Distributive Justice and Global Public Goods

Isaac Taylor
St. Anne's College, University of Oxford

Thesis submitted in partial fulfilment of the requirements for the degree of DPhil in Politics at the Department of Politics and International Relations at the University of Oxford

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ABSTRACT: Public goods are goods that are non-rival and non-excludable. One person enjoying the benefits of a public good will not reduce the value of the good for others. And nobody within a particular population can be excluded from enjoying those benefits. While we often think of the relevant population being co-citizens of a state - national defence is taken to be the archetypal public good - in recent years the importance of public goods that benefit individuals across different countries has increasingly been recognised. We can refer to these as "global public goods".

When global public goods are supplied, various costs and benefits are generated, and these costs and benefits can be shared among countries in different ways. This thesis explores how justice requires us to share them; I develop a theory of distributive justice for global public goods. I begin by developing two principles for assigning the costs and benefits of supplying public goods within a state, and then argue that these should, for the most part, also govern the distribution of costs and benefits arising from global public good production. Finally, I assess how certain *private* goods that the supply of public goods make possible should be shared among states. The fact that these goods rely for their production on the supply of global public goods, I argue, will affect the principles of distributive justice that should govern these.

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David Miller & Isaac Taylor, 'Distributive Justice and Public Goods' in Serena Olsaretti (Ed.) *The Oxford Handbook of Distributive Justice* (Oxford: Oxford University Press, forthcoming)

Isaac Taylor, 'Practices, Institutions, and Global Public Good Regimes', *Raisons Politiques* 51, 2013, pp.121-135

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1. INTRODUCTION

1.1. The Possibility of Global Distributive Justice

A theory of distributive justice tells us how to share certain costs and benefits among particular agents. While political philosophers have traditionally discussed distributive justice in the context of a single country, more recently, and in the wake of dramatic changes to the global order over the course of the twentieth century, many have now turned their attention to the question of how to distribute costs and benefits among agents separated by state borders.

Some, however, view this project as misconceived. Denying any possibility of a conception of global distributive justice, Michael Walzer writes

> were we to take the globe as our setting, we would have to imagine what does not yet exist: a community that included all men and women everywhere. We would have to invent a set of common meanings for these people, avoiding if we could the stipulation of our own values.[1]

For Walzer, principles of distributive justice rely, for their content, on the shared understandings of those among whom the principles dictate a particular distribution. Because these common meanings do not exist on a global scale, it is alleged, no principles of distributive justice can exist here either.

Two trends, when taken together, have begun to create a dilemma for those holding this view. The first is the emergence of common problems among countries. Amid ever-increasing globalisation, states have begun to face the same obstacles to advancing the interests of their citizens. The danger of catastrophic climate change, the threat of international terrorism, the financial instability caused by an international banking sector, and

[1] Michael Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Blackwell, 1983), pp.29-30.

the undermining of domestic welfare states by high capital mobility are just a few examples of the common difficulties countries the world over face. We do not need common understandings with foreigners to acknowledge that these phenomena are disadvantageous. They are widely recognised to pose significant set-backs to individuals by different countries and different cultures.

What really gives rise to a dilemma for those who share Walzer's view, though, is not simply the increasing prevalence of common *problems*, but rather the increasing need for common *solutions* to those problems. Climate change can only be successfully mitigated if a number of countries do their part in reducing greenhouse gas emissions; international terrorism can only be effectively countered if countries cooperate; banking regulation will only be effective if carried out multilaterally; and welfare states can only be maintained if not undermined by tax havens elsewhere. Thus, a single state can no longer isolate itself from others and solve all the problems it faces by itself. It must instead work with others in an effort to solve the most pressing global problems of our time. In many cases, this is because the only effective solutions take the form of global public goods. Roughly speaking, these are goods that often rely for their supply on the contributions of a number of states, and once they are supplied, have to be supplied to everyone.[2]

Once this is recognised, we begin to see the dilemma that those following Walzer face. The production of global public goods generate a number costs and benefits that are attached to different countries in varying quantities. Furthermore, producing these goods in different ways may mean that a different distribution of costs and benefits will result. We need, then, to come to a decision about how to share out these costs and benefits. The Kyoto Protocol implicitly recognises this, with its talk of 'the common but differentiated

[2] For a stricter definition, see 1.3.

responsibilities' of countries in the fight against climate change.[3] Recognition of our common responsibility to produce global public goods gives rise to the question of how to differentiate that responsibility among states.

Now there are a number of ways in which we might choose to differentiate responsibilities. We might choose the distribution that is most efficient, or perhaps the most politically feasible one. Yet when agents cooperate in common enterprises, we generally (at least in part) appeal to a third criteria when deciding how the costs and benefits are to be distributed: that of justice. And herein lies the dilemma: if there are no common meanings in the global realm, it is impossible for those sharing Walzer's methodology to identify any criteria of justice to assess distributions. Are we, then to rely solely efficiency and feasibility considerations when designing international institutions that produce global public goods?

I think that reflection on our intuitive reaction to international practices makes Walzer's view implausible. When countries are engages in cooperative enterprises, such as the supply of global public goods, we do not, in general, refrain from assessing those enterprises in terms of justice, as well as efficiency, feasibility, and so on. Is it unfair that Japan relies so heavily on US contributions towards collective security in East Asia? Does the current trade regime exploit developing countries? Should those who have polluted the most greenhouse gasses in the past pick up a greater share of the costs of mitigation for climate change? These sorts of questions about the international order are commonly asked, and implicitly accept that norms of justice apply between countries. I therefore think that we can reject Walzer's scepticism. Having accepted the possibility of global distributive justice, this thesis will more positively attempt to determine the content of the principles of distributive justice that apply to one sort of international cooperation: the production of global public goods.

[3] United Nations, *Kyoto Protocol to the United Nations Framework Convention on Climate Change* (Kyoto: UNEP/WMO, 1997), article 10.

1.2. Public Goods

In order to arrive at a satisfactory theory of distributive justice for global public goods, I will begin in chapter 2 by considering what distributive justice requires for public goods within a single state, and then, in later chapters, investigate whether this theory can be extended to the global realm. I proceed in this way for two reasons. Firstly, theories of justice have traditionally been discussed by philosophers in the domestic context, and so our intuitions about what justice demands here may be clearer than our intuitions about the global context. Secondly, the institutional structure we find internationally has gone through huge changes during the second half of the twentieth century. While the institutions of states have evolved too, their comparatively stable form may mean that what justice requires is relatively unchanging here. It may be more fruitful, therefore, to determine what justice requires in this well-established structure, and then seeing how far, if at all, our theories extend to the global context, rather than attempting to build up a theory of global justice from scratch.

An initial complication that we run up against when trying to develop a theory of distributive justice for public goods, though, is that the term "public good" has no fixed meaning; it is used to refer to different things in different contexts.[4] As Jeremy Waldron explains: 'it is associated in the economic literature with a cluster of criteria (which seem to operate in a sort of 'family-resemblance' way) rather than a single criterion'.[5] I will, then, have to specify what I mean by "public good" before proceeding.

For the purposes of this thesis, I will understand the term "public good" in the traditional economists' sense as a good meeting the two conditions of non-excludability and non-rivalry. A good is non-excludable if individuals in a group to whom it is public cannot be

[4] Garrett Cullity identifies seven features, different subsets of which he claims have largely been used by different authors to define public goods. See Garrett Cullity, 'Moral Free Riding', *Philosophy & Public Affairs* 24(1), 1995, pp.3-34, at pp.3-4; 32-34.

[5] Jeremy Waldron, *Liberal Rights: Collected Papers 1981-1991* (Cambridge: Cambridge University Press, 1993), p.348.

excluded from benefitting from it. And a good is non-rival if one person's consumption of it does not reduce its value to others. A quintessential example of a public good on this account is clean air: once some people are enjoying the benefits of clean air, nobody else in the same vicinity can be prevented from also enjoying it, and their enjoying it does not mean that others cannot also enjoy it at the same time. I will focus on goods that have these two characteristics because, as I will argue in 2.1 and 2.2, they give rise to unique questions regarding how to distribute their costs and benefits, questions that cannot be adequately dealt with by existing theories of distributive justice that are found in the discipline of political philosophy.

The two conditions, however, are best understood as useful approximations. Few goods are strictly non-excludable or non-rival. For example, crowding effects may mean that the value of a good is decreased as more people consume it (as in the case of public roads). And very few goods are inherently non-excludable, even if it is infeasible or impractically costly to exclude people from them.[6] Even the good of clean air, for instance, might become excludable as technology advances: it could be pumped into bio-domes that were accessible only to those who are willing to pay a fee. And even if people are not strictly excluded from some goods, there may be mechanisms through which users can be identified and made to pay for them, effectively excluding those who are unwilling or unable to do so. Historically, this has happened with lighthouses.[7]

Nonetheless, we may have a number of reasons for supplying various goods *as* public goods, even if some individuals can be in principle excluded from the benefits. As suggested above, we may lack the technology to exclude people. Or it may be unreasonably costly to do so. A further reason might be that the supply of some goods as public goods is required for moral reasons. Although we could leave individuals to purchase protection from physical

[6] Anthony de Jasay, *Social Contract, Free Ride: A Study of the Public Goods Problem* (Oxford: Oxford University Press, 1989), pp.61-63.
[7] R.H. Coase, 'The Lighthouse in Economics', *The Journal of Law and Economics* 17(2), 1974, pp.357-376.

attack from private firms, for example, and let those willing to pay more (or, more likely, those *able* to pay more) buy better protection, we might be committed to a norm telling us that every citizen should receive equal levels of physical protection, regardless of their willingness or ability to pay. We therefore generally supply such protection as a public good, by providing a police force to protect each individual, and covering the costs through general taxation. The non-rivalry condition can also be approximated, by supplying enough police so that crowding issues do not arise. Similar concerns may lead us to supply a number of environmental goods publicly,[8] although efficiency and technological constraints may also be at work here.[9]

When goods are supplied publicly, however, they are vulnerable to the free-rider problem. Since public goods are non-excludable, individuals will receive the benefits whether or not they contribute to their production. This gives each individual an incentive not to contribute, and to "free-ride" on the efforts of others, so long as contributions are voluntary. The more people act on this incentive, the less of the good will be supplied. And, if this non-contribution becomes widespread enough, everyone may be a net loser as a result. This has often been seen as a justification of the government of a country using its coercive power to ensure that each citizen contributes towards a number of public goods. It is thought that a government may legitimately collect taxes backed by coercion, for example, to pay for national defence, police patrols, and possibly also roads, public parks and street cleaning. In chapter 4 (section 4.1), I will argue that governments may legitimately do this for a wide range of public goods.

[8] Andrew Light, 'Public Goods, Future Generations and Environmental Protection', in Anatole Anton, Milton Fisk & Nancy Holmstrom (Eds.) *Not for Sale: In Defense of Public Goods*, 209-225. (Boulder: Westview Press, 2000), pp.209-225, at pp.222-224.

[9] A distinction may be made between goods that are inherently non-excludable and non-rival (at least given current levels of technology) and those that we choose not to exclude people from and supply enough so that crowding does not arise. Serena Olsaretti uses the term "socialised goods" to refer to the latter (in Serena Olsaretti, 'Children as Public Goods?', *Philosophy & Public Affairs* 41(3), 2013, pp.226-258). But, since I think both sorts of good raise the same issues of distributive justice, I will refer to both as "public goods" here.

If a government is using coercive power in this way, though, it must make a decision with respect to which public goods should be supplied, and how the costs should be distributed. In other words, it needs a theory of distributive justice to guide its action. A theory of distributive justice, I said above, tells us how to distribute certain costs and benefits. By supplying one public good rather than another, a government will implicitly make a decision about how the benefits of public good production are to be distributed among citizens. By supplying national parks rather than free art galleries, for example, the government makes a decision to benefit nature-lovers more than art-lovers. And the way in which the costs for public goods are collected will affect how the costs are distributed. If a national park is paid for through taxation, for example, implementing a progressive tax rather than a flat-rate tax will mean that those better-off in society will pick up more of the costs. In order to determine which public goods to supply, and how to pay for them, then, a state needs a theory of distributive justice to guide its actions.[10] I will propose one such theory in chapter 2.

Few political philosophers have explicitly discussed the issue of distributive justice in relation to public goods.[11] This may be because, for one reason or another, they think that we do not need a special theory of distributive justice for public goods. They might think, for instance, that we do not need to worry about the distributive issues that arise from public

[10] It may be objected that we need no such theory. At least for some public goods, it may be suggested, we only need a fair procedure to determine the fair distribution of benefits and costs. If a majority votes in favour of financing a particular public good through a particular tax schedule, for example, we should implement it. Versions of this argument have been given by Brian Barry, Ronald Dworkin, John Rawls and Michael Walzer, among others. For a response, see David Miller & Isaac Taylor, 'Public Goods and Distributive Justice', in Serena Olsaretti (Ed.) *The Oxford Handbook of Distributive Justice* (Oxford: Oxford University Press, forthcoming).

[11] Notable exceptions, which I discuss in chapter 2, include David Miller, 'Justice, Democracy and Public Goods', in Keith Dowding, Robert E. Goodin & Carole Pateman (eds.), *Justice and Democracy: Essays for Brian Barry* (Cambridge: Cambridge University Press, 2004), pp.127-149; Liam Murphy & Thomas Nagel, *The Myth of Ownership: Taxes and Justice* (Oxford: Oxford University Press, 2002), pp.76-95; Stuart White, *The Civic Minimum: On the Rights and Obligations of Economic Citizenship* (Oxford: Oxford University Press, 2003), pp.100-108.

good supply, or, if we do need to worry about this, then these issues can be dealt with using our wider views of justice. I will show these assumptions to be mistaken in chapter 2.

1.3. Global Public Goods

Public goods have traditionally been discussed in the context of the nation-state. A textbook example of a public good is national defence. But, in light of recent trends in globalisation, the importance of public goods whose beneficiaries are not limited by state borders has increasingly been recognised. Thus, it is now thought that national defence alone cannot guarantee safety from outside threats; this must be augmented by collective security arrangements.[12] Other examples of these "global public goods" include scientific knowledge, trade liberalisation, and the mitigation of climate change.

Global public goods, in an oft-cited definition, are public goods whose 'benefits extend to more than one group of countries and do not discriminate against any population group or any set of generations, present or future'.[13] Note that, on this definition, public goods need not benefit *every* individual in *every* country in order for them to be global (although some global public goods may have this feature). It is enough for a public good to count as global that the benefits are sufficiently widely dispersed across the globe. My usage of the term "global public good" will be in line with this definition.

Can we simply extend a theory of distributive justice for public goods within the state to cover global public goods? Like extensions of theories of justice designed for the domestic context in general, this will be the subject of controversy. However, in chapter 3, with rather

[12] See Ruben P. Mendez, 'Peace as a Global Public Good', in Inge Kaul, Isabelle Grunberg & Mark A. Stern (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.382-416, at pp.382-389.

[13] Inge Kaul, Isabelle Grunberg & Mark A. Stern, 'Defining Global Public Goods' in their (Eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.2-19, at p.16.

minor alterations, I will argue that such a straightforward extension is possible. This is how I will arrive at a theory of distributive justice for global public goods.

1.4. Egalitarianism

Global public goods, then, require our attention because their supply raises issues of distributive justice: we need to determine how to share the costs involved in the production and the benefits they generate fairly among states. But not only this. I will also suggest that philosophers should pay attention to them because the way in which global public goods are supplied may in turn affect the theory of distributive justice in *private* goods that we think applies between states. In contrast to public goods, philosophers have discussed issues of distributive justice in private goods quite extensively. Yet, as I will argue in this thesis, their discussion about what distributive justice requires in private goods has been deficient to the extent that it is not informed by considering the nature of global public good regimes.

One of the main preoccupations of political philosophers in the past half century is determining what principles should govern the distribution of goods among individuals (and other agents). Many think that, at least in some circumstances, the appropriate principles are egalitarian - that is, principles that propose a distribution based on equality (in some sense). I will argue in this thesis that paying attention to global public good supply may lead us to endorse egalitarian principles at the international level when we otherwise might not. I will outline why in 1.5. First, though, I will explain here exactly what I mean when speaking of an egalitarian principle.

An egalitarian principle, according to G.A. Cohen, involves an "*equalisandum* claim".[14] Such a claim sets out a requirement that certain benefits are to be shared among

[14] G.A. Cohen, 'On the Currency of Egalitarian Justice', Ethics 99(4), 1989, pp.906-944, at p.908.

certain agents on the basis of equality. The benefits that are to be distributed may be referred to as the "currency" of egalitarian justice.[15] Candidates for the currency of egalitarian justice that have been put forward in the past are resources,[16] social primary goods,[17] opportunities for welfare,[18] and access to advantage.[19]

The phrase "on the basis of equality" in the above paragraph needs further explanation. What does it mean for a good or goods to be distributed on the basis of equality? Obviously, when each individual receives an exactly equal share of a good, we can say that the good is distributed on the basis of equality. But some principles which have been described as egalitarian have allowed departures from equality. Rawls's difference principle, for instance, allows inequalities among co-citizens in income and wealth when they benefit the least well-off in society.[20] Such a principle, too, can be said to distribute a good on the basis of equality: equality is the baseline here, and any departures from equality have to be justified. I will therefore take these principles to be egalitarian as well.

We may think that implementing egalitarian principles, so understood, would be undesirable. This is because achieving a distribution based on equality may often require policies that would compromise other values. For instance, although we might think that providing individuals with equal opportunities is in general a good thing, pursuing this principle to the greatest extent possible might require the dissolution of the family. If, however, we view family life as a good thing as well, then we might cease viewing our egalitarian principle of equality of opportunity as the sole determinant of what we should do. We might instead view this *equalisandum* claim in a weak sense,[21] in that the demands of the

[15] Following ibid.
[16] Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000), ch.2.
[17] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).
[18] Richard J. Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies* 56(1), 1989, pp.77-93.
[19] Cohen, 'On the Currency of Egalitarian Justice'.
[20] Rawls, *A Theory of Justice*, p.75.
[21] On weak *equalisandum* claims, see Cohen, 'On the Currency of Egalitarian Justice', p.908.

claim, although weighty, can be overridden by the need to promote values apart from equality (such as the values created by family life). A principle involving a weak *equalisandum* claim, despite potentially allowing further departures from equality, may still be treated as an egalitarian principle.

Egalitarian principles need to be distinguished from superficially similar principles. Certain non-egalitarian principles may require limits on inequality in certain goods. At its simplest, a principle such as this might simply state a number of units that two individuals' holdings cannot separated by: "the difference in income of best-off and worst-off cannot exceed £10,000", for example. Or it might say that a factor of the holdings of some cannot be exceeded by the holdings of others: "the best-off cannot earn more than ten times the income of the worst-off", for instance. A more complicated inequality limiting principle might tie the degree of permissible inequality to some variable, and the extent inequality allowed might thus change as circumstances alter: "the degree of inequality must not exceed a level that leads to the fair value of political liberties being undermined" would be of this sort.

Now, as we saw above, egalitarian principles may permit departures from equality, either because their specification of how to distribute a good on the basis of equality may not in fact require equal shares (as in the case of the difference principle), or because they involve weak *equalisandum* claims that permit equality to be traded off with other values (such as the values found in family life). Egalitarian principles may thus come to the same concrete conclusions about how much equality is to be permitted in particular cases as these other non-egalitarian principles. But it is important to see that the two sorts of principles are distinct. Egalitarian principles, unlike principles that merely place limits on permissible inequality, treat equality itself as a baseline. Departures from that baseline may be permitted, either by the principle itself determining which departures are acceptable, or by the need to promote other values when they come into conflict with the principle. Yet the baseline of

equality is significant in a way that it is not for non-egalitarian principles. For the later sort of principle, equality itself has no significance. It is important to bear this distinction in mind, since different sorts of justification are likely to be given for the different sorts of principle.

1.5. Global Justice

Egalitarian theorists have traditionally discussed and defended their principles in the context of the nation-state. The injustices that have historically motivated egalitarians have been instances when some individuals have received fewer goods than their co-citizens for no good reason. More recently, though, some egalitarians have turned their attention the question of how they should judge international inequalities, and different theorists have come to different conclusions on this issue. In this section, I will give a brief outline of the state of the literature, and explain how this thesis will have a bearing on it.

Some egalitarians think that egalitarian principles apply globally. If a certain inequality between two citizens should be regarded as unjust, they claim, then a similar inequality among two individuals who live in different countries should also be generally be regarded as unjust. We can refer to theorists holding this view as *globalists*.[22] Others think that egalitarian principles only apply among co-citizens. They either think that no principles of (distributive) justice apply internationally (if they are *statists*)[23] or, while principles of distributive justice apply beyond state borders, these are of a fundamentally different sort

[22] This view is found in Arash Abizadeh, 'Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice', *Philosophy & Public Affairs* 35(4), 2007, pp.318-358; Christian Barry & Laura Valentini, 'Egalitarian Challenges to Global Egalitarianism: A Critique' *Review of International Studies* 35, 2009, pp.485-512; Charles R. Beitz, *Political Theory and International Relations* (Oxford: Princeton University Press, 1979); Charles R. Beitz 'Cosmopolitan Ideals and National Sentiment' *The Journal of Philosophy* 80(10), 1983, pp.591-600; Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005).

[23] Thomas Nagel, 'The Problem of Global Justice' *Philosophy & Public Affairs* 33(2), 2005, pp.113-147; Samuel Freeman, *Justice and the Social Contract: Essays on Rawlsian Political Philosophy* (Oxford: Oxford University Press, 2007), ch.8-9.

than the egalitarian principles that apply within the state (if they are *internationalists*).[24] How might one principle of justice differ from another, in the way that internationalists believe domestic principles differ from international principles? I wish to draw attention to two ways in which this might be the case.[25] Firstly, two different principles might specify different currencies. If internationalists only have this difference in mind, then the principles they prescribe for the globe would still be fundamentally egalitarian, since they still require equality in certain goods, albeit different goods than their domestic egalitarian principles require. But, more often than not, internationalists also think that international principles differ from domestic principles in a second way: they believe that the former have a different content than the latter. While domestic principles might be egalitarian, for instance, international principles would not require that those principles' currency to be distributed on the basis of equality. Egalitarian principles, for internationalists endorsing this difference, would be limited to the domestic context.

Egalitarians thus disagree about the *scope* of egalitarian principles of justice. By "scope", I understand the range of persons who have rights against and duties towards one another based on particular principles of justice. Globalists think that the scope of egalitarian principles is the globe, meanwhile statists and most internationalists think that their scope is limited to the nation-state. Why might one hold one or the other of these views? This is likely, at least in part, to be determined by what one takes to be the *grounds* of egalitarian justice. By grounds of egalitarian justice, I mean the conditions which trigger the application and condition the content of egalitarian principles of distributive justice. Some theorists, who we can call *relationalists*, take the grounds to be limited to practice-mediated relationships

[24] Michael Blake, 'Distributive Justice, State Coercion, and Autonomy' *Philosophy & Public Affairs* 30(3), 2001, pp.257-296; Michael Blake, *Justice and Foreign Policy* (Oxford: Oxford University Press, 2013); Andrea Sangiovanni, 'Global Justice, Reciprocity, and the State' *Philosophy & Public Affairs* 35(1), 2007, pp.3-39; A.J. Julius, 'Nagel's Atlas', *Philosophy & Public Affairs* 34(2), 2006, pp.176-192; Mathias Risse, *On Global Justice* (Princeton: Princeton University Press, 2012).

[25] For a typology of other potential differences, see Helena De Bres, 'The Many Not The Few: Pluralism About Global Distributive Justice', *The Journal of Political Philosophy* 20(3), 2012, pp.314-340, at pp.316-318.

between individuals.[26] When individuals take part in social practices, these theorists say, the relationship between them changes in a morally salient way, and this means that those individuals are now required to distribute certain goods among themselves on the basis of equality. The relevant social practices may certain sorts of social cooperation,[27] submission to a common coercive order,[28] or mutual "framing" through a society's basic structure.[29] Some relationalists think that only a combination of these practices is sufficient to ground egalitarian principles.[30] In contrast to relationalists, *non-relationalists* hold that egalitarian principles of justice apply to individuals independently of any practice-mediated relationships that they find themselves in.[31] We are required to distribute goods on the basis of equality because of our common humanity, perhaps.[32]

As I said, any theorist's view on the scope of egalitarian justice is likely to be influenced by their view on what the grounds of egalitarian justice are. A non-relationalist is almost certainly going to be a globalist, for example. It is hard to see how one could hold that egalitarian justice is grounded on something other than practice-mediated relationships and yet not hold that the relevant ground encompassed less than the global community. Relationalists are often statists or internationalists: because the modern state is home to more complex, pervasive, and wide-ranging practice-mediated relationships than the global community is, relationalists often think that state institutions are the only ones that are capable of grounding egalitarian principles. The relative institutional vacuum in the

[26] These relationships have to be practice-mediated to avoid the relationalist position collapsing into non-relationalism. For example, "shared humanity" and "shared occupation of the earth (or universe)" are relationships, but not ones which are the focus of relationalists. On this, see Mathias Risse, *On Global Justice* (Princeton: Princeton University Press, 2012), pp.7-8.
[27] See Freeman, *Justice and the Social Contract*, pp.297-321; Sangiovanni 'Global Justice, Reciprocity, and the State'.
[28] See Blake, 'Distributive Justice, State Coercion, and Autonomy'; Nagel, 'The Problem of Global Justice'.
[29] A.J. Julius, 'Basic Structure and the Value of Equality', *Philosophy & Public Affairs* 31(4), 2003, pp.321-355.
[30] David Miller, 'Justice and Boundaries' *Philosophy, Politics & Economics* 8(3), 2009, pp.291-309; Risse, *On Global Justice*, ch.2.
[31] Beitz, 'Cosmopolitan Ideals and National Sentiment'.
[32] Simon Caney, 'Humanity, Associations, and Global Justice: In Defence of Humanity-Centred Cosmopolitan Egalitarianism', *The Monist* 94(4), 2011, pp.506-534.

international arena is thought to show that fundamentally different principles (or no principles at all) apply here.

In chapters 5 and 6, I will look at two relational arguments for internationalism, given by Andrea Sangiovanni and Michael Blake.[33] Both Sangiovanni and Blake claim that egalitarian principles apply uniquely within the state because of the particular form of practice-mediated relationship that citizens find themselves in. While they accept that principles of distributive justice arise as a result of the practice-mediated relationships between states and between individuals living in different states, they claim that these are fundamentally different from the principles they defend within the state. Not only do they think that international principles have a different currency, they also think that they have a different content than domestic principles. Specifically, while both endorse egalitarian principles within the state, they allow substantial inequalities between states.

I will not argue against the claim made by these theorists that domestic and global principles have different currencies. However, I will contend that the principles that operate in both contexts will, in some cases, be similar in content. In particular, I will argue that egalitarian principles apply to certain private goods when distributed among individuals in different countries. Because the relationships between countries cooperating to supply global public goods are similar in important respects to the relationships among co-citizens, principles with similar content will be generated. But while those principles refer to the product of cooperation within a state in the domestic case, their application will be limited to the benefits that are created by global public goods in the international case. Nonetheless, I will suggest that increasing global interdependence has meant that there may be many such goods.

[33] Sangiovanni, 'Global Justice, Reciprocity, and the State'; Blake, 'Distributive Justice, State Coercion, and Autonomy'.

1.6. Outline and Limits of the Thesis

This thesis puts forward a theory of distributive justice for global public goods. I will argue that the principle of distributive justice that should govern any global public good – and any public good in general – will depend on whether supply of the good in question is required by justice. I will refer to public goods that are required by justice as "essential public goods" and those that are not as "discretionary public goods".[34] I will begin in chapter 2 by outlining two principles which I will argue should govern the distribution of these two sorts of public goods: the feasibility principle for essential public goods and the equal concession principle for discretionary public goods. In short, the feasibility principle requires the supply of all essential public goods, and requires costs to be distributed in line with whatever theory of distributive justice in private goods we think applies. The equal concession principle requires that costs and benefits of discretionary public goods be distributed in a way that reflects the outcome of a hypothetical bargain under certain idealised circumstances among all beneficiaries. In chapter 3, I move on to see whether these principles are appropriate for global public goods as well. One reason for doubting that it is comes from a group of theorists known as "institutionalists", who are committed to the view that there can be no principles of distributive justice in the absence of existing institutions.[35] Since the feasibility principle applies even in the absence of existing institutions, we will have to either give up hope that the theory developed in chapter 2 can be extended globally, or reject a central tenet of institutionalism. In this chapter I will do the latter. In chapter 4, I argue that coercive means can legitimately be used to ensure that a number of both domestic and global public goods are supplied in line with my two principles.

[34] See 2.3 for further discussion.

[35] The two major statements of this view are Aaron James, 'Constructing Justice for Existing Practice: Rawls and the Status Quo' *Philosophy & Public Affairs* 33(3), 2005, pp.281-316; and Andrea Sangiovanni, 'Justice and the Priority of Politics to Morality' *The Journal of Political Philosophy* 16(2), 2008, pp.137-164.

The feasibility principle, which provides a standard with which to judge the distribution of costs and benefits of essential public goods, is parasitic on whatever wider theory of justice we think applies. By this, I mean that the principle cannot tell us exactly how the costs of essential public goods should be distributed without reference to the theory of distributive justice in private goods that is in play in the relevant context. The principle requires a distribution of costs that best promotes distributive justice in private goods (see 2.4). Because of this, the conclusions that we can reach regarding how the costs and benefits of global essential public goods should be distributed will be indeterminate without an account of the correct theory of global justice. I will not provide an argument for a full theory of global justice in this thesis. Nonetheless, in chapters 5 and 6 I will suggest that the nature of certain global public goods should themselves, to some extent, affect what wider principles of distributive justice we think apply. I will suggest that two relationalist arguments for egalitarian principles of distributive justice within the state can be used to justify distributing the benefits of these global public goods on the basis of equality. Chapter 5 looks at Andrea Sangiovanni's argument for reciprocal obligations among co-citizens giving rise to requirements to distribute the social product among them in an egalitarian manner.[36] I claim that similar reciprocal requirements demand that the benefits from a number of global public good regimes be shared equally among states. Chapter 6 looks at Michael Blake's argument that the coercive nature of a state's law grounds an egalitarian principle of distributive justice among all those subject to it.[37] I argue that, since a number of global public good regimes are coercive in a similar way, an egalitarian principle of distributive justice applies to the benefits of these regimes. Because egalitarian principles apply to the distribution of many of the benefits of global essential public goods, the requirements of the feasibility principle become more determinate here.

[36] Sangiovanni, 'Global Justice, Reciprocity, and the State'.
[37] Blake, 'Distributive Justice, State Coercion, and Autonomy'

Given the vast literature on global justice which has been written over the last few decades, as well as the complexity of current international issues, my project will unavoidably be limited in a number of ways. I list two limitations of note below.

Firstly, the theory of distributive justice I outline pays no attention to issues of historical injustice and remedial responsibility. My theory of distributive justice for global public goods takes no account of the fact that often some countries are more responsible than others for creating the conditions which make the supply of global public goods necessary in the first place. For example, it is often thought that the fact that developed countries have polluted more than developing countries to date, and have benefitted enormously by doing so, means that developed countries should share a greater portion of the burdens involved in dealing with climate change (through reducing their emissions by a greater amount than developing countries, by researching and developing green technology and transferring it, by paying some of developing countries' costs of mitigation and adaption, and so on).

While I think historical responsibility can have some role to play in deciding how to share the costs of climate change, I doubt that it can account for everything. Firstly, note that it only became clear that burning fossil fuels sped up climate change around the mid- to late-1980s. That is not to say than any pollution done prior to this date cannot require remedial responsibility on the part of the polluter. But it may be harder to require redress if someone was not aware that they were engaging in damaging activity.[38] Secondly, even if we can require full remedial responsibility for all past emissions, some of these agents may not exist anymore.[39] Corporations may have dissolved, regimes may have changed within countries,

[38] Simon Caney opts for a modified strict liability principle, whereby agents can only be held responsible to pick up the costs of harmful actions which they were causally responsible for when, and to the extent that, they have benefitted from the action which caused the harm. See Simon Caney, 'Climate Change and the Duties of the Advantaged', *Critical Review of International Social and Political Philosophy* 13(1), 2010, pp.203-228, at p.210

[39] *Ibid.*, p.211.

and generations who were engaged in pollution in the past may have died out.[40] Thirdly, and most problematically, in order to hold an agent to account for a harm caused, it seems that we must be able to identify the harm which has been created. But it is hard to attribute particular damage to a particular act of pollution, because the damage caused by man-made climate change is a result of *cumulative* pollution. Although one country's emissions might not have had particularly bad effects when taken in isolation, when combined with every other countries' emissions, as well as emissions before 1980, the effects may be catastrophic.[41] So while historical responsibility may have something to say about how we should distribute the burdens, it is unlikely that it will be able to assign remedial responsibilities for *all* the harm caused by anthropogenic climate change. My own theory, which sets aside the issue of who is responsible for global problems like climate change, will still be of use.

The second notable limitation of my project concerns its wider relevance for the global justice debate. The conclusions I reach in this area will only be of interest to relational theorists. I will argue in chapters 5 and 6 that practice-mediated relationships connected to global public good supply (reciprocal cooperation and subjection to coercive institutions) will lead us to adopt egalitarian principles of global principles of distributive justice. But non-relationalists will not be convinced that paying attention to global public good supply leads us to widen the scope of egalitarian principles of justice in this way, since, as I suggested earlier, non-relationalists already take the scope of these principles of justice to be global, irrespective of the practice-mediated relationships which are in place.

Nonetheless, non-relationalists may take comfort from the fact that my argument, although starting from relationalist premises about the grounds of justice, nevertheless comes

[40] Although it may be argued that, at least in some cases, remedial responsibility can transfer between generations. See David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), ch.6.

[41] On this, see Stephen M. Gardiner, *A Perfect Moral Storm: The Ethical Tragedy of Climate Change* (Oxford: Oxford University Press, 2011), pp.186-191; David Miller, 'Global Justice and Climate Change: How Should Responsibilities be Distributed?', *The Tanner Lectures on Human Value* (Beijing, 2008), pp.130-131.

to a conclusion closer to theirs about the content of principles of global justice than many relationalist theories. At a time when there is seemingly unending dispute about the grounds of justice, a convergence in the conclusion as to the scope of certain principles of justice may be something to be welcomed. The practical implications of my theory may be closer to non-relationalist theories than a number of other relationalist ones.

3. GLOBALISING THE PRINCIPLES

3.0. Introduction

In chapter 2, I outlined and defended two principles to govern the distribution of costs and benefits of public good production within a state, which I will briefly restate here:

> *The Feasibility Principle:* Public goods are to be supplied when they are essential. Costs are to be distributed in whatever way best promotes distributive justice in private goods.

> *The Equal Concession Principle:* If discretionary public goods are supplied, each individual must make an equal relative sacrifice towards the cost of supplying them.

It is now time to investigate whether these should also govern *global* public goods; are the principles global in scope?

The equal concession principle can be justified in the global context without the need for too much argument. There are a number of global public goods that, although beneficial, seem not to be required by justice. We may refer to these as "discretionary global public goods". Examples might include: (certain sorts of) scientific knowledge and the preservation and maintenance of important historical or cultural sites. The same argument that I gave for the principle in chapter 2 appears to apply here as well: since these global public goods are not required by justice, it seems that if they are supplied, then the costs and benefits should be distributed so as to reflect the outcome of a hypothetical bargain among all individuals across the globe that benefit from them.

Can we globalise the feasibility principle in the same way? This principle, unlike the equal concession principle, requires that a number of public goods be supplied if they are not already. Whereas the equal concession principle contains a conditional – "*if* discretionary public goods are supplied…" – the feasibility principle requires both that the costs and benefits of essential public goods be distributed in a particular way *and* that some essential public goods are supplied in the first place. [1] Recall from chapter 2 that if a public good is (i) required to uphold just cooperation; (ii) required to maintain fair shares in private goods; or (iii) the only feasible way in which basic needs can be met below a certain cost, then that public good is to be counted as essential and its supply is mandated by justice. There are likely to be a number of global public goods that plausibly meet one of these three criteria, and so may be termed "essential global public goods". Any globalised version of the feasibility principle is going to require the supply of a number of these essential global public goods as a matter of justice.

