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ON GILLIAN BROCK'S *GLOBAL JUSTICE: A COSMOPOLITAN ACCOUNT*

BROCK'S COSMOPOLITANISM: SENSIBLE BUT INCOMPLETE

– Bruce M. Landesman –

Political philosophers of an egalitarian bent have been engaged in a debate between two views of global justice. One, simplistically stated, holds that egalitarian justice is fundamentally a domestic requirement. Societies need to promote an egalitarian-type¹ distribution of the goods of life among fellow members of their society, but they do not have similar obligations to members of other societies. This view, often called liberal nationalism, is an “associationist” account of distributive justice in that it limits the scope of egalitarian justice to fellow members of an association, one’s own society. The other view demands an egalitarian distribution of goods among all human beings regardless of their location. On this view, cosmopolitanism, the scope of egalitarian justice is not limited to fellow citizens, but is universal. Many, but not all cosmopolitans, base their view on the common humanity of all human beings.²

In *Global Justice* Gillian Brock defends cosmopolitanism.³ Her book has many virtues, of which I will mention three. First, she not only considers the theoretical question of what global justice requires, but she develops thoughtful practical proposals about how to bring about change. This is a refreshing contribution to a debate that has largely been theoretical. Among other things, she discusses, in some detail, changes in tax policy, the importance of freedom of speech and the press for protecting rights to liberty, immigration, humanitarian intervention, and democratic possibilities for forms of international governance. Second, she covers a great many issues, providing interesting and succinct arguments both for the views she accepts and those she rejects. Third, she writes comprehensively and clearly; her work should interest ordinary readers as well as academic theorists. It makes an excellent text for undergraduate courses in global justice.

¹ Philosophers who consider themselves egalitarians differ about the proper idea of what an egalitarian distribution is. All allow some inequality, but for different reasons. I avoid these issues here.

² Moellendorf [2002] defends a cosmopolitan view on associationist grounds. Because of globalization, all humans are now members, in his view, of the appropriate kind of association.

³ Brock [2009]. All page numbers in parentheses refer to quotations from this book.

Since I cannot cover everything in the book, I will focus on four issues central to her account: i) her basic arguments for the cosmopolitan view; ii) her discussion of reciprocity as a ground, insufficient in her opinion, for the liberal nationalist view; iii) the justifiability of giving preference to the interests of members of one's own society over the interests, even the more urgent interests, of non-citizens; and iv) whether her cosmopolitan theory differs as much as she believes it does from the liberal nationalist theory she rejects. In each case I find much of what she says interesting but problematic.

1. Brock's Cosmopolitan 'Principle'

A. Before discussing Brock's cosmopolitan principle, I will make two important background points. The first is that both cosmopolitans and liberal nationalists believe in moral equality, in the idea that all people matter, have the same inherent worth. As Brock puts it, "every person has global stature as the ultimate unit of moral concern" (3). Liberal nationalist might not want to use the phrase "global" stature, but they are committed to the same idea, that all persons matter, that all are equal in their 'intrinsic' value.⁴

Second, while egalitarian liberal nationalists deny that we have duties of distributive justice to those outside our society, they also tend to believe that well off people and nations have an obligation to help poor people around the world escape poverty and have the legally protected ability to exercise basic rights. This is not, however, conceived as an obligation of distributive justice, however, but as a matter of humanitarian concern.⁵ We might call it a humanitarian obligation or an obligation of humanitarian justice, rather than distributive justice. It's a *non-comparative* obligation, an obligation to help people reach a certain level of well-being, independent of where others are. Obligations of egalitarian distributive justice on the other hand are *comparative* obligations that deal with whether what people have satisfies equality (which, as noted, may be interpreted in different ways) in relation to what others have.

Liberal nationalists, then, are not unconcerned about people outside their society. They have obligations to help outsiders, perhaps best expressed by John Rawls's idea that members of well off states have "a duty to assist other peoples

⁴ Blake [2002].

