

Political Theory of Global Justice

A cosmopolitan case for the world state

Luis Cabrera

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Political Theory of Global Justice

Could global government be the answer to global poverty?

Cosmopolitan thinkers challenge the widely held belief that we owe more to our co-citizens than to those in other countries. This book offers a moral argument for world government, claiming that not only do we have strong obligations to people elsewhere, but that accountable integration among nation-states will help ensure that everyone can lead a decent life.

Luis Cabrera considers both the views of those political philosophers who say we have much stronger obligations to help our co-citizens than foreigners and those cosmopolitans who say our duties are equally strong to each but resist restructuring. He then outlines his own position, using the European Union as a partial model for the integrated alternative and advocating instituting EU-style supranational government, development aid and free movement of persons in the Americas and other regions.

Over time, Cabrera argues, the transformation of the global system into a cohesive network of democratic institutions would help ensure that anyone born anywhere could lead a decent life. This book will appeal to all those interested in political philosophy and the processes and potential of globalization.

Luis Cabrera, a former staff reporter for *The Associated Press*, teaches political theory and global politics at Arizona State University West, USA.

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For Cristina and Kittrell

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Preface

This is a book about world government. It offers a moral argument for helping the global impoverished improve their lives through progressive, democratically accountable integration between states. But it is not only a book about world government. It also is concerned with the forces of economic integration that increasingly have impact on all our lives. It is concerned with the kinds of pragmatic, near-term changes that could make bodies such as the World Trade Organization more transparent and democratically accountable, and especially with the ways such changes could promote near-term improvements in the lives of the least affluent.

As a former staff reporter for *The Associated Press* in Seattle, I covered the watershed protests at the 1999 World Trade Organization ministerial meeting. Like the local police, ministerial planners and those who watched the clouds of tear gas rise on their television sets, I was stunned by the organization and sheer size of the convergence. Some 50,000 activists filled the streets. Delegates from more than 120 WTO member states, who had themselves converged on Seattle in hopes of deepening the global trade constitution through a new round of negotiations, were shut out of their own opening ceremonies. Police began shooting pepper spray and canisters of tear gas into the crowds, and suddenly the World Trade Organization, a formerly obscure international regulatory body, became global headline news.

I had already been working for some time as a graduate student on the project that would become this book, and I had been immersed in the activist literature on corporate-led globalization. My reaction to the literature, and then the protests, was one of mostly bewilderment. I wondered why most demonstrators I interviewed were demanding that trade negotiators call off the new round and go home, rather than demanding that civil society be allowed a seat at the table. Why weren't there more groups calling for the WTO's supranational powers to be used to help improve the lives of those in less affluent states by linking membership benefits to observance of labor and environmental standards, as well as core human rights? Many groups were, of course, demanding specific reforms, including the kind of democratic accountability that could help to put more

rights concerns on the table. But the overall message from the street seemed to be that the WTO, NAFTA, and other agents of economic integration should be “nixed,” rather than “fixed.” My conviction has grown in the years since that economic integration, at the regional and global level, opens significant possibilities for improving the lives of those in less affluent states. I also have become more firmly convinced, as large-scale protests against international economic bodies have continued worldwide, that the kind of message civil society actors send about economic integration is crucial.

This book, however, is not concerned solely with the anti-corporate-globalization movement. It is concerned with establishing or highlighting rights that all persons have to adequate resources and life opportunities, and with the kinds of institutions that could ensure fulfillment of such rights, e.g., a fully global, democratic government in the very long term. Movement toward such institutions can begin now, in the globalization debates that are playing out every day in newspapers and classrooms, at negotiating tables and in the streets. One thing I have hoped to accomplish with this work is to help promote a shift of focus in the debates, away from dismantling the WTO, NAFTA and similar bodies, and toward ways in which we might realize more transparent, more democratically accountable international governance. Such a shift would help enable people in all states to influence the decisions that increasingly affect their lives. It would create possibilities for the interests of those in less affluent states to be better represented at the global level in the near term, as well as create momentum for much deeper transformations over time.

All royalties from this book go to the nonprofit, transnational BorderLinks organization: www.BorderLinks.org.

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inspiration for the ways in which they work to help residents of Nogales, Sonora, improve their own lives (www.borderlinks.org). Their example has helped reinforce for me some ways in which a moral cosmopolitan view can guide our lives.

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Introduction

The Jericho road

Near the end of his life, the Rev. Martin Luther King, Jr., became a conscious cosmopolitan. He began to question US involvement in Vietnam, to ask how it was that strangers so easily could become enemies and take up arms against each other. Further, he questioned why those born into some countries lived so relatively well, while those born into less favored states lived in absolute poverty, confronted daily by the specters of disease, starvation and death. That situation, he decided, demanded action, and not just a small increase in foreign aid, but sweeping structural change in the global system.

One day we must come to see that the whole Jericho road must be transformed so that men and women will not be constantly beaten and robbed as they make their journey on life's highway. True compassion is more than flinging a coin to a beggar; it is not haphazard and superficial. It comes to see that an edifice which produces beggars needs restructuring.¹

Where King cites compassion, most normative political theorists would cite justice. And, in the years since King's death, theorists increasingly have questioned the justice of an international system in which birthplace tends to play so large a role in life chances. This cosmopolitan approach to distributive justice holds in part that moral boundaries and political boundaries do not coincide, and that obligations to redistribute resources do not stop at state borders.² However, while cosmopolitans say that the scope of our moral concern should be global, most do not advocate the kind of global restructuring that King demands. They exhort individuals in affluent states to act as the Good Samaritan did in rendering aid, but they generally do not call for comprehensive changes in the global system to achieve their aims. In other words, most *moral* cosmopolitans do not believe that they are bound to advocate a strong *institutional* cosmopolitanism that would deeply transform the global system. Most call for more modest changes, from allowing privileged loan and market access to poor states, to formalizing some voluntary system of transfers from richer states

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to poorer. Some explicitly reject a strong institutional approach, arguing that it is not necessary, and perhaps not feasible, to transform the global institutional framework wholesale.³ Others, the limited institutional cosmopolitans, support a partial restructuring. They reject a full world state but do call for movement toward some strong supranational institutions, meaning those above the state that could obtain compliance from states in some legal or distributive areas.⁴ A final group, the cosmopolitan democrats, demand somewhat deeper near-term institutional changes, but for reasons primarily of democratic accountability in a globalizing system, where polities are viewed as rapidly losing their power to set domestic policy in many areas.⁵

The approach defended in this work is strong institutional cosmopolitanism. My central claim is that full acknowledgment of the demands of moral cosmopolitanism also should commit us to strong institutional cosmopolitanism, specifically, to the creation of a network of strong democratic institutions above the state. The fully integrated institutional form would be a democratic global government capable of ensuring that any person born anywhere can lead a decent life. If full global government is not achievable, even in the very long term, then the creation of democratic supranational bodies that could ensure adequate distributions of life resources and opportunities over more limited geographic areas still would be a tremendous advance over the current global system.

That system of competitive, “separate but equal” states discourages cosmopolitan distributions, and it does so at the deepest level. Observed norms of internal and external sovereignty give rise in each state to powerful, mutually reinforcing biases against full acknowledgment of the interests and rights of noncompatriots. Moral exhortation in such a system is highly unlikely to generate the charitable distributions that would satisfy the demands of a plausible moral cosmopolitanism. The same insight will suggest that the changes sought in the relatively near term by the limited institutional cosmopolitans and cosmopolitan democrats are unlikely to be fully realized. Thus, I argue that to achieve broader distributions of resources and opportunities, we should advocate movement toward the creation of larger democratic polities or citizen sets through projects of just, democratically accountable economic and political integration. We should demand that integration already occurring within such bodies as the European Union, the North American Free Trade Agreement, and under the governance of the World Trade Organization, be continued, but that it also be transformed to make it more transparent, more accountable and more democratically contestable. In the near term, that would empower individuals within states to play an important role in shaping and promoting integration. In the longer term, accountable integration promises some supranational recognition of fundamental labor and human rights, and more just distributions of resources and opportunities over wide geographic areas. In the very long term, advocacy of accountable

integration could lead to a global system that would reliably ensure that all persons will have access to adequate life resources and opportunities.

I begin building the argument not by starting from a cosmopolitan position, but by taking up what often is called the “common-sense” position that our own co-citizens should receive strong priority in routine, tax-financed distributions. I do this because it is such a commonly held view both among political theorists and non-academics, and because consideration of arguments for the position will provide a useful frame for my overall argument. I also begin with non-cosmopolitan arguments in order to meet them on their own terms. Aristotle, in *On Rhetoric*, notes the advantage in being able to set the initial terms of an argument.⁶ Conversely, if arguments for priority to compatriots can be met on their own terms, and difficulties with them can be demonstrated, arguments for a more cosmopolitan approach should carry more weight.

So, Chapter 1 focuses on three of the most common or seemingly robust approaches to arguing for priority to compatriots in distributions. The first, called the complex-constitutive approach, argues on quasi-contractarian grounds that distributions should be restricted to compatriots because compatriots are similarly constituted and understand only with one another what must be distributed and how. I argue that the approach has difficulty sustaining its claim of similar constitution and, more importantly, that it actually undercuts itself when it turns to universals such as equal respect for individuals in order to avoid criticisms that it would accommodate injustice.

I then take up the universal-particularism approach, which attempts to ground priority to compatriots in such universals as respect for the autonomy of others. Such an approach, where respect generally is equated with non-interference, is vulnerable to charges it does not accord sufficient importance to the autonomy of noncompatriots, because there is no assurance they will have adequate resources and opportunities to ensure even minimal autonomy. The final approach, from intimacy, attempts to draw a link between sentiments about what we owe to those we hold dear and what we owe to compatriots. Such an approach has difficulty bridging the gap between intimates and stranger-compatriots. Further, there are important distinctions to be made among the kinds of obligations owed to intimates. For example, most recognize that priority to intimates does not extend to nepotism. Such insights lessen the force of claims for wholesale priority to intimates, and thus especially for compatriots.

Chapter 2 moves to possible groundings for a cosmopolitan approach to distributions. I first consider utilitarianism, and I argue that simple or act utilitarianism is not subject to all of the evils commonly ascribed to it in context of global justice. In fact, utilitarians such as Peter Singer push us to ask important questions about the extent of our own obligations and why we might presume that it is sometimes appropriate to take “heroic” actions to aid compatriots but not others. However, a utilitarian approach

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to distributions still should be rejected, because it would accommodate or possibly prescribe routinized tyranny in the name of promoting more just distributive outcomes. More recent hybrid arguments combining elements of consequentialist and other approaches also encounter difficulties.

In Chapter 3, I move to a rights-based or deontological cosmopolitan approach, offering a discrete positive argument for a moral cosmopolitanism view. I begin by considering the approach a number of theorists have taken, which is to advocate a global extension of distributions within John Rawls's theory of justice as fairness.⁷ While there is much to be learned from this approach, its emphasis on states' economic interdependence could cause it to exclude some in the least-affluent states from distributions. I advocate instead a rights-based argument grounded in respect for the equal moral worth of individuals, regardless of citizenship. I argue for a conception of equal consideration that includes a right to self-development, meaning all would have sufficient resources and opportunities to form and pursue a robust life plan. Self-development, in contrast to approaches adopted by some other current cosmopolitans, would require fulfillment of more than "basic wants" or rights to nutrition, education and housing. I conclude the chapter with an argument that self-development rights should be understood to include freer movement among states in order to ensure a more just distribution of life opportunities.

Free movement begins already to speak to the question of what sort of institutional arrangement would be consistent with cosmopolitan distributive justice. Chapter 4 explores some ways in which the current Westphalian states system impedes the moral ends to which cosmopolitans are committed. In short, I present the *prima facie* case for a more integrated global system. I discuss how the fragmented and particularist structure of the current system tends to work against universal rights fulfillment. The non-intervention and other norms observed by states in the system are justified by reference to states' primary role: to protect and promote the interests of their own citizens. Thus, leaders of sovereign states are expected to act as stewards for their discrete national constituencies, to enrich constituents as much as they can and to take actions that ensure the long-term well-being of their own state. States' leaders also have strong electoral and other incentives to reject advocacy of cosmopolitan transfers. Finally, the structure of the Westphalian system reinforces a kind of Lockean "own-case" bias, where individuals are encouraged to view themselves as members of independent, morally self-contained citizen sets. This separateness or isolation from other citizen sets reinforces a bias toward addressing the needs or interests of the immediate citizen set first. A global system marked by much more advanced economic and political integration would be more likely to achieve the distributive aims of cosmopolitanism. It would help to create broader economic and political communities, highlight common interests across national borders and facilitate the creation of common governance and distributional policies.

In Chapter 5, I begin to discuss the specific shape of a more integrated system, up to a full global government. After reviewing some past world government proposals, I begin addressing common objections to any argument for democratic governance above the state, including in supranational regions. Informed by the objections and current liberal-democratic practice, I outline a model for a system of fully global, multi-level, democratic rule. I then elaborate on the outline in addressing specific objections. The first is the democratic distance objection, which holds, in Kant's terms, that any form of global government would be a "soulless despotism." It would be a system so large that representation would be all but meaningless. I answer by giving attention to practices in current large polities such as the European Union, which, though it does not yet offer adequate democratic representation at the regional level, does have in place principles such as subsidiarity—addressing governance issues at the lowest appropriate level—that help to address concerns about representation. In Chapter 6, I consider the related citizenship objection, which holds that robust democracy is possible only among those who share the same nationality. That objection does not sufficiently consider how democratic rule may be organized around shared principles, or the ways in which economic and other forces above the state are promoting movement toward shared rule. Chapter 6 also takes up the armed tyranny objection, which holds that a fully realized global governing system would simply be too dangerous because it would establish a world without refuge from the potential violence of an all-encompassing state. This is an important objection, and it should give us more reason to adopt a model for integration at all levels that is less like the current nation-state, with its presumed monopoly on coercive force, and more like a network of democratic institutions, each with its own internal balances, and each able to balance the others, including in coercive forces. The related civil war objection, which holds that institution of a global authority would lead to unceasing strife within the global union, gives us further reason to advocate a network of institutions rather than a seamless, all-powerful world state. In its fully realized version, such a network could include a set of legal institutions with global reach in which individuals have standing—a global court of last resort. It also could include some form of global legislative body whose lawmaking competencies extend only to those issues that must be addressed globally, and a similarly empowered executive body. I emphasize again that, even if a full global government is not achievable, it is important that we consider its defensibility as a comprehensive system of institutions, both to critique current institutions, to guide the evolution of bodies such as the EU and NAFTA, and to inform our understandings of individual duties concerning institutional reform.

In Chapter 7, I argue that a more just program of economic and political integration is feasible in the near term, and that the realization of fully global democratic integration may be feasible in the much longer term.

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I review some of the ways in which economic and other forms of globalization already are creating dense networks of connections in some areas, as well as promoting mutual economic sensitivity among states. Then I look at some current theorizing about the process of “constitutionalization” which gradually has transformed the European Union from an inter-governmental organization to one exercising significant supranational powers over member states. The change is especially striking in the European Court of Justice, which has issued rulings strongly opposed by member states but also accepted by them. I look at a broadly similar process underway in the adjudicative arm of the World Trade Organization, and I discuss the possibility that a route is being opened to a more transparent and accountable global trading regime, and to more just forms of economic and eventually political integration, up to the global level. I conclude by discussing some of the obligations individuals at all levels of civil society and governance should acknowledge, as well as actions they can take, to promote movement toward a system in which anyone born anywhere would be able to lead a decent life.

1 Priorities

I am floored when I read about the millions that our government proposes to spend rebuilding Afghanistan. As long as one American child goes to bed hungry, we should not give a dime overseas. As long as one American is out of a job, not one dime should be sent overseas. As long as one American child can't read, the money should be invested here. As long as one senior can't pay for medication, not one dollar should leave our shores. If we can't care for our own, we can't care very much, can we?¹

Introduction

Finding nation-states on a map is diverting child's play, a memory game using the brightly colored, oddly shaped pieces of the global political puzzle. Finding them on photos shot from satellites or space capsules is another matter entirely.² A river or peninsula may mark the familiar boundary, but the illusion of state borders as immutable geographic features is impossible to sustain. The same holds true on the surface of the earth, where, in the absence of fences topped with barbed wire and away from checkpoint gates, nothing much distinguishes states from one another.³ Yet, for most people, state boundaries have strong moral significance. A natural disaster striking one part of the country may be viewed by unafflicted compatriots, however distant, as the highest of emergencies, requiring the immediate transfer of resources to the stricken area. Conversely, the same disaster striking a nearby group across a national border likely will be viewed as a matter for beneficent action, for transfer of the resources that can be spared or the charitable contributions collected after compatriots have been rescued from dire straits. The same generally holds for longer-term issues of deprivation and need. Foreign poverty, while acknowledged as morally significant, is viewed as appropriately addressed only after needs closer to home have been met.

Some political theorists accept this "common-sense" view and assert that humans simply are ethical particularists. We are born into distinct communities that nurture us and shape our moral understandings in

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unique ways. The theorist's task, they say, is to account for the common-sense view and ground its requirements in rigorous argument.⁴ Cosmopolitan theorists are more skeptical of the view that compatriots deserve strong priority, including in distributions of resources and opportunities. They reject common-sense justifications and maintain that the sentiments which underlie priority to compatriots should be as open to question as envy or any other ostensibly ineradicable human sentiment.⁵ Subsequent chapters will explore the cosmopolitan approach, which at root views individuals, not communities or nation-states, as the primary unit of moral concern. This chapter explores some of the most important or prominent defenses of the common-sense view for compatriot priority. Three broad approaches are considered, and the most prominent or formidable arguments are analyzed within each approach. As will be shown, each argument encounters significant difficulties defending compatriot priority on its own terms, that is, without being pitted against any specific positive argument for a more cosmopolitan approach.

The constitutive approach

We can begin by considering the constitutive approach to grounding compatriot priority. Proponents of this approach argue that, since we are partially constituted by our communities, they are the natural focus of our concern and obligations. It is incoherent, they contend, to attempt to be a true ethical universalist, because that would require construction of a person without roots or moral center. Moralities take shape within communities, among individuals who are partially constituted by those communities. Individuals both naturally and rightly give priority to others who are similarly constituted.

The constitutive approach falls within the broad rubric of communitarianism, which can be characterized as an orientation to social theory that places primary emphasis on communal obligations rather than individual rights.⁶ The focus here is on what will be called the complex-constitutive approach, as distinguished from the simple constitutive approach. The simple approach is represented in recent works by Alasdair MacIntyre, Michael Sandel and Charles Taylor, among others.⁷ It is concerned almost exclusively with how shared understandings arise within a community and give individuals their moral framework. The content of the shared understandings is not generally at issue. The simple approach has been criticized for holding an unrealistically homogenous and static view of community, as well as for failing to allow for any critical purchase within communities. In other words, by holding a rigid view of shared understandings and mostly failing to consider how race, class, gender and other markers can figure in oppression of individuals inside constitutive communities, the simple constitutivist ignores important moral questions.

The complex-constitutive approach, by contrast, runs in a broadly

contractarian direction. Complex constitutivists attempt to show how understandings may evolve so as to make communities more inclusive of women, minorities and other historically oppressed or excluded groups. The variant appears in its clearest and perhaps most contractarian form in Michael Walzer's work, but separate works by Yael Tamir and others add nuances.⁸ In the complex-constitutive approach, community is foregrounded as a human need. For Walzer, community means primarily culture, religion and politics. "It is only under the aegis of these three that all the other things we need become socially recognized needs, take on historical and determinate form."⁹ Individuals join under common political institutions to determine which goods should be provided as part of a common life with those who share the moral understandings of that life. As moral understandings are shaped within communities, so are understandings about the appropriate kinds of resources that should be subject to distribution, the levels of distribution and the objects to which distributions should be directed, for example, to public baths rather than public education in Attic Greece.¹⁰ Since co-citizens have been shaped by the same moral understandings, in general, they can understand only with one another how distributions are to be accomplished and arranged. Thus, they owe distributive obligations to compatriots that they do not owe to noncompatriots.

Theorists within the complex-constitutive approach are generally explicit that the contract meant is not the Hobbesian version of autonomous rights holders joining to create a new community *de novo*.

Over a long period of time, shared experiences and cooperative activity of many different kinds shape a common life. "Contract" is a metaphor for a process of association and mutuality, the ongoing character of which the state claims to protect against external encroachment.

Thus, the concern is not only to explore how specific moral understandings arise within specific communities, but how those understandings may evolve over time, perhaps becoming more inclusive and expressing a more thoroughly shared identity.

To gain a better sense of the complex-constitutive approach, it will be useful here to distinguish it from two other prominent approaches with which it shares a family resemblance. Both of these approaches to compatriot priority also will serve as critical reference points for other arguments throughout this book. The first is mutual benefit. Mutual benefit arguments defend priority to compatriots on grounds that compatriots continually are providing benefits to one another—contributing to the social product—and can rightfully expect that they will receive priority over non-compatriots in distributions. The complex-constitutive approach similarly emphasizes joint production of the social product to be distributed, but it

does not focus on benefits given or received. Thus, it avoids the common asymmetry problem in mutual-benefit arguments, which have difficulty showing why priority should be given to members who are less able or even unable to contribute. In other words, the mutual-benefit argument presumes a symmetry in contributions given and benefits received by compatriots that does not generally exist. Ill compatriots, those who are lesser abled or otherwise restricted can introduce asymmetry in one direction. Guest workers, undocumented immigrants and other resident noncompatriots, who may contribute greatly to the social product but receive less than citizens in distributions, can introduce asymmetry in another direction. Arguments made in the complex-constitutivist approach do not impose such a symmetry requirement. They emphasize the shared understandings that lead to a specific distribution of the social product, rather than the balance of benefits given and received.

The second approach, which I will call assigned responsibility, also bears a surface resemblance to the complex-constitutive approach. Assigned responsibility, as conceived by Robert Goodin,¹² refers to conditions under which priority to compatriots might be defensible. Goodin argues that, just as lifeguards are assigned life-saving responsibility on a particular stretch of beach to eliminate confusion and promote safety, a system of states charged with looking after their own peoples also could be efficient and fair. Priority to compatriots would be justified on grounds that it would be the most efficient means of discharging what are described as our general distributive obligations to all of humanity. Compatriots would justifiably give one another priority in distributions, under the assumption that citizens of other states would be doing the same. However, Goodin also argues that giving priority to compatriots would be defensible only if each state had sufficient resources to care for its charges. If this were not the case, significant transfers would be required from richer to poorer states. Priority to compatriots would not be justified until all states were roughly equal in their ability to carry out their assigned responsibilities. As Goodin notes, states actually are vastly unequal in their abilities to protect and promote the interests of those living within their borders. But for the complex constitutivist, inequality between states is mostly beside the point. The key claim in that approach is that we can decide on the appropriate distribution of the social product only with those who share our moral understandings, those with whom we have built a common life. We owe priority to compatriots in distributions because they are the ones who understand with us those things that must be prioritized, regardless of the total set of resources commanded by our compatriot set or how it compares to the resource endowments of other sets.

The complex-constitutivist approach is on the whole highly nuanced and has produced a number of edifying arguments. However, it is vulnerable to two important objections. The first will be called the poor fit objection. It is concerned with the tendency of complex constitutivists to

collapse distinctions between states and the nations and other communal groupings found within and across their boundaries. This collapsing elides important questions about whether the shared understandings that are said to be so crucial to setting distributive priorities are indeed shared. The second general objection will be called undercutting. It focuses on how the contractarian emphasis in the complex-constitutive approach actually serves to undercut claims about the distinctiveness of different communities, and thus weakens the claim that compatriots can decide distributive issues only with one another.

The poor fit objection

It is highly problematic, according to the poor fit objection, to speak of shared understandings determining distributions among compatriots when states often contain a number of disparate communities with widely diverging understandings on central common issues.¹³ Not only do understandings differ among ethnic or national groups bound together in the processes of state building, but class, ideological and other sharp differences within states make it difficult to sustain the claim that compatriots can understand only with each other the distributive priorities that should be set.

The constitutivist response is that outsiders should not think that they can easily identify a lack of shared understandings among the citizens of a state, because they do not share the deep historical experience of having been constituted by that state. Outsiders “don’t know enough about its history, and they have no direct experience and can form no concrete judgments of the conflicts and harmonies, the historical choices and cultural affinities, the loyalties and resentments that underlie it.”¹⁴ Thus, outsiders should not presume to intervene in the domestic affairs of most states.¹⁵ Where distributions are concerned, outsiders would be obliged by their own ignorance to presume that states do contain distinct communities of shared understandings, and that the individuals shaped morally by those communities are the only ones with an appropriate understanding of how the resources produced by their community should be distributed.

However, there are numerous instances where the poor fit is not so hard to see.¹⁶ In the case of the constitutionally multinational state, which contains two or several formally recognized, distinct historical communities, a seamless fit between nation and state is not presumed at all. Likewise, some intra-state groups are recognized as distinct through the granting of some autonomy to their regions. Thus, their members are deciding often with their sub-national group what is to be prioritized and to whom certain distributions should be restricted according to their presumably distinct shared understandings. In short, priority to compatriots—the state’s full citizenry—cannot be justified on constitutive grounds if the

set of compatriots and the set of those who are partially constituted by shared moral understandings is not co-extensive.

Anticipating or responding to the poor fit objection pushes some constitutivists one step farther, toward the one-nation, one-state ideal.¹⁷ Walzer, Tamir and David Miller are perhaps the clearest proponents of schemes that would grant significant political control to each distinct national group, including in current multinational states. Each theorist acknowledges the difficulties in trying to ensure that every distinct nation, however small, receives its own sovereign state. For example, the United States contains hundreds of Native American tribes that are formally recognized as distinct national groups. Walzer and Tamir propose to address the difficulty through the devolution of sovereignty to smaller national units, combined with supranational affiliation and organization of states, in schemes resembling the evolving shape of the European Union. Thus, if it were not possible to give every nation a discrete sovereign state, it would be possible to establish a system guided by the principle that “all nations are entitled to a public sphere in which they constitute the majority.”¹⁸ Walzer terms the creation of such public spheres the completion of the states system.¹⁹ It would give many more distinct nations an arena within which their distinctive way of life would be protected and in which they could decide on appropriate objects and levels of redistribution.

I will emphasize here that, in advocating devolution, the complex-constitutive approach is no longer arguing for *compatriot* priority. Priority to compatriots has become priority to co-nationals. With that in mind, we may ask where devolution halts. Do shared understandings distinct enough to merit the restriction of distributions begin and end with national groups, or are there still smaller groups that should be taken into account? In other words, can even the highly elaborated and prescriptive devolutionary response overcome the poor fit objection? There are reasons to be skeptical. First, groups within nations may speak a different variant of the national language, follow a different religion, have a distinct ethnicity or history.²⁰ Many differences can be traced to the bloodier aspects of nation-building.²¹ The excluded or oppressed groups of the past receive relatively little consideration in the constitutive approach.²² But still they remain, partially absorbed into larger groups, scattered or surviving in pockets, complicating the question of shared understandings in a given geographic region. We may point to indigenous groups throughout the Americas, the Philippines, Indonesia, Australia and elsewhere; Jews, the Rom and others in Europe, Christians in many Muslim states.²³

Other complications for the move to a one-nation, one-state model include distinctions among co-nationals that do not necessarily spring from historical processes of state-building. Divisions of class, geography and other factors can account for significant differences in the way individuals are constituted, yet these are discounted in constitutivist arguments for compatriot priority. Brian Walker, for example, has argued persuasively

that in Western liberal democracies, gays and lesbians should qualify as nations under most current definitions:

The stages which the gay movement has gone through on its way to national consciousness match up, step for step, with the developmental stages we know from many other nationalist movements. All nationalisms started as “social movements.” A people set apart from those around them by in-group attitudes and discrimination by others comes to develop a sense of itself as having a community and a history. At some key moment a group of intellectuals and members of the middle class give explicit expression to this sense of imagined community and fan its growth. A self-consciously particularist literature is developed which emphasizes the local culture. Histories are written which project the story of the community back through time . . . tracing the pre-history of the present moment in which it came to consciousness. What was first seen, particularly by outsiders, as a relatively minor difference of attitude or dialect comes to be seen over time as a difference of cultures, and finally, as a distinction lying between peoples.²⁴

If gays and lesbians are excluded from current definitions of national groups, then we also must exclude many other groups and return to a much more racialized view of national identity, which most proponents of national protections or the national model of democracy reject.²⁵ Walzer himself argues in an early work that membership in groups such as trade unions, civil rights organizations and some groups opposed to military service can create obligations among members that sometimes override obligations to compatriots and justify forms of civil disobedience.²⁶ More recent works are not so explicit, but they still would accommodate such a view, at least in more liberal societies, whose shared understandings presumably allow for the existence of smaller groups that function as primary moral groups on some issues.

We may ask, however, whether holding up these smaller groups as the site of shared understandings on certain issues is compatible with the central claim in the complex-constitutive approach, that priority to compatriots is defensible because compatriots are the only ones who understand with us what must be prioritized. Consider also that members of labor, civil rights and other of the smaller groups often reach out to their counterparts in other states. Extending a defense of civil disobedience by members of such groups, we could say that it is defensible when union members, for example, choose to transfer funds to labor-organizing efforts in other countries rather than support impoverished or at-risk persons in their own state.²⁷ Likewise, it is defensible when indigenous, environmental, human rights and other groups forge strong transnational connections and give support to members across national borders, rather than

focus their resources on their full set of compatriots. In short, the argument for an “obligation to disobey” among members of sub-national groups reveals the difficulty with establishing priority to compatriots on constitutive grounds. If the complex-constitutive approach can establish priority to those who share understandings about the things that must be prioritized, it still appears to have difficulty demonstrating that the group which shares the understandings is properly limited to compatriots or even conationals.

Undercutting

The poor fit objection suggests problems with some applications of the complex-constitutive approach. The second general objection reveals difficulties with the internal logic of the approach itself. I call it the undercutting objection, because it holds that the complex-constitutive approach undercuts itself by importing standards of equality and justice that are in keeping with its social contract emphasis but are not found within the shared moral understandings of some communities. Because of this importing of outside standards, many of the things that make communities distinct from one another would be disallowed. If the communities that constitute us are not so distinct from one another, then the constitutive approach has difficulty demonstrating that we can only understand with members of our own community the proper objects, levels and shape of distributions.

Recall that the constitutive approach holds that individuals have an inborn need for community and enter into a kind of social contract with others who understand with them those things that should have priority in matters of redistribution. Implicit in the approach is an understanding of individuals as contracting equals. Tamir and David Miller, in fact, are explicit that the ongoing process of shaping the community must be open and democratic. Such a restriction makes their arguments immediately vulnerable to the undercutting objection, because an insistence on openness and democratic institutions would require that deep and dramatic changes be made in hierarchical societies. Walzer is less explicit that construction of shared understandings must be democratic. His version of the argument attempts to maintain its social contract language while allowing for differences in the way understandings are constructed in societies, including even caste societies. Those within a caste society would recognize unequal but firm rights to a share of the social product. Ruled out would be seizures by the rich or other actions that would violate shared understandings of the appropriate distribution. But the approach “does not rule out the inequality of the portions; it cannot require a radical redesign of the village against the shared understandings of the members. If it did, justice itself would be tyrannical.”²⁸ So, instead of the familiar liberal contract of equals, the argument attempts to accommodate unequal

terms of contract. But it cannot simply rest there if it is to escape some of the problems into which the more relativistic simple constitutive argument falls. What if, for example, what we are calling shared understandings about distributions are nothing more than the powerful using the leverage of an unequal contract to take what they can from the rest, who have little voice in the system? Walzer attempts to answer such an objection by allowing for the possibility that members of lower castes could be indignant at their lot, even when the higher caste members take only their ostensibly rightful shares. Then, "it would be important to seek out the principles that shaped their anger and indignation. These principles, too, must have their part in village justice."²⁹ But such a seeking out, while it helps to address concerns about plain oppression, poses an undercutting problem. Walzer wants to make a clear distinction between shared understandings and structures of domination. Yet in the case of the caste society, the very shared understandings in question presume an unequal power structure. By asserting that the principles underlying anger or indignation must be sought out, Walzer's constitutive argument is calling for some version of democratic forms. It is saying that attention should be paid to local customs and ascriptive roles, but that the voice of all must be sought and heard.³⁰

The complex constitutivist must draw on some conception of equality to try to make coherent the contractual aspect of the approach. However, once some shared moral understandings, such as the bar to participation by lower castes of persons, have been removed by universal ethical standards that do not spring from a particular community's common moral understandings, it is difficult to see how a constitutive argument can justify priority to compatriots.³¹ Ultimately, the importation of democratic forms may reveal how much of what are being called shared understandings in the constitutive approach are based on plain power relations.³² In other words, the complex constitutivist argument may move toward democratic forms and liberalization of societies from implicit recognition that distributions of power, privilege and right in societies often are not based on genuinely shared understandings. In many cases, a relatively small minority of the society has been able to impose its understanding on the rest of the populace. The understandings, in other words, may be observed by all, but that does not mean they are shared in the contractarian sense that all have participated in their formation. For example, as Mill highlighted in the context of Victorian England, women may have understood their subservient role in society, but they had relatively little to do with the shaping of that role.³³ Complex constitutivists rightly attempt to avoid valorizing the way such oppression may be internalized, the way it partially constitutes those born into such a role. But they have difficulty promoting stronger voice for the oppressed within societies without arguing for some liberalization of those societies. Liberalization would erode much of what constitutivists claim makes societies distinct enough that their citizens

understand only with one another how the social product is to be distributed. Thus, the approach has difficulty justifying priority to compatriots in distributions.

The universal-particularism approach

Suppose a brother or sister is without clothes and daily food. If one of you says to him, “Go, I wish you well; keep warm and well fed,” but does nothing about his physical needs, what good is it?

(James 2:15)

Where complex constitutivists emphasize the ostensible distinctiveness or uniqueness of national communities, those working within what I will call universal-particularism begin with universal principles and attempt to build from them a justification for compatriot priority. The most common principle referenced is equal respect for others as autonomous beings. I will focus here on a recent version of the respect argument that can stand as an exemplar for the broader approach. Discussion of the specific argument and objections to it will highlight general vulnerabilities in universal-particularism, which remains quite influential, represented in such works as John Rawls’s *The Law of Peoples*.³⁴ Rawls’s work is discussed in Chapter 3 in context of positive arguments for moral cosmopolitanism.

The exemplar universal-particularist argument begins with the claim that respect for others as autonomous equals is of fundamental moral importance. It holds further that giving priority to compatriots does not show disrespect to noncompatriots. In fact, in order to lead lives of mutual respect with our own compatriots, we must provide incentives to them to ensure that they will conform to the requirements of shared institutions, or to compensate them for having those institutions imposed upon them.³⁵ The argument offers two kinds of justification. One is from fair play: we are obligated to give something to those from whom we would take something. The second is a consequentialist justification based on the benefits of creating such goods as mutual respect and concern within the citizen set. I will take up the former first.

Impositions

Emphasis on the imposition of shared institutions makes implicit the claim that distributive priority is a sort of compensation for loss of freedom or other goods. If we have not made impositions on specific individuals—generally individuals outside our state boundaries—then we do not owe them priority in distributions. Richard Miller gives the example of a corporate lawyer living in a wealthy suburb of New York City and a scrap-metal scavenger living in a slum of Dhaka, Bangladesh. The lawyer, he says, can give appropriate respect to the scavenger while still giving prior-

ity to compatriots in distributions, in part because the lawyer has helped to impose no institutions upon the scavenger. There is no concern about the lawyer having to mitigate any losses he caused to the scavenger.

One objection that may be lodged against such a fair-play justification is that the emphasis on imposition of common institutions inside the state elides discussion of the relatively rich package of benefits and prerogatives that come with membership in a well-off state. That is, if priority to compatriots is justified on grounds that compatriots are asked to make many sacrifices for one another and suffer some degree of hardship or at least high opportunity costs in agreeing to submit to common institutions, we should inquire into the nature and level of the sacrifice. We should ask how much can be justified by appealing to a concept of justice as reciprocity when the reciprocity is confined to a closed system, as represented by a sovereign state, and when those inside the system are much better off in absolute terms than many outside the system. In such a situation, presumed moral obligations to give priority to compatriots could be seen as little more than a shield allowing the comfortable to ignore hard questions about obligations they may owe to others whose needs are more pressing. Respect in the universal-particularist sense could be little more than the sort of empty well-wishing criticized by the biblical James in the epigraph to this section.³⁶

But let us dig a little deeper. We can observe that the mutual-respect argument does not consider the initial distribution of membership that ostensibly determines distributive priorities and limits. The distinction between compatriot and foreigner is central, yet there is little consideration of the defensibility of the initial move that establishes the distinction, or of continuing moves to restrict membership. In fact, there is an inherent circularity in a mutual-respect argument. It cannot justify the creation of distinct sets of members and non-members, because it justifies restriction of distributions based on the impositions already being made on members.³⁷ It rejects noncompatriot obligations almost as firmly as the libertarian rejects any obligation to redistribute resources except for common security and infrastructure needs, yet even libertarians such as Robert Nozick acknowledge that the initial acquisition of resources must be interrogated if we are to judge the legitimacy of current distributions. No one can claim to be entitled to a holding if it was not acquired by justifiable means in the beginning, before it was transferred by whatever number of just transactions to the current holder.³⁸ The mutual-respect argument does not question the initial circumscription and restriction of membership. It essentially justifies priority to compatriots by pointing to the fact that individuals are compatriots, thus it cannot speak to whether establishing a system of compatriot priority is defensible.³⁹

By way of stark illustration, consider the way in which most slave owners in the United States were outraged when an economic system and distinct plantation culture collapsed after their human property was taken

from them without recompense. By contrast, slave owners were compensated in Britain and its domains. The Emancipation Act, which took effect on August 1, 1834, ordered payment of 20 million pounds sterling as compensation to slave owners for the freeing of 780,000 slaves.⁴⁰ Such payment would be consistent with the mutual-respect argument's emphasis on impositions. However, an argument to compensate for the costs of imposing new social institutions cannot speak to the rightness or wrongness of the old institutions. It can address only the obligations that arose as individuals operated in what was viewed as good faith under the old system. The slave analogy is not exact, of course. But it usefully highlights that, though a web of obligations has been spun from the operation of a system, the existence of such obligations cannot speak to the justice of the system itself. In the context of compatriot priority, if the initial moves to restrict distributions are not defensible, a moral shadow is cast over resulting commitments. Each move by persons in rich states to fulfill presumed distributive obligations to compatriots, while on the face of it an ethical act, may actually be a violation of larger obligations to distribute. Of course, without some positive argument for broader distributions, we cannot be certain that giving priority to compatriots is morally wrong. But without some justification for the initial distribution of membership, or justification for the structural features of a system of sovereign states in which compatriot priority remains the norm, the mutual-respect argument cannot demonstrate that compatriot priority is morally defensible.⁴¹

Side-effects

The second, consequentialist, emphasis of the mutual-respect argument is on the potential negative effects of failing to meet distributive needs close to home. If compatriots are not given priority, it is claimed, then the relatively disadvantaged in the state will become alienated from the system and refuse to cooperate with their advantaged compatriots in pursuit of broadly shared goals. "Rather than being based on mutual respect and trust, people's relations of interdependence with compatriots would often be based on resentful fear or servility."⁴² So, the effect of expanding distribution to noncompatriots would be to hurt vital relationships among compatriots.

The fair-play aspect was deontological, concerned with the moral rightness or wrongness of failing to compensate compatriots for impositions. The side-effects aspect is concerned with the bad practical consequences of failing to give priority to compatriots in distributions, and one critique that can be made of the side-effects claim focuses on its consequentialist character. Giving emphasis to negative side-effects presumes that tending to the needs of compatriots first will strengthen domestic bonds or produce other valuable consequences. But if such positive consequences are to be cited as the justification for establishing a system of compatriot

priority, they must be weighed against the potential positive consequences that would be produced by some other system. Consider again the case of former slaves. Nineteenth-century US social critic George Fitzhugh argued against emancipation in part because of the negative effects it would have on class relations between those Southerners who possessed full citizenship rights.

Our citizens, like those of Rome and Athens, are a privileged class. We should train and educate them to deserve the privileges and to perform the duties which society confers on them. Instead of, by a low demagoguism, depressing their self-respect by discourses on the equality of man, we had better excite their pride by reminding them that they do not fulfill the menial offices which white men do in other countries.⁴³

Emancipation would be expected to depress the men's self-respect further, besides adding utility losses from suddenly being made to compete with former slaves for employment, as well as losses from a range of other dislocation or adjustment pressures. However, we can be highly skeptical that the sum of utility lost by the men would outweigh that gained by those freed from human bondage, even considering the hardships and oppression faced by so many former slaves in the post-Civil War era. The analogy again, might seem to stretch too far. But consider the utility to be gained by the global impoverished from even a small extension of distributions. In fact, in the global context, where some 2.8 billion subsist on the equivalent of \$2 per day or less, we can be even more skeptical that the utility created by giving compatriots priority will outweigh that from extending distributions.⁴⁴ Marginal utility considerations suggest that the absolutely impoverished will realize much greater utility or value from the same amount of resources, compared to individuals in an affluent state.⁴⁵ The scales will likely tip to the poor if the interests of all individuals are given equal consideration, as they are in a universalist argument such as the one from mutual respect.

The mutual-respect argument, like some others that attempt to justify particular obligations through reference to universal moral principles, also aims at showing that there is "a psychologically inevitable limit on trust and respect."⁴⁶ In other words, we can hope to maintain with compatriots the relations of mutual trust and respect that enable distributions, but not necessarily with noncompatriots. The claim runs into immediate difficulty when we consider the varying sizes of states. It would seem inherently problematic to claim that current state boundaries coincide with psychological limits on mutual trust and respect when states range from tiny Lichtenstein and Seychelles to such behemoths as China and India. Further, while shared political arrangements can help to promote trust among individuals through repeated interactions and distributions of

public goods, the promotion of trust and mutual respect through shared institutions also can be seen at work in supranational arrangements such as the European Union, where citizens of member states may now live, work and run for local office in most other member states. I do not claim that the EU is or will become a nation-state, but significant interactions and distributions are facilitated by EU institutions. The evolving and expanding European integration project is discussed in some detail in subsequent chapters.

The “common-sense” importance of claims about a domestic limit on trust and respect should not be underestimated, however. Such claims tap deeply into popular sentiment about taking care of our own, as exemplified by the letter to the editor that serves as the epigraph to this chapter, where “As long as one American is without a job, not one dime should be sent overseas.” As noted above, most individuals do seem to feel strongly that compatriots should have priority in distributions. There likely would be a significant backlash if immediate and massive transfers of aid were made from well-off states to the global poor. Such concerns would certainly inform any plausible approach to achieving broader distributions. However, it is important to draw distinctions between pragmatic policy application and moral obligations. Citing resistance by current stakeholders to proposed changes in a distributive regime does not demonstrate the existence of a psychologically inevitable limit on trust and respect that conforms to state boundaries, nor can it demonstrate that the resistance offered as proof of such a limit is morally justified. Again, consider the distributions of citizen membership—voting rights, full property rights—finally extended to former slaves and women in the United States. As the quotation from Fitzhugh above helps to suggest, many in the nineteenth and early twentieth centuries contended that there was a limit on the kinds of extensions of citizenship that could be offered to the disenfranchised groups. It was held that the dominant group would not accept an extension of full membership to the subordinate groups, and also that such an extension would greatly harm class and other relations among whites themselves. Roughly similar arguments have been offered in recent debates over the integration of the openly gay or lesbian in the United States armed services. Unit cohesion and morale will be damaged, according to the official justification for the “don’t ask, don’t tell” policy, if military personnel are made to serve beside openly gay and lesbian individuals.⁴⁷ However, citing recalcitrance on the part of those who already hold unrestricted membership, and offering it as proof of a psychological limit, does not address the moral questions about equal respect or membership that are at stake, and it does not speak directly to whether there are moral obligations that are not being fulfilled.

In sum, it appears difficult for the universal particularist to sustain a claim that non-interference in the affairs of noncompatriots is all that equal moral respect requires. As we saw, the claim that respect for others

could be reduced to acknowledgment of their right to autonomy appeared hollow when the worth of such autonomy minus even the most minimal guarantees to life resources was questioned. Difficulties with the argument were compounded by a circular justification for the limiting of membership in the distributive set. The supporting “side-effects” argument was not more successful at grounding priority to compatriots. Its consequentialist form left it open to a counter-argument that the value gained by taking a cosmopolitan approach to distributions could far outweigh that gained under a system of priority to compatriots.

The intimacy approach

The final approach I will consider to grounding compatriot priority is the one from intimacy. Intimacy arguments build from what their proponents see as a widespread intuition that we have special obligations to our friends and family members. These obligations from intimacy are linked by various means to corresponding obligations to compatriots. I discuss here the way in which any such argument will face a leap from intimate to compatriot. Such a leap is difficult to make because of dissimilarities between close, personal relations and the more impersonal relations we share with most of our compatriots. Further, even if we assume that an argument from intimacy could make the leap to priority to compatriots, the more basic question of what we owe to close friends and family is more complicated than many arguments from intimacy presume.

One way in which some supporters of the approach have tried to link intimates to compatriots is to cite group loyalty.⁴⁸ In loyalty arguments, the aim generally is to show that individuals take much of their moral motivation from loyalties to groups, and that it does little good to speak categorically of justice when the motive force behind individual action is not primarily adherence to universal principles of justice. Andrew Oldenquist’s well-known loyalty argument can serve as an exemplar. He begins with the common “intimate-in-distress” scenario. In Oldenquist’s version, a father is confronted with the simultaneously imminent drowning of his daughter and another young woman. His daughter has average talents, while the other young woman is a budding scientist likely to contribute great things to humanity. Most would expect the father to save his daughter if he could save only one, Oldenquist says, and “The contempt we feel for traitors is not unlike what we feel for the father who lets his daughter drown.”⁴⁹ The father errs if he allows a weaker loyalty, what Oldenquist and Richard Rorty describe as a loyalty to the entire human race, to override what should be a more basic loyalty to his own daughter. In other words, it is inappropriate to apply a universal utility calculus, or cost-benefit analysis, when the well-being of intimates is in question.

However, the contempt we are said to feel for a traitor—and the corresponding loyalty we are expected to display toward compatriots—actually

is based in a form of utility calculus. We are to understand that our loyalty to groups, especially the state, is necessary to maintain overall group viability. The alternative is alienation experienced by individuals and a debilitating lack of cohesion in the nation or nation-state.⁵⁰ Just as the universal particularist would urge priority to compatriots in order to encourage their compliance in institutions, so would the loyalist emphasize the need to promote a sense within individuals of loyalty or societal ownership. Thus, for the loyalist, the reasons why we should be loyal to compatriots are actually quite different from the reasons why we should be loyal to intimates. We are expected to act in the interests of those we love out of reflexive emotion, regardless of the utility that will or will not be realized by our actions. We act in the interests of compatriots for more calculated reasons. If that is the case, then the critique of the side-effects argument above will apply to loyalty arguments for compatriot loyalty. That is, we cannot assume that the good realized through restricting distributions will outweigh the good realized through transfers to noncompatriots. The benefits of large-scale transfers to those in the least-affluent states could easily outweigh the benefits of preventing alienation in highly developed states.

Other theorists have gone beyond a presumption of reflexive aid to intimates, attempting to make more explicit the sources of familial obligations and extend them to arguments for compatriot priority. Some emphasize the ways in which we are shaped by our families. Mervyn Frost, for example, argues that:

We could not be the selves which we are and which we value, were it not for the love we receive from, and the love we give to, the other members of the family. We are partially constituted by the common will that exists in the family.⁵¹

Frost attempts to extend his constitutive logic to compatriots by way of recognition, arguing that we achieve recognition as individuals in constitutive relationships with compatriots in much the same way we do from family members, and it is mutual recognition of intimates and compatriots that does much to constitute us as the people we are. Similarly, Tamir argues that:

When faced with an exclusive choice of alternatives between helping strangers or members of my group—be it my family, my community, or my nation—I have a stronger moral duty to help those to whom I feel close than to help strangers.⁵²

The poor fit and undercutting critiques would apply to such “family constitutive” arguments when they are extended to the national level. It also should be reinforced that, for most persons, all but a tiny portion of the

compatriot set will remain strangers. The feelings of closeness, the experiences of nurturing and mutual recognition that seem strong enough to justify giving absolute priority to loved ones will be highly attenuated or absent when extended to the tens or even hundreds of millions who share our citizenship.⁵³ Further, constitutive family arguments actually tend to reduce to mutual benefit. That is, they generally focus on the beneficial aspects of family membership. Frost is explicit that when he speaks of mutual constitution within a family or state, he is speaking of both as ideally or properly conceived.⁵⁴ So, we do not presumably owe special obligations to those family members who have mistreated us, however much that mistreatment may have figured in constitution of character. Likewise, obligations would not be owed to family members who are strangers—the parent who abandons an infant child. As Randall Kennedy puts it,

I will rightly give the only life jacket on the sinking ship to my mother as opposed to your mother, because I love my mother, (or at least I love her more than yours). I love my mother, however, not because of a genetic tie but because over time she has done countless things that make me want to love her.⁵⁵

The focus of the family-constitutive argument is not on the plain genetic tie with relatives, or the citizenship ties with compatriots, but on the mutually beneficial relationships we ideally will have with each. If that is the case, then the family-constitutive argument is essentially a mutual-benefit argument for priority to compatriots. It will face the same difficulties in justifying priority to those compatriots who contribute relatively little to the social product, as well as in excluding from some distributions those resident noncompatriots who make significant contributions.

Distinguishing between obligations to intimates

Even if intimacy arguments have difficulty making the leap to compatriots, there still is good reason to investigate claims made on grounds of intimacy in narrower settings. Demonstrating that there are difficulties even with the intuitive claims for strong priority to intimates will help set the stage for a more cosmopolitan approach. I argue here that many claims for special obligations to immediate family members are misleading. That is, they do not distinguish between the different kinds of obligations we may owe to intimates. The oversight is reinforced by “intimate in distress” scenarios, which, while they may show that blood is thicker than consequentialist justice in emergencies, give us poor guidance in setting the appropriate scope of routine, tax-financed distributions.

