Global Distributive Justice: A Structural Approach

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ABSTRACT

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Historically the study of distributive justice—or who is owed fair distributions of benefits—focused on distributions to citizens within nations, but I analyze arguments in favor of distributive justice between nations. I begin by formulating a basic theory of distributive justice which I call “structuralism” in which existing structures in our nonideal world inform the scope of distributive justice. I take there to be two approaches to structuralism: the coercive and the cooperative approach. I reason that the coercive approach (which argues that the scope of distributive justice is determined by the extent of existing coercive systems) does not expand the scope of distributive justice outside of national borders. However, due to objections facing any version of a coercive approach, a cooperative approach (which argues that the scope of distributive justice is determined by the extent of existing economic cooperation) is a superior theory. I conclude that the existence of globalized trade extends the scope of distributive justice to include justice between nations. Finally, I argue that my theory of distributive justice must be supplemented by a humanitarian theory based on beneficence that encapsulates all individuals in need.
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Chapter 1
A Structuralist Approach to Distributive Justice

I. Introduction

When unfolding a simple white shirt in a retail store, it is easy to forget that today an ordinary garment travels the globe before settling on the back of a person in America. That shirt has most likely been handled by dozens of people with differing nationalities, ethnicities, income levels, and belief systems during its production. In *The Travels of a T-shirt in the Global Economy*, Pietra Rivoli created a t-shirt design then tracked the progress of the shirt from cotton farms in Texas, to machines and workers in China and Bangladesh, and back to the US.¹ Inspired by this project, NPR's *Planet Money* made their own t-shirt in 2013. When a garment industry worker in Colombia is asked what she would want the people who buy her shirt to know, she answers, "What is behind the t-shirt: It's a world."²

We face this type of globalized interconnection in most aspects of our economic lives. The bananas we eat are from Central America; the iPhones we clasp in our hand have parts from the US, Europe, and Asia; and the coffee that warms us is from Africa. As with most things, there are two sides to outsourcing and globalization. On the one hand, this increased interconnection has tangible benefits. In the First World, many people have greater access to cheaper goods, and companies have higher profits from outsourcing labor. In the Third World, there are people employed in factories who for the first time have enough money to provide

for themselves and their families: they move from rural hometowns to urban centers and realize a profound increase in quality of life with their wages.

On the other hand, increased interconnection has damaging effects. In Bangladesh in 2013 there were around 4 million people working in garment factories for a wage of $38 a month. The minimum wage for garment workers has since been increased to $68, but Bangladeshi workers are still one of the lowest paid groups in the world, leaving them unable to cover basic necessities. And cheap cost of labor in the Third World is not the only incentive for corporations in the First World. Adding to the extremely low wages, countries like Bangladesh also have lax environmental and safety laws which make working with factories in Bangladesh cheaper than working with factories in the US. But it also can result in tragedy as brought to light by the 2013 collapse of the Rana Plaza killing 1,100 Bangladeshi garment workers.

Globalization not only has effects on an economic level but on a philosophical level as well. When John Rawls wrote his seminal book *A Theory of Justice* in 1971, he was centrally concerned with distributive justice—or who is owed duties of justice and in what form these duties take—within closed societies, i.e., autonomous nations. However, since the publication of his theory of distributive justice an objection has increasingly been leveled: why does Rawls assume that our duties of distributive justice end where the borders of our political state are drawn? With the reality of expanding globalization, the conception of justice within closed societies

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appears less and less applicable to the world in which we live: philosophers have begun to increasingly ask if principles of distributive justice are required between nations in addition to within nations. This question of scope is the motivating concern of my dissertation.

In what follows, I will argue for a theory of distributive justice which mandates international justice instead of mere intranational justice. In this first chapter I will argue for what I will call the structuralist approach to distributive justice—an approach which takes the structures in place to be the primary determinates of distributive justice. Once my argument for the structuralist approach has been solidified, I will use the reminder of the dissertation to examine what I take to be the two chief structuralist theories: the coercive and the cooperative approaches. The coercive approach, as espoused by Michael Blake, delineates the scope of distributive justice as applying only within a coercive system, e.g., the political state. While the cooperative approach, as espoused by John Rawls and Charles Beitz, delineates the scope of distributive justice as applying only within a cooperative system, e.g., economic trade.

Ultimately, I conclude that the coercive approach faces multiple pitfalls, allowing the cooperative approach to be the superior theory of distributive justice on the international level. However, in order to espouse the cooperative approach I

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first argue against the view that the existent cooperation between nations does not warrant international distributive justice. I thus conclude that the most coherent version of the cooperative approach to structuralism calls for international distributive justice between appropriately cooperating nations. I finalize my theory by supplementing my expanded cooperative approach with a humanitarianism focused on global deprivation.

II. Background to Distributive Justice

II.I. Elements of Distributive Justice

Before making my argument in favor of the cooperative approach to structuralism, I must define structuralist theory. The purpose of this section is to examine background theorists who take existing structures to be a determining factor for the scope of distributive justice. In this section, I begin by briefly defining each of the elements of distributive justice. Second, I will outline Rawls’s theory of distributive justice in A Theory of Justice, and I outline Charles Beitz and Thomas Pogge’s initial assumptions—and later critiques—concerning the content of global distributive justice. Each of these theorists use the idea of a “basic structure” to determine the scope of distributive justice. Third, I turn my attention back to Rawls, outlining his argument of international justice in Law of Peoples, and focusing in particular on how his theory is modified when shifted from the domestic to the global landscape. I discuss how changes in Rawls’s definitions of the basic structure modify his overall theory on the global level. By traversing the background terrain

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8 At this point I will be discussing Beitz ad Pogge’s early critique of Rawls, and I am not implying that throughout their scholarship they would be structuralist theorists. See footnote 7 and Thomas Pogge, Realizing Rawls (New York: Cornell University Press, 1989).
in this section, I will have given an argument for why structure is such a pivotal aspect of many theories of distributive justice, and what many theorists take "structure" to be. Then I will move on to defining my theory of structuralism in the following section.

One more important note before beginning: this is not a dissertation about Rawls. With that said, the background section will be primarily an exposition of Rawlsian theory because this is the starting block for most theories on the topic of global distributive justice. Without being clear on my reading of Rawls at the outset, my exposition of other philosophers in Chapters 2 and 3, who build theories upon either defending the Rawlsian model or defeating it, would be opaque.

I begin by defining distributive justice. Roughly speaking, distributive justice is the deliberation over the appropriate allocation of benefits and burdens within a given scope. To elucidate this definition, I divide distributive justice into five elements: scope, site, unit of concern, currency, and principles. First, the scope of distributive justice concerns the boundaries of justice (e.g., national, regional, global, etc.). Simply put, the scope determines who is owed duties of distributive justice and who is not. Second, the site—or subject— of distributive justice concerns what entity or entities are governed by principles of distributive justice (e.g., individuals, societies, basic structures, etc.). The site of justice is where the principles of distributive justice are actually applied. Third, the units of concern are who or what should ultimately be benefited by just distributions (e.g., individuals, citizens,

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nations, etc.). Fourth, the currency of distributive justice concerns what it is that is being distributed (e.g., welfare, capabilities, resources/opportunity for resources, primary goods, etc.) Finally, the principles of distributive justice concern the type of distribution that takes place (e.g., egalitarianism, sufficiency, prioritarianism, difference principle, etc.).

Since my dissertation is concerned with determining the scope of distributive justice, I only discuss the first three elements of distributive justice in depth. The site and units of concern are important for determining the breadth of the scope of justice, as will be made clear in the following section. The principles of justice are secondary to the determination of scope, and the arguments for them would therefore begin where this dissertation ends. Currency— or whether a theory of justice is meant to measure welfare, capabilities, resources/opportunity for resources, or primary goods— is essential when determining what form principles of justice will take; in order to determine how to distribute one must determine what is being distributed. However, at the earlier stage of pinpointing the scope of distributive justice, the question of currency is less important and can be bracketed until the later discussing of principles. I will note currency and principles in my

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10 To briefly define these theories, egalitarianism is the theory that resources/welfare/etc., should be divided equally between parties. For an egalitarian theory, equality is a good in itself, and a situation is in at least one way better if the parties are equal than if they are not. Sufficiency is the theory that the currency should be divided so that all parties should be able to reach a certain minimum threshold. Beyond that threshold distributive justice does not hold. Prioritarianism is the theory that priority should be given to the worse off. According to the prioritarian, there is more value in a person who is badly off being made better than a person who is less badly off. Finally, the difference principle is the Rawlsian principle that the greatest benefit goes to the least advantaged. This principle will be discussed in more detail later in this section.

discussion of background theories of distributive justice, but they are not integral to my argument.\textsuperscript{12}

\textit{II.II. Rawlsian Distributive Justice}

Before delving into the current debate surrounding distributive justice—and my theory of structuralism—it is important to situate it within the history of scholarship. When Rawls published \textit{A Theory of Justice}, his theory of distributive justice began with the assumption that people are concerned with the way the benefits and burdens that result from social cooperation are distributed. From this assumption he argues that principles must be selected to assure fair distribution. The resultant principles are the principles of social justice which "provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation."\textsuperscript{13}

Before selecting the principles of justice, Rawls pinpoints the site of justice: the \textit{basic structure} of society. The basic structure is defined as "the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation."\textsuperscript{14} It is composed of the political, economic, and social institutions which permeate individuals’ lives and govern the amount of primary goods\textsuperscript{15} they accrue. The purpose of distributive justice for

\textsuperscript{12} However, I will discuss currency in more detail in relation to humanitarianism in Chapter 4.

\textsuperscript{13} Rawls, \textit{A Theory of Justice}, 4.

\textsuperscript{14} \textit{Ibid.}, 6.

\textsuperscript{15} "Primary goods" is the term Rawls uses to define the currency of distributive justice. Primary goods are rights and liberties, powers and opportunities, and wealth and income. They are meant to be universally desired, and form the social basis of self-respect. \textit{Ibid.}, 54-5.
Rawls is to arrange the basic structure in such a way that those within society receive fair allocations of primary goods.

In order to determine the configuration of the basic structure, Rawls employs the now famous original position. The original position is a hypothetical initial situation in which individual citizens are placed behind a veil of ignorance: they are wiped clean of certain knowledge such as their personal characteristics, socio-economic status, talents or abilities, conception of the good, economic status of their society, and so on. The purpose of the veil of ignorance is to eliminate considerations of fortune, circumstance, or talent when determining the principles of justice because these contingencies are morally arbitrary: principles should not be constructed to benefit those favored with fortuitous contingencies. From the original position, Rawls argues that people will arrive at two principles of justice which he calls Justice as Fairness:

First, “each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.”

Second, “[s]ocial and economic inequalities are to be arranged so that they are both (a) to the greatest expected benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.”

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16 Ibid., 118-9. Although individuals in the original position are lacking in information, they do know certain facts such as political and economic theory.

17 Ibid., 53.

18 Ibid., 72.
The principle in which the greatest benefit goes to the least advantaged is known as the difference principle, and it is Rawls’s principle of distributive justice. My arguments will center on this aspect of Justice as Fairness.

Rawls contends that the difference principle is not an egalitarian principle in that equality is not a good in itself; instead, it allows for inequalities.\textsuperscript{19} However, these inequalities are within the limitations set down by the difference principle: the basic structure cannot be set up in such a way as to allow for rampant inequalities but must mitigate the gap of inequalities by ensuring that benefits from social cooperation assist the least advantaged.

What is the scope of the difference principle? In \textit{A Theory of Justice}, Rawls is clear in stating that his discussion involves closed societies: the equivalent of autarchic nation-states. The units of concern for him are citizens within these states, and it is these citizens who are under the purview of the difference principle. In this early work, Rawls restricts his discussion of the possibility of justice between nations to a page-and-a-half of hand waving towards the end of the text. He states that if we recreated the original position in which states determined the principle of justice which would exist between them, then "there would be no surprises, since the principles chosen would, [Rawls thinks] be familiar ones."\textsuperscript{20} They would most likely involve assurances of equal rights, self-determination, noninterventionism, right to self-defense, and so on. There is no mention of the difference principle.

\textsuperscript{19} \textit{Ibid.}, 66. A central reason Rawls gives for allowing inequalities is that with inequalities come incentives for people to be more industrious and increase their set of primary goods.
\textsuperscript{20} \textit{Ibid.}, 332.
After the publication of *A Theory of Justice*, thinkers begin to question Rawls's omission of justice between nations and sought to bolster Justice as Fairness by formulating what would likely be the principles of international justice. Two such theorists are Beitz in his *Political Theory and International Relations* and Pogge in his *Realizing Rawls*. I will call them “early critics” for simplicity’s sake because they deliberated on global distributive justice before the publication of Rawls’s *Law of Peoples*.

Beitz’s *Political Theory and International Relations* —written eight years after Rawls’s seminal book— utilizes Rawl’s arguments for justice on the domestic level, and argues that if one wanted to be true to the Rawlsian framework she must acknowledge that the difference principle extends to the global level. He writes, “If social cooperation is the foundation of distributive justice, then one might think that international economic interdependence lends support to a principle of distributive justice similar to that which applies within domestic society.”

I will unpack Beitz’s statement, implementing the terminology of distributive justice defined previously in this section.

To begin, Beitz and Rawls are in agreement about the site of justice: principles of distributive justice ought to shape the basic structure in such a way that people receive a fair division of the benefits and burdens of social cooperation. Yet, where Beitz and Rawls diverge is in the location of the basic structure. Rawls originally assumes that the basic structure is found within closed societies; however, Beitz argues that due to pervasive “international economic

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21 Beitz, *Political Theory and International Relations*, 144.
interdependence”\textsuperscript{22} such as trade, international investment, etc., there is “a complex and substantial pattern of social interaction which produces benefits and burdens that would not exist if national economies were autarkic.”\textsuperscript{23} If the basis of distributive justice is to fairly allocate the benefits of burdens of social cooperation, and if there are benefits and burdens of social cooperation between nations and not just within nations, then there ought to be global principles of distributive justice to fairly allocate those benefits and burdens.\textsuperscript{24} Therefore, the scope of distributive justice ought to be global, not just domestic.

Before analyzing Rawls’s response to the early critics, there is one more aspect of their argument that ought to be elucidated: the units of concern. Like the site of justice, Rawls and Beitz agree as to who are the units of concern for distributive justice. But they only agree up to a point. Beitz argues that Rawls is correct in stating that the units of concern are individuals, but he disagrees with the Rawlsian assessment that the individuals are citizens within a closed society. The divergence in these views is made clear when looking at their differing conceptions of the original position. While Rawls argues that individuals in the original position are stripped of personal information in order to determine principles of distributive justice within an autarkic system, early critics of Rawls argue that there is no justification for this limitation. Individuals in the original position should not only be stripped of personal information but also of information about the level of wealth,

\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid., 149.
\textsuperscript{24} A discussion of whether or not existing global social cooperation is robust enough to merit global distributive justice is at the heart of Chapter 3. At this point, what is important is to understand what Beitz’s argument for a global basic structure is; a critique of the argument will occur when I discuss the cooperative approach to distributive justice.
stability, and natural resources in their nations. These factors, (i.e., the country one is born into) appear to be as morally arbitrary as the personal characteristics you possess and thus should be equally mitigated by principles of justice. If we do have these limitations of knowledge in the original position, the argument concludes, there is no reason to think that individuals in the original position would not determine that the distributive principles ought to be global in scope.

With the publication of Law of Peoples in 1999, Rawls broke his silence on international justice and countered the fundamental claims of those arguing for a global difference principle. I will sketch Rawls’s argument here, focusing on his emphasis on the basic structure as the determinate of scope. What it important to understand at this stage is that in this later text Rawls argues that principles of distributive justice do in fact end at a nation’s borders, and that the principles that

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25 Ibid., 151. Beitz also argues for a resource redistribution principle. This principle builds on the assumption that it is morally arbitrary to be born in a country rich in natural resources and reap the benefits from those resources. Instead, natural resources should be viewed as a common and ought to be distributed fairly between all people, not just people within certain political borders. Pogge later introduces his Global Resource Dividend (GRD) in which nations pay a tax on the resources that they use, and this money is used to alleviate poverty throughout the globe. While the issue of natural resource distribution is integral to many critiques of Rawls, it is tangentially related to my argument of scope and will not be discussed further here. For more information on GRD see Pogge’s World Poverty and Human Rights (Second Edition) (Cambridge: Polity Press, 2008).

26 Theorists such as Beitz and Pogge are often called cosmopolitans. There is no one definition of cosmopolitanism, but roughly speaking, it is the view that all individuals are equal units of concern, and there is no justification for limiting justice to citizens of a nation. The views countering cosmopolitanism are often called communitarianism, nationalism, the political conception, and so on. Theorists of these opposing views have various arguments culminating in the same conclusion: national borders are relevant to determining distributive justice. Theorists such as Thomas Nagel and Rawls argue that there is no distributive justice between nations, only humanitarian aid. I will not be using the terminology of cosmopolitanism and communitarianism, etc., in my arguments. The central reason for this omission is that there is very little agreement on the meaning of these terms, and different theorists use them in vastly different ways. In section III of this chapter I will develop my own theory of determining the scope of distributive justice which will borrow elements from both theories in new ways. For more on cosmopolitanism and its critics see Thomas Nagel, ”The Problem of Global Justice,” Philosophy and Public Affairs 33, no. 2 (2005); Blake, ”Distributive Justice, State Coercion, and Autonomy”; and articles in the edited volume The Political Philosophy of Cosmopolitanism, eds. Gillian Brock and Harry Brighouse (Cambridge: Cambridge University Press, 2009).

27 I will develop his theory in more detail in Chapter 3.
govern justice between nations—the Law of Peoples—do not involve *distributive* justice.

To derive the principles of the Law of Peoples, Rawls employs the original position cultivated in his earlier works, but he alters the mechanism for the international level. He now calls the original position within closed societies the “first original position.” Because the focus here is on closed societies, there must be a separate set of principles to govern fair cooperation between these societies; therefore, there must be a second original position to determine these principles. In the second original position the hypothetical individuals behind the veil of ignorance are no longer individual citizens of nations but *representatives of peoples* in liberal and decent societies. Here, as in the first original position, they are behind the veil of ignorance and therefore do not know many particulars about their society such as territory and population size, natural resources, economic development, and so on.

Rawls argues that representatives in the second original position would arrive at the following Law of Peoples to guide cooperation between nations:

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28 Rawls purposefully uses the term “peoples” instead of “nations” or “states.” He argues that states are only moved by prudential or rationally self-interested reasons. Peoples, on the other hand, can have moral motives and common sympathies. This is significant for Rawls because he thinks that peoples will feel bound to honor principles of justice. His distinction between peoples and nations is not pertinent to my argument, and I will therefore use the terms interchangeably.

29 Rawls notes five types of peoples: liberal, decent, outlaw, burdened, and benevolent absolutisms. It is only the first two types of peoples that count as belonging to the Society of Peoples who agree to the Law of Peoples. Liberal societies espouse liberalism. Decent societies espouse a certain conception of the good and may not view all people as equal but are respectful of citizens’ wellbeing and human rights. The final three types of peoples are not part of the Society of Peoples who follow the Law of Peoples. Outlaw states refuse to comply with the Law of Peoples. Burdened states suffer from unfavorable conditions and therefore cannot be well-ordered and stable. Finally, benevolent absolutisms respect human rights but do not allow citizens to have representation in government. See *Law of Peoples*, 4-5.
1) People are free and independent, and their freedom and independence are to be respected by other peoples. 2) Peoples are to observe treaties and undertakings. 3) Peoples are equal and are parties to the agreements that bind them. 4) Peoples are to observe a duty of non-intervention. 5) Peoples have the right to self-defense but no right to instigate war for reasons other than self-defense. 6) Peoples are to honor human rights. 7) Peoples are to observe certain specified restrictions in the conduct of war. 8) Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime. 30

What is significant about this list of global principles of justice is not what is on the list but what is left off. The eight principles from the second original position do not broach the subject of distributive justice at all; instead, these new principles read more like just war theory than a theory of distributive justice. 31 There is nothing resembling the difference principle on the international stage.

II.III. Understanding the Basic Structure

Why does Rawls dismiss the difference principle on the global level? I take the key explanation to be that Rawls changes his conception of the basic structure between the domestic and the international levels. This structural explanation is significant for my later theory, so I will discuss the Rawlsian view of the international basic structure in detail.

Recall that in A Theory of Justice, he defines the domestic basic structure as “the way in which the major social institutions distribute fundamental rights and

30 Rawls, Law of Peoples, 37.
31 In fact, the only principle that touches upon the subject of just division of resources is principle eight, but on closer inspection eight is not a principle of distributive justice at all: it states that people have a duty to assist those living under unfavorable conditions. It is not a duty of distributive justice but a duty of humanitarianism. I will discuss humanitarianism in more detail in the final chapter.
duties and determine the division of advantages from social cooperation.”\textsuperscript{32} The basic structure is the subject of distributive justice; therefore, if there is a global basic structure, then there ought to be global distributive justice to arrange it. Unfortunately there is no lucid definition of the basic structure in \textit{Law of Peoples}. He notes that “we may view the [content of the Law of Peoples] as governing the basic structure of the relations between peoples,”\textsuperscript{33} so I am comfortable stating that the site of justice remains the basic structure. However, what is not clear is if there is a global basic structure, and if there is, what form it takes.

I take there to be three possibilities for the global basic structure, and I will outline them, briefly providing examples of theorists who I think espouse these possibilities. First, there is a domestic and a global basic structure (or merely a global basic structure which encompasses both) deserving of distributive justice. This option would mandate global distributive justice as seen in the works of Beitz and Pogge.

Second, there is a domestic and a global basic structure, but these structures differ in substantial ways and therefore direct different principles of justice. This option \textit{may} mandate global distributive justice, and the principles of distributive justice \textit{may} differ between the domestic and international realms. I will give examples of two theorists who argue for a difference in basic structures to highlight the differing ways these theories can unfold. For instance, Samuel Freeman argues that were trade relations to make up a global basic structure this basic structure would be secondary to—and supervene on—the economic, social, and political basic

\textsuperscript{32} Rawls, \textit{A Theory of Justice}, 6.
\textsuperscript{33} Rawls, \textit{Law of Peoples}, 33.
structure of nations. For this reason there is no mandate for global distributive justice. Another account of option two can be seen in Blake’s argument. He states that there is no global basic structure comparable to the domestic basic structure because there is no international coercive government as robust as a national government. He concludes that only citizens within a state are eligible for egalitarian justice, but he leaves open the possibility of sufficientarian principles between nations in extreme cases of deprivation. In this theory, the difference in basic structures does not necessarily lead to the conclusion that there is no global distributive justice.

The third option for the global basic structure is that one does not exist, and therefore there are no obligations of distributive justice internationally. In this camp we find Nagel. Nagel’s argument is similar to Blake’s in that a coercive government is necessary for a mandate of distributive justice. However, it differs in that for Nagel there is no global sovereign, and therefore there is no basic structure; thus there is no global distributive justice. He does not leave open Blake’s possibility that there may be global distributive justice. Distributive justice, for Nagel, is found only within a nation.

34 Samuel Freeman, “The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice," Social Philosophy and Policy 23 (2006). In fact, Freeman notes that in some sense the global basic structure is not truly “basic” but secondary. It should be noted that Freeman is explaining his take on Rawls’s theory, not promoting a theory of his own here. For further discussion on Freeman’s conceptualization of global structures see my Chapter 3.

35 Blake, “Distributive Justice, State Coercion, and Autonomy,” 659-70. The principle of sufficiency is applied when poverty exists to such an extent that people in other nations lack the possibility of autonomy. So, in the global context Blake’s theory mitigates absolute deprivations. I will discuss his formulation of sufficiency further in Chapter 2, and I will actually argue that his global sufficiency theory fails to be a theory of distributive justice if he wants to be consistent with his coercive approach to distributive justice.

Which of these three options does Rawls appear to take in The Law of Peoples? The first option—that the domestic and global basic structures are equivalent—can be ruled out directly. Rawls is steadfast in arguing that there is no global difference principle, and he rejects Beitz’s claim that “a global system of cooperation already exists” which would give rise to global distributive justice. If there is a global basic structure, it is apparent that it is not meant to be a distributive institution that divides the advantages from international cooperation as his early critics assume. Yet his stance between option two—that there is a global basic structure but that it differs from the domestic structure—and option three—that no global basic structure exists—is murky.

Prominent philosophers not only disagree between each other on this point, but many vacillate within their own texts. For instance, even in the Stanford Encyclopedia of Philosophy article on “International Distributive Justice” Blake and Patrick Taylor Smith waver between option two and three. They begin by stating that “the 'basic structure’ of international realm is quite different from the basic structure of the domestic state” because the international basic structure just “is the principles by which well-ordered peoples govern themselves.” At this point they have espoused option two: there is a global basic structure but it is different in kind from the domestic. However, one sentence later they conclude, “As a consequence of

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this lack of an international basic structure, Rawls argues that the moral objections
to inequality in the domestic case do not apply.”³⁹ That is option three.

This muddling of option two and three is common throughout the literature,
and I think I know why it is the case. Rawls originally espouses option two: there is a
global basic structure that is the site of justice on the international stage. However,
this global basic structure is not merely different in kind from the domestic (one is
not simply more robust, pervasive, or coercive than the other); instead what
constitutes a global basic structure is fundamentally different from what constitutes
a domestic basic structure. In fact, it could easily be argued Rawls uses the same
term—basic structure— with two different definitions. So when Rawls states that
there is an international basic structure—or in his language a basic structure to the
Society of Peoples—he is not making a claim that this basic structure in any way
resembles the basic structure within closed societies. This leads to the confusion of
terminology found in many theories of the Law of Peoples: there is a Rawlsian global
basic structure in that there is a basic structure to the Society of Peoples, but there is
not a global basic structure in that there is nothing on the global scale which meets
the criterion of the domestic structure.

At this point we have a negative definition for the global basic structure: it is
not social, political, and economic institutions which regulate the benefits and
burdens of social cooperation as in the domestic case. Later in the text Rawls
clarifies the definition of the global basic structure. In the section with the promising
title Basic Structure of Society of Peoples, Rawls nebulously argues that a necessary

³⁹ Ibid. [my emphasis]
condition for having a Society of Peoples that follows that Law of Peoples is “mutual respect among peoples.” This respect is meant to hold between both liberal and decent peoples; it is important to allow decent peoples to eventually flourish into liberal peoples and allow liberal peoples to continue to flourish. Rawls writes, “These relations are not a matter of the internal (liberal or decent) basic structure of each people viewed separately. Rather, maintaining mutual respect among peoples in the Society of Peoples constitutes an essential part of the basic structure and political climate of that society.” So this “wider background basic structure” on the global level is the respect needed for the Law of Peoples to remain in place and is divested of any notion of distributive justice.

Two conspicuous questions arise when studying Rawls’s major divergence between the basic structure on the domestic and global scale. The first question is, why does he call the structure of respect a “basic structure” at all? In other words, why use the same terminology for two divergent concepts? I will postpone answering this question until the next section in which I will discuss the importance of structures in theories of distributive justice. The second question is, does Rawls have a concept of global justice? The answer to this question is yes, but his global justice looks very different from Beitz and Pogge’s earlier conceptions.

Rawls establishes a camp of theorists, later joined by Nagel, who argue that global justice in achieved when the world is composed of internally just states. Despite their differences Rawls and Nagel’s conclusions are the same: there is no distributive justice between nations. Of course the Law of Peoples outlines

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41 Ibid., 62.
principles of international justice, but these principles are divested of *distributive* justice. The Rawlsian model appears to consider the purpose of global justice to be twofold. First, it is to maintain liberal and decent peoples’ abilities to have internally just states, and, second, it is to provide assistance to burdened peoples who are unable to support institutions that create an internally just state.

I will describe each of these purposes in turn. To begin, Rawls argues that domestic basic structures are the primary concern of justice: the domestic basic structure and the stability of a people is, he argues, the principal determining factor of the wellbeing of individuals. For this reason, the role of the global basic structure is to ensure that liberal and decent peoples in the Society of Peoples are able to maintain the well-ordered\(^{42}\) institutions that make up just internal basic structures. This is the concern of the first seven principles of the Law of Peoples. In order to maintain their own institutions, autonomous peoples must be assured that others will be respectful and fair in their interactions with them on the global level. Without the worry of foreign intervention, peoples nestled within the fair terms of the Law of Peoples are free to nurture their own citizens by ensuring human rights and enacting laws that are in the interest of these citizens. These peoples would sanction a fair principle of distribution internally, such as the difference principle in liberal societies.\(^{43}\) So for Rawls, a world in which autonomous peoples all have just

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\(^{42}\) Rawls is never clear what he means by a “well-ordered” society in *Law of Peoples* except that liberal or decent societies with stable and just institutions are well-ordered. On the other hand, outlaw states, burdened states, and benevolent absolutisms are not well-ordered. See *Law of Peoples*, 4-5.

\(^{43}\) Because it is important to Rawls to include decent peoples and not restrict his view to liberal peoples exclusively, he cannot say that all peoples within the Society of Peoples will espouse liberal principles similar to Justice as Fairness. But he does say that in order to have a society that is at least
institutions benefiting their citizens would be a just world without need for a global principle of distributive justice.

That international justice is fulfilled when all peoples have internally just states leaves open the possibility that these states will differ greatly in wealth: internally well-ordered and stable peoples can be crafted *regardless of the inequality between these peoples*. Vast differences in wealth between countries would only imply injustice if this inequality results in unjust effects on the internal basic structure of the countries, which Rawls believes is a rare outcome.\(^{44}\) If this occurs there is a possible duty of assistance to peoples he calls "burdened": countries which are not well-ordered and would benefit from help by well-ordered countries.