⁵ Nagel [2005]; Miller [2001]; Blake [2002]. For the use of this distinction by a cosmopolitan, see Tan [2008].

living under unfavorable conditions that prevent their having a just or decent political and social regime.”⁶

B. I now turn to Brock's conception of cosmopolitanism and her argument for it.

She appeals to a Rawlsian hypothetical social contract according to which principles of justice are valid if they could be accepted by rational and unbiased people under conditions suited for choosing such principles. Brock imagines that all the individuals in the world, or their representatives, convene with the intention of reaching unanimous agreement on the principles of global justice that they will live under. The representatives, as in Rawls's original position, are equal, rational, self-interested and unbiased. Their lack of bias is produced by the absence of knowledge of their actual circumstances, which are cloaked under a “veil of ignorance.”⁷

Brock denies the view, put forward by Darrel Moellendorf and others, that they would agree to a global Difference Principle⁸ that allows inequalities only if they make the worst off persons as well off as possible. Instead she argues for a more detailed account of what people would agree to. They would opt for a package of items that are meant to ensure that each person is “adequately positioned to enjoy the prospects for a decent life” (52). These will include access to the material resources needed for living decently, but also the freedom to live one's their life in the way one finds most congenial. The latter, a right to liberty, will require the freedom to evaluate and revise one's values, freedom of dissent, freedom of speech and conscience, and freedom to exit one's society. They would also agree on protections against coercion, assault, torture, and arbitrary imprisonment. They would want to make sure the disabled and dependent can meet their needs. Finally, they would choose to retain the nation-state as the main form of governance. The main reason for this is a practical one, that as the world now exists, existing governments “have primary authority to underwrite people's abilities to meet their needs, and protect their freedoms” (52). People are, however, also open to trans-national forms of governance (but opposed to a world government). They would also want to make sure that any collective arrangements they participate in guarantee “a fair distribution of benefits and burdens in collective endeavors” (53).

This is a rather diverse list and I doubt that Brock sees it as complete. The key idea, as I read it, is that people would want access to a level of resources, both

⁶ Rawls [1999] p. 37.

⁷ Rawls [1971]. See especially Sections 4, 21, 22, 25 and 25.

⁸ Moellendorf [2002] p.17; Pogge [1989] Ch. 6.

material and institutional, that give them a genuine opportunity to lead decent human lives. They want to be guaranteed a certain 'floor' of well-being and the achievement of this has many aspects⁹.

My first problem with this is defining the floor. We can imagine three crude possibilities. One could have a very low floor, which simply provides subsistence living and basic rights for oneself and one's family. One could instead imagine a higher floor that provides people with resources that enable them to develop their talents and follow their interests. One can also imagine an even higher floor that enables people to have much more than they need for subsistence and rights and very high levels of opportunity.

In each case, a certain floor could be associated with a various levels of assurance that one can maintain that level. Some people, for example, have enough not only to provide for subsistence but also for fulfillment, but are one incident away from falling into dire poverty. They live reasonably well but "from pay check to pay check." This is a special problem in countries like the United States which do not guarantee a right to health care.¹⁰

Where is Brock's floor? I suspect it's the second, something more robust than subsistence, including serious opportunities for self-fulfillment. However, when she introduces the topic she has her delegates considering what "we consider the *minimum* set of protections and entitlements we could reasonably be prepared to tolerate... the minimum reasonable lot for people to agree to... policies that do not have unbearable effects on people" (50).

As I noted earlier, Brock calls this a decent life. I am, however, unclear as to what she means. A natural way to understand a 'decent' life is a life at a minimum, decent 'enough' to get by but not necessarily satisfying. I suspect that most people would want more than a decent life in this sense – one that provides genuine opportunity to achieve fulfillment. If Brock has this in mind – as I assume she does – she could make it clearer.

One important reason for this concern is that many people have directed their thoughts and attention towards eliminating the most basic evils – poverty, disease, discrimination, etc. This is the aim of many philanthropic organizations, NGO's and special U.N. programs.¹¹ This is, however, a fundamentally humanitarian aim, and Brock's talk of a decent life often seems to imply merely bringing

⁹ This view has much in common with the idea that people should be assured basic capabilities, as developed by Sen [2009] and [2000]. For Nussbaum [2000], see especially Chapter 1, sections IV - VI.

