

**Global Equality:
A Normative Defence with Practical Considerations**

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Abstract

In this thesis I aim to build a normative argument for equality of access to advantage at the global level, and motivate action conducive to the realization of this ideal.

The normative argument is presented over the course of the first two chapters. In Chapter One I ask, ‘How should we conceive of distributive equality?’ Following G.A. Cohen, I argue that equality is best conceived as equality of access to advantage. I interpret this to require equal access to both ‘worldly autonomy’—a term I invoke to describe a certain basic threshold level of autonomy—and subjective preference satisfaction.

In Chapter Two, I establish a justificatory basis for equality on a global scale. I argue that equality is justified at the global level on the basis of justice as reciprocity for the mutual provision of the global system of state-enforced borders, in which the participation of all people is equally necessary, and that makes possible a wide variety of institutional goods predominately enjoyed by people in rich developed countries.

In Chapter Three, I take up the second aim of the thesis: to motivate action conducive to the realization of this global distributive ideal. I engage the concern that global equality is a poor ideal, demanding too much change in the attitudes and lifestyles of the well-off to motivate them to pursue it. I aim to show that, even if most people are not motivated to pursue global equality, there are alternative grounds for immediately feasible global reforms and redistributions likely to have greater motivational purchase on people’s sensibilities. Alternative grounds for redistribution and reform include reparative justice, cooperative justice, respect for basic human rights, and self-interest. Making these redistributions and reforms would not only be desirable from the perspective of the alternative grounds that explain them, but will have the further happy result of bringing the world closer to the global

distributive ideal of equality of access to advantage. Plausibly, it will bring the world sufficiently close to this ideal that people will be motivated to pursue it for its own sake.

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For my mother

Introduction

In the introduction to *Sovereign Virtue*, Ronald Dworkin writes that in order for a government to be legitimate, it must “show equal concern for the fate of the lives of all those citizens over which it claims dominion and from whom it claims allegiance.”¹ Moreover, he argues that, whether a nation’s government shows its citizens equal concern is reflected in the distribution of that nation’s wealth. This is because the distribution of a nation’s wealth is the product of its legal order, over which the nation’s government has both control as well as knowledge of how the laws it sustains or enacts will affect that distribution. He writes, “a citizen’s wealth massively depends on which laws his community has enacted—not only its laws governing ownership, theft, contract, and tort, but its welfare law, tax law, labor law, civil rights law, environmental regulation law, and laws of practically everything else.”² Further, when the government enacts or sustains one set of laws rather than another, it is with knowledge that some citizens’ lives will be made worse by its choice, and, oftentimes, which among them it will be. For instance, he writes, “In prosperous democracies it is predictable, whenever government curtails welfare programs or declines to expand them, that its decision will keep the lives of poor people bleak.”³ Dworkin further claims that the requirement upon government to show its citizens equal concern does not require that it distribute wealth equally amongst them. As a political ideal, he writes, “flat indiscriminate equality” wherein “everyone has the same wealth cradle to grave, no matter whether he chooses to work or

¹ Ronald Dworkin, *Sovereign Virtue The Theory and Practice of Equality*. (Cambridge: Harvard University

² Ibid.

³ Ibid., 1f.

what work he chooses,”⁴ would neglect to hold people accountable for their choices, and, as such, would not be seriously proposed by anyone. Yet he also contends that while equal concern does not demand that the distribution of wealth be strictly equal, it does impose serious egalitarian constraints on its distribution nevertheless, and that therefore “when a nation’s wealth is very unequally distributed, as the wealth of even very prosperous nations now is, then its equal concern is suspect.”⁵

Similar remarks to these which Dworkin makes about the legitimacy of government and the distribution of wealth among citizens of a state can be made about the legitimacy of bodies that have purchase on the global distribution of wealth and that distribution. That is, although no elaborate legal system of the kind Dworkin describes to exist at the national level exists at the global level, nor any global government to potentially administer one whose legitimacy could be of concern, there are however globally shared institutions and organizations that constrain the freedom of persons everywhere in order to produce collective goods that are desirable to all. As Joseph Stiglitz writes, “we have no world government, accountable to the people of every country... Instead, we have a system that might be called global governance without global government, one in which a few institutions—the World Bank, the IMF, the WTO—and a few players—the finance, commerce, and trade ministries, closely linked to certain financial and commercial interests—dominate the scene.”⁶ Just as the laws a government enacts and sustains at the domestic level affect the national distribution of wealth, the norms these global institutions and organizations enact and sustain have consequences for the distribution of wealth globally. Moreover, some people have the power to direct the operations of these institutions

⁴ Ibid., 2.

⁵ Ibid., 1.

⁶ Joseph Stiglitz, *Globalization and its Discontents* (New York: W.W. Norton & Company Inc., 2002), 21f.

and organizations, and often with knowledge of who will benefit from the norms they impose, and who will not.

In the same way, then, that it is a condition of the legitimacy of any government that it show equal concern for the fate of the lives of all its citizens, so too is it a condition of the legitimacy of bodies whose reach extends beyond the confines of the state that they show equal concern for the fate of the lives of all those they affect. Because these are organizations and institutions of global consequence, to be legitimate, they must then show equal concern for how the norms they impose affect persons fortunate enough to reside in rich developed countries and those in poor developing countries alike. Yet the nature of and circumstances surrounding the current global distribution of wealth renders this show of equal concern, and thus the legitimacy of these bodies, suspect.

The current global wealth distribution is such that fully one half of the global population holds less than 1 percent of total global wealth. In sharp contrast to this, the richest 10 percent hold 86 percent of total wealth, and the top 1 percent alone account for 46 percent of global assets.⁷ Moreover, those who are among the worst off in the distribution are not only relatively poor, but poor in absolute terms, lacking even the most basic resources. According to the World Bank's most recent figures, the average daily consumption of 2.4 billion people is less than \$2 a day measured in US dollars at 2005 prices—the amount at which it sets its highest poverty threshold.⁸ In terms of access to basic resources, 2 billion people lack access to essential medicines, 768 million people lack access to safe drinking

⁷ Credit Suisse, "Credit Suisse Global Wealth Report 2012," <https://www.credit-suisse.com/ca/en/news-and-expertise/research/credit-suisse-research-institute/news-and-videos.article.html/article/pwp/news-and-expertise/2013/10/en/global-wealth-reaches-new-all-time-high.html>. Wealth is here defined as the marketable value of financial assets plus non-financial assets (principally housing and land) less debts. See Credit Suisse, "Global Wealth Databook," https://www.credit-suisse.com/news/doc/credit_suisse_global_wealth_databook.pdf.

⁸ "Poverty Overview," <http://www.worldbank.org/en/topic/poverty/overview>.

water, and 1 billion people lack access to adequate shelter.⁹ Meanwhile, as Thomas Pogge observes, to bring these 2.4 billion people to this \$2 a day threshold would ask merely \$300 billion annually, which amounts to 1.2 percent of the income of the world's richest 10 percent.¹⁰

This global distribution renders suspect the legitimacy of the bodies that affect it, in the first place because it denies billions of people access to resources necessary for bare subsistence when the provision of access to these resources is seemingly feasible. That is, it is uncontroversial that all persons have a basic human right to resources necessary for bare subsistence. Equal concern at the global level thus requires ensuring that all persons have access to these resources where it can be secured. That the current global distribution of wealth is such that billions of people lack access to these resources when their provision is seemingly within reach thus renders suspect these bodies' show of equal concern for those who lack this access, and thereby also the legitimacy of these bodies.

But the legitimacy of bodies that affect the distribution of wealth globally depends on more than their ensuring that persons everywhere have access to the resources necessary for bare subsistence where this is feasible. In this thesis I argue that equal concern at the global level moreover requires redistributing wealth from the global rich to the global poor and making reforms to global organizations and institutions where feasible and where doing so would increase access to advantage for the global poor. That is, while it is generally agreed, among philosophers at least, that a just distribution within the context of the nation-state is a distribution that is in some sense equal, I argue that justice moreover demands equality on a

⁹ United Nations, "We Can End Poverty Millennium Development Goals Beyond 2015."
<http://www.un.org/millenniumgoals/enviro.html>

¹⁰ Thomas Pogge, "Poverty, Human Rights and the Global Order: Framing the Post-2015 Agenda," 3.

global scale—that equal concern at the global level imposes egalitarian constraints on the global distribution of wealth in the same way that Dworkin describes the requirement upon government to show its citizens equal concern imposes egalitarian constraints on the distribution of wealth within the nation-state.

More specifically, I argue that distributive justice demands a global distribution of goods in accordance with the principle of equality of access to advantage, interpreted to require that all persons have equal access to ‘worldly autonomy’ and subjective preference satisfaction. Worldly autonomy is a term of art here used to describe a threshold level of autonomy which, to be realized, requires that persons have both the capacity for autonomous decision-making as well as the capacity and opportunity to exercise any act of doing or state of being upon which access to any vast majority of further opportunities for doings and beings within the present historical context depends. These doings and beings are determined by reflection upon the current state of the world, but without reference to any particular persons living today, and thus include things like being nourished, being sheltered, being mobile, escaping early mortality, avoiding escapable morbidity, being meaningfully employed, etc. Equal access to worldly autonomy obtains when all persons have the capacity and opportunity for these doings and beings. The second requirement of the principle of equality of access to advantage—equal access to subjective preference satisfaction—requires that all persons have access to equally satisfying lives. It thus requires that each person have the capacity and opportunity to exercise the doings and beings they respectively prefer over the course of their lives in equal measure. Equal access to subjective preference satisfaction obtains when the preference-satisfaction-expectation of the life histories of persons who choose equally prudently over the course of their lives are the same. In addition to defending

equality of access to advantage as a global distributive ideal, I aim in this thesis moreover to motivate action conducive to its realization.

Chapter outline

The thesis is organized into three chapters. In chapter one, entitled “Conceiving Equality,” I consider each of the prevailing conceptions of distributive equality within the literature on distributive justice and defend equality of access to advantage as the preferred conception. I interpret this ideal as indicated above, that is, to require that all persons have equal access to worldly autonomy and subjective preferences satisfaction.

In chapter two, “Defending Global Equality,” I consider leading arguments for limiting the scope of distributive equality to the domestic sphere variously conceived as the nation, the democratic state, and the modern state. I find each such argument wanting and argue instead that justice demands equality on a global scale. I argue specifically that equality is justified at the global level on the basis of justice as reciprocity for the mutual provision of a global basic institutional structure comprised of state-enforced borders to which all persons contribute equally and that makes possible a wide variety of institutional goods currently available to persons situated in the developed world.

The first two chapters then constitute a normative defence of the equality of access to advantage as a global distributive ideal. In chapter three, “Motivating Global Equality,” I switch gears and engage with a more practical concern. Specifically, I take seriously the charge that the ideal of global equality is so far removed from the present context that people will not be motivated to pursue the global redistribution and institutional reforms on which its realization depends. I argue that, irrespective of whether persons are motivated to realize

global equality itself, there are nevertheless alternative arguments that support immediately feasible global reforms and redistributions with plausibly greater motivational purchase on most people's sensibilities than global equality conceived to require global equality of access to advantage, but that are also conducive to the realization of this distributive ideal. I present several such alternative arguments, including arguments from reparative justice, cooperative justice, respect for human rights, and self-interest. In so doing, I hope to motivate persons to pursue the global redistributions and institutional reforms I invoke them to defend, in the ultimate interest of securing increased access to advantage for the global poor and the mitigation of global inequality of access to advantage thereby to the extent that these redistributions and reforms would afford.

Chapter One: Conceiving Equality

The discourse on distributive justice contains several competing conceptions of what precisely distributive equality consists in. In this chapter, I discuss the merits of the conceptions that dominate that discourse. These include utilitarianism, equality of resources, equality of welfare, the capability approach, libertarianism, equality of opportunity for welfare and equality of access to advantage. I aim to demonstrate that equality of access to advantage is the most morally defensible conception of distributive equality.

I proceed by taking up each of the aforementioned conceptions of distributive equality in turn. I assess the moral defensibility of each of these conceptions by appeal to various intuitive notions about what equality in distribution requires. For each conception I reject, I argue that either there is a common moral intuition about what distributive equality entails that it fails to accommodate, or that the conception itself is not sufficiently clear. Briefly, I argue that utilitarianism is an inadequate conception of egalitarian justice on grounds that it does not respect the notion of fair shares and thus unfairly permits untold compromise to the welfare of some for the sake of the welfare of others; I reject equality of resources on grounds that it is unable to sufficiently mitigate the effects of talent and circumstance on the relative freedom of persons to pursue and achieve valuable ends, for which talent and circumstance persons are however not responsible and hence should not be held accountable, and, relatedly, for its focus on the means necessary to achieve meaningful ends, rather than on ends that are meaningful in themselves. I argue that equality of welfare is indefensible on grounds that it does not hold persons accountable for low levels of welfare for which they are ultimately responsible and thus should be held accountable. I reject

libertarianism for the same reason I reject equality of resources, namely, that it cannot protect against serious undeserved inequalities in the relative freedom of persons to pursue and achieve ends that they value. I argue that the capability approach is insufficiently clear about how to decide where compensation is owed when persons' ends conflict. And, I reject equality of opportunity for welfare on grounds that it cannot accommodate the intuition that there are certain resources to which persons should have equal access irrespective of considerations of their welfare.

Finally, I argue that equality of access to advantage is able to accommodate each of the moral intuitions about distributive equality to which these objections appeal, and that, although it is, like the capability approach, not quite clear in principle, it is, however less open to interpretation than the capability approach, and thus to be preferred. Once having defended equality of access to advantage as the preferred interpretation of distributive equality, I then propose a particular interpretation of this ideal according to which advantages are understood to include any act of doing or state of being that is essential for a basic threshold level of autonomy within the world at present as well as any other particular doing or being that persons respectively prefer. I conclude the chapter by remarking that equality of access to advantage as a global ideal asks less in terms of global wealth redistribution than equality as it is more commonly conceived as equality of resources.

Utilitarianism

One early conception of egalitarian distribution is distribution in accordance with utilitarian principles. This conception of distributive justice was developed in the writings of

the classical utilitarians, Jeremy Bentham, John Stewart Mill, and Henry Sidgwick, and was the dominant conception of distributive justice for nearly two centuries following the publication of Bentham's *Principles of Morals and Legislation* in 1789.¹¹

Utilitarianism is a form of welfarism. On this view, morally speaking, it is human welfare, or "utility," that matters, where welfare is variously conceived as pleasure, happiness, preference satisfaction, etc. Presented as a conception of egalitarian justice, utilitarianism is committed to the impartial pursuit of welfare for all members of society. It holds that all persons matter equally and are thus entitled to equal treatment. Moreover, it holds that treating people equally requires giving each individual's welfare equal consideration in determining the principles to govern society, and that giving each individual's welfare equal consideration requires assigning equal weight to the interests of all persons irrespective of whose interests they are. Where welfare is interpreted as preference satisfaction, for instance, this means identifying each person's respective preferences and assigning each preference equal weight, such that one person's preference for, say, sports entertainment and another's preference for appreciating the fine arts, will count equally in deciding the principles by which to govern society.

However, since the interests of persons will sometimes conflict, they cannot all be satisfied. Thus, a standard for adjudicating between interests is required. Utilitarianism entails that the social structure that generates the greatest aggregate welfare is morally preferable to its alternatives. Or, put otherwise, that the just social alternative is that which maximizes sum-total utility. Where welfare is again interpreted as preference satisfaction, for example, a utilitarian will weigh up the preferences of all persons and seek to structure society so as to maximize sum-total preference satisfaction. This will require attending to

¹¹ Jeremy Bentham, *Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907).

factors such as the prevalence of the preferences held within a society, the intensity of those preferences, etc. For instance, if a majority of persons within a society have a strong preference for sports entertainment and a small minority an equally strong preference for appreciating the fine arts, the utilitarian will favour a social structure that accommodates the majority's preference for sports entertainment, but not the minority's preference for fine art.¹²

That the welfare of all persons should count equally in deciding the principles that govern society, irrespective of the “esteem or contempt of either officials or fellow citizens,”¹³ has obvious egalitarian appeal. Also appealing is utilitarianism’s commitment to enhancing utility or welfare, not simply as a means to further ends, but for its own sake. However, utilitarian theories are more or less compelling depending on the particular conception of utility they espouse. For example, classical utilitarianism identifies utility with certain cognitive states of mind collectively referred to as ‘pleasure’ or ‘happiness.’ This is perhaps the most influential interpretation of utility within the utilitarian tradition. On this account, happiness is considered the chief human good. Human beings are conceived to pursue activities exclusively for the sake of the happiness to which those activities give rise. However, utilitarian theories that equate utility with happiness are not particularly compelling. This is because, while human beings certainly value happiness, both for themselves and for others, happiness is not all that they value.

Robert Nozick’s famous ‘experience machine’ thought experiment makes this

¹² This account of how a preference utilitarian will adjudicate between preferences is oversimplified. For example, according to some versions of utilitarianism, beginning with Mill, intellectual preferences generate greater welfare, and thus count for more in the sum-total calculus. Thus, if one were to argue that a preference for appreciating the fine arts were to count as an intellectual preference and a preference for sports entertainment a non-intellectual preference, satisfying a minority preference for appreciating fine art may be justified.

¹³ Ronald Dworkin, *Taking Rights Seriously* (London: Bloomsbury Academic), 281

clear.¹⁴ Imagine, says Nozick, an experience machine capable of affording human beings any experience they desire. Neuropsychologists simply attach electrodes to persons' brains through which they are able to stimulate them to create the experience of any conscious state imaginable. Nozick reasons that if happiness were in fact the only human good, people would volunteer to spend their lives plugged into the experience machine set to furnish them lifetime-experiences of happiness. But, in fact, many people will find reasons not to plug in. Far from envisioning a life plugged into the experience machine to be the best life available, many will envision it to be no life at all. As Nozick argues, this is because, in addition to the experience of happiness, or any other cognitive state, human beings moreover value genuine engagement in various activities. Since human beings value more than just happiness, happiness is thus too narrow a construal of utility, and utilitarian theories that construe utility as happiness are objectionable on this account.

Other and more compelling utilitarian theories take an interest-satisfaction view of utility, where 'interests' is here taken as a generic term to cover a multiplicity of desires or preferences. On this view, increasing people's utility means satisfying their preferences, whether they be for the experience of some mental state, or the pursuit of an activity irrespective of the mental state experience to which it gives rise. Peter Singer defends such an interpretation. He writes, "The way of thinking I have outlined is a form of utilitarianism. It differs from classical utilitarianism in that 'best consequences' is understood as meaning what, on balance, furthers the interests of those affected, rather than merely what increases pleasure and reduces pain."¹⁵ Since conceiving utility to consist in the satisfaction of

¹⁴ Robert Nozick, *Anarchy, State, Utopia* (New York: Basic Books, Inc., 1974), 42.

¹⁵ Singer adds in parentheses: "It has, however, been suggested that classical utilitarians like Bentham and John Stuart Mill used 'pleasure' and 'pain' in a broad sense that allowed them to include achieving what one desired

persons' preferences makes room for a variety of experiences and activities that human being value, it is a preferred conception of welfare,¹⁶ and utilitarian theories that embrace this conception thus preferable to their hedonic alternatives on this account.

Note however that whether utility is conceived as happiness or as the satisfaction of preferences, utilitarianism faces problems for measuring aggregates. That is, utilitarianism entails maximizing aggregate utility. Calculating aggregate utility requires that one make comparisons of utility gains and losses across the lives of different persons. Where utility is conceived as happiness, for example, any decision to allocate scarce resources to A rather than B thus requires making a judgment that A's happiness at receiving the resources will outweigh B's happiness at receiving them. However, since it is not possible to penetrate the minds of others, it is not clear how to assess persons' levels of happiness, nor to know how the happiness levels of different persons thus compare.¹⁷

as a 'pleasure' and the reverse as a 'pain'. Peter Singer, *Practical Ethics* (Cambridge: Cambridge University Press, 1993), 14.

¹⁶ While preferences satisfaction thus seems a plausible interpretation of welfare, questions arise for utilitarians that interpret welfare in this way about whether all preferences should count equally in calculating maximum aggregate welfare. One such question is, for example, whether it makes sense to equate welfare with the satisfaction of just any preferences, or whether some preferences are undermining of aggregate welfare in some objective sense and ought therefore to be discounted. For example, consider the "misinformed" preference of the many women during the sixties for smoking cigarettes while pregnant. While satisfying this preference may have been conducive to maximum aggregate preference satisfaction, some argue that it ought not be construed as conducive to maximum aggregate welfare, in light of the compromising effects of smoking on the health of women and their children. Another related question is whether, for example, restrictions should be placed on preferences such as those that are offensive to others, preferences that are, for example, racist or sexist. Given that I will not be advocating for a utilitarian approach, I leave it to utilitarians to work out how best to address them. However, similar questions also arise for other forms of welfarism that construe welfare in terms of preference satisfaction, including the approach I ultimately defend. In later sections I show how they can be best addressed.

¹⁷ Economists who seek to interpret utilitarianism for practice have largely abandoned interpreting welfare as happiness on precisely these grounds. As Amartya Sen explains, "The subject of welfare economics suffered a major blow in the 1930s when economists came to be persuaded by arguments presented by Lionel Robbins and others (influenced by 'logical positivist' philosophy) that interpersonal comparisons of utility have no scientific basis and cannot sensibly be made...[S]ince economists came, by and large to be convinced...that there was indeed something methodologically wrong in using interpersonal comparisons of utilities, the fuller version of the utilitarian tradition soon gave way, in the 1940s and the 1950s, to... 'the new welfare economics'. This took the form of continuing to rely on utilities only...but of dispensing with interpersonal comparison altogether." Sen, *The Idea of Justice* (Cambridge: Harvard University Press, 2009), 277f.

Assessing individual welfare levels is less problematic where utility is conceived as preference satisfaction. That is, while assessing whether one bundle of resources affords a person more happiness than another bundle of resources is very difficult, it is less difficult to say which, if either, she prefers. As Amartya Sen explains, the basic formula is as follows: “if a person would choose an alternative x over another, y, then and only then is it that that person has more utility from x than from y.” The “scaling” of utility,” he continues, “has to follow this rule, among others, and in this framework it is not substantially different to affirm that a person has more utility from x than from y than to say that she would choose x given the choice between the two.”¹⁸

But while a preference satisfaction interpretation of utility lends itself quite readily to making assessments of individual welfare levels, when it comes to making interpersonal comparisons of welfare, this interpretation is problematic also. As Sen writes, “In the context of utilitarian calculus, its major demerit is that it does not lead immediately to any way of making interpersonal comparisons, since it concentrates on each individual’s choice seen separately.”¹⁹ For example, it is not clear how satisfying one person’s preference for writing a novel and skiing on weekends compares to another’s preference for owning a nice car and playing basketball. The hedonic utilitarian can say that the former is to be preferred if and only if it delivers more happiness to the person experiencing it than the experience of the latter delivers to the person experiencing *it*. The hedonic utilitarian has a common denominator of all preferences, namely, happiness. But there is no common denominator for someone who holds that preferences themselves are the measure of utility. So, to be able to

¹⁸ Amartya Sen, *Development as Freedom* (New York: Anchor Books), 59f.

¹⁹ Sen *Development as Freedom*, 60.

calculate maximum utility, preference utilitarians have to further address what makes one set of preferences preferable to another.

However, that difficulties that pertain to drawing interpersonal comparisons of welfare obtain is not in itself grounds for dismissing the utilitarian ideal of maximum aggregate welfare as the right interpretation of distributive equality. Such difficulties will simply need to be worked out. Nevertheless, and while acknowledging that there are indeed appealing aspects of a utilitarian approach, as a conception of egalitarian justice, utilitarianism does ultimately fall short.

Distribution in accordance with utilitarian principles is an inadequate conception of distributive equality ultimately because utilitarianism, as Rawls famously remarked, “does not take seriously the distinction between persons.”²⁰ As Rawls explains, the principle of maximizing aggregate welfare that utilitarianism invokes to navigate interpersonal conflicts of interest that arise between members of society, is the same principle to which an individual appeals when he, in weighing his more immediate and future interests against one another, prudently decides to impose a sacrifice upon himself now for the sake of greater future gains. But while it is morally unproblematic to appeal to the principle of maximizing aggregate welfare to settle such intrapersonal conflicts of interests—“a person quite properly acts, at least when others are not affected, to achieve his own greatest good, to advance his rational ends as far as possible”²¹—it is, however, morally problematic to extend the same principle to conflicts of interest that arise between members of society. This is because, in the intrapersonal case, the sacrifices the individual imposes upon himself now will be offset by gains to himself in the future. However, when the principle is applied to conflicts of

²⁰ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press), 27.

²¹ Rawls, *A Theory of Justice*, 23.

interests between different persons, some individuals must make sacrifices for the sake of greater gains for others and for which they will not be compensated at any point, whatever their sacrifice. The point here is not that *no* sacrifice should be imposed on any person for the benefit of others without also providing compensation for that sacrifice. It is rather that utilitarianism is indifferent to the distribution of welfare across persons.²² As such, as Sen writes, “even the minutest gain in total utility sum would be taken to outweigh distributional inequalities of the most blatant kind.”²³ But how persons’ respective levels of welfare compare *is* important for distributive equality. That is, where it is affirmed that persons have an equal claim to the goods up for distribution, intuition dictates that the resultant distribution of welfare across persons has moral import. More specifically, intuition dictates that fair distribution is one that precludes untold deficiencies in welfare for some as a way of providing for the welfare of others.

To be sure, distribution in accordance with utilitarian principles will not necessarily lead to vast inequality in levels of welfare across persons. Indeed, utilitarians will often favour distributing resources to members of society who are worst off in terms of the resources they possess. This is because giving more to persons who already have a lot does not increase one’s welfare as much as when one has only very little. That is, as Singer explains, according to the principle of diminishing marginal utility, “[any o]ne of the 1.2 billion people in the world living on \$1 per day will get much more utility out of an additional \$100 than will someone living on \$60,000 per year. Similarly, if we have to take \$100 from someone, we will cause much less suffering if we take it from the person earning

²² Richard Arneson, “Rawls versus Utilitarianism in the Light of Political Liberalism,” in *The Idea of Political Liberalism: Essays on Rawls*, eds. Victoria Davion and Clark Wolf (Lanham: Md: Rowman and Littlefield, 2000), 4f.

²³ Amartya Sen, “Equality of What?,” in *Tanner Lectures on Human Values*, ed. S. McMurrin (Cambridge: Cambridge University Press, 1980), 202.

\$60,000 than if we take it from the persons earning \$365 a year.”²⁴ Nevertheless, because utilitarianism always seeks the greatest over all benefit, it is, as Singer continues, “only a broad rule of thumb that this will generally be obtained by adding to the stock of resources of those who have the least.”²⁵ There is thus no guarantee that a distribution in accordance with utilitarian principles will not result in vast compromises to the welfare of some for the sake of the welfare of others. Utilitarianism thus runs contrary to this most basic intuition about what distributive equality entails. An alternative conception of distributive equality that is able to accommodate this intuition is thus to be preferred.

Equality of Resources

A second conception of distributive equality is equality of resources. Equality of resources aims to secure for all individuals equally the means with which to autonomously realize their respective, individually preferred ends. More specifically, it stipulates that all persons receive a share of goods that is equivalent—or fair, or of equal value—to every other person’s share in order to make it possible that each person can live a life of his respective choosing, and that this distribution exhaust all available resources. Ensuring that individuals have sufficient resources to live decent lives of their choosing is, according to this approach, how justice is achieved.

Within the literature advocating for equality of resources there are various proposals as to which resources to include amongst those up for distribution. The two most prominent such approaches to distributive justice—which differ from each other with respect to what to

²⁴ Peter Singer, *One World* (New Haven and London: Yale University Press, 2002), 42.

²⁵ Ibid.

include among distributable resources, as well as how precisely to distribute them—are those of John Rawls and Ronald Dworkin respectively, and are here considered in that order.

Rawls's *A Theory of Justice* is a pioneering work in the Western tradition of political philosophy. Until its appearance in 1971, utilitarianism dominated the discourse. In this masterwork, Rawls presents his remarkably innovative and enormously influential theory of 'justice as fairness' as a preferred alternative to that view. Unlike its utilitarian alternative, this view has the appeal of taking seriously the separateness of persons and incorporates a notion of fair distributive shares. In so doing, it precludes making untold compromise to the welfare of some for the sake of providing for the welfare of others.

The resources up for distribution in Rawls's distributive scheme are social primary goods. As Rawls describes them, primary goods are things that a rational person would prefer more rather than less of, whatever conception of the good she holds. He writes, "With more of these goods men can be generally assured of greater success in carrying out their intentions and in advancing their ends, whatever their ends may be."²⁶ Social primary goods are primary goods that are distributed by social institutions. They include "liberty and opportunity, income and wealth, and the social bases of self-respect."²⁷ They are distinct from natural primary goods, which include "health and vigor, intelligence and imagination," and other natural goods whose distribution is influenced by social institutions, but which are not directly distributed by them.²⁸

According to Rawls, the principles that dictate an equal or 'fair' distribution of social primary goods amongst persons with equal claim to those goods are those to which "free and rational persons concerned to further their own interests would accept in an initial position of

²⁶ Rawls, *A Theory of Justice*, 92.

²⁷ Ibid., 303.

²⁸ Ibid., 62.

equality as defining the fundamental terms of their association.”²⁹ The original position describes this initial position of equality. The original position is a hypothetical bargaining situation in which “no one knows his place in society, his class position or social status...his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like...[nor do parties know] their conceptions of the good or their special psychological propensities.”³⁰ This hypothetical ‘veil of ignorance’ ensures that, despite an unequal distribution of bargaining power among participants—whether owing to inequalities in natural talent, physical strength, etc.—persons are nevertheless prevented from exercising any such power to design principles to favour their particular circumstances. As Rawls explains, since all are similarly situated, “no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstance...[and] the principles of justice are the result of fair agreement or bargain.”³¹ Rawls reasons that because the original position describes conditions of fair bargaining, the fundamental agreements reached in the original position are themselves fair.³²

According to Rawls, since primary goods are necessary for the pursuit of any conception of the good life and yet neutral with respect to endorsing any particular conception of the good, parties behind the veil of ignorance will seek to ensure that they have the best possible access to at least those primary goods that are distributed by social institutions once that veil is lifted. He thus contends that under the hypothetical constraints of the original position, parties can be expected to agree that “all social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an

²⁹ Ibid., 11.

³⁰ Ibid., 12.

³¹ Ibid.

³² Ibid.

unequal distribution of any or all of these goods is to the advantage of the least favoured.”³³

This is Rawls’s general conception of just distribution. More exactly, he argues that parties in the original position will agree that,

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all; and that
2. Social and economic inequalities are to be arranged so that they are both:
 - a. attached to offices and positions open to all under conditions of equality of opportunity.
 - b. to the greatest benefit of the least advantaged members of society (the “difference principle”).³⁴

Rawls argues that this conception of just distribution will be preferred from the perspective of the original position to, for example, a distribution that seeks to maximize aggregate utility, since it can be applied to societies with diverse notions of what the good life consists in, though, unlike its utilitarian counterpart, without being biased in favour of the ‘way of life’ of the majority.

Importantly, on this distribution, persons do not receive more than an equal share of resources for advantages in natural ability, nor receive a lesser share of resources due to

³³ Ibid., 303.

³⁴ Ibid. These two principles alone are not yet a full theory of justice as the various goods being distributed could conflict. E.g. one might be able to increase someone’s income by depriving them of other basic liberties. Rawls thus proposes two priority rules for his two principles:
First Priority Rule (The Priority of Liberty): The principles of justice are to be ranked in lexical order and therefore liberty can be restricted only for the sake of liberty.
Second Priority Rule (The Priority of Justice over Efficiency and Welfare): The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of advantages; and fair opportunity is prior to the difference principle. See Rawls, *A Theory of Justice*, 302f.

disadvantages of nature, as often occurs in meritocracies. That is, a high degree of natural intellectual ability, for example, does not entitle one to a greater share of social primary goods. Rather, on this view, only inequalities in distribution that accord with the difference principle are permissible. This principle requires that an unequal distribution is preferable to an equal distribution when it is to the benefit of the worst off in society measured in terms of the primary social goods they possess. This means that persons are entitled to receive a greater share of resources for their talents if those who fare worst in terms of the social primary goods they possess under that distribution fare better than they otherwise would have had the distribution been equal. In such cases, an unequal distribution is a more efficient distribution than an equal distribution since everyone's lot is thereby improved. Yet it is also a distribution that it would be rational for those who fare worst in the distribution to accept as just.

Rawls's view is highly appealing and has been and continues to be extremely influential. Yet, it is not without its shortcomings. Foremost among these is that it does not adequately offset the influence of the distribution of natural abilities on persons' relative freedom to pursue and achieve their subjectively defined ends, which however persons have done nothing to deserve and hence should not be held accountable. That is, since Rawls's distributive scheme will not reward persons who are arbitrarily privileged in the distribution of natural ability or talent with greater shares of social primary goods, nor disadvantage persons who fare less well in that distribution with lesser shares of social primary goods, it effectively mitigates the influence of undeserved natural ability on the distribution of social primary goods. However, mitigating the influence of underserved natural ability on the distribution of social primary goods does not adequately mitigate the influence of undeserved natural ability and other natural assets on persons' freedom to pursue and achieve valuable

ends. Said otherwise, ensuring that the distribution of primary goods is insensitive to the distribution of natural ability does not ensure that persons are thereby equal in their ability to pursue and achieve valuable ends. This is because, as Sen explains, personal characteristics like “age, sex, proneness to illness, and physical and mental abilities” as well as external characteristics like “inherited fortunes... [and] natural and social environment,”³⁵ affect the readiness with which persons are able to transform their equal primary goods into achievements of well-being and other valuable ends. For example, a handicapped person who has the same social primary goods as an abled person must invest a portion of that equal share into medical and transportation costs that the abled person does not. As such, she bears an undeserved burden in her ability to lead a satisfactory life relative to the abled person. Similarly, Amartya Sen writes, “a pregnant woman may have to overcome disadvantage in living comfortably and well that a man at the same age need not have, even when both have exactly the same income and other primary goods.”³⁶

Dworkin proposes an alternative conception of equality of resources that can be seen to make some progress over Rawls’s with respect to providing better compensation for such disadvantages of nature. Like Rawls, Dworkin begins with an equal distribution of resources and then proposes ways to make the distribution efficient. Recall that Rawls starts from a situation in which everybody holds the same number of social primary goods, and it is only after this initial equal distribution of social primary goods that people can then justify inequalities in distribution as necessary to the improvement of the situation of the least well off. Similarly, Dworkin starts with an equal distribution of purchasing power, after which

³⁵ Amartya Sen, *Inequality Reexamined* (Cambridge: Harvard, 1992), 1.

³⁶ *Ibid.*, 27.

people are permitted to use their equal distributive shares to purchase bundles of goods of their respective choosing.

More specifically, according to Dworkin, justice dictates that all resources up for distribution be distributed in accordance with the outcome of a hypothetical auction, wherein all participants are given equal purchasing power—represented in his analysis by equal shares of clamshells—with which to bid on the resources of their respective choosing, in light of their respective life plans. This auction makes sure that individuals with expensive tastes and preferences for highly demanded goods pay the real price of their choices. That is, on this view, unlike Rawls's view, an equal distribution of resources is informed by their market value in the sense that the measure of value of any one person's particular bundle of resources is precisely what others would be willing to voluntarily offer up for them. In contrast to Rawls's view, the resources up for distribution—or purchase—in Dworkin's distributive scheme include “whatever resources are owned privately by individuals,”³⁷ including land and other moveable property. The auction is to repeat until it is “envy free,” that is until each person is satisfied with the allotment of resources he is awarded in the sense that no person would prefer any other person's lot of resources to his or her own.

Assuming that an envy-free distribution can indeed be found and the auction thus made complete, because the distribution of natural ability and disability among persons is unequal, and because persons choose to put their bundles of resources to various different uses, Dworkin reasons that once people are left alone to produce and trade as they wish, the distribution of resources would soon become very unequal. “Some,” he writes, “may be more skillful than others at producing what others want and will trade to get. Some may like to

³⁷ Ronald Dworkin, “What is Equality? Part 2: Equality of Resources,” *Philosophy and Public Affairs* 10 no. 4 (1981): 283.

work, or to work in a way that will produce more to trade, while others like not to work or prefer to work at what will bring them less. Some will stay healthy while others fall sick, or lightning will strike the farms of others but avoid theirs.”³⁸ In light of this, Dworkin defends a theory of justice in which a fair distribution is envy free *ex ante* future market production and trade, but not *ex post* envy free.³⁹ However, he also argues that the distribution should be, as far as possible, at any moment, both ambition-sensitive and endowment-insensitive. That is, he writes, “[A just distribution] must...reflect the cost or benefit to others of the choices people make so that, for example, those who choose to invest rather than consume, or to consume less expensively rather than more, or work in more rather than less profitable ways, must be permitted to retain the gains that flow from these decisions in an equal auction followed by free trade.... On the other hand, we must not allow the distribution of resources...to be affected by differences in ability of the sort that produce income differences in a laissez-faire economy among people with the same ambitions.”⁴⁰ That is, for Dworkin, a just distributive scheme must at once reward people based on their efforts and at the same time correct post-auction disparities in holdings that are the result of circumstance over which persons have no control.

To offset such post-auction disparities in holdings, Dworkin proposes that a hypothetical insurance market supplement the auction of resources. All participants in this newly supplemented auction are assumed to be aware of their natural abilities, hypothetically unaware of whether they suffer any mental or physical handicap (though aware of the total number of the population that will suffer), and hypothetically unaware of the social demand

³⁸ Ibid., 292f.

³⁹ Ronald Dworkin, “*Sovereign Virtue* Revisited,” *Ethics* 113 (2002): 121. He writes, “Equality of resources means that they be equally situated with respect to risk rather than that they be equally situated after uncertainties of risk had been resolved.”

⁴⁰ Dworkin, “What is Equality? Part 2: Equality of Resources,” 311.

for their talents such that they are all equally susceptible to the possibility that the demand for their talents will be low. With the inclusion of this hypothetical insurance market in the auction, one of the things participants must then decide in the bidding is how much of their equal shares of purchasing power they wish to pay for insurance against disadvantage in physical ability, mental ability, skills ability, etc., in the form of medical care, welfare, unemployment insurance, and so on. Ideally, this will reveal what participants are willing to pay for insurance against natural disadvantages, which information can then be institutionalized in the form of a tax system, and coverage made available to those who turn out actually to be so naturally disadvantaged in the form of public health programs, welfare programs, unemployment programs, and so on. Dworkin writes, “Equality of resources...asks a community to imagine what protection against risk, in the form of insurance, average people of normal prudence would likely have purchased if they had the opportunity to do so on equal terms, given the premiums that insurers in a competitive market would have charged for such insurance. It then recommends that the community model a system of tax and welfare provision on the structure of that hypothetical insurance market, so as to give people who have been unlucky the compensation that they very probably would have bargained for if they had had the opportunity they should have had.”⁴¹

With the incorporation of this hypothetical insurance scheme in place, Dworkin’s distributive scheme is thus able to at least partially offset *ex post* inequalities in resource holdings that result from arbitrary inequalities of nature. In so doing, individuals who suffer physical, mental, skills disabilities, etc. are better positioned to achieve the ends they have reason to value relative to their abled counterparts under this distribution than under Rawls’s

⁴¹ Dworkin, “*Sovereign Virtue Revisited*,” 107f.

equality of primary goods. Dworkin's equality of resources interpretation of distributive equality is thus preferable to Rawls's equality of primary goods on this account.

However, there are limits to the compensation that persons who suffer physical disabilities, etc., can expect to receive under Dworkin's equality of resources. This is because the hypothetical insurance market he proposes operates like an actual insurance market. As such, the compensation it provides for any particular disability will be limited. As Dworkin writes, "even after compensation is paid to those who are unemployed or fall ill, for example, in accordance with hypothetical insurance assumptions, they are still worse off than those in employment and healthy."⁴² Moreover, Dworkin's scheme does not compensate for simply any disadvantage an individual may suffer that is liable to affect her capacity to transform resources into valuable ends. Rather, while any disability could in theory be insured, as with any insurance scheme some such disabilities will be simply too costly to insure. Thus, while Dworkin's equality of resources better compensates persons who suffer disabilities of nature than does Rawls's distributive scheme, since it does not compensate them fully, the same criticism Sen makes of Rawls's view is ultimately effective against Dworkin's view as well. That is, Dworkin's equality of resources is compatible with serious undeserved inequalities in the relative freedom with which individuals can pursue and achieve the ends they have reason to value.