Let us return to the drowning scenario. We can note first that the father, when he acts disloyally, is acting according to a first-order impartialism. For

the first-order impartialist, morality requires a rejection of all special obligations. William Godwin often is held up as the exemplar first-order theorist. In a much-cited argument, Godwin holds that, faced with a choice between saving the Archbishop Fenelon and his own father from a fire, he should save the archbishop, because Fenelon's ability to contribute to society overall is greater.⁵⁶ Variations of the scenario now are used to show precisely the opposite, that most people would feel justified in saving their own family members first.⁵⁷ We need not attempt to say which of the girls should be pulled from the water to see that the drowning scenario actually can divert us from considering crucial distinctions about the kinds of obligations family members may owe to one another. In intimate-in-distress scenarios, it is immediate concern for a loved one that is at issue. The father is expected to save his daughter because he loves her, is concerned for her, wants to see her live at that moment more than he wants to pay heed to any neutral considerations of justice. Personal concern of that kind has been developed over the life of the child, and it is encouraged by myriad experiences of care, tenderness, frustration and pride connected to a specific individual. Most persons probably could be expected to give reflexive priority in an emergency to those they love. However, in more ordinary situations, deep concern for a specific other does not necessarily justify priority, as rules against nepotism can show. In many nation-states, relatives are restricted from distributing social goods—meant here to include public contracts, public jobs, preferential treatment from public institutions—to relatives simply because they are relatives. What is significant about such prohibitions is that they make a clear distinction among the *kinds* of obligations owed to family members. Love, attention, and concern for family members certainly are allowed, but the large-scale funneling of resources or granting of opportunities by state agents to family members and friends is not.⁵⁸ To illustrate, let us consider the same two young women applying for a single position at a public agency where the father serves in a senior administrative position. We can even presume that the women are much closer in ability, so that it is not clear which one would get the job on her own. Should the father use his influence to help ensure that his daughter gets the job? I will suggest that, unlike the father who chose to save the more talented young woman over his daughter, the father who allows the selection process to operate impartially will not be held up as an object of contempt. In fact, his commitment to fairness might be considered laudable or even not particularly noteworthy. The consequences of his actions in the two cases would be quite different, of course. Presumably, the daughter in the employment scenario could find another job. We need not try to account in full for the conception of justice that underlies the presumed unfairness of nepotism to see the importance of making distinctions among the kinds of obligations owed to intimates. Progressive taxation revenues used to support public higher education and other “equalizing” institutions and, somewhat more contro-

versially, steep inheritance taxes,⁵⁹ also point to ways in which priority to intimates is sometimes mitigated in the interest of some broader conception of fairness. In addition to the resources we expend in providing decent opportunities to our own children or other intimates, we are expected to transfer some of our resources to help ensure that non-intimates will have similarly good life opportunities. In sum, the intimate-in-distress scenarios, which are intended to demonstrate how deeply most parents care for their children, do not necessarily point us in the direction of justifying priority to compatriots. A parent's love and concern for a child are expected to be boundless, but parents are limited in the ways they may promote their own children's welfare, just as individuals may be limited by considerations of justice in the ways they can promote compatriots' welfare.

In this context, one final type of intimacy argument should be considered. Similar to Goodin's assigned responsibility, the argument holds that priority to intimates is defensible on grounds of efficiency. Martha Nussbaum has expressed it most clearly, in calling for a more cosmopolitan approach to education and obligations.

None of the major thinkers in the cosmopolitan tradition denied that we can and should give special attention to our own families and to our own ties of religious and national belonging. . . . But the primary reason a cosmopolitan should have for this is not that the local is better, *per se*, but that this is the only sensible way to do good.⁶⁰

Just as Goodin would assign lifeguard states to look after individuals, so would this kind of intimacy argument hold that priority to family members and compatriots is an efficient, sensible arrangement to ensure that all are well looked after. The chief objection to such an approach would be that it does not ensure that all families will have the resources needed to care for their members. Recall that in assigned responsibility, priority to compatriots will be defensible only if all states are well endowed and well able to care for their charges. The same logic would apply to families.⁶¹ It also should be noted that, as in Goodin's argument for priority to compatriots, the ideal distributive conditions under which priority would apply correspond little to the current distributions of wealth. States are not equally well endowed with resources to care for their citizens, and parents have widely disparate control over resources, ability and desire to care for their assigned children. In such a situation, the assigned-responsibility model applies to families imperfectly or not at all.

None of this is meant to be construed as an argument for first-order impartiality. No claim has been made that intimates should not have priority in distributions of certain goods. But hopefully this discussion has demonstrated that the questions involved in priority to intimates are more complex than some intimacy arguments suggest. Scenarios aimed at

highlighting personal concern on the part of parents do not usefully address nepotism and other common fairness issues. The sphere of intimacy, in other words, is not immune to considerations of justice.

Conclusion

In this chapter, I have discussed three broad approaches to arguing for priority to compatriots in distributions. Proponents of the complex constitutive approach attempted to demonstrate that, since compatriots are partially constituted by their communities, they share a unique community understanding about the shape and scope of distributions. The approach was vulnerable to the poor fit and undercutting objections. The poor fit objection pointed to ways in which there is often a mismatch between nation and state, complicating claims for unique community understandings among the citizens of a state. The undercutting objection discussed how the social contract emphasis that helps the complex-constitutive approach avoid charges of plain oppression actually undercuts claims about the distinctiveness of communities' shared understandings, since it would in effect prescribe some liberalization and imposition of democratic principles on the construction of community values.

Universal-particularism began with universals, generally some understanding of mutual respect, to argue for compatriot priority. The exemplar argument considered held that appropriate respect is shown to noncompatriots when they are left to lead their own lives without interference. Compatriot priority was said to be justified because compatriots would be shown disrespect if they were not compensated for the shared institutions imposed on them. However, an emphasis on imposed institutions ignored the relatively rich package of benefits available to most compatriots in affluent states. Further, emphasizing fair compensation for impositions could not speak to the initial fairness of the move that circumscribed membership, excluding others from distributive benefits. Finally, an emphasis in universal-particularism on the bad practical consequences of failing to give priority to compatriots opened it to a consequentialist counterargument. The value or utility created by giving priority to compatriots likely would be outweighed by the value created in adopting more cosmopolitan distributions, especially since those in less affluent states would be able to realize a greater utility gain with the same distributions.

The intimacy approach began with common sentiments about the obligations we owe to intimates and attempted to demonstrate that we owe similar distributive priorities to compatriots. Each intimacy argument considered had difficulty making the leap from intimate to stranger-compatriot. Loyalists were shown to be giving too little attention to differences between reflexive emotion for intimates and the more calculated reasons for loyalty to compatriots. Constitutive arguments that began by looking at relations between intimates did not escape the poor fit and undercutting

objections, and they tended to collapse into problematic mutual-benefit arguments. Finally, many arguments within the intimacy approach were shown to be giving too little attention to distinctions between the kinds of obligations we may owe to intimates. Rules against nepotism help to demonstrate that, though we can certainly be expected to love and nurture those closest to us, we are limited by considerations of justice in the ways we are permitted to advance their interests.

2 Consequences

Introduction

Critiques of arguments for compatriot priority are not sufficient, of course, to justify a more cosmopolitan approach to distributions. For that, some sort of positive argument must be offered. Versions of such an argument are considered in this and the next chapter. It will be appropriate to begin here by developing more precise definitions of cosmopolitanism in general, and moral and institutional cosmopolitanism in particular. These definitions will help to frame the discussion and give a better sense of what is at stake in cosmopolitan distributive arguments.

Cosmopolitanism as a conception or ethic has roots that dig nearly as deep as democracy, and it has come to mean almost as many things to commentators. In its Stoic beginnings, cosmopolitan meant citizen of the world, or one who adopts the broadest possible moral orientation. Stoics held that “We should view ourselves as fundamentally and deeply linked to the human kind as a whole, and take thought in our deliberations, both personal and political, for the good of the whole species.”¹ In recent years, the cosmopolitan label has been used to describe views ranging from those demanding acknowledgment of universal rights and a fairly stringent package of corresponding obligations on all persons,² to those advocating moderate patriotism and accommodation of nearby forms of difference.³ Others define cosmopolitanism as a guiding individual ethos to be embraced as fully and overtly as any nationalism or other group identification.⁴ Still others see cosmopolitans as those whose geographically expanding preferences in material goods are empirical proof of a more polyglot world and sense of individual identity.⁵ This work is concerned primarily with cosmopolitan approaches to distributive justice, where distributive justice is understood as a set of principles to be used in determining a just distribution of benefits and burdens among a set of persons.⁶

I will follow the fine definitions of moral and institutional cosmopolitanism offered by Charles Beitz and adopted by Brian Barry and others.⁷ For Beitz, moral cosmopolitanism is that approach to distributive justice which is impartial, universal and accords the interests of all individuals, regardless of citizenship or compatriot status, equal weight.

[Moral cosmopolitanism is] . . . a doctrine about the basis on which institutions and practices should be justified or criticized. It applies to the whole world the maxim that choices about what policies we should prefer, or what institutions we should establish, should be based on an impartial consideration of the claims of each person who would be affected . . . It aims to identify principles that are acceptable when each person's prospects, rather than the prospects of each society or people, are taken fairly into account.⁸

Moral cosmopolitanism can be employed to assess the justice of rights regimes, distributive regimes, the operation of international institutions, including the essential features and workings of the global economic system.

A distinction should be noted that has appeared in the recent literature between "radical" and "mild" moral cosmopolitanism.⁹ The mild moral cosmopolitan is said to affirm global principles of distributive justice but also be open to accepting some form of priority to compatriots. The radical cosmopolitan would reject special obligations to compatriots. I will treat the radical variant as moral cosmopolitanism in general.¹⁰ Mild cosmopolitan arguments tend to encounter the same kinds of difficulties as more straightforward arguments for compatriot priority. Recall the discussion of Nussbaum's claim that giving special attention to family members or compatriots was not in tension with the cosmopolitan tradition but was in fact "the only sensible way to do good." Such a claim would be consistent with a mild cosmopolitan approach. It was shown to be problematic because there was no mechanism to ensure that families or states all would have sufficient resources to care for their charges. Goodin's assigned responsibility model might then seem to be a more promising version of mild cosmopolitanism, since it would establish distributive obligations to all persons, regardless of citizenship, but also would allow for priority to compatriots when all individuals are adequately cared for. Leaving aside the empirical question of whether all states eventually would be able to adequately care for all of their citizens, we can still question whether Goodin's model can account for the potential importance to individuals of free movement between states in pursuit of life opportunities. That question is addressed in Chapter 3, and I believe that the discussion of this and the following two chapters will reinforce the appropriateness of treating "radical" cosmopolitanism as moral cosmopolitanism in general.

If moral cosmopolitanism is concerned with assessing institutions and practices according to how well individuals fare within them, institutional cosmopolitanism is much more prescriptive. The institutional cosmopolitan advocates some form of Martin Luther King's restructuring of the global edifice, some deep transformation to bring states under the authority of just supranational institutions, including possibly the institutions of a global government. Such restructuring is intended to ensure that

appropriate benefits and burdens will be provided to and borne by all persons, regardless of citizenship. Beitz and Barry both argue that there is no necessary link between moral and institutional cosmopolitanism.¹¹ Both assert that the cosmopolitan should remain agnostic about the shape the global system should take, measuring the moral defensibility of systemic features by how well cosmopolitan aims are promoted within the system. As noted in the Introduction, my claim ultimately will be that an understanding of the full implications of attempting to achieve moral cosmopolitan distributive aims in the current system should make us proponents of a specific kind of institutional cosmopolitanism. Before a defense of that claim can be offered, however, we must have some firm grounding for a moral cosmopolitan orientation to distributive justice. We can begin by considering consequentialism, which remains one of the most prominent approaches to grounding or justifying the adoption of a cosmopolitan view.

Consequentialism and moral cosmopolitanism

Consequentialism, understood in simplest terms as an approach to moral theory that assesses whether a choice is correct by looking at the consequences of the choice,¹² was discussed briefly at several points in Chapter 1. Goodin's assigned responsibility would be an example of a consequentialist argument, since it focuses on the presumed consequences of observing priority to compatriots in a global system in which all states can adequately care for their citizens. The side-effects arguments considered also were consequentialist, focusing on the potential negative consequences of failing to give distributive priority to compatriots. By contrast, a deontological argument focuses on moral rules that should not be broken, even if the consequences of breaking them may appear beneficial overall. The deontological approach is exemplified by Rawls's well-known claim that "Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override."¹³

I will focus first on utilitarianism, which remains probably the most influential consequentialist approach, though there is a trend in the recent literature to subsume it within discussions of consequentialism broadly conceived.¹⁴ It will be useful to begin with narrower or simple utilitarianism, because any argument for cosmopolitan distributive justice will have to address difficult questions about just how much we can be asked to sacrifice for others, and utilitarianism does more than perhaps any other approach to push those kinds of questions to the fore. The utilitarian approach is characterized by three main features: (1) it is consequentialist; (2) it assesses consequences in terms of their utility, with utility being defined in a number of ways; and (3) it aims at maximization of utility, without reference to how much utility that specific individuals within the set in question may or may not have.¹⁵ I will presume probably the most

prevalent recent understanding of utility as the satisfaction of rationally informed individual preferences—those preferences based on full information and correct judgment.

Utilitarianism, or consequentialism more generally, has some strong surface affinities with a moral cosmopolitan approach, as the discussion of the side-effects arguments in Chapter 1 suggested. Scheffler, among others, argues that the utilitarian simply is bound to be a cosmopolitan, since utilitarianism weighs the interests of all persons equally, regardless of their memberships or affiliations.¹⁶ Some other theorists, including prominent early utilitarian Henry Sidgwick, have attempted to show that observing compatriot priority actually will create more utility, and thus that the utilitarian should not advocate cosmopolitan distributions.¹⁷ Sidgwick focused on the distribution of membership, arguing that freer immigration could significantly lower the standard of living in affluent states, besides rendering “hopelessly difficult” their moral and intellectual cultures and damaging the efficiency of their political institutions.¹⁸ However, as in the side-effects discussion, we can be skeptical that the overall benefit lost by the affluent would outweigh that gained by immigrants from poor states, whose earnings and overall material quality of life could be expected to dramatically improve.

Goodin’s scheme, as we saw, represents another consequentialist argument that would attempt to justify compatriot priority under certain circumstances. If for the sake of argument we assume a system in which all states are equally capable of caring for their own citizens, then giving distributive priority to co-citizens might maximize utility, i.e., the efficiency with which general distributive obligations can be discharged. We would be hasty to conclude, however, that consequentialist or more narrowly utilitarian arguments will lead to an institutional scheme like Goodin’s, where states as we know them would be left in place. According to utilitarian logic, if some scheme that effectively eliminated us–them compatriot status would more effectively discharge obligations, then that would be preferred. Of course, the potential costs of any scheme would have to be weighed against its benefits. What is most salient here is that the utilitarian would not see state borders as having intrinsic significance in the weighing of costs and benefits. Given that fact, and the unlikelihood of all states becoming equally well able to care for all of their citizens, it is plausible to suggest that some utilitarian or more broadly consequentialist approach would support a moral cosmopolitan orientation to distributive justice.

If we presume that utilitarianism can ground a moral cosmopolitan approach, then the salient issue becomes how it stands up to scrutiny as a systematic moral theory. Two objections are considered here. The first holds that the “moral heroism” required within utilitarianism is unfair to those in affluent states, who would find themselves unable to pursue the projects that help give their lives meaning. This objection also is referred to as the one from supererogation or demandingness, but I will use the

term moral heroism to reinforce that the usual emphasis is on demands for ostensibly heroic action by those in affluent states. The second objection holds that utilitarianism, in its focus on maximizing some specific utility, could require more terrible sacrifices where those in less affluent states are concerned, and not merely in isolated cases. I argue that the moral heroism objection is significant but not so strong or clearly damaging as is often claimed. Consideration of it encourages us to ask significant questions about the level of sacrifice that could justifiably be asked of those in affluent states. The second objection should cause us to reject utilitarianism. That rejection cannot be read, however, as a wholesale rejection of consequentialism. I do, in the final section of this chapter, raise some complicating issues in regard to recent hybrid attempts at justifying a limit to obligations. Those complicating issues are significant enough, and the recent consequentialist turn to including deontological elements telling enough, that ultimately we should look to more fundamentally rights-based approaches to determining the appropriate scope of distributive justice.

A utilitarian argument for cosmopolitan distributions

A natural starting point is Peter Singer's act-utilitarian argument calling for significant international transfers from individuals in affluent states.¹⁹ Still defended by Singer in its essential features, it is perhaps the best-known utilitarian argument for cross-border transfers, and it continues to generate intense debate.²⁰ The argument is cosmopolitan in that it does not accord political boundaries intrinsic moral significance. In fact, it is explicit that such boundaries and the relationships that persons may develop within them of compatriot, neighbor, relative, do not cancel obligations to redistribute. Transportation and communications technologies are said to have reached the point where distance is a consideration of little consequence, and helping a person on the other side of the world is not much harder than helping someone on the other side of the street.

The argument builds from a simple analogy. A child is drowning in an ornamental pond on a university campus. A passing instructor who stops to save the child will muddy his clothes and make himself late for lecture, but we are to understand that the sacrifice is insignificant compared to the amount of good realized. The insignificant sacrifice, Singer maintains, is morally no different than sacrificing some amount of income to alleviate the plight of those mired in absolute poverty.²¹ In fact, he would require that those in affluent states give until giving any more would make them worse off than those they are helping. Singer believes the requirement is morally defensible, but he also acknowledges a limited side-effects objection holding that the requirement is so demanding it could be counterproductive, causing possible donors to give less because they know themselves incapable of discharging their full obligations.²² He thus offers a "weak"

version of the argument in which individuals are required to sacrifice only to the point at which they begin to give up things of moral significance.²³ Initially, Singer suggested that the amount of sacrifice required under the weak version would be around 10 percent of income for a middle-class person in an affluent state, a level supported by some other consequentialists.²⁴ More recently, he has argued for setting a level of contribution, at least initially, as low as 1 percent in order to encourage many more persons to make transfers.²⁵ Whatever the amount might ultimately be—and I will offer some reasons below to think that it could justifiably be set higher than 1 percent—Singer presents a utilitarian argument with clear cosmopolitan implications.

The moral heroism objection

The first objection runs as follows: utilitarianism demands so high a level of sacrifice from the relatively affluent that they would be unable to sustain their core life projects, the activities that imbue their lives with meaning, if they discharged their full obligations. In other words, utilitarianism does not consider the cost to the individual who is called on to make sacrifices. Bernard Williams, still one of the clearest articulators of the objection, would reject Singer's stringent obligations in the name of individuals being able to maintain their integrity of identity.²⁶ In a later, related critique, Samuel Scheffler observes that all moral theories except pure egoism require that we sacrifice some individual wants in order to promote some moral end or live in accordance with moral norms and rules. The problem with simple consequentialist approaches such as utilitarianism, he says, is that the weight individuals assign to their personal projects naturally is out of proportion with the impersonal good the projects may bring about, and yet utilitarians would demand that we devote our energies to acts in strict proportion to the amount of the good the acts will bring about. Many others have weighed in with the general criticism that simple utilitarianism asks too much.²⁷ In effect, it would demand heroism or saintliness of us all, and we cannot justifiably be forced into sainthood.

The weak version is Singer's nod to such criticisms. That version does not emphasize the proportionality in contributions that so concerns Scheffler. But Singer does not accept the heroism objection on its own deontological grounds. As noted above, he offers the weak version on the consequentialist grounds that requiring so great a sacrifice from so many people might actually result in less than full maximization of the good.²⁸ Individuals are by no means barred from giving more, he says, and they rightfully will feel obligated to do so. I will bracket for now Singer's more recent shift to setting required transfers initially at a level of only 1 percent of income. The standard is offered as part of what he describes as a pragmatic scheme of increasing the amount of humanitarian aid from the

United States to less affluent states. Here, for the sake of a discussion about what individuals could be justifiably asked or exhorted to give, I will presume something much closer to the 10 percent standard. A 10 percent requirement, though far less than likely would have been demanded in Singer's initial formulation, still might be viewed as much more of a contribution than individuals should be asked to make. Certainly, when taxes and living expenses are deducted from the income of an average person in a relatively affluent state, an additional 10 percent could represent much of that person's disposable income, making it difficult to sustain some life projects.²⁹ Thus, the well-off might still attempt to reject the demands of the global impoverished on the grounds that their own autonomy and ability to lead a self-chosen life would be too greatly restricted. The two sides would be left at an impasse.³⁰

Basic wants utilitarianism

This is an appropriate place to introduce the cosmopolitan sub-group of "basic wants" utilitarians. Proponents of this approach argue that aiming toward the rational satisfaction of preferences should lead us to the view that minimal food, health, education and other requirements should be met for all persons, regardless of birthplace.³¹ However, they also say that attempting to fulfill wants or interests beyond the minimum would give rise to a number of problems and is not morally required. Thus, the basic wants approach is a potential answer to the moral heroism objection. Heroic action likely would not be required to satisfy only the basic wants of all persons in the world, and required contributions could fall far below 10 percent. Singer, for example, argues that transfers of only 1 percent would be enough to meet every person's basic wants.³² Thomas Pogge offers a broadly similar conclusion, though on deontological grounds. Pogge advocates the creation of a "global resources dividend" of as much as 1 percent of global social product to be distributed to the world's neediest.³³ Such a dividend could amount to about \$300 billion per year, he calculates, enough to greatly reduce global suffering.

The basic wants approach attempts to justify its halt at a similar minimum by drawing a strong distinction between satisfaction of basic wants and what are called secondary wants. Basic wants or interests which should be protected would include food, shelter, health care and some education.³⁴ Secondary wants are taken to be those things that individuals can obtain only within a societal context and which are necessary to sustain culturally specific practices or roles. Obligations by the well-off to satisfy secondary wants are said to be much weaker than obligations to satisfy basic wants. As Charles Jones argues:

It is difficult to satisfy the non-basic wants of individuals in far-away countries, whereas it is relatively easy to satisfy basic wants in those

countries. Consider the undeniable interest persons have in obtaining cultural goods. That interest is protected and promoted by ensuring that the distinctive cultures of different societies function effectively; but the functioning of a culture is in general best left to those who participate in sustaining it. This suggests that promoting this particular interest is best achieved by leaving cultural matters to insiders. Outsiders are more likely to misinterpret features of unfamiliar cultures, with the likely consequence of cultural impoverishment when they act on those misinterpretations. Promotion of basic interests, whose variation is much less wide-ranging across societies, is accordingly easier to achieve.³⁵

Jones specifically offers basic wants as an answer to the moral heroism objection.³⁶ Satisfying basic wants, he argues, does not demand so much that well-off individuals will be forced to sacrifice their core life projects, and yet obligations to others still will be fulfilled. Utility, measured in terms of a reduction in global misery, will be greatly increased. I will suggest, however, that given the same sorts of marginal utility considerations discussed above and in Chapter 1, utilitarian reasoning would not permit a halt at satisfying basic wants. Consider the individual in a less affluent state who has received just enough from an affluent donor state to ensure minimal access to food, shelter, education and health care. Now consider the gain in utility that the same person could realize with enough additional resources to purchase a fuller course of education. More schooling, let us say to the completion of twelfth grade in a state where the minimum functional education is to the eighth grade, is likely to be a significant boost to that person's overall life chances. We can weigh the gain against the additional utility realized from the same amount of resources by an average person in an affluent state—someone near the median in income, education, access to important life goods. It is unlikely that the person in a well-off state will receive more utility than the pupil in a poor state from the resources necessary to complete the pupil's high school education.

Proponents of halting at basic wants argue that culturally relative information problems make it extremely difficult to determine whether trying to satisfy secondary wants actually will increase aggregate utility. But information problems would not interfere greatly with efforts to increase utility through improvements in such all-purpose goods as education, kind and quality of health care, or quality of shelter. For example, immunizations and occasional check-ups might be considered the minimum in health care, but more comprehensive care could bring great reductions in discomfort, early mortality and overall quality of life. Just as everyone could be expected to have a rational preference for minimal health care, so all could have a preference for and realize great gains in utility from having more than their minimal wants satisfied. Likewise,

minimal shelter in a very poor state could mean a bare structure without electricity or running water. A very small step up in comfort, funded by those in an affluent state, would increase the utility of those sheltered by a great amount, while the same amount of resources expended on a person in a well-off state likely would not realize the same gain. In addition, there is no necessary presumption that those in the affluent state are dictating the kinds of shelters that should be built, or the precise way in which life-extending health care should be delivered, etc. In other words, the problem of cultural specificity may be further addressed through a focus on functioning spaces rather than specific commodities. Thus, “there may be more agreement on the need to be entertained, or to have the capability to take part in the life of the community, than on the form that entertainment must take, or on the particular way the life of the community may be shared.”³⁷ In provision of basic commodities and enabling higher-level functioning in a range of spaces, a larger transfer of resources could mean tremendous improvements for those living in less affluent states. I will return to the question of the adequate minimum for all persons in life resources and opportunities when I begin to outline my own cosmopolitan argument in the next chapter.

Moral heroism and distance

If a halt at basic wants is problematic in a utilitarian framework, then the basic wants approach does not help to deflect the moral heroism objection. However, the force of the objection still can be mitigated, I will argue, because it relies for much of its persuasiveness on an implicit argument from distance. In supporting this claim, again, I will presume a contribution of around 10 percent from the average person in an affluent state. I do so to fully explore the implications or defensibility of a heroism cut-off, not because my argument takes the same shape or seeks the same action from affluent individuals as Singer’s or others within utilitarianism. For reasons that are explored most fully in Chapter 4, we should not expect that, in the current states system, exhorting individuals to give charity will achieve the distributive ends moral cosmopolitans seek, though, as Singer consistently has argued, a very small percentage increase in transfers could greatly improve the lives of millions.³⁸ Further, there are good reasons to move away from an approach that would seem to require those in affluent states to independently expend energies in simply determining the extent of their own obligations, weighing each supermarket purchase or coveted luxury item against the good that might be realized through giving the money to a charitable organization. Domestically, redistributive institutions help reduce information, compliance and other costs, and they help to relieve individuals of much of the burden in time and energy that concerns critics of Singer’s and similar schemes.³⁹ But even if institutional restructuring, rather than charitable transfers, is the focus of my argument,

I still must acknowledge that transfer requirements from those in affluent states are likely to rise under any plausible cosmopolitan distributive scheme. If just, democratically accountable integration could be achieved, dislocation pressures would increase in affluent states, especially if freer movement of workers were permitted. Thus, the consideration of a cut-off for moral heroism is necessary for both moral and institutional cosmopolitan approaches. If it can be shown that the moral heroism objection is not so damaging to a presumed 10 percent obligation, or even a more stringent one, then the case is made that much stronger for the likely lower levels of obligation that would be required under a more incremental, institutional approach.

So, the claim again is that distance is implicitly doing most of the work in arguments for a moral heroism cut-off. Emphasis on the personal projects of those in relatively affluent states inflicts upon us a myopia similar to that in the mutual-respect argument of Chapter 1. That argument peered closely at the possible harms or limitations of freedom that accompanied the imposition of institutions upon compatriots, but its gaze was fuzzy when turned to the initial distribution of membership, or the structural features of a continuing system that encouraged giving priority to compatriots. It could not justify firm geographic boundaries on distributions by essentially pointing to current distributive practices within those boundaries. Similarly, the fact that a project gives a life meaning and helps to establish the core identity of the person who pursues it cannot, by itself, demonstrate that the distributive scheme which enables or accommodates the project is just. Slave owners, to return to that example, wrote their memoirs, composed poetry and oversaw the creation of magnificent homes and gardens in their considerable leisure time. Individuals today pursue leisure and career activities in affluent countries that require relatively enormous amounts of expenditure, while most of those in impoverished countries find their choices much more limited.

It is relatively easy or natural for those in affluent states to focus on their own projects and felt obligations to compatriots. The absolutely impoverished seem distant. Even if they are just across a border, their need is often only dimly felt. That is not to suggest that affluent-state residents are wholly ignorant of the deprivation faced by so many in the world. Oxfam and many other relief and development organizations work extremely hard to spread their message, and they do raise and distribute many millions of dollars in food, medical and other aid. Persons in affluent states such as the US will find it hard to entirely avoid the informational commercials that have become a fixture on late-night television, the glossy brochures, free address labels and bumper stickers mailed by the dozen to potential donors' homes. Even so, it is relatively easy for even the well-meaning in affluent states, even those who are dedicated to addressing and alleviating domestic poverty, to ignore more distant need or to give it only limited attention.⁴⁰ An anecdote will help to illustrate this. Michael

Harrington, preparing to attend an academic conference in India, related being torn about whether or not to take his tennis racket. “I could not see myself boarding a plane, carrying a tennis racket, on my way to what could be before me the heart of darkness, the horror.” Once, there, he was indeed confronted by his fears, in the form of crowds of beggars following him at all times. “I have tried every strategy I know for dealing with them—to give, which brings a new line of supplicants; to say no, which means that they would follow, pleading in a kind of singsong chant.” Taking refuge in his hotel, he said he felt trapped by “that militant, counter-revolutionary poverty that, on its knees to the West, waited just outside the door, and frightened and sickened me and reached out to my heart.”⁴¹

The fact that Harrington enjoyed tennis in his affluent homeland does not, of course, demonstrate that he was not concerned about overseas poverty while there. However, the difficulty he had even imagining engaging in personally rewarding leisure pursuits when directly confronted by absolute deprivation helps to illustrate how easily we can come to prioritize that which is most visible to us. Broadly similar feelings of dismay are reported by student visitors to border Mexico, for example, those on first-time day research trips to some of the least-affluent neighborhoods of Nogales, Sonora.⁴² They may live only a few hours’ drive from the border, but until the students walk among the shanties patched together with tin and scrap wood, many without plumbing, without electricity and housing whole families in the space of a master bedroom on the other side of the border, they have difficulty conceptualizing the absolute need of those in less affluent states. Singer is correct, I believe, to emphasize that distance too often leads us to inaction where moral requirements are concerned. It has not been shown, again, that the travelers to India or Nogales have a firm obligation to transfer resources to their impoverished noncompatriots. However, the examples do begin to suggest that, directly confronted by suffering on a massive scale, we will find it more difficult not to weigh the needs of others, if not equally, at least more heavily against our own.

Let us pursue the point about distance further by asking more directly what an individual might be asked to sacrifice in order to aid others. I will suggest here that a 10 percent transfer would not be properly characterized as heroic, or a standard that only saints can be expected to routinely achieve. For example, the tithe remains a widely accepted standard of giving in church communities, and observant Christians often are exhorted to exceed 10 percent.⁴³ Consider the answer given by New Testament scholar D.A. Carson to a reader of *Christianity Today* who inquired about the scriptural basis of the tithe.

Christians will want to acknowledge with gratitude that they are mere stewards of all they “possess.” Moreover, New Testament ethics turn not so much on legal prescriptions as on lives joyfully submitted to

God . . . So, why not aim for 20 percent in your giving? Or 30? Or more, depending on your circumstances?⁴⁴

Truly heroic actions can involve supreme sacrifices, with individuals putting their own safety at risk or being willing to fall into near impoverishment themselves in order to aid others. Let us, then, presume a “heroic” transfer requirement somewhat more stringent than 10 percent. I will not attempt to set a percentage. Instead, we can presume that whatever the percentage, it will be demanding enough that an individual will have to delay a core life project, for example, the pursuit of a rewarding career. In fact, for most persons in affluent states, the pursuit of a career that offers a good salary, creative and other rewards is at or near the top of important life projects. So, the question would become whether individuals can be asked to delay or scale back the pursuit of such a project to serve the urgent needs of others. Put in these terms, I think we can more readily see what is at stake. In fact, we can see that the kinds of sacrifices that might be asked of the relatively affluent in utilitarianism are not so rare as the moral heroism objection implicitly claims.

For example, most states still either have a military draft or have the infrastructure in place to be able to quickly institute one in time of need. Individuals who are drafted are asked essentially to hold their core life projects in abeyance for two years or longer in service to their compatriots. They may even be ordered to make the ultimate sacrifice on the battlefield. It could be argued that a requirement to suspend core projects for military or other national endeavors is not a zero-sum sacrifice, because it contributes to the overall national good, which contributes to the individual’s well-being, broadly understood. It enables pursuit of the very life projects in question. Certainly in some military contexts there would be a strong component of self-interest, especially in a direct assault on one’s homeland. But often the reasons for military involvement are less clearly connected to the immediate interest or physical safety of the state, and thus of the individuals within it. Consider that, with the exception of the bombing of Pearl Harbor in 1941 no wars were fought on US soil in the twentieth century. US citizens were ordered to battle in Europe (World War I), Korea, Vietnam, and other areas for strategic reasons that sometimes were murky to the troops on the ground and those at home asked to support them and possibly to have to endure their loss. The same observation could be made in the aftermath of the terror attacks on New York and Washington, DC on 11 September 2001. US troops were deployed to Iraq, a state that did not appear to have direct links to the attacks or pose an imminent threat to the United States or its interests.⁴⁵ The reasons for war are often complex or even difficult for those doing battle to discern. In the case of a war whose justification is less than clear, it becomes more difficult to sustain an argument that soldiers are sacrificing themselves from a self-interest understood as connected to the interests of their state.⁴⁶

Soldiers, of course, are not the only ones called to make sacrifices in behalf of their compatriots. Depending on the scale of social welfare programs in place, individuals in some states are routinely required to sacrifice half or more of their total income, limiting or otherwise modifying the projects they might pursue had they been born into a state with a less comprehensive welfare regime.⁴⁷ Further, in times of crisis, states often commandeer additional resources, restrict consumption of vital goods, and otherwise demand sacrifices that can interfere greatly with life projects. I do not claim that such large sacrifices are routinely required of individuals in affluent states, or that all citizens contribute at the levels asked or advertised in times of emergency,⁴⁸ but there is precedent for them. A key point to consider, then, is not so much that a utilitarian such as Singer would require individuals to transfer money that would otherwise be spent on desired luxuries, but that he would expand the set of persons on whose behalf we would be expected to sacrifice. We might be required to more directly treat absolute impoverishment as a global crisis, an emergency demanding immediate attention and some level of sacrifice from all of those in a position to be donors.⁴⁹ This, of course, raises a number of questions about whether global poverty can be treated as a relatively short-term crisis akin to most wars, not to mention a host of practical questions about creating the global political will necessary to mobilize a massive response. Regarding the first, it is not implausible to think that the kind of large-scale crisis response common in major wars *would* be able to make considerable inroads on global poverty in a relatively short time. Consider the UN goal of halving extreme poverty and hunger by 2015. The World Bank estimates that achieving the goal will cost \$40–\$60 billion in additional aid each year. That would be the equivalent of around \$100 annually from each adult in a developed country—significantly less than 1 percent of income overall.⁵⁰ Of course, the prospects are probably dim for achieving the kind of global mobilization that usually is mounted for a state crisis, including after natural disasters such as earthquakes, hurricanes, widespread flooding. In fact, the number of undernourished persons worldwide actually increased by about 18 million in some five years after states committed to reducing poverty at the 1996 UN World Food Summit.⁵¹ As noted, Chapter 4 explores some specific reasons why international transfers are inhibited in the current system. Again, even under an approach that seeks to transform that system through global institution building, distributive demands on individuals in affluent states could be expected to increase. The discussion here should have helped highlight that individuals often are called to make personal sacrifices for others, including at levels higher than Singer's 10 percent. They also are asked to hold some core life projects in abeyance, at least for relatively short periods of time. What they are generally not asked or expected to do in the current system is make such high-level sacrifices for noncompatriots.

The impermissible sacrifices objection

If the moral heroism objection is not so damaging to utilitarianism as it might at first seem, it does help point us in the direction of a potentially stronger objection that springs from the same general source. This objection holds that utilitarianism could demand large or even horrific sacrifices of the impoverished to maximize the favored end, because it is not concerned with the distribution of utility, only with increasing the overall sum of utility.⁵² In other words, utilitarianism offers no inherent constraints on the use of intolerable means. J.J.C. Smart, in a widely read defense of utilitarianism, acknowledges that “It is not difficult to show that utilitarianism could, in certain exceptional circumstances, have some very horrible consequences.”⁵³ His consolation is the exceptionality of the circumstances. Smart contends that real-world situations where, for example, putting one person in misery so that ten others could be better off would be extremely rare. Philip Pettit likewise contends that charges that utilitarianism would permit rape, torture or murder if those acts would increase utility “is on target, but it is only relevant of course in horrendous circumstances.”⁵⁴ And Goodin attempts to show that the kinds of frightening scenarios offered by critics as reasons to reject utilitarianism lose much of their force when utilitarian principles are put in their rightful place at the heart of public policy formation.

Utilitarian calculations may well require us to violate people’s rights, in certain extreme cases; and individuals might find themselves in just such an extreme case from time to time. But governments, which by their nature must make general policies to cover standardized cases, will not find themselves responding to those rare and extreme cases. In legislating for the more common, standard sort of case, public policymakers will very much more often than not find that the requirements of the utility principle and those of Ten Commandment deontologies will dovetail nicely.⁵⁵

I want to suggest that just the opposite may be true. If utilitarian principles drove macro policies, the potential for horrific sacrifices would be multiplied rather than diminished.⁵⁶ For example, Singer advocates, if necessary, a global policy of imposing population controls on poor states as a condition of aid. He justifies this by arguing that:

while our aid will prevent some people from starving now whatever the rate of population growth in the country, if the people we save have several children, and so contribute to a situation in which their children, along with many others in the country, are starving in 20 years’ time, we have not, on balance, prevented starvation.⁵⁷

Note the sole concern is with reducing starvation. The acceptability or unacceptability of the means used is gauged only by how effective they will be in maximizing the utility in question. Singer's example is of a voluntary contract: receiving payment for agreeing to undergo sterilization. He mentions the possibility that poor states could offer incentives to encourage voluntary sterilizations. Hard questions should be asked about whether such a contract would be voluntarily entered, given the extreme poverty of one set of contractors.⁵⁸ However, there is an even more pressing issue. That is, there is nothing in the consequentialist logic of utilitarianism to inhibit non-voluntary programs aimed at achieving certain ends. China, for example, has practiced restrictive, non-voluntary population control since adopting its "one-child" policy in 1979. Chinese policymakers seem to have followed at least a quasi-consequentialist logic, attempting to maximize the desired end of population reduction with regard mainly for efficiency, rather than the moral legitimacy, of the means used. The one-child policy "caused millions of coerced abortions; about a third of Chinese women are now sterile, owing to the ubiquitous, coerced implantation of ghastly steel-ring IUDs."⁵⁹ There are no injunctions within utilitarianism against using such means if they are found to be the most efficient ones to maximize a desired end.

It should be noted here that shifting focus to maximizing the utility or well-being of specific persons, rather than increasing overall utility in a set of persons, does not significantly weaken the impermissible sacrifices objection.⁶⁰ I will bracket the question of whether an individual-centered approach can be justified within utilitarianism, as its vulnerabilities to the objection will usefully underscore concerns with the more standard approach. There is nothing in either approach to prevent the use of harsh means. In fact, it may not be possible to truly maximize some individuals' utility without using harsh or severely restrictive means. For example, consider a person who has great natural facility for mathematics and little artistic talent, but whose desire to pursue an artistic career is very strong. She can achieve a relatively low level of well-being as a dedicated and perpetually starving artist, but she will achieve more financial stability and overall more well-being in a career such as mechanical engineering that is more closely matched to her talents. A utilitarian approach—we can imagine well-meaning but disciplinarian parents making the choice—would dictate that she become an engineer, even if she did not choose that path independently. At a broader level, policymakers tasked with maximizing the well-being of specific individuals might indeed be expected to establish some system of childhood aptitude examinations and firmly channel young people into careers for which they appear best suited. That could be the most efficient way of maximizing individual utilities. Most deontological theorists, of course, would object to the loss of personal autonomy under such a scheme and recommend that it be rejected simply on those grounds. But there is nothing within utilitarianism to dictate a

halt at restricting personal autonomy. Harsher, more intrusive policies could be applied—as in forced sterilization in China—if they would maximize individual utility. Those chosen to undergo sterilization *might* ultimately realize more utility by devoting their energies to pursuits other than rearing children. The salient point is that, even in an approach that attempts to give due respect to the individual by maximizing each person's utility, the primary concern is with efficiency. There is no inherent limit to the kinds of means that can be used.

The individual approach would seem to have at least one advantage over the standard aggregating approach. That is, it would be highly unlikely that the death of an individual would increase that individual's utility, whereas a macro policy might easily increase overall utility by allowing some to die. Consider the following scenario: some macro policymaker, perhaps an administrator at an international relief agency, is faced with the choice of distributing a set amount of resources between two states.⁶¹ The first state is very badly off. It has little in the way of economic, political or physical infrastructure, and the amount of aid available is enough only to do a minimal amount of lasting good, though it will keep a relatively large number of people from starving to death in the near term. The second state also is poor, but it has a workable political and economic infrastructure, and the basic wants of most of its people are met. Even after taking marginal utility into account, the policymaker calculates that the allocation of all of the resources to the second state will produce more utility, especially since some resources can be invested there in economic and development enterprises that will pay dividends over time. The choice for the utilitarian policymaker would be to give the resources to the better-off state, regardless of the fate of those in the worse-off state.⁶²

While we cannot be certain that such a policy of triage, or allocating scarce resources to those who will be able to make the best use of them, is the one that would be chosen, the point remains that there is nothing within utilitarianism itself to restrict the means that may be used. Individuals may be sacrificed—in part, as with the moral heroism objection, or in whole—to maximize a specific end.

Hybrid consequentialism

Similar concerns about sacrifices, though usually sacrifices made by those in affluent states, have prompted a number of consequentialists to reject utilitarianism or act consequentialism in favor of various other forms. These have included rule, satisficing, and most recently hybrid consequentialism, which attempts to combine elements of consequentialism and deontology. The literature on these and other forms of consequentialism is vast, and it is not possible to offer here any sort of comprehensive review.⁶³ Instead, I will look briefly at some recent hybrid arguments, since those represent the most common or influential attempts now to address

the moral heroism objection. Hybrid arguments respond to the objection by attempting to establish some better justification for individuals in affluent states to limit the sacrifices they are required to make. They retain an emphasis on considering the consequences of actions, but the justification for limiting sacrifices is non-consequentialist. In other words, unlike in Singer's weak version, such limiting is not presented as the way to produce the most utility under threat of a donor backlash.⁶⁴

Recall Scheffler's concern regarding the proportionality of demands in simple consequentialism. Proportionality requires that we devote energies to acts in strict proportion to the amount of the good the acts will bring about, regardless of how much we may want to give more attention to our own projects or concerns. By contrast, hybrid consequentialism includes an "agent-centered prerogative," according to which we are justified in giving disproportionate attention or energy to our own projects.⁶⁵ For Scheffler, the justification for such a prerogative is the significance of personal independence, or the personal point of view, as an intrinsic feature of human moral personality.⁶⁶ Some significant criticism of this hybrid approach has centered on Scheffler's argument against also including agent-centered restrictions, or prohibitions on actions that agents can take in pursuing their own projects or interests. Critics note that the agent-centered prerogative is offered as an answer to a moral heroism objection, and yet the lack of restrictions on agents could allow them to harm others to further their own interests. For example, if a hybrid approach permitted an individual to refuse to pay some large sum of money to save some other person, that same agent should be permitted to kill a relative in order to inherit the same amount.⁶⁷ The criticism is important, and Scheffler has acknowledged that cases such as the murdered relative may arise, though he continues to defend his version, in part on grounds that most persons would realize the "catastrophic consequences" of adopting the view that it is acceptable to blithely kill to advance one's own good.⁶⁸ A more central concern with Scheffler's hybrid account may actually be with the way it attempts to justify its limit to obligation. The approach cites the importance of personal independence or moral agency as reason to set a limit to obligation. At the same time, it does not fully consider the ways in which limiting the obligations of those in affluent states can place stringent limits on the ability of those in less affluent states to exercise personal independence or moral agency. The criticism recalls that of the universal-particularist approach. Scheffler's hybrid consequentialism would have difficulty addressing why, for example, all persons in the world should not be sustained at some lower level of personal independence—able to pursue some limited range of personal projects—instead of allowing some to pursue more robust lives while others are able to secure only the basics for survival, and often not that. It certainly is true that individuals assign disproportionate value to their own life projects, but Scheffler's hybrid approach has difficulty showing why we should effectively limit the set of

individuals whose interests will be counted to those who were born into relatively affluent circumstances.

We can close by considering one influential recent hybrid account that is offered as a corrective to Scheffler's approach. Issues raised by this argument will help to frame some of the central cosmopolitan concerns of Chapter 3. The argument, offered by Tim Mulgan, attempts to overcome the moral heroism objection by arguing for a hybrid approach that would limit the obligations of the affluent while ensuring that the basic wants or needs of all others are met. Mulgan would justify satisfying only the basic wants or needs of the distant impoverished by drawing a distinction between what he calls the realm of need and the realm of reciprocity. Obligations to impoverished noncompatriots are placed in the realm of need, mainly because we are not presumed to be in reciprocal relationships with them. Only their basic needs must be satisfied, and thus the obligations of the relatively affluent, while likely still significant, will be much less than under simple consequentialism.

The emphasis on reciprocity, or interaction with approximate equals, distinguishes Mulgan's approach from the basic wants utilitarianism considered above. There, a halt at basic wants was ostensibly justified by reference to cultural differences that would greatly complicate the satisfaction of higher-level wants. In Mulgan's account, our relationships with those approximate equals with whom we interact regularly in "goal-based communities" such as nation-states are ostensibly distinct enough from relationships to distant, impoverished noncompatriots that they belong to different moral realms, governed by different obligations. While it does not collapse into basic wants utilitarianism, Mulgan's argument would be vulnerable to some of the points raised in Chapter 1. Its emphasis on approximate equality of compatriots leads it into the same general difficulty faced by a mutual-benefit argument: presuming that compatriots should be given priority in distributions because they provide benefits to one another. Asymmetry in contributions complicates claims about equality or reciprocity among compatriots. In addition, insights about poor fit between nation, state and sub-national groups provide a significant challenge to claims about the nature of "goal-based" communities of compatriots. Mulgan's hybrid consequentialist approach, though highly nuanced, will have the same difficulties justifying strong priority to compatriots as the arguments considered earlier.

Conclusion

In this chapter, I argued that some claims about moral heroism or demand were likely too strong, and that relatively large individual sacrifices were not so rare as some critics of utilitarianism would suggest. What is rarer is an expectation that such sacrifices should be made on behalf of non-compatriots. The impermissible sacrifices objection demonstrated that a

utilitarian approach to distributions could have potentially more serious, possibly horrific, consequences. Utilitarianism, according to its own logic, and especially when applied to macro policy choices, could dictate the oppression of individuals, as in the China forced sterilization example, or the unnecessary sacrifice of human beings in order to increase the well-being of others, as in the two-country triage scenario. The hybrid alternative offered by Mulgan attempted both to answer the moral heroism objection and ensure that all in the world would have basic wants satisfied, but it was vulnerable to some of the critiques discussed in Chapter 1 and could not justify a halt at satisfaction of basic wants or needs. The persistent objections from moral heroism and impermissible sacrifices do not demonstrate that no consequentialist or hybrid approach could be justified. But they should be enough, especially in the case of impermissible sacrifices, to encourage us to explore some more straightforwardly rights-based approaches.

3 Moral reciprocity and self-development rights

Introduction

A number of recent theorists have argued that an emphasis on respect for the individual should lead us to moral cosmopolitanism, not to the kind of universal-particularism discussed in Chapter 1. Most prominent and perhaps still most influential are those who begin with John Rawls's theory of justice as fairness and argue that it should have been applied globally, rather than restricted to single, presumably self-sufficient domestic societies.¹ Most societies, they say, cannot be characterized as self-sufficient in a globalizing system, where movement of goods, services, capital and information is decreasingly affected by political boundaries. Like those within Rawls's single society, states and the individuals within them now are embedded in a single scheme of cooperation, and principles of distributive justice are appropriately applied to them. I will call this set of arguments the Rawlsian interdependence approach.

As earlier noted, Rawls did extend his political thought to the international arena, offering a universal-particularism argument against cosmopolitan distributions. A brief look at the difficulties encountered by Rawls's specific argument will help to frame a discussion of the Rawlsian interdependence approach, on the way to revealing some significant overlap between the two. After discussing difficulties with the interdependence emphasis in Rawlsian interdependence, I will argue for a broadly similar deontological approach to distributive justice, but one that emphasizes key distributive rights all persons should be viewed as possessing regardless of their states' levels of activity in the global economy or other state characteristics.

Rawls's rejection of cosmopolitanism

A very brief sketch of Rawls's theory of justice as fairness will be appropriate here. In the theory's hypothetical contracting situation, individuals are placed behind a "veil of ignorance" about their own talents, wealth and position. They choose the principles of justice by which they will live

while ignorant of whether they will be in a favored position or in the least-favored societal position once the veil is lifted.² Thus, they are expected to choose a distributive scheme that would work to improve the position of the least advantaged. The difference principle that Rawls believes would be produced holds that social inequality—differences in wealth and other basic life goods—is permissible as long as it works to the advantage of the worst-off group. Progressive taxation, where income is redistributed from the more affluent to the worse-off in a society, is an example of that sort of scheme, though justice as fairness likely would be more stringently egalitarian than most systems now in place.³

In *The Law of Peoples*, Rawls argues against a cosmopolitan extension of his scheme. The veil of ignorance, for example, is not simply dropped over the eyes of all in the world. Rawls dismisses that approach as too narrow, as presuming in advance that only liberal-democratic societies are morally acceptable.⁴ Instead, he opts for an original position whose participants are single representatives of societies or peoples, both hierarchical and liberal. I have discussed the law of peoples at some length elsewhere.⁵ What is most salient here is that Rawls would reject cosmopolitan distributions for the same reasons he prescribes toleration for “decent” hierarchical peoples or societies, meaning those that allow at least some limited form of representation for all, but not the full package of civil and political rights associated with liberal democratic regimes. Societies, like individuals in liberal-democratic states, are presumed to have freely chosen their political and economic systems. Toleration is prescribed for decent hierarchical societies on the grounds that it would be disrespectful for outsiders to attempt to liberalize them.⁶ Similarly, although there would be some minimal duty of international assistance, there would be no higher-level distributive duties because a society is considered sufficiently respected when it faces the consequences of the presumably freely made choices that lead it to prosperity or far less material wealth. Thus, Rawls is offering an argument from the universal-particularism approach, specifically a variant of the mutual respect argument.

