantaged.<sup>13</sup> These considerations do not favor improving compatriot relationships in states other



than one's own if the special requirements of respect within a system of coercion are specially important to each person in his or her compatriot relationships.<sup>14</sup>

It is unclear why Miller holds that justice requires compensating a person coerced by a system of law.<sup>15</sup> If certain laws are otherwise approximately just without such compensation, suppose for example that the criminal law is approximately just, then the least advantaged have a *prima facie* moral reason to follow it, even if self-respect also requires advocating for greater background socio-economic equality. But if some aspect of the criminal law is unjust, then perhaps self-respect requires advocating for a change in those laws as well as advocating for greater background socio-economic inequality. In this latter case, achieving greater equality in background institutions in the absence of other reforms to the legal system would not make the laws that still require reform acceptable to a self-respecting person. If a set of otherwise just laws, without background socio-economic equality, is with regards to the just laws acceptable to a self-respecting person, and a set of unjust laws with background equality is unacceptable to a self-respecting person, then equality in the background institutions is neither necessary nor sufficient for a self-respecting person to accept the rest of the legal system.

The above argument appears devastating to the claim that self-respect requires that coercion necessarily be compensated. But suppose for the sake of argument that it is not. Suppose that Miller's point is generally correct. His second argument would still be vulnerable in the way that the first is. In other words, it would be vulnerable to a challenge that gives a plausible account of the moral importance of relationships between non-compatriots such that special duties to non-compatriots are not obviously less important than special duties to compatriots.

### III

The coercion accounts of Blake and Nagel differ from Miller's in not assigning greater weight to distributive duties to compatriots than to non-compatriots—a differential weight assignment that in principle is consistent with duties being identical in content—but in claiming that moral duties to compatriots differ in content or kind from those to non-compatriots.

According to Blake this is a difference between duties of egalitarian distributive justice and duties of justice directed toward maintaining a sufficient minimum level of resources to allow for autonomous agency. Blake argues that an impartial respect for the autonomy of all persons yields different principles of distributive justice domestically and internationally.<sup>16</sup> Domestically the principle must be sensitive to relative deprivation and tends toward equality; internationally it must be sensitive only to absolute deprivation and requires only sufficiency for autonomous living.<sup>17</sup> As Blake recognizes, even a commitment to sufficiency condemns the abject poverty of nearly half the world's population. Indeed, his sufficiency principle is radical in the current political context and, I believe, worthy of support to the extent that it finds its way into real political debate. But Blake's argument that equal respect for autonomy requires only a commitment to sufficiency is unconvincing.

Blake's argument involves the application of a liberal principle of autonomy to both domestic and international cases, but with different results. The principle states that, 'all human beings have the moral entitlement to exist as autonomous agents, and they have entitlements to those circumstances and conditions under which this is possible.'<sup>18</sup> Insofar as the principle employs the subject 'all human beings,' it does not distinguish between compatriots and non-compatriots. Since famine, abject poverty and serious oppression can severely impair autonomous agency, all persons are entitled, by the principle of liberal autonomy, to insurance against these.<sup>19</sup> Thus, liberal global justice, according to Blake, makes significant redistributive demands.

Blake takes egalitarian distributive justice to be a justificatory requirement of the coercive character of private and tax law, but concludes that such coercion is a necessary condition of justified egalitarian distributive justice.<sup>20</sup> The coercion of private and tax law requires justification in order to be consistent with the liberal value of autonomy. Blake suggests that the justification should appeal to a version of hypothetical consent.<sup>21</sup> In ascertaining whether a legal regime meets with the hypothetical consent of those governed by it, one has to set aside certain morally arbitrary properties of actual persons that might influence their willingness to consent. Hence Blake takes the Rawlsian original position to be a useful device for ascertaining whether hypothetical consent exists.<sup>22</sup>

In one passage devoted toward distinguishing the differing grounds for distributive justice domestically and globally, Blake makes the following argument:

The liberal principle of autonomy requires that coercion be justified through hypothetical consent, and that the conditions of this consent in the arena of private law may require—as Rawls argues they do—considerations of relative deprivation and material equality. It is not the case, therefore, that liberalism is committed to an equality of material shares in the global arena.<sup>23</sup>

Read one way this argument is acceptable but trivial. It is the case that from the claim that egalitarian distributive justice is necessary for the justification of private law it does not follow that egalitarian distributive justice is required globally. But Blake's account wants more, namely that the claim that egalitarian distributive justice is a necessary condition of justified private law somehow entails that in the absence of private law there is no justification for egalitarian distributive justice. For Blake asserts that, 'Coercion, not cooperation, is the *sine qua non* of distributive justice, making relevant principles of relative deprivation.'<sup>24</sup> But it is not the case that the claim that egalitarian distributive justice is a necessary condition of justified private law entails that private law is a necessary condition of justified egalitarian distributive principles. Nor, for that matter, does the entailment obtain from the premise that the existence of egalitarian distributive justice is sufficient for the justification of private law. To think otherwise would seem to involve confusion about the changing application of the predicate *justified*. From the claim that E is sufficient for justified C, we may not conclude that C is necessary for justified E.

Additionally, Blake maintains that there is explanatory value to the claim that institutions of egalitarian justice require coercion for their justification. Taking coercion as a necessary condition of justified egalitarianism would explain why egalitarian principles are required of states but not of churches and universities.<sup>25</sup> But traditionally there is a different explanation of this. Churches and universities are voluntary organizations and liberals tend to believe the principles of

justice do not govern the internal life of such organizations so strictly. For example, not only is it not the case that such organizations must adhere to principles of egalitarian distributive justice in their internal affairs, it is also not the case that they must be internally democratic. Even Robert Nozick's strict requirements of liberty are relaxed for voluntary organizations.<sup>26</sup>

Blake holds (in the quotation cited three paragraphs above) that there is a Rawlsian pedigree to the claim that coercive private and tax law require egalitarian distributive justice. One way—Blake's way apparently—to understand the relationship between private and tax law and egalitarian distributive justice is to take the reasons on behalf of the former to be distinct from the reasons on behalf of the latter. Whatever reasons there are for the law—reasons of enlightened self-interest, for example—they have nothing to do with egalitarian distributive justice. But, so the account goes, such reasons are insufficient, morally speaking, for the justification of the coercion that the law permits or requires. So, compensation is required to those coerced, compensation sufficient to render morally permissible acting on the other (non-egalitarian) reasons for the law. Something like this would explain why someone might think that in the absence of coercion there are no moral reasons for egalitarian distributive justice. For this view takes apparent re-distribution as actual compensation. But that idea fits rather more comfortably with Nozick's libertarian account of justice, than with John Rawls's egalitarianism.<sup>27</sup> Blake appeals to the fact that *Political Liberalism* is centrally concerned with the justification of the use of coercive political power to defend the Rawlsian pedigree of his coercion account. But *Political Liberalism* is less concerned with the justification of principles of justice than with their legitimacy.

There is another way to understand the relationship between coercive private and tax law and egalitarian distributive justice. In *A Theory of Justice*, where Rawls most extensively discusses the relationship between the justification of principles of justice and the justification of institutions, such as private law, the justification of institutions requires that they serve principles of justice. Egalitarianism is not brought in after the fact as a compensatory measure for coercion. Rawls takes the justification of institutions to occur at the constitutional and legislative stages, which presuppose a prior stage at which principles of justice are determined.<sup>28</sup>

In contrast to Blake's coercion account, let's call Rawls's account *institutional*. He distinguishes 'between those institutions or aspects thereof which must inevitably apply to us since we are born into them and they regulate the full scope of our activity, and those that apply to us because we have freely done certain things as a rational way of advancing our ends.'<sup>29</sup> He takes us to have natural duties of justice in regard to the first kind of institutions, but not in regard to the second kind. Rawls takes an institution to be 'a public system of rules which defines office and positions with their rights and duties, powers and immunities, and the like.'<sup>30</sup> As examples of institutions, Rawls offers 'games and rituals, trials, and parliaments, markets and systems of property.'<sup>31</sup> As his discussion of promising makes clear, a public system of rules need be neither written nor legislated by an official body.<sup>32</sup> There is nothing in this account to suggest that duties of justice require a coercive framework. The more plausible tracing of the Rawlsian pedigree the relationship between institutions of coercion and principles of justice, then, does not support Blake's thesis.

#### IV

Although Blake believes that we have duties of distributive justice, differing in content, to both compatriots and non-compatriots, Nagel argues for a higher order difference in kind. Our moral duties to compatriots include duties of distributive justice, but to non-compatriots they include only duties of humanitarianism. If Miller were to assign a weight of zero to duties of egalitarian distributive justice to non-compatriots, his and Nagel's views would be extensionally equivalent with respect to what we owe non-compatriots in light of distributive justice, namely nothing. In contrast as we have seen, Blake maintains that we have duties of distributive justice to non-compatriots that are sufficientarian, that require that global institutions ensure that persons have sufficient resources for living minimally autonomously. Nagel's view is, then, the most basic rejection of duties of distributive justice to non-compatriots of the three coercion theorists surveyed here. Nagel is fairly tentative about the argument in the article under question, pursuing it partly because it 'is accepted by most people in the privileged nations of the world,' and partly because he thinks that 'it is probably correct.'<sup>33</sup>

For those who accept that duties of justice are special moral duties, not owed to everyone merely in virtue of their personhood, it is sensible to conceive of the problem of giving an account of how duties of justice are generated as the problem of accounting for 'the characteristic in virtue of which they [institutions] create obligations of justice and presumptions in favor of equal consideration . . .'.<sup>34</sup> Nagel allows that basic humanitarian duties require us to ameliorate absolute poverty in which persons in the developing and underdeveloped live, but this is not a matter of justice.

The gruesome facts of inequality are familiar . . . . The facts are so grim that justice may be a side issue. Whatever view one takes of the applicability or inapplicability of standards of justice to such a situation, it is clearly a disaster from a more broadly humanitarian point of view. I assume 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, as all of these people in dire poverty are.<sup>35</sup>

Nagel does not discuss in great detail what he takes to be the difference between duties of humanity and duties of justice. He says only that, 'Humanitarian duties hold in virtue of the absolute rather than relative level of need of the people we are in a position to help. Justice, by contrast, is concerned with the relations between the conditions of different classes of people, and the causes of inequality between them.'<sup>36</sup>

Often the difference between humanitarian duties and duties of justice is also taken to incorporate two fundamental distinctions, general versus special duties, and imperfect versus perfect duties. The first distinction captures the idea that duties of humanity are owed to all persons, wherever they might be, merely in virtue of their personhood whereas duties of justice are special duties owed only to some persons; such duties are contingent on certain pre-existing relations or institutions. If one's relationship to another is not appropriately mediated, then one has no duty of justice to the other. The second distinction concerns a person's range of choice in fulfilling the duties. Duties of humanity typically, but not always, present persons with latitude to choose when to act. Duties of justice do not, and may be compelled by a legal system. Although fulfilling duties of

humanity might sometimes be best done through collective action, it does not require institutional mediation. Duties of justice, however, are fulfilled variously by obeying, reforming, overthrowing, or building institutions as the circumstances require. Indeed, justice is often understood as a property of institutions of the right sort, whereas beneficence is a property of actions (individual or collective). Insofar as Nagel affirms this traditional distinction between humanitarian duties and duties of justice, he is denying *both* that the moral duties that exist in virtue of global poverty require reforming current international institutions or building new global ones *and* that any moral duties exist at all in virtue of the deep global inequality. He is not necessarily claiming, however, that USA's paltry foreign aid budget—which is merely 0.18 percent of its GNI and is often politically directed—suffices to meet duties to humanity to globally poor.<sup>37</sup>

Nagel's rejection of duties of egalitarian justice to non-compatriots is based on the claim that there is a moral presumption against arbitrary—or morally undeserved—inequalities only if they exist between persons who are co-members of the same set of coercively imposed rules. But unlike Miller and Blake, Nagel takes the morally salient condition not only as the fact that persons are subject to coercively imposed rules, but also that they are the authors of such rules.

[I]t is this complex fact—that we are both putative joint authors of the coercively imposed system, and subject to it 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>38</sup>

I call this *the subject-sovereign condition*. The salience of the condition seems to be that it involves a twofold engagement of the will, as obedient citizen and as legislator—the citizen-subject and the citizen-sovereign. This twofold engagement of the will is supposed to be 'the characteristic feature' of state institutions whereby they give rise to duties of egalitarian justice.

State institutions, and only state institutions, are assumed to satisfy the subject-sovereign condition. But why does this limit the

presumption against arbitrary inequalities only to such institutions? The following three sentences appear to be the crux of Nagel's answer:

Insofar as those [state] institutions admit arbitrary inequalities, we are, even though the responsibility has been simply handed to us, responsible for them, and we therefore have standing to ask why we should accept them. This request for justification has moral weight even if we have in practice no choice but to live under the existing regime. The reason is that its requirements claim our active cooperation, and this cannot be legitimately done without justification—otherwise it is pure coercion.<sup>39</sup>

This passage is one of a couple in which Nagel's reasoning is explicitly laid out. Hence, I devote the remainder of this section to discussing it in detail.

The first sentence of the passage seems to offer one kind of answer although Nagel does not overwhelm us with the details. As citizen-sovereigns we are responsible for the laws of the state. This responsibility conveys standing upon us to demand a justification of laws promulgated in our name. The only kind of justification that would be adequate apparently is one that includes a presumption against laws that permit arbitrary inequalities. Two matters are worth noting here. First, the claim seems to be that the responsibility of a citizen-sovereign is a sufficient condition for demanding a justification. This, however, is not what Nagel's argument needs. It needs an argument establishing that co-membership in a state is a necessary condition for establishing duties of egalitarian distributive justice. If the argument establishes only that it is a sufficient condition his argument fails in a familiar way—a failure shared by the arguments of Miller and Blake. It fails to rule out the possibility that the global economic association generates duties of distributive justice.

Moreover, by appearances the first sentence is claiming that it is in virtue of their role as citizen-sovereigns that persons have standing to demand justification. Now, if that is the case it is not clear why the justification can be demanded only of laws that affect fellow citizens. Why do citizen-sovereigns have no standing to demand a justification regarding immigration policy for which they are responsible, but according to Nagel for which 'no justification is required'?<sup>40</sup>



Why isn't a justification required for every law for which a citizen-sovereign cares to demand a justification? In all legislation the state is acting in the name of the citizen-sovereign. It is, after all, an important theme in discussions of moral justification, that the scope of justification is not necessarily limited only to those who have standing to demand it.<sup>41</sup> There is a familiar legal analog. Guardians or possessors of power of attorney, for example, can demand justification for the treatment of those whose interests they protect. Even if being a citizen is a necessary condition to have standing in the court of morality to press for relief from arbitrary inequalities (a claim that I do not believe Nagel has supported), it does not follow that it is only arbitrary inequalities among citizens that require relief.

Nagel's third sentence in the passage above seems to make a different kind of point. Here the concern seems to be about citizen-subjects rather than the citizen-sovereigns. The laws claim the willing cooperation citizen-subjects. If the laws fail to gain this, they merely coerce the citizen-subject. Here it is not that responsibility confers standing to demand justification, but that willing cooperation requires the laws to be justified to those persons whose activity is constrained by the laws. Once again the reasoning is sparse, but an unstated assumption seems to be that the only kind of justification that would be adequate is one that includes a presumption against background institutions that permit arbitrary inequalities. If this is Nagel's argument, then it is one that I rejected in Section II when discussing Miller. If certain laws are otherwise approximately just, search and seizure laws for example, in the absence of background distributive justice, then citizens have a *prima facie* moral reason to follow those laws. Good moral reasons to follow the law stave off the threat of coercion. But if the laws are unjust, laws that do not require warrants for searches for example, but there is background distributive equality, the moral case for the unjust law is not strengthened by the background equality. Distributive justice is neither necessary nor sufficient for avoiding coercion in the rest of the legal system.

Nagel offers no compelling argument in defense of the claim that coercive institutions acting in name of those they legally coerce is a necessary condition for the standards of distributive justice to apply. Indeed this seems implausible. Consider a case in which only Nagel's first necessary condition is met: A set of institutions unavoidably

structures opportunities and outcomes for persons, using various features of their natural and social circumstance over which they have no control, such that from an early age some are more likely to be privileged than others. Moreover, these privileges dramatically affect their most important interests, such as the likelihood that they will die before the age of five. This set of institutions serves powerful private and collective interests who benefit from its system of incentives and disincentives. All of this is alterable by the collective efforts of persons, by for example pressuring those who speak in their name to change the existing institutional rules and to establish different institutions that structure incentives and disincentives differently. It is not a matter of natural fate that people's lives must be affected by these institutions in this way.

To deny that any standards of distributive justice apply in the case above is to claim that although it is possible to improve the well-being of those faring the worst under common institutions, which they individually cannot avoid, but which we collectively can change, we have no *prima facie* duty of justice to do so. Yet, in a common good association those faring worst do not deserve their worse social fate; and those most privileged have no special entitlement to their privileges. Both the lack of privileges and the privileges result from the manner in which institutions use persons' social and natural features, which persons do not choose. Nor are the conditions for persons in each group the result only of consensual transactions. Rather, choice is constrained within institutional arrangements that individually persons do not control. If the differential institutionally conferred outcomes for the worst-off are not better than those of an institutional rival, if they are not deserved, if they do not respond to differential need, or if they are not the result only of choice, then it seems highly plausible that they are unjust. It seems incredible—and is in any case not established by Nagel—that the fact that the differential outcomes were not imposed by a sovereign government speaking in the name of the people should bar this judgment.<sup>42</sup>

## V

I allow that justice is a property of social and political institutions so that duties of egalitarian distributive justice do not exist between persons merely in virtue of their personhood.<sup>43</sup> According to this view,

duties of justice are special moral duties. In this section, I develop an alternative account of the sufficient conditions of justice, an institutional account that is not reliant on the existence of coercion. The strategy then is to refute the claim that coercion is a necessary condition of egalitarian distributive justice by demonstrating that non-coercive institutions may suffice.

I wish to uphold what I call *the principle of associational justice*, which is the following: Duties of justice exist between persons who have a moral duty of equal respect to one another if those persons are co-participants in an association of the requisite kind, one that is relatively strong, largely non-voluntary, constitutive of a significant part of the background rules for the various relationships of their public lives, and governed by institutional norms that may be subject to human control. An association is strong to the extent that it is enduring, comprehensively governed by institutional norms and regularly affecting the highest order moral interests of the persons associated. Weak associations blur into mere interactions. And so the limit at which an association ends and interaction begins is not always clear. Nonetheless certain applications are. An association is non-voluntary to the extent that there is no reasonable alternative to participation in the association.

In Chapter 3, I argue that the global economic association constitutes an association of the sort necessary for generating duties of justice. For the time being, notice that if it is the case that we have special duties of justice to non-compatriots, duties of global justice, this does not gainsay the claim that we have other special duties of justice to compatriots in virtue of our shared political association. But because these two kinds of special duties of justice derive from different associational sources, they might be based upon different sorts of moral considerations, and therefore not be obviously commensurable. Michael Walzer holds that, 'Every social good or set of goods constitutes... a distributive sphere within which only certain criteria and arrangements are appropriate.'<sup>44</sup> I shall defend something similar, albeit perhaps more restricted, with respect to political and economic associations in Chapter 3. There I shall argue that duties of justice between compatriots derive from the demands of justificatory respect applied to the context of shared political institutions and serve to realize the ideal of equal citizenship. Insofar as equal citizenship requires insurance against inequalities in the distribution of

wealth and income, duties of distributive justice among compatriots are sufficientarian. Duties of egalitarian distributive justice between non-compatriots, on the other hand, derive from the demands of justificatory respect applied to an economic association and an interpretation of the goods that it distributes and affects. Such duties serve to realize the ideal of reciprocity. In effect, this turns the table on coercion theorists, by concluding that duties in virtue of economic institutions rather than political ones are egalitarian.

The constraint of justificatory respect requires that institutional rules for how to assign the benefits and burdens of a common good association be presumptively egalitarian. This is because any rule must receive the reasonable endorsement of all of those to whom it applies. And, rules that assign benefits and burdens differentially will tend to be rejected, depending, of course, on the criteria of assignment and the constraints on consent. There are two aspects of the presumption for equality. The first is procedural equality. A proposal for a set of rules that allows for unequal protection of persons under the operation of other rules, or unequal powers of persons to operate the rules, will tend to be rejected by those who might be rendered vulnerable or weak by the set of rules. The second is outcome equality. A rule that permits outcomes that deviate from equality will tend to be rejected by those who might be placed in inferior positions (relative to others) according to the rules. This presumption in favor of outcome equality is neutral with respect to whether inequalities of condition that are important for distributive justice are most plausibly taken to be, say, either goods and resources or capabilities. Among non-compatriots who are associates in an economic association, the presumption against outcome inequality is directed to inequalities of condition that are material to the goods that that association distributes. The presumptions in favor of both procedural and outcome equality are defeasible, but they have the effect of placing the justificatory burden on those who advocate rules that establish inequalities.

The denial of the claim that equal respect entails presumptions of procedural and outcome equality allows that persons with no reasonable alternative to participation in a set of rules that regularly affect their highest order moral interests and that regulate their public interaction with others may be assigned inferior protection, powers and outcomes by those rules without any requirement that

these inequalities be justifiable to them. A version of this denial is entailed by coercion accounts. The coercion theorist emphasizes the importance of the manner in which such rules permitting inequality are imposed (not their mere existence) and the existence of sanctions for rules-breakers. She claims that an egalitarian presumption is only required by rules that are imposed by some sort of process of legislation—whatever that might involve—and that are backed by legal sanction. Anarchic social processes that leave persons with no reasonable alternative to compliance require no justification, even when such processes can be brought under social control.

The difference between the coercion account and my institutional account can be analyzed as a disagreement about the requirements of legislative intent and legal sanction. The institutional account holds that legislative intent of unequal protection, powers and outcomes need not exist in order for inequality to require justification; rather the ability to exercise social control over, and in particular prevent or remedy, such inequality is relevant. Moreover, the institutional account holds that legal sanction is not necessary; rather the lack of a reasonable alternative for the pursuit of one's highest order moral interests is the issue. According to my institutional account, then, associates may be involved in an unjust institution without the deliberative intention to sanction those who do not accept the rules. The injustice can derive from inequalities in both the treatment of persons by rules and the outcome options that the rules afford persons, if these inequalities are subject to social control, and if persons have no reasonable alternative to living in accordance with the rules. To borrow and adapt a phrase from Karl Marx, coercion accounts seem to rely on a *fictio juris*.<sup>45</sup> For although it is the case that where legislation exists human control is possible, and where legal sanctions exist there may be no reasonable alternative to compliance, in both cases the legal relation is simply an instance of the morally relevant relationship, not a necessary condition of it.

The defeasible presumption in favor of equality constrains policy justification in a broadly egalitarian direction. Imagine a rule that would result in massive disparities in life prospects, rendering some significantly worse off than others. Consider as a defense of this rule merely that it would make some persons better off. Justificatory respect would rule out such a defense since it takes the lesser shares of some to be justified merely by the greater shares of others.

This could not be reasonably endorsed by those who might be made worse off. Now, in fact, there a number of reasons—other than merely that it makes some people better off—which defenders of such a policy might have at hand. A full account of the justificatory demands of equal respect would require an account of which kind of reasons are arbitrary from a moral point of view and therefore to be disqualified. And a thought experiment, which disqualified these kinds of reasons from entering the deliberative process, would be of great use in determining what equal respect requires. This, I take it, is the promise of the Rawlsian original position.<sup>46</sup> We need not employ the Rawlsian original position globally, however, to discern, as I have tried to do here, an egalitarian tendency in the justificatory requirements of equal respect. At the level of basic principle, at least, equal respect requires an egalitarian commitment.

## VI

The principle of associational justice is distinct from the principle of fair play or fairness as defended by H.L.A. Hart and Rawls.<sup>47</sup> The two principles are indeed similar insofar as both purport that certain contingent circumstances of social life generate moral responsibilities. In the case of the principle of fair play the fact that some persons constrain their actions according to rules that generate social benefits (but perhaps only of a certain kind) is the basis of the putative obligation of others who enjoy those benefits to constrain their action as well. The principle of fair play is, as Brian Barry points out, conservative in the sense that the obligation it states is to follow the rules that are socially recognized.<sup>48</sup> The principle of fair play does not provide the basis for arguing for a change in the rules of association.

In games, however, we are familiar with two different kinds of appeals to fairness. One is an appeal to play by the established rules. The other is a challenge to the established rules when it is complained, for example, that they give an unfair advantage to certain players. What is true of games is also true of social life. Whether an advantage is fair does not depend only on whether it results from following some set of acknowledged rules since the rules themselves can treat persons unfairly.<sup>49</sup> To claim otherwise is to commit oneself to an implausible view that I have elsewhere called *justice-positivism*.<sup>50</sup> The principle of fair play in political obligation is analogous only to

the first appeal. The principle of associational justice can yield claims analogous to the second kind of appeal. For according to the latter principle the existence of institutions of the requisite kind places those persons who share the institutions under duties that may or may not be recognized by the actual rules that govern their conduct within the institution.

The principle of fair play has been thought by many to be vulnerable to criticism. Suppose a person receives benefits from the activity of others, but not benefits that she deems to be worth the costs to her of participating in or of funding the activity. Why does the activity of others create in her an obligation of fair play to constrain her action in conformity with that of the others?<sup>51</sup> Whether or not the criticism directed at the principle of fair play is on target (and it is not my purpose here to determine this), it would seem not if aimed at the principle of associational justice. For the point of the latter is not that shirkers have violated an obligation to play by the rules, but that institutionally mediated interaction of certain kinds engenders duties of justice among the participants, which duties are not necessarily to act according to the existing institutional rules.

Much of the spirit of the criticism of the principle of fair play seems to derive from a background suspicion cast on claims of special moral duties arising by means other than some form of consent or voluntary action. And such suspicion might also illuminate a weakness in the principle of associational justice. According to the principle of associational justice, the existence of duties of justice is a function of the justificatory demands of equal respect in the context of the existence of an association of the requisite kind. And this latter context may be, indeed typically must be, non-voluntary.

The suspicion against the existence of non-voluntary special duties noted in the previous paragraph can be expressed somewhat more completely as follows: We have general moral duties to all persons; but if we have special moral duties or obligations it must be because of some action (for example, including, but not limited to promising) that we have voluntarily performed.<sup>52</sup> But according to the principle of associational justice, we may have special duties of justice to certain persons with whom we share an association even if our status as co-associationists is non-voluntary. It seems highly unlikely that those who share this suspicion, however, affirm that all moral duties arise from voluntary actions. Presumably, they affirm the existence of

general moral duties to all persons that are not a function of voluntary action. Respect for persons, for example, *prima facie* condemns an attempt to gain advantage through coercion regardless of whether the person making the attempt has voluntarily stated that she will not engage in acts of coercion. If this is the case, then, there is nothing on the face of it that should be incredible about the view that the duties that respect entails are not necessarily dependent upon having voluntarily performed an action.

Samuel Scheffler holds that voluntary action is not a necessary condition of special responsibilities on grounds that as long as people 'have good reasons for attaching value to those [special] relations, we must allow that they also have good reasons to see themselves as having such responsibilities.'<sup>53</sup> This claim contains an ambiguity. If having good reasons for attaching value requires people actually taking their special relations as valuable, the reasoning is inadequate to support the claim that duties of justice exist when persons fail to recognize the moral importance of the association that they are in. Perhaps, however, we can have good reasons to value relations that we do not in fact value. Insofar as this is the case, then Scheffler's claim might provide grounds for the view that duties of justice exist among non-compatriots who are members of a global economic association, despite the fact that these persons deny this and do not particularly value the association.

The ambiguity of appealing to persons' good reasons for valuing special relationships can be avoided by appealing instead to the moral requirements of basic duties in the particular circumstances. There is nothing incredible about the view that respect entails different duties in different circumstances. For example, I have a duty to my neighbor to help him fix his car, which duty I do not have to all other persons, in virtue of my having promised him to help. Although that duty exists as the result of a voluntary action of mine, this is not a requirement of all special duties entailed by equal respect. I may have a duty to that same neighbor to phone for help when the car falls on him even though the mishap was not the result of any action of mine, but have no such similar duty when, unbeknownst to me, a similar accident befalls someone else. If there may be special duties entailed by equal respect that are not the result of voluntary action, then it is no criticism of the principle of associational justice that it entails special moral duties that are not the product of voluntary action.



Now it might be replied that the seeming special duty that I have cited to phone for help for my neighbor is an instance of the more general duty to help persons in need when it would cost me nothing of moral importance, not merely a special duty that applies only to my neighbor. This reply can be accepted without damage to the view that I am defending. I might have a duty to an associate, for example a co-member of the global economic association, to ensure just global institutions, but have no such duty to a person on another planet with whom I am not associated. Providing an analogous degree of generality is acceptable to the view that I am defending. For the particular duty to my associate might be an instance of a more general duty to adhere to principles of distributive justice that exist between associates. In both this case and the case of the duty to help the neighbor, the particular duty is generated by application of the more general duty to the particular case. Respect has different implications in different circumstances and there is nothing about the duties that equal respect entails that necessitates that the particular duties that are owed to some persons and not others are necessarily the product of voluntary action. So, a view that takes certain special moral requirements of social life to arise by means other than some form of consent or voluntary action should not in virtue of that be rejected.

The discussion of this chapter has focused on distinguishing the principle of associational justice from coercion accounts, and on establishing the former as a plausible alternative to the latter. It has also defended the principle against some the criticisms that are aimed at special moral duties. I make no pretense that the argument of this chapter has established a well-developed alternative to the coercion account. In the next chapter, I shall develop my institutional account further by defending the claim that the global economic association generates special moral duties of egalitarian distributive justice.

# 3

## Equal Respect in Political and Economic Associations

### I

In the previous chapter, I argued that coercion accounts fail to provide compelling reasons to believe that duties of distributive justice to non-compatriots are either less weighty or less demanding in content than duties to compatriots. Now, some philosophers who affirm that duties of justice are owed to persons across state borders base their view on an account of justice that takes its requirements to be largely uniform between persons and not affected by their membership in political or economic associations. Others maintain, on the contrary, that membership affects the requirements. Call this thesis *membership dependence*. Membership dependence holds that the requirements of justice between persons are affected by associational membership either because the content of the duties is in some part membership dependent, or because the strength of the duties is. Membership dependence is affirmed by some egalitarian liberals as a pivotal thesis in an argument in defense of the claim that duties of distributive justice to non-compatriots are not egalitarian, even though duties to compatriots are. Call this *non-compatriot non-egalitarianism*. Coercion accounts are versions of non-compatriot non-egalitarianism. One strategy for rejecting non-compatriot non-egalitarianism is to reject membership dependence. This is not, however, the only logical possibility. Non-compatriot non-egalitarianism might be rejected and egalitarian cosmopolitanism affirmed from within membership dependence.

On the face of it rejecting non-compatriot non-egalitarianism while maintaining membership dependence might seem an unpromising strategy. After all, non-compatriot non-egalitarianism on the basis of membership dependence has received a fair amount of good press lately, having been defended—in its coercion account versions—by several prominent political philosophers, as we saw in Chapter 2. Perhaps these theorists are wrong about membership dependence, one might suspect, but even so surely this convergence around non-compatriot non-egalitarianism is suggestive that even if non-compatriot non-egalitarianism is not logically entailed by membership dependence there are some fairly strong forces pushing down that hill once one sets foot on the slippery slope of membership dependence. Thomas Nagel, for example, simply asserts that egalitarian cosmopolitanism is based upon the denial of membership dependence.<sup>1</sup> If we accept that membership, including citizenship, makes a moral difference, aren't we lead necessarily to an account of distributive justice that privileges compatriots?

In this chapter I shall affirm membership dependence, but reject non-compatriot non-egalitarianism. I shall be most interested in affirming content dependence, and shall be silent about strength dependence. I shall sketch an account of justice that is on the universalist foundations sketched in Chapter 1, namely that the appropriate attitude to have toward the dignity of persons is respect, but that takes duties of justice to be special duties whose existence and content is dependent upon the association in which persons interact. I hope to provide a justification of duties of global distributive justice that are egalitarian in content, indeed more so than what any person owes another merely in virtue of common citizenship, and that form the basis of an argument that the current global economic order contains grave injustices.

The chapter proceeds in the following seven sections. In Section II, I discuss the thesis of membership dependence in contrast to its denial. Section III defends the principle of associational justice, a version of membership dependence introduced in Chapter 2. In Section IV, I apply the considerations of the previous section to the global economy, arguing that it is an independent source of duties of justice. In Section V, I argue that duties of justice based upon the norm of equal respect are presumptively egalitarian in content regardless of the kind of association that generates the duties,

thereby establishing the case for the rejection of non-compatriot non-egalitarianism in general (and not merely its coercion accounts versions). Section VI argues that the political and economic aspects of a complex association are sources of duties of justice with distinct egalitarian content. In Section VII, I distinguish my account from another that has a similar justificatory approach, but which defends non-compatriot non-egalitarianism. Finally, I conclude in Section VIII with a comment on the egalitarianism defended in this chapter and a *pro tanto* argument that inequalities in the global economy are serious injustices.

## II

Philosophers who argue for non-compatriot non-egalitarianism in part on grounds of membership dependence do not usually offer an independent defense of that premise, but take it, it seems, to be at least partially supported by setting out the contrast between duties of distributive justice owed to compatriots and those owed to non-compatriots. So proceeding, however, exposes a dialectical vulnerability that can be exploited by egalitarian cosmopolitans who are skeptical of membership dependence. Kok-Chor Tan, for example, presses the weakness as follows:

Before we can know what it is that citizens owe to each other by virtue of their status as compatriots, we need first to know what it is they may distribute among themselves, and this cannot be determined independently of what they rightly own, which in turn cannot be determined without reference to what it is that they owe as a matter of justice to non-citizens.<sup>2</sup>

The force of the claim is not to reject the membership thesis outright, indeed I am not sure that Tan would want to do that, but rather to assert that unless it is independently supported, the default position, based upon equal respect or regard for all persons, is that there are duties of distributive justice owed to all persons; and if that is the case the argument for special distributive duties to compatriots cannot even get going without first settling what is owed to all persons. Dialectically, the non-compatriot non-egalitarians help themselves to an unearned starting point in the debate.

Simon Caney seems to be committed to the irrelevance of membership dependence for matters of distributive justice. His argument can be summarized as follows: Valid moral principles apply to all persons who are similarly situated.<sup>3</sup> The best arguments for egalitarianism in distributive justice 'all invoke moral personality.'<sup>4</sup> All persons, regardless of citizenship, are similarly situated in possessing moral personality.<sup>5</sup> Hence, if the best arguments for egalitarian distributive justice among compatriots are plausible, so then is an argument for egalitarian distributive justice globally. If duties of egalitarian justice are owed to all persons, qua persons, then the non-compatriot non-egalitarians are simply missing the more basic point by focusing on the unique nature of the compatriot relationship.

Peter Singer's account of global justice is based upon impartial moral reasons. For Singer this is the starting point against which partial claims must be justified.<sup>6</sup> Impartial justice is global. Singer explores reasons why justice might be limited to states or nations by membership dependence type claims and finds them generally wanting.

My sympathies are with the egalitarian cosmopolitans on the normative question of what we owe non-compatriots but with the non-compatriot non-egalitarians on the non-normative question of membership dependence. So, in offering succor to the latter position in this section, I hope not to betray the cause that I share with my comrades. I doubt that I can provide a defense of membership dependence that will be fully convincing to all those who take duties of social and political justice to be non-contingently owed to all persons; but I believe that I can, at least, offer reasons that will introduce some of the corrosive effects of doubt.

I begin by highlighting what I take to be the standard political philosophical manner of thinking about most duties of social and political justice. Such duties relate at least three terms, at least two persons and one policy, practice or institution. This can be exemplified in the case of an institutional failing. In this case person A owes person B a duty of justice to endeavor to change institution X and to repair the harm that it has been done to B. Alternatively we might say, that the injustice in the manner that person B is treated under institution X establishes a duty on A to endeavor to change X and repair B. We see this in the approach that John Rawls takes to duties of justice. He contends that we have duties to pursue the

justice of institutions in cases where they 'must inevitably apply to us since we are born into them and they regulate the full scope of our activity . . .'.<sup>7</sup> He understands an institution to be 'a public system of rules which defines offices and positions with their rights and duties, powers and immunities, and the like.'<sup>8</sup> As examples of institutions, Rawls offers 'games and rituals, trials, and parliaments, markets and systems of property.'<sup>9</sup> I call views such as Rawls's, which take duties of justice to mediate relations of persons under institutions, *institutional accounts*.

It is possible to distinguish between the source and the object of a duty in the following way. The source is the normative ground of the duty, that about which the duty ultimately is. The object of the duty is that which must be preserved, altered, or constructed in order that the duty to the source is not violated. Institutional accounts typically hold that the sources of duties of social and political justice are persons and that the objects are institutions. Hence, such accounts hold that justice (or injustice) is a property of institutions. I take it that, in part due to the great influence of Rawls, the institutional approach is now something like the political philosophical standard of discourse.

The skeptic of the membership thesis could, however, remain in the mainstream of the terms of discourse but maintain that no institutional object of a duty is a necessary condition of the existence of the duty. The idea would be that even if duties of justice direct us to preserve, alter or construct institutions, it is not the case that such duties exist only under contingent conditions of some institutional minimum. Although this is not an absurd position, it seems nonetheless to be highly implausible. For it would have us owing duties to construct institutions even if we hitherto had no interactions with the persons with whom the institutions would put us into relation. We would have duties of justice to persons on distant planets, assuming there are such, as soon as it becomes possible for us to erect institutions that could mediate our interaction.

Although this argument exposes a liability in the position of those who reject membership dependence, they might reply that there is also a liability at least as great associated with membership dependence: Membership dependence seems to entail that persons with whom we lack significant interaction have no moral rights against us. Membership dependence, however, does not imply this. Since justice is not the whole of morality, only the institutional part,

the denial of duties of justice to these persons entails neither the denial of all moral duties to them nor the denial that they have any moral rights against us. We might well have a humanitarian duty to help them, without having a duty of justice that requires establishing institutions to facilitate regular wealth transfers. Because duties of justice are directed toward institutions and because their denial does not involve denying all moral duties, the view that rejects membership dependence is less plausible. The upshot then is to drive a wedge between the universal moral foundation, the source of moral duties generally, and the universality of the normative requirements of social and political justice.

### III

In the previous section, I argued that duties of social and political justice do not exist between persons in virtue of their mere personhood. In the absence of significant interaction, although other moral duties might exist, duties of justice do not. Robert Nozick challenges this approach to duties of justice.

Would there be no problem of justice and no need for a theory of justice, if there were no social cooperation at all, if each person got his share solely by his own efforts? If we suppose, as Rawls seems to, that this situation does *not* raise questions of distributive justice, then in virtue of what facts about social cooperation do these questions of justice emerge?<sup>10</sup>

In this section, I respond to this challenge by setting out and defending an account of the sufficient conditions of justice for the standard cases of moderate scarcity and limited altruism.

