

Cindy Holder

Justice, Cosmopolitanism and Policy Prescription: Gillian Brock's „Global Justice”

Diametros nr 31, 138-145

2012

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

Tekst jest udostępniony do wykorzystania w ramach dozwolonego użytku.

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

**JUSTICE, COSMOPOLITANISM AND POLICY PRESCRIPTION:
GILLIAN BROCK'S *GLOBAL JUSTICE***

– Cindy Holder –

In *Global Justice: A Cosmopolitan Account* Gillian Brock makes three important claims: that we have duties of justice to all human beings and not only those with whom we share a state; that our duties to those outside our states are of the same scope and normative weight as our duties to those with whom we share a state; and that the existing framework of international institutions affords us a number of straightforward and accessible means to act on our duties to persons outside our states that we ought to pursue. These claims are important in themselves, but the real interest of Brock's book lies with the argumentative strategy she uses in support of them. This strategy, which includes emphasizing the compellingness of specific institutional and policy prescriptions and distancing her arguments from debates about the structure and plausibility of Rawlsian internationalism, bears interesting fruit in a number of respects. However, it also raises difficult questions about the coherence of the distinction between cosmopolitanism and nationalism on which Brock relies, and about the value of institutionalist approaches to justice more generally.

One of the most important contributions of this book is to clarify the relationship between cosmopolitanism and Rawlsian internationalism. These two theoretical frameworks are fellow-travelers on many issues, and there is a lively debate among Rawlsian internationalists over what, precisely, the framework's basic commitments imply for our duties toward people with whom we do not share a state. The sheer number of pages devoted to this question in the contemporary literature may give the impression that the viability of cosmopolitanism as an approach to global justice hinges on whether the difference principle does or does not apply beyond national borders. However, as Brock carefully explains, whether cosmopolitanism is a position at which a theorist departing from Rawlsian assumptions may or must arrive when she turns to questions of justice between people who do not share a state, and whether cosmopolitanism is the position from which all adequate theories of justice between people who do not share

a state must depart, are distinct questions. Brock gives a number of reasons for thinking that regardless of whether Rawls's own arguments commit him to cosmopolitanism, the basic commitments of the Rawlsian framework imply that we have duties of justice to people with whom we do not share a state, that these duties are both as extensive and as demanding as our duties to those with whom we share a state, and that they should be understood in terms of need satisfaction and the opportunity for a decent life. But she carefully and effectively establishes that, at the end of the day, the fate of cosmopolitanism in general and her version of it specifically hangs, not on our accepting that it is entailed by Rawlsianism, but on our accepting that it is entailed by a commitment to the equal moral worth of all persons. If the Rawlsian credentials of her view are relevant to our consideration of its plausibility, it is because we think that a Rawlsian framework does a good job of capturing the constraints imposed on reasoning by the latter commitment. If we do not think that a Rawlsian framework does a good job of capturing those constraints, establishing cosmopolitanism's Rawlsian credentials are at best irrelevant to its plausibility.

The core of Brock's argument is that we have a duty to establish institutions that secure decent opportunities for all persons, regardless of their geographic location or the particular persons with whom they share a state, where "decent opportunities" implies that all persons are enabled to meet their basic needs, enjoy basic liberties, and have social and political arrangements in place that can protect these opportunities and ensure fair terms of cooperation in collective endeavours (Brock [2009] p. 45). Brock takes there to be two main source of challenge to her argument for this duty: (a) theorists who agree with her that we have a duty to establish institutions that secure something for all persons but believe her particular specification of what we must secure errs by including too little or too much; and (b) theorists who might accept that we have duties of some sort to all people but disagree with her argument that these include a duty to establish institutions that secure decent opportunities for all persons. Theorists of the latter sort typically deny that we have duties to establish institutions that secure decent opportunities for all persons on the grounds that it is difficult to justify or even make sense of such duties in relation to persons with whom we do not share state; Brock groups these challenges under the category "nationalism."