To illustrate the argument, Rawls gives first the example of two peoples who begin at the same level of wealth and population. One people decides to increase its savings rate and industrialize, while the other does not. Decades later, the industrializing, thrifty people is much more wealthy. “Assuming, as we do, that both societies are liberal or decent, and their peoples free and responsible, and able to make their own decisions, should the industrializing country be taxed to give funds to the second? According to the duty of assistance there would be no tax, and that seems right.”⁷ A second example is of two like peoples who differ in their treatment of women. One society is able to achieve low population growth and increase its wealth over time. The second society does not slow population growth “because of its prevailing religious and social values, freely held by its women,” and it falls behind the first.⁸ Again, there is presumed to be no

duty of assistance from the first society to the second. The less affluent people is instead owed toleration, or a hands-off respect for its ostensibly freely chosen institutions and resulting level of welfare.

Like the mutual respect argument considered in Chapter 1, Rawls's argument is open to the objection that the respect it cites may be hollow, an indefensible shield against transfer demands. Even more significant, however, are difficulties with the assumption that entire peoples do choose with a unified voice. That is especially true in the case of decent hierarchical societies.⁹ Such societies in the law of peoples frame would accommodate a lack of full information about exit options for individuals, lesser citizenship rights for minorities, and other barriers that make implicit claims of unified choice less plausible.¹⁰ Individuals may have only extremely diluted corporate representation, but all within a decent hierarchical society are said to be justifiably bound to the fate delivered by policies pursued, including policies that greatly limit the resources and opportunities available to each.

The issue becomes more complicated when we consider democratic societies, whose policy choices could be more plausibly described as collective. Does the global community have a strong responsibility to transfer resources to, for example, Argentina, which was among the most developed states in the Western Hemisphere in the early twentieth century but suffered a dramatic reversal after it began pursuing an economic policy centered on import-substituting industrialization?¹¹ The policy was chosen by leaders elected in an essentially democratic, if corporatist, political system, and the presumption that all members of Argentine society should in some measure be held responsible for policy choices may seem less objectionable. In fact, individuals in a democracy may themselves feel more responsible for the actions of their leaders because of their greater participation in selecting them and helping to shape policy in various ways. For example, during the Vietnam War, hundreds of thousands of Americans gave significant time and energy domestically to halting their country's participation. They felt compelled, in part, because a sense of collective responsibility, and a sense that if they did not speak out their silence could be construed as consent.

However, a wartime example also helps to demonstrate some of the difficulties with presuming a blanket collective responsibility on the part of democratic citizens. The individuals speaking out so strenuously against the war could exercise only limited, if eventually quite significant, influence on the policy process. As is highlighted in discussions of the "paradox of democracy," even in the most robust liberal democracy, a large portion of the populace may vehemently disagree with a course of national action and yet have little input on policy formation if their party or bloc loses an election.¹² Ordinary citizens also may have only small voice in the policy choices that shape their state's economic fate. For example, Argentina and other Latin American states owe tens of billions of dollars to international

lenders because of choices made by elites dating back to the 1970s. Much of the borrowing, as well as the lending, has been criticized as irresponsible, given the often questionable dispensation of the funds by elites and the handicap which massive debts now place on economic development in the region. As economist Douglass North argues in context of how institutional arrangements arise and are shaped within societies, "Institutions are not necessarily or even usually created to be socially efficient; rather they, or at least the formal rules, are created to serve the interests of those with the bargaining power to devise new rules."¹³ The plain assumption of unified policy choice in even mature representative democracies is problematic. That is not to say that individuals can never be held partially responsible for the consequences of collective choices, especially in those cases where a failure to object can facilitate genocide or aggression, internal or external. Nor is it to dismiss the genuine power of shared, liberal-democratic rule to enable individuals to give input on the policies that affect their lives, or the need for citizens to press leaders to make wise choices within existing constraints. But societies do not choose in the way that individuals do. Presuming that all individuals should be held responsible for their societies' choices—essentially as if they had made the choices themselves—does not consider enough variables, especially in regard to the increasingly constrained economic policy choices open to states in an integrating global economy.¹⁴

Finally, and most importantly in the context of moral cosmopolitanism, holding a society collectively responsible for its economic success gives too little consideration to the interests of later generations who had no involvement in the choice of policies that put a society on the path to comfort or relative destitution. The difficulty with unified choice is revealed most clearly when we are asked to presume that individuals born into a less affluent society are rightly limited to the opportunities available there because of choices, including reckless or ill-informed ones, that were made before their birth. As Beitz observes, that could be seen as analogous to holding children in domestic society responsible for the misguided or unfortunate choices of their parents.¹⁵ Rejecting such an understanding of collective responsibility at the domestic and international levels will lead us to a much more universalist or cosmopolitan framework.

There is a distinct but related issue that should be noted, since it must be addressed by any argument for extending distributions globally. That is, even those who are persuaded that cosmopolitan distributions are appropriate might resist making the transfers because they presume that the leaders of some less affluent states will follow irresponsible development policies, or that the transfers will be diverted and will not ultimately benefit those in need. Thus, even if it is not presumed that individuals should be held responsible for policy choices as if they were personal choices, some would suggest that cosmopolitan distributions will do little good unless significant institutional changes are made. Those and other

reasons for advocating institutional change instead of individual charitable contributions are the central concerns of the next chapter.

The Rawlsian interdependence approach

Proponents of the Rawlsian interdependence approach critique the essential state-centrism of the law of peoples and its rejection of cosmopolitan distributive justice. Most seek to include all individuals in a global distributive scheme marked by relatively high levels of transfers, e.g., schemes where the difference principle would be applied. Charles Beitz has offered perhaps the most influential Rawlsian interdependence argument.¹⁶ He calls for transfers from richer states to poorer, and for some limited changes in the world economic system, on the interdependence grounds noted above. International obligations would include a duty to share natural resources, since the initial global distribution of oil, minerals and other resources was arbitrary among states. A similar approach is adopted by Thomas Pogge. But Pogge, who was characterized earlier as a limited institutional cosmopolitan, also argues for deeper institutional changes to answer egalitarian concerns. He advocates a scheme of multilayered global institutions that would spread political authority both above and below states, though not a fully integrated global government. Authority in certain issue areas, for example, global environmental policy, would be shifted to the global level.¹⁷ Final authority to set policy on more local issues might be shifted downward, to the sub-state level.¹⁸ A number of others have yet different conceptions of how a Rawlsian international system might look, but all argue that Rawls should have given more consideration to a global extension of justice as fairness.

We can learn an enormous amount from arguments within the Rawlsian interdependence approach, and it should be considered in any discussion of the appropriate geographic limits to the distributions of benefits and burdens. However, Rawlsian interdependence ultimately strays from its emphasis on equal consideration for all individuals because of a tendency toward the kind of state-centrism, or emphasis on collectivities, that its proponents criticize in *The Law of Peoples*. There are two main ways in which this state-centrism is evident. The first is that emphasis on state interdependence raises the possibility that some individuals in isolated or less interdependent states could be left out of the global distributive loop. The second objection is that a related emphasis on interdependence, or the interaction, of individuals and peoples within states actually could lead to greater restrictions on distributions of resources and opportunities than is currently the norm in most liberal states.

Interdependence and isolated states

Most theorists who pin their arguments on interdependence of states are following at least implicitly the Kant of “Theory and Practice,” who held

that a social contract or principles of justice are applicable only among those “who cannot avoid mutually influencing one another.”¹⁹ Rawls, in his domestic application of justice as fairness, draws on Kant and Hume for his conception of the appropriate circumstances of justice. He presumes with them that significant interaction among participants must be present to justify imposition of a common scheme of distributive justice.²⁰ Rawlsian interdependence theorists work to establish that states influence one another at a similarly significant level.²¹ However, if the creation of a common scheme of distributive justice is justified by mutual influence between states, then individuals living within those states that are not embedded, or not deeply embedded, in the common scheme of cooperation may not be considered the appropriate subjects of global justice. In fact, states participate in the global economy at widely varying levels, depending on the development, diversity and orientations of their individual economies. Autarkic or nearly autarkic states are not so uncommon in recent history, and tyrannical states often close out the rest of the world in important ways. Further, while all states may be affected by such environmental threats or “impositions” as global warming, they are affected at varying levels. And within states, marginalized minorities or nations may be geographically or socially isolated in ways that could prevent significant mutual influence.

The early Beitz suggested that the social cooperation requirement should not be interpreted too strictly. He argued that even such marginalized groups as the slaves of ancient Greece belonged to a system of social cooperation, though their position was greatly disadvantaged and they could not be called willing participants.

It would be better to say that the requirements of justice apply to institutions and practices (whether or not they are genuinely cooperative) in which social activity produces relative or absolute benefits or burdens that would not exist if the social activity did not take place.²²

I say more below about the oppressed domestic group. Here, let us consider the economically autarkic or otherwise isolated state. We can begin with a recent Rawlsian interdependence argument from Debra Satz, who does presume that there are some economically isolated or marginalized states that do not qualify as interdependent, and that persons living within those states are justifiably excluded from higher-level cosmopolitan distributions.

Certain dimensions of equality are relevant only to people who relate to one another in institutional contexts—for example, a concern for equality of power arises in the workplace or in the family but not on the football field. . . . the absence of significant relationships between American citizens and certain groups of Pacific Islanders who live

outside the world's economy does not generate a basis for substantial equality of resources. . . . When distributive inequality in resources does not lead to domination, marginalization, or status hierarchy, it is unclear that egalitarians should be concerned with it rather than ensuring the minimum threshold of resources needed by human beings (including Pacific Islanders) to function as humans. In my view, the answer to the question "equality of what?" depends on the question "equality between whom?"²³

The argument, like some in the universal-particularism approach, emphasizes imposition of burdens. Unlike that approach, and unlike a straightforward Rawlsian interdependence argument, it includes a requirement that the basic wants of persons in isolated states be met. I will not argue here against the inclusion of a basic-wants requirement, because it does not affect the question of whether islanders are rightly excluded. In fact, a requirement that the islanders be provided with the minimum actually will throw into higher relief the central objection to excluding such groups from higher-level distributions. That is, individuals are being denied fuller distributions of resources and especially life opportunities simply because their states are economically isolated. The potential moral arbitrariness of a state's exclusion, and by extension the arbitrariness of individuals finding themselves within an excluded state, is not given full consideration.²⁴

To make the objection somewhat more concrete, consider the differences in life opportunities between the isolated islanders and a resident of, say, the island of Guam. The fortunes of war and expansionism, geography and opportunity came together in 1898 to bring Guam into the orbit of the United States, where, with the exception of three years under Japanese occupation during World War II, it has remained as an unincorporated territory.²⁵ The isolated island, perhaps smaller, less endowed with natural resources or on a less advantageous military route in the Pacific, remains relatively untouched. Today, Guam is semi-industrialized, semi-black-topped, still bristling with US military installations and idyllic enough in its villages and remaining seaside communities. It reports a median household income of more than \$40,000 per year, including US military employees,²⁶ and its citizens are also US citizens, free to relocate to the economically more diverse mainland. The isolated islanders, meanwhile, presumably are spending their time growing or catching food and otherwise living their lives with those resources immediately available. It is the plain fact of membership in, or exclusion from, the global economic system that determines the levels of resources and opportunities available to the two populations. Membership in the system was determined largely by chance, but that membership carries great moral significance if we presume that those states not enmeshed in the world economy are exempt from some considerations of global distributive justice.

Considering the Guam-US relationship also allows us to connect the

issue of exclusions more closely to impositions. Do the impositions that the Guamanians²⁷ mainland compatriots have made on them—in this case the dramatic imposition of military bases and more than 3,000 military personnel—justify the distributions of resources and opportunities they enjoy that the isolated islanders do not? Certainly some compensation is due for such extensive takings of resources on the island, and in fact the bases generate about \$400 million annually for the local government.²⁸ Whether compensation should extend to full citizen membership and other material benefits of US affiliation is not immediately clear. In the case of the Philippines, which also became a US colonial holding after the 1898 war, independence was attained in 1946, but the United States continued to hold vast tracts of land for military bases. The Philippine government was compensated monetarily for the presence of the bases until refusing to renew base leases in the early 1990s. Until that time, some distributions of opportunities and memberships were extended to limited numbers of Filipinos, including the opportunity to serve in the US military and some immigration access. Whatever the extent of the impositions made on the Guamanians and compensation given them, however, what is most salient here is that the isolated islanders are excluded because of contingent factors. An impositions argument would perhaps be more persuasive if the islanders *could* unilaterally elect to join some larger framework and take on a schedule of impositions corresponding to some schedule of rewards. Those in the isolated island–state cannot by themselves elect to assume such obligations and, unlike the citizens of Guam, they cannot independently decide to move to some more affluent, more economically diverse and affluent mainland in search of broader opportunities. Because they live in a state that is not significantly interdependent, they as individuals will have limited opportunities in a Rawlsian interdependence approach.

An objection from arbitrariness of impositions and exclusions can apply also to interdependence arguments focusing on harms visited on states by the routine operation of the global economy. These may include pollution-related harms, or harms associated with the ways in which the global economic structure can limit the policy choices available to states' leaders, as noted above. Pogge has consistently drawn attention to such harms, and they are significant in a number of ways.²⁹ Again, however, individuals within those less affluent states not affected by specific global externalities, or affected at lower levels, could find themselves excluded from distributions for essentially contingent factors. If their states were neither deeply embedded in the global economy nor deeply harmed by it, they likely would be considered justifiably excluded from distributions.

Consider also the ways in which the economic and other policy decisions of relatively small groups of elites can place a state anywhere on the interdependence scale from full involvement to near autarky. For example, the ardent Stalinist Enver Hoxha progressively cut off Albani-

ans' contact with the outside world over four decades, until by 1985 they lived in a state that had virtually no relations with the West and mostly antagonistic relations with its former Soviet and Chinese patrons. For the most part, Albanians were not even permitted to pass beyond their national borders, and their state had only minimal trade with others.³⁰ By the criteria the early Beitz gives, and to which Pogge and others adhere, Albania likely would not be considered interdependent with other states. I do not believe it could be shown to be in a state of social cooperation, even if we follow the loose interpretation that includes Greek slaves. The slave or oppressed citizen analogy would perhaps be better applied to states drawn into the world system on unequal terms, for example, a state such as Chad with a primary goods economy (cotton, cattle) that is extremely sensitive to swings in global prices.³¹ Albania might be more accurately represented as a misanthropic hermit, rejecting society and living as self-sufficiently as possible. However, the hermit state is not an isolated individual who can be said to have chosen that lifestyle or orientation to the rest of society. In the case of a state, the elites who decide which way policy will turn are making decisions for millions of individuals. In Hoxha's Albania, Pol Pot's Cambodia, and Idi Amin's Uganda, for example, it was decisions by elites that effectively cut off individual citizens from much of the rest of the world. Under the interdependence argument, the mass of persons within those states might be excluded from egalitarian distributions, no matter their own preferences or needs. In fact, we saw a similar dynamic at work in states such as Iraq, Libya and North Korea through the 1990s and into the early years of the new millennium, where the actions of a relatively few elites provoked years of severe international economic sanctions.³²

Domestic interaction and immigration

Besides potential exclusions, we should consider how an emphasis on interdependence or group interaction actually could lead to more restrictive policies on distributions of membership than most liberal states currently maintain. Such considerations should inform the design of any multi-level governing project, including the fully global one discussed in Chapters 5 and 6. Pogge, who with Moellendorf gives greatest current emphasis to interaction or interdependence, would create new political entities in part according to the levels of mutual influence or interaction that groups have. At the global level, where he presumes all states to be economically interdependent, justice would require such moves as creating institutions to collect and distribute the Global Resources Dividend. At a more local level, and at an unspecified higher level of interaction, Pogge would advocate a dispersal of sovereignty to "nested territorial units. . . . In such a multilayered scheme, borders could be redrawn more easily to accord with the aspirations of peoples and communities."³³ Interaction

would be an important feature of determining which smaller groups would be able to exercise sovereignty. In fact, interaction is so important in the account that those groups of persons who meet its minimum threshold would be justified in seceding from existing states and forming their own, provided their group is numerous enough to make a separate entity viable. Additionally, groups could vote, by simple majority or supermajority, to join a larger unit, as long as their own unit is contiguous with the larger one—another requirement springing from the emphasis placed on the existence of interaction. The implicit assumption is that groups which share a boundary cannot avoid influencing one another.³⁴

Interaction, or interdependence, works both ways, however. While those who have a significant amount of interaction could choose to join together in a quasi-independent political entity, they also could choose to restrict the ability of others to join their grouping based on a lack of past interaction. This actually results in a form of *de facto* cultural protectionism, because those with whom we have the highest levels of interaction generally will be members of our own group. Consider Pogge's response to a well-known constitutive argument made by Walzer. In it, Walzer asserts that immigration controls should be maintained only at the national level, in order to avoid the creation of "a thousand petty fortresses," or provinces, towns and neighborhoods that can exclude whomever they chose.

To be sure, Walzer is right to claim that the value of protecting cohesive neighborhood cultures is better served by national immigration control than by no control at all. But it would be much better served still if the state were constrained to admit only immigrants who are planning to move into a neighborhood that is willing to accept them. Moreover, since a neighborhood culture can be as effectively destroyed by the influx of fellow nationals as by that of immigrants, neighborhoods would do even better, if they had some authority to select from among prospective domestic newcomers or to limit their number.³⁵

Pogge suggests that such a devolution of authority to control immigration actually would help avoid the creation of petty fortresses by giving local communities greater autonomy within the state. Note, however, the ways in which the interaction approach displays a circularity similar to that of an impositions claim. The right of communities to restrict membership is based on the fact of their current members' high level of interaction, which itself will spring from mostly ascriptive membership.³⁶ In essence, the fact of interaction is offered as justification for exclusions to preserve or promote similar interaction among group members. A move to preserve even neighborhood cultures based on interaction should give us further pause, because it raises the possibility that exclusions based on race, ethni-

city or other markers would be justified. It still is the case in many areas that individuals of one racial or ethnic group interact—live, work, play—almost exclusively with others who belong to their group. Emphasis on interdependence, and by extension high levels of interaction at the sub-state level, could have the unfortunate result of providing justification for some “redlining” of neighborhoods and other historic and discreetly continuing practices used to exclude minorities from resources and geographic areas.³⁷ In his defense—and there is much to learn from Pogge’s work—I believe Pogge’s interest in demonstrating that cosmopolitanism is not in deadly tension with cultural pluralism may have led him to overlook such a consequence.

In sum, the Rawlsian interdependence approach would appear to move toward the same kind of state-centrism criticized in Rawls’s law of peoples. Proponents of Rawlsian interdependence, while concerned to take into account the interests of all persons rather than only representatives of societies, create the potential for various kinds and levels of exclusion through their strong emphasis on state interdependence. A related emphasis on interaction of individuals in sub-state groupings could lead to further exclusions of individuals, including some that would go beyond exclusions considered justifiable in most current liberal-democratic states. Such concerns should cause us to move toward an alternate approach to distributive justice, one that resembles Rawlsian interdependence in key respects but does not impose an interdependence or interaction requirement.

The moral reciprocity approach and self-development

Pogge and others drew on an aspect of Kantian thought to argue that individuals must have relatively high levels of interaction before principles of distributive justice applied among them. Kant also is the source of the alternate, moral reciprocity approach to global distributive justice, which I will argue offers solid grounding for a general moral cosmopolitan stance on distributions. Further, I will work to show here that observance of moral reciprocity should lead us to a specific global understanding of equal opportunity: the view that all persons are entitled to distributions of resources and opportunities sufficient to enable them to form and pursue a robust life plan. In shorthand, the claim is that all persons have rights to self-development. Chapter 4 discusses corresponding obligations on all persons to work toward a global system in which such rights can be better secured. The moral argument of this chapter does not depend on a presumption that fully adequate distributions of resources and opportunities can be achieved immediately or in the near term. However, as the discussions of marginal utility have indicated, relatively minor, near-term changes in the global distributive regime could mean significant improvements in the lives of the least affluent.

Moral reciprocity is applied most directly as a critique of an interdependence requirement by David Richards. He advocates an alternative approach to extending principles of distributive justice globally, one building on Kant's emphasis on respecting others as plain moral equals.

In Kantian terms, moral argument invokes our capacity to think self-critically about our lives and to take personal responsibility for them as beings capable of freedom and reason; we identify others as persons by their having the like capacity; and in reasoning morally and acting accordingly, we treat others in terms of principles we and they would reasonably accept, thus expressing respect for their human dignity . . . the idea of equality that is relevant to the deeper analysis of the concept of justice is the same idea of treating persons as equals as is relevant to moral argument generally. Accordingly, the moral idea of reciprocity, which invokes this idea of equality, is not that of reciprocal actual advantage, but the ethical idea of treating persons in the way one would oneself reasonably like to be treated.³⁸

Richards alludes at the end to a version of the biblical Golden Rule, but with the important inclusion of the term "reasonably." Reasonable action here is that which takes into account the justifiable claims of other persons. It is contrasted with rational, self-interested action, whether for perceived mutual advantage or for the sole advantage of one actor.³⁹ Richards' immediate aim is to show that the Rawlsian original position should not be limited to those individuals who happen to live in a state that is deeply interdependent with others in the global economy. Rather, it should include all persons. Application of principles of distributive justice in this sense does not require the demonstration of the existence of a mutually beneficial cooperative enterprise, group interaction or any similar empirical condition. The approach is similar to that adopted by Mill in *The Subjection of Women*.⁴⁰ For Mill, recognizing women's equal rights was a matter of plain justice for moral equals. It was not a question of justice as actual reciprocity for favors or harms done, justice as devising fair rules to apply to a scheme of existing social practices, and certainly not justice as mutual advantage. It would not have been immediately advantageous to most men to recognize women's equal rights to resources, opportunities, offices of power, and other social goods. The imperative on men was to respect women's status as moral equals, to stop reinforcing long-cemented social injustices, and in fact to help remove them. Global justice similarly is a matter of respect for moral equals. It requires a willingness or ability to practice moral reciprocity, which in Richards' argument would mean the ability to imagine a fair original position.

Richards favors the Rawlsian original position, globally applied, because it can lead to an enlargement of the moral imagination, to

consideration of what it would be like to be relegated to various initial starting points, possessed of varying degrees of wealth, access to resources, opportunities for self-development. The claim that one can accurately imagine another's world view has, of course, been challenged.⁴¹ But the primary end sought by moral theorists is not the objective validation of an interpretation. Rather, exercises such as the Rawlsian original position encourage us to consider the needs, interests and core concerns of others. Moral reciprocity, as outlined by Richards and the more recent Charles Beitz,⁴² would give all humans equal consideration in the initial situation. It is understood that participants in a global original position would not be likely to choose principles of justice that would put them at severe disadvantages if they happened to emerge from behind the veil of ignorance into an isolated state. Richards, for example, argues that those in his modified original position would choose a truly global difference principle, on the way to a distributive scheme that would enable them "to have a decent opportunity and capacity to pursue a life of personal dignity on whatever terms they define their rational good."⁴³

Use of the Rawlsian original position, including a global extension, does raise special issues or problems. But in fact, reference to it may be as little necessary to the moral reciprocity approach as economic interdependence.⁴⁴ We can appreciate the empathetic moral understanding that is the aim of the original position without relying on the actual device, or more specifically its veil of ignorance. For example, Barry takes steps in this direction when he advocates an initial situation where individuals do have knowledge of their own identities and interests, and where their moral motivation is, as in Richards' scheme, a desire to justify their actions on reasonable grounds to others.⁴⁵ Ultimately, an emphasis on observing moral reciprocity should lead us to a moral cosmopolitan position, one which holds that principles of distributive justice should include all persons, regardless of their state memberships.

Global equal opportunity and self-development rights

Here I will draw on theories of equal opportunity to demonstrate why a moral cosmopolitanism grounded in moral reciprocity should lead us to advocate the fulfillment of self-development rights.⁴⁶ Equal opportunity can be viewed as progressing through three broad levels, from careers open to talents, to correction for social inequalities, to correction for social and natural inequalities.⁴⁷ At the first level, distributions are considered just if they are achieved within a free market of producers and consumers striving to satisfy their wants. The second level would add significant correction for unequal social starting places, because there it is presumed that "those who are at the same level of talent and ability, and have the same willingness to use them, should have the same prospects of success regardless of the initial place in the social system."⁴⁸ At the third level, there

would also be correction for unequal distributions of talents and abilities, presumed to be as arbitrary from a moral point of view as social inequalities. Second-level equality of opportunity corresponds roughly to self-development rights.

The first-level conception dates back at least to the French Revolution. It requires that the economic structure in which individuals pursue their own careers and interests be procedurally fair. There is self-ownership, in the sense that each person's labor power belongs to that person, rather than to some lord or slave owner, and none are assured of a position by lineage, although there will be unequal starting points. For example, those whose families have accumulated wealth are entitled to receive it essentially in full, if that is the wish of family members. There is no involuntary redistribution of wealth to correct for unequal social starting places. In the context of global distributive justice, first-level equal opportunity bears important similarities to a non-cosmopolitan moral outlook. But in fact, careers fully open to talents would be a more robust conception of equal opportunity than now obtains in the global system. If, as I will argue, a halt at careers open to talents is not defensible, then the limited opportunities many individuals have in the global system is even more suspect.

Robert Nozick remains probably the most notable proponent of first-level equal opportunity.⁴⁹ His rejection of corrections for social inequalities is based on an equal-respect argument building expressly from the idea of self-ownership. Since individuals own themselves, they cannot be used as means to an end, even if that end is the ostensible common good. Thus, they are entitled to whatever they justly acquire in a procedurally fair, voluntary system of exchange. Recall from Chapter 1 Nozick's insistence that the initial acquisition of a resource must be just for any resulting transfer to be considered just. Following Locke, he holds in part that any initial acquisition of a resource is just if we have left "enough and as good" for others. The enough and as good proviso is taken to be satisfied in a market economy, where latecomers may not have access to precisely the same kinds of material resources as those who came earlier, but they can achieve the same level of material wealth. Thus, Nozick concludes that if we own ourselves and have justly acquired our own resources, we cannot be required to distribute those resources except for very limited societal security and infrastructure needs.

Many have noted the difficulty in demonstrating that self-ownership necessarily corresponds to near-absolute ownership of all that one acquires. In fact, the enough and as good proviso may be insufficient to satisfy equal respect when we take into account the significant loss of autonomy and other important social goods it would allow.⁵⁰ But perhaps even more important again is the problem of equating equal respect or consideration for others with non-interference. In Nozick's account, and in general at the first-level of equal opportunity, it is presumed that the handicapped, the

extremely impoverished and those who suffer crushing illnesses or other blows they cannot be said to deserve, are sufficiently respected when the more fortunate offer them non-interference. But equating equal consideration with non-interference is hollow in this context because it presumes an empirical equality among humans that does not exist. Only if all were substantially equal in their powers to acquire goods—not perfectly equal, but having some chance to succeed in the market competition—might it be justifiable to claim that self-ownership leads to near absolute title over those goods. If we do not presume that all are substantially equal, then we must ask how the less fortunate can acquire the means to life if the more fortunate do not transfer some resources to them.⁵¹ The severely handicapped may not be allowed to use the non-handicapped as means in a first-level scheme, but nor are they being treated as morally important ends in themselves if they cannot obtain the means to survive.

As noted, the current global system actually includes much greater restrictions on equal opportunity than a first-level conception would allow. Careers are not fully open to talents. To be sure, some individuals of great ability are able to enjoy material success regardless of their birth state. Highly skilled entertainers, athletes, technical workers and others will find opportunities open to them. The current global system is a partial meritocracy, where careers are open to those of tremendous or rare talents. It is not a straightforward meritocracy like that described at the first level, because the opportunities available to persons of more ordinary talents are often slim. If a halt at the first level is not morally defensible, then the defensibility of the current distribution of opportunities in the global system is even more open to question.

A second-level conception of global equal opportunity, corresponding roughly to self-development rights, is the minimum necessary to satisfy moral reciprocity. In other words, it is the appropriate understanding of a moral cosmopolitan approach to distributive justice grounded in moral reciprocity. A defense of that claim can begin with more concrete exploration of the luck, or “accident” of birth, to borrow Mill’s phrase, in the current global system.⁵² The discussion of the isolated islanders centered on the ways in which their exclusion from distributions appeared unfairly contingent. Consider the significant role contingency plays in the life chances of those born into the current system. We may assume that, before their birth, humans are pure potential. They are the potential promised by their own genetic make-up, and they have the potential to be reared anywhere in the world. It simply is the luck of birth that will determine whether they land in Burundi, where per capita income is about \$100 per year, equal to \$610 in US purchasing power; or in Japan, where per capita income is \$33,550, equal to about \$26,070 in US purchasing power.⁵³ Similarly, the birth lottery gives each potential human roughly a one-in-seven chance of entering life severely undernourished in a

developing or transitional state, and a lesser but still significant chance of becoming one of the six million children age five and under who die each year of hunger-related causes.⁵⁴ Finally, about two in five can expect to be born into a state where average purchasing power is at or below the World Bank poverty line of about \$735 per year. Around one in six will be fortunate enough to land in a state classed by the bank as high income, where per capita PPP is at least \$9,076 per year.⁵⁵ Nothing the potential humans do or fail to do will have impact on the place of their birth or the stacking of the statistical deck for or against them. Individuals simply are born as members of an affluent or less affluent state.⁵⁶

The picture would be quite different under second-level equal opportunity, where persons of equal talents, capabilities and drive would be expected to have more equal chances of success.⁵⁷ There is, as should be expected, divergence on just how equal chances should be interpreted and what kinds and levels of correction are required over the course of a life. For example, the equal opportunity literature offers a range of answers on how much weight should be given to the issue of desert.⁵⁸ Some argue that initial social inequalities are to be corrected precisely because they are undeserved. These “luck egalitarians” also generally argue that inequalities which result from an individual’s poor but adequately informed choices are deserved. Some luck egalitarians say there is no moral obligation to correct for the bad consequences of those choices. Richard Arneson asks, for example, whether we would be more obligated to try to save from a sudden mountain blizzard a group of blameless schoolchildren, a group of careful, experienced mountaineers, or a group of drunken amateurs imperiled through their own recklessness. He concludes that the voluntary choice of the mountaineers to accept the climbing risks, as well as the reckless actions of the amateurs, significantly lessen the force of their claims to aid.⁵⁹ Of course, we may question why the claims of the reckless, foolish or otherwise culpable in more general cases should be rejected, rather than simply requiring them to help pay the costs of rescue. Other luck egalitarians do argue that it is difficult to make good choices, and some margin for error should be granted so that a bad choice does not too easily become a disastrous one. Theorists operating in the separate, “capabilities” approach do not emphasize the question of desert or individual choices. Instead, they look to individuals’ capabilities to achieve important functionings as human beings.⁶⁰ Equal consideration, they say, means enabling all individuals to achieve a robust level of functioning and recognizing that helping some persons to achieve that level will require more resources than helping others.

A key point to note here is that all approaches would require correction for unequal social starting places at least through an education that can equip an individual to pursue a meaningfully self-chosen life plan. In the roughest concrete terms, such a conception of equality of opportunity

would require that all individuals, regardless of social status at birth, have an equally good chance, consonant with their congenital health, their native intelligence, drive and taste for acquiring knowledge, of completing that level of education or training that would enable them to pursue options from a reasonably broad menu of choices for meaningful, fulfilling work.⁶¹ Education, in the broadest sense of self-development, is the all-purpose good that enables individuals to form, pursue and revise their own life plans. Some of the severely handicapped could not, of course, achieve a level of life functioning that would allow them to form and pursue their own life plans. However, they can be enabled to function as fully as possible, given their unique capabilities and talents, even if such functioning requires larger amounts of resources. I presume also that a plausible self-development conception would require that individuals have equal access to the goods and services necessary to development of their own character and abilities, including equally adequate nutrition, clothing, educational and health facilities:

These goods and services are basic in the sense that without them, individuals cannot develop their capacities and abilities, or even acquire the motivation to want those capacities and abilities to come to fruition. . . . This developmental conception requires that every individual have the same chances of access to those basic goods without which full development as a person is impossible.⁶²

The self-development approach bears important similarities to the functioning or capabilities approach. In fact, I believe it helps to reveal important overlap in the luck egalitarian and capabilities approaches. Both would require at minimum that all individuals be prepared to make important life choices, to have the education and skills necessary to be able to form, pursue and revise their own life plans, in accordance with their own abilities and drive, regardless of their initial social circumstances. The differences between the two approaches beyond individuals' initial self-development are significant.⁶³ For example, Sen, Nussbaum and others in the capabilities approach criticize Dworkin's "resourceist" luck-egalitarian argument for failing to recognize that the handicapped, pregnant women, etc., need different and often larger bundles of resources than others. Capabilities theorists are criticized for moving too far toward perfectionism in human development. Nussbaum, Lane and others do offer relatively comprehensive lists of functionings that all humans should be enabled to achieve.⁶⁴ It is beyond the scope of this work to attempt to settle the higher-level debates in the domestic or global context. However, I will say something about how it can be defensible to argue that moral reciprocity requires correction for global social inequalities but not some third-level correction for inequalities of natural ability.⁶⁵

The third-level conception, best exemplified by a distributive regime

guided by the Rawlsian difference principle, holds that natural inequalities are as morally arbitrary as social inequalities. The second-level conception thus is said to be incomplete.⁶⁶ It gives insufficient attention to the arbitrariness involved in the distribution of talents that leaves some persons much better poised for success in society. However, a problem with an approach that corrects for natural as well as social inequalities is that it may give too little weight to important differences between individuals. In other words, it could prescribe equal outcomes, rather than equal chances for individuals to develop according to their unique identities.

Recall that the difference principle requires an equal division of the social product among all persons unless allowing inequalities would raise the social floor.⁶⁷ An equal baseline division of resources ostensibly is justified, because the societal and natural factors that would contribute to individuals achieving unequal levels of success under the first- and second-level conceptions of equal opportunity are considered morally arbitrary. Such a conclusion, however, runs the risk of establishing a deterministic framework in which no action taken by a person can be claimed as the person's own, and the autonomy that is central to equal respect for individuals is not fully valued or allowed expression. In declaring so much about individual differences to be morally arbitrary, the third level may leave too little room even for differences in personal ambition.⁶⁸ Individuals, even if they are equally well endowed with talents and abilities and have had identically good life opportunities, can be expected to have differing levels of drive and personal aims. Barry gives the example of two law school students, one of whom chooses to work in a large corporation, the other in a more relaxed rural practice. The urban lawyer likely will achieve a higher income than the rural one, but there is nothing objectionable in that if the rural lawyer has exercised an informed, meaningful choice of career path in accordance with a life plan based on her own talents and proclivities.⁶⁹ In addition, those lacking ambition easily could take advantage of a system of equal division, free riding on the efforts of others. At the third level, the lack of a "talent" for ambition could be considered as arbitrary as the lack of other natural talents, and individuals could be compensated for it. Because the third level presumes that so much of what is distinctive about individuals is traceable to morally arbitrary factors, there may be too little left that is distinctive about them to sustain a robust conception of individual autonomy. Thus, some distributive mechanism like the difference principle may not be an adequate expression of equal respect or moral reciprocity for individuals qua individuals. That is not to suggest that some form of progressive taxation cannot be legitimately implemented. Even minimal correction for social inequalities requires large-scale redistributive transfers at the domestic level. But a conception of distributive justice that would view virtually all differences between individuals as morally arbitrary would seem to leave too little room for individuals to express their unique selves.

The case for free movement

We can return now to the second level and round out the picture with a discussion of the importance to individuals of freer movement across borders. My specific reading of second-level equal opportunity, or self-development rights, has been that all persons should be viewed as entitled to resources and opportunities sufficient to form and pursue a robust life plan. Here I will argue that the limited opportunities available in many states give us strong reason to advocate freer movement of persons across borders. Let us return to the isolated islanders and imagine now that, because some university from an affluent state wishes to establish a campus on the island to study sea life or for other of its own purposes, some educational opportunities are made available to the islanders. Perhaps enrollment is opened to a few of them as compensation for the imposition involved. A number of young islanders enroll. Those who progress through a full course of study can be expected to emerge equipped with the skills, knowledge and credentials to effectively pursue a broad range of career and life options. However, because they are not in a colonial relationship, or some supranational arrangement like the European Union, they still have no easy immigration access to a larger, more economically complex society. They generally are limited to the options that are available on the isolated island. A few of the very bright or talented may be able to leave the island via postgraduate education overseas or some other activity where high ability and intellectual promise are rewarded. But the bulk of those who are able to develop their abilities to a high level and form their own life plans likely will be frustrated in their attempts to pursue those plans, because the opportunities open to them are very limited on the island. Overall, I am suggesting again that birthplace in a less-favored state should be viewed like any other social inequality. Besides the plain transfers of resources that a cosmopolitan approach to distributive justice prescribes, we should insist on a broadening of opportunities, so that ultimately any person born anywhere will have a broad menu of life options from which to choose.⁷⁰

The importance of being able to move in search of better opportunities domestically is widely recognized among those theorists who begin with equal respect or consideration for individuals. In fact, one of the characteristics of a liberal state is free internal movement of citizens.⁷¹ Such an understanding was enshrined in Article 13 of the UN Universal Declaration of Human Rights, which states that “Everyone has a right to freedom of movement and residence within the borders of each state.”⁷² The article also says that all individuals have the right to leave and return to their own states, though it does not speak to an obligation on the part of other states to accept any persons who wish to emigrate. Thus, there is a kind of rights vacuum into which global émigrés fall.⁷³ Within liberal states, free movement is considered an important component of

individuals' abilities to pursue their own life plans. Internal boundaries are routinely crossed in pursuit of educational, employment and recreational opportunities. Individuals may also relocate because they do not want to spend the greater part of their energies in fighting local oppression that has a severe impact on them. I am thinking in particular of racial, religious and sexuality-based intolerance, which, with the exception of discrimination against sexual minorities, may be formally disallowed in a liberal state but have ways of sustaining themselves.⁷⁴ Individuals also can move to escape floods, drought, or other natural disasters. A commonly cited example is the outflow of emigrants from 1930s' dust bowl Oklahoma. No longer able to earn a living on their land, the Oklahomans were able to move in search of more stable life prospects. Most endured real hardship in their moves and resettlement, but they were not barred from moving and thus were not limited to those very meager opportunities for sustaining life that they suddenly found in their home region.⁷⁵

In liberal states, individuals are presumed to have the right to move as they wish in pursuit of their own life plans. That is not to suggest that they must be enabled in other, much more expensive ways, to pursue the lives that suit them. The self-development approach emphasizes the provision of a sufficiently broad menu of life options for all persons. Those with very expensive tastes would have the option to pursue those vocational and financial activities that would enable them to indulge, but nothing in the argument for self-development rights should be construed as saying that individuals have a right to be provided with very expensive goods and pursuits that match their particular tastes. I say more on that below.

To close this section, I want to reinforce the importance of including freer movement among necessary life opportunities by returning briefly to Robert Goodin's assigned responsibility model. Recall that Goodin's model emphasizes equal resource endowments for states, but it does not give emphasis to free movement by individuals between states. Let us now apply assigned responsibility to a pair of existing states, say, Luxembourg and France. And let us say that there is no free movement between the two states, though in actuality both are part of the European Union's Schengen region, and their citizens can work or live in either state. We can further presume that the yearly incomes of the states' citizens are roughly the same, as are their levels of health care, access to education and other important life goods. The assigned responsibility approach would say that general obligations to those in both states had been satisfied, and that giving priority to compatriots would be justified. But what the model does not take into account is the potential importance of a broad menu of options in enabling individuals to pursue their own life plans. If assigned responsibility permits priority to compatriots in distribution of memberships, then it may also be restricting individuals' access to an adequate range of opportunities to pursue their unique life plans.

The choice of Luxembourg and France should be a giveaway. Luxem-

bourg has a population of more than 425,000 living in an area of just 999 square miles. France's population of more than 60 million lives in an area of more than 210,000 square miles. The menu of work and life options from which French citizens may choose is much broader than that available to citizens of Luxembourg. The French citizen has a wide range of educational and training options, and a range of careers from which to choose within France. The citizen of Luxembourg chooses from a much more limited set, especially where work options are concerned, because the comparatively tiny size of the state dictates limits on the kinds of economic activities that can be pursued.⁷⁶ The assigned responsibility model does significant work in demonstrating why we should view general obligations to all persons as more pressing than special obligations to compatriots in circumstances of vast global inequality. But if it is to include distributions of material resources, it also should include adequate distributions of the opportunities and memberships that enable individuals to make use of those resources in pursuing their life plans. Of course, the model might be modified to emphasize priority to residents, rather than compatriots. Equally well-endowed states could be tasked with promoting and protecting the interests of all who live within their borders at any given time. As a consequentialist argument, however, it still would be subject to the objections raised in Chapter 2. For example, the argument's emphasis on efficiency might lead to the adoption of oppressive population-control or other policies to promote more efficient discharge of general obligations.

The question of when a menu of life options becomes adequately broad has, I think, no obvious answer. I cite France as an example, and yet, large numbers of French citizens work in other EU states, as do citizens of Germany and other relatively large, economically complex EU members. We might be tempted to say that a state as large and varied as the United States should provide an adequate menu of life options. But US citizens may have a strong desire to pursue their educational and vocational activities elsewhere. In fact, an individual's desire to travel far in search of life opportunities may be the "expensive taste" that is most easily satisfied. The question is not whether others should be required to make larger distributions to enable individuals with expensive tastes to indulge. Rather, it is one of permitting individuals who wish to explore the broadest possible range of life options to do so. There would seem little moral difference in allowing a French citizen to move to Luxembourg, but not to other parts of the world in pursuit of self-development. There are significant practical issues to address concerning free movement, of course, and the argument here does not suggest that states' borders immediately should be opened. Free movement has emerged over time in the European Union, accompanying other processes of economic and political integration.⁷⁷ We can expect that, if free movement and broader networks of distribution could be realized in other regions of the world, say, North America,⁷⁸ it

would be in a similarly gradual fashion, and that it could in fact take significantly longer than in Europe. Such issues are addressed in subsequent chapters. Here, the key point is that if economic and political integration eventually did become broadly advanced, and affluent states were not overwhelmed by a short-term rush of immigrants from less affluent regions, then it would be relatively inexpensive to permit individuals to roam as far as they desired in pursuit of life opportunities. The menu of options available to all persons could be made quite broad.

Culture and universality in self-development rights

I want to conclude by returning briefly to toleration, or cultural protections, in the context of self-development rights. What implications do such universal conceptions of rights have for orientations to cultural variation? Recall the argument in Chapter 2 that citing cultural protections was not sufficient to show that distributions should be halted at minimum fulfillment of basic needs or wants for the absolutely impoverished. I argued there that the goods in question were not necessarily culturally specific and could be provided at much higher levels, with a great gain in utility for the globally impoverished. The self-development conception of rights focuses similarly on all-purpose goods that any person can be expected to want. There is no imperative to impose a specific scheme of goods, or to bring all persons to an exactly equal level of development or resources. In fact, citing cultural differences, far from serving as the justification for wide disparities in the resources and opportunities available to individuals, can obscure important questions about oppression within states, especially where some are deprived of important life goods. Such questions were explored in the complex-constitutive sections of Chapter 1. Recall that the complex-constitutive approach was vulnerable to an undercutting objection. Its attempt to seek out the voices of individuals or sub-groups within cultures was consistent with the application of universal principles, but not with an approach that would attempt to justify compatriot priority on the grounds of cultural differences between states or societies. The discussion in this chapter suggests that such a seeking out of unheard voices is entirely appropriate as an extension of moral reciprocity. For example, Nussbaum, in an instructive discussion of global equality for women, argues that the traditional norms of some societies should not be viewed by outsiders as fixed moral points, impregnable to analysis or moral criticism.

Cultures are scenes of debate and contestation. They contain dominant voices, and they also contain the voices of women, which have not always been heard. It would be implausible to suggest that the many groups working to improve the employment conditions of women in the informal sector, for example, are brainwashing women into

striving for economic opportunities . . . Where they do alter existing preferences, they typically do so by giving women a richer sense of both their own possibilities and their equal worth, in a way that looks more like self-realization . . . than like brainwashing. Indeed, what may be “Western” is the arrogant supposition that choice and economic agency are solely Western values.⁷⁹

Questions about communal identity are further explored in Chapter 6, in the context of possibilities for trans-state democracy. Here, I will reinforce that moral reciprocity as discussed in this chapter would demand that all individuals be enabled to exercise meaningful choice, that they have the education, resources and life opportunities necessary to choose the shape they want their own lives to take. Individuals in all cultures can be expected to want and make use of resources and opportunities far exceeding the level guaranteed under a basic wants approach. Difficulties in understanding different cultural practices, or the ostensible need for strong cultural protections, do not provide a robust defense of a scheme in which some persons, by dint of fortunate birth—including birth as a male in many states—are able to form and pursue their own life plans, while others less fortunate have only enough to sustain life and limb.

Conclusion

This chapter has considered three deontological approaches to global distributive justice. The first, Rawls’s law of peoples, argued for a global original position in which representatives of discrete societies would choose global principles of justice. Rawls argued that cosmopolitan distributions would not be chosen, since mutual respect would dictate that the presumably unified choices of peoples be respected, including requiring them to live with the economic consequences of those choices. The unified choice assumption was critiqued, as was Rawls’s implicit presumption that those born into less affluent societies should be held as responsible for the policy choices of their forbears as if they had made the choices themselves.

Those working within the Rawlsian interdependence approach likewise criticized the state-centrism of the law of peoples, arguing that in an interdependent world that effectively comprises a single scheme of cooperation, distributions should be extended globally. But that approach strayed from its initial emphasis on equal consideration for individuals, because those in isolated or less-interdependent states could be excluded from distributions for essentially arbitrary reasons. The related emphasis on interaction of individuals in sub-state groupings could have led to further exclusions of individuals.

The moral reciprocity approach held that all individuals should be considered the proper subjects of distributive justice, regardless of their states’ embeddedness in the global economy. I argued that such an approach was

more consistent with respect for the individual and would lead to a moral cosmopolitan view that, in practice, would mean advocacy of fulfilling all persons' self-development rights: access to resources and opportunities sufficient to enable them to form and pursue a robust life plan. Further, I argued that sufficient opportunities should be understood to include freer movement across borders to broaden the menu of life options available.

4 The cosmopolitan imperative

Introduction

If all individuals, regardless of their birthplace or citizenship, have rights to adequate resources and life opportunities, how are those rights to be fulfilled? The answer offered in this chapter is that such rights can most reliably be guaranteed through a strong institutional cosmopolitan approach to distributions. Recall that institutional cosmopolitanism advocates some restructuring of the global system to bring states under the authority of just supranational institutions, while moral cosmopolitanism is seen more as a doctrine to assess institutions and political practices. Moral cosmopolitans such as Beitz argue that there is no necessary link between the two approaches. A commitment to moral cosmopolitan principles does not commit one to advocating integration between states. Beitz offers the still-emerging global human rights regime as an example of how moral cosmopolitan principles can be applied independent of an institutional approach:

human rights doctrine does not prescribe any particular institutions (or set of institutions) for the world as a whole. Instead, it specifies minimum conditions that any institutions should satisfy. Accordingly, human rights doctrine does not rule out the possibility—indeed it trades on the hope—that its institutional requirements can be satisfied within a political structure containing nation-states more or less as we know them today.¹

I argue here that such a hope likely will be misplaced where the rights in question are economic rights corresponding to cosmopolitan distributions. Cross-border distributions will be much more likely in a global system that is significantly more economically and politically integrated than the current Westphalian system of sovereign states. The Westphalian system's structural features give rise to and reinforce powerful biases against the kinds of distributions that moral cosmopolitanism demands. The gradual creation of a more integrated, more democratically accountable global

system would help to encourage the view that much larger sets of persons have interests in common that should be protected and promoted in common. It would help to transform the perceived zero-sum character of trans-state distributions, and it would help to discourage defection from distributive schemes by individual states, whose citizens would have strong incentive to maintain privileged access to markets, low tariffs and the other benefits of economic integration. Ultimately, we should want to see all states embedded in regional organizations broadly similar to the European Union, where routine, tax-financed distributions are made to less affluent states or sub-state regions, and individuals are able to move across political boundaries in pursuit of educational, employment and other opportunities for self-development. We also should want to see, in the longer term, all regional organizations embedded in some form of democratic global government, in the service of ensuring the fulfillment of self-development rights for all persons, regardless of birthplace or citizenship.

Subsequent chapters address the specific kinds of governing institutions that could help to secure self-development rights. Here the concern is with making the initial case for institutional cosmopolitanism. I want to emphasize that the discussion here is not meant as an exercise in utopia building or purely ideal theory, but as a pragmatic inquiry into the normative underpinnings of the Westphalian states system. By interrogating the current system of sovereign states, we can identify ways in which it fails to serve large numbers of individuals according to plausible conceptions of human rights. I do not claim that moral concerns cannot be addressed at all within the system. Substantial amounts of food, medical and other aid are distributed daily to some of the world's poorest.² I argue, however, that hard questions continually will arise for the moral cosmopolitan in the states system, and that many reasonable rights claims, including those for self-development rights, are highly unlikely to be accommodated in that system.

