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ON WHERE WE DIFFER: SITES VERSUS GROUNDS OF JUSTICE, AND SOME OTHER REFLECTIONS ON MICHAEL BLAKE'S *JUSTICE AND FOREIGN POLICY*

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**ABSTRACT.** Blake's book conveys a straightforward directive: the foreign policy of liberal states should be guided and constrained by the goal of helping other states to become liberal democracies as well. This much is what we owe to people in other countries—this much but nothing more. The primary addressees are wealthier democracies, whose foreign policy ought to be guided by the idea of equality of all human beings. My approach in *On Global Justice* bears important similarities to Blake's, but with those similarities also come equally important differences. The purpose of this piece is to bring out these similarities and differences and in the process articulate some objections to Blake.

I. INTRODUCTION

Blake (2001) set the stage for the debate about whether anything about shared citizenship makes particular principles of justice applicable exclusively within states.<sup>1</sup> He answered affirmatively, pointing out that shared citizenship involved subjection to a coercively enforced regime of law and that such subjection generated very demanding standards of justification that could only be met by imposing principles of distributive justice. But he made clear that this answer implied nothing about global obligations: that question remained open. In 2013 he published *Justice and Foreign Policy* (2013a),

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<sup>1</sup> Blake, Michael, 'Distributive Justice, State Coercion, and Autonomy, *Philosophy and Public Affairs* 30 (2001):257–296. For an instructive day of discussion I am grateful to the participants of the workshop on Blake's *Justice and Foreign Policy* that I organized jointly with Eric Beerbohm at Harvard University in February 2015. I am grateful to the Safra Centre for Ethics for funding that event. I am especially grateful to Michael Blake for his elaborate and very helpful responses during a full day of intense exploration, as well as for many years of discussion about issues we both care about. I am also grateful to Christopher Wellman and two anonymous referees for this journal for comments on this piece.

as well as an article on immigration (2013b).<sup>2</sup> Those two pieces present his answer to that question. I am mostly concerned with the book, but will also mention the main points of the article so that readers can see the breadth of his response. After introducing his views, I articulate some objections driven by the views I defend in *On Global Justice* (Risse (2012)).<sup>3</sup>

The book conveys a straightforward directive: the foreign policy of liberal states should be guided and constrained by the goal of helping other states to become liberal democracies as well. This much is what we owe to people in other countries—this much but nothing more. The primary addressees are wealthier democracies, whose foreign policy ought to be guided by the idea of equality of all human beings. Blake offers guidance to liberal states. He introduces and motivates the liberal starting point but does not seek to convince those who are not in that camp yet. Nor does he offer anything like a comprehensive theory of global justice, one that would also address whether there ought to be states to begin with or whether we should aim for a different world order. Blake takes for granted that there are, and will continue to be in the foreseeable future, states of vastly different sizes and power, and that world politics is ultimately driven by state power rather than, to any noticeable extent, by international organizations or transnational civil society.

For Blake, possibilities for institutional reform at the international level are very remote. States hold the power, and therefore are the primary duty-bearers. He proposes, and believes it is within the scope of what we can reasonably hope for, that states adopt a constitutional amendment to make sure foreign policy is guided by the idea of human equality. Foreigners should even have legal standing in court to get such an amendment enforced. Blake's opponents are those who reject this demanding duty to help others build democratic institutions; those who argue foreign policy of liberal states has to go yet further; and those who object to Blake's starting points, insisting he takes too many facets of the current world order for granted or is wrong about them.

Blake's liberal-egalitarian position is committed to the following: only human beings matter at the fundamental level; they all matter

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<sup>2</sup> Blake, Michael, *Justice and Foreign Policy* (Oxford: Oxford University Press, 2013a); Blake, Michael, "Immigration, Jurisdiction, and Exclusion" *Philosophy and Public Affairs* 41 (2013b): 103–130.

<sup>3</sup> Risse, Mathias, *On Global Justice*, (Princeton: Princeton University Press, 2012).

equally; this equality ought to be respected by all political institutions, and those institutions need to account for what they do in pursuit of building a world where equality is respected. However, what makes Blake's position *liberal-egalitarian* is that the manner in which all human beings are equal is that they all are entitled to exist as autonomous agents and are entitled to the circumstances that make such a life possible. An autonomous agent is at least partly author of her life, and as such is able to pursue chosen goals and relationships. The autonomous life is not just one that permits for the exercise of practical reason, but also one in which such exercise occurs in a safe environment and with enough material goods to make the exercise consequential.

In a nutshell, the liberal-egalitarian starting position is that all individuals have equal moral status in virtue of being autonomous agents and have a right to institutions protecting that status. All such agents also have a right to have coercive action justified to them. Correspondingly, all have a duty to support, defend and create institutions that enable people to lead autonomous lives. Importantly, Blake does not merely think persons have a right to autonomous individual agency, but there is also a right to autonomous collective agency: individuals must be allowed to participate as equals in self-government.

Among books on global justice, Blake's is most closely related to Rawls's *Law of Peoples*.<sup>4</sup> Both ponder questions of global justice by focusing on the foreign policy of liberal states. Blake introduces a distinction between first and second order *sites of justice*. In a first order site, actions are constrained by the moral status of participants in that site. In a second order site, interactions are constrained by the rights of some other set of agents. International politics is a second order site because interactions there are constrained by the rights of people respectively to live in democratic communities. Rawls too accepts such a distinction because international obligations, for him, are guided by the idea that people should be able to live in certain kinds of communities.