Assistance to burdened peoples is the second purpose of the Law of Peoples. In principle eight Rawls writes, "Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime."\(^{45}\) However, assisting them is not equivalent to distributive justice. Rawls contends that the aim of assistance, as opposed to distributive justice "is to realize and preserve just (or decent) institutions, and not simply to increase, much less to maximize indefinitely, the average level of wealth, or the wealth of any society."\(^{46}\) And realizing just internal institutions may not require supplementing a burdened country's wealth: for Rawls just basic structures and poverty are not

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\(^{44}\) In Chapter 3 I will critically analyze Rawls's notion of effects and basic structures.


mutually exclusive. His justification for this argument is the context for much of my third chapter.

At this point, let’s pause and collect our thoughts. In this section I have defined distributive justice and outlined important background for the global distributive justice debate, following a roughly chronological timeline. Focusing on Rawlsian theory and his emphasis on the basic structure as the site of distributive justice, I have sketched the route engaged by other theorists and their take on the basic structure. While Rawls, Freeman, and Nagel conclude that only the domestic basic structure mandates distributive justice, early Beitz and Pogge argue that there is a global basic structure in place mandating global distributive justice. At the start of this chapter I defined structuralism as a theory that takes the structures in place to be the primary determinates of distributive justice, and in this sense I call all of the above theories structuralist. In the succeeding section I fully define structuralism and provide the impetus for espousing such a view.

III. Structuralism

Let me return to a question I left dangling in the previous section: If Rawls essentially changes the definition of a basic structure for the global level, why does he insist on using the “basic structure” terminology? Since the global basic structure does not resemble any previous definition of basic structure he has given, it seems odd that Rawls does not use terms such as a secondary structure, a system of mutual
respect, and so on, instead of "basic structure."47 I argue that Rawls does not change his terminology because he is committed to the idea that the most reasonable site of justice is structural. The purpose of this section is to provide the motivation for not just Rawls's view but for any view of justice/distributive justice which takes the site of global justice to be structural, and I do this by traversing the previously delineated elements of distributive justice. I begin by providing a twofold definition of structuralism and assert the importance of structures as the site of justice. Next, I discuss the question of the units of concern for structuralism and the negative and positive reasons for my particular form of the theory. Finally, I respond to two objections to structuralism.

III.I. Structures as the Site of Distributive Justice

Recall that the elements of interest for the scope of distributive justice are the site and units of concern. As shown in the previous section, determining that the site of distributive justice is the basic structure could lead one to argue that the scope of distributive justice is domestic or global depending on how one parses out the concept of the basic structure. Thus, stating that the site of justice is the basic structure is not enough to determine the scope: one must have an argument for what form the basic structure takes. Structuralism makes the argument for the basic

47 A secondary structure appears to be a reasonable title if one accepts Freeman's reading of Rawls, and a system of mutual respect appears to be a reasonable title if one accepts Rawls's argument of respect between peoples. I also think that an argument can be made that Rawls's global basic structure just is the Law of Peoples. Other than stating that the global basic structure is agreement between autonomous nations (which is also the definition of the Law of Peoples), his only other definition is mutual respect between peoples which just is the first principle of the Law of Peoples. I will not develop this idea anymore here; the purpose of my dissertation is to argue for a structural approach to global distributive justice, not to solve the puzzle of Rawls's basic structure.
structure in two ways. First, as mentioned, structuralism assumes that global structures (be they social, political, economic, etc.) are the primary site of justice; and second, structuralism is the analysis of global structures as they currently exist.

In terms of the first aspect of the theory, I have detailed what it means to have the basic structure as the primary site or subject of global justice in the previous section, so I will not reiterate it here. Instead, I will begin with the latter structuralist assumption: one ought to examine the global structures that are in place. My structuralist theory finds its roots in what Blake calls “institutionalism” in which one takes the global system as a “pretheoretical given for purposes of analysis” which begins “with states as they are currently situated—both in terms of the powers they possess and in terms of the territory over which they have authority.” Similarly, structuralist theorists presuppose the current configuration of states, economies, international institutes, and so on. Structuralism assumes the international structures currently in existence and reflects on them to arrive at principles of justice. This is contrasted with a theory that determines the principles of justice and then argues for what international structures ought to be in place.

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48 Blake, “Distributive Justice, State Coercion, and Autonomy,” 661-2. In “International Distributive Justice” Blake and Smith also use the terms “left-intuitionalists” and “right-intuitionalists” in roughly the same way that I use the terms coercive and cooperative approaches. These approaches do not mirror each other exactly, and I will use my own terminology.

49 Structuralism is a view about global justice: it acknowledges the system of states and their interactions on an international scale. It is not a view about domestic justice, and does not imply that one must have a certain kind of theory on the domestic level.

50 Rawls is a structuralist in that, although behind the veil of ignorance, representatives of peoples do not know the size of their territory, level of natural resources, etc., Rawls states explicitly that they do understand the system of autonomous states, and what makes a liberal state possible. However, it is clear when reading Law of Peoples that the representatives know more than this: they know that there is not an international governing organization, that some states have more power and therefore more sway in the international realm, that the free market reigns internationally, and so on. Piecing together different components of Rawls’s later work, it is clear that representatives of peoples understand the current configuration of the international system but do not know where
Though Blake utilizes the term “institutionalism,” I will not use this term for two reasons. First, structuralism goes beyond the institutional view that existing institutions are the primary site of justice by arguing that we must take the standpoint of nations (later in this section). I do not want to utilize the term “institutionalism” for this argument if it is not the original intention of the theory.

Second, I purposefully use the word “structures” instead of “institutions” to avoid the implication that I am discussing only existing entities such as the United Nations, World Trade Organization, European Union, and so on. Recall that in the introduction to this chapter I mentioned that there are two main structuralist approaches: coercive and cooperative. Coercive approaches do largely utilize institutional entities such as the ones listed in order to argue for the delineation of the scope of distributive justice. The coercive approach focuses on existing legal and political institutions. This is the approach that Blake takes, so it makes sense that he would use the term “institutionalism” originally. However, the cooperative approach to structuralism does not necessarily utilize institutional entities, leaving open the possibility that certain interactions delineate the scope of distributive justice regardless of whether these interactions are attached to a certain institution. The cooperative approach focuses on existing economic structures. In order to not stack the deck in favor of the coercive view, I will adopt the term “structuralism” instead of “institutionalism.”

they will be situated within this system. Therefore the representatives ought to devise principles which, if fully realized, would create a utopia in which autonomous peoples could flourish. Rawls has idealized aspects of his theory such as his conception of human nature, well-ordered liberal and decent states, and so on. But he also has non-idealized aspects of his theory such as burdened and outlaw states and humanitarian principles.
Now that I have given a definition for structuralism I will provide the two-fold impetus for recognizing the importance of existing social, political, and economic structures. First, I argue for the superiority of a structuralist “stepping-stone theory” from existing structures over a theory from idealized foundations. Second, I argue that it is necessary to examine structures as they exist due to the sizeable part they play in determining who we are and how well we live.

The first significant aspect of structuralism is that it is neither a strictly idealist nor nonidealist theory but —what I call— a “stepping stone” theory. According to a purely idealist theory of justice, one must start from scratch, envisioning everything from the nature of human beings and their interactions, to aspects of social and political culture, and so on. Such a theory is difficult to motivate because nearly every component of the theory must be argued for and cogently pieced together before the discussion of global distributive justice even commences. This is problematic.

However, let us put aside the conundrum of getting a purely idealized theory off the ground, and assume that we have successfully done so. There still remains the risk that once we have determined the five components of global distributive justice the result is a set of principles which are not applicable to the world in which we live. For example, a purely idealized theory often takes as given a human nature with a penchant to being fair in their dealings with each other and assumes capitalist, liberal nations that are civil with each other and yet primarily interested in their own survival. Because such an idealized theory would be built from these foundations, it has no built-in mechanisms to deal with the nonideal aspects of our
world such as political corruption, economic bribery, unjust war, natural calamity, and so on. In short, the theory will provide prescriptive principles which cannot in actuality be followed effectively.

Because structuralism is neither an ideal nor a nonideal theory, it avoids the concerns both in getting off the ground and in providing applicable principles. I call structuralism a stepping-stone theory because it alternates between the ideal and nonideal to dialectically shape the theory of global distributive justice. To do this, a structuralist first examines the existing global structures (such as government intervention in the case of the coercive approach or current trading regulations in the case of the cooperative approach). From the analysis of these structures she derives principles of distributive justice. It is entirely possible that these principles, when applied to the existing structures, will find the current distributions to be unjust and in need of alteration.

Thus, there may be two types of structures at play in structuralism. The first are the existing structures which determine the scope of justice and yield principles, and the second are the ideal structures which result from satisfying those principles. And this stepping-stone method may continue indefinitely into the future: after the existing structures are altered according to the principles of distributive justice, a theorist must step back and examine the resultant structures which are now in place. He must question the justice of these resultant structures and determine if more adjustments ought to be made. And so on. Because my project is one of scope not of resultant principles of justice, I will be examining the existing structures as opposed to the possible ideal structures.
Now I will discuss the second impetus for structuralism. A structuralist “recognizes that the form of society affects its members and determines in large part the kind of persons they want to be as well as the kind of persons they are.”\(^5\) That this is true can easily be seen on the domestic level: my socioeconomic status within the United States has a *pervasive impact* on what my opportunities are going to be, how I am going to be able to develop my talents, what my overall health should be, how long I should live and how happy I will be living. Or, to put it more succinctly, the American social, political, and economic structures in which I am enmeshed inform who I am and who I will be.\(^6\)

It also seems empirically true that where I am situated within the international scale affects my livelihood. Just as there are various socioeconomic levels for individuals within a country, there are various socioeconomic levels for countries within the global arena. Though not an exact science, studies by


\(^6\) Abizadeh also discusses the pervasive impact of structures, but we do so in divergent ways. Whereas I break down structuralism into two categories (coercive and cooperative), Abizadeh breaks them down into three: coercive, cooperative, and pervasive. He defines the pervasive approach as follows: “(a) the basic structure comprises the institutions that have pervasive impact on persons’ life chances; (b) the primary site of justice is the institutions that have pervasive impact; and (c) that scope of justice is those persons whose life chances are pervasively impacted by these institutions” ("Cooperation, Pervasive Impact, and Coercion," 343). He devotes very little space to the pervasive theory and ultimately finds it wanting because making claims about pervasiveness “depends on construing the basic structure in terms of either cooperation or coercion” (Ibid., 344). In other words, to coherently argue for or against the pervasive approach restricting the scope of distributive justice to nations, the theory collapses into either the cooperative or the coercive. I think that the reason is that Abizadeh has mis-categorized pervasiveness: it is not a separate approach to structuralism like coercion or cooperation, but an empirical claim motivating the structuralist theory as a whole. It is because the structures in which we are enmeshed pervasively affects our lives that it is imperative we formulate a theory of structuralism that is just. Thus, both the cooperative and coercive approaches emphasize the pervasive impacts of social, political, economic, and/or legal structures.
organizations such as the World Bank\textsuperscript{53} show a strong correlation between a county’s GDP and infant mortality rates, where an elevation of infant morality rates correlates with a contraction of GDP. The data is also clear on average life expectancy. In 2012 a person in the United States could expect to live an average of 79 years, in Switzerland 83, in Yemen 63, and in the Central African Republic 49.\textsuperscript{54} These numbers provide a stark picture of mortality rates around the world, but there are also more nuanced ways that people’s livelihoods are affected by where on the globe they live.

In a 2012 paper for the World Bank’s Poverty and Inequality Team, economist Branko Milanovic argues that statistics on individuals’ real income show that the location of an individual in the world is momentously important in determining their real income. He argues that “more than fifty percent of one’s income depends on the average income of the country where a person lives or was born.”\textsuperscript{55} Milanovic adds that this certainly does not mean that income cannot be determined by other factors such as gender, race, luck, education, effort, etc., but that “a very large chunk of our income will be determined by only one variable, citizenship, that we, generally, acquire at birth.”\textsuperscript{56} To hammer the impact of this point home, Milanovic concludes that “if I know nothing about any individual in the

\textsuperscript{56} \textit{Ibid.}, 20.
world, I can, with a reasonably good confidence, predict her income just from the knowledge of her citizenship.”

In 2009 I tutored a women named Maimouna in Senegal, helping her prepare for the English language TOEFL test. She was a fortunate woman in the country: she was the daughter of the second wife of a relatively affluent businessman. Compared to the other teenagers I taught in the high school, and especially compared to the impoverished children at the boy’s home, Maimouna was well-off. However, in comparison to a relatively affluent woman in Europe, her possibilities of life opportunities in Senegal were narrower. She was studying to take the TOEFL so that she could study to be an Ob/Gyn, and although her plan was to return to Senegal to practice, she explained that there was little to no chance she could get a quality education as a woman in the field studying at home. The structures that existed in her country at the time simply could not sustain her dream. And she is not the only person whose talents were being failed by the system: in the four months I spent in Senegal the High School only held class a handful of times. By the time I left, the constant strikes, by either the faculty protesting poor wages or the students protesting poor conditions, was going to lead to a “black year”—a year in which not enough classes were held to count as a successful academic year. In a black year all students must repeat the grade the next year.

This snapshot look at the educational infrastructure highlights just how different a person’s opportunities and livelihoods can be between countries. Maimouna’s story is a story of relative prosperity. Many teenagers around the world

57 Ibid.
have bleaker futures, and it is relatively easy to give examples of people living in abject poverty struggling to survive. But I choose Maimouna’s narrative to point out that even individuals who are in fortunate circumstances within their respective countries have greatly different life chances depending on the country of their origin. In addition, Senegal has been a democracy since independence in the 1960s, and is often hailed as one of the most stable African nations. By focusing on a relatively stable and peaceful nation, I hope to clarify the point that a person’s livelihood can be negatively affected by her nation’s structures even if those nations are not facing extenuating circumstances like famine or war. In Chapter 3 I will argue that the social, political, and particularly economic structures within nations are informed by the global structures that are in place.58

To summarize structuralism thus far, the site of global justice is existent structures whether they be social, political, economic, and so on. Different theories of structuralism take different structures to be relevant which will lead them to differing conclusions about the scope of distributive justice. This will be the topic of Chapters 2 and 3. But before approaching this topic, there is a final element of distributive justice that must be addressed: the units of concern.

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58 By categorizing pervasiveness as a factor in any approach to structuralism, I also hope to have dispelled Abizadeh’s (I think misplaced) concern that an emphasis on pervasiveness takes the focus away from institutions and structures. He briefly argues (à la G.A. Cohen) that if the concern is with pervasiveness then there is no reason for the pervasive approach to apply to structures and not to individual actions. After all, individual actions can have pervasive impact on others. This objection does not apply to my characterization of structuralism for two reasons. First, as I have just shown in the Maimouna case, it is far from true that pervasive import can be boiled down to individual actions: structures have a very unique role to play as a separate sphere from individual actions. Second, that structures have pervasive import is a necessary but not sufficient motivation for structuralism. This is because structures are not important only because they have pervasive effects but also because, as mentioned above, they provide a concrete foundation for a stepping-stone theory of distributive justice (“Cooperation, Pervasive Impact, and Coercion,” 343-4).
III.II. The Units of Concern for Distributive Justice

Who the units of concern are on the global level is a major source of contention between philosophers. I think that there are two central options for the units of concern available to structuralists: individuals or nations. In the former camp we find Beitz, Pogge, Blake and others. In the latter camp, we arguably find Rawls. Recall, in A Theory of Justice Rawls argues that individuals are the primary units of concern on the domestic level, but in Law of Peoples it is less clear if the units of concern are for individuals within nations or nations themselves. Individuals are no longer the deciding entities in the second original position, representatives of nations are, and the Law of Peoples is an agreement between—and in the interest of—peoples not individuals. I am not interested in which option is Rawls's unit of concern, but a explication of opponents' arguments helps clarify the importance choosing a unit. I will outline both arguments and conclude that my structuralist theory is finds a middle ground: individuals are the ultimate units of concern but through the lens of nations. In other words, in my concern for individuals I focus on the national structures that surround them.

Let me unpack what I mean by individuals through the lens of nations. First, I will argue against the stance that one is necessarily shunning individuals as the units of concern by framing the issue of global distributive justice as between nations. This assessment is held by many theorists, and I will only analyze two here: Wenar and Pogge. In an argument in favor of statism —or taking the system of states as the subject of justice—Leif Wenar contends that according to this view there is no concern for individuals on the global level. He argues that because the
concern of statism is internally just states, the Rawlsian model dismisses individual welfare; this is even true on the level of assistance because Rawlsian assistance calls for a nation to be raised to the level of well-orderedness not for an uplifting of individual welfare within the nation.\textsuperscript{59}

In \textit{Realizing Rawls}, Pogge takes a similar stance. He argues that if Rawls intends for the people in the second original position to be representatives of states instead of global individuals (or even individuals within certain societies) then this would be a “dramatic adjustment” of Rawls’s original theory.\textsuperscript{60} This is because it would be “incompatible with Rawls’s individualistic conviction that in matters of social justice only \textit{persons} are to be viewed as ultimate units of (equal) moral concern.”\textsuperscript{61} Of course later in \textit{The Law of Peoples}, Rawls contends that those in the second original position in fact \textit{are} representatives of states. Does Rawls shift the unit of concern from individuals on the domestic level to states on the global level? I am not concerned with discerning the answer, but what I am concerned with is

\textsuperscript{59} Leif Wenar, ”Why Rawls is Not a Cosmopolitan Egalitarian,” in \textit{Rawls’s Law of Peoples: A Realistic Utopia?} eds. Rex Martin and David Reidy (Oxford: Blackwell Publishing Ltd, 2006): 104. Wenar’s view on this subject is actually a little slippery. He writes, “Because Rawls’s global theory works exclusively in terms of peoples, it cannot show any direct concern for individuals... [humanitarian] intervention is \textit{not} for the sake of the well-being of the oppressed or the starving individuals in the other country” (\textit{Ibid.}). Yet later he writes, “[[individuals are also the ultimate units of theory in Rawls’s law of peoples. Rawls’s theory is based in his fundamental norm of legitimacy, which takes justifiability to individuals as the measure of the legitimacy of coercive power. So at the deepest level Rawls’s theory is also individualistic” (\textit{Ibid.,} 110). Rawls’s theory cannot take the units of concern to be states and individuals at the same time, especially for Wenar’s anti-cosmopolitan argument. I take Warner to be arguing that Rawls is \textit{not} individualistic in the sense that his ultimate concern is for the wellbeing of individuals, like it is on his domestic account; however, Rawls \textit{is} individualistic in that sense that his ultimate concern is for individualistic justification of coercive schemes. Since I am interested in the ultimate unit of concern as individual welfare, I will focus on this aspect of Wenar’s theory.

\textsuperscript{60} Pogge, \textit{Realizing Rawls}, 243.

\textsuperscript{61} \textit{Ibid.}, 247.
countering the above argument that a focus on states systems entails the unit of concern cannot be individuals.

Structures are the appropriate sites of justice because they permeate who we are and who we are to become. As Pogge succinctly puts it, “institutional inequalities, at least insofar as they are based upon natural or social contingencies, are inescapable and present from birth.” 62 For this reason, it is fairly uncontroversial to argue that though they are focused on domestic structures as the site of justice, the ultimate units of concern are individuals. The logic here is relatively straightforward. The structure of a society pervasively affects the welfare, opportunities, etc., of its individuals. Namely, an unjust structure will negatively affect individuals so that even if they are working to the best of their ability they may not be guaranteed a flourishing life. If structures are unjust in this way, focusing merely on individuals while ignoring unfair systems is unconstructive. Thus, any thorough theory of justice must examine the structures encompassing individuals’ lives.

I think that this uncontroversial casting of domestic structures can be applied to the international realm. As detailed in the Maimouna case, the nation to which one is born has substantial effects on one’s possible livelihood. These effects can be parsed out in two ways. First, the purpose of justice as stated is to mitigate contingencies which are morally arbitrary such as talents, intelligence, socioeconomic status, and so on. While these contingencies undoubtedly alter one’s life chances on the domestic level, it is also clear that the country to which one is

[62 Ibid.]
born alters one’s life chances as well: even a relatively well-off person in Chad has a much different life than a relatively well-off person in Britain.\textsuperscript{63} Because of this contingency, many argue that Rawlsian reasoning requires mitigating national contingencies by broadening the scope of distributive justice to the global level.\textsuperscript{64} Importantly, this broadening could take states as given but would still have individuals as units of concern by instituting distributive justice between nations.

But I think that a second casting of taking the standpoint of nations while keeping individuals as the ultimate unit of concern is even more persuasive because it does not hinge on an acceptance of Rawlsian theory. According to this second view, far from dismissing individuals as the units of concern, a structuralist view which takes the existing relationships between states as a given \textit{entails} that the units of concern are individuals. Structuralism assumes the structures that are already in existence, and it is an undeniable aspect of our situation that we are all citizens within territorial nations. In my identity, I am not just a citizen of the world, I am foremost a citizen of the United States. This is extremely relevant to the issue of distributive justice because, as argued above, the wealth and stability of a nation informs the wellbeing of its citizens. This means that it may be necessary for

\textsuperscript{63} Rawls himself cannot doubt this empirical fact, and I think that any charitable reading of him involves him acknowledging that the nation to which one is born is a contingent fact. Thus, if Rawls wants to argue that there is no distributive justice globally, the onus is on him give an argument as to why national contingency does not mandate distributive justice. His response is essentially that national wealth is a result of choice from its citizens not arbitrary factors. I will object to this assessment in detail in Chapter 3.

structuralists to examine not just the relationship between an individual and her native country but also the relationship between countries.

If these structures lead to vastly unequal distributions then these distributions are difficult, if not impossible, to correct without changing the structure itself. For example, imagine someone in a minority group who lives in a country that allows for many legal forms of discrimination, including allowing them to be paid less than someone in a majority group for the same job. I think most people would agree that with those structures in place it would be arduous, if not impossible, for people in the minority group to succeed in the same way as someone in the majority. I believe that this holds true when the focus is shifted from individuals to nations. As in the example above, assume a country in the affluent northern hemisphere receives vastly larger resources from the global economic system in place (as would be the concern of the cooperative approach) or vastly larger benefits from global governing systems (as would be the concern of the coercive approach) than does an impoverished country in the global south. The distributions emerging from these structures have negative effects on the latter country, and therefore have likely negative effects on the welfare of that country’s citizens. Thus, this example highlights the importance of viewing individuals through the lens of nations.

This is the positive reason that I have for taking the structuralist view: the social, economic, and political structures built around us pervade many, or most, of our interactions and inform who we are and what we can do with our lives. Thus, any theory of justice which ignores these structures is an incomplete theory. But
there is also a negative reason I have for taking the structuralist view. The negative reason is that I think many structuralists—namely, Rawls, Blake, and Nagel—are incorrect in arguing that the current structure of our nation-states leads directly to the conclusion that the scope of justice is delineated by our national borders. In arguing this, these theorists assume the incorrect notion that a just world is defined only as a world of internally just states, and that the only way to argue for a more globalized scope of distributive justice is to ignore the current system of separate nations. Thus, in my negative arguments I will argue for a dismissal of the common structuralist delineation of distributive justice.

III.III. Objections to Structuralism

Dismissing a structuralist view which assumes taking the standpoint of nations entails only domestic distributive justice is also vital in countering two objections: the External Inequalities objection and the Status Quo objection.

What I call the External Inequalities objection voices the concern that a structuralist theory that takes the configuration of nations as a given will result in a theory that limits concern to only internally just states. As seen at the end of the previous section, structuralists may argue that a just world is a world in which there are internally just states: while there is justice between nations, this justice is devoid of distributive concerns. The result of this type of theory is that there can be great inequalities between nations which result from a just world system. This is undoubtedly a possible outcome of structuralism. However, far from arguing that structuralism necessarily leads to this end, my theory will conclude that the most
viable form of structuralism mandates distributive justice between nations as well as within them. In Chapter 2 I will argue that the most philosophically sound version of the coercive approach to structuralism entails that distributive justice only exists within closed national borders. However, the coercive approach faces flaws alleviated by the cooperative approach, so in Chapter 3 I will analyze the cooperative approach and conclude that it requires international distributive justice. Thus, my structuralist theory will not fall prey to the External Inequalities objection.

Similarly, my theory does not fall prey to the Status Quo objection. According to this objection, taking the structures in place and extrapolating principles of justice from them “would arbitrarily favor the status quo.”\(^\text{65}\) The Status Quo objection has roots in the theories of Beitz and Abizadeh.\(^\text{66}\) Abizadeh argues that basic structure theories (what I call structuralist theories) can assume that the basic structure is a condition of justice in different ways. First, an “existence condition” presupposes and requires the existence of the basic structure; second, a “constitutive condition” and an “instrumental condition” merely require that “a basic structure could exist.”\(^\text{67}\) According to these definitions, my structuralism

\(^{65}\) Charles R. Beitz, “Cosmopolitan Ideals and National Sentiment,” \textit{The Journal of Philosophy} 80, no. 10 (October 1983): 595. His initial discussion of the status quo pinpoints whether Rawls presupposes the existence of a basic structure. In the excerpt quoted above Beitz is recanting an earlier claim that Rawls held an existence condition for the global basic structure. In this article Beitz acknowledges that to avoid (what I call) the Status Quo objection, he must dismiss the existence condition for a “feasibility condition” in which it is merely feasible that there is a global basic structure.

\(^{66}\) Abizadeh, "Cooperation, Pervasive Impact, and Coercion.”

\(^{67}\) \textit{Ibid.}, 324.
upholds an existence condition: it utilizes the structures which are currently in existence to determine the scope of distributive justice.\footnote{Abizadeh, like Blake and I, uses the terms coercive and cooperative to delineate two different takes on global distributive justice. However, whereas I take all structuralist theories to uphold the existence condition, Abizadeh parses his theory out differently. He argues that the coercive theory upholds the existence condition and that a coercive structure does exist globally. Thus, the coercive theory leads to global distributive justice. Abizadeh argues that the cooperative theory upholds the existence condition as well: the cooperative theory claims that there is no existing basic structure but there is existing social interaction which is what is needed for global distributive justice. I will argue in Chapter 3 that there is a global basic structure already meeting the standards of the cooperative theory, so the correct version of the cooperative theory does lead to global distributive justice.}

The objector would maintain that a theory which presupposes the structures already in place ultimately fails to question the justice of these structures. For instance, the coercive or cooperative structuralist theories could find that the scope of justice mandates distributive justice between nations; however, in presuming the existence of nations the theory never questions the justice of the state system. The objector could ask: why must we take the possibly unjust division of territories into nations as a pretheoretical given? It seems problematic that a structuralist theory can never radically question the structures it assumes at the starting gate.

The Status Quo objection is a fair objection to lob at structuralism; however, I have two responses that assuage the worry. The first response—influenced by Andrea Sangiovanni—is a bit weaker than the second but I think makes a viable point. Clearly, it is the case that the structuralist who examines current structures to determine the scope of distributive justice has a different starting point than a theorist who uses idealized principles to determine the scope of distributive justice. I argued this point myself previously in this section. However, I do not take the empirical claim that the nation to which one is a citizen largely determines his prospects to be a \textit{normative claim of endorsement}. A structuralist works with the
way the world is, but “[t]his does not imply the further claim that we are currently in the best of possible worlds.”\textsuperscript{69} A structuralist assumes the state system not because it is an exemplarily system but because it currently has great impact on who we are and gives us a solid starting point for justice. Were another system to come into existence that overrides the state system then the structuralist would shift focus to that new emerging structure. In this way, structuralism does not latch on to the current status quo to endorse its continued existence.

The argument that the structuralist assumption does not focus on existing structures like the international state system also leads into the second response to the Status Quo objection. Recall that structuralism is a stepping-stone theory which dialectically examines both ideal and nonideal elements. While it does take nonideal structures as the starting point, structuralism formulates more ideal principles of distributive justice from these structures. These principles, in turn, are used to \textit{critique and alter elements of the existent structures which it takes to be unjust}. Then the next stepping-stone is to analyze the newly altered structures and formulate principles of justice from them, perpetuating the interaction of the ideal and the nonideal.

This stepping-stone method mitigates the Status Quo objection to structuralism. While the theory does find its genesis in existing structures, it is not the case that these structures are never questioned: existing structures would be continuously altered as principles of distributive justice come to light. It is important to note, however, that because I am only concerned here with the scope

of distributive justice and not the principles, I will not be utilizing principles to augment structures as they currently exist. This project would begin after my current aim of determining the scope. However, this does not mean that a more robust structuralist theory will not ultimately create principles that question the status quo.

In this section I have sought to clarify the definition of structuralism and provide an impetus for accepting such a theory. Structuralism seeks to define the scope of distributive justice with the assumptions that the site of justice is the basic structure and the units of concern are individuals viewed through the lens of nations. For the remainder of the dissertation I will analyze the two types of structuralist theories: coercion and cooperation. Both approaches provide an answer to the query, ought there be distributive justice between nations? However, each uses a different method and reaches a different conclusion about the matter. A teasing out of these disparities is the motivation of the rest of my dissertation.

**IV. Outline of Chapters**

I will briefly outline the remaining chapters. Chapter 2 will be an exposition on the coercive view in general and Blake’s conception of the coercive view in particular. I argue that two objections can be leveled against the coercive approach: the equivocation objection and the coercion as cooperation objection. According to the equivocation objection, coercive theorists are equivocating between two different meanings of the word “benefits,” and, when this equivocation is made clear, coercive theorists cannot reach their desired conclusions. According to the
coercion as cooperation objection, attempts to avoid the equivocation objection highlight why coercion is actually a particular type of cooperation. Therefore, the coercive approach collapses into the cooperative approach.

In Chapter 3 my attention will shift from the coercive view to the cooperative view. I will define cooperation as economic cooperation and sharpen the borders of cooperation so that it is clear what counts as economic cooperation and what does not. Finally, I conclude that there is no sound argument, Rawlsian or otherwise, for why the cooperative approach would limit the scope of distributive justice within national borders. Thus, the cooperative approach widens the scope of distributive justice to include those nations cooperating appropriately.