In Chapter 2, I introduced the *principle of associational justice*, which states that duties of justice exist between persons who have a moral duty of equal respect to one another if those persons are co-members in an association that is (i) relatively strong, (ii) largely non-voluntary, (iii) constitutive of a significant part of the background rules for the various relationships of their public lives and (iv) governed by norms that can be subject to human control. With respect to (i), an association is strong to the extent that it is (a) enduring, (b) comprehensively governed by institutional norms, and

(c) regularly affecting the highest order moral interests of the persons associated. With respect to (ii), an association is non-voluntary to the extent that there is no reasonable alternative to participating in the association.<sup>11</sup>

Before responding to Nozick, I first note several reasons why real-life employment of this principle must be sensitive to detailed empirical considerations, and their moral salience. One is that there is no bright line to distinguish associations from mere interactions. Another is that not all associations generate duties of justice. The reasons for this are twofold. First, not all associations generate effects with sufficient scope and force to structure a person's membership in public life. In liberal societies membership in a church, for example, does not structure the background of one's public relationships, although it might contingently be a source of significant advantage. Whether an association is sufficiently extensive in its reach or effects to constitute a significant part of the background of the public lives of persons will at times be difficult to assess and may be relative to societal institutions and norms. For example, whether families create duties of justice between family members will depend upon the extent of the effects of family life. Second, a person's participation in an association is not always non-voluntary to a sufficient degree. Consideration of this requires judgments with respect to the reasonableness of various alternatives to participation in the association. Another reason why churches are not governed by duties of social and political justice in liberal societies is that in such societies persons typically have reasonable alternatives to membership in any particular church or in any church at all.

Returning now to Nozick's challenge, why do the four institutional requirements discussed above generate duties of justice, if such duties would not exist in the absence of these conditions? Compare the situation of persons in the following two distinct circumstances: One in which the four conditions unambiguously do not obtain; the other in which they unambiguously do. Furthermore, suppose as per the argument of Section II that duties of justice do not exist between persons in the first circumstance. Person A has no claim on B for treatment of any kind by institutions that might, but do not, mediate their interactions. In the second circumstance there are such institutions which, *ex hypothesis*, affect the highest order interests of A and B in a manner that conditions their public lives, but which although



changeable by social effort are escapable for each individual only at unreasonably high moral expense. Now imagine that from the beginning of their lives, through no choice of their own, the life prospects of A and B are dramatically different under these institutions, with B's being profoundly inferior to A's.

Egalitarians, of course, would suspect that there is an injustice in the institutional structure that renders B's prospects so poor in comparison to A's through no choice of her own. The force of Nozick's challenge is that there can be no injustice because if duties of justice did not exist between A and B when they were isolated, then they do not exist now. But this would be to claim that the rules of the institutional order, which could be changed and which treated B this way, do not require a justification on terms that B would find reasonable. Although this might be the case if A had no pre-existing moral duty at all to B, it cannot be the case if A owes a duty of respect to B. For part of what respecting the dignity of persons involves, as I discussed in Chapter 1, is justificatory respect, that the rules that govern our interactions with others be justified on terms that they would find reasonable.

Perhaps my account of the conditions duties of social justice can be clarified by contrasting it to two other accounts that have currency in philosophical discussions of global justice. In Chapter 1, I sought to distinguish the position that I would subsequently defend more fully from Thomas Pogge's account. Like mine, Pogge's account is institutional in taking justice to be a property of social relations. This limits the duties of justice to a class of special duties that exist between persons who are co-members of certain contingent institutional arrangements. Unlike mine, however, Pogge's account seeks to limit the claims of justice even further by subsuming them all under negative duties. Pogge's account is based fundamentally on a duty of non-maleficence, which he takes to be violated by various coercive features of the current international order. The Principle of Associational justice does not state that a harm-causing relationship is a necessary condition of an injustice in the global economic association.

Peter Singer's account of global justice is similar to mine in not taking duties of justice to be limited only to non-maleficence. But Singer endorses an interactional, rather than institutional, account, which takes global justice to be based upon the impartial duty of

individuals to assist all others, who can be helped.<sup>12</sup> Duties of justice are not then limited to associations of the requisite kind, but are directed to everyone whom our actions can assist. This is an account that is significantly more expansive in the demands of justice than Pogge's in two distinct ways. In scope it is not limited by institutional conditions; and in content it is not limited only to those whom we harm. The position that I am defending is something of an intermediate position—in that it accepts the limitations of scope to institutional membership, but rejects the limits on content to duties of non-maleficence. Unlike Singer, however, I do not take the content of the duties to be essentially those of beneficence. Rather, the duties of persons are transformed by institutions. If the arguments of Sections V and VI are successful, the duties of justice are directed toward the promotion egalitarian distributive institutions.

In this Section, I have argued that membership in associations of the requisite kind makes a moral difference because respecting persons requires that the rules of interaction between persons be justifiable by reasons that they would find reasonable, and such associations have profound effects on persons that individually have no reasonable choice but to accept. This is a version of membership dependence. It is from within this account of membership dependence that I shall argue through the next three sections to the conclusions that duties of egalitarian social and political justice exist.

## IV

In the previous section, I defended membership dependence by laying out a set of conditions sufficient for generating duties of political and social justice. In this section, I begin distancing myself from non-compatriot non-egalitarianism by applying those conditions to the case of the global economy in an effort to demonstrate that the global economy is an independent source of duties of distributive justice. I do this by looking at each of the four conditions in turn.

First consider strength. I take the strength of an association to be a function of its duration, the extent of its governance by norms, and the degree to which it affects the highest order interests of persons. The association created by the processes of economic globalization is

not a fleeting phenomenon. Rather it is a structural feature of capitalist economic development that has gathered pace recently with technological changes, but that has been observable since at least the early colonial area. It is governed primarily by the norm of competition for market share that requires firms to innovate ceaselessly and to reduce production costs. But norms of governance are also in place through the regulatory framework established by the WTO and the municipal exclusionary property regimes that are implicitly recognized in all international commerce. WTO norms include principles of non-discrimination, reciprocity, market access and fair competition.<sup>13</sup>

The globalization of trade, investment and finance has had profound effects on the highest order interests of persons. I briefly mention six such effects. (1) In some cases, state supported export-lead development strategies have produced significant gains for the social development of countries.<sup>14</sup> (2) Foreign direct investment (FDI) is very often a requirement of domestic financing as well as financing from third party countries.<sup>15</sup> (3) Generally, globalization has been associated with an increase in job insecurity around the globe.<sup>16</sup> (4) Globalization has also been associated with a general trend toward increasing inequality within countries.<sup>17</sup> (5) Some of the poorest and most vulnerable people in the world have become worse-off in comparison to the rich. In the 1990s children in sub-Saharan Africa were 19 times more likely to die than children in the world's richest countries. By 2003 this figure had grown to 26 times.<sup>18</sup> (6) With the increased globalization of speculative investing has come the increased danger of a generalized economic crisis. Consider the effects—sometimes referred to as network effects—far beyond Asia of the Asian economic crisis in the late 1990s.<sup>19</sup> The crisis did extensive damage to emerging markets. Eventually, Russia defaulted on its debt and Brazil narrowly avoided complete financial collapse. States with economies heavily dependent upon exporting basic resources such as petroleum and precious metals faced dramatic declines in their GDP as a result of the crisis, 14–18 percent in Angola and Kuwait and 9 percent in Zambia.<sup>20</sup> And in 2008 a global financial and economic crisis developed out of lending practices in the USA housing market. Hence, regardless of whether persons are directly engaged with the global economy, their local economy is profoundly affected by international trade, FDI, and the globalization of finance.

Second, consider non-voluntariness. Although state leaders are formally free either to deepen engagement with the global market or not, the fact that nearly every country in the world is a member of the WTO is evidence that there is no reasonable alternative development path. Moreover, in many cases, democratic institutions are compromised or non-existent; so, citizens of countries that choose this development path have no choice in the matter.

Third, consider the significance of the background rules of the global economic association for the public rules that affect persons' lives. I have already canvassed several considerations relevant to this matter two paragraphs above, in discussing how the rules of trade and investment affect persons' lives. So, here I'll briefly highlight three additional considerations. One concerns the way that private economic competition affects public regimes of regulation. The UNDP observes that 'The pressures of global competition have led countries and employers to adopt more flexible labor policies, and work arrangements with no long-term commitment between employer and employee are on the rise.'<sup>21</sup> Deregulation of the labor market often constitutes a major transfer of power to employers and away from labor. Second, private competition gives rise to new international regimes of regulation that affect the legal structure of states. For example, WTO rules profoundly affect the domestic policies that countries may pursue. The policies that states may employ in the pursuit of infant industry protection are limited by WTO rules. There is a good deal of evidence both historical and recent that such protection is effective in promoting economic development.<sup>22</sup> Third, the WTO's TRIPs provisions dramatically curtail the ability of states to encourage the production of life-saving pharmacological therapies. According to TRIPs Article 28, patent protection prohibits for 20 years the 'making, using, offering for sale, selling, or importing' without consent of the patent-holder.<sup>23</sup> In effect, holding a patent gives the holder monopoly power in the market for the period of the patent. In India prior to the WTO, laws provided patent protection for pharmaceutical processes only, not products, and for only seven years.<sup>24</sup> Without product patent protection firms could legitimately reverse-engineer pharmaceutical products and produce them according to their own processes. Since typically such production is done without investing as much in research and development as is required for invention, prices for pharmaceutical

products were driven down, thereby allowing greater access for the poor.

Finally, consider the requirement that norms be subject to control. There is no doubt that market competition can be limited, directed or counterbalanced by deliberate public policy. And obviously WTO rules can be amended. So, there is no doubt that the global economic association satisfies this condition.

In sum, then, according to the principle of associational justice the global economic association is an independent source of duties of justice.

## V

The rejection of non-compatriot non-egalitarianism is not complete in the absence of an account of the duties of justice, which the global economic association independently produces, as basically egalitarian in content. In this section, I lay the general foundation for that account by arguing that equal respect for persons establishes a justificatory presumption of equality in the content of duties arising in common good associations that generate duties of justice.

In Section III, I argued that respect for persons requires affirming rules that could be justified as reasonable to the persons affected. This justificatory constraint on acceptable rules can perhaps be worked into a justificatory procedure in more than one way. But an apparently direct way to do so would be in a procedure that employs the requirement of hypothetical consent. The conditions in which the consent would be provided are those that would ensure that the reasons that convince are reasonable. It seems right to require some such filtering of reasons since otherwise persons might in fact be convinced on the basis of considerations that are unreasonable. On the one hand, persons might endorse rules on no other grounds than that the rules benefit themselves in light of their circumstances. On the other hand, persons' preferences might have been adapted to a narrow set of options, or persons' understanding of what they deserve might have been deluded by false consciousness, so that they in fact endorse rules that fail to provide them with what they should reasonably expect.

Contractualist accounts of social and political justice can be employed as devices to make clear the conditions of hypothetical

consent that it would be reasonable to require the justification of rules to observe. One could perhaps rely on an account of reasonable hypothetical consent that is not contractualist, and there might be conditions in which the justificatory requirements of respect for persons cannot be modeled by the use of a hypothetical contract.<sup>25</sup> But if one is committed to equal respect for all persons, then a contractualist justificatory procedure has clear attractions since its hypothetical conditions can be defended on grounds that persons are considered as equals and not discriminated against on the basis of morally irrelevant properties. But it is not my intention in this book to work out a justificatory procedure in any detail, so I shall not lean heavily on contractualism. My argument in this and the next section is much more schematic. I hope only to show that the norm of equal respect involves a justificatory constraint that establishes a presumption in favor of egalitarian rules in both political and economic associations.

If respect requires a constraint on the justification of institutional rules such that a rule is justified only if a person can reasonably endorse it, then equal respect for the dignity of all persons must observe a constraint that a rule is justified only if each person can reasonably endorse it. Certain kinds of associations that yield duties of justice are common good associations: Associations that coordinate and regulate the employment of the joint effort of its members and that yield goods and powers useful to the members, goods and powers to which no person has a pre-associational moral entitlement. The constraint that the rule be one that each person can reasonably endorse yields a presumption in favor of equal treatment under the rules of a common good association. This is because rules that assign benefits and burdens differentially will tend to be rejected if the baseline against which differential burdens are assessed is equality. There is good reason for such a baseline since there are no pre-institutional claims on the goods and powers generated by the institution. Consider the alternative of taking current holdings as the baseline. The effect of that baseline would be to close the books on history. It would arbitrarily endow past acquisition with moral significance.

Now the presumption in favor of equality is in principle defeasible. Equal respect for persons does not establish the principle that there could be no morally relevant reasons for diverging from equality. For it is conceivable that persons might reasonably agree to inequalities

of certain kinds. Four seem to be the strongest candidates for exceptions. (1) Some persons could deserve to have their interests treated less well because of something they have done to harm the interests of others; (2) some persons could voluntarily consent to lesser realization of their interests or to taking certain risks of this outcome; (3) there might be differences in morally relevant needs requiring more resources to satisfy or (4) offering incentives that produce differential outcomes could benefit everyone in comparison to their condition under equality.

The requirement of equal treatment produces two distinct kinds of egalitarianism in rules. The first is procedural equality. A proposal for a set of rules that allows for unequal protection of persons under the operation of the rules, or unequal powers of persons to operate the rules, will tend to be rejected by those who might be rendered vulnerable or weak by the set of rules. The second is outcome equality. A rule that permits outcomes that deviate from equality will tend to be rejected by those who might be placed in inferior positions (relative to others) according to the rules.

The denial of the claim that equal respect entails presumptions of procedural and outcome equality in common good associations allows that persons with no reasonable alternative to participation in a set of rules that regularly affect their highest order moral interests and regulate their public interaction with others may be assigned inferior protection, powers, opportunities or outcomes by those rules without any requirement that these inequalities be reasonably justifiable to them. Such a denial is incompatible with justificatory respect, and therefore with respecting the inherent dignity of persons. Finally, notice that the presumption in favor of outcome equality in matters of distributive justice is neutral with respect to whether the inequalities of condition that are important are most plausibly taken to be, say, either resources, opportunities or capabilities.

In Section II, I noted that I was offering succor to non-compatriot non-egalitarians against egalitarian cosmopolitans who deny membership dependence. I hope that it is now obvious that that was merely a tactical move to provide an account of egalitarian cosmopolitanism that is not burdened by implausibly denying membership dependence. For I have argued in this section that equal respect for all persons requires that the basic rules of an association that generates duties of justice be egalitarian.

## VI

The consequences of the egalitarian justificatory presumption depend upon the kind of association for which principles of justice are sought. In this section, I consider two abstractions: One is the purely political aspects of an association, the other the purely economic. For theorists who accept membership dependence, the claim that a political association generates duties of justice is not controversial. My aim in this section is to demonstrate that the political and economic aspects of a complex association each generate distinct claims of egalitarian justice. This claim taken together with the arguments of the previous three sections establishes, I believe, that the global economic association is an independent source of distinct duties of egalitarian justice.

To begin, consider the political aspects of an association. These are characterized by deliberate processes of rule establishment and enforcement to govern the common life of the persons who constitute it as members. Many aspects of a shared life require such rules: Protection from threats, both domestic and foreign; the education of children; the management of the commons; the assembly of persons on the basis political and religious conviction; the regulation of the public speech of persons; the establishment and enforcement of procedures for attaining offices of leadership; and the manner in which all the rules that govern these and other aspects of life are to be changed. Rules such as these affect persons' highest order moral interests and structure their public lives. With regard to states, for most people the costs of emigration are such that they have no reasonable alternative to living in the state into which they are born. If we were to abstract away from the role that the modern state plays in regulating the production and distribution of economic goods and services, we would have a set of activities of approximately the sort described above, with perhaps some additions. States then are associations generating duties of justice among compatriots.

Political justice involves assigning the various powers and benefits of citizenship. Although pre-modern political views upheld the natural fitness of some to rule and enjoy the privileges and prerogatives of office, such views are now in discredit. There are no pre-associational entitlements that persons can plausibly invoke for a disproportional share of the powers and benefits of citizenship. The justificatory



presumption in favor of equality that I discussed in the previous section favors an equal assignment of these powers and benefits, or equal standing under the rules of the sort mentioned in the previous paragraph. In other words, the presumption of equality promotes the political ideal of equal and inclusive citizenship. Fully reasonable persons would endorse a strong presumption against rules that treat some persons as having a higher citizenship status than others. They would affirm rules requiring institutions to ensure equal democratic rights and to prevent discrimination.

In his discussion of distributive justice in *A Theory of Justice*, Rawls calls the conception that seeks to mitigate advantages that might be gained either from social or natural contingencies *democratic equality*.<sup>26</sup> Now it is significant that this terminology is used for a conception comprised of a set of distributive principles, namely fair equality of opportunity and the difference principle. But understanding what is supposed to be democratic about this conception is illustrative of the content of democratic values more generally. The two distributive principles guide institution construction so as to minimize the influence of social and natural advantages. Likewise democratic citizenship is a conception of citizenship status that permits full membership for all regardless of family background or natural talents.<sup>27</sup> The democratic political ideal is one of equal and inclusive citizenship. This ideal can be employed as an interpretive guide for deriving the rules that govern political institutions. We should reject rules that provide favored membership status on the basis of considerations such as family background or natural talents. A political association with institutions of equal and inclusive citizenship would ensure both the equal treatment of persons and the social bases for equal influence in the political process.<sup>28</sup>

The above discussion of the presumption of equality in rules that govern a political association has focused on equal treatment by the rules and the bases of equal influence in the process of rule formation. Ensuring the latter requires preventing the purchase of influence by the wealthy and the exercise of influence by control over information. Mechanisms for doing so include public financing of political campaigns and requirements of equitable media coverage of candidates.<sup>29</sup> This, however, is not likely to be sufficient to secure the equal social bases to influence the political process. Persons who are deterred from fully exercising their rights of participation because

they are impoverished or overworked have not been guaranteed the social bases of equal influence.<sup>30</sup> Hence, even a purely political association generates duties of distributive justice among compatriots.<sup>31</sup> Citizens must be assured access to sufficient necessary resources such as education, news, income, housing, food, primary healthcare and leisure to function effectively in the political process. The distributive duties that arise within a political association are broadly consistent with the politics of social democracy as it was developed in the twentieth century. The content of the distributive demands of equal respect when considering a political association, taken in abstraction from the socio-economic association with which it co-exists, tends in the direction of sufficientarianism.

The upcoming argument on equality in distributive associations applies an approach similar to the argument made above defending political equality and its sufficientarian distributive implications. It might be useful, then, to reflect on that approach before moving on. The argument above has both universalist and contextualist-interpretive elements. The universalist element is the norm of respect for the dignity of persons that is the basis of the egalitarian political requirements. The contextualist-interpretive elements are threefold. The first is the application of the principle of associational justice to the political aspects of an association abstracted from other aspects. The point is that we do not owe duties of political justice to everyone, but only to co-members of associations of the requisite kind. The second contextualist-interpretive element involves lending credence to the claim that political associations are common good associations. Third element is the determination of what justice is about in a political association. If there is a justificatory presumption of equality, we must determine with respect to what. What are the goods (taken broadly to include powers) of a political association that justice regulates? In this limited regard, I am employing an approach championed by Michael Walzer, namely that, 'Social goods have social meanings, and we find our way to distributive justice through an interpretation of their meanings.'<sup>32</sup> Contrary to Walzer, however, I take the interpretive task to be primarily about the goods of justice and the ideal of equality that regulates those goods, not about the distributive principle, which I argue must be basically egalitarian in nature in order to be consistent with respect for human dignity.

The interplay of the universalist element and the interpretive-contextualist elements gives the interpretation more critical force *vis-à-vis* conventional norms than Walzer might want to allow. The interpretive task involves seeing how the common good association might be understood as containing an implicit, even if not overtly acknowledged, ideal of equality and what the goods of the association are that are governed by such an ideal. Such interpretive activity, as Ronald Dworkin claims with respect to social practices, affirms the understanding of the association 'which proposes the most value for the practice—which ... shows it in the better light' in this case—I claim—cast from the egalitarian perspective.<sup>33</sup> This, I think, is essential to any interpretive account that is built up from the premise of the inherent dignity of persons; and it serves to distinguish the account that I defend here from purely contextualist accounts, in which as David Miller puts it the 'context dependence of principles goes all the way down.'<sup>34</sup> I doubt that such accounts of justice can avoid the serious problem of conventionalism, namely the failure to provide a critical perspective on societies' practices sufficient to capture adequately intuitively clear cases of injustice, such as racial and gender discrimination.<sup>35</sup>

Miller seems to believe that one can always find either an internal normative inconsistency or an empirical falsehood in social practices that we judge to be discriminatory in these ways.<sup>36</sup> He considers a culture practice of bestowing honors, and seems to believe that a practice that honors only persons of certain racial or ethnic group can always be criticized either because it fails to base the honors on achievements or because it is based on a false claim about the distribution of the relevant honor-worthy virtue only to this racial or ethnic group. The idea is that a practice of honoring requires some sort of justification and that the justificatory grounds will always condemn the discriminatory practice. But suppose there is an institutional rule that distributes the privileges and powers of political office only to men or only to one ethnic group. The justification of the norm might be to protect a traditional way of life that is constituted in part precisely by such a distribution of political privileges and powers. The actual contextual justification goes no further down than this. This seems to be neither internally inconsistent nor based upon an empirical falsehood. Hence, Miller's confidence in the ability to conduct an interpretation of practices that offers critical purchase on blatant

cases of discrimination seems to me excessive. In any case, if we base our justification on the inherent dignity of persons, for the reasons I delineated in Chapter 1, we avoid the problem of conventionalism and are nonetheless able to engage in political argument with a variety of members of the global community.

I take a similar approach, employing a universalist foundation and an interpretation of the association, in discussing the purely economic aspects of an association. I claim that the justificatory presumption in favor of equality in such an ideal-type association justifies more robustly egalitarian principles of distributive justice than does the presumption applied the political aspects of an association. This conclusion is not trivial in part because it more or less reverses the elements of the conclusion of many coercion theorists.

An economic association involves the organization of the division of labor and entitlements to capital assets. It also directs the deployment of labor and capital for the production of goods and services that benefit its members. Although theories of natural property rights in persons and products exist, if we assume that these are not compelling, we may take the economy as a common good association. An economic association is a nice example of what Rawls refers to as ‘a cooperative venture for mutual advantage.’<sup>37</sup> Elizabeth Anderson provides a compelling account of the division of labor as a cooperative venture:

Each worker’s capacity to labor depends on a vast array of inputs produced by other people—food, schooling, parenting and the like. It depends on workers in the recreation and entertainment industries, since enjoyment of leisure activities helps restore energy and enthusiasm for work. In addition, the productivity of a worker in a specific role depends not only on her own efforts, but on other people performing their roles in the division of labor. Michael Jordan could not make so many baskets if no one kept the basketball court swept clean. Millions of people could not even work if public transportation workers went on strike.<sup>38</sup>

Within a division of labor persons assume roles in the productive process. Such roles sometimes confer significant benefits although in capitalist societies the greatest benefits come not from the role

that a person plays in the productive process but from the capital assets that she owns under the property rules of the system. More often the benefits conferred by the role one plays in the productive process are meager in comparison to the benefits conferred by ownership. The roles confer powers and privileges; but for many employees they confer mostly the responsibility to do as the boss says.

Economic systems distribute goods and services with profound ramifications for the income, wealth, opportunities and capabilities of persons participating as economic agents. These ramifications significantly influence the life prospects of persons. Equal respect for persons in the context of an economic association requires that a principle permitting significant and unchosen inequalities in the life prospects of persons be justified on the basis of reasons that the persons would find reasonable. This is the basis for affirming the moral ideal of reciprocity within the cooperative venture of production. Reciprocity between persons cooperating for mutual advantage exists only if the terms of cooperation are fair and reasonable.

What institutional rules does reciprocity require? It seems unreasonable to claim that it requires full return at the market rate for individual contributions to the productive effort. The reason that is most compelling in light of Anderson's account of the cooperative nature of the division of labor is identified by Rawls: One's talents, efforts and skills require the cooperation and contribution of others participating in the productive process. It would be unreasonable to reward a person solely on the basis of her individual talents, effort and skills when these facilitate her contribution only in cooperation with others who support her in various ways.<sup>39</sup>

Once again democratic equality, which seeks to prevent institutionally conferred privileges derived merely from family background or natural talents, appears to be the most appropriate guide to an account of what equal respect requires. I am not arguing here in defense of the specific principles of justice that Rawls arrives at by rejecting principles that build up from advantages conferred by family background or natural talents. Rather, I am contending that once we take stock of the cooperative nature of economic production and the advantages that family wealth and natural talents can confer under some institutional arrangements, we will reject rules

that confer advantages merely on the bases of family wealth and natural talents. The point is that working out the demands of the ideal of reciprocity in economic institutions involves the guiding conception of democratic equality with its substantial egalitarian tendency.

The idea here with respect to talents is not that there is some kind of pre-associational injustice because some people are more talented than others, so that the project of justice involves constructing institutions to correct for these injustices. My argument in Section II involves rejecting that kind of an approach. Rather the idea is that the institutions of a just association may not advantage persons merely on the basis their natural talents or family backgrounds. In identifying certain natural properties of persons as morally arbitrary, democratic equality does not take the unequal natural distribution of these properties as an injustice to be corrected, but as an inappropriate basis upon which to favor people within an institutional system. "The natural distribution is neither just nor unjust; nor is it unjust that people are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts."<sup>40</sup>

I doubt that the demands of reciprocity in an economic association are satisfied merely by the democratic conception of *distributive* justice. Just as political institutions can generate duties of distributive justice to ensure equal and inclusive citizenship, so can economic associations generate what otherwise might seem to be solely political duties to ensure reciprocity.<sup>41</sup> A cooperative venture for mutual economic advantage should not merely reward persons fairly for their efforts in the productive process. It must also ensure that they are capable of enjoying the benefits of the products produced and of the various roles in the productive process. Enjoying the benefits of the various roles in the division of labor requires basic liberties, among others freedom of contract, movement, and association, including unionization. In order to exercise one's own judgments about how to evaluate the fruits of the productive process sufficient education and the freedoms of conscience and thought are required. Finally, the institutions of an economic association do not affect only the economic interests of persons (even as broadly conceived in this paragraph). Rather other fundamental moral interests are also affected, such as the general capacity of persons to live lives that are

in significant ways chosen. Hence, it is implausibly narrow to limit the requirements of reciprocity in an economic association only to considerations of distributive justice.

In sum, although the norm of equal respect has egalitarian implications for all associations that generate duties of justice, the ideal of equality for the political aspects of an association and that for the economic aspects are distinct. In the former the ideal is one of equal and inclusive citizenship. In the latter it is reciprocity. Although both give rise to duties of distributive justice, in the case of the political aspects of the association these are sufficientarian, while in the economic they are broadly egalitarian.

## VII

My claim that equal respect requires that the rules of an economic association be guided by the norm of reciprocity is similar to Andrea Sangiovanni's account of the basis of egalitarian distributive justice. Both accounts affirm membership dependence; and both accounts take reciprocity as an expression of the basic commitment to egalitarian distributive justice. Yet, Sangiovanni's discussion of reciprocity is meant to supply the decisive premise in an argument for non-compatriot non-egalitarianism. Sangiovanni's argument is complex; and I cannot hope to respond to it fully in a brief treatment. But it might prove useful for understanding the strengths and weaknesses of each our positions to see where they differ.

Sangiovanni believes that reciprocity arises as a norm to govern interactions in markets only if, or to the extent that, they are supported by the legal background of a state. In the absence of a global state, the conditions are not ripe for generating the norm. It seems important to this argument that as a matter of fact market cooperation requires state structures. This is evident when Sangiovanni imagines a reply to a person demanding a full return at the market rate for her contribution:

Domestic markets—and, indirectly, global markets as well—require the background provided by the shared legal corpus of the state, which governs areas ranging from torts to administration to property rights, contracts, corporations and criminal law. Without such a legal background, your talents and efforts would have been

of little use to anyone, and would certainly not have garnered the returns they do now.<sup>42</sup>

And again:

It is your fellow citizens and residents who have provided the institutional framework in which you have flourished; it is they who have sustained and reproduced the basic goods, including the legal system, necessary for your successful participation in your society.<sup>43</sup>

And finally: 'Successful economic production and exchange on a societal scale cannot exist without a stable background of state-based civil and criminal law.'<sup>44</sup>

The moral lesson of this is exclusive: '[T]hose who have submitted themselves to a system of laws and social rules in ways necessary to sustain our lives as citizens, producers, and biological beings are owed a fair return for what those who have benefited from their submission have received.'<sup>45</sup> I take it that we are to understand this claim as containing an implied 'only' at the beginning.

I see two problems with this approach. First, it is unclear to me how the limited scope of the normative conclusion is drawn from the factual claims about the dependence of the economy on the state. Why does the fact that economic associations require the support and regulation of political ones entail that the economic relations so supported cannot give rise to independent claims of reciprocity? Consider an analogy. The institution of marriage requires the support of a legal framework. Nonetheless it would, I take it, be implausible to conclude that the moral duties of spouses are nothing other than moral duties of citizens. Second, it is not clear exactly what the sense of the empirical claim about the dependence of economic systems on states is. If we grant that successful economic production requires governance structures, and we go looking for the governance structures of the global economy, we will find a mixture of state laws and multi-lateral treaties. We have one big example of an economic association that is not governed by a centralized state structure. So, the dependency of the economy on the state cannot plausibly be understood as necessarily a one-to-one relationship. But if it is not, then a worker in Pakistan may have citizens of the USA to thank for the



opportunity that she has to express her talents under repressive work place conditions.

Both of these problems suggest to me that an attempt to limit the claims of distributive justice made on grounds of reciprocity only to compatriots is likely to fail. The more promising approach, I believe, is to view the institutional structure of an economic association as an independent source of duties of egalitarian distributive justice.

## VIII

If economic associations generate independent duties of egalitarian distributive justice, there is a basis to begin an assessment of the justice of the institutions of the process of globalization. A model for assessing whether a global inequality is an injustice can be derived from the arguments of Sections II and V. The fact that persons in one country are much less well off than persons in another is not by itself evidence of injustice. Membership dependence requires there to be more than that. Just as Rawls asserts that inequality in the distribution of natural talents is neither just nor unjust, but rather that it is what institutions do with these that matter, so also it is what global institutions do with inequalities that matters. We are concerned not with conditions of inequality independent of economic associations, but with whether economic institutions, such as rules that govern trade, investment and entitlements to intellectual property confer advantages simply on the basis of inequalities of social fortune, including citizenship status and natural talents.

I take this kind of membership dependence to have two advantages over theories of egalitarian cosmopolitanism that do not affirm membership dependence. First, according to these latter theories any inequality whatsoever is unjust if it does not conform to what is permitted by justified principles. I argued in Section II that the claim that duties of justice arise merely in virtue of personhood is implausible. Another piece of evidence in the case against the view that personhood alone suffices for duties of justice is that it would take a person to have a duty to support equalizing distributive institutions even between herself and persons with whom she shared no common institutions.

Second, taking membership dependence seriously allows egalitarian cosmopolitans to appreciate and respond intelligently to certain

moral issues resulting from the fact that national and regional economies still exert profound influences on the lives of persons. Despite the empirical evidence that I adduce in Section IV, I take it that part of what reduces the plausibility of a global egalitarian position is the awareness of these non-global influences. There are problems of two different kinds. The first is that it is unclear in practice how institutionally extensive duties of global distributive justice are since persons are members of, and profoundly affected by their membership in, national, regional and global economic associations. How much of the condition of persons in distant lands is the result of distributive injustices that place me under a duty? The second issue is less obvious but at least as important. Familiar accounts of social justice were developed for application in the state, which these accounts often assumed for purposes of simplicity to be a closed social and political unit.<sup>46</sup> For institutional accounts this is significant since the justification of principles of justice is developed on the condition that they will comprehensively cover the background distributive institutions.<sup>47</sup> In a partially globalized world the global institutions, which provide the sufficient conditions for duties egalitarian distributive justice, are far from comprehensive. How if, at all, should the content of egalitarian distributive principles reflect the incomplete coverage of the institutions to which they apply?

Philosophers sympathetic to both global duties of justice and membership dependence have sought responses to these questions. In response to the first, A.J. Julius advocates applying egalitarian principles separately to both domestic societies and global institutions, allowing increasing coverage of global principles as global institutions become increasingly more economically important.<sup>48</sup> This approach would seem to recommend limiting the focus to the inequalities caused by emerging global economic institutions as the institutions emerge. An alternative position claims that all inequality (not only that caused by emerging global economic institutions) is within the province of global justice on the moral ground that pre-global-institutional inequalities, such as those deriving from national economies, should not give rise to global institutional advantages.

The moral ground of the alternative position seems to me hard to deny, at least as the moral importance of global institutional advantages increases. But this alternative might seem to render a version membership dependent global egalitarianism extensionally

equivalent to a non-membership dependent global egalitarianism. I do not think, however, that practically it goes all the way down the road to advocating a complete fix to all pre-institutional inequality since affirming the moral ground does not commit one to the view that all pre-existing institutional inequality confers institutional advantages. It is, in fact, an empirical matter whether, say, wealth generated in a national economy confers privileges in certain global institutions. However, the possibility that it does allows for the possibility of supporting international institutions that involve the taxation of wealth, some of which is acquired largely in national economies for distribution to relatively poor non-compatriots.

Joshua Cohen and Charles Sabel—perhaps with something like the question of how the content of duties of justice is affected by incomplete institutional coverage in mind—argue that international institutions establish duties of justice, not, however, duties of egalitarian distributive justice. Instead, the duties express a norm of inclusion, which does not require equal consideration of the interests of all persons but at least ‘due consideration.’<sup>49</sup> Cohen and Sabel’s argument is sensitive to the character of international institutions, which as mentioned above are far from comprehensive in scope. Their argument seems to be contextualist all the way down. Their point is that as a matter of fact international institutions recognize a norm of inclusion. Their only riposte to what otherwise looks like a conventionalist approach is the following: ‘Of course, the practice of intergovernmental and transnational bodies is not normatively authoritative, but the fact that they (and their critics) do not take themselves to be operating in a normative vacuum, or in a world of pure humanitarian morality is at least suggestive.’<sup>50</sup> This seems fine as far as it goes, namely as piece in the argument against Nagel’s skepticism about global justice. But an adequate account of the norms of global distributive justice must do more than rest on the suggestions provide by conventional norms.

Even if Cohen and Sabel’s account is theoretically incomplete, it seems correct that some theoretical modesty is appropriate in light of the fact that the institutions of the global economic association are far from comprehensive. It is simply not possible to take the institutional bearer of the properties of justice and injustice as a single comprehensive system, which if properly designed and managed, could provide all of what distributive justice requires. To this

failure of institutional capacity, I suggest, there corresponds indeterminacy in the demands of egalitarian distributive justice. If global institutions alone cannot, for example, maximize all of the economic advantages to the representative member of the class of the least advantaged, even when pre-institutional (or more precisely perhaps other institutional) advantages confer privileges in the global association, then such a principle is best taken as an ideal of global justice, but not an expression of a duty. It seems rather that the content of distributive duties in a partially globalized world is best characterized as indeterminately egalitarian. Once the capacity of global institutions increases sufficiently, the content of the egalitarian duties take on that of the ideal. Meanwhile, inequalities in global institutions are suspect; they require justification on grounds that those who are disadvantaged could reasonably endorse. The presumption in favor of equality can be defeated if one of the four exceptions adumbrated in Section V apply. Now to those four, I add a fifth, namely lack of institutional capacity to remedy the injustice.

The method for claiming an injustice corresponding to the account presented in this chapter involves first identifying inequalities, second assessing whether these arise between persons whose activities are mediated by some association of the requisite kind, and third considering whether they are excusable in light of one of the four exceptions (or some other one) canvassed in Section V. The argument that there are no morally plausible excuses for inequalities between institutional members would amount to a *pro tanto* argument for an unjust inequality. But completing the argument requires convincing reasons to believe that there are feasible institutional alternatives that can be realized without disproportional moral costs and that do not themselves engender disproportional injustices. This is a question of institutional capacity for, and the moral costs of, alternatives.

Given the requirement of assessing alternative institutions, I do not offer here the complete argument for the existence of significant injustices in the global economy. The argument will only be complete in Chapter 7. I close with a *pro tanto* argument that involves recalling some of the features of current global inequalities. The richest 5 percent of the world's population earns 114 times that of the poorest 5 percent. The total income of the richest 1 percent is equal to that of the poorest 57 percent. And the income of 25 million richest Americans is nearly as much as that of the two billion poorest

people in the world.<sup>51</sup> Income inequality, however, is less severe than wealth inequality. The assets of the richest three people in the world are more than the combined GNP of all of the least developed countries.<sup>52</sup> In the same world that contains unimaginable opulence there is also desperate poverty. Nearly 1.3 billion people lack access to clean water; and 840 million children are malnourished.<sup>53</sup> These huge inequalities have dramatic effects on the life prospects of persons. One important example of this is longevity. In 2001 the mortality rate for children under 5 was nearly 26 times higher in the countries of Sub-Saharan Africa than in the OCED countries.<sup>54</sup> According to the World Health Organization, over 60 percent of deaths in developed countries occur beyond age 70, compared to about 30 percent in developing countries.<sup>55</sup> The United Nations International Children's Emergency Fund reports that in 2006, 9.7 million children under age five died of mainly preventable causes.<sup>56</sup> That is 26,575 children dying per day, or 1,107 in the hour that it takes to read this chapter. These inequalities appear to be serious injustices in the global economy.

# 4

## Global Equality of Opportunity Defended

### I

I began this book by citing several cases of extreme inequality of opportunity across the globe. We do well to recall some of this as background for the present discussion. Consider opportunities for longevity: A baby born in Mali in 2001 had an approximately 13 percent chance of dying before reaching the age one, while a baby born in the USA the same year had a less than 1 percent chance of dying.<sup>1</sup> Or consider educational attainment: 'The average American born between 1975 and 1979 has completed more than 14 years of schooling (roughly the same for men and women, and in urban and rural areas), while the average school attainment for the same cohort in Mali is less than two years, with women's attainment less than half that for men, and virtually zero in rural areas.'<sup>2</sup> Finally consider opportunities for income: In 1994 the average income in Mali was less than \$2 PPP per day, or \$54 per month; in the USA it was more than 20 times greater, \$1,185 per month.<sup>3</sup>

The comparison between the opportunities of persons born in Mali and the USA suggests that where one is born in the world dramatically affects the opportunities that one will have for health, education and income. The extent to which careful empirical studies confirm this and permit one to generalize, at least with respect to income, is impressive. Branko Milanovic's studies of global income distribution, for example, confirm the strong influence of country of birth on a person's opportunity for income. Eighty percent of the variability in a person's global income percentile rank can be explained by

her country of birth and her parents' income, two factors over which she has no control. And, 90 percent of her global income position can be explained by her income in her country, given the country's mean income and income distribution.<sup>4</sup>

Equality of opportunity requires equalizing opportunities to possess goods of some specified kind among persons with approximately equal endowments of some specified sort. Typically, the ideal requires mitigation inequalities inherited due to social circumstance at birth in order to ensure approximate equality of opportunities for the equally talented. Typically philosophers have thought that the relevant social circumstance is the social class of the child's family.<sup>5</sup> But the examples above and Milanovic's research make apparent that the country of birth is also relevant. The ideal, as I employ it here, is not merely formal. It does not require merely that persons not be discriminated against in educational entrance review or competition for employment, but rather that persons with approximately equal endowments of a specified sort (for example, talents, abilities and motivation) have a set of equal opportunities in their youth and in some cases throughout their life.<sup>6</sup>

Equality of opportunity is in fact only a minimally egalitarian moral ideal. When applied to certain opportunities, such as opportunity for income, it presupposes a background condition of competition that has led some to criticize it.<sup>7</sup> It is also consistent with inequality with respect to outcomes. With respect to those who possess approximately equal endowments of the specified sort, equality of opportunity is merely a principle of starting-gate equality, consistent with differential outcomes. With respect to those who are unequal in the specified way, equality of opportunity does not equalize at all. So, it seems fair then to designate those who criticize it as an ideal of global justice as anti-global egalitarians. Anti-egalitarians may, of course, reject equality as moral ideal, but still value it instrumentally, insofar as inequality contributes causally to social conditions that they have reason to condemn.

