

Global Justice and Two Kinds of Liberalism

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In a recent article, Nagel (2005) distinguishes between 'political' and 'cosmopolitan' approaches to global justice. He points to Rawls's view as a prime example of an account of global justice that is political in this sense. Rawls (1993) also describes his view as political, but he does so in reference to a slightly different distinction between 'political' and 'comprehensive' versions of liberalism. There are thus at least two senses in which a liberal theory can be political. The first aim of this paper is to explore the differences between these two senses. The second aim is to assess whether it is desirable for liberal theory to be political in Nagel's sense. My arguments endorse Nagel's political approach, while rejecting his 'strong statism' (Cohen and Sabel 2006).

The paper proceeds in four sections: (i) Nagel's notion of 'political', (ii) Rawls's notion of 'political', (iii) the relationship between the two senses, and (iv) resisting Nagel's conclusions.

1. Nagel's Notion of 'Political'

1.1. Cosmopolitan Conceptions of Global Justice

A fully cosmopolitan view asserts that egalitarian distributive justice is owed to every person by every person. All fellow humans are both rights-holders and duty-bearers. A normative conception of the human being typically plays a role in such claims. These normative conceptions (there are competing accounts) explain why every person has moral status and intrinsic worth. This moral status and worth, moreover, is taken to be equal for all persons. On this basis, cosmopolitans reject the moral salience of national borders. For the purpose of articulating an ideal of justice, national borders are taken to be irrelevant. They become relevant only for the implementation of justice, since this task needs to be pursued in full view of all the pertinent social and political facts, whether these are ideally just or not. In a fully cosmopolitan view, national borders can have only instrumental and contingent value. Geopolitical divisions of power are looked upon favourably only insofar as they provide the best available means for working toward global egalitarian distributive justice. If they are the best, this is because of contingent facts, often involving historical injustices. Though some of these contingencies are very firmly rooted, if they were to change, the value of national borders could, in principle, disappear.

This characterisation of cosmopolitanism is no doubt more extreme than the views of most self-described cosmopolitans. However, to the extent that proponents of cosmopolitanism attribute more than contingent importance to national borders, they rightly tend to see a need to explain why their doing so is not at odds with their cosmopolitan commitments (Tan 2005).

1.2. Political Conceptions of Global Justice

Conceptions of global justice which are political in Nagel's sense treat national borders with much greater reverence. Contra cosmopolitans, Nagel (2005) defends an institutional view of egalitarian distributive justice according to which it applies only between people who are jointly subject to a coercively imposed structure of authority. And he argues that at our current point in history only the nation-state is coercive in the requisite sense (in virtue of its basic structure that is secured via the state's monopoly over the legitimate use of force). Nagel thus takes national borders to be far more than merely instrumentally valuable. The creation of a coercive authority that is geographically bounded and stable over time is what first gives rise to claims of justice. Egalitarian justice does not extend beyond the boundaries of such authority. In the absence of such authority, socioeconomic justice loses its purchase entirely.

Nagel defends the appropriateness of this institutional view for egalitarian distributive justice, but not for moral obligations more generally. He distinguishes between egalitarian duties, which hold only between co-citizens, and humanitarian duties, which hold between all persons. Humanitarian duties consist of meeting basic needs, and so are specified by a threshold and are non-comparative. Egalitarian duties are comparative and require co-citizens to meet the demands of reciprocity.

What motivates the political approach to global justice? There are probably a number of reasons, but the one that Nagel stresses is a desire to reject a 'monistic' view of morality in favour of a multi-layered one. The monistic view takes all moral duties to be fully generalised, holding between all fellow humans. Utilitarianism is an example of this. A multi-layered view takes some moral duties to be general in this sense, but maintains that other moral duties are 'associative', holding only between a subset of all humans in virtue of some morally relevant relationship. On the multi-layered view, personal relationships, such as between family members or friends, give rise to moral obligations that are more demanding than the general ones we owe to all fellow humans (Dworkin 2000, 6). Similarly, the political relationship gives rise to special obligations (viz. egalitarian ones) among co-citizens (Nagel 2005, 132-3). The institutional view is thus defended as a fitting extension of the associative view of personal moral obligations (between family members, etc.), which is taken to provide a more nuanced and attractive view of the moral landscape than what is offered by monistic alternatives. The thought is that if we are troubled by moral monism's implications regarding personal obligations, then we should equally be wary of a fully cosmopolitan approach to global justice, since the latter seems to imply the former.