¹⁰ In 2005 about half of the bankruptcies in the U.S. resulted from peoples inability to pay for needed health care, Common Dreams [2011].

¹¹ U.N. [2000]. These are intended to severely eliminate or mitigate poverty by 2015.

people to that level where poverty and misery are overcome. We are, however, talking about global *justice* and it would seem that something more than avoiding the most basic evils is required for a cosmopolitan account of justice.

How then should people be treated relative to each other once decency is achieved? One view of justice requires that everyone be able to reach a floor of well-being and then has no objection to inequalities, even great inequalities, once that is achieved. Cosmopolitans, however, are typically committed to greater equality. Two people may both have decent lives but one may have much greater opportunities than the other to lead a truly satisfying life simply because of differences in fortune – differences in the economic circumstances, individual or national, they are born into. Thus decency, in the minimal sense, does not seem enough, and to be content with that raises questions about fairness. Brock needs to be clearer on where she stands on inequality over a decent or satisfactory minimum.¹² Liberal nationalists also want a basic minimum, and Brock's emphasis on a decent life can make her sound more like a liberal nationalist than a cosmopolitan, a point I return to in Section 4.

Finally, I am not clear what the hypothetical contract scheme really adds to Brock's argument. She has identified a number of goods which, it is arguable, are necessary for people to possess in order to meet their basic interests. The ultimate principle, then, seems to me that everyone be "adequately positioned to enjoy the prospects for a decent life" (52). This has much plausibility on its own, and as an interpretation of the moral equality of all persons. It seems reasonable to think that people in a hypothetical original position would choose this principle, but it seems they would choose it because it is, independently of the choice, the fair outcome. If that is so, the fact that it would be chosen adds little to its justification.

2. The Scope of Justice

The second issue has to do with the scope of justice. Liberal nationalists believe that we owe a fair distribution of benefits and burdens to members of our own society – we have obligations to achieve an equal distribution of the important goods of life among those with whom we live. We do not have such obligations to 'outsiders'; to them we have only humanitarian obligations to ensure they reach a certain minimum. Greater equality among societies is not required. The duty to aid is a humanitarian duty but not a duty of distributive justice.

What justifies limiting egalitarian distributive justice this way? After all if people are truly moral equals, shouldn't they all have adequate or even similar life

¹² A good discussion of the importance of equality is in Scanlon [2003].

chance? Why should location, a matter of luck and fortune, be given such a fundamental role in determining justice?

Brock argues against such a limitation of the scope of justice in Chapters 10 and 11. She discusses a number of reasons that philosophers have given for limiting distributive justice to activity within a state.

I will look at some of these reasons in the next section in the context of preference for co-nationals. Here I want to focus on just one of those reasons. This is the idea that we owe a fair distribution of benefits and burdens to fellow citizens because we exist with them in a single cooperative scheme in which benefits are produced and burdens are bourn for the production of those benefits. Brock puts this as the idea that engaging "in beneficial cooperative endeavors means that one acquires duties of fair play to reciprocate" (278). Brock endorses this notion of reciprocity when she says, early in the book, that among the things the hypothetical contractors would want is to make sure that any collective arrangements they participate in "guarantee a fair distribution of benefits and burdens in collective endeavors" (53).

Brock, however, rejects the reciprocity argument for the limitation of distributive justice to societies on the ground that citizens of a state are also members of wider cooperative schemes: "globalization effectively means we are either part of regional cooperative schemes or, more realistically, all part of one cooperative scheme"¹³ (280).

I do not doubt that we participate in international associations from which we incur obligations of reciprocity. But it is arguable that the connections to the members of our own state are deeper and wider. We live under the same government, are bound by the same laws, subject to the same coercive apparatus, and depend in quite fundamental ways on those with whom we share a life. We depend first and foremost on their restraint, on the general willingness of fellow citizens to obey the laws and avoid simply taking from others what they need. Without such restraint, we would not avoid a Hobbesian state of nature in which human life is "solitary, poor, nasty, brutish and short."¹⁴

More importantly, our lives are lived within an infrastructure without which most the things we do would not be possible. Thus we rely or would like to rely on a well managed economy, on educational institutions, on roads, parks, libraries, on clean air and water and more. All these are provided by the actions of our fellow citizens living life together with us, especially their willingness to pay

¹³ In this respect, Brock's theory is similar to that of Moellendorf [2002]. See footnote #1.

