

## **Cosmopolitan Regard, Motivation, and Multiple Jurisdictions**

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Richard Vernon's book, Cosmopolitan Regard: Political Membership and Global Justice,<sup>1</sup> presents a distinctive argument for a nuanced position on the most important topic in contemporary political theory. I propose to identify some core features of this argument and suggest some directions to pursue in defending its conclusions against reasonable objections.

I begin, in section 1, by outlining three of the book's key ideas. In section 2, I draw attention to two areas in which Vernon's argument might be open to question. I must emphasize, however, that this is a well-argued, creative, and thoughtful account of global justice and its link to state citizenship. There is nothing like it in the large literature on these topics. In fact, my own attempt to think of criticisms has only served to deepen my appreciation for the subtlety and power of the original argument.

### **1. Key Ideas**

Of the many important ideas in Cosmopolitan Regard, I will mention three: the idea of cosmopolitan regard itself, the idea of removing the tension between co-citizen ties and cosmopolitan duties, and the idea of iterative contractualism as a way of both giving content to cosmopolitan duties and explaining those duties as political obligations.

#### **(a) Cosmopolitan Regard**

Cosmopolitan regard is simply the view that, morally speaking, everyone counts and counts equally (2). One problem with this view is that very few would question it: Vernon mentions "racists and other bigots" (2), and the quoted words of Samuel Huntington and Henry Kissinger seem to identify them too as proponents of anti-cosmopolitan regard (119). But widely held premises are important tools if their meaning

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<sup>1</sup> Cambridge: Cambridge University Press, 2010.

is clear and their implications easily identified. Unfortunately, however, cosmopolitanism itself is an internally complex notion with no agreed practical commitments. Is cosmopolitan regard sufficient to generate a rationale for action to address distant poverty and violence? Is it too weak to generate a distinctive and practically demanding set of recommendations? How, in the end, should cosmopolitanism be interpreted?

One virtue of Vernon's book is his use of the widely held view of cosmopolitan regard as part of an argument for both co-citizen preference and obligations to outsiders. In fact, as we will see, in the guise of "precontractual moral regard," cosmopolitan moral equality is a key element in a distinctive theory linking political membership on the one hand with global justice on the other. So, having introduced this idea here, we will return to it several times throughout this discussion.

### **(b) Removing the Tension**

Over several decades of debate about global justice, we have been repeatedly faced with the idea that we must choose between providing a coherent defense of co-citizen ties and justifying cosmopolitan duties to other human beings simply in virtue of their status as human beings. A common project for political theorists has been to explain how to contain the tension between obligations to fellow citizens on the one hand and obligations to outsiders on the other. To summarize a complicated debate, the jury is still out on whether there is a plausible way for each side to make sense of the other side's basic commitments.

Vernon's position is novel in its denial that we face a tragic choice about which set of relationships to favour, the local or the global. And he denies that we must opt for one or other set of competing reasons underlying those relationships. Instead, he proposes what I will call the 'same footing' thesis, a key idea whose importance cannot be underestimated, in my view. For Vernon, "[a]s a citizen, one's obligations to co-citizens and to outsiders rest on the same footing" (2). But he claims not only that duties to fellow citizens and duties to outsiders share a common basis and, so, a common rationale. Beyond this, Vernon maintains that "to understand why one has duties to those within one's borders is also to understand the need for cosmopolitan regard" (10).

Closely related to the idea of a tension between competing duties has been the notion of rival moral worlds within which only one or the other type of duties makes sense. Vernon rejects the idea that "the moral universe is not one but two, comprising two incommensurable languages, one of closeness and particularity, the other of cosmopolitan equality" (86). Instead, there is a single moral universe characterized by cosmopolitan regard along with special obligations to fellow-citizens arising out of an appeal to shared exposure to risk. This leads us to a third key idea, iterative contractualism, an idea whose centrality to Vernon's overall argument justifies a more detailed discussion.

### **(c) Iterative Contractualism**

Vernon's project is in the tradition of hypothetical social contract arguments for political obligation and for principles of distributive justice. A great strength of his approach, in fact, is that it addresses both issues through the same argument. We are told why special obligations to fellow citizens may be legitimate, and this explanation directly appeals to the claim of outsiders to moral concern (cosmopolitan regard), to a parallel right of outsiders to "create flourishing civil societies," and to outsiders' claim to protection and aid in the event that their civil societies fail to protect them or actively harm them (137).