The Westphalian system

We can begin with a description of the specific norms of sovereignty that have evolved in the Westphalian system. I do not presume that state sovereignty is or ever has been indivisible or absolute.³ I do presume, however, that states generally observe and especially claim sovereign rights, and that states' leaders retain considerable latitude to act domestically. Westphalia refers to the 1648 Treaty of Westphalia, which ended the Thirty Years War and marked the transition to a system in which state borders were viewed as impermeable and individual rulers as the final arbiters on matters within their own borders. Most commentators on the Westphalian system note two key features: internal and external sovereignty. To say a state is internally sovereign is to say its executive, judicial and legislative institutions have final authority over its own people. A

Native American reservation in the United States would be an example of a political entity that does not exercise supreme jurisdiction in its own territory, as would be the remaining colonies and overseas territories of the colonial states, and increasingly the member states of the European Union in certain aspects. External sovereignty refers to the independence of the state itself in the global system. Sovereign states are considered equal in the system, and they are the direct subjects of international law. An externally sovereign state can enter a treaty as an equal with other state signatories. It can press claims in the International Court of Justice or join an international organization such as the United Nations.

The UN, in fact, has done perhaps more than any other body to make explicit the norms of sovereignty in the Westphalian system, detailing them in its charter, resolutions and in documents produced by its agencies. For example, the sovereign equality of states, as expressed in the UN Charter and affirmed in UN Resolution 2625 of 1970, holds that “All states enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.”⁴ Embedded in sovereign equality are principles holding that each state’s territorial integrity and political independence are inviolable, and that each state has a duty to respect the legal personality of other states. That leads to a strongly worded prohibition on intervention in a state’s domestic affairs.⁵ Observance of the norm has been loosened recently in cases of large-scale human rights violations,⁶ but direct intervention by other states remains very much the exception, and states, or state leaders, retain considerable latitude to independently order their internal affairs.

Another key principle of sovereignty is that no state can be subjected to binding adjudication without its consent. This norm, also expressed in Resolution 2625, is significant in any discussion of entities such as the International Court of Justice, which has jurisdiction only when state parties agree to submit disputes to it, and in context of the recently created International Criminal Court, considered below. Finally, a principle that would fit more clearly in the category of internal sovereignty is that of exclusiveness, which holds that states have exclusive territorial jurisdiction over legislative, judicial and administrative functions. All these principles, taken together, comprise the framework of norms that broadly structures interactions between states in the Westphalian system. When we say that states are considered sovereign within the system, we refer to the principles of sovereign equality, territorial integrity, non-intervention, exclusiveness and consent to adjudication. States in the Westphalian system are considered externally equal and independent, and internally supreme. It is within this general system that the moral cosmopolitan, or any advocate of universal human rights, is obliged to work.

Sovereignty and universal rights

“Sovereignty,” Harold Laski famously proclaimed, “is incompatible with the interests of humanity.”⁷ My claim is more that sovereignty is in significant tension with humanity, or moral cosmopolitanism. In this section I offer examples of instances where rights fulfillment has been or could be frustrated because norms of sovereignty enable domestic elites to block outside scrutiny or action. Discussion of the examples is not meant to be construed as decisive. Rather, considering some specific ways in which prerogatives of sovereignty are used or have been misused will lead us toward an “ideal states system” that aims to correct abuses. Even in the ideal, I will argue, deep tensions would remain between norms of sovereignty and a moral cosmopolitan approach to distributions.

It is appropriate to begin here with the International Criminal Court (ICC). The ICC does not deal directly with questions of global distributive justice, but in structure and aims it is significantly similar to the narrowly mandated supranational legal institutions proposed by limited institutional cosmopolitans such as Pogge, who calls for “more world government,” but not a fully realized world state.⁸ The International Criminal Court “aims to prevent a set of crimes that, potentially and in fact, encompass the violation of fundamental human rights of large numbers of individuals. It thus forms one piece of the effort to achieve the global protection of human rights.”⁹ It attempts to achieve such protection through a global system containing more than 200 nation-states. Examining the specific limitations of the ICC, including the leeway states’ leaders retain to avoid prosecution, will point us toward more general difficulties with attempting to achieve moral cosmopolitan aims in a sovereign states system.

Backers of the ICC have enjoyed notable success in securing the participation of states, including briefly the United States, which more recently has been the court’s most vigorous opponent.¹⁰ The US became a signatory to the treaty on 31 December 2000, under the Clinton administration, but did not ratify the treaty. In 2002, the Bush administration formally withdrew over stated concerns that Americans could be targeted for malicious prosecution because of the country’s active role in world affairs. The US has since pursued bilateral agreements with numerous states exempting Americans from possible ICC prosecution for acts committed in those states. In July 2003, the Bush administration suspended \$48 million in aid to thirty-five countries that had failed to sign such agreements.

Despite the US opposition to it, more than ninety states have ratified the 1998 treaty establishing the court, and its principals were in place by late 2003, when newly installed chief Prosecutor Luis Moreno Ocampo of Argentina was studying the more than 600 complaints already filed to determine which to prosecute. More than 100 of those complaints were indeed filed against US forces in Iraq, but they were discarded without examination of merits.¹¹ Because neither Iraq nor the United States were

party to the ICC treaty, they could not be prosecuted under its terms. I do not suggest that US troops or other agents should have been prosecuted. The point to highlight is that by restricting prosecutions to those states that have actually ratified it, the treaty observes the Westphalian principle of external sovereignty that prescribes respect for the independent legal personalities of states, as well as the norm of non-intervention. Where appropriate, humanitarian intervention in states would still be possible of course, but prosecutions afterward presumably would not be conducted by the ICC.¹²

In addition to the ability of non-signatories to remain outside of the court's jurisdiction, the ICC treaty allows signatory states to declare themselves exempt for seven years from war crimes prosecution. And, the UN Security Council is empowered by the treaty to demand postponement of ICC prosecutions for renewable one-year periods.¹³ The ICC must also rely in significant ways on the cooperation of states in which individuals would be sought for prosecution. Prosecutors will have to depend in most cases on local law enforcement to arrest and detain those charged. They also will need the cooperation of local authorities to protect witnesses both before and after they give testimony against compatriots charged with genocide or war crimes.¹⁴ That is not to say that the ICC will not be able to achieve compliance in many cases from compatriots of those prosecuted. Pressure may be brought to bear through concerted force of international opinion, selective inducements or progressive sanctions, and internally weak states may turn to the court for help in pursuing powerful domestic aggressors. However, the points raised here should highlight sources of tension. The court is mandated to help protect the rights of all individuals, but states' leaders have considerable power, grounded in norms of sovereignty, to see that their citizens are not under the court's jurisdiction or to otherwise impede prosecution.

Similarly, the history of the larger United Nations organization can be read as a history of the tensions between the universal spirit that animates its charter and the Universal Declaration of Human Rights, and efforts by its state members to protect their autonomy and prerogatives of sovereignty. Examples run from the successful efforts of some states to expunge from the Universal Declaration a right to food,¹⁵ to the UN's being hobbled through the 1990s by the refusal of its largest obligor, the United States, to pay its dues because of the displeasure of some in the US Congress with specific policies.¹⁶ The UN throughout its history has struck an uneasy balance between its cosmopolitan spirit and its character as a state-based organization.¹⁷

Let us turn to tensions specific to international distributions. As noted, the leeway states' leaders have to order internal affairs in the Westphalian system can lead to the domestic direction of international aid away from those most in need.¹⁸ This is an important issue for the moral cosmopolitan, who would exhort individuals within affluent states, or their

governments, to significantly increase transfers. Because of the principles of sovereignty that generally are observed within the states system, the most basic subsistence rights of individuals within states may go unfulfilled, even when the international community makes significant resource transfers. That was the case in Bangladesh in the mid-1970s. Though the international community responded to calls for famine assistance in amounts exceeding \$1 billion per year, much of the aid failed to reach those most in need. Funds were diverted by the Bangladeshi regime to powerful urban interests and rural elites, while large numbers of the rural poor starved to death. Aid agencies did set increasingly stringent implementation requirements, but their means of ensuring compliance with the requirements were quite limited, or so blunt as to be considered too harmful, as in the case of withholding aid.¹⁹

Another, more recent, example may illustrate the tensions more starkly. In the Sudanese civil war during the late 1980s and early 1990s, both the regime and opposition forces denied international food aid to a large portion of the population for strategic military reasons.

In 1988 alone, more than 250,000 southern Sudanese died from starvation as the military leaders on both sides refused to allow food to reach civilian populations believed to be loyal to one side or the other. The greatest numbers of the dead were women, children and the elderly.²⁰

The regime, under strong pressure from the United States and other states, did agree in 1989 to allow food aid to reach its intended recipients. However, starvation tactics resumed the following year, as both sides prevented food aid from reaching the hungry and actually attacked relief planes and trains. In addition, regime leaders adopted the stance that there was no food crisis and refused to formally request aid from international agencies, effectively denying it to individual citizens.

The Bangladesh and Sudan cases are egregious examples of elites within states taking advantage of the prerogatives of external and internal sovereignty to either subvert beneficence-based aid to their own purposes or to perpetrate injustices on their own citizens. They offer clear cases where principles of sovereignty have been in tension with principles of human rights. Because of the widespread observance of norms of external sovereignty that prescribe mainly non-interference in the internal affairs of other states, the international community has only limited means by which to influence those affairs. Individuals within states do not, except on some issue areas in the European Union, have the ability to directly challenge the policies or actions of their states in a supranational forum where compliance with judgments is the norm. In most of the world, foreign aid may be targeted and, in some cases, sanctions applied, in attempts to ensure compliance or bring relief to those who most need it. But states'

leaders retain significant internal leeway with which to act, including in ways that may cause great harm to their citizens.

An ideal sovereign states system

Defenders of the Westphalian system could argue that such cases as Bangladesh and Sudan are outliers, or gross subversions, of the principles that give the sovereign states system its foundational moral significance. Especially in the Sudan case, they could say, the regime is not entitled to the protection offered by observance of the norms of sovereignty, because it has subverted the moral purpose of a sovereign states system. That purpose, broadly, is for a state to protect and promote the interests of its citizens. Michael Walzer, whom, as we have seen, is a staunch proponent of the view that states have intrinsic moral significance, would argue in favor of international intervention in cases “when the violations of human rights within a set of boundaries is so terrible that it makes talk of community or self-determination or ‘arduous struggle’ seem cynical and irrelevant, that is, in cases of enslavement or massacre.”²¹ It is important, then, to consider an ideal sovereign states system. If cases of citizen neglect or persecution are unacceptable subversions of the Westphalian system, then sovereignty may not be in essential tension with humanity, and the case for advocating strong institutional cosmopolitanism will be weakened.

We can return to the Charter of the United Nations, this time viewing it as a set of guidelines for constructing an ideal states system. Such a system would be comprised of separate but formally equal and sovereign nation-states, each non-aggressive toward the others, each attempting to ensure fulfillment of a robust package of economic and social rights for its citizens, and each attempting to realize absolute gains in welfare through cooperation and peaceful exchange. The foundation of such an ideal system would be the understanding, in the words of the Commission on Global Governance, that “Sovereignty ultimately derives from the people. It is a power to be exercised by, for, and on behalf of the people of a state.”²² In such a system, states, or the leaders of states, are assiduous stewards of their citizens’ interests. They are concerned with protecting and promoting the welfare of all of their citizens, and they are limited only by the level of resources at their command and their state’s overall level of economic and institutional development. Thus, sovereign states are viewed as collective benefit organizations, rather than mutual benefit organizations. They exist to protect and promote the rights and interests of all citizens, not just those who are able to make symmetrical contributions in a mutual benefit scheme. The prerogatives of sovereignty are tools to be used in the service of furthering the state project. Where, in such a model, would tensions arise between humanity and sovereignty, between the norms of Westphalia and the demands of moral cosmopolitanism?

Westphalian biases against cosmopolitan distributions

My answer focuses on three mutually reinforcing biases against cosmopolitan distributions that naturally arise within the Westphalian system. Even in the idealized version, these biases will be powerful inhibitors to achieving the kinds of international transfers necessary to secure self-development rights for those in less affluent states, and also to realize transfers at much lower levels. I will state the biases briefly, then consider what might be called the standard argument for global government, based on a global interest in ending warfare. Highlighting the differences between my argument for integration and the more common world government argument will help to frame a fuller discussion of the biases, and of the difficulties of attempting to secure global rights fulfillment in a sovereign states system.

The first bias arises from the normative foundations of Westphalia. Non-intervention, formal legal equality and other norms of sovereignty are grounded in a presumption that the state's primary role is to promote the interests of its own citizens. States or state leaders would be subverting their mandates if they distributed resources overseas at a level consistent with a plausible moral cosmopolitanism. Thus, there is a strong "foundational" bias toward tending primarily to the needs and interests of the citizen set. The second "electoral" bias is concerned with the ways in which states' leaders themselves have strong incentives to distribute resources to powerful internal constituents, rather than sending resources overseas. This bias is present in democratic and, with some modification, in hierarchical states. Finally, and more specific to sets of ordinary citizens, a kind of Lockean "own-case" bias is reinforced by the structure of the sovereign states system. Decisions about the appropriate level of overseas distributions are made by the donors themselves. Those in affluent states essentially are judges in their own cases about the appropriate levels of transfers they should make, and their perceptions of their own obligations may be skewed.

The most effective way to approach a fuller discussion of the biases will be to explain what sort of argument I am not attempting to make. That is, I do not contend that global distributive justice is a collective-action problem, or that states or state leaders *should* find it in their interest or mandates to make cosmopolitan distributions. Political thinkers dating back hundreds of years have argued that states actually should find it in their interest to integrate, regionally or at the global level, in order to eliminate the scourge of war.²³ The need has become especially urgent since the development of nuclear weapons, according to proponents of this "collective-action warfare" approach to world government. The approach generally presumes the kind of global background condition described in the realist paradigm in international relations. In realism, or more properly neorealism, states are said to be unified, rationally self-interested

actors operating in an anarchic, self-help system, as opposed to one marked by extensive and significant networks of interdependence. In the warfare approach, states are said to need a Hobbesian “power to keep them all in awe,”²⁴ i.e., a suprastate governing body capable of transforming a dangerous, anarchic system into a stable, highly ordered one. Even in an ideal sovereign states system, proponents likely would say, leaders’ interests in promoting the welfare of their own citizens could lead them into conflict over resources, territory or other issues. Therefore, states should find it in their interest to cede their warmaking powers to some larger body capable of effectively policing them all and enforcing a genuine international law. In Rousseau’s words, “The only thing we assume on their behalf is enough intelligence to see what is useful to themselves, and enough courage to achieve their own happiness.”²⁵

But in fact, if it is plausible to think that state leaders should find it in their self-interest to try to prevent warfare, it also should be plausible to think that they can cooperate to achieve some sort of inter-governmental solution to reducing stockpiles of nuclear weapons, etc., that would make the ostensible need for a world government far less pressing.²⁶ This is not to say that the states of the world have negotiated a peaceful end to their differences, that such an end is in sight, or that the warfare argument offers a fully accurate characterization of the global system and interactions between principal actors.²⁷ Rather, the claim is that, in the same way states are motivated to address global environmental and other joint concerns cooperatively, they should be motivated to try to overcome their collective action warfare problem through bilateral negotiations, the creation of specific multilateral institutions, or by a host of other means short of ceding sovereignty to a world state.²⁸

In keeping with the neorealist orientation of the warfare approach, we can turn to the prisoner’s dilemma for insights about cooperation among states. Two kinds are particularly salient here: a one-shot game and an iterated game with no defined end point, where players are allowed to communicate. In the one-shot game, defection is the dominant strategy. Self-interest leads a player to defect by squealing on a criminal partner to receive a lighter sentence. In the international arena, defection by a state could mean it steps up arms production in the hope of gaining the edge on a rival. If both prisoners follow the dominant strategy and defect by squealing, both will receive longer prison sentences than if they had maintained silence. If both states defect in the arms race version, then both continue diverting important resources to arms production and likely increase tensions and the chances of warfare, an outcome neither is presumed to want. However, in an iterated game with no predetermined end point, cooperation actually is the dominant strategy. A player who defects in one round can expect defection from the other player in the second round, and so on, leading to a series of less-favored outcomes. Players learn over time the value of cooperation, especially if they are able to

communicate with one another.²⁹ The generally iterative, open-ended and communicative nature of international relations makes it that much more plausible to argue that common problems may eventually be solved through inter-governmental coordination and cooperation, even if we do not fully accept the neorealist view of the international system.

But again, the self-interest argument is not so readily available to the moral cosmopolitan who wishes to extend distributions beyond state borders. Those in affluent states will not generally find it in their self-interest—or their considered moral duties, as the Lockean own-case bias discussion will show—to make the distributions required by moral cosmopolitanism. Let us consider more fully the first, foundational bias. In the Westphalian system, the interests of states are presumed to be bound to the interests of their own citizens. The interests of those citizens give states their moral standing and justify recognition by other states of norms of territorial integrity, non-intervention and internal sovereignty. The moral imperative on states' leaders in such a system is to promote the interests of their citizens. Thus, if leaders were to adopt a moral cosmopolitan approach to distributions and attempted to extend routine, high-level distributions to noncompatriots, they would be subverting their individual mandates. They would be neglecting the interests of their own citizens to tend to the perhaps more pressing needs or interests of the citizens of other states.³⁰ They also could be weakening the very foundations of their sovereign prerogatives. Recall Walzer's claim that leaders who subvert their mandates by tyrannizing their own people are not entitled to the non-intervention and other protections of a sovereign states' system. It could reasonably be asked whether leaders who are tending to overseas needs to the neglect of some of their own citizens' needs or concerns are likewise jeopardizing their entitlements to the prerogatives of sovereignty.

The second, electoral, bias focuses more directly on the personal incentives that state-level policymakers have to give more weight to the concerns of their own constituencies. Leaders in both democracies and more hierarchical regimes can be presumed to have an interest in staying in power, and more broadly in being able to implement their policy agendas. That interest reinforces the tendency for leaders to give more relative weight to the interests of those who determine whether they will achieve their aims. In democracies, a vital set of interests to be considered is that of the electorate, which determines at regular intervals whether leaders will be rewarded with continued incumbency, or with continued success for their party and broad policy interests.³¹ And, of course, the influence of powerful economic and other interest groups must also be considered. In more hierarchical regimes, the primary interests taken into account are those of powerful elites in government, industry, the military. In either case, resistance can be expected to proposals that would shrink the pool of resources available domestically through large-scale transfers overseas. Leaders of sovereign states, especially those outside of the European

Union who have no formal obligation to transfer resources in a supra-national arrangement, have powerful personal incentives to reject full cosmopolitan distributive demands, as well as much more limited demands.

Finally, and I think most importantly, we can identify a tendency for ordinary people to reject the demands of moral cosmopolitanism, even if they acknowledge some obligations to transfer internationally. The tendency can be traced in large part to a Lockean “own-case” bias reinforced by the sovereign states system.³² Individuals are encouraged by the formally observed norms of the Westphalian system to view themselves as members of discrete, independent citizen sets. This separateness or isolation from other citizen sets naturally promotes a bias toward tending to the needs or interests of the citizen set, a bias that is reinforced by mostly inward-looking systems of national public education, and of course systems of rule that halt at the state level.³³ Locke argued that one of the great difficulties of the state of nature was the tendency for even well-meaning individuals to take their own sides in a dispute, regardless of what the evidence might suggest to an impartial observer. The need for an impartial third party, or judge, was offered as a significant reason why individuals should eventually decide to leave the state of nature and form a civil union. Locke’s insight actually becomes more telling when applied to states, in which questions concerning the justice of cosmopolitan distributions may not even be raised or debated because those whose interests would be served are unlikely to be at the table.

Lockean own-case bias shares important characteristics with the “common-sense morality” discussed in Chapter 1.³⁴ Recall that common-sense morality is said by many non-cosmopolitans to arise naturally as the baseline morality within sovereign states. In fact, the reasons why it appears so widespread or natural may have much to do with the structure of the current states system and its tendency to reinforce economic and related nationalisms. In this context, we can consider the continuing failure of all but a few developed states to meet the UN target of transferring 0.7 percent, or 7 cents of every 10 dollars, in gross national income. In fact, official development aid, as opposed to military aid, from developed states has fallen in percentage terms, from 0.33 percent of combined GNI in 1985 to 0.23 percent in 2002.³⁵ Some specificity here will help underscore the point about just how much states may be willing to give in the current system. The United States transferred 0.13 percent of GNI for development aid in 2002, lowest among the 22 highly developed states tracked by the Organization for Economic Cooperation and Development. The US actually was first in overall development aid delivered, at nearly \$13.3 billion, which represented some 23 percent of the \$58.27 billion total for the affluent states. In descending order of contribution percentage, Denmark, Norway, Sweden, Netherlands and Luxembourg were the only states to meet the 0.7 percent goal, with Denmark transferring 0.96.

Among states with gross domestic products of at least \$1.4 trillion, none registered higher than France's 0.38 percent, or \$5.49 billion. The United Kingdom gave 0.31 percent, or \$4.92 billion; Germany 0.27 percent, or \$5.32 billion; Japan 0.23 percent, or \$9.28 billion; and Italy 0.20 percent, or \$2.33 billion.³⁶ The amounts may still seem impressive, but not all of the aid is targeted at regions needing it the most. In fact, in the case of the United States, less than half of development aid goes to low-income states, as opposed to strategically important middle-income states such as Egypt.³⁷ The aid that does reach low-income states is far below what would be sufficient to help many secure even minimal subsistence standards for all of their people, as UN Secretary General Kofi Annan and other non-state advocates for the global impoverished have emphasized.³⁸ Recall that the World Bank estimates it will take additional contributions of as much as \$60 billion per year from affluent states to only halve extreme global poverty and hunger by 2015. Prospects for the kinds of distributions that could achieve more robust human development—say for the \$300 billion per year that Pogge estimates his Global Resources Dividend could produce—would not appear bright. The structure of the Westphalian system helps to ensure that there is no impartial judge to settle questions of appropriate transfers, at least not one that can obtain firm compliance with decisions made. In most cases, debates over transfer levels are held exclusively among the potential donors, giving rise to a powerful form of own-case bias and significantly inhibiting movement toward more cosmopolitan distributions.

Some do argue that states should find it in their self-interest to make significant transfers. Pogge, for example, cites increasing threats of terrorism, epidemics, illegal drugs and unauthorized immigration from lesser-developed states as evidence that developed states should have compelling interests in aiding them.³⁹ Poverty and related ills in less affluent states do indeed have an impact on richer states. A plausible argument can be made that affluent states make some of their contributions from an enlightened self-interest in achieving a more stable and just international order. However, transfers at the level required by a moral cosmopolitan approach likely would far outweigh the benefits derived for citizens of the states making the transfers. In fact, affluent states typically have responded to the threats from less affluent states with increased enforcement and interdiction measures aimed at the specific threats, including through inter-governmental cooperation, rather than by primarily addressing the root causes.⁴⁰ Leaders of sovereign states are tasked with finding the most effective means of promoting and protecting their citizens' interests. Programs targeting specific threats to those interests are more cost effective, and therefore more clearly presentable as in the interest of the polity, than making the larger transfers and probably considerable sacrifices that would be necessary to address the threats at their roots. If targeted enforcement generally is adequate to protect the

citizens of an affluent state, then there will be little reason to make large-scale transfers.

The same general self-interest critique may be applied to the approach of the cosmopolitan democrats, who argue that trans-state democracy is needed because of the decreasing power of states to protect or promote the interests of their citizens in the face of economic globalization. I will view the cosmopolitan democrats' approach as one variant of limited institutional cosmopolitanism, probably the one falling closest on a continuum to strong institutional cosmopolitanism. The approach is nicely thumb-nailed in the following from David Held:

In a world of intensifying regional and global relations, with marked overlapping "communities of fate," democracy requires entrenchment in regional and global networks as well as in national and local polities. Without such a development, many of the most powerful regional and global forces will escape the democratic mechanisms of accountability, legitimacy and considered public intervention.⁴¹

Held and other cosmopolitan democrats do not advocate creating a full global government. But Held is clear that some institutions must be created or newly endowed with strong supranational capabilities to secure democratic rule for individuals within states in the face of increasingly powerful processes of economic globalization.⁴² Held's institutional prescriptions would include the creation of a new International Human Rights Court, compulsory state submission to the jurisdiction of the International Court of Justice, and the creation of an additional UN chamber where the interests of individuals as members of a global civil society, rather than as citizens of rivalrous sovereign states, would be represented.⁴³ Longer-term prescriptions include creating a global parliament connected to a network of regions, nations and localities and possessing some independent power to raise revenue; an interconnected global legal system, and a progressive transfer of states' coercive capabilities to regional and global institutions.

Many of Held's institutional prescriptions would be those of a plausible institutional cosmopolitan. My approach differs in that it does not presume that the pressures from the globalizing economy are sufficient to cause states' leaders to submit in the near term to the compulsory jurisdiction of the International Court of Justice, or cede some of their internal sovereignty to a UN chamber that would include their own citizens. Such broad changes may be possible in the much longer term, if states have become increasingly embedded in supranational organizations and gradually have come to address a broader range of issues in common. Chapter 7 explores possibilities for gradually realizing a global project of democratically accountable political and economic integration.

In sum, ethical particularism is foundational in the Westphalian system.

The norms of internal and external sovereignty observed by states are justified by reference to their role in protecting and promoting the interests of their own citizens. The perceived separateness of citizen sets helps to create and reinforce electoral and own-case biases against cosmopolitan distributions. Some significant transfers of food and other aid are made by states, but they are much smaller than the extension of routine distributions that would be demanded by moral cosmopolitanism. Hopes for broader distributions and improved life chances for the least affluent are frustrated at many turns in the current system.

An integrated alternative

If the Westphalian system impedes cosmopolitan distributions because it encourages an inward-looking stance, then a more integrated system should promote cosmopolitan ends. It should promote the view that much larger sets of persons have interests in common that should be protected and promoted in common. In a more integrated system, mechanisms for obtaining compliance with state distributive obligations also should be more varied and more effective. And democratically accountable integration should allow individuals within states to have more significant input on the policies that have impact on their lives at the state and supranational levels. Amartya Sen, among others, has made a compelling case that political rights, when their full exercise is allowed, are vital to securing economic rights.⁴⁴

We can turn to the European Union as a partial model for the integrated alternative. I say partial because union-wide democracy remains underdeveloped in many respects,⁴⁵ and it should not be presumed that the European template should or easily could be laid over the rest of the world. That said, the union is extremely significant as an example of a system in which the dynamics of regional economic and political integration have opened spaces for the promotion of more cosmopolitan distributive outcomes, as well as the securing of a narrow but robust package of individual rights recognized above the state. In the EU, trans-state distributions have been formalized through “structural fund” transfers aimed at stimulating development and lessening the impacts of integration, mainly within less affluent states.⁴⁶ Since 1993, additional “cohesion fund” distributions have been made to aid development in the historically least affluent EU states: Spain, Portugal, Greece and Ireland.⁴⁷ Accompanying this growth in distributions of resources has been increasing distribution of opportunities in the form of free movement, granted first to workers and gradually to all citizens of participating member states. Citizens have gained the right to live and work across the union, and to stand and vote in local and EU elections.⁴⁸ Citizens of member states also have gained independent legal standing and the right to challenge some actions of their states in the European Court of Justice. For example, a 1982 ruling found

British workplace gender-equality laws discriminatory and ordered them modified to comply with supranational law, despite the vigorous legal defense and protests of the British government. A later ruling resulted in the UK being forced to compensate women discharged from military service because of pregnancy, and the court has ruled a number of other times against the express wishes of member states.⁴⁹ That is not to say that the ECJ does not consider the impact on member states of its rulings,⁵⁰ or that the court, which has focused on cases related to trans-state economic activity, is designed to be a model defender of human rights or a cosmopolitan distributive scheme.⁵¹ However, the legal standing of individuals above their states, itself secured over time in the ECJ, has enabled individuals to contest and occasionally defeat unreasonable rejections of rights claims by their own states.

Overall, integration has helped to expand the set of persons whose interests are promoted in common in Europe. It has resulted in some significant transfers of material resources to less affluent member states, as well as transfers of broader opportunities to persons in those states. EU distributions of resources and opportunities are likely not at a level sufficient to satisfy moral cosmopolitanism. However, the person born into a poor region of the historically least-affluent EU states is less handicapped by starting point than in the past. In fact, a convergence has been documented among EU member-state economies. From 1986 to 1999, per capita gross domestic product in the four poorest states rose from 65 percent to 78 percent of the overall EU average.⁵² Convergence has not been uniform, and the least affluent substate regions, including overseas dependencies, continue to lag.⁵³ However, free movement opens a range of opportunities to individuals in the poorest regions, and significant distribution of resources from more affluent EU states continues to underwrite development in those regions. Similar distributions of resources and opportunities will be available to the citizens of the ten additional states that were approved in 2003 to accede to full EU membership in May 2004.⁵⁴ Unlike the isolated Pacific islanders, those in Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia can expect steadily increasing access to important life resources and opportunities because of their states' involvement in a supranational integration project that has made a commitment to development in all member states.

A more fully elaborated version of the integrated alternative is offered in the next chapter. The discussion here has been intended to give insight into the concrete features of an existing supranational system where a more cosmopolitan approach to distributions has emerged. In such systems, broader polities are created, helping to reinforce an understanding that the interests of broader sets of persons should be promoted in common. Some of the tensions identified between sovereignty and humanity are significantly lessened over time. This brings us back to the central

claim of this chapter, that the moral cosmopolitan also should advocate institutional cosmopolitanism. Because of the inherent tension between the Westphalian system and universal rights fulfillment, the cosmopolitan should advocate progressive, democratically accountable integration, on the way to establishing a global system in which the self-development rights of all persons will be fulfilled. That is the “cosmopolitan imperative” of the chapter title. Of course, the imperative or obligation to advocate integration is not limited to cosmopolitan political theorists. In the final section, I discuss how all of us can approach the fulfillment of obligations that correspond to self-development rights,

An obligation to create just institutions

The argument for an institutional cosmopolitan approach to securing self-development rights is informed by a broader, ongoing discussion about how we can speak comprehensibly about any universal economic rights. Critics of such rights concepts charge that they are not comprehensible because of difficulties in determining the assignment of universal, or imperfect obligations.⁵⁵ If I have a right to be fed, they ask, which specific person has an obligation to feed me? If a donor is not presumed to be matched to a specific recipient, the donor ostensibly would find herself with duties to all persons in the world, facing a bottomless pit of obligation. However, an approach that views universal duties as appropriately discharged through institutions can answer the objection in two ways. First, institutions help to convert general, imperfect obligations into perfect and directly assignable ones. Each person can assume a duty to help create institutions or contribute to the maintenance of existing ones that are empowered to secure individual rights. Second, an institutional approach promotes contribution on fair terms, helping to eliminate the need to impose heroic or untenable sacrifices on any one person or group.

Consider how an institutional approach is commonly adopted in the fulfillment of such rights as physical security. All are said to have a right to be secure in their physical persons, but it is not plausible to hold individuals singly responsible for ensuring the safety of others. Not all of us are equipped to serve as law enforcement officers or to otherwise take part in physically imposing order. However, we can be held responsible and assume easily assignable duties as members of a community. We can contribute to the law enforcement and legal institutions that help to ensure that all are more secure in their persons and property.⁵⁶ As Nussbaum observes:

Any political and legal order that is going to protect people against torture, rape and cruelty will need material support. There will need to be lawyers, courts, police, other administrative officers, and these will need to be supported, presumably, by a system of taxation.⁵⁷

Similarly, we can contribute to the creation and maintenance of institutions capable of securing self-development rights over progressively larger geographic areas. Now, it might be argued that the two cases should not be compared because physical security is a negative right—a right to be left alone—whereas a right to self-development is a positive right whose fulfillment requires specific actions or contributions from others. However, the distinction breaks down when we give due emphasis to the fact that neither set of rights can be protected without contributions to institutions. In both cases, there are “positive duties” to contribute to institutions that can promote the recognition and protection of key rights for broad sets of persons. Overall, institutions help to make universal obligations comprehensible and assignable to specific individuals, and an institutional approach can help to better ensure that our attempts to fulfill universal rights obligations will have the intended effects.

An institutional approach also provides greater relief from potentially stringent distributive demands. Recall that critics of simple utilitarianism argued that so much could be demanded of donors in affluent states that they would be unable to focus on their core life projects. If we view obligations as properly discharged through institutions, the force of that critique diminishes. Not only will it be more likely that the universal rights in question will be fulfilled, but if the institutions have sufficiently broad reach and compliance capacity, donors will not be expected to give to the point of exhaustion. They will find themselves more able to develop and pursue their core projects.⁵⁸ As Thomas Nagel notes, “That is why charity has been largely superseded in domestic political arrangements, at least for the most basic requirements of life, by various schemes of redistributive taxation, public benefits, and mandatory social insurance.”⁵⁹ Domestic institutional distribution has removed the need for constant weighing of obligations to compatriots, who are generally presumed to be protected by the welfare state. Exhortations to give charity remain common, but they are most often not aimed at the basic social welfare infrastructure. If broader obligations similarly were fulfilled through a supranational institutional scheme, the burden on any one group of donors would not be so great.⁶⁰ Such a scheme still would be likely to require transfers at a higher level than a strictly domestic scheme, but an institutional approach should help to ease many concerns about demandingness or a need for moral heroism.

Besides the ways in which an institutional approach answers concerns about the assignment of duties and moral heroism, it also helps to reinforce that the fulfillment of universal rights is a question of justice, rather than beneficence or charity. An exhortation to charity may result in beneficial transfers of wealth, but it generally does not lead to the reform of institutional structures that may be contributing to the problems that make charitable transfers necessary. Recall Martin Luther King’s declaration that “an edifice which produces beggars needs restructuring.” Pogge offers

a powerful argument in a related context, noting that the injustice of slavery itself would not have been abolished by a program of buying and freeing individual slaves. The institutional causes of the injustice had to be addressed.⁶¹ In general, a beneficence approach not only allows the holders of resources to determine when an appropriate amount has been given, as in the Lockean own-case bias discussion, but it may do little to effect significant change in a global system that consistently has produced absolute deprivation on a massive scale.

Finally, an emphasis on institutional transformation, rather than on individual contributions, can highlight important questions about harm. Unless we give scrutiny to systems of property rights, economic rules and distributive schemes broadly construed, we may find ourselves participating in unjust institutional schemes and thus daily committing injustices, even though we may be doing no more than pursuing a career and helping to provide for a family.⁶² Pogge has long argued for a strong negative duty against contributing to unjust institutional schemes. The emphasis in his work on how individuals may unintentionally cause harm through participation in an institutional framework is important both analytically and rhetorically. It is important analytically because it helps draw attention to ways in which the global economic playing field is not level and individuals in economically complex and powerful states can exercise important, even if not wholly intended, influence over those in less affluent states. Rhetorically, an emphasis on duties not to harm helps to add a sense of urgency to rights claims. The emphasis helps to ensure that we view ourselves as “causally and morally, intimately involved in the fate of the poor.”⁶³ We may be contributing to a system which continues to produce great inequalities in part because of its structural features, including a general restriction of immigration and the lack of a global redistributive mechanism. We may be contributing to moral wrongs even if we are not directly engaged in acts considered morally wrong.

In sum, a focus on institutions demonstrates how imperfect duties may be transformed into perfect and assignable ones, and how individuals can discharge their duties by helping to transform existing institutions or create new ones capable of ensuring rights fulfillment. Such an approach would not only help to secure rights, but it would allow individual donors some respite by routinizing transfers and ensuring more full compliance. I will note that I have not directly addressed the duties that the absolutely impoverished have to contribute to the improvement of their own circumstances and the similarly situated worldwide. That issue deserves development, since it raises important concerns about avoiding paternalism. Here, I will suggest that the most effective way to avoid oppressive policies in an integrating system will be to emphasize that those in less affluent states should be viewed not as the subjects of charity but as global co-citizens, engaged in a joint project of addressing problems common to an evolving global society. The structure of the integrated alternative, where broader

sets of interests gradually come to be viewed as appropriately protected in common, should help to promote a co-citizen view.

Conclusion

In this chapter I have argued that the moral cosmopolitan also should advocate strong institutional cosmopolitanism. I discussed how the Westphalian framework gives rise to powerful, mutually reinforcing biases within states that inhibit cosmopolitan distributions. In a more economically and politically integrated system, where broader polities were created, the interests of more persons would be jointly promoted, and the chances for fulfillment of self-development rights greatly increased. The European Union offered concrete examples of ways in which integration has increased trans-state distribution of resources, freed the movement of persons across borders, and generally helped to improve the life chances of those born into less affluent member states. I argued that all persons have a duty to contribute to similar positive changes elsewhere. Specifically, we should view our duties as ones to promote institutional transformation, or the creation of new institutions, in order to better secure self-development rights. The fully elaborated claim is that all have a duty to promote just, democratically accountable economic and political integration among states, in the interest of ensuring that all persons will have access to resources and opportunities sufficient to form and pursue a robust life plan. That is the cosmopolitan imperative.

5 Democratic distance

Introduction

If some form of democratic global government capable of securing self-development rights for all persons should be considered as a long-term aim, then objections to it also must be considered. I want to emphasize that, even if it does not seem possible that a global government could be created, however long the time horizon, discussion of the objections is important, because any objection against global government proposals likely will have some force against proposals for less extensive sets of supranational institutions, including even those to make NAFTA look more like the European Union in the near term.¹ So once again, the exercise here should not be viewed as one of purely ideal theory or utopia building, but as an exploration of some significant issues related to the advocacy of economic and political integration between states.

The chapter is structured as follows: first, I provide context for the objections with a brief review of world government proposals, emphasizing the world state “heyday” of the 1940s. Then I outline what is meant by a democratic, multi-level global government, with emphasis on principles of supremacy and subsidiarity. Following that, I consider an objection holding that a world government would simply be too large for democratic rule, and I discuss how that and related objections should influence our understanding of the appropriate forms for integration, from the regional to the global.

The world state ideal

As earlier noted, world government, or the related concept of world citizenship, can be traced to the writings of the Stoics some 2,500 years ago. Diogenes, the contemporary of Aristotle who declared himself a citizen of the world, is often credited with coining the term *kosmopolites*, “citizen of the cosmos,” from which cosmopolitan is derived.² Aristotle himself may have been the author of a letter to Alexander supporting the creation of a global polis.³ The letter’s authorship has been questioned, but Dante

Alighieri notes his debt to Aristotle several times in *De Monarchia*, where he presents his own argument that “universal peace is the most excellent means of securing our happiness,” and that such a peace can be best achieved through universal monarchy.⁴ The ancient Hindu and Chinese traditions address both the world state and world citizenship. In China, fifth-century BCE philosopher Mozi, is reported to have said, when asked the way to “universal love and mutual benefit,” that it was “to regard other people’s countries as one’s own.”⁵ More recently, in the nineteenth century, world unity was espoused outside the West by such prominent figures as Persian prophet Baha u llah, founder of the Bahai faith; by Japanese constitutional lawyer Azusa Ono, and Chinese scholar K’ang Yu-wei.⁶ But the concept has had its fullest airing in the Western tradition, where scholars or proponents of the world state or world citizenship have included Pierre Dubois, Erasmus, Duc de Sully, Emeric Cruce, William Penn, Abbé de Saint-Pierre, Jeremy Bentham⁷ and Kant. Below, I consider Kant’s specific argument against the institution of a single global state.

In the first half of the twentieth century, the most prominent advocate of the world state was the novelist and social critic, H.G. Wells.⁸ His thought informed much of the work on world government that appeared following World War II, when the ideal enjoyed an unprecedented popularity. The heyday of the world state, which lasted roughly from 1944 to 1950, came in part because of the devastation caused by the war, and in part because of the terrible new dangers of nuclear weapons, as noted in the previous chapter. World federation proposals were surprisingly common during this time.⁹ Even US President Harry Truman, speaking to a university audience in Kansas City in 1945, said, “It will be just as easy for nations to get along in a republic of the world as it is for us to get along in the republic of the United States.”¹⁰ In 1946, some 23,000 reader groups were formed to discuss Emery Reves’ world government argument in *The Anatomy of Peace*. The book appeared in condensed form in two issues of *Reader’s Digest*, which organized the groups.¹¹ Perhaps the most striking evidence of the popular currency of world government during the heyday is that, in late 1949 and early 1950, the US Senate Subcommittee on Foreign Relations was considering no fewer than eight proposals on world or regional federation. In the same time period, 19 US senators and 120 representatives backed a resolution stating that a fundamental objective of US foreign policy should be the transformation of the United Nations into “a world federation open to all nations with defined and limited powers adequate to preserve peace and prevent aggression through the enactment, interpretation, and enforcement of world law.”¹² As Yale political scientist Percy Corbett observed in 1950:

What is unique today is the careful attention being given to world government and other plans for large-scale political union even in the

highest governmental circles here and abroad. In recent years this movement for world federation has spread with gathering force to the far corners of the earth. What was once the dream of poets and philosophers has become a serious factor in politics—something to be reckoned with by those who formulate and execute foreign policy.¹³

It also was during the heyday that Albert Einstein made his oft-quoted statement that he would rather face the risks of global tyranny under a world state than global nuclear war in a world of competing states. Einstein helped establish the Emergency Committee of Atomic Scientists, whose members staged a vigorous public campaign for world government as the only effective means of eliminating the potential horrors of nuclear weapons.¹⁴ Similarly, Bertrand Russell argued for a world federation of states to control the nuclear threat. Russell's federation would have been comprised of an essentially new set of states whose borders would have been redrawn to make all states roughly equal in population. Each would have been able to exercise most of the current prerogatives of internal sovereignty, but they would have been required to submit external disputes to a restructured and much stronger United Nations.¹⁵

The end of the world state heyday came with the advent of the Cold War, the "Red Scare" in the United States and the dangers faced by any individual whose beliefs could be construed as less than patriotic.¹⁶ Some proponents of a world state scaled back their plans to an "Atlantic Union" of the United States and European democracies,¹⁷ while others distanced themselves from the supranational altogether. Interestingly, some of the backlash to the world federation movement of the heyday parallels criticisms today of organizations such as the World Trade Organization. Consider this excerpt from a February 1950 editorial in the *San Francisco Examiner*:

World government would enable foreign countries to write our laws, commandeer our defenses, tax or confiscate our resources and try our citizens before alien tribunals. . . . To elevate another flag beside our own would be only the first step toward repealing the Declaration of Independence and nullifying the Constitution of the United States.¹⁸

Popular support for the concept of world government has not since approached anything like the levels of the late 1940s, though it still does have some surprisingly prominent supporters, including venerated US television newscaster Walter Cronkite.¹⁹ In academic circles the concept of a full world state has served recently as mainly a utopian or "idealist" foil for neorealist scholars of international relations. Some political theorists and international legal scholars in the 1960s and 1970s did give the concept serious attention and worked out elaborate models of world government,²⁰ but their work was relegated mainly to the fringes of the disciplines.²¹ As

noted, the tendency for economic globalization to erode some aspects of local democratic control has prompted some scholars recently to advocate the creation of relatively limited global parliaments or otherwise call for some dispersal of sovereignty, though not a full global government.²² Others have begun to criticize the lack of serious discussion about some form of global government as a possible outcome of current global economic integration.²³ However, in current mainstream political theory and international relations, the fully realized world state generally is dismissed without much discussion.

One of the primary aims in addressing specific objections in this and the next chapter is to demonstrate that the reasons in favor of maintaining the Westphalian status quo, or of moving to a limited supranational scheme, are less compelling than those in favor of creating a global scheme with the potential to much better secure universal rights. In other words, the discussion is aimed at demonstrating that global government would be desirable as a long-term institutional goal. The aim of Chapter 7 is to show that the gradual creation of some form of global government is feasible in the long term, and that a similarly structured democratically accountable integration is feasible on a more limited scale in the nearer term.

The democratic distance objection

This objection holds that the enormous scale of a single global government would render representation and other aspects of democracy hopelessly problematic. Like so much that is salient to cosmopolitan theory, it can be traced to Kant, who argued that his proposed confederation of states to promote global peace would be rationally preferable to joining all states under one power, because “laws lose more and more of their effectiveness as the government increases in size, and the resulting soulless despotism is plunged into anarchy after having exterminated all the germs of the good.”²⁴ Many critics since have emphasized the soul-less despotism aspect of Kant’s argument, asserting that representation in a global state would be so diluted as to be practically meaningless, giving globally promulgated laws and policies the quality of uncontestable edicts from afar and above. Critics also usually presume, with Kant, that power in a global government would be concentrated at the top, and legislators would be called on to represent vast numbers of people, with predictably poor responsiveness to their constituents’ interests or understanding of their policy needs. As Michael Doyle argues:

If the maximum effective size of a legislature is about 500, a global constituency would have to be of the order of 8 million persons. . . . Since modern states may already be too large for effectively liberal politics, global government cannot be a liberal aim.²⁵

The democratic distance, or size, objection raises important points about democratic representation and accountability that should be considered by any advocate of global government or smaller integration projects, and it should help to shape the kinds of institutions proposed. I do not believe it is a decisive objection against global government in general, because of the ways in which intermediary democratic bodies can help to ensure robust representation and accountability, as well as some ways in which substate groups can actually achieve more robust representation of their interests in a supranational organization.

The integrated alternative elaborated

To begin to address the democratic distance objection, I will offer a more detailed sketch of what could be considered a *democratic* global government. I will lean toward specificity, one informed by the distance objection, by principles common to constitutional liberal democracies, and by current and evolving institutional practice in the European Union. First, we can presume that limits on a democratic supranational government would be enshrined in binding documents, either in a written constitution or in an evolving corpus of treaties and judgments by supranational courts. The European Union, after some fifty years of supranational integration in the latter mode, moved in 2002 to create a single, binding document. By July 2003, the Convention on the Future of the European Union had produced a full draft, which needed ratification from the fifteen existing and ten acceding member states.²⁶ As in the EU draft document, which proclaimed a commitment to the “values of respect for human dignity, democracy, equality, the rule of law and respect for human rights,”²⁷ we can presume that the common civil and political rights of individuals promoted in liberal democracies would be codified, including voting and being able to run for office, exercising freedom of expression, assembly and association. In contrast to EU practice, I will presume that supranational parliamentary bodies, as the direct representatives of the people, ultimately would have primary or at least coequal policy making responsibility with other governing branches. The European Parliament has been gaining in powers and may eventually have coequal powers, but at present it is a junior partner in policymaking. As in the EU, individual citizens of all member states could be expected to have the right to directly challenge rulings or policies of lower bodies to higher bodies, including challenging the actions of nation-states in supranational courts.

The global system could be composed of partially sovereign, semi-autonomous units. I say units because, in the context of a more integrated system, we need not think only in terms of states and regional organizations composed of states. Substate regions and municipalities likely would have an important role to play, as they increasingly do in Europe. Above regions could be historic states, and above states, democratic

supranational regional organizations. Above supranational regional organizations would be the global governing bodies, with representatives elected and public servants drawn from all regions. As in the EU, vertical governance could be complemented by horizontal networks or webs of authority and representation that include inter-governmental coordinating bodies, associations of substate governments and other actors, and issue-specific governance initiatives involving government and non-governmental organizations.²⁸

We can view relations between all vertical levels as guided by principles of supremacy and subsidiarity. Supremacy refers to the binding nature of the laws, judgments and policies produced by successively higher levels of government. In general terms, supremacy is necessary to help ensure that the fundamental rights of individuals within states and other governing units are respected, as well as to ensure adequate governing capacity at the higher levels. It has been established in European integration through a series of cases in the European Court of Justice.

Clearly the principle is vital if the EU is to function properly, since if member states had the power to annul EU law by adopting or giving precedence to national law, then there could be no uniform or consistent EU legal order: states could apply national law when EU law was distasteful or inconvenient to them.²⁹

Supremacy is balanced by a principle of subsidiarity, which dictates that issues should be addressed and policy set at the lowest appropriate level.³⁰ Subsidiarity was formally enshrined in the EU in 1993, and in the 1999 Amsterdam Treaty the principle was clarified in a way that is significant here. That treaty states that a supranational EU institution must demonstrate that action above the member states is required on any specific issue. The institution or agency can argue that the specific act of governance should be shifted upward to realize benefits of scale, or that the issue is beyond the effective control of individual member states. Such a requirement in the global context could mean that lower governing bodies would lodge a formal jurisdictional challenge against higher bodies, which could significantly address concerns about a soul-less, despotic world state unilaterally imposing its legislative will from the center upon a far-flung polity. Supremacy of the highest bodies would obtain in those areas where its necessity could be demonstrated, for example, trans-state pollution or regulation of the global trade and finance infrastructure. Subsidiarity could give democratic polities at all levels the ability to contest unreasonable actions by higher bodies:

The principle seems to reflect the same normative ideals as democracy: policies must be controlled by those affected, to ensure that institutions and laws reflect the interests of individuals under

conditions where all count as equals. Only when these considerations counsel joint action is central authority warranted.³¹

In addition, even when central authority is warranted, there is nothing inherent in multi-level governance requiring that the higher authority must dictate the means used by sub-units to achieve broader goals.³² Local authorities would be able to employ the policy means most likely to be effective in their regions, consistent with achieving the broader policy goals.

We can assume that there would be a global executive branch of some form, in addition to a judicial branch and parliament. However, I believe we should resist any urge to try to give a blueprint detailing the full role of an executive-branch presiding officer or commission, electoral procedures for members of parliament, the number and tenure of justices on a high court, etc. We can be open to diverse specific shapes that institutions might take and practices they might adopt in an ongoing, evolutionary process of integration. What can be expected and demanded of all bodies is that they observe respect for core civil, political and economic rights, that they include mechanisms for transparency and accountability, and that there be some effective balance of power between institutions, as well as strong forms of accountability from leadership to citizens. In sum, the model that has begun to emerge is of a multi-level constitutional system of representative democratic government. Laws, rules and judgments made at the highest level are binding, according to a principle of supremacy. Relations between governing bodies are guided by a principle of subsidiarity, where policy set above may be challenged on grounds that it would be more effectively or appropriately or efficiently set at a lower level. Individuals have formal legal standing to directly challenge governing bodies, allowing them to contest possibly unreasonable actions by policymakers and governing agencies at all levels. What in this model might be objectionable in terms of democratic distance?