Further, and relatedly, Rawls's equality of primary goods and Dworkin's equality of resources are objectionable for focusing on the instruments necessary to securing meaningful ends, rather than on meaningful ends themselves. That is, it is because Rawls and Dworkin focus on making people equal in the means necessary to achieving valuable ends, rather than

⁴² Ronald Dworkin, "Ronald Dworkin Replies," in *Dworkin and His Critics: With Replies by Dworkin*, ed. Justine Burley (Malden, MA: Blackwell Publishing, 2004), 353.

on making people equal in valuable ends themselves that they are unable to secure for people of diverse natural abilities equal access to the ends that they respectively value. Yet, to focus on equality of resources for its own sake, even in a situation where equal resources would indeed afford people the means to live equally well, would nevertheless be to secure them access to the right ends, but for the wrong reasons. As Sen writes of Rawls's view, "Primary goods suffers from the fetishist handicap in being concerned with goods, and even though the list of goods is specified in a broad and inclusive way, encompassing rights, liberties, opportunities, income, wealth, and the social basis of self-respect, it still is concerned with good things rather than with what these good things do to human beings."⁴³ "A morally superior view would seek to equalize access to the valuable ends that goods afford people. For these reasons, equality of resources fails as an ideal conception of distributive equality.

Equality of Welfare

A third way of interpreting distributive equality is as equality of welfare. In contrast to resource-based theories of distributive equality, welfare-based theories reject the notion that resources are the appropriate basis for measuring distributive shares. They acknowledge that what matters from the point of view of distributive justice is not the amount of resources people have, but the level of welfare those resources afford them. That is, welfare-based theories uphold the notion that "the relevant measure of the opportunities and resources and liberties made available to an individual is the welfare...that accrues to her from this allotment of goods or that the allotment enables her to achieve."⁴⁴ Welfare egalitarians stress

⁴³ Sen, "Equality of What?," 218.

⁴⁴ Richard Arneson, "Welfare Should Be the Currency of Justice," *Canadian Journal of Philosophy* 30 no. 4 (2000), 502.

that people require different amounts of resources to attain valuable ends. They thus object to distributions that aim to equalize levels of resources on grounds that they are insufficiently sensitive to differences between individuals' needs.

However, like equality of resources, equality of welfare has been the target of extensive criticism. To begin with, and as discussed above, there are many diverse conceptions of what human welfare consists in. "Some philosophers think of welfare as a matter of pleasure or enjoyment or some other conscious state, for example, while others think of it as success or achievement of one's life plans."⁴⁵ This presents the practical dilemma of having to decide the appropriate interpretation of welfare for measuring individual welfare levels. Moreover, each of the aforementioned interpretations of welfare will inevitably give rise to problems of measurement and comparison of individual welfare levels. Difficulties arise not only for assessing levels of happiness/ preference satisfaction across lives at any moment, but two people could experience comparable levels of enjoyment in their lives yet the distribution of that enjoyment over the various areas of their respective lives could be different. And however it is determined that pleasure/preference-satisfaction levels be measured and compared, any such measurements and comparisons first require knowledge of people's preferences, or of what makes them happy. This information may be highly inefficient to acquire, not to mention require intolerably invasive surveillance by the state. Practical problems such as these do not, however, undermine the value of equality of welfare as a distributive ideal. As Dworkin writes, "[the] ideal [of equality of welfare] states the political principle that, so far as is possible, no one should have less welfare than anyone else. If that principle is sound, then the ideal of equality of welfare may sensibly leave open

⁴⁵ Ronald Dworkin, "Equality of What? Part I: Equality of Welfare," *Philosophy and Public Affairs* 10 no. 3 (1981), 190f.

the practical problem of how decisions should be made when the comparison of welfare makes sense but the result is unclear.”⁴⁶

But in addition to criticisms that focus on the practical difficulties related to equalizing levels of welfare, there are more serious criticisms that highlight problems with it in theory. One of these is the ‘offensive tastes’ criticism, which originates in the work of Rawls, and is further and more systematically developed by Dworkin. Both Rawls and Dworkin note that equality of welfare counts pleasures/preferences that discriminate against others in calculating equal levels of pleasure/preference satisfaction. Rawls writes: “If men take a certain pleasure in discriminating against one another, in subjecting others to lesser liberty as a means of enhancing their self-respect, then the satisfaction of these desires must be weighted in our deliberations according to their intensity, or whatever, along with other desires.”⁴⁷ The offensive tastes criticism is that from the point of view of a just distribution, such offensive pleasures/preferences have no claim to be satisfied. Because equality of welfare does not discriminate between pleasure/preferences that are not of equal moral character, it is therefore unacceptable as a theory of distributive justice.

But, as G.A. Cohen argues, the offensive tastes argument does not necessitate an abandonment of the welfare metric altogether. According to Cohen, the offensive tastes argument succeeds in defeating equality of welfare as such. But, he argues, faced with the offensive tastes objection, the natural position for the welfare egalitarian to take is to amend his view to something like equality of *inoffensive* tastes, and not to abandon equality of welfare in any more fundamental way.⁴⁸

There is however a more withering criticism of the proposal to equalize levels of

⁴⁶ Ibid., 191.

⁴⁷ Rawls, *A Theory of Justice*, 30f.

⁴⁸ Cohen, G.A., “On the Currency of Egalitarian Justice,” *Ethics* 99 (July 1989), 912f.

welfare, which also comes from Rawls, namely, the expensive tastes criticism. The expensive tastes criticism was originally presented as a criticism of utilitarianism; though, as Cohen notes, it is really a powerful criticism against any view that takes welfare as the metric of distributive justice.⁴⁹ It runs as follows: imagine two persons similarly situated, such that each person is positioned to attain a level of welfare, conceived as, for example, preference satisfaction, comparable to that of the other, given equal amounts of resources. Suppose moreover that one person has cultivated expensive tastes, and the other relatively inexpensive tastes. To take the example from Rawls, suppose one person is satisfied with “milk, bread and beans,” and the other is satisfied only with “expensive wines and exotic dishes.”⁵⁰ In a case such as this, equality of welfare means granting more resources to the person with expensive tastes than to the person with less expensive tastes in order to ensure their welfare levels are equal. But, as both Rawls and Dworkin argue, providing persons with expensive tastes disproportional shares of resources in order to bring them to the same level of welfare as persons whose tastes are more affordably satisfied is objectionable because those who cultivate expensive tastes could choose to do otherwise. People should not be burdened with the effects of the optional pursuits of others.

The expensive tastes criticism is, then, a particular expression of a more general criticism of equality of welfare, namely that it does not hold persons accountable for any low levels of welfare they may experience as a result of choices they themselves make. This runs counter to intuition about what distributive equality entails. It means that not only will persons who have cultivated expensive tastes be compensated with extra resources in order that they may enjoy the same level of welfare as persons with more moderate tastes, but also

⁴⁹ Ibid., 913.

⁵⁰ John Rawls, “Social Unity and Primary Goods,” in *Utilitarianism and Beyond*, eds. Amartya Sen and Bernard Williams (Cambridge: Cambridge University Press, 1994), 168

that any person who is furnished with the resources necessary to afford him equal welfare, but who squanders those resources and suffers low welfare on that account, will receive extra resources to compensate for that result—and will be similarly compensated for any future squandering.

Thus, although equality of welfare is sensitive to the fact that different people require different amounts of resources to achieve welfare, since it is unable to distinguish between needs for extra resources that result from accidents of nature for which they are not ultimately responsible and hence should be held accountable, like for example, physical handicaps, and needs for extra resources that result from choice and for which they are ultimately the cause and so should be held accountable, like expensive tastes, it is a poor distributive ideal.⁵¹ A superior conception of distributive equality will hold persons accountable for inequalities in welfare that result from choice.

Capability Approach

Sen's capability approach is an alternative to both equality of resources and equality of welfare. His view is not intended as a theory of distributive justice so it does not propose how goods should be distributed, but is rather a view about what should count in making interpersonal comparisons of equality. As such, it provides an important aspect of a capability theory of justice, which, however, to be complete, would require further development.

⁵¹ Note that Dworkin holds people responsible for some aspects of their identity that can influence their level of welfare. That is, some tastes are not tastes, but rather obsessions or cravings because they are effectively handicaps. Tastes that are handicaps are distinguishable from ordinary tastes in so far as tastes that are handicaps are tastes that people would get rid of if they could.

Like proponents of equality of welfare, and unlike proponents of equality of resources, Sen believes that in making interpersonal comparisons, the focus should not be on goods or resources as such, but on what goods do for people. Recall Sen's criticism of Rawls's view, namely that individuals' respective capacities to convert resources into valuable ends vary considerably, such that some individuals require relatively little in the way of resources to achieve the same capability for which others require a comparatively very great deal. In order to overcome this difficulty, Sen proposes that equality in holdings should be evaluated specifically by references to the contribution they make to individuals' capabilities to achieve valuable ends, or put otherwise, to function in ways that are relevant to their respective flourishing. More specifically, he holds that the proper focus of interpersonal comparisons of equality is functionings and capabilities, where functionings are the various valuable beings and doings that a person is able to achieve, and capabilities the freedom or real opportunity to achieve functionings. Comparing the capability approach to the equality of resources approach, Sen writes, "It is asserting the need to examine the value of functionings and capabilities as opposed to confining attention to the means of these achievements and freedoms that the capability approach has something to offer."⁵²

Unlike proponents of equality of welfare, on the other hand, Sen maintains that goods do things for people aside from providing them idiosyncratic welfare. He writes, "The capability approach differs from utilitarian evaluation (more generally 'welfarist' evaluation) in making room for a variety of doings and beings as important in themselves (not just because they may yield utility, nor just to the extent that they yield utility)," and "[i]n this sense...provides a fuller recognition of the variety of ways in which lives can be enriched or

⁵² Sen, *Inequality Reexamined*, 46.

impoverished.”⁵³ As Sen describes it, a valuable functioning is one that people have reason to value, and “can vary from most elementary ones, such as being well-nourished, avoiding escapable morbidity and premature mortality, etc., to quite complex and sophisticated achievements, such as having self-respect, being able to take part in the life of the community, and so on.”⁵⁴

Sen provides several examples of valuable human functionings. In addition to those already mentioned, he references being able to live long, being able to read, to write, and to communicate, being able to take part in literary and scientific pursuits, and many more. He does not however provide an exhaustive list. This is because, while some functionings are univocally valuable in that they are elementary and crucially important for everyone, the value of many other functionings will depend on the particular context within which they are being evaluated, or the particular normative theory one endorses. Sen writes, “There is no escape from the problem of evaluation in selecting a class of functionings—and in the corresponding description of capabilities. The focus has to be related to the underlying concerns and values, in terms of which some definable functionings may be important and others quite trivial and negligible.”⁵⁵ To propose a complete list of valuable human functionings would be, he says, to presuppose a view of human nature that “may be tremendously oversimplified.”⁵⁶ Moreover, the functionings and corresponding capabilities that are determined to count in any particular interpersonal comparison must be weighted

⁵³ Ibid., 43f.

⁵⁴ Ibid., 5.

⁵⁵ Ibid., 44.

⁵⁶ “In the context of some types of welfare analysis, e.g. in dealing with extreme poverty in developing economies, we may be able to go a fairly long distance in terms of a relatively small number of centrally important functionings (and the corresponding capabilities, e.g. the ability to be well-nourished and well-sheltered, the capability of escaping avoidable morbidity and premature mortality, and so forth). In other contexts, including more general problems of economic development, the list may have to be much longer and much more diverse.” Sen, *Inequality Reexamined*, 47.

vis-à-vis each other. For Sen, this too constitutes an integral part of the capability approach, and, like the need for selection, he argues, “cannot really be, in any sense, an embarrassment.”⁵⁷ Indeed, Sen argues that although his approach is “less assertive and insistently less complete than some possible alternatives,” it also has the virtues of being “less demanding on interpersonal agreement and more tolerant of unresolved disputes.”⁵⁸

Although Sen’s list of valuable functionings and corresponding capabilities is deliberately incomplete, he argues that making people equal in their capability to achieve specifically those functionings that are crucially important for everyone, would go a long way toward improving things for the very badly off especially. Moreover, making people equal in certain basic capabilities that are the same for everyone would avoid difficulties pertaining to the measurement and comparison of subjectively defined well-being that equality of welfare endures, and would also evade the offensive and expensive taste criticisms to which that view is vulnerable. However, without a complete list of capabilities, and no clear way of compiling one, there is, moreover, no clear way of settling unresolved disputes of which the capabilities approach is celebrated to be so tolerant. Consider, for example, a situation wherein one’s religious faith compels one to seek to recruit others as followers but where potential converts perceive such advances as offensive to their own moral sense. The capabilities approach offers no clear way to decide which compensation is owed to whom. That is, as it proposes no complete list of capabilities in which persons should be equal, nor any principled way of compiling one, it offers no guidance as to whether persons have the right to be able not to bear witness to the behaviors of others that strike them as morally offensive, or whether or to what extent persons have the right to be

⁵⁷ Ibid., 45f.

⁵⁸ Ibid., 5.

able to exercise their religions in public, which information is necessary to settle such dispute. Thus, although the capability approach has several merits, it is not without its drawbacks. The capability approach will be revisited in a latter section of this chapter.

Libertarianism

In calling attention to the importance of certain doings and beings for making interpersonal comparisons of equality, Sen provides grounds not only for rejecting equality of resources as a framework for distributive equality, but for rejecting libertarianism as well.

Libertarianism seeks equality of liberty. It objects to any equal distribution of goods by the state on grounds that most goods are not available for distribution in the first place. Rather, according to libertarian thought, most goods are goods over which particular people already have special claims of ownership. The most influential contemporary libertarian work is that of Robert Nozick. The central claim of his theory, and most other libertarian theories, is that “if we assume that everyone is entitled to the goods that they currently possess (their ‘holdings’), then a just distribution is simply whatever distribution results from people’s free exchanges.”⁵⁹

Libertarians, like Nozick, claim that each person has a natural right to self-ownership, that is, to ownership of oneself independently of any institutional order. This right to self-ownership gives one claim over one’s own person, and all other persons a duty not to violate this right. Further, this right to self-ownership yields property ownership. That is, libertarians like Nozick argue that self-ownership includes ownership of one’s labour, and that mixing one’s labour with external things which are themselves not yet privately owned by any other

⁵⁹ Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (New York: Oxford University Press, 2002), 103.

person thereby entitles one to claim ownership of those things for oneself—with the provision that in so appropriating such things “the situation of others is not worsened,” or, if it is, that one pay compensation to those who are affected in this way.⁶⁰ This is Nozick’s theory of just initial acquisition. Elaborating upon the provision contained in his theory of justice in acquisition, Nozick stipulates that “*this* particular mode of worsening the situation of others... does not include worsening due to more limited opportunities to appropriate [provided there are still some opportunities to use the thing in question], and it does not include how I ‘worsen’ a seller’s position if I appropriate materials to make some of what he is selling, and then enter into competition with him.”⁶¹ Nozick calls the provisional condition to his theory of just initial acquisition the Lockean proviso, since it is an interpretation of a principle of acquisition first formulated by John Locke.⁶²

For libertarians like Nozick, the just initial acquisition of a thing also includes the right of transfer. That is to say, part of what it means to be entitled to one’s holdings is that one has the absolute right to freely dispose of them, without the use of force or fraud,⁶³ however one should choose. Thus, one has legitimate right of ownership to anything one acquires through just transfer. That is, for Nozick, “any distribution that arises by the free transfer from a just situation is itself just.”⁶⁴

Nozick’s and other such rights or entitlement theories of distribution result in a minimal state. According to these theories, the only legitimate duty of the state is to maintain public order, that is, to protect the system of free exchange through maintaining police and

⁶⁰ Nozick, *Anarchy, State, Utopia*, 178.

⁶¹ Ibid.

⁶² Locke’s formulation: “Nor was the appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the yet unprovided could use.” Second Treatise, Chapter V, paragraph 33.

⁶³ Nozick, *Anarchy, State, and Utopia*, 1.

⁶⁴ Ibid., 151.

justice systems. According to Nozick, “Any more extensive state will violate persons’ rights not to be forced to do certain things, and is unjustified.”⁶⁵ Thus, for example, redistribution through taxation for the sake of equality of resources, or for maximum aggregate welfare, etc., is for the libertarian, inherently wrong, since such redistribution violates persons’ property rights.

Libertarianism, then, values equality insofar as it seeks to secure for people equal freedom from interference by others to achieve valuable ends. However, it is not generally thought of as good egalitarianism. This is because the negative freedom from interference of libertarian focus does not secure for people any real access to the ends it protects their rights to achieve. That is, the formal freedom to achieve valuable ends is meaningless without the capacity to capitalize on that freedom. Yet, the relative capacity of persons to capitalize on such freedom will be vastly unequal owing to natural distribution of talent and circumstance. Thus, like equality of primary goods or resources, libertarianism is compatible with serious undeserved inequalities in the relative real freedom of persons to pursue and achieve valuable ends. Since it runs counter to intuition to hold persons with equal claims to goods up for distribution accountable for the effects of undeserved features of their circumstance on their relative freedom to pursue and achieve the ends they value, libertarianism is then not an ideal interpretation of distributive equality.

Equal Opportunity for Welfare

A sixth alternative conception of distributive equality is equality of opportunity for welfare. Recall from the discussion of equality for welfare above that the expensive tastes

⁶⁵ Ibid., ix

criticism made of that view is thought by both Rawls and Dworkin to necessitate the abandonment of the welfare metric of justice in favor of a resource metric. However, Richard Arneson and G.A. Cohen, amongst others argue that, while indeed decisive against equality of welfare, the expensive tastes criticism does not however vindicate resource-based equality as Rawls and Dworkin contend. Rather, they argue that the expensive tastes objection should lead the erstwhile welfare egalitarian to endorse equality of opportunity for welfare instead.

Proponents of equality of opportunity for welfare argue that persons ought to be held accountable for the foreseeable consequences of their voluntary choices, particularly those involving their own welfare.⁶⁶ “The intuitive idea that lies behind the equal opportunity norm is that each individual makes choices that affect her life prospects, and it is morally legitimate that each should bear the consequence of her choices, at least when she has been provided a fair menu of options from which to chose.”⁶⁷ Unlike the straight equality of welfare view, then, equality of opportunity for welfare holds individuals personally responsible for any low levels of welfare that may result from their choices. Thus, equality of opportunity for welfare, like straight equality of welfare, seeks to equalize accidents of circumstance—that is, welfare outcomes that are beyond persons’ control—while unlike straight equality of welfare, at once being sensitive to welfare outcomes that result from persons’ voluntary choosing. Arneson presents a well-formulated theory of equal opportunity for welfare in his article “Equality and Equal Opportunity for Welfare.” This theory will be important for the subsequent discussion of equality conceived as equality of access to advantage, so will here be expounded upon in some detail.

⁶⁶ Arneson. “Equality and Equal Opportunity for Welfare,” in *Equality: Selected Readings*, ed. Louis P. Pojman and Robert Westmoreland (New York and Oxford: Oxford University Press, 1997), 235.

⁶⁷ Arneson, Richard. “Postscript,” in *Equality: Selected Readings*, ed. Louis P. Pojman and Robert Westmoreland (New York and Oxford: Oxford University Press, 1997), 238.

Arneson defines an opportunity as “a chance at getting a good if one seeks it,” and welfare as preference satisfaction.⁶⁸ He further stipulates that, “the more an individual’s preferences are satisfied, as weighted by their importance to that very individual, the higher her welfare.”⁶⁹ Thus, equal opportunity for welfare prevails when individuals have an equal chance of having their preferences satisfied. More specifically, equal opportunity for welfare obtains when, at the onset of adulthood, persons confront an “array of options that is equivalent to every other person’s in terms of the prospects for preference satisfaction it offers,”⁷⁰ and, moreover, when their unequal capacities to choose prudently among their options are matched. That is, each person, upon entering his or her majority, faces various life choices wherein each possible choice of action is associated with various possible outcomes.⁷¹ Supposing that the probability of each outcome conditional on the individual’s choice is known, the choices that an individual makes will lead to the realization of one or another predictable outcome which will in turn give rise to another predictable array of choices: “Given that one or another choice is made and one or another outcome realized, the agent would then face another array of choices, then another, and so on.”⁷² On the basis of this information, it is possible to construct a decision tree of choices and possible outcomes an individual might face. Each decision tree is then a visual representation of the possible complete life-histories of the individual whose decision tree it is. The preference satisfaction-expectation offered by each of an individual’s possible life-histories can then be determined by taking into account the preferences that individual has regarding being faced with the particular range of options each decision point in the tree offers him. Equal opportunity for

⁶⁸ Arneson. “Equality and Equal Opportunity for Welfare,” 233.

⁶⁹ Ibid., 232.

⁷⁰ Ibid., 233.

⁷¹ Ibid., 233.

⁷² Ibid., 233.

welfare requires that persons face equivalent decision trees. Persons face equivalent decision trees when “the expected value of each person’s best—read, most prudent—choice of options, second-best,...nth best is the same, where the opportunities persons encounter are ranked [most prudent to least prudent] by the prospects for welfare they afford”⁷³ Said otherwise, distributive equality requires that the expected value of the life-history option available to Dave that offers the most welfare is equal to the expected value of the life-history option available to Matt that offers the most welfare; the life history option available to Dave that offers the second-to-most welfare offers the same level of welfare as the life-history option available to Matt that offers the second-to-most welfare; and so on.

However, Arneson further stipulates that equal opportunity for welfare requires more than equalizing persons’ first- through nth-most prudent options. In order for equality opportunity for welfare to *truly* obtain the distribution must also correct for people’s unmatched capacities to negotiate among their options. He writes, “Two people may have equal opportunity...though their abilities to make use of these opportunities efficiently to advance their welfare are quite different.”⁷⁴ That is, suppose choosing prudently requires performing a mathematical calculation, which some can do with ease, others with great difficulty, others with acute discomfort, and yet others still not at all.⁷⁵ Arneson contends that the realization of true equal opportunity for welfare then requires that society grant compensation for differences in negotiating abilities. Thus, he writes that true equal opportunity for welfare obtains only “if from the onset of adulthood each person behaved as prudently as could reasonably be expected in the light of her choice-making and choice-

⁷³ Ibid., 234.

⁷⁴ Arneson, “Postscript,” 238.

⁷⁵ Ibid., 238f.

following abilities, she would have the same expected welfare over the course of her life as anyone else.”⁷⁶

Importantly, on this particular conception of equality of opportunity for welfare, the preferences that figure in the calculation of opportunity for welfare are not just any preferences. Arneson distinguishes self-interested preferences which he defines as “what the individual prefers in so far as she seeks her own advantage” from preferences the individual has for things for their own sakes, or as means to further ends.⁷⁷ For Arneson, only self-interested preferences are relevant to determining an individual’s opportunity for welfare. Moreover, he distinguishes actual from hypothetical preferences. Actual preferences are those preferences that the individual has already. By contrast, hypothetical preferences—or ‘rational’ or ‘ideally considered’ preferences—are those preferences that, he argues, one would have if one were to “engage in thoroughgoing deliberation about [one’s]...preferences with full pertinent information, in a calm mood, while thinking clearly and making no reasoning errors.”⁷⁸ For Arneson, only self-interested preferences that are also rational in the sense just described figure in calculations of welfare-opportunity. Finally, he distinguishes first-best hypothetical preferences from second-best hypothetical preferences. Hypothetical preferences are classified as first-best and second-best according to whether, in the process of preference-formation, the costs of transforming the individuals’ actual preferences into hypothetical preferences are taken into account. First-best preferences result from a decision process wherein the individual considers “full information relevant to choice on the assumption that the results of this ideal deliberation process can *costlessly* correct one’s actual preferences.” By contrast, second-best preferences result from a decision process

⁷⁶ Ibid., 239.

⁷⁷ Arneson, “Equality and Equal Opportunity for Welfare,” 232.

⁷⁸ Ibid., 232.

wherein the individual considers, moreover, “information regarding (a) one’s actual resistance to advice regarding the rationality of one’s preferences, (b) the cost of an educational program that would break down this resistance, (c) the likelihood that anything approaching this educational program will actually be implemented in one’s lifetime.” Thus, second-best preferences are “[w]hat it is reasonable to prefer...refigured in light of these costs.”⁷⁹ For Arneson, only second-best hypothetical preferences for one’s own advantage figure into the calculation of the individual’s opportunity for welfare.

An important criticism of Arneson’s particular conception of equality of opportunity for welfare as it has so far been described is that it does not do enough to compensate for inequalities in welfare for which persons cannot reasonably be held accountable. Recall that Arneson argues that equality of opportunity for welfare is satisfied provided that persons face equal decision trees at a stipulated point in time and when their negotiating capacities are matched. Again, “[e]qual opportunity for welfare obtains among a group of persons just in case at the onset of adulthood each person can choose among a set of life strategies, and if the person chooses prudently for this set, her expected welfare over the course of her life is the same as everyone else’s.”⁸⁰ Against the notion that equality of opportunity for welfare should instead require persons to have equal opportunity not only at the onset of adulthood, but throughout their lives, Arneson argues that this would be “implausible” since, given a fair set of options from which to choose, individuals make choices which result in less opportunities for welfare compared with that enjoyed by others, and the very intuition upon which equal opportunity rests is that individuals ought to bear the burden for any low levels of welfare that result from choice, provided they began with the same opportunity for welfare

⁷⁹ Ibid., 232.

⁸⁰ Arneson, “Postscript,” 238.

as everyone else.⁸¹ Yet some critics observe that ensuring that persons face equal decision trees at a stipulated moment does not ensure that they enjoy truly equal opportunity for welfare, and, that, strictly speaking, equality of opportunity for welfare must also compensate for certain inequalities that occur after the stipulated moment of distribution. This is necessary in order to ensure that all such inequalities of welfare, or opportunity-for-welfare, are inequalities that reflect individuals' comparatively unequal exercises of responsibility, and not sheer bad luck. To illustrate the point, consider the example of Jones and Smith,⁸² who, at the moment of distribution, share equal opportunity for welfare. Suppose that Jones and Smith make the same exact reasonably prudent choices, however, a lightning bolt strikes Smith, but missed Jones who is standing next to her. As a consequence of this bad luck, Smith's life is miserable while Jones lives well. Without stipulating that compensation is owed for inequalities in welfare, or opportunity for welfare, that occur after the moment of distribution and which are not the result of unreasonably imprudent decision-making, no objection could be made to such outcome from the equal opportunity for welfare perspective. Yet as Lippert-Rasmussen and others remark, this is a paradigm case of the kind of inequality to which egalitarians object.⁸³ In light of this criticism, Arneson revises his conception of equality of opportunity for welfare to correct for such inequalities of welfare and opportunity for welfare that result after the moment of distribution from instances of bad brute luck. He summarizes this revised view as follows: "Equal opportunity for welfare obtains among persons when at the onset of adult life they face an array of options such that if each behaves as prudently as it would be reasonable to expect, each obtains the same

⁸¹ Ibid.

⁸² Ibid., 239.

⁸³ Lippert-Rasmussen, K., "Arneson on Equality of Opportunity for Welfare" *The Journal of Political Philosophy* 7, no. 4 (1999): 482f.

welfare over the course of her life, with one exception. The exception is that when individuals face an array that includes risky and satisfactory nonrisky alternatives (so that the choice of a risky alternative can be voluntary), the best risky life choice for each individual offers the same expected welfare... [And moreover] that for all the individuals, their life choices that do not involve voluntarily incurred risk must be matched, so that the first-best choice provides the same welfare for each, the second-best the same, and so on, and for life choices that do involve voluntarily incurred risk, the first-best choice for each provides the same expected welfare, the second-best the same expected welfare, and so on.”⁸⁴

Criticism of Arneson’s particular conception of equality of opportunity as it was originally advanced aside, there is an important criticism to be made of equality of opportunity for welfare more generally. The criticism comes from G.A. Cohen. Cohen objects that, while equality of opportunity for welfare does a good job of holding persons accountable for low levels of welfare that result from choice but not unfortunate circumstances of nature, it is not yet an ideal conception of distributive equality since it cannot accommodate egalitarian intuition about what to do in a situation described in a counter-example Dworkin raises against equality of welfare.

The example to which Cohen refers features Tiny Tim from Charles Dickens’ *A Christmas Carol*. Tiny Tim has a positive outlook and cheerful disposition, owing to which he enjoys a high level of welfare compared to most, where welfare is understood as personal preference satisfaction or happiness. Dworkin argues that equality must not consist in equality of welfare since, despite enjoying already ample welfare, egalitarians will nevertheless want to supply Tim with extra resources to compensate for his disability. That

⁸⁴ Richard Arneson, “Equality of Opportunity for Welfare Defended and Recanted,” *The Journal of Political Philosophy* 7, no. 4 (1999): 6f.

is, he contends, Tim's comparatively high level of welfare does not detract from his claim to compensation for his disability.⁸⁵

Whereas Dworkin invokes the Tiny Tim example to show equality of welfare to be an insufficient reading of distributive equality, Cohen argues that the Tiny Tim example shows equality of *opportunity for welfare* to be equally insufficient. Cohen writes, "Tiny Tim is not only actually happy, by any standard. He is also, because of his fortunate disposition, blessed with abundant opportunity for happiness: he need not do much to get a lot of it. But egalitarians would not on that account strike him off the list of free wheelchair receivers. They do not think that wheelchair distribution should be controlled exclusively by the welfare opportunity requirements of those who need them. Lame people need them to be adequately resourced whether or not they also need them to be, or to be capable of being, happy."⁸⁶ Thus, Cohen concludes that the intuition to provide for disabilities such as lack of mobility is "shaped by *something other* than the different costs in lost opportunity for welfare which disability causes in different people."⁸⁷

Following Dworkin, Cohen argues that the only way to sustain the view that equality of welfare is the right reading of egalitarianism in light of the Tiny Tim example is to claim that there is a general correlation between disability and welfare deficiency, and that the egalitarian intuition to compensate Tiny Tim is the result of an application of this general truth to his particular case, which is itself "impossible or too costly to confirm." Yet, both Dworkin and Cohen profess to find this defence of equality of welfare unpersuasive. Dworkin writes, "If, when we know that someone handicapped is not particularly low in

⁸⁵ Dworkin, "What is Equality? Part I: Equality of Welfare," 241.

⁸⁶ Cohen, "On the Currency of Egalitarian Justice," 918.

⁸⁷ Ibid.

welfare, we still believe that he is entitled to extra resources in virtue of his handicap, then this is poorly explained by supposing that we have lost the power to discriminate.”⁸⁸

Despite Cohen’s and Dworkin’s claims to the contrary, there is, however, a second way for the welfare- or opportunity-for-welfare-egalitarian to respond to the Tiny Tim objection, and that is to conceive of welfare objectively. In fact, in the postscript to “Equality and Equality of Opportunity for Welfare,” Arneson takes up the Tiny Tim objection and explains that in distinguishing actual from rational preferences, defining rational preferences as he does, and counting only rational preferences in the calculation of individual welfare, he conceives of himself as thereby committed to an objectivist conception of welfare, as opposed to a subjectivist one. Subjectivist views, as Arneson describes them conceive of that which advances an individual’s welfare as fixed by the subjective desires and attitudes she happens to have.⁸⁹ But for Arneson, “the measure of the welfare level that a person reaches is not fixed by that very individual’s actual beliefs, desires and values.”⁹⁰ Indeed, on Arneson’s objectivist understanding, the individual can be mistaken even about what it is rational to prefer, and thus ultimately about that in which her welfare consists.⁹¹ That is, for Arneson, welfare consists in an objective list of goods, arrived at through a process of ideal reflection, that, he contends, do not vary across individuals. Only whether it would be prudent for an individual to pursue certain objective goods owing to the particular circumstances specific to her will vary. He writes, “If artistic achievement is good, then it would be good for me, independently of my particular circumstances. Such circumstances as that I have no easel

⁸⁸ Dworkin, “What is Equality? Part 1: Equality of Welfare,” 242.

⁸⁹ Arneson, “Welfare Should be the Currency of Justice,” 19f.

⁹⁰ Arneson, “Postscript,” 241.

⁹¹ Ibid.

and brush or no artistic talent will determine whether or not it would be sensible for me to make its achievement one of my actual life aims.”⁹²

“Objective-list” theories of equality of opportunity for welfare like Arneson’s will then furnish Tiny Tim with a wheelchair, not because his subjective welfare depends on it, or because statistically speaking the subjective welfare of a typical person who suffers the same such disability depends on it, but because the mobility that a wheelchair affords someone like Tim is something it is *objectively reasonable* to prefer. According to Arneson, the egalitarian intuition to furnish Tim with a wheelchair thus shows equality of opportunity for welfare interpreted subjectively as personal preference satisfaction or happiness to be an insufficient interpretation of distributive equality, but is not at all effective against equality of opportunity for welfare interpreted objectively.⁹³

Cohen does not address this objective-welfarist reply to the Tiny Tim case directly. Note however that the objection he raises to equality of opportunity for welfare on the basis of the Tiny Tim case is not undone by this objectivist reply: the intuition to provide for disabilities such as lack of mobility is—or at least seems to be—motivated a concern for something other than deficiency in welfare. Thus, although Arneson’s objective conception of welfare is able to account for the intuition that Tim should receive a wheelchair despite his already having abundant opportunity for happiness, it is not, in the face of this consideration, entirely satisfying. More satisfying is Cohen’s conclusion that distributive equality must compensate for certain resource incapacities independently of welfare or opportunity-for-welfare considerations. This conclusion—that distributive equality must compensate for certain resource-incapacities—leads Cohen to propose a further conception of distributive

⁹² Arneson, “Welfare Should be the Currency of Justice,” 21f.

⁹³ Arneson, “Postscript,” 241f., and Arneson, “Welfare Should be the Currency of Justice,” 20f.

equality that he calls equality of access to advantage, and which is the final conception of equality to be considered here. The next section presents Cohen's brief description of the main features of this view, as well as further argument in support of preferring equality of access to advantage to Arneson's equality of opportunity for objective welfare view.

Equality of Access to Advantage

Cohen's equality of access to advantage is, then, a seventh prevailing conception of distributive equality within the literature on distributive justice. It is the product of an immanent critique of Dworkin's equality of resources. However, its positive articulation is directly influenced by Arneson's equality of opportunity for welfare. It is thus useful to note how precisely Cohen's and Arneson's respective views compare.

As a first point of comparison, Cohen's use of 'access' where Arneson opts for 'opportunity' is not intended to show up any real difference between their, in other ways distinct, views. To the contrary, Cohen argues that the term 'access' better highlights the integral role that personal capacity plays within their respective conceptions of distributive equality than does 'opportunity,' and argues that Arneson would have been "better advised to call his theory 'equal access to welfare.'"⁹⁴ On Cohen's understanding, 'opportunity' means something like the negative freedom to achieve a desired end, and is distinct from the personal capacity necessary to use opportunities to their full advantage. 'Access' is a combination of both opportunity and personal capacity. He writes, "We would not normally regard meager personal capacity as detracting from opportunity. Your opportunities are the same whether you are strong and clever or weak and stupid, you may not use them well—but

⁹⁴ Cohen, "On the Currency of Egalitarian Justice," 917.

that implies that you have them. But shortfalls on the side of personal capacity do engage egalitarian concern, and they do so because they detract from access to valuable things, even if they do not diminish the opportunity to get them.”⁹⁵

Further, equality of access to—or, opportunity for, depending on one’s reading—advantage aims to remove involuntary disadvantage, or “disadvantage for which the sufferer cannot be held responsible,” on grounds that it “does not appropriately reflect a choice that he or she has made, or is making, or would make.”⁹⁶ Thus, equality of access to advantage, like equality of opportunity for welfare, seeks to correct for inequalities in outcomes for which individuals cannot reasonably be held responsible.

Moreover, Cohen’s equality of access to advantage counts welfare deficiencies among the disadvantages relevant for distributive justice, and thus, like Arneson’s equality of opportunity for welfare, aims to correct for any involuntary inequalities in welfare levels. However, recall from the discussion above that Cohen’s and Arneson’s views differ in that, unlike Arneson, Cohen wants not only to correct for involuntary inequalities in welfare, but wants also to correct for involuntary resource deficiencies considered independently of whether the agents who suffer them also suffer reduced welfare, or opportunity-for-welfare, levels as a result.

Cohen illustrates the two different kinds of considerations he deems relevant to deciding questions of distributive equality in a single example. Consider a man who suffers both paralysis in his legs, and extreme pain in his arm muscles after he moves his arms, although he is especially apt at moving them. Cohen argues that because the man requires a wheelchair to get around, egalitarians will be disposed to give him one, and for the same

⁹⁵ Ibid.

⁹⁶ Ibid., 916.

reason they would want to give a wheelchair to Tiny Tim, namely, that he suffers an essential resource incapacity. Moreover, Cohen argues that, should there exist an expensive medicine that taken regularly could suppress the pain the man endures from moving his arms and otherwise cause no ill effects, egalitarians will also be disposed to supply him this medicine. Unlike the wheelchair, Cohen argues, the medicine cannot be understood as provision for compensation for any resource incapacity. This is because the man's capacity to move his arms is better than most people's.⁹⁷

Although Cohen's and Arneson's respective conceptions of distributive equality are in many ways similar, there are important reasons for preferring Cohen's view. Again, Cohen rejects equal opportunity for welfare as the right interpretation of egalitarian justice on grounds that justice so construed cannot adequately account for Tiny Tim's claim to a wheelchair. Arneson, by contrast, contests the claim that the Tiny Tim example is indeed grounds for abandoning welfare as the currency of justice. Recall that Arneson espouses an objectivist conception of welfare, according to which welfare consists in an objective list of goods that it would be rational for people to prefer and that he defends his view against the Tiny Tim objection, arguing that, although it may indeed be effective against theories of equal opportunity for welfare that equate welfare with subjective feelings of satisfaction, it is, however, not effective against theories that propose objective list accounts of welfare. According to Arneson, egalitarian intuition is to compensate Tiny Tim with a wheelchair because the mobility that a wheelchair affords someone like Tim is something people reasonably prefer whether or not Tim himself would count it among his own personal preferences—although, on Arneson's view, Tim would be wrong, or irrational, not to. According to Arneson, the egalitarian intuition to furnish Tim with a wheelchair thus shows

⁹⁷ Ibid., 919.

up welfare interpreted subjectively as personal preference satisfaction or happiness as an insufficient interpretation of egalitarian distribution, but not welfare interpreted objectively.

Arneson's and Cohen's divergent responses to the Tiny Tim example, thus, suggest two equally divergent paths along which to proceed. Egalitarians must either abandon such subjective conceptions of welfare as personal preference satisfaction or happiness, in favor of a more objective conception as Arneson suggests. Or, alternatively, abandon equality of opportunity for welfare conceived subjectively in favor of a broader aim such as equality of opportunity or access to advantage, the currency of which, although it includes subjective welfare, is not limited to it. However, in addition to the fact that Cohen's equality of access to advantage is able to accommodate what seems to be the reason *why* Tim is entitled to a wheelchair, as argued above, a further reason for abandoning Arneson's equality of opportunity for welfare as an ideal conception of distributive equality in favour of Cohen's equality of access to advantage, is that only the latter respects persons as ultimate authorities about that in which their own welfare consists. That is, different people value different things, and since what is rational to prefer will appear differently in light of different values, it is difficult to imagine a single list of goods that would be acceptable to all persons. Thus, to distribute goods in accordance with any objective list of goods would likely involve imposing a list of goods that favoured some conception of the good at the expense of others. But this, of course, is prejudicial. Both because Cohen's equality of access to advantage gives a more satisfying account of the motivation for the intuition that Tiny Tim should receive a wheelchair than does Arneson's equality of opportunity for welfare, and because it does not privilege any particular conception of the good over others but rather respects persons as ultimately authorities about their own welfare, equality of access to advantage is a

preferable interpretation of distributive equality to Arneson's equality of opportunity for objective welfare.