In this description of how it fits into the existing theoretical landscape, Brock positions her view in relation to both Rawlsianism and nationalism so as to make the salient question not which framework best captures the duties we think we have to people with whom we do not share a state, but which framework best enables us to respect and reflect in our actions the principle that all human beings

are of equal moral worth. Stepping away from the usual framework of the cosmopolitanism-nationalism debate in this way allows Brock to treat international institutional arrangements as tools to be used and features of the social and political landscape to be borne in mind rather than as the primary objects of our normative theorizing. Within Brock's approach, we become interested in international institutional arrangements not because they are the primary subject matter of global justice but because they are important vehicles through we may realize or be thwarted in the realization of our duties of justice at the global level.

In shifting the terrain on which arguments for global justice play out, Brock makes her own view and the debates themselves more interesting and of interest to a broader audience. However, she also raises a difficult question, both for herself and for cosmopolitans more generally: What, exactly, is the distinctive value of adopting a cosmopolitan approach to policy issues like global poverty, international migration, or systematic abuse of human rights? In particular, what do we add to our understanding when we think about the actions we ought to take as duties of cosmopolitan justice as opposed to requirements of basic human decency?

One common way of cashing out the difference between justice and basic human decency is as a difference in focus. Justice is concerned with the implications that a minimal set of moral principles has for institutions, as opposed to the implications that a minimal set of moral principles has for personal action or interpersonal relationships. As Thomas Pogge explains it, justice is a moral assessment of “the degree to which the institutions of a social system are treating the persons and groups they affect in a morally appropriate and even-handed way” (Pogge [2002] p. 31). Brock follows this institutional understanding of justice. For her, to say that we have cosmopolitan duties of justice is to say that we have moral duties to ensure that our institutions treat people in morally appropriate ways, where the benchmark for morally appropriate is “as having equal moral worth” (Brock [2009] p. 45). Ensuring that our institutions treat persons as having equal moral worth includes ensuring that we do not arbitrarily deprive individuals of the benefit of institutions, and that we ensure that they have access to the institutions appropriate to their status as our moral equals. For example, if we believe institutions ensuring food security are morally required with respect to ourselves simply in virtue of our being human beings, then we must accept that such institutions are required for all other persons as well. If our justification for establishing democratic relationships between ourselves and those with whom we share a state is that we must govern circumstances of mutual interest democratically, then we may not resist democratic relationships with those who do not share a state with us merely on the grounds that they do not share our state.

What kind of institutions are required to meet the standard of treating all persons as having equal moral worth is in many respects an empirical question. However, Brock identifies certain institutional types as cosmopolitan in scope, in the sense that the moral imperative to treat all persons as having equal moral worth will establish duties to develop one or more institutions of that type that cover all human beings. For example, whether it is a duty of justice to establish a Global Resource Dividend or a Currency Transaction Tax may depend on particular facts about existing institutions such as territorially-based states or international currency exchanges. But other cosmopolitan duties of justice, for example the duty to establish transnational democratic legislatures or mechanisms for transnational enforcement of human rights, may not depend on facts about our institutions but rather on general facts about human beings and the communities they inhabit. So some cosmopolitan duties of justice are generated by universal truths about human beings and their relationships; other cosmopolitan duties are generated by contingent facts about our current institutional and historical situation.

This variation in the grounding of cosmopolitan duties makes for a more plausible account of what cosmopolitanism implies. However, it also makes it unclear how we should understand the objections Brock labels as “nationalist”. Should we understand such objections as directed at the argument that we have moral duties to ensure that our institutions treat all persons (even those with whom we do not share a state) with moral respect? Or should we understand such objections as directed at arguments that we have a duty to change or establish particular institutions?

This problem is illustrated by Brock’s treatment of Will Kymlicka’s argument against the feasibility of a cosmopolitan democracy of the sort proposed by David Held (Brock [2009] pp. 94-104). Brock describes Kymlicka’s position as “nationalist”, but it is not clear that his skepticism is about cosmopolitanism so much as it is about a particular institutional arrangement that many cosmopolitans advocate. Brock reads Kymlicka as arguing against the coherence of a cosmopolitan duty of justice with respect to collective decision-making. However, Kymlicka’s view is better understood as a much more limited argument against the coherence of attempting to discharge duties of justice regarding collective decision-making through the establishment of transnational democratic legislatures. It is true that Kymlicka relies on there being a difference in kind in the relationships that obtain between those who share a state and those who do not. However, he does not argue that this difference in kind in and of itself establishes a difference in what is owed to those within a state and what is owed to those outside of it; he does not suggest that we cannot owe equal standing in collective decision-making to per-

sons with whom we do not share a state. His argument is rather that we cannot use democratic institutional forms to realize the ideal of treating others as having equal standing in collective decision-making in the absence of minimal conditions of shared language, common culture and collective identity seen in a national state. The argument is not about what we owe to people, it is about the institutional forms we are able to use to render what is due.