Citizen efficacy and substate groups

First, the critic might say that even if intermediary bodies did help to keep democratic institutions as close and accountable to citizens as possible, individuals would have to have some dealings with the highest-level institutions, and they undoubtedly would feel powerless to contest decisions made at those levels, besides feeling alienated by the enormous scale of democracy and representation. Robert Dahl, for example, has recently expressed doubts about the possibility for genuinely democratic trans-state rule, saying that the opportunities for citizens to give meaningful input, especially at the global level, would be extremely limited.³³ However, as Michael Doyle notes above, some democratic states already are enormous. Dahl would suggest that the European Union, at a post-expansion popu-

lation approaching 400 million, is too large for effective democracy. But then, what can be said for the continuing democratic prospects of a state such as India, with its demos of already more than a billion?

In fact, on key issues such as perceptions of citizen efficacy, Dahl's earlier work, among other studies, suggests that there is little correlation with perceived efficacy and the size of a democratic state. Citizens do tend to believe that their effectiveness, or their overall ability to press claims, is much stronger at the local than the national level. But the citizens of small democracies such as the Netherlands do not feel significantly more effective in their dealings with their own national government than do citizens of a large democracy such as the United States. Instead, factors including the level of education in a state, the democratic or non-democratic nature of its political institutions and political culture, appear to have a much greater influence on how citizens expect to be treated by national government bureaucrats and how effective they believe they will be in achieving their aims.³⁴ In *Size and Democracy*, which stands as the most comprehensive exploration of issues related to democratic distance, Dahl and Edward Tufte argue that robust democracy needs both very large and very small units. Small units enhance the effectiveness of individual citizens in pressing their interests, while large ones are more likely to have the governing capacity to achieve aims important to citizens.³⁵ Small units do have apparent advantages: they tend to be correlated with higher voter turnout and some other kinds of civic involvement.³⁶ But the kind of multi-level system under discussion here could help to address concerns about both democratic distance and governing capacity. It would increase capacity at the supranational level while devolving some policymaking powers to lower levels, guided by a principle of subsidiarity. It would have the ability to address concerns about large problems such as transnational pollution, crime and human rights, while also keeping governing processes as close as possible to the individual.³⁷

In the European Union, substate entities have acquired some noteworthy voice and influence above their respective states, especially with the operational launch of the Committee of the Regions in 1994. The committee, according to its own biographical description, was created out of "concerns that the public was being left behind as the EU steamed ahead. Involving the elected level of government closest to the citizens was one way of closing the gap."³⁸ Before the accession of the ten new EU states it had 222 members, with plans for accommodating up to 350 after accession. Members represent regions, cities and municipal areas in the committee, which meets five times per year as a quasi-parliamentary body. The committee is still largely seen as underdeveloped in its representative capacity, since it has only advisory powers in relation to the main EU institutions.³⁹ But its indirect powers to influence European Commission legislation have been expanding through consultation requirements. In addition, more than 150 substate regional and local governments now maintain offices in

Brussels, where their staff members lobby at the supranational level and gather and share information with one another.⁴⁰ Some powers to allocate structural funds and set local policy also have been transferred to regions by member states. For Hooghe and Marks, such developments are indicators of a significant dispersal of authority taking place in the EU, one that has given mayors, municipal and sub-state regional leaders increasing leverage in pressing the interests of their own constituents.

Subnational governments are no longer constrained to dyadic political relations with national state actors. They have direct access to the European Commission, they mobilize directly in Brussels, they are formally represented in a European assembly, they interact with each other across national borders, and some participate in the Council of Ministers. This multiplication of channels for subnational mobilization is part of a broader transformation in the European Union ... from state-centric to multi-level governance.⁴¹

The devolution of some important distributive and administrative tasks to substate regions, as well as participation by various local governments at the supranational level, is key. It helps to suggest that when politics and local governing units are embedded in supranational institutions, they can have more, not less, democratic voice and autonomy. Multi-level governance could operate in a similar way on a much larger scale, helping to provide more avenues for pressing key rights and representing interests.

It might be objected that, while the integration of Europe has opened possibilities for more vigorous local representation, as well as giving individuals some formal standing above the state, it also has made them vulnerable to rights violations originating at the supranational level. Two responses can be made. First, as the discussion above indicates, we need not presume that all laws and regulations must be issued as edicts from above in a supranational system. Observance of a principle of subsidiarity helps to check tendencies toward inappropriate or unjust interference from supranational policymakers.⁴² Second, it is actually more likely that individual rights protection will be greater the more avenues of appeal individuals have, especially if they are members of an ethnic, national or other minority within a state or substate region. An oft-cited example is the civil rights struggle of African-Americans in the American South during the early and middle parts of the twentieth century. A courageous and dynamic social and legal movement gradually led to the recognition of core rights for African-Americans at the federal level, and it was higher-level authorities who finally ensured that those rights would be guaranteed, against the resistance of many authorities and stakeholders in the segregated society at lower levels.⁴³ Of course, there can be no ultimate guarantee that a supranational judicial or other institution will not overstep its bounds or make an egregious mistake in the case of an individual

or group, any more than there is such a guarantee against abuses within a state. However, the expansion of democratic rule above the state can provide significant pressures for the maintenance of democratic rule within states, in addition to providing more formal avenues for individuals to challenge policies and actions by the agents of government.

Majority tyranny and trans-state factions

Those lodging the democratic distance objection also could be expected to raise more general concerns about tyranny of the majority in a global government. They might fear that powerful factions would be able to impose an oppressive majority will on the global polity, excluding the minority from fair policy consideration. These kinds of concerns give us reason to look more closely at the beneficial role that horizontal trans-state factions could play. We can gain insight into the importance of such factions by looking first at the role of ideological and affinity groups striving for power and control in the domestic arena. In James Madison's account in *Federalist 10*, factions were declared both lamentable and inevitable. It would be impossible to remove the causes of factions, Madison said, unless individual liberties were undermined or all citizens could somehow be given the same opinions on all issues. The cures, of course, appeared far worse than the disease. Instead, Madison proposed that the cure for factions would be more factions, or an active network of civil society groups engaged in open democratic competition. The more subsidiary groups into which a society is split, the more robust that society's democracy will be and the less prone to majority tyranny. The "virtue" of the tendency toward factions grows with the size of a democracy. The larger the polity, the greater its diversity of ideological and affinity groups, and the less damage extreme factions generally can cause.⁴⁴ In a large trans-state democracy, the presence of many trans-state factions should help lessen the chances of plain majority tyranny, as well as possible tensions between states, sub-state and supra-state governing bodies. We could expect to see formation of myriad kinds of trans-state factions, from sub-state governing bodies in formal associations and networks of cooperation, to factions comprised of labor, environmental, business and other interest groups. In fact, in the European Union, the full list of business, non-governmental and other trans-state actors routinely pressing their interests in Brussels tops 3,000, and many have Europe-wide membership.⁴⁵ Political parties, whose members do sit by party rather than national affiliation in the European Parliament, also are contributing to a healthy pluralism and are expected by many to increase in their representative and informal powers as the European Parliament continues to grow in power.⁴⁶ Finally, the many sub-state governmental actors noted above can be viewed also as trans-state factions, especially in the roles they play as members of horizontal associations pressing common

interests. Examples include the Association of European Frontier Regions, the Association of European Regions of Industrial Technology, and the Four Motors of Europe.⁴⁷

Similar trans-state factions can be expected to play important roles in a global democracy. International non-governmental organizations, or INGOs, defined as private, voluntaristic organizations operating in at least two states, already have developed vast trans-state networks of individuals and groups. The number of INGOs worldwide has grown from 1,255 in 1960 to some 28,775, with about 75 percent of those operating at the trans-state regional level and more than 7 percent classified as fully global in scope.⁴⁸ The largest, Amnesty International, claims a membership and donor list of more than one million in some 7,800 chapters across more than 100 states and territories.⁴⁹ It has exerted significant influence in scores of cases involving politically-motivated imprisonment and other rights abuses. Human Rights Watch and many other groups have become powerful players in lobbying states and mobilizing individuals across borders. INGOs have increased their lobbying visibility through recent fora held alongside major UN gatherings. Also notable in recent years have been the mass protests against the perceived agents of economic globalization—the World Trade Organization, International Monetary Fund, the proposed Free Trade Area of the Americas.⁵⁰ The anti-globalization movement so quickly gained in size and visibility in large part because of widespread perceptions of a severe global democratic deficit. The movement offers insights into the way factions could operate in a global democracy, forming joint lobbying fronts to press for change from supranational institutions, and contributing to a climate of “healthy competition” across states and in supranational organizations at the regional and global level. Some scholars have suggested that INGOs and other actors below the state already are providing a “functional equivalent” to democracy in the global system by lobbying states and inter-governmental organizations, and otherwise transmitting the preferences of individuals within states.⁵¹ In Chapter 7, I work to reinforce the crucial roles that trans-state actors in civil society can play in promoting the integrated alternative. The discussion here highlights ways in which trans-state factions can promote a beneficial democratic pluralism across boundaries in a supranational project, lessening the chances for an overwhelmingly powerful faction to arise or exercise undue influence.

Tyranny of the impoverished global majority

Some still might fear that a distinct kind of majority tyranny would emerge in a global democracy that no amount of healthy factional competition could avert. They might expect that individuals in poorer states, whose numbers would far outstrip those in affluent states, would form a trans-state coalition able to impose its will on the rest of the world. The poor

could become a majority, pressing demands so steep as to ruin affluent states or, more likely, to imperil any chance of maintaining a trans-state democratic union. Similar fears influenced the design of the United Nations, specifically the granting of permanent Security Council membership and vetoes to the five most powerful nation-states at the time of its founding: the United States, the former Soviet Union, Britain, France and China. Majority tyranny fears were increasingly expressed in the UN after widespread decolonization in the 1960s, when membership of less-developed states grew until they were able to exercise a consistent majority in the General Assembly. In 1974, the "Group of 77" less-developed states used their numbers to press demands for a New International Economic Order. The new order, informed by dependency theory, included changes favoring less affluent states in interest rates, shipping costs, insurance and influence in the International Monetary Fund and the World Bank. The initiative was strenuously resisted by the United States, the Soviet Union and other more developed states, and by the mid-1980s it had been effectively defeated. More recently, less developed states have pressed for strong UN recognition of a right to development in the International Bill of Human Rights. This also has been resisted by the United States, among other affluent states.⁵²

How should fears about a majority tyranny of the less affluent inform an institutional scheme for global democracy? I will suggest, first, that there is little reason to believe that demands by the leaders of less affluent states for measures to aid their citizens are unreasonable. The dependency framework on which the New International Economic Order was constructed generally is more valuable in its rhetorical power than its ability to analyze economic development problems and prescribe appropriate solutions, and charges by affluent states of hidden neomercantilist agendas in the NIEO may have been on target in several areas.⁵³ However, the less affluent states' demands for an equitable global economic structure speak to the core concerns of a cosmopolitan approach to distributive justice. Those born in poorer states can generally expect far fewer resources and opportunities for self-development than those born in affluent states. Likewise, it probably would not be unreasonable if, in a full global government, those in poor states used their majority to pass measures resulting in large transfers of material resources from the global affluent, on the way to securing self-development rights for more persons. However, such a move would require immediate, significant and unaccustomed sacrifices by those in affluent states. It likely would be perceived as majority tyranny. Recall the discussion of how Singer has progressively scaled back his distributive demands. His initial argument exhorted those in affluent states to give until they made themselves as badly off as those they were trying to help. The second version exhorted us to transfer about 10 percent of income, acknowledging that too-stringent demands could actually result in smaller overall transfers. The most recent version seeks only initial

contributions of 1 percent of income, though he still urges us to consider giving much more. The scaling back of demands, or at least expectations about what those in affluent states actually will be willing to give, acknowledges the difficulties with achieving dramatic sudden changes in transfers. Such difficulties can be expected whether the transfers are charitable or tax-supported ones made through institutions. In a global government, those in affluent states, even if they were not morally justified in rejecting transfer demands from a global parliament dominated by the less affluent, could force a crisis of legitimacy.

The potential conflict is important, and some advocates of global government have attempted to address it. A common solution offered by those who want to see the near-term transformation of the United Nations into a world state is that the UN General Assembly must be restructured to include some scheme of weighted voting by, for example, economic contribution.⁵⁴ Other suggested checks include requiring some supermajority for such sweeping proposals as the NIEO.⁵⁵ Or, redistributive proposals could be subject to a veto mechanism to be exercised by some consensus bloc of states that would be deeply affected by them. Such procedural checks on majority power *might* be compatible with democratic institutions informed by the self-development conception of rights, although the balance between safeguards against majority tyranny and mechanisms that could allow rejections of just distributive demands would be precarious.

It is important to note, however, that the majority tyranny issue is raised in the context of a world system that would look very much like the current one, except that the United Nations or some new global parliament would have the powers of a world government. I have offered some reasons to believe that such a change would not be possible, besides being undesirable. Further, I will suggest that the kind of majority tyranny discussed here likely would not be as significant a concern by the time anything approaching a global government could emerge. As detailed in the final chapter, I take a broadly functionalist reading of the possibilities for large-scale supranational economic and political integration, where richer, more economically complex states pursuing their own interests gradually will become more embedded in supranational institutions at the regional and ultimately the global level. Less developed states, and especially the least developed, likely would not be an immediately integral part of any global supranational system. They would be admitted only gradually, as they met economic and political benchmarks. In that case, the threat of poor states enforcing unreasonable demands on rich states through a global democracy would be significantly smaller. The seeming consequence of such an empirical chain, of course, is the continuation of widespread absolute poverty and a failure to serve the very individuals whose needs make the advocacy of democratically accountable global integration so pressing.

However, there is little reason to presume that such states would be required to be “fully developed” before being admitted to an expanding system, or that they would not receive significant development and other assistance to achieve benchmarks. The European Union, for example, has long offered forms of associate membership to prospective members. “Typically, association agreements include highly preferential access to EU markets ... economic and technical cooperation of various sorts, financial aid from the EU, political dialogue.”⁵⁶ In fact, the ten states acceding to full membership in 2004 began their formal affiliation in an association agreement that offered them extensive assistance with market adjustment, economic liberalization and the meeting of democratic standards. Albania and the states of the former Yugoslavia also have begun early movement toward possible membership, and have received EU assistance in several areas.⁵⁷ We could expect a broadly similar approach in a much larger body. Though some of the absolutely impoverished whose needs make the development of the integrated alternative so pressing would be the ones excluded at first, their exclusion would not be long term or complete. In addition, individuals in middle-income states like the ten new EU members could expect to see their states admitted more quickly, enabling them to achieve important near-term gains in access to resources and life opportunities.

Conclusion

This chapter has offered a fuller version of the integrated alternative to the Westphalian states system and considered one important set of objections to it. It began with a selective survey of past works on world government and the related concept of world citizenship, giving emphasis to the heyday of the 1940s, when even the US Congress had before it a number of world federation proposals. Then the integrated alternative was described as a multi-level system of constitutional liberal democracy, where current states and sub-state governing bodies would be embedded in supranational regional organizations, those organizations would be embedded in a global organization, and trans-state actors and governing authorities would create important horizontal linkages. The system would be guided by principles of supremacy and subsidiarity. Supremacy is intended to provide higher-level bodies with the authority necessary to protect individual rights, democratic governance and other important social goods; subsidiarity is intended to balance the authority of higher-level bodies and restrict it to those issues that cannot be effectively coordinated at lower levels. The democratic distance, or size, objection was addressed through consideration of the ways in which intermediary bodies operating in a system guided by subsidiarity could help ensure robust representation. The potential benefits of factional competition were offered as ways both to allay fears of plain majority tyranny and to lessen

the potential for deep, divisive conflict between governing bodies at the various levels. Finally, majority tyranny was discussed in context of a possible global majority of the poor. The force of that objection was lessened when the likely gradual evolution of any global integration project was considered, along with the ways in which associate membership in the global body could help less affluent states achieve economic and democratic benchmarks and ultimately be admitted to full membership.

6 Citizenship, armed tyranny and the democratic peace

Introduction

This chapter considers three other common or potentially significant objections to global government. The first holds that strong national sentiment is necessary to democratic rule, the second that the threat of armed tyranny from the top would be too great, and the third that civil war would be endemic in a global governing system. As with the democratic distance objection, each will help to inform an understanding of the appropriate principles around which to construct a global or much more limited supranational project. Discussion of each will also lead to specific elaborations of possible institutional forms and distributions of authority.

The citizenship objection

We can begin with the citizenship objection. It holds that robust trans-state democracy is not possible, because individuals need a shared national identity to fully function as democratic co-citizens.

Democracy implies the existence of a people who feel bound together. It is this sense of a shared fate and mutual responsibility that leads minorities to accept majority decisions, for example, and perhaps more importantly, motivates majorities to take into account the opinions and concerns of minorities rather than excluding them altogether.¹

The question for the advocate of trans-state democracy becomes, then, whether it is plausible to believe that sentiments besides nationality can sufficiently bind a democratic polity.

The citizenship objection, while similar in respects to arguments for compatriot priority considered in Chapter 1, is worthy of independent consideration, not least because nationalism is such an enduring and powerful force in the global system. The advocate of supranational government at any level must acknowledge the significance of national

sentiment to most persons and consider how such sentiment can be accommodated or mitigated. I will suggest that, although national sentiment is politically significant, claims for it being necessary to democracy are over-sold. Some joint sentiment is necessary to motivate the sacrifices required by democracy, but it is not clear that the sentiment must be nationally based. Further, continuing movement toward a pan-European democratic practice gives insight on the kind of robust trans-state democracy that may be possible in the relatively near term: one enabled not by nationality, but by a commitment to shared democratic principles and political culture.

Nationality, by itself, would be a very thin motivating force for the sacrifices sometimes required in a democracy. Even most proponents of the national model of democracy acknowledge that national sentiment must be bolstered by material distributions to enable effective democratic rule. Recall the emphasis on impositions in the universal priority approach, where priority to compatriots was said to be necessary in order to legitimate the imposition of institutions on them. Oldenquist, who offered a loyalty argument for priority to compatriots, was even more explicit that the loyalties of the poor must be vigorously inculcated through distributions and other means, lest poverty and alienation result in a disaffection that leads them to stop participating democratically. Much of the polity-binding work in democracies is presumed to be done through distributions of resources, and through the distribution of opportunities that equal citizenship can open. That should lead us to consider once more the distributions already being made across state borders within the European Union. Both material resources and opportunities, via free movement, are being distributed at significant levels in the EU region. Distributions of both are scheduled to be extended to individuals in the ten less affluent acceding states as those states become more integral parts of the union. Distribution of material resources and opportunities may well be necessary to bind a polity and enable shared rule, but national sentiment does not appear necessary to enabling such distributions.

A more central difficulty for the citizenship objection is that the entities it characterizes as national communities may actually contain subgroups that also qualify as nations. In Chapter 1, we saw how, though co-nationals may share some history, culture, language and other traits in common, subgroups within nationalities often are distinct in significant ways.² There may be deep divisions between those in rural areas and those in the cities, between classes, religious groups or those subscribing to different political ideologies. Some of the differences appear distinct enough to argue that subnational groups that are not separated from the larger group by language or ethnicity—as in the example of gays and lesbians—represent distinct nations according to the same definitions of nationhood offered by those raising the citizenship objection. If subgroups should themselves be classified as nations, then we may already have numerous examples of transnational democracies. I will not attempt to make a detailed defense of

that assertion, but the existence of “subnational nations” does complicate claims for national sentiment as a natural and necessary precondition of democracy, as does the existence of a range of formally multinational states. The sentiments enabling democracy in a state may be much less national than proponents of a national model suggest.

In fact, there is some reason to believe that genuine trans-state democracy, or a robust trans-state citizenship, may emerge in the relatively near term in the European Union. As earlier noted, the Maastricht Treaty formally created a European citizenship, with accompanying rights to vote and stand in local and EU elections, and affirmation of the rights of EU citizens to live and work in other member states. The treaty also affirmed that all EU citizens are guaranteed the rights specified in the European Convention on Human Rights, and that they have the right of petition to the European Parliament, as well as to appeal to an ombudsman created by the treaty.³ Some see EU citizenship as a limited but still significant expansion of individual rights, while others suggest it is a step on the way to genuine supranational democracy and some citizen identification with the larger union.

There are signs that the change of attitude is slowly taking hold. Eurobarometer polls since 1982 have found that about half of all EU citizens “sometimes” or “often” feel a sense of European identity. Europeans still see themselves primarily as citizens of one member state or another, but increased mobility is changing their perceptions. As the barriers to movement around the EU are taken down, Europeans have fewer reminders of the differences that divide them, and so they will tend to see other Europeans less as “foreigners” and more as partners in a joint venture. The gradual removal of border checks has been an important psychological step in that direction. Another step will come as Europeans see living in other parts of the EU less as emigration and more as a free choice based on factors such as employment, opportunity and personal preference.⁴

Free movement and the right to local political participation are particularly significant. The fact that an individual from any member state has the right to vote and stand for office in municipal elections opens some possibilities for the practice of a trans-state democracy. I do not claim that political hopefuls are fanning out across EU territory in search of likely ridings, or that “European” will become most people’s primary political identity.⁵ But the right to vote and hold office in another nation-state is a formal institutional encouragement of democratic practices not based exclusively in the nation. Free movement opens the possibility that polities will themselves increasingly include individuals who do not share the same nationality but do come together to decide on policies affecting their shared geographic and political space. Free movement also is significant

because, with the codification of EU citizenship, those who move do so as formal equals in most respects. Citizens of member states often do receive greater protections under their own state's laws, and states can set length-of-residency and other migrant restrictions on local voting and candidacies.⁶ However, the European Court of Justice has in several decisions affirmed the civil and property rights of internal migrant workers and their families.⁷ The protection of the court, coupled with the rights protections noted above, means that the differences and associated problems likely will be far less than those that have accompanied differentiated citizenship solely within states: the ghettoization and racist targeting of Turkish guest workers in Germany, the frequent ill treatment of migrant Mexican farmworkers in the United States.⁸ A more equal citizenship allows individuals to press rights claims against local governments, employers or individuals, and it can help to ensure more equal treatment. Assuming Turkish accession to the EU would be possible, it would not end racism against Turks living and working in Germany—some 2.5 million of a German population of 82 million⁹—but it would grant them EU citizenship and thus enable them to seek some more robust legal protections, while also expanding the European democratic arena.

Returning to nationality more narrowly, it might be suggested that the EU is merely engaged in a larger project of forging a common identity from disparate groups in ways similar to the nation-building projects of the past. The union certainly emphasizes the familiar trappings of nationalism: the distinctive flag, the “national” anthem (Beethoven's *Ode to Joy*). But democratic expansion, including expansion of citizenship and the increasing powers of co-decision exercised by the European Parliament, has been driven more at the institutional level by the perceived need to reduce the EU democratic deficit than the need to create a nation of Europeans who will be willing to make, in the name of shared nationality, the sacrifices for one another necessary to sustain democracy.¹⁰ The deficit provides strong incentives for individuals to come together and address common threats as a common polity. Flags, songs and logos, while they may give individuals tangible references on the way to being able to imagine a larger community, are not of course sufficient to create or bind a polity. In fact, the emergence of a democratic deficit, or responses to it, provides a significant challenge to the thesis that democracy must be based on shared national identity.¹¹ David Miller, who is perhaps the most enthusiastic proponent of the nation-based model of democracy, in fact acknowledges that security, economic and some other issues may now be more appropriately addressed at the supranational rather than national level, with specific reference to the European Union. However, he does not address the importance of democratic control of supranational economic policy. He presumes that states will transfer policymaking authority to a higher body if they find themselves unable to address some larger economic issues in a globalized economy. But he does not presume—and could not, according to his

nation-based citizenship framework—that the higher body would be accountable to individuals within states.¹²

The suprastate economic and other pressures Miller describes demonstrate the existence of strong common interests that cross national boundaries and help to promote the creation of constituencies on specific issues, regardless of differences in nationality. It is only by clinging to the idea that all forms of robust democratic citizenship must be nation-based that we are forced to conclude that policymaking above the nation-state must be conducted in a technocratic black box that is not accountable to trans-state constituencies, or that individuals can see their interests accommodated only through their national democratic institutions. As former Brazilian President and noted political economist Fernando Henrique Cardoso asserts, “We must squarely confront the fact that there is a deficit of democratic citizenship at the international level and insist that progressive democratic governance expand beyond the domestic scene.”¹³ Common pressures from above can help to create momentum for common efforts to coordinate policy at the supranational level.

Civic nations

If we do not presume that democracy must be firmly based on ethno-national sentiment, then we must say what can bind a transnational democratic polity. Perhaps the most promising recent answer has been to move toward a model of popular governance built on common liberal-democratic principles, institutions and political culture. The most prominent advocate of this civic nationalism, or cosmopolitan patriotism, has been Jürgen Habermas, who rejects the claim that there can be no robust EU democracy because there is no unified, cohesive European people.¹⁴ Habermas argues that national consciousness is not some irreducible moral substrate, but that it developed with and depended on modern democracy. He cites such multicultural states as the United States and Switzerland as proof that a political culture is not wholly rooted in the same language or cultural practices.¹⁵ The argument is not that the multicultural United States constitutes one nation.¹⁶ Instead, the common democratic political culture present there and in some other states enables robust forms of democratic engagement and contestation among persons of disparate backgrounds. Habermas sees the pieces in place for an enlarged democratic consciousness in the European Union, including an active trans-state civil society, an emerging region-wide public sphere, and a European political culture developing in part with the practice of EU citizenship.¹⁷

The development of a trans-state public sphere, and participation in it by the range of individuals affected by common public policies, can help to create and reinforce important kinds of social solidarity not rooted in national sentiment.¹⁸ Habermas, among others, has stressed the importance of putting in place an EU constitution to detail shared principles and

practices, and especially to lend the integration project “that power of symbolic crystallization which only a political act of foundation can give.”¹⁹ As we saw in the previous chapter, the process of creating a European constitution has been formally underway since 2002. The draft document produced by the European Convention, headed by former French President Valéry Giscard d’Estaing and including representatives of all member, acceding and candidate states, details a comprehensive, multi-level, explicitly pan-European political frame whose operation “shall be founded on the principle of representative democracy.”²⁰ It also reinforces the commitment in existing EU treaties to the promotion of a common citizenship, union-wide recognition of core individual rights, including free movement, and a formal right for all EU citizens “to participate in the democratic life of the union.”²¹

The fate of the convention draft, and its final form, were being negotiated by an inter-governmental committee more directly representing the interests of member states, and it was not clear which more detailed provisions would survive. However, the commitment to promoting individual rights and greater accountability has been consistent in the recent corpus of EU treaties and policy. What the constitution, even in draft form, does is give the historically rather amorphous concepts of European citizenship and European polity a dramatically concrete expression. Like the constitution of a state, it provides symbolic purchase and an elegant single statement of the principles and practices to which a set of persons, a single polity, is willing to commit. It captures the ethos of an emerging pan-European political culture and offers a frame around which a shared democratic sphere of continental scope could be built.

Even if inter-governmental wrestling over specific provisions were to delay the adoption of a single constitution—consensus was needed, after all, from the leadership of twenty-five separate states—actual democratic practice has been growing gradually more robust and more representative of individuals within member states. The previous chapter noted some ways in which sub-state governments are increasingly representing their constituents’ interests at the supranational level. The growing power of the European Parliament, discussed below, also is noteworthy. Some advocates of constitutional patriotism or civic nationalism point to the concomitant development of pan-European political parties and trans-state networks of activists and interest groups as a sign that the EU political sphere is maturing. And, as Justine Lacroix argues, the further maturation or elaboration of a common sphere need not wholly exclude national sentiment. Those belonging to or consciously representing varied national cultures can engage in debate and contestation about the character of the shared supranational culture. Such debate can contribute to the formation of a unique common culture, one rooted in and accountable to liberal-democratic principles,²² but not defined by principles alone. There would be room for local variation consistent with both universal principles and historic practice.

Important considerations remain concerning the practical challenges of realizing shared rule in settings marked by multiple languages and cultural practices.²³ But it must be acknowledged by supranational skeptics that such challenges are far from rare in today's multinational, multilingual democratic states. For example, in the Philippines, besides the official languages of Filipino (Tagalog) and English, large numbers of residents speak each of seven major dialects.²⁴ Objections like the one emphasizing national sentiment in citizenship tend to ignore the many similarities between the building of national and transnational political communities.²⁵ The most significant difference may be that the violence and oppression of sub-groups that accompanied the building of most nation-states is rejected by those advocating the extension of shared rule across current state borders. In sum, the constitutional patriotism or civic nationalism approach points to a plausible alternative to a democracy that is based consciously—though even then never exclusively—on the ethno-nation. Habermas and others working in the approach give us a useful frame for appreciating the emergence of a public sphere and democratic culture in the European Union, and for seeing how both could be encouraged, enlarged and deepened on the way to the creation of a robust supranational democratic practice.

The armed tyranny objection

If the objections from democratic distance and national sentiment should not deter us from pursuing progressively larger projects of accountable integration, we still have not considered what many would say is the primary objection to fully global government: armed tyranny. Most critics assert that a world state would simply be too powerful. Its control of the global coercive apparatus would pose far too great a risk of tyranny, and the tyranny could be a far worse one than the world has yet seen. As Walzer argues:

If the outcome of political processes in particular communal arenas is often brutal, then it ought to be assumed that outcomes in the global arena will often be brutal, too. And this will be a far more effective and therefore a far more dangerous brutality [if a world state is created] for there will be no place left for political refuge and no examples left of political alternatives.²⁶

Indeed, if we presume that a global government must take a rigidly hierarchical form, then the potential for armed tyranny appears significant. But such a form is not recommended here, and the points raised by the armed tyranny objection do much to inform the view that a multilevel democracy would be the desirable form of a global government. The objection gives us strong additional reason to favor an integrated set of governing bodies

guided by a principle of subsidiarity, keeping control of institutions, including those exercising coercive power, as close and accountable as possible to those whom they serve.

It is not difficult to see why critics have presumed that coercive and political power could be highly concentrated in a world state if we recall the kinds of world government proposals that have been most prevalent. Consider also the terrifying portrayals of world states in such classic and enduring science fiction novels as Yevgeny Zamyatin's *We*. There, the numbered but not named citizen-characters, whose "heroic ancestors subdued the entire terrestrial globe to the power of the One State," see the minutest details of their daily existence dictated from above.²⁷ As noted in Chapter 4, most fully elaborated global government proposals have relied on an essentially Hobbesian or realist view of the international system: an anarchy where state actors continually are striving after power as protection against other states. Those who adopt such a view also tend to offer a Hobbesian solution to global ills, where the global covenant must be backed by a global sword. Einstein, for example, argued that international initiatives such as the Kellogg–Briand Pact of 1928, intended to delegitimize war as a means of policy, were doomed to failure without the global sovereign's sword. Errol Harris offers a recent version of essentially the same argument.²⁸ We considered some ways in which the Hobbesian, or collective action warfare argument for world government is vulnerable, in addition to reasons why we need not imagine that a global political system will have a high concentration of power at the top. I will note again that the warfare approach to world government expects the world state to emerge in the relatively near term. I *would* expect the concerns raised about armed tyranny to be pressing if global government were launched at some constitutional convention in the near term. Laying the template of a world state over the current global system would do little to address the root causes of historic and ongoing conflicts, and current states could have a strong incentive to defect from hasty and sweeping agreements to demobilize or disarm. It is difficult to imagine a global government presiding over states more or less as we know them in the Westphalian system. But a democratic system of the kind discussed here could address concerns about the potential for armed tyranny in two key ways. First, it would include the familiar checks and balances present in constitutional democracies that help to guard against misuse and concentration of power, in addition to further checks provided by the multiple levels of governance in a supranational system. Second, it would be guided by the principle of subsidiarity, including in the control and use of armed forces, opening the way to a dispersal of forces across regions.

A number of theorists, including some who are not explicit advocates of global government, have suggested that the separation of powers common in constitutional democracies would be able to play the same kinds of checks and balances role in a global democracy. "This functional approach

is in fact the way we deal with the potential for tyranny at the nation-state level: we do not protect against government tyranny by requiring states to split up into smaller units.”²⁹ Besides the horizontal checks common between governing branches in states, a multilevel system would split up governing competencies. The operation of a strong principle of subsidiarity, where the higher bodies would be required to demonstrate that a specific issue should be decided at their level rather than at lower levels, would create many more checks on power and balances of power than is currently the case in many constitutional democracies. To maintain democratic legitimacy, higher bodies would have to be able to provide arguments for jurisdiction based in formal legal or constitutional principles. Something like that process has emerged in the European Union. The EU, in fact, poses a conundrum for any argument that would suggest that the sword, or at least the threat of the sword, is necessary to enforce compliance with orders from above. As earlier noted, the European Court of Justice has, over the past several decades, issued judgments that opposed the clearly pressed interests of member states. Some of the decisions, for example on gender equality, have been costly to states, which have had to both change practices and offer compensation to those individuals whose rights were found to have been violated. But the EU has no centrally controlled coercive apparatus designed to enforce compliance from member states.

The troops will not leave their barracks in Brussels or Luxembourg to suppress a revolt in Westminster . . . the real “police powers” are not troops but mobile capital, trade, businesspersons, bankers, workers and consumers. It is not some international version of the security state which holds the UK in line. The costs of exit, even selective exit, are high. This disciplining mechanism stands behind the institutionalization of Europe.³⁰

Further, the Commission, the ECJ, and the European Parliament serve to balance each other’s powers in significant ways. For example, in perhaps the most dramatic display of the increasing powers of the parliament, which was not even directly elected until 1979, its members responded in 1999 to a corruption scandal in the European Commission by essentially forcing the resignation of the Commission leadership, the 20-member College of Commissioners. Recall that the Commission performs executive-branch functions in the EU, and that its formal and effective powers have far exceeded those of the parliament. However, after audits found evidence of corruption in the EC bureaucracy and lax oversight from the College of Commissioners, all including Commission President Jacques Santer resigned under threat of a parliamentary motion of censure.³¹ Those kinds of checks, along with the comparatively much stronger checks provided by the court, and multi-level balances of political power guided

by the principle of subsidiarity, suggest ways in which a supranational system can guard against concentration of power and thus against forms of armed tyranny.

Just as governing power need not be concentrated at the top, we should not presume that the highest-level governing bodies must have a monopoly on the legitimate use of force. Assuming again that something approaching a fully global governing system could eventually emerge, the application of subsidiarity to the question of armed forces, both police and military, likely would result in a dispersal of forces among the regions, where each suprastate region maintained forces capable of responding to armed violence in its region or as needed elsewhere. The global-level governing bodies also could maintain a military force to be deployed in crises, to augment regional forces in actions involving aggressive states or sub-state units, or to help oppose aggressive or expansive suprastate regions. In fact, what might be seen as an antecedent to such a global-level force has been proposed at various times in context of the UN's peacekeeping mandate. In 1995, UN Secretary General Boutros Boutros-Ghali called for the creation of a standing "rapid reaction force" that would be composed of specially designated and trained troops stationed in their home countries but committed to responding immediately to the call of the organization.³² The proposal met with predictable resistance from powerful states, but it has resonated with many in civil society, especially in light of the 1994 Rwanda genocide that was permitted in part by UN member states' reluctance to rapidly commit their own troops. The final report of the Carnegie Commission on Deadly Conflict, for example, supported the creation of a similar UN rapid response force of up to 10,000 troops, to be drawn from member states of an enlarged Security Council.³³ Likewise, the Commission on Global Governance urged the establishment of a UN volunteer force, also to be controlled by the Security Council, and able to "back up preventive diplomacy with a measure of immediate and convincing deployment on the ground."³⁴

More recently, and on a supranational regional level, the European Union has been developing its own rapid reaction force, composed of troops drawn from member states. In 1999, member states formally agreed to create a force of up to 60,000 troops, deployable within 60 days and capable of sustaining a deployment for at least one year.³⁵ In June 2003, members agreed to send a 1,400-strong peacekeeping force to the Congo, replacing a smaller UN force there.³⁶ The EU force, while not necessarily identical to the regional forces sketched above, gives some tangible idea of how such forces might operate in cooperation with forces at the global level. It also can be noted that the coercive bodies controlled at the regional and global level need not all be combat oriented. They could include deployable policing and strictly peacekeeping units, helping to ensure that appropriate responses would be made to various kinds of conflicts. The European Union also has taken steps in this direction. For

example, in December 2003, the EU replaced military peacekeepers with a policing force in Macedonia. As part of broader stabilization efforts in the former Yugoslavia, the “EUPOL Proxima” force’s mandate was to help Macedonian authorities “develop their police forces to the highest European and international standards through monitoring, mentoring and inspecting the management and operations of the police.”³⁷ A similar EU policing force was deployed in Bosnia-Herzegovina in January 2003. In the UN context, Robert Johansen has argued persuasively for the creation of a standing police force that could be deployed to troubled regions in place of military combat forces drawn from UN member states.³⁸ As in the case of the EU forces, such a permanent, non-military, professionalized police force could help to bolster local law enforcement’s ability to maintain order, as well as help to ensure that local officers are following internationally recognized human rights standards.

Overall, the armed tyranny objection raises significant points that should perhaps give us most reason to favor a decentralized system guided by subsidiarity and marked by significant checks at all levels. It should lead us to advocate a dispersal and balancing of global coercive authority, as well as movement toward the development and deployment of non-combat-oriented forces where possible. As the discussion here helps to reinforce, there is nothing inherent in the concept of global government that requires the kind of concentration of power that most concerns those raising the objection. In fact, the kind of supranational system outlined here would include greater separation of powers than is standard in the nation-state, as well as a wider range of checks on and balances of power at the various levels.

The civil war objection

The civil war objection holds that the world state should be rejected because its very prospect “would be an invitation to prepare for world civil war.”³⁹ If a world state were actually created, nationalisms would flare, communities, states or sub-state regions would demand secession or refuse to participate in the larger body, and peoples with a desire to break away would be oppressed in the name of maintaining an unsound union. I will note first that this objection rests for much of its force on the power of strong national sentiment. In fact, I believe its argument is parasitic on the citizenship objection and presumes that conflict will be inevitable because individuals will tend to reject self-rule that is not based on the nation. I will not repeat the critique of the national model of democracy, but I will add to it with a brief discussion of democratic peace theory, which gives insight into the prevalence of peaceful, stable relations between democracies and suggests that the threat of warfare would not be so pervasive in a multi-level democratic global government.

The theory of the democratic peace, which draws on Kant’s insights in

“Perpetual Peace,” holds that democracies almost never will wage war with one another. That claim has been as exhaustively and rigorously researched as perhaps any in the social sciences, and it has withstood challenges remarkably well. Scholars have found that, though democracies go to war almost as much as hierarchical states, they are far less likely to engage in rivalries⁴⁰ or coercive diplomacy with other democracies. Instances of actual war, defined as armed conflicts causing more than 1,000 casualties, between advanced liberal democracies are virtually nonexistent.⁴¹

Kant argued that shared democratic norms and empowered democratic citizenries would lead democratic leaders to settle their differences by non-military means. A host of recent scholars have adopted and expanded on these insights about democratic political culture and democratic structure, or constraints on leaders. Some trace the peace to domestic pressures exerted by a citizenry that has absorbed liberal-democratic norms from an early age and is extremely reluctant to make war on another society that observes the same principles of respect for the individual and popular rule.⁴²

People living in a democracy know that the citizens of other democracies share norms of limited self-government, civil liberties, and democratic transparency. They expect their government, consequently, to find appropriate modes of nonviolent conflict resolution in the event of an interstate dispute. Thus, the range of legitimate reasons to use force is greatly restricted between democracies.⁴³

Policy constraints on leaders may also include the preferences or actions of opposition elites and other forces in domestic government.⁴⁴ Some argue that democracies are particularly formidable opponents in war, and that is the main reason democratic leaders avoid fighting one another.⁴⁵ Others suggest that the answer lies not only in the common democratic political culture and the set of leader incentives to which it gives rise. They would add the economic cooperation common among democracies as a necessary factor, leading ultimately toward some form of Kant’s pacific union of states.⁴⁶ Bruce Russett and John Oneal offer detailed evidence to show that, though democracy alone reduces the chances for any form of conflict between states, the addition of economic interdependence and close joint participation in an international organization greatly increases the prevalence of peaceful relations. The three factors form a “Kantian Triangle” that serves as a powerful inhibitor of conflict escalation between democracies.⁴⁷ Such findings are particularly salient to discussion of the relations between states and other units in the kind of supranational system being considered here.

The case of the EU, once again, can give insight into the possibilities for creating and sustaining a larger supranational union. It is a testament to

the EU's success as an integration project that one of its foremost founding purposes now seems almost taken for granted by most persons: preventing the outbreak of war among historic European enemies. Even those scholars who take up the European case in context of the democratic peace now appear more concerned with whether the theory will hold among the new democracies of central and eastern Europe, sometimes including Russia, than whether France and Germany will once more draw battle lines. Profound economic integration, followed of course by some political integration, has made even the threat of warfare among EU states potentially quite costly. The growth of robust democracy in formerly hierarchical states such as Germany has contributed to the vitality of the integration project, and it has allowed for the emergence of powerful domestic forces with an interest in maintaining the peace.

Further, the presence of a strong and growing union of democracies has helped to promote democratization and stability in nearby states. For example, when Portugal in the mid-1970s faced a potential revolution that could have crushed its young democracy, domestic proponents of popular rule received "pledges of solidarity, economic aid, and political support from a number of EC member states. Once democracy had been established, its consolidation was inextricably linked to the project of European integration."⁴⁸ EU affiliation also has contributed in significant ways to democratic consolidation in the ten acceding states, both through increasing trans-state party linkages and formal democratization requirements for accession.⁴⁹ Under the Copenhagen Criteria, acceding states were required to demonstrate that they were sufficiently democratic, that citizens rights were respected and the rule of law was observed; they had to show that their markets were functioning effectively and could withstand the competitive pressures of accession and openness; and they had to demonstrate that they were willing and able to implement the *acquis communautaire*, or full body of EU law and regulation.⁵⁰ As noted earlier, similar promotion of stability, democratization and respect for human rights is an aim of EU links with the states of the former Yugoslavia, among others.

Likewise, though at a much weaker level in the near term, the expansion of NAFTA to the rest of the Americas holds some prospect for increased democratic consolidation and the spread of generally peaceful interrelations. The realization of stable liberal democracy cannot, of course, be predicted for all states in the region, but the thirty-four signatories to the Free Trade Area of the Americas framework agreement in April 2001 did formally commit themselves to upholding democratic principles. Assistance from the more affluent members in consolidating democracies in the region can plausibly be expected to grow with increasing economic ties.

The empirical evidence that no established democracies have fought one another is compelling. The theory is not without its challengers, and several scholars have attempted partial or wholesale rejections.⁵¹ But we

need not defend every claim made on behalf of the democratic peace to see how the theory identifies important processes at work inside democracies that can discourage armed conflict with other democracies. Such processes, in conjunction with the greater economic interdependence, mutual institutional cooperation, trans-state faction formation and greater individual mobility that would be present in a democratic global government, suggest ways in which the threat of nationalistic civil war could be significantly lessened.

That does not render moot important questions about possible secession demands of individual groups from the global governing system, or about hierarchical or other states that would refuse to join. In fact, we should consider it likely that, even if accountable integration were pursued over a long term, we would see a system in which not all states were members. Nothing in the argument here suggests that the larger union would be justified in forcing any state to join. However, it would be expected to offer encouragement and inducements to non-member hierarchical states to recognize fundamental political rights. In the case of oppression in non-member states, proportionate responses would be justified, up to and including armed intervention in the case of clear and severe internal tyranny.⁵² The issue of appropriate responses is, in fact, complicated by the presumption that states which would not join the union would be hierarchical. There is some evidence to suggest that sanctions are less effective when applied to hierarchical states, because their leaders are less accountable to their subjects than in democracies.⁵³ If it is generally the case that sanctions against hierarchical states do not achieve compliance, then that would seem to lower the threshold at which humanitarian intervention would be an appropriate response. The question is a difficult one, not least because of the strong intuitive appeal of toleration for others that Rawls employed to justify rejection of cosmopolitan distributions. However, in many recent cases of genocide or other grave and widespread rights violations—Bosnia, Rwanda, Liberia—the question has not been whether intervention is justified, but whether states will be willing to act on behalf of those being grievously misused. It is possible that, in a more integrated system including the kinds of transnational peacemaking, peacekeeping and policing forces described above, and where there is precedent for such forces deploying in defense of broader publics and generally observed principles of human rights, that the bar to such deployments outside of the union would be lower.

Secession is a thornier issue for the concept of a global government, in part because it raises many side issues. First, I will note again that secession demands could be much more rare in a global network than at present, because of increased autonomy for sub-state polities and the likelihood that equal regional citizenship, free movement of persons and trans-state faction formation would lessen the appeal of strong nationalism. It is beyond the scope of this chapter to elaborate the specific circum-

stances under which secession from a global democratic network would be justified,⁵⁴ but some general considerations springing from the self-development conception of rights would apply to all such cases. Would, for example, secession of a national group, or even an entire region, significantly damage the ability of the intact supranational system to ensure rights fulfillment for all persons in the system? Likewise, would it threaten rights fulfillment for some individuals in the seceding area, including rights to freedom from oppression or exploitation as members of a minority group? If democracy in a state or sub-state entity were subverted by some domestic group which then sought to secede, that would seem clear grounds for intervention by the larger network. In such a case, there would be no question about whether secession truly represented the will of those living in the area. In the case of a still-democratic political body that wished to secede, we could expect any such demands to be vigorously contested by other members of the union, who could emphasize to those in the discontented state the steep costs of non-membership, besides offering appropriate concessions and material incentives. Exit costs could be similar to those in the current European Union: a loss of preferential trade ties, material distributions, access to technology and joint research capabilities. Citizens of a unit that did secede might find themselves on the isolated island, with only limited resources and opportunities for self-development.

A multilevel democratic system of states, sub-state entities and supranational bodies would not be free of the threat of secession, or secessionist or other kinds of civil war. But there are reasons to think the threats would be mitigated. Regional citizenship and greater autonomy for sub-units would help lessen the appeal of strong nationalism. Leaders of democratic states or substate units within the union would be unlikely to engage in conflict with their counterparts because of the domestic pressures and other variables identified in the democratic peace literature. Likewise, they would be reluctant to press hard for secession if the costs of exiting included domestic economic hardship and exclusion from networks of trade, finance and investment.

Conclusion

This chapter has examined three more of the most common or potentially damaging objections to the desirability of a global government. I have argued that none of the objections is decisive, but that consideration of them helps to reinforce the undesirability of creating a rigidly hierarchical global state with a global monopoly on coercive power. The citizenship objection, along with the earlier one from democratic distance, helps us to see the importance of creating intermediary democratic bodies and designing local, trans-state, regional and global democratic institutions that encourage formation of interest groups, political parties and other

“healthy” factions at all levels and horizontally, across borders. The tyranny and civil war objections give us further reason to favor a balanced, multi-level democratic system where power, including coercive power, is not highly concentrated at the top.

In sum, what I will suggest has emerged from this and the previous chapter is the form of a desirable global government. It is a multi-level, constitutional system where substate units and states are embedded in genuinely democratic suprastate regional organizations, and those organizations are embedded in a democratically accountable global government. Governing bodies at each level have discrete responsibilities, and each body is accountable to constituents. We could expect to see the lower bodies retain as much local control as possible, according to a principle of subsidiarity. But individuals would have continual recourse to higher legal and legislative bodies, allowing them to challenge unreasonable actions by elected or other officials. The kind of institutional system described here offers the promise of securing self-development rights over broad areas while averting the threat of a global tyranny and lessening the power or attractive force of strong nationalism. If such a global supranational system is not fully achievable, even in the very long term, realizing the creation of similar, smaller supranational bodies still could help secure self-development rights for huge numbers of persons within less affluent states.

7 Possibilities

Introduction

In this final chapter, I address the question of feasibility. If a fully global supranational system could be desirable, why should we believe that it is possible to create one, even in the very long term? Likewise, why should we believe that the kind of near-term, democratically accountable supranational integration that might lead to a more profound transformation is possible? I work to show here that significant positive change is achievable in the relatively near term, and that a more comprehensive transformation of the global system is feasible in the longer term. I emphasize throughout that whether the economic integration already underway will be transformed into a more accountable integration depends crucially on the kinds of popular pressure brought to bear on domestic leaders and supranational organizations. It depends on the kinds of rights protections that leaders in all states demand or are pressed to demand in supranational bodies, and on the response from the workers and others in affluent states who increasingly are feeling dislocation pressures as integration deepens.

The argument is developed as follows: first, to give context and support claims made about economic integration already underway, I examine some processes of globalization, or ways in which the global economic system is becoming more tightly knit. Then I discuss a broadly functionalist approach to explaining the transformation of the European Union into a highly developed, highly institutionalized supranational body. The approach gives important insights on the tendency of economic integration, once launched, to deepen and expand. It suggests that integration opens crucial spaces where pressure may be applied on supranational organizations for the recognition of important civil and economic rights, on the way to more democratic governance. I consider applications to NAFTA and the World Trade Organization, and I close by placing the argument in the context of current globalization debates and calling for specific actions by activists, workers and leaders in promoting the integrated alternative at all levels.