Why are we obligated, when we are obligated, to our particular state rather than to states in general or to some other state that embodies attractive principles of justice better than our own state? This question is especially pressing in light of the fact that the sorts of reasons usually offered to support political obligations appeal to general values that do not require or even mention particular ties. Vernon's solution to this particularity problem points to a "background theory of justice" (8) that allows political obligations to particular others – one's co-citizens – on condition that outsiders' basic claims are met.

Vernon's second chapter – on 'particularizing obligation' -- performs a series of impressive tasks that can be summed up as follows: explaining what is wrong with the most prominent arguments for political obligation – from the receipt of benefits, from the moral effects of coercion, and from the avoidance of antecedent risk -- while offering a new and promising reason for particularizing political obligations: shared exposure to subsequent risk. This reason plays its role within a contractualist framework, but what is that framework?

It is crucial to emphasize the meaning of 'contractualist' according to Vernon's variant of the argument. The "social contract itself" is not, he claims, "the source of all rights." Instead, his argument leads "us to recognize the special nature of contractually justified civic ties, [but also] must lead us at the same time to a notion of precontractual moral regard" (67-68). To repeat: the contract is not the source of all one's moral rights. Every person is entitled to respect, or cosmopolitan regard, as a condition of the contract argument leading to special obligations to co-citizens. The contractualist view "rests on a background assumption of equality" and "expresses the belief that arrangements must be publicly justified to those whom they affect" (192). This "weak cosmopolitan plateau" (2) is sufficiently strong to temper the development of co-citizen ties and to ensure that those ties do not run afoul of weak cosmopolitan claims that anyone can make.

The idea is that, when considering the contract, each person already possesses a general "right not to be disregarded in the making of arrangements that are potentially to one's disadvantage. It implies a general right to be given justifications" (193). Vernon does a nice job of explaining that moral equality, akin to equal *respect* (Richard Miller's term) is not a weak premise "if it is taken to be the only *basic* moral premise, and that in working out its political implications no other *basic* moral starting-points can be introduced" (196, emphasis in original). Vernon accepts this idea and, consequently, argues that nation-states are justified only if they protect individual human beings from common sources of vulnerability.

So precontractual regard is a given, but then how does the social contract argument work in this case? The five main ideas are as follows: an implied social waiver, shared exposure to risk, the iteration of political societies, ensuring the viability of parallel social projects, and an account of specific duties to outsiders. Let us consider these ideas in turn.

For Vernon, political societies themselves may be understood as instruments to protect people from antecedent risks. There is an implied social waiver of background rights upon the creation of a political society, but this creation itself gives rise to subsequent risks for members of the society. This particular version of contractualism is distinctive “in focusing on the notion of *subsequent* risk” (8, emphasis in original). To be a citizen of a particular state is to share in arrangements that both protect co-citizens and open them up to risks by virtue of their participation in the state’s activities themselves (Chapter 2). Vernon recognizes that states are not the only sources of risk to persons, but he maintains, plausibly, that they are “sources of unique risk” (53). The contract argument maintains that, while these risks are worth taking to give us the protections and other benefits of political association with particular others, at the same time these distinctive risks justify the particularity of political obligation itself.

As citizens we are complicit in arrangements that make our associates vulnerable to damage caused by those arrangements. This complicity gives rise to a special obligation to try to avoid such damage, given the fact that states are imposed on citizens. It is not vulnerability alone that generates special obligations; rather, it is the increased vulnerability of co-citizens generated by the collective project that is the political society. If what we do, collectively, increases your vulnerability as a member of our political society, then we have a distinctive reason for concern about your plight as our associate.

Vernon outlines a notion of “civic complicity,” which “concerns the risks that members of one party impose on fellow-members as conditions of their participation” (85). The social contract argument reasons from a general background right to the desirability of setting up states as means to better protect and promote the interests of human beings. But these benefits come with risks that states themselves will either fail to protect their citizens or, worse, might actively harm or kill them. As co-citizens, we are all together in maintaining our collective arrangements, so we should recognize special obligations to one another to ensure that our common creation does not come back to bite us.

One way to place this argument in the context of recent global justice debates is as follows. The dispute between John Rawls and his cosmopolitan opponents can be described as a disagreement about the relevant scope of the hypothetical social contract itself. For Rawls an initial contract between individuals applies to those individuals alone, i.e., to those who are proposing to share the burdens and benefits of social cooperation in what is presumed to be the context of a nation-state. Any international duties stem from a second contract, conceived by Rawls in *The Law of Peoples* as an agreement between societies or “peoples.” Some of Rawls’s critics have suggested, on the contrary, that the original contract should itself be global in scope, including every human being within the institutions whose workings have such a momentous impact on the life prospects of everyone, everywhere. If we are committed to moral equality, the reasoning goes, we should ensure that political and economic institutions do not violate that commitment.