Having considered how Cohen's and Arneson's views compare, it is useful to register here how Cohen's view compares with the other conceptions of distributive equality that have been considered here but that were also rejected on various moral grounds. Recall that utilitarianism was rejected on grounds that it is not sensitive to the distribution of welfare across persons and, as such, permits untold compromise to the welfare of some as a way of providing for the welfare of others. Equality of access to advantage, by contrast, aims to ensure that people have equal access to welfare. Recall that equality of resources was rejected for being unable to sufficiently compensate for the affects of talent and circumstance on the relative degree to which persons are able to pursue and achieve the ends they value, but for which persons are not responsible and hence cannot rightfully be held accountable, and, moreover, for its focus on the means to achieving meaningful ends rather than on meaningful ends themselves. Equality of access to advantage, by contrast, seeks to correct for inequalities in advantage for which persons cannot reasonably be held accountable, like talent and circumstance. Equality of welfare, recall, was rejected for neglecting to hold persons accountable for low levels of welfare that result from choice and for which they are therefore responsible and hence should be held accountable. By contrast, equality of access to advantage aims to make people equal in their relative access to welfare, but not equal in welfare itself. Thus, any low levels of welfare that result from choices made among equal arrays of options are not compensable on this view. Finally, recall that libertarianism, like equality of resources, was rejected for being unable to protect against serious undeserved inequalities in persons relative freedom to pursue and achieve meaningful ends. Again, equality of access to advantage seeks to correct for involuntary inequalities in persons

relative access to meaningful advantage. These are all reasons for preferring Cohen's equality of access to advantage interpretation of equality to each of these alternative views.

Yet despite having reason to prefer Cohen's view to each of these conceptions of equality, equal access to advantage, as he characterizes it, is not, however, without its disadvantages. For one, it is vulnerable to many of the same practical difficulties that befall equality of welfare. For instance, because the welfare component of Cohen's advantage consists in subjective pleasure or preference satisfaction, assessing levels of individual welfare will be problematic. Like equality of welfare, it would, for example, involve intolerably intrusive state surveillance. However, while such data collection would be, as even Cohen himself acknowledges, "unacceptably invasive,"⁹⁸ difficulties with its practical application do not discredit equal access to advantage as the right ideal of distributive justice, even though such considerations may temper the degree to which it can be achieved in practice.

But apart from practical difficulties involved in measuring equal access to advantage, it is, as a theoretical prescription for the redistribution of goods, inconveniently general. Indeed, Cohen characterizes his view as contributing more to understanding by virtue of the critique it makes of Dworkin's and Arneson's views, than by virtue of the positive doctrine it asserts. What Cohen's view requires is further refinement regarding precisely which deficiencies qualify as compensable under the principle of equal access to advantage. That is, the principle of equal access to advantage that Cohen proposes must be interpreted in order that a list may be generated detailing the many particular capacities and opportunities in which persons must be made equal to realize this ideal, much like the list of capabilities that Sen describes must be generated to make interpersonal comparisons according to the

⁹⁸ Ibid.

capability approach. It also requires further refinement with respect to how precisely to compare persons' net levels of access to advantage.⁹⁹

Equality of Access to Advantage and the Capability Approach

Before proposing refinements of this kind to Cohen's view, it is worth noting certain important similarities that exist between Cohen's 'access to advantage' and Sen's 'capability to function.' First, to have access to something in Cohen's terms is the same as to have the capability to achieve it in Sen's terms. That is, like Cohen's 'access'—and Arneson's 'opportunity'—Sen's 'capability' combines both the personal capacity to do or be things with the opportunity to exercise that personal capacity. He writes, "[c]apability is...the substantive freedom to achieve alternative functioning combinations (or, less formally put, the freedom to achieve various lifestyles)."¹⁰⁰ Moreover, Cohen's 'advantage' and Sen's 'functionings' seem also to be interchangeable. That is, as Sen specifies, 'functionings' are doings and beings that persons have reason to value. Although Cohen does not explicitly describe 'advantage' in these terms, since it is precisely doings and beings to which opportunities and personal capacities afford persons' access, 'advantage' seems to describe such functionings exactly.

Yet despite these similarities, Cohen's equality of access to advantage is not Sen's capability approach by another name. Equality of access to advantage is intended as a theory

⁹⁹ Cohen writes, "I affirm equality of access to advantage, whatever advantage is rightly considered to be, but I cannot say in a pleasingly systematic way, exactly what should count as an advantage, partly because I have not thought hard enough about this question, which is surely one of the deepest in normative philosophy." In a footnote to this passage, Cohen writes, "Another matter about which I cannot say anything systematic is the problem of how to compare net advantage positions of different people. The right place to begin would be with Amartya Sen's perspicacious discussion of the (at least) structurally analogous problem of how to order different capability-sets. (I say '[at least] structurally analogous' because it may turn out to be the same problem)," Cohen, "On the Currency of Egalitarian Justice," 921.

¹⁰⁰ Sen, Amartya. *Development As Freedom*, 75.

of distributive justice. By contrast, Sen describes his capability approach as a position with respect to the type of information that should be considered in assessing interpersonal equality—namely capabilities and functionings—which, although it forms an important aspect of a theory of distributive justice, does not itself constitute such a theory. Moreover, Cohen is somewhat clearer about how to decide what doings and beings would count as valuable in any interpersonal comparison of access to advantage than is Sen about what doings and beings would count as valuable in any comparison of persons' capabilities to function. Again, on Cohen's view, doings and beings are either somehow essential or are subjectively preferred among those whom justice requires that the distribution of access to advantage be equal. Measuring equality of access to advantage therefore requires an interpretation of what makes a doing or being essential, and surveying persons' subjectively defined preferences. By contrast, for Sen, a doing or being may be valuable for any number of reasons about which he is largely unclear. And because Sen is not clear about what makes some doings and beings valuable, any comparison of persons' capability to function must supply an interpretation of this very general criterion.

Nevertheless, owing to the similarities between their views, and depending on how advantage and functionings are specifically interpreted—that is, depending on what are determined to count as valuable doings or beings in any given interpersonal comparison—it is conceivable that both Cohen's theory of equality of access to advantage and a capability theory of distributive justice that takes equality of capability to function as Sen would understand it as its distributive principle, would support the same distribution in practice.

Interpreting Equality of Access to Advantage

As noted above, the description of equality of access to advantage that Cohen provides requires some interpretation in order to stand as a complete theory of a just distribution of goods among persons with equal claim to those goods. I thus propose to understand equality of access to advantage to require that all persons have equal access to both ‘worldly autonomy’ and preference satisfaction. This interpretation requires considerable unpacking.

Worldly autonomy is a term of art used to describe a basic threshold level of autonomy which consists in the exercise of autonomous agency under conditions wherein any vast majority of acts of doing or states of being for which the world in the present historical context provides are not out of reach. Access to worldly autonomy thus requires that persons have the capacity and opportunity for autonomous decision-making as well as the capacity and opportunity to perform certain other acts of doing and states of being without which further access to any vast majority of doings and beings would not be possible. These essential doings and beings can be determined by rational reflection upon the world as it currently is, but without reference to any particular person living in it, and will include things like being nourished, being sheltered, being mobile, escaping early mortality, avoiding escapable morbidity, being meaningfully employed, etc. –many of the doings and beings that Sen would include among basic human functionings. Equal access to worldly autonomy is an interpretation of the resource component of the principle of equality of access to advantage. It is satisfied when all persons have sheer access to worldly autonomy.

The rationale for interpreting the essential resource component of the principle of equality of access to advantage in this way is that, following Rawls, the ability ‘to form, to

revise, and rationally pursue a conception of the good,' is here recognized as a fundamental political value. This means that, whether or not one values the capacity for and exercise of autonomy as part of the comprehensive moral theory one upholds—that is, whether one conceives of a life lived autonomously as more valuable than, for example, a life lived in accordance with certain received religious precepts—it is here taken that persons should have both the freedom to decide what doings and beings give value to life and the freedom to pursue them. Rawls's hope is that different ideological viewpoints, including those that do not give great value to autonomy as a general ideal for persons, can see the value of honouring the capacity of persons to change their views about what kind of life is worth living within the political sphere at least. Of course, as Gerald Dworkin explains, whether or not sufficient consensus is forthcoming does not detract from autonomy's political value. As Dworkin writes, "for a theory that contains as part of it a non *ad hoc* explanation of why some differing viewpoint does not (cannot?) see the genuine value of autonomy the absence of consensus only shows that the theory cannot 'convince,' not that it is not convincing."¹⁰¹ Moreover, the realization of this ideal requires not only ensuring that persons have the capacity for autonomous decision-making, but that they have available a not unreasonable selection of doings and beings from which to choose. This is precisely what access to worldly autonomy is intended to afford. Again, access to worldly autonomy requires that one have access to autonomous decision-making as well as any other doing or being without which doings and beings generally would be out of reach. It describes a basic threshold level of autonomy, without access to which one would have very little opportunity to exercise one's capacity for autonomous decision-making, both relative to the opportunity available to

¹⁰¹ Gerald Dworkin, "Autonomy," in *A Companion to Contemporary Political Philosophy*, eds. Robert E. Goodin and Philip Pettit (Oxford: Blackwell, 1995), 362.

those who have access to worldly autonomy, and in absolute terms. Indeed, below this threshold it is uncertain whether persons have sufficient opportunity to act autonomously at all.

It is instructive to consider how valuing autonomy as a political ideal, and understanding the realization of this ideal to require that the state provide persons access to worldly autonomy, makes sense of the intuition that Tim should receive a wheelchair despite the fact that his welfare/access to welfare does not depend on his having one: Owing to his physical disability, Tim lacks access to mobility. Access to mobility is necessary for worldly autonomy, since, without it, the vast majority of the doings and beings for which the world provides would be out of reach. Although there is no guarantee that Tim's lack of mobility renders his actions non-autonomous—there is always the possibility that Tim would choose to participate in doings and beings that require only the little mobility of which he is capable without the aid of a wheelchair even under conditions in which he had access to one—the very fact that his options are indeed so few is cause for worry that he does not autonomously choose to participate in the beings and doings that he does, but is rather coerced into them by a sheer lack of desirable alternatives. The intuition to supply Tim with a wheelchair is here explained in terms of concern to protect against this possibility, that is, to ensure that Tim has sufficient doings and beings available to him to pursue a life lived in accordance with ends he values; or, what amounts to the same thing, to opt out of a life lived according to ends that he does not.

Equal capacity and opportunity for preference satisfaction is an interpretation of the welfare component of equality of access to advantage. I understand it to require that persons have equal opportunity for preference satisfaction as Arneson describes it, but where the preferences that figure in calculations of welfare are subjective preferences. Equal access to

preference satisfaction will thus obtain when the decision trees that persons face at the onset of adulthood are equal in the sense that each person's most-prudent, second most-prudent...*n*th most prudent life-history options respectively, deliver comparable levels of preference satisfaction to those of every other person, taking into consideration each person's choice-making and choice-following abilities, and when any low levels of preference satisfaction that occur subsequent to this stipulated moment and that can be traced to bad brute luck are equally compensated. On this interpretation, the particular acts of doing or states of being that persons respectively prefer can be determined only by reference to the particular persons whose preferences they are. To propose otherwise would be tantamount to proposing an objective list of preferences, which, again, is objectionable because it will likely involve arbitrarily privileging some persons' conception of the good rather than respecting persons as ultimately authorities about that in which their own welfare consists which it is here taken that any defensible conception of distributive justice should. On this understanding of equal access to preference satisfaction, the preference satisfaction levels of any two persons who choose equally prudently over the course of their lives will be matched.

It is useful to note some important implications of interpreting the welfare component of equality of access to advantage in this way. First, while equal access to preference satisfaction requires that persons who pursue equally prudent life paths receive comparable levels of preference satisfaction, it does not however require that they have equal preference satisfaction or access to preference satisfaction at every moment of their lives. Thus, for example, even in a world in which persons choose equally prudently, although one might complain that one has less opportunity to engage in one's preferred activities than, say, one's retired neighbour has to engage in the activities that he prefers, this is not in itself objectionable from a perspective that seeks to ensure that persons have equal access to

preference satisfaction. It is necessary only that they have available life histories that offer comparable levels of preference satisfaction relative to the degree of prudence they exercise over the course of their respective lives.

Second, equal access to preference satisfaction does not require that persons have access to the doings and beings they *most* prefer. That is, it is not problematic from this perspective that one who, for example, pursues a career as a professional hockey player, but has no talent for the game, consequently experiences a lower level of preference satisfaction as a result as compared with the level of preference satisfaction that, say, Sidney Crosby experiences as a result of pursuing the life history option that he has, presuming of course that a career as a professional hockey player is one that he prefers. For someone who has no talent for the game, to pursue a life history option that contains a career as a professional hockey player would be imprudent. The level of preference satisfaction it affords need only be equal to that of the level of preference satisfaction afforded persons who pursue equally imprudent life history options. What equal access to preference satisfaction instead requires is that, if one acts with the same measure of prudence as Sidney Crosby, one will realize certain of one's preferred doings and beings to such an extent that one will experience a level of preference satisfaction comparable to that which Sidney Crosby enjoys.

Equality of access to advantage is, then, realized when persons have equal of access to worldly autonomy and subjective preference satisfaction so described. However, one further stipulation is necessary to render this conception of distributive equality complete. This is that equality of access to beings and doings necessary for worldly autonomy be secured prior to securing equal access to beings and doings persons' respectively prefer. The rationale for this is that preferences formed without secured access to the doings and beings necessary for worldly autonomy can be expected to be different from preferences formed

under conditions of secured access to the doings and beings necessary for worldly autonomy. For example, a person who lacks the ability to move her legs may, owing to this lack of mobility, not hold as strong a preference for engaging in sporting activities as she would under conditions in which this lack of mobility had been compensated. Thus, ensuring that persons have equal access to worldly autonomy before ensuring they have equal access to preference satisfaction, ensures that the possibility of realizing equality of access to advantage is not undermined by changes in persons' subjective preferences that result from changes in access to worldly autonomy. Second, because preferences formed under conditions of access to worldly autonomy are formed against a background of greater opportunity than those formed under conditions wherein persons lack access to worldly autonomy, it is reasonable to think that persons identify more strongly with preferences formed with access to worldly autonomy than preferences formed without access to worldly autonomy. Thus, it is more accurate to identify a person's preferences with those they form under conditions of access to worldly autonomy than those they form without access to worldly autonomy, given the choice between the two. Finally, given that persons' preferences are often shaped by the opportunities they perceive to be available, it seems intuitively unfair that some persons' preferences should have to be formed against a background of so very few opportunities as are available without access to worldly autonomy while others' preferences should be formed against a background of the so vastly many more available opportunities that access to worldly autonomy affords. Equalizing access to worldly autonomy seems to correct for this unfairness. That is, under such conditions, even the greatest discrepancy in number of opportunities—consider the number of opportunities available to persons who have access to worldly autonomy but little more as compared with the opportunities available to the richest one percent—seems intuitively unproblematic.

By interpreting the essential resource component of equality of access to advantage as equality of access to worldly autonomy, then, and by requiring the preferences that figure in calculations of access to welfare to be chosen under conditions of access to worldly autonomy, equality of access to advantage, unlike equality of opportunity for welfare, is able to explain why Tim is entitled to a wheelchair despite his being already disproportionately happy/satisfied. Moreover, it does so without treating Tim as any less an authority on what makes a good life than anyone else, or infringing upon his freedom to pursue a life *he* judges worth pursuing—again, Tim is entitled to a wheelchair precisely to ensure that he can do just this. It is also worth noting that although this view stipulates that only the preferences formed under conditions of access to worldly autonomy figure in calculations of access to preference satisfaction, it does not, however, judge the content of the preferences Tim forms without access to worldly autonomy to lack value. This condition merely ensures that Tim have the option to revise those preferences under conditions of fair opportunity. Should Tim form exactly the preferences he now holds under conditions of access to worldly autonomy, these preferences would count for as much in calculating equal access to advantage as all other preferences formed under such conditions.

Finally, equality of access to advantage not only explains why persons who suffer handicaps are entitled to compensation for those handicaps irrespective of their level of happiness/preference satisfaction, it also explains why persons who live under conditions of severe deprivation have claims to basic goods. That is, the Tiny Tim objection is analogous to one Sen raises against welfarist conceptions of equality. Sen argues that subjective welfare is a poor metric for distributive equality since people in circumstances of deprivation routinely adjust their preferences to what they “unambitiously” perceive as feasible in order to make life bearable: “In situations of long-standing deprivations, the victims do not go on

grieving and lamenting all the time, and very often take pleasure in small mercies and cut down personal desires to modest –‘realistic’—proportions.”¹⁰² Thus, despite their circumstances of deprivation, these persons may not appear badly off in terms of preference-satisfaction: “The extent of a person’s deprivation...may not at all show up in the metric of desire-fulfillment, even though he or she may be quite unable to be adequately nourished, decently clothed, minimally educated and properly sheltered.”¹⁰³ Since being adequately nourished, being able to read and write, being in good health, etc., are all constitutive components of worldly autonomy, equality of access to advantage will compensate for these deficiencies, irrespective of considerations of welfare.

The ideal of equality of access to advantage so interpreted is not perfectly feasible, nor is its perfect pursuit practically desirable. As noted above, the pursuit of true equality of access to preference satisfaction would involve intolerably invasive state surveillance. This consideration alone is sufficient to count against the pursuit of perfect equality of access to advantage, both at the domestic level and globally. Again, however, this does not mean that equality of access to advantage is not the right ideal for either domain, but rather that the degree to which it might pursued in practice ought to be tempered. However, with reasons that count against its perfect pursuit in mind, I propose that equality of access to advantage can nevertheless be practically pursued, whether in the domestic sphere or globally, to the extent to that persons have equal access to the various beings and doings that are necessary for worldly autonomy and that it is reasonable to think they would collectively prefer. This statement requires some unpacking. First, by ‘collectively prefer’, I mean that most people

¹⁰² Sen, Amartya. *Inequality Reexamined*, 55. Sen is conceiving of welfare as happiness or pleasure. However the criticism holds equally well for welfare conceived as preference satisfaction. Cf. Jon Elster, *Sour Grapes: Studies in the Subversion of Rationality* (Cambridge: Cambridge University Press, 1996).

¹⁰³ Ibid.

within that collective have the preference in question, and not that all persons within the collective hold it. This is because it is unreasonable to expect universal agreement among members of large groups of people—members of a state, for example—about any matter. It is reasonable to anticipate that there will inevitably be some who dissent. Second, I say ‘reasonable to think persons would actually prefer,’ as opposed to ‘what persons actually think,’ for the simple reason that there are several beings and doings that it would be possible to infer that people hold without actually polling them, and that it is more practical—read, more cost effective—to infer these things than to actually ask after them. Importantly, however, what it is reasonable to think that people actually prefer is not the same as what it is reasonable for people to actually prefer. Again, to make people equal in beings and doings that it is reasonable for people to prefer would be to generate an objective list of preferred beings and doings, rather than a subjective one. An example of a preference it is reasonable to think would be globally shared is a preference to be well educated.

Equality of Access to Advantage in the Global Sphere

Having defended equality of access to advantage as the preferred interpretation of distributive equality among the available alternatives, and in anticipation of the next chapter which argues for its realization within the global sphere, it is worth commenting briefly on what the global ideal of equality of access to advantage asks in terms of global wealth redistribution. In particular, it is worth remarking that global equality of access to advantage has the virtue of asking less in terms of global redistribution as compared with global equality of resources as perhaps global equality is more commonly conceived.

Suppose, for example, that global equality of resources were taken to require the equal global distribution of wealth. Currently, total global household income is US\$241 trillion.¹⁰⁴ Dividing this number equally among the world's current population of more than seven billion people would result in a distribution of wealth of US\$35,000 per person. To put this figure in context, and to appreciate what redistributing global wealth equally among the world's population would mean for persons residing in what are currently the world's richest countries, consider, for example, that the current average individual wealth of adults in Canada is US\$250,034, that the average wealth of adults in the United States is US\$301,140, and that the average wealth of adults in Switzerland is US\$512,562.¹⁰⁵ Global equality of wealth, then, would involve leveling down the average wealth of persons residing in the richest countries of the world to a fraction of what they currently enjoy.

While the redistribution necessary to achieve global equality of access to advantage on the other hand may be substantial, it does not require that persons situated in different countries enjoy anything close to comparable levels of individual wealth. Rather, equality of access to advantage will require a redistribution of wealth necessary to ensure that persons living in the poorest countries in the world have access to the resources necessary to furnish them with the capacities and opportunities required for worldly autonomy and to experience preference satisfaction to a degree comparable to that which is currently experienced in the world's richest countries—or, more concretely, a redistribution necessary to ensure that they have access to being nourished, being sheltered, being mobile, escaping early mortality, avoiding escapable morbidity, being meaningfully employed, etc. This means redistributing

¹⁰⁴ “Credit Swiss Global Wealth Report 2012,” p. 3. <https://publications.credit-suisse.com/tasks/render/file/?fileID=BCDB1364-A105-0560-1332EC9100FF5C83>

¹⁰⁵ “Credit Swiss Global Wealth Report 2012,” p. 61. <https://publications.credit-suisse.com/tasks/render/file/?fileID=BCDB1364-A105-0560-1332EC9100FF5C83>

wealth to, for example, create the infrastructure required for clean drinking water, nutritious food, and basic medical care, to build roads and housing and schools, to create jobs that offer sufficient compensation to meet the needs of oneself and one's family, and to create facilities to provide the education or training necessary to be capable of doing the available work.

Note, however, that while the global ideal of equality of access to advantage does not require equal wealth between persons situated in different countries, it may however require that income inequality between members of the same country be kept low. That is, the ideal of global equality of access to advantage requires not only that equal access to advantage obtain between persons situated in different states, but also between persons who share a state. This of course entails that they enjoy access to the doings and beings necessary for worldly autonomy, and equal access to the doings and beings that they respectively prefer. But Richard Wilkinson and Kate Pickett present ample sociological research in *The Spirit Level: Why Equality is Better for Everyone* to show that, among developed countries, those with higher levels of income inequality also have higher rates of physical illness (like heart disease, cancers, chronic lung disease, gastrointestinal disease, adult and childhood obesity, AIDS, etc.), mental illness (especially anxiety disorders, impulse control disorders, and severe mental illness), lower life expectancy, higher rates of infant mortality, lower birth weight, lower levels of social trust, lower math and literacy scores in high school children, higher teenage birth rates, higher numbers of homicides, greater conflict between children, higher rates of imprisonment, and lower social mobility. Many of these things directly or indirectly undermine persons' access to doings and beings that are essential for worldly autonomy. Thus, the mitigation of income inequality among members of a state may be necessary to the realization of equality of access to advantage among them. Importantly, however, as Pickett and Wilkinson also note, cross-country comparisons of the rich countries

they studied show that “economic growth and increases in average incomes have ceased to contribute much to wellbeing in the rich countries.”¹⁰⁶ That is, above a certain threshold of economic development and average incomes, how one’s individual income level compares globally seem not to matter to factors important to worldly autonomy, like, for example, physical and mental health and life expectancy.

* * *

In this chapter, I have defended equal access to advantage as the preferred conception of distributive equality among the prevailing alternatives. To establish this, I argued that each alternative conception of distributive equality either fails to accommodate a common moral intuition about what distributive equality entails, or else is not sufficiently clear. To briefly recap, I argued that utilitarianism is an inadequate conception of egalitarian justice on grounds that it lacks a notion of fair shares and thus unfairly permits untold compromise to the welfare of some for the sake of the welfare of others. I objected to equality of resources on grounds that it is unable to sufficiently mitigate the effects of talent and circumstance on the relative freedom of persons to pursue and achieve valuable ends, for which talent and circumstance persons are however not responsible and hence should not be held accountable, and, relatedly, for its focus on the means of achieving valuable ends rather than on ends themselves. I objected to equality of welfare on grounds that it does not hold persons accountable for the low levels of welfare that result from personal choice and for which they are therefore responsible and hence should be held accountable. I objected to libertarianism

¹⁰⁶ Kate Pickett and Richard Wilkinson, *The Spirit Level: Why Equality is Better for Everyone* (London: Penguin Books, 2009), 15.

for the same reason I objected to equality of resources, namely that it does not sufficiently offset the affects of talent and circumstance on persons' respective freedom to pursue and achieve the ends that they value, and is hence compatible with serious undeserved inequalities in the degree to which persons are able to achieve those ends. I argued that the capability approach is not sufficiently clear in principle and hence offers no principled way of deciding which ends specifically persons should have the freedom to pursue. And, finally, I objected to equality of opportunity for welfare on grounds that it cannot accommodate the intuition that there are certain resources to which persons should have access irrespective of considerations of their welfare levels.

Following this, I interpreted equality of access to advantage to require that persons be made equal in access to all the doings and beings that are necessary for worldly autonomy within the current historical context, and any other doings and beings that they respectively prefer. I argued moreover that although this ideal is not perfectly feasible nor its pursuit practically desirable, it can reasonably be pursued, whether in the domestic sphere or globally, to the extent that persons have equal access to the various beings and doings that are necessary for worldly autonomy and that it is reasonable to think persons would collectively prefer. Finally I argued that global equality of access to advantage is a more practical ideal than global equality conceived as global equality of resources, since it calls for a redistribution of wealth from the global rich to the global poor sufficient to provide the global poor access to being nourished, escaping early mortality, being meaningfully employed, etc., which is a redistribution far less than that which equal global resources would demand. In the next chapter, I establish grounds for distributive equality within the global sphere.

Chapter 2: Defending Global Equality

In chapter one it was argued that equality of access to advantage is the most defensible conception of distributive equality. In the present chapter I aim to establish a justificatory basis for distributive equality within the global sphere. Specifically, I argue that national borders are global institutions that ground duties of distributive equality on a global scale. This thesis is also defended by Philippe Van Parijs in his article “International Distributive Justice.”¹⁰⁷ There, Van Parijs argues that national borders are coercive institutions that have profound and pervasive effects on the lives of persons everywhere, and that this is sufficient to trigger demands of egalitarian justice on a global scale. I defend the thesis that national borders are global institutions that ground duties of global equality on other grounds. Specifically, I argue that although national borders are state-enforced they place limits on the movement of persons everywhere, and in so doing make possible an extensive set of goods that take the form of domestic political and social institutions. Moreover, I argue that, since all persons are necessary to the provision of these goods all persons are by reciprocity therefore equally entitled to the benefits produced by borders and the institutions they make possible.

I begin the chapter with a preliminary discussion about cosmopolitanism and its commitments, and by outlining two kinds of arguments for distributive equality. I then defend the view stated above against the prevailing alternative arguments for distributive equality and its scope. First, I consider whether distributive equality is defensible without appeal to relations in which persons stand to one another and thus has global scope. Finding

¹⁰⁷ Philippe Van Parijs, “International Distributive Justice,” in *A Companion to Contemporary Political Philosophy Volume Two*, ed. Robert E. Goodin, Philip Pettit and Thomas Pogge (Oxford: Blackwell, 2007).

such arguments wanting, I set them aside and engage instead with the question of whether there are relational grounds for global equality. To this end, I consider three possible domestic domains to which the ideal of distributive equality might plausibly be limited, and that Van Parijs outlines in his argument for the same thesis, namely, the nation, the democratic state, and the modern state. I reject the various arguments in support of each of these in turn. Finally, I consider two main ‘basic structure’ arguments for global equality, and, finding each of these ultimately insufficient to the task of grounding duties of distributive equality on a global scale, I then present the alternative reciprocity-based basic structure argument for global equality indicated above.

Equal Moral Worth and Equal Distribution

The debate about the proper scope of distributive equality is often embedded in a discourse about cosmopolitanism and its commitments. Thomas Pogge describes cosmopolitanism as a commitment to the following minimum, and relatively uncontroversial, set of beliefs: “(1) Human beings are the ultimate units of moral concern. Families, tribes, nations, cultures and so on can become units of concern only indirectly. (2) The status as an ultimate unit of moral concern extends to all human beings equally. (3) Human beings everywhere should be treated as ultimate units of concern by everyone.”¹⁰⁸

Among those who endorse this cosmopolitan thesis, Andrea Sangiovanni distinguishes those who endorse ‘internationalism’—or statism—and those who endorse ‘globalism.’ Internationalism is the view that the principle of distributive equality holds only among members of a state, and globalism is the view that distributive equality applies

¹⁰⁸ Thomas Winfried Pogge, “Cosmopolitanism and Sovereignty,” *Ethics* 103 (1992): 48f.

globally.¹⁰⁹ Importantly, then, cosmopolitanism, so described, is compatible with both globalism and internationalism. This means that all claims of distributive equality—whether globalist, internationalist, or something else—must be established independently of the claim that all human beings are entitled to equal treatment on the basis of their equal status as ultimate units of moral concern. That is, that all persons have equal moral status is but a starting point. It is not itself considered sufficient to grounds claims of distributive equality. As Pablo Gilabert writes, “The Cosmopolitan Ideal of Moral Equality says that all individual persons are ultimate units of equal moral respect and concern for everyone. As such, it does not automatically lead to a principle of global distributive equality. It is not a distributive principle, but a meta-principle that constrains the articulation and assessment of first-order distributive principles. A substantive argument showing how such a constraint points us toward global distributive equality is needed.”¹¹⁰

Yet, although cosmopolitanism, as Sangiovanni, Pogge, and others describe it, entails no commitment to the globalist thesis, self-identifying cosmopolitans do often endorse global distributive equality. They hold that all persons have an equal claim to the goods up for distribution, and some even embrace distributive equality on a global scale as a distinctively cosmopolitan ideal. For this reason, it will be useful to distinguish conceptions of cosmopolitanism that involve some commitment of distributive equality, from those, like Sangiovanni’s, that do not.

¹⁰⁹ Andrea Sangiovanni, “Global Justice, Reciprocity, and the State,” *Philosophy & Public Affairs* 35, no. 1 (2007): 6.

¹¹⁰ Pablo Gilabert, *From Global Poverty to Global Equality: A Philosophical Exploration* (Oxford : Oxford University Press, 2012), 195. See also Pablo Gilabert, “Cosmopolitan Overflow,” *The Monist* 94, 4 (2011): 588.

David Miller draws such a distinction in *National Responsibility and Global Justice*.¹¹¹ There Miller describes cosmopolitanism “in its most general formulation” as the view that “human beings are all subject to the same set of moral laws: we must treat others in accordance with those laws no matter where in the universe they live; they likewise must treat us in the same way.”¹¹² Within the purview of cosmopolitanism so conceived, he defines weak cosmopolitanism as the view that “we owe all human beings moral consideration of some kind—their claims must count with us when we decide how to act or what institutions to establish—and also that in some sense that consideration must involve treating their claims equally.”¹¹³ Various formulations of weak cosmopolitanism include “every human being has equal moral worth,”¹¹⁴ or “every human being is equally an object of moral concern,”¹¹⁵ or “we owe every human being impartial consideration of their claims upon us.”¹¹⁶ Strong cosmopolitanism, by contrast, is the view that we owe all human beings more than equal consideration in deciding our actions and institutions. Strong conceptions of cosmopolitanism include those that claim that “our institutions and practices must be based on the principles of giving equal weight to the interests of all those affected by them,”¹¹⁷ or “we are bound to apply one or other strong, substantive principle of equality at a global level, for example a principle of equal access to resources or a principle of equal opportunity.”¹¹⁸

¹¹¹ David Miller, *National Responsibility and Global Justice* (New York: Oxford University Press, 2007).

¹¹² *Ibid.*, 24.

¹¹³ *Ibid.* 27

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*, 28.

¹¹⁸ *Ibid.*

Thus, Sangiovanni's description of cosmopolitanism's essential commitments describes a weak conception of cosmopolitanism on Miller's account.¹¹⁹ Indeed Miller references Pogge's description of cosmopolitanism presented in "Cosmopolitanism and Sovereignty" as a particular formulation of the weak cosmopolitan premise—the same article in which the characterization of cosmopolitanism to which Sangiovanni appeals appears. However, cosmopolitans (as Sangiovanni uses the term) who are also globalists can be said to be strong cosmopolitans, since they are committed to distributive equality on a global scale. By contrast, cosmopolitans who are also internationalists cannot be considered strong cosmopolitans on the basis of their distributive commitments, since, although they too endorse distributive equality, they reject its global scope, and there is nothing in the definition of strong cosmopolitanism that says anything about more local commitments of distributive justice.

The important thing to recognize here is that any *strong* cosmopolitan's commitment to the globalist thesis is not generally held to follow solely from her commitment to the equal moral worth of persons; as Miller stresses, strong cosmopolitan principles cannot be derived from weak cosmopolitanism alone.¹²⁰ Rather, it is generally accepted that strong cosmopolitans must provide some argument that appeals to more than human beings' equal status as ultimate units of moral concern to establish global distributive equality as a demand of justice. The same can be said of any weak cosmopolitan who champions the internationalist thesis, since, just as there is nothing in the weak conception of cosmopolitanism to establish globalism, neither is there anything to establish distributive

¹¹⁹ Ibid., 27, footnote 9.

¹²⁰ Ibid., 28.

equality between domestic neighbours. All claims of distributive equality—whether globalist, internationalist, or something else—must be established independently.

Two Kinds of Arguments for Distributive Equality

Among cosmopolitans with commitments to distributive justice, Sangiovanni further distinguishes between those who affirm relational conceptions of distributive justice and cosmopolitans who affirm non-relational conceptions. Relational conceptions of distributive justice share in the notion that principles of justice cannot be formulated or justified independently of the practices they regulate. According to all such accounts, relations between individuals condition the scope, content, and justification of principles of justice. Non-relational conceptions, by contrast, are those according to which relations between people are irrelevant to the formulation and justification of the principles of justice.¹²¹

Relational conceptions vary with respect to the particular kinds of relations they uphold as relevant to determining principles of justice, as well as how precisely those relations shape distributive principles. For example, some relational accounts uphold cultural similarity to be relevant. According to these accounts, the meanings and values of distributive goods are culturally contingent, and thus the principles of distributive justice make sense only where culture is shared.¹²² Other relational accounts, by contrast, take the presence of social and political institutions to be relevant for determining principles of justice. On these accounts, select institutions are believed to fundamentally alter the relation in which individuals stand, and thus also that which constitutes a just distribution between

¹²¹ Sangiovanni, “Global Justice, Reciprocity, and the State,” 5f.

¹²² Sangiovanni cites Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (New York: Basic Books, 1983); David Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000). See also Miller, *National Responsibility and Global Justice*.

them.¹²³ Non-relational conceptions of distributive justice, by contrast, are, again, distinct from their relational counterparts in that they deny the contention that distributive justice is dependent upon social relations between persons. For the non-relationalist, it is sufficient that persons share a common humanity for distributive justice to apply.¹²⁴

Demands of distributive equality with relational bases vary with respect to the scope of their application. Depending on the particular relation (or set of relations) appealed to, they could have global or more domestic applicability. By contrast, non-relational accounts of distributive equality support the globalist thesis. That is, as Sangiovanni explains, since those who hold that principles of distributive equality have a non-relational basis are precisely not concerned with the relations in which individuals stand to one another, it is a feature of any such principles that they should extend to all persons, regardless of the degree, or manner in which they relate.¹²⁵ The most straightforward route then, to establishing a demand for distributive equality on a global scale is to conceive it to have a non-relational basis. The next section assesses the merits of such an approach.

¹²³ Sangiovanni cites Thomas Nagel, "The Problem of Global Justice," *Philosophy & Public Affairs* 33 (2005): 119-22; Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy & Public Affairs* 30 (2001): 261ff.; Darrel Moellendorf, *Cosmopolitanism Justice* (Boulder, Colo.: Westview Press, 2002): 30ff.; Leif Wenar, "Contractualism and Global Economic Justice," in *Global Justice*, ed. Thomas Pogge (Oxford: Blackwell, 2001); Charles R. Beitz, *Political Theory and International Relations* (Princeton, N.J.: Princeton University Press, 1999). Also see Pogge, *World Poverty and Human Rights*.

¹²⁴ This characterization of non-relational distributive justice appears in Andrea Sangiovanni, "Global Justice and the Moral Arbitrariness of Birth," *The Monist* 94, no. 4 (2011): 581f. Among advocates of this view Sangiovanni cites Larry Temkin, *Inequality* (New York: Oxford University Press, 1993); Richard Arneson, "Luck Egalitarianism and Prioritarianism," *Ethics* 110 (2000): 339-49; David A. Richards, "International Distributive Justice," in *Ethics, Economics, and the Law: NOMOS XXIV*, ed. J.R. Pennock and J.W. Chapman (New York: New York University Press, 1982); and Charles Beitz, "Cosmopolitan Ideals and National Sentiment," *The Journal of Philosophy* 80 (1983). See also Simon Caney "Cosmopolitan Justice and Equalizing Opportunities," in *Metaphilosophy* 32 (2001) and Simon Caney, *Justice Beyond Borders* (Oxford: Oxford University Press, 2005)

¹²⁵ Sangiovanni, "Global Justice, Reciprocity, and the State," 7.

Non-Relational Grounds for Distributive Equality

One of the most common arguments offered in defense of global distributive equality is what has been referred to as the ‘argument from the moral arbitrariness of birth.’¹²⁶ Simon Caney, who endorses a principle of global equality of opportunity¹²⁷ makes the argument as follows: “If one thinks, as egalitarians do, that it is unjust if persons fare worse because of their class or ethnic identity one should surely also think that it is unjust if persons fare worse because of their nationality. The logic underpinning equality of opportunity entails that it should be globalized.”¹²⁸ Letting ‘prospects’ be any candidate currency of justice, whether resources, welfare, capabilities, opportunities, or any combination of these, the argument may be more generally stated as follows: “We ought to neutralize (or mitigate) differences in prospects due to unchosen circumstances; country of birth is an unchosen aspect of our circumstances; therefore, we ought to neutralize differences in prospects that are due to country of birth; therefore, we ought to aim for global equality in prospects.”¹²⁹

¹²⁶ Sangiovanni, “Global Justice and the Moral Arbitrariness of Birth,” 572. See, e.g., Caney, *Justice Beyond Borders*, 123; Caney, “Cosmopolitanism Justice and Equalizing Opportunities,” 115; Richards, “International Distributive Justice,” 290; Charles Beitz, “Cosmopolitan Ideals and National Sentiment,” *Journal of Philosophy* 80 (10): 593; Kok Chor Tan, “The Boundary of Justice and the Justice of Boundaries: Defending Global Egalitarianism,” *Canadian Journal of Law and Jurisprudence* 19, no. 2 (2006): 319; and Thomas Pogge, *Realizing Rawls* (Ithica: Cornell University Press, 1989), 247.

¹²⁷ Caney characterizes the principle of global equality of opportunity to require that “persons of different nations should enjoy equal opportunities: no one should face worse opportunities because of their nationality.” Simon Caney, *Justice Beyond Borders* (Oxford: Oxford University Press, 2005), 122.

¹²⁸ See also Caney, “Cosmopolitan Justice and Equalizing Opportunities,” *Metaphilosophy* 32 (2001): 113-134, 115. There Caney characterizes the argument as follows: “Underpinning our commitment to equality of opportunity is a deep conviction that it is unfair if someone enjoys worse opportunities because of his or her cultural identity. Thus we think that it is unfair if a person enjoys worse chances in life because of class or social status or ethnicity. This deep conviction implies, however, they we should object if some people have worse opportunities because of their nationality or civic identity.”

¹²⁹ Sangiovanni, “Global Justice and the Moral Arbitrariness of Birth,” 573. Of the persuasiveness of the argument from moral arbitrariness, Sangiovanni writes that “So powerful is the argument usually taken to be that the burden of proof has been thought to lie squarely on the side of any left-liberal who wants to defend a relational and/or non-globalist conception of distributive justice.” Sangiovanni, “Global Justice and the Moral Arbitrariness of Birth,” 573. As evidence of this Sangiovanni remarks upon the many arguments in favour of domestic distributive equality in the literature that grapple with the argument from moral arbitrariness including Blake, “Distributive Justice, State Coercion, and Autonomy,” 257; Nagel, “The Problem of Global Justice,” 16;

The first thing to note about the argument from moral arbitrariness is that it is presented as a non-relational argument for global equality since its major premise invokes a distinctly non-relational basis for redistribution namely “we ought to neutralize (or mitigate) differences in prospects due to unchosen circumstances.” This basis for redistribution is distinctly non-relational since it makes no appeal to relations that may or may not obtain between persons. The second thing to note about the argument from moral arbitrariness, however, is that it does not actually establish the globalist thesis as many who have invoked the argument think it obviously does. Rather, the argument’s major non-relational premise already contains precisely the conclusion that the argument draws. That is, the non-relational premise is a universal—i.e. global—claim stipulating that inequalities in prospects that derive from unchosen circumstances should be neutralized. This premise may be restated as follows: “[d]epartures from equality are *pro tanto* (or at the very least *prima facie*) unjustified if they are the result of people’s unchosen circumstances.”¹³⁰ But, as Sangiovanni remarks, this reformulation makes it quite clear that equality is here being assumed as a baseline for distribution, rather than derived as a conclusion. The argument from moral arbitrariness for global equality is thus circular. The conclusion of the argument—that “we ought to aim for global equality in prospects”—merely trivially restates what the non-relational premise already asserts.¹³¹

Yet while non-relationalists who invoke the argument from moral arbitrariness to defend the globalist thesis take it as given that persons ought not have fewer than equal prospects—whether interpreted as resources, welfare, capabilities, etc.—because of

Sangiovanni, “Global Justice Reciprocity and the State,” 24f.; Miller, *National Responsibility and Global Justice*, 31ff.