It might be thought inaccurate to classify all those who reject the ideal of global equality of opportunity as anti-global egalitarians. For one might reject the minimal starting-gate principle but affirm some more demanding version of equality of outcome. John Rawls briefly discusses a view that includes the principle that fundamental institutions ought to distribute goods such that inequalities are to the

maximum benefit to the least advantaged, but that rejects the principle that positions of privilege with respect to possession of those goods should be open to all on the basis of equality of opportunity. He characterizes this view as 'natural aristocracy.'<sup>8</sup> The idea is that those who are naturally superior should set their talents to work for the naturally inferior out of a sense of *noblesse oblige*. If Rawls's characterization is correct, then intensionally this position is not an egalitarian one at all. Still, there need not be any contradiction in affirming a more robust egalitarian principle, while rejecting the ideal of equality of opportunity. But it is unlikely that one would arrive at this position by way of a coherent underlying egalitarian theory since it would seem natural to apply those reasons that would limit unequal outcomes also to opportunities.

In this chapter, I shall defend global equality of opportunity. Global equality of opportunity is, I believe, an important part of the commitment to global egalitarianism although I do not assume that it is the whole of the global egalitarian ideal. Global egalitarianism may include other, perhaps even more robust commitments as well.<sup>9</sup> But whether it does or not shall not concern me here. The *modus operandi* of this chapter is primarily defensive. Anti-global egalitarians have criticized global equality of opportunity on a number of grounds. Here I hope to provide adequate responses.

In Section II, I defend the claim that citizenship status is morally arbitrary against critics of the view. Sections III through VI are devoted to responding to various criticisms concerning the specification of the content of the ideal of global equality of opportunity. In Section III, I argue that the global economic association establishes a reasonably specific range of goods relevant to an account of global equality of opportunity. Sections IV and V respond to two different critics who charge that the content of the ideal of global equality of opportunity cannot be adequately specified because of the pluralism of values globally. In Section VI, I argue that the ideas from which equality of opportunity is built up are not hopelessly remote from the value orientations of many people around the world. So, there is reason to hope that political controversy about equality of opportunity can eventually be superseded. Finally, in Section VII, I respond to the criticism that the practice of equality of opportunity would issue in disproportionate moral costs because of its incompatibility with the ideal of the self-determination of states. By the end, I hope



to have shown that unlike the doubts that I expressed about institutional capacity for the application of the difference principle at the end of Chapter 3, significant progress could be made in equalizing opportunities within the confines present in global institutions, allowing for minor reforms of policy.

## II

A central claim in the defense of global equality of opportunity is that justificatory respect rules out a principle of distribution that permits persons to be privileged merely because of their citizenship or nationality at birth. Such a principle could not be reasonably endorsed by those whose opportunities would be diminished under the institutions governed by that rule. Claims such as this derive from the treatment that Rawls gives natural talents and abilities, social starting points and characters in the original position. He argues that persons do not deserve the social privileges that they derive from these personal properties because they do not deserve the properties themselves.<sup>10</sup> The central claim in defense of global equality of opportunity seems plausible in the context of a common good association because place of birth is not a matter over which a person exercises control. Assuming that one can claim to deserve an aspect of one's person only if one has intentionally brought it about, then one cannot claim to deserve any advantages that one might enjoy in virtue of one's original citizenship. Original citizenship is undeserved or arbitrary from the moral point of view. Hence, institutional rules should seek to minimize the privileges that it might confer.

The claim that certain properties of persons are arbitrary from the moral point of view has often been attacked by anti-egalitarians. Recall Robert Nozick's view that the invocation of arbitrariness is in tension with a political philosophy founded on respect for persons:

This [egalitarian] line of argument can succeed in blocking the introduction of a person's autonomous choices and actions (and their results) only by attributing *everything* noteworthy about the person completely to certain sorts of 'external' factors. So denigrating a person's autonomy and prime responsibility for his actions is a risky line to take for a theory that otherwise wishes to buttress the dignity and self-respect of autonomous beings...<sup>11</sup>

His, of course, is a general suspicion against setting off any properties of persons as arbitrary, not a specific attack on the arbitrariness of citizenship at birth. But any defense of the arbitrariness of citizenship at birth must be able to withstand his general criticism. Nozick believes that all positive arguments in defense of the arbitrariness of certain properties of persons fail because either (i) they invoke a concept of moral desert that egalitarians reject, (ii) they involve the false assumption that all natural assets cannot be correlated with non-arbitrary properties of persons, (iii) they require a commitment to the view that arbitrary properties of persons cannot affect a distribution, which view is inconsistent with the difference principle or (iv) they employ an inappropriate presumption for equality, which presumption all differences in treatment must be defeat.<sup>12</sup>

In response to Nozick, ruling out consideration of one's citizenship or residential status when considering the merits of a principle to distribute opportunities can be defended as an instance of the following general principle: (D) An institutional rule should not substantially disadvantage a person, where disadvantage is measure by comparison to a baseline of equality for all, on the basis of properties of her that are the result natural or social fortune. With Nozick's criticisms in mind, notice that (D) neither (i) invokes moral desert, (ii) relies on the assumption that no natural assets can be correlated with non-arbitrary properties of persons, nor (iii) is inconsistent with the difference principle since the difference principle requires all to improve against a baseline of equality. It does however (iv) employ a presumption in favor of equality. Principle (D) employs comparisons against a baseline of equality. It does this because justificatory respect in a common good association requires it. Respect for human dignity requires justification of differential treatment of persons by means of reasonable endorsement. In a common good association such justification supposes a baseline of equal treatment since no one has any pre-associational claims on the goods produced by the association. Deviations from this baseline require justification. A certain class of reasons to deviate from equality cannot be reasonably endorsed, namely those reasons that appeal only to properties of persons that are the result of natural and social fortune.

One criticism that David Miller makes of the principle of global equality of opportunity is structurally similar to Nozick's.<sup>13</sup> Miller contends that the egalitarian position requires a commitment to the

following principle: (D') If two people are differentiated only by features for which they are not morally responsible, then it is wrong that they should be treated differently.<sup>14</sup> He rejects this principle because it fails to allow handicapped persons, or those with greater needs generally, to be given greater resources. Although this concern seems appropriate, the principle that Miller believes to be a part of the egalitarian rejection of moral arbitrariness is unlikely to find wide appeal among egalitarians in any case since it would, for example, prohibit rewarding talent and effort differentially if it served to improve the condition of the least advantaged.

In any case, principle (D) is neither equivalent to, nor does it entail, principle (D'). For (D) incorporates the baseline of equality against which to measure disadvantage, while (D') does not. So, for example, although (D') would not allow additional resources to persons on the basis of greater needs, (D) could permit this, if in the absence of receiving additional resources these people would be rendered worse off in comparison to their condition under equality. A complete discussion of these matters probably requires an account of what equality is a measure of, the *distribuand* of egalitarian justice. I have sought to avoid this by stating (D) in a manner that is noncommittal with respect to goods that are to be distributed. An adequate account the *distribuand* of egalitarian justice far exceeds what can be done within the confines of the focus of this book. So, I shall not pursue these matters further. I do, however hope to have shown that the Nozick–Miller argument against the claim that certain properties of persons are morally arbitrary does not succeed against the claim that a person's citizenship or residential status is morally arbitrary.

### III

In *Cosmopolitan Justice* I used the example of the opportunities available to the child of a Swiss banker in comparison to those available to a child in rural Mozambique to illustrate the demands of the principle of global equality of opportunity. I asserted that equality of opportunity would require that 'a child growing up in rural Mozambique . . . be statistically as likely as the child of the senior executive at a Swiss bank to reach the position of the latter's parent.'<sup>15</sup> This statement of the requirements now strikes me as imprecise

and insufficiently sensitive to the different equal endowments that different forms equality of opportunity assume.

Part of the imprecision derives from the phrase 'the position of the latter's parent,' which is vague. Narrowly construed it could mean the very position of the latter's parent, namely the position of senior executive at a Swiss bank; or more broadly it could mean the social position of a wealthy and powerful member of the global financial system. As an ideal, the narrow construal is certainly implausible. The opportunities of the two children could not be equal with respect to such a specific position, or small set of positions, without virtually identical educations. This would require strict global standards with respect not only to the quality of education, but also the content. Such standards would tend to inhibit positive curricular and pedagogical innovations as well as prohibit education that addresses local or regional concerns. Moreover, it would be consistent only with an implausibly specific and static view of the capacities that primary and secondary education should develop. School education that is directed toward ensuring that students of similar aptitudes are able to assume approximately identical specific jobs and offices would be stunting and myopic. Finally, it seems intuitively implausible to maintain that persons with opportunity sets that differ in the details regarding job responsibilities and location, but that are similar in the degree of responsibility, power, status and income have opportunity sets that are unequal in a morally relevant sense.

Moreover, different forms of equality of opportunity assume different equal endowments, for which social arrangements are to equalize opportunities. For example, equality of opportunity for income assumes persons of approximately equal talents, abilities and motivations. Or at least, such an assumption seems reasonable within the context of economies containing labor markets. Whereas equality of opportunity for a statistically normal life span assumes persons of equal states of health. The point is to equalize opportunities with respect to what seem to be morally relevant endowments so as to prevent opportunities from being a function of factors that are morally arbitrary. Although we do not want a principle of equality of opportunity to live a statistically normal life span to allow that a person's talents, abilities and motivation are relevant, we may want a principle of equality of opportunity for income to allow that these are relevant.

I argued in Chapter 3 that duties of social and political justice are associative, and that although egalitarian in form in virtue of respect for the dignity of persons, their content was dependent upon the kind of association. Assuming that conclusion, we may specify the content of the ideal of equality of opportunity with reference to the kind of association that generates the duties of justice and the goods of that association that are a concern of justice. For example, the fundamental category of participation and status in a state, or political community, is citizenship. Equality of opportunity for citizenship is a complex ideal involving several different components, including for example education, liberty and basic well-being. Alternatively, there are several important goods produced and affected by an economic association. Income, wealth, meaningful productive activity, positions of power and status, and leisure time are obvious goods that are distributed by economic associations. The enjoyment of these goods is in part a function of certain others, such as health, security, housing and education. And the ability to select among the available goods in pursuit of one's life goals requires education and basic liberties. Equality of opportunity in the global economic association, then, is directed toward ensuring that differences in initial condition do not affect the opportunities of persons (of the morally relevant equal endowments) across a range of goods, including income, wealth, meaningful productive activity, leisure time, health, security, housing, education and basic liberties. Milanovic's research indicates, however, that currently both citizenship at birth and parental social class determine one's economic opportunities.

#### IV

In the previous section, I discussed the content of the ideal of global equality of opportunity. An important line of criticism of the ideal charges that its content cannot be adequately specified because of the pluralism of values globally. The basic idea is that value pluralism makes it impossible to determine whether opportunity sets for persons of different cultures are equal. If we cannot determine when equality of opportunity exists, then we cannot pursue it. The force of such challenges rests on the appearance of a violation of the ought-implies-can principle, or its contrapositive. In this section and the next I examine two recent versions of this challenge.

Gillian Brock puts the challenge to a global equality of opportunity principle in the form of a dilemma:

Either we must try to articulate a version of equality of opportunity that mentions particular social positions that are favored, and opportunities to achieve these are equalized, or we allow much cultural variance on what counts as a favored social position, and the standards or living or levels of well-being that they enable to be equalized. If we go with the first option, we are vulnerable to charges of being insufficiently attuned to cultural difference. If we go with the second and try to equalize standards of living, we may end up with a very weak account of equality of opportunity which permits many cases which do not look at all like a robust account of blocking disadvantage and discrimination on morally arbitrary grounds.<sup>16</sup>

To be sure, Brock has correctly identified hazards of two different types that must be avoided for a satisfactory account of a principle of global equality of opportunity. Taking the principle of equality of opportunity to be satisfied if persons in culture A have the same opportunities as persons in culture B to achieve positions of privilege as understood exclusively within the context of culture B may beg the question of why that culture's ideals are the proper standard of equality. Alternatively an account that includes values recognized by all cultures, but does not capture forms of inequality of opportunity that intuitively we recognize as important, for example between men and women, would be inadequate to the task at hand.<sup>17</sup>

Brock contends that my example of the children of growing up in Switzerland and Mozambique commits the first error.<sup>18</sup> Although, as I have already reported, I now see the example as clumsy, I do not think that it commits the error of offering an ideal that can be understood only within the context of the culture of the child in Switzerland. Surely there are children in Mozambique, even rural Mozambique, for whom being a banker is not beyond their cultural frame of reference.

I am also not convinced that the hazards that Brock identifies amount to a genuine dilemma. As I discussed in the previous section, an account of the content of the ideal of equality of opportunity cannot require a narrow set of positions that must be open to all

persons over whom opportunities are to be equalized. Brock's challenge would be met if there were an account of the goods—for which opportunities should be equalized—that is both free-standing, that does not derive simply from the cultural understandings of a particular culture,<sup>19</sup> and sufficiently sensitive to empirical matters to capture real differences of opportunity.

The account that I offered in the previous section seems to satisfy these two requirements. The goods identified in that section are among those that are distributed by an economic association. It is not the case that, for example, income, health and education are valuable only within some particular cultural framework. They are not culturally bound goods in anything but the broadest sense of *culture*, in which all social phenomena would be cultural. Nor is it the case that these goods cannot capture real inequalities of opportunity. For example, the primary school completion rates provided by the 2005 United Nations Development Programme Report provide *prima facie* evidence of inequality of educational opportunities between boys and girls in most of the developing world. About 75 percent of girls complete primary school, in comparison to 85 percent of boys. And this disparity is greater at the secondary and tertiary levels.<sup>20</sup> This demographic evidence does not help us to understand the mechanisms of inequality of opportunity, nor does it even foreclose the existence of some possible explanation that would serve to make the disparity consistent with equality of opportunity, but because it ranges across several countries it does provide a fairly strong reason to believe that there must be some social processes at work that serve to discourage young girls from completing school. The employment of the good of education, then, would seem to be sufficiently sensitive to the facts at hand to provide a measure of inequality of opportunity.

## V

Miller's criticisms present another possible problem for equality of opportunity. This one associated with the metric against which opportunities, for example education, are to be measured in order to assess whether they are equal or unequal. We might assert that opportunity sets between persons are equal if and only if they are identical; or we might assert that mere equivalence is sufficient and required. Taking my example discussed earlier, the identical

opportunity sets interpretation would require that, 'a child growing up in rural Mozambique would be statistically as likely as the child of a senior executive at a Swiss bank to reach the position of the latter's parent,' where 'position of the latter's parent' is understood to mean the very office that the parent occupies.<sup>21</sup> Miller takes this as implausible, and I agree for the reasons presented in Section IV.

Although I share Miller's rejection of the identity of opportunity sets interpretation, I do not find his reasons particularly convincing. He rejects the interpretation on grounds that it would require unlimited rights of migration and unrestricted admission to citizenship or a global *lingua franca*, or perhaps both.<sup>22</sup> If the implications of the identical opportunity sets are unrealistic or undesirable, then by *modus tollens* so is the view that opportunities are equal just in case they are identical. I agree that neither of these policies as described is realistic, but progress in these directions does not strike me as obviously undesirable. The argument could equally well be a *prima facie* one via *modus ponens* for liberalizing immigration restrictions or global educational commitment to instruction in a common second language or both. I shall return to these matters in Section VII below. Since I agree with Miller's point, if not his reasoning, there is no need to pursue this matter further here.

Miller contends that the alternative of taking equality of opportunity to require persons to have equivalent opportunity sets also fails because an uncontroversial international metric of equivalence is unavailable. In defense of this view he invokes a distinction between finer and broader grained metrics. As I understand this distinction, metric A is finer grained than metric B if and only if at least two of the distinct categories according to which A groups opportunities are not distinguished in metric B. So, for example, one metric is finer than another because the first distinguishes opportunities to learn sculpting from opportunities to learn painting, whereas the other categorizes both opportunities under opportunities to learn art. According to the first metric, two groups of students would have unequal opportunity sets if the one had opportunities to learn sculpting and not painting and the other had opportunities to learn painting and not sculpting. According to the second metric, their opportunities would be equal because the opportunities in each case are taken as equivalent insofar as both are instances of the opportunity to learn art.



According to Miller, a principle of equality of opportunity is unsatisfactory if the metric that it employs is too fine grained because it will make too many morally insignificant distinctions. But it is also unsatisfactory if its metric is too broad grained, for its employment will result in controversy about how different components of the metric should be evaluated relative to one another.<sup>23</sup> Now, Miller maintains that nation states have the political resources to solve the metric problem because they contain national cultural understandings about the kinds of opportunities that are approximately equivalent.<sup>24</sup> But globally there is no 'common set of cultural understandings to tell us which metric or metrics it is appropriate to use when attempting to draw cross-national opportunity comparisons.'<sup>25</sup>

It is worth pausing to query whether national understandings of the metrics of opportunity sets are supposed to be justified according to Miller insofar as they are national or insofar as they are uncontroversial. Surely, it would be utopian to expect complete consensus, even based upon national understandings, about a metric of equivalence for opportunity categories. Any real policy of equality of opportunity will be more or less widely supported in comparison to other possible ones even within states. Consider debates about the extent to which religious groups may control the education of children in the USA.<sup>26</sup> If national consensus seems utopian, it also seems unnecessary as a condition of a justified metric. Take the example of a state that contains a minority culture that believes that equality of opportunity in the education of boys and girls can be achieved if boys are educated to pursue employment and civic participation and girls are trained in domestic work because both boys and girls are provided opportunities for appropriate adult activity. This minority culture will not accept the view that equality of educational opportunity requires further distinguishing the category of 'appropriate adult activity.' The state, on the other hand, employs a metric of opportunity sets that provides the basis for a judgment that the opportunities that the minority culture makes available to girls are unequal to those that it makes available to boys. This metric will be controversial. The controversy, if severe enough, could hamper legitimately applying the state's metric, but it is not obvious that the metric is therefore unjustified. Lack of controversy is a desideratum of a legitimate policy, but not—it seems—a requirement of justified principles. Moral progress in social policy is not made without controversy.

Perhaps then, a metric of equivalence of opportunity sets that a state employs is supposed to be justified, even though controversial among some religious or ethnic minorities, just insofar as it employs or incorporates a national understanding of equality.<sup>27</sup> Then, a principle employing a metric of equality of opportunity would be justified if based upon national cultural understandings, even if it were controversial with respect to religious and ethnic identities. If only national cultural understandings provide the basis for justified the metrics of opportunities, and if globally there are different national cultural understandings about the equivalences of various opportunities, then no global principle of equality of opportunity would be possible.

In this case, however, the metrics of equality of opportunity based upon nationally derived understandings of equality of opportunity are not superior to a global metric on grounds of lack of controversy. Metrics based upon national understanding may also be controversial internally. Moreover, religious and ethnic identities may have even greater resources to reduce controversy regarding equality of opportunity with respect to their own groups. Rather, an independent reason for preferring the national cultural understandings of equality to other understandings is required. It might be that we have duties of justice based upon national identities, but not based upon religious and ethnic identities.<sup>28</sup> So, the national cultural understanding will trump the understandings of the other cultural groups for reasons that have nothing to do with the content of the former's definition of equality of opportunity. In the example above, the religious understanding of equality of opportunity is not inferior simply because it is sexist since presumably a national cultural understanding could be sexist while a religious minority's understanding was non-sexist; still the national understanding would trump. Notice, however, the paucity of this account of equality of opportunity. It can in principle incorporate all manner of prejudice just so long as it is a national cultural understanding. This is an account that would be disqualified by Brock's sensible requirement that an account of equality of opportunity must reject clear cases of inequality.

A more plausible basis of a metric for equality of opportunity within states is, as I suggested above, the political ideal of equal citizenship. To use one of Miller's examples, the reason why a metric that employs the opportunity category of access to enlightenment—a

category that takes opportunities for education to be equivalent to opportunities for religious worship—is unsatisfactory is because of our political understanding of the role of secular education in democratic citizenship. One might respond that there is some deeper level at which even this political understanding is cultural. I accept that this involves an interpretation of a political ideal. That, however, is beside the point. For what is doing the work is the content of the political ideal not its status as a cultural artifact.

In short, Miller's rejection of the principle of global equality of opportunity in favor of a national one fails because it seems implausible that lack of controversy will accompany any policy of equality of opportunity, even one based on national cultural understandings of equality, and because a principle employing metrics based upon a national understanding of equality cannot plausibly trump others, regardless of content, just because it is national. Controversy is a fact of life with respect to any egalitarian policy. Controversy might be generated either by the egalitarian idea that different groups of people should have approximately equal opportunities or by what counts as an equal opportunity. We should not expect very much precision with respect to the latter issue prior to actual political debates. Moreover, any established policy will be based upon roughly hewn metrics, the kind of measurements that Adam Smith describes as 'that sort of rough equality which, though not exact, is sufficient for carrying out the business of common life.'<sup>29</sup>

Egalitarian political practice requires involvement in the political controversies that egalitarian principles generate. The hope is that broader agreement about what counts as morally salient aspects of equality and inequality will result. We cannot prejudge the case of how far that agreement will extend without extensive public debate. There may be moral resources available for generating agreements that are not apparent in the absence of considerable local knowledge. But in the next section, I shall try to give some more general reasons to hope for the possibility of agreement.

## VI

There are reasons for believing that significant steps toward cross-national consensus about the broad bases and benchmarks of equality of opportunity are not utopian. Consider an account of equality

of opportunity that relies on a set of primary goods appealed to in an original position argument. The list that I mentioned in Section IV, namely income, wealth, meaningful productive activity, positions of power and status, leisure time, health, security, housing, education and basic liberties may require further refinement, but these seem to me to be approximately what we would want in a list of those goods that should be distributed according to the outcome of deliberations within a cosmopolitan original position applied to the global economic association.

This approach might be criticized as relying excessively on a justificatory process that is tied too closely to the liberal democratic tradition, especially in light of Rawls's account of primary goods as developed in *Political Liberalism*.<sup>30</sup> There Rawls claims that the primary goods are to be explained in terms of 'the higher order interests we have in developing and exercising our two moral powers and in securing the conditions under which we can further our determinate conception of the good, whatever it is.'<sup>31</sup> The first person plural pronoun refers to those of us who are citizens of states that have a tradition of commitment to liberal democratic values and institutions. Perhaps then a list of goods, such as the one I have offered contains goods only for persons whose identities as citizens have been shaped by the liberal democratic tradition since the interests in exercising the two moral powers exist only for persons in those societies.

Indeed, *Political Liberalism* is a response to a concern about the stability of societies committed to Rawls's two principle of justice.<sup>32</sup> Stability is of serious concern because the political and social institutions that embody the two principles of justice will give rise to a citizenry committed to multiple and incompatible reasonable comprehensive conceptions of the good.<sup>33</sup> Yet the principles of justice upon which the social and political institutions are founded will have to win the uncoerced allegiance of the citizenry in order for the order to be legitimate.<sup>34</sup> Rawls's response is, in significant part, *ad hominem*, and consistent with his views about justification expressed in *A Theory of Justice* that I cited in Chapter 1. The response seeks to show how the two principles of justice can be the subject of an overlapping consensus of a plurality of reasonable conceptions of the good, by arguing that the principles follow from conceptions of persons and society that are drawn from the liberal democratic tradition, which conceptions citizens of states with those traditions will have

reasons to accept. The result is 'a political conception of justice congenial to our most firmly held convictions.'<sup>35</sup> Now, of course, many states have either no, or only very short, liberal democratic traditions. Hence, it might be urged that the employment of a set of goods and a conception of persons tied closely to the *Political Liberalism* account for purposes of providing a metric of equality of opportunity is parochial and insufficiently sensitive to the conceptions of persons that non-liberal national cultures endorse.<sup>36</sup>

There are, as far as I can tell, two strategies for responding to this line of criticism. The most ambitious is to argue that although the conception of persons employed in *Political Liberalism*, and used there to support the list of primary goods, matches conceptions of citizens in the liberal democratic tradition, there are good reasons to think that the truth of these conceptions is not relative to that tradition. I have tried a response like that elsewhere.<sup>37</sup> In this book I have made arguments that amount to two different aspects of a second strategy, both which could be characterized as *ad hominem* insofar as both argue that certain ideas that have wide currency in the international order can be used to justify a commitment to equality of opportunity.

The first of these *ad hominem* arguments appeals to those who accept international human rights documents and the conception of human dignity upon which they are based. Now, appealing to dignity is compatible with appealing to the Rawlsian conception of persons. Dignity certainly coheres with the Rawlsian political conception of freedom, especially insofar as being a self-authenticating source of valid claims is an aspect of freedom. This aspect, for example, involves the entitlement to make claims on institutions so as to advance a reasonable conception of the good.<sup>38</sup> And this entitlement would appear to be entailed by the claim that persons possess inherent dignity. The important point for present purposes, however, is that given the currency of human rights documents an appeal to a conception of the dignity of persons can be thought of as compatible with the basic political values of a great many national political cultures. Hence, it seems an exaggeration to claim the impossibility of global moral understandings that might serve as the basis for a principle of equality of opportunity.

The second *ad hominem* argument contends that persons who participate in the global economic association also have reason to value

the goods I have listed. Consider the important interests affected by the association. The global economy obviously affects persons' economic interests. This provides one important category of equal opportunity, namely for employment and income. Education is required in order to exercise one's own judgments about how to evaluate the fruits of the economic association. Equality of educational opportunities is also then among with the goods that participants in consumer and labor markets have reason to value. Additionally, a person's health affects her capability for pursuing market options. Hence, equality of opportunity for health is also among the goods that participants' markets have reason to value. Once again, we have reason to believe that a common basis of equality of opportunity is not in principle out of reach.

I have not been arguing that globally everyone already agrees to some list of goods and a conception of the dignity of persons, any more than Rawls argues that citizens of liberal democratic societies already accept his list of primary goods and his conception of the moral powers of citizens. My argument involves an interpretive effort, just as Rawls's does in *Political Liberalism*. In Chapter 1, I noted that two of Rawls's requirements for an account being appropriately political are that the premises invoke values that can be widely endorsed by reasonable persons, and that the principles are narrowly focused to the ordering of institutions, rather than directing the whole of a person's life.<sup>39</sup> Satisfying these requirements provides reason to hope that practical political controversies will be contained, and not erode the basic institutional order. But the requirements themselves do not require conceptions that are parochially tied to the traditions of liberalism. There can be, then, different political conceptions of justice for different institutional arrangements, with the conceptions sharing the virtue of seeking to prevent practical political controversy from eroding the institutional order. I believe that there is reason to hope that over time significant agreement about global equality of opportunity will be within the reach of reasonable and rational persons. The legal and economic changes associated with globalization are producing some tendencies toward normative convergence. It may be possible to find common normative bases even when on the surface these appear doubtful. But I have no illusions that a justified principle of equality of opportunity will therefore be the basis of a non-controversial policy. I have no

doubt that equality is a controversial moral ideal, particularly in the presence of traditional inegalitarian norms.

## VII

Miller argues that policies that would serve global equality of opportunity run afoul of the ideal of national self-determination. Nationality remains, despite globalizing economic tendencies, a powerful source of identity for many people and the state remains a significant source of political decisions. Hence, Miller asserts that, 'To show that all of this is morally irrelevant when assessing the opportunity sets enjoyed by people belonging to different national communities would require a great deal of argument.'<sup>40</sup>

I think that it is best to separate the claims about national identity and the legislative powers of the state. Miller seems to believe that moral duties to co-nationals exist if persons have a strong national identity.<sup>41</sup> But it is unclear why an attitude of belonging should always entail a moral duty. It would seem strange, for example, to assert that a person who believes that she has special duties to privilege members of her race does in fact have those duties simply in virtue of her beliefs.<sup>42</sup>

On the other hand, if a just global economic association requires global equality of opportunity, this is not incompatible with the claim that state political associations require other principles of distributive justice, principles that ensure fair democratic elections and legislation for example.<sup>43</sup> One need not be committed to the irrelevance of state government with respect to matters of distributive justice in order to endorse global equality of opportunity. However, it does seem to be the case that just as the existence of the family makes equality of opportunity within states an ideal that can never fully be realized, so the existence of states makes perfect global equality of opportunity impossible.<sup>44</sup> So, if we assume that there is a moral case for states—and I endorsed this in Chapter 3—the value of equality of opportunity will have to be set off against the value of self-determination. That neither can be fully realized, if both are recognized, is not a reason to reject either. Wise global policy can proceed by balancing the respective values.

Miller, however, argues that the pursuit of equality of opportunity would necessarily destroy self-determination.

To preserve equality we would have continually to transfer resources from nations that become relatively better-off to those who become worse off, undermining political responsibility, and in a sense undermining self-determination too, insofar as this involves choosing between alternative futures and receiving the costs and benefits that result from such choices.<sup>45</sup>

Once again, Miller's anti-egalitarianism bears a striking resemblance to Nozick's, which holds that 'no end-state principle or distributional patterned principle of justice can be continuously realized without continuous interference with people's lives.'<sup>46</sup> The latter's worry, of course, is directed to violations of individual liberty, not national self-determination, but in form the concern is the same. In each case egalitarianism is criticized because it violates a liberty of a certain sort, an individual's liberty for Nozick and a nation's for Miller.

Two basic egalitarian responses to Miller in the global case are similar to the response to Nozick in the domestic case. One is to challenge the moral entitlement of the state to act in ways that are contrary to the demands of justice. The conception of state sovereignty that assigns a state an unconditional right to establish an unjust basic structure, a right involving a moral claim to non-intervention, or self-determination, is one that is too permissive of injustice to be morally tenable.<sup>47</sup> Any right to state self-determination should be constrained by considerations of justice. The second response is to clarify the object of principles of justice: Principles of justice are directed toward the basic structure of (in this case) global society. They require fundamental institutions that will constrain and shape policy formation and decision-making. Such institutions need not constantly intervene in decision-making or take back the results of political deliberation because they establish the constraints in which politics occurs. Principles of justice affect politics only indirectly through the influence that they have on fundamental institutions. Although institutions promoting equality of opportunity might constrain the scope of state deliberation in comparison to the scope that presently exists, once the constraints are institutionally secured, deliberation will normally take place within such constraints, subject to external intervention only if the constraints are disregarded. So, this is not to deny that global egalitarianism would constrain national self-determination in



comparison to a norm of nearly complete license in internal affairs, but it is to deny that egalitarianism would require constant interference with the decisions taken by states once appropriate institutions are in place.

There is an additional, and more important, response peculiar to the global case. Recall the discussion from Section V that Miller rejects the identity of opportunity sets interpretation of equality of opportunity on grounds that it would unreasonably require unlimited rights of migration and unrestricted admission to citizenship or a global *lingua franca*, or perhaps both.<sup>48</sup> I believe, on the contrary, that the criticism points in the direction of appropriate reforms for improving on inequalities of opportunity. Morally important progress could be made toward realizing global equality of opportunity by reducing the arbitrary influence of citizenship status at birth through modestly liberalizing immigrations restrictions in OCED countries and embarking on a global educational plan to provide instruction in English—which is already growing as a spoken language at historically unprecedented rates—as a common foreign language.

The case of liberalizing immigration policy poses no substantial threat to self-determination since it would have to occur as result of state policies in any case. And even modest liberalization could have very significant effects. According to a recent World Bank report, an increase in immigration from developing to high-income countries that would increase the labor force of the latter by 3 percent from 2002 to 2025 would generate large increases in global welfare. When adjusted for prices the increase in aggregate global income would be \$356 billion or 0.6 percent.<sup>49</sup> To put this in perspective, the World Bank compares the gains from this modest increase in immigration with the complete removal of merchandise trade barriers.

The World Bank's trade model suggests that removing all remaining merchandise trade barriers would yield \$287 billion in global real income gains in 2015. For the purpose of comparison, when the gains from the two different scenarios—those from an increase in migration, and those from global trade reform—are scaled to the same reference year, 2001, the gains from trade reforms are \$155 billion versus \$175 billion from the migration scenario.<sup>50</sup>

Moreover, the aggregate gains of this policy would go disproportionately to developing countries, where incomes would increase by 1.8 percent, compared to 0.4 percent in high-income countries. But for the new immigrants to high income countries, the cost-of-living adjusted income gains would increase on average by nearly 200 percent due differences in wages between the countries of origin and destination. Income gains in developing countries would result from decreased labor market competition and increased remittances. There would be losers, however. In the absence of compensatory policies, existing recent immigrants in high-income countries would lose as a result of labor market competition.

A global commitment to provide instruction in English as a foreign language does not require major global institutional construction. It requires funding and some international auditing. There are interesting questions of justice, that I will not discuss, about the extent to which responsibility for the funding should come from native English speakers who stand to benefit from greater communication, non-native speakers who also stand to benefit, or the globally privileged who currently benefit from unequal opportunities.<sup>51</sup>

The fact that within the competence of existing institutions significant progress can be made in reducing the privileges that original citizenship confers with respect to opportunities to pursue highly important goods generated by the global economic association is a compelling reason to distinguish the moral status of global equality of opportunity from the global difference principle. Although both are important moral ideals, the latter might not yet be realizable within a partially globalized economic association. It could be that too few aspects of persons' conditions can be affected by the institutions of the global economic association. No precise answer can be given, however, about what degree of coverage by global institutions is needed. Political judgment must be exercised as globalization proceeds. For this reason, I argued in Chapter 3, for an indeterminate egalitarianism for present purposes. In contrast, by liberalizing immigration policy and funding global education in English as a foreign language, significant improvement in the opportunities for income, health and education of the globally poor can be made. In Chapter 5, I shall argue that reducing protectionism in the developed world would also promote equality of opportunity. Two of these three recommendations are

mere policy changes. The English education recommendation would require international funding and auditing but not major international institution construction. Global equality of opportunity is then not only morally desirable, but also capable of directing certain state and international policies without major international institution construction.

# 5

## International Trade, Development and Labor

### I

In this chapter, I discuss various aspects of the moral importance international trade. There are many such aspects, including efficiency in production, development facilitation, weak state's vulnerability and strong state's predation and equality of opportunity for employment and income. I defend a rules-governed multi-lateral trade regime that links a commitment to core labor standards to enjoyment of the benefits of liberalized access to markets. Additionally, I argue that requirements to liberalize trade in any such regime should be asymmetrical, with greater leeway given to protectionism in the developing world. In Section II, I discuss the extent to which free trade can be justified as a means for efficient production. Section III argues that protectionist policies in rich industrialized countries retard the development of poor countries. Section IV surveys the claims made by some economists that the socio-economic development of developing and underdeveloped societies requires state intervention to support and protect infant industry. In Section V, I argue that a rules-based multi-lateral regime is superior on anti-predation grounds to a series of bilateral agreements. Section VI argues that although rules that permit protectionism in rich and powerful countries violate the principle of fair equality of opportunity for employment and income, a multi-lateral trade regime that links liberalized market access to the observance of core labor standards can be morally justified.

## II

International trade increases the volume of goods and services available to consumers. The classic account of this invokes the efficiency gains of a country devoting its production to what it most efficiently produces—to that in which it has a comparative advantage—and trading with other countries for other goods, even if the goods that the first country trades for could be more efficiently produced by it than by others. David Ricardo famously argues that for a country to do otherwise is to use its productive power less efficiently than it might and therefore to produce lower returns on labor.<sup>1</sup> Especially in countries that are poor, an efficient use of labor power seems undeniably good.

Valuing efficiency is sometimes associated with the political right. But there is no good reason to suppose that only the right should value it. Part of the value of efficiency derives from the value of goods produced another part from the disvalue of labor expended. Less efficient processes of production either produce less or do so at higher costs or with more work. Hence, less efficient production processes can be thought of as *prima facie* morally inferior to more efficient ones either on grounds that having more goods for the same amount of labor is better than having fewer goods—with respect to goods, more is better—or on grounds that having the same number of goods with less labor is better than with more labor—with respect to labor, less is better. Depending upon the context, egalitarians may have good reasons either to value more goods, in conditions of scarcity, or less labor, in conditions of sufficiency. So, although valuing efficiency above other important values such as health, child development and environmental well-being has often been rightly criticized by egalitarian political movements and theorists,<sup>2</sup> there is nothing anti-egalitarian about asserting the *prima facie* value efficiency.

Protectionist policies have the effect of reducing the efficiency gains of international trade. There are a variety of complicated forms of protectionist policies. But the reduction in efficiency can be easily gleaned from uncomplicated forms of protectionism. When states put a tax on imports or provide a subsidy to producers manufacturing for export, they raise the relative costs of imports in their own market or reduce the relative costs of their exports to foreign markets. If domestic and foreign-produced goods are substitutes, the

import tax produces decreased domestic demand for the import and increased domestic demand for the domestically produced good. Again assuming the goods are substitutes, the subsidy produces increased foreign demand for the export and reduced foreign demand for the locally produced good. The goods that can be produced most efficiently are not then the goods that will sell the best, and less efficient producers are rewarded. Moreover, powerful and rich states that have greater capacity to tax, subsidize and impose trade terms will do the better job of protecting their producers. In bilateral trade negotiations might makes money.

The efficiency case for free trade, however, must be qualified. The two claims that (i) production processes that are shielded by protectionist policies contain inefficiencies, and that (ii) those inefficiencies can be reduced by removing the protectionist policies do not entail the claim that (iii) the transition to a regime of free trade would result in efficiency gains. A standard comparative measure of efficiency for claims such as (iii) is Pareto superiority. State of affairs X is Pareto superior to Y if and only if at least one person's welfare is improved in X in comparison to Y, and no one's welfare is diminished. But any real world transition from a state of affairs governed by one set of rules to another is likely to make some people better off and others worse off, and not to yield Pareto superiority.<sup>3</sup> A process of liberalizing a trade regime will produce many disruptions since firms that cannot compete well without protection will increasingly lose market share. Jobs will be lost in such firms, and created in others that can compete better because of the decreasing protection.

Despite the losses to some in a transition to a free trade regime, Paul Samuelson has demonstrated that such a regime could, however, be Pareto superior to a regime of tariffs if those who benefit from the transition compensate the losers by a series ideal-sum transfers.<sup>4</sup> There is a second standard comparative measure of efficiency for such cases, namely Kaldor–Hicks efficiency. State of affairs X is a Kaldor–Hicks improvement over Y if those whose welfare is diminished in X could in principle be compensated by those whose welfare is improved, producing the result that a Pareto superior condition obtains. Samuelson observes that this theoretical conclusion is of little use to policy formation, however, because 'ideal lump sum redistributions are never really available to us.'<sup>5</sup> Redistribution even if it were to be pursued, which is not required by the Kaldor–Hicks

efficiency claim, itself contains inefficiencies, which cast doubt on the actual Pareto efficiency gains of a transition to a free trade regime.

It is not only that any transition from protectionism to free trade is costly to some people, however, that diminishes the case for efficiency of the latter. Joseph E. Stiglitz and Andrew Charlton, raise other limitations, which derive from various incapacities of economies and financial systems in developing countries to capture the benefits of free trade. Here are several: More competitive firms can be expected to expand as less efficient firms decline only if resources are fully employed already, which is rarely the case, especially in developing countries; capital can be efficiently allocated only if there exists well-functioning insurance against the risks associated with such investments, but this requires that risk markets and social insurance programs be in place, which is often not the case; prices can serve to coordinate information efficiently only if there are well-established markets, which are often lacking in developing countries. Alternatively, public policies can serve to create efficient industries that are competitive on the global market where no such industries presently exist. So focusing on present comparative advantage may be less efficient than creating future advantage with public policy tools, which will typically include protection.<sup>6</sup> Moreover, import taxes (a form of protectionism) can be an important source of revenue for poor states seeking to make investments to create future advantage.<sup>7</sup> In sum, despite the *prima facie* case that ideally a free trade regime uses resources most efficiently, a transition from a more protected international trade regime to a free trade regime cannot be unqualifiedly supported on efficiency grounds.