In Chapter 4 I will argue that although my cooperative approach to structural distributive justice extends the scope of distributive justice between cooperating nations, my theory of distributive justice nevertheless requires a humanitarian supplement. In the nonideal world in which we live, not all nations will be cooperating economically (e.g., an isolated island), and, even within cooperating nations, it is possible for a people's welfare to suffer (e.g., as a result of natural disaster). For this reason, I argue for a humanitarian theory based in beneficence that ought to exist between nations. By combining my theory of distributive justice with my theory of humanitarianism, I think that structuralism can assist in achieving a more just and compassionate relationship between nations.
Chapter 2
The Benefits of Coercion:
The Coercive Approach to Distributive Justice

I. Introduction

While the aim of the previous chapter was to argue for a structuralist theory of distributive justice, the aim of the following chapters is to construct the best form of structuralism. In Chapter 1, I noted two approaches to structuralism: the coercive and the cooperative. Generally speaking, the coercive approach argues that the scope of distributive justice is determined by the existence of coercive systems, while the cooperative approach argues that the scope of distributive justice is determined by the existence of cooperative systems. The coercive approach is the subject of this chapter.

II. Elements of the Coercive Approach

II.1. Coercion, Blake, and the State

A coercive approach to distributive justice follows this general argument:

1) If people are participating in an organized system that imposes burdens on them, then those participants are owed benefits in the form of distributive justice from that system.
2) If people are not participating in an organized system that imposes burdens on them, then they are not owed benefits in the form of distributive justice from that system.
3) People who participate in a coercive system are subjected to burdens from that system.
4) People who do not participate in a coercive system are not subjected to burdens from that system.
5) Therefore, those participating in a coercive system are owed benefits in the form of distributive justice from that system, and those not participating in the coercive system are not owed benefits in the form of distributive justice.
Essentially this argument states that because a coercive system imposes burdens on its participants, those participants are owed distributive justice as redress. Those not participating are not burdened and therefore are not owed distributive justice. Though the term “coercive system” may evoke negative connotations, it is not meant to in this context. In fact, a coercive system is a ubiquitous concept in our everyday lives. The most commonly cited example in the literature of a coercive system is a national government because it offers a fairly clear-cut example of a regulating body. This is the coercive system I will focus on for the time being.

National governments restrain our behavior in a myriad of ways through civil law, contract law, property law, criminal law, and so on. Far from being harmful, such coercive systems often serve the purpose of being mutually beneficial to those being coerced because they provide a guard against anarchy (among other things). Countries such as Somalia serve as an example for the significance of coercive systems in maintaining levels of welfare for individuals. Since the fall of the government in the early 1990s, Somalia has sunk into anarchy with feuding power structures fighting for control. In May 2017, the UN estimated an upsurge of 1.4 million Somali children suffering from acute malnutrition.\(^\text{70}\) In the case of Somalia, it is not difficult to see the causal connection between a stable coercive system and individual benefit.

But, of course, some coercive systems such as slavery, colonialism, malevolent despotism, and so on are deleterious. Again this can be seen in Somalia

with the tenuous rule of the militant group Al-Shabaab. But as the coercive theorist is quick to point out, not all forms of coercion are unjustified, and what is essential is determining what justificatory measures there are for coercion. This is where the concept of distributive justice comes in. Agents living within a coercive system must submit to laws regulating their behavior—especially their behavior in respect to others in that coercive system—in ways that an agent in an unbounded state of nature would not have to. This not only unites members of a coercive system to each other but also gives rise to special obligations of distributive justice from the coercive system. It is not always made explicit, but I think that the coercive approach to structuralism is at its core a theory of fairness: because burdens are required to create benefits it is those people who are burdened who ought to receive the benefits; conversely, people not burdened by the system are not owed a share of these benefits.

Though I will ultimately argue against the coercive approach, I do think that it has intuitive appeal. Take me as an example. I am a citizen of the United States, and with this title I am placed with certain burdens. I pay taxes yearly, and I generally follow the laws with the knowledge that when I break them (with say a traffic violation) I will face punishment. The US government—or its state and local subsidiaries—places restraints on me which range from the mundane (whether I can water my lawn during a drought or go five miles over the speed limit) to the pressing (whether I can murder my noisy neighbor or be subject to the death penalty for a crime). I live a life constrained by the country I was born into; yet,

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because of this constraint I am also entitled to distributional benefits from that system. I went to public schools as a child; I have a police force to protect me from harm and firefighters to put out a blaze; I could be eligible for unemployment, Medicaid, or SNAP benefits. And this list barely skims the surface of the benefits I receive being a citizen of the US.

By contrast Maimouna, my student in Senegal from Chapter 1, does not receive these same benefits from the US government or its subsidiaries: she is outside the scope of US distributive justice because she is a citizen of a different coercive government. Though this may seem prima facie harsh, it is actually the fair outcome of the theory. Whereas I have spent my life subjected to various burdens in the US, Maimouna has not, so it is unfair that she would receive the resultant benefits. Instead, she has spent her life with a different set of burdens placed upon her by a different coercive government and ought to therefore receive benefits from that coercive system. This does not mean that a coercive theorist has no moral concern for those outside of set political boundaries: peoples of means may still have humanitarian obligations to help those in need throughout the world, but they do not have obligations arising from distributive justice.\textsuperscript{72} Emphasizing the burdens and benefits involved in being coerced gives the coercive theorist a plausible argument for the delineation of distributive justice. As the contrast between Maimouna and myself highlights, the coercive approach can—at least prima facie—reasonably reach the conclusion that distributive justice ought to take place on a national but not a global scale.

\textsuperscript{72} For now I will set aside discussion of humanitarianism (or obligations of beneficence), but it will be the subject of the final chapter.
In the following section I will question the assumption that national governments, as opposed to various global systems, are the only viable coercive systems. If a global system were appropriately coercive, then the scope of distributive justice under the coercive approach would be international as opposed to merely national. But before moving on to the next section, I will use the remainder of this one to take the general coercive approach I have thus far sketched and make it into a more robust theory using Michael Blake's coercive theory as my guide.

II.II. Blake’s Coercive Approach

In his 2001 article “Distributive Justice, State Coercion, and Autonomy,” Blake gives what I take to be the most meticulous account of the coercive theory. One important question a coercive theorist must answer is why coercion warrants distributive benefits as redress. Blake’s answer is that all individuals “have the

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73 An alternative account of the coercive approach can also be seen in Nagel’s “The Problem of Global Justice.” In this article Nagel argues for what he calls a “political conception” in which there is no requirement of distributive justice between nations. Nagel takes the obligation of distributive justice to be an associative obligation which arises only when people are put into a certain relation to each other. This, of course, also means that people who do not have the right sort of relation to each other are not under the obligation of distributive justice. Nagel argues that within a nation authority is implemented in the name of its citizens which creates an associative bond not shared by those outside of the nation. He writes that to be a member of a nation requires “the engagement of the will that is essential to life inside a society, in the dual role each member plays both as one of the society’s subjects and as one of those in whose name its authority is exercised” (128). This unique relationship in which citizens are both coerced by a government, and, at the same time, authors of this coercion, gives rise to obligations of distributive justice. Because this unique relationship exists only within nations and not between them, there is no mandate for global distributive justice.

I think that Nagel’s account can be considered an example of a coercive approach, and I will mention his account occasionally. However, I will not discuss it in detail in this chapter. The primary reason for this omission is that Blake’s account is much clearer than Nagel’s, and the opaqueness of Nagel’s argument may lead to an uncharitable explication of the coercive approach in general. For a critique of Nagel’s political conception see A.J. Julius, “Nagel’s Atlas,” Philosophy and Public Affairs 34, no. 2 (Spring 2006).
moral entitlement to exist as autonomous agents\textsuperscript{74} where autonomous agents are generally defined as “part authors of their own lives” who are “able to develop and pursue self-chosen goals and relationships.”\textsuperscript{75} Coercion violates autonomy. Coercion subjugates “the will of one otherwise autonomous agent to the will of another” thereby preventing agents from being authors of their own lives.\textsuperscript{76}

But if coercion and autonomy are mutually exclusive, ought we resist coercion in all of its forms? Blake’s answer to this question is no. Though some forms of coercion are intolerable, some forms are justified, and we can differentiate just versus unjust coercion through the concept of hypothetical consent or reasonable rejection.\textsuperscript{77} Thus, Blake must explain why we would consent to be coerced by something like the state government.

The short answer is this: it is for our mutual benefit. Blake argues that the state is “both coercive of individuals and required for individuals to live autonomous lives. Without some sort of state coercion, the very ability to autonomously pursue our projects and plans seems impossible.”\textsuperscript{78} Though admittedly paradoxical, this notion of coercion as hindering autonomy, and yet being required for autonomy to exist, is not without intuitive appeal. It is uncontroversial that my vision of having a well-adjusted family and a fulfilling teaching career would be difficult, if not impossible, to achieve without the structure

\textsuperscript{74} Blake, “Distributive Justice, State Coercion, and Autonomy,” 665.
\textsuperscript{75} Ibid., 666. Here Blake is borrowing from Joseph Raz’s definition of autonomy in The Morality of Freedom.
\textsuperscript{76} Ibid.
\textsuperscript{77} Blake notes that clearly literal consent is not what justifies a coercive system: when a man commits murder the coercive system is justified in punishing him regardless of his literal consenting to the punishment. For this reason it may be better to think of justification for coercion as something that cannot be reasonably rejected, a notion he borrows from Thomas Scanlon (Ibid., 672).
\textsuperscript{78} Ibid., 676.
of a coercive government keeping order and rule. Anarchy is often not conducive to one fulfilling her life plans.\textsuperscript{79}

While it is true that forms of coercion such as those enacted by state governments are justified, they nonetheless place burdens on us. These burdens create benefits that are returned in the form of distributive justice. Blake’s argument can be formulated as follows:

1) In order for an organized system (i.e., the state) to successfully function, burdens in the form of limitations on its people’s autonomy are required.
2) When people are burdened in this way, they are owed benefits in the form of distributive justice from that organized system.
3) When people are not burdened in this way, they are not owed benefits in the form of distributive justice from that organized system.
4) The state only burdens citizens in this way.
5) Therefore, citizens, and only citizens, are owed benefits in the form of distributive justice from the state.\textsuperscript{80}

What is important for our purposes is the delineation of scope in Blake’s coercive approach: this argument is for a principle of distributive justice \textit{within} an existing coercive system. It says nothing about those outside of that system. By framing distributive justice in terms of the burdens and benefits of coercion, Blake is able to argue that the scope of distributive justice is limited to those within that coercive structure. And given Blake thinks that justified coercive systems are state governments, this means that there ought to be egalitarian distributions to citizens within nations but not to foreigners.\textsuperscript{81}

\textsuperscript{79} I will return to the topic of paradox in the coercive approach later in this section.
\textsuperscript{80} Blake actually concludes his argument by saying that those within a coercive system are owed not only distributions but also \textit{egalitarian} distributions. I will mention his egalitarian theory occasionally, but I do not intend to argue about egalitarianism versus alternative principles of distributive justice.
\textsuperscript{81} This resultant difference in treatment, Blake argues, is not the outcome of partialist justification but of general duties that have different implications in different contexts. In other words, there is a difference in distributive justice between compatriots and foreigners but this difference is not due to
Blake’s theory does not ignore the plight of foreigners, however. As I noted in Chapter 1, Blake argues that while egalitarian distributions are only required within borders, a theory of sufficiency applies to all peoples. The foundation for this theory of sufficiency is also found in autonomy. He argues that there is a “threshold to decent human flourishing, beneath which the possibility of autonomous human agency is removed,” so there is a “moral problem” when levels of absolute deprivation dip below a certain level. Though we are not concerned with relative inequalities between people because they are not all burdened by the same coercive government, we still have obligations to those whose livelihoods fall beneath the threshold needed for autonomous agency. Thus, outside of coercive systems there is a principle of sufficiency.

A casual reading of Blake’s “Distributive Justice, State Coercion, and Autonomy” may give the reader the impression that the two different contexts—within a coercive system and without—mandate two different forms of distributive justice—egalitarian and sufficiency. This it not an unreasonable assumption given, first, that Blake does not make it explicit whether the obligations to foreigners outside the coercive system are obligations of justice or merely moral obligations, and, second, that the term “sufficiency” is traditionally utilized to describe a theory of distributive justice. It is not clear to me from Blake’s writing whether he thinks that the obligations of sufficiency owed to those outside the coercive system are partialist thinking (such as an affinity for one’s own compatriots) but to impartialist duties. The general duty would look something like this: all individuals who regulate their behavior for the benefit of others within a coercive system are owed fair shares of distribution from that coercive system. This general principle includes citizens within a country and excludes citizens outside of it (Ibid., 682).

\[82\] Ibid., 659.
obligations of distributive justice or obligations of humanitarianism, and I will not seek to determine the author's intent.

Regardless of what Blake envisioned, the principle of sufficiency outside the scope of the coercive system cannot be a principle of distributive justice should Blake want his structuralist theory to be consistent. The obligations owed to those outside the coercive system cannot be obligations of distributive justice for that basic fact: those agents are outside of the coercive system. Blake utilizes the concept of the existing basic structure (what he calls “institutionalism”) to determine the scope of distributive justice. In this case, the basic structure is a coercive government and distributive justice is concerned with justifying the existence of coercion. Blake writes that his theory questions “what the institutions we currently have would have to do to be justified”\(^3\) not what institutions ought to be in place to maximize the overall welfare of humanity: “It is the fact of coercion, and not the effect on welfare, that deserves the justification.”\(^4\) In other words, for the coercive theorist there has to be a “who”; there has to be an entity that is doing the coercion who also must be justifying this coercion through distribution. There is a “who” in the case of US citizens— namely the US government— but there is no “who” when it comes to foreigners. Blake thinks it is poverty, not a coercive system, that is diminishing the autonomy of agents around the globe, and poverty is not a coercive system seeking justification through distribution. Thus, his theory can result in sufficiency as a moral or humanitarian theory and not a theory of justice.

\(^3\) Ibid., 663.
\(^4\) Ibid., 687.
II.III. The Framework of Any Coercive Approach

Thus far in this section I have elucidated the intuitive appeal of a coercive approach which restricts the scope of distributive justice to state borders, and I have outlined Blake’s take on the coercive approach as a paradigm. At this point I could devote many pages to critiquing Blake’s individual arguments, but that is not the route I am taking. Instead, I conclude this section by building a framework for what I take to be the strongest form of the coercive approach. I use the term “framework” purposefully since I intend to argue for the necessary elements needed for any version of a coercive theory, and at the end of this chapter I will provide objections to the coherence of the coercive approach in general. These objections will undermine the coercive approach to structuralism in all of its instantiations.

Looking back at the general coercive approach argument I outlined at the start of this chapter, I think that there are three aspects of this framework necessary for any coercive approach: burdens, justificatory benefits, and centralized control.

Regardless of how we define “benefits” and “burdens,” any version of the coercive approach requires them. The reason is that the coercive theory is ultimately a theory of justification for the burdens imposed by a coercive system. First, with regard to burdens, I outlined some of the burdens I as a US citizen face at the start of this chapter: legal punishment for wrongdoing, taxation, and so on. Typically when discussing burdens, coercive approach theorists use legal and

85 For more specific objections see Sangiovanni, “Global Justice, Reciprocity, and the State,” and Abizadeh, “Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice.”
political systems as paradigms because such systems impose regulations on individual citizens for the benefit of society in general.

The second necessary aspect of the coercive approach is justificatory benefits, or benefits given to individuals in order to justify the burdens imposed on them by a coercive system. The burdens of a coercive system must be justified by benefits. Justificatory benefits are important because they help us understand why one would submit to state coercion: to avoid the accusation of pure coercion, the burden of coercion must go hand-in-hand with justificatory benefits. For example, when outlining Blake’s argument I briefly mentioned the seeming paradox in his reasoning: although he repeatedly maintains that “autonomy is incompatible with the existence of coercion,” he simultaneously maintains that “some form of political coercion seems necessary for autonomous functioning.” At one point Blake explicitly uses the word “paradoxical”: “Since we cannot eliminate the state, given the (paradoxical) importance of government for the protection of autonomy, we seek instead a means by which the content of that legal system might be justified.”

As I noted when discussing Blake above, this paradox is not incoherent. While being a citizen of a country certainly reduces my autonomy in a myriad of ways (recall my inability to shoot my noisy neighbor without punitive retribution) it also bolsters my autonomy in other ways. Without the basic structures put in place

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86 I am not using the term “paradox” in the logical sense of antinomies or self-reference paradoxes. Instead, I am using the term in the colloquial sense to mean something that appears self-contradictory or absurd but may not actually be so.
88 Ibid., 664.
89 Ibid., 678.
by a government agency it is difficult (or impossible) to act on one's autonomous decisions. Remember my Somalia example at the start of this chapter: in a state of fluid anarchy, Somalis must work to survive and thus may have little time for decisions such as career paths, personal development, and so on. So while state coercion reduces my autonomy in certain ways, it is also necessary for me to have autonomy.

The reason why Blake’s view is paradoxical is because the burdens and the benefits are identical: *autonomy* is restricted in order to have enhanced *autonomy*. Not all coercive approach theories require this type of paradox, but I do think that all require justificatory benefits. For instance, one could feasibly argue that the burden of coercion is justified not by increased autonomy but by the safety one is guaranteed, the reciprocity created by living in a coercive system, and so on.\(^9^0\) In other words, other coercive approach theories may not have identical burdens and benefits, but they all must have justificatory benefits in some form.

The third aspect of any coercive theory is centralized control. In order for a coercive system to function properly there has to be something that burdens and also distributes benefits. In other words, there needs to be an effective causal factor with the authority to link the burdened with their benefits. As was established in Blake’s paradox, a coercive authority is required to maintain the order needed for

\(^9^0\) For example, Sangiovanni has a similar view to Blake’s which he calls “reciprocity-based internationalism.” I will discuss the view in detail in the final section, but for now what is important is that Sangiovanni argues for a theory that restricts the scope of distributive justice to nations by placing the emphasis on reciprocity and not coercion. He argues that reciprocity in the state is “the mutual provision of a central class of collective goods, namely those goods necessary for developing and acting on a plan of life.” Coercion is important to this theory not because it restricts people but because it is only through state coercion (and the reciprocity it produces) that people have the ability to act on a life plan. A state coerces us but it is only through that coercion that the mutual reciprocity needed to flourish arises (“Global Justice, Reciprocity, and the State,” 4).
the mutual advantage of subjects. To best create benefits the rule of law needs a ruler to enforce it, be that a person or a governmental organization, legal system, etc.

Many theorists, in addition to Blake, think the state is the location of centralized control. For example, Thomas Nagel emphasizes the Hobbesian conception that only sovereign states have enough power to both coerce people to follow laws and protect its citizens.\(^91\) While Samuel Freeman argues that only states have the complicated laws and regulations that have pervasive effects on our livelihoods.\(^92\) And Andrea Sangiovanni states that it is only nations which have the required amount of centralized control “backed by a system of courts, administration, police, and military, [which] free us from a need to protect ourselves continuously from attack, guarantee access to a legally regulated market,” and establish property rights. All of these have a pervasive impact on us and allows us to “act on a plan of life.”\(^93\)

An objector who strives to expand the scope of distributive justice beyond state boundaries will be quick to point out that there is nothing in the basic framework which implies that the state is the only possible coercive basic structure. Could an international institution qualify as a coercive system with centralized control? If so, the site of justice would be global, and therefore obligations of distributive justice would be global as well. According to this argument, the coercive

\(^{91}\) Nagel, 117.
\(^{92}\) Freeman, “The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice,” 39. I note Freeman here because his view often has clear connections to the coercive approach. However, I cannot fully call him a coercive theorist because he often muddles the distinction between the coercive and cooperative approach depending on the particular point he is making. I will discuss this concept of “muddling” in more detail in Chapter 3.
\(^{93}\) Sangiovanni, “Global Justice, Reciprocity, and the State,” 20.
approach could be used, not to limit the scope of distributive justice to national
borders, but to broaden it globally. This is the topic of the next section.

III. Arguments for a Global Coercive System

III.I. Global Governance and Border Regulation

In this section I will discuss two objections to the coercive approach as I have
sketched it thus far. These objections are paradigms of traditional attempts to
expand the scope of distributive justice within the coercive approach by arguing
that global coercive systems exist. According to the first objection, the globalized
governing systems (such as the UN) in place expand the scope of distributive justice,
and, according to the second objection, the border regulations that restrict
immigration between nations expand the scope of distributive justice.

First, the globalized governing systems argument takes the coercive system
under scrutiny to be a supranational institution. I think that the best candidate for a
global coercive system is the United Nations (UN) along with its subsidiary
organizations such as the International Monetary Fund (IMF) and the World Bank
(WB). 94 The UN is an organization uniting not citizens under a government but 193
nations under an international system. The UN (at least in theory) demands that its
member states follow certain protocols in both wartime and in peace, uphold
human rights and follow certain sustainability practices, and so on. If one were to
consider the UN to be a coercive system that is over and above a state government,

94 An alternative international agency that could be considered is the International Criminal Court
(ICC) which is technically independent from the UN. Also, a better example of a supranational
government may be the EU because it has stronger enforcement mechanisms and legal systems;
however, the EU is clearly not global in scope.
then the scope of distributive justice would expand greatly beyond that of a particular nation’s citizens to the billions of citizens in the UN member states.

There is some merit in the globalized government systems argument, and even Blake recognizes that there are supranational coercive systems in place in our world today.\textsuperscript{95} In a 2000 \textit{Ethics} article, Allan Buchanan outlines the globalized government objection well. He argues that not only is there a global basic structure, but it can be clearly seen in the General Agreement on Tariffs and Trade (GATT), North American Free Trade Agreement (NAFTA), International Monetary Fund (IMF), World Bank (WB), and so on which pervasively impacts peoples.\textsuperscript{96} If such organizations place regulations and burdens on member nations, then, \textit{prima facie}, justificatory benefits ought to apply. In other words, obligations of distributive justice expand beyond national borders.

Many theorists are quick to point out that the existence of such supranational organizations does not necessarily entail global distributive justice. For instance, Freeman argues that because global coercive structures like the UN are based solely on the legal systems existent in nations, the global structures are not truly basic—they are secondary structures built upon national basic structures. He writes, “There is no global basic structure because there are no \textit{basic} global institutions—no world state, no independent global legal order, no global property system, no independent global contract law, negotiable instruments law, securities law, and so on.”\textsuperscript{97} In other words, the legal recourses set up by the UN are derivative of national ones and

\textsuperscript{95} Blake, “Distributive Justice, State Coercion, and Autonomy,” 664.
\textsuperscript{97} Freeman, “Distributive Justice and the \textit{Law of Peoples},” 247.
are not put in place by an entirely separate authority. This is important because, according to the coercive theory, in order for the benefit of distributive justice to apply, there must be a centralized authority which restricts behavior and maintains order for mutual benefit. The UN is no such authority.98

Even Charles Beitz, a prominent proponent of global distributive justice, concedes that an argument for expanding the scope of distributive justice founded upon supranational institutions is a dead end. He writes, “Although one must grant... that the international realm includes various capacities for sanctions and enforcement of community decisions, one cannot possibly argue that these are similar in extent to those characteristic of most domestic societies.”99 His point is an important one. It is not that supranational organizations are completely impotent; through sanctions, development goals, and the like, the UN can put pressure on nations. But the UN has little strength to back up this pressure, and any strength it does have is derived from individual nations. Thus, the coercive approach theorist has viable reasons to reject such an expanded scope of distributive justice based on a conception of global governance.100

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98 By “centralized authority” I do not mean to imply that a supranational government must have a single ruler or single group as imagined by Hobbes and Kant. Early Pogge notes, correctly I believe, that this extreme is not required for a global basic structure because a federation with a division of powers can efficiently govern. However, even this type of global governance does not currently exist. When Pogge makes this point, he is discussing the type of global governance that could theoretically exist, not one that exists now (Realizing Rawls, 216-17).
99 Beitz, Political Theory and International Relations, 155. Beitz parenthetically adds, “The United Nations, for example, has been unable to persuade rich countries to contribute even three-quarters of one percent of their gross national products to international development efforts.”
100 Though he rejects the UN as a possible basic structure, Beitz argues that global economic relations may “be nonvoluntary if the relatively weaker partner lacks the resources to bargain effectively for different terms of exchange” (Political Theory and International Relations, 160). In other words, the bargaining power of a developing nation may be far below that of an affluent nation, and therefore the benefits that result from economic interaction may be skewed against that more impoverished nation. However, simply opting out of economic globalization is not a viable option: “there may be no
The second objection to a state-centered coercive view focuses on border regulation instead of global governance. Today immigration concerns have boiled to the surface in spectacular ways across the globe from political rhetoric in the US to migrants and refugees fleeing in unprecedented numbers to the European Union from volatile countries like Syria and Afghanistan. This migrant crisis is raising critical questions about what affluent nations around the world owe to migrants. Because these national border rules and regulations may have pervasive effects on a potential migrant’s life choices and not just the life choices of the citizens of the respective nations, some theorists argue that border regulation creates a global coercive structure. Thus, border regulation constructs a mandate for global distributive justice. To discuss the issue of coercion and borders, I will dispute Arash Abizadeh’s conclusion that border regulations entails global distributive justice.

Abizadeh argues that that "the regime of border control of a bounded political community subjects both members and nonmembers to the state’s coercive exercise of power. Therefore, the justification for a particular regime of border control is owed not just to those whom the boundary marks as members but to

practical alternative to accepting the terms of trade that are effectively dictated by those with greater power" (Ibid., 161) because any alternative outside of economic trade would make the nation much worse off. Even Blake acknowledges that international economic practices can be coercive. He writes, “we might understand certain sorts of exploitative trade relationships” as coercive and therefore in need of justification (Ibid., 664). This argument from trade is integral to my analysis of the cooperative approach in the next chapter, and I think that theorists are incorrect when they try to categorize it under the coercive approach. For the trade argument to be a coercive argument one would have to pinpoint an institution of centralized control—for instance the World Trade Organization (WTO)—but any such institution would fall to the same criticisms I just outlined against the UN. Therefore, I think that it is more fruitful to categorize trade as an example of cooperation not coercion, despite the obvious existence of nonvoluntary regulations that goes along with it.
nonmembers as well.”\textsuperscript{101} Abizadeh maintains that it is empirically false to argue—as Blake and others do— that “domestic state coercion is different from coercion against foreigners because only the former ‘profoundly and pervasively’ affects a person’s life chances.”\textsuperscript{102} Abizadeh counters that “a tremendous number of human beings sell every possession they have and risk life and limb to cross state boundaries.”\textsuperscript{103}

\textit{Prima facie} it does seem that foreigners who want to settle in another nation, and are prevented from doing so by border regulations, are being coerced: they are being prevented from making an autonomous decision about where to live. A Syrian refugee shut out from Hungary and forced to survive in an overcrowded refugee camp is undoubtedly having his life choices pervasively impacted. Yet such an example does not conclusively show that border regulation necessarily entails global distributive justice. Consider another example: imagine that Franco in Argentina has no interest in migrating to Hungary, unlike the Syrian refugee. Franco is very happy with his life and loves his homeland (or perhaps Franco lives on a remote island and has never even heard of Hungary), and he does not know or care that he could not pick up and move to Hungary if he wished. Is Franco being coerced by the border regulations of Hungary? I doubt anyone’s intuitions say that he is. From this we arrive at the conclusion that border coercion, even if it does

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\textsuperscript{101} Arash Abizadeh, “Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders,” \textit{Political Theory} 36, no. 1 (2008): 45. [author’s original emphasis]
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\textsuperscript{102} Abizadeh, "Cooperation, Pervasive Impact, and Coercion," 349.
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\textsuperscript{103} \textit{Ibid.}, 349-50.
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pervasively impact a portion of people who are not members of the state, does not have pervasive impact globally.\(^{104}\)

In a later article, Abizadeh takes steps to grant a position like the one I have just taken. He notes that people’s autonomies seem to be affected by border coercion to differing degrees, so perhaps we should give “the weakest rights of participation to foreigners for whom the option of entry is of little value; … an even greater say to those for whom the option of entry is necessary to have an adequate range of valuable options; and perhaps the greatest say to citizens themselves.”\(^{105}\)

Here Abizadeh has shifted his focus from distributive justice *per se* to participation in decision making, but the upshot remains the same: because the coercion comes in degrees the justificatory benefits should also come in degrees.

However, this concession prevents border coercion from qualifying as a global basic structure because it does not pervasively impact individuals throughout the globe. This is the first reason why I think that Abizadeh’s argument fails. Franco (and billions of others) is not being actively coerced by the border laws of nations other than his own homeland, and without coercion—and especially without coercion with pervasive import—there is no requirement of justificatory benefits in the form of distributive justice. There is no theoretical space in the coercive

\(^{104}\) One possible response to my argument questions my delineation of scope based on impact. It could be argued that there are many regulations of a system which do not apply to me in a similar way, and yet I am owed distributive benefits from the system. For example, there are anti-theft laws in the US, but they do not impact me personally because I do not have the inclination to steal anything. In a similar vein, there are probably hundreds of US laws which have no impact on my life choices whatsoever. If impact is what is important does this mean that I am not being coerced by the US government? I think that I am still being coerced because even if every law does not apply to me, I am still enmeshed in the regulations of my government, and many of its laws do have a pervasive impact on my life. The same cannot be said of Franco in Argentina. Franco has no interest in going to Hungary, and is therefore not being regulated by any of the border laws of Hungary—let alone being pervasively impacted!

approach for the claim that everyone is owed some claim to distributions without coercion.\textsuperscript{106} As shown in the basic framework needed for any coercive theory, those not being coerced have no claim.