Now supplying a public good – domestic or global – will most likely involve creating an institution – what we can call a "public good regime". These institutions are needed to coordinate action among states and perhaps also use coercive sanctions to make sure that every state contributes their fair share. A globalised version of the feasibility principle would thus require, as a matter of justice, the creation of a number of international institutions. For this reason, globalising the principle will prove to be more controversial than globalising the equal concession principle. This is because the principle would run up against the following claim which, as I will show in due course, a number of theorists are committed to:

[1] Strictly speaking, the equal concession principle may require the supply of additional discretionary public goods to benefit some, but only if there are already other discretionary public goods already being supplied. The purpose of supplying the additional goods is to ensure that the distribution of costs and benefits of discretionary public good supply as a whole meets the minimax relative concession condition.

The Conservative Institutional Claim: Principles of justice cannot require us to create new institutions in the absence of existing institutions.

The feasibility principle affirms what the conservative institutional claim denies, namely that there can be requirements of justice to create new institutions when none already exist. It requires, as a matter of justice, that essential global public good regimes are created if they are not already in place.

Note that the conservative institutional claim is not in conflict with the feasibility principle when it is applied to domestic public goods. This is because, although it may require the creation of new institutions if they do not already exist, this requirement does not arise *in the absence of existing institutions*. There is an institution already in place – the state – which may explain the requirement to create these new institutions. We might think, for example, that shared membership of a state is a significant relationship which means that co-citizens of a state are required by justice to ensure that each others' basic needs are met by providing police patrols, national defence and (more controversially) a public system of healthcare, when there is no feasible alternative.

Compare this with the global public good of collective security. This, it seems, is the only feasible way in which individuals' basic needs can be met across the globe: states can no longer meet their citizens' security needs through national defence alone.[2] But, unlike in the example above, there is no institution that we can point to that explains why it is a requirement of justice that we meet individual's basic needs in this way. Although there are certain global institutions – the UN, the World Bank and the WTO, for example – these seem to be limited in both power and scope of operation in a way that a state's political institutions are not. The same argument that I outlined above for the provision of police patrols, national

[2] Ruben P. Mendez, 'Peace as a Global Public Good', in Inge Kaul, Isabelle Grunberg & Mark A. Stern (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.382-416, at pp.382-389

defence and public healthcare, therefore, will not be able to justify a requirement of justice to pursue collective security policies. We do not share a relevant institutional relationship on the global scale, akin to the relationship of co-citizenship, that means that we are required to pursue collective security in the way that the feasibility principle requires. In order to justify a feasibility principle that is global in scope, then, I need to argue against the conservative institutional claim.

Advocates of the conservative institutional claim need not deny that we should provide essential global public goods, such as collective security. The claim is consistent with thinking that it is in states' overwhelming self-interest to do so.[3] It is also consistent with holding that there are duties of humanity that require collective security arrangements, or even with thinking that we are required to pursue collective security when this can prevent human rights violations. I want to claim more than this, however. I want to argue, firstly, that it is a duty of *justice*, and not just a duty of humanity (or a principle of prudence), that essential global public goods are supplied. Framing these duties as humanitarian ones is inadequate. Humanitarian duties are generally considered to be less weighty that duties of justice, and they tend to allow a certain amount of discretion on the part of the duty bearer. While a defence of the duty to create global essential public good regimes as a way to fulfil human rights might suggest that this duty would be one of justice,[4] such an approach would leave open the question of how the costs are distributed. States could, for example, merely act as facilitators, and leave the (probably poorer) countries that need global essential good regimes the most to pick up the costs. I want to suggest, secondly, then, that we can defend a specific distribution of costs and benefits of global essential public goods (given, I believe, by

[3] While voices in the USA have begun to view Japan's failure to contribute towards collective security in East Asia as a form of free-riding on their own operations there, Japan's leaders have begun to think that they should take a more active form than they currently do rather than relying on their distant ally to take up the slack. See 'Collective Insecurity', *The Economist* 411(8887), 2014, p.14.

[4] For example, on the view of human rights put forward in David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), ch.7.

the feasibility principle). Doing this will require us jettison the conservative institutional claim.

In section 3.1, I outline an approach to theorising about justice, acceptance of which may lead one to endorse the conservative institutional claim. This is called the "practice-dependent" approach, and, in particular, the "institutional" variant of it. In 3.2, I show in more detail why institutionalists are necessarily committed to the claim. Section 3.3 critiques the institutionalist approach to justice, and thus puts pressure on this way of justifying the claim. Finally, section 3.4 more positively defends a globalised feasibility principle.

3.1. Practice-Dependence and Institutionalism

Practice-dependent theorists believe that the principles of justice that apply to any given situation depend on the nature of the activity they are intended to regulate. Thus, practice-dependent theorists have typically been committed to the view that different principles of justice should regulate the basic structure of a liberal state on the one hand, and global institutions on the other. Some have further claimed that small voluntary associations such as universities and clubs should be subject to different principles still - perhaps these might be called principles of "local justice".[5] What all principles of distributive justice – social and local – have in common on this view is that they specify how to distribute the benefits and burdens created by a social activity among participants in a particular way, but different principles are likely to require different distributions in different contexts.

It is important to forestall a potential misunderstanding. On a practice-dependent conception of justice, principles differ in their *content*, and not just their *application*, when the activity they regulate differs. All theories of justice must allow that often different

[5] John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001), p11.

policies are required by justice in different contexts. But for practice-*in*dependent theories, this can only be because the same goal is best pursued by adopting different policies. For example, utilitarianism, the archetypal practice-independent theory, may require economic redistribution from rich to poor to maximise utility (because of the diminishing marginal utility of money), but this may mandate a higher level of redistribution domestically than is mandated globally. Utilitarians may explain this by pointing to feelings of resentment, and therefore to disutility, which would be created if rich countries had to redistribute too much money to poor countries, which would not be created if rich individuals had to redistribute money to poor individuals in their own society. But the point is that both policies serve the same fundamental principle: the maximisation of utility. A practice-dependent theorist, by contrast, might hold that different fundamental principles are appropriate in the two contexts; maximising utility may be the appropriate fundamental principle aimed for by domestic, but not global, institutions, say.

How, then, should the content of principles depend on the nature of the activity which they are intended to regulate? Different varieties of practice-dependent theory give different answers.[6] I will focus on one particular version of practice-dependent theory: institutionalism. This version has most prominently been articulated by Aaron James and Andrea Sangiovanni.[7] For institutionalists, principles of justice regulate institutions, or institutional systems, and vary with institutional form. Specifically, these theorists hold that principles of

[6] Examples of practice-dependent theories that I will not look at in this chapter can be found in: Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981); Laura Valentini, 'Global Justice and Practice-Dependence: Conventionalism, Institutionalism, Functionalism', *The Journal of Political Philosophy* 19(4), 2010, pp.399-418; Michael Walzer *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Blackwell, 1983).

[7] Aaron James, 'Constructing Justice for Existing Practice: Rawls and the Status Quo' *Philosophy & Public Affairs* 33(3), 2005, pp.281-316; Andrea Sangiovanni, 'Justice and the Priority of Politics to Morality' *The Journal of Political Philosophy* 16(2), 2008, pp.137-164.

justice should best enable the institutions they regulate to pursue their point and purpose effectively.[8] An example may help to clarify this idea.

If we view a university as an institution whose point and purpose is the pursuit and dispersal of knowledge, then principles of (local) justice, on this account, should best enable this purpose. We might, therefore, think that senior academics should be required, by a principle of local justice, to spend a certain number of hours carrying out administrative tasks each week (a principle distributing some of the burdens of the institution in a particular way). Or we might think that some of the funds should be made available to enable certain individuals to go on study leave (a principle distributing some of the benefits in a particular way). Although there may be disagreement about which principles really do best enable the stated purpose of a university, pursuing and dispersing knowledge, most people, I think, can agree that this (or something sufficiently similar) is the best interpretation of its purpose.

Things become more complicated, though, when more complex institutional systems are looked at. The institutional system that regulates the social and political interactions in a nation-state (what Rawls called the "basic structure") is the appropriate site for principles of *social* justice to apply. In order to determine what these principles should be, we must determine what the point and purpose of the state's basic structure is. But it is here that we may run into controversy. One person may interpret the point and purpose of the basic structure of a state as facilitating cooperation in the production of certain goods for mutual advantage. She might then propose that the principles which best enable this are egalitarian ones that distribute the goods produced on the basis of equality. A libertarian, on the other hand, may contend that the correct point and purpose is actually the protection of each individual's Lockean (negative) rights, and claim that principles which best enable this are ones associated with a minimal nightwatchman state. Anything more, she might claim, like

[8] James 'Constructing Justice for Existing Practice', pp.300-301; Sangiovanni, 'Justice and the Priority of Politics to Morality', pp.148-150.

redistribution of resources on the basis of equality, would be detrimental to this purpose. Unlike the case of the university above, there is not simply disagreement about how to best pursue a given point and purpose. In this case, the disagreement is deeper, and concerns what the correct interpretation of that point and purpose should be in the first place. Institutionalists need to find a way of adjudicating this dispute.

Two solutions have been offered in the institutionalist literature. The first, given by Andrea Sangiovanni is to rely on an independent moral argument to adjudicate between rival interpretations. In the case of interpreting the point and purpose of the basic structure of society, Sangiovanni's preferred argument, which I will look at in more detail in chapter 5, runs as follows.[9] Individuals sharing a state have submitted themselves to a common system of law. Without such submission, individuals would not have the necessary talents, or opportunities to exercise those talents, in order to be productive. All those who have submitted, therefore, are entitled to a fair return for their part in sustaining all others as productive beings. What this fair return requires, for Sangiovanni, is egalitarian justice: specifically, equality in certain social primary goods, unless an unequal distribution helps the worse-off. Sangiovanni can thus claim that it is the egalitarian's, and not the libertarian's, interpretation of the point and purpose of the basic structure of society that is correct.

While this sort of independent argument gives us a clear-cut solution to the problem of varying interpretations of institutions, it does so at a cost. One of the benefits of adopting a practice-dependent conception of justice is that it provides an adequate explanation of disagreement about justice. As David Miller has pointed out, there is, and will be for the foreseeable future, a large disagreement about what justice requires. This gives rise to scepticism about whether any one practice-independent (or "universalist") theory can be

[9]Andrea Sangiovanni 'Global Justice, Reciprocity, and the State' *Philosophy & Public Affairs* 35(1), 2007, pp.3-39, at pp.22-29.

agreed upon, or even whether there is such a theory.[10] A practice-dependent conception of justice, though, can allow that at least some of this disagreement stems from an improper or unclear specification of different practices, or institutions, and can therefore, at least in principle, be resolved.[11] Appeal to a practice-independent moral argument in order to arrive at a proper specification, as Sangiovanni does, will create as much disagreement as currently exists about justice itself. One could, of course, hold that this is not a problem, and that any political theory must, ultimately, rest on contestable moral claims. Aaron James, though, presents another solution to the problem of diverging interpretations of institutions, one which does not rely on such 'bald moral assertion'.[12]

For James (or rather for Rawls, on James's interpretation), we can arrive at a correct interpretation of the point and purpose of an institution by looking at features of the institution in which it may be implicitly expressed. This does not mean that we simply need to look at the latest opinion polls or currently accepted legislation for an answer to what the point and purpose of a state is.[13] Rather we look for an interpretation which must 'square with and explain the various texts, traditions, implicit understandings, and defining historical examples plausibly said to constitute a public political culture'.[14] For Rawls, one of the defining features of the public political culture of western constitutional democracies is the conception of the person as free and equal. From here, Rawls proceeds through his famous original position reasoning to construct his favoured liberal egalitarian principles of justice. While the validity of this constructive procedure is of course open to dispute, this line of argument at least does not rest on the kind of contentious moral assertion that Sangiovanni's does. However, it must be noted that, for this reasoning to proceed as it does, there must be a

[10] David Miller, 'Two Ways to Think About Justice' *Politics, Philosophy & Economics* 1(1), 2002, pp.5-28, at p.14.
[11] Ibid., p.20.
[12] James 'Constructing Justice for Existing Practice', p.307.
[13] Ibid., p.302.
[14] Ibid., p.306.

particular public political culture in place already. Thus, for James, Rawlsian egalitarianism can only be the correct principles for certain societies – modern western states who acknowledge the conception of the person as free and equal. Sangiovanni's strategy, on the other hand, is able to claim that liberal egalitarianism defines the correct principles for all societies, at least ones sharing certain features in their systems of law.

3.2. The Conservative Institutional Claim

Institutional theories, as I will show in this section, are necessarily committed to:

> *The Conservative Institutional Claim:* Principles of justice cannot require us to create new institutions in the absence of existing institutions.

The claim is a necessary consequence of institutionalist theories since, according to these, principles of justice must depend in their content on existing institutions. If there are no institutions in place, there will be no point and purpose being aimed at by groups of individuals, and thus no way, on the institutionalist methodology of developing principles of justice for those groups. If principles of justice enable institutions to best pursue their points and purposes, then there is no way of constructing principles of justice without an institution in place for reference. At first sight, this is a puzzling requirement. And institutional theorists themselves do not discuss this aspect of their theory in any great detail, perhaps because they are confident that existing institutions can explain the applicability of many of the principles of justice we intuitively accept. But since I think this claim prohibits globalising my feasibility principle, it is necessary to look at the support given to it by institutionalism and to

see whether this warrants denying the global scope of the feasibility principle or whether we should instead dismiss institutionalism.

However, it may be suggested that not all institutional theories necessarily entail the conservative institutional claim. If this is the case, then we need not choose between a globalised feasibility principle and institutionalism. Pursuing this possibility, we might make two distinctions among institutionalist theories – between what I will call "strong" and "weak" theories and between "wide" and "narrow" theories.[15] It might be thought that while strong and wide institutionalism will certainly entail the claim, weak or narrow versions may not. I will show below, however, that not even weak or narrow institutionalist theories can avoid it.

Firstly, then, let us distinguish between institutionalist theories based on the degree to which they allow the content of principles of justice to be influenced by existing institutions. *Strong* theories declare that principles should be *fully determined* by institutions, while *weak* variants allow that principles can be *merely conditioned* by them. In the latter case, independent moral considerations can interact with institutional facts in the determination of principles of justice. Both James and Sangiovanni are weak institutionalists, and with good reason: strong institutionalism implies that principles derived from intuitively unacceptable institutions are what justice requires. For example, if a concentration camp is viewed as an institution whose purpose is the arbitrary imprisonment and extermination of members of a cultural, ethnic, or religious group, then strong institutionalism implies that principles that best achieve this end (regular executions and the like) are the correct principles of justice for the camp.[16] In order to avoid these conclusions, institutionalists have accepted that some practice-independent constraints need to be placed on what form an institution can acceptably

[15] In making these two distinctions, I am indebted to the typology outlined in James Christensen, 'Practice-Dependence, Trade, and Equality: A Review of Aaron James's *Fairness in Practice: A Social Contract for a Global Economy*', *Raisons Politiques* 51, 2013, pp.155-166, at pp.155-156.
[16] Sangiovanni, "Justice and the Priority of Politics to Morality", 163.

take. Andrea Sangiovanni's theory requires that an institution be justifiable to all participants.[17] Aaron James's adds that non-participating outsiders must not be harmed by the existence of an institution (the principle of (Collective) Due Care).[18]

It may be suggested that weak institutionalism, at least, can avoid the conservative institutional claim. Since this version allows that independent moral argument can bear upon the content of principles of justice, it might be thought that such moral argument can call for the creation of new institutions. However, note that weak institutionalists can only claim that practice-independent moral reasoning *partially* determines principles of justice. Existing institutions must still have some role, or else institutionalism loses its distinctive practice-dependent character. And if existing institutions still have some role to play in the formulation of principles of justice, then there cannot be any applicable principle of justice in the absence of existing institutions. Weak institutionalism, then, entails the claim just as much as strong institutionalism does.

Turn to the second distinction: institutionalism might hold that existing institutions should play a role in conditioning *all* principles of justice (in its *wide* version) or only *some* principles (in the *narrow* variant). Sangiovanni appears to be a wide institutionalist,[19] and he thinks that the institutionalist methodology can be used to derive principles of justice for such diverse areas as human rights and European integration.[20] James, meanwhile, is a narrow institutionalist. While he thinks that a certain set of principles cannot be constructed without reference to existing institutions, he allows that there can be valid principles of justice that are not institutionalist in this sense. Institutionalism:

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[17] Ibid.

[18] Aaron James, "Distributive Justice without Sovereign Rule: The Case of Trade" *Social Theory and Practice* 31(4), 2005, pp.533-559, at p.542. Note that in more recent work, what James refers to as the principle of Due Care is something different, and refers only to the acceptability of an institution to participants within that institution. See Aaron James, *Fairness in Practice: A Social Contract for a Global Economy* (Oxford: Oxford University Press, 2012), p.203.

[19] He refers, for example, to institutions conditioning a conception of justice as a whole, and not just to certain principles that form part of it. See Sangiovanni, 'Justice and the Priority of Politics to Morality', pp.137-138.

[20] See Ibid., pp.152-156; Andrea Sangiovanni, 'Solidarity in the European Union', *Oxford Journal of Legal Studies* 33(2), 2013, pp.213-241.

> does assume that social practices [read: institutions] (suitably defined) present a distinct, essentially social kind of moral issue, over and above rightful and wrongful individual action, and in a way that may shape what actions within a practice are right and wrong. This distinct concern – naturally called social justice – is assumed to be of central importance for political philosophy, *even if not the whole of justice per se*.[21]

For James, then, although institutions should play a role in conditioning some (particularly important) principles of justice, others can be arrived at wholly through independent moral reasoning.

It may be thought that narrow institutionalism can avoid the conservative institutional claim. If not all principles of justice are derived through the institutionalist methodology, perhaps some principles that require the creation of new institutions can be developed wholly independently of institutions, without needing to reference the point and purpose of any existing institution in their development. But note that even narrow institutionalism must allow that *some* principles of justice depend for their content on existing institutions, otherwise it will cease being a practice-dependent theory. And, as I will show below, the sort of principles that the conservative institutional claim refers to – principles requiring the creation of new institutions – must be among these.

To see this, let us begin by examining the sorts of principles that James thinks must rely on existing institutions. The institutionalist methodology, he says, is 'limited to what we are calling "normative political philosophy," which by definition deals with basic "normative principles" concerned with what specified agents have normally sufficient reason to do'.[22] While we can talk about desirable states of affairs that no particular agent can bring about – either individually or in concert with others – in terms of justice, when we are discussing requirements of justice that specify what individual agents should do here and now, we must

[21] Aaron James, 'Why Practices?'*Raisons Politiques* 51, 2013, pp.43-61, at p.43, emphasis changed. Note that James uses "social practices" in the same way as I have been using "institutions".
[22] James, *Fairness in Practice*, p. 123; cf. James, 'Why Practices?' pp.56-57.

derive the content of these requirements at least in part from existing institutions. It is these "normative principles", then, that can only exist when there is also an existing institution present.

Why must normative principles, so understood, be derived in an institutionalist fashion? Why, in other words, must they only arise when institutions are in place? James's answer appears to be twofold. The first part appeals to coordination problems that arise when we try to bring about social ideals outside of an existing institution: the actions that justice requires us to take are underdetermined by the social ideal itself. The second part appeals to the problem of moral assurance: even if we knew what we are required to do to bring about a social ideal, attempting to do this without assurance that others will also do their part (or at least refrain from taking advantage of us) may be unreasonably costly. Principles requiring such action cannot, therefore, provide normally sufficient reasons for action to specific agents.

To illustrate this, take the following example. We may wonder whether individuals in a state of nature – the lawless situation described in classical social contract theory before the arrival of the state – are required by a normative principle of justice to create a state. Clearly the creation of a state would be desirable, but does this fact mean that individuals have normally sufficient reason to pursue this end? For James, this cannot be the case. Firstly, there may be different forms that the state can take. The familiar institutions of Western democracies may be one, but James suggests at one point that different modes of organisation, such as submission to local custom and dispute resolution by a tribal chief or local elder may be equally just.[23] If there is no institution in place to make the final decision about which option to choose, and coordinate action towards the chosen option, everyone is likely to attempt to create different institutions, and a single state with a monopoly of power

[23] James 'Constructing Justice for Existing Practice, p.293, fn.21.

over a specified territory would not be created. As James writes, the 'sheer lack of reliable knowledge about what millions or billions of other people are doing in places both far and near' would prevent this.[24]

Secondly, though, even if everyone agreed on what form the state should take, no specific agent will have a normally conclusive reason to bring it about. This is because creating an institution like a state requires collective action on a large scale; no one individual can do it alone. Since "ought" implies "can", then, there can be no normative principle requiring an individual to create a state. However, could there instead be a normative principle requiring an individual to do her fair share of setting up an institution like the state? The problem with this suggestion is that each agent lacks sufficient assurance that other agents will also do their fair share. This would not be a problem if one was not significantly harmed by attempting to create just institutions unilaterally, but often agents are put at a disadvantage by trying to create institutions by themselves in a state of nature.[25] It seems too demanding to require that an individual take steps towards forming a state if this involved forfeiting the means to defend oneself, for example, since this would leave that individual defenceless against others who may not be so accommodating. Even if the others are morally motivated not to take advantage of him, he could not know this, and thus would not have sufficient reason to forfeit his means of defence. While Hobbes held that individuals in the state of nature are required by a "law of nature" to seek peace, he thought that 'if other men will not lay down their right [to defend oneself], as well as he; then there is no reason for any one, to divest himself of his: for that were to expose himself to prey, which no man is bound to, rather than expose himself to peace'.[26] While James does not go as far as Hobbes in

[24] James, *Fairness in Practice*, p.110

[25] Thus, the second part of Rawls's natural duty of justice requires individuals to 'further just arrangements not yet established, *at least when this can be done without too much cost to ourselves*'. See John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p.115, emphasis added. In a state of nature, then, this duty appears unlikely to demand much, if anything, from us by way of justice.

[26] Thomas Hobbes, *Leviathan*, Ed. John Plamenatz, (London: Cox & Wyman Ltd., 1962 [1651]), p.147.

supposing that all forms of interpersonal morality are out of place without such assurance, he certainly thinks that normative principles of justice are:

> The essential thought is that any basic *normative* principles – principles concerned with what agents have (normally) sufficient reason to do – depend on the *epistemic* circumstances agents are in (*in forointerno*, at least in a certain general sense). What agents have sufficient reason to do thus depends as much on the risks of action, given uncertainty, as on the size of potential or actual losses or gains.[27]

In my view, the sorts of principles that the conservative institutional claim refers to are precisely of this "normative" character. They are not the sort of principle that specifies a desirable, but unrealisable, social ideal. They instead give instructions to particular agents that should provide normally conclusive reasons for action: they tell agents to create new institutions. Insofar as James thinks that *some* principles can only be valid in the presence of existing institutions, then, principles that require the creation of new institutions must be of this sort. James's narrow institutionalism is thus still committed to the conservative institutional claim.

Of course, it is logically possible for one to be a narrow institutionalist, but locate the cut between those principles that are to be conditioned using institutionalist methodology and those that are not in a different place than James does. One might then be able to claim that the sorts of principles the conservative institutional claim refers to are of the latter sort, and so resist the claim. But, to my knowledge, there has been no attempt to do this, and James's reasons for locating the cut as he does are the only ones that have been put forward. Nor can I see any plausible rationale for locating the cut in another way. In the absence of any other narrow theory, I therefore conclude that institutionalism, in all its forms, is necessarily committed to the conservative institutional claim. And, as I showed at the start of this chapter, the claim is incompatible with a globalised version of the feasibility principle. I am

[27] James, *Fairness in Practice*, p.106.

thus left with a choice: I must either abandon any hope of justifying a global feasibility principle, or reject institutionalism. In what follows I will do the latter.

3.3. Against Institutionalism

In this section, I will argue against institutionalism. I will firstly deny wide institutionalism by pointing to a case in which we intuitively think that principles of justice apply even though there is no recognisable institution present. I will then deny narrow institutionalism by claiming that specifically normative principles can apply even when no institution is present. This is because whether or not coordination and assurance problems arise is independent of the existence or absence of institutions.[28]

(i) Against Wide Institutionalism

Wide institutionalists think that all principles of justice should be determined or conditioned by existing institutions. But what exactly is an institution? I have not provided an explicit definition so far. Let us, then, look at Sangiovanni's definition, which states that institutions are

> the set of formal and informal rules, norms, and decision-making procedures regulating a political or social activity. A *social* or *political* activity, in turn, defines the basic division of social opportunities and advantages in the competitive struggle for resources. An institutional system can be either a political organisation or a regime.[29]

[28] Note that my arguments apply to both strong and weak variants of institutionalism.
[29] Sangiovanni 'Justice and the Priority of Politics to Morality', p.142.

What seems central to this definition is that an institution involves the direction of action of a number of different agents towards a social goal.[30] By either formal or informal rules, coercively enforced or not, an institution ensures that all agents' actions conform in such a way that the institution in question can be successful in its goals. This seems crucial for any definition of institutions for an institutionalist theory since, without everyone's actions being directed in a particular way, there could be no way of determining what the point and purpose of an institution is. If any two individuals' actions were directed towards contradictory ends, for instance, we would have no reason to think that one end rather than the other constituted the "real" point and purpose of their shared activity. And we would thus be unable to use the institutionalist methodology to derive principles of justice to govern their actions.

However, I will offer an example here of a case in which principles of justice apply even when there is no such direction of action. Imagine the government of a just state decides to undertake a wholesale change in its laws. The laws after the change are as just as they were before; they meet the same principles of justice. They have simply been reorganised so that they are simpler to understand and enforce. Taxes might be paid in different quantities to different organisations, for instance. However, the officer of government charged with publicising this change of law becomes grossly negligent in his job, and fails to explain the changes to both citizens and the enforcers of the law. Without any certainty about what is legal or illegal, anarchy breaks out. Citizens no longer pay taxes, not knowing how much or where to pay to. And the police do not enforce any law (except minimal prohibitions against violence, that can be assumed to be in place in any just state), since they do not know what laws to enforce.

The citizens of this state are now no longer directed towards a common goal; their action is not managed by social rules. Institutionalists would be forced to say, in this case,

[30] This factor is also included in James's definition. See James, *Fairness in Practice*, pp.37-38; 'Distributive Justice Without Sovereign Rule', p.539.

that no principles of justice apply, because there are no institutions in place (at least insofar as institutionalists are understood as necessarily involving social rules). But this seems implausible. We would say, despite there being no social rules in place, that principles of justice still apply to the state.

The reason why principles of justice appear to continue to apply in the above case is that they are grounded in features other than the existence and the nature of existing institutions. Now Sangiovanni elsewhere suggests that principles of justice are grounded on social cooperation: justice concerns arise when individuals cooperate in various ways.[31] We then have a puzzle. How can Sangiovanni simultaneously hold both that principles of justice only arise in institutions, and yet also hold that principles of justice are grounded in social cooperation? What if there was social cooperation of the relevant sort outside of an institution?[32]

The answer, I think, is that the sort of social cooperation that Sangiovanni claims gives rise to principles of justice only arises within institutions. For example, the sort of social cooperation he thinks grounds specifically egalitarian principles is cooperation in the production of certain important public goods: property rights and personal security.[33] It may be thought that this social cooperation is unlikely to be successful without an institution like the state being in place, because of the free-rider problem (see section 1.2). Therefore, the grounds of justice will only (contingently) arise when institutions are in place on Sangiovanni's theory. While the form of the cooperation within the institution is what conditions the principles of justice that apply, principles of justice do not even get off the ground without an institution.

[31] Sangiovanni, 'Global Justice, Reciprocity, and the State'; cf. Sangiovanni, 'Solidarity in the European Union', pp.219-220. Sangiovanni has used examples similar to my case of the failed state to argue against other accounts of the sole grounding features of principles of justice.
[32] An anonymous reviewer from *Raisons Politiques* pressed me on this.
[33] Sangiovanni, 'Global Justice, Reciprocity, and the State', pp.19-34.

Setting aside whether or not the relevant sort of cooperation can only occur within institutions, it seems that social cooperation of the relevant sort may not be the only ground that can trigger principles of justice.[34] In my example of the failed state, there is no recognisable social cooperation of the relevant sort taking place (no important public goods are produced), yet we nonetheless think that principles of justice apply. Something else, then, apart from the existence of institutions, must be doing the work in grounding principles of justice. I therefore reject wide institutionalism.

(ii) Against Narrow Institutionalism

The criticism of wide institutionalism may not tell against a narrow form, such as James's. James' institutionalism allows that some principles of justice arise outside of institutions. However, he would claim that "normative principles" – those that provide normally sufficient reasons for action to specific agents – cannot arise outside of institutions in a similar way, due to the coordination and assurance problems that supposedly arise in institutional vacuums. However, I will suggest below that these problems cannot only be solved within institutions, and so show that even normative principles of justice can arise outside of institutions.

Firstly, consider the coordination problem. Without an institution in place to coordinate individuals' action so that they converge on the same solution to meet the demands of justice, it is alleged, we cannot expect individuals to all spontaneously arrive at the same solution themselves. But this is plainly false. Thomas Schelling famously argued that, even in the absence of explicit coordination, individuals often have reasons to prefer one particular solution over another. For example, two individuals attempting to meet in New York City,

[34] I will consider another ground in chapters 6. For a negative argument against the claim that only cooperation grounds principles of justice, see David Miller 'Justice and Boundaries' *Philosophy, Politics & Economics* 8(3), 2009, pp.291-309, at pp.298-300; Mathias Risse, *On Global Justice* (Princeton: Princeton University Press, 2012), pp.45-48.

without being able to communicate with each other, might each independently reason that the other one will choose Grand Central Station at noon to meet.[35] Even without an institutional authority to determine which of the many meeting places and times could be used, the two individuals here are able to overcome the coordination problem because a "focal point" emerges in the absence of institutions. Similarly, a focal point may emerge when two or more agents are deliberating about which institution to bring about to meet the demands of justice, thereby giving all those agents reason to pursue that solution rather than any others.[36]

What about the assurance problem? Even if individuals could come to view the same institutional solution as salient, it is claimed, justice cannot require them to pursue this in the absence of existing institutions, since they lack assurance that others will do their part in bringing this about, and they may be at a disadvantage if they act unilaterally. However, in many cases, this will not be true. Hobbes assumed that individuals in a state of nature are roughly equal in power, and this explains why he thought it so risky for one of them to take the first step towards forming the institution of the state: one individual laying down their right of defence would leave them vulnerable to attack by others. But in other cases this assumption is unwarranted and some agents have power to take action without such risks. Going back to my example of the state that fails to publicise new laws, the government officer needs no assurance that anyone else will do (or refrain from doing) anything for him to act as justice requires. So long as he still has the usual methods at his disposal, he is clearly required to implement principles of justice by publicising laws. Indeed, it seems that he is required by justice to do this precisely because he can do so without significant cost to himself. Principles of justice give *this* agent sufficient reason for action.

[35] Thomas C. Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960), p.57.
[36] In other cases, there will only be one plausible solution, so the coordination problem does not arise at all.

In this section, I have attempted to refute institutionalism in both its wide and narrow versions. (Normative) principles of justice, I have argued, can arise outside of institutions.

3.4. Requirements to Create Global Public Good Regimes

For all I have said, I have not yet offered positive reasons for endorsing a globalised feasibility principle. Although I have shown, against the claims of institutionalists, that (normative) principles of justice can apply in the absence of institutions, a globalised feasibility principle might not be one of these. In this section, though, I will argue more concretely for this principle being global in scope.

Institutionalism is one sort of relational theory of justice. For relationalists, it is only among individuals sharing certain sorts of relationships that principles of justice apply.[37] For institutionalists, the salient sorts of relationships are those that are institutionally mediated. I have argued against institutionalism in the previous section. To argue for a global feasibility principle, though, I will not need to also deny relationalism. In fact, I will argue below, a relationship that individuals across the globe share gives rise to this principle. But, crucially, this relationship is not institutionally mediated.

My argument begins with the claim that a state, in complete isolation from other states, could maintain a system of cooperation among its citizens, uphold just shares, and meet its citizens' basic needs (when these are below a certain cost) by itself. However, this is not our world. The international community, either intentionally or unintentionally, has chosen to organise itself in various ways that means that each state's ability to carry out these three functions by itself has been compromised. The only way that systems of cooperation can be upheld, just shares maintained and basic needs met is now (at least partially) through

[37] For a more detailed discussion of relational theories of justice, see 1.5.

international cooperation in the production of essential public goods. The relationship of interconnectivity that states share therefore constitutes a relationship that gives rise to principles of justice requiring the supply of essential public goods in a fair way. And since states, like individuals within a state, are in a relationship that gives rise to this requirement, it is plausible to think that the same principle applies in both cases. The feasibility principle, which I defended within the state in chapter 2, then, is global in scope.

I will now provide three examples that lend empirical plausibility to my argument.

(i) Preventing Climate Change

The potential effects of climate change are expected to have catastrophic results for millions of individuals worldwide. Greater instances of extreme weather conditions will cause growing crops in many parts of the world to become more difficult, remove people from their homes, and cause serious health risks. In such cases, the individuals who are affected are clearly having their basic needs compromised. The scarcity of resources that the effects may have could also make systems of cooperation in these countries impossible. Therefore, the prevention or mitigation of climate change is an essential global public good. Does justice require the supply of this?

Proponents of sustainable development claim that it is possible to pursue a policy of economic growth without the high levels of greenhouse gas emissions which have so far characterised Western development.[38] This seems a plausible strategy for a completely (economically and geographically) isolated state. Such a state could enact regulation which limits carbon emissions, and effectively prevent much of the harmful effects of climate change.

[38] For the best-known outline of sustainable development, see World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987), ch.2.

However, states in the world we know are not isolated in this way. Given economic interdependence, constraints put on domestic industry required for sustainable development will lead domestic firms to lose competitiveness globally.[39] And, given porous national borders, these firms may leave the country and begin operating elsewhere, where regulations are more lax. Those firms which do stay will be at a disadvantage in a globalised economy. Thus, given the levels of globalisation which currently obtain, sustainable development can only be expected to be pursued when others will do likewise. Without such assurance, many states would see economic development stall, and this might, in turn, negatively affect their ability to meet their citizens' basic needs and uphold a just system of cooperation. Furthermore, even if a country were able to regulate its domestic industry, geographical interconnectedness (we all share the same atmosphere) means that such measures would be unlikely to have a significant impact on preventing climate change if other countries fail to regulate their own industries. The only feasible way in which individuals' basic needs can be met in the world we know is to come to an international agreement to limit carbon emissions multilaterally. That is, to create a global public good regime to mitigate climate change.

(ii) Collective Security

Collective security arrangements in order to counter international terrorism may be seen as the only way of keeping individuals safe from terrorist attacks, thereby guaranteeing their basic needs. Collective security can thus be seen as an essential global public good.

Now a state existing alone on the earth could pursue policies by itself which would successfully counter the threat of terrorism. Not so in an interconnected world. A state combating terrorist activities which pose a threat to its citizens will often have to engage in various activities beyond its borders, ranging from information gathering to the use of

[39] See International Institute for Sustainable Development, 'Climate Change and Competitiveness: A Survey of the Issues' (London: ISDD, 2005), pp.3-5.

military force. It has been noted that this can only be effectively carried out when the state acts in ways taken to be legitimate ways by the international community; they often want to be kept informed and involved with these activities in order to give the tacit or active support needed for these operations to be a success.[40] The geographical and political interconnectedness that characterises our current world means that individuals' basic security needs can only be met through supply of a global public good by a number of states. This suggests that it is a requirement of justice that states ensure the supply of this good.

(iii) International Banking Regulation

Banking has become a central part of many states' economies. Several banking practices carried out in one state, however, impose large risks and harms on individuals beyond state borders. The recent international financial crisis is a case in point. Financial speculation by banks can leave economies decimated, cause widespread unemployment, and reduce the tax base for governments to receive funds for social welfare programs. Given that banking practice clearly has the potential to compromise individuals' basic needs, and to possibly also uphold just shares within societies, it is commonly agreed that some restrictions need to be placed on banking practices.