Globalization

I am most concerned here with economic globalization: the dramatically increased volume and speed of cross-border flows of goods, services and capital, facilitated by technological advances and increasingly prominent institutions of international governance such as the WTO. My overall aim in this section is to emphasize some ways in which states already are embedded in a global economy. To repeat, I do not presume the “end of sovereignty,” or that nation-states will not remain the primary global actors for the foreseeable future. Nor is it presumed here that the current age of globalization is unique in history.¹ But I do presume that globalization is significant in the ways in which it has changed the character of the global economic system and channeled or effectively limited states’ policy options in some areas. I will begin with some specific details about a more integrated global economy.²

- *Trade*: the value of world merchandise exports increased from about \$2.03 trillion in 1980 to more than \$6.45 trillion in 2002.³ Global trade has expanded much more rapidly over the past three decades than global output, though most trade still is conducted between the most developed states, in addition to China and some emerging markets in Asia and Latin America.⁴
- *Investment*: inflows of foreign direct investment grew from about \$55 billion in 1980, to \$208 billion in 1990, to \$1.39 trillion in 2000. FDI tapered in the global economic slump of 2002–3 to \$823 billion and \$651 billion, respectively, but similar decreases were seen in the recessions of the early 1980s and 1990s.⁵
- *Currency trading*: with the loosening of rules on currency trading, the volume of such trades has increased from \$15 million per day in 1973, to about \$190 billion daily in 1986, to more than \$1.2 trillion per day since the late 1990s.⁶
- *Tariff reductions*: since 1940, and through eight rounds of trade negotiations in the General Agreement on Tariffs and Trades (now the World Trade Organization), average tariff levels on manufactured goods among industrialized states have fallen from 40 percent to around 5 percent,⁷ though agricultural tariffs remain relatively high.

Mutual economic sensitivity among states is growing as a result of the expansion and increasing intensity of trade and investment. Even those within the most powerful, most affluent states have felt acutely the effects of the denser, more fluid global economy. As former US President Bill Clinton observed,

because money and management and production are mobile and can cross national borders quickly, we face unprecedented competition

from developing countries as well as wealthy ones. . . . a textile worker in Carolina has to compete against the textile worker in Singapore, perhaps to sell sweaters in Germany.⁸

A general trend over the past six decades toward more open trade relations and a more homogenous global economic system has been facilitated or encouraged by such supranational institutions as the World Bank, the International Monetary Fund, and the GATT/WTO.⁹ The mission of the World Bank has been to serve as a lender to less developed states for development projects, while the IMF's most salient current role is as lender of last resort for states in economic crisis. It has been the target of protest and sustained criticism from groups in civil society for conditionalities attached to loan packages to less affluent states. Conditionalities require recipient states to make often dramatic moves in the direction of economic liberalization, with resulting high domestic unemployment and other dislocations.¹⁰ While the World Bank and IMF have focused their efforts on less developed states, the reach of the World Trade Organization is much broader. It works to reduce tariffs and other trade barriers among its membership of now more than 145 states, and its powers to obtain compliance are relatively strong. In the 1994 Marrakesh Agreement establishing the World Trade Organization, sometimes called the constitution of the global economic system,¹¹ states surrendered what had been effectively a veto power on dispute-panel findings under the GATT. Under new WTO rules, a consensus against a dispute panel finding is required to overturn the finding, and a new Appellate Body hears appeals to rulings.¹² The decisions of the dispute bodies are binding on member states, and enforcement measures include authorizing injured states to impose steep tariffs on imports from the rule breakers. For example, in December 2003, a WTO panel authorized \$2.2 billion in penalties against the United States in a complaint brought by the European Union over steel tariffs, prompting the Bush administration to drop the 20-month-old tariffs.¹³ Likewise, the EU was penalized with \$116 million per year in retaliatory tariffs over its refusal to drop a ban on hormone-treated beef from the US and Canada. That decision often is cited by activists as proof that the WTO is a grave danger to laws protecting people and the environment, though the case is more complex than is often portrayed.¹⁴ WTO membership continues to expand, and members continue to push for more expansive trade liberalization within the body, including demands for developed states such as the US to reduce its agricultural subsidies, and demands by developed states for the strengthening of intellectual property rights in developing states. Progress on the Doha round of trade talks, launched in 2001, stalled in late 2003 over differences on agricultural subsidies and other issues. However, similar setbacks have not been uncommon in GATT/WTO history, including in the lengthy (1986–94) Uruguay Round that created the organization. Efforts were underway to restart formal Doha negotiations.

Other regional bodies coordinating trade, and also constraining states' behavior in some areas include of course the European Union, but also the North American Free Trade Agreement (NAFTA). NAFTA includes Mexico, Canada and the United States, and as earlier noted, negotiations have been underway to create a Free Trade Area of the Americas encompassing the entire hemisphere except for Cuba. The existence of trade organizations does not, by itself, represent decisive movement toward a profoundly integrated system, and resistance by Brazil in particular was dampening some enthusiasm about the near-term prospects for dense economic integration in an FTAA. However, as will be discussed, the medium- and longer-term potential for NAFTA/FTAA to exercise powers broadly similar to those of the EU may be significant. Elsewhere, the Asia-Pacific Economic Cooperation forum, the Association of South-East Asian Nations (ASEAN), Mercosur in Latin America and the Southern African Development Community, among many others, also aim at reducing barriers to regional trade. In fact, the proliferation of regional and bilateral free trade areas has been one of the most notable recent developments in global political economy.¹⁵

I do not include the United Nations or its subsidiary organizations in this discussion for reasons that were touched on in Chapter 4. The UN remains essentially an inter-governmental body whose rules, declarations and resolutions are advisory to, rather than compulsory on, member states. That is not to diminish the vital role of UN agencies in providing immediate relief, development aid and other services to millions worldwide. We can expect UN-affiliated organizations such as the International Labor Organization to continue to serve as important promoters of rights and norms, and perhaps eventually to provide means by which trans-state actors can apply pressure to states or supranational organizations. I say more on that below.

Other aspects of globalization are important, including the role of technology. Besides speeding financial transactions and linking various markets in a global network, computers, the Internet and emergent forms of video and other technology are encouraging or enabling the creation of new kinds of trans-state enterprises. Increasingly, customer service and white-collar jobs, from information technology to human resources, are being "outsourced" from highly developed states to sites in India, Russia and elsewhere, contributing to criticism of some aspects of globalization in the developed states.¹⁶ The specific possibilities opened by the Internet and electronic mail in easing cross-border communications should be highlighted. One of the most significant roles the worldwide computer network may play is in easing information flows for trans-state actors and enabling like-minded individuals to connect and almost effortlessly communicate. Now, trans-state factions can reach hundreds of thousands of members or potential members worldwide via electronic mail, which is instantaneous and a tiny fraction of the cost of conventional mail. Use of

the World Wide Web can further lower the transaction costs associated with trans-state organizing. Individuals located anywhere in the world can, with a few keystrokes into a search engine, locate and link to those who share their sentiments virtually anywhere else. They can use web sites to collect and disseminate information and, as in the case of the remarkably well-organized protests at the 1999 World Trade Organization ministerial in Seattle, to recruit demonstrators and coordinate mass actions. The Canadian Intelligence Service, among other agencies, has noted the extremely effective use made of new technologies by international activists.¹⁷

We have not considered all of the aspects of economic globalization, much less the ways in which other types of globalization are contributing to a more homogenous global culture, where especially American movies, television programs and retail and restaurant franchises are highly visible in many local cultures. However, the discussion has reinforced some of the key ways in which the global economic system has become more tightly knit and increasingly jointly coordinated by states.¹⁸

Trans-state exchange and EU constitutionalization

If states' economies are being drawn more tightly together, how might the processes of global economic integration be channeled or transformed to help secure self-development rights for those in less affluent states? In other words, what reason is there to believe that the kind of power that a body like NAFTA or even the World Trade Organization exercises in enforcing compliance with trade rules could be wielded in the service of promoting cosmopolitan distributive justice? My answer begins with what will be called the trans-state exchange approach to integration. This broadly neofunctionalist approach is represented in the work of Alec Stone Sweet, Wayne Sandholtz, James Caporaso and numerous others. It attempts, through rigorous modeling and theory building, to explain the transformation of the European Union from a set of agreements between independent nation-states into a supranational organization capable of limiting or channeling states' behavior in many areas. The approach describes a process of "constitutionalization" in Europe, where inter-governmental agreements have evolved into "a vertically integrated legal regime conferring judicially enforceable rights and obligations on all legal persons and entities, public and private, within EC territory."¹⁹ More recently, proponents have extended the approach to a process of institutionalization, which gives more relative attention to supranational legislation and the creation of a "European space."²⁰ The discussion here will focus on the narrower constitutionalization process. Insights from it can be usefully generalized as we consider the possibilities for deeper integration elsewhere, and for individuals to gain some voice and legally enforceable rights above their states in supranational bodies.

According to the trans-state exchange approach, EU constitutionalization occurred in a predictable and measurable pattern spurred by increasing cross-border trade, the formation and operation of trans-state business and civil society factions, and states' increasing needs to manage or respond to such activities.

as transstate exchange rises in any specific domain (or cluster of related domains), so do the costs, for governments, of maintaining disparate national rules. As these costs rise, so do incentives for governments to adjust their policy positions in ways that favor the expansion of supranational governance. Once fixed in a given domain, European rules—such as relevant treaty provisions, secondary legislation, and the ECJ's case law—generate a self-sustaining dynamic that leads to the gradual deepening of integration in that sector, and, not uncommonly, to spillovers into other sectors . . . these processes gradually, but inevitably, reduce the capacity of the member-states to control outcomes.²¹

The approach stands in stark contrast to that of inter-governmentalists, who characterize European integration as an ongoing institutional bargain between nation-states, where processes and policy outcomes remain essentially in the control of those states.²² Trans-state exchange emphasizes the ever-increasing pressures on states to harmonize rules and practices upward, also shifting some powers to the suprastate level. Movement in the system from inter-governmental to genuine supranational governance is measured in three key dimensions: (1) transnational rule making; (2) the autonomy of the supranational governance bodies (the European Court of Justice, the European Commission, the European Parliament); and (3) the presence and influence of trans-state actors. Increasing transstate exchange and activities related to it drive movement toward the supranational in all three dimensions. Thus, the governance of inter-state trade would be at the supranational end, with clear rules setting standards for state behavior, supranational organizations enforcing standards on states, and trans-state business and civil society actors pressing supranational bodies for specific changes.

The approach also views supranational rules, organizations and actors as relatively closely connected, so that

growth in one element of the supranational trio creates conditions that favor growth in the other two. An expansion of the tasks or autonomy of supranational organizations creates opportunities for political action, which actors and groups will seek to exploit, thus expanding transnational society. As societal actors adjust their behaviors in response to new supranational rules, these rules can gradually be locked in.²³

Such linkage between the three areas is significant, because it helps us to understand the tensions in processes at work on the global level. There, trade rules and some organizational structures are clearly on the supranational end, and trans-state actors—the protesters in the streets at WTO and other meetings—are increasingly demanding access. It also helps us to understand how trans-state actors may be able to focus efforts on organizations that are moving toward the supranational, such as the WTO's Dispute Settlement Body, to most efficiently press their interests or open channels of influence, as well as to “lock in” changes.

The trans-state exchange approach gives important insight into why a set of supranational institutions such as the European Union is able to obtain compliance from member states, even with actions or judgments that are strenuously opposed by the states themselves. Such actions were noted in Chapter 4 in the discussion of controversial rulings by the European Court of Justice. In fact, the court is cited in trans-state exchange as the most powerful engine of EU constitutionalization, and the body most responsible for the expansion of some key rights to larger sets of individuals.²⁴ A closer look at how the doctrines of supremacy and direct effect emerged in Europe will give insight into how the court's influence has grown with increasing trans-state exchange. Recall that supremacy refers to the way in which the rules, laws and judgments of higher level bodies are binding at lower levels. Direct effect refers, in the EU case, to the way in which individuals have standing in legal bodies above the state and may press claims against their states. Neither doctrine was explicit in the founding Treaty of Rome. They emerged, especially in the case of supremacy, in a give-and-take between member state courts and the supranational court.²⁵ The doctrine of direct effect was established in 1963 in the *Van Gend En Loos* case, in which the ECJ ruled that some provisions of European law confer rights on individuals that must be respected by member state authorities.²⁶ The doctrine of supremacy was first declared by the court in the 1964 case of *Costa v. ENEL*. Supremacy, as Stone Sweet argues, was pressed by the court because it was viewed as essential to maintaining the viability of European economic integration. But supremacy was resisted by member state courts, which began challenging the doctrine by claiming that some supranational legislation was violating fundamental rights enshrined in their own national constitutions. The ECJ responded by essentially expanding the set of individual rights it recognized—a “hugely important but wholly unintended consequence”²⁷ of its establishment and elaboration of the doctrine of supremacy.

Without supremacy, the ECJ had decided, the common market was doomed. And without a judicially enforceable charter of rights, national courts had decided, the supremacy doctrine was doomed. The ECJ could have maintained its original position, which, in effect, held that fundamental rights were part of a national—but not

Community—law; the courts of the Member States could have begun to annul EC acts judged to be unconstitutional. In either event, legal integration might have been fatally undermined.²⁸

Some scholars emphasize the ostensible importance of judicial will in the successful establishment and deepening of such doctrines. That includes not only the will of the ECJ judges, who pressed for supremacy in the interest of European Community viability, but lower-court judges in member states who often refer national cases to the ECJ and otherwise have worked to undermine some of the resistance of higher state courts to supremacy, in part to expand their own powers of judicial review. However, as Stone Sweet observes, too strong an emphasis on the interests of judges or institutional interests of courts can distort our understanding of the constitutionalization process, especially if it is presumed that the interests of judges or courts point solely toward deeper integration.²⁹ The key insight of the trans-state exchange approach, and the key to its generalizability to other cases of integration, is that the constitutionalization of a supranational system will deepen and expand as trans-state exchange increases. Even if jurists do not have an express interest in expanding their jurisdiction to an issue area, as the ECJ did not in the area of individual rights, they will be called on to consider cases in many new areas as integration progresses.

Trans-state exchange and the WTO

The discussion of globalization indicated some ways in which trans-state exchange has dramatically increased in the world system in the past several decades. With that increasing exchange has come some movement toward constitutionalization of the global trading regime, most prominently in the World Trade Organization.³⁰ In fact, the WTO shares two important features with the EU: both bodies require full consensus from members to overturn judicial resolution of a dispute, and the WTO treaty codifies a kind of supremacy doctrine that makes its trade rules and dispute panel judgments binding on member states. The differences between the two bodies are many, of course. The WTO has no doctrine of direct effect, and individuals or non-state actors cannot bring complaints against states directly to the organization and see them adjudicated. Its highest-level decision-making body remains the General Council, composed of representatives from member state governments, and its Geneva-based secretariat is much more limited in autonomy than the European Commission or other EU bodies. Trade rules continue to be written by representatives of member states, and only limited steps have been taken toward transparency.³¹

That said, a look at the evolution and dramatically increasing power of the WTO's judicial arm should highlight the depth of constitutionalization

that actually has occurred in some parts of the organization, as well as point us toward possibilities for further deepening and some transformation. In its early days, the General Agreement on Tariffs and Trade (GATT) was little more than a forum, or “club” for trade diplomats. States’ agents focused on resolving conflicts through back-channel negotiation rather than in open, legalistic confrontation. Formal trade dispute panels did not appear until the 1950s, and even in the early 1970s, the dispute panel system was not in broad use. “Three factors—the rising importance of trade, the pressure of domestic politics, and the failure of GATT diplomacy—led to a breakdown in cohesion among the most powerful trading states and favored the development of a litigious GATT culture.”³² A triadic dispute resolution process, involving the two state disputants and trade-panel jurists, became the norm. As global trans-state exchange increased, both GATT rules and adjudication procedures moved more toward the supranational end of the continuum. By the end of the 1980s, the GATT legal system included a number of features not envisioned by the original treaty signatories, including dispute panels being empowered to rule on issues of GATT law not specifically raised by member states, panels being empowered to rule on even those cases that had become moot because of diplomatic settlement, etc., and panels being able to independently set standards for actions by member states that would violate GATT rules. Around this time also, GATT panels routinely were citing the rulings of previous GATT panels, leading disputants to build their own arguments around GATT precedents, even though international law does not include a formal doctrine of *stare decisis*.³³ In expansion of jurisdiction and legal competencies, the GATT/WTO legal system shows significant similarities to the European Court of Justice.

Since 1995, with the formal launching of the WTO as an international organization, a Dispute Settlement Body has overseen adjudication, establishing panels and issuing panel decisions. A Standing Appellate Body (SAB) of seven members, each appointed for a maximum of two four-year terms, hears appeals of panel rulings. If a complaint is ruled valid but the defendant state refuses to comply, then the dispute bodies may authorize penalties, as noted above. The judgments against powerful states do not by themselves demonstrate that the WTO has achieved a level of integration comparable to that in the EU on any policy domain, but it does mean that the WTO is on the supranational rather than inter-governmental end of the continuum in its legal bodies and system of rules. Stone Sweet goes somewhat further:

it can be argued that the WTO is a supranational constitutional polity and that the SAB is nothing less than a constitutional court. The SAB will be a supreme appellate jurisdiction whose function is to interpret and apply fixed norms of reference. These norms are supranational, and they take precedence in any conflict with national norms. The

overwhelming lesson of the literature on constitutional courts and on judicial politics more generally (at least within liberal, industrial states) is that the influence of law and courts will expand with use (by litigators, i.e. political actors.) . . . we can expect that the SAB will gradually but meaningfully reconfigure WTO politics. The body will engage in creative, interpretive lawmaking and also serve to disseminate and reinforce the collective, supranational interest expressed by WTO norms.³⁴

In fact, some creative, interpretive legal action has been in the direction of greater access and openness to actors in trans-state civil society. The Standing Appellate Body ruled in 1998 that panels may accept unsolicited *amicus curiae*, or “friend of the court” briefs from non-governmental organizations, many of which had tried doggedly for years to share their views on environmental and other issues in disputes.³⁵ Later, in a case involving Canada’s challenge of a French ban on importation of asbestos products, the appellate body issued formal guidelines on how NGOs could petition to file such briefs—a significant step toward routinizing access for trans-state actors, albeit in a very narrow range. However, the move drew strenuous objections from Egypt and several other developing state WTO members. The General Council responded by calling a special session on the issue in November 2000, and afterward, the appeals panel rejected all of the eleven petitions to submit *amicus* briefs that it received.³⁶

The United States, Canada and some other developed states continue to press for greater transparency and civil society access in dispute cases. Such changes would, according to US Trade Representative Robert Zoellick, “open the door to the public, and thereby open the door to greater understanding and acceptance of the WTO.”³⁷ Specific US proposals include opening hearings for dispute and appeals panels, providing public access to briefs and statements filed in disputes, and providing prompt public access to final dispute rulings.³⁸ The proposals continue to be strongly resisted by some developing states, whose delegates have expressed concern that NGOs and other affluent state actors will be able to exercise undue influence on the dispute settlement process if it is opened to them. Many developing states already receive WTO assistance in the dispute process because they do not possess the internal technical expertise or resources to vigorously pursue claims or defend against them. Some developing state leaders have expressed some fears that powerful NGOs could put them at a further disadvantage in the body. Also, lest it appear that NGO access is being viewed here as a primary end of accountable integration, I will note that NGOs are only selectively representative and may not themselves be governed democratically. However, more extensive and routine access for trans-state civil society groups, especially those including membership in less affluent states, should be supported. It would represent an important initial step on the way to transforming the

WTO into a body whose institutional reach is more closely matched by the access it provides to those affected by its policies and judgments.³⁹ Specific possibilities are discussed below.

The (possible) constitutionalization of the Americas

Let us now consider the regional supraplural body that is most similar to the European Union, though at a much earlier stage of development.⁴⁰ NAFTA, whose \$11.4 trillion gross domestic product actually far outstrips the EU's expected post-expansion GDP of about \$8.3 trillion,⁴¹ is marked by significant and increasing trans-state exchange. In the first decade of its existence, trade between NAFTA's three members has grown from \$306 billion to more than \$620 billion.⁴² Unlike GATT/WTO, the North American agreement does include some social and environmental linkages to trade through labor and environmental side agreements, though they are relatively weak ones. Fines or retaliatory trade barriers are possible sanctions under the environmental agreement, but they generally must have approval from domestic legal systems to be implemented.⁴³ The labor side agreement has fewer provisions for direct NGO involvement, and it is more limited in scope, covering only those alleged labor violations that occur in trade-related sectors. In addition, it covers only labor protections already enshrined in law in both states in the dispute, in effect, exhorting states to follow their own laws. Despite their rightly criticized weaknesses,⁴⁴ the side agreements are significant in setting precedents for linking social issues to trade, as well in the opportunities they do provide for civil society access, at least in allowing views to be aired. Thus, NAFTA's trans-state actors in labor and the environment are somewhat closer to the supranational than the inter-governmental end of the continuum in presence and influence. NAFTA's governing Free Trade Commission, which actually consists of the three member states' trade ministers, is much closer to the inter-governmental end.

Besides trans-state labor and environmental actors, NAFTA includes some direct channels of access for trans-state economic actors. Under NAFTA Chapter 11, investors based in one member state may directly sue one of the other two member states for actions that are "tantamount to expropriation" of their assets in that state. Chapter 11 has drawn harsh criticism from many quarters.⁴⁵ Included as protection for foreign investors from the seizure of assets in a member state, it has been characterized as a tool allowing corporations in one state to attack foreign laws that interfere with plain profit maximization—a too-generous "bill of rights" for investors.⁴⁶ Notable cases include a \$160 million claim filed in 2000 by Atlanta-based United Parcel Services against Canada Post. UPS contended that Canada Post's large-scale entry into courier services after acquiring Purolator constituted unfair competition, since Canada Post uses its publicly funded mail-delivery infrastructure to support its courier

operations. The claim prompted concerns by some civil society groups that Chapter 11 would allow corporations to target a range of public service providers that could be seen as competitors in other states, e.g., public hospitals, water treatment facilities.⁴⁷ Some of those fears were allayed by a November 2002 dispute panel ruling that significantly scaled back the parts of the UPS claim that would be considered. However, a number of other cases, especially those dealing with targeting of environmental regulation, remain controversial.

Chapter 11 disputes have helped to push important questions about economic and social rights to the fore of NAFTA and broader international law debates,⁴⁸ in addition to serving as the site for the most intense lobbying activity by NGOs, firms and other trans-state actors. This activity has translated into some modest but meaningful gains in supranational access. For example, some NAFTA panels have agreed to admit *amicus* briefs from NGOs,⁴⁹ and the NAFTA Free Trade Commission, at its October 2003 meeting in Montreal, affirmed that dispute panels have the authority to accept such briefs. The US and Canadian representatives, though not the Mexican representative, also announced an intention to open Chapter 11 dispute hearings to the public—if the parties to the dispute agreed.⁵⁰

NAFTA proponents celebrated the tenth anniversary of the free trade agreement in December 2003. At the same time, efforts to expand comprehensive, NAFTA-style liberalization throughout the hemisphere in a Free Trade Area of the Americas were at a lull. With resistance from Brazil in particular, delegates to the November 2003 FTAA summit in Miami achieved agreement only on a limited set of principles, though commitments were made to continue negotiating.⁵¹ The Bush administration responded by pursuing several bilateral trade deals with Latin American states, as well as signing in December 2003 a Central American Free Trade Agreement with El Salvador, Guatemala, Honduras and Nicaragua.⁵² Whatever the final, initial provisions of the hemispheric free trade area, NAFTA and its offspring are key to a discussion about the feasibility of realizing accountable integration. I do not claim that NAFTA represents such integration in terms of the self-development conception of rights, or that the Central American or hemispheric free trade initiatives will achieve anything similar in the near term. However, the increasing willingness to make some transparency concessions to civil society actors in the NAFTA arena, as well as in ongoing FTAA negotiations,⁵³ is in keeping with the expectations of the trans-state exchange approach. As trade and other exchanges have increased in volume, trans-state disputes have arisen and their adjudication has helped promote some constitutionalization of the NAFTA system. The increasing impact, or potential impact, of dispute resolutions has prompted trans-state civil society groups to pressure their own member states for changes, and some access to the dispute resolution processes has been granted. As trans-state exchange

and adjudication continue to expand, such pressures can be expected to increase.

In addition, there has been some elite interest in deepening, rather than simply broadening, integration. Mexican President Vicente Fox Quesada has pressed for several years for EU-style structural funds to aid his country's development, as well as for freer cross-border movement of workers.⁵⁴ Fox's hopes for freer immigration were dampened by the terror attacks on the United States of 11 September 2001, but by early 2004, the Bush administration had proposed a broad guest worker plan that also would allow many undocumented workers to obtain legal resident status.⁵⁵ Fox and other elites continue to push for deepening NAFTA in several areas. For example, Andres Rozental, a Fox adviser and president of the Mexican Council on Foreign Relations, calls for a stronger NAFTA organization, including a North American Commission modeled on the European Commission. He also advocates launching a North American "Schengen Agreement" to promote much freer movement of labor, as well as a region-wide customs union modeled on the European one.⁵⁶ The latter proposal has received public support from former US Ambassador to Canada Thomas Niles, among others.⁵⁷ Robert Pastor, an international relations scholar and former director of Latin American Affairs on the US National Security Council, has offered a separate, book-length proposal for the creation of a North American Community modeled loosely on the former European Community. Pastor argues that NAFTA, in its current form, has facilitated great gains in regional trade and investment but remains underdeveloped in enabling the benefits of a truly regional economy to fall to all three members. Pastor's proposed changes include the creation of something like Rozental's strong North American Commission, a body that would be able to engage in long-term planning and coordination in the region. The current *ad hoc* dispute panels would be replaced by a permanent adjudicative body with an institutional memory and formal recognition of case precedents. He also proposes that the three NAFTA members coordinate foreign policy on appropriate issues, including presenting a common trade front in international trade talks, as the European Commission does. Finally, Pastor urges the creation of a North American Parliamentary Group, actually the merger of two existing inter-parliamentary conferences including the three states.

Pastor's argument emphasizes collective action problems, or simply concerns the three NAFTA members share, that could be more effectively addressed supranationally, as reasons for pursuing deeper integration in the region. Again, I am not persuaded that those sorts of common concerns or threats will be sufficient to trigger the immediate launch of a much deeper integration project in North America. However, NAFTA, FTAA and other hemispheric regional trade initiatives represent potentially powerful forces for increasing trans-state exchange in goods, investment, finance, information and services in a vast area including more than

800 million people. The longer-term prospects for relatively deep integration in the region may be good. Market liberalization under the governance of the regional trade bodies, especially over time in a hemispheric body, can be expected to lead to continuing pressures on various domestic sectors, as production and capital migrate and the practices of producers in one state are increasingly open to challenge by producers or groups in other states. Opening markets also could lead to freer movement of workers in various regions.⁵⁸ As its critics charge, NAFTA does contribute to an incipient democratic deficit in North America by challenging local control in some policy areas, especially via Chapter 11 disputes. Such a deficit encourages trans-state actors to press for greater access to and influence on NAFTA policymaking and implementation. Thus, NAFTA provides a framework, however incomplete, within which demands may be pressed for deeper and more democratically accountable integration. Over many years, we could see a much deeper constitutionalization of NAFTA, on the way to transforming it into a democratic, multilevel organization broadly similar to the European Union in its ability to make routine, tax-financed distributions among states and expand opportunities for individuals in all member states. Over a much longer term, the same may be possible in the hemisphere through an FTAA or similar bodies.

Global possibilities

What of the possibilities for achieving more accountable integration on a much larger, even fully global scale? In the near term, the same mechanisms of trans-state exchange, spillover and lock-in of key aspects of supranational governance could continue to push integration in the global arena. Such integration could open the way to progressively increasing access for and accountability to civil society. The developments noted above in WTO *amicus* rulings and stated commitments to greater openness suggest the sorts of near-term changes that could occur, especially in light of continuing strong pressures from trans-state civil society actors. With such pressures in mind, I want to suggest three near-term possible futures for the global economic system. These, of course, are not the only possible outcomes, but given current trends, they seem three of the most plausible. The third potentially would lay the groundwork for the emergence of the integrated alternative, i.e., just, democratically accountable supranational integration, up to a full global government in the much longer term.

- 1 *Smoot-Hawley and dis-integration*: The growing backlash against processes of globalization could trigger a pandemic of economic nationalism. States could respond to domestic pressures by putting in place a range of protections for particularly trade-sensitive or powerful domestic industries, and some states could withdraw from the

WTO or regional trade bodies. In the extreme case, the backlash could result in the kind of ultra-protectionist “Smoot-Hawleyism”⁵⁹ that seems especially to concern the WTO Secretariat, with a few states reverting to high general tariffs and most others responding in kind.

- 2 *Unaccountable integration*: The WTO and its more powerful member states could acknowledge the concerns of anti-globalization activists, developing state delegates and others without fully responding to them. The organization might continue to increase its technical assistance to developing states, and it could offer them further legal assistance to press dispute claims. It might also make negotiations somewhat more transparent, releasing draft documents and allowing more advisory input from NGOs and the International Labor Organization. But its state members would not allow firm social linkages to trade, and it would not routinize access for actors in civil society. Meanwhile, critics would continue applying pressure through domestic government lobbying and street demonstrations. They might win some localized concessions, but not the significant changes they seek, in part because there is no consensus on whether transformation or elimination of supranational trade bodies is the appropriate demand.
- 3 *Accountable integration*: Instead of advocating the disbandment of the WTO and other supranational bodies, WTO critics and those feeling the effects of market liberalization form ever more powerful trans-state factions. They lobby their own governments and continue staging demonstrations and smaller actions until their own domestic leaders are compelled to lobby in the trade bodies for their demands. The WTO door is grudgingly cracked open to international NGOs, who are granted advisory powers and gradually help to craft more balanced rules—something like the input that EU organizations receive from trans-state actors in policy formation. Modest social linkages are won, and states face some threat of trade penalties for violating labor and perhaps environmental standards. Something similar to the charter of rights that emerged through adjudication in the EU begins to take shape. Individuals may come to have limited legal standing as dispute bodies grapple with precedents set by social linkages.

Scenario 3 describes movement toward the kind of relatively near-term, democratically accountable integration that would be a vital step on the way to realizing the integrated alternative and expanding the fulfillment of self-development rights. It is not an implausible scenario, given the interest states have in maintaining the viability of the global trading regime and the motivation non-state actors have to oppose a mostly unaccountable project of global economic liberalization. But it must be strongly emphasized again that realizing something like the integrated alternative in the global system depends on the possibility that trans-state civil society

factions will focus their efforts on the positive transformation of the system, rather than pursuing various forms of protectionism. It will require that states' leaders vigorously promote integration over protectionism domestically, that they demand greater accountability from the WTO on their citizens' behalf, and that they press for recognition of core individual rights by all member states. Finally, accountable integration in the WTO context will require a supranational leadership, including the nation-state representatives in the General Council, that makes an honest assessment of the ways in which the trade body is growing increasingly powerful and yet remains largely unaccountable to those within states who are affected by its actions. Consider the site chosen for the first post-Seattle WTO ministerial: Qatar, a monarchy with no constitution or political parties, and which does not ordinarily allow demonstrations. Only a few hundred activists were able to secure visas and clear other barriers to actually attend the meeting, which did result in the launching of a new round of global trade talks.⁶⁰

As the third scenario suggests, the global economic integration process may have reached a significant crossroads. In fact, it is striking how many different observers, from different disciplines and theoretical approaches, see the need for supranational organizations to give greater access and make some concessions to the actors increasingly affected by economic globalization. Even if some do not agree that it would be appropriate to write collective bargaining or minimum wage requirements into trade agreements, they nevertheless generally acknowledge that powerful interests inside and across states must somehow be accommodated if the global liberalization project is to remain viable. Consider the following from international law scholar David Leebron:

Where it is strongly supported (as for linking labor and environmental issues with trade), such linkage can probably not be resisted altogether. Rather, the goal must be to choose the means of linkage that most effectively advance the policies sought to be linked . . . without undermining the ability to reach agreement and make progress in the other regime. Interpretive linkage holds promise in this respect, and the WTO now seems in effect to have endorsed this approach. With regard to the role of environmental agreements and norms in the interpretation of GATT obligations, for example, the WTO dispute panels have basically done an about-face. They have moved from a wooden, formalistic approach that largely ignored the evolution of international environmental law, to one that tries in a nuanced way to incorporate this evolution into a dynamic interpretation of the GATT rules.⁶¹

Leebron argues for a similarly nuanced approach by actors seeking to link social and rights issues to trade, and he urges that linkage be seen as a

second-best solution to better developing specific international regimes in labor, the environment, human rights.

Some policymakers in the United States and the EU have been among those recommending over several years that social linkages be made in the WTO.⁶² Former US President Clinton proposed, to the dismay of many developing state delegates at the 1999 Seattle ministerial, that International Labor Organization worker-protection standards be linked to membership benefits.⁶³ More recently, Democratic US Representative and 2004 presidential candidate Richard Gephardt proposed a global minimum wage plan—though the minimum would be variable by country—to be overseen by the ILO and tied to WTO membership.⁶⁴ Others have suggested that the ILO could play various oversight roles in a World Trade Organization whose competencies would be expanded or linked to labor and environmental protections. The ILO itself has requested formal advisory status in the trade organization.⁶⁵ For its part, the World Trade Organization has affirmed support in principle for ILO promotion of labor standards—specific calls include barring child labor, providing living wages, humane working hours, gender equity, rights to collective bargaining—but it has rejected links between any specific standards and trade privileges.⁶⁶ Social linkage continues to be strongly opposed by most developing state leaders, who fear a loss of comparative advantage if they are made to observe higher minimum wage standards, etc. If the WTO became a more highly developed, somewhat more accountable body, developing states' concerns gradually could be addressed as in the European Union, where less affluent members are granted various kinds of assistance to help them meet system-wide standards.

If we assume that such relatively near-term changes as greater transparency and modest social linkages could be achieved, how might movement be promoted toward much more comprehensive changes, i.e., toward the creation of a formal, multi-level democratic system? For that, let us turn first to the regional trade bodies and a tendency toward “competitive liberalization,” where more suprastate regional trade bodies are created, and existing ones are expanded or deepened, as individual states compete for global trade and investment. The majority of global trade now occurs within regional trade agreements, and each new project helps to create momentum for others. For example, in 1994, just a few weeks after APEC members announced a plan to liberalize trade and investment in the Asia-Pacific region by 2010, leaders in the Americas declared they would move toward the Free Trade Area of the Americas by 2005. US Trade Representative Zoellick notes that it took the completion of NAFTA and the increasing activity by APEC “to persuade the EU to close out the Uruguay Round” of trade negotiations that created the WTO. In a competitive liberalization context, the kind of give-and-take between lower and higher governing bodies that resulted in supranational

recognition of some individual rights in the European Union could have significant global implications. For example, the EU can be expected to continue demanding social linkages and other changes in the WTO. The WTO, in turn, could demand that the EU improve its rather patchy record of observing its rules on open markets. In fact, there is an in-built tension between a global market-liberalizing regime and regional trading blocs, which often are characterized as trade-diverting bodies rather than trade-creating ones.⁶⁷ EU regional trade barriers pose a challenge to WTO rules supremacy broadly similar to the ones that were posed to European Community supremacy by member states. The ultimate challenge to the viability of the WTO system may be much the same, and both parties may have to give ground, as occurred in Western Europe, where the give-and-take resulted in recognition of EC supremacy by member states and some recognition of fundamental rights by the European Court of Justice.

That leads me to suggest that in the medium term of approximately fifty years, there could be significant movement toward enshrinement of a relatively narrow range of workers' rights, linked to WTO membership privileges. We may even see some form of direct effect in the WTO dispute body, first granted to firms as "corporate persons," and then to aggrieved "natural persons." We also can expect to see virtually all states become enmeshed in regional organizations such as NAFTA, with increasing economic integration and some movement toward political integration among more mature bodies. We can expect to see the continuing emergence of a more robust region-wide representative democracy in the EU. In other areas of the world, expanded and deepened integration in supra-state regional bodies should encourage member states to view each other more as partners in a common enterprise than as plain competitors. Integration should facilitate the kinds of trans-state distributions already common in the European Union, as well as the free movement among member states that opens many more life opportunities for individuals. If regional integration continues to grow, and the tension between regional and global economic integration is indeed a productive one, then it is plausible to suggest that we could see some much larger, perhaps fully global, multi-level democratic government in the much longer term.⁶⁸ Its creation would be propelled by states and supranational regional bodies pursuing their own interests in economic growth via trade and open markets, by ever-expanding adjudicative jurisdictions in supranational bodies, and by the formation of powerful trans-state factions—labor, business, NGOs, sub-state governments—that are able to exercise progressively greater influence on supranational bodies.

I will assume that a transformed WTO dispute body or some similar body could serve as the effective judicial branch at the global level, but I will not venture a prediction on when or exactly how a global legislative or executive arm could emerge. I will note, however, a specific proposal for a WTO-affiliated global parliament offered by EU Trade Commissioner

Pascal Lamy after the 1999 Seattle protests. In remarks before the European Parliament, Lamy proposed the creation of a WTO parliamentary body, initially as an annual meeting of lawmakers from WTO member states. More closely involving elected representatives in trade deliberations, Lamy said, would help improve democratic accountability in the body. Over time, he said, a full “consultative parliamentary assembly” could be created at the WTO.⁶⁹ The effectiveness and legitimacy of a purely consultative parliament can be questioned. However, it is significant that even a very limited global parliament emerged as a serious topic of discussion after the Seattle meeting, where a massive and sustained public protest involving a range of civil society actors, including US labor interests, sent a powerful message to trade delegates and member states.⁷⁰ Lamy’s proposed response should be suggestive of some ways in which continuing pressures for accountability from trans-state actors could help to promote deep institutional transformation over the longer term.

Fix it

I want to close by speaking more concretely about duties and the roles that actors at all levels have played and can play to promote more accountable integration. I noted in the Preface how globalization critics have been divided on whether “fixing” the World Trade Organization is the appropriate stance, or whether efforts should be focused on “nixing” it.⁷¹ The same has been true of NAFTA and now FTAA, with some few groups or individuals, notably Jeremy Brecher and Tim Costello,⁷² supporting more accountable integration as a way to gain leverage on regional problems and promote “upward leveling” of labor, environmental and human rights protections, and many more painting integration as a simple loss of local democratic control. Organized labor in the United States, which was generally opposed to NAFTA and has opposed the FTAA,⁷³ has shown some signs of support for more accountable integration globally. For example, following the Seattle World Trade Organization meeting, the AFL-CIO created a Campaign for Global Fairness which aimed, in part, at building “international solidarity with our brothers and sisters in [economically] emerging nations as well as developed nations to create equitable, democratic and sustainable growth.”⁷⁴ The union also has supported the International Labor Organization’s global labor standards. Such public positions may well be seen as merely the kind of disguised affluent-state protectionism that concerns many in less affluent states. Even if that is the case, however, it represents significant pressure that, coupled with pressures for adjustment assistance from developing states themselves, could result in concrete positive change for workers in those states. Further, even very incremental changes in collective bargaining or wage rules, if they are truly global changes, and if states are encouraged to comply through linkages with trade privileges, could help to significantly raise the global social floor.

Major human rights groups such as Amnesty International also have taken important and highly visible positions on the character of economic integration. For example, the group praised the thirty-four leaders who attended the April 2001 FTAA summit for making a commitment to democracy in the summit's closing declaration. It also praised the Canadian host government for allowing relatively broad access by trans-state groups to negotiating delegations, and criticized leaders for failing to include human rights provisions in FTAA.⁷⁵ I have argued that all trans-state actors should offer similarly strong support of a more democratically accountable integration, not only because it will open the possibility of exerting more democratic control over the processes of economic globalization, but because it offers the strong possibility for improvements in the life chances of hundreds of millions of people over the near and medium term. That is a moral component of the globalization debate that must be made more prominent.

Again, some trans-state groups or critics focusing specifically on the effects of economic integration have offered pragmatic, clear-sighted proposals for change effected through cross-border mobilization.⁷⁶ However, much of the message that has been either transmitted or received from street demonstrations seems to suggest that a retreat to the state is the appropriate solution. Consider the call to repeal NAFTA and withdraw from the WTO by Democratic US Representative and 2004 presidential candidate Dennis Kucinich, who received strong support from groups in the anti-corporate-globalization movement. Kucinich asserts that, because of the power of other states to bring challenges in the WTO,

We can talk all we want about modifying NAFTA to protect human rights and workers' rights, but the end result will be a ruling from the WTO like the recent one on steel telling us we are not free, that global corporate trade agreements have the final say. We need a new start. We must begin from scratch with decent trade agreements between this country and each other country we trade with, agreements that are based from the start on the needs of people and communities.⁷⁷

Such a message, while probably still well intentioned, has the potential to cause significant harm. To call for exiting the WTO, or "nixing" the entire organization without proposing to replace it with some body that could be used to promote more just forms of economic integration globally is to advocate a retreat to the suspect moral framework of the stewardship model, where the leaders of "separate but equal" states attempt to promote the interests of their own citizens but have hugely disparate command over resources. Strong priority to compatriots would be observed, and movement toward securing self-development rights would be delayed or possibly halted for huge numbers of people in less affluent states.

Conclusion

When Martin Luther King called for a transformation of the Jericho road, he also declared that he was speaking as a “citizen of the world,”⁷⁸ as one who had come to realize the need of exhorting others to lift “neighborly concern beyond one’s tribe, race, class and nation” and promote the welfare of all in the world.⁷⁹ I believe that ever more of us are enabled to speak, think and act as citizens of the world. In an integrating system, we find ourselves sharing concerns about international economic competition, the global environment, and increasingly supranational governance, with others worldwide. Media and technology advances give us, especially in more affluent states, unprecedented daily windows on the rest of the world, as well as the almost effortless ability to make connections across many borders. In short, we are uniquely poised to develop the mindset of world citizens, and as the discussion of this chapter has suggested, to begin to act as world citizens. Yet, we cannot underestimate the force of attachment to the local, the challenges all of us will face in expanding the sets of persons whose interests we can view as appropriately protected and promoted in common. In this book, I have tried to show why we should want to adopt the broader view, what kinds of actions each of us can take to promote its acceptance, and the tremendous positive changes it has the potential to set in motion.

I began by highlighting tensions between arguments for compatriot priority and a more universalist approach to moral obligation. The core conclusion of Chapter 1 was that, if we are to take respect for all persons seriously, it must motivate more than a policy of non-interference toward noncompatriots, given the deprivations so many suffer in the current global system. Chapters 2 and 3 considered some prominent cosmopolitan approaches to distributions but found them wanting as moral arguments. They would have allowed some individuals either to be sacrificed in service of some greater utility, to be excluded from important distributions, or to be vulnerable to rights violations through an inappropriate emphasis on interdependence or group interaction. I argued for a moral cosmopolitan approach that would recognize the rights of all persons, regardless of their states’ embeddedness in the global economy, to distributions of the resources and opportunities needed to form and pursue a robust life plan, i.e., to fulfillment of self-development rights. That led, in Chapter 4, to an assessment of the normative foundations of the current states system. I discussed how the Westphalian system discourages distributions to those in less affluent states because it gives rise to powerful, mutually reinforcing biases toward compatriots. I argued for the recognition of an obligation on all persons to transform that system through the advocacy of just, democratically accountable integration. Ultimately, we should want to put in place an institutional framework where the interests of all persons will be vigorously protected and promoted. That would most

likely be some form of democratic global government. Consideration of common objections to global government led to the model of a democratic, multi-level system guided by principles of supremacy and subsidiarity.

Again, whether we will see the emergence of more accountable integration at the regional or global level, and whether that will lead to a significant expansion of self-development rights fulfillment, depend crucially on the actions of those in trans-state civil society, as well as on the actions taken by states' leaders and supranational bodies. All people should demand from domestic leaders that they summon the political vision and will to press for strong linkages between trade and rights protections in the World Trade Organization and regional supranational bodies. The International Labor Organization standards for collective bargaining and improved wages would be a natural place to begin. We also should demand the creation of adjustment programs to help less affluent states implement and enforce the labor, environmental and human rights rules that they should be required to accept as conditions of membership. States' leaders must be pressed to lobby for progressively greater civil society access to the WTO, and they must open access to NAFTA and similar bodies. As supranational governance increasingly affects the lives of ordinary persons, it must be conducted with meaningful input from them, and it must be accountable to them. As democratic accountability grows, so can ordinary persons in member states grow in their ability to press fair demands in legislative hearing rooms, courtrooms and ballot booths. In the longer term, if we and those who follow continue to press for a democratically accountable project of global integration, we can create a system capable of securing self-development rights for an ever-expanding circle of humanity. If it is possible to create a world where birthplace does not determine life chances, such a world will be realized because those who are affected by the globalizing economy, in solidarity with those who believe that anyone born anywhere should be able to lead a decent life, will continually demand movement toward it.

Notes

Introduction: the Jericho road

- 1 Martin Luther King, Jr., "A Time to Break the Silence," in James M. Washington (ed.), *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (San Francisco, HarperCollins, 1986), p. 241.
- 2 For surveys of recent cosmopolitan works, see Daniele Archibugi and Mathias Koenig-Archibugi, "Globalization, Democracy and Cosmopolis: A Bibliographical Essay," in Daniele Archibugi (ed.), *Debating Cosmopolitics* (London, Verso, 2003), pp. 273–91; Fred Dallmayr, "Cosmopolitanism: Moral and Political," *Political Theory*, vol. 31, no. 3, June 2003, pp. 421–42; Simon Caney, "International Distributive Justice," *Political Studies*, vol. 49, no. 5, December 2001, pp. 974–97; Charles Beitz, "International Liberalism and Distributive Justice: A Survey of Recent Thought," *World Politics*, vol. 51, no. 2, January 1999, pp. 269–96; Chris Brown, "Theories of International Justice," *British Journal of Political Science*, vol. 27, no. 2, April 1997, pp. 273–97; for individual cosmopolitan arguments, see in particular Peter Singer, "Famine, Affluence and Morality," *Philosophy and Public Affairs*, vol. 1, no. 4, Spring 1972, pp. 230–43; Charles Beitz, *Political Theory and International Relations* (Princeton, NJ, Princeton University Press, 1979; revised edition 1999); Thomas Pogge, *Realizing Rawls* (Ithaca, NY, Cornell University Press, 1989); Martha Nussbaum, "Patriotism and Cosmopolitanism," in Joshua Cohen (ed.), *For Love of Country: Debating the Limits of Patriotism* (Boston, Beacon Press, 1996), pp. 2–17; Brian Barry, "International Society from a Cosmopolitan Perspective," in David Mapel and Terry Nardin (eds), *International Society: Diverse Ethical Perspectives* (Princeton, NJ, Princeton University Press, 1998), pp. 144–63; Charles Jones, *Global Justice: Defending Cosmopolitanism* (Oxford, Oxford University Press, 1999); Darrel Moellendorf, *Cosmopolitan Justice* (Boulder, CO, Westview, 2002).
- 3 See Charles Beitz, "Social and Cosmopolitan Liberalism," *International Affairs*, vol. 75, no. 3, July 1999, pp. 125–40; Martha Nussbaum, "Duties of Justice, Duties of Material Aid," *The Journal of Political Philosophy*, vol. 8, no. 2, June 2000, pp. 176–206; Jason D. Hill, *Becoming a Cosmopolitan: What it Means to Be a Human Being in the New Millennium* (Lanham, MD, Rowman and Littlefield, 2000). Most cosmopolitans do support the creation of some limited supra-national institutions. Those described as moral cosmopolitans, especially Nussbaum, give emphasis to moral duties and relatively little attention to institutional design.
- 4 See Thomas Pogge, "Cosmopolitanism and Sovereignty," *Ethics*, vol. 103, no. 1, October 1992, pp. 51–73; Thomas Pogge, "Economic Justice and National Borders," *ReVision*, vol. 22, no. 2, Fall 1999, pp. 27–43; Brian Barry, "Statism and Nationalism: A Cosmopolitan Critique," in Ian Shapiro and Lea Brilmayer

- (eds), *Nomos XLI: Global Justice* (New York, New York University Press, 1999), p. 40; Jones, *Global Justice*, especially pp. 227–32; Moellendorf, *Cosmopolitan Justice*, esp. pp. 171–6; Commission on Global Governance, *Our Global Neighborhood* (Oxford, Oxford University Press, 1995). An example of a supranational institution is the World Trade Organization, which achieves compliance with its trade rules in part through the threat of trade penalties.
- 5 See David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Cambridge, Polity Press, 1995); Held, “From Executive to Cosmopolitan Multilateralism,” in David Held and Mathias Koenig-Archibugi (eds), *Taming Globalization: Frontiers of Governance* (Cambridge, Polity Press, 2003).
 - 6 Aristotle, *On Rhetoric: A Theory of Civic Discourse*, translated by George Kennedy (New York, Oxford University Press, 1991), p. 195. Aristotle’s focus is on the ability to define a term to be used in an enthymematic argument, but the definition in question generally becomes the first premise of the argument.
 - 7 John Rawls, *A Theory of Justice*, revised edition (Cambridge, Belknap Harvard, 1999; first published 1971).