The second reason why I do not think that his argument expands the scope of the coercive approach is that at best Abizadeh can reach the conclusion that states may owe distributive justice to some nonmembers who are being pervasively coerced by border regulation. However, he cannot reach the conclusion that there is a global coercive system in place. The reason is that there is no global immigration regulatory institution; instead, the power to create and enforce border regulations lies with individual nations. According to the coercive approach, if it is nations imposing the coercive burdens then it is nations who owe justificatory benefits. So, while it is true that border regulations may show that coercion can occasionally extend outside the borders of the state, the site of justice—the basic structure—still resides in the state. This means that Abizadeh is wrong if he intends to argue that the theory of border coercion leads to truly global distributive justice according to the coercive approach.

A final, decisive point can be made about Abizadeh’s argument: he is presupposing that nations do not have a right to secure their borders and restrict the passage of people. Essentially, he is starting with cosmopolitan assumptions about global open borders. In this section I have shown that even if I grant

\textsuperscript{106} In reaching the conclusion that border coercion is not global in the correct sense because it does not pervasively impact particular individuals I do not mean to argue that in order to for a global system to be coercive in the necessary way it must have a pervasive impact on every living individual. Were Franco to be the only person on the globe not coerced by border regulations then this would not undermine Abizadeh’s theory. The point is not that Franco is not being coerced but that millions of people like Franco are not being coerced. For a system to be globally coercive it must have global reach.
Abizadeh’s cosmopolitan assumptions, his argument fails to fruitfully conclude that the scope of distributive justice under the coercive approach is global. However, an argument can also be made that Abizadeh is simply begging the question against the coercive theorist by assuming that states do not have the right to exclude non-citizens. ¹⁰⁷

III.II. A Different Strategy

The globalized governing systems and border regulation objections do not exhaust the list of arguments seeking to expand the scope of distributive justice between nations. The philosophical literature is saturated with arguments attempting to show that coercive structures exist on the global stage. In this section I do not presume to have proved that these arguments are entirely spurious, but I

¹⁰⁷ In an additional argument, one method for making a distinction between the coercion of state members and nonmembers is to highlight the distinction between “law-governed state coercion, i.e., coercion regulated by a legal system, and lawless state coercion, i.e., coercion... not tempered by the rule of law” (“Cooperation, Pervasive Impact, and Coercion,” 350 [author’s original emphasis]). In other words, coercive theorists may claim that while coercion exists in many forms, it is only coercion which is law-governed that warrants justification in the form of distributive justice. In response to Blake, Nagel, Sangiovanni, and Freeman, Abizadeh states that the coercive argument in which a system must have legal backing to warrant distributive justice is “perverse” (Ibid., 351). According to Abizadeh, the coercive theorist is essentially stating, “We not only coerce you, but we coerce you without subjecting our ongoing coercion to the constraints of a legal system and the rule of law, and therefore we have no responsibilities of comparable distributive justice to you” (Ibid). This lawlessness “adds insult to injury” (Ibid., 353) because it is “simply ensuring that the [border] coercion to which it subjects persons is pure coercion without any pretense of accountability” (Ibid., 352 [author’s original emphasis]).

The fact that nonmembers of states are exempt does seem somewhat “perverse” (and does have a hint of colonialism to it, as Abizadeh points out); however, if Abizadeh thinks that this perversity forces to coercive theorist to embrace global distributive justice he is mistaken. Abizadeh is begging the question against the coercive theorist: there is nothing in his perversion argument that a coercive theorist would necessarily seek to reject. Perhaps it is the case that the need for legal/enforcement mechanisms that provide order on behalf of individuals leaves ill-fated refugees without legal protection from border coercion. However this is not an argument against the coherence of the coercive theory: that there is a division between members and nonmembers is an intended result of the theory! For a coercive theorist, as opposed to Abizadeh, nations have a right to coercively protect their borders. Thus, Abizadeh does not give us reason to abandon the theory that is more than mere question begging.
hope to have shown how difficult it is to actually make effective arguments of this sort within the defined parameters of the coercive approach.

Why are traditional objections of this sort ineffective? Combining the responses from the globalized governing systems and border regulations arguments reveals an answer: international regulations imposed by coercive systems are derived from individual nations, and, thus, are not “basic” in the appropriate way. In the case of the UN, any limited power possessed by that supranational institution is built upon, and not entirely separate from, that of nations. And in the case of border regulations, such policies stem only from nations and not a supranational coercive institution. Therefore, even if we admit that they can be coercive to certain migrating individuals, border regulations simply cannot expand the scope of distributive justice to the global level under the basic framework of the coercive approach.

Although traditional objections of this sort fail to undermine the national scope of distributive justice under the coercive approach, I do not think that they are entirely without merit. The impetus behind such arguments is that theorists look at the world order in place and see repercussions from the interaction nations have with each other and with citizens of other nations. Nations are not the simple, closed societies conceptualized by Rawls. Instead, nations interfere with each other through trade sanctions and UN treaties; they slam the door on desperate migrants, and they exploit impoverished workers in other countries. Theorists such as Beitz, Abizadeh, and Buchanan observe this tumult, and conclude that such widespread effect must expand the scope of distributive justice.
However, the kind of interaction such theorists observe may not be within the purview of the coercive approach. The reason for this is that the basic structure for the coercive theorist requires a kind of centralized authority that simply does not exist on the world stage, and traditional objections seeking to argue otherwise inadvertently highlight that the locus of authority is within states. These objections do not fail because they are logically flawed; they fail because the world order is not currently structured in a way that allows for global distributive justice under the coercive approach. This is not to say that the scope of the coercive approach is necessarily restricted to nations: if such a global coercive system was in place, then the scope would presumably be expanded between nations. Yet, given that a structuralist must take the site of distributive justice to be existing structures, and given that no such appropriately global coercive system exists, traditional objections will fail to result in an expanded scope.

Since the reality of the world order cripples traditional objections, I will seek to undermine the coercive approach in a novel way. In the next section I will shift the focus from empirical questions about the impact of national and international regulations to logical questions about the basic framework for any coercive approach. By undermining the coercive approach in this manner, I will open a new avenue for critics who are concerned that the coercive approach ignores the repercussions of national interaction on the global scale.
IV. Two Objections to the Coercive Approach

In this section I will argue that the coercive approach is unsuccessful not because it is incorrect in limiting the scope of distributive justice but because the basic framework of any coercive theory suffers from two devastating objections. First, I will contend that the coercive approach’s leap from coercive burdens to certain distributive obligations is based on an equivocation. Second, I will dispute the coercive approach’s supposed contrast from the cooperative approach and argue that the coercive approach collapses into the cooperative approach.

IV.I. The Equivocation Objection

My equivocation objection contends that while the coercive view appears coherent when written in informal language, the argument makes an unjustified jump between its premises and conclusion which can be seen by formalizing the argument. Recall that my charitable framework for any coercive theory is as follows:

1) If people are participating in an organized system that imposes burdens on them, then those participants are owed benefits in the form of distributive justice from that system.
2) If people are not participating in an organized system that imposes burdens on them, then they are not owed benefits in the form of distributive justice from that system.
3) People who participate in a coercive system are subjected to burdens from that system.
4) People who do not participate in a coercive system are not subjected to burdens from that system.
5) Therefore, those participating in a coercive system are owed benefits in the form of distributive justice from that system, and those not participating in the coercive system are not owed benefits in the form of distributive justice.

To start, I am assuming that all of the above premises are true, but I am denying that the coercive theorist can make the logical move from premises 1-4 to the
presumably strong conclusion in 5. According to the equivocation objection, the “benefits” mentioned in premises 1 and 2 are not equivalent to the “benefits” in the conclusion 5. In the first case I will call the benefits “mutual benefits” while in the second case the benefits are “robust benefits.”

Let me examine these in reverse order. What I am calling “robust benefits” are the (typically economic) benefits created by those participating in an organized system. Given the discussion of the coercive approach to this point, I will assume that that the system in question is a national government and that robust benefits are distributed intranationally. Robust benefits come in the traditional forms including resources, welfare, opportunities, and so on, and some of the examples I have given of robust benefits include tax rebates, unemployment benefits, and public education. As I expressed in my discussion of currency in the first chapter, I am not concerned with exactly what form these robust benefits come in; instead, I am concerned with determining when obligations of distribution arise. I take robust benefits to be the types of benefits mentioned in conclusion 5 and the benefits in question when we are typically considering the scope of distributive justice.\textsuperscript{108} However, the framework above does not actually provide an argument for robust benefits; at best it provides an argument for the fair distribution of what I will call mutual benefits.

I will define “mutual benefits” as those benefits gained from living in a stable society where people are appropriately burdened to ensure order. Mutual benefits

\textsuperscript{108} Or not just robust benefits but the combination of robust benefits and mutual benefits. I think that they can easily be combined, but my point here is that the coercive theory does not justify such a combination.
are causally connected to the burden of state coercion. Governmental coercion in the form of regulation conversely creates stability and well-orderedness, and it is stability and well-orderedness that lays the groundwork for people to live a flourishing life. If there is no appropriately coercive government to restrict the behavior of citizens—no political or legal regulations in place—then the types of projects people are able to pursue in their lives will be significantly limited. Importantly, it is only with the coercive burdens of a national government that mutual benefits are possible because coercive burdens presumably create the mutual benefits of a stable and ordered society.¹⁰⁹

Mutual benefits are the significant benefits lacking in my reoccurring example of chaotic Somalia. When people are desperate to ensure the safety of their property or the bodily safety of themselves and their family, then more complex abilities such as having a comprehensive education, a stable career, a mastery of hobbies or talents, etc., are more likely to be beyond their reach. This is the importance of mutual benefits: since agents are appropriately burdened within a well-ordered society, they have increased opportunity to live fulfilling lives.

Mutual benefits typically precede robust benefits because mutual benefits are the direct result of coercion while robust benefits build upon mutual benefits. Put another way, coercion creates order and stability (mutual benefits), and this

¹⁰⁹ I say “presumably” here because I do not intend to make the empirical claim that all burdening governments will create stability. Such a claim would ignore the history of failed states, malevolent dictatorships, and so on, which impose burdens on citizens without creating the safety and security of a well-ordered state. However, I do not think that the existence of such states is detrimental to my argument because such state burdens would therefore be unjustified. The purpose of the coercive approach is to use distributive justice to justify state coercion; yet, it is a lamentable reality that states throughout history have imposed burdens of state coercion that could be reasonably rejected by its citizens.
order and stability is the necessary groundwork for people to create a life of increasing resources, welfare, opportunity, etc. (robust benefits). A rough mathematical analogy may help differentiate the two kinds of benefits: imagine Latoya is hard at work studying for a mandatory pre-algebra course (coercion), and in studying she develops an understanding of the basic mathematical concepts (mutual benefits). Latoya currently has an understanding of pre-algebra that she only could have gotten from studying. Now, Latoya is presumably able to build upon her knowledge over time, developing an understanding of algebra, geometry, calculus, and so on (robust benefits). Of course, studying pre-algebra does not guarantee this ability for further knowledge, and other factors would presumably come into play, but studying pre-algebra is still a prerequisite for this further knowledge.

Along similar lines, a British woman may be able to provide for her family and open a business (robust benefits) because the British government (coercion) can provide some assurance that herself, her family, and her property are protected by a web of national legal, political, and economic systems (mutual benefits). Again, this web of systems does not guarantee that the British woman will lead a flourishing life since other factors will also be critical to her reaching that goal; nevertheless, the web of systems is a prerequisite for a flourishing life. From these examples we see the importance of mutual benefits in fostering robust benefits.

A caveat before I continue: I am not arguing that the coercive approach is not actually a theory of distributive justice. On the contrary, both mutual benefits and robust benefits are benefits that are distributed and owed to people due to the
burdens placed on them by a coercive system. Regardless of whether it utilizes mutual or robust benefits, the aim of the coercive theory is still to ensure just distribution of benefits. However, I am arguing that, according to the equivocation objection, the coercive theorist is incorrect if his conclusion is that benefits, beyond the mutual benefit of living in a stable society, are warranted by the coercive approach.

In what follows, I will, first, argue that Blake, as our paradigm example, is using *mutual benefits* not *robust benefits* to justify drawing the scope of distributive justice. Second, I will argue that the justificatory benefits that exist in any formulation of the coercive approach are discussing mutual benefits not robust benefits. The conclusion I wish to draw is that if we disambiguate mutual benefits from robust benefits then it becomes clear that the burdens we are placed under are justified by the mutual benefits we received in existing in a properly coercive system. And here the argument ends. There is no justification for a further conclusion that we, as burdened citizens, ought to receive robust benefits—at least no justification provided by the coercive approach.

To explicate my argument, and the distinction between robust and mutual benefits, I will start by restating Blake's argument as I expressed it in II. B:

1) In order for an organized system (i.e., the state) to successfully function, burdens in the form of limitations on its people's autonomy are required.
2) When people are burdened in this way, they are owed benefits in the form of distributive justice from that organized system.
3) When people are not burdened in this way, they are not owed benefits in the form of distributive justice from that organized system.
4) The state only burdens citizens in this way.
5) Therefore, citizens, and only citizens, are owed benefits in the form of distributive justice from the state.
As was the case for the general framework above, I do not think that Blake’s argument allows him to conclude with 5 in the strong way he thinks.

Upon first look, the justifications for coercion appear to be the robust benefits that citizens receive from that coercive government: we follow the rules of the system— we allow for limitations on our autonomy—and therefore we receive distributions of resources, welfare, opportunities, etc., from the coercive government. Blake gives the example of both the criminal and the civil law as regulative systems requiring justification, and this justification, he argues, comes in the form of distributions within the coercive system. These distributions mirror what I call robust benefits.

However, Blake’s argument does not actually get us to robust benefits but only to mutual benefits. Recall, Blake argues that the state is “both coercive of individuals and required for individuals to live autonomous lives. Without some sort of state coercion, the very ability to autonomously pursue our projects and plans seems impossible.”\textsuperscript{110} And importantly he says that because of this “only the sorts of coercion practiced by the state are likely to be justified through an appeal to distributive shares.”\textsuperscript{111} In other words it is the state (and only the state) which can be justified in coercing its people because it is the state (and only the state) that allows us to live autonomous lives.\textsuperscript{112} The state alone provides us with mutual

\textsuperscript{110} Blake, “Distributive Justice, State Coercion, and Autonomy,” 676.

\textsuperscript{111} Ibid. [my emphasis]

\textsuperscript{112} Here Blake’s point is that although the state is a coercive system, it is not one that we can reasonably reject because while it hinders our autonomy to some extent it also allows us to have autonomy at all. This point is similar to a state of nature argument. Although in the state of nature we are theoretically fully autonomous because there are no regulations binding us, we are not autonomous in practice because the insecurity of a Hobbesian state of nature forces us to be centrally
benefits needed for a fulfilling life, and it is for this reason that we cannot reasonably reject the coercion of national governments. State coercion is justified due to “the (paradoxical) importance of government for the protection of autonomy.”

By this justification, Blake is referring to what I call robust benefits, but from the argument just given we have not arrived at robust benefits but mutual benefits. For Blake, partial removal of one’s autonomy through governmental coercive systems is justified by division of the benefits. But we have seen repeatedly in this chapter (and in Blake’s own writing) that the benefits resulting from the partial removal of autonomy are mutual benefits: the ability to live in a stable, law-governed society is the justification for the hindering of our autonomy. Blake insists that it is this autonomy gained from a well-ordered, stable society that justifies coercion. Thus, instead of robust benefits, what does seem to be entailed in the coercive argument is that people are placed with burdens in order for the system to function properly, so these burdens should be spread evenly between the agents in question. In addition, the mutual benefits which result from these burdens should be spread evenly. This seems only fair.

Thus, we see that Blake’s argument no longer calls for a division of robust benefits because the justification of a burdening system is found in mutual benefits concerned with our own survival. This means that we have little time to have high-level concerns such as developing our character, perfecting hobbies, or any other flourishing activity. For this reason, we agree to withdraw from the state of nature. I do not mean to imply here that Blake—or any other coercive theorist—necessarily endorses a state of nature view. The purpose of broaching the subject of the state of nature is to show the analogy between the two ideas: Blake, like the state of nature theorist, is arguing that the justification for giving up partial autonomy is to secure what autonomy people do have. Autonomy without security is no autonomy at all.

not robust benefits. The promise of distribution by the coercive theorist will already have been fulfilled, and an appeal to resources would be beyond the reach of the coercive approach. Therefore, Blake's conclusion must be that since the justification of coercion is in the causally connected mutual benefits, then there is no mandate for a division of robust benefits.

An obvious potential objection arises at this point: if autonomy is at stake, and resources are required for autonomy, then one may ask why we do not have an argument for robust distributive justice. In other words, for agents to be truly autonomous, they must have a certain threshold of resources (opportunities, etc.) to sustain themselves. Blake himself dispels this type of objection. I gave a brief explanation for why this is the case when I outlined Blake earlier in this chapter, but it is worth rehashing here. Blake argues that it is true that states of affairs (e.g., poverty) can lead people to lose their autonomy, but, while this is tragic and may require humanitarian assistance, it does not give rise of distributive justice. The reason is that under Blake's coercive approach, a loss of autonomy per se does not mandate distributive justice; instead, it is a loss of autonomy through burdens of a coercive system which requires justificatory benefits. Coercion must be justified, not a loss of autonomy in itself. Or, put another way, distributive justice is in place to justify coercive burdens not to ensure that people are have the robust benefits required to live a good life.

In the end, my equivocation objection is not a complicated one: the coercive theorist cannot arrive at the general conclusion of a division of robust benefits in 5. This would mean that if people are equally burdened by a coercive system then they
ought to all receive the same amount of mutual benefit from that system and be burdened to the same degree; e.g., they all ought equally to have the ability to pursue their life goals within a stable society. A separate argument would need to be formulated which bridges the gap between facing burdens under a system and receiving particular robust benefits over and above mutual benefits.

At this point one may object that a restriction of autonomy could be justified by a benefit of a different currency. Put another way, the fact that a coercive government restricts citizens’ autonomies does not necessarily entail that the justificatory benefit the citizen receives in return is the mutual benefit of autonomous functioning in a stable, well-ordered society. It seems equally plausible that the restriction in autonomy through coercion could be justified through, for example, a distribution of resources. If this were the case, then the coercive approach would result in a distribution of robust benefits, not just mutual benefits.

In response, although I have thus far used Blake as my example, I think that the equivocation objection applies to any coercive theory which fits within the basic framework I sketched at the start of this chapter. This means that although autonomy is the linchpin of Blake’s theory, the equivocation objection does not hinge on a discussion of autonomy per se, and it does not require that the burdens and justificatory benefits be identical as they are under Blake (i.e., a burden of restricted partial autonomy for the benefit of increased partial autonomy). The equivocation objection only necessitates burdens and justificatory benefits: for any coercive theory there must be a reason that one cannot reasonably reject (i.e., justificatory benefits) for undertaking the existing burdens.
Although theorists may justify the burdens differently, their theories have the general notion of justificatory benefits I have outlined; namely, in order to have the benefit of living in a well-ordered, stable society one must submit to the burdens of that society. Blake parses this out in terms of autonomy, but, as mentioned previously, other coercive theorists parse the argument out differently. For instance, both Nagel and Sangiovanni can be seen as emphasizing the benefit, not of autonomy, but of protection. According to both of these theorists, the reason that we submit to state coercion is because it is only when we are insulated within the state that we can relax our worries of personal safety and expend more energy in having a good life.114 People must have the leeway provided by the state to develop what is important to them, and to live the good life for them. Thus, it is the burdens and justificatory benefits in the form of mutual benefits that actually allow citizens to live better lives, and we can parse this out without utilizing Blake’s conception of autonomy or making the benefits and burdens identical. In short, justificatory benefits for the coercive approach theorist are mutual not robust.115

A final caveat about the equivocation objection: it is important to acknowledge that this objection is not an argument about scope at all. In fact, the scope of the coercive theory stays the same: only those burdened by the system are

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114 See Nagel, 117 and Sangiovanni, 20.
115 I do not mean to imply that coercion is never justified by resources, and here I think that an argument could presumably made for reparations. For instance, one could argue that mass incarceration of a particular minority group means that an excessive burden of regulation is placed on that group without resulting in fairly divided mutual benefits. Perhaps one could argue that members of such a group have a claim to robust benefits of reparations over and above the mutual benefits of living in a stable society. Such an argument would not impact my equivocation objection because circumstances of reparations deal with excessive burdens over and above those typically imposed for mutual benefit and therefore may call for additional benefits over and above mutual benefits. My point here is that calls for resources (if they exist) would only arise in extreme cases and do not apply to the general coercive approach argument.
owed any sort of benefit by that system. So if we assume that traditional objections sketched in the previous section fail, then the scope of the coercive view is still intranational after the equivocation objection goes through. This means that what I have not done by posing the equivocation objection is alter the scope of the coercive view; what I have done is alter what the coercive theory is distributing within that scope.

**IV.II. The Coercion as Cooperation Objection**

There is a possible objection to my equivocation argument, which is that the benefits that ought to be distributed are not just mutual benefits but also robust benefits because those robust benefits *only exist because of the burdens imposed by the coercive system*. In other words, the currencies of distribution that exist under robust benefits (such as resources, welfare, and opportunities) are produced only because there is an order established by the burdens of a coercive system. Without people shouldering the burdens created by coercion there would be no such benefits, so the burdened people ought to receive fair distributions of the benefits. For example, the wealth produced by the United States is only made possible because its citizens share certain burdens, so all citizens are entitled to fair divisions of that wealth. One may conclude from this that the coercive approach entails the distribution not just of mutual benefits but also of robust benefits.

While *prima facie* this may seem like a plausible response to my objection, I do not think that it gets the coercive theorist very far. Turning our attention back to Blake as our paradigm example, what creates the obligation of distribution is
justification for infringing on people’s autonomy. But as I have argued in my equivocation objection, it is clear from Blake’s own argument, as well as my framework for any coercive theory, that what justifies encroaching on one’s autonomy is mutual benefits not robust ones. Since mutual benefits provide the incentive to submit to coercion and provide the coercive system with justification for imposing those burdens, there is no remaining need for distributing robust benefits. To put the point another way, Blake and others seek to justify coercion, and that is successfully done by fairly dividing mutual benefits. The fact that a coercive system creates resource, welfare, or opportunity benefits over and above mutual benefits has no import for the coercive theory’s justificatory obligation.

The coercive theorist may respond by arguing that of course the robust benefits created by the coercive system are of import. She may dig in her heels and restate the point that these benefits would not exist were it not the case that people were burdened! However, to insist that robust benefits ought to be fairly divided merely on the condition that the working together of people under a coercive system gives rise to these benefits is to espouse the cooperative approach to distributive justice, not the coercive approach. This is my second objection to the coercive approach: the coercion as cooperation objection.

Recall in Chapter 1, I established that the cooperative approach calls for fair distribution of the benefits created by mutual cooperation. This means that those participating in a cooperative system are all entitled to a fair amount of the benefits produced by that system. If the only way for a coercive theorist to link robust benefits (not just mutual benefits) to distributive obligations is to insist on the
connection between the interaction of those within the coercive system and the benefits that system produces, then he is detaching the coercive theory from *coercion* in particular. The coercive system is no more than a type of cooperative system: the normative force of the coercive system— that it limits people’s behavior— is no longer the justification for distribution. The justification for distribution is the cooperation that takes place to create benefits.

One may object that it may be theoretically possible for a coercive theorist to overhaul the general framework I created for all coercive approaches, and, therefore, he may be able to avoid the equivocation and coercion as cooperation objections. Sangiovanni’s reciprocity-based internationalism may give such a viable case. His argument is a kind of coercive approach 2.0 because he argues that although coercion is a necessary element in determining the scope of distributive justice it serves a much more ancillary role than in previous coercive approaches. He writes,

>[E]quality is a relational ideal of *reciprocity* among those who support and maintain the state’s capacity to provide the basic collective goods necessary to protect us from physical attack and to maintain and reproduce a stable system of property rights and entitlements... For reciprocity-based internationalism (RBI), state coercion *is* relevant to the construction of a conception of egalitarian justice, not because it *violates* autonomy but because it is a useful... *way to preserve* it. Once seen in this light, coercion—and the impact of coercion on the will— is therefore of only contingent, indirect, and instrumental concern to a theory of distribution.\(^{116}\)

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\(^{116}\) Sangiovanni, 20. [author’s original emphasis]
Unfortunately, I do not think that Sangiovanni avoids the equivocation or coercion as cooperation objections. The reason is that his theory is still founded upon what I have called the justificatory benefits of any coercive theory.

To begin, I do not think that Sangiovanni’s argument differs substantially from my characterization of any coercive approach, and in reality it does not even differ substantially from Blake’s coercive approach. This is because Sangiovanni’s main claim— that coercion is linked to distributive justice not because of violation of autonomy but because reciprocity allows for autonomy— is not fundamentally different from my justificatory benefits claim. Sangiovanni argues that “state capacity... is not manna from heaven. It requires a financial and sociological basis to function effectively, even to exist,”117 yet without the existence of the state people could not function efficiently. However, this is no different from the justificatory benefits I claim are a part of any coercive theory: in order for people to flourish they must submit to coercion. For both Sangiovanni and the traditional coercive theorist, coercion is a necessary encumbrance allowing for an ordered and stable society within which we can pursue our livelihoods.

If Sangiovanni is merely highlighting justificatory benefits, he is not avoiding any of the difficulties that are associated with them. Namely, his reciprocity-based view does not avoid the equivocation objection: the burdens people face under a coercive regime are justified by the resultant benefits, and in this case the resultant benefits are the benefits assured by a stable system of reciprocity. This means that, as was the case in all coercive views, the justification for coercion is found in the

117 Ibid., 20.
mutual benefits of a stable, ordered (and now reciprocal) society, and there is no justification for distributing benefits beyond this point. So it seems that Sangiovanni has not overcome the equivocation objection to the coercive approach, and therefore his theory also fails to obligate the division of robust benefits.\footnote{With this said, I think that there is a possibility of a reciprocity-based theory eschewing the equivocation objection in a way that the traditional coercive view cannot. This is because what is required in a view like Sangiovanni's is more than just the giving up of an element of our autonomy. He notes that the\textit{ kind of stability} needed includes “a system of courts, administration, police, and military [which] free us from the need to protect ourselves continuously from physical attack, guarantee access to a legally regulated market, and establish and stabilize a system of property rights and entitlements” (\textit{Ibid.}, 20). It is entirely possible that what is required for these “basic goods” we need to flourish is more than what the justificatory benefits typically required: while Blake's expression of the paradox requires a limitation of autonomy for an increase in stability, Sangiovanni's stability created by reciprocity may be at a much higher level. If what was required of us to give up was much more than in traditional coercive theories because what we get in return is much more, then is it possible that more than mere mutual benefits ought to be distributed. This seems theoretically possible though an argument would need to be provided to prove this can be an outcrop of a reciprocity-based theory. Regardless, however, the reciprocity-based theory still succumbs to the coercion as cooperation objection.}

I think that Sangiovanni’s reciprocity-based theory also succumbs to the coercion as cooperation objection. In fact, the reciprocal element of his theory which\textit{ prima facie} appeared to help him overcome the equivocation objection is what makes his theory fare worse under the coercion as cooperation objection than a traditional theorist like Blake. According to the coercion as cooperation objection, when the coercive theorist argues that people within a coercive system ought to receive fair divisions of the robust benefits produced by that system, she is distancing herself from the original tenets of the coercive approach and blending her view with the cooperative approach.

Sangiovanni does just this. He argues, “It is your fellow citizens and residents who have provided the institutional framework in which you have flourished; it is
they who have sustained and reproduced the basic goods”\textsuperscript{119} you require. He adds that it is “only through the cooperation and contributions of other citizens and residents”\textsuperscript{120} that you are able to flourish in this way. This is why the boundaries of reciprocity also define the boundaries of distributive justice. But by making the connection between coercion and distribution “indirect” and linking reciprocity and distribution instead, Sangiovanni’s view has simply morphed into the cooperative view. The argument that benefits produced by those cooperating within a certain system ought to be fairly divided by those in that system is nothing more than the basic tenets of the cooperative view.\textsuperscript{121}

In fact, I think any version of the coercive approach which fits within the basic framework I have sketched is faced with the coercion as cooperation objection. The structure of the coercive approach is already a kind of cooperative structure: the coercive system is for our common benefit, and we have to take on burdens to get those benefits. In this way the scope of distributive justice extends to the parties who are engaged in this cooperative scheme: without the cooperation of the citizens within a national coercive system, the system would not work properly. Thus, those who cooperate are owed fair distributions from that system. Through the equivocation objection, we have already seen that linking coercion with some

\textsuperscript{119} Ibid., 26.
\textsuperscript{120} Ibid.
\textsuperscript{121} Perhaps Sangiovanni would have no anxiety over my characterization of his view. He may respond that his purpose was to argue for a distributive view that utilized cosmopolitan premises to arrive at distributive justice only within nations, and if the resultant view is cooperative instead of coercive so be it. This is a plausible response, but it would make much of his argument moot because he would no longer be providing an alternative coercive view to Blake’s (and Nagel’s) theory; he would merely be giving another cooperative approach. Sangiovanni would therefore need to explain why he discussed only the coercive approach and offers his theory as an alternative to that instead of an alternative cooperative approach. In addition, even if Sangiovanni were to have such a reply, it would not undermine my main argument that distancing the justification of distributive justice from coercion leads one into the coercive as cooperation objection.
type of restraint on behavior, loss of autonomy, and so on, fails to get us to a conclusion about robust benefits. At best, we end up with a division of mutual benefits. Yet, through the coercion as cooperation objection, we have seen that in order to get us to a conclusion about robust benefits, the coercive approach melds into the cooperative approach.