¹⁴ Hobbes [1994].

the taxes that support these goods. Our relation to non-citizens also provides important benefits and restraints. These, however, seem to me secondary to the help we receive from our fellow citizens. The sovereign state still reigns as the most basic determinant of welfare. Even in Europe, where much integration has occurred through the European Union (EU), the absence of an EU-wide mechanism to manage the economy has meant that the results of a global near-depression of 2008 have differed dramatically for the different nations of the union.

Related to the notion of reciprocity is also the sense of identity that most of the conscientious among us experience. It makes us deeply troubled and ashamed when our nation acts unjustly, even when we bear no personal responsibility for its acts. This is a shame we feel, even when we recognize that other nations have performed similar dreadful acts. Consider, for example, the response of many citizens of the United States to the atrocities committed on prisoners at Guantanamo Bay and other locations (or, going back in time, the shame one can feel because of slavery, or the deep racial animosity that survived it). There is a shame many Americans feel about this that is not experienced as shame by members of other countries.

I believe that the appeals to reciprocity and moral identity require thorough discussion. My objection to Brock is not that she is mistaken not to endorse them (and the corresponding limitations on distributive justice that they imply). My objection is that she has not delved fully enough into these sorts of arguments. Liberal nationalists who are moved by them will not find enough in Brock's argument to change their minds.

3. Preference for Fellow Citizens

It seems to follow from obligations of reciprocity that it is permissible to favor the interests of fellow citizens over the interests of non-citizens, even their more urgent interests. Is this preference just?

Cosmopolitans take the moral equality of all persons very seriously. Does respect for everyone as an equal rule out particular preferences? Many have argued, with good reason, that it does not. It seems clearly permissible, even obligatory, to show preference for the interests of three classes of people: family members, friends, and fellow colleagues in joint projects. It does not seem that I fail to show respect to a stranger as a moral equal if I help my parent or child over him or her.

In his famous article, "Famine, Affluence and Morality"¹⁵ – an early statement of cosmopolitanism – Peter Singer denies this. He argues that "distance" does not count and that a commitment to equality means total impartiality with respect to people's interests. But closeness and distance do matter, not necessarily physical closeness or distance, but what we might call "moral" or "affective" distance. My mother or son might be living or traveling half way around the world from me but if she or he becomes very ill, I will have obligations to help them that I do not have to a stranger in the place they are located. This is why Singer's argument has never seemed very persuasive. It denies a fundamental moral fact about how we are related to other people.

Brock is not committed to denying that we can show preferences for family, friends, and colleagues. The question is whether we can show preference for fellow citizens over strangers. This is a different relation and the preference here needs justification.

Liberal nationalists tend to give reasons why preference for co-nationals should count. Brock examines a number of arguments for this, those by Yael Tamir and David Miller in Chapter 10 and five arguments (some overlapping with those in Chapter 10) in Chapter 11. Tamir believes there are arguments for preference based on the common identity that nationality brings. Miller also finds national identity important but also argues for preference on the ground that nations have rights to self-determination and this requires concern for our own country and its citizens first. The five arguments that Brock considers in Chapter 11 are that we have special obligations to fellow citizens on grounds of i) common identity, ii) reciprocity, iii) common history, iv) common affiliation, and v) the necessity for such preferences to make "our political lives work properly."

Brock raises reasonable problems about all these arguments. Despite that, she admits in the end that national preferences must be allowed. They must be recognized because "in the real world, most people have strong attachments to their nations and a realistic utopia must accommodate this."¹⁶

It is not clear to me whether Brock is saying that such preferences are unjustified but a theory of justice with practical relevance must admit them; or whether she thinks that the people's embrace of such attachments makes them justified. I don't think, however, that it matters which interpretation of Brock's view we accept because Brock argues that her account of cosmopolitanism leaves "adequate space for our national aspirations" (83). How does it do this? Her view seems to

¹⁵ Singer [1972].