One of Vernon's claims on our attention is his rejection of the assumption common to both Rawls and his critics. They "share the assumption that the obligations of justice arising from the domestic version of the contract do not apply to anyone beyond the contracting parties." But iterative contractualism "immediately connects political obligations with global ones" (104). Given cosmopolitan regard or respect, there is no reason to conceive the domestic contract in isolation from the plight of outsiders. In fact, we are required to respect the right of everyone to equal regard and to take care not to allow our own domestic, sociopolitical projects to obstruct the claims of outsiders to do the same.

A state's own legitimacy depends, in part, on ensuring that outsiders are not themselves victimized by *their* states, either directly through state crime or less directly through states' failure to protect their own citizens (108). The assumption is that, as citizens of a particular state, we can pursue our own social projects by making arrangements to benefit ourselves (and, of course, exposing ourselves to subsequent risk) only if outsiders have a symmetrical opportunity of their own. If others can do so too, then we have met the condition set by cosmopolitan regard. If they cannot, then – as citizens of our state – we have more demanding obligations not to harm and, if necessary, to help outsiders achieve symmetry.

The key phrase "if others can do so too," points to the morally basic idea to which Vernon appeals (109). It is a version of universalizability in the sense of practical consistency. His starting point is not "the facts of globalization," however; instead it is a "global version of the moral generalization principle" (110). If the facts of interaction determined obligations, then we would have no reason to care for victims of a dictatorship that excluded itself from global economic and political institutions; nor would we have reason to object to a rich country that removed itself from interaction with poor countries in order to avoid incurring obligations to them (111-12). The starting point is not actual interaction; it is moral considerability.

Vernon's world is "made up of parallel social projects, each legitimately entitled to a certain degree of self-preoccupation, but each of which also contains an implicit recognition of the respect due to other projects" (114). Vernon's theory might be called the 'respect for parallel social projects' theory. Cosmopolitan regard requires respect for individuals by virtue of their humanity, and this respect -- if I am interpreting the theory accurately -- transfers to the social projects valued by individuals. The link between regard for individuals and respect for parallel social projects seems to me important, even though I think more needs to be said about why that sort of respect is the best way to realize that sort of regard.

The final element on the list mentioned above is the account of duties to outsiders. Clearly it is not enough to accept a 'live and let live' attitude to the political projects of outsiders. If others are due respect, we must ensure that we help them in setting up and maintaining their own inherently risky projects. When their states are too weak to protect them or sufficiently strong to victimize them, it is our duty – both as moral cosmopolitans and as citizens of our own states – to help bring about a world in which they are protected. This gets Vernon into illuminating discussions of humanitarian intervention, prosecution of state's crimes against their own people, and state aid.

But the key point to notice, for our purposes, is that cosmopolitan duties are conceived on this model as political obligations. Even though we have moral obligations that are not political – “obligations of humanity,” for instance (209) – nonetheless the distinctive feature of Vernon’s argument is that the best understanding of both obligations to co-citizens and obligations to outsiders appeals to a “conception of political morality” that is a core part of any acceptable moral scheme for our time. It is demanding of relatively well-off citizens, and its rationale for those demands appeals to the very same reasons that legitimize citizens’ own projects.

To be a citizen, anywhere, is to be “engaged in a project of collective self-determination” along with co-citizens and in a world comprised of many parallel such projects (208). Fellow citizens have special obligations to each other because they subscribe to “an inherently risky project” (193). Iteration logic condones preference for associates only if other societies can themselves associate to form their own parallel risky but beneficial endeavours (194). In these ways the same reasons support both co-citizen preference and global obligations. It is worth closing this section by pointing out the combination of general and special reasons that leads to a dual-focus of concern in a world of moral equals. Vernon’s argument here links vulnerability to risk on the one hand to the unified moral universe claim noted above. As he puts it, “[w]e have a single moral world that is colored by a fundamental sense of the vulnerability of others to risks, and complicated by a sense that the solutions to vulnerability inevitably expose us to it in new forms” (89).

## **2. Motivation and Multiple Jurisdictions**

Vernon’s arguments are subtle and powerful, but it is not my job simply to observe them with wonder. I am professionally committed to looking for problems, and at this point I will briefly discuss two. The first is that Vernon seems too quick with the problem of motivation, and the second is that his commitment to multiple jurisdictions must be careful not to beg the question. In the end, I think these objections can be answered.