### III

Sometimes efficiency is valued because more efficient arrangements contribute to the process of socio-economic development. Even if considerations of efficiency do not provide unqualified support for free trade, there are good reasons to believe that protectionist policies in the rich industrialized world are detrimental to socio-economic development in developing and underdeveloped countries, and that liberalization—properly managed and sequenced—would contribute to development.

Currently industrialized countries offer substantial protection to their industrial and agricultural producers. In a 1999 report the United Nations Conference on Trade and Development (UNCTAD) estimates that underdeveloped countries were losing \$700 billion per year in export earnings due to protectionism on the part of developed countries.<sup>8</sup> This amounts to more than four times the annual capital inflow into the developing world due to foreign direct investment.<sup>9</sup> There can be no doubt that the abolition of protectionist policies that target producers from the developing world would result in significant static economic gains for the developing world.

But what about dynamic gains? What about the relationship between liberalization and the process of capitalist economic development? The Marxist tradition has long viewed free trade as serving to facilitate capitalist economic development. One line of support for free trade has to do with the virtues of intensifying the class struggle. Frederick Engels cannot be accused of mincing words in making the following strategic calculation:

[U]nder freedom of trade the whole severity of the laws of political economy will be applied to the working classes. Is that to say that that we are we are against Free Trade? No, we are for Free Trade, because by Free Trade all economical laws, with their most astounding contradictions, will act upon a larger scale, upon a greater extent of territory, upon the territory of the whole earth; and because from the uniting of all these contradictions into a single group, where they stand face to face, will result the struggle which will itself eventuate in the emancipation of the proletariat.<sup>10</sup>

Karl Marx expresses a similar strategic vision: '[T]he Free Trade system works destructively. It breaks up old nationalities and carries antagonism of proletariat and bourgeoisie to the uttermost point. In a word, the Free Trade system hastens the Social Revolution. In this revolutionary sense alone, gentlemen, I am in favour of Free Trade.'<sup>11</sup>

Marxists have another development-related reason to support free trade. It is not merely that capitalist relations produce class struggle, but also that an increase in productive capacity facilitated by trade is necessary for socialism. '[T]his development of productive



forces... is an absolutely necessary practical premise because without it want is merely made general, and with destitution the struggle for necessities and all the old filthy business would necessarily be reproduced...'<sup>12</sup> Marx is impressed with the productivity gains that capitalism achieves through competition-induced innovation. 'The bourgeoisie cannot exist without constantly revolutionizing the instruments of production, and thereby the relations of production, and with them the whole relations of society.'<sup>13</sup> Marx is, in other words, impressed with dynamic productivity gains of capitalism, and insofar as free trade promotes those gains there is additional reason to support free trade.<sup>14</sup>

Empirical evidence suggests that international trade and production for export promote socio-economic development. International trade encourages the adoption of technology-intensive production processes, which require a more educated and skilled workforce that can fetch higher wages and salaries. This, at any rate, explains the correlation, observed by Jay Mandle, between exports per capita and three indices of development: Adult literacy rates, gross national product (GNP) per capita (PPP adjusted), and percentage of population living on less than \$2 (PPP) per day.<sup>15</sup> An examination of merchandise exports per capita and adult literacy rates of 13 large poor countries shows 'a positive, statistically significant linear relationship between exports per capita and literacy.'<sup>16</sup> Mandle suspects that a better educational system helps to make a society more globally competitive and thereby increases its exports per capita.<sup>17</sup> But it is equally plausible that the more efficient production techniques, that increased trade provides incentives for, contribute causally to development, measured by improved literacy rates. More efficient and technology-intensive production requires a better educated workforce and thereby provides a political basis of support for educational expenditures and improvements. Among the countries, observed by Mandle, the three with the most exports per capita also have the highest GNP per capita; and this relationship generally holds among the other ten countries.<sup>18</sup> There is also an inverse relationship between exports per capita and the percentage of the population living below \$2PPP, among these 13 countries; those countries with the highest exports per capita have lowest percentages living on less than \$2PPP per day.<sup>19</sup> Insofar as protectionist policies in the rich industrialized countries restrict imports from developing

countries, they are quite plausibly retarding socio-economic development.

There are good reasons to think that liberalizing protectionist policies in rich industrialized countries would produce both static and dynamic gains for poor developing countries, gains that serve to reduce poverty and improve educational attainment.

#### IV

The argument of the preceding section does not constitute a defense of free trade *per se*. Rather the claims that protectionist policies in the rich countries are costly to the poor developing ones, and that foreign trade conduces to development, argue in favor of the elimination of protectionist policies in the rich industrial countries, but is silent on multi-lateral free trade. In Section II, I canvassed some caveats to the power of free trade to produce efficiency gains in underdeveloped economies. In this section, I build on those considerations to argue that there are good reasons to believe that a trade regime should sequence the requirement to eliminate of protectionism so as to provide the countries in developing and underdeveloped world with more time to develop their infant industries.<sup>20</sup> The upshot is that, WTO rules to the contrary notwithstanding, developing countries have good reasons to pursue protectionist policies in an international trade regime with industrialized states. Moreover, these are reasons that are recommended by global distributive justice insofar as social and economic development in the underdeveloped world is necessary to eradicate poverty.

Friederich List makes the classic argument, on the basis of an historical survey, that the development policies of Europe and North America relied on measures to protect infant industry in almost every successful case of development.<sup>21</sup> Ha-Joon Chang has revived this nineteenth-century argument with a wealth of recent data. Chang argues that not only did the European and North American countries employ activist industrial and trade technology policies—including various forms of protectionism—but so did Japan and the newly industrialized countries of East Asia.<sup>22</sup>

Of course it is not obvious that one can establish causation on the basis of a correlation between policies that protect infant industries and developmental success in countries. It is possible that

development would have been even more rapid in the absence of such protectionism. Employment of, for example, John Stuart Mill's classic methods for inferring causation on the basis of correlation does not fully establish the case. By the nature of the evidence and the manifold policies of the many states, we are not in the position to strictly employ Mill's method of agreement, which requires 'instances which agreed in the given circumstance but differed in every other.'<sup>23</sup> Such a method would isolate industrial policy as causally efficacious if all cases of development had only that feature in common. In fact the historical record indicates that there were a few exceptions to the rule. Chang notes that the Netherlands and Switzerland did not extensively employ such activist industrial, trade and technology policies.<sup>24</sup> It is also the case that the comparison to poorly developing countries is insufficiently controlled to employ Mill's method of difference, which requires the evidence to have, 'every instance in common save one.'<sup>25</sup> Chang cites 'the poor growth records of the developing countries over the last two decades' when such countries were pressured not to employ activist industrial, trade and technology policies.<sup>26</sup> If this were the only difference between states that developed and those that did not, the case would be completely compelling. But there are too many variables. The inability to establish such strong evidence is, of course, typical when trying to establish causation in the social world. Even so, it does reduce our confidence in drawing a conclusion about a causal relationship between protectionism and development merely on the basis of an historical correlation.

The causal case could, however, be reinforced by a plausible hypothesis that explained the link between the protection of infant industry and economic development. Chang offers the following hypothesis:

As has been repeatedly observed over the past few centuries, the common problem faced by all such catch-up economies is that the shift to higher value added activities, which constitutes the key to the process of development, does not happen 'naturally.' This is because, for a variety of reasons, there exist discrepancies between social and individual returns to investment in the high-value-added activities, or infant industries, in the catch-up economies.<sup>27</sup>

To assess this we need to know more about the 'variety of reasons.' Stiglitz and Charlton contend that capital market imperfections are particularly important in this regard. In developing high-tech industries that serve to propel development, there is tremendous risk since new firms in a new industry will be pitted against successful firms in established foreign industries. Normally such risk would be born by banks that would provide the capital. But 'banks would have to be willing to lend to enable firms to sell below cost, in the hope that by doing so their productivity will increase so much that they will become a viable competitor. It should be obvious that such loans would be viewed as highly risky.'<sup>28</sup>

The historical record of development by means of protectionist policies and the economic account of why liberalization in conditions of underdevelopment retard development lend significant credence to the claim that a just multi-lateral trade regime should permit asymmetrical tariff reduction. In other words, it should not require states with developing economies to liberalize as soon as rich industrialized states. There is injustice then in the WTO's opposite asymmetry. It has required dramatic tariff reduction in the developed world but allows massive agricultural protectionism in the rich countries.

## V

The WTO was founded in 1995 as a result of the Uruguay Round of meetings of the signatories to the General Agreement on Tariffs and Trade (GATT).<sup>29</sup> The purpose of the WTO is to reduce barriers to trade by administering multi-lateral treaties, especially GATT 1994, which includes the amended GATT 1947, the General Agreement of Trade in Services (GATS) and the Agreement on Trade-Related Intellectual Property Rights (TRIPS). The WTO's functions include implementing multi-lateral trade agreements, providing forums for negotiations on trade issues and facilitating dispute settlement and cooperating with the World Bank and the International Monetary Fund to achieve greater coherence in global economic policy-making.<sup>30</sup>

Members of the WTO are to abide by negotiated trade rules that are guided by four basic principles: (1) non-discrimination, (2) reciprocity, (3) market access and (4) fair competition. Non-discrimination has two aspects. First, members must treat all other

members as most favored nations (MFNs), which requires that a country treat the products originating in or destined for any other member country no better than like products originating in or destined from another member country.<sup>31</sup> Second, non-discrimination requires conformity to the national treatment rule, stipulating that after importation, foreign goods be treated no less favorably than domestic goods in terms of taxes and regulations.<sup>32</sup> Reciprocity requires that trade liberalization between members be accomplished on a mutual basis.<sup>33</sup> Reciprocity also applies when countries join the WTO, which in practice means that countries that join the WTO are required to liberalize access to their markets. Market access requires that members agree to negotiate tariff reductions. This amounts to members being bound to schedules of tariff concessions agreed to at multi-lateral trade negotiations.<sup>34</sup> Fair competition is meant to ensure competition on level playing field. For example, if a government subsidizes export of an item, then those items may be subject to an anti-dumping duty by the importing country, thereby increasing the price of the item to compensate for the subsidy that lowered its price.

The criticism of the previous section that the WTO's requirements of asymmetrical tariff reduction is not a criticism of a multi-lateral, rules-based trade regime that seeks to reduce protectionism guided by the four principles cited in the previous paragraph. On the contrary, I observed in Section II that in bilateral trade negotiations powerful and rich states with greater capacity to tax, subsidize and impose trade terms can easily take advantage of the vulnerability of weak and poor states. A multi-lateral, rules-based trade regime that contains disincentives for breaking those rules, offers more protection against predation to weak and poor states. In the absence of rules governing trade, the richer and more powerful states will be more able to exert pressure to gain acceptance for arrangements that protect their producers to the detriment of development in poor countries. And even if the adjudication of disputes in a multi-lateral regime contained a systematic bias in favor of the powerful and rich countries, poorer countries would still have more protection than in bilateral negotiations. The ability of a multi-lateral trading system to deter significant defections or substantial internal revolt requires at least the appearance of impartiality in a sizable number of disputes.<sup>35</sup> The requirement of maintaining appearances would provide reason to believe that appeals on the basis of legal principle would have a hope of success in a significant number of cases.

## VI

My discussion thus far has focused on the relationship between trade and development, in particular what justice requires of a system of trade rules so that it will conduce to development. In this final section, I am concerned with the relationship between the rules of trade regime and the conditions of work in the developing world. I begin by arguing that protectionism in the developed world is unfair because it results in inequalities of opportunity for employment and income that are detrimental to workers in the developing world. This, then, makes the argument against protectionist policies in rich and industrialized countries on the basis of the same moral value as the arguments for liberalized immigration policies and a global educational program in English as a foreign language that I made in Chapter 4. But, one argument for protectionism is that it provides a disincentive to states that permit inferior work conditions. This suggests that there are competing claims of fairness at work in discussions of at least some protectionist proposals. There is way around this apparent impasse that involves endorsing certain proposals for linking liberalized market access in a multi-lateral trade regime to a commitment to core labor standards.

Protectionist policies, such as import tariffs and export subsidies, create differential demand for substitute goods depending upon whether they were domestically or foreign produced. Differential demand affects employment opportunities. A worker whose state employs protectionist policies is advantaged in market competition against a worker in a similar industry in a state that is the object of the protectionist laws. Opportunities for employment and income, then, are dependent upon a worker's citizenship or at least her residential status. This serves to reduce opportunities for income for workers who are already poor relative to workers in advanced industrialized countries. Hence, a trade regime that permits protectionist policies in developed countries directed against producers in developing countries is unfair.

One should not, however, overstate the relative extent of the opportunities lost to workers in poor countries as the result of protectionism the developed ones. Recall the World Bank's estimates, which I cited in Chapter 4, that the gains from modest immigration liberalization over a period of 15 years would be \$175 billion;

in comparison the gains from complete trade liberalization over the same period would be \$155 billion.<sup>36</sup> If these figures are taken to represent aggregate lost opportunities re-captured by the two reforms, they suggest that the case on grounds of equality of opportunity for symmetrically reducing protectionism is not as strong as the case for modest immigration liberalization.

In contrast the argument that protectionism is a source of unfairness, the charge of unfairness is often used to justify protectionism. A criticism the AFL-CIO and others make of trade liberalization is that market competition with producers in countries where wages are very low and workplace conditions are poor is unfair.<sup>37</sup> If so, then developed countries reducing competition through protectionist policies directed against producers in developing countries, contrary to my argument, would seem to serve fairness. Now, a charge of unfairness of this sort could be directed at conduct that contravenes conventionally established rules. If, for example, there is a trade rule against dumping—selling goods in foreign markets at less than cost. Or it could be directed at institutions that contravene a moral standard, such as when a law is called unfair. The AFL-CIO seems to have the latter idea in mind since they oppose the introduction of laws to liberalize trade with certain countries, especially China. Trade unfairness of this sort would be a property of the institutions of trade and not, or not only, the conduct of the employer. In keeping with the associational conception of justice that I defended in Chapter 3, this is a charge of injustice.

There is more than one way to understand the claim that market competition with producers in countries where wages are very low and workplace conditions are poor is unfair. The term *producers* is ambiguous between the capitalists who own the production processes and the workers engaged in the production. Moreover, the unfairness could be either to capitalists in developed countries or workers.

Suppose the claim is that market rules give workers in the developing world an unfair competitive advantage over workers in the developed. One way to assess this charge of unfairness is to compare it to paradigm cases of institutionally sanctioned unfair discrimination in employment, such as laws permitting racial or gender discrimination in employment that provide the beneficiary of those laws with an unfair market advantage in employment.<sup>38</sup> Do market rules that

permit the employment of workers at low wages and in poor workplace conditions provide such workers with unfair market advantage in employment? This is implausible. Any analogy between the beneficiaries of institutional racism and sexism and low wage workers is implausibly strained. The beneficiaries of racially or sexually discriminatory employment laws are unequivocally advantaged by being protected from full labor market competition. But low-wage workers in poor countries are not unequivocally advantaged by global labor market competition. Surely, for those workers in societies marked by poverty and by little or no public insurance almost any job is better than no job, but *ceteris paribus* it would be much better to be receiving higher wages and to be living in a society that provided income support for unemployment. Additionally, the victim of racially or sexually discriminatory laws is unequivocally disadvantaged by those laws. There are employment and educational opportunities that simply are not available to her. Although the worker in a higher wage country—typically with a more robust system of public support—is put at a competitive disadvantage by workers who are willing to work for less in low-wage countries, she also enjoys certain advantages associated with working in a developed country that are not available to her colleagues in the low-wage country.

Let's take the charge of unfairness differently then. The charge could be that it is not the market rules that allow such competition between workers that are unfair, but the ones that allow poor remuneration and workplace conditions in the developing world. The unfair advantage could be the market advantage that capitalists in the developing world have over capitalists in the developed world in virtue of the former's ability to exploit their workers. It is a double unfairness, then, *vis-à-vis* both capitalists in the developed world and workers in the developing world. Presumably, the moral force of the first unfairness is dependent on that of the second. Since there is nothing about taking advantage of lower costs in market competition per se that is unfair. But if the low costs are in virtue of exploiting the desperate poverty of persons through employment either of under age children or of adults by force, through a failure to maintain safe working conditions, or through policies that do not permit the right to unionize, then the low-cost advantage could reasonably be thought of as unfair. The claim that it is unfair, however,



has to be in virtue of appalling or exploitative work conditions not merely low-wage conditions; and the requisite conditions will typically exist when there are other background conditions of injustice that drive people out of desperation to work in terrible conditions. There is nothing intuitively unjust about an employer offering low wages in a society that offers good opportunities for education and a robust program of social support.

According to the charge of unfairness as delineated above, protectionist trade policy that discourages imports from countries in which appalling or exploitative workplace conditions are wide spread could be based on the reasonable moral claim that employment practices in the targeted country are unfair. Notice that this justification does not invoke two empirical claims sometimes made on behalf of protectionism. One is that globalization is producing a global race to the bottom in workers' wages and work conditions. The other, which depends on the first, is that free trade is incompatible with a welfare state, or a social democracy, the institutions of which, I argued in Chapter 3, are required by justice in political associations. Both of these claims are empirically controversial, and it is a virtue of the present moral argument that it is not dependent on such empirically controversial claims. With respect to the first empirical claim, Jagdish Bhagwati argues that a survey of the evidence does not support it.<sup>39</sup> Dani Rodrik, on the other hand, argues that increased economic openness puts pressure on both employer provided non-wage benefits and wages.<sup>40</sup> Christian Barry and Sanjay Reddy make the important point that international labor market competition need not produce a race to bottom in order to exert downward pressure on benefits and wages.<sup>41</sup> Such pressure would exist even if there were improvements in both if things could be even better in the absence of such competition. In response to the second empirical claim, it is sometimes observed that the Nordic countries produced stable social democracies and maintained open economies.<sup>42</sup>

Protectionist policies in response to unfair worker treatment and competition would then be understood as policies wielded by rich and powerful states on behalf of the victims of the unfairness, namely the exploited workers in the developing world. If such protectionist policies decreases the market demand for goods produced in exploitative circumstances and consequently reduce employment

opportunities for workers in the targeted country, then they also happen to preserve inequality of opportunity for employment and income. But this would be a negative externality of the policies. This, however, raises the bar for the moral justification of such policies. In that case, the moral justification of bilateral protectionism requires an argument either that alternative available means could not serve justice as well or that they could, but only at higher moral costs. In what follows I argue that neither claim seems plausible.

A better alternative would involve linking the acceptance of core labor standards to participation in a multi-lateral rules-governed trade regime. There are a variety of statements of core labor standards. The International Labour Organization's (ILO) 'Declaration on Fundamental Principles and Rights at Work' contains a modest set of standards, stating the following four principles: Freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labor; the effective abolition of child labor and the elimination of discrimination in respect of employment and occupation.<sup>43</sup> The International Confederation of Free Trade Unions's 'Basic Code of Conduct' states a more robust set of standards: Freely chosen employment; no discrimination in employment; no use of child labor; freedom of association and the right to collective bargaining; payment of living wages; no requirement to work more than 48 hours in week, with at least one day off per week; safe and hygienic working conditions and the establishment of regular employment relationships.<sup>44</sup> For present purposes there is no need to choose between these two sets of standards.

Linking state acceptance of a set of core labor standards to liberal access to markets in other states in the context of a multi-lateral trade regime would establish an incentive for states with low-wage workforces, seeking liberal access to markets in the developed world, to comply with such standards, thereby serving the same goal as the bilateral protectionist policies discussed above. Moreover, a multi-lateral linkage arrangement has a significant advantage over bilateral protectionism aimed at improving work conditions. As I noted in Section II, powerful and rich states have superior capacity to tax, subsidize and impose trade terms in bilateral trade arrangements. Such superior capacity reduces the reliability that protectionism would be used only to improve workplace conditions rather than less commendable goals.

Still it might be pressed that a multi-lateral agreement would have moral costs. Wouldn't a multi-lateral agreement linking core labor standards to liberalized market access reduce employment by increasing the cost of production, and therefore have the same negative effect on equality of opportunity for employment and income that bilateral protectionism has? In response we should first note that neither set of standards listed above contains a requirement establishing pay equity across countries and regions. Such a requirement might be criticized as threatening the comparative advantage of low-wage countries, and therefore threatening the employment prospects of workers in those countries. A similar criticism could, of course, be made about standards prohibiting child labor and ensuring safe working conditions. Indeed, Bhagwati argues that, 'If higher standards are implemented and raise the cost of production (as several would), then exports and jobs will be adversely affected in the market place. But if they are not implemented, then trade sanctions will kick in—that is, exports will be undermined by induced protection.'<sup>45</sup>

Barry and Reddy provide a compelling answer to the sort of challenge that Bhagwati makes. If the labor codes apply multi-laterally, countries that are parties to the agreement cannot gain competitive advantage over other countries that are also parties by permitting exploitative practices. Meanwhile countries that are not parties will lose some of the advantage of cheaper production costs by losing the more liberal market access. So, it is not obvious *a priori* that there would be significant employment losses to countries observing labor standards as a result of such linkage.<sup>46</sup> Moreover, if increased production costs were predictably likely to result from compliance to labor codes, with the result that unemployment would increase in developing states, then linkage arrangements could contain—and if the argument that this unemployment would constitute an inequality of opportunity is plausible, the arrangement should contain—a mechanism whereby production subsidies flow from the rich industrialized states to the poor developing ones.<sup>47</sup> There are good reasons then to think that a multi-lateral trade regime that included linking observance of core labor standards to liberalized market access would be a more just arrangement than a regime that allowed the protectionist policies in separate states to develop in the context of bilateral trade negotiations.

# 6

## Climate Change, Development and Mitigation

### I

In previous chapters, I have argued against some of the skeptical challenges to the idea that principles of egalitarian distributive justice apply globally. Two prominent kinds of challenges have especially concerned me, the claims of coercion theorists in Chapter 2 and the claims of cultural pluralists in Chapter 4. My criticisms of these views in the earlier chapters focused on the extent to which principles of egalitarian justice could be applied globally in light of increasing global economic integration. The case against inequality is, however, much stronger than those arguments acknowledged. Anthropogenic climate change has created a context in which questions of the justice of global burden sharing cannot plausibly be ignored. Indeed, I shall argue that anthropogenic climate change is important to global justice both because of the effects that climate change will have on the poor and vulnerable of the world and because of the threat that a treaty to mitigate climate change poses to the development aims of the developing and underdeveloped world.

In Section II, I canvass the threat that climate change poses to socio-economic development. In Section III, I argue that the effects of climate change on the poor and vulnerable of the world are matters of justice, and that this discredits prominent skeptical accounts global justice. Section IV argues that primarily due to the extent of emissions reductions required, achieving climate change mitigation goals will require a new global climate regime; the goals cannot be achieved

by leaving states free to pursue their own policies. In Section V, I examine principles for distributing the burden of climate change mitigation. And Section VI is devoted to considering the threats to justice that exist in a process of selecting a principle to mitigate climate change.

## II

At the dawn of the industrial revolution the atmospheric concentration of CO<sub>2</sub> was about 280 ppm.<sup>1</sup> Since then human beings have been emitting CO<sub>2</sub> into the atmosphere in unprecedented amounts, causing the atmospheric concentrations to increase steadily. From 1994 to 2005 the rate of this increase was 1.9 ppm per year, the largest since direct measurement began in 1960. By 2005 the atmospheric concentration of CO<sub>2</sub> had reached 379 ppm.<sup>2</sup> Scientific knowledge of an increasing CO<sub>2</sub> concentration and of the possibility that it would cause warming is not new. In 1896 Sven Arenius was the first to argue that increased concentrations of CO<sub>2</sub> would produce global mean temperature increases. In 1959 Bert Bolin predicted that the atmospheric concentration of CO<sub>2</sub> would increase by 25 percent, and argued that the increasing concentration was causing warming.<sup>3</sup>

The contribution of increased concentrations of CO<sub>2</sub> to climate change has been the subject of a broad international consensus for over 20 years. In 1988 the United Nations General Assembly adopted Resolution 43/53, 'Noting with concern that the emerging evidence indicates that continued growth in atmospheric concentrations of "greenhouse" gases could produce global warming with an eventual rise in sea levels, the effects of which could be disastrous for mankind if timely steps are not taken at all levels...'<sup>4</sup> Since the 1992 drafting of the United Nations Framework Convention on Climate Change (UNFCCC) there has been an international consensus that,

human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind...<sup>5</sup>

The final clause of the UNFCCC affirms that the parties are, 'Determined to protect the climate system for present and future generations...'<sup>6</sup>

Despite this international consensus, from the time of the 1988 resolution to the Kyoto Protocol in 2005 the global community failed to establish an international regulatory regime requiring any parties to reduce CO<sub>2</sub> emissions. Instead CO<sub>2</sub> emissions were treated largely as unregulated externalities of energy production and land use, which externalities were regulated, or not, under municipal environmental and property law. Under such institutional governance, it is hardly surprising that global CO<sub>2</sub> emissions steadily increased since in the absence of coordination each state is likely to continue to emit at present or increased rates in pursuit of its energy goals rather than pursue costly mitigation policies. In 1988, at the time of UN Resolution 43/53 global emissions totaled 20,998.04 Mt CO<sub>2</sub>; in 1992, when UNFCCC expressed a determination to protect the climate system, they were 21,246.75 Mt CO<sub>2</sub>; and by 2005 they were 28,192.74 Mt CO<sub>2</sub>.<sup>7</sup> This amounts to a 34 percent increase in emissions from 1988 to 2005, and nearly a 33 percent increase from 1992 to 2005 alone. Although land use—especially deforestation—is a significant cause of CO<sub>2</sub> emissions, well over 50 percent of emissions in 2000 were caused by burning fossil fuels.<sup>8</sup>

The current trend of increasing emissions risks grave danger. In its recent Fourth Assessment Report (AR4) the Intergovernmental Panel on Climate Change (IPCC) summarizes the observational evidence and concludes that between 1850 and 2005 there was an average increase in air temperature of 0.76°C, and that during the twentieth century sea levels rose by 0.17 m. The 155-year warming trend, the IPCC concludes, 'is *very likely* due to the observed increase in anthropogenic greenhouse gas concentrations.'<sup>9</sup> The AR4 also assesses the likelihood that anthropogenic influences have already caused a variety of climate changes. It judges as more likely than not that such influence is responsible for the greater frequency of heavy precipitation events, drought in various regions and an increase in tropical cyclone activity. The IPCC holds that, absent additional mitigation, it is likely that such events will continue into the twenty-first century.<sup>10</sup> According to the AR4, 'Projected climate change-related exposures are likely to affect the health status of millions of people, particularly those with low adaptive capacity...'<sup>11</sup> The report lists likely effects

across several health dimensions: Increased malnutrition, especially for children; increased deaths, disease and injury due heat waves, floods, storms and droughts; increased burden of diarrheal disease; increased frequency of cardio-respiratory disease and the altered spatial distribution of some infectious disease vectors. The IPCC predicts that by 2080, as a result of sea-level rise, millions more people will be flooded each year especially in the mega deltas of Africa and Asia and small low-lying islands. "Those densely-populated and low-lying areas where adaptive capacity is relatively low, and which already face other challenges such as tropical storms or local coastal subsistence, are especially at risk."<sup>12</sup>

The United Nations Development Programme's (UNDP) *Human Development Report 2007–2008* is wholly given over to the effects of climate change on the global poor. It discusses several aspects of the circumstances of persons in severe poverty that increase their risk for terrible consequences.<sup>13</sup> Droughts and heat waves will threaten the revenues and food security of dry-land farmers in sub-Saharan Africa, resulting in an *additional* 600 million persons facing acute malnutrition by the 2080s. Accelerated glacial melt in the Himalayas will initially produce flooding in northern China, India and Pakistan, but eventually reduce the flow of water available to major river systems for irrigation. Similar melting in Latin America will threaten water supplies for drinking, irrigation and the hydro-electricity generation. Rising sea levels will inundate low-lying areas of Bangladesh, Egypt and Vietnam. Globally 220–400 million people could be at increased risk for malaria, with exposure rates in sub-Saharan Africa increasing by 16–28 percent. In short, according the UNDP, climate change poses serious risks of not only of slowing the processes of human development but of major human development reversals—not only slowing the process of lifting billions out of misery, but of increasing the misery of millions.

### III

The disastrous consequences are not foregone conclusions. The climatic changes that would bring them about are anthropogenic; and at least some of them can be averted and others mitigated by our policy choices and institutional commitment. That it would be morally commendable to mitigate such immense suffering cannot credibly

be doubted. But is mitigation a humanitarian concern to distant needy strangers, which competes with other duties of beneficence for our scarce aid resources? Or is it a response to an injustice, which we ought not to fail to make, and which requires the reform and reconstruction of our regulatory institutions?

If one believes that coercive state institutions are a necessary condition of justice, as does Thomas Nagel, then given the absence of a global state our duties of mitigation are humanitarian in character. Alternatively, if one believes that a common national culture is required to give content to the requirements of egalitarian justice, as does David Miller, then any account of what justice requires by way of global climate change mitigation must be based upon a standard other than equality. Since the risk to which the global poor are exposed is due to an institutional failure to properly regulate CO<sub>2</sub>, even after there was broad international consensus that anthropogenic climate change is dangerous, it would be preposterous to maintain that the duties to mitigate climate change are not matters of global justice. And, since climate change affects persons around the globe, it would strain credibility to insist that egalitarian standards for governing the justice of regulatory institutions can be devised only from the norms of national political cultures.

In contrast to the limits placed upon an account of egalitarian global justice by Nagel and Miller, the account of the sufficient conditions of justice that I defended in Chapters 2 and 3 takes climate change mitigation as a matter of justice. That account maintains that duties of justice exist between persons who have a moral duty of equal respect if those persons are co-members in an association that is (1) relatively strong, (2) largely non-voluntary, (3) constitutive of a significant part of the background rules for the various relationships of their public lives and (4) governed by norms that can be subject to human control. With respect to (1), I held that an association is strong to the extent that it is (a) enduring, (b) comprehensively governed by institutional norms and (c) regularly affecting the highest order moral interests of the persons associated. With respect to (2), I held that an association is non-voluntary to the extent that there is no reasonable alternative to participating in the association.

CO<sub>2</sub> emissions enter into the atmosphere and disperse more or less evenly around the globe; unlike some other forms of air pollution, they do not concentrate locally. In effect, CO<sub>2</sub> emissions produce a global association of person affected by them. This is a



strong association. Indeed, it is intergenerational, stretching back to the dawn of the industrial revolution and forward into the foreseeable future. The association created by emissions has been governed in large part by market norms, which have permitted the emissions as externalities of economically productive activity and land use, but also by municipal environmental and property law, and the norms of state sovereignty, which grant states the right to set their own regulatory schemes.<sup>14</sup> The association affects highly important human interests in life, health, shelter and food and water security. This is an association that is non-voluntary for individuals; they simply have no alternative but to live with the atmospheric concentration of CO<sub>2</sub> and the effects that it has on the climate system. The association's effect on people's lives is pervasive. The norms governing CO<sub>2</sub> affect the production of capital and consumer goods, employment opportunities, land use and the important human interests just mentioned. These norms are subject to human control, as the existence of the Kyoto Protocol demonstrates, even though the political hurdles and collective action problems associated with exercising control are considerable.

There are good reasons to think, then, that the duty to mitigate climate change is a requirement of global social justice to the poor and vulnerable of the world who will either spend proportionally a great deal of their resources to protect their highly important interest by strategies of adaptation, or who will simply have insufficient resources to do so and suffer terribly as a result, or perhaps both. Justice requires a global regulatory scheme that serves to mitigate climate change. Indeed, an important effect of climate change is that it is transforming our response to 'natural' catastrophes from an ethics of rescue to a requirement of justice. Much of the confidence that we might have had that distant strangers plagued by drought, famine and flooding are the unfortunate victims of bad brute luck is unsustainable. Now the role of the human hand in bringing about their dire conditions cannot be ruled out. Acts of God are increasingly becoming overdetermined by acts of humanity.<sup>15</sup>

#### IV

Why, it might be pressed, does the problem of climate change require new global regulatory institutions? Why can't we rely on individual state leaders with appropriate knowledge of the moral situation

to establish their own state regulatory regimes, perhaps within the context of non-binding targets? Miller seems convinced that this is an appropriate response.<sup>16</sup> The lessons of history in this regard are not at all comforting. Recall that from the establishment of the UNFCCC in 1992, which did not include binding emissions reduction targets, till Kyoto went into force in 2005 CO<sub>2</sub> emissions increased by nearly 33 percent. In large part this is because CO<sub>2</sub> emissions result from normal economic activity. Even though there is a collective recognition of the problem increasing concentrations of CO<sub>2</sub>, leaders concerned about the economic well-being of their countries have no incentive to reduce emissions. In the absence of adopting additional mitigation strategies, emissions are projected to increase by an additional 40–110 percent between 2000 and 2030.<sup>17</sup> Moreover, two-thirds to three-quarters of the increase is expected to come from developing countries, where economic growth is highest.<sup>18</sup> In the absence of a coordinated global effort, that sanctions non-compliance and requires developed countries to incur significant costs, these developing countries can be fully expected to choose development over mitigation; and given the extent of misery caused by severe poverty, such a choice can hardly be condemned.

In addition to the lessons of history, an appreciation for the extent of emissions reductions required in order to mitigate appropriately

*Table 1* IPCC CO<sub>2</sub> stabilization targets

Atmospheric CO <sub>2</sub> concentrations in ppm	Peaking year for CO <sub>2</sub> emissions after which total emissions decline	Range of global average temperature increase above pre-industrial levels at temperature equilibrium in °C	Range of global average sea-level rise above pre-industrial levels at temperature equilibrium in meters	Change in CO <sub>2</sub> emissions in 2050 as percent of 2000 emissions
350–450	2000–2015	2.0–2.4	0.4–1.4	–85 to –50
400–440	2000–2020	2.4–2.8	0.5–1.7	–60 to –30
440–485	2010–2030	2.8–3.2	0.6–1.9	–30 to +5
485–570	2020–2060	3.2–4.0	0.6–2.4	+10 to +60
570–660	2050–2080	4.0–4.9	0.8–2.9	+25 to +85
660–790	2060–2090	4.9–6.1	1.0–3.7	+90 to +140

makes it seem exceedingly unlikely that the appropriate mitigation will occur in the absence of binding states to an enforceable emissions reduction treaty. This can be seen by observing the IPCC's scenarios for long-term climate change. In the AR4 the IPCC presents six different stabilization targets for CO<sub>2</sub> concentrations along with the range of likely long-term climatic effects and the required level of CO<sub>2</sub> emissions.<sup>19</sup>

Appreciating the relationship between the columns in Table 1 requires that several matters be elaborated. First, there are significant time lags in the climate system. CO<sub>2</sub> molecules are long-lived. Half of every ton emitted remains in the atmosphere hundreds, even thousands, of years. This is captured vividly by the UNDP:

[T]races of the CO<sub>2</sub> released when the first coal-powered steam engines designed by John Newcomen were operating in the 18th Century are still in the atmosphere. So are the traces of the emissions generated by the world's first coal-fired power station, designed by Thomas Edison and opened in lower Manhattan in 1882.<sup>20</sup>

Thus, the concentration of CO<sub>2</sub> in the atmosphere will continue to increase for some time after emissions have reached their peak. Additionally, the climate system—including global mean temperatures and sea levels—will continue to be affected even after concentrations have stabilized. With respect to achieving temperature equilibrium, AR4 states that, 'Approaching equilibrium can take several centuries, especially for scenarios with higher levels of stabilisation [of concentrations].'<sup>21</sup> Thermal expansion of the seas and melting of glaciers and ice can continue even after temperatures have equilibrated.

Thermal expansion would continue for many centuries after GHG [green house gases] concentrations have stabilised, for any of the stabilisation levels assessed, causing an eventual sea level rise much larger than projected for the 21<sup>st</sup> century. . . . The long time scales of thermal expansion and ice sheet response to warming imply that stabilization of GHG concentrations at or above present levels would not stabilize sea level for many centuries.<sup>22</sup>

Additionally, the range and instances of uncertainty lurking behind the numbers in the columns need to be appreciated. One matter of uncertainty concerns the equilibrium level of average surface warming that would be produced by doubling (from pre-industrial levels) the concentrations of CO<sub>2</sub> in the atmosphere; this relation between average surface warming and the doubling of concentrations is referred to as *climate sensitivity*. The AR4 holds that climate sensitivity is likely to be in the range of 2–4.5°C, with its best estimate being 3°C.<sup>23</sup> Uncertainty about climate sensitivity is the basis for uncertainty about the relationship between the values in column one and in column three of Table 1. Climate sensitivity uncertainty necessarily extends to the thermal expansion of the seas at that concentration level; this results in uncertainty regarding the relationship between the values in column one and column four.

Because the dynamics of ice sheet collapse are also not well understood by climate scientists, the estimates of sea-level rise in column four exclude any contribution to sea levels from ice sheet collapse. The estimates could then be significantly low. The uncertainty of climate sensitivity and of the dynamics of ice sheet melting along with the fact that the time scale is enormous all combine to produce a disconcerting degree of uncertainty about long-term sea-level rise.

[T]he risk of additional contributions to sea level rise from both the Greenland and possibly the Antarctic ice sheets may be larger than projected by the ice sheet models and could occur on century time scales. This is because ice dynamical processes seen in recent observations but not fully included in ice sheet models assessed in AR4 could increase the rate of ice loss. Complete deglaciation of the Greenland ice sheet would raise sea level by 7 m and could be irreversible.<sup>24</sup>

Given the present state of climate science there is no way to escape these uncertainties.

A full discussion of what constitutes appropriate mitigation involves philosophically complicated matters of intergenerational justice since the time scale of the effects of climate change is in centuries. For present purposes it is best to set such matters aside in order to maintain our focus on understanding the requirements of global justice due to climate change.<sup>25</sup> Instead of a fully justified

philosophical account of what present generations must do to mitigate climate change on behalf of future generations, most mitigation policy has proceeded on an understanding of Article 2 of the UNFCCC, the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”<sup>26</sup> The standard of *dangerous* is, of course, both vague and value-laden. How great must the probability be? Who must be at risk? How severe must the effects be? Who decides? The UNDP and the European Union (EU) endorse the goal of halting warming at 2°C over preindustrial levels in order to avoid dangerous climate change.<sup>27</sup> This judgment makes normative assumptions about what constitutes dangerous change, and is plagued by the uncertainty associated with climate sensitivity.

As Table 1 indicates, the IPCC view is that halting warming at 2°C probably requires stabilizing CO<sub>2</sub> concentration levels in the range of 350 to 450 ppm. This is a very ambitious target. Recall that the levels in 2005 were 379 ppm and rising by 1.8 ppm per. Table 1 also states IPCC projection that achieving concentrations in this range requires reductions in overall CO<sub>2</sub> emissions from 50 to 85 percent by 2050. The EU is committed to the goal of 20 percent reductions by 2020, currently the most ambitious commitment to emissions reductions by any governing body. But this might not be ambitious enough to achieve the 2°C warming limit. Some climate scientists argue that if the climate sensitivity is 3.5°C (only 0.5°C higher than the IPCC’s best estimate), achieving the 2°C warming limit would require global emissions to decline to 0 by 2020.<sup>28</sup>

The IPCC scenarios give good reason to believe that extremely deep reductions in CO<sub>2</sub> emissions will be needed to avoid dangerous climate change. This will be burdensome and costly. The history of emissions growth prior to the UNFCCC adopting the Kyoto Protocol makes it unrealistic to expect that states will assume the necessary burdens in an uncoordinated and wholly voluntary manner.