2. Rawls's Notion of 'Political'

2.1. Comprehensive Liberalism

Comprehensive liberals argue that the elements of liberal justice provide the social conditions that are most conducive to individual autonomy, and they defend the value of autonomy on the basis of a normative conception of human beings. There is some variation in the explanation they give for the connection between autonomy and these normative conceptions. Some theories draw on Kant to argue that an autonomous life is the only kind of life that is dignified for beings with the rational capacities that humans possess. Other theories draw on Mill to argue that individual autonomy is a vital constituent of, or at least a prerequisite for, the good life. Still others combine these claims in various ways. The distinctive feature, however, of a fully comprehensive liberal theory is the argumentative structure that begins with a normative conception of human beings which is conceptually prior to any analysis of the state or of political relationships. Institutional analysis is relevant to such theories, but only in light of a normative conception of the person which (conceptually speaking) is already in place.

2.2. Political Liberalism

The political liberalism of Rawls seeks to defend the elements of liberal justice without making an appeal to the value of autonomy as an ideal in private life. Rawls (1993) does not claim that the comprehensive liberal claims of Kant and Mill about the value of autonomy are false. Rather, he denies that there is any conception of autonomy whose value in private life could be uncontroversial among reasonable justice-respecting world views. As a response to the fact of reasonable pluralism, Rawls's argumentative structure does not begin with a normative conception of the human being, nor does it contain such a conception at all. Instead, the cornerstone of his argument is a political idea of society. This idea of society does not seek to capture the full range of meaning that can defensibly be attached to the term 'society'; rather, it is meant to serve as a simplified surrogate notion that is adequate for political purposes. Rawls's political idea of society is thus argued to contain only the essential features that are (i) politically relevant and (ii) the possible object of an overlapping consensus among reasonable comprehensive doctrines. The idea of society that Rawls defends as meeting these conditions is well known. He argues that society should be viewed as a fair system of social cooperation among citizens who are regarded as free and equal, and as normal and fully cooperating participants, over a complete life, from one generation to the next (Rawls 2001, 7-8). This conception is designed to capture the morally salient features of the political relationship between co-citizens.

Beginning with this idea of society, Rawls 'works up' a political conception of the citizen, which is meant to serve as a surrogate notion in place of a normative conception of human beings. He then argues that people *as citizens* have an interest in the opportunity to develop and exercise their two moral powers, and that the elements of liberal justice provide the social conditions that are most conducive to such development and exercise. What is distinctive about Rawls's political liberalism is that the demands it

makes in the name of justice are ultimately dependent on (and so constrained by) an idea of society that is based on an analysis of the political relationship between co-citizens.

3. Relationship between the Two Senses

3.1. Political[R] Implies Political[N]

An account of justice that is political in Rawls's sense is bound to be political in Nagel's sense as well. In Rawls's political liberalism, the demands of egalitarian distributive justice are worked up ultimately from the political conception of society. Because of this, those egalitarian demands are made by, and addressed to, people in their role as citizens of a particular society. In political liberalism, therefore, egalitarian obligations hold only between co-citizens. The theory does not contain a more foundational and more general conception of an agent to whom egalitarian justice is owed. A cosmopolitan account of global justice requires a universal normative conception of human beings that could not be political in the Rawlsian sense.¹

3.2. Political[N] Does Not Imply Political[R]

A theory that is political in Nagel's sense need not be political in Rawls's sense. A simple proof of this is that Nagel (2005, 120-1) points to Dworkin's view as a second example of a theory that is political in his sense, and Dworkin's view is an explicitly comprehensive version of liberalism. Another example of a liberal view that is comprehensive while being political in Nagel's sense is Kymlicka's liberal theory (Kymlicka 1990, 2001, 2002). His theory does not share Nagel's conclusions about global justice, but it does share the view that national borders provide important limits on the reach of egalitarian distributive justice. To illustrate how comprehensive liberalism can be political in Nagel's sense, I will briefly outline the relevant features of Kymlicka's view.