A state may try to regulate their banks through domestic policies alone: imposing a required minimal capital retention rate for banks, for example. But, again given the state of the globalised world, such policies are likely to be unacceptably costly and ineffective. Without assurance that other countries will impose similar regulations, states considering restrictive legislation may worry that their banks will lose global competitiveness, or simply move abroad where legislation is laxer. Even if such regulations are imposed, it is unlikely to protect citizens from the adverse effects of financial shocks. The globalisation of banking in

[40] Brian Frederking, *The United States and the Security Council: Collective Security Since the Cold War* (Abingdon: Routledge, 2007), pp.155-156.

the 1970s, facilitated by various countries allowing their borders to be more porous to banking activity, means that shocks in foreign countries affects the domestic banking sector.[41] And the importance of international trade to many countries' economies means that an economic downturn in some countries affects all. Even China, which had relatively highly-regulated banks prior to the 2008 global economic downturn, suffered heavily because of its dependence of international trade.[42] The only feasible way in which individuals can be protected from their basic needs being compromised by banking crises is, then, by multilateral regulation, that is, by creating a global public good regime regulating banks.

There are, then, a number of ways in which the international community has chosen to constitute itself which mean that essential global public goods are now required where they otherwise would not be. The interaction that the global order has undertaken cannot be described as an institution, yet, I believe, the fact that this interaction has created the need for essential global public goods means that the international community, as a whole, is required to provide these goods. They now are part of a relationship that gives rise to requirements of justice. And, because the international community is under an obligation to supply essential global public goods in the same way that the state is required to supply essential domestic public goods, it appears that the same principle of distributive justice applies in both cases, namely, the feasibility principle. The arguments for that principle that I outlined in chapter 2 apply in the global context *mutatis mutandis*.

Three objections present themselves to the above reasoning. The first says that the obligation a state has to supply essential domestic public goods and the obligation the international community has to supply essential global public goods are, in fact, different sort

[41] See Ethan B. Kapstein 'Resolving the Regulator's Dilemma: International Coordination of Banking Regulation' *International Organization* 43(2), 1989, pp.323-347, at pp.324-328.
[42] Ligang Liu 'Impact of the Global Financial Crisis on China: Empirical Evidence and Policy Implications', *China & World Economy* 17(6), 2009, pp.1-23.

of obligations and therefore it is unlikely that the feasibility principle applies in both cases. While the obligation incumbent on the state is one of a positive duty to provide certain minimally sufficient conditions to its citizens, the obligation incumbent on the international community is, by contrast, one of rectificatory justice: it only arises because that community has acted unjustly in undermining the ability of states to uphold just cooperation and meet the basic needs of their citizens by themselves.[43] But note that nothing in the argument suggests that members of the international community have acted wrongly in creating global interdependence. In fact, given that everyone else acts similarly, their so acting may be the only reasonable option to pursue given the circumstances. The obligation to provide essential global public goods, then, is not (always) one of rectificatory justice, but instead one that arises from the international community being in a morally significant relationship, and so it seems natural to think that the feasibility principle should govern the costs and benefits.

Turn, then, to the second objection. This says that, although my argument justifies the requirement of *most* states to contribute to the supply essential global public goods, it does not mean that *all* states are so required. There are, for example, sovereign islands in the South Pacific which have not engaged in the move towards an interconnected world that has characterised globalisation.[44] Whether or not these states are affected by the interconnectedness of the rest of the world ,[45] they have not had a role in bringing about this interconnectedness, and so cannot be required to help produce the global public goods that it necessitates.

I concede that these states are not required to contribute. But this does not undermine the claim that the majority of the international community, as a collective, are required to

[43] An anonymous reviewer from *Raisons Politiques* suggested this objection.
[44] Daniel McDermott and Adam Swift pressed me on this.
[45] A number of these states will be among the most severely disadvantaged by the effects of climate change, for example. But some of these have no recognisable banking sector, and so are immune from international banking crises.

contribute.[46] But I would be prepared to make a similar concession in the domestic case. If a hermit or isolated community exists within state borders but cut off from the infrastructure of the state, they may be exempt from the requirement to help contribute towards essential public goods provided by the state since they are not linked together in the requisite way with the other members of their state.

The third and final objection to my argument may be raised by narrow institutionalists (among others[47]). They may claim that, because of the assurance and coordination problems that would arise when states attempt to create global public good regimes, there cannot be normative principles requiring states do this. I argued in 3.3, though, that assurance and coordination problems may not always arise in the absence of institutions, and I will now suggest that they do not occur in the case at hand.

Let us take the coordination problem first. Why might this prevent states being able to create global public good regimes? The thought might be that there are numerous ways that we might be able to provide global public goods, and without centralised coordination, states will not collectively be able to arrive at one single solution and pursue it. For example, preventing climate change might require either every country reducing emissions or every country investing in bioengineering research and development. If different states choose different options, though, neither solution will be fully successful. However, because states vary in their levels of power, we may be able to provide a "focal point", that is, a solution that is for one or another reason salient, and that agents can be expected to converge upon. If larger and more powerful states decide to choose one solution rather than the other, this might

[46] Nor does it prevent me from calling the goods that are required "global public goods", given my definition (in the introduction) requires neither that everyone must contribute towards a good for it to be supplied nor that everyone must benefit from a good for it to count as a public good.

[47] For example, Saladin Meckled-Garcia, 'On the Very Idea of Cosmopolitan Justice: Constructivism and International Agency', *Journal of Political Philosophy* 16(3), 2008, pp.245-271 suggests a non-institutionalist way of criticising my argument.

mean that the solution chosen will become more likely to succeed.[48] Other states may then have an obligation to pursue that solution, simply because it is the most likely to succeed. And if they do so, this might create an even stronger obligation on the part of other states as well, as the solution has become even more likely to succeed, at least so long as their contribution will make a difference and the good is produced in a legitimate way.[49] As Charles P. Kindleberger notes, the supply of global public goods has been more successful when more powerful states take a lead in supplying them.[50] A possible explanation might be that, by taking a lead, the more powerful states create a precedent, and thereby overcome the coordination problem.

Inequalities of power among states may also mean that the assurance problem does not arise when they attempt to set up global public good regimes. This is because more powerful states may be able to take steps towards producing global public goods without putting themselves at as much of a disadvantage as individuals would in the "classic" state of nature scenario.[51] Their greater power may provide them with a degree of independence from other states, which means that taking action will not leave them open to domination by others. And if, as Kindleberger suggests, their taking a lead increases the chances of a global public good regime being a success, we may think that they are under a requirement to do this.

Furthermore, even if countries are put at a disadvantage when they attempt to create global public good regimes in the absence of assurance, the sorts of domination which may

[48] It may be objected that focal points created by powerful states will be unlikely to be followed because of suspicion on the part of others about their motives in creating those focal points. See Lisa L. Martin, 'The Political Economy of International Cooperation', in Inge Kaul, Isabelle Grunberg, & Mark A. Stern (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.51-64, at p.57. Often, though, it seems that even a focal point involving some unfairness should be followed because it represents the best way of ensuring the supply of important global public goods.

[49] Ronald Dworkin calls this requirement "the principle of salience". See Ronald Dworkin, 'A New Philosophy for International Law', *Philosophy & Public Affairs* 41(1), 2013, pp.2-30, at p.19.

[50] Charles P. Kindleberger, 'International Public Goods Without International Government *The American Economic Review* 76(1), 1986, 1-13, at 10.

[51] This point was made by Charles R. Beitz, *Political Theory and International Relations* (Oxford: Princeton University Press, 1979), p.49.

be feared in the classic state of nature described by Hobbes may not arise when the agents are countries. In the individual case, if you lay down your arms to produce the public good of peace, you are likely to be killed, and that is the end of it. If states take steps towards international peace, though, it is unlikely that any other state can wipe them out as easily. They be put at a disadvantage by taking the first steps towards forming institutions, but it seems that the pay-offs from implementing global justice might be worth the risk. David Gauthier, writing during the cold war, claimed that the introduction of nuclear weapons pushed the international situation close to a Hobbesian state of nature.[52] But even here, states can adopt policies which facilitate peace, stability and justice globally, without great risk to themselves. They can, for example, focus on developing defensive or "second-strike" nuclear weapons, which would deter other states from attacking them while not contributing to the climate of dangerous escalation.[53] While lack of assurance can relieve some agents from the duty of justice to create institutions, it cannot in all cases, particularly when the agents in question are states.

In this chapter, I have advanced two main arguments. Firstly, I have cast doubt on a central commitment of institutionalist theories of justice: what I called the conservative institutional claim. Doing this has cleared the way for my second, more positive argument. I have claimed that there are requirements of justice to create certain global public good regimes, even though there are no institutions on the global level that can trigger these requirements. I have thus shown that the feasibility principle, as well as the equal concession principle, can be extended to cover global public goods. For completeness, we can restate the two principles here in their globalised form:

[52] David P. Gauthier, *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford: Oxford University Press, 1969), p.207.
[53] This has been pointed out by Marshall Cohen, 'Moral Skepticism and International Relations' in Charles R. Beitz et al. (eds.), *International Ethics* (Princeton: Princeton University Press, 1985), pp.3-50, at p.32.

The Globalised Feasibility Principle: Global public goods are to be supplied when they are essential. Costs are to be distributed in whatever way best promotes distributive justice in private goods.

The Globalised Equal Concession Principle: If discretionary global public goods are supplied, each individual must make an equal relative sacrifice towards the cost of supplying them.

Now, the globalised feasibility principle, like its domestic equivalent, says that the costs of essential public goods are to be distributed in line with whatever theory of distributive justice in private goods we think is in play. While I will not set out a full theory of distributive justice in private goods for either context, in chapters 5 and 6 I will suggest that the way in which global public goods are supplied will itself affect how we think that private goods should be distributed among countries. I will argue that some of the features of the state that have led certain theorists to endorse certain principles of distributive justice there are also found in global public good regimes. Those theorists' arguments, then, will lend support to certain principles of distributive justice for private goods among countries. And so, if one is convinced by these arguments, the feasibility principle's concrete recommendations will become clearer.

4. ENFORCING THE PRINCIPLES

4.0 Introduction

A number of theorists believe that requirements of justice are, by definition, enforceable obligations.[1] If this is the case, then it may be doubted whether the two principles that I defended in the previous two chapters in fact constitute a theory of distributive *justice* for global public goods, rather than merely, say, a theory of *fairness*. I explicitly set aside the question of whether the principles could be enforced by the state (or another actor), and they were meant to apply both to cases where enforcement is generally considered to be justified – such as when a state supplies national defence – and cases where the legitimacy of enforcement may be doubted – such as when a group of neighbours act together to clear snow from a road.

In fact, I do not think that requirements of justice are necessarily enforceable.[2] Nonetheless, it will be useful to discuss why, and in what circumstances, enforcement of the two principles is legitimate. This is so because, firstly, it will assure those who posit a tight connection between justice and enforcement that I have really put forward a theory of justice. Secondly, if the principles were not enforceable, their relevance to political questions that we currently face may be minor. Although we might hope that the principles would guide individual action when no sanctions are in place, in practice voluntary contributions towards public goods are often not forthcoming in the absence of external enforcement. By showing

[1] This thought goes back at least as far as Immanuel Kant, *The Metaphysics of Morals*, Ed. & Trans. Mary Gregor (Cambridge: Cambridge University Press, 1996[1797]), p.31, and more recently appears to have been endorsed by Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Basil Blackwell, 1974), among others. For a discussion of Nozick's (somewhat ambiguous) view, see Peter Vallentyne, 'Nozick's Libertarian Theory of Justice' in Ralf Bader & John Meadowcroft (Eds.) *The Cambridge Companion to Nozick's Anarchy, State, and Utopia* (Cambridge: Cambridge University Press, 2011), pp.145-167.

[2] The thesis that all duties that are not justice-based cannot be enforceable has been criticised in Allen Buchanan, 'Justice and Charity', *Ethics* 97(3), 1987, pp.558-575, at pp.562-571. For an example of a purported requirement of justice that is not enforceable, see G.A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008), part I.

that such enforcement is at least sometimes legitimate, then, I will demonstrate that the principles will be able to be action-guiding in many instances. Finally, as we will see in chapter 6 of the thesis, the fact that the principles are enforceable will have important implications for our wider theories of global justice.

How might we justify the enforcing of contributions towards public goods? The standard justification for the state using coercive means to extract contributions towards the public goods that it supplies usually starts by pointing out the likelihood that, without the use of coercion, many public goods will not be supplied. Because of the free-rider problem, which I discussed in 1.2, when contributions towards public goods are voluntary, individuals may not contribute. The inefficiency that would result from public good supply being undermined this way, it is thought, creates a case for enforcement by the state.

There is an additional way in which such a case can be built, though, one that is often overlooked. This appeals to fairness rather than efficiency. It may be thought that, although free-riding motivations will not prevent public goods being supplied in all cases, it will nonetheless lead to unfairness. If half the citizens of a country voluntarily pay for national defence, for example, and the other half free-ride on those contributions, there may be a sufficient level of national defence to prevent foreign invasion. But it may be seen as unfair that half of society picks up all the costs of a good that everyone benefits from. This fairness-based concern, rather than the efficiency-based concern that the good will not be supplied, might provide an additional reason for wanting the state to enforce contributions towards public goods *from everyone*.[3]

Yet if fairness and efficiency considerations can create a case for enforcement, it can only be a *prima facie* one. For mere unfairness and inefficiency may not imply that coercive

[3] These two justifications have been distinguished in Paula Casal, 'Environmentalism, Procreation, and the Principle of Fairness', *Public Affairs Quarterly* 13(4), pp.363-376, at pp.364-365.

enforcement is *legitimate*.[4] Liberals, who place a premium on individual liberty, think that a particularly high justificatory threshold must be met for the moral permissibility of coercion. Simply pointing to the unfairness or inefficiency that results from no coercion being carried out is not generally thought to meet this threshold by itself. In addition to coercion being able to achieve some advantageous result, liberals believe that a moral principle must be invoked that explains why the coercion can permissibly be used in order for it to be legitimate. This chapter will explore a number of moral principles that might be thought to do this in particular situations, and determine to what extent they can explain why coercive extraction of contributions towards public goods is legitimate.

Section 4.1 outlines a number of principles that might explain why it is legitimate for the state to enforce contributions towards public goods. Section 4.3 explores whether these principles can also explain the legitimacy of enforcement by global institutions (or other agents) in enforcing contributions towards global public goods. But many people think that coercion in the global context will not be necessary. It is often claimed that solutions to global problems can by and large come about through voluntary means. And, because coercion is always to be avoided if possible for liberals, the case for coercion will not even get off the ground in this is correct. In 4.2, however, I will investigate whether global public goods are likely to be supplied without the use of coercion. I suggest that they often will not, and even when they are, a concern with ensuring a fair distribution of the costs and benefits of these goods will still generate a *prima facie* case for coercion being used. This clears the way for the investigation of whether certain moral principles can make that coercion legitimate which I carry out in 4.3.

Ultimately, my argument will be that legitimate enforcement of contributions towards public goods is grounded by a number of different moral principles, and different

[4] When referring to coercion being "legitimate" in this chapter, I will roughly mean that the coercion is morally permissible.

combinations of moral principles, in different circumstances. In this way, it is akin to a "multiple-principle approach" to political obligation of the sort that has been put forward by George Klosko and Jonathan Wolff.[5] However, as we will see, I will argue that a different "mix" of principles will ground enforceable obligations to contribute towards public goods than they propose. One of the unexpected results of my investigation is that consent – often rejected out of hand as a possible ground of political obligations to contribute towards public goods – may in fact have a larger role to play than previously thought, since it might successfully ground enforceable obligations to contribute to the production of *global* public goods.

4.1. Enforcement by the State

If any agent can legitimately enforce contributions towards public goods, it may be thought, the modern state can. Whereas we might feel uneasy giving coercive power to private companies to ensure the supply of public goods, it is often claimed that the state is sufficiently transparent and accountable to its citizens, at least in democracies, so that its using this power is less open to abuse.[6]

In order to offer an argument for the legitimacy of states using coercive power in this way, though, we need to explain why individuals, who normally have strong rights against interference from their government according to liberal theories, can legitimately be coerced into contributing towards public goods. What moral principle or principles justify that interference? In this section, I will investigate five moral principles that might be thought to

[5] See George Klosko, *Political Obligations* (Oxford: Oxford University Press, 2005); Jonathan Wolff, 'Political Obligation: A Pluralistic Approach', in Maria Baghramain & Attracta Ingram (Eds.) *Pluralism: The Philosophy and Politics of Diversity* (London: Routledge, 2000), pp.179-196.

[6] Of course, giving the state such power is not without dangers. Among these is the supposed tendency of state officials to attempt to swell their departments' budget beyond a level that can be justified. See William A. Niskanen, *Bureaucracy and Public Economics* (Aldershot: Elgar, 1994).

accomplish this task. I will argue that a combination of three of these can legitimate the government using coercion to enforce contributions towards a number of public goods in line with the feasibility principle and the equal concession principle.

(i) Consent

One of the most obvious reasons why one might be under enforceable obligations is that one has consented to be. After all, what could be wrong in using coercion against someone who has given their expressed and informed agreement to be coerced? As Locke writes, '[n]obody doubts but an *express Consent* of any man, entering into any society, makes him a perfect member of that society, a subject of that government'.[7] Despite the obvious appeal of grounding legitimate enforcement on consent, though, this will certainly not justify the use of government coercion to ensure contributions towards public goods in most if not all societies. Few, if any, individuals have given explicit consent to their government to coercively enforce contributions towards public goods, and attempts to offer a revised position based on tacit consent face well-known problems.[8] Meanwhile, proposed reforms which would give citizens the opportunity to consent to their government before gaining access to public goods are generally viewed as unworkable.[9]

(ii) The Natural Duty of Justice

In *A Theory of Justice*, John Rawls claims that individuals are under a duty that 'requires us to support and comply with just institutions that apply to us. It also constrains us to further just

[7] John Locke, *Second Treatise of Government*, in Peter Laslett (Ed.), *Two Treatises of Government* (Cambridge, Cambridge University Press, 1970[1689]), p.365.
[8] A. John Simmons, *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979), chapter 4.
[9] See Klosko, *Political Obligations*, ch.6.

arrangements not yet established, at least when this can be done without too much cost to ourselves'.[10] He calls this "the natural duty of justice".

Much critical attention has focussed on what Rawls has in mind by "institutions that apply to us". It has been thought that this condition, when fully specified, is either too broad, so that it commits us to support all sorts of institutions apart from the state, or else too narrow, so that it fails even to require our allegiance to our own state when it is just.[11] However, Jeremy Waldron suggests that institutions should be understood to "apply to us" when they are the most salient way of meeting independently defined requirements of justice.[12] One of these requirements, he thinks (following Kant), is to avoid the inevitable conflict that arises when individuals are living 'unavoidably side by side with others'.[13]He believes that if our state is already in existence, and effectively carries out this function, then we have a duty to support that state. The state "applies to us" in that, through supporting it, we have the best chances to avoid violent conflict with those around us.

The natural duty, so understood, can justify enforceable obligations to supply a number of essential public goods. By supporting a state when it produces the public goods necessary to uphold systems of cooperation and maintain fair shares, we act most effectively in avoiding the conflicts over resources that Kant warned would happen in a state of nature. And by supporting state-sponsored public good schemes when they are the only feasible way in which fellow-citizens' basic needs are met, we act most effectively to discharge another duty of justice, which was discussed in 2.4: to ensure that those with whom we share a state have the goods usually necessary for them to live a minimally decent life in their society. The natural duty of justice, then, can explain why the state acts legitimately when coercively enforcing the feasibility principle.

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[10] John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p.115.
[11] Simmons, *Moral Principles and Political Obligations*, pp.147-152.
[12] Jeremy Waldron, 'Special Ties and Natural Duties', *Philosophy & Public Affairs* 22(1), 1993, pp.3-30.
[13] Kant, *The Metaphysics of Morals*, p.86; cited in Waldron, 'Special Ties and Natural Duties', p.14.

(iii) The Principle of Fairness

H.L.A. Hart outlined a principle, later to become known as "the principle of fairness",[14] that may offer another way of explaining why enforceable obligations to contribute towards public goods are legitimate:

> when a number of persons conduct any joint enterprise according to rules that restrict their liberty, those who have submitted to these restrictions when required have a right to a similar submission from those who have benefitted by their submission.[15]

If having a right to submission from other amounts to a moral permission to use coercion in order to enforce that submission from those others, then the fact that citizens often make a sacrifice to ensure that public goods that are supplied explains why other beneficiaries have an enforceable obligation, according to this principle. However, the principle as it stands seems unsatisfactory. A number of counter-examples such as Nozick's public address system, which I described in 2.1, tell against the plausibility of this principle as a justification of state coercion.[16]

Defenders of the principle have responded to Nozick's objection by limiting the scope of application of the principle in two ways. Firstly, Rawls suggests that enforceable obligations are only created when one has *accepted* the benefits of a public good scheme.[17] While some public goods, if supplied, provide individuals with benefits irrespective of what those individuals do, in other cases individuals will have to take certain actions in order to receive the benefits. A state may provide the public good of a clean lake, for example, but individuals need to go to the lake and take water from it in order to benefit. And, according to Rawls, if they take this action, then they will be under an obligation to contribute something

[14] In Rawls, *A Theory of Justice*, 111-114.
[15] H.L.A. Hart, 'Are there any Natural Rights?' *The Philosophical Review* 64(2), 1955, pp.175-191, at p.185.
[16] Nozick, *Anarchy, State, and Utopia*, pp.93-94.
[17] John Rawls, 'Legal Obligation and the Duty of Fair Play', in Samuel Freeman (Ed.) *Collected Papers* (Cambridge, MA: Harvard University Press, 1999), pp.117-129, at, pp.122-123.

towards the costs of keeping the lake clean. This modification makes the principle of fairness more plausible, since it suggests that individuals only incur obligations to contribute towards public goods when they have taken certain actions that they could have avoided if they did not want to be under those obligations, and thus respects individual freedom. The modified principle does not fall foul of Nozick's counter-examples, as the individuals in these took no such action, and therefore are not under any obligation to contribute according to the principle so understood.

Yet individuals do not have an option to accept or refuse many of the public goods that their state provides. In a number of cases, if the public good is supplied, they will necessarily benefit. If national defence is in place, for instance, everyone within a country will be protected whether or not they asked to be. If the principle of fairness is to explain citizen's obligations to contribute towards these public goods (as many think that it should), would it not also license neighbours coercively extracting money when they clean the streets in the area surrounding your house?[18]

This brings us to the second limitation on that has been placed on the principle of fairness by its defenders. George Klosko has suggested that the principle may also apply to activities that produce non-avoidable benefits, so long as three conditions are met: firstly, the benefits provided are worth the costs; secondly, those benefits are in the form of "presumptively beneficial public goods"; and, thirdly, the costs and benefits are distributed fairly.[19] By "presumptively beneficial public goods", Klosko means public goods which 'all members of the community want whatever else they want' because they are indispensible for an acceptable life for everyone.[20] The logic behind enforcing individuals' contributions towards these goods but not others is that, even though individuals might not be able to refuse

[18] Nozick, *Anarchy, State and Utopia*, p.93.
[19] George Klosko, *The Principle of Fairness and Political Obligation* (Lanham: Rowman& Littlefield, 1992) p.39.
[20] Ibid., p.40.

or avoid benefitting from these, we can assume that they would seek out the benefits even though that option was available. Thus, while an individual who benefits from Nozick's street cleaning service could plausibly say that she would prefer not to receive the benefits, and therefore should not be forced to contribute, someone's claim that they should not be forced to contribute towards national defence on the same grounds lacks sincerity. We can be fairly sure that this individual's life would be so worsened in the absence of national defence that he would prefer to receive it and pay towards it (at least given the costs do not get very high). We can thus enforce his contribution towards it.

Can the principle of fairness justify the enforcement of either of my two principles of distributive justice by the state? When citizens go out of their way to get the benefits that public goods provide, it appears that the state may legitimately enforce contributions according to my two principles. Yet I think that this will in fact justify coercion in rather few cases. As I said above, citizens are rarely in a position to refuse the benefits that their state supplies.[21] And even when they can refuse them, it would be difficult to design a system that only coercively extracted contributions from those who have sought out the benefits. How can we design a tax system, for instance, that only taxes those who visit national parks without turning it into a private good?

What if we think, with Klosko, that the principle of fairness can also apply when the benefits provided by a scheme are presumptively beneficial public goods? In this case, the feasibility principle can at least sometimes be enforced. The state may legitimately use coercion to ensure that individuals contribute towards public goods that are necessary for the continuance of a system of cooperation. Everyone can be presumed to benefit from this, since without a system of cooperation in place, we can assume that individuals' lives would be significantly worse. The state is therefore justified in using its coercive power to ensure that

[21] Simmons, *Moral Principles and Political Obligations*, pp.136-142. Rawls himself recognises this problem in *A Theory of Justice*, pp.336-337.

all individuals in society pay their fair share towards these. But the principle cannot justify coercion to enforce contributions towards essential public goods that are necessary to uphold fair shares or are the only feasible way in which some individuals' basic needs are met. This is because not everyone may benefit from these, and so they cannot be counted as presumptively beneficial on Klosko's account: the beneficiaries of injustice will not benefit from public goods that reduce their shares when these are unfairly high, and not every individual in society will benefit from public goods meeting the basic needs of only some of them (medical research for congenital diseases will only benefit those who have the diseases, for instance). To justify coercion to ensure contributions towards these public goods, then, we will have to fall back on the natural duty of justice.

The natural duty of justice and the principle of fairness thus work in tandem to legitimate the use of coercion by the state in enforcing contributions towards a number of essential public goods.[22] The principle of fairness (with Klosko's modification) legitimates coercion when the essential public goods in question are necessary to the continuance of a system of cooperation. In addition, the natural duty legitimates coercion when the public goods are necessary to uphold just shares or are the only feasible way in which individuals' basic needs can be met.[23] Note in passing that the natural duty can legitimate coercion to extract the costs of public goods even when these costs of these are unfairly distributed (although it does not rule out coercion when the costs are fairly distributed), meanwhile the principle of fairness

[22] The two principles are also envisioned working together in this way in Klosko, *Political Obligations*, pp.98-111.

[23] The natural duty, of course, also explains the legitimacy of enforcing contributions towards essential public goods that are needed to uphold a system of cooperation. The principle of fairness may thus be superfluous. Nonetheless, by including both principles in the theory, the strength of the obligation to contribute towards these public goods might be increased. On the strength of political obligations being increased through support by multiple principles, see ibid., p.101.

justifies coercion only when there is a fair distribution (given, I believe, by the feasibility principle).[24]

Additionally, the principle of fairness (on Rawls's understanding) may also legitimate coercion to ensure contributions towards other essential public goods, so long as citizens have accepted the benefits of these goods. However, I have offered reasons why these sorts of goods are likely to be few in number. Legitimating coercion for essential public goods, then, will have to rely primarily on the natural duty of justice and Klosko's principle of fairness.

What about discretionary public goods? Although the use of coercion in supplying these may also be legitimated through Rawls's version of the principle of fairness, again these are likely to be few in number. The principle of fairness, so understood, will certainly not legitimate the state using its coercive power to ensure the supply the wide range of discretionary public goods that we typically see modern states supplying. If we are going to claim that the use of coercion in implementing the equal concession principle is legitimate in these other cases, then, we will have to find another moral principle to do this. It is to that task I now turn.

(iv) The Common Good Principle

How might one explain the legitimacy of enforcing the obligation to contribute towards the wide range of discretionary public goods that states typically supply? To this end, Klosko provides the following principle, which he labels the Common Good ("CG") principle:

> CG Principle: The government of society X, which provides indispensible…public goods and basic social welfare services may take reasonable measures to promote the common good in additional ways, with citizens required to do their fair shares to support its efforts.[25]

[24] This is true at least so long as we accept Klosko's argument that the principle of fairness only arises in just cooperative schemes.
[25] Ibid., p.111.

If we understand "reasonable measures" to include the use of coercion to ensure contributions, then the CG principle, if valid, would legitimate the enforceability of a principle requiring contributions towards discretionary public goods, so long as these could be shown to promote the common good.

The notion of "the common good" needs further explanation, though. Klosko says that promoting the common good involves taking measures 'clearly in the public interest' in that they provide 'for the health and welfare of their population',[26] and mentions examples such as 'regulating the economy to keep inflation and unemployment in check, supporting public education, museums, symphonies, and national parks'.[27] At first sight, this appears to go against an anti-perfectionist view in liberal theory, which denies that the state can legitimately promote some goods when their value is controversial. Since not everyone accepts that museums and national parks are valuable (and some might even deny that an economy in which inflation and unemployment are is check are worth the costs of government interference), anti-perfectionists are suspicious of the legitimacy of governments using coercive power to promote these ends. This worry might be tempered by three additional conditions Klosko places on such measures for them to be legitimate:

> 1. the government services or provisions in question must actually be in the public interest; that is, benefits must outweigh the costs;
> 2. the provisions must be distributed fairly; and
> 3. decisions in regard to these benefits must be made democratically, with all individuals having a fair say.[28]

I will not discuss whether the addition of these conditions will satisfy anti-perfectionists. I think that there is a deeper problem with the CG principle that will leave it unable to ground enforceable obligations to contribute towards discretionary public goods successfully.

[26] Ibid., p.112.
[27] Ibid., p.111.
[28] Ibid., p.115.

The problem is this. Klosko thinks that a government that is in place and legitimately using coercion to ensure the supply of certain – essential – public goods and other services,[29] perhaps on the basis of the two principles outlined in sub-sections *(ii)* and *(iii)*,[30]may then also use its coercive power to enforce contributions towards other – discretionary – public goods. It seems odd, though, if coercion in area B (the provision of discretionary public goods) is otherwise illegitimate, that it can become legitimate simply because coercion in another area A (the provision of essential public goods) is being carried out legitimately. I will argue below that Klosko's explanation of why this is the case is problematic, and therefore reject the CG principle as a way of showing the legitimacy of enforcing the equal concession principle.

Klosko thinks that, when a group of individuals form a state and that state uses its coercive power to supply essential public goods,[31] their moral situation changes such that otherwise illegitimate coercion to compel them to contribute towards discretionary public goods becomes legitimate. 'The main thrust of the CG principle,' he writes, 'follows from the fact that supply of indispensible [read "essential"] public goods under the principle of fairness creates a community'.[32] According to Klosko, then, the creation of a community in this way legitimates otherwise illegitimate enforcement.

Klosko notes the similarities of his view to "associative" accounts of political obligation.[33] John Horton, who advances one such account, likens the moral requirements which arise within a political association to obligations that arise within a family:

> My claim is that a polity is, like a family, a relationship into which we are mostly born; and that the obligations which are constitutive of that relationship do not stand

[29] In the principle cited above, Klosko refers to "indispensible (and necessary discretionary) public goods and basic social welfare services". This may be read as equivalent to "essential public goods" in my terminology.
[30] Ibid., pp.86-92
[31] He refers to "indispensible public goods", but means much the same as I mean by "essential public goods".
[32] Ibid., p.112.
[33] Ibid., p.114.

> in need of moral justification in terms of a set of basic moral principles of some comprehensive moral theory.[34]

Klosko, however, thinks that his CG principle has an advantage over such theories. One of the main problems with such theories, he says, is their inability to explain 'exactly what we mean by 'association' or 'membership' and why this gives rise to moral requirements'.[35] He thinks the CG principle can overcome this because:

> The argument makes clear both the nature of a person's community and the moral requirements to support it. Community is constituted by joint production and consumption of indispensible [read "essential"] public goods. Because people require these for acceptable lives...they are 'naturally' members of the community and have requirements to support the community's effort to promote the common good, as the community sees it.[36]

In being subject to coercive measures to ensure the supply of essential public goods, then, Klosko thinks that a group of individuals form a community, and being part of that community in turn legitimates the enforcement of obligations to promote the common good through contributing to the provision of discretionary public goods.

Even if some "natural" community can be identified when a group of individuals are legitimately coerced to produce essential public goods, it is unclear why this would give rise to further obligations. Klosko gives no explanation as to why this would be the case, but perhaps he does not need one. Recall Horton's analogy with the family. Obligations we feel towards our family, just like obligations we (sometimes) feel towards fellow citizens, says Horton, need not rely on any deeper explanation: 'Why do such thoughts and feelings have to be shown to be justified in terms of consent, the principle of fairness, utilitarianism, or some other preferred moral theory?'[37] Just as, were I to decline an invitation to a party, and explain

[34] John Horton, *Political Obligation* (London: MacMillan, 1992), p.150.
[35] Klosko, *Political Obligations*, p.114.
[36] Ibid., p.115.
[37] Horton, *Political Obligation*, p.155.

this was because I need to attend my parents' silver wedding anniversary, no further explanation is needed for my non-attendance, carrying out obligations of citizenship simply because they are the appropriate sort of obligations we owe to fellow citizens may require no further explanation.[38]

I do not think that this understanding of familial obligations is entirely accurate, though. Although it would indeed be odd to ask someone for an explanation of why they could not attend a party in order to go to their parents' wedding anniversary, I believe that this is only because we already all have an implicit understanding of what such an explanation would look like, not because there is no such explanation. An explanation might be given in terms of the unhappiness it would cause the person's parents were he not to show up. Likewise, obligations someone might have to care for parents in old age might be cashed out in terms of an obligation of gratitude she is under having been looked after by them when growing up. Perhaps a combination of such general obligations is sufficient to explain the strength and range of particular obligations that seem to be owed to one's family. When speaking of familial obligations, then, we are probably using shorthand to refer to specific instances of more general obligations (an obligation of gratitude, a utilitarian obligation not to cause unnecessary unhappiness, etc.). While of course we do not normally justify familial obligations on the basis of some preferred moral theory in conversation, it does not follow that some such theory does, in fact, explain why we have these obligations (and why we think we have them).[39]

If the analogy of political obligations to familial obligations is to go through, then, proponents of the associative view must demonstrate that political obligations are specific instances of broader moral obligations. But what could these broader obligations be? We might, taking a cue from the case of the family, suggest that political obligations are a species

[38] Ibid., pp.147-148.
[39] A similar criticism is made in Dudley Knowles, *Political Obligation: A Critical Introduction* (Abingdon: Routledge, 2010), p.183.

of gratitude obligations. To show gratitude to fellow citizens for the supply of essential public goods, it may be appropriate to carry out measures conducive to the common good. But there are various problems with trying to base political obligations solely on gratitude.[40] We might instead suggest that, like the obligation to attend one's parents' wedding anniversary, they are utilitarian obligations aimed at promoting happiness. But if this is the case, then it turns out that the CG principle is not actually doing any work; a general obligation to promote happiness, which applies irrespective of essential public goods being supplied, explains the obligation to contribute towards discretionary public goods.[41] And in any case it is questionable whether it is legitimate to enforce obligations to promote happiness in this way, even if they do exist.

The CG principle is not valid, and therefore cannot justify enforcing the equal concession principle through state coercion.

(v) The Extended Principle of Fairness

In this section, I will outline how I think we can explain the legitimacy of enforcing the equal concession principle through the use of state coercion for a wide range of discretionary public goods. Although, as I suggested in sub-section *(iii)*, above, the principle of fairness, with Klosko's modification, cannot legitimate coercion to ensure the supply of *any particular* discretionary public good, I will argue here that it can legitimate coercion to ensure the supply of a number of discretionary goods *taken together*. The reasoning behind this thought was first suggested by Klosko:

[40] Klosko himself is perhaps the most prominent critic of doing so. See George Klosko, 'Political Obligation and Gratitude', *Philosophy & Public Affairs* 18(4), 1989, pp.352-358; George Klosko, 'Four Arguments Against Political Obligations from Gratitude', *Public Affairs Quarterly* 5(1), 1991, pp.33-48.

[41] Note in passing that the CG principle, so understood, might also require us to contribute towards the common good of foreign countries. This goes against Klosko's desideratum for a theory of political obligation that it explain the "particularity" of those obligations, i.e. that it explain why citizens have political obligations towards their state in particular. See Klosko, *The Principle of Fairness and Political Obligation*, pp.4-5.