## V

For the purposes of discussing the distribution of intra-generational, or global, burdens of meeting the demands of mitigation, I accept the UNDP and EU goal of limiting temperature increase to 2°C increase by 2050 as the appropriate response to the threat of dangerous

climate change. Other temperature goals have been considered by climate experts.<sup>29</sup> There are two considerations in favor of the 2°C goal. One is risk aversion. The prospect of saving several million people from the miseries of disease, draught and flooding must weigh heavily in any judgment of the temperature goal. The second is that it has significant international legitimacy. Little that is practically relevant will be gained by moral arguments of proposals that are not within the range of international negotiations.

The 2°C goal is, however, daunting, given the global emissions reductions required. Many reasonable people judge it to be too ambitious; and this might be the correct judgment. But it is important to understand that such a judgment is a moral one, not merely a technical one. Judging that the goal of limiting temperature increase to no more than 2°C is too ambitious amounts to affirming that the costs that that limit would impose on persons for the next several decades outweigh the risks that a higher target poses for persons over the course of the next several centuries.

In this section, I consider the merits of various principles for the assignment of emissions reductions to meet the 2°C goal. I do this first according to the more optimistic scenario that by 2050 *only* a 50 percent reduction in global CO<sub>2</sub> emissions from 2000 levels would be required. Then I consider an 85 percent reduction scenario.

I begin by considering the following principle:

**Equal Amounts:** Each state is required to limit its emissions by an amount equal to that of all other states' reductions.

Equal Amounts is rejected on grounds of impossibility, not moral inappropriateness. According to the US Energy Information Administration (EIA) in 2000 global CO<sub>2</sub> emissions from the consumption of energy was 23,751.01 Mt CO<sub>2</sub>.<sup>30</sup> The goal of halving that would require cutting emissions by 11,875.51 Mt CO<sub>2</sub>. The EIA has year 2000 data for 208 countries.<sup>31</sup> Dividing the global net reduction by the number of countries, we arrive at a per country reduction requirement of 57.1 Mt CO<sub>2</sub>. This would be a reduction requirement greater than the present (2005 is the most recent year for data) emissions of 159 countries, 76 percent of those in the EIA data set.<sup>32</sup> Hence, the first principle makes an impossible demand on over three-quarters of the countries.<sup>33</sup>

Moral considerations, however, predominate in the rest of this discussion, as we see when considering the next principle.

**Equal Percentages:** Each state is required to limit its emissions by a percentage equal to that of all other states' reductions.

There is nothing contradictory about requiring each state to reduce its CO<sub>2</sub> emissions by 50 percent. But such a requirement places an unreasonable demand on poor people in underdeveloped and developing countries. Driven by economic and population growth, total electricity consumption in Non-OCED countries is projected to double between 2005 and 2050 and with this comes increased CO<sub>2</sub> emissions.<sup>34</sup> Currently, approximately 1.6 billion people in the world lack access to electricity.<sup>35</sup> Unequal access to modern energy sources results in inequalities of opportunity for health, economic advancement, and other goods. The Human Development Report 2007–2008 reports that the indoor pollution caused by the burning of wood and animal dung—because of a lack of electricity—results in 1.5 million deaths per year, mostly children under the age of 5, exceeding the number of deaths from malaria and rivaling those from tuberculosis.<sup>36</sup> The Report continues, 'Electrification is often associated with advances in health status. For example, in Bangladesh, rural electrification is estimated to increase income by 11 percent—and to avert 25 child deaths for every 1000 households connected.'<sup>37</sup>

In 2000 in Bangladesh an average of 0.22 Mt CO<sub>2</sub> per person was emitted, compared to over 20 Mt in the USA.<sup>38</sup> Were Bangladesh to halve its total emissions, its per capita CO<sub>2</sub> emissions would be merely 0.11 Mt, an amount that given current technological capacity would ensure its persistent underdevelopment. The proposal for cutting emissions by 50 percent in underdeveloped and developing countries would result in delaying or even reversing rural electrification because electricity generation in much of the underdeveloped world is reliant on the use of coal facilities. Henry Shue offers a compelling moral reason to reject of any such a proposal: '[T]hose living in desperate poverty ought not to be required to restrain their emissions, thereby remaining in poverty, in order that those living in luxury should not have to restrain their emissions... Any strategy of maintaining affluence for some people by keeping other people at or below subsistence is, I take it, patently unfair because so extraordinarily unequal—intolerably unequal.'<sup>39</sup>

The argument based on fairness is strong. But there is another important argument based on legitimacy. The UNFCCC establishes several constraints on the legitimacy of any climate agreement. One constraint is that an arrangement must not inhibit the capacity of states to develop. In its preamble the UNFCCC affirms that, ‘that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty...’<sup>40</sup> And Article 3 states that, ‘The Parties have a right to, and should, promote sustainable development.’<sup>41</sup> Insofar as the UNFCCC is *the* framework in which an international climate change treaty must be negotiated, no proposal can be legitimate that fails to observe its norms. But Equal Percentages would require emissions reductions in underdeveloped countries that are blatantly contrary to the accepted upon right to development.

Two additional UNFCCC norms are important in the discussion of the legitimacy of principles. These are the requirements to recognize differentiated responsibilities and capabilities. Article 3 states that Parties must negotiate climate change policy ‘on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities.’<sup>42</sup> The language here is vague, but the distinction between responsibility and capability seems to involve distinguishing between agents who bring about an outcome and agents with the resources required to remediate the outcome.<sup>43</sup> The UNFCCC seems to be recognizing that these are differentiated in the sense that not all states are equal contributors to the outcome and not all are equally able to fix it.

Next consider the following principle:

**Equal Burdens:** Each state is required to reduce its emissions by a share of the burden of the overall emissions reductions that is equal to the burden of every other state.

A version of Equal Burdens is defended by Martino Traxler as the fairest assignment of the burdens of reducing CO<sub>2</sub> emissions.<sup>44</sup> Traxler argues that a treaty should equalize the burdens of emissions reductions—rather than the amount or percent of reductions—across states.<sup>45</sup> Equalizing the burden is equivalent to equalizing the



marginal disutility of compliance. So, the proposal also maximizes utility although Traxler does not defend it on that ground. Traxler's account of the proposal is expressed in terms of equalizing of the opportunity costs of compliance. On the face of it this is an attractive idea. When asked to carry a burden, and guided by the idea of equality, it seems plausible that the burdens should be equalized, if all other things between parties are equal. The idea is that the opportunity that one party foregoes in sharing the burden should be no greater than the opportunity that another forgoes in sharing in the burden.

To see how this would work it might help to imagine a simple example from another context rather than the complicated world of climate treaty negotiations about CO<sub>2</sub> emissions. Two people must share the burden of repairing the building in which they live. This costs 20. According to Traxler, this principle holds that their contribution should be based on the opportunities that they forgo by contributing. In particular those forgone opportunities should be equalized. Millie is rich with 40 and Dolly is poor with 10. Due to her poverty, Dolly would forgo enormous opportunities if she contributes more than 1. Suppose that the value to Dolly of her lost opportunities when she pays 1 is about equal to the value to Millie of her lost the opportunities when she pays 19. Happily, they can agree to a distribution of burdens, then, that leaves Dolly with 9 and Millie with 21 after making the repairs. Such a distribution of the burden of payment seems to respect the differentiated capacities of Millie and Dolly. From each according to her ability.

Traxler argues that the proposal is also attractive on important pragmatic grounds: It gives each state 'no stronger reason to defect from doing its (fair) share than it gives any other...'<sup>46</sup> According to Traxler, the principle equalizes reasons for defection, if the following three conditions are met: 1) It is publicly known that each state is carrying a burden identical to that of every other; 2) cooperation and detection can be publicly monitored and 3) each state is satisfied that the burdens are equal. As long as the accounting is clear between Millie and Dolly and they understand the equality of their burdens, neither has more reason to complain than the other.

Despite the attractions of this proposal there are significant moral and pragmatic problems with it. First consider three moral problems. One is that the proposal assumes present holdings as the

moral benchmark against which to equalize burdens. Present holdings establish present opportunities and therefore the opportunities that will be lost if the burden is carried. But if the background is one of injustice, if the holdings are not necessarily justly held, this benchmark loses its credibility. If rather than paying for common provisions, Millie and Dolly are repaying a debt incurred by a crime that they committed, it seems implausible to endow their present holdings with the moral authority to set their contribution levels. Perhaps, for example, Millie was far more involved in the crime and benefited much more from it. In the case climate change mitigation, given the failure to reduce CO<sub>2</sub> emissions over a 20-year period in which the international consensus was that they should be reduced for the sake of future generations, it is not unreasonable to take current emissions as unjustly high in the aggregate. They are increasing CO<sub>2</sub> concentrations at a rate that for decades has been understood as productive of significant suffering for future generations. If it is the case that present emissions levels are generationally unjust, it is inappropriate to treat the various emissions levels of the various states as the unquestioned benchmark against which a burden is measured. In other words, under background conditions of injustice differentiated responsibility might appropriately play a role in establishing payment.

There is another related moral problem with the proposal, one which Traxler is aware of and ready with a response. Equal Burdens can in principle weigh the losses of luxuries to the rich more heavily than the loss of essentials to the poor. Rich states might not be asked to forego expenditures on matters such as healthcare research for restoring hair loss or erasing facial wrinkles since such research is very expensive. If opportunities lost are measured by their market value, then the loss of funds for cosmetic research could amount to greater opportunities foregone than the loss of funds for the provision of primary medical care, even if we take into consideration decreasing marginal utility. Equalizing opportunity costs, then, could in principle require poor countries to forgo comparatively inexpensive essentials, rather than rich countries forgoing expensive luxuries. There is no guarantee then that the proposal respects the right to development.

As mentioned above, Traxler is aware of this problem. He responds to it by asserting that a non-welfarist conception of well-being,

such as Amartya Sen's capabilities conception, could be employed instead of the market value of the opportunity cost, and that some such non-welfarist conception could be agreed upon in international negotiations.<sup>47</sup> The idea, presumably, would be to equalize the marginal loss of average (non-welfarist) well-being across states participating in the mitigation scheme. A proponent of this view might claim that burdens are equal if they result in equal marginal losses to a country's Human Development Index (HDI).<sup>48</sup> But it is implausible to believe that equality is best served by Sierra Leone, in last place on the 2007–2008 rankings, losing an HDI value equal to that of first-ranked Iceland.<sup>49</sup> This implausibility also casts doubt on the larger project of seeking to equalize marginal losses to well-being among very unequal parties. For the problem in the example is not the particular measure used, the HDI, but that desperately poor parties should be subject to losses of well-being, however construed, that are equal to very rich parties.

Finally, the third moral problem with Equal Burdens is related to the preceding argument. Equal Burdens requires all countries, even the underdeveloped ones, to share some part of the burden—it is after all burdens that are equalized—of reducing CO<sub>2</sub> emissions. But recall Shue's point that it is unfair to ask very poor countries to pay costs that would reduce the progress they are making in developing in order to maintain more privileged lifestyles in developed countries. This is the point of asserting a right to development. In order to permit development in poor underdeveloped countries *and* achieve the 50 percent in overall emissions, states with a high degree of social and economic development will have to reduce their emissions by much more than 50 percent in order to allow for both lesser reductions in developing countries and even increases in emissions in the least developed countries. This is the only morally plausible interpretation of the right to development in the climate change mitigation context. Equalizing marginal *losses* to well-being, however measured, is incompatible with allowing some countries to *increase* their emissions.

Consider the pragmatic advantages that Traxler attributes to his proposal. Recall that he argues that no state would have greater reason than any other to defect if 1) it is publicly known that each state is carrying a burden identical to that of every other, 2) cooperation and detection can be publicly monitored and 3) each state

is satisfied that the burdens are equal. But the first and third of these conditions seem exceedingly hard to satisfy in light of the moral problems presented above. If there is significant controversy about what constitutes human well-being, then it is unlikely to be widely agreed publicly that states are sharing equal marginal losses to their average well-being, and it is unlikely that states themselves will be satisfied that they are experiencing equal losses. Moreover, relying on international negotiations, in a world marked by huge inequalities in wealth and power, seems like a very unreliable way to arrive at a non-controversial measure of well-being. Hence, Equal Burdens is implausible on both moral and pragmatic grounds.

Let's consider a fourth principle.

**Polluter Pays:** Each state is required to reduce its emissions in proportion to its historic contribution to the global excess in emissions.

The distinguishing feature of this principle is that it assigns responsibility for emissions reduction in proportion to fault. There is considerable *prima facie* plausibility to a fault-based principle. In part this is due to the existence of the UNFCCC norm of differentiated responsibility. But the plausibility goes deeper: The content of the norm itself is plausible. Since the goal is a reduction of CO<sub>2</sub> emissions, the idea that recent and present generations are at fault for exceeding sustainable emissions seems plausible, given that there has been international consensus going back to the 1988 United Nations General Assembly Resolution 43/53 that emissions reductions are needed. But overall emissions have continued to grow. If it seems plausible that fault is appropriate generally, then it also plausible that a proportional division of fault is appropriate.

Polluter Pays, however, distributes the burden of emissions reductions without any distribution of permissions for emission increases. Where there is no significant contribution to the problem, presumably emissions reductions would be zero, but there would be no positive allotment for emissions growth either. As I argued above, with respect to Equal Burdens, a principle that does not permit emissions growth in underdeveloped states is incompatible with the right to development. This, then, renders Polluter Pays implausible.

It is worth considering whether there is a modified version of Polluter Pays, one that provides permission for poor countries to emit

in the process of development could be more plausible. Here is one version of such a principle:

**Modified Polluter Pays:** Each state that is required to reduce its emissions must reduce them in proportion to its historic contribution to the global excess in emissions, but the overall reduction required of each of these states is sufficient to offset emissions increases by poorer states.

This principle has several advantages. It seems to conform to all three UNFCCC norms requiring the respect for the right to development and assigning burdens on the basis of differentiated responsibility and capability. It, therefore, merits serious consideration.

The question to consider with respect to Modified Polluter Pays is whether there is a non-ad hoc way to make the distinction between states that must reduce and states whose emissions may grow. The Kyoto Protocol does this by distinguishing between Annex-1 and non-Annex-1 countries as developed in UNFCCC.<sup>50</sup> In order to allow subsequent admission into the Annex-1 group, so as to include more countries in the group required to make reductions after they achieve a threshold of development, Modified Polluter Pays might be understood as requiring countries to begin reducing once they reach the level of per capita emissions of the Annex-1 country with the least per capita emissions. But that seems arbitrary insofar as it is development that Modified Polluter Pays is meant to allow, not emissions for the sake of emissions. Instead, then, perhaps the principle could be understood as permitting countries unlimited emissions until they reach the UNDP's threshold of a high human development, which is an HDI of 0.800. As of 2008 this is a group of 70 countries, a much larger set than the 38 Annex-1 countries.<sup>51</sup> In other words, the suggestion would be to assign all of the reductions to members of the high human development group, and allow unchecked emissions in those countries outside of this group. This second suggestion has two problems. First, it loses grip on the original motivation for the proposal to assign reductions on the basis of fault. For example, at rank 70 Brazil, with an HDI of 0.800 just makes it into the high human development group. But Brazil's total and per capita emissions of CO<sub>2</sub> are comparatively low; in 2005 they were 360.57 million Mt and 1.94 Mt. Second, the suggestion suffers from the defect of false non-arbitrariness. After all, why draw the line between high and medium

human development at the index of 0.800 rather than 0.799? These two considerations compound when we compare Brazil to St. Lucia, with an HDI of 0.795 and a rank of 72. St. Lucia is nearly at the top of the medium Human Development group but has higher per capita CO<sub>2</sub> emissions, 2.22, than Brazil. Or compare Brazil to China, near the top of the medium development group, with an HDI of 0.777 and a rank of 81, with perhaps the highest total emissions in the world.

It seems unlikely that any principle that would distinguish those states that must reduce their emissions from those whose emissions may grow—in order to permit development—can survive the charge of being ad hoc if the point is to assign responsibility for reductions on the basis of fault. This has both moral and pragmatic implications. Insofar as the principle would assign development benefits and burdens arbitrarily it contains an injustice. Moreover, insofar as it is reasonably suspected of doing this it will be unable serve well as the basis of an international agreement between parties who are willing to accept burdens only if they are part of a just overall commitment to global reductions. Despite the initial strong plausibility of principle Modified Polluter Pays, it seems unlikely to be able to overcome the charge of being ad hoc when it comes to making its crucial distinction between those states that are allowed to increase emissions and those are required to reduce them.

A fourth principle is the following:

**Equal Shares:** Each state is required to reduce its emissions to the level that is attained by multiplying its 2050 forecasted population by the average per capita emission permissible given the global reduction required.

The idea behind Equal Shares is sometimes characterized as the contract and converge principle.<sup>52</sup> When assigning per capita burdens an incentive for states to increase their populations in order to increase total emissions allotment can be avoided by indexing the allotment to the population at a particular year. Peter Singer argues sensibly that the year should be approximately 50 years in the future rather than present or the recent past so as not to place heavier burdens on states that presently have populations that are younger than average (something that cannot now be changed by policy) and can therefore

be expected to grow more quickly.<sup>53</sup> I do this here using a projection of the global population in 2050.

Assigning burdens on an equal per capita basis is a plausible interpretation of what equality requires with respect to the use of a common resource to which no one can claim a natural or pre-existing individual entitlement. I argue below that it also goes further than the other principles toward satisfying the norms of the UNFCCC. And finally it has pragmatic appeal. For it undercuts the claims that a state is being asked to take on heavier responsibilities than others; states are treated on an equal per capita basis.

The per capita amount is the product of halving the year 2000 total emissions and dividing that by the projected 2050 global population. This number is then multiplied by the projected population of a given state to get its total emissions allotment. The US Census Bureau projects global population in 2050 to be 9,538,988,263.<sup>54</sup> Half the total CO<sub>2</sub> emissions for 2000 is 11,875.51 million Mt CO<sub>2</sub>. Using these numbers, the 2050 average per capita CO<sub>2</sub> emissions should be 1.24 Mt CO<sub>2</sub>. I use the year 2000 as the reference year for reductions simply to conform to the analysis of the AR4. I have no deeper commitment to the appropriateness of using that year.

In light of the criticisms that I have pressed against Equal Percentages, Equal Burdens and Polluter Pays, the demands of this view on developing and underdeveloped countries must be assessed. What sort of permission for increased emissions does a 1.24 Mt CO<sub>2</sub> per capita limit establish? Consider the example of Bangladesh mentioned above. The 2005 per capita emissions for Bangladesh were 0.28 Mt CO<sub>2</sub>.<sup>55</sup> A 1.24 Mt CO<sub>2</sub> per capita limit would allow for per capita emissions in Bangladesh in 2050 that were 4.5 times those of 2005. The 2005 per capita CO<sub>2</sub> emissions for India were 1.07 Mt.<sup>56</sup> India would, then, be allowed just under a 20 percent emissions increase between 2005 and 2050. But several developing countries would be required to reduce their emissions by 2050. Brazil's 2005 emissions were 1.94 Mt CO<sub>2</sub>; St. Lucia's were 2.22 Mt CO<sub>2</sub> and China's were 4.07 Mt CO<sub>2</sub>, over three times the limit allowed by 2050.<sup>57</sup> The biggest hits, of course, go to those states in which per capita CO<sub>2</sub> emissions are now comparatively high. The USA's 2005 per capita emissions were 20.14 Mt CO<sub>2</sub>. According to these requirements, then, the USA would have to reduce its emissions by nearly 94 percent by 2050.

Insofar as CO<sub>2</sub> emissions strongly correlate with wealth production, by assigning the biggest reductions to the largest per capita producers, Equal Shares can plausibly be seen as conforming to the norms of both differentiated responsibility and capability. Moreover, to the extent that it gives permission to increase emissions to states that are below the 2050 per capita requirements, it accommodates, in part at least, the right to development.

The requirement that some states carry out large emissions reductions from year 2000 levels by 2050 is somewhat softened by three considerations. First, scenarios for the stabilization of CO<sub>2</sub> concentrations do not require immediate global CO<sub>2</sub> emissions reductions in all states. Global emissions must, however, peak by about 2015 according to IPCC scenarios of keeping warming under 2°C. Second, Equal Shares is consistent with a market in emissions permits. States for which it would be more efficient to emit less than their target and sell the remaining entitlement could be permitted to do so to states for which it would be more cost-effective to purchase the entitlement than to cut emissions more. Since CO<sub>2</sub> dissipates uniformly in the atmosphere, it is appropriate to attend to meeting the global reduction target rather than the target of any individual state; and a trading scheme is consistent with that. For underdeveloped states with very low per capita emissions, such sales could also significantly augment their treasury. And third, since the goal is a global reduction, it could be permissible for states to earn credit against their target by investing abroad in a way that lowers emissions elsewhere, just so long as this reduction is not double-counted as reduction both for the investing and host country. This could be a more cost-effective manner for some states to achieve their required reductions. Such institutional mechanisms also augment the capacity of Equal Shares to satisfy the right to development.

The analysis above of the demands of Equal Shares in conjunction with a 2°C warming limit makes the optimistic assumption that such a warming limit requires *only* a 50 percent reduction in emissions. The IPCC's projected reduction range for that warming limit extends to 85 percent. The IPCC associates an 85 percent reduction in emissions with an atmospheric concentration target of 350 ppm. Recently, James Hansen has argued the 350 ppm target is the most realistic one 'to maintain the climate to which humanity, wildlife, and the rest of the biosphere are adapted.'<sup>58</sup> An 85 percent reduction of year 2000



emissions, divided by the 2050 projected population, yields a per capita emissions limit of 0.37 Mt CO<sub>2</sub>. All of the 40 countries which had per capita emissions that were less than this limit in 2000 were in the bottom half of UNDP's HDI.<sup>59</sup> It is doubtful then that Equal Shares could satisfy the UNFCCC norm of a right to development if meeting the goal of limiting warming to 2°C requires an overall emissions reduction of 85 percent. For then Equal Shares would require emissions reductions of 99 percent in the USA, but 65 percent in India, 81 percent in Brazil and 91 percent in China by mid century.

If avoiding dangerous climate change requires limiting warming to 2°C, and if meeting that limit requires *reducing* atmospheric concentrations of CO<sub>2</sub> by more than would be achieved by means of a 50 percent emissions reduction, then in order to satisfy the UNFCCC norm of right to development even greater reductions of CO<sub>2</sub> emissions must be made by developed industrialized countries, in order to relax the demands placed on developing and underdeveloped countries. In light of this it is useful to consider a fifth principle, developed by Paul Baer, Tom Athanasiou, Sivan Kartha and Eric Kemp-Benedict. They develop it for the goal of keeping atmospheric concentration of CO<sub>2</sub> under 420 ppm, according to the assumption that doing so requires a reduction of emissions of 80 percent below 1990 levels.<sup>60</sup>

**Greenhouse Development Rights:** Each state is assigned an emissions entitlement that is a function of both its responsibility—taken to be its total emissions minus the total of those arising from productive activity under a development threshold—and its capacity—understood as its aggregate income minus the aggregate of people below a development threshold.

My statement of the Greenhouse Development Rights principle is deliberately general. In fact, however, its authors advocate a specific development threshold, a particular time period for assessing responsibility for emissions, and a weight for both responsibility and capacity. They take the development threshold to be a personal annual income of \$7,500 PPP, the time period of responsibility to be 1990 to 2005, and the weight of responsibility and capacity to be equal. The general framework can, however, accommodate different amounts for the development threshold, modifications to the time

frame and alternative weightings of the two factors. I shall refer, however, to the authors' specific interpretation of the principle simply as *the Greenhouse Development Rights principle*. I believe that the Greenhouse Development Rights principle merits serious consideration that includes an assessment of the general framework, independent of the authors' specific interpretation, but that assessment is beyond the purposes of this chapter.

The product of multiplying the responsibility factor by the capacity factor (in both cases minus the portion of the population below the development threshold) is the Responsibility–Capacity Index (RCI) or the share, as a percent of the total, that each state must contribute to the global emissions reduction required. The Greenhouse Development Rights principle assigns the USA an RCI of 33.1 for 2010, decreasing to 25.5 by 2030. For China these are 5.5 and 15.2, for India 0.5 and 2.3.<sup>61</sup> This is a plausible interpretation of the UNFCCC norms differentiated responsibilities and capacities.

The chief virtue of Greenhouse Development Rights is that, by means of subtracting the development threshold from both the capacity and responsibility factors, it is capable of satisfying *both* the UNFCCC norm of the right to development and the 2°C warming limit even if the latter requires overall reductions larger than 50 percent. Of course, it accommodates both of these desiderata by requiring even larger emissions reductions in rich industrialized countries than Equal Shares requires. While China is allowed to increase by 2030 its emissions nearly threefold above 1990 levels, and India nearly three-and-one-half fold, the USA is required to reduce its emissions by about 120 percent less than its 1990 levels, and the EU is required to reduce by nearly 140 percent. The practical force of the negative emissions requirement is that the USA and EU must steeply reduce their domestic emissions and contribute to emissions reductions in other countries in order to achieve their total emissions reductions requirements.

The emissions reduction demands of Greenhouse Development Rights on rich industrialized countries are onerous indeed. If, however, there is sufficient reason to believe that a *mere* 50 percent global emissions reduction is inadequate for remaining within the 2°C warming limit, then the reductions required by the Equal Shares principle to remain within that limit will be unlikely to satisfy the right to development. Another alternative would be an international

agreement relaxing 2°C threshold in order to allow rich industrialized countries to emit more CO<sub>2</sub>. For example the IPCC projects that global warming might be kept under 3°C by global emissions in the range of 30 percent less to 5 percent more than 2000 levels. It might be thought that an international agreement could simply be purchased at the price of increasing the warming limit. But a climate treaty based on a higher limit, say 3°C, is one that is more permissive of the risks caused by warming, these include the suffering and deaths of hundreds of millions of people caused by inundation due to river flooding and sea-level rise, hunger and famine due to droughts, and increased incidence of tropical disease. Events like these befalling underdeveloped and developing countries would constitute serious human development set-backs. So, increasing the warming limit to bring rich industrialized countries into an agreement, poses significant risks to development. If a 50 percent global reduction is insufficient, there may be no way for an agreement to satisfy the right to development without making very heavy demands on rich industrialized states.

## VI

Currently the international community is discussing the regulatory framework to replace the Kyoto Protocol after 2012. A 2007 conference of the parties to the UNFCCC in Bali agreed upon a Road Map, which contains an Action Plan that establishes the Ad Hoc Working Group on Long-term Cooperative Action.<sup>62</sup> The Ad Hoc Working Group is tasked with developing 'A shared vision for long-term cooperative action, including a long-term global goal for emissions reductions...' as well as a plan of action that includes both 'Measurable, reportable, and verifiable nationally appropriate mitigation commitments of action, including quantified emission limitation and reduction objectives, by all developed country Parties...' and 'Nationally appropriate mitigation actions by developing country Parties in the context of sustainable development.'<sup>63</sup>

The discussion of the principles in the previous section, I trust, makes it clear that achieving agreement on a plan that includes specific reductions from specific countries will be very difficult. The USA has refused to ratify the Kyoto Protocol; and it has per capita emissions of over 20 MtCO<sub>2</sub>. Meanwhile China's economy is growing very

fast, and it is achieving remarkable development gains. Although currently China's per capita emissions are only about 25 percent of the USA, they are more than what would be permitted by Equal Shares.

The possible proposals that UNFCCC's Ad Hoc Working Group could make seem to fall into one of three categories: (A) An emissions reduction regime that is sufficiently demanding of global reductions to be reasonably likely to satisfy the norm of avoiding dangerous climate change, but that is insufficiently permissive of emissions in underdeveloped and develop countries to be able to satisfy the right to development; (B) an emissions reduction regime that is sufficiently demanding of global reductions to be reasonably likely to satisfy the norm of avoiding dangerous climate change, and that is sufficiently permissive of emissions in underdeveloped and develop countries to satisfy the right to development and (C) an emissions reduction regime that is sufficiently permissive of emissions in underdeveloped and develop countries to satisfy the right to development, but that insufficiently demanding of global reductions to be reasonably likely to satisfy the norm of avoiding dangerous climate change.

Two aspects of the conditions of the richest countries lend them strategic bargaining advantages that could make an agreement on a proposal of type (A) seem most likely. These are their geographic location and their greater capacity to fund adaptation. The USA and EU will not suffer many of the worst effects of droughts and even sea-level rise. Moreover, the wealthiest countries have much greater means to develop infrastructural plans for adapting to climate change. Wealthy countries might then decide that it is in their interest to forego a strong international agreement and spend on adaptation instead, or at least to pose the credible threat of doing so. Such threats could make weaker and poorer countries more willing to accept a proposal of type (A). At the 2007 UNFCCC talks in Bali it is not so surprising that the USA sought once again to avoid language about binding limits. Although as a party to the UNFCCC, the USA has affirmed 'the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,'<sup>64</sup> there is little in the recent history of its approach to international climate change negotiations to suggest that it would let such an affirmation stand in the way of its pursuit of exacting concessions from others.

In contrast to the sober analysis of the previous paragraph, some see reason to hope. As long as the countries of developed world see the point of reaching an effective mitigation agreement, they will be eager to draw in the countries of the developing world, especially those with large and quickly growing economies producing a great deal of CO<sub>2</sub>. This gives at least some developing countries more bargaining power than they would have in other kinds of negotiations in which their participation is less needed. The Annex-1 countries, for example, need the participation of China for there to be any meaningful path toward a global emissions reduction. Some observers of the situation take this to be a reason for optimism that an agreement on a proposal of type (B) could be achieved.<sup>65</sup> According to the optimists, climate change fundamentally re-alter global power relations, making realistic the possibility of more just global institutions.

The hopeful conclusion is not, however, the only one that could be drawn from the analysis above. A reason for tempering the optimism derives from a structural feature of the negotiations, which by metaphysical necessity renders members of distant future generations unable to veto proposals of type (C). But representatives of states that would be made to carry significant burdens are at the table to veto proposals of type (A) and (B).<sup>66</sup> Given the heavy global burden of the proposals most likely to avert dangerous climate, there might be significant pressure on the Ad Hoc Working Group to produce a proposal of type (C).

Indeed the threats to both global and intergenerational justice that an agreement of type (C) pose could well be the ones that we should most guard against. If the negotiators take their responsibility to be the pursuit the interests of their populations within a fairly limited time horizon, there may be considerable pressure toward an agreement of type (C). It is not, however, a foregone conclusion that this is how they will conceive their mandate. A lively sense of justice in the minds of citizens in countries in which the popular will can be given voice could produce sufficient pressure on the negotiators for them to change their understanding of their role to include serving the interests of future generations.

# 7

## Global Distributive Institutions

### I

In Chapter 3, I offered a *pro tanto* argument to the conclusion that the intuitions of the global economic association that are permissive of deep inequalities are unjust. The global economic association is a common good association whose rules fail to treat persons as equals, and this failure is not justified by any of the following four reasons: (1) Some persons deserve to have their interests treated less well because of something they have done to harm the interests of others; (2) some persons voluntarily consent to lesser realization of their interests or to taking certain risks of this outcome; (3) differences in morally relevant needs require more resources to those persons who in fact have more or (4) offering incentives that produce differential outcomes benefit everyone in comparison to their condition under equality. The failure cannot then be reasonably accepted by those who are treated unequally under its rules. In order for the inequalities of the global economic association to be just, respect for human dignity requires that they be reasonably accepted because the global economic association is a common good association, which is relatively strong, largely non-voluntary, constitutive of a significant part of the background rules for the various relationships of persons' public lives and governed by norms that can be subject to human control. It is appropriate to hold the association to the *prima facie* standard of equality under its rules. And, in light of the kind of common good association that it is, the requirement of equal treatment is properly understood as a requirement of reciprocity.

In this chapter, I discuss some possible institutional changes to the existing global institutional order that might be appropriate in light of the injustice of global inequality. Identifying institutions that reduce global inequality, without unreasonable moral costs, would be significant because it would complete the argument that existing inequalities are unjust and would provide guidance in eradicating the injustice.

One might naturally think that the injustice justifies new global institutions that reduce the inequalities. Not everyone agrees however. Some of the disagreement is due to a belief that egalitarian distributive institutions would be illegitimate; I argue against that belief in Section II. And some of the disagreement derives from an ideal of another kind of order, a deglobalized one in which states or groups of states exist in relative isolation from the global economic order. I criticize that ideal in Section III. Section IV discusses responsibility, specifically how to assign responsibility for global distributive injustices for the purpose of remedying the injustices through new institutions. Finally, in Section V, I discuss the merits of three proposals that have been made for new distributive institutions that would reduce global inequality; all of these proposals are superior to the inequality of the global status quo.

Before proceeding to the substantive arguments of the chapter, however, I would like to make a terminological point that has moral importance. Throughout this chapter, I deliberately use terms such as *distributive institutions* and *institutions of egalitarian distribution* rather than *redistributive institutions* or *institutions of egalitarian redistribution*. This might strike some as inappropriate since the institutional proposals that I discuss effect redistributions of current incomes in order to achieve greater equality. I have no quarrel with using *redistribution* and its cognates to describe that process. But to speak of *institutions of egalitarian redistribution* can mislead since it suggests that the existing distribution is the moral baseline against which redistributions must be justified, as, for example, is suggested by the question 'when is redistribution justified?' If the arguments of the earlier chapters of this book are convincing, this is a misleading question to ask with respect to the current global distribution since there is no reason to suppose that unless redistributions are justified the current distribution is just. Still, the question is often put that way and rhetorically it wrongly suggests that there is some kind of

presumption against redistribution that would reduce inequality. On the contrary, I have argued that the justificatory presumption favors egalitarianism.

## II

The injustice of absolute poverty is widely, although unfortunately not universally condemned. Eradicating it seems particularly urgent to most morally serious persons. Few people doubt that there is some reform to our global institutions and or change of policy that would be appropriate when they are confronted with stark facts of deprivation, pre-mature death and illiteracy that characterize so much of the world. In contrast, There is much less agreement that deep global inequalities are unjust, and even less agreement about why and what sort of reductions to them would be morally appropriate. One might then think that even though global inequality is unjust, remedying this injustice ought not to be the goal of a proposal for global distributive institutions as long as there is such disagreement. Simon Caney makes the following argument to that effect:

[A]bove a certain basic minimum, there is profound disagreement about global distributive justice among reasonable and reflective persons. This can be seen by considering the array of different ideals that are defended.... Some maintain that there should be a global difference principle. Others, though, think that *laissez faire* principles should be affirmed by institutions such as the WTO. Closely related to this view is that of Friedrich Hayek, who argued for the need for an international legal authority to enforce market principles of justice. Some wish the WTO to enforce labor standards and environmental controls, but others find this objectionable. This diversity of views among reasonable persons poses two problems for a wholly instrumental view. First, it requires us to be able to decide which of these competing reasonable views really is the best. One needs some mechanism for filtering out plausible but wrong views and determining which is best. Second, a wholly instrumental view can be accused of failing to show respect to other reasonable persons. The thought is that simply coercively imposing one view (in preference to other reasonable views) fails to respect those who reasonably disagree.<sup>1</sup>



Caney refers to the position that institutional arrangements should be designed simply to satisfy principles of justice as *the wholly instrumental view*. His argument against institutionalizing the difference principle (or any robustly egalitarian principle of distributive justice) serves as an instance of his broader argument against the wholly instrumental view. The argument in its most general form seems to be that merely relying on the claim that distributive justice requires the difference principle (or any robustly egalitarian principle) cannot justify the construction of global institutions that realize it; therefore the wholly instrumental view is incorrect. Caney, however, allows that under the right conditions it might be appropriate to be guided by the difference principle (or any robustly egalitarian principle) when constructing global institutions:

[I]nternational institutions should provide a context in which competing views are adjudicated between, and it may (or may not) be the case that egalitarian liberal ones will be adopted. So whereas the Rawlsian [*Law of Peoples*] model puts an absolute ban on international institutions furthering egalitarian liberal ideals, the model sketched here does not. It allows this possibility if it comes about in a fair and legitimate way.<sup>2</sup>

Caney's view of when it is appropriate to be guided by egalitarian principles in constructing global institutions then seems to be that it is appropriate only if the decision to construct the institutions according to the principle was the product of an appropriately fair and legitimate process. An egalitarian principle may then guide institution construction, but apparently it must meet a higher threshold than other principles of justice since Caney distinguishes the requirements for letting egalitarian principles guide institution construction from the requirements of institution construction guided by principles that require either that persons' fundamental interests are protected or that fair procedures for deciding between other institutional proposals are followed.<sup>3</sup> An instrumentalist view is appropriate for the latter, but not the former.

There are at least two possible versions of Caney's view. One is that a requirement of legitimacy trumps justice for egalitarian principles, but not for principles of protecting persons' fundamental interests and ensuring fair procedures. The other is that legitimacy may play a

trumping role in all three cases but that the requirements of legitimacy are more demanding in the case of egalitarian principles. I find it difficult to determine which of these is Caney's view. He takes his view to be mixed, combining a commitment to instrumentalism (by requiring institutions to protect fundamental interests) with commitment to ensure democratic proceduralism.<sup>4</sup> Perhaps, he would advocate establishing institutions that protect basic interests even if they are illegitimate, for example even if doing so requires considerable coercion because of recalcitrant states and political disagreement. He is after all aware that disagreement exists about what constitutes basic interests, but thinks that no reasonable position can repudiate such interests.<sup>5</sup> Is the view that because the disagreement is unreasonable compliance can be forced? Alternatively, he might hold that such imposition of basic interest protecting institutions in the face disagreement, albeit unreasonable, would be illegitimate. But then what more demanding requirement of legitimacy must the difference principle satisfy?

In the circumstance of disagreement about global institution building, rather than maintenance, I am doubtful that limiting the reasonable disagreement to only some kinds of institutions will provide much practical help in resolving the disagreement. First, it is not obvious that differences of opinion regarding whether the WTO should enforce labor standards (Caney's example of a reasonable disagreement) and regarding what constitutes basic interests differ in moral kind. This distinction seems to rest on the dubious assumption that prohibitions against child labor do not protect basic interests. In any case, Caney does not provide an argument that such disagreements differ in moral kind. Second, it is not obvious the differences of opinion regarding whether there should be a global difference principle (Caney's example of a reasonable disagreement) and which institutions would support fair proceduralism (which Caney believes should guide international institution construction) differ in moral kind.

Third, as a matter of advancing justice in a world marked by egregious injustice, the kind of intellectual and political projects needed with respect to all of these controversies seems approximately the same, namely moral-political debate about the requirements of justice, which eventually issues in broad international support among political leaders, policy makers, activists and citizens. The

implementation of any proposals for new global institutions will require a combination of political pressure from states, movement activists and citizens and the conferring of legitimacy by means of whatever imperfect institutions exist prior to the establishment of the new ones. This, however, is no reason to suppose that egalitarian institutions will require different standards of legitimacy than other institutions.<sup>6</sup>

### III

Some critics of the current form and pattern of globalization argue that the appropriate response is not reforms to the global order that include reducing inequalities, but rather a different kind of international order in which states are largely autonomous or perhaps integrated somewhat according to ideological orientation. There are several versions of this anti-globalization view. In this section, I examine and reject two influential versions.

The first version advises underdeveloped countries to de-link from international trade and investment relations (to whatever degree possible) as a means of erecting economies based upon the socialization of production. Samir Amin, the most prominent intellectual proponent of de-linking recommends,

the political option of autocentric national development starting from abolition of the dominant forms of private ownership of land and factories, and taking agriculture as its base, that is, not envisaging any forced appropriation from the peasants to 'hasten industrialization' and opting for the most egalitarian possible income distribution....<sup>7</sup>

A crucial problem for the prescription, however, is that the feasibility of socialism, or at least a desirable form of it, in underdeveloped countries is doubtful.