Now the coercive approach theorist faces a dilemma. Either she accepts that the coercive approach mandates the distribution of mutual and not robust benefits (and have a very weak theory indeed), or she accepts that to distribute robust benefits she must assume that a coercive system is merely a type of cooperative system. But if she accepts the second horn of the dilemma, she faces difficult questions. For instance, if the coercive system is merely a type of cooperative system what is to say that a coercive system in general, or a nation in particular, is the only type of cooperative system that mandates distribution? Or, once we have gone this far into the cooperative conception, why should we stop at the parties engaged in cooperation for mutual benefit within a coercive system? So, to determine the scope of distributive justice we would have to turn our attention away from types of coercive systems to what types of cooperative systems warrant obligations of distributive justice. Perhaps these cooperative systems could be global in scope and thereby provide a justification for global distributive justice. This is the topic of Chapter 3.
Chapter 3
National and International Cooperation:
The Cooperative Approach to Distributive Justice

I. Introduction

In the last chapter, it was shown that the coercive approach to structuralism is not categorically different from, and is best understood as a subcategory of, the cooperative approach, so it stands to reason that an analysis of the cooperative approach is required. In this chapter, I will argue that, although the coercive approach fails to extend the scope of distributive justice outside of national borders, the correct interpretation of the cooperative approach extends the scope of distributive justice between nations interacting within an appropriate cooperative scheme.

II. Elements of the Cooperative Approach

A cooperative approach theorist will espouse the following argument:

1) Within an economic cooperative system, agents are able to create benefits over and above what each could have created individually.
2) When and only when agents have contributed to the creation of benefits, they ought to receive a fair distribution of those benefits.
3) Agents who do not cooperate have not contributed to the creation of these benefits.
4) Thus, all and only those participating within a cooperative system have claims to receive a fair distribution of benefits from that system.

According to the cooperative approach, the surplus that results from economic cooperation should be fairly divided between the agents involved. As an oversimplified example, if five people come together to produce cotton then the profits from the cotton production should be divided fairly between them. The
cooperative approach does not allow distributive justice to encapsulate all people indiscriminately. For instance, if a new sixth person arrived and demanded a share of the benefits from the cotton production from the other five, he would have no claim to those benefits. Only those involved in the cooperative scheme fall within the scope of distributive justice because it is their cooperation that creates the surplus over and above what could have been created if each individual acted on her own. Those outside of the cooperative scheme—those who have no economic interchange—have no claim to the benefits of the scheme, so they are outside of the scope of justice. This, of course, does not entail that there is no concern whatsoever for those outside of the cooperative system. As was the case in the coercive approach, those outside of the system will still qualify for humanitarian assistance. This will be discussed in more detail in the subsequent chapter.

Several elements of the cooperative approach must be unpacked. To begin, as is the case for all structuralist theories outlined in Chapter 1, the units of concern are individuals but through the lens of nations. This means that the concern here does not come in the simplified version of cotton cooperation given above, but in the cooperation that occurs between nations. So, a more apt example would be the cooperation between the US and its largest trading partners of Canada, China, Mexico, Japan, and Germany. Thus, the issues the cooperative theorist must resolve is whether, first, there is cooperation between nations, and, second, whether this cooperation extends the scope of distributive justice outside of national borders.

Next, it must be noted that the type of cooperative theory I am considering cites economic cooperation as the determining factor for distributive justice.
Economic cooperation on an international stage is the trade relations between nations, including all background structures entailed in trade such as markets, regulations, tariffs, sanctions, etc. There are a plethora of ways in which nations can cooperate, such as diplomatic cooperation, political cooperation, noninterventionist cooperation, and so on. While I do not deny that such forms of cooperation exist, nor do I think that it is implausible to build a theory of distributive justice based on these types of cooperation between nations, I think that economic cooperation is more primary. By this I mean that the benefits and burdens are more easily quantified in economic cooperation, and that economic cooperation has more easily traceable pervasive impact on individuals. 

Diplomatic cooperation, by contrast, may entail benefits/burdens and have a pervasive impact on individuals, but it is unquestionably more difficult to parse out how such benefits and burdens can be distributed and how they affect the livelihood of citizens.

No doubt there are readers who are uncomfortable with the term “cooperation” when applied to economic trade between nations. While “coercive” typically carries a negative connotation, and I had to clarify in the previous chapter that it is not always negative, “cooperation” typically carries a positive connotation, and I must now clarify that it is not always positive. This is not a new problem. Decades ago Charles Beitz argued in *Political Theory and International Relations* that while cooperation must be in place to warrant distributive justice, this cooperation

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122 In the next section I will give more concrete examples of what I mean by economic cooperation.

123 Details of this quantification can be seen in my discussion of globalization in Chapter 1.
may not actually be benefiting all involved. On the domestic level, he notes that slavery may create benefits over and above what people in a society could do on their own, but these benefits are not passed on to the slaves themselves.

On the global level, there can also be unfair “cooperation.” In a footnote, Beitz gives a scenario in which countries A and B cooperate economically, but the wealthy country A benefits greatly “while B gets nothing out of its ‘cooperation’ but exacerbated class divisions and Coca-Cola factories.” Again, this is not cooperation in the positive sense, but it is the kind of interaction I am alluding to when discussing economic cooperation. Thus, by “cooperation” I mean not positive and fair interaction between agents but merely interaction between agents that gives rise to benefits over and above what could have been achieved individually. It may be the case that cooperation in this sense is entirely unfair, but this only means that there may be mandate for distributive justice to make the cooperation fairer.

A further disambiguation must be made between what I am calling “economic cooperation” and what Rawlsians call “social cooperation.” According to Rawls, the kind of cooperation necessary to give rise to questions of distributive justice is not merely economic cooperation but various types of social cooperation: cooperation combined with the legal and political institutions that ensure fair play. I will pick

\[\text{\textsuperscript{124}}\text{Beitz’s work sets the foundation for the cooperative approach debate I am currently embroiled in. For this reason, I will frequently use Beitz’s arguments as paradigm examples of cooperative approach arguments.}\]

\[\text{\textsuperscript{125}}\text{Beitz, Political Theory and International Relations, 131.}\]

\[\text{\textsuperscript{126}}\text{Ibid., 150, fn., 52.}\]

\[\text{\textsuperscript{127}}\text{Additionally, negative cooperation, such as the environmental pollution created by economic cooperation, undoubtedly exists. I will not have the space in this chapter to give negative cooperation the proper attention it deserves, but I think that much of what I will conclude about distributive justice between nations would apply to negative cooperation as well.}\]

\[\text{\textsuperscript{128}}\text{See Rawls, A Theory of Justice, 11 and Samuel Freeman, Rawls (New York: Rutledge, 2007): 483.}\]
up the question of Rawlsian legal and political institutions in the next section. For now it is enough to state that in order to best differentiate between the coercive and cooperative approaches, I will not presume in the definition of cooperation that the kind of cooperation needed to give rise to distributive justice requires coercive governing institutions. In addition, to avoid claims of status quo bias, I will not assume a Rawlsian cooperation in which one must already have terms of fair play built in. To build in a requirement of fair trade is to assume that distributive justice only applies to domestic cooperation. The reason is that it is only cooperation within nations where such systems of fairness already reside. As stated above, I assume it is entirely possible in my view of economic cooperation that a cooperative system is unfair and therefore gives rise to obligations to redistribute the benefits.\footnote{For more see Abizadeh, “Cooperation, Pervasive Impact, and Coercion,” 332-3. My sense of cooperation will more closely reflect Abizadeh’s conception of interaction and coordination than Rawlsian social cooperation.}

Finally, my version of the cooperative approach to structuralism still takes existing structures to be the site of distributive justice. Importantly, these structures need not be the governing organizations required by the coercive approach. In other words, it is not necessary that systems of cooperation have a world government as separate from national governments in order to mandate distributive justice between nations. Such global governing systems were a required part of the coercive approach because it was only the burdens imposed by such coercive systems which gave rise to the question of distributive justice. Thus, under the coercive approach, if no global coercive government existed, no global justice was warranted. The cooperative approach differs because it is the benefits of
cooperation, not a redress of coercion, that gives rise to the question of distributive justice. Therefore, where there is economic cooperation there may be a mandate of distributive justice, regardless of the existence or nonexistence of a supranational government.

With that said, a cooperative theorist cannot deny that coercive institutions are often incorporated in the economic cooperation of "markets and the myriad laws and conventions making economic production, exchange, and consumption possible." Such coercion may be found in the laws of a national government, in treaties between governments, and/or in global organizations like the WTO. Some coercive theorists may view such incorporation of coercion into the cooperative approach as problematic. However, this mingling of theories is nothing more than an outcrop of my conclusions in Chapter 2: if coercive systems are merely types of cooperative systems, then there is nothing incoherent in a cooperative approach which encapsulates coercive institutions. Later in this chapter I will discuss coercive institutions and how they relate to the quandary of what kinds of cooperative systems mandate distributive justice. Nevertheless, what is important now is that the basic structure of an economic cooperative system may include coercive institutions, but it is not coercion that justifies distributive justice.


131 For instance, Blake and Smith write, “The worry here is that left institutionalists [what I am calling cooperative theorists] might be begging the question by assuming that the international system is indeed coercive, will remain coercive even if reformed, and is coercive in precisely the way needed to generate obligations of distributive justice” (“International Distributive Justice”). If their point is that it is only within a coercive system that distributive justice can be effective, then I will discuss this below. However, if their point is that the cooperative theorist is relying on an unspoken element of coercion to justify distributive justice, I think that they are mistaken, and I will dispute this claim in this chapter.
To summarize: in order to determine the scope of distributive justice a cooperative approach theorist must specify which nations are cooperating with each other through economic trade. It is possible that such cooperation includes coercive institutions, but the existence of such institutions is not assumed in the basic definition of cooperation. In addition, it is not necessary for an appropriately robust supranational institution to exist for a mandate of distributive justice to arise. At a minimum there must be economic cooperation between nations which gives rise to benefits and burdens above those benefits and burdens that would have been created by a nation in isolation. Although I have established what "cooperation" means, it may be the case that not every instance of cooperation between nations warrants distributive justice. In order to determine at what threshold of cooperation distributive justice becomes a requirement, it is necessary to first analyze the arguments of the most prominent cooperative approach theorist: John Rawls.

III. The Cooperation of Rawls

III.I. Rawlsian Background

Rawls argues that the purpose of distributive justice is to fairly divide the benefits and burdens arising from social cooperation, and for this reason he is typically considered to be a cooperative approach theorist. In Chapter 1, I utilized Rawls to explain the importance of the basic structure as the site of distributive justice for a structuralist. I also briefly mapped out the stark contrast Rawls draws between domestic distributive justice in closed societies and the lack of distributive
justice on the global scale. Instead of distributive justice between nations, he argues in *Law of Peoples* that the purpose of global justice is to ensure the existence of internally just states with their own domestic principles of distributive justice. As a result, Rawls sketches a Society of Peoples who ought to follow a set of rules and regulations ensuring fair and respectful interactions between member states. By coupling these regulations with a duty of humanitarian assistance to burdened nations, Rawls thinks that no international principle of distributive justice is warranted.

My intention in this chapter is not to debate whether Rawls is internally consistent within his own structuralist theory in arguing against a global principle of distributive justice. Regardless of what I think Rawls himself can argue, my intention is to show that the best version of the cooperative approach entails distributive justice between nations cooperating appropriately. In order to reach this conclusion, I will use the debate surrounding Rawls’s *Law of Peoples* to construct what I take to be the most charitable and robust version of the cooperative approach in general.

In Chapter 1, I unpacked Beitz and Pogge’s arguments that if one takes cooperation to be the determining factor of distributive justice, then one must conclude that there is distributive justice on the global level. This type of argument is often called a cosmopolitan critique because it concludes that distributive justice

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132 More will be said about burdened nations and the duty of humanitarian assistance in Chapter 4. For definitions of these terms see my synopsis of Rawls in Chapter 1.
ought to be applied globally to individuals instead of within closed societies.\textsuperscript{133}

Freeman summarizes the debate well when he writes,

\begin{quote}
One reason Rawls gives for the basic structure of society as the 'first subject' of justice is the profound effects of social cooperation and its basic institutions on people's present and future prospects, their characters, relationships, plans, and self-conceptions— the kinds of persons they are and can aspire to be. Cosmopolitans meet this with the rejoinder that there may be more frequent interaction among the members of a society but it's just a matter of degree, for global relations also have profound effects on people's future prospects, characters, etc.; moreover, societies benefit from one another and are becoming increasingly interdependent due to globalization.\textsuperscript{134}
\end{quote}

In other words, some critics claim that Rawls is mistaken in assuming that domestic cooperation pervasively impacts people but global cooperation does not (or does not to the degree needed to mandate distributive justice). I agree with these critics, and for the remainder of this section I will analyze Rawlsian responses to these critiques. First, I deny the empirical plausibility of Rawls's argument that the primary determinate for a well-ordered, stable society is the industrious virtues of its citizens. I will then utilize my critique of Rawls to underscore the impact of global cooperation on domestic institutions. Second, I will respond to two arguments Freeman gives for why Rawlsians can limit distributive justice to nations despite the acknowledgement that there is large-scale global interdependence through economic trade.

\textsuperscript{133} As I have noted previously, I will eschew the cosmopolitan language to avoid preconceived notions this language may bring about.

\textsuperscript{134} Freeman, \textit{Rawls}, 420.
III.II. Virtuous Citizens and Vicious Poverty

The first argument against Rawls—which I will call the virtues argument\(^{135}\)—is directed at his assumption that

the causes of the wealth of a people and the forms it takes lie in their political culture and in the religious, philosophical, and moral traditions that support the basic structure of their political and social institutions, as well as in the industriousness and cooperative talents of its members, all supported by their political virtues.\(^{136}\)

In other words, Rawls argues that the primary basis for the wealth and stability of a nation is in the traditions, work ethic, industriousness, etc., of that nation’s people and not in outside interaction between nations. He argues that if the civic virtues of these people are strong enough then even a poor nation ought to be able to create an internal basic structure which counteracts many unfavorable conditions such as inequality in trade benefits, widespread poverty, lack of natural resources, and various natural disasters such as famine.\(^{137}\)

To be charitable to Rawls, I must assume that his argument is not meant to imply that the civic virtues of a nation’s citizens is the only basis for the wealth and stability of a nation. This would be a rather absurd claim. Later in Law of Peoples he states that “the crucial element in how a country fares is its political culture—its

\(^{135}\) In using the term "virtues" I am not equating it with a value of goodness. I, like Rawls, am not discussing whether a people are morally good in being virtuous, but if they espouse the kinds of civic and political virtues needed to construct and maintain a well-ordered, stable society.


\(^{137}\) By "unfavorable conditions" I, and Rawls, do not mean unjustified invasion by another people. However, Rawls does argue that things such as limited resources and many natural disasters ought to have limited effect on a nation if its people are poor but well-ordered. He gives the example of Amartya Sen’s findings that famines are predominantly tied not to a lack of food but to an unjust system. From Sen’s argument, Rawls concludes that if a country has the right kind of people in it then they can create just basic structures in their country to prevent negative effects from things like poverty, lack of natural resources, and natural disasters. (Law of Peoples, 108-11).
members’ political and civic virtues—and not the level of its resources.”  

I think it is fair to assume that Rawls considers virtues to be the primary or predominant cause of creating and maintaining a well-ordered, stable society. Yet even under this charitable reading, Rawls’s stance is bold, and he gives little evidence to back up his claim.

I think that Rawls’s virtues argument is empirically false. There are many reasons to disavow the virtues argument, but I will limit myself to his presumption of self-sufficiency and clear differentiation between effects of global and domestic cooperation. To begin, as analyzed in Chapter 1, Rawls’s A Theory of Justice assumes the scope of distributive justice to only include self-sufficient and self-contained societies. After this publication, many questioned the fruitfulness of this assumption. Beitz, for instance, argued that Rawls’s self-sufficiency assumption “is not justified by the facts of contemporary international relations” given the fact that even relative self-sufficiency “requires that societies have no significant trade or other economic relations.” Beitz worries that Rawls is missing “the point of international justice altogether” by ignoring the “complex and substantial pattern of

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138 Ibid., 117. [my emphasis] Rawls emphasizes resources here because the debate between left and right libertarianism is interwoven in this literature. Rawls seems to be assuming a peoples’ right to whatever natural resources exist in their nation; however, many object that whether you are born in a country rich or poor in natural resources is arbitrary, and therefore discussion of mitigating the effects of unequal natural resources ought to be an aspect of the original position (or, in the case of Rawls, the second original position). One way in which Rawls denies the need for mitigation of natural resources is his claim that if citizens espouse the correct virtues, they ought to be able to build and maintain a well-ordered, stable society regardless of the inequality of natural resources. Clearly, one could debate the truth of this claim, but I am setting aside the issue of natural resources in particular, and focusing instead on domestic versus global cooperation in general.

139 Beitz, Political Theory and International Relations, 170.

140 Ibid., 133.
social interaction which produces benefits and burdens that would not exist if national economies were autarkic.”

Later in *Law of Peoples* Rawls weighs these criticisms and acknowledges interaction between nations, including economic cooperation. Yet, he reasons that although fair terms of cooperation between citizens results in distributive justice, fair terms of cooperation between peoples results in the Law of Peoples, a set of laws devoid of principles of distributive justice. Here we see that the underlying notion of self-sufficiency never seems to be fully expunged, even in his notion of the Society of Peoples. Recall, the goal of the Law of Peoples is to ensure that nations can maintain their own institutions without unjustified interference from other nations. For Rawls, the combination of civically virtuous citizens and respectful interaction with the international community ought to result in internally just and well-ordered societies. Were such respectful interactions in place and a nation was still suffering, it must be a result of non-industrious, non-virtuous citizens.

But Rawls is falsely assuming a simple differentiation between the causal effects of domestic and international cooperation. Even a cursory perusal of the

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141 Ibid., 149.
143 Furthermore, Rawls argues that to respect a peoples’ autonomy the Society of Peoples must allow these nations to make their own choices, even if these choices diminish the overall stability of the nation and wellbeing of its citizens. Rawls gives two examples to highlight this point. First, two societies begin at the same level of wealth, but one industrializes and the other, preferring the pastoral life, does not. Second, two societies begin with high population levels, but one implements rights for women and decreases its population over time, and the other does not. Rawls argues that because the differences in the two sets of societies depends on the civic virtues of its citizens and their choices, then it would be unfair to demand distributive justice between them. Because these two hypotheticals often lead to the discussion of luck egalitarianism, which I will not be analyzing here, I will not dwell on them. See *Law of Peoples* 117-8. For further discussion of Rawls’s two societies example see Rex Martin, "Rawls on International Distributive Economic Justice: Taking a Closer Look,” in *Rawls's Law of Peoples: A Realistic Utopia?* eds. Rex Martin and David Reidy (Oxford: Blackwell Publishing Ltd, 2006), and David Miller's "Collective Responsibility and International Inequality in *The Law of Peoples*" in the same volume.
plethora of scholarship analyzing the effects of globalization show that it is false to apply Rawls’s virtues argument to all nations: globalization can have positive and/or negative effects which cannot be attributed to the virtues of citizens. On the positive side, the rise of the “global middle class” has been heralded in recent years. At around 13% of the global population in 2011, the global middle class is found especially in nations such as China, Brazil, and India who have had a boom in their economic sector. In addition, there has been a global rise of people outside of “extreme poverty” (less than $1.25 a day). Though most have risen just barely above this level, any rise above extreme poverty is a cause of celebration.

On the negative side, while many have escaped extreme poverty, such success is not evenly spread throughout the globe, and global inequality has also increased. An estimated 836 million people live in extreme poverty (predominantly in Southern Asia and Sub-Saharan Africa), one in nine people are undernourished (795 million), and 2.1 billion people live on less than $3.10 a day. Oxfam recently stated that the richest 1% has equivalent wealth to the remaining 99%, and that the richest 62 people have a much wealth as the poorest half of the globe (3.6 billion people).

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145 Of course, depending on the principles of distribution selected, the existence of inequality may not be bad in itself.
It is plausible to assume that domestic concerns inform the wealth and stability of a nation: poor infrastructure undoubtedly impacts citizens’ ability to make a life for themselves. If this were Rawls’s claim there would be little to debate. However, despite the fact that domestic concerns may exacerbate poverty and inequality, Rawls is wrong in assuming that this entails it is (even primarily) the fault of those citizens’ virtues. This is because global cooperation, not just domestic cooperation, informs the wealth and stability of a nation. As Beitz articulates, Rawls’s virtues argument “presupposes a capacity to distinguish between domestic and international influences which may be impossible to sustain in practice.”149 Yes, at times global cooperation can increase the wealth of a nation and the wellbeing of its citizens; China is a paradigm example. However, global cooperation can at times “aggravate rather than alleviate the local conditions that impede the society’s improvement.”150

As a historical example, Pogge highlights the irrationality of assuming that previously colonized African countries would have reached stability if they had civically virtuous citizens. When countries in Africa gained independence around the 1960s, the inequality between them and the developed world was 30:1. If these fledgling nations had grown in per capita income 1% higher in Europe every year, they would still not catch up until the 24th century. Pogge adds that developed nations can be implicated in sub-Saharan poverty in two ways: they were the

149 Beitz, Political Theory and International Relations, 206.
150 Ibid., 206-7.
historical oppressors, and they have used their advantage to dominate the current global market.\textsuperscript{151}

To underscore problems with the virtues argument, I will use the example of the garment industry as introduced at the start of Chapter 1. In her book \textit{The Travels of a T-shirt in the Global Economy: An Economist Examines the Markets, Power, and Politics of World Trade}, Pietra Rivoli follows a t-shirt from cotton fields in Texas, to factories in China, back to markets in the US, and then to its second life as used clothing in Eastern Africa. Rivoli is a free market advocate, and throughout the book she paints of picture of an improving world: where once were sweatshops are now booming industries in the US and China. Her argument is that when the global free market is able to combine with civil rights advocates, people in even the poorest nations can be better off. Sweatshops are improving, and people are receiving a better quality of life by leaving the fields and working in the cities. Globalized trade can be ugly, Rivoli essentially theorizes, but with it comes hope.

\textit{The Travels of a T-shirt} was originally published in 2005 and updated in 2009. In 2015, Rivoli gave it a further update, adding a “Development” appendix. In one section of the appendix ominously titled “The Race to the Bottom Speeds Up,” Rivoli explains that, despite her conclusions in the earlier versions of the book, the lives of many global factory workers are getting steadily worse— and in particular, more dangerous. The concept of the race to the bottom is not a new one: to compete for factories and jobs, developing nations must provide incentives for corporations

in developed nations. These incentives often come with low wages for workers, lax environmental and safety laws, and so on.

The collapse of the Rana Plaza garment factories in 2013, and the resulting death of around 1,129 workers, led Rivoli to focus on Bangladesh. She writes,

The takeoff of the Bangladeshi apparel industry and the unpredictable demands for fast and cheap clothing has led to ceaseless time pressure:... workers are often forced into overtime, and, most tragically, were forced to return to a shaking building in order to keep sewing. And the surges in demand also led to illegal and unsafe stories being added onto existing buildings in order to quickly add capacity.152

Unfortunately, calls for safer working conditions from developing nations on the one hand, and increased demands for cheap garments by those same nations on the other hand, leads to a constant tension.153

So what is the importance in pointing out that a garment transverses the globe? It is this: developed countries like the US benefit financially from the negligent wage, environmental, and safety laws in countries like Bangladesh. Were US companies to make garments in their own countries encapsulated by their own laws, the garments would be more expensive to make. In other words, US companies create larger profits (i.e., receive larger portions of the benefits produced in cooperation) as a direct result of the lax laws in Bangladesh, and the Bangladeshi receive a very small share of that profit in return.154

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152 Rivoli, 273.
153 Ibid., 275.
154 It is worth noting that the coercive theorist is not moved by the garment example. The reason is that distributive justice is only applicable within a coercive system, i.e., the state government. According to the coercive view, these garment workers are within a separate coercive system from those in developed countries. This means that there are claims of distributive justice within the US and within Bangladesh but not claims of distributive justice between them.
It is important to note that for Rawls, there is no distributive justice between the US and Bangladesh irrespective of this trading, though there are presumably duties of humanitarian assistance. But this argument is problematic for reasons highlighted in the garment industry example: global cooperation can affect the wealth and stability of a nation in a prevalent way. This damage is not the result of the civic virtues of the people in the nation but the interaction between nations, and no amount of aid alters the structure of this imbalanced interaction.

As shown in the garment case, the surplus created by international cooperation affects both nations involved. First, the US companies receive a larger share of the profits produced, resulting in more wealth while still maintaining reasonable safety and environmental laws within their country. Second, much of this profit received by the US companies is a direct result of negligent treatment of workers in developing countries. Were these dangerous laws to be righted and Bangladesh to receive more share of the profits, US companies would leave their shores in search of cheaper labor. In the current system Bangladesh becomes a victim in the infamous race to the bottom to keep what industry it has, and this race to the bottom is a result of globalization, not the “industriousness” and “political virtues” of its citizens.

To be charitable to Rawls, he does not think that a might-makes-right mentality of laissez-faire free trade ought to rule over global cooperation. Rawls repeatedly notes that nations in the Society of Peoples “will formulate guidelines for

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155 Though Rawls is not clear in defining a well-ordered versus a burdened society, I think it is fair, given my synopsis in Chapter 1, to assume that Bangladesh would fall into the “burdened” camp.

setting up cooperative organizations and agree to standards of fairness for trade as well as certain provisions for mutual assistance.”\textsuperscript{157} Unfortunately, it is not clear what global fair trade is for Rawls (other than mentioning preventing nations from monopolizing the market), though he notes it will likely include free market competition with fair background conditions.\textsuperscript{158} To give Rawls the benefit of the doubt, these fair trade cooperative organizations may help alleviate some of the most egregious harms done by globalized trade today: perhaps Bangladesh would get a larger share of the profits made by cooperating with the US, and perhaps stricter labor laws would be put in place. However, fair trade practices are not akin to distributive justice. Depending on how fair trade is parsed out, it may still do harm to domestic economies,\textsuperscript{159} ignore historical injustices that lead to unequal infrastructure,\textsuperscript{160} fail to halt a race to the bottom, and so on.

My aim here to not to debate what Rawls intends by “fair trade cooperative organizations” but to stress that no matter how he intends it, it is not equivalent to distributive justice between cooperating nations. Rawls adds, “Should these

\textsuperscript{157} Ibid., 42.
\textsuperscript{158} Ibid., 42-3.
\textsuperscript{159} Much research has been done on the possible harms of even \textit{fair trade} practices. On one extreme, if one takes fair trade to mean the ability to openly trade on the global stage, then there are a plethora of examples of domestic harm. For instance, when Senegal joined the global market it was determined that it would be cheaper to grow, weave, and spin cotton elsewhere, thus decimating most of the garment industry in the country. In addition, Chinese knockoffs of “handmade” Senegalese crafts are becoming more and more prevalent. For more, see Kait Bolongar, “Senegal’s Handicrafts: Made in China?” \textit{Al Jazeera}, May 10, 2016, http://www.aljazeera.com/indepth/features/2016/05/senegal-handicrafts-china-16050809333218.html.
On the other extreme, “one for one” organizations such as Tom’s Shoes, which donates a pair of shoes for each pair bought, can also cause domestic harm. In the case of Tom’s, the sharp uptick in shoe donation without job creation in some areas was detrimental to local shoe manufacturers. For more see, “The Economics of Tom’s Shoes: Putting the Boot in Development,” \textit{The Economist}, October 27, 2014, http://www.economist.com/blogs/freeexchange/2014/10/economics-toms-shoes.
\textsuperscript{160} Preventing monopolies does not fully undermine the drastically unequal footing on the global stage between many past colonial and past colonized nations, for instance.
cooperative organizations have unjustified effects between peoples, those would have to be corrected, and taken into account by the duty of assistance.”\textsuperscript{161} Thus, any residual harm, such as extreme poverty, would then become an issue of humanitarian assistance, not distributive justice. But at this point it has still not been made clear exactly why Rawls does not think that distributive justice is required between nations. Given my arguments against the virtues argument, it appears that economic cooperation exists on the global scale, so why would a Rawlsian argue that these benefits are not under the purview of distributive justice? To answer this question, I will turn to Freeman’s response.

\textit{III.III. Freeman’s Argument Against Global Distributive Justice}

Economic cooperation exists on a global scale. Therefore, in order to argue that there is still no mandate for global distributive justice, the cooperative theorist must argue that the cooperation that exists on the global scale is \textit{not the kind of} cooperation that mandates distributive justice. Were one to successfully make such an argument, they could presumably conclude, without being inconsistent, that domestic cooperation calls for distributive justice but cooperation between nations does not.

I think that Samuel Freeman gives the best attempt to explain why global and domestic cooperation is “quantitatively different,” giving rise to different principles of justice.\textsuperscript{162} Freeman gives two arguments, both of which I will show fail to save the cooperative approach from a requirement of distributive justice between nations,

\textsuperscript{161} Op cit., 43.
\textsuperscript{162} Freeman, ”The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice,” 39.
but which will also illuminate a way for me to create a better version of the cooperative approach than the Rawlsian model.

First, Freeman notes that Rawlsian distributive justice is founded upon not just cooperation but also the institutions that regulate this cooperation. Freeman reasons that “social relations, unlike global relations, are coercively enforced. Social cooperation for Rawls invariably involves political cooperation, and with it the political enforcement of basic social rules and institutions necessary to society.”

Freeman is arguing that for a system of cooperation to give rise to principles of distributive justice, the cooperation must be undergirded by “shared political, legal, and economic institutions” which simply do not exist to the same degree (or at all) on the international scale. What would be required to mandate a global difference principle of distributive justice, Freeman argues, is a world state: “There is no global political authority to apply the difference principle; nor is there a global legal system or global system of property to apply it to. So a global difference principle is double infirm, without both agency and object—no legal person to implement it, and no legal system to which it is applicable.”