> Though the members of scheme X, which provides a single discretionary public good, cannot demand that A contribute, if the functions of X are multiplied so that it provided numerous discretionary goods, at some point A would become obligated. The intuition here is that, though by definition no single discretionary good is presumptively beneficial, when a large number of such goods are provided together, the package as a whole becomes presumptively beneficial.[42]

In other words, even though we cannot presume that each individual benefits from any one discretionary public good, we might be able to presume that they benefit from a package of discretionary goods taken as a whole. And therefore, although the principle of fairness cannot justify enforceable obligations to contribute towards any one such public good, it can justify such obligations to contribute towards a package. This seems like a promising approach, as it appears almost certain that all or nearly all individuals benefit significantly from the wide range of discretionary goods that a typical modern state provides. Although each citizen may not benefit from each of public libraries, free sports facilities, subsidised art projects, public parks and other public spaces, clean streets, *and* publicly funded television, they will probably benefit from at least some of them. Klosko, however, rejects the argument on the following grounds:

> First, it is unlikely that we would be able to elucidate the requisite mechanism of transformation. More important, if A cannot justify having his liberty infringed only by being obligated to contribute to the provision of one good he could do without, it seems tyrannical that he contribute to other similar goods in addition to that one. Though the package of discretionary public goods provided by a modern government might make A's life easier or more pleasant, the fact that he could do without them seems crucial here.[43]

I will argue, however, that these worries are misplaced.

Let us firstly address Klosko's first worry: that "we would not be able to elucidate the requisite mechanism of transformation". I take this to mean that, if we keep adding

[42] Ibid., p.85.
[43] Ibid., p.86.

discretionary public goods to a package, it is unclear at which exact point an enforceable obligation to pay towards that package arises. But I do not think that this is a problem, at least for practical purposes. Of course, it will be difficult to determine the exact point at which a package of discretionary goods will become presumptively beneficial. And we might think that the point at which this happens will vary from one society to another: fewer discretionary public goods will probably needed in culturally homogenous societies, where individuals have similar preferences, than in more diverse societies for us to be sure that everyone is benefitting sufficiently. Nonetheless, so long as we can be sure that we have passed the point at which individuals benefit sufficiently from the wide range of discretionary public goods that a state provides (and I think that this is the case in most modern Western societies), we do not need to be precise about how many discretionary public goods are needed as part of the package in order to posit an enforceable obligation to contribute.

Turn then to Klosko's second objection. This is that, since each discretionary public good that forms part of a presumptively beneficial package is something that an individual could do without, and therefore the package as a whole is something that individual could do without, that package is not presumptively beneficial in the same way that a single public good like national defence is. Key to the notion of a presumptively beneficial public good, for Klosko, 'is indispensability: they are necessary for an acceptable life for all members of a community'.[44]

Klosko's emphasis that presumptively beneficial public goods are indispensible suggests that the term itself does not accurately capture what he has in mind when using it. Going by the term alone, one might think that a presumptively beneficial public good is the following:

[44] Ibid., p.39.

1. A public good that we can presume people benefit from.

But it is clear from Klosko's discussion that he has something more restrictive in mind, namely:

2. A public good that we can presume people benefit from *because it is necessary for an acceptable life*.

1 does not entail 2; we can presume that people benefit from a higher income even though it might not be necessary for an acceptable life (they might have a high enough income already).[45] And Klosko is able to reject the reasoning for treating a package of discretionary public goods as presumptively beneficial because he understands "presumptively beneficial" in sense 2 rather than sense 1. While it is quite possible for a package of discretionary public goods to be presumptively beneficial in sense 1 – we can imagine that everyone benefits from at least one public good in the package – it is implausible to view such a package as presumptively beneficial in sense 2 – it is unlikely that anyone's life would be unacceptable even if no discretionary public goods were supplied in his society. However, I will argue below that Klosko should have understood "presumptively beneficial public good" in different sense to either of these, namely:

3. A public good that we can presume people benefit from and we can presume they would be willing to pay a fair contribution towards in order to continue receiving it.[46]

[45] Cf. Ibid., p.40, where Klosko distinguishes presumptively beneficial public goods from Rawls's notion of social primary goods.

[46] Wolff appears to interpret Klosko's understanding of a "presumptively beneficial public good" in this way in Jonathan Wolff, 'Political Obligation, Fairness, and Independence', *Ratio (New Series)* 8(1), 1995, pp.87-99, at pp.94-95. As should be clear from the above, I do not think that this interpretation is correct.

Klosko introduces the notion of presumptive benefit in response the counter-examples to the principle of fairness outlined by Nozick (such as the example of the PA system, which was discussed in 2.1). Even if the benefits of a public goods are worth the costs to you, and both the costs and benefits are fairly distributed in the scheme as a whole, Nozick is still able to argue convincingly that no enforceable obligation to contribute is generated for you to contribute: 'perhaps you would prefer that all contributed in *another* venture, limiting their conduct and making sacrifices for *it*'.[47] Or perhaps you would have preferred no venture at all, since you are not prepared to contribute to any scheme, despite its benefits.[48]

Klosko is able to deny that the principle of fairness grounds obligations in Nozick's case, while allowing it to ground obligations in other cases, by claiming that the principle only applies when the goods provided by the scheme in question are presumptively beneficial. The public good produced by the PA system cannot be presumptively beneficial in sense (2), since the system's outputs, although indeed beneficial, are not necessary for an acceptable life. We could easily do without them. But in order to overcome Nozick's objections, we do not need to insist that the principle only applies when the goods produced are presumptively beneficial in that sense. We simply need to insist that it applies when individuals do not *in fact* prefer another scheme, or no scheme at all. In other words, we can overcome Nozick's objection by restricting the application of the principles to cases in which individuals *would* choose not to reject the benefits of the scheme, if given the chance. I suspect that Klosko did not opt for this formulation because, for all practical purposes, we would not be able to tell if individuals would or would reject the benefits if given the chance. We could ask them, of course, but at least some would be likely to lie in order to avoid paying. Without getting inside individuals' heads, we would not be able to tell whether or not individuals are willing to contribute to a scheme that benefits them.

[47] Nozick, *Anarchy, State, and Utopia*, p.94.
[48] Ibid., p.93.

However, I think that we may be able to postulate that individuals would not avoid the benefits at least in some cases. Consider all the discretionary public goods that the modern state provides. It seems obvious to me that, not only do most people benefit from the supply of these goods as a whole, but that they would also be prepared a fair amount towards their costs in order to continue receiving them, were the option offered. This is true irrespective of whether they might claim otherwise. And if this is the case, then there is no remaining objection to holding them to an obligation to contribute towards these goods, and to enforce that obligation.[49] I conclude that the principle of fairness can ground the legitimacy of the state using coercive power to ensure contributions to a package of discretionary goods taken as a whole. The equal concession principle, in this context, is enforceable.

4.2. The Need for Global Enforcement

In section 4.3, I will investigate whether some of the principles canvassed in section 4.1 can legitimate enforcing contributions to global public goods, in line with the globalised versions of my two principles that I defended in chapter 3. Before doing this, though, I note that the coercion of states is highly controversial. While it is widely accepted that the state can and should coerce its citizens to ensure that a number of public goods are produced, far fewer people think that forcing states to contribute towards international projects is similarly justified. Scott Barrett, for one, claims that '[s]overeignty essentially implies that [global

[49] Of course, there might be some exceptions. A hermit, for example, might not be willing to pay for the continued supply of discretionary public goods by the state. In cases such as this, we might be able to make individuals exempt from paying the (full) costs of discretionary public goods through general taxation. Klosko himself allows for exceptions to the general obligation to pay towards non-discretionary public goods. He allows, for example, that conscientious objectors might be exempt from the general political obligation to serve in the army. See Klosko, *Political Obligations*, p.73.

public goods] must be supplied voluntarily,'[50] and this seems to be a sentiment that is widely held in both academic and policy circles, as well as among the general public.

Why is there more resistance to the permissibility of global coercion? It might be because none of the moral principles that are typically thought to make a state's coercion of its citizens legitimate apply at the international level. I will argue to the contrary in 4.3. But more fundamentally, I think, many view the coercion of states as not necessary in the way that a state's coercion of citizens is thought necessary. It is generally assumed that the international community can overcome the free-rider problem without resorting to freedom-restricting measures in a way that individuals in the Hobbesian state of nature cannot.[51] And since coercion is to be avoided whenever possible, this line of thought goes, we should not coerce states, for instance, when attempting to ensure the supply of global public goods. As I suggested in 4.0, we might also think that enforcing contributions is necessary to ensure that everyone pays their fair share towards these goods, even if supply of the goods themselves is not under threat. Nonetheless, it has also been argued that moral motivations may lead to states voluntarily agreeing on a fair distribution of the costs of global public goods,[52] and if this is the case, then the concern with fairness cannot be a justification for enforcement any more than the concern with efficiency.

In this section, though, I will argue that states are unlikely to voluntarily produce many essential global public goods or to distribute the costs of global public goods fairly. In other words, my claim will be that states will not meet the demands of justice (given by my two principles) without enforcement mechanisms. I will discuss four reasons why we might think that agents will produce public goods voluntarily in general, and suggest either that they will often not apply when the agents in question are states, or that even if they do apply, the

[50] Scott Barrett, *Why Cooperate? The Incentive to Supply Global Public Goods* (Oxford: Oxford University Press, 2007), p.17.
[51] See Ibid.
[52] Ceclilia Albin, *Justice and Fairness in International Negotiation* (Cambridge: Cambridge University Press, 2001).

resulting distribution of costs and benefits may not be fair. It will thus be shown that there is a *prima facie* case for enforcement in the global context. Why, then, might we think that public goods will be supplied voluntarily?

(i) Fair-Mindedness

Firstly, a group of agents may be motivated by a sense of fair-mindedness to produce public goods voluntarily; each might have a moral motivation to contribute their fair share of a public good that they benefit from. However, a fair-minded individual is only likely to be so motivated if she has sufficient assurance that others are also doing their fair share. If she lacks this assurance, she may not contribute, firstly, because her contribution may be for nothing (if she is the only individual contributing to national defence, for example, it will not be effective) and, secondly, simply because she does not want to be taken advantage of. Note that even if everyone were in fact fair-minded, the public good may still not be supplied without each having assurance that the others are also fair-minded. In what circumstances, then, would there be sufficient assurance?

David Miller highlights the need for trust among the group. As we saw in 2.5*(ii)*, while he thinks that trust might come about through face-to-face communication,[53] on a large scale (such as when the population of a country need to trust one another) he accepts that this will not be feasible, and so puts faith in shared nationality producing the requisite trust.[54]

If similar mechanisms might ensure voluntary contributions towards global public goods, then there would be no need for coercion, either on efficiency or fairness grounds. States motivated by fair-mindedness would voluntarily produce public goods and pick up their fair share of the costs. But I do not think that similar mechanisms will be in place in the

[53] John M. Orbell; Alphons J. van de Kragt & Robyn M. Dawes, 'Explaining Discussion-Induced Co-operation', *Journal of Personality and Social Psychology* 54, 1986, pp.811-819, cited in David Miller , 'Public Goods Without the State', *Critical Review* 7(4), 1993, pp.505-523, at pp. 521-522.
[54] David Miller, *On Nationality* (Oxford: Oxford University Press, 1995, p.91.

global context. On the one hand, different national communities often need to cooperate in producing these goods. Shared nationality would not be present, and it is difficult to see what identity could fill the gap. Shared identity, then, cannot give rise to sufficient trust here.

What about face-to-face communication? Such communication does in fact often occur when states attempt to supply global public goods. Representatives of states communicate with each other in international negotiations regarding whether to supply these goods and how to distribute the costs. But it does not appear to be the requisite sort of communication necessary to elicit voluntary contributions. Research has shown that communication can only serve this function when there are 'dense social networks – sometimes called social capital – that increase the potential for trust, allow people to express and see emotional reactions to distrust, and lower the cost of monitoring behaviour and inducing rule compliance'.[55] It is difficult to see how representatives of states could maintain such social networks when they meet only a few times a year (at most), and act in official capacities, not in their capacities as private individuals.

Perhaps, though, trust among nations can be achieved in a different way. Michael Taylor suggests that, although agents may not cooperate in a one-off interaction to produce a public good, if that interaction will be followed by many more instances of a similar structure, individuals may voluntarily contribute. Although they may be successfully able to free-ride on the efforts on others at first, in the long term, those others will stop contributing as well if they see that others are taking advantage of them. It may thus be in everyone's interest to contribute on each occasion, in order to elicit continues contributions from others in the future.[56]

Would nations be induced to cooperate with each other, then, given that their cooperation may be one of an indefinite series of such instances? I do not think so. Although

[55] Thomas Dietz, Elinor Ostrom & Paul Stern, 'The Struggle to Govern the Commons', *Science* 302(5652), 2003, pp.1907-1912, at p.1908.
[56] Michael Taylor, *The Possibility of Cooperation* (Cambridge: Cambridge University Press, 1987), pp.60-108.

globalisation has meant that countries interact with each other on a regular basis in global public good negotiations, since many of these countries' administrations often change after a few years, the requisite long-term system of cooperation needed for voluntary contributions may not be present.[57] In fact, as countries' administrations have changed, their stance on international cooperation also changes. Although governments in general stick to the binding treaty obligations entered into by their predecessors, they are often less willing to enter into new obligations. Despite the Clinton administration being instrumental in negotiating towards the Kyoto Protocol, which set limits on greenhouse gas emissions of signatories, the subsequent Bush administration refused to ratify it. Meanwhile, although the Liberal government of Canada actually ratified the Protocol in 2002, once the Conservative Party gained a majority in parliament in 2011, they soon withdrew support. The necessary sort of trust required for agents to voluntarily produce public goods out of a sense of fair-mindedness, then, is unlikely to come about among countries.

(ii) Altruism

The second way I will consider in which public goods might be supplied voluntarily is through altruism. Individuals may contribute towards public goods that benefit others because they are altruistically motivated to do so. They might want to see others' basic needs being met, and so help to supply the public goods that are required to do this, for instance. Unlike the fair-minded individual, there is no need for the altruistic individual to benefit from a public good himself if he is to be motivated to supply it. His motivation is based simply on the benefits that accrue to others.

A problem with relying on altruism to motivate contributions towards public goods is that the free-rider problem may not be overcome any more by altruistic agents than by

[57] Taylor himself was sceptical that trust could be built up among nations in this way. See ibid., pp.165-166.

egoistic agents. As Mancur Olson observes, even an altruist 'would not rationally contribute to the provision of any collective or public good, since his own contribution would not be perceptible'.[58] In other words, although altruists would prefer to see others benefitting from public goods, they would also prefer not to contribute their resources towards this. And since, in a large group,[59] their own contribution is unlikely to make a difference to the level of benefit to others, they will have an incentive not to contribute.

However, Olson assumes that agents can only be motivated by "pure" altruism, that is, they only care about others receiving benefit and not about how that benefit gets to them. But is seems more likely that individuals are instead motivated by what James Andreoni calls "impure" altruism: not only do individuals care about others being benefitted, they also care about being the ones doing the benefitting. Thus, it may be the case that people will contribute towards public goods, not simply to assist others, but also to get the "warm glow" that comes with knowing that they were involved in the assistance.[60] This would mean that there would be no free-rider problem, since the incentive of each agent to free-ride would be countered by an incentive to get involved in supplying a public good. For example, individuals may decide to voluntarily refrain from polluting in order to contribute towards the public good of clean air even if their own contribution will not make a noticeable difference to the air quality. This is because they will want to be among those who contribute to the public good.

It is unclear whether a similar warm glow can be felt when one's country takes an altruistic action. Given the impersonal and indirect way in which individuals contribute towards global public goods, it may be thought that they will not get a similar satisfaction

[58] Mancur Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, MA: Harvard University Press, 1965), p.64. Cf. Miller, 'Public Goods Without the State', p.521.
[59] Small groups may be able to overcome the free-rider problem, and I discuss this possibility below in sub-section *(iii)*.
[60] James Andreoni, 'Giving with Impure Altruism: Applications to Charity and Ricardian Equivalence', *The Journal of Political Economy* 97(6), 1989, pp.1447-1458.

from their state acting altruistically than when they take direct action in refraining from polluting, for instance.

Further to this, there is a more general worry for the prospects of public good contributions being elicited by motives of impure altruism. This becomes clear when we realise that some public goods will not be supplied if only one person or a small sub-group of individuals contribute. Of course, in some circumstances even one individual's contribution towards a public good alone will result in some benefit: one agent's refraining from polluting may noticeably improve the air quality, even if it is still sub-standard as a result of others' continued pollution. But at other times, a threshold of contributions needs to be reached in order for *any* benefit to be produced, and the threshold may so high that no one individual's contribution will be sufficient to meet it. For example, it may be the case that one country's refraining from fishing an endangered species will be insufficient to prevent its extinction if every other country carries on fishing for it. A number of countries will need to constrain their fishing if they are to allow the species to repopulate.

Now impure altruism is only likely to motivate contributions towards public goods if the public good will actually be produced. And this means that, when a threshold of contributions is required, impure altruists will need assurance that enough others will contribute for the threshold to be reached. If there is no such assurance, they may decide not to contribute, since they will think that nobody will benefit from their actions. Impure altruists derive no satisfaction from contributing to lost causes.[61] Once again, trust among the group appears to be necessary for these public goods to be supplied: an agent must trust that others will also contribute towards the public good in question for her to be confident that her contribution will be worthwhile. And, as I argued in sub-section *(i)*, above, the requisite level

[61] Note that I do not make the additional claim that impure altruists will not want to contribute when the good will be supplied anyway, and so their contribution is redundant. This is because I am convinced by Richard Tuck's account of altruistic motivation in such circumstances. See Richard Tuck, *Free Riding* (Cambridge, MA: Harvard University Press, 2008), pp.95-96.

of trust is unlikely to be found internationally, so many global public goods that require thresholds of contributions being met may not be supplied voluntarily even if we attribute altruistic motives to states.

(iii) Small Groups

Although rejecting altruism as a way of overcoming the free-rider problem, Olson believes that there is another way in which a group might supply public goods without coercion. He claims that as the size of the group supplying a public good gets smaller, public goods are more likely to be supplied voluntarily. This is because of two factors. Firstly, in smaller groups, there may be an inequality of interest in the good being supplied, and so some members of the groups will take a lead in supplying it. In an extreme case, one member will find it worth their while to supply the good unilaterally – Olson calls these cases of "privileged groups".[62] If I need to get to work before my neighbours, for example, it might be in my interest to clear our shared road of snow by myself. Secondly, social incentives, such as disapproval of non-contributors, may be put to better use in smaller groups to ensure that members contribute towards public goods. For one thing, it will be difficult to identify those who do not contribute towards public goods in larger groups, and so it will be unclear who the disapproval should be directed at. For another, such social pressure will only be effective in groups where there is an ongoing social relationship (family and friendship groups, for example), which tends to only be the case in small groups.[63]

Can the international community of states form a small group in a similar way? Although the number of individuals who benefit from public goods here is going to be large (potentially seven billion people), it is the agents involved in supplying the goods – normally states – that we should look at. There are about 200 sovereign states in the world today. This

[62] Olson, *The Logic of Collective Action*, pp.22-36.
[63] Ibid., pp.60-62.

number is significantly larger than the size of groups which Olson had in mind, but Olson is also aware that there is not a straightforward relationship between group size and the two factors identified above that lead to public goods being supplied voluntarily. So perhaps these two factors can lead to the voluntary production of global public goods.

Take the first factor. It seems as if one country might have a sufficiently stronger interest than the others to take a lead in supplying public goods, despite being only one of 200 members who benefit from that good. The USA's relatively large population, combined with its high level of technology and knowhow, for example, might lead it to take a lead in the production of global public goods or even, in some cases, to supply a public good by itself. And there is some evidence that this has happened in the past; success stories of global public good supply have generally been seen where the USA has taken on most of the costs.[64] However, given that states generally need to possess a certain level of wealth in order to be able to take on such a role, it seems likely that there will be a number of essential public goods which primarily benefit poorer states that will not be supplied or that will be undersupplied, since states with the necessary resources to take on the costs may not find it worthwhile to do so.

Furthermore, sometimes global public goods necessarily rely on multilateral contributions for their production, and so one state, irrespective of how much of an interest it has in seeing the good produced, may not be able to provide the public good by itself. For example, the prevention of contagious diseases requires cooperation from most if not all states. While richer countries can take a lead in research and the production of vaccines, ultimately every country will have a role to play, even if this merely involves reporting outbreaks to the international health authorities. In the 1970s, the global public good of

[64] Charles P. Kindleberger, 'International Public Goods Without International Government', *The American Economic Review* 76(1), 1986, pp.1-13, at p.10. For a concrete example, we can note that the USA has supplied the global public good of a global positioning system unilaterally. On this, See Barrett, *Why Cooperate?*, pp.31-32.

smallpox eradication was within reach. However, the eradication programme nearly failed in 1977, after Somalia failed to report new cases of the disease within its own borders. No matter how well other countries were carrying out vaccination against smallpox, the "weak link" of Somalia threatened successful supply of the global public good of smallpox eradication. Had this pandemic not been prevented, the efforts of others in the international community to eradicate smallpox may have come to nothing because the disease might have spread across national borders, and we would have been back to square one.[65] Thus, an inequality of interests may not be sufficient for a global public good to be supplied voluntarily.

The final point that I wish to make about the possibility of global public goods being supplied as a result of an inequality of interests is this. Even if some public goods might be supplied by one or a few agents that have a greater interest than others in the public good being produced, the distribution of costs that would result is unlikely to be just. If one state takes it upon itself to supply a particular global public good because it cares more about it than every other state, the fact that these other states might still benefit to some extent from the good would indicate that unfair free-riding is occurring. Enforcement of contributions might be desirable, then, not only because relying on an inequality of interest may lead to many global public goods not being supplied, but also because doing so will mean that the costs of those global public goods that are supplied in this way may be distributed unfairly.

We move on now to the second factor that Olson identifies in small groups that leads to the voluntary provision of public goods. It does appear that states' (non-)contributions towards global public goods may be noticeable, but would this lead to the same social pressures to contribute fairly that Olson thinks arises in small communities? Cecilia Albin,

[65] For a detailed account of this, see Ibid., pp.48-50. For other case studies, see Mark W. Zacher, 'Global Epidemiological Surveillance: International Cooperation to Monitor Infectious Diseases', in Inge Kaul, Isabelle Grunberg & Mark A. Stern (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (Oxford: Oxford University Press, 1999), pp.266-283.

for one, thinks that this might happen. She notes that states are often motivated to avoid charges of unfairness or injustice when negotiating terms of international cooperation.[66] She is keen to stress, though, that such concerns only arise once the states involved are equal in power.[67] In fact, it is not fear of being viewed negatively that lead states to act on the basis of justice or fairness, but rather the need to avoid a stand-off. Albin clarifies that '[j]ust as notions of justice and fairness may operate when negotiators do not express them verbally, explicit use of the terms does not mean that such concepts are genuinely at play. Ethical arguments can be employed for purely tactical purposes.'[68] While such tactical appeals to justice and fairness may ultimately lead to global public goods being supplied in a fair way, the fact that parties putting forward these arguments are not necessarily committed to them in good faith may mean that they will stop using them when it no longer suits their purposes, as when one party can effectively impose a solution on another. The motivation to be seen to be acting on the basis of considerations of fairness, then, is unlikely to hold in all circumstances.[69]

(iv) Assurance Contracts

David Schmidtz argues that "assurance contracts" can solve the free-rider problem.[70] The idea here is that private entrepreneurs would ask all individuals to voluntarily make a contribution towards a public good. If everyone pays up, the money collected is used to provide a public good. If there are any hold-outs, however, everyone gets their money back in full, and the public good is not produced. For example, a firm might ask all residents of a town to make a contribution of $1 towards the cost of building a bridge in their town. If everyone pays into

[66] Albin, *Justice and Fairness in International Negotiation*.
[67] Ibid., pp.8; 38.
[68] Ibid., p.19.
[69] As we will see in chapter 6, the USA has often used its power to enforce unfair distributions when countries supply the global public good of trade liberalisation.
[70] David Schmidtz, *The Limits of Government: An Essay on the Public Goods Argument* (Boulder: Westview, 1991), pp.66-78.

the pot, the firm will go ahead with construction. If some fail to contribute their dollar, though, the firm will return everyone's money and not build the bridge. This supposedly removes the free-riding instinct of individuals: each person will be assured that others are not free-riding on their contribution, and they will also not be incentivised to free-ride, since if they attempt to do so, the good will not be supplied.

It does seem that something like assurance contracts have successfully been used to ensure the supply of a number of global public goods. The Montreal Protocol (a treaty that placed limits on the use of chlorofluorocarbons ("CFCs") in order to provide the global public good of sustaining the ozone layer) can be viewed as a notable instance of this. While countries were invited to sign the protocol, their commitment to phasing out CFCs was conditional on enough other countries also signing up.[71] This appears to have provided the necessary assurance; 196 countries have now ratified the Protocol,[72] leading Kofi Annan, former Secretary General of the United Nations, to call it '[p]erhaps the single most successful international environmental agreement to date'.[73]

However, it not clear that the use of assurance contracts would overcome the free-rider problem for all global public goods. Schmidtz designs his assurance contract model with a certain sort of public good in mind, namely, public goods that require a one-off payment which can be returned to contributors in the event that some individuals do not pay. The example of a bridge illustrates this: once the bridge is build, no further contributions from the residents is required. But many global public goods do not have this property: the prevention of climate change, for instance, requires states to make a continuous effort to reduce their greenhouse gas emissions. If over a certain period of time nearly every state will reduce their

[71] Specifically, countries representing two-thirds of global CFC emissions had to sign up for the protocol to come into force. See United Nations, 'Montreal Protocol on Substances that Deplete the Ozone Layer', (UNEP, 1987), article 16(1).

[72] United Nations, 'Status of Ratification of the Montreal Protocol and the Vienna Convention', available at http://ozone.unep.org/new_site/en/treaty_ratification_status.php, site accessed 08/08/2014.

[73] Kofi A. Annan, *We the Peoples: The Role of the United Nations in the 21st Century* (New York: United Nations Department of Public Information, 2000), p.56.

emissions by the required amount, yet one state fails to do so, these other states cannot "get back" the sacrifice they have already made in reducing their emissions. And, if each state knows this, then it may try to free-ride on the efforts of other states, since contributions to those others cannot simply be withdrawn when it is discovered that one state is not doing its fair share; since they have already made the sacrifices, they will not be able to withdraw their contribution in the event that other states fail to make similar sacrifices.

However, it may be objected, irrespective of these theoretical problems with assurance contracts, we do see public goods being voluntarily supplied as a result of them, at least in the international case. As I said above, the Montreal Protocol *was* able to elicit voluntary contributions towards the global public good of ozone integrity. Perhaps, then, the theoretical problems are not as pervasive as I suggested. But there were other fortunate factors that were present in the case of the Montreal Protocol that ensured that the free-rider problem was overcome, which may not be present in other cases. In particular, there were readily available alternatives to products emitting CFCs, and it looks like there was a snowballing effect, whereby as more countries signed up, it became less costly for non-signatories to sign up as well. This is because these other countries, in order to continue trading with signatories, had to switch to producing the alternative products

Compare this with the Kyoto Protocol, a treaty which set limits on greenhouse gas emission. This also took the form of an assurance contract: it only came into force when 55 countries including countries responsible for 55% of 1990 greenhouse gas emission levels signed up.[74] This Protocol, though, has shown little sign of reducing global emissions in any meaningful way, because the self-enforcing mechanisms which were present in Montreal were not present here. The alternatives to carbon-intensive production mechanisms are either costly to implement (as when renewable energy is used) or viewed as unsafe (as when

[74] UNEP, United Nations, 'Kyoto Protocol to the United Nations Framework Convention on Climate Change' (Kyoto: UNEP/WMO, 1997), Article 25(1).

nuclear energy is used). And given the difficulty of distinguishing which products use less carbon-intensive methods for the purposes of trade, it will be impossible to design a workable clause in the treaty that restricts trading with non-signatories and so there will not be a similar snowballing effect. Indeed, since countries that unilaterally switch to less carbon-intensive methods may be at a competitive disadvantage, they will have an incentive not to do so.[75] Although Canada initially ratified the Protocol, as we saw above, it withdrew in 2012, citing the non-ratification of its closest trading partner – the USA – as one reason for doing so.[76] The USA, in contrast, saw little reason to ratify the Protocol despite many of its trading partners signing up. So assurance contracts alone have do not seem able to ensure the supply of all global public goods.

Perhaps the problem can be overcome if we change the nature of the assurance contract so that once a number of states sign up, their ongoing contributions could then be enforced.[77] The idea here would be that states are asked to pledge contributions towards a global public good, and once a sufficient number of states sign up, they are required to carry out what they agreed to. Those states that fail to do this would be subject of sanctions, thus removing the motive to free-ride. This may indeed avoid ensure that more global public goods can be supplied, but we should note that we have now moved away from discussing voluntary solutions. The proposal here would involve enforcement of contributions, granted that states have to agree in order to this for contributions to be enforced from them. As an enforcement mechanism, this must be justified by a moral principle of the sort outlined in 4.1, and I will turn to this in the following section. For the moment, we can conclude that may global public goods will not be supplied wholly voluntarily through assurance contracts.

[75] Barrett, *Why Cooperate*, pp.80-93.
[76] See 'Canada Pulls out of Kyoto Protocol', *The Guardian*, 13th December 2011.
[77] There are enforcement mechanisms involved in the Montreal Protocol, albeit weak ones. See United Nations, 'Report of the Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer' (UNEP, 1992), decision IV/5 and Annexes IV & V.

Overall, it is unlikely that justice in the supply of global public goods will be achieved without coercive enforcement. A number of essential public goods, supply of which are required by justice, will not be supplied if it is left up to states to decide whether or not to contribute towards them. And, of the public goods that will be supplied voluntarily, the distribution of costs may not meet any plausible criteria of fairness. There is therefore a *prima facie* case for enforcement of contributions from states. But is such enforcement legitimate? I turn to this question in the following section.

4.3. The Legitimacy of Global Enforcement

Below I will investigate whether the principles I argued could explain the legitimacy of state coercion in 4.1 can also explain the legitimacy of global coercion.

(i) Consent

Consent, as we saw, has not generally been thought to be able to explain political obligations of citizens in modern states. Few, if any, members of these societies have given explicit consent to be under an obligation to obey the state's laws, contribute towards public goods supplied by the state, and so on, and it is difficult to see how attempts to gain their consent would work. However, we may be more hopeful that enforcement of contributions towards *global* public goods may be justified by states consenting to being under enforceable obligations to contribute. Since there are far fewer states than there are generally citizens of states, we might think that, through international negotiations, all (or most) states can come to an explicit agreement to bind themselves to contributing towards global public goods, or face sanctions. This is because face-to-face negotiation is feasible among representatives of states. While I suggested that this communication would not be of the sort necessary to elicit trust in

other state's voluntary compliance in global public good regimes, it may nonetheless provide an opportunity for states to hammer out a binding agreement, with a certain degree of give and take between parties, to contribute towards a number of global public goods or face coercive sanctions. This would be infeasible among citizens, not least of all because each citizen would know that their contribution towards public goods would be so small that others may be prepared to enter into an agreement without them. But since everyone knows this, each will not enter into an agreement, preferring to free-ride on the efforts of others.[78] In contrast, when states produce global public goods, each state's contribution is generally sufficiently large that the rest may hold off signing a binding treaty until everyone else has also agreed to sign. And we see something like this process happening (albeit often without final success) in existing international negotiations. The treaty could take the form of an assurance contract with coercive sanctions legitimated against those who fail to hold up their end of the bargain (as suggested above).

If consent can justify the coercive enforcement of contributions to some global public goods, do we need to look any further? Given the uncontroversial nature of consent as a ground of enforceable obligation, why would we want to rely on less widely-accepted principles such as the natural duty of justice or the principle of fairness as well? I think that there are two reasons why relying on consent alone will be unlikely to justify coercive enforcement of the demands of justice in global public good supply, and why therefore we need to invoke additional principles to supplement it.

Firstly, I doubt that relying solely on consent will lead states to supply all of the public goods that justice requires them to supply. The problem with the use of assurance contracts and similar devices is that the free-rider problem re-emerges in the decision on whether or not to sign the contract in the first place. If states think that others will sign up

[78] This problem is discussed, with reference to Schmidtz's assurance contracts, in Miller, 'Public Goods Without the State', pp.514-515

irrespective of what they do, they will have a motivation not to sign, and to free-ride on these other states' efforts to supply public goods. And if they think that few other states will sign up, then they will be reluctant to do this themselves since they do not want to be taken advantage of and their efforts may amount to nothing without others' help.[79]

The second reason why relying on consent will be unlikely to lead to the demands of justice being met in the supply of global public goods is that, even if states sign up to an assurance contract and successfully supply public goods, the exact nature of the agreement that is consented to will rarely assign costs fairly.[80] Pre-existing power inequalities may lead to a grossly unjust distribution of costs, even if those who are on the losing end still have reason to consent. If we are to justify coercive enforcement of my two principles of distributive justice, then, we will need to look for additional moral principles.

(ii) Essential Global Public Goods

How can we explain the legitimacy of coercive enforcement of contributions towards essential global public goods when states have not consented to this? In the domestic case, I argued that a combination of the natural duty of justice and the principle of fairness could justify state coercion to ensure contributions towards a number of essential public goods. The same arguments appear to apply in the global case.

The natural duty of justice, recall, 'requires us to support and comply with just institutions that apply to us. It also constrains us to further just arrangements not yet established, at least when this can be done without too much cost to ourselves'.[81] I argued in chapter 3 that justice requires the supply of essential global public goods, and so the natural

[79] Ibid., pp.513-514.
[80] On the inability of Schmidtz's assurance contract approach to result in the just distribution of costs and benefits of public goods in general, see David Miller & Isaac Taylor, 'Distributive Justice and Public Goods', in Serena Olsaretti (Ed.) *The Oxford Handbook of Distributive Justice* (Oxford: Oxford University Press, forthcoming).
[81] Rawls, *A Theory of Justice*, p.115.

duty of justice can ground an enforceable obligation to contribute towards these. I also argued that at least some states can further the creation of essential global public good regimes without bearing unreasonable costs. The natural duty, then, can also ground enforceable obligations to create institutions required for the supply of essential global public goods. Like the natural duty in the domestic case, though, the duty here can create enforceable obligations to contribute even when the costs and benefits are distributed unfairly (where the standard of fairness is given by the feasibility principle).

The principle of fairness (as understood by Klosko) can provide additional justification for enforceable obligations to contribute towards essential global public goods. As in the domestic case, we can identify several of these goods that are "presumptively beneficial": the prevention of climate change, the implementation of security standards on dangerous nuclear materials, and collective security are some candidates. The principle can therefore justify coercive enforcement of contributions towards these. And, unlike the natural duty of justice, the principle of fairness specifically generates an obligation to contribute one's fair share.

The two principles, then, in a similar way to the domestic case, work together to provide support for the enforceable obligation to contribute towards a number of essential global public goods. In addition, if we accept Rawls's version of the principle of fairness (which requires beneficiaries to have accepted benefits in order for them to be under obligations), then it may be the case that we can explain enforceable obligations for states to contribute to a number of other global public goods, both essential and discretionary. However, as in the domestic case, I am sceptical that there will be many global public goods that states accept the benefits of.

(iii) Discretionary Global Public Goods

In 4.1*(v)*, I suggested that although each individual discretionary public good that a state supplies cannot be viewed as presumptively beneficial, a number of these goods taken as a package can be. The principle of fairness can thus legitimate the enforceable obligation to contribute towards these. Can a similar claim be made about discretionary global public goods? I do not think so. There are relatively few of these goods currently being supplied by states (scientific knowledge of an abstract sort, and the preservation of culturally significant sites might be examples), and given the massive diversity in preferences that we find across the globe, it making judgements on whether states really benefit from these enough to hold them to an enforceable obligation to contribute will be difficult.