¹³⁰ Sangiovanni. “Global Justice and the Moral Arbitrariness of Birth,” 574.

¹³¹ Ibid., 573.

unchosen aspects of their circumstance, like for example, where they happen to be born, this is not to say that non-relational justifications for this globalist thesis are unavailable. Some non-relationalists argue further that global equality is justified on the basis of shared humanity or some specific feature of it. Charles Beitz, for example, has argued that “Given that a capacity for a sense of justice’ and a ‘capacity to form, revise and rationally pursue a conception of the good,” are common to all human beings, the principles arrived at in Rawls’s original position apply globally.¹³² Similarly, Pablo Gilabert argues that all human beings are alike in that there are certain important advantages they have reason to value. Restricting the scope of distributive equality to the state would be to say that some but not all humans are entitled to these advantages. Thus, we should, to the extent that we reasonably can, pursue social orderings under which every human being has access to the conditions of a flourishing life.”¹³³ Caney too makes an appeal to personhood when he writes that “persons throughout the world share some morally relevant properties and hence if some moral values [namely those protected by liberal principles of domestic justice] apply to some persons then they should, as a matter of consistency, apply to all.”¹³⁴

Such non-relational arguments for global equality are not, however, convincing. However initially intuitive the globalist claim that no one should have less than equal prospects due to unchosen circumstances may seem, on reflection, this non-relational thesis has counterintuitive implications that appeals to shared humanity do little to mitigate. Consider the following hypothetical thought experiment from Sangiovanni: “Suppose we, the unfortunate inhabitants of a country A, discover heretofore unknown people, B. Everyone in A has adequate healthcare, a reasonable set of opportunities, basic education, and an

¹³² Beitz, “Cosmopolitan Ideals and National Sentiment,” 594f.

¹³³ Gilabert, *From Global Poverty to Global Equality*, 196.

¹³⁴ Caney, *Justice Beyond Borders*, 265.

adequate though not optimal share of resources for leisure. The citizens in B, however, are twice as rich, twice as happy, and have twice as many opportunities for leisure, education, and gainful employment...The citizens of B just do better for reasons unconnected to our efforts, willingness to work, or even ingenuity.”¹³⁵ Sangiovanni notes, rightly, that on a non-relational view of distributive justice, citizens of A have a claim of justice against citizens of B. “Were the citizens of B to deny this,” he writes, “they would be violating our entitlements. The fact that our social position is in large part determined by bad brute luck is sufficient to generate a *prima facie* claim against anyone, anywhere to compensation.”¹³⁶ But, as Sangiovanni argues, this conclusion runs counter to intuition about the distributive duties persons actually have toward one another.

To be clear, the intuition that citizens of A have no claims of distributive justice against citizens of B under circumstances in which both A and B enjoy good standards of living, as in Sangiovanni’s example, says nothing whatever of whether A would have claims of distributive justice against B were A in the example to instead suffer a standard of living below a threshold of sufficiency. Suppose for example, that citizens of B enjoy the standard of living Sangiovanni describes, but that instead of enjoying “adequate healthcare, basic education, resources for leisure, etc.” citizens of A are in the unfortunate position of having inadequate food sources, lack of access to basic healthcare, etc. In a case such as this, A does seem to have a claim of distributive justice for compensation for its lack of sufficient resources against B. That is, access to adequate food sources, some minimum level of healthcare, etc. are rights that are widely endorsed as basic to every human being. By acknowledging a standard of living above a threshold of sufficiency as a basic human

¹³⁵ Sangiovanni, “Global Justice, Reciprocity, and the State,” 24f.

¹³⁶ Ibid., 25.

right,¹³⁷ it follows that because citizens of A fall below that threshold of sufficiency, and that B is aware of A's circumstance and in a position to do something about it, that A has a claim of redistribution against B to correct for its insufficiency. And this is the case irrespective of whether B is or is not the reason for the unfortunate circumstance that citizens of A endure. Thus, one can at once endorse Sangiovanni's intuition that no claims of redistribution hold between persons who belong to two unrelated but well-off countries and nevertheless hold that distributive claims can hold between persons of two unrelated countries when one of those countries has insufficient resources to satisfy their citizens' basic human rights.¹³⁸

Note further that the intuition that citizens of A have no claims of distributive justice against citizens of B in Sangiovanni's example says nothing of whether any claims to redistribution would hold between A and B if they become politically or economically involved in the future. That is, in Sangiovanni's thought experiment citizens of A discover citizens of B who were previously unknown to them. There is no suggestion that this initial awareness prompts any further interaction between A and B. One might imagine that citizens of A fly a plane over country B and are able to surmise from the air that citizens of B are twice as well off as they are. This example is consistent with the scenario Sangiovanni describes. But suppose citizens of B then fly a plane over A and instead of simply observing

¹³⁷ Note that it is not uncommon for authors who endorse the statist thesis to nevertheless hold that duties aimed at relieving absolute deprivation apply globally, including, for example, Thomas Nagel, Michael Blake, and Andrea Sangiovanni.

¹³⁸ Caney argues that relational conceptions of global justice are objectionable because they deny compensation to the very poor where the relevant relations do not obtain. He writes, "Consider a world with two separate systems of interaction that have no contact but are aware of each other and suppose that one of them is prosperous whereas the other is extremely impoverished. Compare, now, two individuals—one from that prosperous system and the other from the impoverished system—who are identical in their abilities and needs. The members of the prosperous system receives more. But it is difficult to see why—concentrating on any possible and reasonable criteria for entitlement—this is fair." Caney, *Justice Beyond Borders*, 111. In light of the foregoing discussion, one can at once agree that Caney is right that to deny compensation to the very poor in this case is unfair and yet also accept that it runs counter to intuition to conclude that citizens of A have a claims against citizens of B in Sangiovanni's example.

A's standard of living from the air, take photos of A which they later sell for profit. Here, it seems reasonable to conclude that A has a claim against B for some of the profits of the photos. But note that the same would hold if citizens of A took pictures of citizens of B that were used for profit, despite the fact that citizens of B are already twice as well off as A. The important point here is that one can conceive A and B to enter into relations that would give rise to claims of redistribution between them, and that this is perfectly consistent with the intuition that no claims of distributive justice hold between A and B in the particular circumstance of unrelatedness that Sangiovanni describes.

Finally, it is important to be clear that rejecting the non-relational claim that no one should be worse off than anyone else through no fault of one's own, and accepting the claim that the standard of living to which one is entitled will be a function of which of the two countries, A or B, one happens to be born into, does not mean that place of birth is therefore grounds for distributing goods unequally in other circumstances. For example, within a single society of people, morally arbitrary features of persons like race, gender, age, ethnicity, *and* place of birth, are commonly acknowledged to be irrelevant to the distribution of goods. On any such understanding, if for instance one is born in country A but immigrates and becomes a full citizen of country B, then the fact that one is born in country A instead of B should have no bearing on the distribution of goods one receives.

Of course that it is popular intuition that demands of distributive equality do not hold in cases such as the one Sangiovanni describes does not mean that that intuition is necessarily right. Note however that the normative pull of non-relational defences of global equality seems also to derive from the intuitiveness of the claim that no one should have fewer than equal prospects because of place of birth as well. I say this because appealing to humanity to ground such claims, while perhaps satisfying for those who already share this

intuition, seems to offer little to convince anyone who does not. Since the intuitiveness of the non-relational thesis is very little upon which to base an argument for distributive equality, particularly in light of Sangiovanni's objection, I set the non-relational view aside, and proceed instead to demonstrate grounds for global equality from a perspective that embraces the view that in order for a principle of distributive equality to hold between persons, certain relations to connect them must first obtain.¹³⁹ Since the vast majority of literature written about the scope of distributive equality is written from the relational perspective, and since contemporary global politics seems also to embrace distributive equality as a relational concept, I believe that my argument will have considerably wider appeal than the non-relational arguments considered here.

Relational Grounds for Distributive Equality

Relational conceptions of justice, recall, share the notion that principles of justice cannot be formulated or justified independently of the practices they regulate; that is, they hold that relations between individuals condition the scope, content, and justification of principles of justice.¹⁴⁰ The remaining sections of this chapter aim to show that the relational arguments most commonly invoked to defend distributive equality exclusively within the domestic sphere, alternatively interpreted as the nation, the democratic state, and the state in

¹³⁹ Laura Valentini also argues that such non-relational defences of globalism should be discounted on the basis of the shakiness of the intuition that no one should be worse off through no fault of their own. She argues that while this general intuition has some normative pull, it nevertheless has counter-intuitive implications for specific cases, and that "[i]f our aim is to design a normative framework that can help guide our actions in the real world, we should not give it as much weight as non-relational cosmopolitans do." 53f. Valentini's intuitions about the cases she considers are at times at odds with my own. But this only bolsters the claim that intuition about this matters is shaky... 53 Laura Valentini, *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press, 2011), 53.

¹⁴⁰ Sangiovanni, "Global Justice, Reciprocity, and the State," 5f.

general, are flawed, but that there exist relational grounds for distributive equality on a global scale.

Distributive Equality for Peoples

Some theories of distributive justice argue that principles of equal distribution are relevant only among persons united by cultural similarity and mutual identification. This relation can be seen as essential to John Rawls's conception of a people, Michael Walzer's conception of a political community, and David Miller's conception of a nation, which respectively describe the spheres over which principles of distributive justice hold in each of these authors' respective views.

Rawls argues that principles of distributive equality apply within liberal societies, which he describes as peoples united by "common sympathies," and in the most straightforward cases, "common language and shared historical memories," since these are the principles to which these people would consent to under the hypothetical constraints that describe the original position. Recall from chapter one that in this original position citizens are presumed to be subject to a veil of ignorance depriving them of all knowledge of their discriminating/individuating characteristics, including their "place in society...class position...social status, fortune in the distribution of natural assets and abilities, intelligence and strength and the like."¹⁴¹ Rawls reasons that, under these hypothetically imposed conditions, persons would collectively agree to distribute goods equally, except in cases where an unequal distribution would be to the benefit of the worst off among them—that is, in accordance with the difference principle.

¹⁴¹ Rawls, *A Theory of Justice*, 12.

At the global level, by contrast, where common sympathies are lacking, Rawls does not conceive of justice to require anything nearly so egalitarian as this. Rather, according to Rawls, the relevant principle of distribution at the international level is the principle to which he sometime refers as the ‘duty to assist.’ It requires that liberal peoples, or at least ‘decent peoples,’ “committed to non-liberal conceptions of justice that nevertheless respect the common good,”¹⁴² help their foreign neighbours to attain conditions that are not incompatible with “just or decent political and social regimes.”¹⁴³ According to Rawls, this principle, along with eight other principles, would be decided in a second original position distinct from the first, occupied exclusively by representatives of specifically liberal societies tasked with choosing a foreign policy to govern international relations among them.

In this international original position, representative parties are presumed to be subject to a veil of ignorance that extends to any knowledge of the size of the particular territory they respectively represent, as well as the strength of their respective territories over other territories. All participants/representatives are, however, presumed to be aware of the conditions necessary for constitutional democracy to be possible within their respective territories. The eight principles to which Rawls argues that participants will agree to under these constraints are that 1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples; 2. Peoples are to observe treaties and undertakings; 3. Peoples are equal and are parties to the agreements that bind them; 4. Peoples are to observe a duty of non-intervention; 5. Peoples have the right to self-defense

¹⁴² These are peoples, which, although non-liberal, meet the following four conditions: their aims are non-aggressive, respecting the political and social orders of other nations; their system of law and idea of justice protect basic human rights, including the right to life, liberty, personal property and formal equality; their judges and other law administrators believe that the law incorporate an idea of justice according to which there is a common good; and they have a decent consultation hierarchy, in which the significant interests of all its members are considered. John Rawls, *The Law of Peoples: with “The Idea of Public Reason Revisited”* (Cambridge, Mass.: Harvard University Press, 1999), PP

¹⁴³ Ibid.,

but no right to institute war for reasons other than self-defense; 6. Peoples are to honor human rights; 7. Peoples are to observe certain specified restrictions in the conduct of war; and 8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.¹⁴⁴

Although Rawls conceives the international original position to be occupied by representatives of liberal states specifically, he contends that they would also be agreed to by decent societies, in virtue of the commitments they have as decent peoples, in particular, their commitment to a conception of justice that respects the common good. Hence, the eight principles he outlines are meant to define the fair terms of international relations for all liberal and decent peoples, which he refers to collectively as the ‘Society of Well-Ordered Peoples.’ Of the duty to assist, specifically, which appears as the last principle in the list above, and which, again describes the distributive duties of liberal and decent societies within the global sphere, he writes, “Well-ordered peoples have a duty to assist...societies to become part of the Society of Well-Ordered Peoples...the aim of assistance is to help burdened societies to be able to manage their own affairs reasonably and rationally and eventually to become members of the Society of Well-Ordered Peoples... After that is achieved, further assistance is not required, even though the now well-ordered societies may still be relatively poor.”¹⁴⁵

Against the view that a distributive principle more demanding than the duty to assist, like for example the difference principle, should instead regulate the distribution of goods internationally, Rawls objects that the difference principle lacks a clear ‘target and cut-off point,’ and that its application within the global sphere would thereby threaten to undermine

¹⁴⁴ Ibid., 37

¹⁴⁵ Ibid., 111.

the political autonomy of free and equal liberal and decent peoples. He illustrates the potentially undermining effects of global distributive equality for peoples' political autonomy with the following example. Consider, he writes, "two liberal or decent countries...at the same level of wealth (estimated, say, in primary goods) and [that] have the same size population. The first decides to industrialize and to increase its rate of (real) savings, while the second does not. Being content with things as they are, and preferring a more pastoral and leisurely society, the second reaffirms its social values. Some decades later, the first country is twice as wealthy as the second... [W]ith a global egalitarian principle without a target, there would always be a flow of taxes as long as the wealth of one people was less than the other."¹⁴⁶ According to Rawls, this scenario is unacceptable, "assuming, as we do, that both societies are liberal or decent and their people free and responsible and able to make their own decisions."¹⁴⁷ Rawls's duty of assistance, by contrast, has both a target and cut-off point. He writes, "It seeks to raise the world's poor until they are either free and equal citizens of a reasonably liberal society or members of a decent hierarchical society. This is its target. It also has by design a cut-off point, since for each burdened society the principle ceases to apply once the target is reached."¹⁴⁸

Although distributive equality is not, on Rawls's view, relevant within the global sphere where common sympathies are lacking, common sympathies are nevertheless vital to the conception of just international relations he defends. As Van Parijs remarks, the national unity that derives from "common sympathies...common language and shared historical memories," is "indispensable to the conception of just international relations Rawls

¹⁴⁶ Ibid., 117.

¹⁴⁷ Ibid., 117.

¹⁴⁸ Ibid., 119.

proposes...[For, i]n its absence, peoples could not be regarded as ‘reasonable moral agents’, whom it makes sense to imagine entering a global original position.”¹⁴⁹

Not so unlike Rawls’s claim that distributive equality is relevant only among peoples united by common sympathies, Walzer claims that principles of egalitarian distribution are relevant only where persons are united by common meanings. According to Walzer, common meanings are essential to decisions about the just distribution of goods since, he writes, “all goods with which distribution is concerned are social goods.”¹⁵⁰ That is, Walzer proposes a theory of goods according to which the “conception and creation of goods are social processes,”¹⁵¹ and argues that because goods are collectively conceived and collectively created, their meanings are thus common meanings, and the values ascribed to them therefore contingent upon collective assessment. This means that goods can have different meanings in different places, and can be valued differently in different places and for different reasons.¹⁵²

Moreover, for Walzer, that which constitutes an egalitarian distribution of goods is also socially contingent. That is, on this view, part of what it is to understand what a particular good means to those who value it as a good is to understand “how, by whom, and for what reasons it ought to be distributed,”¹⁵³ or, said otherwise, “distributive criteria and arrangements are intrinsic...to the social good.”¹⁵⁴ This, he argues, is because the particular process by which persons collectively “conceive and create, and then possess and employ social goods” causes them to take on “concrete identities.” That is, persons are born into a

¹⁴⁹ Van Parijs, “International Distributive Justice,” 642.

¹⁵⁰ Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (New York: Basic Books, 1983), 6.

¹⁵¹ Ibid.

¹⁵² Ibid., 7.

¹⁵³ Ibid., 8f.

¹⁵⁴ Ibid.

particular set of relations with people and goods, and, from that time, amass a history of “moral and material” transactions without which they would not be recognizably themselves. This shared identity that stems from persons’ common “history, culture, and membership” informs processes by which they continue to distribute goods into the future. He writes, “If...forced to choose [a distributive system] the question most likely to arise in the minds of members of a political community is...What would individuals like us choose, who are situated as we are, who share a culture and are determined to go on sharing it? And this is a question that is readily transformed into, What choices have we already made in the course of our common life? What understandings do we (really) share?”¹⁵⁵

According to Walzer, the most appropriate domain of distributive justice is the political community, since it is here, he writes, that “[l]anguage, history, and culture come together (come more closely together here than anywhere else) to produce a collective consciousness.”¹⁵⁶ Among the examples of political communities Walzer cites are “[c]ities, countries, and states that have, over long periods of time, shaped their own internal life”¹⁵⁷ Yet, since it is only in virtue of the shared understanding and mutual identification of their members that political communities are appropriate sites of distributive justice, Walzer argues that, if political divisions do not correspond well to divisions along cultural and historical lines, then this is grounds for redefining the domain of distributive justice to better reflect these cultural and historical divisions. He writes, “Sometimes political and historical communities don’t coincide, and there may well be a growing number of states in the world today where sensibilities and intuitions aren’t readily shared, [and where] the sharing [rather] takes place in smaller units. And then perhaps we should look for some way to adjust

¹⁵⁵ Ibid., 5.

¹⁵⁶ Ibid., 29

¹⁵⁷ Ibid., 30

distributive decisions to the requirements of those units.”¹⁵⁸ Against the suggestion that the domain of distribution should be extended globally to include all persons, Walzer argues that since there is at present no global political community defined by a collective consciousness of the kind he describes, there are no grounds for global distributive justice.

Like Walzer, Miller too sees distributive equality as applicable where persons share a common set of understandings and mutually identify with one another. Whereas Walzer conceives of these features to describe political communities, Miller conceives them to describe nations. Nations, Miller writes, are “groups of people who feel they belong together because of what they have in common.”¹⁵⁹ They share a culture, i.e. “a set of understandings about how their collective life should be led, including principles that set the terms of their political association (a principle of political equality, for instance), and [principles that] guide...the making of political decisions.”¹⁶⁰ Moreover, they recognize special obligations to one another, they recognize the continued existence of the nation as a valuable good, and they aspire to be politically self-determining.¹⁶¹ Miller is, however, careful to distinguish national citizenship from common state citizenship. According to Miller, national citizenship is not identical with common state citizenship, for, he writes, “citizens of a given state may bear two or more national identities. On the other hand, it is not necessary that *all* co-nationals embrace the beliefs and attitudes that define the nation to which they belong. Rather,” says Miller, “[w]hat is necessary to the existence of a nation is that the beliefs and attitudes in question should be generally held (and believed by those who hold them to be

¹⁵⁸ Ibid., 28f.

¹⁵⁹ Miller, *National Responsibility and Global Justice*, 124.

¹⁶⁰ Ibid.

¹⁶¹ Ibid., 124ff.

correct), not that they be held by every single member.”¹⁶² However, exactly how much disregard for national identity or national obligation Miller thinks is sufficient to render a nation non-existent, is not made clear.

Miller holds that that which constitutes a just distribution will depend on the relationships of the people involved, and that, within the context of nations specifically an equal distribution is a just distribution because nations are “constituted on the basis of equality.”¹⁶³ According to Miller, equality is the primary distributive principle of any group to which persons are admitted as equal members, with the same status as other members, and, he contends, nations are just such groups.¹⁶⁴ Indeed, Miller describes the nation state as the most familiar example of membership-based equality in the contemporary world. He writes, “[a]lthough citizenship has not always been understood as requiring all citizens to be treated as equals...this understanding has now become definitive of the very idea.”¹⁶⁵

Moreover, Miller argues that although distributive equality is defensible at the domestic level by appeal to membership-based equality, membership-based equality cannot be used to justify global distributive equality as things currently stand. This, he argues, is because there is no global community constituted on the basis of equality. Moreover, he argues that one cannot plausibly make a case for conceiving of global citizenship¹⁶⁶ as a form of national citizenship extended to include all persons, since national forms of citizenship are based on cultural and political ties that stem from common identity, neither of which extend globally.

¹⁶² Ibid., 125f.

¹⁶³ Ibid., 54.

¹⁶⁴ I understand Miller to mean that persons are equal in the eyes of the nations to which they belong *qua* members, but that persons may be unequal in the eyes of nations due to other things, like, for example, gender.

¹⁶⁵ Ibid., 55.

¹⁶⁶ Miller actually writes “cosmopolitan citizenship.”

Miller, further, objects to extending the scope of distributive equality globally to include all persons prior to the emergence of a global people on grounds that to extend distributive equality globally would be, as things currently obtain, to extend it beyond the domain of common meanings, without which there is no shared understanding of what are to count as goods, nor any notion of what would therefore constitute an equal distribution. Miller refers to this as the metric problem of global equality. To illustrate the problem, Miller conceives of two villages, A and B, of “similar size and composition.” A and B differ in that “village A has a football pitch but no tennis court, and village B has a tennis court but no football pitch...[and] that village A possesses a school but no church, and village B possesses a church but no school.”¹⁶⁷ Based on this information given, Miller contends that the fact that A has a football pitch and B a tennis court does not result in a difference in opportunity afforded to their respective members since “football pitches and tennis courts seem to fall naturally into the broader category of ‘sporting facilities,’” but that the members of B suffer less opportunity than members of A because “the opportunities provided by a school and church are just different.”¹⁶⁸ Yet, Miller argues, this particular assessment of the opportunity afforded members of A relative to the opportunity afforded members of B, will not necessarily find global support. As Miller explains, this is because the evaluation is based on his own particular culturally-informed understandings of football pitches, tennis courts, schools and churches, according to which, he writes, “football pitches and tennis courts are naturally substitutable as falling under the general rubric of sporting facilities, whereas schools and churches are just different kinds of things, such that you cannot compensate

¹⁶⁷ Miller, *National Responsibility and Global Justice*, 64f.

¹⁶⁸ Ibid., 65.

people for not having access to one by giving them access to the other.”¹⁶⁹ According to Miller, any evaluation of the opportunities afforded members of A relative to members of B, or by extension, members of one nation-state relative to members of another nation-state, will be based on the particular understandings of the various resources in question adhered to by whomever is making the evaluation—which understandings are, of necessity, culturally informed, and hence, not globally shared, thus making it impossible to establish “a global measure of resources or opportunities that would allow us to determine whether two people do in fact have equal resources or opportunities.”¹⁷⁰

Bracketing, for the moment, Miller’s metric problem as well as any issues that realizing global distributive equality may pose for national political autonomy, there are several problems with limiting the scope of distributive equality to nations—or peoples, or political communities—on the basis of common sympathies. For starters, the nation—or people, or political community—does not well describe the domain of common sympathies. As Van Parijs, for example, remarks, nations are becoming increasingly multicultural. If distributive equality requires the kind of common understanding and mutual identification that Walzer and Miller describe, then distributive equality at the domestic level is increasingly tenuous.¹⁷¹ Secondly, national identity has become less and less important than it has been in history. Today, as Van Parijs further notes, “for many people, identifying transnationally with fellow women, or fellow doctors, or fellow Muslims, or fellow Mac fans, matters a great deal more than their identification with their compatriots.”¹⁷² That persons identify more strongly with others with whom they do not share a nation both

¹⁶⁹ Ibid.

¹⁷⁰ Ibid., 56. Miller also discusses this problem in David Miller, *Justice for Earthlings: Essays in Political Philosophy* (Cambridge: Cambridge University Press, 2013), 158f.

¹⁷¹ Van Parijs, “International Distributive Justice,” 643.

¹⁷² Ibid.

undermines Walzer's and Miller's rationale for limiting distributive justice to the domestic sphere, and renders Rawls' procedure for deciding principles of international distributive justice—wherein persons are represented through the nations with which they identify in a second original position—less coherent.

However, by far the most serious problem with conceiving of distributive justice to require a people with thick cultural ties and a strong national identity is that nations—or peoples or political communities—are themselves, as Van Parijs also argues, the result of “vigorous nation building,” characterized by the imposition upon preexisting nations of, “if not a common religion, at least a common language, and hence, as time went by a common culture, and soon also a common history, both real as a mechanical outcome of sharing political institutions and mythical as a result of reconstructing the more remote past so as to fit into a plausible national narrative.”¹⁷³ But a different history of conquest would have produced different national ties, and a different pattern of sympathetic cohesion. Indeed, those same feelings of self-sacrifice that Walzer and Miller suggest compatriots feel toward one another could have been cultivated on a more global scale. However, justice should not be decided on such an arbitrary basis. Rather, the scope of distributive equality should extend as far as is rationally defensible.¹⁷⁴ The claim that distributive equality should extend only so far as culture and identity are shared is ultimately untenable because it privileges arbitrarily produced sentiment to rational argument. Indeed, if common sympathies are as important to

¹⁷³ Ibid., 644.

¹⁷⁴ Cf. “Making the appropriateness of principles of justice depend entirely on subjective feelings may easily lead to arbitrary discrimination. For instance, such a stance might legitimize denying the existence of duties of justice towards women and African Americans in sexist and racist societies because they are not perceived as being part of the community.” Laura Valentini, *Justice in a Globalized World*, 62.

the distribution of goods as Miller and Walzer suggest, then they ought to be engendered on a scale that is just.¹⁷⁵

To return now to the so-called metric problem Miller raises for global equality. The problem, again, is that to extend the scope of distributive equality globally to include all persons prior to the emergence of a global people would be to extend it beyond the domain of common meanings, without which there is no shared understanding of what are to count as goods nor therefore any notion of what constitutes an equal distribution. Note, however, that while the fact that goods are often culturally determined and thus variable across nations will pose a considerable problem for the global extension of some resource-based conceptions of distributive equality, it does not, however, present nearly so great a problem for global equality of access to advantage.

Recall that the global ideal of equality of access to advantage requires that persons have equal access to subjective preference satisfaction as well as access to ‘worldly autonomy,’ a basic threshold level of autonomy for the current global context. Recall moreover that part of the rationale for interpreting distributive equality in this way is the

¹⁷⁵ Since equality of access to advantage gives weight to subjective preference satisfaction and since subjective preferences can be arbitrarily produced without reducing their normative import, equality of access to advantage also gives weight to arbitrarily produced sentiment. However, here sentiment is given weight only within the limits of the just distribution that the principle of equality of access to advantage describes. It does not decide what constitutes a just distribution of goods among persons with equal claim to those goods in the way that sentiment decides who does and does not have equal claim to goods being distributed in the view under consideration. Said otherwise, equality of access to advantage gives weight to sentiment at the level of the good, as opposed to the just. Rawls explains the relation between the good and the just as follows: “[P]rinciples of (political) justice set limits to permissible ways of life; hence the claims citizens make to pursue ends that transgress those limits have no weight (as judged by that political conception). But just institutions and the political virtues expected of citizens would serve no purpose—would have no point—unless those institutions and virtues not only permitted but also sustained ways of life that citizens affirm as worthy of their full allegiance. A conception of political justice must contain within itself sufficient space, as it were, for ways of life that can gain devoted support. In a phrase: justice draws the limit, the good shows the point.” John Rawls, “The Priority of Right and Ideas of the Good,” *Philosophy and Public Affairs* 17, no 4 (1988): 251f.

understanding that welfare and autonomy are universally valuable. Human welfare matters in itself, and autonomy is a universal political good. However, beyond this, global equality of access to advantage requires only that persons share in a minimal understanding about what count as goods. Specifically, it requires that they share understanding about the kinds of doings and beings upon which autonomous human agency might depend. To see this consider that equal access to preference satisfaction requires that persons have equal access to the ends they respectively prefer, whether or not others also recognize those ends as valuable. Thus, the fact that different peoples understand what are to count as goods differently does not pose any difficulty for determining whether they have equal access to subjective preference satisfaction. Moreover, there are several doings and beings that are necessary for worldly autonomy that can be determined without reference to any particular cultural understanding of their value. Among these are all the doings and beings without which one would lack access to the vast majority of the opportunities for work and leisure for which the world provides, including being nourished, being mobile, being able to read and write, being meaningfully employed, etc. Autonomy is, however, commonly conceived to require more than the freedom from external and internal constraint to take advantage of such opportunities. That is, being autonomous is commonly thought to moreover require that one act on motives that cohere with some mental state that is representative of one's point of view, like, for example, one's highest-order volitions, character traits, etc. Assessing whether persons have access to the doings/beings necessary for this aspect of worldly autonomy thus presupposes some understanding of the kinds of doing and beings upon which this aspect of autonomy might depend. Moreover, the possibility of global equality of access to worldly autonomy, and thus global equality of access to advantage, will require that this understanding be globally shared. However, since global equality of access to advantage

requires that persons share in only this minimal understanding about what are to count as goods, and since there is no reason to think that some such understanding could not be reached, neither the ideal of global equality, nor its realization, are so inconceivable as Miller contends.¹⁷⁶

What about the potentially compromising effects of global equality for national political autonomy to which Rawls refers? If indeed it can be shown that distributive equality is defensible on a global scale, then the fact that its realization is liable to require redistributing goods from nations that have more than their equal distributive share to nations that have less than theirs, thus undermining the ability of nations with more than their equal share to use those goods as they may have otherwise liked, hardly seems a compelling reason to deny poorer nations the distribution that they are owed. Moreover, unlike for global equality of primary resources, the very realization of global equality of access to advantage requires that societies be sufficiently developed as to ensure that all persons have access to being nourished, being sheltered, being mobile, escaping early mortality, avoiding escapable morbidity, being meaningfully employed, etc. That a society equipped with the industry necessary to provide for these things would choose to deindustrialize into a pastoral society does not seem a likely event. Yet, even if such a society did choose to pursue a pastoral way of life, equality of access to advantage would not in any case require redistribution to offset

¹⁷⁶ In a later book, Miller seems to back away from the metric problem somewhat, arguing that common identity is not always necessary to deciding a just distribution of goods. Cf. "Contrary to the common identity view, it seems that principles of distributive justice can apply among people who are engaged in common practices or common enterprises, whether or not they also identify with one another than as fellow participants or feel a sense of solidarity. It may be enough that they agree about the general purpose of the practice or enterprise. Thus, suppose that a group of people is brought together for purposes of economic production. They may be able to agree on principles for distributing the fruits of their labours simply because they agree on what counts as a contribution (number of hours worked, say) and what counts as reward (money, say). There need be no deeper level of agreement about, for example, how money is to be valued relative to other goods. Of course, this group does not have a complete conception of distributive justice, and it may be that in order to have such a conception they would need to enjoy a higher degree of cultural unity. But if the question is simply what level of agreement is necessary for any principle of distributive justice to apply, then the common identity view gives too demanding an answer." Miller, *Justice for Earthlings*, 159.

any low levels of advantage that result. This is because equality of access to advantage does not correct for any low levels of advantage that result from choice.¹⁷⁷

Distributive Equality for Democracies

I next consider the view that duties of distributive equality hold only within democratic states. This view is close to that which Thomas Nagel puts forth. He argues that demands of egalitarian justice, including demands of distributive equality, emerge only among a self-governing people, who he describes as at once the subjects and co-authors of the laws that govern them.¹⁷⁸ Demands of distributive equality, Nagel writes, arise only in a “society that makes us responsible for its acts, which are taken in our name and on which, in a democracy, we may even have some influence.”¹⁷⁹

For Nagel it is a special kind of lawful coercion, or non-voluntary association,¹⁸⁰ that delimits the scope of justice and equality as a demand of justice. He argues that justice and equality extend to all members of a legitimate political society whose respective wills

¹⁷⁷ The causal contribution of any choice to an outcome may vary. It may be complete, partial but primary, minor but tangible, etc. Thus, one may argue that even if grounds for distributing goods equally on a global scale obtain, poor countries have in the past themselves made choices which have no doubt contributed to their current stakes and indeed continue to act in ways that stretch out their deficiencies in advantage/access to advantage. Thus, it is not at all obvious that the global rich would be responsible for issuing them compensation for such deficiencies. Note however that even granting that poor countries have acted in ways that have contributed to their lack of advantage/access to advantage, they have acted under circumstances of compromised choice. As there is no way of knowing how they would have acted under better circumstances, to hold them accountable for these choices would seem to be unfair. However, because the causal contribution of choices to outcomes varies, were equality of access to advantage realized, decisions about whether to compensate for any deficiencies in advantage/access to advantage countries’ subsequently experience will involve answering difficult questions about whether those deficiencies are best explained in terms of choices those countries have made or something else. For example, is it fair to hold a population that is ruled by force, that has no history of political organization, and whose government acts in ways that undermine their access to advantage, for failing to overthrow it? Or, similarly, can such a population reasonably be held accountable for a military attack its government issues on another county? While I do not attempt to answer these questions here, they point the way for future research.

¹⁷⁸ Nagel, “The Problem of Global Justice,” 129.

¹⁷⁹ Ibid.

¹⁸⁰ Ibid., 128.

collectively author the laws of that society, and are at once subject to those laws. Nagel contends that it is “that we are both putative joint authors of the coercively imposed system, and subject to its norms, i.e. expected to accept their authority even when the collective decision diverges from our personal preferences—that create the special presumption against arbitrary inequalities in our treatment by the system.”¹⁸¹ That is, for Nagel, because the laws that govern in a democracy are taken in the names of its members, members therefore have standing to ask why they should accept them, and any inequalities that derive from characteristics that they have done nothing to deserve in which those laws result. According to Nagel, there is no justification for distributive equality at the global level. He objects to global distributive justice and equality on grounds that the particular relationship of the will to authoritative power upon which he grounds demands of justice and equality, does not exist in the global context.

Although Nagel describes principles of justice and equality to apply only within the context of societies that are self-governing, and although this description is often reserved for societies with democratically elected forms of government, the view that democracy prompts demands of distributive justice and equality is not precisely the view for which Nagel ultimately advocates. Rather, for Nagel, distributive equality is applicable not only among people who share a democratic regime, but equally among peoples subject to colonial regimes and regimes of military occupation.¹⁸² In a footnote to the paragraph in which Nagel’s description of persons as both subjects and co-authors of the laws that govern them appears, Nagel is clear that all that is required for demands of justice—including demands of distributive equality—to apply is the “normative engagement” of its members in the sense

¹⁸¹ Ibid., 128f.

¹⁸² Ibid., 129.

that they comply with a system of law that is provided and enforced in their interests, “*even if they are not its legislators.*”¹⁸³

But can this stipulated relationship of the will to authoritative power be defensibly limited to just the politically legitimate states that Nagel describes? Joshua Cohen and Charles Sable argue that the same relation of will to authoritative power to which Nagel appeals in order to justify distributive justice and equality within the state, can, despite Nagel’s claims to the contrary, be found at the global level. Cohen and Sabel recall that, according to Nagel, a legitimate authority “makes regulations in the name of...those over whom it exercises its authority.”¹⁸⁴ And, this special involvement of subjects as joint-authors of such coercive power entitles them to special justification for any unequal treatment by that authority. They also note that, on Nagel’s account, in order to be justified in attributing citizens certain responsibility for the laws that govern them, the direct consultation of those citizens about the content of such laws is not required. They write, for Nagel, “[e]ven though the subjects do not have rights to participate in making the laws, they are expected to comply; and by complying, and especially by paying taxes, they lend their support to the laws, and are normatively expected to do so,” and that it is “because of these normative expectations of compliance and support, [that] those subject to the laws bear some responsibility for the laws.”¹⁸⁵ Yet, Cohen and Sable argue, this same relation of will to authoritative power to which Nagel appeals in order to justify distributive justice and equality within the domestic sphere, can, in an attenuated way, also be found at the global level between globally governing bodies such as the WTO, UN, etc., and persons subject to

¹⁸³ Ibid., footnote, 14, my italics.

¹⁸⁴ Joshua Cohen and Charles Sabel, “Extra Rempublicam Nulla Justitia,” *Philosophy and Public Affairs* 34, no. 2 (2006): 166.

¹⁸⁵ Ibid.

their rules. That is, they argue that just as citizens of states are expected to comply and support the rules of the state authority, global bodies make rules that citizens of debtor countries are expected to support and comply with, even though—as in the case of some states—those rules are not created in consultation with them. Regarding this relation of the will to global governing bodies, Cohen and Sabel write that in a “significant way, our wills—the wills of all subject to the rule-making authority—have been implicated, sufficiently much that rules of this type can only be imposed with a special justification.”¹⁸⁶

But quite apart from the fact that the special relation of the will to authoritative power that Nagel describes to trigger demands of distributive justice and equality is present at the global level, and thus cannot sensibly justify limiting the domain of distributive justice and equality to the domestic sphere only, the notion that the domain of distributive justice and equality should in any case be limited to the domain over which this relation of will to authoritative power holds, is objectionable in itself. To see this recall that it is that legitimate states presume to act in the names of their members that give their members standing to ask why they should accept its laws. Note however that the domain over which state laws coerce is not defined by the state, since state immigration policies are coercive against foreigners. This is a fact to which, as Van Parijs writes, “the many people who were killed while attempting to trespass [state borders] or died as a result of not daring to try,”¹⁸⁷ attests, and which Nagel himself acknowledges. But on Nagel’s view, the fact that a state’s immigration policies are coercive against foreigners does not furnish them any claim in the name of justice against such imposition. Again, for Nagel, since state policies that affect persons living outside its borders are precisely not imposed in their names, no justification is required

¹⁸⁶ Ibid., 168.

¹⁸⁷ Van Parijs, *International Distributive Justice*, 650.

to explain to any non-member “why they should accept such discriminatory policies [as those to which legitimate states subject them], or why their interests should be given equal consideration.”¹⁸⁸ But, as Arash Abizadeh remarks, this is perverse. What grounding principles of distributive justice in the special relation of will to authoritative power that Nagel describes implies, and as the immigration case makes clear, is, as Abizadeh explains, “that a state can exempt itself from the demands of justice simply by ensuring that the coercion to which it subjects persons is pure coercion without any pretense of accountability, i.e. by denying those whom it coerces any standing as putative authors of the system of coercion.”¹⁸⁹ Similarly, the more a state presumes to take responsibility for how its laws affect foreigners, the more it opens itself up to reproach. Thus, for example, as Abizadeh writes, it is consistent with Nagel’s normative premise that colonial rule is not unjust since colonizers make no claims to act in the names of those they colonize. He writes, “a tyrant can exempt himself from demands of justice by relying solely on pure coercion... The closer a tyrant’s rule approaches pure slavery, the less it can be criticized for being unjust.”¹⁹⁰

The claim that the particular relationship of the will to authoritative power that Nagel describes is a legitimate basis for distributive justice and equality within the state thus does not hold. However, rejecting this claim does not thereby commit one to the more general claim that the state must not therefore be the appropriate domain of distributive equality. The next section examines the merits of this view.

¹⁸⁸ Nagel, “The Problem of Global Justice,” 130.

¹⁸⁹ Arash Abizadeh, “Cooperation, Pervasive impact, and Coercion: On the Scope (Not Site) of Distributive Justice,” *Philosophy & Public Affairs* 35, no. 4 (2007): 352.

¹⁹⁰ Ibid.