### **(a) The Motivation Problem**

The issue here arises not from Vernon’s quite proper rejection of the idea that the motive to be just is self-interest. If that view were to be accepted, there would be plenty of grounds for neglecting the world’s worst-off people, since their inability to constitute a threat or to contribute to common projects would render them valueless. Wisely, Vernon is committed instead to the ‘cosmopolitan regard’ premise, and this ensures that a person’s status as a human being entitles them to respect or consideration when others propose sociopolitical projects with consequences for outsiders.

The motivation problem is that of ensuring that people who are to live by the institutional arrangements recommended by iterative contractualism are sufficiently motivated to meet the practical demands of the theory. And here I think more needs to be said. According to the tradition of debate on the topic, statist and nationalists are

commonly held to be on firm ground in appealing to people's patriotic and nationalist sentiments as the motivational basis for their account of the demands of justice. On the other hand, strong cosmopolitans are often thought to face the problem of motivating people to follow moral universalist recommendations, even if consistency supports those recommendations. In short, it is difficult, given people as we know them to be, for cosmopolitan practical proposals to require too much of citizens in their commitments to outsiders.

Vernon's model officially agrees with Richard Miller in favouring cosmopolitan *respect* over cosmopolitan *concern*, where the latter idea "could well be taken to entail that all others had an equally direct claim on our attention, and would deserve equal weight in our practices and policies" (196-97). His view – cosmopolitan respect – consequently looks less demanding than some possible alternatives. This is true: it is difficult to accept the strong notion of equality embodied in the equal concern premise. But this does not mean that cosmopolitan respect or regard is undemanding. In fact, Vernon explicitly points to its burdens as part of explaining what it is that legitimizes particular obligations to co-citizens. But the more burdensome the practical demands, the more we need reasons to believe that people will be motivated to meet them.

Consider this basic question, to which Vernon's powerful model provides a distinctive answer: how may we offer reasons for special obligations to fellow citizens?

"We can provide a ground for them ... if we shift the focus from the extent of vulnerability to the source of vulnerability, and simply posit that as a member of a civic association one is part of a system of relations that imposes endemic risk" (82).

This move raises the question of motivation for cosmopolitan regard. If Vernon is correct that shared exposure to risk justifies special obligations to associates, we have a strong argument that reconceives the rationale for co-citizen preference, but we are not thereby shown why people who already care for their fellow citizens should care more for outsiders than they now do. And, from the other direction, what is the source of attachment to associates? Has Vernon done enough not only to justify special obligations but also to motivate associates to care for one another to the necessary extent? Can he handle the worry that people seem unwilling to take sufficiently seriously the quite radical practical impact of cosmopolitan regard itself?

In the book's final paragraph, Vernon asserts that "[t]his book is agnostic on the matter of moral motivation" (209). He is willing to root for Richard Rorty's appeal to poetry and novels to extend sympathy, and for stronger transnational linkages that promote the idea of making all human beings more part of a single community, and for a clearer recognition of our common humanity. "From the perspective of this book's argument, there is no reason to hope for failure of any of these rival proposals. What I have argued for is a limited, but stringent, conception of political morality" (209). One can agree with these sentiments while questioning the wisdom of remaining agnostic.

Here is a thought about Vernon's reasoning, especially its use of the key idea that the same reasons legitimating obligations to particular others also justifies duties to outsiders.

If the grounds are the same, does it matter which direction the argument takes? Do we reach the same conclusions by beginning with global obligations and then describing their compatibility with co-citizen preference? I think we must stress, again, that Vernon's own argument, by virtue of its 'precontractual moral regard' premise, takes cosmopolitan regard with its moral egalitarian commitment as its starting point. The claim is that political association must be consistent with recognizing the interest that every person has in pursuing collective projects together with others. There really is no deep difference in starting with particular political societies or with the whole world. Actually, there are two claims to which Vernon's argument appeals at the very start: first, universal respect, and secondly, a world divided into distinct political societies. The question is not whether we can bridge a potentially unbridgeable gap between universal and particular, between global concern and local preference. Rather, on Vernon's approach, we recognize that particular states are a practical reality and then remind ourselves that our states with their special co-citizen obligations are legitimate only if they do not stand in the way of others' own state-building projects. Universal respect is a condition on legitimate compatriot preference.