It appears, then, that the extended principle of fairness cannot legitimate coercive enforcement of the equal concession principle globally. If coercion is used to enforce contributions towards discretionary public goods, states' consenting to that coercion seems to be the primary way of justifying it. Of course, as I suggested above, the outcome of a consensual agreement is unlikely to mirror the just distribution of costs and benefits, as given by the equal concession principle. The resulting situation, then, may be unjust. But legitimacy constrains what we can do to rectify this injustice

I have argued in this chapter that my theory of distributive justice for public goods can legitimately be enforced through coercion on at least some occasions, not only in the domestic context, but also globally. However, while talking about "coercion" in very general terms, I have not yet cashed out in detail what this would amount to in the global context. While we have a fairly good idea about how states enforce contributions towards public goods from their citizens (through police, courts, and so on), it is unclear how enforcement on

a global scale would be carried out. It seems unlikely the coercion that is legitimated would amount to military invasion. But if not this, then what?

I think that the coercive enforcement legitimated would in most cases amount to sanctions on non-compliers (which can be imposed by individual countries, coalitions, or international institutions). Trade sanctions, for instance, are sometimes used to enforce international norms on labour and environmental standards, and there is reason to think that similar measures could ensure contributions towards a wide range of global public goods. Furthermore, my arguments may also mean that placing conditions on aid to countries may also be legitimate when they lead to the recipients making contributions towards global public goods that they otherwise would not. Now it may be asked whether such measures are really coercive: to what extent does making trade conditional on contributions towards global public goods really amount to an autonomy-infringing coercive threat rather than a freedom-enhancing offer? I will not provide an exact definition of coercion in this thesis.[82] I suspect ultimately that contributions towards global public goods will need to be enforced through a mixture of coercive and non-coercive actions. Where both are available and equally efficient, it seems that we should prefer the less coercive option. But overall, I think that we cannot escape the use of coercion at least to some extent if we are to ensure justice in the supply of global public goods.[83] And this chapter has argued that this coercion can often be legitimate.

That idea that goes against many peoples' intuitions; strong opposition is usually voiced to any suggestion that states may legitimately be coerced so that they contribute towards global projects. However, I suspect that what opponents of global enforcement really object to is in fact *non-voluntary* enforcement. If states consent to be under certain enforceable obligations, it is usually thought that enforcement is then legitimate (so long as

[82] But see 6.2 for discussion of the issue.
[83] See chapter 6 for two examples of when coercion will need to be used.

the consent reflects the interests of those states' citizens and not simply ruling elites).[84] In this sense, my arguments are not in such direct opposition to these intuitions than first appears; I suggested that consent may play an important role in legitimating international enforcement.

Nonetheless, I argued that relying on consent will not be sufficient to legitimate all instances of coercive enforcement that are needed to ensure justice in the supply of global public goods. And I further argued that the natural duty of justice and the principle of fairness may also legitimate international enforcement. This argument may clash strongly with the intuitions of most people. But, in my defence, it seems that most people also think that coercion of citizens by their state may be legitimate even when those citizens have not consented to it. And this intuition appears to be in tension with the further intuition that international enforcement that is not consented to is always illegitimate. I have argued in this chapter that the same moral principles that explain the non-voluntary coercion *by the state* also (sometimes) explain non-voluntary coercion *of* states.

[84] For instance, much opposition to what may be described as coercive law made by the EU seems to rest on the objection that member-states' citizens have not democratically consented to that law, and not on the problematic nature of that coercion itself.

5. RECIPROCITY AND GLOBAL PUBLIC GOODS

5.0. Introduction

In the previous chapters, I outlined and defended two principles of distributive justice for global public goods. One of these principles – the feasibility principle – says that the costs of essential public goods should be distributed in whatever way best promotes distributive justice in private goods. In this and the following chapter, I will argue that paying attention to the way in which many global public good regimes are set up may in turn affect our view on how private goods should be distributed among states. This is because, in addition to the immediate benefits that are received by states as a result of global public goods being supplied, their supply also enables states to receive a number of private goods as well. The fact that these private goods are in part attributable to international cooperation in global public good regimes, I will argue, will affect how these goods should be distributed among nations.

A number of theorists (I referred to them as "internationalists" in the introduction) think that certain private goods – such as wealth – should be distributed among fellow citizens according to an egalitarian principle; inequality among citizens requires justification. Yet when they come to consider international inequalities, they apply a less stringent principle. While we should care about how goods are distributed among countries, they say, it should be of no concern that they are distributed unequally. International inequalities are not objectionable *qua* inequalities.

This chapter looks at one argument for this conclusion, which has been made by Andrea Sangiovanni. Sangiovanni thinks that citizens sharing a state provide each other with the necessary preconditions for economic production by obeying certain laws. This, he claims

means that there is a reciprocal obligation to share the economic goods these preconditions make possible in line with an egalitarian principle. I set out this argument in 5.2. As we will see in 5.3, Sangiovanni thinks that a similar obligation is not created between states, since they do not provide each other with the necessary preconditions of production in the same way that co-citizens do. However, in 5.4 and 5.5, I will argue that states often do in fact provide some of these preconditions when they produce certain global public goods. Reciprocity thus requires economic benefits to be shared among states on the basis of an egalitarian principle. Before looking at Sangiovanni's argument, though, it will be useful to discuss the idea of reciprocity more generally.

5.1. Reciprocity

The ideal of reciprocity forms a fundamental part of many widely-held views on personal morality. In this section, I will attempt to outline in detail a conception of reciprocity. While my outline of this conception may seem somewhat stipulative, I hope that it at least fairly accurately reflects the intuitions of most people.

Broadly speaking, the idea of reciprocity refers to an obligation to do good in return for receiving a good. An obligation of reciprocity is thus an obligation on the part of one agent (the "obligation-bearer") to provide a good for another agent (the "obligation-claimer") in virtue of their benefitting from the actions of some agent (the "benefactor"). Often the benefactor and the obligation-claimer are one and the same, but this need not be the case. It is sometimes thought, for instance, that one generation has an obligation based on reciprocity to pass on benefits to a future generation because of the benefit they received from a previous generation.[1] Here the identity of the obligation-claimer and that of the benefactor come apart.

[1] Simon Caney pointed out this possibility.

When we begin to look in more detail at the exact circumstances reciprocal obligations can arise in and the content they have, three questions present themselves. Firstly, is mere receipt of a good sufficient to generate an obligation of reciprocity, or is something stronger, like acceptance of the good, required? Secondly, what type of good should one return, and how does this relate to the good one received? Do reciprocal obligations require the same type of good to be returned? Finally, what quantity of good should one return? Should it be in some way proportional to the good that one received? If so, a further question arises regarding exactly what a proportional return consists in. Should a proportional return involve providing a good of equal value to the one received, or in making an equal sacrifice to the one was made by the beneficiary when providing the good that triggered the reciprocal obligation?

Take the first of these questions. Can reciprocal obligations arise simply whenever one receives a good? This surely cannot be the case. Imagine, for instance, that I am sitting in my house when I notice that Wilson, my neighbour, is outside painting my window frames. He is aware that I would like this done, and I genuinely do benefit from it. But, mindful that I will be obligated to return the favour sometime in the future, I shout at him through the window to stop. If he ignores my pleas, am I therefore under an obligation of reciprocity to return the favour (by helping him with his gardening in the future, perhaps)? It appears not. The fact that I have explicitly refused his benefit seems to free me from this obligation.[2] This has led a number of theorists to claim that no reciprocal obligation can be created if one has

[2] It may, however, be the case that I am under an obligation of *gratitude* here. Obligations of gratitude for a benefit one receives seem capable of arising even if one has made explicit that one does not want the benefit (someone receiving a gift might say "you shouldn't have", yet still be under an obligation of gratitude to thank the gift-giver). Yet an obligation of gratitude seems significantly different to an obligation of reciprocity in at least two respects. Firstly, it is weaker (obligations of reciprocity seem more likely candidates to be enforceable), and, secondly, the content of the obligation appears less determinate (it is often up to the obligation-bearer to decide what is owed). On this, see George Klosko, 'Political Obligation and Gratitude', *Philosophy & Public Affairs* 18(4), 1989, pp.352-358, at pp.354-356; George Klosko, 'Fixed Content of Political Obligations', *Political Studies* 46(1), 1998, pp.53-67, at pp.56-57. For an argument against this characterisation of gratitude, see A.D.M. Walker, 'Obligations of Gratitude and Political Obligation', *Philosophy & Public Affairs* 18(4), 1989, pp.359-364.

refused a benefit. If I do not tell him to stop, though, I have in a sense accepted the benefit and, it appears, can therefore be under a reciprocal obligation. While I have not explicitly consented to be under an obligation, failing to avoid the benefit when it is more or less costless to do so can be viewed, in A. John Simmons's terms, as an act which *implies* consent to the obligation, and therefore is sufficient to put me under it.[3]

Things may not be so straightforward, though. Imagine that if I asked Wilson to stop painting my window frames, he would not do so. If my explicit refusal of the benefits here reflected a genuine unwillingness to be under the consequent obligation, this would free me from the obligation in question, even if I did in fact benefit. However, suppose that my refusal did not reflect this; I would ordinarily be willing to receive the benefit and be under the obligation. But if I know in advance that Wilson will keep painting irrespective of what I tell him, I might feign refusal in order to avoid the suggestion that I am taking advantage of him. In this case, my refusal would be *insincere*, since I know that my refusal will not result in me failing to receive the benefits, nor do I intend it to. George Klosko has claimed that, in this sort of case, my refusal would not free me from the reciprocal obligation.[4] I accept this point; if refusal of benefits is to free individuals from reciprocal obligations, that refusal must be sincere. I therefore think that the correct characterisation of the sufficient condition of being under a reciprocal obligation is not merely that one has not refused a benefit, but that one has not *sincerely* refused it.

In many other sorts of cases, I may not be given the opportunity to refuse or accept a benefit. In a number of instances, we want to assign reciprocal obligations to individuals who receive these "non-refusable" benefits as well. But not in every instance. Imagine that Wilson paints my window frames when I am away on holiday. If he has not consulted me on this in

[3] A. John Simmons, *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979), p. 116.
[4] George Klosko, 'Fairness Obligations and Non-Acceptance of Benefits', *Political Studies* 62(1), 2014, pp.159-171. Klosko also argues that sincere refusal that results from adaptive preferences may not relieve one of obligations (ibid., pp.164-170), but I will not address this issue here for the sake of brevity.

advance, and thereby given me the chance to refuse the benefit, am I under an obligation to return the benefit? Surely not. This is not least because I could have painted the window frames myself when I returned home. A presumption in favour of individual liberty may be thought to allow me to come to my own arrangements regarding how to provide myself with a benefit. At the very least, then, we should say that receipt of non-refusable benefits only generates reciprocal obligations when there is no feasible alternative way of receiving them.

A case of this sort might be the following. While I am still on holiday, an unexpected heat-wave hits my neighbourhood. The rare flowers in my garden, which I have spent considerable time cultivating, begin to wilt and die. Noticing this, Wilson takes it upon himself to water them. Here, it seems, I do incur a reciprocal obligation. Although I did not have a chance to refuse the benefit, there is no alternative way in which I could have gotten it (suppose the plants would have died before I returned home). If our situations are reversed, and Wilson is the one away when the next heat-wave hits, my obligation may require me to water his plants by way of return.

But we should not conclude that the lack of a feasible alternative way of receiving a non-refusable benefit is sufficient to generate a reciprocal obligation. For I might not care for the flowers in my garden. Although they may be very rare, and keen horticulturists would be delighted to have them in their gardens, I may view them as mere weeds. Wilson's saving them would, therefore, be of little or no benefit to me, and this would seem to relieve me of any obligation to reciprocate his doing so, at least so long as Wilson is aware of my preferences. Were I required to reciprocate here, I might end up net loser from the transaction, which goes against what is taken to be a central aspect of reciprocal exchange, namely that it be mutually beneficial. In addition to there being no feasible way in which I can attain a non-refusable benefit, then, it appears that for a reciprocal obligation to be

created, I must prefer to receive the good and be under the consequent obligation to not receiving it and not being under the obligation.

To summarise the conclusions of the above discussion, receiving a benefit will generate an obligation of reciprocity only if the benefit is either: (1) not sincerely refused; or (2) (i) there is no possibility to refuse the benefit, (ii) there is no feasible alternative way to get the benefit, and (iii) the purported obligation-bearer prefers to receive the benefit and be under the consequent obligation.[5]

Turn, now, to the second question posed above: what type of good does a reciprocal obligation require one to return? At first sight, it appears that there has to be some sort of qualitative link between the good that is received and the good that is to be returned; the types of the two goods need to be sufficiently similar (following Lawrence C. Becker, I will call this condition "fittingness"[6]). But it is difficult to pin down in detail any general criteria for determining when one good is sufficiently similar to another. This may be because what counts as a sufficiently similar type of good varies from one case to another. It might seem inappropriate, as David Schmidtz notes, to give your friend $20 in return for driving you to the airport, since 'dollars typically are the wrong *kind* of response to favors done by a friend'.[7] A more appropriate response might be to drive your friend to the airport on another occasion. In contrast, giving a stranger with whom you hitched a ride to the airport $20 may be an acceptable return. How close a qualitative link there has to be for a return to count as fitting, then, is likely to vary from one case to another, and there is no general rule that we can apply to all cases. The nature of the relationship between the parties involved, among other things,

[5] Note that a reciprocal obligation, so understood, is not the same as an obligation based on the principle of fairness, of the sort I outlined in chapter 4. As I understand it, an obligation based on the principle of fairness is a *political* obligation, which has a *prima facie* claim to be enforced. A reciprocal obligation is a *moral* obligation, which may or may not be enforced depending on the circumstances. While all political obligations are moral obligations, not all moral obligations are political obligations. There may be additional conditions that a moral obligation has to meet in order for it to be a political obligation (as we saw in chapter 4, Klosko adds to the conditions under (2) the requirement that the benefit be presumptively beneficial).

[6] Lawrence C. Becker, *Reciprocity* (London: Routledge, 1986), p.103.

[7] David Schmidtz, *Elements of Justice* (Cambridge: Cambridge University Press, 2006), p.76.

is likely to affect this. Nonetheless, we may be able to rule out some returns for a particular good as not fitting in all cases.

What about the question of the quantity of good that obligations of reciprocity require return of? It has generally thought that there must be some "proportionality" between the good that is received and the good that is required to be reciprocated.[8] It would, for example, seem excessive to require you to drive your friend everywhere after he drives you to the airport once. But again, it is difficult to lay out any general criteria for judging a return to be proportional or not. In particular, two ways in which a return might be proportional might be appealed to: firstly a return might provide a similar amount of benefit to the right-holder as the obligation-bearer received; secondly, a return might involve a comparable sacrifice on the part of the obligation-bearer to the one that the benefactor made. If a return can be made that is proportional in both these respects, then we might be confident that this is enough to fulfil an obligation of reciprocity. But in most cases, the two criteria will point in different directions, and one criterion will have to take precedence over another. It is then unclear which criterion should be used, or even if one criterion is appropriate for all cases. Becker holds that proportionality in benefits should generally be preferred (this is partially due to his somewhat consequentialist approach[9]), yet accepts that this will not always be appropriate, particularly if the sacrifice in providing a particular level of benefit is higher for the obligation-bearer than it is for the right-holder.[10] Are we to think that the recipients of state aid are to pay back the same amount of aid in taxes during the course of their life? Such a requirement might leave them severely impoverished, and would therefore defeat the purpose

[8] Becker, *Reciprocity*, p.106; Schmitdz, *Elements of Justice*, p.76. Jonathan Wolff argues, contrary to this, that a plausible conception of reciprocity requires no proportionality in this sense; while one has to contribute *some* benefit to others in order for reciprocal obligations arise, the benefit that is owed in return may be much larger (or smaller) that is initially provided. See Jonathan Wolff, 'Rational, Fair, and Reasonable', *Utilitas* 8(3), 1996, pp.263-271, at p.266. However, this seems to rely on something quite different from the widely-held notion of reciprocity that I have set out to explicate here.

[9] He writes: 'the purpose of reciprocity…is to sustain mutually advantageous exchanges', and suggests that returning a proportional benefit will be the better way to achieve this. See Becker, *Reciprocity*, p.112.

[10] Becker, *Reciprocity*, pp.111-113.

of the initial act of aid.[11] Proportionality of sacrifice might, in such a case, be a more appropriate way to think about proportionality.

In this section, I have laid out what I hope to be an intuitively plausible conception of reciprocity. I have suggested that reciprocal obligations only arise when a benefit is provided under certain conditions (those given by (1) or (2)), and that the content of the obligation is to return a fitting and proportional return.

5.2. Reciprocity and Distributive Justice

Political philosophers have been primarily interested in the notion of reciprocity because it has been thought to justify the obligation to obey the law of a (legitimate) state. The idea here is that an individual receives benefits because her co-citizens obey the law. For example, when they pay taxes towards essential services like police patrols and road networks, she benefits from those services, and so incurs an obligation to pay taxes as well to contribute towards the benefit they receive.[12]

More recently, though, Andrea Sangiovanni has argued that the reciprocal obligations that are created by one's fellow-citizens obeying the laws are not limited to the obligation to obey the laws in turn. He argues that fellow-citizens obeying certain sorts of laws also create a reciprocal obligation to share economic goods among all citizens on the basis of equality; it grounds egalitarian principles of distributive justice.[13] It is this second role which reciprocity is thought to play that will be my focus here.

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[11] Cf. Richard J. Arneson, 'Egalitarianism and the Undeserving Poor' *The Journal of Political Philosophy* 5(4), 1997, pp.327-350, at pp.339-340.

[12] Two influential arguments of this sort are found in John Rawls, 'Legal Obligation and the Duty of Fair Play', in Samuel Freeman (Ed.), *Collected Papers* (Cambridge, MA: Harvard University Press, 1999), pp.117-129; and George Klosko, *The Principle of Fairness and Political Obligations* (Lanham: Rowman& Littlefield, 1992).

[13] Andrea Sangiovanni, 'Global Justice, Reciprocity, and the State', *Philosophy & Public Affairs* 35(1), 2007, pp.3-39.

To expand on this point, we can begin by noting that in market economies individuals can exercise their natural talents and skills to receive certain economic goods, most saliently the good of income. And those with more marketable talents and skills will tend to receive higher levels of income. Now it may be nothing they have done that gives some individuals more marketable talents than others, but individuals with highly marketable talents may argue that they should nonetheless be allowed to keep the higher income that their talents are able to fetch for two reasons. Firstly they may have had to expend considerable time and effort developing these talents – through training, education, and so on. Even when this is taken into account, though, they may secondly simply claim that, although it was not anything which they have done that has given them the numerical mind to be a top banker, or the natural skill to be a well-paid professional footballer, they should nonetheless be entitled to the income which these talents fetch in a market, simply because the talents are *theirs*.[14]

Sangiovanni is not impressed by these arguments, and claims that they oversimplify the link between having a marketable talent, and being able to exercise it in a market economy. All individuals sharing a state support a shared legal system and their support is necessary for the production of two "collective goods": physical security and a system of enforceable property rights. Without these two collective goods, we could not have had the opportunity to *develop* the talents and skills which we naturally have[15] – the daily quest for survival in a lawless state would leave little room for education and training, for example. Nor could we *exercise* our talents and skills in a market environment[16] – without basic guarantees on our physical security market transactions would become uncertain, and, furthermore, without a widely recognised system of enforceable property rights, individuals

[14] Something like both arguments are found in Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974), pp.214, 224-225.
[15] Sangiovanni, 'Global Justice, Reciprocity, and the State', p.25.
[16] Ibid., p.26.

could not count on the income which they earn in a market (and the goods they buy with it) being protected from theft.

Because all individuals sharing a state – even those with less marketable talents and skills – contribute towards the preconditions necessary for everyone else to exercise their talents and skills in a market environment, Sangiovanni thinks that they 'are owed a fair return for what those who have benefitted from their submission have received' by way of reciprocity.[17] What a fair return entails, for Sangiovanni, is given by an egalitarian principle of distributive justice. While everyone who obeys the law can legitimately demand that others obey the law as well, he also thinks that they can demand a share of the economic goods that their obeying the law makes possible that is based on equality. (Of course, each obligation-bearer will in general also be a right-holder in this instance of reciprocal obligation. Not only are those who receive a high income required to provide those whose submission to the law makes that income possible a fair share, but they will also be entitled to a fair share from others because they have submitted to the law as well. This explains why reciprocity requires a *principle* rather than simply a one-way transfer, as in the gardening case I outlined in 5.1.)

Although Sangiovanni does not explore in detail the conception of reciprocity that lies behind his argument, I believe that it can be viewed as in line with the conception I outlined in 5.1. Firstly, the circumstances in which the benefits of the collective goods are received appear to meet the three conditions contained in (2), and so appropriately give rise to a reciprocal obligation. The benefits are (i) non-refusable: nobody can avoid or reject the benefits a legal system offers them. As public goods, these benefits are non-excludable, and so everyone receives them, and cannot avoid doing so. They are also likely to be (ii) the only way in which those benefits can be received: it is implausible to think that citizens have the ability to provide themselves with the necessary preconditions of economic production

[17] Ibid., pp.26-27.

without the state. And finally, (iii) we can safely assume that citizens would prefer to receive the benefits of a legal system and contribute towards them than not. Living in a lawless state would be unthinkable for most individuals.

What about the content of the obligation that Sangiovanni thinks is created? My conception said that the correct reciprocal return for a benefit should have some qualitative link with that benefit; the return should be fitting. In the case at hand, the benefit received is the necessary preconditions to produce a good, and the proposed return is a fair share of that good, so the requirement of fittingness appears to be met here. The two sorts of goods are sufficiently connected in type.

Finally, my conception said that a reciprocal return should be a proportional return for the benefit received. Now the content of the reciprocal obligation Sangiovanni thinks is triggered, at first sight, appears to violate this requirement. The demands of reciprocity appear to require a higher return relative to benefit received from some, and a lower relative return from others. Consider two individuals sharing a state. One has a high level of natural talent and a strong work ethic, and so contributes a lot to the economic product of the society. The second has fewer talents and a less developed work ethic, and so contributes less.

Now both of these individuals, in one way, make an equal contribution to the social product by obeying the same laws (thereby contributing to the two collective goods). Sangiovanni thus thinks that they are owed an equal share of the social product. But, from another point of view, their contributions to the social product are unequal. Since one individual uses her higher share of natural talents in more productive ways, a higher proportion of the economic goods produced are attributable to her actions. But why, if this is the case, should both have an equal claim on those goods? If reciprocal obligations require making a return proportional to the benefit that is provided or the sacrifice that is made, why should both of these individuals have a share based on an egalitarian principle, rather than a

share determined by their (differing) contributions towards the benefit. Understanding proportionality either in terms of benefit provided or sacrifice made seems to require differential rewards.

However, I think that the reciprocal obligation that Sangiovanni argues for does, in fact, meet the requirement of proportionality. To see why, we need to explore the exact nature of the egalitarian principle he defends. Sangiovanni follows many philosophers in holding that the natural talents and work ethics that individuals have, and with which individuals can earn a particular level of income in a market, is a "morally arbitrary factor", in the sense that individuals are neither responsible for it nor are they in any sense deserving of it.[18] Some who endorse this claim have thought that doing so necessarily commits one to the view that all the effects of these arbitrary factors should be mitigated.[19] Yet Sangiovanni, perhaps against the majority opinion, does not think that this follows. He is prepared to accept in principle that two individuals who have different levels of talents and work unequally hard should be permitted to reap differential rewards by using their talents in markets.[20]

Nonetheless, things begin to look different if these two individuals are viewed as co-citizens sharing a state. Since they have both contributed to the necessary preconditions of everyone being economically productive and thereby earning income, they are owed a reciprocal return for their contribution. What factors should affect the return that they are owed? It is here that the argument for the moral arbitrariness of talents comes to the fore. Because one's talents and efforts are not something that one is responsible for and not something that one deserves (it is claimed) one cannot be owed a reciprocal return on the basis of the contribution *these* make to the social product. What is left to determine the extent of the reciprocal return? Only the contribution one makes by obeying and upholding the law,

[18] Ibid., p.24. This claim finds its most influential exposition in John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), p.74.
[19] For example, in Will Kymlicka, *Contemporary Political Philosophy: An Introduction* (Oxford: Oxford University Press, 1990), p.60.
[20] Sangiovanni, 'Global Justice, Reciprocity, and the State', pp.26-27.

which everyone does equally. Since *that* contribution is equal, we can see how a share determined by an egalitarian principle of the social product can be proportional to the contribution one makes to that product when the latter is understood only to include the contribution one makes my obeying the law. The prima facie claim that one has to keep the goods that morally arbitrary factors allow one to receive is overridden by the reciprocal requirement to share those goods with those whose cooperation makes the production of those goods possible.

Of course, in itself, this principle will not necessarily give rise to substantive equality of shares. Sangiovanni says simply that the fact that citizens are all contributing to the preconditions of social production will create a requirement that we should strive "to mitigate the [unequal] influence of social contingencies and natural fortune on distributive shares" within a state.[21] If one thought that the effects of social contingencies and natural fortune were relatively small, then one might allow that differential rewards in markets should largely be left uncorrected. But since Sangiovanni, along with many others, appears to think that these effects have a significant impact on how individuals are rewarded in markets, his argument is likely to lead to the conclusion that economic inequalities should be significantly limited within a society.

In sum, then, Sangiovanni thinks that, since all individuals support a common law, and that their support is necessary to provide the preconditions for a social product to be created, the social product should be distributed according to an egalitarian principle.

[21] Ibid., p.22. Sangiovanni is quoting from Rawls, *A Theory of Justice*, p.73.

5.3. International Reciprocity

According to Sangiovanni, the preconditions of economic production do not rely on individuals' submission to international orders in the same way. While of course the institutions that make up the global order rely on support from different states, 'the range of areas over which it has authority, even in the most comprehensive inter-, trans-, and supranational institutions such as the European Union, is comparatively narrow'.[22] Whereas individuals' states provide them with the physical safety and security of property which forms the basis from which they can engage in economic production in a market, 'the global order, in all cases but those of failed and occupied states, does not provide this basis'.[23] The principles of distributive justice among states, and among individuals from different states, that arise from reciprocal obligations in international institutions are therefore going to be 'different in both form and content' than the egalitarian principles he thinks apply among individuals sharing a state.[24] There is no need to mitigate the effects of natural fortune among all individuals worldwide.

Nonetheless, Sangiovanni does accept that *some* principles of distributive justice apply beyond state borders, and that these are based on reciprocal obligations. International institutions, even ones voluntarily entered into, are not necessarily "justice-neutral";[25] the way they distribute costs and benefits is not immune from charges of injustice even if all parties agree to that distribution. But the principles that are to be used for this assessment are not based on a standard that is fundamentally egalitarian. Owing to the different nature of

[22] Sangiovanni, 'Global Justice, Reciprocity, and the State', p.21.
[23] Ibid., p.20.
[24] Ibid., p.35.
[25] Andrea Sangiovanni, 'Solidarity in the European Union: Problems and Prospects', in Julie Dickson & Pavlos Eleftheriades (Eds.) *Philosophical Foundations of European Law* (Oxford: Oxford University Press, 2012), pp.385-411.

cooperation involved in these institutions, reciprocity will not require mitigating the effects of morally arbitrary factors.

Take, for example, the sort of cooperation found in EU institutions. The EU, says Sangiovanni, is different from the institutions found in the modern state in that 'European citizens do not provide each other with the same range of collective goods at the domestic level'.[26] Whereas, without the cooperation of co-citizens, the necessary preconditions for an individual to earn income would not be in place, without the cooperation of the other member-states of the EU, these preconditions could still be sustained by that individual's state:

> Without its member states, the EU would lose the capacity to govern and regulate those delegated areas within its jurisdiction. This is because the EU, on its own, does not have the financial, legal, administrative or sociological means to provide and guarantee the goods and services necessary to sustain and reproduce a stable market and legal system, indeed to sustain (on its own) any kind of security at all. It depends on the institutional resources of its member states. But the converse is not, by comparison, true: without the EU, member states would forego a range of benefits, but they would not lose the capacity to govern.[27]

Of course, without the EU, many individuals would be worse-off. But because their ability to receive *any* economic goods relies in the first instance on the cooperation of fellow citizens, it is only among this group that inequalities stemming from morally arbitrary factors are to be alleviated.

Yet the fact that cooperation within the EU has *some* impact on the economic performance of member-states, and by extension the material resources that are awarded to individuals within those states, means that some principles of distributive justice apply among them. The benefits that states and their institutions receive from European integration ground reciprocal obligations, not only to follow the rules set down by the EU, but also to

[26]Andrea Sangiovanni, 'Solidarity in the European Union', *Oxford Journal of Legal Studies* 33(2), 2013, pp.213-241, at p.229.
[27] Ibid., p.229.

share those benefits in a fair way. We need not go into Sangiovanni's argument for the exact content of the principles he thinks applies in any great detail here. In short, he argues that because European integration creates a number of risks, and that those risks are unevenly distributed among states,[28] reciprocity requires sharing those risks fairly. He suggests that states should be required to contribute towards compensation for those who lose out from these risks to the extent that they would insure themselves in a hypothetical insurance market in which they do not know their own exposure to risk.[29]

In a very strained sense, of course, the pooling of risks in this way can be viewed as an egalitarian principle. It requires that no country incur higher risks from European integration than others. Yet this sort of principle is significantly different from the sort of principle that Sangiovanni endorses in the context of the state. It does not require that all economic inequalities stemming from morally arbitrary factors be done away with. Nor does it even rule out morally arbitrary inequalities in the benefits that the EU creates:

> By modelling the problem as an insurance problem, we ask what costs member states should be willing to pay to offset a specific set of risks associated with integration rather than the more open-ended, unconstrained question regarding how to distribute all benefits and burdens generated by European cooperation (assuming we could isolate them in the first place). Once again, the more limited scope of our question reflects the more mediated form of cooperation we find at the EU level.[30]

Were the principle Sangiovanni argues for adopted by the EU, there would still be significant socio-economic inequalities among member-states as a result of factors that are beyond their control. And there would even be morally arbitrary inequalities in the benefit that different states received *from the EU*. Because one state happens to be good at producing goods that are in high demand in other EU countries, while another state is not through no fault of its own, for instance, the former may receive higher benefits that the free movement of goods

[28] Ibid., pp.225-228.
[29] Ibid., pp.229-230.
[30] Ibid., p.230.

within the EU facilitates. Yet, according to Sangiovanni, this is not unjust. Mitigating all inequalities that arise from morally arbitrary factors is not required by the reciprocal obligations that apply among member-states of the EU.

5.4. The Benefits of Global Public Good Regimes

Since the EU and the state provide members with fundamentally different benefits, then, Sangiovanni thinks that different principles of distributive justice apply to each. Whereas the state provides the necessary preconditions of economic production for its citizens, the EU provides member states with much less comprehensive benefits. And he thinks that this point about the EU generalises to all international institutions. The state is unique, on this view, in that it is the only institution that provides the necessary preconditions of economic production. Is this generalisation warranted? In this section, I will argue not.

There are, in fact, a number of global public goods whose supply is required to provide many countries with the preconditions of economic production, either now or in the future. Without these goods, states would be unable to maintain their economy in its present form, or would be unable to do so for the foreseeable future. Consider the following three global public goods:

a) Firstly, the global public good of effective antibiotics. Antibiotics are available worldwide to treat a host of dangerous diseases, such as pneumonia, tuberculosis and klebsiella pneumoniae. But their effectiveness depends on their being used sparingly. When antibiotics are overused, diseases mutate to become resistant to them, making the antibiotics less effective. In the past, new strains of diseases could be dealt with by developing new antibiotics. But it now seems that developments will not be able to

keep pace with the evolution of these new strains. Since new strains of disease can cross national borders with ease, the continuing effectiveness of antibiotics counts as a public good for all countries. In a recent report, the World Health Organisation warns that '[a] post-antibiotic era – in which common infections and minor injuries can kill – far from being an apocalyptic fantasy, is instead a very real possibility for the 21st century'.[31] In order to counteract this tendency, all countries need to work together in sharing information and limiting the use of antibiotics. As one researcher on the project remarked: 'No single country even with the best possible policies in place can address this issue alone. We need all countries to get together and discuss and put in practice possible solutions'.[32]

b) Secondly, the global public good of nuclear security standards. A number of countries are currently in possession of nuclear weapons. If terrorist organisations were to steal these weapons, they could use them to carry out attacks on a large scale. Economic infrastructure would be destroyed and the widespread loss of life might again cripple the attacked countries' economies. Security of economic production in a number of countries, then, relies on sufficient security standards being put in place in other countries with nuclear weapons.

c) Thirdly, the global public good of the prevention of climate change. Climate change may have a significant negative impact on many countries' economies in the future. Climate change is expected to significantly deplete food production in many

[31] World Health Organisation, *Antimicrobial Resistance: Global Report on Surveillance* (Geneva: World Health Organisation, 2014) p.ix.
[32] Carmen Pessoa Da Silva, cited in Sarah Boseley, 'WHO Calls for Urgent Action to Preserve Power of Antibiotics and Make New Ones', *The Guardian*, 30th April 2014.

countries,[33] to cause health risks,[34] and to result in huge numbers of environmental refugees as some parts of the world become uninhabitable.[35] Many countries' economies may be adversely affected by these effects: the lack of food, the insecurity of infrastructure from flooding, and the inability of many regions to retain a sufficient healthy workforce will make existing patterns of economic production unsustainable.

Of course, we should not forget the human costs that failure to provide these global public goods will entail. Inability to treat diseases may result in many fatalities, and unless cooperation to mitigate climate change is carried out, many individuals will have to endure hunger or the psychological strain of becoming an environmental refugee. The fact that supplying these global public goods are required to prevent these fatalities and disadvantages gives a strong reason to do so, and because of the principle of fairness and the natural duty of justice I outlined in chapter 4, states may have an enforceable obligation to contribute towards their production by picking up some of the costs of their supply.

However, our concern here is not with these human costs, but with the economic costs that would result if these goods are not supplied. In all cases, failure to supply the good in question may result in many states' economies being damaged. The loss of infrastructure, the depletion of workforces and the huge costs that would have to be spent adapting or rebuilding would mean that the system of production in place in many economies could not be maintained in their present form. Just as with Sangiovanni's two collective goods, then,

[33] And there is some evidence to suggest that this process has already begun. See Intergovernmental Panel on Climate Change, *Climate Change 2014: Impacts, Adaption, and Vulnerability* (summary for policymakers) (IPCC, 2014).

[34] On the potential health risks created by climate change, see World Health Organization, 'Climate Change and Health', fact sheet no.266, 2013, available online at http://www.who.int/mediacentre/factsheets/fs266/en/. Site accessed 11/04/14.

[35] There is much disagreement about how best to characterise environmental refugees, and how to estimate potential numbers. Estimates for the number of individuals who will be displaced by climate change by 2050 range from 150 million to 300 million, although the methodologies behind all of these estimates have been subject to criticism. See François Gemenne, 'Why the Numbers Don't Add Up: A Review of Estimates and Predictions of People Displaced by Environmental Changes', *Global Environmental Change* 21(1), 2011, pp.41-49.

individuals rely (or will rely in the future) on the cooperation of others to provide them with the preconditions of economic production. The economic goods that are produced within a state do not simply rely on the cooperation of all citizens in obeying that state's laws. They also rely on the cooperation of other states in producing a number of global public goods.

The benefits that these global public goods provide also appear to meet condition (2) as set out above, and so will be capable of generating reciprocal obligations. Like Sangiovanni's two collective goods, these goods are non-excludable public goods, and so (i) non-refusable. And (ii) the only way in which these benefits can be provided is through these global public good regimes. States acting alone cannot guarantee the preconditions. Finally, (iii) it is likely that every state (and most individuals within each state) would prefer to receive them and pick up a subsequent obligation; letting their economy collapse would be too damaging to their way of life for them to contemplate.

As we saw in 5.2, Sangiovanni argued that the reciprocal obligations are owed one's co-citizens are owed because of their part in providing the necessary preconditions for economic production. Those obligations ground egalitarian principles among co-citizens. Since I have argued in this section that foreign states also contribute towards those preconditions, it appears to follow that the economic goods should be shared among states in a similarly egalitarian fashion. Before concluding this, though, we should consider some objections, all of which claim that the same sort of reciprocal obligation this argument points towards cannot arise among states.

5.5. Objections

There are six potential objections to the argument that reciprocal obligations generated when states cooperate in global public good regimes require sharing economic goods among those states on the basis of an egalitarian principle of justice.