I take Freeman’s argument to be a plausible interpretation of Rawls. In Law of Peoples Rawls repeatedly affirms a lack of world governance, and the legal/political aspect of the domestic basic structure appears integral to the application of the difference principle. From this it follows that where there is no global state there is no mandate for global distributive justice for Rawls. But, while

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163 Freeman, Rawls, 421.
164 Ibid., 443.
165 Ibid., 444 [author’s original emphasis]
166 Rawls, Law of Peoples, 36.
this argument may succeed in allowing a strict Rawlsian to eschew distributive justice between cooperating nations, it does not allow a cooperative approach theorist in general to do the same. The reason is that to make this argument Freeman (and presumably Rawls) must obscure the distinction between the cooperative approach and the coercive approach.

According to the coercive approach, distributive justice is only applicable in cases where there must be justification for the burdens of a coercive system. For this reason it was argued in the previous chapter that a kind of world state is required for global distributive justice under the coercive approach. However, the cooperative approach does not require a world state: it is the benefits and burdens created by cooperation that gives rise to distributive justice, and these benefits and burdens may arise regardless of the existence or nonexistence of a world state. As I emphasized in Section II above, it is plausible to think that a cooperative approach includes coercive institutions, but it is not those coercive institutions which provide the mandate for distributive justice.

Yet, this is the argument that Freeman appears to be making for Rawls: there are benefits and burdens created by cooperation between nations, but these benefits and burdens do not give rise to distributive justice globally because there are no global coercive systems to the same extent as domestic ones. Here the justification for distributive justice is found in coercion, not cooperation. Such melding of the coercive and the cooperative view is not prima facie inconsistent, and were Rawls with us today he may espouse, and give justification for, such an amalgamation. However, it is unconstructive when one wants to determine the
scope of a cooperative theory that does not fall back upon justification by the coercive approach. For this reason, Freeman’s response to the question of why there ought to be no distributive justice between nations on the cooperative approach is not fruitful here.

One might wonder, however, why I argued for the necessity of a world state under the coercive approach but not the cooperative. The reason can be found in the definitional differences between the two approaches. Beginning with the coercive approach, a world state—or something similar—is a requirement for distributive justice between nations because without the coercion of that world state, there would be no need for distributive justice as redress. Coercive institutions determine the scope of distributive justice for the coercive approach. This is not the case for the cooperative theory because it is the scope of economic cooperation that determines the scope of distributive justice. Coercive institutions do not factor into the justification of distributive justice, and thus the efficacy (or lack thereof) of such institutions does not come into question when determining the scope.167

Freeman’s second argument for the lack of distributive justice on the global scale shifts focus away from coercive institutions and towards pervasive impact.168

Though Freeman continually maintains that the Rawlsian distinction between

167 With that said, I do think that a world state may be important for a cooperative theorist at some point. My structuralist approach is a stepping-stone theory: I begin with nonideal structures as they exist to determine the scope of distributive justice. After this, the next step would most likely be construction of ideal principles of distributive justice within the determined scope. If I were correct in eventually arguing that the cooperative theory mandates distributive justice between nations, then principles would apply between nations. It is entirely possible that at this stage one determines that the most effective way for these benefits to be effectively distributed would be to create a type of world state. Thus, I think that while a world state is not a required prerequisite for the cooperative approach, it may be a sensible outcrop of the theory.

168 By “pervasive impact” I mean both the amount of agents impacted and the amount to which individual agents are impacted.
domestic and global cooperation is not a distinction of degree, his second argument is roughly just that. It seems that both Freeman and Rawls assume that where there is more cooperation, there is more pervasive impact on the cooperating agents. Freeman argues that domestic cooperation (i.e., the Rawlsian concept of social cooperation) “is necessary to our development as persons, the realization of our social capacities, and our having a conception of the good.”169 Living in a society—being social beings—is in large part what allows us to flourish and separates us from our primitive roots: "By contrast, global cooperation is not a precondition of our survival or flourishing as developed persons, or to the development of our rational, social, and moral powers."170

To make the argument that domestic, and not global, cooperation offers a foundation for who we are as individuals, Freeman and Rawls do not have to deny the existence of global cooperation. Freeman reasons, “Clearly, cooperation with other societies, particularly trade between peoples, is beneficial to a society, but it is not a precondition... to reasoning and language, moral personality, or the development of humans as social beings.”171 Hence, the Rawlsian may acknowledge cooperation between nations, but given the drastic difference between domestic and global cooperation, the Rawlsian does not have to espouse a global principle of distributive justice. The reason is that as levels of cooperation increase, such cooperation has increasingly pervasive impact on the agents involved.

169 Freeman, Rawls, 421.
170 Ibid., 422.
171 Ibid.
As was the case in Freeman’s previous argument, I do not think that it is implausible for a Rawlsian to make such a conclusion. One would have to construct an argument\textsuperscript{172} for exactly why the pervasive impact of domestic cooperation leads to distributive justice but the lesser impact of global cooperation does not lead to any form of distributive justice whatsoever.\textsuperscript{173} However, I contend that, regardless of how Rawls formulates such a response, it will fall to the same objection I made to Freeman’s first argument: it does not allow the cooperative theorist, in general, to limit the scope of distributive justice within nations. The minimalist cooperative approach sketched at the start of this chapter does not maintain that the benefits of cooperation ought to be fairly divided if and only if said cooperation is profoundly shaping who we are at an ontological level. This would be an extremely, and I think arbitrarily, high threshold of cooperation to mandate distributive justice.

\textsuperscript{172} The best argument I can formulate combines Freeman’s two points: it is only domestic cooperation which allows for a society to commence and which creates the social, political, and economic structures needed to allow people to flourish. However, this argument faces the same objection I have been raising: it blends the coercive and the cooperative approach, and does not provide an argument for why a cooperative theorist in general would not allow for global distributive justice. Thus, this argument is not helpful for my purposes.

\textsuperscript{173} Interestingly, after much discussion of why there is no mandate for a global principle of distributive justice, Freeman makes some concessions. He writes, “While [Rawls] does not directly say so, presumably he would recognize that transition principles should apply to rectify current and past injustices, as in the case of existing social injustices, in order to bring about a well-ordered Society of Peoples... [he could] have supported as a temporary measure a global distribution principle to rectify the history of exploitation, expropriation, and gross violation of human rights endured by burdened peoples around the world” (Rawls, 452). However, these distributive principles would have to be temporary with a cut-off point to ensure that nations eventually take control of their own stability. Freeman later adds that Rawls may be able to end up with a “partial distributional principle... which allocates a portion of the proceeds from international trade, or a principle that recognizes a kind of ‘global minimum’ analogous to the liberal social minimum” (Ibid, 456). Essentially Freeman’s argument here is that there may not be justification for a global difference principle, but there may be justification for a domestic difference principle and a different kind of global distributive principle. Oddly, this briefly mentioned conclusion is similar to what I conclude in this chapter, yet Freeman gives no real argument for why another distributive theory could be justified by a Rawlsian. Perhaps Freeman would agree with my argument that while Rawls could not justify a global distributive principle, a cooperative theorist in general may be able to.
Freeman’s first argument did not reveal why there is a complete lack of distributive justice on the global scale without blending the cooperation justification for distributive justice with the coercive justification. However, I do think something important can be gleaned from his second argument: it is empirically undeniable that domestic cooperation usually has a more pervasive impact on individuals than global cooperation. Unfortunately, Rawls takes this sentiment to the extreme in his virtues argument and his conclusion that there is no mandate whatsoever for distributive justice between cooperating nations. As my garment example highlights, cooperation between nations does often pervasively impact the structure of nations and the welfare of its citizens.

Thus, to be consistent with the cooperative approach, there is no reason to think that the difference in degrees between domestic and global cooperation means that there is no global distributive justice. Global distributive justice may be applicable even if a more tightly knit system of cooperation exists at the domestic level. So here the cooperative theorist faces a conundrum: how can one determine principles of distributive justice when cooperation comes in degrees?

**IV. Counting Cooperation**

*IV.I. A Threshold of Cooperation*

Pervasive impact is undoubtedly still essential for the cooperative approach. The importance of pervasive impact falls out of the definition for any structuralist theory: the determinant of distributive justice ought to be structures because the structures formed around us impact our life chances. Thus, the structuralist’s
concern is determining the scope of distributive justice given the existence of pervasively impactful structures already in place. In the case of the cooperative approach, the level of cooperation involved is normatively tied to the level of pervasive impact that cooperation has. Cooperation matters because of the impact it has on those cooperating. Thus, an attempt to more precisely identify the level of cooperation's pervasive impact appears necessary to determining when cooperation mandates distributive justice: we must determine a threshold of cooperation at which point distributive justice comes into play.

Abizadeh helpfully puts the problem at hand in the form of a dilemma. He argues that in cases where theorists assume an existence condition for structures to already be in place to mandate distributive justice (which I, and structuralists in general, do assume), these theorists face two possibilities: either the threshold of cooperation needed is strong and complex or it is significantly weakened. Under the first horn, the level of cooperation taking place would be relatively high in order to mandate distributive justice. This is the horn to which I think Rawls grabs hold.

Putting aside the problems I mentioned with requiring coercive institutions to justify distributive justice, Rawls still requires a high threshold of cooperation. This is true if Freeman is correct in arguing that the threshold is at a level of cooperation that constructs who we are as social and moral beings, and/or if Abizadeh is correct in arguing that the threshold of Rawlsian social cooperation already requires that a cooperative system be fair.

\[174\] Abizadeh, “Cooperation, Pervasive Impact, and Coercion,” 336. In unpacking this dilemma, Abizadeh uses his language of an existence condition for structures that are already in place, while I will parse his dilemma in terms of cooperation to make the language more coherent with the language I have been using.
In addition to the problems I unpacked in the previous section, it is important to add that Abizadeh argues that espousing this high threshold horn of the dilemma gives rise to what he calls a status quo bias.\textsuperscript{175} According to the status quo bias objection, creating stringent requirements of cooperation in order to mandate distributive justice ensures that the basic world-order stays the same.\textsuperscript{176} For example, if we assume that Freeman is correct that the threshold of cooperation is an almost ontological threshold which makes us who we are as human agents, then distributive justice would apply within nations but not between them.\textsuperscript{177}

Thus far, no credible argument has been given for why, under the basic formulation of the cooperative approach, the threshold of cooperation ought to be set so high, and I do not think that a successful argument is forthcoming. It cannot be the case that coercive institutions must exist because that unconstructively combines justification from the coercive approach. It also cannot be the case that cooperation between nations has no pervasive impact because the garment example shows that this argument simply cannot hold water. If a threshold of cooperation is a switch that turns distributive justice either on or off, there is no intuitive reason why the benefits created by cooperation between nations warrants no distributive justice whatsoever.

\textsuperscript{175} Abizadeh also argues that Sangiovanni's reciprocity argument I explored in Chapter 2 would similarly fall prey to the status quo bias.
\textsuperscript{176} In Chapter 1, I argued that the stepping-stone nature of my structuralist theory mitigates the status quo worry to a great extent. This is still true, but it is not particularly helpful here because the question is not whether we are taking structures as given; instead, the question is, provided that we are taking cooperative structures as given, how do we determine what amount of cooperation is required to give rise to obligations of distributive justice? This opens the door for a different type of status quo bias.
\textsuperscript{177} The same conclusion is reached if Abizadeh is correct that the threshold of cooperation (for a Rawlsian) entails the existence of already fair systems of cooperation because such fair systems do not exist on the global level.
So perhaps we ought to embrace the other horn of Abizadeh’s dilemma: make the threshold of cooperation relatively low. This has initial intuitive force. Since the cooperative approach is concerned with the creation of benefits over and above those that could be created without cooperation, then it seems that any time such cooperation has pervasive impact on the agents’ livelihoods involved, that cooperation necessitates distributive justice. Abizadeh notes that making the threshold low avoids the status quo bias, and it seems to me to avoid the problem of placing the threshold arbitrarily high. However, he adds that it creates a problem for “anti-cosmopolitans” who do not think that global cooperation warrants global distributive justice because “global interaction” now appears to be above the required threshold.178

That cooperation between nations warrants distributive justice may be a problem for anti-cosmopolitans, but it is not a problem for structuralism in particular. The project here is to determine the scope of distributive justice, not to ensure that the scope is restricted. In fact, given that cooperation between nations creates benefits and can have pervasive impact on the stability of a nation and the wellbeing of its people, espousing a lower threshold of cooperation appears to be the best alternative.

However, we should be wary about how low a “low threshold” should be. Beitz encounters the problem of low thresholds in a case of apples and pears. He assumes that there are two states, A and B, in which the worst-off member of A is

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better off than the worst-off member in B. If A and B are self-sufficient and autarkic then no approach to structuralism—be it coercive or cooperative—calls for distributive justice between them (though there will likely be humanitarian duties of assistance). However, Beitz asks, what if A begins to trade apples for B’s pears? Does this fruit trade alone open the door to distributive justice between nations? Presumably not. In an afterward written later, Beitz contends that his theory does not imply that “simple exchange” between nations mandates distributive justice between them. He argues that it is the increasing complexity of international trade and the difficulty in differentiating the effects of domestic versus international trade that gives rise to obligations of distributive justice between nations.180

The reason why a cooperative approach theorist would not want the threshold of cooperation to be at the level of apples and pears is because it clashes with most people’s intuitions about distributive justice. If countries A and B have completely different sets of structures (coercive and/or cooperative), then, prima facie, it does not seem fair that a minuscule level of trade now makes it the case that A must ensure fair distributions to not only its own citizens but also to another nation of citizens. Depending on the principle of distribution selected, a low threshold like the one in the case of apples and pears may be hard to swallow. For example, if one espoused Rawls’s difference principle, this may mean that fruit trade obligates country A to ensure that B has enough to benefit even its worst-off

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citizens. It seems to be a stretch to call minimal trade or low-level interaction a cooperative structure.\footnote{181}

In responding to the problem of low thresholds, Beitz unfortunately muddles the distinction between the cooperative approach and the coercive approach similar to the way Freeman does. Beitz argues that it may not be trade \textit{per se} that mandates distributive justice but trade in combination with nonvoluntary, coercive institutions.\footnote{182} This is not a helpful response for two reasons. First, as I have repeatedly hinted, I think that there is an extent to which the combination of cooperative trade and coercive institutions does have an impact on distributive justice, and I will discuss this notion shortly. However, as argued above, using coercion as \textit{justification} for distributive justice merely muddles the two approaches. Second, if I am correct in my previous assessment of the coercive approach, then the kinds of coercive structures that exist globally do not give rise to distributive justice anyway. Thus, invoking international coercive structures does not help a case like Beitz’s.

Fortunately, the basic definition of structuralism mitigates the problem of low thresholds to some extent. As has already been emphasized, the kind of cooperation that interests a structuralist is cooperation that pervasively affects a nation and, thus, the livelihoods of its people. Though admittedly vague, this concept of pervasiveness allows a structuralist to eliminate very low-level, counterintuitive

\footnote{181 It is important to note that if my account of the coercive approach is correct, the problem of low thresholds does not apply. Basic trade, or perhaps even prevalent trade, is not enough to mandate distributive justice because coercive institutions simply do not exist on the international level to the extent necessary. Blake makes this point thoroughly when discussing Borduria and Slydavia, two imagined states similar to Beitz’s A and B. For more see “Distributive Justice, State Coercion, and Autonomy,” 684-8.}

\footnote{182 Beitz, \textit{Political Theory and International Relations}, 165-7.
thresholds such as the trading of a few apples and pears. How much higher the threshold ought to be remains a question, however. And given that this problem of where exactly the threshold lies has plagued most theories of distributive justice, I do not presume to give a comprehensive response here. Nevertheless, I do think that I can outline a rough threshold of cooperation to escape worries brought about by Abizadeh’s high/low dilemma.

In terms of a low threshold, recall that the type of cooperation a structuralist is concerned with is cooperation between nations, not cooperation between individuals of nations. This already eliminates some objectors’ worries concerning a few individuals economically interacting across borders. To qualify as a cooperative system with obligations of distributive justice, the cooperation must be between nations, and it must have a pervasive impact on the stability, wealth, etc., of a nation (and thus on its citizens). As was the case in the coercive approach, it may not be that each individual within cooperating nations is impacted positively or negatively by that cooperation; however, the impact of the cooperation must be such that a nation (and a majority of its citizens) can be expected to be impacted. Thus, apples and pears do not make the cut. Even frequent trade would not meet the threshold of cooperation if it did not have a pervasive impact on the trading nations.

183 Admittedly, if I am focusing on nonideal theory, there is already an issue here. Multinational corporations may have footholds in various countries to various extents, and altering where that corporation is technically headquartered may allow it to take tax breaks in some nations and avoid payments in others. A recent example of this can be seen in the EU’s August 2016 call that Apple owes billions in back taxes. The best version of the cooperative approach would have a robust account of multinational corporations and detail exactly where the corporations fit in the schema of distributive justice. Unfortunately, I will not be able to do this here. For more on Apple, see “Apple Ordered to Pay €13bn After EU Rules Ireland Broke State Aid Laws,” The Guardian, August 30, 2016, https://www.theguardian.com/business/2016/aug/30/apple-pay-back-taxes-eu-ruling-ireland-state-aid.
The basic definition of a cooperative approach to structuralism mitigates the low threshold horn of our dilemma, but it mitigates the high threshold horn as well: the cooperative approach to structuralism does not fall prey to status quo bias because the scope of distributive justice would be international. In today’s globalized world, the benefits and burdens created by economic trade have profound effects on a vast majority of nations. As was highlighted in my garment example, economic cooperation has a plethora of consequences: an accelerated race to the bottom, marked differences in power between nations, unshared environmental burdens, wealth creation, and much more. I do not wish to deny that domestic factors play a weighty role in the wealth and stability of a nation, but it cannot be discounted that cooperation between nations also has an extensive effect. For these reasons, a cooperative approach theory that does not either collapse into the coercive approach or make an arbitrary and unjustified high threshold of cooperation entails distributive justice between economically cooperating nations in our world today.

Let us take stock: the most coherent version of the cooperative approach demands a threshold of cooperation, i.e., a point at which distributive justice is required. This threshold is determined by the pervasive impact created by said cooperation between nations. By emphasizing pervasiveness, the threshold is neither so low that it is merely exchanges between nations, but it is not so high that the impact of global cooperation does not qualify. Given that the vast majority of nations are engaged in this kind of cooperation, I can conclude that the cooperative structures in place mandate an extension of distributive justice outside of a nation’s
borders.\footnote{184}{ Of course, there are nations which do not cooperate in this way: I will analyze this in the next chapter.} I do not assume to have pinpointed exactly where the threshold lies. However, my aim is to determine if the scope of distributive justice is domestic or international, so the conclusion that it must be below the level of cooperation between trading nations today is a satisfactory conclusion.

\textit{IV.II. Degrees of Cooperation and What's Next}

There is one last kink to be worked out. I think I have successfully shown that it is unjustified to argue that under the basic cooperative approach the differing degrees of cooperation on the domestic and global levels leads to distributive justice for the former and no distributive justice whatsoever for the latter. However, I do not think that the cooperative approach theorist must ignore that fact that above the threshold of cooperation there can be differing degrees of pervasive impact. For this reason I propose an addendum: above the threshold of cooperation, different levels of cooperation may entail different principles of distributive justice. This means that below the threshold of cooperation there is no call for distributive justice, and above the threshold there is a call for distributive justice; however, what principles of distribution apply depends upon the level of cooperation and its pervasive impacts.

I think that adding a continuum above the threshold of required cooperation eases the concerns of those who sought to limit distributive justice domestically. My aim is to highlight that, while my cooperative approach does entail that distributive justice between cooperating nations is required, I do not have to be deaf to the concerns that degrees of cooperating exist. While it is incorrect to argue under the
cooperative approach that the pervasive structures of global cooperation do not mandate distributive justice, I do think that there is conceptual space to say that the greater a cooperative structure informs one’s life chances, the greater the amount of redistribution ought to be. Before I provide an example to explicate the continuum of distributive principles there is an additional factor to consider: how incorporating coercive institutions into the cooperative approach can aid in our understanding of a continuum of distributive justice.

When pressed about the level of cooperation necessary to give rise to obligations of distributive justice, many theorists make the mistake of assuming that the existence of coercive institutions within a cooperation system is a basic requirement for distributive justice. I have argued why this line of reasoning is misguided if we want to distinguish the cooperation and coercive approaches. However, I do think that while it is misguided to combine coercion and cooperation to justify distributive justice, it may be helpful to combine coercion with cooperation when determining which distributive principles apply in which context. By arguing that coercive systems are a subset of cooperative systems, I am asserting that while coercive systems are not categorically distinct from cooperative systems, coercive systems are a distinct type of cooperative system.

Coercive institutions are cooperative systems: to give rise to benefits, agents must cooperate and accept the burdens of coercion from governmental institutions. It is thus theoretically possible for a coercive system to be embedded within a cooperative system. Yet, coercive institutions possess elements not necessarily a part of cooperative system: namely, regulations resulting in a loss of autonomy that
must be justified through benefits. Because such justificatory benefits for autonomy-loss is not a requirement for the cooperative approach, cooperative systems can exist without coercive institutions. Essentially this means that distributive justice can be obligatory within a nation with a coercive state government but it can also be obligatory between nations cooperating economically though no global governance exists.

I have just argued that different levels of cooperation lead to different principles of distributive justice. I think that it is entirely logical for a structuralist to argue that principles of greater redistribution apply in instances where cooperative systems include coercive institutions. This is because agents within a coercive system may be faced with more strict regulations and be more impacted than agents within a cooperative system lacking coercive institutions. If the amount of distribution tracks the level of pervasive impact of a cooperative system, then coercive institutions would likely result principles of greater distribution. Though my sketch of structuralism is concerned primarily with scope, I think that a brief look at what different kinds of principles may apply will help to clarify my concept of a continuum of cooperation.

On first look, there are several rough levels of cooperation relevant for determining what principles of distributive justice may apply. There is (1) less and (2) more pervasive impact within a cooperative system that does not possess coercive institutions.\(^\text{185}\) In addition, there is (3) less and (4) more pervasive impact

\(^{185}\) From this point, when I say that a cooperative system does or does not have coercive institutions the reader can assume that I mean coercive institutions which actually give rise to distributive justice. Coercive institutions may exist but not at a level that requires distributive justice.
within a cooperative system that *does* possess coercive institutions. Given that my structuralist theory demands that more pervasive impact entails greater distribution (and given that cooperative systems with coercive institutions likely entail more pervasive impact than cooperative systems without coercive institutions) moving from (1) to (4) will likely increase the amount of distribution required.\(^{186}\)

What exactly do I mean when I say “increase the amount of distribution”? Again, I am not interested in debating the complexities of selecting principles of distribution; instead, I will utilize relatively uncontroversial assumptions about diverse principles. For instance, a principle of egalitarianism—the view that equality is good in itself—likely requires more redistribution than a principle of sufficiency—the view that people ought to be brought up to a certain threshold of wellbeing/resources.\(^{187}\) In addition, a sufficiency view that requires a higher threshold of wellbeing/resources would require more redistribution than a sufficiency view with a lower threshold.

I will use France to explicate this point, and I want to emphasize that my example here, and the principles I employ, are mere placeholders for what would be a much more nuanced set of distinctions in actuality. One may want to argue that domestic cooperation correlates most with how one’s life goes, and the coercive institutions in place regulate much of a person’s life. Thus, all French citizens ought

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\(^{186}\) I am merely giving a sketch of distribution requirements for clarificatory purposes. It is expected that not every move from (1) to (4) increases in redistribution. For example, it is possible that a cooperative system without coercive institutions (2) has greater pervasive impact than a cooperative system with a weak coercive institution (3). That there may be exceptions to my general schema is not an issue.

\(^{187}\) I will use welfare/resources as a shortcut for the variety of currencies that can be used for distributive justice. For more, see my discussion of currency and principles in Chapter 1.
to be subject to egalitarian distributive justice. Of next importance may be the European Union. There is greater cooperation between EU nations, and the EU is likely to qualify as a coercive institution.\footnote{Even if one would not want to qualify the EU as a coercive institution, cooperation between EU nations has greater impact on member states than cooperation with non-EU nations.} Thus, all nations within the EU may be subject to a sufficiency theory of distributive justice with a relatively high threshold of welfare/resources. Finally, France cooperates with non-EU nations, though to a lesser extent than EU nations, and there is no global coercive institution in place. Thus, a sufficiency theory with a lower threshold of welfare/resources holds internationally.

This, of course, is a brief sketch of what a continuum theory may look like, and more justification and explication would need to be filled in. Yet regardless of how we flesh out the continuum of principles, the question I sought to answer in Chapter 1 has been answered: given the structures in place, there are obligations of distributive justice not just within, but also between nations cooperating appropriately, where “appropriately” connotes cooperation above the threshold in question. Those who pursued a theory consisting only of domestic distributive justice will be disappointed by this result. And yet, those who pursued a theory of truly \textit{global} distributive justice may also be disappointed: even in my expanded scope of distributive justice, not all nations—and thus, not all people—are encapsulated in the structuralist theory. In the next, and final, chapter I will explore remaining options for these lingering global disappointments.
I. Introduction

In this final chapter I will complete my structuralist theory by adding a supplement to distributive justice. I have argued that the most coherent form of structuralism extends the scope of distributive justice to those nations cooperating appropriately. However, the scope of distributive justice is still not global in the sense that it encapsulates all nations and all people of the world: nations not cooperating in economic globalization are outside the scope of distributive justice. In order to ensure that people throughout the world are able to lead fruitful lives, a supplementary theory of humanitarian assistance is necessary. This chapter will be an exploration of what kind of humanitarian assistance best complements my structuralist view.

In the following section I will contrast humanitarianism with distributive justice, elaborate on the need for humanitarianism as a supplement, and outline Rawls and Blake’s versions of the humanitarian supplement. In the third section I will argue that, mirroring structural distributive justice, the site of humanitarianism is structures while the units of concern are individuals through the lens of nations. This emphasis on nations means that both the donors and the recipients of aid are nations, and in section four I will outline the state of humanitarianism between these two types of nations today. In the final section I will argue that the two different viewpoints of donor and recipient nations result in measuring two different thresholds of aid: the level at which point a donor nation has given enough
and the level at which a recipient nation has received enough. I conclude that the best supplement to structural distributive justice takes into account the interests of nations as both benefactors and as recipients of aid.

II. Defining Humanitarianism

II.I. Humanitarianism versus Justice

The debate between humanitarianism, charity, aid, etc., and justice is a complex one. On the one hand, there are theorists who assume that there is a clear difference between the two concepts, and spend little to no time elucidating this difference. On the other hand, there are theorists who question the assumption that humanitarianism and justice come apart so easily. Due to the nature of my project—i.e., determining the scope of structuralist distributive justice—much of this discussion is immaterial. It may be the case that humanitarianism and justice overlap in ways previously undiscovered, but, even if this is true, humanitarianism can be more easily distinguished from my concept of distributive justice.

Whether distributive justice applies to nations, and thus to the individuals within those nations, is determined solely by the cooperative structures that are already in place. My conception of distributive justice is not mandated by any

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189 Different terms can be used for the concept I am discussing. For simplicity I will usually use the terms “humanitarian aid/assistance” or “humanitarianism,” but other authors use terms such as charity, aid, beneficence, giving, intervention, and so on.

190 For instance, Nagel takes there to be an obvious distinction between distributive justice within nations and humanitarianism between them. See Nagel, “The Problem of Global Justice.”

191 Allen Buchanan’s “Justice and Charity” is a paradigm example of trying to tease out the differences or similarities between the two concepts. He questions the notions of positive versus negative duties, enforcement, perfect versus imperfect duties, and rights. For more, see "Justice and Charity," *Ethics* 97, no. 3 (April 1987).
characteristic of humanity,\textsuperscript{192} concern with general welfare, beneficent or virtuous attitude of agents,\textsuperscript{193} and so on. Instead, distributive justice is simply the fair division of benefits that result from various forms of cooperation. Humanitarianism, on the other hand, may apply regardless of what kinds of structures are in place and how agents cooperate with each other. Humanitarianism can be grounded in any number of moral concerns including those listed above: characteristics of humanity, general welfare, beneficent virtues, etc. The difference in grounding between structuralist distributive justice and humanitarianism provides a useful contrast for our purposes.

The question of scope explored in relation to distributive justice does not arise in the same way in humanitarian aid.\textsuperscript{194} What falls out of my distinction between distributive justice and humanitarian aid is that humanitarianism is grounded in a commonality between all people of all nations. The norm of beneficence has universal scope. Peter Singer lays the foundation for a humanitarian global ethics in his 1972 article “Famine Affluence and Morality” which is a paradigm example of humanitarianism. Singer argues that “suffering and death from lack of food, shelter, and medical care are bad,” and “[i]f it is in our power to prevent

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\textsuperscript{192} Here I am contrasting my view with a cosmopolitan view that takes individuals to be the site of justice based on their shared humanity. For an example, see Charles Beitz, “Cosmopolitanism and Global Justice.”

\textsuperscript{193} Throughout this chapter I will use the term “agents” as a placeholder for either nations or individuals.

\textsuperscript{194} Though people do not tend to argue that humanitarian aid is restricted only to those who share cooperative structures, there is the possibility of other questions of scope. For instance, do we have an equal duty of aid to those far away as those close by? What about family members versus strangers? I will assume here, along with Peter Singer, that there are global obligations of humanitarian aid, but I leave open the possibility that we have different kinds of humanitarian duties towards different kinds of agents. For more see Singer’s “Famine Affluence and Morality,” \textit{Philosophy and Public Affairs} 1, no. 3 (Spring 1972); and \textit{One World Now: The Ethics of Globalization} (New Haven: Yale University Press, 2016).}
something bad from happening, without thereby sacrificing anything of comparable moral importance, then we ought, morally, to do it.”¹⁹⁵ Thus, Singer argues, the beneficence required by morality gives us principles to help all in need.