At the base of Kymlicka's theory is a normative conception of persons. He argues that moral status is owed to beings whose lives can go better or worse from their own point of view (Kymlicka 1990, 111). This forms the basis for a commitment to human moral equality as a bedrock value.² Although this theoretical commitment is fully universal, Kymlicka does not defend a cosmopolitan approach to egalitarian justice. This is because of the importance he places on national identity as an enabling condition for successful egalitarian politics. He denies that a shared sense of justice is sufficient to sustain a public commitment to egalitarian justice (Kymlicka 2002, 311). He argues that nationalist forces can be harnessed and shaped to provide a deeper and stronger support for egalitarian projects. On this basis, he provides an egalitarian defense of nation-building powers for the state, and he defends minority rights as a fair response to these

¹ Martha Nussbaum (2006) argues that her cosmopolitan theory of justice is a version of political liberalism. Though her view is admirable in many ways, I am not convinced of that particular claim.

² We should note, however, that his conception of moral beings leaves room for defending the moral status of non-human animals.

powers, because state nation-building would otherwise impose disadvantages on the members of minority nations and immigrant groups (Kymlicka 2001, ch. 1). A high level of social unity is needed to sustain support for egalitarian public policy. Nation-building is needed to sustain the requisite level of social unity. Minority rights are needed to make nation-building feasible and fair in modern liberal democracies.

These arguments have implications for the reach of egalitarian justice. Its reach is constrained by the limits of nation-building. Insofar as these limits coincide with national borders, Kymlicka’s view suggests that egalitarianism is also limited to national borders. Moreover, these arguments attribute more than contingent instrumental value to national borders (or, at least, to the borders of nations), because nationalist sentiments taken to be, for all intents and purposes, a now permanent feature of human society (Kymlicka 2001, ch. 10).

Based on the discussion so far, some of the prominent theories can be sorted in the following way:

	Comprehensive	Political[R]
Cosmopolitan	Beitz, Pogge, Tan	Nussbaum (?)
Political[N]	Dworkin, Kymlicka	Nagel, Rawls

4. Resisting Nagel’s Conclusions

Nagel’s arguments about global justice can be broken down into at least three claims:

- (1) The demands of egalitarian justice apply only between people who are subject to a common coercive structure that enforces the terms of social cooperation between them.
- (2) As a matter of empirical political fact, in our current point in history only the nation-state is coercive in the requisite sense.
- (3) The citizens of a state have no obligation to broaden the reach of their associative obligations beyond the current borders of their state.

On the basis of these claims he concludes that egalitarian distributive justice has no application in the global context unless and until there is a global state. Moreover, he denies that moral norms have any role to play in any processes that would lead up to the creation of a world state. He writes that

... the most likely path toward some version of global justice is through the creation of patently unjust and illegitimate global structures of power that are tolerable to the interests of the most powerful current nation-states. Only in that way will institutions come into being that are worth taking over in the service of more democratic purposes, and only in that way will there be something concrete for the demand for legitimacy to go to work on. (Nagel 2005, 140)

That conclusion is not an inevitable consequence of endorsing an account of global justice that is political in Nagel’s sense. One way to resist Nagel’s conclusion is to deny his second claim. Cohen and Sabel (2006) do this quite persuasively by providing a rich

descriptive and normative analysis of global politics. A second way to resist Nagel's conclusion is to deny his third claim that people have no moral obligation to expand the reach of their associative obligations. The remainder of this paper explores this second strategy.