In Kymlicka's view, then the problem with cosmopolitan democracy is not that it gives us duties that we cannot have because we are not psychologically capable of discharging them. Rather, cosmopolitan democracy presents as a means of discharging our duties to those with whom we do not share a state an institutional form that cannot as a matter of empirical fact secure equality of moral standing between participants at levels of social and political organization larger than a national state. According to Kymlicka national states mark the maximal demographic limit at which democratic institutions can function in a way that preserves and consolidates the equal moral standing of participants. We might take issue with this as an empirical claim (especially given that its connection to the claim that states also mark the minimal demographic limit for distributive institutions suggests that states are being treated as something like a "natural kind"). But it's this claim that animates Kymlicka's argument, rather than an objection to cosmopolitanism *per se*.

Brock misses this feature of Kymlicka's critique of Held in part because she assimilates Kymlicka's worries about the feasibility of securing the kinds of attitudes necessary for democracy to function effectively to David Miller's worries about the feasibility of securing the kinds of attitudes necessary for redistributive mechanisms such as income tax to function effectively. However, whereas Miller's concerns are primarily about the kinds of affective dispositions that are necessary to motivate people to do what morality requires of them, Kymlicka's concerns are primarily about the cultural and linguistic conditions necessary for people to understand one another's reasons. Miller's is a worry about moral psychology; Kymlicka's is a worry about translation. In the absence of a shared language in the broad sense of a shared conceptual repertoire and background assumptions the ability of democratic institutions to secure equal standing between participants is undermined in at least two ways: first, by the interpolation of a translator or other mediating agent between parties to the discussion; second, and more fundamentally, by the impairment of our ability to appreciate the reasons offered by an interlocutor as reasonable or well-motivated. For global democratic institutions to secure equal standing between participants it is not enough that members of Greenpeace defend and take an interest in the priorities of ethno-cultural minorities because

they see them as fellow-travelers or vital elements of ecosystems that ought to be preserved. Greenpeace members must defend and take an interest in the priorities of ethno-cultural minorities because they accept that these priorities are important and compelling, even if from Greenpeace members' own perspective the beliefs and arguments that generate those priorities are mistaken.

These problems in Brock's treatment of Kymlicka's objection to cosmopolitan democracy illustrate both the variety of objections to cosmopolitan duties that may broadly be labeled as "nationalist" and the complexity of their application to particular cosmopolitan arguments. Brock's survey of nationalist arguments suggests that the underlying commonality is an emphasis on shared identity or cultural affiliation. However, it is not clear that a theorist must buy into the moral significance of shared identification or cultural affiliation in order to argue that merely sharing a state can be a source of obligations that limit, if not the scope of our duties to those with whom we do not share a state, then at least the means by which we may act on those duties. For example, Allen Buchanan argues that our obligation to co-nationals to respect and subject ourselves to the outcomes of democratic decision-making establishes moral constraints on the circumstances under which a state's officials may use their legal powers to commit troops to international humanitarian operations, and that this in turn limits the kind of international institutions we may legitimately construct (Buchanan [1999]). And Larry May argues that facts about the role states play in securing the physical security of individuals establishes an obligation to defer to state jurisdiction over interpersonal violence in the absence of a compelling humanitarian argument to the contrary (May [2005]). Neither of these arguments relies on assumptions about the value of shared identity or a shared affiliation's having affective significance to generate the conclusion that whether individuals share a state with us may be a legitimate and morally compelling basis for restricting the sorts of institutional arrangements we may enter into with regard to them.