Distributive Equality for States

Some theorists explicitly attempt to limit distributive equality to persons who share subjection to a modern state, either by appeal to arguments from coercion alternative to the one proposed by Nagel, or by appeal to arguments from reciprocity. Arguments from coercion ground distributive equality in the coercive nature of state authority. Aside from Nagel's own argument, the most notable of these comes from Michael Blake. So-called arguments from reciprocity, on the other hand, ground distributive equality in the relation of reciprocity believed to exist only between members of a state. Sangiovanni has done the most to develop this approach. Each are considered in turn.

i. Coercion-based Statism

Blake argues that, "all human beings have the moral entitlement to exist as autonomous agents,"—"controlling, to some degree, their own destiny"—and that coercion is *prima facie* objectionable on grounds that it violates the autonomy of the coerced.¹⁹¹ Thus, he argues, in order for any coercion to be justified, it must be such that it could elicit the consent of those whose autonomy it restricts, assuming they are fully reasonable. Moreover, he argues that states exercise coercion over their citizens in the domains of private law and taxation. That is, by imposing taxes, dictating rights of property possession and transfer, and threatening punishment for non-compliance, states define members' relative material shares, and thereby encroach upon members' rights to live as they would have otherwise liked. Blake reasons that in order for this particular variety of coercion that states impose upon their members to be justified, members must therefore be able to hypothetically consent to the

¹⁹¹ Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30, no. 3 (2002): 267.

pattern of entitlements that result from its application. Following Rawls, he argues that this means that the pattern of entitlements must be acceptable to even the least well off members, and that the least well off could reasonably reject any departure from equality that does not make them better off.

Against the view that distributive equality should be global, Blake argues that in the absence of a world state, concern for distributive equality in the global context is not relevant. He writes, “While all humans are entitled to the preconditions of autonomous agency, it is only between persons who share liability to a coercive state...that a concern for relative wealth is an implication of moral egalitarianism.”¹⁹² According to Blake, because the international system does not establish a system of coercive private law and taxation, it is not a system that needs to be justified in these terms.

But, as several critics of Blake’s view have argued, this is not reasonable ground for restricting the scope of distributive equality to states. This is because coercion in matters related to the distribution of goods is not a practice limited to states. Some argue, for instance, that while the international system may not boast a coercive system of private law and taxation, international organizations, including the World Bank, the International Monetary Fund, the International Labour Organization, the United Nations Development Fund, and the World Trade Organization, impose rules regarding the distribution of goods with which member countries are expected to comply, and these rules can be seen as coercive insofar as members countries do not have the option to withdraw from these organizations without incurring significant costs. As Van Parijs writes, “Global organizations may have no police and no army at their disposal, and hence no law enforcement tool as usually conceived. But in a world in which countries have become increasingly dependent on

¹⁹² Michael Blake, “Coercion and Egalitarian Justice,” *The Monist* 94, no. 4 (2011): 555.

exchange with one another, trade sanctions can be at least as effective as armed intervention.”¹⁹³

However, while granting, at least for the sake of argument, that global institutions are indeed coercive,¹⁹⁴ Blake argues that coercion in the international sphere is a different kind of coercion than that which states exercise over their citizens, and that the argument he provides to justify distributive equality within the state cannot therefore be used to justify distributive equality globally. Again, Blake argues that the best justification for distributive equality within the state is to make the state equally acceptable to all those it coerces. The state, he writes, “uses its legal machinery to coercively define relative shares amongst its citizens; ...[and] acquires the right to engage in such coercion only at the price of justifying its powers to all those subject to them—a task which...requires attention to the relative wealth and poverty of citizens whose consent is necessary for the legitimacy of the state.”¹⁹⁵ But, according to Blake, there is no imperative to justify international coercion in the same way there is an imperative to justify state-exercised coercion. Rather, he argues, the coercion that obtains internationally is coercion which stronger states exercise over weaker states, and that the imperative where such coercion is concerned ought not to be for its justification, but instead for its eradication. And while this, he reasons, may require some global redistribution to be accomplished, there is no reason to think that the distribution should be equal. Or, if

¹⁹³ Van Parijs, “International Distributive Justice,” 647.

¹⁹⁴ Blake grants that global institutions are coercive for the sake of argument but he is not convinced. He writes, “I want here to grant the premise that such organizations are coercive, at least over many states... I think there is a great deal more that might be said on the question, or at least to sharpen what we mean by coercion in the international context. It is not clear—to me, at least—when a proposal to trade for example is a coercive threat, and where it is a freedom-enhancing offer... For the moment, though, I will simply accept that there is coercion in the international realm, that much of it affects the relative holdings of wealth between the rich and poor societies of the world, and that this coercion is at least *prima facie* wrong.” Blake, “Coercion and Egalitarian Justice,” 566 Nicole Haussoun presents a detailed defence of the claim that many global institutions are coercive in Nicole Hassoun, *Globalization and Global Justice: Shrinking Distance, Expanding Obligations* (Cambridge University Press, 2012), 68-77.

¹⁹⁵ Blake, “Coercion and Egalitarian Justice,” 555.

global distributive inequality is somehow incompatible with democratic self-government, a separate argument will have to be devised to show this. In any case, the argument that Blake provides to justify the application of principles of distributive equality within the state cannot be similarly used to justify their application within the global context.

But quite apart from whether international organizations are coercive, state laws are themselves internationally coercive. As Abizadeh argues, for example, states' coercive immigration policies, which have a direct impact on would-be immigrants' relative material shares, massively affect the life chances of foreigners, the recognition of which, he writes, is "the reason why a tremendous numbers of human beings sell every possession they have and risk life and limb to cross state boundaries."¹⁹⁶ Here, again, if coercion is what triggers demands of distributive equality, because states laws coerce within the international arena, is it not reasonable to limit distributive equality to states.

But Blake's argument from coercion for state-wide distributive equality is most objectionable because coercion is not necessary for principles of equality to apply. Sangiovanni makes this objection to grounding equality in the specifically autonomy-infringing coercion that Blake describes. "Imagine," he writes, "an internally just state" in which "all local means of law enforcement—police, army, and any potential replacement—are temporarily disarmed and disabled by a terrorist attack," and wherein citizens feel a "desire to maintain public order and decency despite the private advantages they could gain through disobedience and noncompliance." In a case such as this, "the state continues to provide the services as it always has; the legislature meets regularly; laws are debated and passed; contracts and wills drawn up; property transferred in accordance with the law;

¹⁹⁶ Abizadeh, "Cooperation, Pervasive impact, and Coercion: On the Scope (Not Site) of Distributive Justice," 349f.

disputes settled through legal arbitration, and so on.” Yet, lacking the means of law-enforcement, the state no longer coerces citizens in the way Blake describes. Sangiovanni argues that, although the state’s legal system is no longer coercive in Blake’s terms, to hold that it need not for this reason satisfy the same principles it did when it was coercive, seems arbitrary. He writes, “The state continues to do all the things it did before the attack (except coerce those subject to it)... Why should principles of distributive justice we use to evaluate the political system be any different?”¹⁹⁷ According to Sangiovanni, if equality is a demand of justice within the state before the means of law enforcement are disarmed, then equality as a demand of justice seems to apply equally in the case he describes, and the exercise of coercion is therefore inappropriate to the task of marking the boundary between international and domestic society, as well as, therefore, grounding any claims of domestic but not global equality.¹⁹⁸

What to make of this objection? Some authors have objected that they do not share Sangiovanni’s intuition that demands of distributive equality would obtain in a state like the post-terrorist attack one he describes. More precisely, some claim that that they have no moral intuitions about what norms should govern a state with laws but no law enforcement, since such a state is in the first place not conceivable.¹⁹⁹ Note however that it is not necessary to imagine away all law-enforcement infrastructure to see that coercion is not necessary to justify demands of distributive equality. Instead, imagine an internally just state like the one Sangiovanni describes, with its law enforcement infrastructure intact, and surrounded by several other internally just states. Suppose moreover that all such states have newly open border policies. Even in a borderless world such as this, cooperation can be expected to be

¹⁹⁷ Sangiovanni, “Global Justice, Reciprocity, and the State,” 10f.

¹⁹⁸ Ibid., 15.

¹⁹⁹ For example, see Blake, “Coercion and Egalitarian Justice,” 558.

more efficient in some areas as compared with others. Hence, suppose, for example, that all members of Sangiovanni's state continue to cooperate to produce all the things the state provided before the suppression of borders. Since borders are no longer enforced, no one is coerced into this cooperation; rather, all members of the state constrain their behaviour in ways necessary to produce the benefits the state provides, by choice. Yet, although no members of Sangiovanni's state are coerced into cooperation, there is nevertheless ground for thinking that all members are entitled to an equal distributive share of at least some of the benefits the state provides, and this is that some of the benefits the state provides would not be possible without the collective cooperation of all its members. Take for example the right to possess private property. This right is possible within Sangiovanni's state only on the condition that the vast majority of people within the state refrain from infringing on the property of others. Since just about every member of the state is therefore necessary to the production of this good, justice as reciprocity would seem to dictate that each member of the state is entitled to an equal share of the benefits produced by the provision of that good. On this view, equal access to the benefits that the state provides is something that persons are owed in return for the sacrifices they make that make possible those benefits in the first place, irrespective of whether their participation in the institutions that generate those benefits is coerced or not. Thus, in cases like this, although coercion may be useful in enforcing demands of distributive equality, it is not ultimately what justifies it. Here, duties of distributive equality are triggered by social cooperation that generates collective goods that could not otherwise obtain, on the basis of sheer reciprocity.

ii. Reciprocity-based Statism

Sangiovanni makes a similar appeal to reciprocity to defend the application of the principle of distributive equality among members of a state. Specifically, he holds that distributive equality is a demand of justice that citizens or residents of a state owe each other in return for their “mutual provision” of the basic financial and sociological goods necessary “to develop and act on a plan of life.”²⁰⁰ More specifically, he argues that “through taxation, through participation in various forms of political activity, and through simple compliance, which includes the full range of our everyday legally regulated activities,”²⁰¹ citizens and residents of the state provide the financial and sociological support to protect its members from physical attack and to maintain and reproduce a stable system of property rights and entitlements.²⁰² He reasons that reciprocity requires that those who contribute to the provision of these things for others receive fair return for their contributions. He writes, “Those who have submitted themselves to a system of laws and social rules in ways necessary to sustain our life as citizens, producers, and biological beings are owed a fair return for what those who have benefitted from their submission have received.”²⁰³ And, he argues, the relational ideal of reciprocity among those who support and maintain the state’s capacity to provide the basic collective goods necessary to protect its members from physical attack and to maintain its system of property rights is equality.²⁰⁴

Moreover, Sangiovanni objects to global distributive equality on grounds that there is no relevant global relation of reciprocity to justify it. “Equality, he writes, “applies only in

²⁰⁰ Sangiovanni, “Global Justice, Reciprocity, and the State,” 4.

²⁰¹ Ibid., 20.

²⁰² Ibid., 19f.

²⁰³ Ibid., 26f.

²⁰⁴ Ibid., 19f.

circumstances in which we share in the reproduction of a legal-political authority that is ultimately responsible for protecting us from physical attack and sustaining a stable system of property rights and entitlements.”²⁰⁵ But because the global order lacks the “financial, legal, administrative, [and]...sociological means to provide and guarantee the goods and services necessary to sustain and reproduce a stable market and legal system,”²⁰⁶ equality is not, he argues, a demand of justice on a global scale.

To be clear, this does not mean that Sangiovanni objects to the application of all principles of distributive justice globally, but rather that because people living in different states do not contribute to production of the basic collective goods necessary for developing and acting on a plan of life, distributive equality is not a demand of justice on a global scale. He writes, “RBI [reciprocity-based internationalism]...does not entail there are no distributive obligations among Italians and Slovenians [for example]. Indeed, different principles of distributive justice will apply to the shared institutional structure of the European Union (of which Italy and Slovenia are members) as well as other nonstate orders in which Italians and Slovenians participate. But these principles will be different in both form and content than those appropriate at the domestic level, precisely in virtue of the different nature and character of those institutionally mediated relationships. The important point for us,” he continues, “is that, because Italians do not ultimately rely on Slovenians for the basic goods necessary to pursue and develop a plan of life, distributive equality is not a demand of justice among them.”²⁰⁷

Granting that persons are entitled to be fairly compensated for their contributions to the production of collective goods as a matter of justice as reciprocity, and granting that

²⁰⁵ Ibid., 34.

²⁰⁶ Ibid., 21.

²⁰⁷ Ibid., 35.

members of a shared state mutually contribute to the goods necessary to protect its citizens and residents from physical attack and sustain a stable system of property rights and entitlements, and even granting that protection from physical attack and a stable system of property rights are necessary in order for persons to develop and act on a plan of life, Sangiovanni's view may nevertheless be criticized on at least two fronts.

First, it is not clear why the provision of specifically those collective goods that are necessary to protect persons from physical attack and to maintain and reproduce a stable system of property rights and entitlements should trigger an imperative to limit social inequalities amongst those who contribute to the provision of these things, but that the mutual provision of other goods should not. That is, for example, Sangiovanni argues that the livelihood of an Italian textile worker may depend more on decisions affecting labour costs taken by the Slovenian government and Slovenian textile manufacturers than on the Italian state, and that although relations such as these are sufficient to trigger some distributive principles between Italians and Slovenians, they do not create an imperative to limit permissible social inequalities between citizens and residents of Slovenia and citizens and residents of Italy in the way that mutually providing for goods that protect persons from physical attack and furnish them a stable system of property rights do. The only explanation Sangiovanni seems to have for this is that without a stable system of property rights and entitlements and protection from physical attack, persons would not be able to develop and act on a plan of life. But this simply begs the question: why should the provision of specifically those collective goods that make it possible for persons to develop and act on a plan of life trigger an imperative to limit the social inequalities amongst those who contribute to the provision of these things? Perhaps what Sangiovanni has in mind here is that since all members of a state contribute to the conditions that make it possible for their fellow

members to respectively develop and act on a plan of life, all contributing members are therefore similarly entitled to develop and act on a plan of life, and that in order for members of a state to develop and act on a plan of life to comparable degrees, social inequalities between them must be limited. The point here is that if this is indeed what Sangiovanni has in mind, he does not make it explicit.

Second, Sangiovanni's view can be criticized for neglecting to spell out why the relational ideal of reciprocity within the state is equality specifically, and not some other distributive principle. That is, it is not clear why fair return for the contributions that citizens and residents of a shared state make to the reproduction and maintenance of the goods necessary for persons to develop and act on a plan of life is an equal return. One might object, for instance, that not all members of the state contribute equally to the provision of the basic collective goods that make it possible for the state to protect its citizens from physical attack or to sustain a stable system of property rights. One could say, for example, that even supposing that all persons pay taxes they pay them unequally, and thereby contribute unequally to the institutions that make protection from physical attack and a stable system of property rights and entitlements possible, and so are entitled to unequal returns for their contributions. Since it would seem that fair return for equal contribution to the provision of collective goods is an equal return, but that fair return for unequal contribution to the provision of collective goods is unequal return, in order for an equal distribution within the state to be justified on the basis of reciprocity, one must be able to show that the contributions that citizens and residents of the state make to the production of these benefits are then equal contributions. This is not to say that such an argument cannot be found, but that, until it is, the claim that distributive equality is owed among persons who share a state on the basis of reciprocity is not complete.

One argument that would effectively supplement Sangiovanni's view is one that puts greater emphasis on the negative contributions citizens and residents of a state make to the provision of the institutions for which the state provides, or even just those institutions that are necessary to protect them from physical attack and to maintain a stable system of property rights. That is, what Sangiovanni does not make explicit is that in order for a state to provide its citizens and residents protection from physical attack and a stable system of property rights it is necessary that the vast majority of citizens and residents within the state refrain from infringing on the property of others and from causing others bodily harm. This is because the dissent of any relatively small portion of the population of a state could undermine the capacity of the state to provide these protections. Moreover, since virtually every member of the state contributes equally to the production of these goods in the specific sense that their contributions are equally necessary to the production of these goods, justice as reciprocity would seem to dictate that each member of the state is entitled to an equal share of the benefits produced by the provision of these goods.

Note that the view that all persons who share a state are necessary to the production of goods for which it provides and thus equally entitled to those goods can arguably be traced to Rawls. Recall that Rawls argues that the principles that should govern political and social institutions are those that are decided in the original position behind the veil of ignorance. Recall also that the purpose of invoking the original position is to ensure that the principles chosen to govern such institutions are such that they would be acceptable to any person subject to them irrespective of his or her particular talents or social or historical circumstance. Said otherwise, this hypothetical thought experiment is meant to reveal a distribution of goods that would be acceptable even to the members of society who are least well off in terms of the talents with which they are endowed or the historical and social

circumstance that they occupy. Since the principles chosen from within the original position are chosen precisely to be acceptable to everyone including the least well off within society, those who actually end up occupying positions of low talent or poor circumstance once the veil of ignorance is lifted will be able to accept these principles as just. But what about those that fare better in terms of talent and circumstance? Why should Rawls expect the principles decided in the original position to be acceptable to, for example, persons who, drawing back the veil of ignorance, are revealed to be quite talented and to occupy positions of relatively rich social and historical circumstance? Someone who occupies a relatively rich social position, for example, might reason that his wealth is the product of his own hard work, and he is therefore entitled to exclusive rights over it. One way of explaining why the better off within society do not have exclusive rights over the goods they enjoy is to attribute to Rawls the view that virtually all the goods—rights and liberties, income and wealth, social bases of self-respect, etc.—produced within a society are the product of the cooperation that various political and social institutions make possible and to which the contributions of virtually all persons are necessary in the sense that the dissent of any relatively small portion of the population could effectively undermine the capacity of that society to provide those goods. Viewed this way, all persons that these institutions constrain mutually and equally cooperate to create the circumstances that the better off within society enjoy, and they are therefore entitled to equal compensation for that contribution.

Sangiovanni's view, so supplemented, does then seem to provide a sound basis for distributive equality at the state level. However, as the next section will show, the scope of distributive equality cannot justifiably be limited to the state as he would like.

Distributive Equality for a Global Basic Structure

A fourth area over which principles of distributive equality might plausibly hold is the area defined by a single global basic structure. Proponents of this view make no appeal to any common legal framework, particular form of political governance, or shared culture to justify demands of distributive equality. On this view, all that is required is that certain institutional frameworks be shared. The basic structure argument is Rawlsian in style, though was never explicitly endorsed by Rawls himself.²⁰⁸

Among the earliest defenders of the basic structure argument is Charles Beitz. Taking Rawls's *A Theory of Justice* as his starting point, Beitz, in his *Political Theory and International Relations*, argues for the global applicability of the two principles Rawls defends in that work for liberal states, namely, equal basic liberty and the difference principle. According to Beitz, the same kind of reasoning to which, he argues, Rawls appeals to justify the applicability of his two principles for the domestic case, should similarly be used to justify their applicability internationally.

Beitz recalls that Rawls describes the “primary subject” of distributive justice to be “the basic structure of society, or more exactly, the way in which the major social institutions [that make up the basic structure] distribute fundamental rights and duties and determine the division of advantages from social cooperation.”²⁰⁹ Beitz thus interprets the two principles that Rawls defends for liberal societies in *A Theory of Justice* to be intended to “determine the fair distribution of the benefits and burdens produced by ‘social cooperation’”²¹⁰ within liberal societies, where social cooperation is, he argues, in Rawls's view, best understood as

²⁰⁸ Abizadeh, “Cooperation, Pervasive impact, and Coercion: On the Scope (Not Site) of Distributive Justice,” 319, footnote 3.

²⁰⁹ Beitz, *Political Theory and International Relations*, 129.

²¹⁰ *Ibid.*, 131.

“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 that social activity did not take place,”²¹¹ such that not all participants of a social scheme to which principles of justice apply must actually cooperate in that scheme, nor be advantaged by their participation.²¹²

Since, on this view, principles of distributive justice govern the distribution of benefits/burdens of social cooperation, the realization of a cooperative scheme is in the first place necessary to give occasion for the application of those principles. After all, Beitz argues, without social cooperation there would be no cooperatively produced benefits or burdens “with respect to which conflicting claims might be pressed,” nor social institutions to which principles could theoretically apply.²¹³ A consequence of this for international justice, is that, if, for example, nation-states are discrete self-sufficient systems of social interaction, such that there is no relevant social interaction between persons situated in different nation-states, then principles of distributive justice must not apply internationally, since there are no cooperatively produced benefits/burdens about which to decide the just distribution, nor any common social institutions to which such principles might apply. Beitz

²¹¹ Ibid.

²¹² For example, Beitz writes, “there is no doubt that the polis of ancient Greece constituted a scheme of social cooperation to which the requirements of justice should apply, yet its slaves were neither willing cooperators in social life, nor were they necessarily advantaged in comparison with what their situation would have been outside their society.” Beitz, *Political Theory and International Relations*, 131. As Valentini notes, to instead require that all parties be mutually advantaged by the cooperation would result in “a conception of justice whereby oppressive relations (which are advantageous for one party only) are in principle beyond justice-based assessment,” which is absurd. Or, as she also makes the point, “Justice applies to cooperative relations in order to make them fair, so fairness cannot be one of its conditions of applicability.” Valentini, *Justice in a Globalized World*, 60.

²¹³ Beitz, *Political Theory and International Relations*, 131.

argues that, on Rawls account, nation-states are presumed to be “more or less” self-sufficient schemes of social cooperation.²¹⁴

However, contrary to the view that Beitz attributes to Rawls, he himself argues that, “the world is not made up of self-sufficient cooperative states.”²¹⁵ He reasons that the assumption that nation-states are self-sufficient “requires that societies have no significant trade or other economic relations,”²¹⁶ but argues that this does not accurately reflect the contemporary international picture, citing the volume of international communications, travel, trade, aid and foreign investments as evidence of significant international interdependence.²¹⁷ Beitz contends that these “complex international economic, political and cultural relationships,” in which states participate, “suggest the existence of a global scheme of social cooperation.”²¹⁸ That is, while acknowledging the continuing importance of states for the world’s political and moral order,²¹⁹ Beitz insists that contemporary international economic interdependence “involves a complex and substantial pattern of social interaction, which produces benefits and burdens that would not exist if national economies were autarkic.”²²⁰ He then argues that because the scope of social cooperation extends globally, so too does the scope of social obligation. That is, parties in Rawls’s original position, who, behind a veil of ignorance, decide the principles of just distribution, must not be conceived to presume to belong to any particular nation-state. Rather, according to Beitz, “the veil of

²¹⁴ Ibid., 133.

²¹⁵ Ibid., 143f.

²¹⁶ Ibid., 133.

²¹⁷ Ibid., 144.

²¹⁸ Ibid.

²¹⁹ Ibid., 8.

²²⁰ Ibid., 149.

ignorance must extend to all matters of national citizenship, and the principles chosen must therefore apply globally.”²²¹

Moreover, Beitz contends that the principles chosen in a global original position will be the same principles that Rawls argues persons would consent to at the domestic level. Again, recall that Rawls’s two principles of justice for liberal societies are decided in the original position behind a veil of ignorance intended to ensure that they are principles to which everyone who cooperates in the basic structure could hypothetically agree. Beitz argues that, “[a]ssuming that Rawls’s arguments for the two principles are successful [at the domestic level], there is no reason to think that the content of the principles would change as a result of enlarging the scope of the original position so that the principles would apply to the world as a whole.”²²²

Note that Beitz’s cooperation-based defence of globalism does not distinguish between forms of social cooperation that produce benefits that *would* not exist if that cooperation did not take place and forms of social cooperation that produce benefits that *could* not exist if the cooperation did not take place. However, only the latter formulation describes a defensible basis for distributive equality as a rule. On the latter formulation, distributive equality is defensible on the basis of reciprocity. The goods produced could not be produced without the cooperation of each participant such that each participant is necessary to the production of those goods. Recall from the discussion of Sangiovanni’s view above that, in such schemes of social cooperation, since each participant is equally necessary to the production of the goods produced, each participant is, by reciprocity, equally entitled to them. Since, however, Beitz’s formulation makes no stipulation that the

²²¹ Ibid., 151

²²² Ibid.

benefits produced through social cooperation could not otherwise obtain, his formulation includes cases of cooperation that produce benefits that could be alternatively produced, through for example, an alternative scheme of social cooperation in which only a fraction of the parties cooperate. In such cases, the respective contributions of some or all parties are not necessary, and may, moreover, be very unequal. It is these cases that the latter formulation excludes, and to which principles of equality do not as a rule apply. Unless it can be shown that there is a global scheme of social cooperation to which the contributions of all parties are necessary, Beitz's cooperation-based argument for global equality will not hold.

In any event, Beitz himself eventually abandons the claim that social cooperation or interaction alone is sufficient to trigger demands of distributive equality, and emphasizes instead the coercive nature of social institutions that comprise the basic structure, and the deeply pervasive effects these institutions can have on the welfare of those subject to them. In defending the view that principles of distributive equality apply within the current global context, he writes, for example, that the institutions that make up the basic structure "stand in need of justification because, by defining the terms of cooperation, they have deep and pervasive effects upon the welfare of people to whom they apply regardless of consent."²²³ Later he claims that "the amount of economic interaction in a cooperative scheme does not provide a straightforward index for the strength of the distributive principle appropriate to it," and that "the existence of a nonvoluntary institutional structure, and its pervasive effects on the welfare of cooperators, seems to provide a better indication of the strength of the appropriate distributive requirements."²²⁴

²²³ Ibid., 166

²²⁴ Ibid., 166f. Beitz also writes that "The basic structure is the primary subject of justice for a number of reasons: most importantly, because it determines the starting points for individual transactions, because it shapes and limits individual desires and aspirations, and because it applies to people without their consent."

This view, the view that it is the coercive nature of the basic structure as well as the profound and pervasive effects it has on the welfare of persons subject to it that specifically grounds claims of distributive equality, is also the view for which Van Parijs argues, except where Beitz focuses predominantly on international economic institutions that “regulate the interaction and collaboration between nations as such or subsets of their populations”²²⁵ as evidence of a global basic structure, Van Parijs instead argues that the most straightforward basis for demands of distributive equality on these grounds, is the existence of national borders because they are *the* international institutions with the most significant impact on people’s welfare and autonomy. That is, while, according to Van Parijs, it is clear that international economic institutions are coercive and have deep and pervasive impact on people’s lives, much less is required than this to trigger demands of distributive justice within the global context. He writes, “The complex system formed by the conjunction of border-crossing rules, some internationally negotiated, most unilaterally imposed, form a highly significant portion of a coercive global basic structure, which applies, be it differentially, to all of us and which strongly constrains, very unequally, where we can travel, settle and work.”²²⁶ And while, he argues, in the past when “communication was so limited or travelling so risky or expensive that few considered moving,” borders laws had little effect on the welfare of persons, this is not the reality of today. Rather, he writes, “in

Beitz, *Political Theory and International Relations*, 201. Again in the afterward to his *Political Theory and International Relations* he argues that Rawls’s two principles of distributive equality are relevant at the global level because “The world contains institutions and practices at various levels of political organization—national, transnational, regional, and global—which apply to people largely without their consent and which have the capacity to influence fundamentally the course of their lives.” Beitz, *Political Theory and International Relations*, 204.

²²⁵ Van Parijs, “International Distributive Justice,” 649.

²²⁶ *Ibid.*, 650.

today's interconnected world, the impact of these coercive laws on people's living conditions is conceivably greater than that of any other aspect of legislation."²²⁷

There is no disputing that national borders are coercive institutions, or that they have profound and pervasive effects on the lives of many who attempt to cross them. Thus, if indeed subjection to a coercive basic institutional structure that has profound and pervasive effects on the lives of those it coerces is sufficient to trigger claims of egalitarian justice to the benefits for which that basic structure provides, then any person who is so coerced by borders has a claim of distributive equality to the benefits that derive from borders. However, it does not appear that the profound and pervasive coercion that persons often experience at border crossings can indeed justify claims of distributive equality, as Van Parijs would like. This is because coercion, whether profoundly pervasive or otherwise, is not only an unnecessary basis for distributive equality, as noted in the discussion of Blake's view, but neither is it a sufficient basis.

To see this, imagine a non-coercive scheme of social cooperation *A*, in which participants contribute very unequally to the production of the benefits for which the scheme provides. Suppose, for instance, that ten percent of the participants contribute to the production of ninety-five percent of the benefits. Imagine also that fully one hundred percent of the benefits could be alternatively produced through a cooperative scheme *B*, comprised of just this ten percent, and that there is nothing to prevent *B* from forming as an alternative to *A*. Justice as reciprocity dictates that persons receive fair return for their contribution to the production of collective benefits. Since the contributions of ten percent of *A*'s participants produce ninety-five percent of the benefits it provides, and the additional contributions of the remaining ninety percent produce only five percent of the benefits, and

²²⁷ Ibid.

since the ten percent could enjoy these same benefits without the cooperation of this ninety percent such that the ninety percent are not necessary to their production, from the perspective of justice as reciprocity, it would seem unfair to distribute goods equally among all participants of *A*. To distribute goods equally among members of *A* would be to overcompensate the ninety percent for their contribution and, more to the point, to undercompensate the ten percent for theirs. Yet, if coercion is sufficient to justify distributive equality, then this otherwise unjust equal distribution can be made just simply by making *A* coercive.

But this cannot be right. To distribute goods equally among participants of *A* is unjust from the perspective of justice as reciprocity because it does not fairly compensate the ten percent for their contribution to the benefits for which *A* provides, and coercion does not mitigate that exploitation. Indeed, not only does coercion not mitigate the exploitation of the ten percent, it constitutes a further injustice against them. This is because, as David Gauthier argues, a legitimizing criterion of any scheme of social cooperation to which persons do not explicitly consent is that all parties be able to willingly consent to the terms that define it. This effectively means that the scheme must render the situation of all parties improved relative to what they would otherwise be, since no party can be expected to willingly consent to the terms of a cooperative scheme from which it does not ultimately benefit. Yet the ten percent in *A* cannot be expected to willingly consent to participate in *A* for shares of benefits equal to that which all other members receive, since doing so would not render their situation improved relative to what it would otherwise be, that is, relative to what it would be were they to instead forego participation in *A* and form cooperative *B* just among themselves. This is because each member of the ten percent would be necessary to the production of benefits produced in *B*, and would be, by reciprocity therefore entitled to an equal distributive share

of the benefits produced in *B*. Moreover, since an equal share of the benefits produced in *B*—the same benefits as those that are produced in *A*—distributed just among the ten percent, is far greater than an equal share of the same benefits distributed among ten percent together with the other ninety percent that make up *A*, it would not render the situation of any of the ten percent improved to consent to *A* instead of *B*. Coercion then does not seem a sufficient basis on which to ground duties of distributive equality. At best it would seem that introducing coercion to the example only increases the urgency of getting the distribution right.

Of course, that coerced social cooperation is not a sufficient basis for distributive equality says nothing of whether coerced social cooperation that has profound and pervasive effects on the welfare of participants in the scheme is sufficient to justify duties of distributive equality. Kok-Chor Tan presents an argument in defence of global egalitarian justice in *Justice, Institutions, and Luck* that indexes the triggering condition of equality to the profound and pervasive effects of social cooperation. He writes that the fact that “institutional arrangements can influence or *affect* the interests of persons pervasively and profoundly by shaping their life prospects among various dimensions...is a sufficient condition for concerns of [egalitarian] distributive justice to arise.”²²⁸ Tan argues that evidence of a global institutional structure with the requisite profound and pervasive impact on persons’ life prospects can be seen in the “global market and its trade rules (e.g. patent laws, free trade laws) that restrict opportunities for people within many of their own societies as well as outside,”²²⁹ “socio-political rules and regulations such as borders and immigration

²²⁸ Kok-Chor Tan. *Justice, Institutions, and Luck* (Oxford: Oxford University Press, 2012), 158.

²²⁹ *Ibid.*, 155.

restrictions that limit people's natural mobility,"²³⁰ "international legal and political terms that turn the natural territorial distribution of the earth's resources into actual enforceable property holdings, or entitlements of governments of states within whose borders these resources happen to be located,"²³¹ and "other forms of global practices and norms and arrangements, including a world legal order that allows decisions to be made solely in one region of the world or in a single country without justification to outsiders, even though these decisions could have some spill-over impact on the life opportunities in another region or other countries."²³²

However, to see that even social cooperation with profound and pervasive influence on persons' lives cannot trigger equality, consider again non-coercive scheme *A*. If social cooperation that had profound and pervasive effects on participants were sufficient to trigger demands of distributive equality, then stipulating that *A* has profound and pervasive effects on its members would render an equal distribution in *A* just. But, this cannot be right for the same reason making *A* coercive could not render an equal distribution in *A* just, namely that stipulating that *A* has profound and pervasive effects on the welfare of participants does nothing to mitigate the exploitation that the ten percent would experience under this distribution. Indeed, if the exploitation to which the ten percent are subjected in *A* has profound and pervasive effects on their welfare, then this too introduces a new imperative to ensure that the distribution is fair, since profound and pervasive exploitation would seem all the more urgent to eradicate than exploitation less profound and pervasive. Further, since the exploitation of the ten percent cannot be eliminated either by making *A* coercive, for the reasons discussed in the previous paragraph, even social cooperation that has profound and

²³⁰ Ibid., 154.

²³¹ Ibid., 154f.

²³² Ibid., 155.

pervasive effects on the welfare of participants and that is, moreover, coerced, is not sufficient to justify an equal distribution of the benefits for which their cooperation provides.

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Owing to the fact that neither coercion nor profound and pervasive impact is sufficient to trigger demands of distributive equality, institutions like borders cannot on account of their coercive and/or profound and pervasive nature justify claims of global distributive equality despite Van Parijs' claim to the contrary. However, borders constitute a sufficient basis upon which to ground claims of global equality for other reasons. Recall again from the discussion of Sangiovanni's view that reciprocity dictates that a just distribution of the benefits produced through social cooperation to which all cooperative parties are equally necessary is an equal distribution. Their coercive nature and often profound and pervasive effects aside, the global system of borders constitutes just such a scheme of social cooperation, and on a global scale.

²³³ Some authors who endorse the view that subjection to a coercive basic institutional structure that has profound and pervasive effects on the lives of those it coerces is sufficient to trigger claims of egalitarian justice among members of a state, and who acknowledge the existence of a global basic structure characterized by profoundly pervasive coercion, also object to extending distributive equality globally on these grounds. Valentini for example argues that while "the international arena is a rule-governed, closed social system with a deep and pervasive impact on people's lives is indisputable," it is, she remarks "*only partly* like the domestic one." With respect to the global basic structure formed by global economic interaction to which Beitz refers, she writes, "even though people's lives are increasingly affected by decisions made outside their borders, and even if a body of rule-governing global markets, labour and finance is growing, the activities regulated by these institutions do not fully coincide with those regulated by the domestic basic structure." Indeed, she continues, "So long as we do not live in a global state, the empirical claim that domestic and global basic structures are 'exactly the same' lacks even *prima facie* plausibility." In light of the fact that the global basic structure so characterized—that is, by profound and pervasive coercion—will, absent a global state, only ever be like the domestic one, Valentini argues that it is not a sufficient basis upon which to conclude that the principles triggered by a global basic structure will be identical to those triggered in the domestic case. Put otherwise, Valentini argues that "the mere fact that [practices] are rule governed and have deep and pervasive impact on people's lives does not settle the question of what principles should govern them." Valentini proposes that, in light of the fact that the "global basic structure is only partly like the domestic one," it is best to put...arguments in favour of the global extension of liberal egalitarian (Rawls-like) principles of justice to one side...and opt for a more moderate version of the cosmopolitan view." Valentini, *Justice in a Globalized World*, 64f.

To see this, consider that borders regulate the movement of persons between nations, and in so doing protect a wide variety of domestic institutions from becoming overburdened by the mere migration of so much as one percent of the global population. As such, they thus make possible a wide variety of institutional goods at the domestic level, which, by their very nature as institutional goods, could not otherwise obtain, that is, without the domestic social cooperation that borders' protect. Moreover, the cooperation of virtually everyone is necessary in order to ensure that borders operate effectively. This is because any such small minority of the global population is sufficient to overburden and hence undermine borders themselves. That is, were any small minority of the global population to choose to migrate across the border of any country in the world, it is hard to think there is much that country could do to keep them out.

Of course not every person in the world is in a position to cross the border of *any* country in the world. Nevertheless, every country is vulnerable to the migration of *some* such small minority. Further, the recognition of the legitimacy of any one country's border by any small minority capable of transgressing it depends upon a *global* recognition of the legitimacy of borders. This is because disregard for the legitimacy of any one country's border weakens the legitimacy of borders as such, and thus other countries' borders, and because, although not everyone is capable of crossing the border of just any country, everyone is however capable of crossing the border of some country, of being part of some small minority capable of undermining it. Because the effectiveness of any one country's border depends on a global recognition of the legitimacy of borders, that is because the participation of virtually everyone is necessary to keep borders tight, borders thus constitute a form of global social cooperation that makes possible a variety of institutional goods to which all parties are equally necessary. By reciprocity, all persons are therefore equally

entitled to those goods.

On this understanding, rich countries have duties of distributive equality on the basis of justice as reciprocity toward any citizen of a poor country who is willing to migrate but to whom they refuse access. The domain of justification for borders is, then, broader than Van Parijs for example suggests when he says that “No more is needed...than for human beings to knock on our nation’s door, if we do not let them in, for us to agree that we owe them a justification they can accept.”²³⁴ Since the benefits that borders provide would not be possible without the participation of everyone, they must therefore be equally justifiable to everyone, whether one is among the relative few who actually attempt to cross our state borders, or the billions of others who, owing to the current global distribution of goods, cannot afford to try.

* * *

In this chapter I aimed to show that there are grounds for distributive equality on a global scale. I first distinguished two kinds of arguments for equality: relational and non-relational. I argued that although non-relational arguments are the most direct route to establishing equality on a global scale, the normative pull of such arguments derives from the intuitiveness of the claim that no one should suffer fewer than equal prospects due to unchosen circumstances, which, however, on further reflection is seen to have counterintuitive implications. I therefore concluded that non-relational arguments for equality are not compelling and, setting such arguments aside, aimed instead to justify global equality on relational grounds.

²³⁴ Van Parijs, “International Distributive Justice,” 650.

I then considered three possible domestic domains to which the principle of distributive equality might plausibly be limited, namely, the nation, the democratic state, and the modern state, and rejected the arguments in support of each of these in turn. Briefly, I considered whether distributive equality could defensibly be limited to nations of people that share a culture and mutually identify. I argued that this view is ultimately objectionable for privileging sentiment, engendered through a history of nation-building over rational argument which ought to be the basis of distributive equality. I further defended this view against critics who argue that to distribute goods beyond the nation would undermine the political autonomy of nations and would not in any case be possible since what count as goods is largely culturally determined. I argued that if it can be shown that distributive equality is defensible on a global scale, then undermining the ability of nations with more than their equal share to use those goods as they may have otherwise liked, thus undermining their political autonomy, is not a reason to deny poorer nations the distribution that they are owed, and that global equality of access to advantage requires only minimal shared understanding about goods.

I next considered whether distributive equality could defensibly be limited to democratic states that enforce laws in the names of their members on grounds that equality is a legitimizing criterion of such coercion. I argued this relationship of will to authoritative power similarly obtains between global governing bodies and persons subject to their rules, and cannot therefore justify limiting distributive equality to the domestic sphere only. I argued moreover that it is objectionable that only those in whose name state coercion is exercised have standing to ask why they should accept that coercion since it implies that states exempt themselves from demands of equality and justice more generally by denying

those whom it coerces any standing as putative authors of that coercion and that this is perverse.

Next I considered whether distributive equality could defensibly be limited to states in general on grounds that equality legitimizes the coercion that states exercise over their citizens in domains of private law and taxation and that no such coercion obtains globally. I argued that coercion is not necessary to justify demands of distributive equality and hence cannot justify limiting distributive equality to the domestic sphere only. Specifically, I argued that demands of distributive equality are justified where there is uncoerced social cooperation that gives rise to the production of collective goods and in which cooperators contribute equally to the production of those goods on the basis of reciprocity. Later I showed that coercion is not only not necessary to trigger demands of distributive equality but that it is moreover insufficient.

I then considered whether distributive equality could justifiably be limited to states on grounds of reciprocity for the mutual provision of the state legal system necessary for members to develop and act on a plan of life, but must not extend globally since people living in different states do not contribute to the production of these goods. I argued that reciprocity can indeed trigger duties of distributive equality among members of a state, but then proceeded to show that the claim that distributive equality holds only within the state is ultimately indefensible.

To show this, I considered the question of whether distributive equality is justifiable among persons who share a single basic global institutional structure. First I considered whether distributive equality is defensible among persons who share a basic institutional structure through which they cooperate to produce benefits that would not otherwise obtain. I argued that social cooperation is not in itself a sound basis for distributive equality as a rule

since members of that cooperative may contribute very unequally to the production of those benefits. Next I considered whether distributive equality is defensible among persons who share a basic institutional structure by which they are coerced in ways that have profound and pervasive effects on their lives. I argued that this is not a sound basis for distributive equality since neither coercion nor having profound and pervasive effects would not render an equal distribution of goods produced through cooperation to which person contribute very unequally, just.