On Nagel's view, states have an unconditional right to decline further cooperative relationships with other states.³ Cohen and Sabel give fairly little attention to this putative right, except to stress that in current global politics, not opting in is not a real option, at least not for most states and at least with respect to the prominent and consequential international organisations, such as the WTO and the ILO. For the cases they mention, I agree that there are very strong prudential reasons for states to sign on. I want to suggest that in addition to these prudential pressures, there are moral reasons that also put pressure on the citizens of wealthy states to enlarge their associative obligations beyond their country's borders. The argument below follows a somewhat roundabout path to reach that conclusion.

I am going to appeal to broadly Rawlsian considerations, although my conclusions about global justice do not match up with those argued for in *The Law of Peoples*. Nagel addresses his arguments to a broader audience than only Rawlsians, but convincing the latter is clearly one of his central aims. What I want to take issue with is the following claim:

Justice applies ... only to a form of organization that claims political legitimacy and the right to impose decisions by force, and not to a voluntary association or contract among independent parties concerned to advance their common interests. (Nagel 2005, 140)

Nagel also specifies that the second half of this claim includes contracts between unequal parties. This claim defends a position about what does, and does not, trigger the demands of egalitarian distributive justice. We can come to an assessment of its plausibility by considering the following question: Under what conditions is cooperation that yields unequal benefits to participants morally unproblematic? Consider three scenarios:

- (A) Cooperation proceeds without being backed by any explicit or implicit force and is thereby fully voluntary.
- (B) The terms of cooperation are enforced 'from above' by an overarching coercive authority.
- (C) The terms of cooperation are enforced 'from the side' by the power of the dominant participant.

Scenario A is morally unproblematic, but has little practical relevance for global politics, or even domestic politics. Cooperation that is fully voluntary and provides no assurance to participants that the other parties will comply is foolish in the absence of a

³ And it would seem to follow that states would also have a conditional right to *shrink* the reach of their associative obligations (especially if we accept Cohen's and Sabel's position about ranges of suprahumanitarian but less than egalitarian obligations), by ceasing some or all of their existing cooperative relationships, so long as they provide reasonable opt-out compensation. If so, this could put real limits on the global justice requirements that could successfully be incorporated (incrementally) into existing frameworks of global cooperation, since at a certain point it would no longer be prudentially worthwhile for the most powerful nations to remain signed on – especially if they left as a group.

level of trust that is rare among co-citizens, let alone states. At the very least, terms of cooperation with no assurance are to be avoided if possible, because their results are so unreliable.

Scenario B fits the familiar description of the state that Nagel provides, and he argues, in keeping with Rawls and many others, that such enforcement raises moral challenges. The Rawlsian analysis of those challenges goes something like this:

In order for anyone in society to have a satisfactory life, social cooperation is required. In order for social cooperation to be efficient, it must contain socioeconomic inequalities to act as incentives to elicit productive efforts by the talented and by others in general. In order for social cooperation to be effective, it must be encoded in law and thus backed by the threat of force. The use of coercion to create and protect unequal benefits is morally defensible only if the acceptability of the terms of cooperation does not depend on the unequal power of the participants.

Rawls thus defends reciprocity, rather than mutual advantage, as the standard for fair social cooperation. Mutual advantage is rejected as a standard for egalitarian distributive justice because it yields a distribution that is defensible only in light of the differential threat advantage of the parties, and this reintroduces the coercive character that fair terms of cooperation are supposed to address. To reconcile the coerciveness of the basic structure with the view of individuals as free, the terms of cooperation enforced by the basic structure must be justifiable from an inclusive standpoint that give all parties an equal standing.