**II.II. Why a Humanitarian Supplement is Needed**

One of the benefits of a structuralist view of distributive justice is that there are no obligations of distribution between nations that have no interaction with each other whatsoever. Many find it counterintuitive that nation X may have distributive obligations towards nation Y, simply because nation Y (perhaps even without X’s knowledge) exists. This counterintuitive result is a problem for a cosmopolitan theory of distributive justice but not for the structuralist.

However, what if those people are in desperate need of medical care, sanitation, and foodstuffs? Does the rest of the world have no obligation towards them whatsoever? I have argued that a proper account of structuralism can accommodate most of the nations of the world, but undoubtedly there are nations that do not cooperate and therefore are outside the scope of distributive justice. As a hypothetical example, assume there is an isolated Pacific Island nation that does not form economic ties with other nations, and is thus not entitled to international distributive justice according to the cooperative view. I, and I assume most other people, would want to say that we do have some obligation to help them: although we do not have an obligation of distributive justice, we have an obligation of humanitarian aid based in a concern for human welfare. For this reason, although

¹⁹⁵ Singer, “Famine Affluence and Morality,” 231.
my version of the structural view is able to extend justice to more parts of the world than most previous structural theories, it still may need to be supplemented with a humanitarian theory. And it also must be noted that, even with properly implemented principles of distributive justice between cooperating nations, there are various reasons why humanitarian principles ought to exist: natural disaster, famine, corrupt or ineffective local governments, infrastructure deficiency, discriminatory practices, civil war, global historical injustice, and so on.\textsuperscript{196}

An objection to my overall theory looms: if structuralism requires a humanitarian supplement, why not scrap the structuralist theory altogether and have an entirely humanitarian theory? I do not think that the necessity for supplementation leads to the conclusion that an entirely humanitarian view is an optimal theory, and I will give a brief response to this objection.

It is not the case that structuralist distributive justice is necessarily a better theory than humanitarianism. Nor is it necessarily the case that obligations of justice are stronger than obligations of humanitarianism (though many do assume this). Instead, they are two theories resulting in different obligations. On the one hand, the cooperative theory of structuralism is concerned with the question of fairness in interactions between nations. A cooperative theorist wants to assure the just division of benefits created by economic cooperation. On the other hand, the humanitarian theory is concerned with the gravity of need and the capacity of others to assist those in need. Humanitarianism and structuralism are within two different realms of philosophical concern.

\textsuperscript{196} I will discuss both non-cooperating and cooperating nations in need of assistance in more detail in the subsequent section.
Their being in two different realms also means that divergent duties arise from the two theories. For structuralism, agents have a duty to ensure that benefits are justly distributed between cooperating nations. For humanitarianism, agents have a duty to assist those with lowered levels of welfare if they are capable of doing so. These two different classes of duties between the theories do not coincide and cannot be collapsed into each other. For example, let us again look at the garment industry in Bangladesh. Assuming that the characterization of the industry in Chapter 3 is correct, what are the obligations which arise for the two theories? Under the structuralist theory of distributive justice, the resultant principles of justice will most likely demand a restructuring of trade practices between the US and Bangladesh in order to create a more equal division of the profit surplus. Under the humanitarian theory, the US most likely has obligations to aid Bangladesh by assisting in sanitation and clean water, worker’s rights, and education campaigns (to name a few). From this example it can be seen that humanitarianism and distributive justice merely address and answer two different questions regarding obligations.

With that said, the cooperative approach to distributive justice coupled with the structural humanitarian theory fills in the gaps of both theories, making them more robust and effective. The benefit to the humanitarian theory, if it is a supplement to the cooperative approach, is clear: focus is not just on the inequalities between individuals or nations but the inequalities that result from unjust distributive systems. Additionally, the benefit for the structuralist theory is also clear: people in impoverished nations like the fictitious isolated Pacific Island are
not eligible for distributive justice but would be entitled to structural humanitarian aid. Distributive justice requires cooperation, but with the addition of humanitarianism this does not mean that individuals within non-cooperating nations or any nation facing deprivation are entirely ignored by my overall theory.

I am not alone in calling for a humanitarian supplement of some kind. As I briefly outlined in Chapter 1, Rawls repeatedly emphasizes the need for a “duty of assistance,” while at the same time emphasizing the dissimilarity between that duty and distributive justice. The eighth, and final, principle of the Law of Peoples is, “Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.” Unlike a principle of distributive justice, this duty of assistance has a “target” and “cutoff point,” “to help burdened societies to be able to manage their own affairs reasonably and rationally and eventually to become members of the Society of well-ordered Peoples.” Once this has been achieved and nations have stable internal structures, the “Law of Peoples prescribes no further target such as, for example, to raise the standard of living beyond what is necessary to sustain those institutions.” Thus, even under his duty of assistance, Rawls is concerned with supporting burdened nations in their quest for stable, well-ordered internal institutions. He concludes that if a nation is still impoverished but now has stable internal institutions then the duty of assistance is fulfilled. In short, Rawls is not in the business of promoting or distributing welfare.

\[197\text{ Rawls, Law of Peoples, 37.}\]
\[198\text{ Ibid., 119.}\]
\[199\text{ Ibid., 111.}\]
\[200\text{ Ibid., 119.}\]
I think that Blake also supplements his theory of egalitarian domestic distributive justice with a humanitarian view. As I outlined in Chapter 2, Blake’s structural view states that distributive justice can only be warranted when coercive, domestic institutions restrict the autonomy of citizens. Blake insists that this does not mean that a coercive theorist must ignore the suffering of foreigners. Given the liberal concern for autonomy, Blake is able to argue that when people throughout the world dip below a level of autonomous flourishing, a sufficiency principle kicks in. Although Blake does not clearly state whether this threshold of autonomous flourishing is a question of distributive justice or humanitarianism, I argued that for Blake to be consistent, it must be a question of humanitarianism.

Perusing the theories of Rawls and Blake solidifies the notion that a structuralist theory of distributive justice is best supplemented with a humanitarian theory. However, I will not endorse any of these theorists’ humanitarian views in particular. As was made clear above, I take the foundation of humanitarian assistance to be concern for the welfare of people. For this reason, I disagree with Blake: I do not think that the foundation of assistance is concern for loss of autonomy *per se* (although loss of autonomy will likely go hand-in-hand with a lowering of absolute welfare). I will also eschew Rawls’s notion that the concern of humanitarian assistance is solely to assist nations in creating autonomous and internally just domestic structures. I disagree with Rawls’s conclusion that an

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202 Rawls and Blake do not exhaust the list of philosophers who tack a humanitarian theory to their theory of distributive justice. For instance, even Nagel’s strictly domestic view of distributive justice acknowledges a moral relation we have to all people. He argues that this will be a minimal humanitarian morality that does not require we make others’ ends our own, but does require that we pursue our ends within the boundaries of allowing them to pursue theirs’.
agent’s duties are fulfilled when nations have internally just institutions even when a number of those nations are still impoverished. I assume that one with a beneficent, central concern for welfare would think that obligations of aid exist in a world in which millions are living in extreme poverty, and billions are living in poverty.\footnote{For these statistics, see the “Virtuous Citizens and Vicious Poverty” subsection in Chapter 3.}

III. Humanitarian Nations

When laying the foundation for structuralism as a theory of justice in Chapter 1, I noted two important elements of distributive justice. First, the site of justice for the structuralist is existing structures, be they social, political, and/or economic. Second, the units of concern for the structuralists were individuals through the lens of nations. This means that, while the ultimate units of concern are individuals, structuralists are focused on whether nations have enough given the causal connection between the wealth and stability of a nation and the welfare of its citizens. To put the point another way, a structuralist wants to ensure that individuals get their fair share within a nation which is also getting its fair share. In this section I will argue that the best humanitarian supplement to my theory of distributive justice also takes the site of humanitarianism to be existing structures and the units of concern to be individuals through the lens of nations.
III.I. Structural Humanitarian Aid

First, I will give arguments for why the site of humanitarianism should be existing structures. In Chapter 1, I gave arguments for why structures should be the site of justice, the most important of which for my purposes here, is that the social, political, and economic structures in place largely inform how a person's life goes. I will not rehash these arguments in detail, but will give a brief overview. I contrasted myself as a US citizen with my Senegalese student Maimouna. While I have been enmeshed in a supportive (though far from perfect) web of institutions (public schools, relatively non-corrupt government, etc.), Maimouna had no such supportive web, and was fortunate to be born with her intellect and a relatively well-off father. Even with these fortunes, however, if Maimouna were to fulfill her dream of becoming an OB/Gyn she would still have to leave her country for the proper training she desires.

But the argument that the structures surrounding us inform our livelihoods is not limited to anecdotes. Studies, such as those done by the World Bank mentioned in Chapter 1, conclude that the nation to which you are born informs your life prospects to a shocking degree. In Chapter 3, I built upon this conception of structural impacts by arguing against Rawls's claim that the citizens' work ethic

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204 This is not meant to imply that people’s personal choices, talents, work ethic, etc., do not also inform how well their lives go. The point is merely to emphasize that personal choices are the not the only (or perhaps even the main) determinate in how well someone's life goes.

205 Of the least fortunate in Senegal are the estimated tens of thousands of talibés, boys between the ages of 5 and 15 who are given up by their (typically rural and impoverished) families to marabouts or “Quranic teachers.” The boys typically have little-to-no education and healthcare, are forced to beg, and face injury or death in the forms of corporal punishment, disease, and hit-and-runs. And, as I mentioned in Chapter 1, Senegalese people live in a relatively stable democracy, and those living in conflict-torn countries have more unequivocally dire life chances.

206 Milanovic, “Global Income Inequality by the Numbers,” 19. Milanovic argues that over fifty percent of one’s income is likely informed by where they live.
and civic virtues were the primary determinants of a nation’s prosperity. I argued that not only is it the case that individuals’ livelihoods are pervasively impacted by their country of citizenship, but the prosperity of nations is impacted by their interaction with other nations (with particular emphasis placed on economic trade between nations). Such pervasive impact underscores why *distributive justice* ought to focus on structures as the site of justice and individuals through the lens of nations as the units of concern.

I think that these arguments for why structures were the appropriate site of distributive justice can be extended to *humanitarianism*. If it is the case that structures have pervasive impact on people’s lives and that it is difficult or impossible for a person to improve her life if she is not subject to the right conditions, then it is plausible that altering such structures will have a positive impact on citizens. Anti-malarial drugs are not effective if people cannot afford them, job training is not effective if there are no jobs to be had, a legal right to vote is not effective if corruption prevents votes from being counted, and an incubator donated to a hospital is not effective if there is no electricity to power it.

Such structural thinking can be seen in the current language of capacity building and infrastructure development in foreign aid debates. “Capacity building” is a term that is in vogue—and admittedly vague—which the United Nations Development Programme (UNDP) defines as “the process through which individuals, organizations, and societies obtain, strengthen and maintain the
capabilities to set and achieve their own development objectives over time.” The UNDP states that capacity building has four parts—institutional arrangements, leadership, knowledge, and accountability—and it is meant to be long-term, bottom-up development aid which allows for recipients to continue improving their lives after the aid has dried up. Obviously, this is a tall order: there are a multitude of ways that capacity building can be attempted, and there are downfalls to each strategy. It will take testing to figure out the right mixture of aid for the right area of the world. My focus on structures and long-term development aid does not mean to imply that short-term emergency aid or disease prevention is not integral to aid. I simply intend to emphasize the fact that “aid” does not have to mean short-term solutions that breed dependency, and that aid and institutional change are not mutually exclusive terms.

III.II. Humanitarianism Between Nations

Now that I have addressed the issue of the site of humanitarian obligations, the remaining question is whether the units of concern of humanitarian aid are individuals or nations. Unlike in the case of structuralist distributive justice, the agents in humanitarianism may be individuals. People likely have humanitarian obligations to assist other people in need around the world. In fact, many theorists assume that humanitarian duties only apply to individuals. As the first three


208 Ibid., 13-5.

209 Philosopher Nigel Dower makes a similar point that aid does not have to come at the expense of institutional reform. See “Aid and Charity,” in The Routledge Handbook of Global Ethics, eds. Darrel Moellendorf and Heather Widdows (New York: Routledge, 2015): 191.
chapters have made clear, there has been increasing philosophical discussion around the role of distributive justice between nations. Yet, philosophical notions of humanitarianism and aid are largely focused on private aid and personal duty as opposed to official development assistance, or foreign aid, between nations. I think that it is imperative to examine the humanitarian duties that nations may have towards each other, and there are two ways in which nations are key players in humanitarianism: nations as benefactors and nations as recipients.

First, in terms of nations as benefactors, much ink has been spilled by philosophers about personal humanitarian duties, but talk of official governmental foreign aid has been largely left to economists and political theorists. I think that there are several reasons to look at nations as benefactors, centering on the fact that nations are large-scale agents whose actions have profound global repercussions. In “Distributing Responsibilities,” David Miller argues that there are several possible principles that can be used to determine when an agent is responsible for remediating deprivation and poverty. I think that two of these principles are particularly important in highlighting why nations, and not just individuals, have humanitarian obligations. First, Miller’s causal responsibility principle argues that an agent who is causally responsible for bringing about the state of affairs has

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210 This is, of course, a general statement, and there are notable exceptions. For example, Pogge, Sen, and Nussbaum tend to focus on global national assistance instead of personal aid, but their accounts are also more aligned to discussions of justice not humanitarianism as I have described it. Singer also gives official development assistance its due, but his central concern remains humanitarian duties of individuals.


212 For Miller, agents could be individuals, groups, or collective agents (like governments). I will be using the term “agent” in a similarly loose sense, and I am not making any sort of ontological commitment when using the term.
remedial responsibility. Given what I have argued in Chapter 3, the global system greatly benefits affluent nations while at times harming impoverished nations. We saw this while tracking a t-shirt across the globe. Thus, the causal responsibility principle would entail remedial responsibility on behalf of (especially affluent) nations.

Yet, as Miller notes, not all global deprivation is due to the causal impacts of agents; for instance, natural disasters are typically not the fault of affluent nations. For this reason, a second principle may be required such as a capacity principle. Miller’s capacity principle argues that remedial responsibilities go to those who have the greatest capacity to actually improve the situation. Given the vast manpower and resources of nations versus individuals, the capacity principle points to a chief reason why nations ought to strive to alleviate global deprivation. Taking the capacity principle seriously means that any nation with the ability to assist others who are deprived has an obligation to do so. While the responsibility principle argues that affluent nations have an remedial obligation if they have wronged another nation, the capacity principle argues that affluent nations have a

213 Ibid., 483-5.
214 For a robust account of how the current system of interacting nations can be harmful see Pogge, World Poverty and Human Rights. For an account of affluent nations taking advantage of non-affluent nations see Richard Miller, Globalizing Justice: The Ethics of Poverty and Power (New York: Oxford University Press, 2010).
215 Of course one could argue 1) that while the natural disasters may not be caused by affluent nations, the way in which affluent nations interact with others may weaken others’ infrastructure and thus their ability to respond well to such disasters. One could also argue 2) that climate change is responsible for many natural disasters today, and climate change does make affluent nations (at least somewhat) causally responsible for bringing about the state of affairs. I think that both of these points are true to some extent, and they could be built upon to create a stronger argument in favor of the causal responsibility principle.
216 Ibid., 489-91.
remedial obligation simply because they have the *ability* to mediate the deprivation, not because they are in any way causally connected to that deprivation.

Miller does not set out these principles in an attempt to argue for the responsibility of nations in particular, but I do think that these principles pinpoint why it is fruitful to view nations as benefactors. I am not arguing that there are no humanitarian duties between individuals, nor am I arguing that these duties cannot be impactful. However, I *am* arguing that given the causal connection between nations and the capacity nations have to instigate change, there is important conceptual space for humanitarian duties between nations.²¹⁷

Second, nations can be viewed not just as appropriate *benefactors* but also as appropriate *recipients* of humanitarian aid. The central reason why it is fruitful to view nations as recipients of humanitarianism coincides with why it was fruitful to view nations as recipients of distributive justice: the nation to which one belongs disproportionately impacts the way that his life goes. If we are assuming structures as given this means that we are assuming the current configuration of nations. Couple this with the knowledge that one’s livelihood is largely determined by the country in which he lives, and an argument can be made that in order to truly improve the lives of people, humanitarianism ought to seek to improve the countries in which those people belong.

In Chapter 1, I gave an example of how one country may receive vastly larger divisions in economic benefits than its cooperative partner: this may be detrimental

²¹⁷ I also think that there is likely conceptual space for a theory of humanitarian obligations of nations to individuals (and not just to other nations). Such obligations may be particularly important in cases when recipient nations are corrupt which I will discuss shortly.
to the cooperating nation, and therefore detrimental to citizens of that nation. I think that a similar narrative can be sketched for humanitarian assistance.

Assume that person X lives in a country with weak social, political, and/or economic structures. Perhaps poverty or authoritarianism has eroded any safety nets in place to improve citizens’ welfare if they were to lose their job, acquire debt, fall ill, or have the responsibility of caregiver. As I argued above, this nation could be an isolated island without former economic cooperative ties to the rest of the world. While a nation like the US may not have duties of distributive justice towards a nation of people with a lower level of welfare, it may still have duties of humanitarianism. If we know that individual welfare levels are higher in nations with more robust and stable structures and safety nets in place, there is good reason to think that it is (at least part of) a humanitarian obligation of the donor nation to seek to improve recipient nations’ social, political, and economic structures. There may still be obligations of humanitarianism towards individuals. However, though donations to individuals may be necessary, they are likely not sufficient for long-lasting improvement in welfare without also improving the structures surrounding them.

While this argument can be made about an isolated island, I think that it can also be made even if person X lives in a country that does cooperate on the international stage. Even after we ensure that this cooperation is performed fairly and justly, it is still possible that residual humanitarian obligations exist. A ubiquitous example of this is the emergency aid relief (ideally followed by more long-term relief) pledged to nations following a natural disaster. However, natural
disasters are not the only events which give rise to humanitarian obligations between cooperating nations. It may be the case that, despite fair division of benefits from cooperation, a nation’s people suffer lowered welfare due to crumbling structures as a result of war, occupation, historical wrongs, market crashes, and so on. If any such events cause a lowering of welfare, nations will have humanitarian obligations to each other.\textsuperscript{218}

Though I have just argued that nations may be both the benefactors and the recipients of humanitarian aid, I do not intend to argue that they are the only possible benefactors or recipients. On the benefactor side, nations in different parts of the world have differing views on the import of governmental aid. For instance, nations in Western Europe tend to give a larger percentage of their GDP in aid (raised through taxation) while giving less in terms of private donations from individuals. Conversely, the United States gives less in terms of percentage of GDP, but more in terms of private donations from individuals. Arguments can be made for both benefactors as governments and benefactors as individuals. On the one hand, benefactors as governments—particularly the US—have a tendency to bestow aid on countries they have a vested interest in as opposed to countries which may need aid the most. I will return to this issue in the next section.

On the other hand, having benefactors as individuals raises the concern that the bulk of aid may be left to the whims (and preferences) of a handful of the world’s billionaires. As Singer puts it, “Much as we may applaud what [Bill] Gates and [Warren] Buffett are doing, we can also be troubled by a system that leaves the fate

\textsuperscript{218} I will discuss the importance of thresholds of welfare in the fifth section.
of hundreds of millions of people hanging on the decisions of two or three private citizens.\textsuperscript{219} I think that there is important conceptual space for governments as benefactors, and I focus on governments here because they are often looked-over in the philosophical literature. However, as can be seen in just this brief outline of the debate between governmental and private benefactors, I do not think that it is fruitful to argue that governmental benefactors are necessarily normatively better or more important than private ones.

A similar point can be made in terms of nations as recipients. I have argued that it is important to analyze the structural changes aid may bring about: without such structural changes, increasing the resources available to individuals may not significantly raise their welfare for the long-term. Yet, such a structuralist argument does not entail that nations must be the sole recipients. There are benefits to nations as recipients: many have argued that the trend to go around local governments leads to substantial waste. Such circumventing under-utilizes institutions that may already be in place and ignores the valuable insight of people who know the country well.\textsuperscript{220} However, there are also potential pitfalls to aiding governments. A commonly used example is corruption: if a government is corrupt, then it is significantly less likely that the aid money being pumped into it will actually filter down to the people who need it most. To put it succinctly: sometimes nations get richer but its people do not. For this reason, and many others, I do not think that


nations are the *only* viable recipients, even if we want to enact structural change. Aid to social welfare programs (either government sponsored or not) or even to individuals (such as microloans) may also be beneficial, particularly if the local government is corrupt. My point here, as it was in the case of benefactors, is that I think that nations are vital—but certainly not the only—recipients that ought to be considered.\textsuperscript{221}

**IV. The State of Humanitarian Aid Today**

Before further analyzing the distinctions between donor and recipient nations, it is necessary to map some of the empirical research on how humanitarian nations actually interact. Unfortunately, statistics on humanitarian aid between nations is complicated by a multitude of factors including issues with self-reporting, vague categorization, promised versus actual aid, and so on. I do not intend to get bogged down in these intricacies, but a broad overview of the current state of governmental humanitarian aid will provide a helpful foundation for understanding where the world currently stands in terms of aid.

Foreign aid in the United States amounts to less than 1% of the total budget (though famously, repeated polls find that the average American thinks that the US

\textsuperscript{221} One last caveat about humanitarian aid between nations: in the real world, establishing effective humanitarianism between nations can be exceedingly complicated. In the next section I will outline the state of humanitarianism between nations today, but an important nonideal reality ought to be addressed at this point: not all humanitarianism between nations is truly “humanitarian” if we mean humanitarianism to improve the welfare of recipients. For instance, nations may use humanitarian intervention as a guise for their own agenda such as toppling a ruler they disagree with or accessing another nation's natural resources. I take there to be two kinds of humanitarian duties between nations: negative duties and positive duties. On the one hand, negative duties are duties not to harm, and in the case of humanitarianism I assume that negative duties are primarily duties of non-interference. On the other hand, positive duties are duties of aid, charity, etc. While negative duties are important, my discussion of humanitarianism will focus on positive duties in relation to how nations ought to aid each other to relieve global poverty.
government spends about 26% of its budget on foreign aid).

Coming in at around $35 billion in 2013, the United States is the largest donor in absolute terms, but in percentage of gross national income (GNI) the US only gives about .19%, dropping its ranking to 20th place for major donor countries. The Organisation for Economic Co-operation and Development (OECD), a thirty-five member intergovernmental organization seeking to better coordinate aid from governments, noted that in 2013, all but five nations failed to live up to a United Nations goal of .7% GNI donation: “The largest donors by value were the United States, the United Kingdom, Germany, Japan and France. Denmark, Luxembourg, Norway and Sweden continued to exceed the 0.7% ODA/GNI and the UK met it for the first time.”

“Foreign aid” is the term used to describe aid given between governments. Foreign aid is a surprisingly vague term including military aid, development aid, and emergency aid. I will not be discussing military aid in detail—i.e., aiding foreign militaries to defend or control their own territories—since I will be analyzing aid as it relates to global poverty in particular. What I have been calling

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224 Ibid.

225 Foreign aid is often conflated with foreign military intervention (this is arguably especially true for in the case of the US). Such intervention can have disastrous consequences as was seen in the case of Iraq: countries with private agendas—knowing little about what it would take to make the lives of individuals on the ground better off—leaving nations in a worse situation than before the “humanitarian” intervention occurred. However, as Singer notes in One World Now, there can be instances of humanitarian intervention that are greatly beneficial. Such humanitarian interventions would be based on a “responsibility to protect” humanity from dire situations such as genocides, as long as the aiding nations have a clear strategy for successfully implementing the intervention and a clear exist strategy which leaves the recipient nations better off (One World Now, 139-62). I acknowledge that there are limited cases in which humanitarian military intervention can be morally pressing and effective; yet, there are several reasons why I will set aside this particular outcrop of
“humanitarianism” or “humanitarian aid/assistance” is a blend of what governments mean by development and humanitarian/emergency aid. On the one hand, development aid (as a subset of foreign aid) is considered to be long-term economic, social, and/or political aid given to developing countries. While on the other hand, humanitarian/emergency aid (as a subset of foreign aid) is short-term aid as crisis management.226

According to the Development Assistance Committee (DAC)—which is a committee of the OECD mentioned above—official development assistance (ODA) is aid “provided by official agencies, including state and local governments, or by their executive agencies” which “is administered with the promotion of the economic development and welfare of developing countries as its main objective.”227 There are two important aspects of ODA worth mentioning. First, it is official aid, meaning that ODA numbers do not include aid from NGOs or private donations. Second, the ODA includes in its calculations both developmental aid and emergency aid. For these two reasons, ODA is particularly helpful for my purposes because it singles out  

foreign aid. First, my focus is on global poverty in particular, and not instances of despotism, genocide, forced starvation, and so on (though admittedly these issues are often linked to poverty). Second, military intervention is a moral question, but it is also largely a legal/political question hinging on issues such as sovereignty, right to rule, just war, and so on, which I will not be discussing here.

226 Global Humanitarian Assistance (GHA) group tracks crises such as natural disasters, displacement, disease, food insecurity, etc. The GHA calculated that in 2014 of the roughly $35 billion (they calculate it as $32.2 billion) in “general assistance,” the United States gives $5.9 billion of it in humanitarian assistance. See “United States Profile,” Global Humanitarian Assistance, accessed November 17, 2016, http://www.globalhumanitarianassistance.org/countryprofile/united-states/.

227 The definition of ODA goes on to say that the aid “is concessional in character and conveys a grant element of at least 25 per cent.” But I will not be concerned with that aspect of the definition here (OECD Website).

228 Though, to make matters more complicated, a share of governments’ ODA is often filtered to United Nations agencies and various NGOs. This means that although ODA is official aid, the money often ends up in the hands of non-governmental organizations.
what governments donate for both longer-term development aid and shorter-term emergency aid.

As if all of these vague definitions were not bewildering enough, philosophers, economists, political theorists, and the like, often blend the terms “developmental aid,” “humanitarian aid,” and “foreign aid” to mean any combination of assistance. And many developmental economists will be the first to admit that the distinction between short-term emergency aid and longer-term developmental aid is a blurred continuum. Thus, as all theorists in this discipline must do, I am going to define the terms for my purposes. “Foreign aid,” “humanitarian aid,” and “official development assistance” I am going to use interchangeably as the umbrella term for general aid given by official governmental sources. “Development aid” will be a subset of the umbrella term to mean longer-term aid programs, and “emergency aid” will mean short-term crisis relief aid programs. All these terms apply to aid given by governments unless specifically noted to be from non-governmental sources (like NGOs or private donations).

The most prominent, and perhaps controversial, example of official development assistance in the 21st century are the Development Goals set out by the

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229 If this jumble of terminology is confusing, do not despair. Development aid specialist Roger C. Riddell even writes, “Defining precisely what is meant by ‘foreign aid for development’ is no easy matter... it is understandable why debates about what counts as aid remind us uneasily of Humpty Dumpty’s notorious remark in Through the Looking Glass: ‘When I use the word, it means just what I choose it to mean—neither more nor less,’” (Does Foreign Aid Really Work?, 21).

230 Riddell notes that policy makers increasingly see effective emergency aid as aid that also seeks to (re)build infrastructure and develop longer-term projects to prevent disasters from having devastating impacts in the future. This “continuum” from emergency aid to development aid may be fruitful, but is also adds to the confusion of terms and possible redundant overlap between emergency and development assistance (Does Foreign Aid Really Work?, 330).

231 Though many outside of philosophy use the term “humanitarian” to be synonymous with emergency aid, many philosophers lump humanitarian aid in with general aid. I will take the philosophical route, mainly to solidify the philosophical point that such assistance is based in beneficence and concern with welfare.
United Nations. The ambitious first set of goals, the Millennium Development Goals (MDGs), were eight multi-dimensional goals to be met by 2015 covering aspects of human life including poverty, gender equality, education, health, and sustainability.\textsuperscript{232} As we find with most debates on foreign aid, the MDGs appear to have resulted in both successes and failures. In terms of successes, the official UN summary in 2015 noted that “the MDGs helped to lift more than one billion people out of extreme poverty” (they cite the number of people living in extreme poverty declined more than half since 1990),\textsuperscript{233} “to make inroads against hunger” (lowering of the proportion of undernourished people), “enable more girls to attend school than ever before,” and to protect our planet (with particular focus on water access and sanitation). Though progress was undoubtedly made, the report also admits that many of the goals were not met, and that “progress has been uneven across regions and countries, leaving significant gaps.”\textsuperscript{234} With the closing of 2015, the Millennium Development Goals were replaced with seventeen new, and equally lofty, Sustainable Development Goals.\textsuperscript{235}

We could question whether the MDGs were successful, but there is a deeper question that is more pressing: is humanitarian aid, in general, a fruitful endeavor? This is a crucial question to examine, albeit briefly, because normative conclusions about the obligations nations have to each other—and what form these obligations


\textsuperscript{233}For a critique of the validity of this claim, see Pogge’s “The First UN Millennium Development Goal: A Cause for Celebration?,” 317–38.

\textsuperscript{234}“The Millennium Development Goals Report,” \textit{United Nations Website}.