Finally, I argued that while a global basic structure characterized by social cooperation as such or by coercion and/or by its having profound and pervasive consequence is insufficient to trigger demands of global equality, a global basic institutional structure in which the participation of all persons is necessary to the production of benefits for which it provides, is however a sound basis for equality. Moreover I argued that the global system of national borders constitutes a global basic structure of precisely this kind, and so justifies the equal global distribution of the many institutional goods for which it provides.

For the reasons presented in chapter one, I propose that this equal distribution be interpreted to require that all persons have equal access to advantage as it was there described. The next and final chapter of this thesis aims to motivate action in pursuit of this global ideal.

Chapter 3: Motivating Global Equality

An important distinction in political philosophy since Rawls has been the distinction between ideal and non-ideal theory. The aim of ideal theory is to formulate principles for the governance of society under conditions of strict compliance. Its aim is to present “a conception of a just society that we are to achieve if we can. Existing institutions are to be judged in light of this [i.e. the ideal] conception and held to be just or unjust to the extent that they depart from it without sufficient reason.”²³⁵ Everything that has been said so far falls squarely within the purview of ideal theory. Non-ideal theory, by contrast, articulates lower-level principles, precepts and rules necessary to guide decision-making in the non-ideal circumstances of partial compliance that characterize the world human beings inhabit, that are ultimately justifiable in light of the principles and ideals identified by ideal theory. As Rawls writes, “[n]on-ideal theory asks how this long-term goal [i.e. the ideal] might be achieved, or worked toward, usually in gradual steps. It looks for a course of action that is morally permissible and politically possible as well as likely to be effective.”²³⁶

While it is decisively not the task of ideal theory, but rather the task of non-ideal theory, to devise principles to guide action here and now, ideals are action-guiding insofar as they are standards against which existing institutions and practices are ultimately judged. And, they are criticized in various ways for failing to be appropriately action-guiding in this indirect sense. For example, following Rawls, it is commonly held that any worthy

²³⁵ Rawls. *A Theory of Justice*, 216, quoted in John Simmons, “Ideal and Nonideal Theory,” *Philosophy & Public Affairs* 38, no 1 (2010): 7. One of the debates in contemporary discussions on global justice is between theorists who tend to argue for ideal theory and theorists who think we should focus instead on non-ideal theory. For an insightful discussion of this debate see Lea Ypi, *Global Justice and Avant-Garde Political Agency* (Oxford: Oxford University Press, 2012): 45-56.

²³⁶ John Rawls quoted in Simmons, “Ideal and Nonideal Theory,” 7; John Rawls. *The Law of Peoples* (Cambridge: Harvard University Press, 1971), 89.

distributive ideal should respect certain natural and social facts about persons,²³⁷ in particular, it should respect the limits set by human psychology and by facts of institutions and how human beings can live under them.²³⁸ As Simmons, quoting Rawls, writes, “a conception of justice that ‘is unlikely to generate its own support, or lacks stability’ will for that reason be unacceptable—and will certainly be inferior to competing conceptions whose requirements on social institutions can, in light of the basic principles of moral psychology, predictably generate widespread and multigenerational support for compliance with those conceptions.”²³⁹ Thus, if it is determined that ideals must be feasible in this relevant sense, then the credibility of the ideal of global equality of access to advantage defended over the course of the first two chapters will depend on its being able to meet this condition.

I accept that the point of a theory of justice is to provide a conceptual framework from within which to criticize agents and practices when they do not conform to it. Since it makes little sense to criticize agents or their practices for not conforming to an ideal to which they simply cannot conform in light of the particular kind of creatures that they are, I also accept that ideals should respect the ought-implies-can proviso: if given our best understanding of human nature and its operation under various institutional arrangements, an ideal is simply not realizable, then it is a poor ideal.²⁴⁰ I do not think however that the ideal of global equality of access to advantage can be dismissed on the basis of its failing to satisfy this condition.

²³⁷ One notable alternative view is that of G.A. Cohen, who argues that justice is a fundamental value whose meaning must be independent of any natural and social facts. See G.A. Cohen “Facts and Principles.” *Philosophy and Public Affairs*, 31 no. 3 (2003), and G.A. Cohen, *Rescuing Justice and Equality* (Cambridge: Harvard University Press, 2008). For an extended discussion of the distinction between Rawlsian approach to justice and Cohen’s see Valentini, *Justice in a Globalized World*, 24-32.

²³⁸ Simmons, “Ideal and Nonideal Theory,” 7.

²³⁹ *Ibid.*, 9.

²⁴⁰ Some authors endorse the ultimately realizability constraint without spelling out precisely why. See for example, Gilabert, *Global Poverty to Global Equality*, 118. Gilabert describes the constraints as “obviously reasonable.”

This is because the claim that this ideal asks more than human beings are, given their very nature, capable, is unsubstantiated. Recall from chapter one precisely what this ideal asks. It requires that persons have access to just the resources necessary for worldly autonomy, which include the resources necessary to ensure access to being nourished, being sheltered, being mobile, escaping early mortality, avoiding escapable morbidity, being meaningfully employed, etc., and the resources necessary to ensure access to comparably satisfying lives. Recall moreover that, while this may require that income inequality be kept low at the country level, since research shows that such domestic income inequality can undermine persons' access to many of the doings and beings necessary for worldly autonomy, like, for example, health and life expectancy, how individual income levels compare globally seems unimportant to securing access to these things.²⁴¹ So global equality of access to advantage asks less in terms of redistribution than other conceptions of global equality, like for example, global equality of resources. But while global equality of access to advantage asks less than some other conceptions of global equality, exactly what would be required to realize it fully is not clear. It is not clear, for example, precisely what institutions will be necessary to its full realization, what the total cost would be, etc. Without this information, it is not possible to confirm that its full realizability is something of which

²⁴¹ One might here object that if global income inequality is not kept low, citizens of poor countries with skills necessary to secure access to doings and beings related to health and life expectancy for persons within those countries will want to immigrate to richer countries where their skills can be more richly rewarded, thereby problematizing access to such doings and beings for persons in their home countries. Note however that the ideal of global equality of access to advantage does not require that any such person's preference to immigrate to enjoy a richer life outside one's home country be satisfied. Again, the welfare component of equality of access to advantage requires only that persons have access to preference satisfaction comparable to others. It does not require that they have access to maximum preference satisfaction, nor the satisfaction of their first-best preferences should the preference to immigrate to a richer country be of this kind. This means that policies that, for example, make it mandatory for skilled persons to commit some period of time working in their field in their home country are not objectionable from the perspective of securing persons' access to equal preference satisfaction since there is no reason to think that this cannot be alternatively secured. Moreover, while such policies will clearly restrict the exercise of autonomy of such persons, this does not pose a problem for securing global equality of access to advantage since this ideal requires only that persons have access to the basic threshold level of autonomy that worldly autonomy describes.

human beings are ultimately capable. It is not possible to say, for example, whether human beings are now or ever could be capable of the sympathies and attachments necessary to sustain it. Yet just as it is not possible to confirm that this global ideal is fully realizable, it is similarly impossible to validate claims that it is not. Without a clear picture of precisely what is needed to fully realize it, and without being able to say with any certainty what the limits of human psychology really are, the charge that global equality of access to advantage is not feasible in the relevant sense is thus without grounds. Indeed, the same can be said of any of the prevailing conceptions of equality extended globally.

Crucially, however, despite not having a clear picture of precisely the institutional arrangements under which globalism would be possible, principles of global distributive equality can, as Valentini remarks, “still make sense as a standard against which to assess feasible [i.e. immediately realizable] alternative social arrangements.”²⁴² Thus, until such time as global equality is shown to be an impossible and hence unworthy distributive ideal in light of the particular kind of creatures that human beings are, strong cosmopolitans can, Valentini continues, “simply limit themselves to judging which one set of feasible reforms to the current world structure would best approximate such an ideal, and criticize the *status quo* as unjust by reference to that feasible alternative.”²⁴³ However, Valentini also writes that it would “of course...be desirable if [strong] cosmopolitans said more about the sorts of institutional reforms that would allow us to bring the world closer to that ideal,”²⁴⁴ and

²⁴² Valentini, *Justice in a Globalized World*, 42.

²⁴³ Ibid., 40.

²⁴⁴ Ibid.

characterizes the relative silence on the matter within cosmopolitan literature as regrettable.²⁴⁵

But in addition to concerns about ultimate realizability, some authors further insist that ideals, to be worthy, must satisfy a second condition of feasibility, namely, immediate realizability. The claim here is that unless an ideal is fully realizable in the immediate term, then it is a poor guide for action. Richard Rorty seems to advocate for something like this view. Appreciating the wealth inequality that currently divides the global rich and the global poor to be immense, he argues that the redistribution for which global equality calls is simply too great to ask the rich countries of the world, who would inevitably be expected to absorb the cost of redistribution, to bear. Regarding the requisite scale of redistribution, he writes that, “No one has written a scenario which shows how the people in the lucky industrialized democracies might distribute their wealth in ways which create bright prospects for the children of the undeveloped countries without destroying the prospects of their own children and of their own societies.”²⁴⁶ He argues that a redistribution of wealth sufficient to offset the inequality in ‘life chances’ between the global rich and the global poor would be so great that the rich parts of the world would no longer be able to recognize themselves or think their lives worth living. He likens the position of the rich countries of the world to that of someone “proposing to share her one loaf of bread with a hundred starving people.”²⁴⁷ Rorty argues that, “Even if she does share, everybody, including herself will starve anyway.”²⁴⁸ On the

²⁴⁵ Ibid. Hassoun similarly remarks that there is a “neglected gap between high level philosophical argument and empirical examination of institutional arrangements” and that there is a “pressing need for reflection on practical ways of fulfilling obligations to the poor.” Hassoun, *Globalization and Global Justice: Shrinking Distance, Expanding Obligations*, 14.

²⁴⁶ Richard Rorty, “Who Are We?: Moral Universalism and Economic Triage.” *Diogenes* 44, no. 173 (1996): 10.

²⁴⁷ Ibid.

²⁴⁸ Ibid.

basis of this infeasibility, Rorty discourages the global rich from thinking of the global poor as part of their moral community, as persons to whom they have obligations of global redistribution.²⁴⁹

Clearly, immediate realizability is an unreasonably conservative standard to which to hold ideals of justice. Again, ideals of justice are meant to be standards against which to judge existing agents and practices. To insist that they be realizable in the immediate term would be simply to acritically defend them. It is, however, again worth repeating that while what would be necessary to fully realize global equality of access to advantage is unknown, the ideal itself is not so demanding as some other conceptions of global equality. Less demanding still is the ideal interpreted for practice. Recall from chapter one that, owing to competing considerations such as the concerns for privacy, the full realization of global equality of access to advantage is undesirable. There it was argued that global equality of access to advantage should instead be pursued to the extent to that persons everywhere have equal access to the various beings and doings that are necessary for worldly autonomy and that it is reasonable to think would be globally collectively preferred. But just as it is not clear precisely what institutional arrangements will be necessary to realize global equality fully, neither is it clear precisely what would be required to realize it to this lesser extent. And it may well be, as Rorty suggests, too costly to realize in the immediate term. Again, however, this does not mean it is not the right ideal at which to be aiming.²⁵⁰

²⁴⁹ He writes: “The point is that a politically feasible project of egalitarian redistribution of wealth, requires there to be enough money around to insure that, after the redistribution, the rich will still be able to recognize themselves—will think of their lives worth living. The only way in which the rich can think of themselves as part of the same moral community with the poor is by reference to some scenario which gives hope to the children of the poor without depriving their own children of hope.” Ibid., 15

²⁵⁰ It is worth mentioning here that the claim that ideals need not be realizable in the immediate term is entirely consistent with the so-called practice dependent approach to justice. Proponents of practice-dependent conceptions of justice hold that principles of justice cannot be formulated independent of the practices that they are meant to regulate. Sangiovanni puts the practice-dependent thesis thus: “The content, scope, and

There is, however, a final charge that has been made against global equality generally that targets its capacity to guide action and that may be taken to detract from its worthiness as a distributive ideal. Some critics argue that global equality is so lofty a distributive ideal as to be motivationally idle in the present term. As David Miller, for example, writes, “making equality our aim at the global level would push justice so far out of reach that most people would abandon the effort to achieve it.”²⁵¹ Indeed, if the normative defensibility of an ideal depends upon it being able to motivate most people to act in its pursuit in the immediate term, then global equality would seem an indefensible distributive ideal.²⁵²

But the normative value of an ideal must not depend upon its being motivating in the immediate term. First note that, although an ideal may be so demanding as to be motivationally inert in light of persons’ current habits and convictions, this says nothing whatever of whether human beings are ultimately capable of developing the sentiments and

justification of a conception of justice depends on the structure and form of the practices that the conception is intended to govern.” (Sangiovanni, “Justice and the Priority of Politics to Morality,” 2.) However, that principles cannot be formulated independent of the practices they regulate should not be taken to imply that they should be capable of being fully implemented in the immediate term. This is because existing practices/institutions can give rise to principles whose full implementation requires the creation of new institutions. Indeed, as Miriam Ronzini argues, not only may shared institutions trigger demands of justice whose realization will require the creation of new institutions, but informal interaction of an appropriate kind may trigger demands of justice whose realization requires the creation of shared institutions where currently none are shared: “interaction of the relevant kind raises problems of background justice, and these in turn trigger the obligation to establish an appropriate basic structure when this is not yet in place.” (Miriam Ronzoni, “The Global Order: A Case of Background Injustice? A Practice-Dependent Account” (*Philosophy and Public Affairs* 37, no. 3 (2009): 230.) More specifically, she argues that “it is perfectly coherent, for a practice-dependent approach, to recommend the establishment of new practices under certain circumstances, namely when this is the only way of preserving the justice of other, already existing ones.” (Ronzoni, “The Global Order: A Case of Background Injustice? A Practice-Dependent Account.” 231.) For further discussion of practice-dependent versus practice-independent approaches to justice see Andrea Sangiovanni, “How Practices Matter.” *Journal of Political Philosophy*, forthcoming. For further argument against the claim the such principles must be feasible in the sense of immediately realizable see Amartya Sen, “Elements of Theory of Human Rights,” *Philosophy and Public Affairs* 32 (2004): 315-56, and Gilabert, *From Global Poverty to Global Equality*, 114.

²⁵¹ David Miller, “Against Global Egalitarianism,” *The Journal of Ethics*, 9 (2005).

²⁵² Note that just because an ideal is very demanding, this does not necessarily mean that it cannot be motivating. Rather, so long as the ideal is normatively defensible such that persons have reasons to pursue it, and that they know of *something* they can do in the immediate term to help bring it about, then it is at least possible that persons will be motivated to do it. I thus understand Miller’s claim to be that while it is conceivable that persons could be motivated by the very demanding ideal of global equality, the fact that it is so very demanding is, nevertheless, a reason most people will not.

attachments necessary to sustain the institutional arrangements required for its realization. So, even if global equality of access to advantage does not motivate persons to act in its pursuit in the present term, this would not undermine the feasibility condition first discussed. Second, to require that any ideal of justice worth pursuing must be capable of motivating persons in the immediate term would—like the condition of immediate realizability—push justice dangerously in favour of the *status quo*. Thus, whether or not the ideal of global equality here argued for is motivating, says nothing of whether it is the right ideal at which to be aiming.

But while the capacity of an ideal to motivate persons to act in its pursuit does not determine its normative worth, having defended global equality of access to advantage as the right distributive ideal, it is desirable that persons be moved to pursue the institutional reforms and global redistribution it supports. Indeed, if there is to be any hope of ever achieving it, it is crucial that they are. Moreover, although persons may not be motivated to pursue global equality itself, it is however plausible that they will be motivated to pursue global redistribution and institutional reforms conducive to its realization nevertheless. That is, with Miller's concern about the motivational inertness of global equality in mind, I aim to show in this chapter that, even if the ideal of global equality alone is unable to motivate most people to act in its pursuit, there are however alternative grounds for immediately feasible global reforms and redistributions that will likely have greater motivational purchase on most people's sensibilities than distributive justice conceived to require global equality, and that making these reforms and redistributions would not only be desirable from the perspective of the alternative grounds that explain them, but would have the further happy result of bringing the world closer to this global distributive ideal. Indeed, once having made these reforms and

redistributions, it is plausible the ideal of global equality may be sufficiently within reach as to be motivating for most people in itself.

This chapter presents six such arguments for global redistribution and/or institutional reform. These include, in the following order, (i) an argument from reparative justice for the redistribution of wealth from rich former colonial powers to their poor former colonies as compensation for the harms former colonial powers inflicted upon their former colonies during the colonial past and for colonialism's residual harms; (ii) an argument from reparative justice for compensating poor developing countries that have been unjustly constrained by membership in the WTO, and which support introducing temporary reforms to that institution that would better foster economic development in these countries; (iii) an argument from reparative justice for the redistribution of wealth from the global rich to the global poor as compensation for the failure of the Western-led International Monetary Fund and the World Bank to satisfy demands of cooperative justice toward member countries in the developing world; (iv) an argument from cooperative justice for making reforms to global cooperative institutions including the WTO, IMF and World Bank to ensure that the benefits they provide are more fairly distributed among their member countries in the future; (v) an appeal to basic human rights to support a redistribution of wealth from the global rich to the global poor to provide for bare subsistence; and, finally, (vi) an argument from self-interest to support making each of the aforementioned redistributions and reforms, and for investing in the development of poor countries' economies generally.

While providing alternative and hopefully motivating grounds for global redistribution and institutional reforms that would bring the world closer to the conception of distributive equality defended over the course of the two preceding chapters is the direct contribution of the current chapter, it is worth noting that it indirectly manages to do

something else as well. Specifically, while each of the reforms to the global institutional arrangement argued for here is deliberately defended on grounds alternative to distributive justice, they are also, equally deliberately, reforms that would improve access to advantage for the global poor. They are thus reforms that are defensible on the basis of distributive justice. As such, the present chapter provides commentary on the kinds of institutional reforms that would bring the world closer to the ideal of global equality that Valentini describes as regrettably lacking within cosmopolitan literature. This indirect achievement of the present chapter may be alternatively expressed in terms of ideal and non-ideal theory. The present chapter is an exercise in non-ideal theory corresponding to the ideal theory set out in the first two chapters.

Redistribution as Reparation for Colonialism

Among the most compelling and I think motivating grounds to justify actions conducive to improving access to advantage for the global poor are those of reparative justice. That is, it is widely held that justice requires that rich northern countries pay compensation to poor southern countries in order to correct for the harms inflicted on the South by the North during the colonial past.

The reasoning invoked to defend the claim that rich countries have a duty to compensate poor countries for the past harms of colonialism is that common moral intuition dictates that persons have a negative duty not to cause harm to others. As Mill, who famously formalized this intuition as the ‘harm principle’ writes: “the only purpose for which power can be rightfully exercised over any members of a civilized community, against his

will, is to prevent harm to others.”²⁵³ In accordance with this principle, any party to whom harm is done thereby acquires the right to demand reparations for that harm, and any party who causes harm thereby acquires a duty to make repairs for that harm.

Among the harms that former colonial powers have inflicted upon their former colonies are (i) the exploitation of colonized peoples for foreign profit in a fashion that is often argued to have disrupted local economic development and prevented industrialization, including the extraction by force of both human and natural resources from former colonies; (ii) the denial of formally colonized peoples access to benefits that rich former colonial powers continue to derive from the institutions and stable and efficient economies that the wealth generated from these illegitimately acquired human and natural resources enabled them to create, including the benefits provided by those institutions themselves as well the benefit of a superior position in the global economy relative to their former colonies, who, deprived of these resources are unable to employ them to generate similar benefits; (iii) the violation of colonized peoples’ right to self-determination, which was done through the direct takeover of local political organizations and practices by colonial rulers; and (iv) the degradation of local cultures which instilled in colonized peoples a sense of cultural inferiority relative to their colonial rulers.²⁵⁴ Because former colonial powers inflicted these harms upon their former colonies without their consent, former colonies therefore have a right of reparative justice to demand repairs for these transgressions, and former colonial powers have a duty to make such repairs.

²⁵³ John Stewart Mill, *On Liberty* (Indianapolis: Hackett Publishing Company, 1978): 9.

²⁵⁴ Tan discusses i, ii, and iv in Kok-Chor Tan, “Colonialism, Reparations, and Global Justice,” in *Reparations: Interdisciplinary Inquiries*, ed. Jon Miller and Rahul Kumar (Oxford: Oxford University Press, 2007), 281f.

Note moreover that poor developing countries are entitled to compensation from rich developed countries for harms of colonialism irrespective of whether these developing countries are better off economically speaking as a result of colonialism than they would be had colonialism never occurred. That is, some argue that colonialism improved the material and economic conditions of colonial peoples, and that because colonialism generated more good than harm it ought not be seen as an injustice on the whole. However, there are several problems with this objection. First, recall that colonialism was an injustice for both economic and non-economic reasons. Again, in addition to imposing an economic order on colonized peoples, colonialism undermined colonies' national autonomy and instilled a sense of cultural inferiority in colonized peoples. Thus, the claim that colonialism was not unjust because it produced more good than harm, underestimates the varieties of harms colonialism involved. Second, 'improved' is a culturally relative term. Some of the changes in material and economic condition that former colonies experienced as a result of the colonial past that are considered to be improvements by Western standards, could be felt as irrelevant or even backwards by local communities that were imposed upon. Third, as Tan notes, to impose an economic order on another people is a wrong in itself such that, with respect to just economic considerations, even if it is true that colonialism improved the material and economic conditions of colonized peoples relative to what they would otherwise be, to conclude on this basis that former colonies have no claims for reparations against their former colonial powers for this imposition, is to base claims of reparative justice on purely consequentialist reasoning. That is, this argument overlooks the fact that the imposition of an economic order on an independent people is an injustice in itself, quite apart from its material and economic consequences. As Tan writes, "If colonized peoples indeed had good reasons to oppose their colonization, that they (possibly) gained in other ways from it does not mitigate the

wrongness of it.”²⁵⁵ Thus, the claim that colonialism was not unjust because it produced more economic and material good than harm not only underestimates the varieties of harm colonialism involved and invokes a specifically Western understanding of economic improvement, it moreover too narrowly construes justice as purely a function of consequences.

There is, however, a more basic problem with this consequentialist argument, and that is that it appeals to reasoning that involves counterfactuals. That is, although the claim that formally colonized countries are better off now by Western standards than they had been pre-colonization is generally uncontroversial, the claim that they are better off than they otherwise would have been had colonialism never occurred, is not. That is, although one can confidently assert that former colonies do better economically and materially nowadays than they did prior to colonial invasion, one cannot know with any reliable degree of certainty that they do better than they otherwise would be doing had they never been colonized in the first place. As Leif Wenar argues, among the various epistemological problems with introducing counterfactuals into reasoning about reparations for past harms are, the “unknowability of free decisions in other possible worlds, the ripple effect of any unjust intervention on market process, whether a language that an imperialist destroyed would have died out in any case, and so on.”²⁵⁶ Because colonialism cannot be reliably established to have done more harm than good, arguments that make counterfactual claims such as these cannot play a “decisive role in deliberations about reparative justice.”²⁵⁷

Yet, if harms perpetrated during colonialism are recognized to have been unjust for reasons independent of the economic and material consequences to which it ultimately gave

²⁵⁵ Ibid., 282.

²⁵⁶ Leif Wenar, “Reparations for the Future,” *Journal of Social and Political Philosophy* 37, no. 3 (2006): 399.

²⁵⁷ Tan, “Colonialism, Reparations, and Global Justice,” 296.

rise, then grounds for reparations for colonialism can be established without invoking counterfactuals. For example, that colonialism undermined colonial peoples' national autonomy and the fact that it economically exploited them and undermined their cultural identities, is sufficient to warrant reparations, irrespective of whether former colonies are on the whole better or worse off than they would be if, counterfactually, colonialism had never occurred. Neither is an appeal to counterfactuals necessary to establish that rich former colonial powers have a duty to compensate poor former colonies for the benefits they continue to derive from the institutions and stable and efficient economics they created with wealth generated from the exploitation of their former colonies. That is, it is well known that this was the means by which former colonies financed the development of their advanced industrial economies, and that these resources are not now available to former colonies to be used to generate profits for similar use, and whether or not former colonial powers would have been able to achieve this had colonialism never occurred does not change this fact. Hence any such counterfactual considerations are not relevant to the claim that rich former colonial powers owe compensation to their poor former colonies on these grounds.

Finally, the harms here discussed are harms both against individuals and the nations to which they belong. This is important since, in addition to having to avoid problems with counterfactuals, arguments for reparations for past harm also have to overcome problems surrounding what Wenar calls the "identity of successors."²⁵⁸ To explain: in order for any demand for reparations to be justified, there must be an identifiable party to whom reparations are owed and an identifiable party responsible for providing those reparations. In cases of reparative justice in which both the individuals who perpetrate harm and those who are perpetrated against are still living, it is the individuals who perpetrate the harm that have

²⁵⁸ Wenar, "Reparations for the Future," 399.

to compensate for that harm, and the individuals who are perpetrated against that have the right to compensation. However, in many cases of past injustice, the individuals who personally perpetrated injustice or the victims of that injustice, or both, are no longer living. And, of course, in such cases where the perpetrators of harm are no longer living, they are not able to bear the burdens of reparations, and in such cases where those perpetrated against are no longer living, they are not able to benefit from any reparation. Yet, the notion of compensating individuals for harms not caused to them personally, or to hold innocent parties responsible for the harms caused by persons other than themselves, runs counter to common sense notions about what justice entails.

With respect to the past harms of colonialism, while many individuals on both sides of those harms are still alive, many are also deceased. In these cases, claims for compensation are often made by descendants of victims of colonialism and duties of reparation assumed by the descendants of their aggressors. Of course such demands for reparation are objectionable if colonialism is understood to have been a harm done to individuals only. Again, it runs counter to common sense notions about what justice entails to hold an innocent party responsible for a guilty party's transgressions, or to compensate one party for harms caused to another. But, as Tan argues, colonialism was not only an assault against the individuals who lived through it, but "was an assault against the collective identity of a people."²⁵⁹ Tan illustrates the distinction between the harms that colonialism inflicted on particular individuals and those inflicted on nations as corporate entities with the following example: "the denial of educational opportunities to an individual during colonialism is a wrong against the person; but the resulting loss of the intellectual and cultural tradition of the person's community is a wrong against the collective, and is a wrong

²⁵⁹ Tan quoted in Leif Wenar, "Reparations for the Future," 400.

that extends beyond the life of the person individually denied the opportunity.”²⁶⁰ Thus, quite apart from whatever rights individuals who personally suffered under colonialism and who are still alive may have to compensation, insofar as nations as historic communities remain, those that suffered harms during the colonial past also have the right to demand reparations for those harms. Tan writes, “present individual holders of the identity can demand reparations for this assault given that they are now the trustees of the community, even if they were not themselves personally wronged.”²⁶¹ Further, the nations that perpetrated these colonial harms have a duty to compensate for them. Although many current members of former colonial powers did not personally participate in these harms, the harms were perpetrated by the nation to which they belong, and reparations for past injustice is one of the burdens members of nations bear in return for the benefits membership in these cooperative organizations provide. Tan, quoting David Miller, writes, “Nations provide their members with a number of public goods, foremost among which is the protection of the national culture itself...[N]ations exhibit the features of a large scale cooperative practice: each member makes certain sacrifices in order to support a national culture from whose continued existence each is presumed to benefit.”²⁶²

Note moreover that the fact that many of the individuals who inflicted or endured the past harms of colonialism are no longer living, is of no consequence to the fact that members of former colonies still profit on an individual basis from the benefits colonialism offered colonial powers, and that members of former colonies are still on an individual basis denied compensation for those benefits, and that former colonial powers owe reparations to their poor former colonies on these grounds.

²⁶⁰ Tan, “Colonialism, Reparations, and Global Justice,” 294.

²⁶¹ Tan quoted in Leif Wenar, “Reparations for the Future,” 400.

²⁶² Tan, “Colonialism, Reparations, and Global Justice,” 298.

Reparations for colonialism, then, are owed by rich former colonial powers to their poor former colonies, because persons, whether acting individually or collectively as corporate groups, have a negative duty not to cause harm to one another, and former colonial powers failed to respect this duty toward their former colonies. One way of compensating for this harm would be to redistribute wealth from rich former colonial powers to their poor former colonies, which redistribution would, of course, make available resources for investing in improving access to advantage for the many among the global poor residing in these former colonies.

Redistribution as Reparation for Harms Inflicted by the WTO

Further alternative ground for action conducive to improving access to advantage for the global poor is to provide compensation for harms perpetrated by global institutions against their poor member countries. That is, reparative justice dictates not only that rich former colonial powers have a duty to pay compensation to their poor former colonies for the harms inflicted on the poor during the colonial past and their residual effects. It further dictates that the global rich have a duty to compensate poor developing countries that have been excessively burdened by membership in global institutions, like for instance, the World Trade Organization. This section begins with a brief overview of the workings of the World Trade Organization and the distribution of the benefits it provides. It then presents a theory of cooperative justice, and argues for the illegitimacy of this institution from that perspective.

Overview of the WTO

The World Trade Organizations, or WTO, is “the legal and institutional foundation for the administration and development of trade relations among its 153 members, at the multilateral level.”²⁶³ Its expressed purpose is to provide “fair and stable conditions for the conduct of international trade with a view to encouraging trade and investment that raises living standards worldwide.”²⁶⁴

The WTO is the successor to the General Agreement on Tariffs and Trade—or GATT—a multilateral trade agreement that came into effect January 1, 1948, spelling out a series of principles, or ‘codes of conduct,’ to guide its contracting parties. Among these is the principle of non-discrimination, also called the most favored nation principle.²⁶⁵ According to this principle, “any agreement in which one contracting party grants another country ‘more favorable treatment’ (meaning they receive the best deal offered in that category) requires that state to immediately and unconditionally give the same treatment to imports to all signatories of the GATT.”²⁶⁶ The purpose of this is to broaden access of goods to markets on the basis of more narrow bilateral negotiations between countries.²⁶⁷ The most favored nation principle is complemented by a second principle, also based on non-discrimination, called the national treatment principle. The national treatment principle dictates that member countries “treat foreign goods the same as domestic goods once they have crossed the frontier [of their domestic markets] and satisfied the obligations accompanying entry into the

²⁶³ Taubman, Antony, Hannu Wager, and Jayashree Watal, eds., *A Handbook on the WTO TRIPS Agreement*. (Cambridge: Cambridge University Press, 2012), 4.

²⁶⁴ Ibid.

²⁶⁵ Joseph Stiglitz, *Making Globalization Work* (London: Allen Lane, 2006), 75.

²⁶⁶ Kevin Buterbaugh and Richard Fulton, *The WTO Primer: Tracing Trade’s Visible Hand Through Case Studies* (New York: Palgrave MacMillan, 2007), 22f.

²⁶⁷ Buterbaugh and Fulton, *The WTO Primer*, 23.

domestic market.”²⁶⁸ That is, once inside the domestic market, foreign goods must be subject to the same taxes and regulation as domestic goods. Paired with the most favored nation principle, which prevents contracting countries from discriminating against imports from other contracting countries on the basis of, for example, objectionably low labour standards, the national treatment principle further prevents contracting countries from discriminating against goods produced under such conditions once inside their domestic marketplaces.

In signing onto the GATT, each state made a series of binding agreements to lower particular tariffs, and to make major tariff reductions on manufactured goods in particular. Since 1947, several subsequent ‘trade rounds’ of negotiations have taken place under the auspices of the GATT which have led to further international trade liberalization and, in 1994, during the eighth round of negotiations in Punta del Este Uruguay, the creation of the WTO. The WTO was created in order to better facilitate the expansion of trade agreements, reaching into areas not already covered by the GATT, including trade in services and intellectual property rights.²⁶⁹ Also part of the WTO is a Dispute Settlement Body, which is an effective—if limited—mechanism for enforcing trade agreements. It authorizes member countries that suffer injury as a result of violation to trade agreements to retaliate by imposing trade restrictions on offending countries.²⁷⁰ As Kevin Buterbaugh and Richard Fulton describe it, with the creation of the Dispute Settlement Body, “[t]he GATT moved from essentially a gentleman’s agreement among states to a binding treaty under the WTO. The GATT secretariat was transformed from a necessary expedient to an organization capable of administering GATT/WTO affairs in addition to other new duties.”²⁷¹

²⁶⁸ Ibid., 24.

²⁶⁹ Ibid., 40.

²⁷⁰ Ibid., 72ff.

²⁷¹ Ibid., 67

The Distribution of Benefits within the WTO

Although the norms implemented by the WTO are the result of bilateral and multilateral agreements between member countries, its norms and practices do not benefit all member countries equally. That is, there are several ways in which its rules and practices enable developed countries to disproportionately increase their export profits as compared with countries that are still developing. These include, (i) significant barriers to trade for developing countries wishing to export their products to developed countries; (ii) the expansion of trade agreements into services; (iii) the introduction of new and stronger protection of intellectual property rights into the GATT; and (iv) the inefficiency of its Dispute Settlement Body. Each of these will be expounded upon in turn.

(i) Barriers to Trade for Developing World Exports

Among the most commonly recognized barriers to trade for developing countries wishing to export their products to developed countries are the tariffs and subsidies with which rich countries protect their agricultural markets. With the creation of the GATT, the U.S. demanded that agriculture be exempt from its rules, from which time it would remain an important area of exemption for nearly five decades.²⁷² During that period, all tariff reductions for agricultural products were left to item-by-item negotiations, which proved burdensome and of limited success. Contrast this with the significant cuts in tariffs on industrial goods that were made relatively early on in trade negotiations. During the Kennedy Round (1963-67), for instance, massive across-the-board reductions on tariffs were made on

²⁷² Ibid., 35.

industrial products, concentrating on those items in which, at the time, Europe and the United States accounted for 80 percent of production worldwide.²⁷³

Not only did making agriculture an exception of GATT rules mean limited success with respect to tariff reductions on agricultural products, it also meant that agriculture would not be subject to GATT rules governing subsidies. Under the original GATT agreement, direct subsidies to domestic producers were permissible on the condition that they did not create “serious prejudice to the interests of any contracting partner.”²⁷⁴ Later, during the Tokyo Round (1973-1979), even tighter rules governing subsidies were created under pressure from the U.S.²⁷⁵ With agriculture exempt from the GATT rules, however, countries were free to subsidize their farmers without any rule violations.

It was not until the Uruguay Round, and the formation of the WTO, that trade in agricultural products was finally subject to GATT rules. At that time, subsidies were reduced on specific groups and nontariff barriers were replaced with bound tariffs. By the end of the Uruguay Round, it was agreed that tariff levels be reduced by 36 percent for developed countries and 24 percent for developing countries in ten years from signing the agreement.²⁷⁶ Yet, as critics of the WTO are quick to point out, despite the results of the Uruguay Round, high tariffs and heavy subsidies on agriculture products nevertheless remain. As of 2008, it was estimated that Western countries were spending \$300 billion annually in support for their local agriculture.²⁷⁷

²⁷³ Ibid., 28.

²⁷⁴ Ibid., 35.

²⁷⁵ Ibid.

²⁷⁶ Ibid., 191f.

²⁷⁷ Stephen Tokarick, “Dispelling Some Misconceptions about Agricultural Trade Liberalization” *Journal of Economic Perspectives* 22, no. 1 (2008): 201.

WTO trade rules on agriculture disproportionately disadvantage poor developing countries compared to rich developed countries. This is because it is usually in agricultural goods that developing countries have a global competitive advantage, which is, however, undermined by high tariffs and developed countries' continued practice of subsidizing their farmers. That is, for developing countries wanting to export their agricultural goods to developed countries, high tariffs and heavily subsidized domestic markets in developed countries mean developing countries' goods cannot compete. Indeed, as of 2008, it was estimated that Western support for local agriculture has cost developing countries 8 to 10.8 billion annually in aggregate real income.²⁷⁸

(ii) Extension of trade agreements into services

Developed countries not only benefit disproportionately from barriers to trade in agricultural products compared to developing countries, they also benefit disproportionately from the inclusion of trade in services within the WTO. That is, another significant outcome of the Uruguay Round was the WTO's General Agreement on Trade and Services, or GATS. The GATS is a framework agreement governing trade in services that "aims for progressively higher liberalization...[and] is a means to provide efficient market access."²⁷⁹ The GATS permits service companies to invest in other GATS member countries and move their personnel there on a temporary basis. The GATS defines services very broadly, and divides them into twelve major categories, including services to business; communications; construction and engineering; distribution; education; environment; financial; health and social services; tourism; transport; entertainment, culture and sports; and other. Only public

²⁷⁸ Tokarick, "Dispelling Some Misconceptions about Agricultural Trade Liberalization," 209.

²⁷⁹ Susan George. *Another World is Possible If...* (London: Verso, 2004), 61.

services including Central Banks, armies, police, and justice systems are exempt from the GATS rules. While no country is obliged to open a sector or subsector to foreign commercial competition, they are, however, as Susan George explains, under heavy pressure to do so; and once a country opens a service sector to international competition, it can remove it only after a period of three years, and only with the opening of another sector of equal value as compensation.²⁸⁰

Despite concerns from developing countries that lacked developed banking, financial, insurance, accounting and other service industries, that opening their markets to foreign service providers would undermine the development of native service industries, the GATS came into effect in 1995. In *Making Globalization Work*, Joseph Stiglitz explains that during the Uruguay Round, developing countries agreed to reduce tariffs and accept a range of new rules and obligations on services—as well as intellectual property and investments—on the promise that developed countries would liberalize trade in agriculture and textiles, i.e. labour-intensive goods that are of interest to exporters in developing countries. This became known as the ‘Grand Bargain.’²⁸¹

Since the creation of GATS, most developed countries, having strong service industries, have been able to see opportunities for negotiating equivalent gains in market access for services. Its creation has, then, been to their benefit. However, as Andrew Brown and Robert Stern explain, “Between developed and developing countries...the possibilities for negotiating equivalent gains in market access are more limited, since the latter’s service industries are generally less developed (though there are some notable exceptions such as some IT services and construction services). As a consequence, the market opening of

²⁸⁰ George, *Another World is Possible If...*, 61ff.

²⁸¹ Stiglitz, *Making Globalization Work*, 77.

service industries in developing countries has tended to be a more one-sided gain for the rich countries.”²⁸²

That developed countries would gain most from the expansion of international trade into service sectors was of course expected. However, as Stiglitz explains, what developing countries did not expect in entering into the Grand Bargain was that after the creation of the GATS, “textile quotas would remain in place for a decade and no end to agricultural subsidies was in sight.”²⁸³ According to Stiglitz, this has left developing countries feeling as though they had been misled into accepting the new range of rules and obligations on services.²⁸⁴

(iii) New and stronger protection for intellectual property

Also as part of the Grand Bargain, developing countries agreed to the inclusion of intellectual property to the GATT,²⁸⁵ and the Uruguay Round resulted in an agreement called the 1994 Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). TRIPS covers two categories of intellectual property, namely, (i) copyright and (ii) industrial property, which includes the protection of trademarks, as well as inventions, which are protected by patents; industrial design; and trade secrets. Intellectual property rights give owners of intellectual property exclusive right to that property. This creates a monopoly since no one else can use the property without the payment of a fee.²⁸⁶ The rules governing the different kinds of intellectual property differ. For example, with TRIPS, patent protection

²⁸² Andrew G. Brown and Robert M. Stern. “Fairness in the Trading System,” in *The Oxford Handbook on the World Trade Organization*, ed. Martin Daunton, Amirta Narlikar, and Robert M. Stern (Oxford: Oxford University Press, 2012), 688.

²⁸³ Stiglitz, *Making Globalization Work*, 77.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Ibid., 107.

on most creative inventions was extended worldwide to twenty years; copyrights give authors exclusive rights to their works for a much longer period;²⁸⁷ and trade secrets can be protected as long as they remain secret.