(i) Intentionality

The first objection is that, because states producing global public goods generally do not intentionally try to benefit each other by doing this, they cannot be owed reciprocal obligations for providing those benefits. David R. Mapel makes this claim when he argues that, because the USA does not intend to benefit Canada through extraterritorial security operations whose benefits spill over to Canadians, Canada does not have an obligation based on reciprocity to contribute towards the USA's security in the same way.[36] The same point can be made with respect to my example (b), above. Since countries may only intend to benefit their own citizens by securing their nuclear arsenal (although this might be doubted), it can be argued the fact that doing this benefits outsiders as well cannot create a reciprocal obligation on the part of those outsiders.

Can obligations of reciprocity only arise as a result of intended benefit? This might appear to be true in some instances. The obligation I owe to Wilson as a result of him watering my plants is a case in point: the obligation might not be thought to exist if he inadvertently watered my plants while clumsily tending to his own, for instance. However, I am not sure that when benefits are bestowed as a result of producing public goods that such an intention is needed. Serena Olsaretti has distinguished two sorts of intention that one might have when producing a public good: the intention to benefit others and the intention to

[36] David R. Mapel, 'Fairness, Political Obligation, and Benefits Across Borders', *Polity* 37(4), 2005, pp.426-442, at p.437.

do something that happens to benefits others. And she argues that only the latter are needed for reciprocal obligations to be created.[37] If this is correct, it would explain why states can incur reciprocal obligations to others as a result of those others taking collective security measures and securing nuclear weapons. While the countries that take these steps may not intentionally try to benefit foreigners, they may be consciously attempting to create a safe environment in general, since this will be the best way to benefit their own citizens. While their motive for this may not be altruistic, the fact that benefitting others happens to form a necessary part of their plans is sufficient to generate reciprocal obligations on the part of others.

So, how convincing is this account of reciprocity? I suspect that those who are sceptical of non-voluntary obligations in general will not find this plausible. Of course, they would not find plausible the suggestion that reciprocal obligations are owed even to someone who intends to benefit others in certain ways. Yet I think that those who are sympathetic to the possibility of reciprocal obligations in general have the conception of reciprocity that I have suggested here in mind. The most commonly-discussed case in political philosophy of purported reciprocal obligations – the obligation to obey the law – appears to rely on this understanding. An individual may obey the law for all sorts of reasons other than the benefit of her fellow-citizens – fear of legal penalties, social pressure, and habit may all cause her to do this. Nonetheless, proponents of the reciprocity-based argument for political obligations still hold that she is owed a return from her fellow-citizens for her obedience. And this must be because they do not require intentional benefit to form part of her motives for her to be owed a reciprocal obligation.

[37] Serena Olsaretti, 'Children as Public Goods?' *Philosophy & Public Affairs* 41(3), 2013, pp.226-258, at pp.245-246.

(ii) Preventing Harms

The second objection I will consider is that in some of the cases I outlined above the benefits that states provide each other are in fact better described as refraining from harm. Strictly speaking, by agreeing to curb greenhouse gas emissions, states are in fact merely lowering the harm that they cause other states by emitting greenhouse gasses in the first place. Likewise, by maintaining nuclear security standards, states are simply reducing the risk that their decision to acquire nuclear weapons will harm others. Since these actions cannot be described as providing benefits in any meaningful way, so the objection goes, they cannot ground obligations of reciprocity, which are only created when one agent *benefits* another. It would be absurd, for instance, to think that I owe Wilson a reciprocal obligation if he dumps rubbish in my garden for a few weeks and then decides to stop, since his stopping cannot count as a benefit.

However, it seems to me that reciprocal obligations are not created only when one agent benefits another in this strict sense. They may also be created when an agents refrains from harming another agent so long as the harm is not easily or reasonably avoidable. Many states have built their economies on the use of fossil fuels, and when they did so they might not have been aware that burning fossil fuels created a harm to others. Other countries which are currently developing face a choice between allowing their citizens to remain in poverty or to develop using fossil fuels. In either case, the harm caused by the burning of fossil fuels is not easily avoidable so long as alternatives are either risky of ineffective. Yet when countries make an effort to reduce the harm they are causing by lowering their greenhouse gas emissions, they can be owed a reciprocal obligation because of the costs that they have had to incur by doing so.

Whether or not the risk caused by a state building up a nuclear arsenal can be easily and reasonably avoided is questionable. While many governments claim that their owning of

nuclear weapons is a necessary deterrent in protecting their citizens from foreign attack, it is unclear to what extent this is really true. In any case, other public goods that are provided by states reducing harms may be such that those harms cannot be easily and reasonably avoided, and so they can generate reciprocal obligations.

(iii) Thresholds

Turn, then, to the third objection. A proponent of this objection points out that in some of the sorts of cases mentioned above, not everyone need contribute towards a global public good for the benefit to be provided. We might not need every state on board in an international agreement in order to prevent climate change. So long as we can get a sufficient number of nations to curb their emissions, that will be enough. Since only a subset of countries need contribute to this global public good, it is claimed, a state that agrees to reduce its emissions cannot call for a reciprocal return. For that state's reducing its emissions is not the only way in which climate change can be prevented; a coalition of states not involving that state could also provide this global public good. Thus condition 2(ii) is violated as there could be another way that the benefit could be provided, and so the benefit the state contributes towards is not of the sort that can generate reciprocal obligations.

This objection misapplies the condition, though. Although any given coalition of states reducing their emissions will not be the only way in which climate change can be prevented, *some* coalition of states reducing their emissions is required. A country cannot avoid the effects of climate change without the help of others. And since the global public good is the only way the harms of climate change can be avoided, reciprocal obligations can be provided to whichever coalition of states does this, irrespective of which states form part of that coalition.

(iv) Overdetermination

I move on to consider a fourth, related, objection. In the case of some global public goods which only a subset of states need contribute for them to be supplied, more than the required number often contribute. If we need 50 states to implement environmental policies to avert the worst effects of climate change, for example, 100 states might nonetheless come to an agreement to do so. In this case, the third objection says, no state's actions is necessary for the benefit to be required, and so no state can be owed a reciprocal return. (Of course, we might think that additional contributions beyond those by 50 states would generate some positive effects, but it might be thought that these are not sufficiently important to generate a reciprocal obligation of the relevant sort.)

To strengthen this objection, it might be added that were we to hold that everyone who contributed towards a good was owed a reciprocal return, irrespective of whether their contribution was necessary or not, this would create a moral hazard whereby people had an incentive to make a superfluous contribution. And it seems unwarranted to hold that someone's reciprocal obligations can be multiplied when others contribute towards a benefit they receive even though those contributions add nothing. Modifying the example I used in 5.1, imagine that when Wilson waters my plants, another neighbour follows him and waters them for a second time, even though they do not need this second watering to survive. It appears crazy, says this objection, to think that I owe a reciprocal obligation to this second neighbour when he has not provided me with a benefit.

Yet in this example, we are able to reject the existence of a reciprocal obligation towards the second neighbour because the benefit has already been provided by Wilson. In the case of climate change, though, we cannot pick out 50 states that can be said to have caused the benefit being produced, since all 100 reduce their emissions at the same time. Since it is not clear which 50 states provided the benefit, we need to find a way to determine

who is owed a reciprocal obligation for the benefit that is provided. Who can be said to have produced the benefit here? Three possible answers present themselves.

The first option is to pick out 50 states arbitrarily. But this solution appears unappealing. Why should we think that some states are owed a reciprocal obligation for providing a benefit and others are not when the first group can claim no special credit for the benefit being produced?

The proponent of the objection currently under consideration, instead, proposes a second solution, namely that we attribute the benefit to *none* of the states, and therefore claim that no reciprocal obligations are owed to any of them. After all, if any state withdrew their contribution towards the prevention of climate change, the benefit would still be provided, so how can they claim that they have contributed to the benefit we receive. Since this state does not, strictly speaking, cause the benefit to be provided, it cannot be owed anything in return for that benefit.

The theory of causal responsibility implied by the imagined objection, which claims that an agent cannot be causally responsible for an outcome unless their contribution is necessary for that outcome, runs into too many counter-intuitive implications for it to be sustained. We generally want to hold each member of a firing squad morally responsible for killing their victim, and we want to praise a group of individuals who push an ambulance out of a ditch even if this could have been done with half of them pushing.[38] In both cases, we hold individuals morally responsible for events even though their contribution is not necessary for that event taking place. And since, as Alvin I. Goldman notes, moral responsibility presupposes causal responsibility, our ordinary moral thinking seems to allow the possibility of causal responsibility without causal efficacy.[39]

[38] These examples are adapted from Alvin I. Goldman, 'Why Citizens Should Vote: A Causal Responsibility Approach', *Social Philosophy & Policy* 16(2), 1999, pp.201-217, at p.205.
[39] Ibid., p.206.

The alternative understanding of causation I am gesturing towards allows that an agent can be said to cause an event even if their action was not necessary for that event taking place.[40] Adopting an account of causality that allows this possibility enables us to hold that all the states that simultaneously contribute towards a global public good are causally responsible for the benefit it brings about, even if not all of them need to do so for the good to be supplied, and so all can be owed a reciprocal obligation for providing that benefit.[41]

We should note in passing that Sangiovanni's own argument for egalitarian principles within a state must rely on this theory of causality too. For we do not need everyone to contribute towards the two collective goods of physical security and property rights in order to sustain the necessary preconditions for economic production. Most economies can get on fairly well if some individuals break the law. Only *widespread* and not *universal* compliance is needed. Yet if Sangiovanni wants to hold that the egalitarian principle that he thinks is based on reciprocity incorporates all (law-abiding) citizens, he must hold that all citizens who contribute towards the two collective goods are causally responsible for their production, even if their contribution is not necessary for their production.

(v) Not Everyone Contributes

However in the example of nuclear security standards, it is not simply the case that only a subset of states need to contribute. One specific subset of states needs to do so, namely, those

[40] Such a theory is defended in Michael S. Moore, *Causation and Responsibility: An Essay in Law, Morals, and Metaphysics* (Oxford: Oxford University Press, 2009).

[41] David Miller suggests that if one agent contributes superfluously to the production of a good *while knowing that the good would be produced without his contribution*, he would not be owed a reciprocal return, although he may be owed praise or gratitude for his efforts. While I accept this point, I do not think that Miller's imagined case accurately reflects the process through which a global public good like climate change prevention is produced. A state may not know whether its decision to reduce emissions is superfluous because of the uncertainties involved in climate science. and, because its decision to reduce emissions may affect others' willingness to do so, even if a state's emissions are of minor concern, it may need to reduce them in order to ensure that those with larger emissions are prepared to reduce them.

with nuclear weapon capability.[42] This brings us to the fifth objection. Since, unlike the case of the two collective goods Sangiovanni discusses in the context of the state, which more or less every citizen has the opportunity to contribute towards (even if their contribution is superfluous), only those countries with dangerous nuclear materials have the opportunity to contribute towards nuclear security, and so can become right-holders in the scheme of reciprocity. Before responding to this objection, though, we should consider a further one.

(vi) Not Everyone Benefits

This sixth objection is that, not only are some states incapable of contributing to certain global public goods, but also some states do not benefit from them in the required way to be under reciprocal obligations. Take the example of the prevention of climate change. While every country benefits from this to some extent, some countries rely on this for economic production more than other. Many rich countries are both geographically positioned so that they will avoid the worst effects of climate change, and have the resources and infrastructure to protect their infrastructure from the effects (by building flood defences, for instance). This may be quite costly, of course, but their ability to do this means that the global public good is not the *only* way in which they can keep their population safe. Since they can provide this benefit for themselves, the benefit provided by the global public good does not meet condition 2(ii), and so cannot ground reciprocal obligations to share their economic goods with those other countries.

[42] Only 8 states are known to have nuclear weapons, while 38 more have highly-enriched uranium, which could potentially be used to make a weapon. See Matthew Bunn, *Securing the Bomb 2010* (Cambridge, MA & Washington DC: Project on Managing the Atom, Harvard University and Nuclear Threat Initiative, 2010), p.25. Only these states, then, might be thought to contribute to the global public good of nuclear security. Simon Caney has suggested that some states may contribute simply by not developing nuclear weapons, and this seems to me to be correct. But to be contributing in this sense, a state must at least have a level of technology sufficient to produce dangerous nuclear material if they wanted, and so many non-nuclear states cannot be viewed as contributors.

Now the fifth and sixth objections, taken together, are not in fact objections to my argument that reciprocal obligations to share in the economic product apply between as well as within them. They simply show that these obligations may not be truly global in scope. Some countries may be exempt from having to provide a reciprocal return for benefits received, while others will not be owed anything by way of reciprocity because they have not provided others with the requisite benefits. Nonetheless, I have shown that these sorts of obligations go beyond the state and may apply among many countries, and this is a significant result.

Some may express a concern, though, with a theory that excludes some countries from benefits and other countries from obligations based on their relative level of resources. If a country lacks the resources to benefit others in the first place (for example, if they lack nuclear weapons they cannot benefit other countries by ensuring their security) or if they possess enough resources so that they need not rely on other countries' cooperation in providing them (for example, if they build flood defences to avoid some of the effects of climate change) then they fall outside the circumstances of justice presupposed by a principle based on reciprocity.

However, the tendency towards the exclusion of some from the benefits of social cooperation has always been present in theories of distributive justice based on reciprocity. John Rawls, for instance accepts that the disabled and idle, because they cannot or do not make a contribution, are not owed a share in the social product in his theory of justice as fairness.[43] David Gauthier, meanwhile, writes that '[a]nimals, the unborn, the congenitally handicapped and defective, fall beyond the pale of a morality tied to mutuality'.[44] And even Sangiovanni himself notes that some severely disabled individuals cannot be viewed as

[43] See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p.272, fn.10; John Rawls, *Justice as Fairness: A Restatement*, E. Kelly (ed.) (Cambridge, MA: Harvard University Press, 2001), p.179.
[44] David Gauthier, *Morals by Agreement* (Oxford: Oxford University Press), p.268.

contributing towards the two collective goods produced in a state, and so his argument cannot justify the requirement to mitigate the effects of unchosen circumstances that befall them.[45]

But the unpalatable appearance of my conclusions, that some states can be excluded from the benefits of international cooperation in this way, can be tempered by two considerations. Firstly, I have argued here that egalitarian principles of distributive justice based on reciprocity have a much wider scope than has usually been assumed. Most egalitarian theorists who base their theories of distributive justice on reciprocity have thought that they primarily apply within the state, yet I have shown here that the principles that are based on reciprocity go beyond state borders. Indeed, if all states need to contribute towards the continued effectiveness of antibiotics (as seems to be the case), then they will all be owed *something* by way of reciprocity when they take the necessary actions. Aside from the benefit of effective antibiotics, reciprocity requires sharing the economic goods that this global public good makes possible with everyone who contributes. My conclusions, then, can in fact justify a much wider scope of egalitarian principles than reciprocity-based theories have in the past. And, secondly, we need not think that a state's legitimate shares should be wholly determined by a principle of reciprocity. We may have weighty duties of humanity and justice to states even though they are in no position to benefit us. While I think that reciprocity will have important implications for how we should organise the global order, it is not the only relevant consideration.

I have argued that the economic benefits that many states generate cannot simply be treated as benefits from cooperation among citizens within a state. At least to some extent, these benefits are also properly viewed as being made possible by international cooperation in global public good regimes. Using Sangiovanni's work on reciprocity as a starting point, I

[45] Sangiovanni, 'Global Justice, Reciprocity, and the State', p.31n50.

have claimed that this fact means that these benefits are required to be shared among the cooperating states fairly. A state cannot justly claim a right to all of its GDP for itself.

In Sangiovanni's argument, the fact that all citizens of a state contribute towards the economic benefits that anyone generates in a market grounds a requirement, based on reciprocity, that those benefits be distributed among all of them in an egalitarian fashion. Although morally arbitrary inequalities are not in themselves objectionable on this view, they become so when those inequalities persist among individuals who all contribute towards the necessary preconditions for the production of the goods that are distributed unequally. In practice, Sangiovanni thought that doing this would result in substantial limits on economic inequality within a state, since he believes that many of the sources of inequality that arise in markets are morally arbitrary in precisely this way.

If my arguments here are correct, would similarly strict limits on economic inequality among countries be required? This is an open question, and its answer depends on how many of the sources of international inequality are morally arbitrary. A number of theorists think that the productivity of a state is in a large part determined by their policy decisions and their political culture, and so states can for the most part be held responsible for their economic performance.[46] But this is not accepted by everyone. A rival view to this suggests that the economic performance of a state is determined to a greater extent by factors beyond that state's control than these "explanatory nationalist" accounts suggest.[47] Consequently, whether or not the reciprocal obligations between states I have argued for in this chapter require substantial international redistribution of wealth will depend on which of these sorts of theories one is drawn to. If one thinks that the economic performance of states is determined

[46] David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), pp.68-73; John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), pp.117-118.
[47] Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd ed. (Cambridge: Polity Press, 2008), pp.112-116; Leif Wenar, 'Property Rights and the Resource Curse', *Philosophy & Public Affairs* 36(1), 2008, pp.2-32. The term “explanatory nationalism” comes from Pogge, *World Poverty and Human Rights*.

for the most part by exogenous factors, recognition of the role international cooperation in global public good regimes plays in this might push one towards thinking that substantial redistribution is required. But if one holds the explanatory nationalist account, such conclusions will seem unwarranted.

Nonetheless, I hope to have at least offered a case for viewing the economic goods that are produced within states as benefits not solely created by the cooperation of co-citizens. They are more accurately viewed as benefits that rely in part on the cooperation of foreign states in global public good regimes as well. This suggests that the question of what we owe foreigners is not simply one of what we are required to give to them to meet their human rights or to ensure that they receive a fair share in international exchanges. It is instead one of how to distribute goods which they have had a hand in producing. And this might significantly affect the principles of distributive justice we think apply between states. My own view is that it will at least lead us to be more open to accepting that egalitarian principles apply between states.

6. COERCIVE GLOBAL PUBLIC GOOD REGIMES

6.0. Introduction

In chapter 5, I outlined one way in which the nature of some global public good regimes may give rise to egalitarian principles of distributive justice in private goods among states. I claimed that the reciprocal obligations created in those regimes mean that states are required to share economic goods on the basis of equality. In this chapter, I look at a second. I argue that the fact that many global public good regimes are (and need to be) coercive means that every state involved in them is owed a share of the private goods that they make possible based on equality.

Liberals have traditionally viewed coercion in a somewhat ambivalent way. While they view it as something that should generally be avoided, they accept that some forms of coercion – most notably state coercion – are necessary. Yet they often view this coercion as justified only if it is carried out under certain conditions. For instance, some think that for state coercion to be justified, each citizen must have a say in the state's laws in a democratic fashion. Others, such as Michael Blake, claim that instead of (or in addition to) this democratic requirement, state coercion is only justified if there is an egalitarian distribution of economic holdings among all those who are coerced.[1] Although these theorists accept that international coercion exists, many think assert it is sufficiently different from state coercion so that egalitarian principles among states are not grounded in a similar way.

In this chapter, I will challenge this last assertion. In 6.1, I will outline Blake's argument for the grounding of egalitarian principles among co-citizens on state coercion. In 6.2, I provide two examples of coercive global public good regimes – the trade regime and

[1] Michael Blake, 'Distributive Justice, State Coercion, and Autonomy', *Philosophy & Public Affairs* 30(3), 2002, pp.257-296. A similar argument is made by Thomas Nagel, 'The Problem of Global Justice', *Philosophy & Public Affairs* 33(2), 2005, pp.113-147

the regime governing intellectual property rights – and thus provide a prima facie case for the logic of Blake's argument justifying international egalitarian principles. In 6.3, I look at a number of differences that Blake thought exist between state and international coercion, but argue that this does not count against the case for egalitarian principles among states that I outlined in 6,2. As in chapter 5, something distinctive about the nature of (some) global public good regimes mean that there is a normative case for distributing the benefits these regimes make possible on the basis of equality.

6.1. Coercion and Egalitarian Justice

Blake's argument for egalitarian principles grounded on state coercion begins with the claim that all coercion is *prima facie* objectionable because of its effects on the autonomy of those coerced. Citing Joseph Raz, he outlines three conditions that must be in place for an individual to live an autonomous life:

(i) she must have the appropriate mental attributes to form complex intentions;

(ii) she must have an adequate range of option to choose from; and

(iii) she must have the ability to choose from those options with a certain degree of independence from others.[2]

The value of autonomy is central to liberal theories, and coercion is viewed with suspicion by many liberals because of its tendency to affect autonomy detrimentally (specifically, by undermining condition (iii)). Because of this, coercion has been viewed as *prima facie* objectionable. But despite this it may not be objectionable all things considered.

[2] Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), pp.372-373; cited in Blake, 'Distributive Justice, State Coercion, and Autonomy', pp.267-268.

It is often thought that parents may coerce their children on certain occasions. And the use of coercive sanctions to ensure that citizens obey the law is generally viewed as a proper us of state power. Nonetheless, because both of these acts of coercion threaten autonomy, they stand in need of justification. What would such a justification amount to?

According to Blake, one way in which coercion could be justified is through the consent of the coerced. For example, if Q were to give P permission to swat him if P caught him drinking, the coercive act of swatting, which aims to stop Q drinking, could be justified to Q on the basis of his prior consent.[3] In many cases where we think coercion justified, though, prior consent has not been given. Children do not consent to parental coercion and citizens rarely explicitly consent to their state coercing them. Blake, therefore, introduces the notion of reasonable rejection as a second way in which coercion could be justified. The idea here is that we do not actually seek the consent of those coerced, but rather we justify coercion on the basis of what they *should* consent to (or, more precisely, what they *should not* withhold their consent from).[4] Thus, for example, when coercing citizens through criminal law, we do not ask what sort of punishment they are happy with. Instead, we ask what sort of punishment they could not reasonably reject, given the seriousness of the crime that punishment is attached to.[5] This would rule out, for example, excessive, arbitrary, or cruel and unusual punishment.

The state does not only coerce individuals through criminal law, but also through civil law. Like criminal law, the coercion associated with civil law must also be justified through the device of hypothetical consent according to Blake (since it will be nearly impossible to get everyone's actual consent). Civil law, in other words, can only be legitimately applied if it is done in a way that no citizen could reasonably object to. It is through this need for

[3] Ibid., p. 273.
[4] Ibid., p.274. The idea of reasonable rejection is found in T.M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998).
[5] Blake, 'Distributive Justice, State Coercion, and Autonomy', p.274.

justification, Blake thinks, that state coercion grounds egalitarian principles of distributive justice.

In order to determine what form the civil law should take for it to be justifiable, we need to look in more detail at the sorts of coercion that are carried out when a state enforces that law. According to Blake, the state infringes upon the autonomy of its citizens by coercively upholding property rights, enforcing contracts and implementing tort law.[6] Since citizens face coercive sanctions unless they follow the state's edicts in this regard, condition (iii) is threatened. Through all of these activities, the state predictably creates a system of holdings among its citizens, or, as Blake puts it, these laws 'create a pattern of entitlements' among them.[7] Even a minimal night-watchman state does this when it leaves the distribution of entitlements that arise in unregulated markets largely untouched.[8] A justification of this autonomy-infringing coercion, then, says Blake, must be to carry it out in a way that creates a system of entitlements that nobody in society could reasonably reject. In other words, justification of state coercion through the civil law must take the form of undertaking that coercion in line with a particular distributive principle that is justifiable to everyone.[9]

What sort of principle should this be? What pattern of holdings could nobody reasonably reject? Here Blake follows Rawls in thinking the principle would be the one that citizens would choose in the "original position" – a hypothetical situation in which they are deprived of knowledge of their race, class, natural talents, and other "morally arbitrary" facts, and asked to select principles to govern the basic structure of their society.[10] And, like Rawls,

[6] Ibid., p.277.
[7] Ibid., p.281.
[8] It may be thought that such a state does not strictly speaking create a *pattern* of entitlements in any meaningful sense, but it still determines the relative holdings of individuals through the use of coercion.
[9] Ibid.
[10] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971), pp.136-137; Blake, 'Distributive Justice, State Coercion, and Autonomy', pp.282-283.

he thinks that the principle that would be chosen to govern holdings would be (in some sense) egalitarian; it would place limits on economic inequality among co-citizens.[11]

Blake allows that others may have a different idea than the Rawlsian one of the appropriate way to justify coercive civil law to citizens, and he accepts that some of these may not give rise to the sort of egalitarian principle he thinks is grounded. Nonetheless, he thinks that any minimally acceptable way of justifying this coercion will have to involve '*some* considerations of relative holdings of goods' and the principle that does this will 'inevitably constrain the forms of material inequality permissible within the confines of the state'.[12] This is because the justification must be addressed 'to each and every one of those so coerced'.[13] Whether a justification to one individual of the holdings that she receives from the civil law is acceptable will depend on the holdings of others. If others in society did significantly better than her in terms of holdings for no good reason, she could reasonably reject the current system. So, although Blake believes that his argument creates a strong presumption against economic inequality in society, he allows that his more general argument may be used to ground more modest principles which simply place limits on the degree of permissible inequality.

For Blake, then, because state coercion determines the way in which holdings are distributed within society, that coercion can only be justified when it is carried out in such a way to make those holdings conform to an egalitarian principle. State coercion thus grounds a requirement to distribute the benefits of social cooperation on the basis of equality. Such a requirement, Blake says, is not created by international coercion. Even if such forms of coercion exist, they 'do not find their justification in a consideration of their distributive consequences'.[14] While many goods are undoubtedly produced through international

[11] Ibid., p.283.
[12] Ibid., p.284.
[13] Ibid., p.282.
[14] Ibid., p.280

cooperation, and that cooperation may involve relationships of coercion, no requirement to share them on the basis of equality is thought to be generated by the existence of international coercion in the same way that the requirement to share the benefits of social cooperation among citizens is thought to be generated by the existence of state coercion. This is because of a number of differences Blake points to between the two sorts of coercion. I will examine these supposed differences in 6.3. Before doing that, though, I will establish empirically whether international coercion does have a role in determining how benefits are shared among states.

6.2. Two Coercive Global Public Good Regimes

Here I will offer two examples of global public good regimes which are both coercive and affect the relative holdings of states. This creates a *prima facie* case that some of the goods made possible by these global public good regimes should be distributed on the basis of equality, and thus put pressure on Blake's argument that such principles only apply within the confines of the state.

Firstly, however, we must become clear about exactly what is meant by international coercion. While we have a fairly good idea of what constitutes state coercion, we lack a similarly well-developed account of coercion among states. Blake, for one, warns against attributing coercion to international practices simply because they are to some extent non-voluntary (as many undoubtedly are): for him 'it is not clear…when a proposal to trade, for example, is a coercive threat, and where it is a freedom-enhancing offer'.[15] In order to determine exactly what counts as coercion in the international context, we would have to wade into a number of philosophical controversies over the exact circumstances in which an

[15] Michael Blake, 'Coercion and Egalitarian Justice', *The Monist* 94(4), 2011, pp.555-570, at p.566.

act could be considered coercive. We would have to come to a definite answer, for instance, on the question of whether only threats are coercive, or if offers can be so too;[16] we would have to set out principled reasons for thinking that all acts of coercion necessarily infringe upon autonomy, or concede that there can be an act of coercion that does not;[17] we would need to come to a decision regarding whether acts of brute force can count as coercion, or whether the concept of coercion should be limited to acts that engage the coerced agent's will;[18] and, finally, we would be required to settle the issue of whether there can only be successful acts of coercion, or whether unsuccessful attempts by one agent to get another to perform an action also count.[19]

Fortunately, for present purposes, we do not need to spell out a full concept of coercion in order to show that certain forms of international action are "coercive" in the way necessary for them to be candidates for grounding egalitarian principles. For Blake, state coercion is normatively significant because it infringes upon the autonomy of citizens by removing their independence of choice among options. Therefore, if we can show that certain non-voluntary international practices infringe upon the autonomy of individuals because of the intentional actions of other agents,[20] then such practices will be "coercive" in the sense

[16] While traditionally only threats have been seen as coercive, some have thought that offers can be so too, most notably, David Zimmerman, 'Coercive Wage Offers', *Philosophy and Public Affairs*, 10(2), 1981, pp.121–145.

[17] Blake's Razian concept identifies coercion with autonomy-infringing acts. However, other accounts allow for an act to be coercive even if the coerced agent's autonomy (in Raz's sense) remains intact.

[18] Most modern discussions of coercion, following Robert Nozick, 'Coercion', in Sidney Morgenbesser, Patrick Suppes & Morton White (Eds.) *Philosophy, Science and Method: Essays in Honour of Ernest Nagel* (New York: St. Martin's Press, 1969), pp.440-472, exclude acts of brute force from their concept of coercion. This differs from the account given in Aristotle, *Nichomachean Ethics*, Trans. & Ed. Roger Crisp (Cambridge: Cambridge University Press, 2000), 1110a8 which allows that these acts can be coercive. For a discussion of these two views, see Scott A. Anderson, 'How Did There Come to be Two Kinds of Coercion?' in David A. Reidy & Walter J. Riker (Eds.) *Coercion and the State* (New York: Springer, 2008), pp.17-29.

[19] Once again, the standard account, which rules out unsuccessful attempts to subvert the will of an agent as acts of coercion, is given in Nozick, 'Coercion'. For a challenge to this view, see Craig L. Carr, 'Coercion and Freedom', *American Philosophical Quarterly* 25(1), 1988, pp.59-67, at p.61.

[20] The addition of "because of the intentional acts of other agents" is required here to rule out non-voluntary infringements of autonomy caused by factors other than human action – natural disasters and the like. While such infringements are problematic on Blake's Razian account of autonomy, they are not, for him, the sort that ground egalitarian principles. They may nonetheless call for action on the part of others to ensure that sufficient options are made available. See Blake, 'Distributive Justice, State Coercion, and Autonomy', p.271. On the normative difference of these two autonomy-infringing factors more generally, see Raz, *The Morality of Freedom*, p.377.

required for that coercion to ground egalitarian principles. Whether or not such practices can be described as coercive according to the various philosophical definitions of coercion is an issue that need not be pursued here.

(i) Trade Liberalisation

By liberalising markets to foreign trade, a number of countries produce a global public good. Benefits are made possible by the increased efficiency that liberalisation brings about. As countries remove tariffs and other barriers to trade, each country is likely to become more efficient since they will shift production to goods that they have a competitive advantage in, and trade these for with other countries who in turn have a competitive advantage in other goods. These benefits are in a sense non-rival and non-excludable. They are non-rival since the benefits are not reduced when more countries take advantage of this increased efficiency; in fact, as a trade regime expands to incorporate more countries, there is a potential for greater efficiency and so higher benefits. And they are non-excludable, or at least made so, among countries party to a trade agreement. When one country removes a tariff, for instance, both it and all the other countries party to the agreement will generally benefit from a more efficient global economy overall (or so it is alleged).[21]

Just because trade liberalisation is a public good though, this does not mean that the benefits are shared equally among states. On the contrary, there is reason to think that the benefits of the current trade regime are spread very unequally. For instance, developed states often press home their bargaining advantage in international negotiations in order to ensure that the agreements reached will require high liberalisation of industries that they have a

[21] Strictly speaking, some countries may be excluded from these benefits. For one thing, those countries not party to trade agreements will not receive these benefits. But since the benefits are widely dispersed across the globe, this does not prevent us from speaking of trade liberalisation as a global public good, as that concept was defined in 1.3. For another thing, as we will see below, it may be the case that certain countries are actually net losers from some trading agreements. But since most economists believe that the trade regime could at least be reformed so that all members benefit, it may merit our attention here as a *potential* global public good. (This last point will hopefully become clearer as we proceed.)

competitive advantage in (hi-tech products, for example) but less liberalisation in sectors where developing countries have the advantage (like agriculture).[22] Further to this, it has been argued that liberalisation will be more beneficial in developed countries where industries are firmly established. The "infant industries" of developing countries, in contrast, may be severely damaged when liberalisation occurs too quickly; they require protection until they can develop to some extent.[23] The trade regime, then, affects the holdings of states by distributing benefits among them in a particular way. In its current form, it appears that the regime distributes these benefits unequally.

Should we seek to change this? And, if so, how? On one possible view, the fact that some countries benefit to a greater extent from trade liberalisation is of no concern so long as nobody is harmed. Even on this view reforms to the trade regime might be required, since there is evidence to suggest that some countries are in fact harmed overall as a result of being part of trade agreements (and so trade liberalisation is not a global public *good* for them).[24] Yet these reforms would be quite minimal; so long as these countries were compensated for the harm imposed on them, no further action would be required. Even if developed countries benefitted to a far greater extent than developing ones, the fact that neither are worse-off would mean that nothing more should be done, on such a view. However, I will suggest below that because the trade regime is coercive, we should not be satisfied with such minimal limits. Instead, we should seek to ensure equal benefit on the part of all member-states from trade.

[22] For an account of how the USA pursued this strategy in the Uruguay round of WTO negotiations, see Richard W. Miller, *Globalizing Justice: The Ethics of Poverty and Power* (Oxford: Oxford University Press, 2010) pp.124-125.
[23] Joseph E. Stiglitz & Andrew Charlton, *Fair Trade for All: How Trade Can Promote Development* (Oxford: Oxford University Press, 2005), pp.20-21.
[24] A comprehensive summary of the evidence is found in Ronald U. Mendoza, 'The Multilateral Trade Regime: A Global Public Good for All?', in Inge Kaul, Pedro Conceição, Katell Le Goulven & Ronald U. Mendoza (Eds.), *Providing Global Public Goods: Managing Globalisation* (Oxford: Oxford University Press, 2003), pp.455-483, at pp.464-466.

Firstly, note that, as well as benefits, the trade regime creates costs that are distributed among states. By allowing foreign companies unrestricted access to their domestic markets through removing tariffs and withdrawing subsidies, countries thereby give up the means to protect their industries and give them an advantage in domestic markets. Note also that taking up these costs is non-voluntary, at least for some countries. On the one hand, members of the WTO are required to remove barriers to other countries trading in specific sectors. Any member-state that finds barriers in another country may make a complaint to the WTO, and if upheld, the offending state must pay compensation and reform policies to be in line with WTO agreements, or else face trade sanctions, which can be hugely disadvantageous. On the other hand, organisations like the IMF and World Bank often make loans to countries conditional on them liberalising certain sectors of their economy. Of course, countries are not literally forced to agree to these terms. Yet for developing countries, which are generally dependent on the trade and aid that membership in these institutions bring, not agreeing to these terms is not a realistic option.[25] For these countries, being part of the trade regime is non-voluntary.

Note also that this non-voluntary system impacts on the autonomy of developing countries. Being forced into trade agreements cannot be described as a non-coercive act of prevention, given the huge impact on the development of countries that the trade regime has. By liberalising markets, countries lose control over a number of policies through which they can protect industries and jobs from foreign competition. Furthermore, they lose a potential source of revenue by being unable to impose tariffs on foreign goods. While alternative revenue can easily be raised in developed countries through consumption taxes, this is difficult to do in developing countries, where there are generally large informal sectors of the

[25] On the non-voluntariness of global public good regimes for developing countries more generally, see J. Mohan Rao, 'Equity in a Global Public Goods Framework', in Inge Kaul; Grunberg, Isabelle Grunberg & Mark A. Stern (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (Oxford: Oxford University Press, 1999), pp.68-87, at p.80.

economy.[26] And without an important means to generate funds, these countries are hampered in assisting their citizens to escape poverty and thereby live autonomous lives. Because of its non-voluntary nature and its effects on autonomy, then, the trade regime can be viewed as coercive in a way that is similar in many respects[27] to the state. Of course, all countries may be better off in material terms as a result of being part of the trade regime. But this does not undermine the claim that their autonomy is infringed by being part of it, any more that the fact that individuals are better off with a coercive state than they would be in a state of nature undermines the claim that the state infringes upon their autonomy.