How does this affect my worry about motivation? I think the answer is that, given human beings as they are or can be reasonably conceived to be, cosmopolitan respect is an uncontroversial premise in an argument about global justice. But it is unclear whether its motivational power is sufficiently strong to limit preference for co-citizens when necessary to ensure equal regard for outsiders. Moral cosmopolitanism can be conceived here as a way to explain to people what they already believe, or what they are already committed to, and then to point out that the practical implications of this belief are much more demanding for citizens of relatively well-off states than many are prepared to contemplate. When this demandingness becomes the focus of controversy, I would side with Vernon in his argument for ensuring the background conditions for justice without which particular states and co-citizen obligations lack legitimacy. But to take this side is to be left with the motivation problem in the form of continuing disagreements about what we owe to outsiders. Vernon begins his book by citing the disagreements about how much is owed to outsiders and about precisely what is owed (2). My point is that, at the book's end, we have been given a plausible argument explaining why the obligations of political membership are conditional on recognizing the equal claims of outsiders to the conditions needed for the flourishing of their own projects of collective self-determination. But there is only an expressed hope that people will care more for their duties to outsiders.

Perhaps I am demanding too much of Vernon's model itself. After all, he is at pains to point out that the model embodies a conception of political morality rather than a complete picture of our moral obligations to others. The solution might well be to encourage any proposal that makes us more readily recognize our duties to other human beings as human beings. Greater awareness of the lives now being lived elsewhere, increased sensitivity to distant suffering, and the sharing of stories across cultures: each of these has its distinctive contribution to make to the project of improving the lives of everyone. We should applaud these efforts, while not mistaking them for the limited endeavour in which Vernon is engaged. And perhaps it is not too optimistic to hope that



wider acceptance of the iterative contractualist argument itself will contribute to this larger cosmopolitan project.

### **(b) Why Multiple Jurisdictions?**

Now we come to the objection that Vernon seems in danger of presupposing the world of multiple jurisdictions that he sets out, conditionally, to defend. The criticism is that the argument for the legitimacy of special obligations to co-citizens should not favour those obligations without taking due consideration of, and answering the argument for, more institutionally cosmopolitan options. Otherwise the argument begs the question rather than offering independent reasons for its conclusion. I will try to identify what Vernon might say in response, without presuming to know whether what I say will sound plausible to him or to anyone else.

Vernon's reply to this objection might proceed as follows. First, the moral starting-point of his argument is cosmopolitan regard, that is, if there is anything he is presupposing it is a commitment to equal respect for all persons and the corresponding case for ensuring that their political projects are enabled to flourish along with the projects of others. When his argument is described in this way, it seems implausible to accuse him of undue favouritism for a world of independent states.

But he does want to take note of the fact that our world is made up of almost two hundred sovereign states. Isn't taking note here a sign of wanting to impose state-centric politics without fair consideration of the alternatives? So, an objector might say, cosmopolitan regard's normative commitments are overpowered by Vernon's readiness to support statist projects. Accordingly, a second reply on his behalf might proceed by distinguishing between (i) imposing a state-centred (risky) project for protecting people and (ii) providing a set of moral conditions on independent choices to engage in collective projects with particular others. The point is not tell people to show special concern for their co-citizens; it is, rather, to clarify the conditions under which their collectively self-determining projects could be legitimate.

Vernon's cosmopolitan credentials are written into the very title of his book. But one way in which his view is distinctive is in its refusal to interpret cosmopolitan regard so that it privileges institutional cosmopolitanism without much further argument. As he nicely puts the point, one cannot decide "... in advance that the principle of cosmopolitan regard is to operate without reference to the jurisdictional division of the world" (47). We must refer to this division, but we need not accept it at face value. In fact, Vernon's proposals on the topics of humanitarian intervention, state crime, and global political economy reject elements of the statist status quo to the extent that they are incompatible with a practically demanding commitment to cosmopolitan respect.

But Vernon's discussion does give rise to the following critical question: if we may set up groups that provide "reciprocal assurance of just dealing" (105), on condition that outsiders are free to do the same, what is it that determines the scope of groups themselves? After all, he rejects any appeal to nationality or shared understandings as the

normative basis of group membership for the purposes of conceiving the demands of justice. So the question could be put like this: even if the iteration proviso itself withstands criticism, why should we think that multiple jurisdictions best answer the need for institutions to promote justice?

It is probably asking too much for the iterative contractualist model to answer these questions. Its role is not to decide on the scope of groups or to legitimize multiple jurisdictions. Instead, it aims to provide a revealing moral explanation of ways we might combine commitment to our fellow citizens with respect for human beings regardless of citizenship. Given that the world is made up of many states, this particular social contract argument can tell us two things: how they may be judged legitimate, and how they fit into an overarching scheme of moral commitment to regard human beings as worthy of respect.

### **Conclusion**

Despite any concerns one might have about iterative contractualism or the power of cosmopolitan regard as a motivating idea, it is clear that Vernon's argument is both an excellent example of the subtlety of recent work on global justice and further support for the claim that, no matter which direction the arguments take us in the future, we should remain cosmopolitan regardless.