Indeed, Brock herself relies on something like an argument from gratitude – one of the grounds for thinking that we may have special obligations to compatriots that she criticizes in Chapter 11 – when she argues that states may be within their rights to restrict the international mobility of health care workers on the grounds that a state's investment in the training of such workers establishes responsibilities on the part of those workers to ensure that their state benefits from that training (Brock [2009] p. 203). The salient question about Brock's cosmopolitanism, then, is not whether nationalist principles constrain the duties we may be said to owe persons residing outside of our states, but rather whether facts about sharing or not sharing a state give us grounds to be skeptical about the specific

institutional and policy prescriptions she advocates. Brock's focus on specific institutional and policy prescriptions as plausible candidates for duties that are compelling on the grounds that they will move us closer to global justice forces us to grapple with what, specifically, is being claimed about the role or relevance of sharing a state, and how the absence of a shared state structures our options for ensuring that our institutions treat all human beings as having equal moral worth.

However, in pushing us to think about how our duties to those with whom we share a state may and may not constrain our duties with respect to specific institutional and policy arrangements, Brock also pushes us to ask whether thinking about our obligations in this context as duties to ensure that our *institutions* treat all human beings as having equal moral worth is the right approach. For in shifting the framework within which we consider the plausibility of various nationalist challenges, Brock also shifts the framework within which we think about the distinctive value of cosmopolitanism. If the target of nationalist challenges is the idea, not that our duties of justice are universal in scope, but rather that universal duties may be discharged through institutions of the sort that cosmopolitans advocate, then what is at issue includes not only whether cosmopolitans are advocating the right institutions, but also whether cosmopolitanism is the right way to counter nationalists' skepticism. In particular, we might ask whether, when responding to nationalist worries, there are disadvantages to arguing that we ought to institute the changes in question because it is a matter of *justice* as opposed to a matter of basic moral decency.

One disadvantage of responding to nationalist arguments in institutionalist terms is that the experiences of individuals that motivate and are supposed to be remedied by the solutions being advocated tend to drop out of our description when we focus on institutional justification. For example, in her discussion of global poverty, Brock begins by naming concrete problems that people face when they subsist below the international poverty line: unsafe drinking water, lack of sanitation, lack of shelter, death during childhood, etc. (Brock [2009] p. 120). However, the argument she gives for our duty to reform international institutions such as the practices regulating taxation does not connect back to this list of problems that make life very difficult for large numbers of people; Brock does not explain how, exactly, the international institutional reforms she advocates are going to make life better for the people who currently have difficulty getting safe drinking water. This lack of explanation is worrying, partly because one of the reasons that many people in the world have trouble accessing safe water is not only that their natural environment has been poisoned, or that they have been displaced in the name of economic development, but also and importantly because of the absence

of a perceived need to make concrete connections between proposed reforms and the lives those reforms are supposed to improve. To be clear, my worry here is not that improving global taxation practices will not have the desired causal effect of improving individuals' access to safe drinking water: it's that Brock does not and is not expected to explain how reforming international tax regulation is supposed to produce safer drinking water.

This inattention to the issue of how reforming international institutions is supposed to improve things for actual individuals risks turning their experiences and conditions of life into mere fodder for philosophical argument, and playing into nationalist indifference about the ways in which decisions about the structure of currency exchanges, health care delivery, gun control, corporate taxation, garbage disposal and a host of other issues make life harder for people in other states than it needs or ought to be. Some degree of abstraction from the reality of what policy actually looks like when it plays out in an individual's life is inevitable when we turn to questions of what might make things easier for people elsewhere, and why we should go out of our way to do so. But given that so many nationalist accounts rely on a contrast between a richly fleshed-out, concrete, personally resonant conception of our co-nationals and a vague, abstract, thinly imagined conception of people who are geographically distant, there is something to be said for anchoring our analyses of problems like internal displacement, inadequate hospitals or intimidation of the press in a description of the experiences that these social phenomena entail.

References

- Brock [2009] – G. Brock, *Global Justice: A Cosmopolitan Account*, Oxford University Press, Oxford 2009.
- Buchanan [1999] – A. Buchanan, *The Internal Legitimacy of Humanitarian Intervention*, „Journal of Political Philosophy“ 7 (1) 1999.
- May [2005] – L. May, *Crimes Against Humanity*, Cambridge University Press, Cambridge 2005.
- Pogge [2002] – T. Pogge, *World Poverty and Human Rights*, Polity Press, Cambridge 2002.