This judgement suggests that Blake's argument for egalitarian principles within a state, as outlined in 5.1, can be used here to justify a requirement of an equal distribution of the trade surplus. Since states are coercively required to contribute towards the global public good of trade liberalisation, justification of this practice requires distributing the benefits it creates in a way that no state could reasonably reject. And this suggests the benefits should be distributed on the basis of equality.[28]

What would this mean in practice? Temporary exemptions given to developing countries can increase the benefits that they receive. For instance, these countries could be given access to developed countries' markets without being required to offer reciprocal access to their own markets, at least until their industries develop to a point where they can effectively compete with the developed countries' industries. The WTO, at least in theory, recognises the need to allow "special and differentiated treatment" to developing countries in

[26] See Stiglitz & Charlton, *Fair Trade for All*, pp.188-191; M. Shahe Emran & Joseph E. Stiglitz, 'On Selective Indirect Tax Reform in Developing Countries', *Journal of Public Economics* 89, 2004, pp.599-623.
[27] But not all. See 6.3, below.
[28] The objection to Blake that the coercive trade regime grounds egalitarian principles in this way is not new. See, for example, Christian Barry & Laura Valentini, 'Egalitarian Challenges to Global Egalitarianism: A Critique', *Review of International Studies* 35, 2009, pp.485-512, at p.495; Kok-Chor Tan, *Justice Without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge: Cambridge University Press, 2004), p.176. However, I think that there are advantages to stressing the global public good aspect of the trade regime while making this argument, which these authors do not do. I explain why in 7.2.

this way in official documents,[29] and there have been a number of philosophical justifications of this practice in the past. It will be useful to examine the differences between these arguments and my own, in order to see the distinct implications that my argument has.

A first alternative justification says that, since a suitably organised trade regime may be the best way to promote development in these countries, we are required to offer them favourable terms in order to meet our obligations to promote human rights in these countries. A second justification points to the historical injustice that has occurred between developed and developing countries, for example as a result of the history of colonialism between them. The best way to provide compensation for this injustice, on this view, is to offer favourable terms of trade to developing countries.[30]

I think that these two justifications for special and differentiated treatment are important, and correctly call for a requirement to modify the current trade system substantially. My justification is different from these, though. The first justification viewed special and differential treatment as a way of fulfilling humanitarian duties, which in general are weaker than duties of justice and leave more room for discretion. My proposed justification claims that the requirement of special and differential treatment is one of justice, and so its demands are stronger and more determinate than this. The second justification conflated the requirement to offer developing countries special terms of trade with the need to compensate for historical injustice. Yet relationships of historical injustice tend to be between particular countries.[31] In contrast, the trade regime is an institution involving many countries. It is unclear why rich countries have a requirement based on historical injustice to give

[29] World Trade Organisation, *The Text of the General Agreement on Tariffs and Trade* (Geneva, 1986), part IV.
[30] Both justifications are appealed to in tandem in Mathias Risse, *On Global Justice* (Princeton: Princeton University Press, 2012), pp.263-266. The first is appealed to in much of the pronouncements (but not the actions) of the WTO. Aaron James appeals to something like the first, but claims that it need not be based on a humanitarian concern per se, but rather the mere fact of different levels of resources between developed and developing countries. See Aaron James, *Fairness in Practice: A Social Contract for a Global Economy* (Oxford: Oxford University Press, 2012), pp.222-224.
[31] Risse's version of this argument in particular appeals to the historical injustice of colonialism. See Risse, *On Global Justice*, ch.15.

special treatment to *all* poor countries involved in that regime, rather than only the ones they have wronged in the past. My justification does a better job of explaining why we should structure the trade regime in a particular way because it points to the relationship that is shared between all rich countries and all poor countries in justifying special and differentiated treatment. At least insofar as such treatment is required to ensure that developing countries benefit to the same extent as developed countries do, it grounds a more general requirement on the part of the latter. My proposed justification thus offers an important and distinctive case for special and differential treatment.

(ii) Knowledge

Knowledge is a public good. It is non-rival, since one person making use of knowledge does not prevent someone else also doing so. And it is often non-excludable. The benefits of a scientific formula, once discovered, may not be limited to those who discover it, for instance. Once the formula is discovered, others not involved in its discovery may also be better off as a result. It should also be noted that the benefits of knowledge can cross national borders: if a scientific formula is beneficial in one country, it is likely to be beneficial in other countries as well. Thus knowledge can be viewed as a *global* public good.

Even if the benefits of knowledge are non-excludable, though, the way in which knowledge can be used by different parties is often limited by legal means. Intellectual property rights give companies exclusive rights over the use of some of the knowledge that they produce so that others cannot appropriate it for commercial purposes. The rationale for imposing such a legal regime is that temporary rights over knowledge that one produces may be necessary for efficiency in the production of such knowledge.[32] If there were no guarantee

[32] Of course, by excluding some from the benefits of a non-rival good like existing knowledge causes inefficiency because the benefits could be extended to them without reducing the benefits for everyone else. But this decrease in "static efficiency" must be weighed against the increase in "dynamic efficiency" that the production of new knowledge brings about, and often the latter will outweigh the former. On these two sorts of

of such rights, companies may attempt to free-ride on the efforts of others in producing this knowledge, since they could receive the benefits without incurring the costs of discovering it. Yet since every company the world over may act in this way, little new knowledge will be produced. Temporary monopoly power over the use of knowledge one produces is thus thought to be required to encourage research and development for the production of new knowledge.[33] This does not undermine the status of knowledge as a global public good, though: even if an agent has to pay another in order to use knowledge in certain ways, she may still be better off overall than if the knowledge has never been discovered in the first place.

A system of intellectual property rights, then, fosters the production of the global public good of knowledge. But in doing so, it may lead to the benefits of knowledge being distributed unequally. Even if the discovery of a new vaccine means that instances of a contagious disease are reduced worldwide, and so everyone's risk of infection will be reduced, the fact that some may not be able to afford the vaccine may mean that they will still be under a risk of infection, albeit a smaller one than before, while those who can afford the vaccine will be safe. Further to this, the vaccines that the intellectual property regime incentivises companies to produce may benefit some parts of the world but not others. Much of the scientific research that is carried out by the pharmaceutical industry generates knowledge that more beneficial to rich countries than to poor countries, for instance. Companies tend to focus their research on pharmaceuticals that are in demand in richer

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efficiency, see Carlos M. Correa, 'Managing the Provision of Knowledge: The Design of Intellectual Property Laws', in Inge Kaul, Pedro Conceição, Katell Le Goulven & Ronald U. Mendoza (Eds.), *Providing Global Public Goods: Managing Globalisation* (Oxford: Oxford University Press, 2003), pp.410-430, at p.411.

[33] Another strategy that may be used to ensure that new knowledge is produced is through the use of public subsidies. Governments (either individually or collectively) could collect money through general taxation and use it to fund research that would otherwise not be carried out. However, at least in some cases, this option is less efficient than using intellectual property rights and so many economists have thought that the latter should have at least some role to play in ensuring the production of knowledge. See Joseph Stiglitz, 'Knowledge as a Global Public Good', in Kaul, Inge; Grunberg, Isabelle & Stern, Mark A. (Eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.308-325, at pp.313-314.

countries; pharmaceuticals for diseases that are prevalent in poorer countries may not be pursued because it is not as profitable to do so.[34]

So the intellectual property regime, like the global trade regime, generates benefits that are distributed unequally among countries. Again, this inequality may not be viewed as problematic; it is likely that even developing countries will benefit on the whole from the knowledge that results from this regime, even if their benefits are paltry in comparison to rich countries' benefits. Yet, I will suggest below, the coercive nature of the intellectual property regime suggests that these benefits should, in fact, be shared more equally.

As well as benefits, the intellectual property regime imposes costs international actors. By being prevented from using knowledge without paying the (often high) price demanded by the company afforded intellectual property rights, companies and governments which do not discover the knowledge in question are unable to utilise it for their own purposes. They are prevented from using this knowledge in the development and production of medicines that those in their countries may need, for instance, and are instead forced to rely on outsiders to sell them medicine or sell them a franchise to produce their own. Furthermore, these countries often have to spend huge sums of money enforcing intellectual property rights of foreign companies within their own borders.

These costs are coercively (in the sense required here) extracted from at least some countries. The Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), which was negotiated in the Uruguay Round on the General Agreement on Tariffs and Trade in 1994, requires compliance with international intellectual property law by all members of the WTO. Failure to respect these laws may result in compensation being owed to the right-holder equal to the damage done as well as legal costs.[35] While countries are formally free to

[34] Correa, 'Managing the Provision of Knowledge', p.413; Jean Lanjouw & Ian Cockburn, 'New Pills for Poor People? Empirical Evidence from the GATT', *World Development* 29(2), 2001, pp.265-289.
[35] World Trade Organisation, *Agreement on Trade-Related Aspects of Intellectual Property Rights* (1994), article 45.

leave, we saw in the last section that, for many developing countries, being a member is effectively non-voluntary. At the same time, the restrictions that are placed upon some members significantly affect their autonomy, and by extension, the autonomy of their citizens.[36] Since they often cannot afford many pharmaceuticals being sold by Western companies who hold intellectual property rights over them, individuals living in these countries have their option set reduced significantly by the intentional actions of other agents. Without some of these products, their basic health needs will be unmet, and, it can be assumed, they will not have a sufficient number of options to act autonomously. This regime, then, extracts costs from countries in a way that can be described as coercive.

Since contributions towards the production of knowledge are coercively imposed in this way, the logic of Blake's argument as outlined in 6.1 suggests that the benefits should be distributed on the basis of equality.

Ensuring a more equal distribution of benefits may be achieved through two main strategies. The first is to ensure that the knowledge that is produced will benefit them equally. In this vein, Thomas Pogge suggests rewarding innovators of pharmaceutical products that benefit the global poor using public funds.[37] Alternatively, exemptions could be made so that these countries are not prevented from using patented knowledge in certain key areas, thereby increasing the degree to which they can benefit from the global public good of knowledge. Exemptions have often been allowed through the practice of "compulsory licensing", whereby the owners of intellectual property are compelled by law to provide their knowledge to others at a price below the market value. However, the justifications for this practice have largely appealed to efficiency concerns: exemptions are justified when patented products are not being widely used, when the "public interest" is thought to be at stake, when governments

[36] So long as the states act, in some sense, in the interest of their people. See 6.3*(ii)* for further discussion of this point.
[37] Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd ed. (Cambridge: Polity Press, 2008), ch.9.

are thought to need to use the knowledge, and when anticompetitive behaviour is thought to occur.[38] If what I have said here is correct, though, there is an additional reason to grant compulsory licenses, one that may suggest the need for a greater number of them in certain sectors, namely the requirement to justify the coercive imposition of intellectual property rights to those who benefit least from the knowledge produced.[39]

I have suggested in this section that two global public good regimes are both coercive and affect the holdings of states, and this gives us reason, via Blake's argument for egalitarian principles among citizens grounded on state coercion, to think that egalitarian principles should govern the distribution of benefits of the global public goods that are produced. I have suggested a number of policies that could ensure a more equal distribution in this respect. However, it may be claimed that the coercion we find in these sorts of international institutions is sufficiently different from state coercion for egalitarian principles only to apply in response to the latter. In the following section, I will address a number of arguments made by Blake for this view.

6.3. Disanalogies

While Blake accepts, at least for the sake of argument, that the existence of international coercion that affects the holdings of states,[40] he does not think that it grounds egalitarian principles in the same way that state coercion does. Why the discrepancy? Blake points to a

[38] Correa, 'Managing the Provision of Knowledge', p.422.
[39] It may be objected that by granting such exemptions, the global public good would be threatened, since companies would have no incentive to produce pharmaceuticals which would then be copied by firms in developing countries. However, there is little evidence to suggest that any significant negative effects on the production of knowledge occur when exemptions are granted to developing countries. See Ibid., pp.413-414.
[40] Although expressing reservations about whether much of what his critics point to in the international realm really counts as coercion, he does not provide an argument to show that all of it does not, and accepts that it is coercion for the sake of argument. See Blake, 'Coercion and Egalitarian Justice', p.566.

number of disanalogies between the two sorts of coercion, and argues that these disanalogies explain why egalitarian principles are generated only when the latter sort of coercion is in place. In this section, though, I will argue that his argument does not succeed. The suggested disanalogies are either illusory or irrelevant.

(i) Ongoing vs. One-Off Coercion

When distinguishing coercive institutions at the state and at the international level, Blake writes that '[t]here is no *ongoing* coercion of the sort observed in the domestic arena in the international legal arena'.[41] State coercion is not merely a one-off act of infringing autonomy. State institutions coerce individuals every day of their lives in a wide range of areas. Where one can and cannot go and what resources one can and cannot legitimately use are both determined by state law.

Why does the fact that coercion is ongoing or not affect whether it can give rise to an egalitarian principle? The answer, I think, is the following. For Blake, any act of coercion that affects the holdings of individuals - whether one-off or ongoing - must be shown to be carried out in an acceptable way, and this amounts to showing that the effect on holdings cannot be reasonably rejected by those coerced. How would we know whether or not someone could reasonably reject the way that such an act of coercion is carried out? If the coercion was of a one-off sort, we might compare each individual's holdings at t_1, before the coercion was carried out, with their holdings at t_2, after it had been carried out. If one individual's holdings were reduced while another's were increased, and there was no relevant difference between the two, it seems likely that the first individual could reasonably reject this.

[41] Blake, 'Distributive Justice, State Coercion, and Autonomy', p.280, emphasis added.

When coercion is ongoing, on the other hand, such comparisons cannot be made. This is because there are no two times we can use to isolate the effect of coercion on individuals' holdings. Coercion is constantly affecting holdings, and so instead of judging whether coercion leads to acceptable changes in holdings of individuals, we should determine whether it can be reasonably rejected by determining whether the overall pattern of holdings (of particular goods) is acceptable to everyone. This explains why only ongoing coercion gives rise to *principles* of distributive justice: it is only with this sort of coercion that we need to assess the overall pattern of holdings in order to determine whether anyone can reasonably reject the coercion

Accepting this, though, does not tell against international coercion giving rise to principles of distributive justice in the same way that state coercion does. This is because this sort of coercion is often ongoing as well. While some forms of international coercion may be of the one-off sort (wars may be the most obvious example), coercion carried out in the global public good regimes I discussed in 6.2 *is* ongoing. The coercive natures of the trade and knowledge regimes will continue so long as developing countries have no reasonable exit option from these regimes. There is no disanalogy between state coercion and these forms of international coercion in this respect, then, and so Blake has not shown that egalitarian principles based on coercion are limited to states.

(ii) Direct vs. Indirect Coercion

A second disanalogy that Blake appeals to between state and international institutions is that 'only the former engage in *direct* coercion against individuals'.[42] It is not entirely clear what Blake means by "direct" coercion; he does not discuss this disanalogy in any great detail.

[42] Blake, 'Distributive Justice, State Coercion, and Autonomy', p.280, emphasis added.

However, Mathias Risse has accepted the normative relevance of coercion being direct, and explained the notion of directness (or "immediacy", as he calls it[43]) in the following way:

> The relevant notion of immediacy has nothing to do with spatial proximity. Instead the immediacy of the interaction between individuals and the state is characterised on two dimensions, a legal one and a political one…The legal aspect consists in the directness and pervasiveness of law enforcement. State enforcement agencies have direct, unmediated access to bodies and assets. Since many facets of the dealings of citizens among each other …are regulated, enforcement is pervasive for most individuals subject to it. The political aspect consists in the significance of the environment that the state provides for the realisation of basic moral rights, a significance that captures the profundity of this relationship.[44]

To sum up the above account, Risse treats state coercion as morally significant and thereby different from international coercion for three reasons: first, because of its unmediated nature; second, because of its pervasiveness; and third, because of its profundity. Let us take each of these in turn.

Firstly, Risse cites the unmediated nature of state coercion. 'The relationship between citizens and the state,' he says, 'is such that there is no organisation "in between"'.[45] In contrast, in coercive international organisations like the global public good regimes I described in 6.2 there is such an intermediary between the coercive power and the individuals affected by it. The WTO, for example, primarily coerces states, and although individuals are obviously affected by the acts of coercion, this is only as a result of their state coercing them in turn. Were this disanalogy between state and international coercion significant, then, it may explain why egalitarian principles are grounded by the former but not the latter.

[43] As the passage below suggests, Risse takes the directness of state coercion to be one aspect of its immediacy. Whether Blake had in mind directness in this sense only or the wider concept of immediacy is unclear. Nonetheless, I will respond to this disanalogy in the way Risse presents it, since he provides more ways in which state coercion can be distinguished from international coercion, and so his version of the disanalogy is a stronger challenge to my argument.
[44] Mathias Risse, *On Global Justice*, pp.25-26.
[45] Ibid., p.26.

However, it is unclear why the number of intermediaries between the coercing entity and individuals matter for determining which principles of distributive justice coercion grounds. Simon Caney writes:

> it is not clear to me why it matters if international legal institutions directly coerce individuals. Why is this a morally relevant difference? Suppose, for example, that institutions exercise coercion over entities like corporations and that, as a consequence of this, they coerce individuals and in doing so jeopardise their standard of living. In these cases A is coercing B who in turn coerces C. On Blake's account there is no need for A to justify his or her conduct to C because his or her coercion is indirect. But this is counter-intuitive: the salient point is that A has led to a disadvantage being coercively imposed on C.[46]

Simply pointing out that state coercion is unmediated and international coercion is not without further explanation appears a rather *ad hoc* strategy for defending the view that only state coercion grounds egalitarian principles.

Furthermore, even if the number of intermediaries between coercer and coerced mattered from the point of view of distributive justice, could we not say that egalitarian principles are at least grounded *among states* (as opposed to among individuals) who are subject to coercive global public good regimes? It may make sense to say that because states have their autonomy infringed by unmediated coercion that affects holdings, they are owed a justification for that coercion that involves ensuring that the coercion brings about an equal distribution of benefits. Of course, this strategy would not succeed if we consider states that are unresponsive to the wishes of their people. The autonomy of entities like states cannot be valuable in and of itself, and so justification may not be needed for infringing upon the autonomy of states in all cases. But when the actions of states can be viewed as properly the

[46] Simon Caney, 'Global Distributive Justice and the State', *Political Studies* 56(3), 2008, pp.487-518, at p.500. For similar reservations, see Eric Cavallero, 'Coercion, Inequality, and the International Property Regime', *Journal of Political Philosophy* 18(1), 2010, pp.16-31. I think Caney is incorrect to suggest that, for Blake, "there is no need for A to justify his or her conduct to C". While, on Blake's account, A may well have to justify his or her conduct, the justification need not take the form of carrying out the coercion in line with an egalitarian principle. Nonetheless, the more general objection still stands: why should the fact that there is an intermediary between A and C affect the form the justification can take?

actions of their citizens in concert – as in democratic states but also perhaps in the sort of states Rawls labelled "decent consultation hierarchies", in which the interests and preferences of citizens find some expression in state policies[47] – infringing the autonomy of states through coercion may give rise to a requirement of justification to those states, understood as collective agents of the people. In sum, then, appeal to the mediated nature of international coercion cannot tell against egalitarian principles being grounded by that coercion.

Turn to the second aspect of immediate coercion that Risse points to: its pervasiveness. Risse thinks that state coercion is significant because it affects all aspects of a person's life, whereas international coercion has a more limited remit. This is true, but it does not challenge the argument I am putting forward in this chapter: that the benefits of coercive global public good regimes should be distributed on the basis of equality. While the fact that these regimes have a narrower sphere of operation suggests that the goods they produce will be fewer, the lack of pervasiveness of them does not tell against an egalitarian principle governing the distribution of *these* goods. Using Helena de Bres's typology, we might say that while this explains why there is site-pluralism, it cannot explain why there is content-pluralism to principles of justice.[48]

Finally, consider the third – "political" – aspect that Risse takes immediacy to consist in. State coercion is immediate because it provides the basis from which individuals' basic rights can be met. 'International organisations can monitor violations or set incentives for states to respect rights,' explains Risse. 'But whether individuals can exercise rights is a function of their immediate environment'.[49] The idea here seems to be that, because state coercion plays such an important role in citizens' lives, it is the only sort of coercion that grounds egalitarian principles. Now, on the face of it, the claim that egalitarian principles are

[47] See John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), pp.71-75.
[48] This distinction is made in Helena de Bres, 'The Many, Not the Few: Pluralism About Global Distributive Justice', *The Journal of Political Philosophy* 20(3), 2012, pp.314-340, at pp.317-318.
[49] Risse, *On Global Justice*, p.27.

only grounded when coercion serves an important function needs more argument. I will outline one way of understanding why this might be the case in sub-section *(iv)*. For the moment, though, we can note that this aspect of immediacy has brought us far away from the proposed disanalogy under consideration. Importance and directness are distinct characteristics. So we can conclude that this disanalogy does not succeed in distinguishing state and international coercion in the way Blake requires. The directness of coercion is not relevant to whether that coercion grounds egalitarian principles or not.

(iii) Vertical vs. Horizontal Coercion

A third disanalogy noted by Blake is the following. He says that state coercion is "vertical coercion": parties (i.e. citizens) are coerced by a single agent, who has authority to do so (the state). The parties all have (or should have) some degree of control over how the coercion is carried out. Global coercion, by contrast, is "horizontal coercion": the parties here (now understood as states) act simultaneously as coercer and coerced, and there is no single, unified agency to which coercive power and authority can be attributed.[50] Because only vertical coercion can ground egalitarian principles, so Blake argues, these principles are still limited to the domestic state.

Of course, horizontal coercion should concern us from the point of view of justice. But its existence does not call for egalitarian principles. Blake notes two ways in which we might respond to an act of coercion.[51] Firstly, we might seek to justify it. In justifying state coercion, which is vertical, we are led to inequality-limiting principles of justice. Secondly, though, we might seek to eliminate it. It is this second response that Blake thinks is appropriate for horizontal coercion, which we find in the international arena: he claims that 'the ideal would not be a particular version of this coercion but rather the absence of that

[50] Blake, 'Coercion and Egalitarian Justice', pp.566-567.
[51] Ibid., p.566; cf. Blake, Distributive Justice, State Coercion , and Autonomy', p.265.

coercion itself'.[52] Because a just world would not involve this coercion, then, it cannot ground egalitarian principles in the same way that the vertical coercion found in states can.

Consider, for example, the coercion that occurs in the WTO. Horizontal coercion undoubtedly occurs between states. During negotiations, richer states press home their bargaining advantage to extract unfair terms of cooperation. As we saw in 6.2*(i)*, the USA has used its power to ensure that agreements require liberalisation only in sectors where it has a competitive advantage. In other cases, richer state have been known to insist on common standards for certain goods traded, not on the basis of the intrinsic merits of the standards themselves, but because they know that developing nations will have a harder time in meeting those standards.[53]

How could we prevent the sort of horizontal coercion that occurs in the WTO? One way of doing so would be to sever international trade relations. But given the enormous costs of reorganising domestic economies so as to be fit for autarky, as well as the potential for enormous benefits – particularly for developing countries – of ongoing international trade, this would not be desirable. Instead, Blake recommends removing the coercive aspects of global practices such as international trade. How could this solution be carried out? According to Blake, we might have to reduce inequalities between nations, since '[t]he greater wealth of the more powerful states is, itself, a source of coercive power'.[54] So Blake now in fact accepts that principles limiting inequality apply globally. But this is different from the argument for egalitarian principles applying to the distribution of benefits that I am proposing in this chapter. That argument claims that reductions in inequality of certain goods are required to justify international coercion. Blake's argument for reducing international inequalities in certain goods rests on the need to eliminate that coercion altogether. For Blake,

[52] Blake, 'Coercion and Egalitarian Justice', p.567.
[53] See Nancy Birdsall & Robert Z. Lawrence 'Deep Integration and Trade Agreements: Good for Developing Countries?', in Inge Kaul, Isabelle Grunberg, & Mark A. Stern (Eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.128-151, at p.140.
[54] Blake, 'Coercion and Egalitarian Justice', p.567.

'[w]e value this material equality...not for its own sake, but because its absence may be incompatible with the democratic self-government demanded by justice'.[55] It is important to see that the two arguments are distinct, and are likely to come to very different recommendations in practice.[56]

I agree with Blake that horizontal coercion occurring in international institutions should indeed be eliminated, and that this may require substantial limits on international inequality.[57] But, at the same time, I think that vertical coercion also occurs in these institutions, and so egalitarian principles are grounded in the need to justify this coercion too. Consider again the WTO. This institution can be viewed as an institution independent and distinct from its member-states. And this institution practices a form of *vertical* coercion, which is distinct from the horizontal coercion that those member-states often practice. Once agreements are reached in the WTO, fair or unfair, they are coercively enforced. Member states are required to abide by the agreements reached or face costly sanctions.

It may be objected, though, that this sort of coercion is not vertical *in the same way* that state coercion is. While the state plays an active role in the coercion of citizens through the law, institutions like the WTO play more of a coordinating role. The WTO itself does not coerce non-complying members; instead it permits the member-states that are harmed to impose trade sanctions on them. Thus while the *coordination* of coercion has a vertical structure, the coercion itself is actually horizontal. But I am not sure that this dichotomy can be sustained. The state itself does not, strictly speaking, coerce citizens; it employs police officers, prison guards, and so on, or even contracts them from the private sector, to enforce

[55] Ibid.
[56] In particular, it seems that one argument would support egalitarian principles while the other would merely support principles requiring reductions in inequality. On the difference between these sorts of principle, see 1.4.
[57] Although it may not even require this. It has been argued, for instance, that well-defined limits on state action would suffice. See David Miller, 'Justice and Global Inequality', in Andrew Hurrell & Ngaire Woods (Eds.), *Inequality, Globalization, and World Politics* (Oxford: Oxford University Press, 1999), pp.187-210, at p.208. On the more general claim that egalitarians should pursue their goals internationally by seeking empowerment of countries rather than simply redistribution, see Miriam Ronzoni, 'The Global Order: A Case of Background Injustice? A Practice-Dependent Account', *Philosophy & Public Affairs* 37(3), pp.229-256.

various aspects of the law. And often it allows private enforcement of courts' rulings on contracts and tort law: individuals can employ private debt collectors to extract the resources that the state says they are owed, for instance. By ruling out horizontal coercion as being able to ground particular distributive principles, then, Blake opens the door to the conclusion that not even state coercion can ground such principles, a conclusion he wants to avoid.

Furthermore, the distinction between horizontal and vertical coercion seems irrelevant to the question of which sorts of coercion give rise to egalitarian principles. Even if we could draw the distinction in a way which placed state coercion in one category and international coercion in the other, it is unclear why only vertical coercion would call for justification in the form of implementing egalitarian principles. If, for instance, a state were to change the way it implemented law, by no longer using police and prisons, but instead coordinating disparate mobs of individuals to coerce those who violated the law, this would seem to make little difference to whether or not egalitarian principles applied.

(iv) Ideal vs. Non-Ideal Coercion

In fact, the disanalogy between state and international coercion based on the horizontal/vertical coercion distinction does not seem to be what is really doing the work in Blake's attempt to limit the applicability of egalitarian principles to the state. More fundamentally, he says, state coercion is "ideal": '[e]ven in ideal theory, most of us would accept the state as a necessary institution, and seek only to determine what would make that state justifiable'.[58] International coercion, on the other hand, does not seem to be necessary in the same way: '[t]he coercion of stronger states is not a necessary part of the institutional makeup of our world; the ideal would not be a particular version of this coercion, but the

[58] Ibid., p.567.

absence of that coercion itself'.[59] The reason why Blake brought in the distinction between horizontal and vertical coercion seems to be that he thought that it mapped onto the more fundamental distinction between ideal and non-ideal coercion: vertical coercion is thought to be ideal while horizontal coercion is thought to be non-ideal. Whether or not this is correct is questionable: the state that coordinates enforcement of the civil law through directing angry mobs I suppose could be viewed as ideal coercion, despite being horizontal. But perhaps this new disanalogy taken by itself can explain why egalitarian principles are only grounded domestically: because domestic coercion is ideal and international coercion is not.

However, I am not sure that only state coercion can be ideal. I argued in chapter 4 that many important global public goods will not be supplied through the voluntary actions of states. I also claimed that, in a number of cases, this warrants the ascription of enforceable obligations to contribute towards these goods on the part of states, even when states have not consented to these. If, as I think is likely, the global public goods of knowledge and trade liberalisation would not be produced (in a sufficiently large quantity) through the voluntary actions of states, non-voluntary enforcement of contributions may be legitimate here. Coercion, in other words *would* form part of our ideal.[60] In any case, it is likely that there will be many more global public goods that we would want to see supplied, yet due to the free-rider problem would not be. Coercion, then, can serve the positive function of ensuring the supply of global public goods, and so form part of our ideal in this sense.[61]

Elsewhere, Blake appears to claim that the *reason* why state coercion is ideal might explain why it grounds egalitarian principles. He writes that 'only the state is both coercive of

[59] Ibid.
[60] Blake has suggested that coercion by the WTO, at least in some form, could be justified in this way. See Michael Blake, *Justice and Foreign Policy* (Oxford: Oxford University Press, 2013), p.124.
[61] Of course, the free-rider problem may re-emerge in attempting to set up the coercion itself: states may attempt to free-ride on the efforts of others in setting up coercive international institutions, resulting in those institutions not being created. But this need not be the case. In chapter 4, we saw how international coercive institutions have been created through assurance contracts, as in the case of the Montreal Protocol. And in other cases, as in the case of the WTO, coercive institutions have come about through a number of historical contingencies: the WTO's predecessor, the GATT, came about in 1946 at least partially as a result of the perceived need to avoid a third world war.

individuals and required for individuals to live autonomous lives'.[62] Similarly, as we saw in sub-section (ii), Risse thinks that state coercion is morally significant because it is necessary to meet the fundamental rights of citizens. Perhaps both could argue that since international coercion, because it does not serve these functions, is not ideal in the correct sense to ground egalitarian principles. Even though coercion by the WTO is necessary to ensure that unilateral trade liberalisation is carried out and knowledge is produced, for instance, this might be thought not to be a sufficiently important reason for allowing the coercion to continue.

However, it may be argued that these global public goods do serve both of the functions appealed to by Blake and Risse. Many economists think that access to foreign markets is an important part of any developmental strategy. If trade liberalisation helps development, then, it might be seen as both necessary for the autonomy of individuals in developing countries and crucial for ensuring that their fundamental rights are met. However, the empirical claim that trade is necessary for development has been disputed. On the other hand, it appears clear that the production of new knowledge for use in developing pharmaceuticals will be necessary to secure the autonomy of many citizens of developing countries. Without access to these, they will face threats to their health that will mean that they cannot live autonomous lives. While I think that there may be many more global public goods that need to rely on coercion for their supply and are necessary for individuals to lead autonomous lives, these two examples will suffice at least to suggest the plausibility of the claim that international coercion is necessary to ensure the autonomy and basic rights of many individuals across the globe. The fourth suggested disanalogy, therefore fails, and I conclude that the need to justify international coercion will ground a principle requiring

[62] Blake, 'Distributive Justice, State Coercion, and Autonomy', p.280.

distribution of the benefits that a number of global public good regimes make possible on the basis of equality.

In this and the previous chapter, I have explored how two features of global public good regimes – their indispensible contribution towards the preconditions of economic production (chapter 5) and the use of coercion in extracting contributions from states (chapter 6) – may affect the principles of justice that govern the distribution of economic goods among countries. This result has implications for how one of my principles of distributive justice for public goods – the feasibility principle – should be understood in the global realm. That principle, recall, said that the costs of essential global public goods should be distributed in whatever way promotes distributive justice in private goods. Since I have argued that distributive justice among states requires certain private goods to be distributed on the basis of equality, the way we implement the globalised feasibility principle in practice will have to take this into account.

More broadly, these two chapters have suggested important implications for the wider debate about global justice. Many theorists who endorse egalitarian principles among citizens hold that such principles are out of place in the global realm. The most common way of arguing for this conclusion is to point to certain features of the state that supposedly ground these principles, and then claim that such features are not present in international institutions. I have looked at two arguments of this sort in the last two chapters, and found them wanting. The relevant features, I have contended are also found in global public good regimes, and so egalitarian principles apply among states as well as within them. What this tells us about the form an acceptable theory of global distributive justice will take is an issue that I will return to in the conclusion.

7. CONCLUSION

7.1 Summary of the Arguments

This thesis has put forward a theory of distributive justice for global public goods. This was for the most part carried out in chapters 2-4. In chapter 2, I outlined and defended two principles of distributive justice for public goods when they are supplied by a state for the benefit of their citizens: the feasibility principle (2.4) and the equal concession principle (2.6). Chapter 3 argued that these principles were global in scope; they apply to global, as well as domestic, public goods. Chapter 4 then claimed that these principles were, at least in some instances, enforceable. We can restate the two principles arrived at here:

> *The Globalised Feasibility Principle:* Global public goods are to be supplied when they are essential. Costs are to be distributed in whatever way best promotes distributive justice in private goods.

> *The Globalised Equal Concession Principle:* If discretionary global public goods are supplied, each individual must make an equal relative sacrifice towards the cost of supplying them.

The globalised feasibility principle makes reference to a theory of distributive justice in private goods: the costs of essential global public goods are to be distributed in whatever way best promotes this, according to the principle. We cannot, therefore, know exactly how these costs should be distributed without first knowing what justice requires in the distribution of private goods among countries. I did not attempt to defend a full theory of global distributive

justice in private goods here. Nonetheless, in chapters 5 and 6, I suggested that, in supplying some of the global public goods that justice requires, we may in turn alter the principles of distributive justice for private goods that apply internationally. In other words, in creating the institutions that one principles of justice requires, we thereby bring other principles of justice into play as a result. Samuel Scheffler, identifying the broader mechanism at work in this sort of case, notes that 'moral norms may require changes in existing institutions and practices, but changes in existing institutions and practices may also create new forms of agency and give rise to a need for new moral norms'.[1]

In these chapters, I pointed out that certain *private* goods rely, as a necessary precondition of their production, on the prior supply of some global public goods. Drawing on some insights from the work of Andrea Sangiovanni and Michael Blake, I then claimed that because of certain features of the regimes that are needed to produce these goods (specifically, their capability of generating reciprocal obligations and their coercive structure), those private goods are required by justice to be distributed among states on an egalitarian basis; member-states of these regimes are owed an share of those goods based on equality. In meeting the requirements of justice to supply global public goods, then, our actions give rise to egalitarian principles of distributive justice in private goods.

Accepting these arguments will lead one to endorse the redistribution of certain goods among countries. I sketched a number of concrete policies that might be implied by this in the two chapters. But this does not translate into a full theory of global distributive justice in private goods; there are still likely to be many private goods whose just distribution is still to be determined. Nonetheless, I believe that my arguments will place limits on the form that an acceptable theory will take. I will return to discuss this in more detail in 7.3. First, though, I need to justify the general approach that this thesis has taken.

[1] Samuel Scheffler, *Equality and Tradition: Questions of Value in Moral and Political Theory* (Oxford: Oxford University Press, 2010), p.169.

7.2. Why Global Public Goods?

My focus has been on global public goods. My arguments suggest that the importance of global public goods for issues of distributive justice is twofold. Firstly, the costs and benefits generated by global public goods raise questions of distributive justice that need to be answered. And, secondly, how we think certain private goods should be shared among countries is affected by the global public good regimes that are and should be in place.

Now philosophers have not been blind to the importance of looking at global public goods, and public goods in general, for both of these reasons. On the one hand, a number of theorists have recently been concerned with how the costs and benefits of certain public goods should be shared among agents. For example, Simon Caney, among others, have recently been engaged in important work in determining what justice requires in the distribution of the costs of preventing climate change,[2] and Jeremy Waldron has made a valuable intervention in US public policy debates in highlighting the potential inequality in *personal* security that arises from governments pursuing policies that provide the public good of *national* security.[3] On the other hand, many theorists discussing what global justice requires in the distribution of *private* goods have claimed that the nature of particular global public good regimes that are in place will affect this. Chris Armstrong, for instance, has argued that maintaining the global public good of culture, which relies on the cooperation of individuals across national borders, generates reciprocal obligations of the same sort that Sangiovanni thought were generated by individuals cooperating in state institutions, and so concluded that egalitarian principles, which Sangiovanni thought were limited in scope to the

[2] For example, in Simon Caney, 'Just Emissions', *Philosophy & Public Affairs* 40(4), 2012, pp.255-300.
[3] Jeremy Waldon, *Torture, Terror, and Trade-Offs: Philosophy for the White House* (Oxford: Oxford University Press, 2010), ch.5.

state, may apply across state borders.[4] Meanwhile, many philosophers have thought that the need to justify the coercion that occurs in the WTO to its member-states grounds egalitarian principles in the same way Blake thought that the need to justify state coercion to its citizens did.[5]

All of these theorists, however, have focused on *particular* (global) public goods. My approach, in contrast, has been to start with the concept of public goods in general, and draw out the implications of their supply, using specific examples only by way of illustration. Why, it may be asked, have I proceeded in this more abstract way? I think that there are three distinct advantages to my approach.