TRIPS also disproportionately benefits developed countries compared with developing countries. With monopoly power over intellectual property, large multinational corporations in these countries are able to increase profits due to the reduced competition that this creates, as well as through charging licensing fees and royalties for use of their patents. Developing countries, by contrast, are disadvantaged by TRIPS. As was anticipated by some, the monopolies that long term patents created led to higher prices on patented products, like pharmaceuticals. This led to the removal of cheap, often life-saving, generic medicines from the market, and citizens in the developing world no longer able to afford to purchase these drugs.²⁸⁸ In addition, TRIPS opened the door for developed-world companies to patent developing-world countries' traditional and indigenous knowledge and to sell it back to them for profit: "MNCs [multinational corporations] enter developing countries, study traditional medicines, determine the active ingredients in them, and then patent their findings."²⁸⁹ Developing countries commonly regard this practice as a form of robbery.²⁹⁰ Moreover, the costs of the new twenty-year patent protection prevent developing countries from using new technologies to develop and profit from the sale of products that can compete with those manufactured by developed-world companies. According to Brown and Stern, TRIPS is "a particularly egregious instance of a new condition being introduced to the WTO system of rules and procedures [by developed countries] without sufficient grounds for

²⁸⁷ Ibid.

²⁸⁸ Ibid., 78 and 105.

²⁸⁹ Buterbaugh and Fulton, *The WTO Primer*, 49.

²⁹⁰ Ibid.

common consent. For a number of [developing] countries,” they write, “the TRIPS Agreement lacked any evidence of net benefit and, indeed, was clearly negative for some.”²⁹¹

(iv) The Inefficiency of the WTO’s Dispute Settlement Body

Of course developing countries that find themselves to be disadvantaged by the agreements of the WTO can bring their grievance to the Dispute Settlement Body. The Dispute Settlement Body is governed by the General Council of the WTO, which consists of a representative from each member country. It has the capacity to establish dispute panels to review and decide disputes, and it rules on whether to accept a dispute panel’s decision.²⁹² There two main types of disputes with which the Dispute Settlement Body deals: (1) violation disputes, wherein a member claims that the actions of another member are in violation of the GATT or one of its associated agreements; and (2) non-violation disputes, wherein a member claims that the actions of another member have nullified or impaired trade benefits expected to accrue from membership in the GATT.²⁹³ For example, suppose that countries A and B agree to lower tariffs on oranges and beef respectively. Then suppose B labels A’s beef identifying it as an imported product and this has the effect of making A’s beef as undesirable in B’s local market as it was prior to the reduction in tariffs. Such labeling is in compliance with the GATT. But since A expected to export more beef to B, and B’s actions have nullified those expected benefits, A has grounds for dispute.²⁹⁴ Most disputes with which the Dispute Settlement Body deals are violation, rather than non-

²⁹¹ Brown and Stern, “Fairness in the Trading System,” 690.

²⁹² Buterbaugh and Fulton, *The WTO Primer*, 74.

²⁹³ Ibid., 73.

²⁹⁴ Ibid.

violation, disputes. The United States has been cited for several such trade violations under the GATT.²⁹⁵

After the Dispute Settlement Body accepts a panel's report, a losing country has thirty days to detail how they will come into compliance with that report, and fifteen months to institute the necessary changes. Any country that loses a dispute, yet fails to meet compliance within fifteen months, is required to negotiate with the parties involved in the dispute to determine compensation for that failure to comply. In the event these negotiations fail, affected parties may petition the Dispute Settlement Board to approve a 'suspension of concessions,' which means that the affected member country may raise tariffs against the country that refuses to comply to the amount commensurate with the harm done to them by that refusal. For example, if country A refuses to comply with a decision and this costs B \$100 million in orange exports, B can then increase tariffs on goods coming from A that will cause it \$100 million in losses in exports to B.²⁹⁶

There are, however, two main criticisms that have been made against the Dispute Settlement Body, both pertaining to the capacity of developed versus developing countries to use it to their respective advantage. First, the dispute settlement procedure requires that members have specialized legal and informational expertise to present and argue a case. This puts many smaller and poorer countries that have many competing claims on their limited resources at a serious disadvantage.²⁹⁷ That is, if poorer countries are not able to bring cases to the Dispute Settlement Body because of lack of resources, they have no recourse when treated in ways that nullify or impair their expected export profits.

²⁹⁵ Ibid.

²⁹⁶ Ibid., 75.

²⁹⁷ Brown and Stern, "Fairness in the Trading System," 692.

Second, smaller countries are at a disadvantage relative to larger countries with respect to the power they possess to enforce rulings by the Dispute Settlement Body. That is, larger countries can be expected to suffer less than smaller countries for refusing to comply with panel decisions in disputes with smaller countries than smaller countries can be expected to suffer for refusing to comply with decisions in disputes with larger countries. This is because if a small country does not conform to a dispute panel's ruling, and the Dispute Settlement Body approves a suspension of concessions authorizing a large country to raise import duties against it, it often risks losing a major or primary market for one of its exports which can have severely damaging effects on its economy. If, however, a large country does not conform to a dispute panel's decision, and the Dispute Settlement Body authorizes a small country to raise import tariffs against it, the effect of this action are comparatively less severe since developing countries are usually not primary markets for other countries' exports.²⁹⁸ Buterbaugh and Fulton note that this is the reason that disputes involving the United States, which has the single largest economy in the world, have far higher than average rates of compliance.²⁹⁹ They write, "countries that fail to comply with a panel decision favoring the United States may find the United States closing its markets to some of their products or placing punitive tariffs on their goods,³⁰⁰ which provides smaller countries in particular those for which the United States is a major market for their goods, a strong reason to comply.³⁰¹ Since richer developed countries can simply ignore rulings on disputes with poor less developed countries without thereby enduring harm to their own

²⁹⁸ Brown and Stern, "Fairness in the Trading System," 691, Buterbaugh and Fulton, *The WTO Primer*, 78.

²⁹⁹ 75% for U.S. cases, 65% overall, Buterbaugh and Fulton, *The WTO Primer*, 76.

³⁰⁰ Buterbaugh and Fulton, *The WTO Primer*, 78.

³⁰¹ Brown and Stern, "Fairness in the Trading System," 692.

economies, then here again, developing countries have no protection against treatment that nullify or impair their expected export profits.

The Illegitimacy of the WTO from the Perspective of Cooperative Justice

The WTO is a global cooperative institution within which the distribution of benefits accrue predominately to high-income developed countries. That the rules and regulations that govern this institution disproportionately benefit rich countries as compared with poor countries is no surprise. After all, high-income developed countries occupy a position of bargaining power within the WTO relative to poor countries desperate to improve their economic situation. Moreover, the fact that rich countries disproportionately benefit from membership in the WTO as compared with poorer countries is not in itself problematic for the legitimacy of this institution from the standpoint of cooperative justice.

As was noted in chapter two, in order for a cooperative institution to be legitimate, it must be such that all parties can willingly consent to the terms that define it. Since it would not be in the interest of any party to consent to terms that did not render its situation improved relative to what that party's situation would be otherwise, no party can be expected to willingly consent to the terms of an institution from which it cannot rationally expect to derive a net benefit. Thus, a cooperative institution is legitimate only on the condition that its terms can be rationally expected to enable all parties that it constrains to escape a reciprocally unprofitable interaction and permit them to initiate a mode of mutually beneficial cooperative action. Gauthier refers to this criterion of legitimacy as internal rationality.

There is however a second criterion of legitimacy for cooperative institutions, which is that all parties who agree to the terms that define any institution must act in compliance with those terms. The moment any of the parties that agree to an institution's terms neglect to act in compliance with those terms, the institution is rendered illegitimate. Gauthier refers to this criterion of legitimacy as external rationality. The legitimacy of the WTO from the perspective of cooperative justice requires that it meet these two criteria.

In order for the WTO to be an internally rational institution its rules and regulations must be rationally expected to improve the situations of all of its member countries relative to what they would be otherwise. Whether the rules and regulations of the WTO meet this criterion is a matter of debate and not easily assessed. For example, several authors argue that WTO rules and regulations are bad for some poor developing countries. Stiglitz writes, for example, that “so unfair has the trade agenda been that not only have poorer countries not received a fair share of benefits; the poorest region in the world, Sub-Saharan Africa, was actually made worse off as a result of the last round of trade negotiations.”³⁰² Erik Reinert argues moreover that developing countries that rely on the production of agriculture and raw materials generally, can be expected to be made poorer by free trade with countries with developed manufacturing and advanced services industries. This is because, Reinert explains, as production increases, in the absence of an alternative labour market, a country that specializes in supplying raw materials within the international division of labour will experience higher production costs for each new unit produced. He writes, “Whatever their initial productivity level, agriculture, and the production of raw materials in general, will sooner or later run into diminishing returns... Small poor countries often have their entire economies directed towards the export of a single product, be it coffee or carrots. If there is

³⁰² Stiglitz, *Globalization and its Discontents*, 245.

no alternative employment, these diminishing returns will eventually cause real wages to fall. The more a country specializes in the production of raw materials, the poorer it will become.”³⁰³ According to this line of thinking, the WTO’s agenda of eradicating barriers to trade is predictably bad for poor developing countries.

Yet that WTO rules and regulations have made, or can be expected to make, some countries worse off than they have been in the past is not enough to establish that it is not internally rational for these countries to submit to the WTO as an institution for sharing benefits and burdens. Rather, what matters with respect to determining the internal rationality of the WTO is whether its rules and regulations can be rationally expected to make countries worse off than they would be doing were they instead to forego—or had they instead foregone—membership within the institution altogether. And indeed, some authors make the case that, for all the drawbacks of membership in the WTO for developing countries, its rules and regulations are ultimately in their interest since to forego membership would leave them open to the imposition of tariffs on their goods by member countries when times are bad, including large member countries with market power. Membership, on the other hand, at least affords developing countries a voice to demand changes to WTO policies that frustrate their prospects. (That the channels through which developing countries formally voice their grievances about WTO policies work inefficiently is not relevant for considerations of its internal rationality.)

Yet, although it is albeit conceivable that membership in the WTO is ultimately in the interest of developing countries despite the drawbacks its rules and regulations cause them, the degree to which the ability of poor countries to develop competitive service industries or

³⁰³ Erik S. Reinert, *How Rich Countries Got Rich and Why Poor Countries Stay Poor*. (London: Constable & Robinson Ltd., 2007), 154.

innovative products that could compete in global markets is undermined by WTO rules governing services and intellectual property, makes it difficult to imagine the prospects of some developing member countries could in fact be worse than they are currently. It does not appear internally rational for every country to become a member of the WTO.

But even supposing, contrary to intuition, that the WTO is in fact an internally rational institution, and therefore legitimate in this respect, it is not in any case an externally rational institution. Again, in order for it to be rational for an individual to accept a constraining institution, all members of that institution have to act in compliance with the agreements that define it. One of the purposes of the WTO's Dispute Settlement Body is to ensure that member countries abide by its rules and regulations. However, the inefficiencies within the Dispute Settlement Body mean that economically powerful countries like the United States are able to abuse their position of power within the institution without penalty and act to further their own interests at the expense of compliance with agreements. From the perspective of cooperative justice, this alone is sufficient to render the WTO illegitimate.

Whether the WTO is illegitimate because its rules and regulations burden some developing countries unreasonably—i.e. to a degree to which they could not reasonably consent to be burdened—or because rich countries abuse their power advantage and violate the rules and regulations with which they agreed to abide, some developing countries have been unjustly constrained by the WTO. Moreover, developing countries that have been unjustly imposed upon by the WTO have a right to compensation for that injustice, and the rich countries of the world that exercise control over the WTO, and who therefore bear responsibility for that injustice, have a duty of reparation to provide it. One way of compensating for this injustice would be, again, to redistribute wealth globally, from rich member countries to poor member countries. However, more appropriate means of

compensating for this injustice may be to introduce measures to the WTO that would enable developing countries to reap greater economic gains from membership. Such measures might include allowing developing countries to protect their nascent manufacturing and service industries from external competition in order that these countries are allowed to experience economic development. As Erik Reinert writes, “historically, global free trade has been a chimera, and those who adhered to it least during crucial moments of development have become the world’s most successful economies.” Reinert explains that, “In the past, a period of protecting a manufacturing sector has been mandatory for all presently rich nations... The English term used to be ‘infant industry protection,’ which was something virtually everyone understood was necessary... [Even] the United States protected their manufacturing industry for close to 150 years.”³⁰⁴ According to Reinert, if developing countries are going to develop, they must be allowed to develop diverse industries protected from external competition. Moreover, whereas currently rich countries got rich in a context where intellectual property was not respected, today rules governing intellectual property impede developing countries from obtaining the technology necessary to develop globally competitive products. A second measure as compensation might then be to waive rules governing intellectual property for these countries wanting to obtain patented technologies. Measures that contribute to economic growth in developing countries have the potential to increase their populations’ access to basic resources and employment, and thus improve their populations’ access to advantage in these ways.

³⁰⁴ Reinert, *How Rich Countries Got Rich and Why Poor Countries Stay Poor*, 25.

Redistribution as Reparation for Harms Inflicted by the IMF and World Bank

The International Bank of Reconstruction and Development (IBRD), more commonly known as the World Bank, was founded, together with the International Monetary Fund at the 1944 UN Monetary and Financial Conference of representatives of forty-four countries in Bretton Woods, New Hampshire.³⁰⁵ Both the IBRD and the IMF were created as “part of a concerted effort to finance the rebuilding of Europe after the devastation of World War II and to save the world from future economic depressions.”³⁰⁶ At the time of its creation the World Bank’s mission was reconstruction and development, with a focus on reconstruction. The IMF, on the other hand, was created to maintain global economic stability. Today, although the missions of the World Bank and the IMF remain distinct, their activities have become increasingly intertwined. Overviews of the IMF and the World Bank are presented in turn.

Overview of the IMF

The IMF is a public institution established on money from taxpayers around the world. It was created to provide collective action for economic stability at the global level by providing short-term loans to address countries’ balance of payments problems. As Stiglitz explains, British economist John Maynard Keynes, who was a key participant at Bretton Woods, understood economic downturns, including the Great Depression that enveloped the whole world in the 1930s and which many believed to have been a major cause of World War II, in terms of insufficient aggregate demand. “In pursuing ‘beggar-thy-neighbor’

³⁰⁵ Katherine Marshall, *The World Bank: From Reconstruction to Development to Equity*. (New York: Routledge, 2008), 24.

³⁰⁶ Stiglitz, *Globalization its Discontents*, 11.

policies, countries had tried to protect their own aggregate demand by cutting back on imports, as a result of which their problems had spread to other countries.”³⁰⁷ Keynes reasoned that government policy could stimulate aggregate demand and thereby avoid future depressions. The IMF would put “international pressure [to choose expansionary, rather than beggar-thy-neighbor, policies] on countries that were not doing their fair share to maintain global aggregate demand, by allowing their own economies to go into a slump,”³⁰⁸ and, Stiglitz continues, “[w]hen necessary...provide liquidity in the form of loans to those countries facing an economic downturn and unable to stimulate aggregate demand with their own resources.”³⁰⁹

The IMF is funded by contributions from its 188 member countries based on the size of their respective economies. These contributions earn interest through the IMF’s lending activities, which the IMF in turn uses to fund its operations. The institution, then, as James Vreeland notes, “can be thought of as a great big international credit union with all of the countries of the world as members.”³¹⁰ It is the West’s most powerful agency for dealing with many poor countries, and currently has \$627 billion in resources available to lend.³¹¹

Finance ministers and central bankers from member countries form the IMF’s Board of Directors, which decides the institution’s highest-level policy questions. However, this group delegates most of its power to the Executive Board, made up of twenty-four directors who are appointed to, or elected by, the countries they represent. The Executive Board has a

³⁰⁷ Joseph E. Stiglitz, “Democratizing the International Monetary Fund and the World Bank: Governance and Accountability,” *Governance* 16, 1 (2003): 112.

³⁰⁸ Stiglitz. *Globalization and its Discontents*, 12.

³⁰⁹ *Ibid.*, 12.

³¹⁰ James Raymond Vreeland, *The International Monetary Fund: Politics of Conditional Lending* (London: Routledge, 2007), 13.

³¹¹ IMF’s Financial Resources and Liquidity Position, 2012-March 2014,” <http://www.imf.org/external/np/tre/liquid/2013/0113.htm>

single director from each of the five largest financial contributors to the Fund—the United States, Japan, Germany, the United Kingdom, and France—and from economically powerful China, Russia, and Saudi Arabia; sixteen others speak and vote on behalf of groups of several states. It is the Executive Board that makes decisions about loan requests and other operational decisions. As Vreeland explains, the Executive Board makes these decisions largely by consensus. However, it does have a formal voting procedure, which apportions votes according to country size and international economic influence.³¹² A majority vote is eighty-five percent, and the United States is the only member country with enough votes to have effective veto.³¹³

IMF loan agreements stipulate standard loan agreement conditions including that the loan will be repaid, and when it will be repaid. However, IMF loan agreements usually stipulate moreover that the governments of borrowing countries implement certain economic policies, which the IMF claims are intended to improve their respective countries' economic situations, as well as to ensure that they will be able to repay the loans. This practice of providing a loan contingent upon policy conditions is often referred to as 'conditionality.'

Although the belief underlying the founding of the IMF was that there was a need for collective action to put international pressure on countries facing economic downturns to adopt more expansionary economic policies, the IMF has changed markedly since the institution's creation. As Stiglitz explains, expansionary policies include "increasing expenditures, reducing taxes, or lowering interest rates to stimulate the economy."³¹⁴ Yet, beginning early on, the policies that borrowing countries governments have been required to adopt in order to receive IMF loans typically entailed reducing government spending or

³¹² Vreeland, "*The International Monetary Fund*," 31.

³¹³ *Ibid.*, 19.

³¹⁴ Stiglitz, *Globalization and its Discontents*, 12.

raising taxes or both, raising interest rates, and sometimes devaluing currency.³¹⁵ Several authors criticize the IMF for imposing these policies on developing countries, contending that such contractionary policies are inappropriate for developing countries economies.³¹⁶

IMF policy conditions have also evolved from being once very general to having become more and more specific. As Vreeland explains, early targets for IMF programs—such as those listed above—were sufficiently general that they could be “achieved through various specific policy means,” thereby leaving “a lot of room for domestic politics to play a role in how governments achieved the macroeconomic targets of IMF arrangements.”³¹⁷ However, this led to borrowing countries using the money to address their balance of payment problems without altering the fundamental structure of the country’s economy such that balance of payment problems returned. During the 1980s, the IMF thus introduced ‘structural adjustment lending.’ At that time, many countries faced acute problems in servicing large private and public debts they had contracted, which “led to and was exacerbated by a deep-seated economic collapse threatening many countries, especially in Africa.”³¹⁸ According to Vreeland, with the introduction of structural adjustment lending, rather than simply calling for a reduction of fiscal deficit, the IMF called moreover for privatization (transferring ownership of national assets to the private sector) and deregulation (removing restrictions on businesses and prices, allowing market forces to operate).³¹⁹ Other structural changes involved fundamental changes to taxation policies, labour market policies, or national pension programs, and sometimes reducing barriers to trade, like tariffs on

³¹⁵ Vreeland, “*The International Monetary Fund*,” 23

³¹⁶ See, for example, Stiglitz, *Globalization and its Discontents*, 12ff.

³¹⁷ Ibid. Vreeland writes that “Fiscal deficits, for example, could be reduced by cutting inefficient public expenditures or by cutting valuable public investment.”

³¹⁸ Marshall, *The World Bank*, 40.

³¹⁹ Vreeland, “*The International Monetary Fund*,” 24.

imports or subsidies to exports.³²⁰ It was at this time that the activities of the IMF, which was supposed to be in charge of matters of macroeconomics, and the World Bank, which was supposed to limit itself to structural issues, began to become increasingly intertwined.³²¹

IMF-World Bank structural adjustment lending has been the subject of much criticism. In the aftermath of the East Asian financial crisis at the end of the 1990s, the IMF was widely criticized for how it handled the crisis, with many of its critics arguing that the conditions it imposed were too specific. The IMF argued, to the contrary, that its overall approach to the crisis was correct, but that countries failed in some way to implement the program—i.e. that the program failed due to a lack of commitment on the part of the borrowing countries. Thus, the IMF introduced a new approach to structural adjustment lending that emphasized country ownership of IMF economic reform policies, intended to engender greater government accountability in loan recipient countries. Easterly argues, however, citing Nicholas Van de Walle, that the country-led, IMF- and World Bank-assisted process intended to increase national ownership of development programs called the Poverty Reduction Strategy Paper (PRSP) process, is an act of ventriloquism. Easterly writes, “the poor-country governments, instead of being told what to do are now trying to guess what the international agencies will approve their doing. The PRSP plans are similar to the long lists of conditions that the IMF and the World Bank impose on the poor countries. If the government doesn’t guess the right answer the first time, the IMF and the World Bank prepare a ‘joint staff assessment’ of each PRSP.”³²²

³²⁰ Vreeland, *The International Monetary Fund*, 24.

³²¹ Stiglitz, *Globalization and its Discontents*, 13f.

³²² William Easterly, *The White Man’s Burden: Why the West’s Efforts to Aid the Rest Have Done So Much Ill and So Little Good* (New York: Penguin Books, 2006), 146.

The two arms of the IMF that prescribe structural conditions to fundamentally adjust developing countries economies were the Structural Adjustment Facility in 1986, and the Enhanced Structural Adjustment Facility in 1987, which provided loans at concessional interest rates and was intended to target only the world's poorest countries. No Structural Adjustment Facility arrangement has been approved since 1996. However, the Enhanced Structural Adjustment Facility, which has since been renamed the Poverty Reduction and Growth Facility (PRGF), currently accounts for most IMF approved arrangements.

Overview of the World Bank

At the time of its creation, the mission of the World Bank was reconstruction and development,³²³ and its clear and immediate priority was the reconstruction of Europe after the devastation of World War II. Yet this focus on reconstruction was short-lived. Katherine Marshall explains that, “Postwar reconstruction challenges were soon recognized to be vastly greater and more urgent than the fledgling institution was in any position to meet. Further, the Bank’s financing structure was still provisional, untested, and heavily dependent on capital the US had paid in dollars; the institution had no operating procedures and only a small staff.”³²⁴ As a result, in June 1947 the US announced its takeover of the reconstruction of post-war Europe with the US-funded Marshall Plan. At that time, the World Bank quickly shifted its focus to development, and it made its first development loan to Chile in March of 1948. Since then, its central task has been to work with the poorer countries of the world to further their economic and social development, which it endeavours to do by “providing a

³²³ Stiglitz, *Globalization and its Discontents*, 11.

³²⁴ Marshall, *The World Bank*, 29.

combination of financial resources, technical support, advice and analysis, training, and coordination of development assistance”³²⁵ to these countries.

The World Bank is a public-sector institution owned by 188 member countries, whose governments—normally ministers of finance—are its governors. Member countries subscribe through a contribution of capital in proportion to their financial capacity, which determines their respective voting power. Membership in the World Bank is conditional upon membership in the IMF, and capital contributions to the IMF determine contribution rights to shares and thus power within the World Bank.³²⁶ Although the World Bank receives subscriptions from its member countries, its operations are funded predominately by borrowing on private markets. As Marshall explains, early on the World Bank established a reputation for the “reliable servicing of debt and prudent stewardship of finance,” essential to assuring reasonable borrowing costs, and by 1959 it received a triple-A rating which it maintains to this day.³²⁷

The cost at which the IBRD borrows on private markets determines the interest rates that it in turn charges its borrowers. Thus, it loans funds to client countries at just above commercial rates. As a bank, the IBRD expects the money it lends out to its client countries to be repaid, but it became clear early on that the poorest developing countries—especially newly independent countries in Africa—could not afford to borrow capital for development on the near-commercial terms at which the IBRD’s financial structure allowed it to lend. A group of IBRD member countries thus decided to found the International Development Association, or IDA. The IDA is funded largely by contributions from wealthier member countries and lends to the poorest countries on highly concessional terms.

³²⁵ Ibid., 1.

³²⁶ Ibid., 25.

³²⁷ Ibid., 30.

Although the IDA is separate from the IBRD, it functions as an integral part of the IBRD, sharing the “same headquarters, report[ing] to the same senior management, and ...[using] the same standards when evaluating projects.”³²⁸ As Marshall writes, the two are often so closely aligned that they are distinguishable only in “financial structure and financial terms.”³²⁹ Indeed, today, the term ‘World Bank’ is used in reference to both IBRD and the IDA together. As of June 30, 2010, cumulative lending of the IBRD and the IDA amounted to nearly \$745 billion, with IDA loans and grants accounts for nearly forty percent.³³⁰

The World Bank engages in two basic types of lending: investment loans and development policy loans. Investment loans, credits and grants, which account for 75 to 80 percent of lending, provide long-term financing for “goods, works and services that support economic and social development projects” in various sectors including “agriculture, urban development, rural infrastructure, education and health,”³³¹ with the aim of reducing poverty and creating sustainable development. In the past, investment lending focused on financing hardware, engineering services, and brick and mortar, but more recently on “institution building, social development, and the public policy infrastructure needed to facilitate private sector activity.”³³² The World Bank publication *A Guide to the World Bank* includes the following list of recently funded projects: “urban poverty reduction (involving private contractors in new housing construction); rural development (formalizing land tenure to increase security of small farmers); water and sanitation (improving efficiency of water utilities); natural resource management (providing training in sustainable forestry and farming); post-conflict reconstruction (reintegrating soldiers into communities); education

³²⁸ World Bank, *A Guide to the World Bank: Second Edition* (World Bank Publications, 2007), 11.

³²⁹ Marshall, *The World Bank*, 36.

³³⁰ World Bank, *A Guide to the World Bank: Third Edition* (World Bank Publications, 2011), 68.

³³¹ Ibid., 75f. ‘Long-term’ here means 5-10 years.

³³² Ibid., 76.

(promoting education for girls); health (establishing rural clinics and training health care workers).”³³³

So-called ‘development policy lending’ accounts for 20 to 25 percent of lending, and is intended to provide “quick-dispersing financing to support government policy and institutional reforms.” Development policy lending is the new name for adjustment lending, with which the World Bank first went beyond lending for projects like roads or dams to providing broad-based financial support to developing countries to promote ‘structural adjustment.’ Recall that World Bank-IMF structural adjustment lending began in the 1980s to provide support for macroeconomic policy reforms. As Marshall explains, such broad-based support was introduced to the World Bank both “[i] because the need to finance national recovery [in countries with problems servicing large debts and threatened by economic collapse] and then a progressive ‘return’ to development programs was obvious and urgent; and [ii] because...[World Bank] projects simply could not succeed or even survive in a climate of economic crisis and policy mismanagement.”³³⁴ The latest publication of the World Bank’s *A Guide to the World Bank* describes its development policy lending to promote legal and regulatory reforms; taxation and trade reforms; financial sector reforms; judicial reform, adoption of a modern investment code; privatization and public-private partnerships; civil service reform; and the establishment of social protection funds.³³⁵

³³³ World Bank, *A Guide to the World Bank: Second Edition*, 68.

³³⁴ Marshall, *The World Bank*, 40.

³³⁵ World Bank, *A Guide to the World Bank: Second Edition*, 68.

The Distribution of Benefits within the IMF and the World Bank

In theory, all countries stand to benefit from membership in the IMF and World Bank. By paying mandatory premiums to these organizations, members thereby have the right to financial assistance in the event of economic trouble in order to address any balance of payment problems, access to loans for reconstruction and development, and the benefit of the enhanced global economic stability these organizations are intended to provide.

However, whether countries do in practice benefit from membership in these organizations is more complicated. Despite the expressed rationale for their existence, these institutions have proven themselves to be inefficient in developing poor country economies and fending off economic crises. They are accused moreover of discouraging reform of bad government policies in developing countries; causing environmental damage and population displacement in poor communities; causing the poor and most vulnerable within borrowing countries to become poorer; and encouraging corruption and conflict in the developing world, which has the further negative effect of discouraging foreign and domestic investment. Yet, despite these outcomes for the poor, the IMF and the World Bank have, through the practice of conditionality, enabled rich countries to accrue huge profits through foreign investment, as well as afforded them an effective means by which to pursue their own political agendas within developing countries.

Recall that the IMF is supposed to provide short-term loans for countries with balance-of-payment problems. In practice, many of the arrangements into which countries have entered with the IMF have lasted two, or three, or four years, and most of them have

been arranged consecutively such that countries spend several years in these programs.³³⁶

Yet, according to Vreeland, even despite years of operations inside their borders, there is little evidence that IMF programs—including those in which it partners with the World Bank—improve the economic situation of developing countries. Indeed, he writes, that while “[t]he ostensible goals of IMF programs are to promote economic stability and growth...for nearly twenty years, every study has found that IMF programs have no effect on economic growth. Recent studies...even show that the immediate impact on growth is negative.”

Vreeland moreover writes that, “Regarding economic stability... ‘While IMF-backed packages seem to nudge countries toward better overall balance-of-payments performance, their impact is rather muted.’”³³⁷

There is much debate about the reasons for the failure of IMF programs in these respects. Again, Stiglitz, for example, argues that the austere economic policies that the IMF imposes on borrowing countries can be expected to have a negative impact on their economic development. Recall that the IMF was founded in order to cope with market failures. Keynes believed that an economic downturn in one country imposed negative externalities on other countries. (Again, countries facing economic downturns impose beggar-thy-neighbour policies, like reducing import quotas, causing economic problems to spread to other countries.) By borrowing funds from the IMF, countries facing economic crises would be able to maintain global levels of employment and consumption, and such spill over effects could be avoided. However, as Stiglitz writes, “over the years...the Keynesian orientation of the IMF, which emphasized market failures and the role of

³³⁶ “Haiti, for example, was participating in IMF arrangements during thirty-six of the past fifty years, Argentina participated during twenty-nine years, Pakistan during twenty-eight years, [and]... South Korean participated during twenty-two years,” Vreeland, “The IMF and Economic Development,” 351.

³³⁷ James Raymond Vreeland. “The IMF and Economic Development,” in *Reinventing Foreign Aid*, ed. William Easterly (New York: The MIT Press, 2008), 365.

government in job creation, was replaced by the free market mantra of the 1980s, part of the new ‘Washington Consensus’—a consensus between the IMF, the World Bank, and the U.S. treasury about the ‘right’ policies for developing countries.”³³⁸ These policies seek to reduce the role of government, and thereby operate according to the assumption that markets can instead adjust themselves. But, following Keynes, Stiglitz argues that some government action is necessary in order to prevent market failure. According to Stiglitz, history shows that “trade liberalization [often a condition of structural adjustment loans] accompanied by high interest rates is an almost certain recipe for job destruction and unemployment creation—at the expense of the poor. Financial market liberalization unaccompanied by an appropriate regulatory structure is an almost certain recipe for economic instability...Privatization [again, a frequent tenet of structural adjustment loans], unaccompanied by competition policies and oversight to ensure that monopoly powers are not abused, can lead to higher...prices for consumers. [And f]iscal austerity, pursued blindly, in the wrong circumstances can lead to high unemployment and a shredding of the social contract.”³³⁹

In addition to being inefficient in developing poor country economies and fending off economic crises, critics further argue that the IMF does a poor job of holding governments in borrowing countries that do not comply with its policy prescriptions accountable for their lack of compliance and that this discourages the reform of bad governments in developing countries. That is, recall that the IMF itself wants to be repaid, and that this is one of the IMF’s explicitly stated justifications for imposing policy conditions on borrowing country governments in the first place. The means by which the IMF is able to enforce a borrowing

³³⁸ Stiglitz, *Globalization and its Discontents*, 16.

³³⁹ Stiglitz, *Globalization and its Discontents*, 84

country's compliance with the policy conditions of its loan is to make future access to IMF loans contingent upon its compliance. As Easterly explains, "If borrowers could default on their loans without fear of consequences, lenders would not make loans... In the private market, collection agencies' combination of threats and negotiation facilitates borrowers' access to the benefits of future loans. The IMF client maintains its access to future Western loans by following IMF dictates, meanwhile, getting an IMF loan to ease the pain, or more accurately, to postpone the pain to when it can repay the loan."³⁴⁰ However, as Easterly further explains, the IMF has been "weak in enforcing its conditions on macroeconomic misbehavior."³⁴¹ Borrowing countries that fail to fulfill conditions on old loans get new loans anyway. He writes, "Countries such as Ecuador and Pakistan went for more than two decades receiving one IMF loan after another, even though they had never completed an IMF program (meaning they didn't fulfill the conditions to get a second or later installment of a loan commitment). A slew of examples in Africa had the same problem, which was to contribute to the African debt crisis."³⁴² According to some critics, the IMF's failure to enforce its policy conditions by continuing to lend to governments despite their failure to fulfill policy conditions, "delay[s] necessary reforms and keep[s] governments from correcting their own mistakes."³⁴³ According to this line of thinking, "the IMF loans that governments receive, act as a subsidy for the bad policies that got them in the crisis in the first place."³⁴⁴

Further still, as Vreeland explains, IMF programs benefit local elites at the expense of borrowing countries' most vulnerable populations. He reports that studies show that "the

³⁴⁰ Easterly, *The White Man's Burden*, 213.

³⁴¹ Ibid., 225.

³⁴² Ibid., 227.

³⁴³ Vreeland, *The International Monetary Fund*, 122.

³⁴⁴ Vreeland. "The IMF and Economic Development," 368.

single most consistent effect the IMF seems to have is the redistribution of wealth away from workers.”³⁴⁵ Although total growth output is lowered in countries participating in IMF programs, IMF policies can increase the income of owners of capital in the short run, but hurt the less well-off in society not only by reducing total output of growth, but also by shifting income away from them.³⁴⁶ Indeed, according to Vreeland, these benefits to local elites give governments in aid recipient countries incentive to seek out IMF loans despite their counterproductive results for growth and people generally. That is, the IMF does not force country governments to enter its agreements. Rather, a government usually enters into such agreement because it is in dire need. As Easterly writes, “the government is myopic—a financial crisis makes it desperate for a loan right away, no matter what the long-term consequences. The IMF is often the only way to get such a loan.”³⁴⁷ A government’s choice to enter an IMF program is, then, as Vreeland writes, not “[a choice] between good and bad economic performance, but between bad performance on their own—without the IMF—or worse performance under a program sponsored by the IMF.”³⁴⁸ The latter option affords domestic governments means to evade political constraints and force the unpopular changes in economic policy, which are the condition of receiving the loan, from which they benefit.

While these are the main criticisms that have been made of the IMF, according to Marshall, the most organized and intensive critiques of the World Bank’s projects have focused on the environmental damage they cause to poor communities as well as their displacement of populations of thousands of people. She notes that several specific cases of World Bank projects causing environmental damage or population displacement have

³⁴⁵ Ibid., 366.

³⁴⁶ Ibid.

³⁴⁷ Easterly, *The White Man’s Burden*, 214f.

³⁴⁸ Vreeland. “The IMF and Economic Development,” 366.

“plainly changed Bank policies and approaches in fundamental ways,”³⁴⁹ suggesting that the institution is aware of the negative impact its projects have had in these domains.

Finally, Dambisa Moyo likens the effect of grants and loans at concessional rates—like those issued through the IDA branch of the World Bank and the IMF’s Poverty Reduction and Growth Facility—on African countries to that of a natural resource, arguing that they encourage domestic corruption and conflict. Aid, she explains, is largely provided directly to already corrupt governments in the form of easy-to-steal cash. Indeed, for the IMF and World Bank specifically, operating through governments of recipient countries is a requirement stipulated in the Articles of Agreement of these institutions. But, according to Moyo, corrupt governments in African and other aid recipient countries interfere with the rule of law in those countries, as well as the establishment of transparent civil institutions and the protection of civil liberties, and aid provides buttress to such corruption. Moyo argues moreover that providing aid directly to African governments has the further negative effect of making control over government worth fighting for and hence fostering civil conflict in borrowing African countries. Finally, such corruption and conflict have the still further effect of discouraging domestic and foreign investment in these countries, which investment, she contends, is necessary for their economic growth.³⁵⁰

Yet, despite their negative consequences for the global poor, IMF programs at least have had favourable consequences for the global rich. As Stiglitz writes, “capital market liberalization may not have contributed to global economic stability, but it did open up vast

³⁴⁹ “These include prominently development schemes in the Brazilian Amazon region, and the large Narmada Dam project in India,” Marshall, *The World Bank*, 144.

³⁵⁰ Dambisa Moyo, *Dead Aid: Why Aid is Not Working and How There is A Better Way for Africa* (New York: Farrar, Straus and Giroux, 2009), 48f.

new markets for Wall Street.”³⁵¹ IMF loans have enabled countries facing balance-of-payments problems to maintain interest rates at unsustainable levels for short periods, thereby making it possible for foreign investors to get their money out of the country on relatively favorable terms through IMF-imposed open capital markets. As Stiglitz explains, “For each ruble, for each rupiah, for each cruzeiro, those in the country get more dollars as long as the exchange rates are sustained.”³⁵² According to Stiglitz, the billions of dollars developing countries receive in IMF loans are too often used to pay back foreign creditors, both public—the IMF works particularly hard to ensure G-7 lenders are repaid—and private.³⁵³ Further, “after the billions are spent to maintain the exchange rate at an unsustainable levels to bail out the foreign creditors, [and] after their governments have knuckled under the pressure of the IMF to cut back on expenditures...countries face a recession in which millions of workers lose their jobs,” during which time, Stiglitz writes, “there seems to be no money around when it comes to finding the far more modest sums to pay subsidies for food or fuel for the poor.”³⁵⁴

Further, critics argue that conditionality can turn a loan into a policy tool for the West inside developing countries. As Vreeland explains, the imposition of IMF programs is heavily influenced by international politics. Recall that the distribution of power within the IMF favors the West. These economically powerful countries can use their influence to pursue their own political goals by pressuring the IMF to act on their behalf. And indeed, according to Stiglitz, the policies of the IMF—like other international economic institutions—are “all too often closely aligned with the commercial and financial interests of

³⁵¹ Stiglitz, *Globalization and its Discontents*, 207.

³⁵² Ibid., 209.

³⁵³ Ibid.

³⁵⁴ Ibid., 210.

those in the advanced industrial countries.”³⁵⁵ Even the choice of whether or not to enforce conditionality appears to be informed by international politics, for, as Vreeland and others note, the IMF has been particularly lax at enforcing conditionality in countries that happen to be strategically or economically important to the US.³⁵⁶

The Illegitimacy of the IMF and World Bank from the Perspective of Cooperative Justice

Like the WTO, the IMF and World Bank can both be seen as global cooperative institutions. Member countries pay a mandatory premium for membership in the IMF and World Bank in return for financial assistance in the event of economic downturns, loans for economic reconstruction and development, and enhanced global economic stability. As with the WTO, the distribution of benefits among members of the IMF and World Bank accrue predominately to high income developed countries. Again, however, the fact that rich countries disproportionately benefit from membership within these institutions as compared with poorer countries is not in itself problematic for their legitimacy from the standpoint of cooperative justice. Again, from the perspective of cooperative justice, what matters for the legitimacy of the IMF and World Bank is that they are both internally and externally rational.

To be internally rational, the terms that define the IMF and World Bank must be in the interests of all parties subject to their constraints. More specifically, rational deliberation must reveal that the benefits these institutions promise to provide, including access to funds in times of economic downturns, loans and grants for reconstruction and development, and global economic stability more generally, to outweigh the costs of the mandatory premiums countries pay for membership. Since every country is at risk of economic crisis, and since

³⁵⁵ Stiglitz, *Making Globalization Work*, 18f.

³⁵⁶ Vreeland, *The International Monetary Fund*, 124

economic crises can be very costly, paying a small premium for this protection alone would seem to be in everyone's best interest. Moreover, even the most developed countries are at risk of war or other social or natural disasters that could trigger demands for economic reconstruction. Thus paying a small premium for protection in the event that some such social or natural disaster does transpire does also appear to be in the interest of all countries. Yet, whether these institutions as they are here conceived are in fact internally rational, is nevertheless a matter of debate. It may be that there is a country somewhere in the world with a sufficiently strong economy that relies very little on international trade, and for which the risk of social or natural disaster is so unlikely that the mandatory premium it pays for membership in the IMF and World Bank is a bad investment.

But presuming that the IMF and World Bank are indeed internally rational institutions, and hence legitimate at least in this respect, both of these institutions, like the WTO, are nevertheless, not externally rational. Again, for an institution that is internally rational to be externally rational, all members of that institution must live up to the terms that define it. Thus, the external rationality of the IMF depends upon it providing countries facing economic downturns with funds that can be used to stave off economic crises; similarly, the external rationality of the World Bank depends upon it providing countries in need of economic reconstruction or development funds that can be used for reconstruction and development respectively. However, if Stiglitz and others on the political economy left are right, the austere policy reforms upon which the IMF and World Bank make their loans conditional contribute to economic instability and negatively affect economic development in developing countries. (Recall that through the practice of conditionality, the IMF and World Bank promote reducing the role of government in markets through fiscal austerity, as well as the privatization of public assets, and market liberalization from government

regulation in countries facing economic downturns. Recall moreover that Stiglitz argues that these principles are inappropriate to the task of developing poor countries economies, and instead have the counterproductive effects of thwarting long-term economic growth, increasing economic instability, etc.) If this is the case, then these institutions fail to provide the funding they promise. That is, the loans to which countries in need of funds for economic stability or development in fact have access are not funds that can be used toward these ends. Because they fail to provide the funds for economic stability and development that they promise, the IMF and World Bank are not externally rational institutions.