1 Priorities

- 1 Glen Starchman, “Aid: Let’s Take Care of Our Own People First,” Letter to the Editor, *Seattle Post-Intelligencer*, 6 April 2002, p. B-3.
- 2 Thousands of such photos are archived by the US National Aeronautics and Space Administration, “The Gateway to Astronaut Photography of Earth,” Online. Available: <http://eol.jsc.nasa.gov/> Accessed January 2004.
- 3 And states are of relatively recent manufacture. See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London, Verso, 1991); E.J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality* (Cambridge, Cambridge University Press, 1992).
- 4 Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York, Basic Books, 1983); Stephen Nathanson, *Patriotism, Morality and Peace* (Lanham, MD, Rowan and Littlefield, 1993); Christopher Wellman, “Relational Facts in Liberal Political Theory: Is There Magic in the Pronoun ‘My’?” *Ethics*, vol. 110, no. 3, April 2000, pp. 537–62.
- 5 On challenging the common-sense view, see Charles Beitz, “Cosmopolitan Ideals and National Sentiment,” *The Journal of Philosophy*, vol. 80, no. 10, October 1983, pp. 591–600; David Bromwich, “Culturalism: The Euthanasia of Liberalism,” *Dissent*, vol. 42, Winter 1995, pp. 89–102; Samuel Scheffler, “The Conflict Between Justice and Responsibility,” in Ian Shapiro and Lea Brilmayer (eds), *Nomos XLI: Global Justice* (New York, New York University Press, 1999), pp. 86–106.
- 6 “Communitarianism,” in Ted Honderich (ed.), *Oxford Companion to Philosophy* (Oxford, Oxford University Press, 1995), p. 143; see also Amitai Etzioni (ed.), *New Communitarian Thinking: Persons, Virtues and Communities* (Charlottesville, VA, University Press of Virginia, 1995).
- 7 Michael Sandel, *Liberalism and the Limits of Justice*, 2nd edition (Cambridge, Cambridge University Press, 1998); Alasdair MacIntyre, *Whose Justice? Which Rationality?* (South Bend, IN, University of Notre Dame Press, 1988); Alasdair MacIntyre, *Dependent, Rational Animals: Why Human Beings Need the Virtues* (Chicago, Open Court, 1999); Charles Taylor, “The Politics of Recognition,” in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* (Princeton, NJ, Princeton University Press, 1994), pp. 25–73. For responses to simple constitutive arguments, see Amy Gutmann, “Communitarian Critics of

- Liberalism,” *Philosophy and Public Affairs*, vol. 14, no. 3, Summer 1985, pp. 308–22; Will Kymlicka, “Liberalism and Communitarianism,” *Canadian Journal of Philosophy*, vol. 18, no. 2, 1988, pp. 181–204; Charles Beitz, “Sovereignty and Morality in International Affairs,” in David Held (ed.), *Political Theory Today* (Stanford, CA, Stanford University Press, 1991), pp. 236–54.
- 8 Walzer, *Spheres of Justice*; Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (South Bend, IN, University of Notre Dame Press, 1994); Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Allusions*, 3rd edition (New York, Basic Books, 2000); John Gray, “From Post-Liberalism to Pluralism,” in Ian Shapiro and Russell Hardin (eds), *Nomos XXXVIII: Political Order* (New York, New York University Press, 1993), pp. 345–62; Yael Tamir, *Liberal Nationalism* (Princeton, NJ, Princeton University Press, 1993); David Miller, *Citizenship and National Identity* (Cambridge, Polity Press, 2000); Peter Sutch, *Ethics, Justice and International Relations: Constructing an International Community* (London, Routledge, 2001).
- 9 Walzer, *Spheres of Justice*, p. 65.
- 10 *Ibid.*, pp. 78–9.
- 11 Walzer, *Just and Unjust Wars*, p. 54.
- 12 Robert Goodin, “What Is So Special about Our Fellow Countrymen?” *Ethics*, vol. 98, no. 4, July 1988, pp. 663–86. See also Robert Goodin, *Protecting the Vulnerable: A Reanalysis of Our Social Responsibilities* (Chicago, University of Chicago Press, 1985).
- 13 See Brian Barry, “Statism and Nationalism,” in Ian Shapiro and Lea Brilmayer (eds), *Nomos XLI* (New York, New York University Press, 1999); Veit Bader, “Citizenship and Exclusion: Radical Democracy, Community and Justice. Or, What is Wrong with Communitarianism?,” *Political Theory*, vol. 23, no. 2, May 1995, pp. 211–46; Henry Shue, *Basic Rights* (Princeton, NJ, Princeton University Press, 1980), p. 136; David Luban, “Just War and Human Rights,” in Marshall Cohen, Charles Beitz, Thomas Scanlon and A. John Simmons (eds), *International Ethics* (Princeton, NJ, Princeton University Press, 1985), pp. 195–216; Jeff McMahan, “The Limits of National Partiality,” in Robert McKim and Jeff McMahan (eds), *The Morality of Nationalism* (New York, Oxford University Press, 1997), p. 126.
- 14 Michael Walzer, “The Moral Standing of States: A Response to Four Critics,” in Marshall Cohen, Charles Beitz, Thomas Scanlon and A. John Simmons (eds), *International Ethics*, p. 220.
- 15 Walzer would make exceptions for genocide and other large-scale horrors, as will be discussed in Chapter 5.
- 16 See Margaret Moore, “Miller’s Ode to National Homogeneity,” *Nations and Nationalism*, vol. 2, no. 3, 1996, pp. 423–9.
- 17 See John Stuart Mill, *Considerations on Representative Government* (Indianapolis, Bobbs-Merrill, 1958). Mill’s outline of the one-nation, one-state ideal in Chapter 16 is one of the best known versions, but the ideal appears in many nineteenth- and early twentieth-century sources, including Woodrow Wilson’s 14 Points speech.
- 18 Tamir, *Liberal Nationalism*, p. 73. Tamir also considers an extension of a devolution scheme to the global level. Yael Tamir, “Who’s Afraid of a Global State?” in Kjell Goldmann, Ulf Hannerz and Charles Westin (eds), *Nationalism and Internationalism in the Post-Cold War Era* (London, Routledge, 2000), pp. 244–67.
- 19 Michael Walzer, “The Reform of the International System,” in Oyvind Osterud (ed.), *Studies of War and Peace* (Oslo, Norwegian University Press, 1986), pp. 227–44.

- 20 Oyvind Osterud, "Response to Walzer," in Oyvind Osterud (ed.), *Studies of War and Peace*, pp. 245–50; David Watt, "Discussions," in Oyvind Osterud (ed.), *Studies of War and Peace*, pp. 251–6.
- 21 See Michael Ignatieff, *Blood and Belonging: Journeys into the New Nationalism* (New York, Farrar, Straus & Giroux, 1993); William Pfaff, *The Wrath of Nations: Civilization and the Furies of Nationalism* (New York, Touchstone, 1993); Bader, "Citizenship and Exclusion," p. 246.
- 22 A recent exception is David Miller, "Nationality in Divided Societies," in Alain G. Gagnon and James Tully (eds), *Multinational Democracies* (Cambridge, Cambridge University Press, 2002), pp. 299–318.
- 23 Watt, "Discussions," p. 241.
- 24 Brian Walker, "Social Movements as Nationalisms or, the Very Idea of a Queer Nation," in Jocelyne Couture, Kai Nielsen and Michel Seymour (eds), *Rethinking Nationalism* (Calgary, Canadian Journal of Philosophy, 1996), p. 519.
- 25 For an argument that nationality is an inherently racialized concept, see Kathryn A. Manzo, *Creating Boundaries: The Politics of Race and Nation* (Boulder, CO, Lynne Rienner, 1996).
- 26 Michael Walzer, "The Obligation to Disobey," in David Spitz (ed.), *Political Theory and Social Change* (New York, Atherton Press, 1967), pp. 185–202; see also Charles Jones, *Global Justice* (Oxford, Oxford University Press, 1999), p. 131.
- 27 For example, members of the United Auto Workers at a Ford truck plant in St. Paul, Minnesota voted in 1994 to pledge \$300 per month to support an organizer for the Authentic Workers Front (FAT) union at the Ford plant in Cuautitlan, Mexico. Jeremy Brecher and Tim Costello, *Global Village or Global Pillage: Economic Reconstruction from the Bottom Up* (Boston, South End Press, 1994), pp. 154–6.
- 28 Walzer, *Spheres of Justice*, p. 84.
- 29 *Ibid.*, p. 313.
- 30 William A. Barbieri, *Ethics of Citizenship: Immigration and Group Rights in Germany* (Durham, NC, Duke University Press, 1993), p. 119; see also Lyle Downing and Robert Thigpen, "Civic Republicanism and Its Critics: Beyond Shared Understandings," *Political Theory*, vol. 14, no. 3, August 1986, pp. 451–72.
- 31 Alan Gewirth, "Ethical Universalism and Particularism," *The Journal of Philosophy*, vol. 85, no. 6, 1988, p. 284.
- 32 See Martha Nussbaum, *Sex and Social Justice* (New York, Oxford University Press, 1999), especially Chapter 1, "Women and Universals"; see also Brian Barry, "Spherical Justice and Global Injustice," in David Miller and Michael Walzer (eds), *Pluralism, Justice and Equality* (New York, Oxford University Press, 1995), pp. 67–80.
- 33 John Stuart Mill, *The Subjection of Women*, Susan Moller Okin, ed. (Indianapolis, Hackett Publishing Company, 1988); see also Seyla Benhabib, *The Claims of Culture: Equality and Diversity in the Global Era* (Princeton, NJ, Princeton University Press, 2002), especially Chapter 4, "Multiculturalism and Gendered Citizenship."
- 34 John Rawls, *The Law of Peoples* (Cambridge, MA, Harvard University Press, 1999).
- 35 Richard Miller, "Cosmopolitan Respect and Patriotic Concern," *Philosophy and Public Affairs*, vol. 27, no. 3, Summer 1998, p. 204; see also Richard Dagger, "Rights, Boundaries, and the Bonds of Community: A Qualified Defense of Moral Parochialism," *The American Political Science Review*, vol.

- 79, no. 4, June 1985, pp. 436–47; Wellman, “Relational Facts in Liberal Political Theory”; for a critical exploration of universal-particularism arguments, see Gewirth, “Ethical Universalism and Particularism”; see also Paul Gomberg, “Patriotism Is like Racism,” *Ethics*, vol. 101, no. 1, October 1990, pp. 144–50; Christian Coons, “Wellman’s ‘Reductive’ Justifications for Redistributive Policies that Favor Compatriots,” *Ethics*, vol. 111, no. 4, July 2001, pp. 782–8.
- 36 Samuel Scheffler, “The Conflict Between Justice and Responsibility,” p. 91.
- 37 David Miller, *On Nationality* (Oxford, Clarendon Press, 1995), pp. 61–2.
- 38 Robert Nozick, *Anarchy, State and Utopia* (New York, Basic Books, 1974), p. 160.
- 39 The same general critique may also be applied to an argument from Andrew Mason that would justify compatriot priority in part by reference to the additional good of citizenship that is realized when compatriots aid one another. “Special Obligations to Compatriots,” *Ethics*, vol. 107, no. 3, March 1997, pp. 427–48.
- 40 See Seymour Drescher, *The Mighty Experiment: Free Labor versus Slavery in British Emancipation* (Oxford, Oxford University Press, 2002), pp. 136–7.
- 41 See Henry Shue, “The Burdens of Justice,” *The Journal of Philosophy*, vol. 80, no. 10, October 1983, pp. 600–8.
- 42 Richard Miller, “Cosmopolitan Respect and Patriotic Concern,” p. 211. See also Stanley Hoffmann, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse, NY, Syracuse University Press, 1981), pp. 154–6.
- 43 George Fitzhugh, *Sociology for the South; or, the Failure of Free Society* (1854), quoted in Mason I. Lowance, Jr., *A House Divided: The Antebellum Slavery Debates in America, 1776–1865* (Princeton, NJ, Princeton University Press, 2003), pp. 134–5.
- 44 The figure is for 1999, the latest for which comprehensive data was available. World Bank Poverty Net. Online. Available <http://www.worldbank.org/poverty/mission/up2.htm> Accessed January 2004.
- 45 Bruce Russett, “The Marginal Utility of Income Transfers to the Third World,” *International Organization*, vol. 32, no. 4, Autumn 1978, pp. 913–28; Robert Goodin, “Utility and the Good,” in Peter Singer (ed.), *A Companion to Ethics* (Oxford, Blackwell, 1991), p. 247.
- 46 Richard Miller, “Cosmopolitan Respect and Patriotic Concern,” p. 215; see also Samuel Gorovitz, “Bigotry, Loyalty and Malnutrition,” in Peter Brown and Henry Shue (eds), *Food Policy: The Responsibility of the United States in Life and Death Choices* (New York, The Free Press, 1977), p. 136; Joseph Carens, “Aliens and Citizens: The Case for Open Borders,” in Ronald Beiner (ed.), *Theorizing Citizenship* (Albany, NY, State University of New York Press, 1995), p. 232.
- 47 See Nathaniel Frank, “Why We Need Gays in the Military,” *New York Times*, November 28, 2003, p. A-43; see also Aaron Belkin, Geoffrey Bateman, Neale Monks (eds), *Don’t Ask, Don’t Tell: Debating the Gay Ban in the U.S. Military* (Boulder, CO, Lynne Rienner, 2003).
- 48 See especially Andrew Oldenquist, “Loyalties,” *The Journal of Philosophy*, vol. 79, no. 4, April 1982, pp. 186–7; Richard Rorty, “Justice as a Larger Loyalty,” in Pheng Cheah and Bruce Robbins (eds), *Cosmopolitanism: Thinking and Feeling Beyond the Nation* (Minneapolis, University of Minnesota Press, 1998), pp. 45–58; Nathan Glazer, “The Limits of Loyalty,” in Joshua Cohen (ed.), *For Love of Country: Debating the Limits of Patriotism*, pp. 61–5; for an important early statement, see Josiah Royce’s 1908 treatise, *The Philosophy of Loyalty*, John J. McDermott, ed. (Nashville, TN, Vanderbilt University Press, 1995).

- 49 Ibid., p. 187.
- 50 Ibid., p. 190.
- 51 Mervyn Frost, *Towards a Normative Theory of International Relations: A Critical Analysis of the Philosophical and Methodological Assumptions in the Discipline, with Proposals Towards a Substantive Normative Theory* (Cambridge, Cambridge University Press, 1986). See Frost, *Ethics in International Relations: A Constitutive Theory* (Cambridge, Cambridge University Press, 1996). This is essentially a new edition of the earlier work, with a new introduction, one new chapter and more recent empirical examples; Scheffler also notes the intuitive power of obligations to family members who have helped constitute us. "The Conflict Between Justice and Responsibility," p. 104. See also Scheffler's Lindley Lecture, "Families, Nations, and Strangers," reprinted in Scheffler, *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought* (Oxford, Oxford University Press, 2001), pp. 48–65; for an assigned-responsibility argument that attempts to build from intimacy and does not insist on equal resources among states, see Frank Jackson, "Decision-theoretic Consequentialism and the Nearest and Dearest Objection," *Ethics*, vol. 101, no. 3, April 1991, pp. 461–82.
- 52 Tamir, *Liberal Nationalism*, p. 99.
- 53 See Charles Jones, "Patriotism, Morality and Global Justice," in Ian Shapiro and Lea Brilmayer (eds), *Nomos XLI: Global Justice*, pp. 125–70.
- 54 Frost, *Towards a Normative Theory of International Relations*, p. 169.
- 55 Randall Kennedy, "My Race Problem—And Ours," *The Atlantic Monthly*, May 1997, pp. 58–9; Thomas Hurka similarly emphasizes the importance of shared, positive familial histories, and he argues that a similar history of conationals providing benefits to one another should justify compatriot priority, or at least national priority. That argument also is vulnerable to an asymmetry objection. "The Justification of National Partiality," in Robert McKim and Jeff McMahan (eds), *The Morality of Nationalism*, pp. 139–57; for a solid critique, see Darrel Moellendorf, *Cosmopolitan Justice* (Boulder, CO, Westview Press, 2002), pp. 51–4.
- 56 William Godwin, *Enquiry Concerning Political Justice*, K. Codell Carter, ed. (Oxford, Oxford Clarendon, 1971), pp. 70–1.
- 57 For a recent, more sympathetic discussion of Godwin's argument, see Peter Singer, *One World: The Ethics of Globalization* (New Haven, CT, Yale University Press, 2002), p. 154–60.
- 58 See Thomas Pogge, "The Bounds of Nationalism," in Jocelyne Couture, Kai Nielsen and Michel Seymour (eds), *Rethinking Nationalism*, p. 466; Debra Satz, "The World House Divided: The Claims of the Human Community in the Age of Nationalism," in Ian Shapiro and Russell Hardin (eds), *Nomos XXXVIII: Political Order*, pp. 333–44, p. 340; Sidney Axinn, "Loyalty and the Limits of Patriotism," in Kenneth Kipnis and Diana T. Meyers (eds), *Political Realism and International Morality: Ethics in the Nuclear Age* (Boulder, CO, Westview, 1987), pp. 239–50; Gomberg, "Patriotism Is like Racism," pp. 146–7; Goodin, *Protecting the Vulnerable*, p. 75; Gewirth, "Ethical Universalism and Particularism," p. 295.
- 59 For an instructive discussion of some issues at stake in the debate over inheritance taxes, see Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA, Harvard University Press, 2000), pp. 320–50.
- 60 Martha Nussbaum, "Reply," in Joshua Cohen (ed.), *For Love of Country: Debating the Limits of Patriotism*, pp. 131–44; see also Moellendorf, *Cosmopolitan Justice*, p. 40.

- 61 See Jamie Mayerfeld, *Suffering and Moral Responsibility* (New York, Oxford University Press, 1999), p. 220.

2 Consequences

- 1 Martha Nussbaum, "Kant and Stoic Cosmopolitanism," *The Journal of Political Philosophy*, vol. 5, no. 1, March 1997, p. 6.
- 2 Charles Beitz, "Social and Cosmopolitan Liberalism," *International Affairs*, vol. 75, no. 3, July 1999, pp. 125–40; Brian Barry, "International Society from a Cosmopolitan Perspective," in David Mapel and Terry Narden (eds), *International Society* (Princeton, NJ, Princeton University Press); Thomas Pogge, "Economic Justice and National Borders," *ReVision*, vol. 22, no. 2, Fall 1999, pp. 27–43; Debra Satz, "Equality of What Among Whom? Thoughts on Cosmopolitanism, Statism and Nationalism," in Ian Shapiro and Lea Brilmayer (eds), *Nomos XLI: Global Justice* (New York, New York University Press), pp. 67–85.
- 3 Bruce Ackerman, "Rooted Cosmopolitanism," *Ethics*, vol. 104, no. 3, April 1994, pp. 516–35; Kwame Anthony Appiah, "Cosmopolitan Patriots," in Joshua Cohen (ed.), *For Love of Country*, pp. 21–9; Robert Fullinwider, "The Cosmopolitan Community," *Journal of Social Philosophy*, vol. 27, no. 2, Fall 1996, pp. 32–50; Jonathan Ree, "Cosmopolitanism and the Experience of Nationality," *The Philosophical Forum*, vol. 28, nos 1–2, 1996, pp. 167–78; see also Jacques Derrida, who calls for the opening of "cities of refuge" to displaced persons. *On Cosmopolitanism and Forgiveness*, Mark Dooley and Michael Hughes, trans. (London, Routledge, 2001).
- 4 Jason D. Hill, *Becoming a Cosmopolitan* (Lanham, MD, Rowman & Littlefield, 2000), p. 160.
- 5 Jeremy Waldron, "Minority Cultures and the Cosmopolitan Alternative," *University of Michigan Journal of Law Reform*, vol. 25, nos 3–4, Summer 1992, pp. 751–93; Waldron more recently has distanced himself from the "cosmopolitan as consumer" view and offered a nuanced reading of Kantian cosmopolitan right, where cosmopolitan principles of justice guide cultural interactions and exchanges. Jeremy Waldron, "What is Cosmopolitan?" *The Journal of Political Philosophy*, vol. 8, no. 2, June 2000, pp. 227–43; see also Pascal Bruckner, "The Edge of Babel," *Partisan Review*, vol. 63, no. 2, Spring 1996, pp. 242–54.
- 6 Ted Honderich (ed.), "Communitarianism," *Oxford Companion to Philosophy* (Oxford, Oxford University Press, 1995), pp. 433–4; for a work whose aim is to apply cosmopolitan principles to a broader range of international law and foreign policy concerns, including intervention and just war theory, see Darrel Moellendorf, *Cosmopolitan Justice* (Boulder, CO, Westview Press, 2002).
- 7 Brian Barry, "International Society from a Cosmopolitan Perspective," p. 144; see also Jeremy Waldron, "What is Cosmopolitan?" pp. 228–9.
- 8 Beitz, "Social and Cosmopolitan Liberalism," p. 129; see also Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge, Polity, 2002), p. 169. What Beitz and Barry call institutional cosmopolitanism, Pogge calls legal cosmopolitanism, identifying it specifically with some form of world government.
- 9 Simon Caney, "International Distributive Justice," *Political Studies*, vol. 49, no. 5, pp. 975–6; see also Moellendorf, *Cosmopolitan Justice*, p. 48. Moellendorf identifies himself as a moderate cosmopolitan; Samuel Scheffler also defends a moderate cosmopolitan position in "Conceptions of Cosmopolitanism," *Utilitas*, vol. 11, no. 3, November 1999, pp. 255–76.
- 10 For a similar position, see David Miller, "Debate. Caney's 'International

- Distributive Justice: A Response,'” *Political Studies*, vol. 50, no. 5, December 2002, pp. 974–7.
- 11 Barry, “International Society from a Cosmopolitan Perspective”; see also Kimberly Hutchings, *International Political Theory: Rethinking Ethics in a Global Era* (London, Sage Publications, 1999), p. 153.
 - 12 Philip Pettit, “Introduction,” in *Consequentialism*, Philip Pettit (ed.) (Aldershot, Dartmouth Publishing Company, 1993), p. xiii.
 - 13 John Rawls, *A Theory of Justice*, revised edition (Cambridge, MA, Belknap Press, 1999), p. 3.
 - 14 See especially Tim Mulgan, *The Demands of Consequentialism* (Oxford, Oxford University Press, 2001); see also Samuel Scheffler, *The Rejection of Consequentialism: A Philosophical Investigation of the Considerations Underlying Rival Moral Conceptions*, revised edition (Oxford, Oxford University Press, 1994); an exception is Geoffrey Scarre, *Utilitarianism* (London, Routledge, 1996).
 - 15 Roger Scruton, *A Dictionary of Political Thought* (New York, Hill and Wang, 1982), pp. 480–1; Charles Jones, *Global Justice* (Oxford, Oxford University Press, 1999) pp. 23–4; Will Kymlicka, *Contemporary Political Philosophy* (Oxford, Oxford University Press, 1990), pp. 10–25; Amartya Sen, *Development as Freedom* (New York, Alfred A. Knopf, 1999), p. 57.
 - 16 Scheffler, “The Conflict Between Justice and Responsibility,” p. 36.
 - 17 See also Garrett Hardin, “Lifeboat Ethics: The Case Against Helping the Poor,” *Psychology Today*, vol. 8, September 1974, pp. 38–43. Hardin argues on utilitarian grounds that the poor should be left to their own devices, because if rich states attempt to save them, in effect bringing them aboard a lifeboat, the boat will be overloaded under the sheer enormity of need. The analogy and its underlying economic assumptions are suspect, not least because of significant food and other surpluses in developed states. See Peter Singer, “Reconsidering the Famine Relief Argument,” in P.G. Brown and Henry Shue (eds), *Food Policy* (New York, Free Press, 1977), pp. 47–9; Jones, *Global Justice*, p. 30, fn. 13; Onora O’Neill, *Faces of Hunger: An Essay on Poverty, Development and Justice* (London, George Allen & Unwin, 1986), especially Chapters 2 and 4.
 - 18 Henry Sidgwick, *The Elements of Politics* (London, Macmillan, 1897), pp. 308–9.
 - 19 Peter Singer, “Famine, Affluence and Morality,” *Philosophy and Public Affairs*, vol. 1, no. 4, Spring 1972, pp. 230–43; Singer, *One World: The Ethics of Globalization* (New Haven, CT, Yale University Press, 2002); for utilitarian, or simple-consequentialist arguments that would place or accommodate stringent demands on the affluent, see Peter Unger, *Living High and Letting Die: Our Illusion of Innocence* (Oxford, Oxford University Press, 1996); Shelly Kagan, *The Limits of Morality* (Oxford, Oxford University Press, 1989); see also Jonathan Glover, *Causing Death and Saving Lives* (London, Penguin Books, 1977).
 - 20 Notable discussions or critiques of Singer’s argument include James Fishkin, *The Limits of Obligation* (New Haven, CT, Yale University Press, 1982); Onora O’Neill, “Lifeboat Earth,” in Marshall Cohen, Charles Beitz, Thomas Scanlon and A. John Simmons (eds), *International Ethics* (Princeton, NJ, Princeton University Press, 1985), pp. 262–81; Garrett Cullity, “International Aid and the Scope of Kindness,” *Ethics*, vol. 105, no. 1, October 1994, pp. 99–127; John Arthur, “Rights and the Duty to Bring Aid,” in William Aiken and Hugh LaFollette (eds), *World Hunger and Morality* (Upper Saddle River, NJ, Prentice Hall, 1996), pp. 39–50; Derek Parfit, “Equality and Priority,” in A. Mason (ed.), *Ideals of Equality* (Oxford, Blackwell, 1998), pp. 1–20.

- 21 For critiques of the appropriateness of the analogy, see David A.J. Richards, "International Distributive Justice," in Roland Pennock and John Chapman (eds), *Nomos XXIV: Ethics, Economics and the Law* (New York, New York University Press, 1982), pp. 275–99; Jamie Mayerfeld, "The Incrementalist Argument for a Strong Duty to Prevent Suffering," *Journal of Social Philosophy*, vol. 28, no. 1, Spring 1997, pp. 5–21.
- 22 Peter Singer, "Reconsidering the Famine Relief Argument," p. 48; for a significant earlier treatment, see J.O. Urmson, "Saints and Heroes," in A.I. Melden (ed.), *Essays in Moral Philosophy* (Seattle, University of Washington Press, 1958), pp. 198–216.
- 23 The weak version would be an example of strategic satisficing, where a sub-maximizing strategy is pursued in the interest of ultimately producing more utility. For a detailed exploration of satisficing consequentialism, see Michael Slote, *Commonsense Morality and Consequentialism* (London, Routledge & Kegan Paul, 1985).
- 24 Brad Hooker would require contributions of between 1–10 percent of income, depending on the individual's affluence. *Ideal Code, Real World: A Rule-Consequentialist Theory of Morality* (Oxford, Oxford University Press, 2001), pp. 162–4.
- 25 Singer, *One World*, p. 194. In the same work, however, Singer argues that most middle-class Americans may be obligated to give as much as \$200,000 to alleviate global poverty, p. 189. See also Singer, "The Singer Solution to World Poverty," *New York Times Sunday Magazine*, 5 September 1999. Here, he suggests that households in affluent states should transfer all income above \$30,000 per year.
- 26 Bernard Williams, "A Critique of Utilitarianism," in J.J.C. Smart and Bernard Williams (eds), *Utilitarianism, For and Against* (Cambridge, Cambridge University Press, 1973), pp. 116–17; for a recent discussion which sees Williams' concern about integrity as indicative of what should be a larger concern with the global poverty that would make utilitarianism so demanding, see Elizabeth Ashford, "Utilitarianism, Integrity and Partiality," *The Journal of Philosophy*, vol. 97, no. 8, August 2000, pp. 421–39.
- 27 Scheffler, *The Rejection of Consequentialism*; James Fishkin, *The Limits of Obligation* (New Haven, CT, Yale University Press, 1982), especially Chapter 9; Mulgan, *The Demands of Consequentialism*, Chapter 2.
- 28 Singer, "Reconsidering the Famine Relief Argument," p. 49.
- 29 Mulgan, *The Demands of Consequentialism*, p. 44.
- 30 For discussion of a similar impasse, see Thomas Nagel, *Equality and Impartiality* (New York, Oxford University Press, 1991), p. 171; but see also Thomas Nagel, "Poverty and Food: Why Charity is Not Enough," in Peter Brown and Henry Shue (eds), *Food Policy*, pp. 54–62. Here, Nagel argues that calling for individual voluntary contributions of the kind Singer and his critics emphasize is insufficient because it does not interrogate the initial distribution of resources or the structure in which wealth was gained.
- 31 Gerard Elfstrom, *Ethics for a Shrinking World* (London, Macmillan, 1990), pp. 12–13; Charles Jones, *Global Justice* (Oxford, Oxford University Press, 1989), especially Chapter 2.
- 32 Singer, *One World*, p. 194.
- 33 Thomas Pogge, "A Global Resources Dividend," in David A. Crocker and Toby Linden (eds), *Ethics of Consumption: The Good Life, Justice and Global Stewardship* (Lanham, MD, Rowman & Littlefield, 1998), p. 512.
- 34 Jones, *Global Justice*, p. 25.
- 35 *Ibid.*, p. 27. See also Elfstrom, *Ethics for a Shrinking World*, Chapter 1.

- 36 Jones argues that demandingness objections can be answered effectively by basic wants utilitarianism. However, he argues that utilitarianism cannot provide a justification for why violating individual rights in pursuit of utility maximization is wrong. He ultimately turns to a nonconsequentialist approach to justify distributions to satisfy basic wants for all. *Global Justice*, pp. 48–9.
- 37 Amartya Sen, *Inequality Reexamined* (Cambridge, MA: Harvard University Press, 1992), p. 109.
- 38 See the exchanges between Singer and Andrew Kuper, “Debate: Global Poverty Relief,” *Ethics and International Affairs*, vol. 16, no. 1, Spring 2002, pp. 107–28.
- 39 See Moellendorf, *Cosmopolitan Justice*, pp. 46–7.
- 40 See Jamie Mayerfeld, *Suffering and Moral Responsibility* (New York, Oxford University Press, 1999), pp. 210–13; Ashford, “Utilitarianism, Integrity and Partiality,” pp. 429–30; Peter Unger, *Living High and Letting Die* (Oxford, Oxford University Press, 1999).
- 41 Cited in Fishkin, *The Limits of Obligation*, p. 74.
- 42 For details on such trips, see the web site of the Tucson, Arizona-based non-governmental organization BorderLinks, which leads students to Nogales and nearby cities in Sonora state, Mexico, to promote understanding of poverty and the effects of economic integration at the border. Online. Available <http://www.borderlinks.org> Accessed January 2004.
- 43 See R.M. Hare, “Ethical Theory and Utilitarianism,” in Amartya Sen and Bernard Williams (eds), *Utilitarianism and Beyond* (Cambridge, Cambridge University Press, 1982), p. 29, fn. 11. Hare likens concerns about personal integrity with plain self-interest and suggests that heroic or near-heroic action—he cites Christian humility and *agape*—is not so foreign to ordinary moral sensibilities.
- 44 D.A. Carson, “Are Christians Required to Tithe?” *Christianity Today*, vol. 43, no. 13, 15 November 1999, p. 94.
- 45 *Economist*, “Wielders of Mass Deception?” 4 October 2003, pp. 13–14.
- 46 For detailed discussions of the defensibility of requiring individuals to make the sacrifices related to military service, see George Kateb, *The Inner Ocean: Individualism and Democratic Culture* (Ithaca, NY, Cornell University Press, 1992), Chapter 7; Michael Walzer, “The Obligation to Disobey,” in David Spitz (ed.), *Political Theory and Social Change* (New York, Atherton Press, 1967); and Rawls, *A Theory of Justice*, revised edition, Chapter 6.
- 47 Globalization and other pressures have been squeezing social-welfare provision in a range of states in recent years, but public support for public health and other programs remains generally strong. See Scott Shane, “Cozy Welfare State Comes Under Siege: Sweden: High Taxes, The Aging Population and an Explosion in Sick Leave Threaten Beloved Benefits,” *The Baltimore Sun*, 23 December 2003, p. A-1.
- 48 Mark H. Leff, “The Politics of Sacrifice on the American Home Front in World War II,” *The Journal of American History*, vol. 77, no. 4, March 1991, pp. 1296–318.
- 49 Ashford argues that the poverty and deprivation in the global system should be viewed as an ongoing emergency. “Utilitarianism, Integrity and Partiality,” pp. 430–1.
- 50 Singer, *One World*, pp. 192–3; see the World Bank report, “The Costs of Attaining the Millennium Development Goals.” Online. Available. <http://www.worldbank.org/html/extdr/mdgassessment.pdf> Accessed January 2004.
- 51 Food and Agricultural Organization of the United Nations, *The State of Food Insecurity in the World: 2003*, p. 1. Online. Available. <http://www.fao.org>

- org/sof/sofi/index_en.htm Accessed January 2004; see also C. Ford Runge, Benjamin Senauer, Philip G. Pardey and Mark W. Rosegrant, *Ending Hunger in Our Lifetime: Food Security and Globalization* (Baltimore, MD, Johns Hopkins University Press, 2003), especially Chapters 1–2.
- 52 See Amartya Sen, “Utilitarianism and Welfarism,” *The Journal of Philosophy*, vol. 76, no. 9, September 1979, pp. 463–89; Jeremy Waldron, *Liberal Rights* (Cambridge, Cambridge University Press, 1993), pp. 260–2.
- 53 J.J.C. Smart, “An Outline of a System of Utilitarian Ethics,” in *Utilitarianism, For and Against*, p. 69.
- 54 Philip Pettit, “Consequentialism,” in Peter Singer (ed.), *A Companion to Ethics* (Oxford, Blackwell, 1991), pp. 241–8.
- 55 Goodin, “Utility and the Good,” p. 248. See also Goodin, *Utilitarianism as a Public Philosophy* (Cambridge, Cambridge University Press, 1995), especially Chapter 1; Jones, *Global Justice*, pp. 38–9.
- 56 See Thomas Pogge, “Three Problems with Contractarian-Consequentialist Ways of Assessing Social Institutions,” *Social Philosophy and Policy Foundation*, vol. 12, no. 2, Summer 1995, pp. 261–2.
- 57 Peter Singer, “Reconsidering the Famine Relief Argument,” p. 47.
- 58 See Sen, *Development as Freedom*, pp. 62–3.
- 59 Gregg Easterbrook, “Inconceivable. (Republicans fight funding of the United Nations Population Fund which hopes to promote birth control in China),” *The New Republic*, 23 November 1998, p. 6; some restrictions have been relaxed recently, with authorities making exceptions for more couples wishing to have a second child. Christopher Bodeen, “In Loosening of China’s One-Child Policy, Province Expands Categories Allowed to Have Second,” *The Associated Press*, 21 August 2002.
- 60 For a discussion of issues associated with maximizing individual well-being rather than aggregate utility, see M.A. Roberts, “A New Way of Doing the Best We Can: Person-Based Consequentialism and the Equality Problem,” *Ethics*, vol. 112, no. 2, January 2002, pp. 315–50.
- 61 The scenario is adapted from Mayerfeld, *Suffering and Moral Responsibility*, p. 147; see also the discussion of priority for the worse off in Derek Parfit, “Equality and Priority,” pp. 1–20.
- 62 See Onora O’Neill, “Hunger, Needs, and Rights,” in Steven Luper-Foy (ed.), *Problems of International Justice* (Boulder, CO, Westview Press, 1988), pp. 67–83. O’Neill similarly argues that utilitarianism would dictate that needs of some not be met, or even that their level of need be increased, if such action would increase utility.
- 63 For works that do offer broad reviews of recent literature, see Mulgan, *The Demands of Consequentialism*; Geoffrey Scarre, *Utilitarianism* (London, Routledge, 1996); S. Jack Odell, *On Consequentialist Ethics* (Toronto, Wadsworth, 2004). Mulgan offers thorough critiques of rule and satisficing consequentialism; for a nuanced recent defense of a rule consequentialist approach, see Hooker, *Ideal Code, Real World*; for an argument that Kant’s archetypal deontological approach actually is compatible with consequentialism, see David Cummiskey, *Kantian Consequentialism* (New York, Oxford University Press, 1996).
- 64 Scheffler, *The Rejection of Consequentialism*, revised edition, p. 5.
- 65 *Ibid.*, p. 41.
- 66 *Ibid.*, p. 62.
- 67 The example appears in Shelley Kagan, “Does Consequentialism Demand Too Much? Recent Works on the Limits of Obligation,” *Philosophy and Public Affairs*, vol. 13, no. 3, 1984, p. 251.

- 68 Scheffler, *The Rejection of Consequentialism*, Appendix C, “Prerogatives Without Restrictions,” p. 179.

3 Moral reciprocity and self-development rights

- 1 See especially C. Beitz, *Political Theory and International Relations* (Princeton, NJ, Princeton University Press, 1979); Thomas Pogge, *Realizing Rawls* (Ithaca, NY, Cornell University Press, 1989); Darrel Moellendorf, *Cosmopolitan Justice* (Boulder, CO, Westview Press, 2002); Judith Lichtenberg, “National Boundaries and Moral Boundaries: A Cosmopolitan View,” in Peter G. Brown and Henry Shue (eds), *Boundaries: National Autonomy and its Limits* (Totowa, NJ, Rowman and Littlefield, 1981), pp. 79–100; see also David A.J. Richards, *A Theory of Reasons for Action* (Oxford, Oxford University Press, 1971).
- 2 John Rawls, *A Theory of Justice*, revised edition (Cambridge, MA, Belknap Press, 1971), p. 11.
- 3 Ronald Dworkin, *Sovereign Virtue* (Cambridge, MA, Harvard University Press, 2000), pp. 113–18, and Chapter 9; Jon Mandle, *What’s Left of Liberalism: An Interpretation and Defense of Justice as Fairness* (Lanham, MD, Lexington Books, 2000), especially Ch. 1; Philippe Van Parijs, “Difference Principles,” in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (Cambridge, Cambridge University Press, 2003), pp. 200–40.
- 4 John Rawls, *The Law of Peoples* (Cambridge, MA, Harvard University Press, 1999), p. 83. For some notable responses, see Simon Caney, “Survey Article: Cosmopolitanism and the Law of Peoples,” *The Journal of Political Philosophy*, vol. 10, no. 1, March 2002, pp. 95–123; Thomas Pogge, “An Egalitarian Law of Peoples,” *Philosophy and Public Affairs*, vol. 23, no. 3, Summer 1994, pp. 195–224; Charles Beitz, “Rawls’s Law of Peoples,” *Ethics*, vol. 110, no. 4, July 2000, pp. 669–96; Allen Buchanan, “Rawls’ Law of Peoples: Rules for a Vanished Westphalian World,” *Ethics*, vol. 110, no. 4, July 2000, pp. 697–721; Patrick Hayden, “From the Law of Peoples to Perpetual Peace,” *International Journal on World Peace*, vol. 17, no. 2, June 2000, pp. 47–59; Moellendorf, *Cosmopolitan Justice*, Chapter 2.
- 5 Luis Cabrera, “Toleration and Tyranny in Rawls’s ‘Law of Peoples,’” *Polity*, vol. 34, no. 2, Winter 2001, pp. 163–79.
- 6 Rawls, *The Law of Peoples*, p. 61.
- 7 *Ibid.*, p. 117.
- 8 *Ibid.*, p. 118.
- 9 *Ibid.*, p. 65, fn.
- 10 See Caney, “Survey Article: Cosmopolitanism and the Law of Peoples,” p. 106.
- 11 I have in mind the first regime of Juan Peron, from 1946–55. Democracy in Argentina was interrupted periodically by military dictatorship in the twentieth century. But Peron’s democratic-corporatist administration launched the policies in question. See Carlos H. Waisman, *Reversal of Development in Argentina: Postwar Counterrevolutionary Policies and Their Structural Consequences* (Princeton, NJ, Princeton University Press, 1987).
- 12 Highlighted here is the “paradox of democracy.” For a brief but instructive discussion of the paradox, see Amy Gutmann, “Democracy,” in Robert Goodin and Philip Pettit (eds), *A Companion to Contemporary Political Philosophy* (Oxford: Blackwell, 1995), pp. 411–20.
- 13 Douglass C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990), p. 16.
- 14 Buchanan, “Rules for a Vanished Westphalian World,” p. 705; see also

- C. Beitz, "Social and Cosmopolitan Liberalism," *International Affairs*, vol. 75, no. 3, July 1999, pp. 125–400.
- 15 Beitz, "Social and Cosmopolitan Liberalism," p. 513. On the question of children born into less affluent countries, see Hugh LaFollette and Larry May, "Suffer the Little Children," in William Aiken and Hugh LaFollette (eds), *World Hunger and Morality* (Upper Saddle River, Prentice Hall, 1996), pp. 70–84, 79; see also Brian Barry, *Theories of Justice: A Treatise on Social Justice*, vol. 1 (Berkeley, CA, University of California Press, 1989), p. 237; And see M. Nussbaum, *Sex and Social Justice* (New York, Oxford University Press, 1999), p. 7.
 - 16 Beitz, *Political Theory and International Relations* p. 127. For critical responses, see Brian Barry, "Humanity and Justice in Global Perspective," in J. Roland Pennock and John W. Chapman (eds), *Nomos XXIV: Ethics, Economics and the Law* (New York, New York University Press, 1982), pp. 219–51; Eric Mack, "The Uneasy Case for Global Redistribution," in Steven Luper-Foy (ed.), *Problems of International Justice*, pp. 55–66.
 - 17 See also Andrew Kuper, "Rawlsian Global Justice: Beyond the Law of Peoples to a Cosmopolitan Law of Persons," *Political Theory*, vol. 28, no. 5, October 2000, pp. 640–74.
 - 18 Thomas Pogge, *World Poverty and Human Rights* (Cambridge, Polity Press, 2002), pp. 178–95. The section cited appears in Ch. 7, a revised version of Pogge's article "Cosmopolitanism and Sovereignty"; see also Pogge, *Realizing Rawls*, especially Chapter 6; for related views, see Darrel Moellendorf, *Cosmopolitan Justice*, pp. 171–6; Jeff McMahan, "The Limits of National Partiality," in R. McKim and J. McMahan (eds), *The Morality of Nationalism* (New York, Oxford University Press, 1997); Lichtenberg, "National Boundaries and Moral Boundaries."
 - 19 Immanuel Kant, "On the Relationship of Theory to Practice in Political Right," in Hans Reiss (ed.), *Kant's Political Writings* (Cambridge, Cambridge University Press, 1970), pp. 73–86; Jeremy Waldron, "What is Cosmopolitan?" p. 240.
 - 20 For an instructive discussion of the Rawlsian circumstances of justice, see Brian Barry, *Theories of Justice*, especially Part II, "Hume and Rawls on Justice and Society."
 - 21 Pogge, *World Poverty and Human Rights*, p. 171; see also Moellendorf, *Cosmopolitan Justice*, pp. 30–4. Following Hume, Moellendorf would require a relatively high level of continuing interaction in a set of persons before principles of justice would apply; see also David Miller, "Justice and Global Inequality," in Andrew Hurrell and Ngaire Woods (eds), *Inequality, Globalization and World Politics* (Oxford, Oxford University Press, 1999), p. 190. Miller arrives at a similar position from within a complex-constitutive approach.
 - 22 Beitz, *Political Theory and International Relations*, p. 131; see also Beitz, "International Liberalism and Distributive Justice," pp. 286–90.
 - 23 Debra Satz, "Equality of What Among Whom?" in Ian Shapiro and Lea Brilmayer (eds) *Nomos XLI* (New York, New York University Press, 1999) pp. 73–4; see also Christopher Wellman, "Relational Facts in Liberal Political Theory: Is there Magic in the Pronoun 'My'?" *Ethics*, vol. 110, no. 3, April 2000.
 - 24 See Brian Barry, *Theories of Justice*, p. 239; for a related point, see Parfit, "Equality and Priority," p. 13.
 - 25 Central Intelligence Agency. *CIA Factbook*, "Guam." Online. Available: <http://www.cia.gov/cia/publications/factbook/geos/gq.html> Accessed January 2004.
 - 26 Guam Bureau of Planning, 1996. Online. Available: <http://ns.gov.gu/indicators.html> Accessed January 2004.

- 27 About 37 percent of Guam's population of 164,000 is indigenous Chamorro, 26 percent is Filipino, 10 percent Caucasian, and 27 percent Chinese, Japanese, Korean and other. "Guam." *CIA Factbook*.
- 28 *Asia and Pacific Review World of Information*, "Guam: Country Profile," 6 October 2003. The Guam territorial government receives about 60 percent of its revenue from the US federal government. The US Air Force and Navy maintain a significant presence on the island, which serves as a home base for bomber squadrons and submarines. Michael Barone and Richard E. Cohen (eds), *The Almanac of American Politics 2004* (Washington, DC, National Journal Group, 2003), p. 1776.
- 29 See Thomas Pogge, *World Poverty and Human Rights*, especially Chapters 4 and 7; see also Pogge, "Human Rights and Human Responsibilities," in Pablo De Greiff and Ciaran Cronin (eds), *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization* (Cambridge, MA, The MIT Press, 2002), pp. 151–95; for a dramatic example of potential transnational harms, see Leon D. Rotstajn and Ulrike Lohmann, "Tropical Rainfall Trends and the Indirect Aerosol Effect," *Journal of Climate*, vol. 15, no. 15, August 2002, pp. 2103–16. The authors link industrial pollution from developed countries to the 1970–85 drought in the Sahel region of Africa that led to the deaths of some 1.2 million persons.
- 30 Alan Isaacs, Fran Alexander, Jonathan Law and Elizabeth Martin (eds), *A Dictionary of World History* (Oxford, Oxford University Press, 2000), p. 12; see also U.S. Department of State, "Background Notes: Albania," Online. Available. <http://www.state.gov/r/pa/ei/bgn/> Accessed January 2004.
- 31 *Ibid.* Accessed January 2004.
- 32 *Economist*, "Lethal Stuff," 5 April 2003, p. 30. The article discusses large numbers of deaths in Iraq linked to the effects of sanctions on the country's water infrastructure.
- 33 Pogge, "Cosmopolitanism and Sovereignty," p. 61.
- 34 *Ibid.*, p. 48. Pogge contrasts his argument with that of Allen Buchanan, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder, CO, Westview Press, 1991). Buchanan argues for secession by way of a constitutive right to culture for individuals.
- 35 Pogge, "Cosmopolitanism and Sovereignty," p. 61.
- 36 See Henry Shue, "Mediating Duties," *Ethics*, vol. 98, no. 4, July 1988, p. 701.
- 37 On the continuing pervasiveness of such discriminatory practices, see Dan Immergluck, "Redlining Redux: Black Neighborhoods, Black-Owned Firms, and the Regulatory Cold Shoulder," *Urban Affairs Review*, vol. 38, no. 1, September 2002, pp. 22–42.
- 38 David Richards, "International Distributive Justice," p. 278.
- 39 On the reasonable and rational, see also John Rawls, *Political Liberalism* (New York, Columbia University Press, 1996), p. 49.
- 40 Richards, "International Distributive Justice," in R. Pennock and J. Chapman (eds), *Nomos XXIV* (New York, New York University Press, 1982), p. 277.
- 41 See Jane Roland Martin, "Another Look at the Doctrine of Verstehen," in Michael Martin and Lee McIntyre (eds), *Readings in the Philosophy of Social Science* (Cambridge, MA, MIT Press, 1994), pp. 247–58; in the same volume, see Charles Taylor, "Interpretation and the Sciences of Man," pp. 181–212; and Michael Martin, "Taylor and Interpretation and the Sciences of Man," pp. 259–80.
- 42 C. Beitz, "Cosmopolitan Ideals and National Sentiment," *The Journal of Philosophy*, vol. 80, no. 10, Oct. 1983, p. 600; see also Beitz, "Social and Cosmopolitan Liberalism." Here, Beitz says that while he no longer believes

- interdependence should be emphasized, in a truly non-interdependent global system, such principles would be of little practical interest, since there would be no basic structure to which they could be applied; see also the version of moral reciprocity offered in Waldron, *Liberal Rights*, p. 21.
- 43 Richards, "International Distributive Justice," p. 290.
- 44 Brian Barry, for example, critiques the original position and then nicely reconstructs Rawls's argument for the difference principle without relying on the device. *Theories of Justice*, especially Chapters 6, 9; Barry, *A Treatise on Social Justice* vol. II: *Justice as Impartiality* (Oxford, Oxford University Press, 1995), pp. 52–67; for a defense of the Rawlsian original position, see Pogge, *Realizing Rawls*, especially Ch. 2.
- 45 Barry, *Justice as Impartiality*, pp. 67–72. Barry follows Thomas Scanlon in emphasizing principles that could not be "reasonably rejected." Richards' construction is the similar "reasonable acceptance"; see Scanlon, "Contractualism and Utilitarianism," in Bernard Williams and Amartya Sen (eds), *Utilitarianism and Beyond* (Cambridge, Cambridge University Press, 1982), pp. 103–28, p. 116; see also Scanlon, *What We Owe to Each Other* (Cambridge, MA, Harvard University Press, 1998), especially Chapter 5; see also Pogge's critique of reasonable rejection. "What We Can Reasonably Reject," in Ernest Sosa and Enrique Villanueva (eds), *Social, Political and Legal Philosophy*, Philosophical Issues, vol. 11, A Supplement to *Nous* (Boston, Blackwell, 2001), pp. 119–47.
- 46 For a recent argument supporting global equality of opportunity, see Simon Caney, "Cosmopolitan Justice and Equalizing Opportunities," in Thomas Pogge (ed.), *Global Justice* (Oxford, Blackwell, 2001), pp. 123–44; for an argument against it, see Bernard Boxill, "Global Equality of Opportunity and National Integrity," in Ellen Frankel Paul, Jeffrey Paul and John Ahrens (eds), *Equal Opportunity* (Oxford, Basil Blackwell, 1987), pp. 143–68.
- 47 See especially Rawls, *A Theory of Justice*, revised edition, pp. 57–78; James Fishkin, "Liberty Versus Equal Opportunity," in Fred D. Miller Jr., Ellen Frankel Paul, Jeffrey Paul and John Ahrens (eds), *Equal Opportunity*, pp. 32–48; Brian Barry, "Equal Opportunity and Moral Arbitrariness," in Norman Bowie (ed.), *Equal Opportunity* (Boulder, CO, Westview Press, 1988), pp. 23–44.
- 48 Rawls, *A Theory of Justice*, revised edition, p. 63.
- 49 Robert Nozick, *Anarchy, State and Utopia* (New York, Basic Books, 1974).
- 50 Will Kymlicka, *Contemporary Political Philosophy* (Oxford, Oxford University Press, 1990), pp. 108–111; see also Hillel Steiner, "Capitalism, Justice and Equal Starts," in Fred D. Miller Jr., Ellen Frankel Paul, Jeffrey Paul and John Ahrens (eds), *Equal Opportunity*, pp. 49–71.
- 51 See Barry, *Justice as Impartiality*, p. 125.
- 52 John Stuart Mill, "Introductory: Chapters on Socialism," in Jonathan Riley (ed.), *Principles of Political Economy and Chapters on Socialism* (Oxford, Oxford World's Classics, 1999).
- 53 World Bank, *World Development Report 2004: Making Services Work for Poor People* (New York, Oxford University Press, 2004), p. 252. Purchasing Power Parity is a measure used to try to capture the buying power that local incomes have in local economies, p. 265.
- 54 See the 2002 report of the Food and Agricultural Organization of the United Nations, *The State of Food Insecurity in the World*. Online. Available. http://www.fao.org/sofi/sofi/index_en.htm Accessed January 2004.
- 55 World Bank, *World Development Report 2004*, p. 254. Some 2.5 billion persons, of a total of 6.2 billion considered in the study lived in Low Income states, or

- those with PPP of \$735 or less. About 2.4 billion lived in Lower Middle Income states, PPP \$2,934 or less; some 965 million, or less than 16 percent of global population, lived in High Income states, PPP \$9,076 or higher.
- 56 Martha Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Cambridge, MA, Harvard University Press, 1997), pp. 58–9.
- 57 Rawls, with a number of other theorists, notes that full social equality of opportunity remains impossible if we do not correct for unequal family situations. *A Theory of Justice*, revised edition, p. 64.
- 58 See George Sher, *Desert* (Princeton, NJ, Princeton University Press, 1987).
- 59 Richard Arneson, “Luck Egalitarianism and Prioritarianism,” *Ethics*, vol. 110, no. 2, January 2000, pp. 339–49, p. 348.
- 60 Sen, *Inequality Reexamined*; Martha Nussbaum, “Women and Equality: The Capabilities Approach,” *International Labour Review*, vol. 138, no. 3, 1999, pp. 227–53; David Crocker, “Consumption, Well-Being and Capability,” in David Crocker and Toby Linden (eds), *Ethics of Consumption* (Lanham, MD, Rowman & Littlefield, 1998), pp. 366–90; Robert Lane, “Quality of Life and Quality of Persons: A New Role for Government?,” *Political Theory*, vol. 22, no. 2, May 1994, pp. 219–52; Harry Frankfurt, “Equality and Respect,” *Social Research*, vol. 64, no. 1, 1997, pp. 3–16; Elizabeth Anderson, “What is the Point of Equality?,” *Ethics*, vol. 109, no. 2, January 1999, pp. 287–318.
- 61 For a similar claim about education as an all-purpose resource, see Barry, “Equal Opportunity and Moral Arbitrariness,” p. 38.
- 62 Robert L. Simon, “The Liberal Conception of Equal Opportunity and Its Egalitarian Critics,” in Masako N. Darrough and Robert H. Blank (eds), *Biological Differences and Social Equality* (Westport, CT, Greenwood Press, 1983), pp. 88–105, pp. 96–7. See also Harold Laski, *A Grammar of Politics* (New Haven, CT, Yale University Press, 1925), p. 154.
- 63 See Ronald Dworkin, “Liberalism,” in Stuart Hampshire (ed.), *Public and Private Morality* (Cambridge, Cambridge University Press, 1978), pp. 113–43; Ronald Dworkin, “What is Equality? Part 2: Equality of Resources,” reprinted in Dworkin, *Sovereign Virtue*, Chapter 2; Sen, *Inequality Reexamined*; Richard Arneson, “Equality,” in Robert Goodin and Philip Pettit (eds), *A Companion to Contemporary Political Philosophy* (Oxford, Blackwell, 1993), pp. 489–507; Martha Nussbaum, “Women and Equality: The Capabilities Approach”; Elizabeth Anderson, “What is the Point of Equality?”
- 64 But see Sen’s response to a similar observation or critique from Rawls. Amartya Sen, “Justice: Means versus Freedoms,” *Philosophy and Public Affairs*, vol. 19, no. 2, Spring 1990, pp. 111–21.
- 65 See Rawls, *A Theory of Justice*, revised edition, pp. 75–83; for a luck-egalitarian argument against Rawlsian third-level equal opportunity, see Brian Barry, “Equal Opportunity and Moral Arbitrariness,” in Norman Bowie (ed.), *Equal Opportunity* (Boulder, CO, Westview Press, 1998), pp. 23–44, p. 38.
- 66 Rawls, *A Theory of Justice*, revised edition, p. 64.
- 67 *Ibid.*, p. 54.
- 68 See especially Dworkin, “What is Equality? Part 2: Equality of Resources.”
- 69 Barry, “Equal Opportunity and Moral Arbitrariness,” p. 36.
- 70 For an argument in favor of free movement that emphasizes the ways in which the holding of citizenship in a rich or poor state is comparable to feudal status in the medieval world, see Joseph Carens, “Migration and Morality: A Liberal Egalitarian Perspective,” in Brian Barry and Robert Goodin (eds), *Free Movement: Ethical Issues in the Transnational Migration of People and Money* (University Park, PA, The Pennsylvania State University Press, 1992), pp. 25–47, p. 26.