The first is that we can bracket off certain issues that relate to some global public goods, but not others. As I said in the introduction (1.6), I do not discuss how historical responsibility affects what a just distribution of costs and benefits of a global public good is. Many philosophers discussing how to distribute the costs of preventing climate change, for example, have spent much time addressing the issue of how the level of one state's historic emissions should determine how much they can be required to sacrifice in order to prevent or mitigate the effects of climate change.[6] This is an important task in itself. As I said in the introduction, though, attribution of historical responsibility is unlikely to give us a full account of how we should share out those costs. We also need, then, an account of how costs and benefits of global public goods should be distributed when historical responsibility falls out of the picture.

The second advantage is that by showing how egalitarian principles of distributive justice for private goods may be grounded on the relationships found in global public good

[4] Chris Armstrong, 'Coercion, Reciprocity, and Equality Beyond the State', *Journal of Social Philosophy* 40(3), 2009, pp.297-316, at p.309.
[5] Christian Barry & Laura Valentini, 'Egalitarian Challenges to Global Egalitarianism: A Critique', *Review of International Studies* 35, 2009, pp.485-512, at p.495; Kok-Chor Tan, *Justice Without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge: Cambridge University Press, 2004), p.176.
[6] For example, Simon Caney, 'Climate Change and the Duties of the Advantaged', *Critical Review of International Social and Political Philosophy* 13(1), 2010, pp.203-228.

regimes as a whole, and not just particular regimes, the argument for these principles may be stronger. This is because, by demonstrating that the grounds are systematically associated with the supply of global public goods, and not just a contingent feature found in isolated cases, we can refute a number of possible responses to the argument that egalitarian principles apply internationally. Let me illustrate this by way of an example. We saw in chapter 6 that the WTO – a regime that supplies the global public goods of trade liberalisation and knowledge – is coercive in a number of similar ways to the state (see 6.2). Many theorists who have recognised this think it straightforwardly follows that if state coercion grounds egalitarian principles, as Michael Blake thought, so must the coercion carried out by the WTO.[7] But Blake himself has a reply to this. He claims that international coercion is non-ideal, and therefore that it should be eliminated, not justified through egalitarian principles (see 6.3*(iv)*). The critics of Blake, to my knowledge, have not responded to this.[8] But I presented a response in chapter 6 that stressed that the global public goods provided by the WTO – *qua* public goods – were vulnerable to the free rider problem (see 1.2 for a discussion of this). And since, as I argued in chapter 4, the free-rider problem is unlikely to be overcome (in a fair way) by the voluntary actions of states, coercion to ensure that these goods are supplied may be "ideal". Demonstrating that the grounds of egalitarian principles are found systematically in global public good regimes, and not just in this or that particular global public good regime, then, will enable us to anticipate certain responses to the arguments for these principles.

The third advantage is that, by showing how grounds of egalitarian principles might not only be found in particular global public goods, but may instead be found systematically

[7] See the authors cited in fn.5, above.
[8] Indeed, one critic cited in fn.5 has shifted her focus from showing that egalitarian principles apply globally because of the need to justify coercion to the argument that egalitarian principles are in fact grounded as a result of the need to *eliminate* (certain sorts of) coercion. See Laura Valentini, *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press, 2011).

in many of the global public goods that the international community currently supplies, we may come to more determinate conclusions about global justice than we otherwise might. Instead of concluding that egalitarian principles apply to the private goods that this or that global public good regime makes possible, for example, we may be able to make generalisations across global public good regimes, and thereby speculate about the range of goods across which these principles apply. This will give us more of the bigger picture of what global distributive justice requires as a whole (I will have more to say about this below).

There are, then, advantages to focusing on the broad concept of global public goods instead of looking at particular global public good regimes one by one. This is not to say that the work of philosophers who engage in the latter sort of investigation is without merit.[9] Such work can illuminate important issues that are raised in particular contexts, and which may be overlooked by my approach of generalisation. It seems likely that we need both approaches to make progress on determining what global justice requires.

7.3. On Global Justice

Chapters 5 and 6 argued that certain private goods should be distributed among countries on the basis of equality. What does this tell us about the permissibility of global inequalities as a whole? What limits does this place on a plausible theory of global distributive justice? In this section, I will sketch some implications.

A very simplistic way of characterising the debate in political philosophy among egalitarians over what global justice requires is as an argument between two different camps. Those in the statist camp, on the one hand, think that principles of justice (egalitarian or otherwise) are limited in scope to the state. Those in the globalist camp, on the other, think

[9] I have myself engaged in this sort of investigation in 'Language as a Global Public Good', *Res Publica*, 2014, advance online publication.

that all principles are global in scope; there are no principles, on this view, that arise uniquely within the state.

Now it seems that very few theorists have actually held either view in its pure form.[10] Most theorists are instead part of a third camp, endorsing a theory defined in the introduction as internationalism: they think that principles of justice arise in both domestic and global settings, and the two settings give rise to different sorts of principles (see 1.5). Among internationalists, we can place theorists along a spectrum, depending on the degree to which they think principles of international justice resemble principles of domestic justice. Some internationalists think that principles of justice that apply among states are very similar to those that apply within them: only very minor differences can be found. Others think that the principles that apply to the two settings are, on the contrary, fundamentally different; a just distribution within a state would look very different than a just distribution across the globe.

Chapters 5 and 6 of this thesis may be read as an argument pushing internationalists towards the "globalist" end of this spectrum. There I criticised the arguments that two prominent internationalists have put forward for viewing international principles as different both with respect to currency *and* content (i.e. both the goods that the principles recommend a particular distribution of and the way in which they recommend that those goods are distributed), and instead suggested that, even if we accept that these theorists' claims about

[10] One notable instance of the pure statist view is found in Thomas Nagel, 'The Problem of Global Justice', *Philosophy & Public Affairs* 33(2), 2005, pp.113-147. Pure versions of the globalist view are found in Arash Abizadeh, 'Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice', *Philosophy & Public Affairs* 35(4), 2007, pp.318-358; Charles R. Beitz, 'Cosmopolitan Ideals and National Sentiment' *The Journal of Philosophy* 80(10), 1983, pp.591-600; Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005). Caney's view is complicated, however because he thinks that although egalitarian principles are grounded globally on the basis of shared humanity, they may also be grounded within the state through practice-mediated relationships. The grounds of egalitarian principles within the state are thus over-determined. See Simon Caney, 'Humanity, Associations, and Global Justice: In Defence of Humanity Centred Cosmopolitan Egalitarianism', *The Monist* 94(4), 2011, pp.506-534.

the grounds of egalitarian justice, egalitarian principles apply both domestically and internationally.[11]

Yet, even if this is accepted, it is still difficult to say exactly where on this spectrum internationalists should position themselves. My arguments only apply to certain sorts of private goods – those which rely on the supply of global public goods as a necessary precondition of their production. There may be many other private goods which are not like this, and internationalists will need to make up their minds about how these goods should be distributed. Should they be distributed on the basis of equality, in a similar way they think many private goods should be distributed among co-citizens of a state? Or should fundamentally different principles govern the distribution of these goods? A further complicating factor is that determining which private goods are attributable to cooperation in global public good regimes is likely to itself be controversial (see the end of chapter 5 for a discussion of this). Further work is needed, therefore, to determine exactly what global justice requires. Nonetheless, I hope that my arguments have at least suggested certain restrictions that any plausible full theory of global distributive justice must adhere to. Since many states participate in important global public good regimes, citizens of different states are owed a fair return for their participation. We should hold that international inequality in at least a sub-set of private goods is unjust. I believe that accepting this conclusion will have far-reaching implications for how we assess the current global order.

In closing, I will offer a few comments on further work that needs to be done to arrive at a full specification of global justice. Traditionally, philosophers have taken the primary

[11] I have accepted both Sangiovanni and Blake's premises about the grounds of egalitarian justice, and attempted to offer a plausible reconstruction of their views in 5.2 and 6.1 respectively. Of course, each theorist rejects the other's premise about the grounds of justice: they both think that their ground is the only one capable of generating egalitarian principles. For Sangiovanni's argument against other grounds, see Andrea Sangiovanni, 'On the Irrelevance of Coercion, Imposition, and Framing to Distributive Justice', *Philosophy & Public Affairs* 40(2), 2013, pp.79-110. Implicit in my argument is the idea that there is no unique ground of egalitarian justice: egalitarian principles may be generated by the existence of reciprocity *or* coercion. We do not have to choose among grounds. Arguments for this conclusion have been put forward in David Miller, 'Justice and Boundaries' *Philosophy, Politics & Economics* 8(3), 2009, pp.291-309; Mathias Risse, *On Global Justice* (Princeton: Princeton University Press, 2012), ch.2.

"site" of justice – the practices to which principles of justice apply in the first instance – to be the basic structure of the state.[12] I have argued in this thesis that global public good regimes should also be treated as sites of justice: principles of justice require reforming the institutions to ensure that the public goods that they generate and the private goods that they make possible are distributed according to certain principles.[13] We cannot simply let the benefits created by these institutions lie where they happen to fall, as is often done in existing global public good regimes. This suggests that there may be many other sites of justice in the global realm, and we may need to develop principles of distributive justice for these institutions as well. To what extent, for instance, do the UN, the EU or international legal institutions create benefits and burdens that justice requires a particular distribution of? Developing a full theory of global justice will await an answer to this.

I have been discussing relationalist grounds of egalitarian justice, but nothing I have said denies the possibility that egalitarian principles of distributive justice are (also) non-relational. Those who think that egalitarian principles of distributive justice apply irrespective of the practice-mediated relationships that individuals share, I suggested in the introduction, will in general be globalists. They will think that, if principles of justice apply at all, they apply on a global scale.

Does my argument have nothing to say to the globalist? If she takes the scope of justice to be global even before investigating the nature of the relationships between individuals across the globe, why would we need to engage in the later enterprise? While it is true that my arguments for international egalitarian principles would not affect her substantive conclusions if accepted, they may nonetheless be of importance. Simon Caney

[12] See John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), lecture VII. For the argument that personal decisions should also be included in the site of justice, see G.A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008), ch.3.

[13] A similar conclusion is reached in Amartya Sen, 'Global Justice: Beyond International Equity', in Inge Kaul, Isabelle Grunberg & Mark A. Stern (Eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.116-125.

has recently argued that many theorists who have proposed relational grounds of egalitarian justice have thus far shown that the relationships that they take to be salient are *sufficient*, but not *necessary*, to ground egalitarian principles. The argument that non-relational grounds are also sufficient remains untouched. Caney also argues that in cases when there are both relational and non-relational grounds for egalitarian principles present, unjust inequality may be worse that if only one ground were.[14] Thus, my arguments that relational grounds of egalitarian justice are present beyond state borders may lead non-relationalists to hold that certain international inequalities (which they primarily condemn on non-relational grounds) are worse for that reason. The importance of removing these inequalities may be greater.

But my arguments of chapters 5 and 6 are primarily directed towards relationalists. Often relationalists do not view international inequality itself as unjust, *qua* inequality. I have suggested that certain inequalities are, on the contrary, objectionable at the bar of justice. This does not provide a full theory of justice, as I said above. But it at least shows, I think, that theories that hold that the principles of justice for the state and principles of justice for the international community are wholly disparate are implausible as sites of justice resembling the state in important ways, like global public good regimes, become a more pervasive part of international relations. As states become more reliant on each other's participation in these institutions in the future, such a view may become even more implausible still.

[14] Caney, 'Humanity, Associations, and Global Justice'.

BIBLIOGRAPHY

Abizadeh, Arash, 'Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice', *Philosophy & Public Affairs* 35(4), 2007, pp.318-358

Albin, Cecilia, *Justice and Fairness in International Negotiation* (Cambridge: Cambridge University Press, 2001)

Annan, Kofi A., *We the Peoples: The Role of the United Nations in the 21st Century* (New York: United Nations Department of Public Information, 2000)

Anderson, Scott A., 'How Did There Come to be Two Kinds of Coercion?' in David A. Reidy& Walter J. Riker (Eds.) *Coercion and the State* (New York: Springer, 2008), pp.17-29

Andreoni, James, 'Giving with Impure Altruism: Applications to Charity and Ricardian Equivalence', *The Journal of Political Economy* 97(6), 1989, pp.1447-1458

Aristotle, *Nichomachean Ethics*, Trans. & Ed. Roger Crisp (Cambridge: Cambridge University Press, 2000)

Armstrong, Chris, 'Coercion, Reciprocity, and Equality Beyond the State', *Journal of Social Philosophy* 40(3), 2009, pp.297-316

Arneson, Richard J. 'The Principle of Fairness and Free-Rider Problems', *Ethics* 92(4), 1982, pp.616-633

Arneson, Richard J., 'Equality and Equal Opportunity for Welfare', *Philosophical Studies* 56(1), 1989, pp.77-93

Arneson, Richard J., 'Egalitarianism and the Undeserving Poor' *The Journal of Political Philosophy* 5(4), 1997, pp.327-350

Barrett, Scott, *Why Cooperate? The Incentive to Supply Global Public Goods* (Oxford: Oxford University Press, 2007)

Barry, Christian & Laura Valentini, 'Egalitarian Challenges to Global Egalitarianism: A Critique' *Review of International Studies* 35, 2009, pp.485-512

Becker, Lawrence C., *Reciprocity* (London: Routledge, 1986)

Beitz, Charles R. *Political Theory and International Relations* (Oxford: Princeton University Press, 1979)

Beitz, Charles R., 'Cosmopolitan Ideals and National Sentiment' *The Journal of Philosophy* 80(10), 1983, pp.591-600

Birdsall, Nancy & Robert Z. Lawrence 'Deep Integration and Trade Agreements: Good for Developing Countries?', in Inge Kaul, Isabelle Grunberg, & Mark A. Stern (Eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.128-151

Bishop, Richard C., & Thomas A. Heberlein, 'Measuring Extramarket Goods: Are Indirect Measures Biased?' *American Journal of Agricultural Economics* 61(5), 1979, pp.926-930

Blake, Michael, 'Distributive Justice, State Coercion, and Autonomy' *Philosophy & Public Affairs* 30(3), 2001, pp.257-296

Blake, Michael, 'Coercion and Egalitarian Justice', *The Monist* 94(4), 2011, pp.555-570

Blake, Michael, *Justice and Foreign Policy* (Oxford: Oxford University Press, 2013)

Boseley, Sarah, 'WHO Calls for Urgent Action to Preserve Power of Antibiotics and Make New Ones', *The Guardian*, 30th April 2014

Buchanan, Allen, 'Justice and Charity', *Ethics* 97(3), 1987, pp.558-575

Bunn, Michael, *Securing the Bomb 2010* (Cambridge, MA & Washington DC: Project on Managing the Atom, Harvard University and Nuclear Threat Initiative, 2010)

Caney, Simon, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005)

Caney, Simon, 'Global Distributive Justice and the State', *Political Studies* 56(3), 2008, pp.487-518

Caney, Simon, 'Climate Change and the Duties of the Advantaged', *Critical Review of International Social and Political Philosophy* 13(1), 2010, pp.203-228

Caney, Simon, 'Humanity, Associations, and Global Justice: In Defence of Humanity-Centred Cosmopolitan Egalitarianism', *The Monist* 94(4), 2011, pp.506-534

Caney, Simon, 'Just Emissions', *Philosophy & Public Affairs* 40(4), 2012, pp.255-300

Carr, Craig L., 'Coercion and Freedom', *American Philosophical Quarterly* 25(1), 1988, pp.59-67

Casal, Paula, 'Environmentalism, Procreation, and the Principle of Fairness', *Public Affairs Quarterly* 13(4), pp.363-376

Cavallero, Eric, 'Coercion, Inequality, and the International Property Regime', *Journal of Political Philosophy* 18(1), 2010, pp.16-31

Christensen, James, 'Practice-Dependence, Trade, and Equality: A Review of Aaron James's *Fairness in Practice: A Social Contract for a Global Economy*', *Raisons Politiques* 51, 2013, pp.155-166

Coase, R.H. 'The Lighthouse in Economics', *The Journal of Law and Economics* 17(2), 1974, pp.357-376

Cohen, G.A., 'On the Currency of Egalitarian Justice', Ethics 99(4), 1989, pp.906-944

Cohen, G.A., 'Expensive Taste Rides Again', in J. Burley (ed.) *Dworkin and his Critics: With Replies by Dworkin* (Oxford: Blackwell, 2004), pp.3-29

Cohen, G.A., *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008)

Cohen, G.A., 'Equality of What? On Welfare, Goods, and Capabilities', in Michael Otsuka (Ed.) *On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy* (Princeton: Princeton University Press, 2011), pp.44-60

Cohen, Marshall, 'Moral Skepticism and International Relations' in Charles R. Beitz et al. (eds.), *International Ethics* (Princeton: Princeton University Press, 1985), pp.3-50

Correa, Carlos M., 'Managing the Provision of Knowledge: The Design of Intellectual Property Laws', in Inge Kaul, Pedro *Conceição*, Katell Le Goulven & Ronald U. Mendoza (Eds.), *Providing Global Public Goods: Managing Globalisation* (Oxford: Oxford University Press, 2003), pp.410-430

Cullity, Garrett, 'Moral Free Riding', *Philosophy & Public Affairs* 24(1), 1995, pp.3-34

De Bres, Helena, 'The Many Not The Few: Pluralism About Global Distributive Justice', *The Journal of Political Philosophy* 20(3), 2012, pp.314-340

de Jasay, Anthony, *Social Contract, Free Ride: A Study of the Public Goods Problem* (Oxford: Oxford University Press, 1989)

Dietz, Thomas, Elinor Ostrom & Paul Stern, 'The Struggle to Govern the Commons', *Science* 302(5652), 2003, pp.1907-1912

Dworkin, Ronald, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000)

Dworkin, Ronald, 'A New Philosophy for International Law', *Philosophy & Public Affairs* 41(1), 2013, pp.2-30

Emran, M. Shahe & Joseph E. Stiglitz, 'On Selective Indirect Tax Reform in Developing Countries', *Journal of Public Economics* 89, 2004, pp.599-623

Estlund, David, 'Human Nature and the Limits (If Any) of Political Philosophy', *Philosophy & Public Affairs* 39(3), 2011, pp.207-237

Frederking, Brian, *The United States and the Security Council: Collective Security Since the Cold War* (Abingdon: Routledge, 2007)

Freeman, Samuel, *Justice and the Social Contract: Essays on Rawlsian Political Philosophy* (Oxford: Oxford University Press, 2007)

Gardiner, Stephen M., *A Perfect Moral Storm: The Ethical Tragedy of Climate Change* (Oxford: Oxford University Press, 2011)

Gauthier, David P., *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford: Oxford University Press, 1969)

Gauthier, David, *Morals by Agreement* (Oxford: Oxford University Press, 1986)

Gemenne, François, 'Why the Numbers Don't Add Up: A Review of Estimates and Predictions of People Displaced by Environmental Changes', *Global Environmental Change* 21(1), 2011, pp.41-49

Goldman, Alvin I., 'Why Citizens Should Vote: A Causal Responsibility Approach', *Social Philosophy & Policy* 16(2), 1999, pp.201-217

Haneman, W. Michael 'Willingness To Pay and Willingness To Accept: How Much Can They Differ?' *The American Economic Review* 81(1), 1991, pp.635-647

Hart, H.L.A., 'Are there any Natural Rights?' *The Philosophical Review* 64(2), 1955, pp.175-191

Held, Virginia, 'Can a Random Collection of Individuals Be Morally Responsible?', *The Journal of Philosophy* 67(14), 1970, pp.471-481

Hobbes, Thomas, *Leviathan*, Ed. John Plamenatz, (London: Cox & Wyman Ltd., 1962 [1651])

Horton, John, *Political Obligation* (London: MacMillan, 1992)

Intergovernmental Panel on Climate Change, *Climate Change 2014: Impacts, Adaption, and Vulnerability* (summary for policymakers) (IPCC, 2014)

International Institute for Sustainable Development, 'Climate Change and Competitiveness: A Survey of the Issues' (London: ISDD, 2005)

James, Aaron, 'Constructing Justice for Existing Practice: Rawls and the Status Quo' *Philosophy & Public Affairs* 33(3), 2005, pp.281-316

James, Aaron, "Distributive Justice without Sovereign Rule: The Case of Trade" *Social Theory and Practice* 31(4), 2005, pp.533-559

James, Aaron, *Fairness in Practice: A Social Contract for a Global Economy* (Oxford: Oxford University Press, 2012)

James, Aaron, 'Why Practices?'*Raisons Politiques* 51, 2013, pp.43-61

Julius, A.J., 'Basic Structure and the Value of Equality', *Philosophy & Public Affairs* 31(4), 2003, pp.321-355

Julius, A.J., 'Nagel's Atlas', *Philosophy & Public Affairs* 34(2), 2006, pp.176-192

Kahneman, Daniel & Jack L. Knetsch, 'Valuing Public Goods: The Purchase of Moral Satisfaction', *Journal of Environmental Economics and Management* 22, 1992, pp.57-70

Kant, Immanuel, *The Metaphysics of Morals*, Ed. & Trans. Mary Gregor (Cambridge: Cambridge University Press, 1996[1797])

Kapstein, Ethan B., 'Resolving the Regulator's Dilemma: International Coordination of Banking Regulation' *International Organization* 43(2), 1989, pp.323-347

Kaul, Inge Isabelle Grunberg & Mark A. Stern, 'Defining Global Public Goods' in their (Eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.2-19

Kindleberger, Charles P., 'International Public Goods Without International Government *The American Economic Review* 76(1), 1986, 1-13

Klosko, George, 'Political Obligation and Gratitude', *Philosophy & Public Affairs* 18(4), 1989, pp.352-358

Klosko, George, 'Four Arguments Against Political Obligations from Gratitude', *Public Affairs Quarterly* 5(1), 1991, pp.33-48

Klosko, George, *The Principle of Fairness and Political Obligation* (Lanham: Rowman& Littlefield, 1992)

Klosko, George, 'Fixed Content of Political Obligations', *Political Studies* 46(1), 1998, pp.53-67

Klosko, George, *Political Obligations* (Oxford: Oxford University Press, 2005)

Klosko, George, 'Fairness Obligations and Non-Acceptance of Benefits', *Political Studies* 62(1), 2014, pp.159-171

Knowles, Dudley, *Political Obligation: A Critical Introduction* (Abingdon: Routledge, 2010)

Kymlicka, Will, *Contemporary Political Philosophy: An Introduction* (Oxford: Oxford University Press, 1990)

Lanjouw, Jean & Ian Cockburn, 'New Pills for Poor People? Empirical Evidence from the GATT', *World Development* 29(2), 2001, pp.265-289

LeGrand, Julian, *The Strategy of Equality: Redistribution and the Social Services* (George Allen and Unwin, London, 1982)

Ligang, Liu 'Impact of the Global Financial Crisis on China: Empirical Evidence and Policy Implications', *China & World Economy* 17(6), 2009, pp.1-23

Light, Andrew 'Public Goods, Future Generations and Environmental Protection', in Anatole Anton, Milton Fisk & Nancy Holmstrom (Eds.) *Not for Sale: In Defense of Public Goods*, 209-225. (Boulder: Westview Press, 2000), pp.209-225

Locke, John, *Second Treatise of Government*, in Peter Laslett (Ed.), *Two Treatises of Government* (Cambridge, Cambridge University Press, 1970[1689]), p.365

MacIntyre, Alasdair, *After Virtue: A Study in Moral Theory* (London: Duckworth, 1981)

Mang, Franz Fan-lun, 'Liberal Neutrality and Moderate Perfectionism', *Res Publica*19(4), 2013, pp.297-315

Mapel, David R., 'Fairness, Political Obligation, and Benefits Across Borders', *Polity* 37(4), 2005, pp.426-442

Martin, Lisa L., 'The Political Economy of International Cooperation', in Inge Kaul, Isabelle Grunberg, & Mark A. Stern (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.51-64

McDermott, Daniel, 'Fair-Play Obligations', *Political Studies* 52, 2004, pp.216-232

Meckled-Garcia, Saladin, 'On the Very Idea of Cosmopolitan Justice: Constructivism and International Agency', *Journal of Political Philosophy* 16(3), 2008, pp.245-271

Mendez, Ruben P., 'Peace as a Global Public Good', in Inge Kaul, Isabelle Grunberg & Mark A. Stern (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.382-416

Mendoza, Ronald U., 'The Multilateral Trade Regime: A Global Public Good for All?', in Inge Kaul, Pedro *Conceição*, Katell Le Goulven & Ronald U. Mendoza (Eds.), *Providing Global Public Goods: Managing Globalisation* (Oxford: Oxford University Press, 2003), pp.455-483

Miller, David, 'In What Sense Must Socialism Be Communitarian?', *Social Philosophy & Policy* 6(2), 1989, pp.51-73

Miller, David, 'Public Goods Without the State', *Critical Review* 7(4), 1993, pp.505-523

Miller, David, *On Nationality* (Oxford: Oxford University Press, 1995),

Miller, David, *Principles of Social Justice* (Cambridge, MA: Harvard University Press, 1999)

Miller, David, 'Justice and Global Inequality', in Andrew Hurrell & Ngaire Woods (Eds.), *Inequality, Globalization, and World Politics* (Oxford: Oxford University Press, 1999), pp.187-210

Miller, David, 'Two Ways to Think About Justice' *Politics, Philosophy & Economics* 1(1), 2002, pp.5-28

Miller, David, 'Justice, Democracy and Public Goods', in Keith Dowding, Robert E. Goodin & Carole Pateman (eds.), *Justice and Democracy: Essays for Brian Barry* (Cambridge: Cambridge University Press, 2004), pp.127-149

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

Miller, David, 'Global Justice and Climate Change: How Should Responsibilities be Distributed?', *The Tanner Lectures on Human Value* (Beijing, 2008)

Miller, David, 'Justice and Boundaries' *Philosophy, Politics & Economics* 8(3), 2009, pp.291-309

Miller, David & Isaac Taylor, 'Public Goods and Distributive Justice', in Serena Olsaretti (Ed.) *The Oxford Handbook of Distributive Justice* (Oxford: Oxford University Press, forthcoming)

Miller, Richard W., *Globalizing Justice: The Ethics of Poverty and Power* (Oxford: Oxford University Press, 2010)

Moore, Michael S., *Causation and Responsibility: An Essay in Law, Morals, and Metaphysics* (Oxford: Oxford University Press, 2009)

Munoz-Darde, Veronique, 'In the Face of Austerity: The Puzzle of Museums and Universities', *The Journal of Political Philosophy* 21(2), 2013, pp.221-242

Murphy, Liam & Thomas Nagel, *The Myth of Ownership: Taxes and Justice* (Oxford: Oxford University Press, 2002)

Nagel, Thomas, 'The Problem of Global Justice' *Philosophy & Public Affairs* 33(2), 2005, pp.113-147

National Institute for Health and Care Excellence, 'Guide to the Methods of Technology Appraisal 2013', 2013, available online at http://www.nice.org.uk/article/PMG9/chapter/6-The-appraisal-of-the-evidence-and-structured-decision-making#decision-making, site accessed 03/09/14.

Niskanen, William A. *Bureaucracy and Public Economics* (Aldershot: Elgar, 1994)

No Author, 'Canada Pulls out of Kyoto Protocol', *The Guardian*, 13th December 2011

No Author, 'Collective Insecurity', *The Economist* 411(8887), 2014, p.14

Nozick, Robert, 'Coercion', in Sidney Morgenbesser, Patrick Suppes & Morton White (Eds.) *Philosophy, Science and Method: Essays in Honour of Ernest Nagel* (New York: St. Martin's Press, 1969), pp.440-472

Nozick, Robert, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974)

Olsaretti, Serena 'Children as Public Goods?', *Philosophy & Public Affairs* 41(3), 2013, pp.226-258

Olson, Mancur, *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, MA: Harvard University Press, 1965)

O'Neill, John, 'The Varieties of Intrinsic Value', *The Monist* 75(2), 1992, pp.119-137

Orbell, J.M. A.J.C. van de Kragt & R.M. Dawes, 'Explaining Discussion-Induced Cooperation', *Journal of Personality and Social Psychology* 54(5), 1988, pp.811-819

Patten, Allen, 'Liberal Neutrality: A Reinterpretation and Defense', *The Journal of Political Philosophy* 20(3), 2012, pp.249-272

Pearce, David, Anil Markandya & Edward C. Barbier, *Blueprint for a Green Economy* (London: Earthscan Publications, 1989)

Pearce, David, *Economic Values and the Natural World* (London: Earthscan Publications, 1993), pp.22-23

Pogge, Thomas, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, 2nd ed., (Cambridge: Polity Press, 2008)

Rao, J. Mohan, 'Equity in a Global Public Goods Framework', in Kaul, Inge; Grunberg, Isabelle & Stern, Mark A. (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (Oxford: Oxford University Press, 1999), pp.68-87

Rawls, John, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971)

Rawls, John, *Political Liberalism* (New York: Columbia University Press, 1993)

Rawls, John, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999)

Rawls, John, 'Legal Obligation and the Duty of Fair Play', in Samuel Freeman (Ed.) *Collected Papers* (Cambridge, MA: Harvard University Press, 1999), pp.117-129

Rawls, John, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001)

Raz, Joseph, *The Morality of Freedom* (Oxford: Clarendon Press, 1986)

Risse, Mathias, *On Global Justice* (Princeton: Princeton University Press, 2012)

Ronzoni, Miriam, 'The Global Order: A Case of Background Injustice? A Practice-Dependent Account', *Philosophy & Public Affairs* 37(3), pp.229-256

Sangiovanni, Andrea, 'Global Justice, Reciprocity, and the State' *Philosophy & Public Affairs* 35(1), 2007, pp.3-39

Sangiovanni, Andrea, 'Justice and the Priority of Politics to Morality' *The Journal of Political Philosophy* 16(2), 2008, pp.137-164

Sangiovanni, Andrea, 'Solidarity in the European Union: Problems and Prospects', in Julie Dickson & Pavlos Eleftheriades (Eds.) *Philosophical Foundations of European Law* (Oxford: Oxford University Press, 2012), pp.385-411

Sangiovanni, Andrea, 'Solidarity in the European Union', *Oxford Journal of Legal Studies* 33(2), 2013, pp.213-241

Sangiovanni, Andrea, 'On the Irrelevance of Coercion, Imposition, and Framing to Distributive Justice', *Philosophy & Public Affairs* 40(2), 2013, pp.79-110

Scanlon, T.M. *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998)

Scheffler, Samuel, *Equality and Tradition: Questions of Value in Moral and Political Theory* (Oxford: Oxford University Press, 2010)

Schelling, Thomas C., *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960)

Schmidtz, David, *The Limits of Government: An Essay on the Public Goods Argument* (Boulder: Westview, 1991)

Schmidtz, David, *Elements of Justice* (Cambridge: Cambridge University Press, 2006)

Sen, Amartya, 'Equality of What?', *The Tanner Lectures on Human Values* (Stanford, 1979)

Sen, Amartya, 'Global Justice: Beyond International Equity', in Inge Kaul, Isabelle Grunberg & Mark A. Stern (Eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.116-125

Simmons, A. John, *Moral Principles and Political Obligations* (Princeton: Princeton University Press, 1979)

Simmons, A. John, *Justification and Legitimacy: Essays on Rights and Obligations* (Cambridge: Cambridge University Press, 2001)

Stiglitz, Joseph, 'Knowledge as a Global Public Good', in Kaul, Inge; Grunberg, Isabelle & Stern, Mark A. (Eds.), *Global Public Goods: International Cooperation in the 21st Century* (New York: Oxford University Press, 1999), pp.308-325

Stiglitz, Joseph E. & Andrew Charlton, *Fair Trade for All: How Trade Can Promote Development* (Oxford: Oxford University Press, 2005)

Sylvan, Richard, 'Is There a Need for a New, an Environmental Ethic?', in Andrew Light & Holmes Rolston III (Eds.), *Environmental Ethics: An Anthology* (Malden: Blackwell), pp.47-52

Tan, Kok-Chor, *Justice Without Borders: Cosmopolitanism, Nationalism, and Patriotism* (Cambridge: Cambridge University Press, 2004)

Taylor, Isaac, 'Practices, Institutions, and Global Public Good Regimes', *Raisons Politiques* 51, 2013, pp.121-135

Taylor, Isaac, 'Language as a Global Public Good', *Res Publica*, 2014, advance online publication

Taylor, Michael *The Possibility of Cooperation* (Cambridge: Cambridge University Press, 1987)

Tuck, Richard, *Free Riding* (Cambridge, MA: Harvard University Press, 2008)

United Nations, 'Montreal Protocol on Substances that Deplete the Ozone Layer', (UNEP, 1987)

United Nations, 'Report of the Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer' (UNEP, 1992)

United Nations, *Kyoto Protocol to the United Nations Framework Convention on Climate Change* (Kyoto: UNEP/WMO, 1997)

United Nations, 'Status of Ratification of the Montreal Protocol and the Vienna Convention', available at http://ozone.unep.org/new_site/en/treaty_ratification_status.php, site accessed 08/08/2014

Valentini, Laura, 'Global Justice and Practice-Dependence: Conventionalism, Institutionalism, Functionalism', *The Journal of Political Philosophy* 19(4), 2010, pp.399-418

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

Vallentyne, Peter, 'Nozick's Libertarian Theory of Justice' in Ralf Bader & John Meadowcroft (Eds.) *The Cambridge Companion to Nozick's Anarchy, State, and Utopia* (Cambridge: Cambridge University Press, 2011), pp.145-167

Waldron, Jeremy, *Liberal Rights: Collected Papers 1981-1991* (Cambridge: Cambridge University Press, 1993)

Waldron, Jeremy, 'Special Ties and Natural Duties', *Philosophy & Public Affairs* 22(1), 1993, pp.3-30

Waldon, Jeremy, *Torture, Terror, and Trade-Offs: Philosophy for the White House* (Oxford: Oxford University Press, 2010)

Walker, A.D.M., 'Obligations of Gratitude and Political Obligation', *Philosophy & Public Affairs* 18(4), 1989, pp.359-364

Walzer, Michael, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Blackwell, 1983)

Wenar, Leif, 'Property Rights and the Resource Curse', *Philosophy & Public Affairs* 36(1), 2008, pp.2-32

White, Stuart *The Civic Minimum: On the Rights and Obligations of Economic Citizenship* (Oxford: Oxford University Press, 2003)

Wolff, Jonathan, 'Political Obligation, Fairness, and Independence', *Ratio (New Series)* 8(1), 1995, pp.87-99

Wolff, Jonathan 'Rational, Fair, and Reasonable', *Utilitas* 8(3), 1996, pp.263-271

Wolff, Jonathan, 'Political Obligation: A Pluralistic Approach', in Maria Baghramain & Attracta Ingram (Eds.) *Pluralism: The Philosophy and Politics of Diversity* (London: Routledge, 2000), pp.179-196

World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987)

World Health Organization, 'Climate Change and Health', fact sheet no.266, 2013, available online at http://www.who.int/mediacentre/factsheets/fs266/en/. Site accessed 11/04/14

World Health Organisation, *Antimicrobial Resistance: Global Report on Surveillance* (Geneva: World Health Organisation, 2014)

World Trade Organisation, *The Text of the General Agreement on Tariffs and Trade* (Geneva: WTO, 1986)

World Trade Organisation, *Agreement on Trade-Related Aspects of Intellectual Property Rights* (WTO, 1994)

Zacher, Mark W., 'Global Epidemiological Surveillance: International Cooperation to Monitor Infectious Diseases', in Inge Kaul, Isabelle Grunberg & Mark A. Stern (Eds.) *Global Public Goods: International Cooperation in the 21st Century* (Oxford: Oxford University Press, 1999), pp.266-283

Zimmerman, David, 'Coercive Wage Offers', *Philosophy and Public Affairs*, 10(2), 1981, pp.121–145