Karl Marx offers reason to be pessimistic about the prospects for socialism in the absence of well-developed capitalist relations; and his is obviously not a pessimism about socialism *per se*. Marx claims that in order for a desirable form of socialism to be successful, the forces of production, especially the technology of production, must be highly advanced and this requires capitalist relations of production. '[T]his

development of productive forces . . . is an absolutely necessary practical premise because without it want is merely made general, and with destitution the struggle for necessities and all the old filthy business would necessarily be reproduced . . .<sup>18</sup> G.A. Cohen offers a defense of Marx's pessimism in the form of an argument that class oppression of workers by the owners of capital is required for successful economic development. If this is the case, and if we conceive of a socialist society as one in which a ruling class does not oppress producers, then there is no feasible socialist path to economic development.

I re-construct Cohen's argument as follows:<sup>9</sup>

1. If socialism is to be desirable, then a massive social surplus, which can uplift everyone, not merely (as in societies marked by class oppression) the ruling class, is a precondition.
2. Working conditions like those that prevail in large-scale industry are necessary to attain a massive social surplus.
3. Workers will accept such conditions only if they are members of an oppressed class, in *particular proletarians*.
4. Therefore, capitalist class oppression is necessary to attain the precondition of socialism.

The first premise—a restatement of the Marx quotation above—can have both moral and empirical interpretations depending upon the sense of 'desirable.' As a moral proposition it suggests that a society that allows some people significant relief from toil and access to leisure and culture (as in capitalism) is better than one that offers this to no one ('want made general'). Empirically construed, the first premise suggests that if a society that allows some people significant relief from toil is a viable option, then a society that allows no one such relief will generate defections, rendering socialism as 'want made general' unstable.

The second premise is not merely an invocation of economies of scale associated with large-scale production, but also the dynamic productive capacity associated with a division of labor (including a division between management and labor) and assembly-line production. The proper contrast is between production arranged so that considerations of efficient output are among the most dominant consideration and production arranged so that considerations of craftsmanship or enjoyment are dominant. The claim is that only

the first sort of arrangement of production generalized throughout society yields sufficient surplus to make possible an arrangement of society that eventually allows everyone significant relief from toil.

The third premise requires a bit more attention, and is, I believe, the most controversial. The force of the third premise is that the conditions of work in modern large-scale industrial production are sufficiently grueling, monotonous and unsatisfying that generally people would not accept them were it not for the fact that they had no reasonable alternative. But a lack of a reasonable alternative does not suffice for class oppression.<sup>10</sup> By *class oppression* Cohen means 'an antagonistic relationship in which producers are subordinated to non-producers.'<sup>11</sup> Cohen maintains that members of class X are subordinate to members of class Y if and only if

1. members of class X produce for members of class Y, who control the production and do not produce for members of class X
2. members of class X are subject to the authority of members of class Y in the production process, but not *vice versa*;
3. insofar as their income is dependent on their employment, members of class X tend to be poorer than members of class Y.<sup>12</sup>

Proletarians have no reasonable alternative to subordination to owners of capital in capitalist society because although proletarians own their labor power they do not own the means of production, and so they must sell their labor power in order to obtain the means of life.<sup>13</sup> For reasons that I shall not discuss here, Cohen thinks that large-scale industrial production would not be possible with another form of class oppression, such as slavery.<sup>14</sup>

The plausibility of the third premise depends upon there being no means other than class oppression to bring workers to accept the conditions of modern industrial production. But consider this objection. There is a conception of socialism, such as that advocated by David Schweickart, that includes public control of investments, a market in goods and services and workplace democracy, which is as at least as capable of producing economic development as is capitalism.<sup>15</sup> Schweickart contends that both the market distributive mechanism and workplace democracy are efficiency generating.<sup>16</sup> Moreover, public control over investment would lead to a more egalitarian and ecologically sensitive pattern of investment.<sup>17</sup> If there is reason to

believe that Schweickart's model presents an alternative to capitalist development, then there is reason to doubt Cohen's third premise.

Now, it is noteworthy that the conditions of workers in Schweickart's model would seem to satisfy Cohen's three conditions of subordination, for even though management is elected, once elected managers exercise control and authority over production, and a market for managerial labor would probably produce salaries that exceed those of workers. If the first two premises of the reconstruction of Cohen's argument are plausible, and if workers in Schweickart's model satisfy Cohen's necessary and jointly sufficient conditions for class subordination, ironically this might be good news for the cause of socialism. For such subordination allows for the possibility of relations of production that are conducive to development, but not based upon capitalist property relations.

The good news of the possibility socialist development, Marx's views to the contrary notwithstanding, is not however, good news for the proposal of de-linking. For even if it is the case that Schweickart's model provides good reasons to doubt the third premise of the reconstruction of Cohen's argument, it is highly doubtful that the model establishes a rival to the development capacity of capitalist modes of production unless it participates in a network of wide international trade. As I discussed in Chapter 5, most impressive recent success stories of social and economic development have relied on the establishment of large export industries, supported by appropriate state policy.<sup>18</sup> The evidence is that production for export, and not de-linking, is a necessary means for social and economic development. So, either socialism is not possible in the developing world (as Marx and Cohen argue) and thus there is no social basis for the strategy of de-linking, or it is possible (as Schweickart contends) but requires extensive international trade and thus de-linking as development strategy is implausible.

The second version of anti-globalization, which recently has been more popular than de-linking, involves advocating for de-globalization, in other words for a world of relatively self-sufficient states in which production is geared toward the sustenance of populations and adapted to the ecological constraints of local geography. The strategy of de-globalization calls for economic production primarily by and for the citizens of the state in which it occurs. According to Walden Bello, de-globalization centrally includes a

commitment to ‘encouraging production of goods to take place at the community and national level if it can be done at a reasonable cost in order to preserve community.’<sup>19</sup> John Cavanaugh and Jerry Mander recommend that, ‘All systems should emphasize local production and consumption rather than be deliberately designed to serve long-distance trade.’<sup>20</sup>

A philosophical defense of this vision is offered by Omar Dahbour, who also takes there to be an ecological requirement that the model should satisfy: ‘[A]utonomous communities would be ones that have found the means for producing the basic social goods necessary for survival and flourishing within the specific local environments.’<sup>21</sup> Dahbour understands the notion of communal self-reliance that is embodied in this vision to stand in the tradition of the political communities advocated by Jean-Jaques Rousseau and G.W.F. Hegel.<sup>22</sup> In light of the dramatic reduction in the kinds of consumer goods that would be available if the whole economy were to be limited to the constraints of the local geography, the vision also seems to stand in the tradition of the political community that Socrates refers to as *the true city* in book 2 of the *Republic*. To Socrates’s description of that city, which forgoes delicacies, Plato has Glaucon reply, ‘You make your people feast, it seems, without cooked dishes or seasonings.’<sup>23</sup>

Now it is not so clear that duties of social justice—and thus duties to limit inequalities—would exist at all among non-compatriots in this de-globalized world since associational ties across borders would be quite weak. Indeed, they would be intentionally so, according to Dahbour. Realizing the de-globalized goal would require ‘the strengthening of borders, less capital and labor mobility, restrictions on trade, a weakening of global communication networks, reductions in travel and tourism and so forth.’<sup>24</sup> But even if duties of social justice among non-compatriots would not extend across borders in a de-globalized world, there are three considerations of justice that argue against moving from a globalized world to a de-globalized one. The first is a concern about liberty in, and the stability of, the model. The second is about its capacity for generating economic development. And the third concerns its capacity for remedying global poverty.

First, there are good reasons to doubt that such communities could tolerate both liberty and stability. Presumably standards of living of citizens in different societies will vary greatly depending upon the ecologically usable resource bases of societies and upon

their degree of technological development. In the absence of trade and foreign investment there will be no tendency for technological development to equalize. Dahbour is aware of this, but thinks that comparisons between, say, Angola and Switzerland (Dahbour's example) are fatuous.<sup>25</sup> Moreover, consistent with Dahbour's emphasis on self-determination, the organizing ideals of the various political communities would no doubt be multitudinous. If a free press is to be tolerated, then knowledge of the material and moral differences of societies will exist. This will be the basis for some persons preferring one way of life to another. Societies that recognize emigration rights would expose themselves to the risks of creating a kind of market instability, as significant portions of the citizenry may choose to leave, and of opening the door to the very globalizing tendencies that are to be avoided. Alternatively, societies might restrict emigration, but at the risk of creating domestic political instability as people agitate for political and economic change. A third policy option would be to curtail press and speech freedoms. In any case, there is good reason to believe that societies in a highly unequal and pluralistic global order would have to choose between stability and liberty.

Second, there are good economic reasons to think that the model would restrict social economic development and therefore standards of living. Across the board restrictions on competition from foreign producers, whether importers of goods or capital, would shield domestic firms from much competitive pressure, resulting in a loss of possible efficiency gains, higher prices and less capital available for investment. It is implausible that such effects would serve the aims of development. Jay Mandle develops this criticism well:

Localism bars firms from taking advantage of the cost reducing characteristics of advanced technologies in international communications, control, and transportation. . . . In favoring relatively small firms that are confined to local markets, the advocates of localization are choosing to confine production to lower amounts of a smaller range of goods at higher prices than would be the case in a globally integrated economy. . . . Because localization involves abandoning an important mechanism of contemporary economic development, there can be little doubt that it puts downward pressure on the well-being of the poor in wealthy nations and in the underdeveloped world.<sup>26</sup>



Finally, the model seems far too tolerant of global poverty. De-globalizers are often skeptical of centralized global economic institutions of any kind. Bello advocates 'deconcentration and decentralization of institutional power and the creation of a pluralistic system of institutions and organizations interacting with one another, guided by broad and flexible agreements and understandings.'<sup>27</sup> But given that the character of global poverty is that deprivation is concentrated in the per capita poor states and not evenly distributed across states, decentralization will make it nearly impossible to address the problem through wealth transfers from the rich to the poor.

In this section, I have argued that the politics of rejecting globalization in favor of withdrawing into a world comprising only regional or state institutions is to be rejected on moral grounds. If one accepts the arguments against global inequality, then neither de-linking nor de-globalization offer appropriate institutional alternatives.

#### IV

There are various morally legitimate purposes for which a conception of responsibility may be put to use, and among these purposes there are competing conceptions. The purposes for which responsibility is assessed include, but are not limited to, the following: (1) To determine who should ensure that something happens or does not happen; (2) to determine whose action or inaction was especially relevant in bringing about something that has happened but should not have or that has not happened but should have; (3) to determine who should act to bring about a change of circumstance or create an institution or to prevent a change or the creation of an institution and (4) to determine who should bear the costs or not of an action or a new institution.

Part of what makes discussions of responsibility confusing is that people are often speaking at cross purposes. For example, when Thomas Pogge discusses responsibility for absolute poverty he is often advancing purpose (2). For example, consider this fairly typical invocation of responsibility from his *World Poverty and Human Rights*: 'At least the more privileged and influential citizens of the more powerful and approximately democratic countries bear then a collective responsibility for their governments' role in designing and imposing

the global order and for their governments' failure to reform it toward greater human rights fulfillment.<sup>28</sup> With purpose (2) in mind it is not surprising that Pogge's language sometimes involves the use of terms referring to innocence and guilt. For example, he criticizes an example that Peter Singer uses of a professor happening to come upon a child drowning in a pond because it 'reinforces the common moral judgment that the citizens and governments of the affluent societies... are as innocent in regard to the persistence of severe abroad as the professor is in regard to the child's predicament.'<sup>29</sup> Such terms would be entirely inappropriate in Iris Marion Young's assessment of responsibility for sweat shops.

[M]any of those who are properly thought to be victims of harm or injustice may nevertheless share political responsibility in relation to it.... On the social connection model... those who can properly be argued to be victims of structural injustice can also be said to share responsibility with others who perpetuate the unjust structures, and can be called on to engage in actions directed at transforming those structures.<sup>30</sup>

Clearly, Young's purpose is not to ascribe innocence or guilt, but to mobilize the appropriate persons for concerted action. She has purpose (3) in mind. I do not mean to cast doubt on either purpose, but to avoid the confusion that might otherwise be involved in arguing about apparently competing conceptions of responsibility when in fact their competition might be illusory because the purposes for employing claims about responsibility are different. After we distinguish between purposes, there is still plenty of room for disagreement over competing conceptions of responsibility within a single purpose.

Among the desiderata that global distributive institutions should satisfy there at least two that involve considerations of responsibility. The work of constraining global inequalities should be lodged with an agency, institution or set of practices that are reliable and effective. And, these institutions should assign the costs of constraining inequalities appropriately. These are considerations of purposes (1) and (4). I call the former *role responsibility* and follow David Miller in referring to the latter as *remedial responsibility*.<sup>31</sup> The more serious disagreements regarding responsibility and distributive institutions are likely to be with regard to the demands of remedial responsibility

since these considerations involve burden assignment. I shall have more to say about this presently, but first a brief discussion of role responsibility is in order.

Role responsibilities can apply to persons or institutions. For ease of exposition, I shall use the term *agent* to cover both and the neuter pronoun to refer to the term. An agent fulfills its role responsibility if it has been conventionally assigned to carry out certain tasks and carries them out in a manner that is generally thought to be satisfactory. Because such responsibilities are conventional, the standard of assessment is ultimately the judgment of persons. A role can be fulfilled, however, without unanimous agreement that the agent has carried out its assigned tasks appropriately. Although judgment in the court of opinion is authoritative, the jury need not be unanimous. Much of social life requires such social agreement. Recall John Locke's description of money as the agreement that 'a little piece of yellow metal, which would keep without wasting or decay, should be worth a great piece of flesh or a whole heap of corn.'<sup>32</sup> In application to the assessment of proposals for distributive institutions, it is appropriate to ask whether the institution would be capable of carrying out distributive tasks reasonably effectively and whether its activity would conduce to persons judging that it has carried them out sufficiently.

The matter of remedial responsibility is the more pressing one in the present context because the establishment of institutions that would improve upon present global distributive inequalities will probably not benefit everyone in comparison to the present distribution; the new distribution is unlikely to be Pareto superior to the present one.<sup>33</sup> Insofar as this is the case, it is important to ask who should pay the costs. Who is (remedially) responsible for the more egalitarian distributive order? Unless the costs are assigned appropriately, even if the new order might be an improvement over the old on grounds of distributive justice, there would nonetheless be reasons for moral criticism of the new institutional order. In assessing institutional proposals, all other things being equal, we prefer an institutional order that makes the appropriate parties (remedially) responsible for the reduction in inequalities. This gives rise to two questions: What is the appropriate conception of remedial responsibility for our purposes? What about when all other things are not equal, when inequality is better reduced by a proposed remedy that imposes costs (remedially) irresponsibly? I shall try to address both

of these questions, but I'm most concerned for present purposes with the first.

Miller sets out six intuitively plausible conceptions of remedial responsibility, assesses them primarily by considering examples of injury that would be at home in tort law and finds that there is no plausible way to rank the conceptions so as to determine which is most appropriate to use in particular circumstances. 'We have to rely on our intuitions about the relative importance of different sources of connection.'<sup>34</sup> I'm not convinced that Miller's method is suitable to the task. Although tort law-like examples of people being knocked into the water or of workers dropping apples onto neighboring property can elucidate a variety of conceptions remedial responsibility appropriate for tort-like cases, they are less illuminating in the case of institutional transformation in which we do not assume that the persons involved were necessarily morally entitled to their prior holdings. Miller focuses on simple interactional problems in which the assignment of costs for remediating an event should be guided by the assumption that before the tort-like event holdings were just. That assumption cannot guide us when the background institutions, which establish holdings, are in question. So, the application of conceptions of remedial responsibility useful to tort-like examples will be strained when there is no prior order of holdings that serves as a moral base line.

If the base line for injustices in background distributive institutions cannot be the prior order of holdings, it must be some hypothetical order. Any selection from among the many possible orders might seem hopelessly arbitrary, but I do not believe the situation to be hopeless. Since we are trying to affect a more just order, our guide for remedial responsibility should be the conception of justice itself. Here the terms *remedial responsibility* can mislead. The remedies for which there is remedial responsibility cannot plausibly involve remediating in approximation to prior holdings, but rather involve taking on new burdens in order to realize justice.

In Chapter 3, I argued that as a common good association the global economic association is appropriately governed by the normative ideal of reciprocity. When Rawls defends egalitarian distributive principles in *A Theory of Justice*, he argues that reciprocity requires that institutions mitigate the effects of social fortune and natural advantage.<sup>35</sup> He points to several reasons for why it might be

reasonable to disallow social fortune and natural talent from conferring associational advantages. One is that persons cannot claim to deserve the good fortune of being born into a privileged family or with natural talents. Therefore, institutions that would reward persons merely on these grounds fail on considerations of desert.<sup>36</sup> But most interesting for purposes of remedial responsibility assignment is Rawls's argument that reciprocity requires that social institution should preserve fair terms of mutual benefit among persons. In this regard Rawls says the following:

[I]f we give any weight to the more fortunate, we are valuing for their own sake the gains to those already more favored by natural and social contingencies. No one had an antecedent claim to be benefited in this way . . . . Thus the more advantaged, when they view the matter from a general perspective, recognize that the well-being of each depends on a scheme of social cooperation without which no one could have a satisfactory life . . .<sup>37</sup>

Each person is dependent upon a scheme of social cooperation to make use of her good social fortune and natural talents. Such good fortune is itself undeserved, and therefore cannot support a claim to a moral entitlement to particular share of the fruits of social cooperation. It would then be reasonable for one to be willing to forego the full market return that she might be able to receive from the exercise of her talents in order that greater returns may go to the less fortunate and less talented whose cooperation was necessary for her to make use of her advantages. In seeking to overcome distributive injustice, assigning remedial responsibility to those who have benefited from marketable talents or fortunate social starting positions would be reasonable. Moreover, this assignment of remedial responsibility also serves the just end of reducing inequalities thereby avoiding conflict between satisfying the demands of justice and laying down responsibility appropriately.

## V

In Chapter 3, I argued the *pro tanto* case for significant injustices in the global economic association. In Section III of this chapter, I rejected two kinds of responses that argue for turning back from

globalization. In this section, I briefly canvas and assess three of the institutional reforms for remedying inequality that have received the most attention in the literature. Establishing that such remedies can be realized without disproportional moral costs in the transition, and without engendering disproportional injustices, would support two significant conclusions. It would complete the argument for the existence of global distributive injustice since it would then be implausible to argue that the inequalities are necessary either because of the lack of a realistic alternative or because the moral costs of eradicating them are too high. And it would provide guidance for real institutional reform for the purposes of eradicating this injustice.

Before discussing the particular proposals, I set out the criteria that I believe are important for their assessment. The first criterion is role responsibility. Would an institutional arrangement be capable of effectively carrying out distributive tasks and would it be likely to carry them out in a manner that would conduce to persons judging that it has done so appropriately?

The second criterion is politically feasible. Is there any reason to hope that the remedy is achievable given the current balance of political forces? In general each of the proposals discussed suffer from significant feasibility burdens. A system that taxes some forms of income or wealth and transfers it to the global poor either directly as income or indirectly as public goods or service provision seems best suited to address inequality. Although economic growth can help raise people out of poverty, it will do a better job of reducing inequality the more equal the distribution already is since generally the pre-growth distributive institutions affect the distribution of the growth. Tax and transfer programs help to ensure that growth reduces inequality. But taxation of income or wealth will be politically difficult. Branko Milanovic describes the current state of affairs this way: '[M]ost of the power is currently held by the rich countries, and to the extent that in these countries themselves, it is the rich people that are politically the most active and powerful, global power too is held by a relatively small number of very rich people.'<sup>38</sup> In light of this perhaps none of the following proposals has great strategic feasibility. It is probably the case that the only hope for achieving any one of them is a combination of poor country support and significant social movement activism.

The third criterion is whether a proposal adequately assigns remedial responsibility. Proposals that assign burdens appropriately in accordance with remedial responsibilities are to be preferred. Taxes that lay down burdens unrelated to the good pursued are morally deficient even if they fund worthy social goals. An example is a tax on cigarettes to pay for primary and secondary education. It is preferable to have a tax and a benefit that are internally related, both the tax and the benefit are directed toward the same objective, or if the objectives are different they have a clearly understandable moral connection. This is not primarily an efficiency concern. Instead, the goal is an institutional complex of taxation and benefit provision that satisfies considerations of justice and remedial responsibility. On grounds of remedial responsibility, we ask the following question: Which appropriately beneficial tax and transfer scheme best assigns the burdens to those who have benefited from marketable talents or fortunate social starting positions?

A great many global tax and transfer plans have surfaced in the academic literature and policy papers.<sup>39</sup> I shall limit myself to a brief discussion of three prominent ones: Pogge's Global Resources Dividend (GRD); the Tobin Tax and a progressive global income tax, primarily championed by Milanovic.

Pogge's GRD involves taxing the extraction of natural resources.<sup>40</sup> Pogge argues that properly administrated (for example by using it only with respect to resources whose extraction is easy to monitor) the GRD would possess several virtues: It would be easy to understand and apply; it could be implemented without high collection costs; it would not greatly increase the costs of consumer goods that satisfy basic needs and it could discourage resource use where it is especially important to do so.<sup>41</sup> These considerations suggest that the GRD would satisfy the criterion of role responsibility.

The GRD, however, seems especially vulnerable to the charge of political infeasibility. In a world marked by a history of colonial plunder and all-too-persistent military conflict financed by the rapacious grab for natural resources, as for example in the Democratic Republic of Congo, a practice based on an entitlement that vests in all of humanity to some of the income derived from natural resource ownership is likely to meet with significant opposition in developing countries. Without significant support from such states it is difficult to see how any proposal for the GRD would be politically feasible.

Another concern about the GRD is that the tax would be passed down to consumers by raising the price for all goods whose production employs natural resources that have been extracted. Pogge supports the GRD in part by invoking 'the moral claim of the poor to partake in the benefits from the use of planetary resources.'<sup>42</sup> But it is not clear that the GRD would be entirely good news for the poor given its potential for raising the price of food stuffs. This raises concerns about remedial responsibility. There is no reason on reciprocity grounds to pick out consumers as a group to which to assign the costs of reducing inequality. Additionally, insofar as the proportion of the income of poor people that goes to consumption is higher than the proportion of the income of wealthy people that goes to consumption, a consumptions tax is regressive. The GRD then seems rather weak on grounds of both remedial responsibility and political feasibility.

The Tobin Tax, initially proposed by James Tobin as a disincentive to international currency speculation, involves taxing short-term speculative investments in international money markets.<sup>43</sup> Tobin and others subsequently suggested that the proceeds that the tax generated could be used for global poverty reduction.<sup>44</sup> To the extent that the funds ameliorate poverty, they could reduce some inequality. Insofar as it can be calibrated to tax only short-term speculative investments in currency, the tax would not deter long-term capital investment may serve development ends. There is reason to believe that a very low tax could be effective at generating considerable sums of money. The tax then seems to satisfy at least one aspect of role responsibility. It is less clear, however, whether it would be available to public scrutiny since it would be applied as often as such short-term speculation occurs and members of the general public do not necessarily have strong capabilities for assessing the workings of the world of high finance. In this regard the GRD has an advantage.

The Tobin Tax proposal is more politically feasible than the GRD, however, since the tax is directed at an activity that has little social value and is known to have the capacity to be detrimental to the process of development. Currency speculation can produce destabilizing fluctuations in the value of currencies in developing countries. Such fluctuations can affect the ability of a country to export its goods, to pay for imports and to pay its debts. Insofar as the fluctuations are unforeseen, the capacity to develop rational development



plans utilizing export and debt calculations is compromised. Moreover, given that short-term currency speculation serves no great social good, there is unlikely to be a popular coalition that seeks to preserve it.

The Tobin Tax is also stronger than the GRD on grounds of remedial responsibility. The benefits of global equality reduction are derived from an activity that produces negative economic externalities, to which a disincentive seems appropriate. It is certainly better to lay the tax on currency speculators, than on the poor purchasing basic food stuffs.

Milanovic proposes a progressive global income tax scheme that could be expected to be effective in reducing global inequality because of both the burden it places on high earners and the distributions it directs to low earners.<sup>45</sup> If the revenue is gathered in accordance with public criteria that are relatively simple, such as progressive assignment according to income bracket without loopholes, and if the distribution of proceeds is received by the poor, then there are reasons to believe that such a system would be judged to be effective and thus satisfy the criterion of role responsibility.

A proposal that involves taxing politically powerful high earners probably suffers more severely from problems of political feasibility than the Tobin Tax, especially since the latter is also likely to affect a smaller class of people. The income tax, however, is probably more feasible than the GRD, which resource rich but income poor countries can be expected to resist. The feasibility problems of the global income tax are somewhat mitigated by the fact that the tax could be partially implemented before all of the per capita rich countries participated in it. The successful example of partial implementation might build political support for the proposal.

Milanovic's income tax proposal involves the coordination of state institutions for taxation. Participating states with high per capita GDPs add a small levy to their already existing income tax schemes. The funds are collected by participating rich states and transferred to an international organization, which oversees their distribution to participating per capita poor states. Transfers of this sort would satisfy the criterion remedial responsibility well insofar as persons who have been successful in using their natural or social good fortune to their market advantage would be required to provide some support to others who are less advantaged.

There is, however, a potential drawback—on remedial responsibility grounds—to the arrangement outlined above. In states that have lower than average per capita GDPs, but high inequality, there may be some persons who are wealthier than persons in states with higher than average per capita GDPs. So, a scheme that simply sent tax revenue from the higher than average per capita countries to the lower than average could carry out regressive transfers from a poorer person in a rich state to a richer person in a poor state. In order to reduce the possibility of this, Milanovic advocates transfers from per capita rich countries only to per capita poor ones that are also relatively egalitarian. This would render it less likely that there would be rich people who would benefit from the transfers of the poor in a more wealthy country.

Milanovic's proposal avoids the injustice of regressive taxation, then, at the price of failing to be entirely global in scope. The poor who have the misfortune of living in very inegalitarian states, such as Brazil and South Africa, have no entitlement against the rich of the per capita rich states. This limitation is not, however, all bad. It could have positive effects on political developments within states. It provides an incentive for political elites to address inequality, and it gives an additional argument to domestic social movements on behalf of egalitarian causes. I argued in Chapter 3 that there are good reasons deriving from the value of political equality for a broadly social democratic set of institutions within states. This proposal encourages such institutions by offering more internally egalitarian states membership in globally egalitarian regime.

There is more than one way in which the distribution of the income tax revenues could be effected. It could be sent to the treasuries of participating poor states, which agree to periodic audits of their disbursements to citizens. Alternatively, an international tax organization could be charged with the disbursement to citizens in participating poor states. Any system of global redistribution must be realistic about the difficulties of institution building, support and staffing in poor countries that suffer from capacity shortages. In this regard distributive regimes that include income grants are far superior to those make deposits into the general treasury of developing world states. An income grant involves cash payments or credits into savings accounts, and is therefore more institutionally modest than proposals involving the provision of physical goods.<sup>46</sup> Capacity

problems also argue in favor of making such a grant unconditional. This would obviate the need for a bureaucratic apparatus to conduct means testing. An argument against making the grants unconditional is based upon the possibility of regressive transfers. This might not be decisive for were such transfers to occur, much of the income would be retrieved by the treasury of the per capita poor state through progressive income taxation.

The global income tax satisfies role responsibility about as well as the GRD. Like the GRD, the global income tax is not particularly strong according to the criterion of political feasibility. But it is much better than the GRD on grounds of remedial responsibility. So, the global income tax is superior to the GRD on one of the grounds and at least no worse on the other two. The global income tax is superior to the Tobin Tax according to role responsibility, but the global income tax is probably less politically feasible than the Tobin Tax. Both the global income tax and the Tobin Tax are superior to the GRD on remedial responsibility grounds. And the global income tax appears somewhat superior to the Tobin Tax on these grounds because the income tax burdens those who have benefited from marketable talents or fortunate social starting positions and benefits those without such advantages.

But, whether one ranks the income tax higher than the Tobin Tax may depend upon how much weight one gives to political feasibility for practical political purposes. It seems reasonable to give it a great deal of weight. Precisely because the progressive global income tax is progressive, it suffers more than the Tobin Tax from the weakness that all three proposals possess. The rich and powerful can use their private wealth acquired through institutional rules to resist redistributive schemes that assign remedial responsibility to them.

Both climate change and economic inequality pose significant political problems for overcoming global inequality. Rich and powerful states might block a just climate agreement, while rich and powerful persons might resist redistribution. Perhaps, however, there is still reason to hope that the injustices of global inequality can be remediated. There is after all the noble enjoyment—which the rich also could experience—of advancing the cause of relief from suffering. And there is the power of intelligently coordinated campaigns of ordinary people pursuing justice.

# Notes

## 1 Inequality and the Inherent Dignity of Persons

1. World Bank, *World Development Report 2006*, 56. [http://www-wds.worldbank.org/external/default/main?menuPK=64187510&pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64154159&searchMenuPK=64258546&theSitePK=523679&entityID=000112742\\_20050920110826&searchMenuPK=64258546&theSitePK=523679](http://www-wds.worldbank.org/external/default/main?menuPK=64187510&pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64154159&searchMenuPK=64258546&theSitePK=523679&entityID=000112742_20050920110826&searchMenuPK=64258546&theSitePK=523679). Accessed 27 April 2009.
2. UNDP *Human Development Report 2003*, 38–39. [http://hdr.undp.org/en/media/hdr03\\_complete.pdf](http://hdr.undp.org/en/media/hdr03_complete.pdf). Accessed 23 September 2008.
3. World Health Organization, Discussion Paper 54; Colin Mathers *et al.*, Global Burden of Disease in 2002: Data sources, methods and results, 44.
4. World Bank, *World Development Report 2006*, 56.
5. *Ibid.*
6. Branko Milanovic, 'True World Income Distribution, 1998 and 1993: First Calculations Based on Household Surveys Alone,' *Economic Journal* 112 (2002): 51–92.
7. United Nations Development Programme, *Human Development Report* (1999), 38. [http://hdr.undp.org/en/media/HDR\\_1999\\_EN.pdf](http://hdr.undp.org/en/media/HDR_1999_EN.pdf). Accessed 23 September, 2008.
8. Branko Milanovic, *Worlds Apart: Measuring International and Global Inequality* (Princeton: Princeton University Press, 2005), 39, see Figure 4.6. The Gini coefficient is the most commonly used measure. It is a ratio of two areas on a graph, which has income percentiles as the vertical axis and population percentiles as the horizontal axis. One line used in the graph is a line sloping at a 45-degree angle from the lower left corner to the upper right. It represents equality. At each point on the line the percent of the population (horizontal axis) is equal to the percent of total income (vertical axis). A second line used is the Lorenz curve, which is the actual distribution of incomes percent per population percent. It curves below the 45-degree angle line, showing that income is not equally distributed, for example that, say, 50 percent of the population receives 30 percent of the income. It curves sharply up at the top to intersect with the 45-degree line to show that 100 percent of the population receives 100 percent of the income. The Gini coefficient is the ratio. The numerator is the area between these two lines; and the denominator is the total area below the line. It measures inequality because if the Lorenz curve is identical to the 45-degree line then, the ratio is 0, or equality. The highest value, 1, is complete inequality, one person receiving all income.
9. *Ibid.*, 86, see Figure 8.1.
10. Milanovic, *Worlds Apart*, 87.

11. *Ibid.*, 127.
12. Shaohua Chen and Martin Ravallion, 'The developing world is poorer than we thought, but no less successful in the fight against poverty,' *Policy Research Working Paper, World Bank*, 2008. Available at <http://go.worldbank.org/5V41Z1WRL0>. Accessed 10 November 2008. 'PPP' stands for 'purchasing power parity,' which is meant to be a measure of the equivalent in the local currency of what \$1.25 or \$2 would buy in the USA, in this case at 2005 prices. The enterprise of establishing such equivalencies is, of course, very complex and controversial. The report by Chen and Ravallion is in fact based upon a newly revised PPP.
13. For criticisms of the World Bank's approach see Sanjay Reddy, 'The New Global Poverty Estimates: Digging Deeper into a Hole,' *International Poverty Centre: One Pager* 65, September 2008. Available at <http://www.undp-povertycentre.org/pub/IPCOnePager65.pdf>. Accessed 22 September 2008. For a reply see Martin Ravallion 'Global Poverty Reassessed: A Reply to Reddy,' *International Poverty Centre: One Pager* 66, September 2008. Available at <http://www.undp-povertycentre.org/pub/IPCOnePager66.pdf>. Accessed 22 September 2008.
14. Thomas Pogge, *World Poverty and Human Rights* (London: Polity Press, 2002), 7–9 & 205.
15. United Nations Development Programme, *Human Development Report 1998*, 38. Available at [http://hdr.undp.org/en/media/HDR\\_1999\\_EN.pdf](http://hdr.undp.org/en/media/HDR_1999_EN.pdf). Accessed 23 September 2008.
16. Jagdish Bhagwati, *In Defense of Globalization* (Oxford: Oxford University Press, 2004), 67.
17. Charles Beitz, 'Does Inequality Matter?' Thomas Pogge, ed., *Global Justice* (Oxford: Blackwell Publishers, 2001), 106–122.
18. Although this seems obvious to many who write about global inequality. There is very little that is being done about it in the context of international negotiating. For examples of this criticism see David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2008), 76; Thomas W. Pogge, 'Why Inequality Matters,' in David Held and Ayse Kaya (ed.), *Global Inequality* (Cambridge: Polity Press), 137–139; Robert H. Wade, 'Should We Worry about Income Inequality,' in Held and Kaya (ed.), *Global Inequality*, 119–120.
19. I have only mentioned the role that reducing inequality can play in combating poverty and promoting fairness in international negotiations. But there are a number of other social goals that reducing inequality generally can serve. For a seminal discussion of this see T.M. Scanlon, 'The Diversity of Objections to Inequality,' in his *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, 2003), 202–218.
20. See also Larry S. Temkin, *Inequality* (Oxford: Oxford University Press, 1993), 157–163.
21. Universal Declaration of Human Rights, United Nations Office of the High Commissioner for Human Rights. Available at <http://www.un.org/Overview/rights.html>. Accessed 17 September 2008.

22. International Covenant on Civil and Political Rights. Available at [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm). Accessed 17 September, 2008. And International Covenant on Economic, Social and Cultural Rights. Available at [http://www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm). Accessed 17 September, 2008.
23. 'The African Charter on Human and Peoples' Rights,' in Ian Brownlie, ed., *Basic Documents on Human Rights*, 3rd ed. (Oxford: Clarendon Press, 1992), 553.
24. There are various formulations of this idea. See for example, John Stuart Mill, *Utilitarianism* (chp. v) in John Stuart Mill and Jeremy Bentham, *Utilitarianism and Other Essays* (Harmondsworth: Penguin Books, 1987), p. 327, and Cf. H. L. A Hart, 'Are There any Natural Rights?' *The Philosophical Review* 64 (1955): 175–191.
25. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, MA: Harvard University Press, 1999), 508.
26. Universal Declaration of Human Rights.
27. Pogge, *World Poverty*, 70–73, 177–178.
28. Henry Shue, *Basic Rights*, 2nd ed. (Princeton: Princeton University Press).
29. Stephen Darwall, *The Second Person Standpoint* (Cambridge, MA: Harvard University Press, 2006), 123.
30. Rawls, *Theory*, 513.
31. Rawls, *Theory*, 10–19.
32. *Ibid.*
33. Cf. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 11–13.
34. *Ibid.*, 136.
35. *Ibid.*, 13–15.
36. Universal Declaration on Human Rights.
37. John Rawls, *Justice as Fairness: A Restatement*, Erin Kelly ed. (Cambridge, MA: Harvard University Press, 2001), 23.
38. On the idea that respect for human dignity has implications for both institutional operation and the justification of principles according to which they operate, see also Darwall 2006, 244.
39. This idea or its kin have popped up in several different places. See Stephen Darwall: '[O]ne demand that anyone has the authority to make is that he not be subject to demanding (coercive) conduct that cannot be justified by second-personal reasons.'" Darwall, *The Second Person Standpoint*, 272. Compare also to Rainer Forst's account of a right to justification in his 'Die Würder des Menschen and das Recht auf Rechtfertigung,' *Deutsche Zeitschrift für Philosophie* 53 (4) (2005): 589–596 and in his *Recht auf Rechtfertigung* (Frankfurt am Main: Surkamp Verlag, 2007), 291–327. And see Stefan Gosepath, *Gleiche Gerechtigkeit: Grundlagen eines liberalen egalitarismus* (Frankfurt am Main: Surkamp Verlag, 2004), 200–211. Compare to Thomas Nagel's conception of the kind of moral equality that supports egalitarianism: 'An arrangement must be acceptable first from the point of view of everyone's most basic claims, then from the point of view

- of everyone's next most basic claims, etc.' Thomas Nagel, *Mortal Questions* (Cambridge: Cambridge University Press, 1979), 117. And finally see Rawls: '[R]espect for persons is shown by treating them in ways that they can see to justified.' Rawls *Theory*, 513.
40. Constructivist accounts of moral justification take the provision of such an account to be a primary task. See for example Jürgen Habermas, 'Discourse Ethics' in Christian Lenhardt and Shiery Weber Nicholsen, trans. *Moral Consciousness and Communicative Action* (Cambridge, MA: The MIT Press, 1990), 43–115; Jürgen Habermas, *Wahrheit und Rechtfertigung* (Frankfurt am Main: Surkamp Verlag), 324–356; John Rawls, *A Theory of Justice*, Revised Edition. (Cambridge, MA: Harvard University Press, 1999), 15–19 and 118–123; John Rawls, 'Kantian Constructivism in Moral Theory,' *Journal of Philosophy* 77:9, 515–572; T.M. Scanlon, 'Contractualism and Utilitarianism,' in Amartya Sen and Bernard Williams, eds. *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982); and T.M. Scanlon, *What We Owe Each Other* (Cambridge, MA: Harvard University Press, 1998).
  41. These properties will be further discussed in Chapters 2 and 3.
  42. UDHR.
  43. Pogge, *World Poverty*, 23.
  44. *Ibid.*, 24.
  45. Thomas W. Pogge, "'Assisting" the Global Poor,' in Deen K. Chaterjee (ed.) *The Ethics of Assistance* (Cambridge: Cambridge University Press, 2004), 263.
  46. François Bourguignon *et al.*, 'Global Redistribution of Income,' World Bank Policy Research Working Paper 3961, July 2006.
  47. Joseph E. Stiglitz and Andrew Charlton, *Fair Trade For All: How Trade can Promote Development* (Oxford: Oxford University Press, 2005), 32.
  48. Pogge, 'Assisting,' 263.
  49. Pogge, *World Poverty*, 15–16 and Pogge, 'Assisting,' 273.
  50. Chen and Ravallion, 'The developing world is poorer than we thought.'
  51. For criticisms of the World Bank's approach see Reddy 'The New Global Poverty Estimates.' For a reply see Ravallion 'Global Poverty Reassessed.'
  52. See Thomas W. Pogge, 'A Consistent Measure of Real Poverty: A Reply to Ravallion,' *International Poverty Center One Pager* 54, May 2008. Available at <http://www.undp-povertycentre.org/pub/IPCOnePager54.pdf>. Accessed 10 November 2008 and Thomas Pogge, 'Where the Line is Drawn. A Rejoinder to Ravallion,' *International Poverty Center One Pager* 69, October 2008 Available at <http://www.undp-povertycentre.org/pub/IPCOnePager69.pdf>. Accessed 10 November 2008.
  53. Pogge, *World Poverty*, 16–20 and Pogge, 'Assisting,' 273–274.
  54. Pogge, 'Assisting,' 273–274.
  55. Pogge, *World Poverty*, 16–17 and Pogge, 'Assisting,' 273–274.
  56. Pogge, 'Assisting,' 274.
  57. *Ibid.*
  58. Pogge, *World Poverty*, 137–139.