¹⁶ The idea of a "realistic utopia" comes from Rawls [1999].

me that people may show preference to the interest of fellow nationals so long as a globally just framework is already in place. Thus

...where appropriate institutions have been set up which have as their target ensuring that everyone's interests are adequately protected, we may then, with a clear conscience, prioritize meeting the needs of our compatriots... Against a backdrop of globally just institutions that we cooperate in sustaining... we may act in ways that focus on compatriot needs (290).

One way to understand this view is that global justice comes before national preference. It is, to use concepts Rawls made familiar¹⁷, lexically prior to national preference. We must first achieve global justice. Then, but only then, may we give special preference to the interests of co-nationals.

My main concern about this solution is that, contrary to appearances, it does not really leave any space for national preferences. Let's remember what we must do to achieve global justice. We must make sure that everyone has an opportunity to lead a decent life and all have their basic rights honored. I don't think it's an exaggeration to say that this is a gigantic task and that we are far from knowing about how to bring it off. We face the problem of helping people living in sovereign states that are deeply corrupt so that funds cannot simply be transferred to government entities. Those funds must not only supply people's material needs but must help educate them so that they have the capacities to make a modern economy run effectively and produce effective institutions and honest leaders.

In sum, this is a task that takes up all the space we have. If we can show national preference only after we have achieved global justice, then we are far from a time when doing so will be justified. The space for national preference is empty, at least for a long time. Liberal nationalists are thus unlikely to be persuaded by this type of argument.

4. Is Brock a Cosmopolitan?

I end with a brief discussion of Brock's cosmopolitanism that summarizes many of the points I have already argued. I have no doubt that Brock expresses a cosmopolitan mentality in the way that she argues, time after time, that we must not limit concern about distributive justice to certain groups of people. We must

¹⁷ Rawls [1971] Part I, Section 8. His basic principles are in lexical priority. The three elements are 1) liberty, 2) opportunity, and 3) the welfare of those on the bottom. Liberty ranks the highest. This means that we should not trade off liberty or opportunity to improve the prospects of the worst off, at least not until we have gone as far as we can in establishing liberty and opportunity.

always consider how these affect people the world over. There is no bright line in Brock's thinking between the effects of institutions on people within a society and on people throughout the world.

Despite this, Brock simply does not say enough about what global equality really demands and this leads me to wonder if her ultimate aims are truly cosmopolitan. Brock commit herself to a version of egalitarianism, democratic equality, formulated and defended by Elizabeth Anderson.¹⁸ This theory is meant to apply domestically but Brock applies it world-wide. It holds that equality is a relational notion, that it exists when people stand in relations of equality. Some distributive inequality is compatible with equal standing, and thus acceptable in such circumstances.

Anderson clarifies her view by appeal to Iris Marion Young's idea that people stand as equals when oppression is absent. Oppression, says Young, has five 'faces': exploitation, marginalization, powerlessness, cultural imperialism, and susceptibility to violence.¹⁹ People stand to one another as equals when oppression is eliminated. We then have achieved all the equality it is reasonable to aim at.

I have a concern about this. These are difficult issues since it not clear just what is required to eliminate the five faces of oppression. But it seems to me that one might end oppression and end up with a degree of inequality of life chances that still is or should be unacceptable to the cosmopolitan. In sum, it remains unclear how much inequality is acceptable to Brock and that raises questions of the extent of her commitment to the egalitarianism that seems to me essential to the cosmopolitan outlook.

In the end, however, it probably does not matter. The dispute between cosmopolitans and liberal nationalists is a theoretical dispute and probably 'academic' in the bad sense of the term – it does not have significant relevance to the real world. For either the cosmopolitan or the liberal nationalist, the first goal is to achieve the elimination of poverty and oppression for the billions who suffer from it. This is, as I said in the last section, a goal that takes up all our effort, all our 'space' for now. It may not be the ultimate cosmopolitan goal and in focusing on it, Brock may fail to give a fully cosmopolitan theory. But it's clear that in emphasizing a decent life for all, she focuses on the right things for the time being and for a long time to come.

¹⁸ Anderson [1999].

¹⁹ Young [1990], see especially Ch. 2.

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