Moreover, IMF and World Bank loans, as they have been managed in the past, have helped to prop up bad governments, cause damage to local environments, exacerbate domestic income inequality, and foster civil conflict. The negative effects of these externalities on the ability of the IMF and World Bank to provide the protections they promise aside, these externalities themselves are not in any case among the costs of membership to which countries agree in joining the IMF and World Bank. Here again, some member countries—namely the rich and economically powerful countries that direct these institutions—have failed to comply with the terms of the agreement upon which these institutions are built. This is further evidence that the IMF and World Bank are not externally rational.

Finally, the IMF's practice has been to lend repeatedly to countries that fail to fulfill the conditions of their loans. This means that member countries are paying higher premiums for the benefits their membership offers them than they would be if it instead enforced the terms of lending in accordance with its own internally rational structure. In this respect, all member countries of the IMF incur costs to which they do not agree, including those member countries that direct the operations of the IMF and thus make decisions to repeat lend to

countries that behave badly. This is still further evidence that it is not rational (criterion of external rationality) for members of this institution to agree to the terms it proposes.

Because the IMF and World Bank are not externally rational institutions, they are therefore not legitimate from the perspective of cooperative justice. Moreover, reparative justice dictates that the rich countries of the world with whom the balance of power within the IMF and World Bank lies, and who acted in violation of the terms upon which these institutions were founded, have a duty to compensate the poor developing countries that have been illegitimately constrained by these institutions. Here again, redistributing wealth from the rich members countries who have acted in violation of the terms of these institutions to poor members countries that have suffered harms would seem an appropriate form of compensation. Minimally, this should include debt forgiveness for the amounts owed to the IMF and World Bank by the developing world, which, as of 2011, amount to \$158,104,000,000 and \$247,933,000,000 respectively.³⁵⁷

Cooperative Justice and Global Institutional Reform

Cooperative justice has so far been important for establishing that poor developing countries are entitled to compensation from the WTO, IMF and World Bank for the economic harms they suffer when more powerful members abuse the terms upon which these institutions are founded. It is also important for deciding the future of the WTO, IMF and World Bank. That is, cooperative justice demands the reform of these global cooperative schemes—if indeed their existence is to continue—to ensure that the benefits they provide are more fairly distributed among their member countries in the future. Moreover, making

³⁵⁷ “International Debt Statistics 2013,” <http://data.worldbank.org/sites/default/files/ids-2013.pdf>, 32f.

institutions just from the perspective of cooperative justice would improve access to advantage in poor countries.

Suppose, for example, that the WTO is internally, but not externally rational and illegitimate on this basis. Dictates of cooperative justice could be met by making reforms to the Dispute Settlement Body to ensure that there is sufficient disincentive for economically powerful countries to breach WTO rules and regulations (or sufficient incentive to pay compensation when they do). Such reforms that would enable the WTO to work efficiently would increase export profits for its member countries. Export profits are generally regarded as important for economic growth, and growing developing countries' economies, again, has the potential at least to increase their populations' access to basic resources and employment, which would precisely be to improve their populations' access to advantage.

With respect to the IMF and World Bank, if Stiglitz, for example, is right that the policy conditions upon which their loans are made contingent contribute to economic instability and negatively affect economic development in borrowing countries and the IMF and World Bank do thereby operate inefficiently, then cooperative justice dictates a reform of these policy conditions. Recall that the policy conditions that the IMF and World Bank impose on borrowing countries focus on reducing the role of government in markets. Stiglitz contends that these policies are inappropriate to developing poor countries' economies, and argues that government intervention is essential to prevent market failure. He writes, "At whatever stage of political and economic development a country is, government makes a difference. Weak governments and too-intrusive governments both hurt stability and growth."³⁵⁸

³⁵⁸ Stiglitz, *Globalization and its Discontents*, 220.

Yet, even among well-trained economists who advocate for government intervention into markets, there is real disagreement about how precisely governments should intervene in borrowing countries. However, there is agreement among several authors regarding the importance of giving people in the developing world a greater voice in deciding these matters. Stiglitz writes, the “most fundamental change to be made to these institutions in order to make globalization work in the way that it should is a change in governance so that the interests of developing countries are better reflected in their activities.” Of the IMF currently, he writes that its “actions affect the lives and livelihoods of billions throughout the developing world; yet they have little say in its actions. The workers who are thrown out of jobs as a result of IMF programs have no seat at the table; while the bankers, who insist on getting repaid, are well represented through the finance ministers and central bank governors.”³⁵⁹ According to Stiglitz, giving people in the developing world a greater voice within the IMF and the World Bank would involve a change in voting rights within those institutions.³⁶⁰ He argues that it will moreover entail “in all of the international economic institutions[,] changes to ensure that it is not just the voice of trade ministers that are heard in the WTO or the voice of the finance ministers and treasuries that are heard at the IMF and the World Bank.”³⁶¹

Reforming the IMF and World Bank so as to make their operations efficient for all member countries would mean that they would make funds available for member countries that they could use to stave off domestic economic instability or for economic reconstruction and development. Both economic stability and economic development within borrowing countries are important, if not essential to improving their populations’ access to basic

³⁵⁹ Ibid., 225.

³⁶⁰ Ibid., 226.

³⁶¹ Ibid.

resources and reasonable employment, which is, again, precisely to improve their populations' access to advantage.

Satisfying Basic Human Rights

The arguments presented so far in this chapter support global redistribution and institutional reform that would vastly improve the situation of most poor countries relative to what they currently endure. However, for countries whose situation is not markedly improved through the implementation of measures defended on the basis of reparative and cooperative justice, respect for basic human rights moreover supports redistribution from the rich countries of the world to these poor countries in order to ensure their citizens' basic needs are met.

The World Bank defines extreme poverty as “average daily consumption of \$1.25 or less,” measured in US dollars at 2005 prices, and describes persons living at this threshold to be “living on the edge of subsistence.”³⁶² It's most recent global update estimates that in 2008, 1.29 billion people lived in households whose consumption expenditure per person fell below this threshold, which is the equivalent to 22 percent of the developing world. However, a more recent, post-2008 World Bank analysis indicates an improvement in these figures. That is, according to the World Bank, “preliminary survey-based estimates for 2010...based on a smaller sample size than in the global update,” indicate that 1.22 billion people lived below the extreme poverty threshold in 2010, the equivalent of 20.6 percent of the developing world. The World Bank also reports that these figures indicate that, “the first

³⁶² “Extreme Poverty Rates Continue to Fall,” <http://data.worldbank.org/news/extreme-poverty-rates-continue-to-fall>

Millennium Development Goal of halving extreme poverty from its 1990 level has been achieved before the 2015 deadline.”³⁶³

Despite the encouraging appearance of these most recent figures, the World Bank also estimates that in 2010 2.4 billion people were, however, still living below its higher poverty threshold of average daily consumption of \$2 a day in 2005 prices.³⁶⁴ In order to appreciate what it would mean to live on a budget of \$2 a day in the United States in 2005, consider that it would have been, as Pogge explains, “equivalent in 2012 to \$16.50 per week or \$71.70 per month, or \$860 for the entire year.”³⁶⁵ Even this higher poverty threshold of \$2 a day is thus insufficient to satisfy demands of basic human rights. As Pogge urges, “Think here about what you could buy [with this amount] in the way of food, shelter, clothing, medical care, water and other utilities....[and] whether you would consider such an existence to accord with what is affirmed in Article 25 of the Universal Declaration of Human Rights, that ‘Everyone has the right to a standard of living adequate for health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.’”³⁶⁶

Although this higher poverty threshold grossly overestimates the buying power of a budget equivalent to \$2 a day in 2005, this threshold is, however, a far better approximation of sufficiency than the fully 60 percent lower \$1.25/day extreme poverty threshold used within the UN’s first Millennium Development Goal to track progress against global poverty.

³⁶³ World Bank press release February 29, 2012: ‘World Bank Sees Progress Against Extreme Poverty, But Flags Vulnerabilities.’
<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:23130032~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>.

³⁶⁴ “Poverty Overview,” <http://www.worldbank.org/en/topic/poverty/overview>.

³⁶⁵ Thomas Pogge, “Poverty, Human Rights and the Global Order: Framing the Post-2015 Agenda,” (April 26, 2012), 3.

³⁶⁶ Ibid.

Redistribution to bring the global poor to this \$2 a day threshold is therefore defensible on the basis of human rights alone. (Indeed, redistribution necessary to bring people above an average daily consumption of \$2/day would seem justifiable even on grounds of sheer human decency.) Moreover, the redistribution necessary to bring the global poor to this threshold does not seem at all unachievable. Again, the most recent estimates indicate that the number of people living below this \$2 a day threshold to be 2.4 billion.³⁶⁷ Pogge calculates that, “At market exchange rates, those living below the \$2/day line have a collective annual shortfall of about \$300 billion from this line—about 0.8% of global household income,” and that “A mere 1.2 percent of the income of the richest tenth of humanity, which collectively receive nearly 70 percent of global household income would theoretically suffice to cover this shortfall.”³⁶⁸ Thus, using the World Bank’s \$2 a day poverty line as an approximation of the level of sufficiency to which all persons are entitled as a basic human right, a redistribution from the global rich to the global poor equivalent to \$300 billion annually is defensible on the basis of human rights alone. Indeed, once one factors in the improvements in access to advantage that most poor countries will see on the basis of reparation for harms they endured during the colonial past (and the residual harms of colonialism), and more recently through the activities of the WTO, IMF and World Bank, and as a result of reforms to these global institutions to satisfy demands of cooperative justice, the redistribution necessary to bring any country whose situation is not already thereby markedly improved to this \$2/day threshold, would be but a fraction of this amount.

Such redistribution of wealth from the rich countries of the world to any poor country that is not already been helped by the measures outlined in previous sections of this chapter

³⁶⁷ “Poverty Overview,” <http://www.worldbank.org/en/topic/poverty/overview>.

³⁶⁸ Pogge, “Poverty, Human Rights and the Global Order: Framing the Post-2015 Agenda,” 3.

would not only satisfy persons basic human right to subsistence, but would constitute an improvement in access to advantage for persons residing in these countries in this small measure at least.

Furthering the Interests of the Global Rich

In addition to reasons of human rights, and reparative and cooperative justice, there are moreover reasons of self-interest for rich countries to improve the economic situation of poor countries generally, as well as to make the reforms and reparations that justice has heretofore been argued to require. For instance, developing poor countries' economies would make possible greater global economic integration, which is generally acknowledged to be able to do enormous good for people. As Reinert explains, among the benefits of economic globalization are (i) increased welfare for all made possible by the cheaper production of goods and services that take place under economies of scale; (ii) increased potential for innovations and improvements to reach each individual of the world more quickly and cheaply made possible by distributing the costs of technical change and innovation among a greater number of consumers; (iii) increased potential for companies with complementary skills to thrive and grow in ways they could not manage alone, as well as a larger division of labour, more specialization and increased knowledge.³⁶⁹ Developing poor countries' economies would make possible greater global economic integration, and thereby increase the potential for rich countries to reap these benefits.

Moreover, rich countries bear certain costs for neglecting to improve the situation of the poor in poor countries. For instance, Dambisa Moyo argues that neglecting to address

³⁶⁹ Reinert, *How Rich Countries Got Rich and Why Poor Countries Stay Poor*, 102f.

vast global inequality risks international violence. As Moyo explains, over sixty percent of Africans are under twenty-four years old, with fifty percent of some countries' populations under the age of fifteen. She argues, that lack of job creation in these countries means big populations living on the streets, who, having nothing to lose, are ideal recruits for terror cells like those that have emerged in failed states like Somalia.

Global inequality aside, neglecting to reduce *domestic* income inequality in developing countries also threatens to undermine national security within rich developed countries. As Pickett and Wilkinson observe, "More unequal countries...seem to be more belligerent internationally."³⁷⁰ Their research shows that "Inequality is related to worse scores on the Global Peace Index, which combines measures of militarization with measures of domestic and international conflict, and measures of security, human rights and stability."³⁷¹ Since IMF programs exacerbate domestic income inequality in borrowing countries, it is in the self-interest of the rich countries of the world that IMF programs be reformed so as not to have this effect, and that domestic income inequality in developing countries generally is redressed.

Other reforms to global institutions that would improve access to advantage in poor countries are also in the interest of the rich countries. For example, it has been suggested the waiving WTO rules governing intellectual property for developing countries might be an appropriate form of reparation for some of the injustice rich developed countries have caused them to suffer in the past. But reforming WTO rules governing intellectual property altogether, in ways that could be expected to benefit poor developed countries, may also be in the long-term interest of rich developed countries. That is, as Stiglitz explains, the

³⁷⁰ Wilkinson and Pickett, *The Spirit Level*, 229.

³⁷¹ *Ibid.*, 235.

economic theory that supports the WTO's intellectual property rights is that the works and information that creative work and innovation produce are so-called "public" goods. That is, in the absence of measures to restrict their use, these are goods that anyone can use and that never get used up. This makes it difficult for creators to extract value from their works, or to influence how they are used. Thus, "the protection of intellectual property is designed to ensure that inventors, writers, and others who invest their money and time in creative activities receive a return on their investment."³⁷² Where patents are concerned, in addition to providing incentive to invest in innovations, as well as the means to finance necessary research and development, a further purpose of the patent system is the dissemination of technological information. To this end, in return for patents, applicants must provide extensive disclosure of the details of their inventions. In this way, new technology becomes part of a common pool of knowledge from which everyone can benefit once the patent expires, rather than remaining secret.³⁷³ But, although monopoly power over intellectual property generates excess profits, which are intended to provide incentive for inventors to engage in research, Stiglitz argues that "the contention that stronger intellectual rights always boost economic performance is not in general correct."³⁷⁴ According to Stiglitz, "economic efficiency means that knowledge should be made freely available."³⁷⁵ Monopoly power over intellectual property, by contrast, has the potential to create economic inefficiencies by reducing innovation. He writes, "Monopolies insulated from competition are not subject to the intensive pressures that drive innovation. Worse still they can use their power to squash

³⁷² Stiglitz, *Making Globalization Work*, 107.

³⁷³ Brown and Stern, "Fairness in the Trading System," pp

³⁷⁴ Stiglitz *Making Globalization Work*, 106

³⁷⁵ *Ibid.*, 108.

rivals, reducing the incentives of others to do research.”³⁷⁶ Moreover, Stiglitz continues, “because patents impede the dissemination and use of knowledge [in the short term], they slow follow-on research, innovations based on other innovations. Since almost all innovations build on earlier innovations, over all technological progress is then slowed.”³⁷⁷ Further still, so-called “patent thickets” wherein multiple patents covering various ideas that go into an innovation give rise to difficulties sorting out the patents, cause delays at the cost of economic efficiency. And, finally, “the patent system may reduce productive innovation by diverting much of a company’s expenditure towards either increasing monopoly power or getting around the patents of others.”³⁷⁸ Reforming WTO rules governing intellectual property in ways that would enable developing countries to more easily access new technologies that are important for the development of their economics, which in turn could be expected to improve access to advantage in these countries, is also important for economic growth in rich developed countries.

Finally, there are reasons of self-interest for rich countries to acknowledge and make reparations for the past injustices they have perpetrated against developing countries in general. For example, neglecting to compensate for the past injustices that rich countries have perpetrated against poor countries through colonialism and through the operations of the WTO, IMF and World Bank, undermines future global cooperation and the enormous good it promises. Compensating for injustices that sully past relations between nations is necessary for trust and mutual respect between nations, which is in turn necessary for international cooperation. In reference to the importance for making reparations for the harms inflicted by the North on the South during the colonial past, Leif Wenar writes, “Past

³⁷⁶ Ibid., 109

³⁷⁷ Ibid., 110.

³⁷⁸ Ibid., 111

denial of respect can warp present identities in ways that make it impossible for individuals to work together within cooperative schemes... Without trust, honest dialogue and a willingness to compromise are hard to sustain...those who live in former colonies may reasonably suspect the arguments of former colonial powers concerning the desirability of opening their markets to free trade.”³⁷⁹

Each of these arguments from self-interest provide additional reasons to carry out the redistribution and reforms that this chapter has argued are justifiable on the basis of reparative justice, cooperative justice, and respect for basic human rights. Such global wealth redistribution and institutional reforms, again, stand to considerably improve access to advantage in poor developing countries.

* * *

In this chapter, I have aimed to show that in addition to the argument for global equality presented in the preceding chapters of this thesis, there are several additional grounds to justify global redistribution and institutional reform conducive to the realization of equality of access to advantage on a global scale. Over the course of the chapter I presented six such arguments. To briefly recap, I first argued that global wealth redistribution is justifiable on the basis of reparation for the harm to which rich developed countries subjected poor developing countries during the colonial past and its lasting effects, including their exploitation for foreign profit that involved the extraction of human and natural resources, denying them access to benefits generated through the institutions and stable and efficient economies that the wealth generated from this exploitation created for the rich,

³⁷⁹ Wenar, “Reparations for the Future,” 403f.

undermining their political self-determination, and degrading their local cultures. Second, I argued that redistribution is justified on the basis of reparation for the WTO's failure to satisfy demands of cooperative justice toward many countries in the poor developing world by enforcing rules and regulations that unreasonably burden developing countries and/or by rich countries abusing their power advantage and violating the rules and regulations with which they agreed to abide. I further suggested that alternatively appropriate means of compensating for this injustice might also be to introduce measures to the WTO that would permit poor member countries to derive greater economic gains from membership in the institution. Third, I argued that redistribution is similarly justified on the basis of reparation for the failure of the World Bank and IMF to satisfy demands of cooperative justice toward many poor developing countries by making their loans conditional on austere policy reforms that contribute to economic instability and negatively affect their economic development and thereby failing to provide the funding for economic stability and development that they promise, and moreover by subjecting borrowing developing countries to costs of membership to which they do not consent, like propping up bad government, causing damage to local environment, exacerbating domestic income inequality, and fostering civil conflict. The global wealth redistribution that these arguments support would make available resources for investing in improving access to advantage for the global poor and is hence conducive to the realization of global equality of access to advantage in this indirect sense.

I argued that cooperative justice moreover demands the reform of global institutions like the WTO, World Bank and IMF, in order to ensure that the benefits they provide are more fairly distributed among their member countries in the future, and that this would directly improve access to advantage in poor developing countries. Further, I argued that any country whose situation would not be markedly improved by making these reparations and

reforms would be entitled to compensation to bring them to a level of basic subsistence on the basis of human rights, and that this redistribution will improve their access to advantage for people residing in these countries in this small measure at least. Finally, argued that it is in the self-interest of the West to make the redistribution and reforms justified on the basis of each of these aforementioned arguments from reparative justice, cooperative justice, and respect for basic human rights, and to invest in the development of poor countries' economies in general, since to do so would make possible greater global economic integration and the benefits it promises like cheaper goods and services and increased innovation, because it would reduce the risk of international violence, and because it would foster trust between nations essential to trade and international cooperation more generally.

Each of these arguments has considerable motivational purchase on my own sensibilities. It is my hope that they will be received as similarly motivating by others, so that the global redistribution and institutional reform I have invoked them to defend might be realized, and those among the global poor thereby afforded greater access to advantage which I have in the preceding chapters of this thesis argued is their right.

Conclusion

In this thesis, I have argued for a global distribution of goods in accordance with the principle of equality of access to advantage and have tried to motivate action conducive to the realization of this ideal. The normative argument offered in defence of this ideal was presented over the course of the first two chapters. Specifically, in chapter one, equality of access to advantage was defended as the preferred conception of distributive equality. Here, I considered each of the predominant conceptions of distributive equality available within the literature on distributive justice, and, for each alternative conception, argued that either there is a common moral intuition about what distributive equality entails that it fails to accommodate, or that the conception itself is not sufficiently clear. More precisely, I argued that utilitarianism neglects to give weight to how persons' welfare levels compare, thus permitting vast compromises to the welfare of some for the sake of the welfare of others. As such, it runs counter to this most basic intuition about what distributive equality entails. I argued that equality of resources does not sufficiently offset the influence of talent and circumstance on persons' relative freedom to pursue and achieve the ends that they value which, however, they have done nothing to deserve and hence should not be held accountable. I further, and relatedly, objected to its focus on the means necessary for achieving meaningful ends rather than on the ends themselves. Next, I argued that equality ought not be conceived as equality of welfare as it neglects to hold persons accountable for low levels of welfare that result from personal choice for which they should be held accountable. I objected to libertarianism for the same reasons I objected to equality of resources, namely, that it does not sufficiently offset the effects of talent and circumstance on

persons' respective freedom to pursue and achieve the ends that they value, and is hence compatible with serious undeserved inequalities in the degree to which persons are able to achieve those ends. I argued that the capabilities approach is insufficiently clear, offering no principled way of deciding which ends specifically persons should have the freedom to pursue. Finally, I argued that equality of opportunity for welfare is unable to accommodate the intuition that there are some resources to which persons should have equal access irrespective of considerations of their welfare and that a superior conception of equality would accommodate this intuition.

Following this, I argued that equality of access to advantage is able to accommodate each of the intuitions on the basis of which the aforementioned conceptions of distributive equality were dismissed, and that although this conception of distributive equality is, like the capability approach, not quite clear in principle, it is however less open to interpretation than the capability approach and to be preferred for this reason. I then interpreted the ideal of equality of access to advantage to require that persons be made equal in their access to all doings and beings that are necessary for worldly autonomy within the current historical context, and in doings and beings that they respectively prefer. I moreover argued that, while this ideal is neither perfectly feasible, nor its perfect pursuit practically desirable, it should be pursued to the extent that persons have equal access to the various beings and doings that are necessary for worldly autonomy and that it is reasonable to think they would collectively prefer. Finally, I argued that global equality of access to advantage is a more practical ideal than global equality of resources interpreted as wealth or income, since it calls for a redistribution of wealth from the global rich to the global poor sufficient to provide the global poor access to being nourished, escaping early mortality, being meaningfully

employed, etc., which is a redistribution far less than that which equal global resources so conceived would demand.

In chapter two I argued that justice demands distributive equality on a global scale. I first distinguished relational from non-relational arguments for distributive equality. I argued that although non-relational arguments are the most direct route to establishing equality on a global scale, the normative pull of such arguments derives from the intuitiveness of the claim that no one should suffer fewer than equal prospects due to unchosen circumstances, which can however, on reflection, be seen to have implications that run counter to intuition. I concluded that such arguments are thus not convincing.

Taking up relational arguments for equality, I considered whether distributive equality could defensibly hold within either of three possible domestic domains. First, I considered whether distributive equality could defensibly be limited to a nation of people that share a culture and on the basis of this shared culture. I argued that this view is ultimately untenable on grounds that it privileges sentiment to rational argument, which ought to decide just distribution.

I next considered whether distributive equality could defensibly hold only within democratic or other states that enforce laws in the names of their members on grounds that equality is a legitimizing criterion of such coercion. I argued that the relationship of will to authoritative power on which distributive equality is here based similarly obtains between global governing bodies like the WTO, UN, etc. and persons subject to their rules and hence cannot sensibly ground distributive equality within the domestic sphere only. I argued that it is moreover objectionable that only persons in whose name state coercion is exercised have standing to ask why they should accept coercion since it implies that states exempt

themselves from demands of equality and justice more generally simply by denying those whom it coerces any standing as putative authors of that coercion.

Next, I considered whether distributive equality could defensibly be limited to modern states generally on grounds that equality legitimizes the coercion that states exercise over their citizens in domains of private law and taxation and that no such coercion extends beyond the state. I showed that coercion is not necessary to justify demands of distributive equality and hence cannot justify limiting distributive equality to the domestic sphere only. I then considered whether distributive equality could defensibly hold within modern states on grounds of reciprocity for members' mutual provision of the state legal system that is responsible for protecting them from physical attack and for maintaining a stable system of property rights, but not globally since people living in different states do not contribute to production of these goods. I argued that reciprocity can indeed trigger duties of distributive equality among members of a state, however, I proceeded to show that distributive equality cannot, however, be limited to just the state.

In the final section of the chapter, I considered arguments for global equality that appeal to a basic global institutional structure variously conceived. First, I considered whether distributive equality could defensibly hold among persons who share a basic institutional structure through which they cooperate to produce certain benefits that would not obtain without their cooperation and on the basis of that cooperation. I argued that social cooperation that produces benefits that would not exist without that cooperation is not a sound basis for the equal distribution of those benefits as a rule since cooperative parties may contribute very unequally to the production of those goods. I then considered whether distributive equality could defensibly hold among persons who share a basic institutional structure by which they are coerced in ways that have profound and pervasive effects on their

lives, on the basis of either that coercion or its profound and pervasive effects. I argued that this is not a sound basis for distributive equality since neither coercion nor having profound and pervasive effects would render an equal distribution of goods produced through cooperation to which person contribute very unequally, just.

Finally, I argued that although a global basic structure defined by social cooperation as such, or alternatively, by coercion and/or having profound and pervasive consequences for persons' welfare, is not sufficient to trigger duties of global distributive equality, a global basic structure defined by social cooperation in which the participation of all cooperative parties is equally necessary to the production of benefits for which that basic structure provides *is* a sound basis for the equal distribution of those benefits. Moreover, I argued that the global system of state-enforced borders constitutes just such a global scheme of social cooperation, and that all persons are thus entitled to equal distributive shares of the various institutional goods for which borders provide, but which are almost exclusively currently enjoyed by those fortunate to have been born into rich countries.

Having established that distributive equality is best conceived as equality of access to advantage and that distributive equality is justifiable at the global level, in chapter three I changed focus and engaged with a more practical concern. Taking seriously the charge that the ideal of global equality is not in itself motivating, I provided additional grounds for global redistribution and institutional reform conducive to improving access to advantage for the global poor. Specifically, I argued that redistribution is justified on the basis of reparation for the harm to which rich developed countries subjected poor developing countries during the colonial past and its lasting effects. I argued that redistribution is moreover justified on the basis of reparation for the WTO's failure to satisfy demands of cooperative justice toward many countries in the developing world. And I argued that redistribution is similarly

justified on the basis of reparation for the failure of the World Bank and IMF to likewise satisfy demands of cooperative justice toward many poor developing countries.

I argued that cooperative justice moreover demands the reform of the WTO, World Bank and IMF in order to ensure that the benefits they provide are more fairly distributed among their member countries in the future, and that this would further improve access to advantage in poor developing countries. I argued that any country whose situation has not been markedly improved by making these reparations and reforms is owed compensation to bring them to a level of bare subsistence on grounds of respect for human rights, and that this redistribution will improve their access to advantage in this small measure at least. Finally, I argued that each of these aforementioned redistributions and reforms, as well as further action to develop the economies of countries among the global poor are defensible on grounds of furthering the self-interest of the West.

Each of these alternative arguments for global redistribution and institutional reform has considerable motivational purchase on my own sensibilities. In presenting them here, it is my hope that others will find them motivating as well, and support the redistribution and institutional reforms I invoke them to defend—which redistributions and reforms are, again, moreover justifiable on the basis of the distributive ideal of global equality of access to advantage that this thesis defends.

Bibliography

- Abizadeh, Arash. "Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice." *Philosophy & Public Affairs* 35, no. 4 (2007): 318-58.
- Arneson, Richard J. "Equality and Equal Opportunity For Welfare." In *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland, 229-238. New York and Oxford: Oxford University Press, 1997.
- , "Equality of Opportunity for Welfare Defended and Recanted." *The Journal of Political Philosophy* 7, no. 4 (1999): 488-97.
- , "Luck Egalitarianism and Prioritarianism." *Ethics* 110 (2000): 339-49.
- , "Postscript." In *Equality: Selected Readings*, edited by Louis P. Pojman and Robert Westmoreland, 238-241. New York and Oxford: Oxford University Press, 1997.
- , "Rawls versus Utilitarianism in the Light of Political Liberalism." In *The Idea of Political Liberalism: Essays on Rawls*, edited by Victoria Davion and Clark Wolf. Lanham: Md: Rowman and Littlefield, 2000.
- , "Welfare Should Be the Currency of Justice." *Canadian Journal of Philosophy* 30, no. 4 (2000): 497-542.
- Beitz, Charles R. "Cosmopolitan Ideals and National Sentiment." *The Journal of Philosophy* 80 (1983): 591-600.
- , *Political Theory and International Relations*. Princeton: Princeton University Press, 1979.
- Bentham, Jeremy. *Principles of Morals and Legislation*. Oxford: Clarendon Press, 1907.
- Blake, Michael. "Coercion and Egalitarian Justice." *The Monist* 94, no. 4 (2011): 553-70.
- , "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs* 30, no. 3 (2002): 257-96.
- Brock, Gillian. *Global Justice: A Cosmopolitan Account*. Oxford: Oxford University Press, 2009.
- Brown, Andrew G. and Robert M. Stern. "Fairness in the Trading System." In *The Oxford Handbook on the World Trade Organization*, edited by Martin Daunton, Amirta Narlikar, and Robert M. Stern, 677-96. Oxford: Oxford University Press, 2012.

- Brown, Drusilla K. "Labour Standards and Human Rights." In *The Oxford Handbook on the World Trade Organization*, edited by Martin Daunton, Amirta Narlikar, and Robert M. Stern, 697-718. Oxford: Oxford University Press, 2012.
- Buterbaugh, Kevin and Richard Fulton. *The WTO Primer: Tracing Trade's Visible Hand Through Case Studies*. New York: Palgrave MacMillan, 2007.
- Caney, Simon. "Cosmopolitanism Justice and Equalizing Opportunities." *Metaphilosophy* 32, no. 1-2 (2001): 113-34.
- , *Justice Beyond Borders*. Oxford: Oxford University Press, 2005.
- Cohen, G.A. "Facts and Principles." *Philosophy and Public Affairs* 31 no. 3 (2003): 211-45.
- , "On the Currency of Egalitarian Justice." *Ethics* 99 (July 1989): 906-944.
- , *Rescuing Justice and Equality*. Cambridge: Harvard University Press, 2008.
- Cohen, Joshua and Charles Sabel. "Extra Rempublicam Nulla Justitia." *Philosophy and Public Affairs* 34, no. 2 (2006): 147-175.
- Credit Suisse. "Credit Suisse Global Wealth Report 2012." <https://publications.credit-suisse.com/tasks/render/file/?fileID=BCDB1364-A105-0560-1332EC9100FF5C83>.
- , "Global Wealth Data Book," https://www.credit-suisse.com/news/doc/credit_suisse_global_wealth_databook.pdf.
- Dworkin, Gerald. "Autonomy." In *A Companion to Contemporary Political Philosophy*, edited by Robert E. Goodin and Philip Pettit, 359-65. Oxford: Blackwell, 1995.
- Dworkin, Ronald. "Ronald Dworkin Replies." In *Dworkin and His Critics: With Replies by Dworkin*, edited by Justine Burley. Malden, MA: Blackwell Publishing, 2004.
- , "Sovereign Virtue Revisited." *Ethics* 113, no. 1 (2002): 106-43.
- , *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge: Harvard University Press, 2000.
- , "What is Equality? Part 1: Equality of Welfare. *Philosophy and Public Affairs* 10, no. 3 (1981): 185-246.
- , "What is Equality? Part 2: Equality of Resources. *Philosophy and Public Affairs* 10, no. 4 (1981): 283-345.
- Easterly, William. *The White Man's Burden: Why the West's Efforts to Aid the Rest Have Done So Much Ill and So Little Good*. New York: Penguin Books, 2006.

- Elster, Jon. *Sour Grapes: Studies in the Subversion of Rationality*. Cambridge: Cambridge University Press, 1996.
- Gauthier, David. *Morals By Agreement*. New York: Oxford University Press, 1987.
- George, Susan. *Another World is Possible If....* London: Verso, 2004.
- Gilabert, Pablo. "Cosmopolitan Overflow." *The Monist* 94, no. 4 (2011): 584-92.
- , *From Global Poverty to Global Equality: A Philosophical Exploration*. Oxford: Oxford University Press, 2012.
- Hassoun, Nicole. *Globalization and Global Justice: Shrinking Distance, Expanding Obligations*. Cambridge: Cambridge University Press, 2012.
- IMF's Financial Resources and Liquidity Position, 2012-March 2014,"
<http://www.imf.org/external/np/tre/liquid/2013/0113.htm>
- Kymlicka, Will. *Contemporary Political Philosophy: An Introduction*. New York: Oxford University Press, 2002.
- Lippert-Rasmussen, K. "Arneson on Equality of Opportunity for Welfare." *The Journal of Political Philosophy* 7, no. 4 (1999): 478-87.
- Marshall, Katherine. *The World Bank: From Reconstruction to Development to Equity*. New York: Routledge, 2008.
- Mill, John Stewart. *On Liberty*. Indianapolis: Hackett Publishing Company, 1978.
- Miller, David. "Against Global Egalitarianism." *The Journal of Ethics* 9 (2005): 55-79.
- , *Citizenship and National Identity*. Cambridge: Polity Press, 2000.
- , *Justice for Earthlings: Essays in Political Philosophy*. Cambridge: Cambridge University Press, New York: Oxford University Press, 2013.
- , *National Responsibility and Global Justice*. New York: Oxford University Press, 2007.
- Mollendorf, Darrel. *Cosmopolitan Justice*. Boulder Colo.: Westview, Press, 2002.
- Moyo, Dambisa. *Dead Aid: Why Aid is Not Working and How There is A Better Way for Africa*. New York: Farrar, Straus and Giroux, 2009.
- Nagel, Thomas. "The Problem of Global Justice." *Philosophy and Public Affairs* 30, no. 2 (2005): 113-147.
- Nozick, Robert. *Anarchy, State, Utopia*. New York: Basic Books, Inc., 1974.

Pickett, Kate and Richard Wilkinson. *The Spirit Level: Why Equality is Better for Everyone*. London: Penguin Books, 2009.

Pogge, Thomas. "Cosmopolitanism and Sovereignty," *Ethics* 103 (1992): 48-75.

----- "Poverty, Human Rights and the Global Order: Framing the Post-2015 Agenda." (April 26, 2012).

----- *Realizing Rawls*. Ithica: Cornell University Press, 1989.

----- *World Poverty and Human Rights*. Cambridge: Polity, 2008.

Rawls, John. *The Law of Peoples: with "The Idea of Public Reason Revisited."* Cambridge, Mass.: Harvard University Press, 1999.

----- "The Priority of Right and Ideas of the Good." *Philosophy and Public Affairs* 17, no. 4 (1988): 251-76.

----- "Social Unity and Primary Goods." In *Utilitarianism and Beyond*, edited by Amartya Sen and Bernard Williams, 159-85. Cambridge: Cambridge University Press, 1994.

----- *A Theory of Justice*. Cambridge, Mass.: The Belknap Press of Harvard University Press, 1971.

Reinert, Erik S. *How Rich Countries Got Rich and Why Poor Countries Stay Poor*. London: Constable & Robinson Ltd., 2007.

Richards, David. "International Distributive Justice." In *Ethics, Economics, and the Law: NOMOS XXIV*, edited by J.R. Pennock and J.W. Chapman. New York: New York University Press, 1982.

Roemer, John E. *Theories of Justice*. Cambridge: Harvard University Press, 1996.

Ronzoni, Miriam. "The Global Order: A Case of Background Injustice? A Practice-Dependent Account." *Philosophy and Public Affairs* 37, no. 3 (2009): 229-256.

Rorty, Richard. "Who Are We?: Moral Universalism and Economic Triage." *Diogenes* 44, no. 173 (1996):5-15.

Sangiovanni, Andrea. "Global Justice and the Moral Arbitrariness of Birth." *The Monist* 94, no. 4 (2011): 571-581.

----- "Global Justice, Reciprocity, and the State." *Philosophy & Public Affairs* 35, no. 1 (2007) 3-39.

----- "How Practices Matter." *Journal of Political Philosophy*, forthcoming.

- "Justice and the Priority of Politics to Morality." *The Journal of Political Philosophy* 16, no. 2 (2007): 137-64.
- "Normative Political Theory: A Flight from Reality?" In *Political Thought and International Relations*, edited by D. Bell, 219-40 Oxford: Oxford University Press, 2008.
- Sen, Amartya. *Development As Freedom*. New York: Anchor Books, 1999.
- "Elements of Theory of Human Rights," *Philosophy and Public Affairs* 32 (2004): 315-56.
- "Equality of What?" In *Tanner Lectures on Human Values*, edited by S. McMurrin, 195-220. Cambridge: Cambridge University Press, 1980.
- *Inequality Reexamined*. Cambridge: Harvard University Press, 1992.
- Simmons, A.J. "Ideal and Non-Ideal Theory." *Philosophy and Public Affairs* 38 (2010): 5-36.
- Singer, Peter. *Practical Ethics*. Cambridge: Cambridge University Press, 1993.
- *One World*. New Haven and London: Yale University Press, 2002.
- Stiglitz, Joseph E. "Democratizing the International Monetary Fund and the World Bank: Governance and Accountability," *Governance* 16, 1 (2003): 111-139.
- *Globalization and its Discontents*. New York: W.W. Norton & Company, Inc., 2002.
- *Making Globalization Work*. London: Allen Lane, 2006.
- Tan, Kok-Chor. "The Boundary of Justice and the Justice of Boundaries: Defending Global Egalitarianism." *Canadian Journal of Law and Jurisprudence* 19 no. 2 (2006) 319-44.
- "Colonialism, Reparations, and Global Justice." In *Reparations: Interdisciplinary Inquiries*, edited by Jon Miller and Rahul Kumar, 280-306. Oxford: Oxford University Press, 2007.
- *Justice, Institutions, and Luck*. Oxford: Oxford University Press, 2012.
- Temkin, Larry. *Inequality*. New York: Oxford University Press, 1993.
- Tokarick, Stephen. "Dispelling Some Misconceptions about Agricultural Trade Liberalization." *Journal of Economic Perspectives* 22, no. 1 (2008): 199-216.

Taubman, Antony, Hannu Wager, and Jayashree Watal, eds., *A Handbook on the WTO TRIPS Agreement*. Cambridge: Cambridge University Press, 2012.

United Nations “We Can End Poverty Millennium Development Goals Beyond 2015.”
<http://www.un.org/millenniumgoals/envIRON.shtml>

Valentini, Laura. *Justice in a Globalized World: A Normative Framework*. Oxford: Oxford University Press, 2011.

Van Parijs, Philippe. “International Distributive Justice.” In *A Companion to Contemporary Political Philosophy Volume Two*, edited by Robert E. Goodin, Philip Pettit and Thomas Pogge, 638-52. Oxford: Blackwell, 2007

Vreeland, James Raymond. “The IMF and Economic Development.” In *Reinventing Foreign Aid*, edited by William Easterly, 351-76. New York: The MIT Press, 2008.

----- *The International Monetary Fund: Politics of Conditional Lending*. London: Routledge, 2007.

Walzer, Michael. *Spheres of Justice: A Defence of Pluralism and Equality*. New York: Basic Books, 1983.

Wenar, Leif. “Contractualism and Global Economic Justice.” In *Global Justice*, edited by Thomas Pogge, 76-90. Oxford: Blackwell, 2001.

----- “Reparations for the Future,” *Journal of Social and Political Philosophy* 37, no. 3 (Fall 2006): 396-405.

World Bank, *A Guide to the World Bank: Second Edition*. World Bank Publications, 2007.

----- *A Guide to the World Bank: Third Edition*. World Bank Publications, 2011.

----- “Poverty Overview.” <http://www.worldbank.org/en/topic/poverty/overview>

----- “Extreme Poverty Rates Continue to Fall.” <http://data.worldbank.org/news/extreme-poverty-rates-continue-to-fall>.

----- “International Debt Statistics.” The World Bank.
<http://data.worldbank.org/sites/default/files/ids-2013.pdf>.

----- “World Bank Sees Progress Against Extreme Poverty, But Flags Vulnerabilities,”
World Bank press release February 29, 2012:
<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:23130032~pagePK:64257043~piPK:437376~theSitePK:4607,00.html>.

Ypi, Lea. *Global Justice & Avant Garde Political Agency*. Oxford: Oxford University Press, 2012.