- 71 See A. John Simmons, *On the Edge of Anarchy: Locke, Consent and the Limits of Society* (Princeton, NJ, Princeton University Press, 1993), p. 225; see also Immanuel Wallerstein, "The Insurmountable Contradictions of Liberalism: Human Rights and the Rights of Peoples in the Geoculture of the Modern World System," *The South Atlantic Quarterly*, vol. 94, no. 4, Fall 1995, p. 1176; Roger Nett suggests that free movement completes the functional set of individual rights, along with the familiar liberal-democratic political rights. "The Civil Right We are Not Ready For: The Right of Free Movement of People on the Face of the Earth," *Ethics*, vol. 81, no. 3, April 1971, pp. 212–27.
- 72 United Nations, "Twenty-Five Human Rights Documents," Columbia University Center for the Study of Human Rights (New York, Columbia University Press, 1994), p. 7.
- 73 Article 14 states that "Everyone has the right to seek and to enjoy in other countries asylum from persecution," but there is no widely recognized right of refugees to demand asylum in other states. See Seyla Benhabib, *The Claims of Culture* (Princeton, NJ, Princeton University Press, 2002), p. 172.
- 74 Nett, "The Civil Right We Are Not Ready For," p. 220.
- 75 James N. Gregory, *American Exodus: The Dust Bowl Migration and Okie Culture in California* (New York, Oxford University Press, 1991).
- 76 Alan Isaacs, Fran Alexander, Jonathan Law and Elizabeth Martin (eds), *A Dictionary of World History*, pp. 380–1.
- 77 See Andrew Geddes, *Immigration and European Integration: Towards Fortress Europe?* (Manchester, Manchester University Press, 2000), especially Chapter 2.
- 78 Mexican President Vicente Fox Quesada has been a strong proponent of freer movement for workers in North America. See the column by Andres Rozental, president of the Mexican Council on Foreign Relations, "It's time to expand NAFTA," *San Diego Union-Tribune*, 21 March 2002, p. B-15.
- 79 Nussbaum, "Women and Equality: The Capabilities Approach," p. 231; see also Amartya Sen, "Human Rights and Economic Achievements," in Joanne R. Bauer and Daniel A. Bell (eds), *The East Asian Challenge for Human Rights* (Cambridge, Cambridge University Press, 1999), pp. 88–99; Jack Donnelly, *Universal Human Rights in Theory and Practice*, 2nd edition (Ithaca, NY, Cornell University Press, 2003), especially Chapter 7; Charles Beitz, "Human Rights as a Common Concern," *American Political Science Review*, vol. 95, no. 2, June 2001, pp. 269–82.

4 The cosmopolitan imperative

- 1 Charles Beitz, "Social and Cosmopolitan Liberalism," *International Affairs*, vol. 75, no. 3, July 1999, p. 127.
- 2 See World Bank, *Assessing Aid, What Works, What Doesn't and Why* (Oxford, Oxford University Press, 1998). Report authors list Vietnam and Uganda, which received large-scale international aid in the 1990s, as examples of states that have been able to go "from crisis to rapid development"(1). Online. Available. <http://www.worldbank.org/research/aid/aidtoc.htm> Accessed January 2004.
- 3 See Stephen D. Krasner, "Compromising Westphalia (Nuclear Issues in Asia)," *International Security*, vol. 20, no. 3, Winter 1995, pp. 115–52; Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton, NJ, Princeton University Press, 2001), especially Chapters 1 and 2.
- 4 United Nations, "Declaration on Principles of International Law Concerning

- Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations,” *Resolution 2625* (24 October 1970). Online. Available. <http://www.un.org/documents/resga.htm> Accessed January 2004. The resolution has been cited several times in more recent resolutions.
- 5 The UN Charter also includes a firm statement of the principle of nonintervention. Article 2, paragraph 7 states: “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.” Online. Available. <http://www.un.org/aboutun/charter/> Accessed January 2004.
 - 6 See Francis Kofi Abiew, *The Evolution of the Doctrine and Practice of Humanitarian Intervention* (The Hague, Kluwer Law International, 1999), pp. 137–8. Abiew, like many commentators, notes the increasing frequency in the post-Cold War era of UN-sanctioned, multilateral humanitarian interventions: those in Northern Iraq, Somalia, Haiti, Rwanda and Bosnia; see also Martha Finnemore, “Constructing Norms of Humanitarian Intervention,” in Peter Katzenstein (ed.), *The Culture of National Security, Norms and Identity in World Politics* (New York, Columbia University Press, 1996), pp. 153–85.
 - 7 Harold Laski, *A Grammar of Politics* (New Haven, CT, Yale University Press, 1925), p. 64.
 - 8 Thomas Pogge, “A Global Resources Dividend,” in David A. Crocker and Toby Linden (eds.), *Ethics of Consumption: The Good Life, Justice and Global Stewardship* (Lanham, MD, Rowman & Littlefield, 1998), pp. 501–36, fn. 53, p. 536. See also Brian Barry, “Statism and Nationalism,” pp. 39–40. Barry calls for the creation of an international legal system with some power over state systems. For other presentations of a limited institutional cosmopolitanism, see Jonathan Glover, “State Terrorism,” in R.G. Frey and Christopher Morris (eds), *Violence, Terrorism, and Justice* (Cambridge, Cambridge University Press, 1991), p. 272; Thomas Pogge, “An Egalitarian Law of Peoples”; Pogge, “Economic Justice and National Borders”; Charles Jones, *Global Justice* (Oxford, Oxford University Press, 1999), especially pp. 227–32; Kevin Jackson, “A Cosmopolitan Court for Transnational Corporate Wrongdoing: Its Time Has Come,” *Journal of Business Ethics*, vol. 17, no. 7, May 1998, pp. 757–84.
 - 9 Jamie Mayerfeld, “Who Shall Be Judge? The United States, the International Criminal Court, and the Global Enforcement of Human Rights,” *Human Rights Quarterly*, vol. 25, 2003, pp. 93–129, p. 98.
 - 10 Bert Wilkinson, “Guyana Signs Agreement Not to Hand Over US Troops for Prosecution Before International Court,” *The Associated Press*, 13 December 2003; see also Jean Galbraith, “Humanitarian Law: The Bush Administration’s Response to the International Criminal Court,” *Berkeley Journal of International Law*, vol. 21, no. 3, 2003, pp. 683–702; Sarah B. Sewall, Carl Kaysen and Michael P. Scharf, “The United States and the International Criminal Court, An Overview,” in Sarah B. Sewall and Carl Kaysen (eds), *The United States and the International Criminal Court: National Security and International Law* (Lanham, MD, Rowman & Littlefield, 2000), pp. 1–27.
 - 11 Norma Greenway, “Judging Cases Trumps Politics at World Court,” *The Ottawa Citizen*, 12 October 2003, p. A-5.
 - 12 Under terms of the ICC treaty statute, the UN Security Council would have the power to order prosecutions of individuals in non-member states. This is not a new phenomenon, however. The council has exercised similar power in recent years in establishing independent criminal tribunals in cases of genocide and widespread war crimes.

- 13 Mayerfeld, "Who Shall Be Judge?" p. 123.
- 14 Stefanie Grant, "Matching Rhetoric with Action: The Challenge of an International Criminal Court," *Criminal Justice Ethics*, vol. 16, no. 2, Summer-Fall 1997, pp. 2-9.
- 15 United Nations, *Right to Adequate Food as a Human Right* (Geneva, United Nations Centre for Human Rights, 1989), Chapter 7. The authors argue that the right to food now is well established but that recognition of obligations to fulfill the right is much less developed.
- 16 On the UN's ongoing fiscal crisis, see Ruben P. Mendez, "Financing the United Nations and the International Public Sector: Problems and Reform," in Paul F. Diehl (ed.), *The Politics of Global Governance: International Organizations in an Interdependent World*, 2nd edition (Boulder, CO, Lynne Rienner, 2001), pp. 138-63.
- 17 On the underdevelopment of the global human rights regime, as promoted by the UN, see Jack Donnelly, *Universal Human Rights in Theory and Practice*, 2nd edition (Ithaca, NY, Cornell University Press, 2003), pp. 129-38; William Felice, "The Viability of the United Nations Approach to Economic and Social Rights in a Globalized Economy," *International Affairs*, vol. 75, no. 3, July 1999, pp. 563-98; see also Richard Falk, "The United Nations and Cosmopolitan Democracy, Bad Dream, Utopian Fantasy, Political Project," in Daniele Archibugi, David Held and Martin Kohler (eds), *Re-imagining Political Community, Studies in Cosmopolitan Democracy* (Stanford, CA, Stanford University Press, 1998), pp. 309-31; Richard Falk, "The Pathways of Global Constitutionalism," in Robert Johansen, Richard Falk and Samuel Kim (eds), *The Constitutional Foundations of World Peace* (Albany, NY, State University of New York Press, 1993), pp. 13-30.
- 18 World Bank, *Assessing Aid*, p. 1. The report notes some states where billions in aid has made little noticeable difference, in large part because of corrupt leadership, as in Zaire (Democratic Republic of Congo) under Mobutu Sese Seko, 1965-97; but see Pogge, *World Poverty and Human Rights*, pp. 111-13. Here, Pogge reserves his harshest criticism for an international system that continues to formally recognize corrupt leaders.
- 19 Betsy Hartmann and James Boyce, *Needless Hunger: Voices from a Bangladeshi Village* (Oakland, Institute for Food and Development Policy, 1982), p. 45; for an edifying analysis of the causes of the Bangladeshi famine of 1974, see A. Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford, Oxford University Press, 1982), pp. 131-53.
- 20 Judy Mayotte, "Civil War in Sudan: The Paradox of Human Rights and National Sovereignty," *Journal of International Affairs*, vol. 47, no. 2, Winter 1994, pp. 497-524, p. 505.
- 21 Michael Walzer, *Just and Unjust Wars* (New York, Basic Books, 2000), p. 90.
- 22 Commission on Global Governance, *Our Global Neighborhood* (Oxford, Oxford University Press, 1995), p. 69. The commission, initiated by former West German Chancellor Willy Brandt, received some funding for its report from UN sources, among a range of other sources (pp. 376-7). The Commission's work also was endorsed by former UN Secretary General Boutros Boutros-Ghali (p. xv); for a separate, neorealist take on the duty of leaders to be "public regarding" in keeping foremost the interests of their own citizens, see Lea Brilmayer, "Realism Revisited: The Moral Priority of Means and Ends in Anarchy," in Ian Shapiro and Lea Brilmayer (eds), *Nomos XLI: Global Justice* (New York, New York University Press, 1999) p. 212; for a nonrealist approach, see G. Elfstrom, *Ethics for a Shrinking World* (London, Macmillan, 1990), pp. 7-8.

- 23 Jean-Jacques Rousseau, "A Project of Perpetual Peace," in Howard Kainz (ed.), *Philosophical Perspectives on Peace* (Athens, OH, Ohio University Press, 1987); Immanuel Kant, "Perpetual Peace," in Ted Humphrey (ed.), *Perpetual Peace and Other Essays on Politics, History and Morals* (Indianapolis, Hackett, 1993), pp. 107–43. Kant argues here for a "pacific federation" of states rather than a unified global government; Albert Einstein, "The Way Out," in Dexter Masters and Katharine Way (eds), *One World or None* (New York, Whittlesey House-McGraw Hill, 1946); Betty Reardon and Saul Mendlovitz, "World Law and Models of World Order," in Charles Beitz and Theodore Herman (eds), *Peace and War* (San Francisco, W.H. Freeman and Co., 1973); Sidney Axinn, "Loyalty and the Limits of Patriotism," in K. Kipnis and D.T. Meyers (eds), *Political Realism and International Morality* (Boulder, CO, Westview Press, 1987); for a thorough survey of world government proposals, see Derek Heater, *World Citizenship and Government: Cosmopolitan Ideas in the History of Western Political Thought* (New York, St. Martin's Press, 1996).
- 24 Thomas Hobbes, *Leviathan*, in Michael L. Morgan (ed.), *Classics of Moral and Political Theory*, 3rd edition (Indianapolis, Hackett Publishing Company, 2001), pp. 488–621, p. 546.
- 25 Rousseau, "A Project of Perpetual Peace," p. 63.
- 26 For example, under the Strategic Offensive Reduction Treaty, or "Moscow Treaty" of May 2002, the United States and Russia agreed to reduce their nuclear warhead deployments by the year 2012: from 6,144 to 2,200 for the USA; from 5,814 to 1,806 for Russia. *Economist*, "A Farewell to Armaments," 18 May 2002, pp. 29–30; for figures on the reductions of nuclear weapons arsenals that states have achieved through negotiation, see Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final Report* (New York, Carnegie Corporation of New York, 1997), p. 72; see also Ralph M. Goldman, and Willard M. Hardman, *Building Trust: An Introduction to Peacekeeping and Arms Control* (Aldershot, Ashgate, 1997).
- 27 See Beitz, *Political Theory and International Relations*, esp. Ch. 1, for an instructive discussion of the ways in which the international system does not correspond to the Hobbesian state of nature; see also Inis Claude, "World Law and Models of World Order," in Charles Beitz and Theodore Herman (eds), *Peace and War*, pp. 188–211. Claude argues that the Hobbesian model is falsified in part by the prevalence of peaceful relations among states in the international system
- 28 The literature on why states cooperate, including why they form multilateral institutions, is quite large. For a cogent overview, see Robert O. Keohane, *Power and Governance in a Partially Globalized World* (London, Routledge, 2002); see also Jon Hovi, *Games, Threats and Treaties: Understanding Commitments in International Relations* (London, Pinter, 1998), especially Chapter 5; for an exemplar rationalist argument, see Kenneth W. Abbot and Duncan Snidal, "Why States Act Through Formal International Organizations," *Journal of Conflict Resolution*, vol. 42, no. 1, February 1998, pp. 3–32.
- 29 Steve Majeski and Shane Fricks, "Conflict and Cooperation in International Relations," *The Journal of Conflict Resolution*, vol. 39, no. 4, December 1995, pp. 622–45.
- 30 Hedley Bull makes a broadly similar point in *The Anarchical Society: A Study of Order in World Politics* (New York, Columbia University Press, 1977), pp. 261–4; see also Andrew Linklater, "Cosmopolitan Citizenship," in Kimberly Hutchings and Roland Dannebreiter (eds), *Cosmopolitan Citizenship* (New York, St. Martin's Press, 1999), pp. 35–59; Menno Kamminga, *On Global Justice*, CDS Research Report Series, no. 17, March 2003, University of

- Groningen. Online. Available: <http://www.eco.rug.nl/cds/pubs.htm> Accessed January 2004. Kamminga essentially argues that it is inconsistent to advocate moral cosmopolitanism without also advocating institutional cosmopolitanism. However, the conclusion he draws, working within an explicitly neorealist approach and citing the stewardship responsibilities of states' leaders in the Westphalian system, is that institutional cosmopolitanism is not feasible. The analysis fails to consider the ways in which stewardship may evolve and be broadened within an integration project, as is discussed here in Chapters 5 and 6.
- 31 See Barbara Geddes, *Politician's Dilemma: Building State Capacity in Latin America* (Berkeley, CA, University of California Press, 1994).
 - 32 For Kant's treatment of a similar bias, see Jeremy Waldron, "What is Cosmopolitan?" *The Journal of Political Philosophy*, vol. 8, no. 2, June 2000, p. 238. See also Jamie Mayerfeld, "The Myth of Benign Group Identity: A Critique of Liberal Nationalism," *Polity*, vol. XXX, no. 4, Summer 1998, pp. 555–78. In a powerful critique of the liberal-nationalism championed by Kymlicka, Tamir and others, Mayerfeld details how Lockean own-case bias can fuel virulent nationalism.
 - 33 Martha Nussbaum, *Cultivating Humanity*; see also the exchange between Gertrude Himmelfarb, Walter Berns, Todd Gitlin and William Galston, "Symposium: Is Patriotism Compatible with Higher Education?" *Academic Questions*, vol. 15, no. 4, Fall 2002, pp. 21–36.
 - 34 David Miller, *On Nationality* (Oxford, Clarendon Press, 1995); Michael Walzer, *Spheres of Justice* (New York, Basic Books, 1983); Stephen Nathanson, *Patriotism, Morality and Peace* (Lanham, MD, Rowan & Littlefield, 1993); Yael Tamir, *Liberal Nationalism* (Princeton, NJ, Princeton University Press, 1983); Andrew Mason, "Special Obligations to Compatriots," *Ethics*, vol. 107, no. 3, March 1997, pp. 427–48.
 - 35 Singer, *One World* (New Haven, CT, Yale University Press, 2002), p. 180.
 - 36 Organization for Economic Cooperation and Development, "Table 1: Net Official Development Assistance in 2002." Online. Available: <http://www.oecd.org/dataoecd/3/2/22460411.pdf> Available at the OECD Web site. <http://www.oecd.org> Accessed January 2004.
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 - 38 Kofi Annan, "Make 2004 the Year of Kept Promises," *The Toronto Star*, 30 December 2003, p. A-26.
 - 39 Pogge, "A Global Resources Dividend."
 - 40 Roy Godson, and Phil Williams, "Strengthening Cooperation Against Transsovereign Crime," Maryann K. Cusimano (ed.), in *Beyond Sovereignty: Issues for a Global Agenda* (New York, Bedford-St. Martin's, 2000), pp. 111–46.
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 - 42 Held, "Democracy and Globalization," p. 25.
 - 43 For a similar proposal, see Richard Falk and Andrew Strauss, "Toward Global Parliament (Citizen Input on Globalization)," *Foreign Affairs*, vol. 80, January–February 2001, pp. 212–18; see also Amitai Etzioni, "Beyond Transnational Governance," *International Journal*, vol. 56, no. 4, 2001, pp. 595–610; Robert Sheppard, "Towards a U.N. Parliament: U.N. Reform for the Progressive Evolution of an Elective and Accountable Democratic Parliamentary

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- 44 Amartya Sen, “Freedom and Needs: An Argument for the Primacy of Political Rights,” *The New Republic*, 10 January 1994, pp. 31–6. See also Sen, *Development as Freedom* (New York, Alfred A. Knopf, 1999), pp. 147–9; Andrew Kuper, “Rawlsian Global Justice,” *Political Theory*, vol. 28, no. 5, Oct. 2000, pp. 663–4.
- 45 The EU organizations long have been criticized as elitist and technocratic, rather than democratic. See Thomas Pogge, “Creating Supra-National Institutions Democratically: Reflections on the European Union’s ‘Democratic Deficit,’” *The Journal of Political Philosophy*, vol. 5, no. 2, June 1997, pp. 163–82, especially pp. 177–8; Amaryllis Verhoeven, *The European Union in Search of a Democratic and Constitutional Theory* (The Hague, Kluwer Law International, 2002), pp. 57–74.
- 46 John McCormick, *The European Union: Politics and Policies* (Boulder, CO, Westview, 1999), p. 68.
- 47 Steven P. McGiffen, *The European Union: A Critical Guide* (London, Pluto Press, 2001), p. 122.
- 48 See Andrew Geddes, *The Politics of Migration and Immigration in Europe* (London: Sage, 2003), especially Chapter 6, “The Politics of Migration in an Integrating Europe.” Full free movement—no passports must be shown at borders—is permitted within the Schengen region, which excluded only Britain and Ireland in the 15-member European Union.
- 49 Alec Stone Sweet and James A. Caporaso, “From Free Trade to Supranational Polity: The European Court and Integration,” in Wayne Sandholtz and Alec Stone Sweet (eds), *Supranational Governance: The Institutionalization of the European Union* (New York, Oxford University Press, 1998), p. 131; see also Heide Ingeborg, “Supranational Action against Sex Discrimination: Equal Pay and Equal Treatment in the European Union,” *International Labour Review*, vol. 138, no. 4, 1999, pp. 381–420.
- 50 Stone Sweet and Caporaso, “From Free Trade to Supranational Polity,” p. 126.
- 51 See Philip Alston, “An ‘Ever Closer Union’ in Need of a Human Rights Policy: The European Union and Human Rights,” in Philip Alston (ed.), *The EU and Human Rights* (Oxford, Oxford University Press, 1999), pp. 3–66.
- 52 Robert A. Pastor, *Toward a North American Community: Lessons from the Old World for the New* (Washington, DC, Institute for International Economics, 2001), p. 51.
- 53 Jose M. Magone, “The Third Level of European Integration: New and Old Insights,” in Jose M. Magone (ed.), *Regional Institutions and Governance in the European Union* (Westport, CT, Praeger, 2003), pp. 5–9.
- 54 See the European Union web site. <http://www.europa.int> Accessed January 2004. Free movement for workers also is a feature of the relationship between the EU and the European Free Trade Association, which includes Iceland, Liechtenstein, Norway and Switzerland.
- 55 For a lucid discussion of the issues, see Onora O’Neill, “Hunger, Needs, and Rights,” in S. Luper-Foy (ed.), *Problems of International Justice* (Boulder, CO, Westview Press, 1988); see also O’Neill, *Bounds of Justice* (Cambridge, Cambridge University Press, 2000), especially Chapter 6, “Women’s Rights, Whose Obligations?” The general criticism that no rights correspond to imperfect obligations is central to the libertarian project. O’Neill rejects libertarianism, arguing for an approach that gives primacy to obligations, rather than rights; for detailed responses to O’Neill’s approach, see Aiken, “Benevolence and Justice”; Jones, *Global Justice*, Chapter 4.

- 56 Robert Goodin, "The State as Moral Agent," p. 136; for a similar argument, see Henry Shue, "Solidarity Among Strangers and the Right to Food," in W. Aiken and H. LaFollette (eds), *World Hunger and Morality* (Upper Saddle River, NJ, Prentice Hall, 1996), pp. 127–8.
- 57 Martha Nussbaum, "Duties of Justice, Duties of Material Aid: Cicero's Problematic Legacy," *The Journal of Political Philosophy*, vol. 8, no. 2, 2000, p. 192; see also Henry Shue, *Basic Rights* (Princeton, NJ, Princeton University Press, 1980), esp. Ch. 2.
- 58 Henry Shue, "Mediating Duties," *Ethics*, vol. 98, no. 4, July 1988, p. 697.
- 59 Thomas Nagel, "Poverty and Food, Why Charity is Not Enough," in Peter Brown and Henry Shue (eds), *Food Policy* (New York, Free Press, 1977), p. 57; see also Liam Murphy, "Institutions and the Demands of Justice," *Philosophy and Public Affairs*, vol. 27, no. 4 (1999), pp. 251–95. Murphy argues that contributing to institutional change is indeed important, but that donors also should be expected to make direct charitable contributions, and in fact our primary duty should be to make beneficent transfers; see Pogge's response in "A Global Resources Dividend."
- 60 Mayerfeld, *Suffering and Moral Responsibility*, p. 206; see also Shue, "Solidarity Among Strangers and the Right to Food," p. 129.
- 61 Pogge, *Realizing Rawls*, p. 27.
- 62 See Shue, *Basic Rights*, pp. 52–5; Thomas Pogge, "The Bounds of Nationalism," in Kai Nielsen, Jocelyne Couture and Michael Seymour (eds), *Rethinking Nationalism* (Calgary, Alberta, Canadian Journal of Philosophy, 1996), pp. 463–504; Henry Shue, "Eroding Sovereignty, The Advance of Principle," in Robert McKim and Jeff McMahan (eds), *The Morality of Nationalism* (New York, Oxford University Press, 1997), pp. 340–59; Nagel, "Poverty and Food, Why Charity is Not Enough," pp. 56–8; Mayerfeld, "The Incrementalist Argument for a Strong Duty to Prevent Suffering," p. 15.
- 63 Pogge, "A Global Resources Dividend," p. 523.

5 Democratic distance

- 1 See Robert Pastor, *Toward a North American Community* (Washington, DC, Institute for International Economy 2001).
- 2 Derek Heater, *World Citizenship and Government* (New York, St. Martin's Press, 1996), p. 7.
- 3 Aristotle, "Epistle to Alexander the Great," in Howard Kainz (ed.), *Philosophical Perspectives on Peace*, p. 3; see also Samuel M. Stern, *Aristotle on the World State* (Columbia, University of South Carolina Press, 1970).
- 4 Dante Alighieri, "Monarchy," in Kainz (ed.), *Philosophical Perspectives on Peace*, 9.
- 5 Cited in P. Singer, *One World* (New Haven, CT, Yale University Press, 2002), p. 196. The full passage appears in Wing-Tsit Chan, *A Source Book in Chinese Philosophy* (Princeton, NJ, Princeton University Press, 1963), p. 213.
- 6 Heater, *World Citizenship and Government*, p. x; on world citizenship, see also R. Iyer, *The Moral and Political Thought of Mahatma Gandhi* (New York, Oxford University Press, 1973); Amartya Sen, "Humanity and Citizenship," in Joshua Cohen (ed.), *For Love of Country* (Boston, Beacon Press, 1996), pp. 111–18. Sen discusses conceptions of justice in the Chinese, Hindu and other traditions that would be consonant with key aspects of moral cosmopolitanism.
- 7 The work, *A Plan for Universal and Perpetual Peace*, was written in 1789 but not published until 1843, 11 years after Bentham's death; see Kainz (ed.), *Philosophical Perspectives on Peace*, pp. 128–9.

- 8 Herbert G. Wells, *A Modern Utopia* (Lincoln, NE, University of Nebraska Press, 1967); Warren Wagar, *H.G. Wells and the World State* (Boston: Houghton Mifflin, 1961).
- 9 See April Carter, *The Political Theory of Global Citizenship* (London: Routledge, 2001), pp. 143–6.
- 10 The remark was made in context of Truman's push for ratification of the United Nations and World Court charters. Harry S. Truman, "Remarks Upon Receiving an Honorary Degree from the University of Kansas City" 28 June 1945. Online. Available. <http://trumanlibrary.org/publicpapers/> Accessed January 2004.
- 11 Emery Reves, *The Anatomy of Peace* (New York, Harper, 1945).
- 12 Wesley T. Wooley, *Alternatives to Anarchy: American Supranationalism Since World War II* (Bloomington, Indiana University Press, 1988), p. 55.
- 13 Percy Corbett, "Congress and Proposals for International Government," *International Organization*, vol. 4, no. 3, August 1950, p. 383.
- 14 Susan Caudill, "Trying to Harness Atomic Energy, 1946–1951: Albert Einstein's Publicity Campaign for World Government," *Journalism Quarterly*, vol. 68, no. 1, Spring–Summer 1991, pp. 253–62.
- 15 Bertrand Russell, *Common Sense and Nuclear Warfare* (New York, Simon and Schuster, 1959). This work was published after the immediate post-war period, but it reflects Russell's writings from that period.
- 16 Heater, *World Citizenship and Government*, p. 179.
- 17 Probably the most notable such proposal was from former *New York Times* League of Nations correspondent Clarence Streit, *Union Now: A Proposal for an Atlantic Federal Union of the Free* (New York, Harper and Row, 1949).
- 18 Cited in Wooley, *Alternatives to Anarchy*, p. 73.
- 19 Cronkite argues that "if we are to avoid the eventual catastrophic world conflict, we must strengthen the United Nations as a first step toward a world government—with a legislature, executive and judiciary and police to enforce its international laws." Walter Cronkite, "The Case for Democratic World Government," *Earth Island Journal*, vol. 15, no. 2, Summer 2000, p. 45.
- 20 Grenville Clark and Louis Sohn, *World Peace Through World Law*, 3rd edition (Cambridge, MA, Harvard University Press, 1966); see also Betty Reardon and Saul Mendlovitz, "World Law and Models of World Order"; and see Kai Nielsen, "World Government, Security, and Global Justice," in Steven Luper-Foy (ed.), *Problems of International Justice* (Boulder, CO, Westview Press, 1988), p. 271. Nielsen explores at length the desirability of a cantonal or federalist form of world government, though he is not optimistic that one can emerge.
- 21 See Robert Keohane, *Power and Governance in a Partially Globalized World* (London, Routledge, 2002), p. 12. Keohane recalls thinking that Clark and Sohn's world government writings "seemed utterly divorced from Cold War reality."
- 22 David Held, "Democracy and Globalization," in Daniele Archibugi *et al.* (eds), *Re-Imaging Political Community* (Stanford, CA, Stanford University Press); Falk and Strauss, "Toward Global Parliament"; Amitai Etzioni, "Beyond Transnational Governance," *International Journal*, vol. 56, no. 4, 2001, pp. 596–610; Pogge, "Cosmopolitanism and Sovereignty"; George Monbiot, "Another World is Possible: A Parliament for the Planet," *New Internationalist*, no. 342, January–February 2002, pp. 340–2.
- 23 See especially Yael Tamir, "Who's Afraid of a Global State?" in K. Goldmann *et al.* (eds), *Nationalism and Internationalism in the Post-Cold War Era* (London, Routledge, 2000). See also Saul Mendlovitz, "Review: *Beyond Sovereignty: Territory and Political Economy in the Twenty-First Century*," *American*

- Political Science Review*, vol. 91, no. 1, March 1997, pp. 229–30. In this review, Mendlovitz takes David Elkind to task for not giving more consideration to global government among possible outcomes of changes in the current global system.
- 24 Kant, in Kainz (ed.), *Philosophical Perspectives on Peace*, p. 83.
 - 25 Michael Doyle, “Kant, Liberal Legacies and Foreign Affairs,” Part 2, *Philosophy and Public Affairs*, vol. 12, no. 4, Autumn 1983, p. 340.
 - 26 The *Draft Treaty Establishing a Constitution for Europe* of July 2003. Online. Available. http://europa.eu.int/futurum/constitution/index_en.htm Accessed January 2004.
 - 27 *Ibid.*, Title I, Article 2, “The Union’s Values.”
 - 28 See Andrew Kuper, “Rawlsian Global Justice,” *Political Theory*, vol. 28, no. 5, Oct. 2000, pp. 640–74. Kuper similarly calls for shifting governance upward in specific areas, though he is critical of an emphasis on linking authority and territory, specifically in Pogge’s work; see also Philippe Schmitter, “The Future of Democracy: Could it Be a Matter of Scale?” *Social Research*, vol. 66, no. 3, Fall 1999, p. 945.
 - 29 Neill Nugent, *The Government and Politics of the European Union*, 5th edition (New York, Palgrave, 2003), p. 245.
 - 30 The principle of subsidiarity is defined in article 3B of the 1993 Treaty of Maastricht: “In areas which do not fall within its exclusive competence, the [European] Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community.”
 - 31 Andreas Follesdal, “Subsidiarity and Democratic Deliberation,” in Erik Oddvar Eriksen and John Erik Fossum (eds), *Democracy in the European Union: Integration Through Deliberation?* (New York, Routledge, 2000), p. 86; see also Andreas Follesdal, “Survey Article: Subsidiarity,” *The Journal of Political Philosophy*, vol. 6, no. 2, June 1998, p. 192; Paolo G. Carozza, “Subsidiarity as a Structural Principle of International Human Rights Law,” *American Journal of International Law*, vol. 97, no. 1, January 2003, pp. 38–79.
 - 32 The Amsterdam Protocol, Article 6, specifies that means should be left to EU member states where possible. Follesdal, “Subsidiarity,” p. 194.
 - 33 Robert Dahl, “Can International Organizations be Democratic? A Skeptic’s View,” in Ian Shapiro and Casiano Hacker-Cordon (eds), *Democracy’s Edges* (Cambridge, Cambridge University Press, 1999), pp. 19–36.
 - 34 Robert Dahl and Edward R. Tufte, *Size and Democracy* (Stanford, CA, Stanford University Press, 1973), especially Chapter 4; and see Poul Erik Mouritzen, “City Size and Citizens’ Satisfaction: Two Competing Theories Revisited,” *European Journal of Political Research*, vol. 17, pp. 661–88; Schmitter, “The Future of Democracy: Could it Be a Matter of Scale?”
 - 35 Dahl and Tufte, *Size and Democracy*, p. 109.
 - 36 Annie Gaardsted Frandsen, “Size and Electoral Participation in Local Elections,” *Environment and Planning C: Government and Policy*, vol. 20, pp. 853–69; J. Eric Oliver, “City Size and Civic Involvement in Metropolitan America,” *American Political Science Review*, vol. 94, no. 2, June 2000, pp. 361–73.
 - 37 See Michael K. Le Roy, “Participation, Size and Democracy: Bridging the Gap Between Citizens and the Swedish State,” *Comparative Politics*, vol. 27, no. 3, April 1995, pp. 297–316. Responding to Dahl and Tufte’s work, Le Roy would include voluntary organizations such as labor unions, agricultural cooperatives and business organizations among the small democratic units that can help

- meet citizen participation and interest-articulation needs, though not as well when they are embedded in a formally corporatist frame.
- 38 European Union, Committee of the Regions, "The Committee of the Regions: An Introduction," Online. Available. http://www.cor.eu.int/en/pres/pres_rol.html Accessed January 2004; see also Patrick Le Gales and Christian Lequesne (eds), *Regions in Europe* (London, Routledge, 1998).
 - 39 See *European Report*, "Committee of the Regions: Plenary Session Endorses Report on Structural Funds After 2006," 9 July 2003. The report calls for establishment of "co-responsibility" for cohesion policy by the Regions Committee and the European Commission.
 - 40 Liesbet Hooghe and Gary Marks, *Multi-Level Governance and European Integration* (Lanham, MD, Rowman and Littlefield, 2001), p. 86.
 - 41 Hooghe and Marks, *Multi-Level Governance and European Integration*, p. 81; see also Liesbet Hooghe and Gary Marks, "Unraveling the Central State, But How? Types of Multi-Level Governance," *American Political Science Review*, vol. 97, no. 2, May 2003, pp. 233–43.
 - 42 On the importance of sub-unit autonomy as a check on unreasonable action from above, see Andreas Follesdal, "Federal Inequality Among Equals," in Thomas Pogge (ed.), *Global Justice*, pp. 242–61.
 - 43 For a comprehensive overview, see Peter Levy, *The Civil Rights Movement* (Westport, CT, Greenwood Press, 1998).
 - 44 James Madison, "Federalist 10," in Clinton Rossiter (ed.), *The Federalist Papers* (New York, Signet, 2003), p. 45; for an insightful critical review, see Terence Ball, "The Federalist Papers," in David Boucher and Paul Kelly (eds), *Political Thinkers: From Socrates to the Present* (Oxford, Oxford University Press, 2003), pp. 253–69, especially pp. 258–64; see also Daniel G. Lang, "Human Rights and the Founding Fathers," in Reed M. Davis (ed.), *Moral Reasoning and Statecraft* (Lanham, MD, University Press of America, 1988), p. 57. Lang argues that Madison and the other framers encouraged formation of a large, diverse polity to ensure fulfillment of core human rights, i.e. life, liberty and property; H.N. Hirsch, "The Threnody of Liberalism," *Political Theory*, vol. 14, no. 3, August 1986, p. 440.
 - 45 John McCormick, *Understanding the European Union*, 2nd edition (New York, Palgrave Macmillan, 2002), p. 139; see also Justin Greenwood, *Interest Representation in the European Union* (Basingstoke: Palgrave Macmillan, 2003).
 - 46 See James Caporaso, *The European Union: Dilemmas of Regional Integration* (Boulder, CO, Westview, 2000), pp. 63–4; the importance of parties to "forming European political awareness and to expressing the will of Union citizens" was formally recognized in the *Draft Treaty Establishing a Constitution for Europe*, Title VI: The Democratic Life of the Union, Article 45: The Principle of Representative Democracy; for a more skeptical view, see Michael Greven, "Can the European Union Finally Become a Democracy?," in Michael Greven and Louis W. Pauly (eds), *Democracy Beyond the State? The European Dilemma and the Emerging Global Order* (Lanham, MD, Rowman & Littlefield, 2000), p. 37.
 - 47 Hooghe and Marks, *Multi-Level Governance and European Integration*, pp. 88–9.
 - 48 Charles W. Kegley Jr. and Eugene R. Wittkopf, *World Politics: Trend and Transformation*, 9th edition (Belmont, CA, Thomson Wadsworth, 2004), p. 137; see also the Union of International Associations web site. <http://www.uia.org> Accessed January 2004.
 - 49 Amnesty International web site, "About AI," <http://www.amnesty.org/> Accessed January 2004.

- 50 See Sanjeev Khagram, James V. Riker and Kathryn Sikkink, "From Santiago to Seattle: Transnational Advocacy Groups Restructuring World Politics," in S. Khagram, J. Riker and K. Sikkink (eds), *Restructuring World Politics: Transnational Social Movements, Networks and Norms* (Minneapolis, University of Minnesota Press, 2002), pp. 3–23.
- 51 See especially James Rosenau, "Governance and Democracy in a Globalizing World," in Daniele Archibugi *et al.* (eds), *Re-imagining Political Community: Studies in Cosmopolitan Democracy*, pp. 28–57; On the ways in which trans-state activists can promote respect for human rights within states, see Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY, Cornell University Press, 1998).
- 52 See William Felice, "The Viability of the United Nations Approach to Economic and Social Rights in a Globalized Economy," *International Affairs*, vol. 75, no. 3, July 1999, pp. 563–98. The UN International Bill of Human Rights includes the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. From 1948 until 1976, the Universal Declaration was the only completed piece of the overall Bill of Human Rights. See the web site of the UN Office for the High Commissioner of Human Rights at <http://www.unhchr.ch/> Accessed January 2004.
- 53 See Craig N. Murphy, "What the Third World Wants: An Interpretation of the Development and Meaning of the New International Economic Order Ideology," *International Studies Quarterly*, vol. 27, no. 1, March 1983, pp. 55–76.
- 54 See G. Clark and L. Sohn, *World Peace Through World Law* (Cambridge, MA, Harvard University Press, 1966).
- 55 James A. Yunker, "Rethinking World Government: A New Approach," *International Journal on World Peace*, vol. 17, no. 1, March 2000, pp. 3–33. Yunker advocates a voting system which would require consensus from rich and poor nations to pass major legislation.
- 56 Neill Nugent, *The Government and Politics of the European Union* (New York, Palgrave, 2003), p. 411.
- 57 European Union, "The EU's Relations with Southeastern Europe," Online. Available, http://europa.eu.int/comm/external_relations Accessed January 2004.

6 Citizenship, armed tyranny and the democratic peace

- 1 Richard Bellamy and Dario Castiglione, "Between Cosmopolis and Community: Three Models of Rights and Democracy Within the European Union," in Daniele Archibugi, David Held and Martin Kohler (eds), *Re-imagining Political Community* (Stanford, CA, Stanford University Press, 1998), p. 160. The authors argue for a "cosmopolitan communitarianism" that would acknowledge the ostensible importance of shared nationality to democracy and attempt only limited joint rule projects above the state in Europe; David Miller, "Bounded Citizenship," in Kimberly Hutchings and Roland Dandneuther (eds), *Cosmopolitan Citizenship* (New York, St. Martins Press, 1999), pp. 60–82. The essay is reprinted in David Miller, *Citizenship and National Identity* (Cambridge, Polity Press, 2000), pp. 81–96.
- 2 See Waldron, "Social Citizenship and the Defense of the Welfare Provision," in *Liberal Rights* (Cambridge, Cambridge University Press, 1993), pp. 271–307.
- 3 April Carter, *The Political Theory of Global Justice* (London, Routledge, 2001), p. 123.
- 4 McCormick, *The European Union: Politics and Policies* (Boulder, CO, Westview Press, 1999), p. 91; see also Antje Weiner, 'European' Citizenship Practice:

- Building Institutions of a Non-State* (Oxford, Westview Press, 1998). Weiner suggests that the European Union is moving toward a form of citizenship that ultimately will be based in residence rather than nationality or state membership.
- 5 For an argument emphasizing the challenges to the creation of a truly European identity and thus ostensibly a robust European democracy, see Roland Axtman, "What's Wrong with Cosmopolitan Democracy?" in Nigel Dower and John Williams (eds), *Global Citizenship: A Critical Introduction* (New York, Routledge), 2002, pp. 101–13.
 - 6 Stephen Hall, "European Citizenship—Unfinished Business," in Leslie Holmes and Philomena Murray (eds), *Citizenship and Identity in Europe* (Aldershot, Ashgate, 1999), pp. 39–54.
 - 7 Carter, *The Political Theory of Global Citizenship*, p. 124.
 - 8 See William Barbieri, *Ethics of Citizenship* (Durham, NC, Duke University Press, 1993), especially Chapter 5, "Citizenship and Group Rights."
 - 9 *Oxford Dictionary of World History*, p. 243.
 - 10 Siofra O'Leary, *European Union Citizenship: Options for Reform* (London, Institute for Public Policy Research, 1996), p. 39.
 - 11 See Erik Oddvar Eriksen, and John Erik Fossum, "Post-national Integration," in Erik Oddvar Eriksen and John Erik Fossum (eds), *Democracy in the European Union: Integration Through Deliberation?* (New York, Routledge, 2000), pp. 1–28; see also Ramesh Mishra, *Globalization and the Welfare State* (Cheltenham, Edward Elgar Publishing, 1999); Jürgen Habermas, *The Postnational Constellation: Political Essays*, trans. Max Pensky (Cambridge, Polity, 2001), pp. 58–112.
 - 12 David Miller, "The Nation-State: A Modest Defence," in Chris Brown (ed.), *Political Restructuring in Europe* (London, Routledge, 1994), p. 148; for a view that emphasizes forces both above and below the state that are putting pressure on nation- or state-based forms of citizenship, see James Rosenau, "Citizenship in a Changing Global Order," in *Governance Without Government: Order and Change in World Politics*, eds. James Rosenau and Ernst Otto-Czempiel (Cambridge, Cambridge University Press, 1992), pp. 272–94; see also Gillian Brock, "World Citizenship: David Miller versus the New Cosmopolitans," *International Journal of Politics and Ethics*, vol. 2, no. 3, October 2002, pp. 211–24; for an argument that emphasizes the importance of de-emphasizing the "nation" in nation-state, see James Wilets, "The Demise of the Nation-State: Towards a New Theory of the State under International Law," *Berkeley Journal of International Law*, vol. 17, no. 2, 1999, pp. 193–245.
 - 13 Fernando Henrique Cardoso, "An Age of Citizenship," *Foreign Policy*, Summer 2000, p. 41; see also David Held, "Cosmopolitanism: Ideas, Realities, Deficits," in David Held and Anthony McGrew (eds), *Governing Globalization: Power, Authority and Global Governance* (Cambridge, Polity, 2002), pp. 305–24.
 - 14 For a good overview of some historic and ongoing tensions between national identity and European integration, see Vassiliki N. Koutrakou and Lucie A. Emerson eds., *The European Union and Britain: Debating the Challenges Ahead* (Basingstoke, Macmillan, 2000), especially Chapter 2, Jeremy Rand, "British Identity and European Integration," pp. 24–43.
 - 15 Jürgen Habermas, "Citizenship and National Identity: Some Reflections on the Future of Europe," in Ronald Beiner (ed.), *Theorizing Citizenship* (Albany, NY, State University of New York Press, 1995), p. 264; see also Jürgen Habermas, "Struggles for Recognition in the Democratic Constitutional State," in Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition*

- (Princeton, NJ, Princeton University Press, 1994), pp. 107–48; Jamie Mayerfeld, “The Myth of Benign Group Identity,” *Polity*, vol. XXX, no. 4, 1998, p. 576.
- 16 On that question, see Michael Lind, *The Next American Nation: The New Nationalism and the Fourth American Revolution* (New York, Free Press, 1995).
 - 17 Jürgen Habermas, “Why Europe Needs a Constitution,” *New Left Review*, vol. 11, September–October 2001, p. 16; Jürgen Habermas, *The Inclusion of the Other: Studies in Political Theory*, Pablo De Greiff and Ciaran Cronin, eds. (Cambridge, MA, MIT Press, 1998), p. 159.
 - 18 Craig Calhoun, “Constitutional Patriotism and the Public Sphere,” in Pablo De Greiff and Ciaran Cronin (eds), *Global Justice and Transnational Politics* (Cambridge, MA, MIT Press, 2002), pp. 275–312; see also Seyla Benhabib, *The Claims of Culture* (Princeton, NJ, Princeton University Press, 2002); Chapter 5, “Deliberative Democracy and Multicultural Dilemmas”; for specific proposals to solidify the EU public sphere and strengthen trans-state democratic practice, see J.H.H. Weiler, *The Constitution of Europe: “Do The Clothes Have A New Emperor?” and Other Essays on European Integration* (Cambridge, Cambridge University Press, 1999), especially Chapter 10, “To Be a European Citizen: Eros and Civilization,” pp. 349–56.
 - 19 Habermas, “Why Europe Needs a Constitution,” p. 6.
 - 20 *The Draft Treaty Establishing a Constitution for Europe*, Part I, Title VI, Article 45:1 Online. Available. http://europa.eu.int/futurum/constitution/index_en.htm Accessed January 2004.
 - 21 *Ibid.*, Article 45:3.
 - 22 Justine Lacroix, “For a European Constitutional Patriotism,” *Political Studies*, vol. 50, no. 5, December 2002, p. 951.
 - 23 Will Kymlicka emphasizes these challenges in an argument skeptical of the prospects for cosmopolitan democracy. *Politics in the Vernacular* (Oxford, Oxford University Press, 2001), pp. 216–18.
 - 24 Central Intelligence Agency, *CIA Factbook*, “Philippines.” Online. Available. <http://www.cia.gov/cia/publications/factbook/geos/rp.html> Accessed January 2004.
 - 25 Daniel Weinstock, “Prospects for Transnational Citizenship and Democracy,” *Ethics and International Affairs*, vol. 15, no. 2, Fall 2001, p. 65.
 - 26 Michael Walzer, “The Reform of the International System,” p. 239; see also Menno Kamminga, *On Global Justice*, p. 39; Wilfried Hinsch, “Global Distributive Justice,” in Jones (ed.), *Global Justice*, p. 56.
 - 27 Yevgeny Zamyatin, *We*, trans. Mirra Ginsburg (New York, Eos, 1999, 1924).
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7 Possibilities

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