## 2 Coercion and the Conditions of Distributive Justice

1. I use 'compatriots' as shorthand for fellow citizens or long-term residents residing in the same country.
2. Richard W. Miller, 'Cosmopolitan Respect and Patriotic Concern,' *Philosophy and Public Affairs* 27 (1998): 206.
3. *Ibid.*
4. *Ibid.*, 204 & 210.
5. *Ibid.*, 211. Emphasis added.
6. *Ibid.*
7. *Ibid.*, 211.
8. *Ibid.*, 212.
9. *Ibid.*, 219–220.
10. *Ibid.*, 213.
11. *Ibid.*, 214.
12. I agree with Samuel Scheffler's claim that an account of special duties that does not reduce them to acts of voluntary acceptance is compatible with the view that some of those can be outweighed by other duties, whether general or special. See Samuel Scheffler, 'Relationships and Responsibility,' in his *Boundary and Allegiances* (Oxford: Oxford University Press, 2001), 102.
13. Miller, 'Cosmopolitan Respect,' 215–216.
14. *Ibid.*, 217.
15. See also Richard J. Arneson, 'Do Patriotic Ties Limit Global Justice Duties?' *The Journal of Ethics* 9 (2005): 127–150.
16. Michael Blake, 'Distributive Justice, State, Coercion, and Autonomy,' *Philosophy and Public Affairs* 30 (2002): 257–296.
17. *Ibid.*, 258–261.
18. *Ibid.*, 267.
19. *Ibid.*, 271.
20. *Ibid.*, 265, 274, 276, 280, 283, and 289.
21. *Ibid.*, 274ff.
22. *Ibid.*, 282–283.
23. *Ibid.*, 284
24. *Ibid.*, 289.
25. *Ibid.*, 288.
26. Consider Nozick's account of his framework model of utopian. Cf. *Anarchy, State and Utopia* (New York: Basic Books, 1974), 297–334.
27. *Ibid.*, 114.
28. John Rawls, *A Theory of Justice* rev. ed. (Cambridge, Mass: Harvard University Press, 1999), 172–175.
29. Rawls, *Theory*, 302.
30. *Ibid.*, 47.
31. *Ibid.*, 48.
32. *Ibid.*, 303.
33. Thomas Nagel, 'The Problem of Global Justice,' *Philosophy and Public Affairs* 33 (2005): 126.



34. *Ibid.*, 142.
35. *Ibid.*, 118.
36. *Ibid.*, 119.
37. OCED, *Development Cooperation Report 2007, Statistical Annex*, 134. <http://miranda.sourceoecd.org/pdf/dac/432008011e-06-statisticalannex.pdf>. Accessed 16 September 2008.
38. Nagel, 'The Problem of Global Justice,' 129.
39. *Ibid.*
40. *Ibid.*, 130.
41. See for example Stephen Darwall, *The Second Person Standpoint* (Cambridge, MA: Harvard University Press, 2006), 28–29.
42. For a penetrating critiques of Nagel's view see A.J. Julius, 'Nagel's Atlas,' *Philosophy and Public Affairs* 34 (2006): 176–192 and Michael Pendlebury 'Global Justice and the Spectre of Leviathan,' *The Philosophical Forum* 38 (2007): 43–56.
43. See also my 'Persons' Interests, States' Duties, and Global Governance,' *The Political Philosophy of Cosmopolitanism*, Harry Brighouse and Gillian Brock eds. (Cambridge: Cambridge University Press, 2005), 148–163 and my 'La Justice et les Associations,' *Philosophiques* 34 (2007): 61–75.
44. Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), 10.
45. Karl Marx, *Capital, A Critique of Political Economy*, vol. 1 (New York: The Modern Library, 1906), 628. Marx uses the phrase in chapter 23 in a related sense to describe to 'the appearance of independence [of the wage laborer] ... kept up ... by the ... [labor] contract.' The point, I take it, is that the morally salient relations are not necessarily the legal ones, but the social relations that underlie the legal ones.
46. Something like this account of the original position is defended by Ronald Dworkin in 'The Original Position' in Norman Daniels ed. *Reading Rawls* (Stanford: Stanford University Press, 1989), 17–53.
47. See H.L.A. Hart, 'Are There Any Natural Rights?' *Philosophical Review* 64 (1955): 175–191, esp. 185, and Rawls, *Theory*, esp. 93–98.
48. Brian Barry, 'Humanity and Justice in Global Perspective' *Nomos XXIV: Ethics, Economics, and the Law*, J. Roland Pennock and John W. Chapman, eds. (New York: New York University Press, 1982), 231.
49. See Michael J. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1983), 106–109.
50. See my *Cosmopolitan Justice* (Boulder: Westview Press, 2002), 38–39.
51. There is wealth of literature on this subject beginning with the criticisms first raised by Nozick, *Anarchy*, 90–95. For a representative sample of the discussion that Nozick's criticism produced see A. John Simmons, 'The Principle of Fair Play,' *Philosophy and Public Affairs* 8 (1979) 307–337; Richard J. Arneson, 'The Principle of Fairness and Free-Rider Problems,' *Ethics*, 92 (1982): 616–633; George Klosko, 'The Principle of Fairness and Political Obligation,' *Ethics* 97 (1987): 353–362; Garrett Cullity, 'Moral Free Riding,' *Philosophy and Public Affairs* 24 (1995): 3–34.
52. Samuel Scheffler calls this *the voluntarist objection*. See his 'Relationships and Responsibilities,' 98.
53. *Ibid.*, 108.

### 3 Equal Respect in Political and Economic Associations

1. Thomas Nagel, 'The Problem of Global Justice,' *Philosophy and Public Affairs* 33 (2005): 119.
2. Kok-Chor Tan, 'The Boundary of Justice and the Justice of Boundaries,' *The Canadian Journal of Law & Jurisprudence* XIX, no. 2 (July 2006): 341. See also his *Justice without Borders* (Cambridge: Cambridge University Press, 2004), 175.
3. Simon Caney, *Justice Beyond Borders* (Oxford: Oxford University Press, 2005), 37.
4. *Ibid.*, 121.
5. *Ibid.* 122.
6. Peter Singer, *One World: The Ethics of Globalization* (New Haven: Yale University Press, 2002), chp. 5.
7. John Rawls, *Theory of Justice*, rev. ed. (Cambridge, Mass.: Harvard University Press, 1999), 302.
8. *Ibid.*, 47.
9. *Ibid.*, 48.
10. Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1975), 185.
11. This account of non-voluntariness reads like a stipulation but I believe that there are good reasons to accept it. See G.A. Cohen, 'Are Disadvantaged Workers Who Take Hazardous Jobs Forced to Take Hazardous Jobs?' in his *History, Labour, and Freedom: Themes from Marx* (Oxford: Oxford University Press, 1988), 239–254.
12. The now classic expression of this is Peter Singer, 'Famine Affluence and Morality,' *Philosophy and Public Affairs* 1 (1972): 231–232. It is updated, reconsidered, but not essentially changed in Peter Singer, 'Outsiders: our obligations to those beyond our borders,' in Deen K. Chatterjee (ed.), *The Ethics of Assistance* (Cambridge: Cambridge University Press, 2004), 11–32.
13. GATT 1994 Article I:1 [http://www.wto.org/english/docs\\_e/legal\\_e/index\\_g\\_e.htm](http://www.wto.org/english/docs_e/legal_e/index_g_e.htm). Accessed 29 July 2009.
14. See the thorough discussion of such strategies in Ha-Joon Chang, *Kicking Away the Ladder: Development Strategy in Historical Perspective* (London: Anthem Press, 2002).
15. Victor S.F. Sit, 'Globalization, Foreign direct Investment, and Urbanization in Developing Countries' in Shahid Yusuf, Simon Evenett, and Weiping Wu, eds. *Facets of Globalization: International and local Dimensions of Development*, World Bank Discussion Paper No. 415 (Washington, D.C.: World Bank, 2001), 12–13.
16. Cf. Guy Standing, *Global Labour Flexibility: Seeking Distributive Justice* (New York: St. Martin's Press, 1999), pt. III.
17. See Giovanni Andrea Corina, 'Globalization and the Distribution of Income Between and Within Countries,' in Ha-Joon Chang, ed., *Rethinking Development Economics* (London: Anthem Press, 2003), 423–450.
18. UNDP *Human Development Report* (2003) 39 [http://hdr.undp.org/en/media/hdr03\\_complete.pdf](http://hdr.undp.org/en/media/hdr03_complete.pdf). Accessed 29 July 2009.

19. Robert Keohane and Joseph Nye Jr., 'Governance in a Globalizing World' in Robert Keohane ed., *Power and Governance in a Partially Globalized World* (New York and London: Routledge, 2002), 199–200.
20. UNDP, *Human Development Report 1999*, 41. <http://hdr.undp.org/en/reports/global/hdr1999/>. Accessed 17 September 2008.
21. United Nations Development Programme, *Human Development Report 1999*, 37. <http://hdr.undp.org/reports/global/1999/en/>. See also Standing, *Global Labour Flexibility*, pt. II.
22. The classic statement of the infant industry protection argument is by Friederich List in *The National System of Political Economy*, trans. Sampson S. Lloyd, M.P. (New York: Augustus M. Kelley Publishers, 1966), bk. 1. It has been updated by Chang, *Kicking Away the Ladder*.
23. TRIPS Annex 1C of the Marrakech Agreement Establishing the World Trade Organization (1994) [http://www.wto.org/english/docs\\_e/legal\\_e/27-trips\\_03\\_e.htm](http://www.wto.org/english/docs_e/legal_e/27-trips_03_e.htm). Accessed 29 July 2009.
24. Bernard M. Hoekman and Michel M. Kosteci, *The Political Economy of The World Trading System* (Oxford: Oxford University Press, 1995), 154.
25. Derek Parfit argues that intergenerational justice is such a condition, but I am not convinced. See Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), 391–393 and my 'Justice and the Intergenerational Assignment of the Costs of Climate Change,' *Journal of Social Philosophy* 40 (2009).
26. Rawls, *Theory*, 65.
27. There are alternative interpretations of what is democratic about the democratic conception. I take my account to be consistent with Joshua Cohen's, who argues that the democratic conception of equality results from the extension of our firmer moral convictions about political democracy to socio-economic justice. See his 'Democratic Equality,' *Ethics* 99 (July 1989): 727–751. Norman Daniels asserts that 'The modifier "democratic" points to the connection between the Second and the First Principles and their joint role in meeting our needs as citizens.' See his 'Rawls's Complex Egalitarianism,' in Samuel Freeman, ed., *The Cambridge Companion to Rawls* (Cambridge: Cambridge University Press, 2003), 245. I take my account to be consistent with Daniel's first conjunct, but not the second. I think that we can appreciate the democratic nature of the distributive principles taken in isolation once appreciate that they are based upon a concern to mitigate social and natural fortune that is similarly expressed in democratic citizenship.
28. Harry Brighouse, for example, argues that the equal availability of political influence is a requirement of equal respect for persons qua fellow citizens. Cf. His 'Egalitarianism and Equal Availability of Political Influence,' *The Journal of Political Philosophy* 4 (1996): 123.
29. Cf. John Rawls, *Justice as Fairness*, Erin Kelly ed., (Cambridge, MA: Harvard University Press, 2001), 149.
30. Cf. Henry Shue, *Basic Rights* (Princeton: Princeton University Press, 1996).
31. This certainly is not a novel claim. See Norman Daniels, 'Equal Liberty and the Unequal Worth of Liberty,' in Norman Daniels, ed., *Reading*

- Rawls: Critical Studies on Rawls' A Theory of Justice* (Stanford: Stanford University Press, 1989), 253–281. Daniels, however, takes the demands equalizing the worth of liberties as requiring a significantly more egalitarian socio-economic distribution than I understand the demands of equal and inclusive citizenship to require.
32. Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983), 19. Walzer, I take it, would not endorse the universalist element of this account. And I am not endorsing his account of complex equality.
  33. Ronald Dworkin, *Law's Empire* (Cambridge, MA: Harvard University Press, 1986), 52–53.
  34. David Miller, 'Two Ways to Think About Justice,' *Philosophy, Politics, and Economics* 1 (2002): 7.
  35. In fairness to Miller, it should be noted that he states that a middle ground position between contextualism and universalism might turn out to be the most defensible. Cf. *Ibid.*, 9.
  36. *Ibid.*, 22–23.
  37. Rawls, *Theory*, 74.
  38. Elizabeth Anderson, 'What is the Point of Equality?' *Ethics* 90 (1999): 322.
  39. Rawls discusses reciprocity in this regard in *Theory*, 88–90 and various point in John Rawls, *Justice as Fairness*, Erin Kelly, ed. (Cambridge, MA: Harvard University Press, 2001) but see especially pages 64, 76–77, and 126. See also T.M. Scanlon, 'Rawls' Theory of Justice,' in Daniels, ed., *Reading Rawls*, 199; and Andrea Sangiovanni, 'Global Justice, Reciprocity, and the State,' *Philosophy and Public Affairs* 35, no. 1 (2007): 25–29.
  40. Rawls, *Theory*, 87.
  41. The argument of this paragraph draws on one that I made in 'Persons' Interests, States' Duties, and Global Governance,' in Harry Brighouse and Gillian Brock, eds., *The Political Philosophy of Cosmopolitanism* (Cambridge: Cambridge University Press, 2005).
  42. Sangiovanni, 'Global Justice, Reciprocity, and the State,' 25.
  43. *Ibid.*, 26.
  44. *Ibid.*, 29.
  45. *Ibid.*, 26.
  46. At the beginning of *A Theory of Justice* Rawls famously assumes 'that a society is a more or less self-sufficient association of persons....' See Rawls, *Theory*, 4.
  47. Rawls states that, 'The principles of justice apply to the basic structure and regulate how its major institutions are combined into one scheme.' Rawls, *Theory*, 242.
  48. A.J. Julius, 'Nagel's Atlas,' *Philosophy and Public Affairs* 34 (2006): 191.
  49. Joshua Cohen and Charles Sable, 'Extra Rubricam Nulla Justitia?' *Philosophy and Public Affairs* 34 (2006): 173.
  50. *Ibid.*, 172–173.
  51. Branko Milanovic, 'True World Income Distribution, 1998 and 1993: First Calculations Based on Household Surveys Alone,' *Economic Journal* 112 (2002): 51–92.

52. United Nations Development Programme, *Human Development Report* (1999), 38. [http://hdr.undp.org/en/media/HDR\\_1999\\_EN.pdf](http://hdr.undp.org/en/media/HDR_1999_EN.pdf). Accessed 23 September 2008.
53. *Ibid.*, 28.
54. UNDP *Human Development Report 2003*, 38–39. [http://hdr.undp.org/en/media/hdr03\\_complete.pdf](http://hdr.undp.org/en/media/hdr03_complete.pdf). Accessed 23 September 2008.
55. World Health Organization, *Discussion Paper 54*, Colin Mathers *et al.*, *Global Burden of Disease in 2002: Data sources, methods and results*, 44.
56. United Nations International Children's Emergency Fund, *The State of the World's Children* (2008). Available at [http://www.unicef.org/publications/files/The\\_State\\_of\\_the\\_Worlds\\_Children\\_2008.pdf](http://www.unicef.org/publications/files/The_State_of_the_Worlds_Children_2008.pdf). Accessed 3 December 2008.

#### 4 Global Equality of Opportunity Defended

1. World Bank, *World Development Report 2006*, 56. [http://www-wds.worldbank.org/external/default/main?menuPK=64187510&pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64154159&searchMenuPK=64258546&theSitePK=523679&entityID=000112742\\_20050920110826&searchMenuPK=64258546&theSitePK=523679](http://www-wds.worldbank.org/external/default/main?menuPK=64187510&pagePK=64193027&piPK=64187937&theSitePK=523679&menuPK=64154159&searchMenuPK=64258546&theSitePK=523679&entityID=000112742_20050920110826&searchMenuPK=64258546&theSitePK=523679). Accessed 27 April 2009.
2. World Bank, *World Development Report 2006*, 56.
3. *Ibid.*
4. Branko Milanovic, 'Global Inequality of Opportunity.' Available at <http://web.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/EXTPROGRAMS/EXTPOVRES/EXTDECINEQ/0,,contentMDK:20553509~menuPK:1359571~pagePK:64168445~piPK:64168309~theSitePK:1149316,00.html>. Accessed 4 December 2008.
5. See for example John Rawls, *A Theory of Justice* revised ed. (Cambridge: Harvard University Press), 63–64.
6. John Rawls refers to this principle as fair equality of opportunity in contrast to formal equality of opportunity. Cf. *Ibid.*, 63–64 & 73–78.
7. John Baker, *Arguing for Equality* (London: Verso, 1987), 43–52.
8. Rawls, *Theory*, pp. 57 & 64–65.
9. Several writers defend a globalized difference principle. See for example Brian Barry, *The Liberal Theory of Justice* (Oxford University Press, 1972), 128–33; Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979); Darrel Moellendorf, *Cosmopolitan Justice* (Boulder: Westview Press, 2002); Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989); R.G. Peffer, *Marxism, Morality and Social Justice* (Princeton: Princeton University Press, 1990); David A.J. Richards, 'International Distributive Justice,' in J.R. Pennock and John W. Chapman, eds., *Ethics, Economics and the Law* (New York: New York University Press, 1982); and T.M. Scanlon, 'Rawls' Theory of Justice,' in Norman Daniels, ed., *Reading Rawls: Critical Studies on Rawls' 'A Theory of Justice'* (Stanford: Stanford University Press, 1989). As my argument

toward the end of chapter expresses, my own support for a global difference principle as stating a duty of global justice has become contingent on an extent of global economic institutional coverage that I believe does not yet exist.

10. See for example Rawls, *Theory*, 89.
11. Nozick, *Anarchy*, 214.
12. *Ibid.*, 216–224.
13. A set of important criticisms are offered by Miller in David Miller, 'Against Global Egalitarianism,' *Journal of Ethics* 9 (2005): 55–79 and David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 62–75.
14. Miller, 'Against Global Egalitarianism,' 68.
15. Moellendorf, *Cosmopolitan Justice*, 49.
16. Gillian Brock, 'Egalitarian Ideals, and Cosmopolitan Justice,' *The Philosophical Forum*, XXXVI:1, Spring 2005, 18–19. See also her 'What Does Cosmopolitanism Demand of Us' *Theoria* 104, August 2004, especially 180–184.
17. Brock argues that Simon Caney commits this error. See 'Egalitarian Ideals,' 16–19. But although Caney argues that global equality of opportunity should focus on the general ideal equalizing opportunities 'to attain an equal number of positions of a commensurate standard of living.' He unpacks 'standard living' so that it includes a list of specific goods that may have more purchase in various cultures than Brock admits. (p. 121) See his 'Cosmopolitan Justice and Equalizing Opportunities' in *Metaphilosophy* 32 (2001): 120–121.
18. Brock, 'Egalitarian Ideals,' 16.
19. The term 'free-standing' in this context is analogous to Rawls's requirement for domestic justice. 'Political Liberalism, then, aims for a political conception of justice as a freestanding view. It offers no specific metaphysical or epistemological doctrine beyond what is implied by the political conception itself. As an account of political values, a freestanding political conception does not deny there being other values that apply, say, to the personal, the familial and the associational; nor does it say that political values are separate from, or discontinuous with, other values.' John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 10.
20. UNDP, *Human Development Report 2005*, 25.
21. The example is drawn from Moellendorf, *Cosmopolitan Justice*, 49.
22. Miller, 'Against Global Egalitarianism,' 59–60 and Miller, *National Responsibility*, 63.
23. Miller, 'Against Global Egalitarianism,' 60–61 and Miller, *National Responsibility*, 64.
24. Miller, 'Against Global Egalitarianism,' 62 and Miller, *National Responsibility*, 65–66.
25. Miller, 'Against Global Egalitarianism,' 62.
26. See James G. Dwyer, *Religious Schools v. Children's Rights* (Ithaca and London: Cornell University Press, 1998).

27. Miller distinguishes nations from ethnic groups in *On Nationality* (Oxford: Oxford University Press, 1995), 15–21.
28. Miller seems to have this view in *On Nationality*, 15–31 & 49–80.
29. Adam Smith, *An Inquiry Into The Nature and Cause of the Wealth of Nations* (New York: The Modern Library, 1937), 31.
30. The list of primary goods that I employ is more extensive than Rawls, but more or less Rawlsian. I cannot defend this list here.
31. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 106.
32. *Ibid.*, xvii–xviii.
33. *Ibid.*, xvi.
34. *Ibid.*, 136–137.
35. *Ibid.*, 8.
36. This line of criticism is probably not one that Miller would endorse since he advocates a non-authoritarian conception of national identity, which requires a procedural commitment to liberal freedoms to facilitate the open-ended discussion of what constitutes the national identity. Cf. Miller, *On Nationality*, 127–128.
37. See *Cosmopolitan Justice*, 20–23.
38. Rawls, *Justice as Fairness*, 23.
39. Cf. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 11–13.
40. Miller, 'Against Global Egalitarianism,' 70.
41. Miller, *On Nationality*, 49–80.
42. Peter Singer stresses this point in his *One World: The Ethics of Globalization* (New Haven: Yale University Press, 2002), 153–167.
43. Cf. Moellendorf, *Cosmopolitan Justice*, 39–50, and Moellendorf, 'Persons' Interests, States' Duties and Global Governance.'
44. Rawls is aware that the family makes perfect equality of opportunity impossible, but he neither advocates the dissolution of the family nor disavows equality of opportunity. See Rawls, *Theory*, 64 and 448. The tensions between equal educational opportunity and the family are thoroughly explored in Harry Brighouse's *School Choice and Social Justice* (Oxford: Oxford University Press, 2000), see especially 151–161.
45. Miller, 'Against Global Egalitarianism,' 71.
46. Nozick, *Anarchy*, 163.
47. See also my *Cosmopolitan Justice*, 102–127, and 'Is the War in Afghanistan Just?' *Imprints* 6 (2002), available on line at <http://eis.bris.ac.uk/~plcdib/imprints/moellendorf.html>.
48. Miller, 'Against Global Egalitarianism,' 59–60 and Miller, *National Responsibility*, 63.
49. The World Bank World, *Global Economic Prospects: Economic Implications of Remittances and Migration 2006* (New York: The World Bank, 2006), chp. 2.
50. *Ibid.*, 41.
51. The distribution of responsibilities between native English speakers and English learners is discussed in Philippe van Parijs, 'Tackling the Anglo-phones' free ride: Fair linguistic cooperation with a global lingua franca,' *AILA Review* 20 (2007): 72–86.

## 5 International Trade, Development and Labor

1. Cf. David Ricardo, *The Principles of Political Economy* (J.M. Dent & Sons LTD.: London, 1973) 82–83.
2. Peter Singer makes this charge against the WTO in *One World: The Ethics of Globalization* (New Haven: Yale University Press, 2002), 57–70.
3. There are additional complications associated with any such judgment that have to do with interpersonal utility comparison and the context dependency of preferences, but these can be ignored for present purposes. For more on these issues see Allen Buchanan's *Ethics, Efficiency, and the Market* (Totowa: Rowan & Allanheld, 1985), 37–39.
4. P.A. Samuelson, *The Economic Journal* 72 (1962): 820–829.
5. *Ibid.*, 827.
6. Joseph E. Stiglitz and Andrew Charlton, *Fair Trade For All: How Trade can Promote Development* (Oxford: Oxford University Press, 2005), 24–33. Joseph E. Stiglitz cites the example of Korea creating a comparative advantage in steel when it had been rice. Cf. Joseph E. Stiglitz, *Making Globalization Work* (New York: W.W. Norton & Co., 2006), 70–71.
7. Stiglitz discusses the example of Mexico in this regard. Cf. Stiglitz, *Making Globalization Work*, 66.
8. United Nations Commission on Trade and Development, 'Industrial Countries Must Work Harder For Development If Globalization Is To Deliver On Its Promises,' 1999. Available at <http://www.unctad.org/Templates/webflyer.asp?docid=3082&intItemID=2021&lang=1>. Accessed 8 December 2008.
9. *Ibid.*
10. Frederick Engels, 'The Free Trade Congress at Brussels,' (1847) in *Karl Marx Frederick Engels Collected Works*, vol. 6 (New York: International Publishers, 1976), 290.
11. Karl Marx, 'Speech on the Question of Free Trade,' in *Ibid.*, 465.
12. Karl Marx, *The German Ideology* (1932) in David McLellan (ed.), *Karl Marx Selected Writings* (Oxford: Oxford University Press, 1977), 170–171.
13. Karl Marx, *The Communist Manifesto* (1848) in *Ibid.*, 224.
14. V.I. Lenin also expressed approval of free trade, especially after the Bolsheviks came to power. This might have been due to a concern about being vulnerable to the protectionism of the more powerful and hostile capitalist countries. Cf. V.I. Lenin, 'The Economic Content of Narodism' (1895), in *Collected Works*, vol. 1 (Moscow: Progress Publishers, 1960), 436 and 'Re the Monopoly of Foreign Trade' (1922), in *Collected Works*, vol. 33 (Moscow: Progress Publishers, 1966).
15. See Jay Mandle, *Globalization and the Poor* (Oxford: Oxford University Press, 2003), pp. 19–23. 'PPP' stands for purchasing power parity. \$2 PPP means the local currency equivalent of what one could purchase with \$2 in the USA.
16. *Ibid.*, 19.
17. *Ibid.*, 18.
18. *Ibid.*, 19.



19. *Ibid.*, 22.
20. These caveats are also discussed in my 'The World Trade Organization and Egalitarian Justice.' *Metaphilosophy* 36 (2005): 145–162.
21. See Friederich List, *The National System of Political Economy*, trans. Sampson S. Lloyd, M.P. (New York: Augustus M. Kelley Publishers, 1966), bk. 1.
22. Ha-Joon Chang, *Kicking Away the Ladder: Development Strategy in Historical Perspective* (London: Anthem Press, 2002), 50.
23. John Stuart Mill, *A System of Logic* (London: Longman Group Ltd., 1970), 255.
24. Chang, *Kicking Away*, 127.
25. Mill, *Logic.*, 256.
26. Chang, *Kicking Away*. 128.
27. *Ibid.*, 126.
28. Stiglitz and Charlton, *Fair Trade*, 32.
29. Marrakech Agreement (1994). Available at [http://www.wto.org/english/docs\\_e/legal\\_e/04-wto\\_e.htm](http://www.wto.org/english/docs_e/legal_e/04-wto_e.htm). Accessed 8 December 2008.
30. Benrard M. Hoekman and Michel M. Kostecki, *The Political Economy of The World Trading System* (Oxford: Oxford University Press, 1995), 38.
31. GATT 1994 Article I: available at 1 [http://www.wto.org/english/docs\\_e/legal\\_e/legal\\_e.htm#finalact](http://www.wto.org/english/docs_e/legal_e/legal_e.htm#finalact). Accessed 8 December 2008.
32. *Ibid.*, Article III: 1, 2 and 4.
33. Hoekman and Kostecki, *The Political Economy of The World Trading System*, 27.
34. *Ibid.*, 31.
35. This idea is drawn from E.P. Thompson's discussion of class interests in the law in *Whigs and Hunters: The Origins of the Black Act* (New York: Pantheon Books), 263.
36. *Ibid.*, 41.
37. Cf. AFL-CIO, 'Campaign for Global Fairness.' Available at <http://www.aflcio.org/aboutus/thisistheafclcio/ecouncil/ec02162000.cfm>. Accessed 6 December 2008.
38. Cf. also Moellendorf, *Cosmopolitan Justice* (Boulder: Westview Press, 2002), 55–61.
39. Jagdish Bhagwati, *In Defense of Globalization* (Oxford: Oxford University Press, 2004), 127–132.
40. Dani Rodrik, *Has Globalization Gone Too Far?* (Washington, D.C: Institute for International Economic, 1997), 16–27.
41. Christian Barry and Sanjay Reddy, *International Trade and Labor Standards: A Proposal for Linkage* (New York: Columbia University Press, 2008), 178, fn. 7.
42. See for example James K. Galbraith, 'Why Populists Need to Rethink Trade,' *The American Prospect* 10 May 2007. Available at [http://www.prospect.org/cs/articles?article=why\\_populists\\_need\\_to\\_rethink\\_trade](http://www.prospect.org/cs/articles?article=why_populists_need_to_rethink_trade). Accessed 8 December 2008. For the various social democratic programs in a globalized world are discussed in Samuel Bowles, 'Egalitarian Redistribution in Globally Integrated Economies,' in Pranab Bardhan, Samuel

- Bowles and Michael Wallerstein eds., *Globalization and Egalitarian Redistribution* (New York and Princeton: Russell Sage Foundation and Princeton University Press, 2006), 120–147.
43. International Labor Organization, 'Declaration on Fundamental Principles and Rights at Work,' 1998. Available at <http://www.ilo.org/declaration/thedeclaration/textdeclaration/lang-en/index.htm>. Accessed 7 December 2008.
  44. The International Confederation of Free Trade Unions, 'Basic Code of Labour Practice.' Available at <http://www-old.itcilo.org/actrav/actrav-english/telearn/global/ilo/guide/icftuco.htm>. Accessed 7 December 2008.
  45. Bhagwati, *In Defense of Globalization*, 245.
  46. There is an excellent argument in support of this point in Barry and Reddy, *International Trade and Labor Standards*, 36–42.
  47. An astute proposal for such transfers is made in *Ibid.*, 37.

## 6 Climate Change, Development and Mitigation

1. 'ppm' stands for parts per million, which is the ratio of the number greenhouse gas molecules to the total number of molecules of air.
2. See Intergovernmental Panel on Climate Change, *Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, Summary for Policymakers*, 2008, 2. Available at <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-spm.pdf>. Accessed 15 October 2008.
3. Denis Hevisi, 'Bert Bolin, 82, Is Dead,' *The New York Times*, 4 January 2008. Available at <http://www.nytimes.com/2008/01/04/obituaries/04bolin.html>. Accessed 22 October 2008.
4. United Nations General Assembly, resolution 43/53, 1988. Available at <http://www.un.org/Depts/dhl/res/resa43.htm>. Accessed 15 October 2008.
5. United Nations Framework Convention on Climate Change, 1992. Available at [http://unfccc.int/essential\\_background/convention/background/items/1349.php](http://unfccc.int/essential_background/convention/background/items/1349.php). Accessed 15 October 2008.
6. *Ibid.*
7. United States Energy Information Association (USEIA) data. Available at <http://www.eia.doe.gov/environment.html>. Accessed 15 October 2008. 'Mt' stands for million metric tons.
8. United Nations Development Program, *Human Development Report 2007–2008*, 40.
9. IPCC, 2007: *Climate Change 2007: The Physical Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tigor and H.L. Miller eds. (Cambridge University Press, United Kingdom and New York, NY, USA), 41. Available at <http://www.ipcc.ch/pdf/assessment-report/ar4/wg1/ar4-wg1-spm.pdf>. Accessed 16 October 2008.
10. *Ibid.*, 61.

11. IPCC, 2007: Summary for Policy Makers. In: *Climate Change 2007: Impacts, Adaptation and Vulnerability. Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, M.L. Parry, O.F. Canziani, J.P. Palutikof, P.J. van der Linden and C.E. Hanson eds. (Cambridge University Press, UK), 12.
12. *Ibid.*
13. See UNDP, *Report, 2007–2008*, 27–30.
14. On the role of sovereignty in this regard see Henry Shue 'The Eroding of Principle,' in Robert McKim and Jeff McMahan eds., *The Morality of Nationalism* (Oxford: Oxford University Press, 1997), 340–359.
15. This is thesis is the theme of Bill Mckibben, *The End of Nature* (New York: Random House, 2006).
16. David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 268–269.
17. IPCC, 2007: Summary for Policy Makers. In: *Climate Change 2007: Mitigation. Contribution of Working Group III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*, B. Metz, O.R. Davidson, P.R. Bosch, R. Dave, L.A. Meyer eds., (Cambridge United Kingdom and New York, NY, USA: Cambridge University Press), 4. Available at <http://www.ipcc.ch/pdf/assessment-report/ar4/wg3/ar4-wg3-spm.pdf>. Accessed 15 October 2008.
18. *Ibid.*
19. Intergovernmental Panel on Climate Change, *Climate Change 2007: Synthesis Report: Summary for Policy Makers*, 20–21. Available at [http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4\\_syr\\_spm.pdf](http://www.ipcc.ch/pdf/assessment-report/ar4/syr/ar4_syr_spm.pdf). Accessed 15 October 2008.
20. UNDP, *Report 2007–2008*, 36.
21. IPCC, 2007: *Synthesis*, 21, text to figure SPM 11.
22. *Ibid.*, 20.
23. *Ibid.*, 38.
24. *Ibid.*, 65.
25. I discuss these matters intergenerational justice in 'Justice and the Distribution of the Intergenerational Costs of Climate Change,' *Journal of Social Philosophy* 40 (2009): 204–224.
26. UNFCC, Article 2.
27. For UNDP' advocacy of this goal see UNDP, *Report 2007–2008*. See also the 2008 WIDER lecture by UNDP head, Kemal Derviş. Lecture available at [http://www.wider.unu.edu/home/news/en\\_GB/annual-lecture-online-print/](http://www.wider.unu.edu/home/news/en_GB/annual-lecture-online-print/), accessed 16 October 2008. For the EU's view see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0002:EN:NOT>. Accessed 17 October 2008.
28. Jae Edmonds and Steven J. Smith, 'The Technology of Two Degrees,' in Hans Joachim *et al.* eds., *Avoiding Dangerous Climate Change* (Cambridge: Cambridge University Press, 2006), 388.
29. Stephen H. Schneider and Jessica Lane discuss mitigation under 3.5°C as the goal in their 'An Overview of 'Dangerous' Climate Change' in Joachim *et al.* eds., *Avoiding*, 7–24. Yu. A. Izrael and S.M. Semenov advocate a

- goal of 2.5°C in their 'Critical Levels of Greenhouse Gases, Stabilization Scenarios, and Implications for Global Decisions,' in Joachim *et al.* eds., *Avoiding*, 73–79.
30. United States Energy Information Administration. Available at <http://www.eia.doe.gov/environment.html>. Accessed 13 October 2008.
  31. *Ibid.*
  32. *Ibid.*
  33. The impossibility of this proposal is sometimes missed. For example see Martino Traxler, 'Fair Chore Division for Climate Change,' *Social Theory and Practice* 28 (2002): 124.
  34. USEIA data. Available at <http://www.eia.doe.gov/oiaf/ieo/world.html>. Accessed 9 December 2008.
  35. UNDP 2007–2008, 43.
  36. UNDP 2007–2008, 45.
  37. *Ibid.*
  38. USEIA data.
  39. Henry Shue, 'Subsistence Emissions and Luxury Emissions,' *Law and Policy* 15 (1993): 42.
  40. United Nations Framework Convention on Climate Change, 1992. Available at <http://unfccc.int/resource/docs/convkp/conveng.pdf>. Accessed 2 October 2008.
  41. *Ibid.*
  42. *Ibid.*
  43. The first norm seems to be applying to states what Tony Honoré refers to as outcome responsibility, 'being responsible for the good and harm we bring about by what we do.' Tony Honoré, *Responsibility and Fault* (Oxford and Portland: Hart Publishing, 1999), 14.
  44. Martino Traxler, 'Fair Chore Division for Climate Change,' *Social Theory and Practice* 28 (2002): 101–134.
  45. Traxler's principle of burden equalization in eschewing equalizing percentages of CO<sub>2</sub> reductions is distinct from John Stuart Mill's principle of equality of sacrifice in taxation, which holds that people should be taxed at equal rates. See John Stuart Mill, *Principles of Political Economy*, Pt. II, Bk. V, chp. II: 'Setting out, then, from the maxim that equal sacrifices ought to be demanded from all, we have next to inquire whether this is in fact done, by making each contribute the same percentage on his pecuniary means.' Mill contends that generally it is so done. The Mill text is available in The Collected Works of John Stuart Mill, Volume III. Available on line at [http://oll.libertyfund.org/?option=com\\_staticxt&staticfile=show.php%3Fperson=21&Itemid=28](http://oll.libertyfund.org/?option=com_staticxt&staticfile=show.php%3Fperson=21&Itemid=28). Accessed 25 April 2009.
  46. Traxler, 'Fair Chore,' 129.
  47. *Ibid.*, 133.
  48. The Human Development Index was developed by the United Nations Development Programme under the guidance of Sen's capabilities framework. It assesses average human well-being within states by combining measure of income, health and education. The UNDP's *Measuring Human*

- Development: A Primer* is available at <http://hdr.undp.org/en/reports/publications/title,4182,en.html>. Accessed 21 October 2008.
49. The 2007–2008 Human Development Index rankings are available at <http://hdr.undp.org/en/statistics/>. Accessed 21 October 2008.
  50. Annex-1 countries are the countries indentified by the Kyoto Protocol as having a responsibility to reduce emissions. These are only countries of the developed world.
  51. UNDP 2007–2008, 229–232.
  52. This principle is advocated by several NGOs and climate activists. The Centre for Science and the Environment (see <http://www.cseindia.org/>) and the Global Commons Institute (see <http://www.gci.org.uk/>) have spearheaded support for the idea that each person should have an equal entitlement to emit greenhouse gases. The view is defended in Anil Agarwal and Sunita Narain, *Global Warming in an Unequal World: The case for environmental colonialism* (New Dehli: Centre for Science and the Environment, 1991) and in Tom Athanasiou and Paul Baer, *Dead Heat: Global Justice and Global Warming* (New York: Seven Stories Press, 2002). The principle has received some, but not a great deal of, philosophical attention. For some discussion of it see for example Dale Jamieson, ‘Climate Change and Global Environmental Justice’ in Clark A. Miller and Paul N. Edwards eds., *Changing the Atmosphere: Expert knowledge and environmental governance* (Cambridge: Cambridge University Press, 2001), 287–307; and Peter Singer *One World: The Ethics of Globalization* (New Haven: Yale University Press, 2002), 14–50.
  53. Singer, *One World*, 36.
  54. United State Census Bureau, *International Data Base*. Available at <http://www.census.gov/ipc/www/idb/worldpop.html>. Accessed 20 October 2008.
  55. USEIA data.
  56. *Ibid.*
  57. *Ibid.*
  58. James Hansen, *et al.* ‘Target Atmospheric CO<sub>2</sub>: Where Should Humanity Aim?’ p. 13. Available at [http://www.columbia.edu/~jeh1/2008/Target\\_CO2\\_20080407.pdf](http://www.columbia.edu/~jeh1/2008/Target_CO2_20080407.pdf) Accessed 30 January 2009.
  59. For the year 2000 per capita emissions cf. For UNDP Human Development Index cf. <http://hdr.undp.org/en/statistics/> Accessed 22 October 2008. For the per capita emissions see the USEIA data.
  60. See Paul Baer *et al.*, *The Greenhouse Development Rights Framework: The Right to Development in a Climate Constrained World*, rev. 2nd ed. (Berlin: The Heinrich Böll Foundation, Christian Aid, EcoEquity and the Stockholm Environment Institute, 2008). Available at <http://www.ecoequity.org/docs/TheGDRsFramework.pdf>. Accessed 9 December 2008. This is a particularly important proposal in virtue of its explicit attempt to satisfy the three UNFCCC norms that I have been employing.
  61. Baer *et al.*, *Greenhouse Development Rights*, 55.
  62. UNFCCC, ‘Report of the Conference of the Parties on its thirteenth session, held in Bali from 3 to 15 December 2007.’ Available at

[http://unfccc.int/meetings/cop\\_13/items/4049.php](http://unfccc.int/meetings/cop_13/items/4049.php). Accessed 21 October 2008.