\textsuperscript{235}“UN Sustainable Development Goals,” \textit{United Nations Website}. 

should take—only have import if humanitarianism actually does increase recipients’ welfare. The preceding pages sketching humanitarian obligations between nations would be little more than fruitless philosophical hand waving if humanitarian aid had no (or perhaps detrimental) consequences for those in need. Although it is an oversimplification, many view the debate about the effectiveness of humanitarian aid to boil down to two extremes. In the first corner we find William Easterly, a critic of large-scale “big-push” aid programs,\textsuperscript{236} and in the other corner we find Jeffrey Sachs, a supporter of the effectiveness of well-managed, and very well-funded aid programs.\textsuperscript{237}

As with most debates, there is clear common ground between the two sides of the spectrum. On the one hand, no one is arguing that aid is never effective. Easterly himself admits that while many grand projects fail, there are a plethora of success stories especially in the area of healthcare. Singer harps on this concession, \textsuperscript{236}Easterly calculates that “the West spent $2.5 trillion on foreign aid over the last five decades and still had not managed to get twelve-cent medicines to children to prevent half of all malaria deaths... four-dollar bed nets to poor families... [or] three dollars to each new mother to prevent five million children deaths” (4). Easterly divides the developmental aid world into two camps: the “planners” and the “searchers.” The “planners” are idealists who want to set intricate, unfeasible goals with top-down strategies disconnected from the reality on the ground. The “searchers” are the entrepreneurs on the ground who seek effective change through tested piecemeal aid program implementation. Searchers are the only hope for the aid industry. Easterly considers Sachs to be a planner. See William Easterly, \textit{The White Man’s Burden: Why the West’s Efforts to Aid the Rest Have Done So Much Ill and So Little Good} (New York: Penguin Books, 2006).

\textsuperscript{237} Sachs, as head of the Millennium Project tasked with ensuring implementation of the MDGs, argues that the global poor are in a “poverty trap” in which they are “trapped by disease, physical isolation, climate stress, environmental degradation, and by extreme poverty itself” (19). Those in poverty traps are unable “to get their foot on the ladder of development” because of a lack in six kinds of capital: human, business, infrastructure, natural, public institutional, and knowledge capital (244). The only way to successfully break away from the poverty trap, according to Sachs, is large-scale, multi-dimensional aid “in the form of official development assistance (ODA), [which] helps to jump-start the process of capital accumulation, economic growth, and rising household incomes” (246). Thus, in direct contrast to the divide-and-conquer model of Easterly, Sachs advocates comprehensive assistance programs with an even greater amount of foreign aid than seen to date. For Sachs, piecemeal aid projects will not be fruitful in overcoming the systematic problem of poverty. See Jeffrey Sachs, \textit{The End of Poverty: Economic Possibilities for Our Time} (New York: Penguin Press, 2005).
pointing to the global elimination of smallpox and noting that if no other good had been otherwise done by foreign aid it would still not be a failure due to the lives that would have been lost from the disease. Developmental economists are quick to point out that while the data does not show that official development aid has been a resounding success, it also does not show that it has been a complete failure. On the other hand, it is dishearteningly easy to find examples of failed aid projects either due to insufficient funds, a lack of understanding of the situation on the ground, corruption and greed, insincere efforts on the parts of donors, and a multitude of other possible factors. And while discrete projects can result in failure, that failure often lurks on a grander scale as well. In *The Idealist*, journalist Nina Munk gives a first hand account of the extreme difficulties Sachs faced while trying to implement his Millennium Villages Project in two villages in Kenya and Uganda. Munk's account highlights the complexities that come to light when Sachs's ideal theory clashes with the realities of poverty.

Additionally, while many can agree that aid has the *possibility* of being effective when the donors are nations, this does not mean to imply that the *current organization* of ODA is the most effective possible organization. There are a multitude of problems with the way ODA is doled out, many hinging on the importance of donor interest over poverty alleviation. As development aid specialist Roger Riddell notes, “The overall allocation of aid is not only influenced by

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humanitarian and development considerations, it is also determined and shaped by
the political, commercial and strategic interests of donors.”241 In recent years, the
OECD has lamented that, although ODA has increased generally, ODA to the poorest
countries (especially in sub-Saharan Africa) had dropped. However, a 2016 report
noted, “The 2015 data show that bilateral aid [aid between countries] to the poorest
countries rose by 4% in real terms, in line with commitments by... donors to reverse
recent declines.”242 Yet, this promising change in aid allocation does not mean that
donor countries view ODA solely through the lens of poverty alleviation. For
instance, even a cursory glance at top ODA recipients from the United States over
the years shows that, while impoverished countries receive aid (such as Ethiopia,
Tanzania, and South Sudan), many recipients are strategic (such as Iraq,
Afghanistan, and Israel).243

Complications with foreign aid can be discussed *ad nauseam*, but the middle
ground between the extremes of the Easterly and Sachs camps highlights that a
fruitful discussion can be had about what types of aid work, what types do not, and
what types are more effective than others. Most philosophers, aid workers,
journalists, economists, and policy makers can agree: some kinds of aid are working
but foreign aid in general can be made much better. There is considerable debate on

241 Riddell, *Does Foreign Aid Really Work?*, 358.
242 “Development Aid Rises Again in 2015, Spending of Refugees Doubles,” *OECD Website*, April 13,
243 This is no obfuscated secret. In fact, the USAID website states, “U.S. foreign assistance has always
had the twofold purpose of furthering America’s interests while improving lives in the developing
world. USAID carries out U.S. foreign policy by promoting broad-scale human progress at the same
time it expands stable, free societies, creates markets and trade partners for the United States, and
fosters good will abroad.” Of course, other nations have better track records of focusing foreign aid
on poverty alleviation, but this problem of donor interests serves to highlight why, although
potentially effective, humanitarian aid as foreign aid is by no means without its complications
(*USAID*, accessed December 2, 2016, [https://www.usaid.gov/who-we-are](https://www.usaid.gov/who-we-are)).
exactly how aid can be made better: transparency and accountability structures, conditions for aid, microfinance, random-sampling experiments, privatized aid, trade-not-aid, and so on. As a professional philosopher, but very much a lay scholar of development aid, this is not the debate I am entering into. Instead, I will complete my supplement of humanitarianism with a discussion of thresholds for humanitarian giving between nations.

V. Thresholds of Humanitarian Aid

V.I. Measuring Thresholds

When discussing aid between nations, many questions arise: what is the threshold at which point distribution ceases? What is the currency of aid? How do we deal with issues of scarcity and efficiency? I cannot give detailed answers to these questions here, but I can shed light on two radically different ways of answering these questions. In what follows, I argue that measurement of humanitarian thresholds—how we decide what ought to be distributed and how much—is determined by what agents’ points of view we take. As I have argued, there are two agents who are central to the humanitarian debate—donor nations and recipient nations—and the remainder of this chapter is devoted to unpacking this distinction between humanitarian thresholds of benefactors and of recipients. I will argue that the divergent interests of donor and recipient nations will result in divergent thresholds of distribution. More specifically, these divergent interests will result in divergent currencies of measuring “enough.”
We can extract distinctive currencies of humanitarianism from decades of work by developmental economists: trends in humanitarian giving since World War II have come and gone, and analyzing these trends gives philosophers an idea of what it means to lift people out of deprivation. Philosopher Julian Culp argues that traditionally developmental aid was synonymous with “economic development,” or what he sees as the normative view “that the increase in a country’s production of goods and services, which is measured by the country's growth of its gross domestic product (GDP), expresses a country’s development.”244 I take this to encapsulate numerically focused conceptions of deprivation and humanitarian good. In this camp we would find emphasis on trade, structural adjustment programs, and the World Bank’s definition of poverty and extreme poverty. Adherents to the economic aid model will sketch the threshold of humanitarianism at a certain level of national GDP, average citizen income, etc.

Yet development does not have to be synonymous with purely economic progress. Culp argues that one could also consider development to mean, among other things, “human development” which “calls into question the conception of economic development for merely concentrating on the amount of goods people hold rather than their effective freedoms to do things and to experience certain states of being that they have reason to value.”245 Martha Nussbaum and Amartya Sen’s capabilities approach is central to the human development approach.246

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245 Ibid., 174.
Human development, as opposed to economic development, measures deprivation and wellbeing, not in terms of raw income but in terms of what people are capable of doing and being with that income. Nussbaum outlines what she sees as central capabilities: life (e.g., not dying prematurely); bodily health (e.g., ability to be healthy); bodily integrity (e.g., freedom of movement); senses, imagination, and thought (e.g., education and freedom of religious exercise); emotions (e.g., forming attachments); practical reason (e.g., conception of the good); affiliation (e.g., social interaction); other species (e.g., relationship with nature); play (e.g., recreation); and control over one’s environment (e.g., political participation and property rights). Adherents of the human development model will likely sketch the threshold of humanitarianism at an attainment of certain capabilities from such an objective list. For the capabilities approach it matters less what people choose to do or become: what matters is that people have the capability and freedom to do and become what they wish.

In this section I will take Culp's categorization of development aid a step further by arguing that there is no single currency that best takes into account donor and recipient interests. Instead, I will argue that the relevant currency depends upon which agent’s point of view we are taking into account. What matters from the point of view of the donor nations is that each nation gives its fair share of

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247 Nussbaum, 78-80.
248 The distinction between doing/being and freedom here mirrors the distinction between functionings and capabilities. For Nussbaum, functionings, on the one hand, are “doings and beings” such as voting, being well-nourished, being able to enjoy nature, being educated, etc. On the other hand, capabilities are the freedoms and opportunities to actually achieve your desired functionings. The purpose of the functioning/capability distinction is to avoid some of the objections of paternalism that comes with an objective list theory like Nussbaum’s: one should have to ability to achieve the capabilities on the list, but it is not the case that the way people achieve these capabilities will all be the same (86-96).
resources, and what matters from the point of view of recipient nations is that each receives enough to increase citizens’ capabilities and wellbeing. Thus, in what follows I will argue that the currency of distribution from the point of view of donors is resources while the currency of distribution from the point of view of recipients is capabilities.

V.II. Benefactor Thresholds and a Nation’s Fair Share

To begin, when development theorists discuss what and how much benefactor nations should give, it is typically measured in terms of resources. There are at two central reasons for this, both of which hinge on the notion of practicality. First, resources (as opposed to other currencies such as welfare, opportunities, or capabilities) are more easily standardized and measured. I have already mentioned one way of doing this in the previous section: many United Nations members agreed upon .7% GNI (gross national income) annually in the form of humanitarian aid. Most debates about when affluent nations give “enough” hinges on the amount of dollars and cents given, whether that be in the form of percentage of GNI, percentage of GDP, amount of total money donated, etc. We may not know how many opportunities the US has created or how much they have increased the welfare of others, but we can look at the data of money given over the years. Such currency measurement from the perspective of benefactors closely resembles the numerically focused economic development model described above.

249 The currencies of capabilities and wellbeing can come apart, and a complete construction of the point of view of recipient nations would require a substantive debate between the two currencies.
The second reason why resources is the logical currency from the point of view of benefactors is that, because resources are more easily standardized and measured, it is easier to determine a donor nation’s fair share of aid. The debate of fair share is essentially as follows: should nations be giving their fair share with the (perhaps incorrect) assumption that others are giving theirs, or should nations be giving as much as required to mitigate deprivation regardless of the action or inaction of other nations?

It is difficult to determine what a donor nation’s fair share would be in a world rife with extreme inequalities and poverty. However, the consistently reaffirmed agreement of .7% GNI gives us a helpful example of what affluent donor nations may hold to be fair. Importantly, .7% was not agreed upon because that amount would unequivocally end global poverty. Instead, .7% is a number that is deemed to be reasonable by the donors: it is high enough to make inroads against extreme poverty, but low enough to be a manageable amount for affluent nations to give.

So assume that a nation’s fair share would be .7% GNI, as an example. Now assume that there are twenty nations that agreed to this amount but nineteen of those nations are donating less than .7% (or not donating at all). Should the

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250 The debate about one’s humanitarian fair share does not arise in the same way in theories of distributive justice. This is because distributive justice typically has its foundations in concepts such as reciprocity and mutual cooperation in which the compliance of others is integral to determining obligations. In the structuralist theory I have outlined, obligations of distributive justice only arise when the various parties are cooperating; thus, a lack of compliance, or a lack of cooperation, means that there is no mandate of distributive justice. The same argument is not necessarily true when it comes to obligations of beneficence because obligations of beneficence are not typically founded in cooperation but in need.

251 Later in this section I will return to the point that this number may not be enough to end global poverty.
twentieth nation still give its fair share, or should it give more knowing that increased donations will save more lives? The question of a donor’s fair share is not merely a theoretical point: as mentioned previously, in actuality many nations fall far short from giving their fair share. Although affluent nations have repeatedly agreed to give .7% of GNI since the 1970’s, only a handful of nations actually did so in the recent years. Should the nations who have reached their fair share pay more? 

Many theorists argue that the duty of beneficence does not require an agent to give more than her fair share, regardless of what other agents are giving. For instance, Liam Murphy argues that the obligations of agents are determined by their share in creating an optimal outcome.252 According to his Compliance Condition, “a principle of beneficence should not increase its demands on agents as expected compliance with the principle by other agents decreases.”253 Provided that beneficence is a cooperative venture, people’s duties are determined by their fair share, not by the non-compliance of others. In other words, the twentieth nation in our example is still only obligated to donate .7% GNI.

In direct opposition to this notion of fair share, others argue that one’s obligation increases when others do not comply. In other words, the twentieth nation may have to pay substantially more than .7% GNI in order to help the people who would have been benefited by full compliance. For instance, Singer reformulates his famous pond example to underscore this point: if someone is walking by a drowning child in a pond, he has an obligation to save that child even

252 Liam Murphy, Moral Demands in Nonideal Theory (New York: Oxford University Press, 2003).
though he will dampen his shoes in the process. In this newest version of the pond example, Singer asks us to imagine that there are fifty children drowning in a pond surrounded by fifty capable adults. According to a fair share principle, each adult should save one child. However, Singer points out that if one has the capability to save more children, and if others were not aiding, it would be immoral to allow additional children to drown while limiting yourself to your fair share.\(^{254}\) Singer argues that this is exactly what affluent nations are doing today.\(^{255}\)

The fair share debate highlights why I think that there are different currencies of humanitarian aid depending on the point of view of the agent. To begin, the fair share advocates emphasize the point of view of the benefactors. In terms of fairness, I am not discussing fairness between benefactors and recipients (as Singer appears to be emphasizing), but fairness between disparate benefactors. \(Prima facie\), it may not be egregiously unfair to save a second child from drowning or to donate 1\% instead of .7\%. But at what point are we allowed to stop donating when others are not doing their part? If no one else is helping children in this extremely dangerous pond, you may end up having to spend all of your days wading in and saving young lives. If all we are concerned about is the wellbeing of those in need, an agent’s obligations are extended considerably. However, when considering

\(^{254}\) Some argue that it is not as simple as saving a child from a pond. Aid can actually cause harm instead of good, and even when aid does good it is extremely difficult to measure its effects. For more see Leif Wenar, “Poverty Is No Pond: Challenges for the Affluent,” in \textit{Giving Well: The Ethics of Philanthropy}, eds. Patricia Illingworth, Thomas Pogge, and Leif Wenar (Oxford: Oxford University Press, 2011).

\(^{255}\) Yet, even Singer acknowledges that duties of beneficence should not be \textit{unlimited} even if others are not doing their fair share. Singer worries that it may be counterproductive to critique agents who do their fair share while others do not even meet this criterion. Shaming country X for only giving .7\% while country Y gives nothing does seem like an odd way to encourage giving ("What Should a Billionaire Give," 23-4)
other factors such as fairness between benefactors, it seems unreasonable that our obligations extend simply because other agents, outside of our control, are not doing their part.

While the wellbeing of those in need is clearly an important element in determining how much one ought to give, there are a multitude of other factors for benefactors to consider as well. Putting it simply: nations have obligations other than just increasing the wellbeing of global citizens. In the philosophical literature on obligations of individuals, the demandingness objection argues that if a Singerian model of giving is taken seriously then people would have to give up many aspects of what makes a life good: special obligations to those close to them, non-necessarily purchases (e.g., tickets to the ballet and sunny vacations), and a disruption of life projects and plans.256 Such objections caused Singer himself to moderate his theory and allow space for special obligations to those close to you and enough time and money for yourself to lead a good life.257

I think that applying the demandingness objection to donor nations highlights the diverse obligations that nations, and not just individuals, have. For instance, nations likely have special obligations to their citizens and to allied countries, they have obligations of peacekeeping and defense, and they may even have obligations of furthering human knowledge through advancement in science, technology, and the arts. The purpose here is not to determine all of the disparate


257 For a more moderate view of Singer’s see Chapter 10 in *The Life You Can Save: Acting Now to End World Poverty* (New York: Random House, 2009).
obligations of nations, and it is not to argue that these obligations override humanitarian obligations. Instead, the point is to argue that in addition to humanitarian obligations, nations must consider their other distinct obligations. When we look at the duties of donor nations in this way, a fair share principle appears more reasonable than an overly demanding principle of aiding as many as possible.

One may object that .7% is reasonable in that many affluent nations have agreed to it, but giving more than .7% is not overly demanding. Opponents may want to argue that cutting something like the bloated defense budget and putting (significantly) more into foreign aid would still allow the US to consider its diverse obligations. In one sense I think that this objection it correct. The purpose of discussing the demandingness objection is not to say that .7% is the best that nations can give, and I think that it is likely that an affluent nation’s fair share could be much higher than this while still not being overly demanding. However, this objection is missing the point somewhat. What I am arguing is that at whatever point we determine a donor nation’s fair share to be, from the perspective of donor nations they are not obligated to give more than that fair share of resources even if others are not complying.

V.III. Recipient Thresholds and Efficiency

From the point of view of recipient nations, the story changes. I think that there is a difference between the threshold at which donors have given enough and a threshold at which recipients have received enough. Even if you agree that
benefactors ought to measure thresholds of giving by their fair share of resources, that does not necessarily end the discussion from the point of view of recipients. This is the other side of the fair share debate: how do we know when recipient nations have reached their threshold of “enough”? Or, continuing with the thought experiment, what about the needs of the children floundering in the pond?

While the currency from the point of view of benefactor nations is resources, I argue that, from the point of view of recipient nations, currency more closely resembles capabilities. Put another way, the perspective of benefactors parallels the previously outlined conception of economic development, and the perspective of recipients parallels the conception of human development. The key reason for this shift in currency is that while benefactors are concerned with measuring monetary donations and fair share, recipients are concerned with ensuring that the donations coming in actually improve the lives of those in need. The capabilities approach acknowledges that purely monetary measurements of poverty (e.g., income) may be one aspect of measurement, but “poverty analysis that concentrates only on incomes can be quite remote from the main motivation behind our concern with poverty (viz. the limitation of the lives that some people are forced to live).”258 This is because different people are able to convert resources differently depending on their “personal characteristics and circumstances.”259 For example, a wheelchair will benefit a paraplegic more than an Olympic sprinter, and an increase in minimum wage will benefit someone who has a job more than someone chronically unemployed. Thus, it is reasonable to think that recipients would be less concerned

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258 Sen, *Inequality Reexamined*, 116. [author's original emphasis]

about how much foreign aid is given than about what the resources can do for them to make their lives better.

From the point of view of recipients, then, the threshold of humanitarian aid is the achievement of capabilities. Ideally, whatever objective list of capabilities we arrive at, recipients would have to freedom to fulfill each one; however, in the nonideal world such a high standard is unlikely to be reached. Thus, we are left with a question: given that we live in a world of limited resources, how does one decide which recipients ought to have priority? There are a multitude of factors to consider when determining priority: chronic need versus emergency need, short-term acute need versus long-term moderate need, the need of citizens versus the need of foreigners, aggregate needs of a larger group versus more severe needs of a smaller group, and so on. A thorough evaluation of all of these elements would have to be the topic of a different project. However, I think that it is worth briefly analyzing a set of factors that is increasingly popular in the literature: effective giving versus giving to those most in need.

In both developmental aid theory and philosophy, the topic of humanitarianism has shifted from an emphasis on simply encouraging agents to give to an emphasis on encouraging agents to give effectively. At the philosophical forefront of this movement is Singer’s theory of effective altruism: giving as much as possible to the cause that will do the most net good. The implication of this theory

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260 It is worth noting that Sen does not espouse an objective list of capabilities as Nussbaum does. I will utilize Nussbaum’s list as a convenient example of possible capabilities, but I will not take a stand on the debate about objective lists under the capabilities approach in general.

is that one is doing better (from a consequentialist perspective) if he donates $100 to an effective charity than he would have done if he had donated that same $100 to a less effective charity. This emphasis on efficiency has given rise to organizations like GiveWell, which evaluates the effectiveness of charities, and randomized control trials seeking to bring more scientific rigor to charitable testing.

In the previous section, I discussed whether humanitarian giving is effective in general. Yet even if we assume, along with most development theorists and ethicists, that some forms of aid are effective, we must ponder whether an agent must always give to the most effective alternative. Prima facie, we may want to say that agents should give to more-effective charity A because it can help more people on the ground than less-effective charity B. However, what if the reason why charity B is less effective is because it is attempting to help people in more difficult situations (e.g., a nation at war or in extreme destitution) while charity A is more effective because it is attempting to help people in less difficult situations (e.g., a relatively stable nation or one already equipped for global trade)?

Singer acknowledges, “Tragically, sometimes conditions may be so bad that nothing we can do will diminish the misery of the unfortunate citizens” in nations with particularly “bad institutions.” He argues that if “significant and sustainable” good can be done for individuals in the poorest areas then aid should be provided. Yet, if such significant and sustainable good cannot exist in a nation that is too

262 There are many ways in which aid can be more or less effective. For instance, aid more be more effective in helping more people, in significantly reducing poverty, in reducing poverty in a sustainable way, in using more cents on the dollar, and so on. For my purposes here I will manly focus on helping more people with less deprivation versus helping less people with more deprivation, but my argument will apply to various ways of parsing out “effective.”
263 Singer, The Life You Can Save, 117.
unstable then aid should not be directed there. Pogge makes a similar point in relation to international non-governmental organizations (INGOs): “Any conceivable allocation of available resources will leave many people exposed to a life of severe deprivation—people who ought to be protected. If we cannot fully protect everyone, then we should at least achieve as much as possible.”264 He concedes that an unfortunate result of such a principle of effectiveness will leave many of the worst off without aid but will be able to help many more actually succeed in escaping deprivation.

While effective altruists and others acknowledge that efficacy may force nations to ignore the worse off, rarely do they acknowledge the extent of this consequence. Development theorist Roger Riddell argues that dogmatic focus on efficiency is problematic because

the countries that need aid tend to be characterized by a combination of severe skills shortages, fragile state and parliamentary institutions, inadequate legal systems, weak regulatory systems, underdeveloped and weak markets vulnerable to manipulation by powerful interest groups, operating without the benefits of a free press, and a strong civil society able to monitor public spending... These are precisely the factors that are likely to undermine and reduce the impact of aid. If the basis for providing aid is an assurance that the funds will be used to maximum effect, then aid should be steered toward countries such as the United Kingdom, Norway, and Sweden.265

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The fact that Riddell is known for his moderate view on measuring aid effectiveness makes his comments here even more striking. If effectiveness is the goal, we must realize that typically the ability of aid to be used effectively is inversely proportional to the poverty/instability/deprivation on the ground. A principle of efficacy may be extremely beneficial in terms of deciding between charities, projects, etc., but when applying the principle in deciding between which nations to aid, one gets the result (counterintuitive to many) that those in the most need will not receive help. Or, pushing efficacy to its extreme, even those in moderate need will not receive help in favor of those easily helped just below a threshold of deprivation.

Much of the emphasis on efficiency is from the perspective of the donor. When comparing different charities, individuals, and nations to aid, the discussion is usually in terms of how many cents on the dollar is actually used to help those in need. I think that one way of confronting the efficiency debate is to also bring in the perspective of the recipients and the currency of capabilities. We could create a principle—the inefficiency principle—by which the level of inefficiency acceptable is related to the capability in question. Framing the debate in this way, instead of the effective altruist asking whether it is effective to aid, perhaps she should ask about how inefficient we are willing to be.

Let me unpack the kind of principle I have in mind. Sen acknowledges that not all capabilities are equally important and that there are certain basic capabilities such as “the ability to be well-nourished and well-sheltered, the

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266 Nussbaum uses the term “basic capabilities” to mean “innate equipment of individuals that is the necessary basis for developing the more advanced capabilities” such as sight and hearing (84).
capability of escaping avoidable morbidity and premature mortality, and so forth.”

Taking Nussbaum’s list of central capabilities as an example, we could say that capabilities connected to basic human functionings (such as the first two capabilities of “life” and “bodily health”) are more pressing for human survival. For this reason such basic capabilities ought to be given special moral weight. For our purposes here, the special moral weight that basic capabilities would posses is allowance of increased inefficiency, and certainly more inefficiency that an effective altruist would typically tolerate. In acknowledging Riddell’s point above, we know that instances where basic capabilities are threatened—war, famine, extreme poverty, and so on—often makes it extremely difficult to help those in need. However, given the importance of basic capabilities as foundations for survival, it is reasonable to think that more inefficiency can be tolerated.

Thus, the inefficiency principle I have in mind would allow increased inefficiencies when they correlate with more basic capabilities that determine human subsistence.

I think that such a principle would appeal to both sides of the effectiveness debate. On the one hand, people who worry that a focus on effectiveness would mercilessly ignore the worst off will be assuaged because the inefficiency principle

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267 Sen, 45.

268 The term “inefficiencies” is admittedly vague here, and would have to be filled in further by a developmental theorist. For my purposes, increased inefficiencies simply means that there are portions of the aid (likely more than an effective altruist would typically allow) which does not reach the people on the ground who are in need.

269 There are, of course, practicalities when it comes to discussing efficacy. Firstly, measuring the efficiency of aid is infamously difficult to do, and more reliable empirical data would be required to shift any principle of efficiency from the theoretical to the practical. Secondly, as was the case for fair share theories, in actuality foreign aid does not take into account all of the priorities theorists propose. As was stated previously, many of the top recipients of US ODA are not selected in order to prioritize efficiency or need. Instead, most of the list of recipients reflects US interests.
takes into account the realities of inefficiencies in relation to more basic capabilities. On the other hand, for effective altruists, the inefficiency principle does not condone unfettered giving to ineffective aid. While inefficiencies may be required to fulfill basic capabilities, other capabilities (what Sen calls capabilities dealing with “more complex social achievements”270) not dealing with basic subsistence may admit significantly less inefficiency. The inefficiency principle allows one to say that it is better for an agent to inefficiently aid those not reaching the threshold of basic capabilities than it is for an agent to inefficiently aid those not reaching a threshold of other capabilities (such as Nussbaum’s “play” and “other species” capabilities). In his recent article, Theron Pummer argues that, even if one has the option to give $100 or give nothing, if he decides to give then he is morally obligated to give to the more, rather than the less, effective charity.271 Coupling this with my inefficiency principle, one could argue that one is morally obligated to donate to an inefficient charity connected to basic capability but one is not obligated to donate to an inefficient charity connected to other capabilities.272

V.IV. Concluding with Two Thresholds

To sum up, in this section I have argued that the measurement of humanitarian thresholds depends on whether one takes the perspective of nations

270 Sen, 110.
272 The inefficiency principle also allows conceptual space for people to have no obligation to aid when such aid is simply unable to be effective. This would apply no matter the capability sets in question. For example, if fighting in a country escalates, all aid workers and peacekeepers are pulled from the region, and any aid trickling in will likely end up in the hands of a dictator, then Singer is correct in saying that there is no obligation to aid.
as benefactors or recipients. For benefactors, one measures the threshold of giving in terms of resources, and for recipients one measures the threshold of receiving in terms of capabilities. This dual threshold theory has one last important implication that must be addressed: it is not necessarily the case that the point at which benefactors have *given enough* is equivalent to the point at which recipients have *gotten enough*. In other words, it is unlikely that the two thresholds will serendipitously align. In a world of extreme deprivation and need on the one hand and limited resources and competing obligations on the other, what is a reasonable percentage of donor GNI (for example) for humanitarian aid may not be enough to meet recipients’ need (even if we raised giving significantly above the .7% mark). I think that a realistic theory of humanitarianism will acknowledge these donor and recipient thresholds and build principles around the assumption that these two viewpoints may not conveniently overlap.

Given that they may not overlap, should one viewpoint dominate the other or is there an irresolvable tension between them? If it is the case that one dominates the other, then priority is placed in *either* the donor nations giving their fair share *or* in recipient nations receiving enough to better the lives of their citizens. However, if it is the case that there is an irresolvable tension, then it is *both* right that donor nations give only their fair share *and* that recipient nations receive enough to better the lives of their citizens. I do not presume to resolve this issue here, but I think that the burden of proof lies with the theorist who wants to argue that one viewpoint dominates the other. In this section I have outlined a threshold of humanitarianism for donors and for recipients, and, given the coherence of both viewpoints, I think
that it is not unreasonable to assume that what is right for donors is not necessarily right for recipients (and vice versa). It is feasible that a principle of domination could be constructed, but I think that the burden of proof is on the theorist to define such a principle and give an argument for why such a principle would be required.

Regardless of how we delineate the relationship between donor and recipient thresholds, it is imperative to recall that that such humanitarianism is not a stand-alone theory. Instead, the purpose of this chapter was to analyze what type of humanitarian theory could best supplement a structuralist theory of distributive justice, and, in sketching a nation-centered humanitarianism, I have ensured that a theory of distributive justice based in cooperation cannot ignore the critical needs of citizens in countries across the globe.

So let us return to the shirt we are unfolding at the start of Chapter 1. According to the cooperative approach to distributive justice, a structuralist is able to now say that the large-scale economic interaction it takes to make the clothes on our backs, the shoes on our feet, and the smartphones glued to our hands, gives rise to obligations of distributive justice between nations. It may be that different levels of cooperation give rise to differing principles of distribution, but it can no longer be argued that taking national and international structures as given entails distributive justice only within nations. Coupling this conclusion with a humanitarian theory which considers both the benefactors and recipient nations interests, we have arrived at a structuralist theory that improves the lives of individuals by improving the interaction between nations.
Bibliography