There is a sense in which Nagel's discussion seems to confine its attention to only scenarios A and B. He writes as if the absence of a world-encompassing coercive authority yields the conclusion that cooperative relations between states are voluntary. But relationships can have morally objectionable coercive features whose source is not an overarching authority. The moral worry about the coerciveness of the state is a worry about coercion, not simply coercion for a specified source. A master-slave relationship, for example, is no less objectionable in the absence of institutional support for it. In scenario C, the terms of cooperation are sustained because of force, even though there is no overarching coercive authority. The scenario assumes participants with substantially unequal power. For simplicity, imagine just two parties: W (wealthy) and P (poor). P accepts the unequal terms of cooperation *because of* W's power, and W is confident that P will comply with the unequal terms *because of* W's capacity to seriously damage P's interests. Cooperation of this sort can go on without any actual exercise of W's force, and yet the cooperation is nonetheless sustained (in its unequal form) only because of W's superior threat advantage. If we remove the consideration of threat advantage from the picture, the grounds for W's assurance and for P's acceptance fall away as well.

Nagel (2005, 141) argues that cooperative relationships between nations are formed by 'pure' contracts, since they are not formed within the institutions of an overarching coercive authority. If these pure contracts are supposed to fall under scenario A, then it is amazing that any international cooperation happens at all, since participants

would have no assurance of mutual compliance. But if they fall under scenario C, which I think is indeed often the case, then it is inaccurate to describe the cooperative relations between states in terms of voluntary contracts among parties concerned to advance their common interests. This falsely suggests that the terms of cooperation between developed and developing countries are free from coercion. Even if we accept Nagel's claim that international organisations are not yet a source of coercion (which Cohen and Basal, as well as many others, have given us strong reasons to reject), the vastly greater threat advantage of developed countries is itself a significant source of coercion, without which the current very unequal terms of cooperation between the global north and the global south would be difficult to explain.

What are the normative implications of this analysis? It yields a hypothetical imperative for continuing to increase the power of and moral demands on transnational institutions. *If* wealthy countries choose to continue to engage in social, economic or political cooperation with developing countries, then they have an obligation to establish the conditions that would make it possible for the coerciveness of those cooperative relations to be morally justified. To put it simply, cooperation requires assurance, which requires a background of coercion, which can effectively be held to moral standards only if it is 'from above' via an overarching authority accountable to all.

I have argued so far that states have a moral obligation to enlarge their associative obligations if they choose to (continue to) pursue cooperative relationship with other less powerful nations. But do states have any moral obligation to engage in such cooperation in the first place? Is it permissible for a state to avoid new cooperation, or even to cease all current cooperation? In most, if all not all, cases this would be imprudent; but I am not convinced that it would be morally impermissible. However, even on Nagel's view, humanitarian obligations would remain in full force despite such drastic measures. And engaging in cooperation with states in need (on terms designed to alleviate that need) is typically the most effective and mutually beneficial way to fulfill humanitarian obligations. I grant that it is not the only way, and that if the citizens of a state were willing to opt instead for more costly alternative ways of meeting their humanitarian obligations, they could permissibly resist transnational egalitarian obligations. But I expect that this would be attractive to very few, if any.

Conclusions

Nagel's use of the term 'political' in the context of his arguments concerning global justice should be distinguished from the sense that Rawls gives to 'political' when he contrasts his view with comprehensive versions of liberalism. The two senses are not equivalent. One important implication of this is that rejecting moral monism in favour of a multi-layered view of morality does not thereby commit one to rejecting comprehensive liberalism. Moreover, accepting the political[N] claim that egalitarian obligations go hand in hand with the presence of a coercive overarching authority does not commit one to endorsing Nagel's strongly statist position on global justice. Against Nagel's position, I have argued that significantly unequal threat advantage can itself be a source of coercion

between cooperating states. On this basis, wealthy nations engaging in cooperation with impoverished ones have an obligation to work towards establishing the global institutional conditions that would make it possible for the coerciveness of such relationships to be morally justified. If cooperation is to be global, then it should also be fair, and this gives us moral reasons in favour of establishing global justice-promoting institutions insofar as practical contingencies permit.

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