63. *Ibid.*, 3.
64. UNFCC, Preamble.
65. See for example Tom Athanasiou and Paul Baer, *Dead Heat: Global justice and global warming* (New York: Seven Stories Press, 2002).
66. Stephen M. Gardiner has perspicaciously analyzed this intergenerational collective action problem in a set of papers. See his 'The Real Tragedy of Commons,' *Philosophy and Public Affairs* 30 (2001): 387–416 and 'The Dangerous Illusion of Kyoto,' *Ethics and International Affairs* 18 (2004): 23–39.

## 7 Global Distributive Institutions

1. Simon Caney, 'Cosmopolitan Justice and Institutional Design: An Egalitarian Liberal Conception of Global Governance,' *Social Theory and Practice* 32 (2006): 730–731.
2. *Ibid.*, 755.
3. *Ibid.*, 733.
4. *Ibid.*, 733–734.
5. *Ibid.*
6. The requirements of legitimacy are an important matter for consideration that I set aside here in my effort to reject the view that egalitarian institutions should be held to a different standard. For more on what legitimacy might (uniformly) require, see Allen Buchanan and Robert O. Keohane, 'The Legitimacy of Global Governance Institutions,' *Ethics & International Affairs* 20 (2006): 405–437.
7. Samir Amin, *Deliniking: Towards a Polycentric World* (London: Zed Books Ltd, 1990), 63.
8. Karl Marx, *The German Ideology* (1932). In *Karl Marx Selected Writings* ed. by David McLellan (Oxford: Oxford University Press, 1977), 170–171. This quotation features centrally in Trotsky's critique of the ideology of socialism in one country in his *The Revolution Betrayed* (New York: Pathfinder Press, 1972), especially chapter 3. Marx's view certainly impressed Bolshevik leaders in 1917 as they sought an escape from the requirements of advanced development by pinning their hopes on a successful revolution in the more advanced Germany, which could then lend developmental assistance to the fledgling Soviet state. Lenin for example claimed that, 'Regarded from the world-historical point of view, there would doubtlessly be no hope of the ultimate victory of our revolution, if we were to remain alone, if there were no revolutionary movements in other countries, the our position would be hopeless.' 'Seventh Congress of the R.C.P. (B.),' March 6–8, 1917 in *Collected Works*, vol., 27 (Moscow: Progress Publishers, 1964), 95.
9. G.A. Cohen, *Marx's Theory of History*, expanded ed. (Oxford: Oxford University Press, 2000), 204–215, but especially page 214.

10. Cohen's own version of this premise is 'No group of producers will impose such conditions on themselves.' See *Ibid.*, 214. That may be a more plausible premise for reasons I discuss in the following paragraphs, but to the extent that it is, it renders the argument invalid.
11. *Ibid.*, 208.
12. *Ibid.*, 69.
13. *Ibid.*, 65–73.
14. *Ibid.*, 101–103.
15. David Schweickart, *Against Capitalism* (Cambridge: Cambridge University Press, 1993), 307.
16. *Ibid.*, 88–103.
17. *Ibid.*, 307 and David Schweickart, *After Capitalism* (Lanham: Roman and Littlefield, 2002), 113–123.
18. Cf. Chang, *Kicking Away the Ladder* and Jay Mandle, *Globalization and the Poor* (Oxford: Oxford University Press, 2003).
19. Walden Bello, *Deglobalization: Ideas for a New World Economy* (London: Zed Books, 2002), 114.
20. John Cavanagh and Jerry Mander, *Alternatives to Economic Globalization* (San Francisco: Berrett Koehler Publishers, Inc., 2002), 107.
21. Omar Dahbour, 'Three Models of Global Community' *Journal of Ethics* 9: (2005), 217.
22. *Ibid.*, 217.
23. Plato, *The Republic*, trans. by G.M.A. Grube (Hackett: Indianapolis, 1974), 42, at 372c.
24. Dahbour, 'Three Models,' 218.
25. Dahbour, 'Three Models,' 219.
26. Mandle, *Globalization and the Poor*, 51.
27. Bello, *Deglobalization*, 115.
28. Thomas Pogge, *World Poverty and Human Rights* (London: Polity Press, 2002), 172–173.
29. Thomas W. Pogge, "'Assisting" the Global Poor,' in Deen K. Chatterjee, ed., *The Ethics of Assistance* (Cambridge: Cambridge University Press, 2004), 265.
30. Iris Marion Young, 'Responsibility and Global Justice: A Social Connection Model,' *Social Philosophy and Policy* 23 (2006): 23.
31. David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 84. Miller's term captures well the idea that this sort of responsibility has to do with remedying injustices. But as will be seen in my discussion of Miller's treatment of remedial responsibility I do not believe the responsibility can be to remediate in the sense of returning to an approximation of holdings to prior to the injustice.
32. John Locke, *Two Treatise of Government*, Bk. II, chp. 5, para. 37. Available on line <http://www.lonang.com/exlibris/locke/loc-205.htm>. Accessed 29 April 2009.
33. Distribution A is Pareto superior to B if and only if everyone is better off under A than under B.

34. Miller, *National Responsibility*, 107. The interesting survey of the conceptions runs from 97–104.
35. This is the defense of what Rawls calls democratic equality. See *Theory*, 65.
36. *Ibid.*, 87.
37. *Ibid.*, 88.
38. Milanovic, *Worlds Apart*, 149.
39. Gillian Brock discusses a great many other tax proposals in her 'Taxation and Global Justice: Closing the Gap between Theory and Practice,' *Journal of Social Philosophy* 39 (2008): 161–184.
40. Pogge, 'A Global Resources Dividend,' in *World Poverty*, 196–215.
41. *Ibid.*, 206.
42. *Ibid.*, 207.
43. James Tobin, 'A Proposal for International Monetary Reform,' in *Essays in Economics: Theory and Policy* (Cambridge, MA: MIT Press, 1982), 488–494.
44. Barry Eichengreen, James Tobin, and Charles Wyplosz, 'Two Cases for Sand in the Wheels of International Finance,' *The Economic Journal* 105, no. 428 (1995): 161–172.
45. Milanovic, *Worlds Apart*, 159–162.
46. Michael Howard makes this point in 'NAFTA Dividend: A Guaranteed Minimum Income for North America,' *Basic Income Studies: An International Journal of Basic Income Research* 2, (2007): 16. Standing suggests electronic deposits that can be accessed on a credit card as part of such a scheme. The suggestion is made as a matter of domestic distributive just, but it might serve to mitigate capacity problems as part of a global tax and transfer scheme. Cf. *Global Labour Flexibility*, 368–369.



# Index

NOTE: Locators followed by “n” refer note number

- absolute poverty, 4, 5, 13, 28, 134, 143
- Ad Hoc Working Group on Long-term Cooperative Action, 129
- AFL-CIO, 101
- Agreement on Trade-Related Intellectual Property Rights (TRIPS), 98
- Amin, Samir, 137, 173 n7
- Anderson, Elizabeth, 58, 59, 162 n38
- Annex-1 and non-Annex-1 countries, distinguishing between, 123
- anthropogenic climate change, 106, 108, 109–10, 115
- AR4, *see* Fourth Assessment Report (AR4)
- Arenius, Sven, 107
- Article 3 of the Universal Declaration of Human Rights, 7
- Article 5 of The African Charter on Human and Peoples’ Rights, 6
- Article 7 of the Universal Declaration of Human Rights, 12
- Article 18 of the Universal Declaration of Human Rights, 10
- Asian economic crisis, 49
- an association, climate change, 110–111
- an association, economic aspects of, 58–61
- democratic equality, 59
- reciprocity, 59–60
- roles, 58–9
- an association, political aspects of, 54–8
- bestowing honors, culture practice of, 57
- democratic citizenship, 55, 161–2 n27
- democratic equality*, 55
- democratic political ideal, the, 55, 162 n28
- goods of justice, 56
- political justice, 54–5
- states, 54–8
- Athanasίου, Tom., 127, 171, 172 n52
- Averyt, K. B., 169 n9
- Baer, Paul, 127, 171 n52, 172 n60, 172 n61, 172 n65
- Barry, Brian, 36, 160 n48, 164 n9
- Barry, Christian, 103, 105, 168 n41, 168 n46
- Barry, Eichengreen, 174 n44
- Beitz, Charles, 4, 155 n17, 164 n9
- Bello, Walden, 140–1, 143, 173 n19, 174 n27
- Bentham, Jeremy, 156 n24
- bestowing honors, culture practice of, 57
- Bhagwati, Jagdish, 4, 103, 105, 155 n16, 168 n39, 168 n45

- Blake, Michael, 19, 23, 24, 25, 26, 27, 29, 30, 158 n16  
 coercion and conditions of  
   distributive justice, 23–7;  
   churches and universities,  
   25–6; coercion of private and  
   tax law, 24, 26; compensation,  
   26; egalitarian distributive  
   justice, 24; egalitarianism, 26;  
   hypothetical consent, 24;  
   *institutional* (Rawls coercion  
   account), 27; liberal principle  
   of autonomy, 23, 24; versus  
   Miller, 23; sufficiency  
   principle, 24
- Bolin, Bert, 107, 169 n3
- Bourguignon, François, 157 n46
- Brazil, 49, 123, 124  
   average per capita CO<sub>2</sub>  
   emissions, 125
- Brighthouse, Harry, 159 n43, 162 n28,  
 163 n48, 166 n44
- Brock, Gillian, 75–7, 80, 159 n43,  
 163 n41, 164 n16, 164 n17, 164  
 n18, 174 n39
- Brownlie, Ian, 156 n23
- Buchanan, Allen, 166 n3, 173 n6
- Caney, Simon, 43, 134–6, 160 n3,  
 164 n17, 172 n1
- Canziani, O. F., 169 n11
- Cavanagh, John, 173 n20
- Cavanaugh, John, 141
- Chang, Ha-Joon, 124, 127, 130, 131,  
 133, 134, 142, 143, 153, 161  
 n12, 161 n14, 161 n17, 161 n22,  
 161 n25, 167 n22, 167 n24, 167  
 n26, 168, 169 n2, 169 n5, 169  
 n9, 169 n11, 169 n17, 170 n19,  
 170 n25, 170 n28, 170 n29,  
 170 n33,
- Chapman, John. W., 160 n48,  
 164 n9
- Charlton, Andrew, 15, 93, 98, 157  
 n47, 166 n6, 167, 28
- Charter of the United Nations, 6
- Chatterjee, Deen. K., 157 n45, 161  
 n12, 174 n29
- Chen, Shaohua, 155 n12, 157 n50,  
 169 n9
- Chen, Z., 169 n9
- citizen-sovereigns, 30–1
- class oppression*, 139
- climate change, 106–31  
   155-year warming trend, 108  
   Ad Hoc Working Group on  
   Long-term Cooperative  
   Action, 129, 130  
   anthropogenic climate change,  
   106, 108, 109–10, 115  
   AR4, 113  
   Article 2 of the UNFCCC, 115  
   association generating duties of  
   justice, 110–111  
   climate change mitigation, *see*  
   climate change mitigation  
   *climate sensitivity*, 114  
   CO<sub>2</sub>, atmospheric concentration  
   of, 107–8  
   CO<sub>2</sub> emissions, projected  
   increase, 112  
   emissions association, 110–11  
   equilibrium level of average  
   surface warming, 114  
   EU, CO<sub>2</sub> emissions reduction, 115  
   Fourth Assessment Report  
   (AR4), 108  
   glacial melt, results of, 109  
   global justice, 114–15  
   greenhouse gases, 107–8  
   *Human Development Report*  
   2007–2008, 109  
   Intergovernmental Panel on  
   Climate Change (IPCC), 108  
   IPCC CO<sub>2</sub> stabilization targets,  
   112 table 1, 115  
   Kyoto Protocol (2005), 108  
   malaria, 109  
   matters of justice, 109–11  
   new global climate regime, 111–15  
   overview, 106–7  
   sea levels, 107, 108, 114

- socio-economic development,
  - threat to, 107–9
- sub-Saharan Africa, 109
- thermal expansion, 113–14
- threats to justice, 129–31
- UNDP, 113
- United Nations Framework
  - Convention on Climate Change (UNFCCC), 107–8
- United Nations General Assembly
  - Resolution 43/53, 107, 108
- climate change mitigation, 115–29
  - 2°C goal, 115–16
  - Annex-1 and non-Annex-1
    - countries, distinguishing between, 123
  - CO<sub>2</sub> emissions, reduction of, 116
  - electrification, 117
  - equal amounts principle, 116–17
  - equal burdens principle, 118–22;
    - Amartya Sen, 121; example, 119; Human Development Index (HDI), 121; moral problems with, 119–21
  - equal percentages principle, 117–18
  - equal shares (contract and coverage) principle, 124–7, 171–2 n52; 2°C warming limit, 126; average per capita CO<sub>2</sub> emissions, 125; global population, 2050 projection, 125; per capita amount, 125; fairness argument, 117
  - greenhouse development rights (GDR) principle, 127–9
  - Human Development Report 2007–2008, 117
  - IPCC's projected reduction range for 2°C warming limit, 126–7
  - Kyoto Protocol (2005), 123
  - modified polluter pays principle, 123–4
  - polluter pays principle, 122–3
  - principles, legitimacy of, 117–18, 171 n43
  - Responsibility–Capacity Index (RCI), 128
  - temperature goals, 115–16
  - trading scheme, 126
  - UNDP's threshold of a high human development, 123
  - UNFCCC, 118
  - United Nations General Assembly
    - Resolution 43/53, 122
  - US Energy Information Administration (EIA), 116
- climate sensitivity*, 114
- CO<sub>2</sub>, atmospheric concentration of, 107–8
- CO<sub>2</sub> emissions
  - projected increase, 112
  - reduction of, 116
- coercion and conditions of
  - distributive justice, 19–39
  - coercion accounts, 19
  - compatriots, defined, 158 n1
  - overview, 19–20
  - the principle of associational justice*, 32–6
  - principle of fair play, 36–9
- coercive imposition* of international institutions, 14–15
- Cohen, G. A., 138, 139, 160 n11, 173 n9
- Cohen, Joshua, 65, 140, 161 n27, 163 n49, 173 n10
- common good association
  - constraint of justificatory restraint, 34
  - definition of, 12
  - duties of justice, 52
  - economy as, 58
  - global economic association, 132
  - global equality of opportunity, 71
  - interpretive activity, 57
  - justificatory presumption of equality, 51
  - political associations, 56
  - presumptions of procedural and outcome equality in, 53
  - privileges, 32

- compatriots, defined, 158 n1  
 contractualism, 12, 52  
 Corina, Giovanni Andrea, 161 n17  
 Cullity, Garrett, 160 n51  
*Cosmopolitan Justice* (Moellendorf ), 73–4
- Dahbour, Omar, 141, 141, 142, 173 n21, 174 n24, 174 n25  
 Daniels, Norman., 159, 162 n27, 162 n31, 162 n31, 162 n39, 164 n9  
 Darwall, Stephen, 8, 156 n29, 156 n38, 157 n39, 159 n41  
 Declaration on Fundamental Principles and Rights at Work, 104  
 de-globalization, 140–3  
 de-linking, 137, 139, 140  
 democratic citizenship, 55, 81, 161–2 n27  
 democratic equality, 55, 59–60, 174 n35  
 democratic political ideal, the, 55  
 dumping, 101  
 duties of social justice, 20, 47, 141  
 Dworkin, Ronald, 57, 159 n46
- Edison, Thomas., 113  
 Edmonds, Jae, 170 n28  
 educational opportunities, inequality of, 77  
 egalitarian cosmopolitanism, 40, 41, 53, 72  
 egalitarian distributive justice, Andrea Sangiovanni's account of, 61–3  
 egalitarian justificatory presumption, 10–13, 35–36, 51–52  
 justificatory respect, 11, 35–6, 52, 157 n39  
 persons as sources of practical reasons, 10, 11  
*prima facie* principle of equality, 12–13  
 reasonable endorsement, 11  
 right to freedom of conscience, 10  
 self-authenticating sources of valid claims (Rawls), 11  
 EIA, *see* US Energy Information Administration (EIA)  
 Eichengreen, Barry, 174 n44  
 electrification, 117  
 equality of opportunity defended, 68–89  
 citizenship status, 71–3;  
 arbitrariness, 71–2, 73;  
*distributive* of egalitarian justice, 73; original citizenship, 71; place of birth, 71  
 controversy, 70, 79, 80, 81  
 cross-national consensus, steps toward, 81–5; *ad hominem* arguments, 82, 83–4  
 David Miller's criticisms, 77–81  
 Gillian Brock's criticisms, 75–7, 164 n17, 165 n19  
 global economic association, 73–5;  
 citizenship, 75; *Cosmopolitan Justice* (Moellendorf ), 73–4; 'the position of the latter's parent', 74; school education, 74  
 national self-determination, 85–9;  
 conception of state sovereignty, 86; destruction of, 85–6; English education recommendation, 88, 89; global *lingua franca*, 87; immigration policy, liberalizing, 87–8  
 overview, 68–71; income, opportunity for, 68; longevity, 68; *noblesse oblige*, 70  
 Engels, Frederick, 94, 167 n10  
 EU, *see* European Union (EU)  
 European Union (EU), 115, 128, 130  
 Evenett, Simon, 161 n15
- FDI, *see* foreign direct investment (FDI)  
*fictio juris*, 35, 159 n45

- foreign direct investment (FDI), 49  
 Formula of Humanity (Kant), 11  
 Forst, Rainer, 157 n39  
 Fourth Assessment Report (AR4), 108–9, 113  
 free-standing, 77, 165 n19  
 fundamental human rights, 7–8
- Galbraith, James K., 168 n42  
 Gardiner, Stephen M., 66  
 GATT, *see* General Agreement on Tariffs and Trade (GATT)  
 General Agreement on Tariffs and Trade (GATT), 98  
 Gini coefficient, 3, 15, 154 n8  
 glacial melt, results of, 109  
 global distributive institutions, 132–53  
   anti-globalization view, 137–43  
   egalitarian distributive institutions, legitimacy of, 134–7, 173 n6;  
   de-globalization, 140–3;  
   de-linking, 137, 139, 140;  
   socialism, feasibility of, 137–40  
   inequality, institutional reforms for remedying, 147–53;  
     assessment, criteria for, 148–9;  
     global tax and transfer plans, 149–53; tax and transfer programs, 148  
   overview, 132–4  
   responsibility, conception of, 143–7  
   terminological point: *distributive institutions*, 133; *institutions of egalitarian distribution*, 133; *institutions of egalitarian redistribution*, 133; *redistributive institutions*, 133  
 global economy, inequalities in, 63–7  
   egalitarian cosmopolitanism, 63–4  
   global inequalities, current, 66–7  
   injustice, method for claiming an, 66  
   membership dependence, 63  
 global egalitarianism, 6, 64–5, 70, 86–7, 164 n9  
 global inequality, 2–5  
   absolute poverty, injustice of, 5  
   education equality, 2  
   under five mortality rate, 2  
   Gini coefficient, 3, 15  
   income inequality, 2–3  
   injustice of, rejection of, 4  
   international inequality: *concept 1 inequality*, 3; *concept 2 inequality*, 3; *concept 3 or global inequality*, 3  
   Organisation for Economic Cooperation and Development (OECD), 2  
   poverty, 3–4  
   reasons it matters, 4–5  
   United Nations Development Programme (1998), 3  
   wealth inequality, 2  
   *World Development Report 2006*, 2  
   World Health Organization, 2  
 global justice (Pogge's account), 13–18  
   *coercive imposition* of international institutions, 14–15  
   distributive inequalities, reasons to oppose, 13–14  
   Gini coefficient of international inequality, 15  
   global distributive justice, 13  
   global institutions, harming the poor, 17  
   global social injustice, 15  
   harm, 17, 18  
   international borrowing and resource privileges, 13, 14, 15, 17  
   libertarians, 15  
   political left, 14  
   political right, 14  
   poverty, 15

- global justice – *continued*  
 poverty, global factors as  
   significant cause of, 16–17  
 poverty reduction, 16  
 student performance, analogy  
   to, 16  
*a subjunctive comparison with a  
 hypothetical baseline*, 17, 18  
*a subjunctive comparison with an  
 historical baseline*, 17, 18  
 sufficientarian, 13  
 trade liberalization, 15  
 World Trade Organization  
   (WTO), 14
- global *lingua franca*, 78, 87
- Global Resources Dividend (GRD),  
 149–50
- global tax and transfer plans, 149–53  
 currency speculation, 150–1  
 Global Resources Dividend (GRD),  
 149–50  
 income grants, 152–3, 174 n46  
 progressive global income tax  
   (Milanovic), 151–3  
 the Tobin Tax, 150–1
- GNP, *see* Gross National Product  
 (GNP)
- goods of justice, 56
- Gosepath, Stefan, 157 n39
- GRD, *see* Global Resources Dividend  
 (GRD)
- greenhouse gases, 107–8, 115  
*the Greenhouse Development Rights  
 principle*, 127–9
- Gross National Product (GNP), 95
- Habermas, Jürgen, 157 n40, 157
- Ha-Joon Chang, 96, 97–8
- Hansen, James., 126, 172 n58
- Hanson, C. E., 169 n11
- Hart, H. L. A., 36, 156 n24, 159 n47,  
 171 n43
- Hayek, Friedrich, 134
- HDI, *see* human development Index  
 (HDI)
- Hegel, G. W. F., 141
- Hevisi, Denis, 169 n3
- Hoekman, Bernard M., 161 n24, 167  
 n30, 168 n33
- Honoré, Tony, 171 n43
- honoring, practice of, 57
- Howard, Michael., 174 n46
- Human Development Index (HDI),  
 121, 171 n48
- Human Development Report  
 2007–2008, 117
- human dignity, 6
- hypothetical consent, 24, 25, 51–2
- ILO, *see* International Labour  
 Organization (ILO)
- income grants, 152–3, 174 n46
- income inequality, 66–7
- inherent dignity of persons, 5–8  
 contrast with Rawls, 9; and  
 egalitarian justificatory  
 presumption, 10–13, 35–36,  
 51–52; global inequality, 2–5  
 human rights documents, 6–7  
 justification, 8–9  
 justificatory respect, 11, 35–6, 52,  
 157 n39 overview, 1–2  
 Pogge’s human rights-based  
 account of global justice,  
 contrasting view, 13–18  
 Respect for, 5–8  
*institutional accounts*, 44, 64  
 institutional (recognition) respect, 8  
 Intergovernmental Panel on Climate  
 Change (IPCC), 108
- international borrowing and  
 resource privileges, 13, 14,  
 15, 17
- International Confederation of Free  
 Trade Unions’s ‘Basic Code of  
 Conduct’, 104
- International Covenant on Civil  
 and Political Rights, preamble  
 to, 6
- International Covenant on  
 Economic, Social and Cultural  
 Rights, preamble to, 6

- international inequality  
*concept 1 inequality*, 3  
*concept 2 inequality*, 3  
*concept 3 or global inequality*, 3
- International Labour Organization (ILO), 104
- International Monetary Fund, 98
- international trade, 90–105  
 AFL-CIO, 101  
 Agreement on Trade-Related Intellectual Property Rights (TRIPS), 98  
 asymmetrical tariff reduction, 99  
 core labor standards, 104  
 fair competition, 99  
 free trade, 91–3; import taxes, 93;  
 Kaldor–Hicks efficiency, 92–3;  
 Pareto superiority, 92  
 General Agreement on Tariffs and Trade (GATT), 98  
 market access, 99  
 most favored nations (MFNs), 99  
 multi-lateral linkage, 104–5;  
 advantage of, 104–5; core labor standards, 104;  
 Declaration on Fundamental Principles and Rights at Work, 104; International Confederation of Free Trade Unions's 'Basic Code of Conduct', 104; International Labour Organization's (ILO), 104  
 overview, 90  
 predation, 99  
 protectionism, 100–1  
 protectionist policies, 93–6; Gross National Product (GNP), 95; Marxist tradition, 94–5; socio-economic development, promotion of, 95–6; United Nations Conference on Trade and Development (UNCTAD), 94  
 protectionist policies, effects of, 91–2, 93–6
- reciprocity, 99
- rules-based multi-lateral trade regime, superiority of, 98–9; WTO, 98–9
- state intervention, 96–8; capital market imperfections, 98; employment, 97; unfairness, 101–4; AFL-CIO, 101; 103; dumping, 101; employment, unfair discrimination in, 101–2; globalization and, 103; low-wage workers, 102; Nordic countries, 103, 168 n42; *producers* (the term), 101; racially or sexually discriminatory laws, victim of, 102; right to unionize, 103; unfair worker treatment, protectionist policies in response to, 103–4
- IPCC, *see* Intergovernmental Panel on Climate Change (IPCC)
- Jamieson, Dale, 171 n52  
 Joachim, Hans, 170 n28, 170 n29  
 Jordon, Michael., 58  
 Julius, A. J., 64, 159 n42, 163 n48  
*justice-positivism*, 36  
 justification, 8–9  
 contextualist-interpretive elements, 56  
 inherent dignity of persons, 8  
 inherent worth of persons, 8  
 justificatory respect, 11, 35–6, 52, 157 n39  
 universalist element, 56, 57  
*justificatory respect*, 11, 35–6, 52, 157 n39
- Kaldor–Hicks efficiency, 92–3  
 Kartha, Sivan., 127  
 Kaya, Ayse., 156 n18  
 Kemp-Benedict, Eric., 127  
 Keohane, Robert O., 161 n19, 173 n6  
 Klosko, George., 160 n51

- Kostecki, Michel. M., 161 n24, 167 n30, 168 n33
- Kyoto Protocol (2005), 108, 123, 129
- Lane, Jessica, 170 n29
- Latin America, glacial melt, results of, 109
- Lenhardt, Christian, 157
- Lenin, V. I., 167 n14, 173 n8
- liberal principle of autonomy, 23, 24
- libertarians, 15
- List, Friederich, 96
- Lloyd, Sampson S., 161 n22, 167 n21
- Locke, John, 18, 145, 174 n32
- longevity, 67, 68
- malaria, 109, 117
- Mander, Jerry, 141, 141, 173 n20
- Mandle, Jay, 95, 142, 167 n15, 173 n18, 174 n26
- Manning, M., 169 n9
- Marquis, M., 169 n9
- Marx, Karl, 35, 94, 95, 137–8, 140, 159 n45, 160 n11, 164 n9, 167 n10, 167 n11, 167 n12, 167 n13, 173 n8, 173 n9
- Mathers, Colin, 154 n3, 163 n55
- McKim, Robert, 169 n14
- McLellan, David, 167 n12, 173 n8
- McMahan, Jeff, 169 n14
- membership dependence, 40–41, 42–5  
 defense of, 43–5  
*institutional accounts*, 44  
 moral personality, 43  
 moral rights, 44–5  
 the source and the object of a duty, distinguish between, 44
- MFNs, *see* most favored nations (MFNs)
- Milanovic, Branko, 2–3, 15, 68–9, 75, 148–9, 151–3, 154 n6, 154 n8, 155 n10, 163 n51, 163 n4, 174 n38, 174 n45
- Mill, John Stuart, 97, 156 n24, 167 n23, 167 n25, 171 n45
- Miller, David, 57, 72–3, 77–87, 110, 112, 144, 146, 155, 162 n34, 162 n35, 164 n13, 164 n14, 165 n22, 165 n23, 165 n24, 165 n25, 165 n27, 165 n28, 165 n36, 165 n40, 165 n41, 166 n45, 166 n48, 169 n16, 174 n31, 174 n34
- Miller, H. L., 169 n9, 169 n11
- Miller, Richard, 19, 20, 21, 22, 23, 27, 29, 30, 31, 158 n2, 158 n13  
 coercion and conditions of  
 distributive justice: budgetary bias, 21–2; patriotic preference, 20–3; psychological limits of trust, 20–1; relations, between compatriots and non-compatriots, 22; self-respect, 22–3; self-respect of the less privileged, 20–1
- modus ponens*, 78
- modus tollens*, 78
- Moellendorf, Darrel., 164 n9, 164 n15, 165 n21, 166 n43, 166 n47, 168 n38
- moral duties, 37–9
- moral personality, 43
- most favored nations (MFNs), 99
- Nagel, Thomas, 4, 19, 23, 27, 28, 29, 30, 31, 32, 41, 65, 110, 157 n39, 159 n33, 159 n38, 159 n42, 159 n42, 160 n1, 163 n48  
 coercion and conditions of  
 distributive justice, 27–32; absolute poverty, 28; citizen-sovereigns, 30–1; critiques of, 159 n42; duties of distributive justice, 27–8; duties of humanitarianism, 27, 28; example, 31–2; humanitarian duties and duties of justice, difference between, 28–9; state institutions, 29–30; *the subject-sovereign condition*, 29–30  
 egalitarian cosmopolitanism, 41



- network effects, 49
- Newcomen, John, 113
- Nicholsen, Shierry Weber., 157 n40
- noblesse oblige*, 70
- non-compatriot non-egalitarianism,  
rejection of, 51–3  
common good associations, 52  
contractualism, 52  
hypothetical consent, 51–2  
inequalities, 52–3  
outcome equality, 53  
procedural equality, 53
- Nozick, Robert, 26, 45–7, 71–2, 160  
n10, 164 n11, 166 n46, 160 n51  
*principle of associational justice*, 45
- Nye Jr, Joseph, 161 n19
- OCED, *see* Organisation for  
Economic Cooperation and  
Development (OCED)
- opportunity sets, 74, 75, 77–80, 85
- Organisation for Economic  
Cooperation and Development  
(OCED), 2, 159 n37
- ought-implies-can principle, 75
- outcome equality, 34–5, 53
- Palutik, J. P., 169 n11
- Pareto superiority, 92
- Parfit, Derek, 161 n25
- Parry, M. L., 169 n11
- patent protection, 50–1
- Peffer, R. G., 164 n9
- Pennock, J. Roland, 160 n48, 164 n9
- persons as sources of practical  
reasons, 10, 11
- Plato, 141, 174 n23  
the *Republic*, 141
- Pogge, Thomas, 1–3, 7, 13–8, 47–8,  
143–4, 149–50, 155 n14, 155  
n17, 156 n18, 156 n27, 157 n43,  
157 n45, 157 n48, 157 n49, 158  
n52, 158 n53, 158 n54, 158 n59,  
158 n56, 158 n58, 164 n9, 174  
n28, 174 n29, 174 n40
- global justice, contrasting view of,  
1–2, 13–18
- Global Resources Dividend (GRD),  
149–50  
*principle of associational justice*, 47  
responsibility, conception of,  
143–4  
*World Poverty and Human Rights*,  
143–4
- political and economic associations,  
40–67  
content dependence, 41  
egalitarian cosmopolitanism,  
40, 41  
global economy, inequalities in,  
63–7  
membership dependence, 42–5  
non-compatriot  
non-egalitarianism, rejection  
of, 51–3  
overview, 40–2  
political and economic  
associations, 54–61  
*principle of associational justice*,  
45–8  
*principle of associational justice*,  
institutional requirements,  
45–51  
reciprocity, 61–3  
strength dependence, 41  
*Political Liberalism* (Rawls), 9, 26,  
82, 83  
poverty, 3–4  
PPM, 168 n1  
PPP, *see* purchasing power parity  
(PPP)
- predation, 99  
*prima facie* principle of equality,  
12–13, 53, 66
- primary school completion  
rates, 77  
*principle of associational justice*, 37,  
45–8  
duties of social justice, 47  
institutional requirements, 46–7

- principle of associational justice*,  
 institutional requirements  
 background rules, significance  
 of, 50  
 foreign direct investment  
 (FDI), 49  
 globalization of trade, investment  
 and finance, effects of, 49  
 network effects, 49  
 non-voluntariness, 50  
 strength, 48–9  
 TRIPs Article 28, 50
- principle of fair play*, 36–9  
 appeals to fairness, 36  
 criticism, vulnerable to, 37,  
 160 n51  
*justice-positivism*, 36  
 moral duties, 37–9  
 non-voluntary special duties, 37,  
 160 n52  
 in political obligation, 36–7  
*principle of associational  
 justice*, 37
- the principle of associational justice*,  
 32–6  
 coercion account and institutional  
 account, difference  
 between, 35  
 definition of, 20, 33  
 duties of egalitarian justice, 34  
 duties of justice, 33  
 global economic association, 33  
 presumption of equality: outcome  
 equality, 34–5; procedural  
 equality, 34–5  
*see also* principle of fair play  
 procedural equality, 34, 34–5, 53  
 progressive global income tax  
 (Milanovic), 151–3  
 protectionism, 100–1  
 protectionist policies, 91–2, 93–6  
 purchasing power parity (PPP), 155  
 n12
- Qin, D., 169 n9
- racially or sexually discriminatory  
 employment laws, 102
- Ravallion, Martin, 155 n12, 155 n13,  
 157 n50, 157 n51, 158 n52
- Rawls, John, 4, 6–9, 11, 25–7, 43–5,  
 55, 58–9, 63, 69–71, 82, 84,  
 146–7, 156 n25, 156 n30, 1546  
 n31, 156 n33, 156 n37, 157 n39,  
 157 n40, 159 n28, 159 n29, 159  
 n46, 159 n47, 160 n7, 161 n26,  
 162 n27, 162 n29, 162 n31, 162  
 n37, 162 n39, 162 n40, 163 n46,  
 163 n47, 164 n5, 164 n6, 164  
 n8, 164 n9, 165 n19, 165 n30,  
 165 n31, 165 n38, 166 n44,  
 174 n35  
 equality of opportunity defended,  
 69–70  
*institutional* coercion account, 27  
 membership dependence, 43–4  
*Political Liberalism*, 9, 26, 82, 83  
 reciprocity, 146–7  
 self-authenticating sources of valid  
 claims, 11  
*A Theory of Justice*, 6–7, 8, 9, 55  
 Rawlsian, 24, 26, 27, 36, 83, 135,  
 165 n30
- RCI, *see* Responsibility–Capacity  
 Index (RCI)
- reciprocity, 59–60, 61–3, 99, 146–7  
 recognition respect, 8
- Reddy, Sanjay, 103, 105, 155 n13,  
 157 n51, 168 n41, 168 n46
- remedial responsibility*, 144, 145–7  
 the *Republic* (Plato), 141  
 respect, 5–8  
 an account of justice, 7  
 Article 3 of the Universal  
 Declaration of Human  
 Rights, 7  
 Article 5 of The African Charter on  
 Human and Peoples' Rights, 6  
 Charter of the United Nations, 6  
 fundamental human rights, 7–8  
 human dignity, 6

- institutional (recognition)  
     respect, 8  
 International Covenant on Civil  
     and Political Rights, preamble  
     to, 6  
 International Covenant on  
     Economic, Social and Cultural  
     Rights, preamble to, 6  
*justificatory respect*, 11, 35–6, 52,  
     157 n39  
 pro-attitude, 5  
     recognition  
     respect, 8  
 universal Declaration of Human  
     Rights, preamble to, 6  
 Responsibility–Capacity Index  
     (RCI), 128  
 responsibility, conception of, 143–7  
     *agent* (term, use of), 145  
     purposes of, 143–4  
     reciprocity, 146–7  
     *remedial responsibility*, 144, 145–7  
     *role responsibility*, 144, 145  
     sweat shops, 144  
     *World Poverty and Human Rights*  
     (Pogge), 143–4  
 Ricardo, David, 91  
 right to freedom of conscience, 10  
 right to unionize, 103  
 Rodrik, Dani, 103, 168 n40  
*role responsibility*, 144, 145  
 Rousseau, Jean-Jaques, 141  
 Russia, Asian economic crisis, 49  
  
 Sabel, Charles, 65  
 Samuelson, Paul, 92, 166 n4  
 Sandel, Michael J., 160 n49  
 Sangiovanni, Andrea, 61–3  
 Scanlon, T. M., 156 n19, 157 n40,  
     162 n39, 164 n9  
 Scheffler, Samuel, 38, 158 n12,  
     160 n52  
 Schneider, Stephen H., 170 n29  
 Schweickart, David, 139, 140, 173  
     n15, 173 n17  
 sea levels, rise in, 107, 108, 109, 112  
     table 1, 113, 114  
  
 Sen, Amartya, 117, 121, 157 n40,  
     171 n8, 156 n28, 162 n30, 169  
     n14, 170 n39  
 Shue, Henry, 117  
 Simmons, A. John, 160 n51  
 Singer, Peter, 43, 47, 48, 124, 144,  
     160 n6, 160 n12, 161 n12, 165  
     n42, 166 n2, 172 n52, 172 n53  
     equal shares (contract and  
     coverage) principle, 124–5  
     global justice, 47–8, 160 n12  
     responsibility, conception of, 144  
 Sit, Victor S. F., 161 n15  
 Smith, Adam, 81, 165 n29  
 Smith, Steven J., 170 n28  
 socialism, feasibility of, 94–5, 137–40  
 Socrates, 141  
 Stiglitz, Joseph E., 15, 93, 98, 157  
     n47, 166 n6, 166 n7, 167 n28  
*the subject–sovereign condition*, 29–30  
 sufficientarian, 13, 19, 27, 34, 56, 61  
  
 Tan, Kok-Chor, 42–5, 160 n2  
 Temkin, Larry S., 156 n20  
*A Theory of Justice* (Rawls), 6–7, 8, 9,  
     26, 55, 82–3, 163 n46  
     reciprocity, 146–7  
 thermal expansion, 113–14  
 the Tobin Tax, 150–1  
 Thompson, E. P., 168 n35  
 Tigor, M., 169 n9  
 Tobin, James, 149, 150, 151, 153,  
     174 n43, 174 n44  
 Traxler, Martino, 118–21, 170 n33,  
     171 n44, 171 n45, 171 n46  
 TRIPS, *see* Agreement on  
     Trade-Related Intellectual  
     Property Rights (TRIPS)  
 TRIPs Article 28, 50  
*the true city*, 141  
  
 UNCTAD, *see* United Nations  
     Conference on Trade and  
     Development (UNCTAD)  
     under five mortality rate, 2, 67

- UNDP, *see* United Nations Development Programme (UNDP)
- UNDP's threshold of a high human development, 123
- unfairness, 101–4, 168 n12
- UNFCCC, *see* United Nations Framework Convention on Climate Change (UNFCCC)
- United Nations Conference on Trade and Development (UNCTAD), 94
- United Nations Development Programme Report (2005), 77
- United Nations Development Programme (UNDP), 3, 109
- United Nations Framework Convention on Climate Change (UNFCCC), 107–8, 118
- United Nations General Assembly Resolution 43/53, 107, 108, 122
- United Nations International Children's Emergency Fund, 67
- Universal Declaration of Human Rights  
 Article 3, 7  
 Article 7, 12  
 Article 18, 10  
 preamble to, 6
- Universal Declaration of Human Rights, preamble to, 6
- US Census Bureau, 125
- US Energy Information Administration (EIA), 116
- value pluralism, 75
- van der Linden, P. J., 169 n11
- van Parijs, Philippe, 166 n51  
*the voluntarist objection*, 160 n52
- Wade, Robert H., 156 n18
- Walzer, Michael, 33, 56, 57, 159 n44, 162 n32
- wealth inequality, 67
- Williams, Bernard., 157 n40
- World Bank study  
 complete trade liberalization, 15  
 immigration, 87, 100–1  
 poverty, 3, 17, 155 n13, 157 n51
- World Bank, WTO and, 98
- World Development Report 2006*, 2
- World Health Organization, 2
- World Trade Organization (WTO), 14, 49, 50, 98–9
- WTO, *see* World Trade Organization (WTO)
- Wu, Weiping., 161 n15
- Wyplosz, Charles., 174 n44
- Young, Iris Marion, 144, 174 n30
- Yusuf, Shhid., 161 n15