An important difference is that Rawls deploys a more expansive understanding of toleration. Blake limits toleration to different interpretations of liberal-egalitarian commitments, including inter-

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<sup>4</sup> Rawls, John, *The Law of Peoples*, (Cambridge: Harvard University Press, 1999).

pretations we ourselves consider utterly misguided. He accepts Rawls's point about the burdens of judgment. That is, questions about what kind of life to lead are hard to penetrate, and people invariably answer them differently in light of their experience. But considerations drawing on the burdens of judgment do not make non-liberal outlooks acceptable. The only serious question about toleration for Blake is where to draw the line between acceptable and unacceptable interpretations of liberalism. In contrast, Rawls also tolerates decidedly non-liberal people, especially decent consultation hierarchies (systems that protect all people but do not guarantee equality before the state).

To be sure, the directive of turning the world into a set of liberal states is constrained by prudential considerations that weigh heavily. Intervention in favor of democratization can, and likely will, be counterproductive in numerous ways. Blake believes intervention should happen only if we can safely predict it will create more respect for individual autonomy. But prudential reasons are the only reasons that constrain efforts at liberalizing and democratizing the world.

But why would this attitude towards non-liberal cultures not be arrogant and ultimately imperialistic when followed by action? Blake admits his is a controversial and even parochial view. But he denies that liberalism's controversial or parochial nature carries much weight in assessing plausibility. Blake insists on the plausibility of liberal egalitarianism by reminding us that in non-liberal societies we find people who are willing to, or do, coerce others in ways that cannot be justified to them. Even Rawlsian consultation hierarchies, Blake insists, generate arbitrary coercive power due to their non-representativeness.

To make his view more agreeable he argues that his liberalism is not meant to be a comprehensive doctrine in Rawls's sense: it does not turn on metaphysical or theological views, nor does it offer guidance for all types of moral questions that arise during a normal life. His liberalism is political, but in a manner different from Rawlsian political liberalism. In particular, Rawls grounds liberalism in the public political culture of democratic society. Liberal commitments are acceptable only in societies where they reflect that culture. As opposed to that, Blake thinks the liberal conception can

stand on its own and be inserted into societies with liberal norms the way Rawls suggests. Elsewhere, however, liberalism first must be introduced, and we need to assess how to do so.

Blake argues that Rawls's work contains thoughts that support his (Blake's) view. Rawls talks about a slaveholder society where initially only religious considerations (thus considerations drawing on comprehensive doctrines that should not ultimately be used to decide matters of basic justice) are available to push for abolition. Liberals should welcome such a development even though it is driven by such considerations, with the perspective that eventually, once the society is governed by Rawlsian political justice, such considerations would be replaced by views that do not turn on comprehensive doctrines but that would also have supported abolition. If domestically slavery can be abolished in this manner (with a view of what kinds of reasons would plausibly become operative once abolition has succeeded) to a liberal's approval, why not proceed like that internationally, Blake asks? He asserts that there is no country without a democracy movement, no matter how small. Support for democratization would never impose external values.

Blake does not explore whether there ought to be states to begin with, but given that we live in a world of states, he believes states are a first order site of justice. In particular, *distributive* justice only applies within states, not internationally. This is a position for which Blake is well known since the publication of his 2001 article, and his elaboration here responds to some objections to his proposal. He draws on arguments from the nature of democracy and the coercion inherent in the private law to restrict distributive justice to states. As far as the first argument is concerned, Blake doubts that there could be a truly successfully democratic society where wealth is distributed in a strongly inegalitarian manner. Political liberties, he insists, following Rawls, would then not have fair value for everyone. As far as the second argument is concerned, the necessity of justifying coercive practices of the private law to the coerced requires us to look at the material effects of coercion from the standpoint of all of them, and to obtain their consent. This process constrains the extent of

inequality permissible within the state given the need to justify inequality to the least favored citizens.<sup>5</sup>

Crucially, then, the demand for material egalitarianism emerges from the process of specifying what the demand of moral equality requires under conditions of shared liability to a coercive state. Distributive justice applies internationally only in the sense that foreign policy is supposed to foster people's ability to live in democratic societies. The nature of international injustice is states undermining democratic self-governance abroad. Equality of rights among individuals is consistent with a global political system of dispersed sovereignty where duties are specified locally and distributed across multiple actors. Moreover, we can use force internationally if people want to enter from societies where they have everything they are entitled to. Coercive border control is justified to the extent that it keeps people from taking what is not theirs to claim.

Relative deprivation matters within, but not across, states. Where we share a liability to a coercive state, relative income shares become relevant for the justifiability of that coercive state to those it coerces. This point does not apply internationally because there are no international institutions with direct coercive power over individuals. Therefore there is no international institutional coercion we would need to justify with reference to individual participation. 'If a state is effectively able to run a just and democratic society', Blake sums up, 'I do not see why we have any good reason to think that the economic difference between them is, in itself, ethically troublesome' (p. 105).<sup>6</sup>

Simultaneously with the book Blake also published an article about the state's obligations towards would-be-immigrants (2013b).<sup>7</sup> Let me mention the main points of that article since they further illuminate Blake's take on a liberal state's global duties. Blake uses

<sup>5</sup> This is not a point I dwell on in my critical comments below, but I would like to raise the matter at least in passing: I think Blake's two arguments about domestic justice can only tell a partial story. Why would equality among participants in a democratic process (especially in large territorial countries where democracy is representative) be so important that it would be justified to interfere with economic activities to the extent required by Blake's argument? Why would the justification of coercion in the private law that is due even to the least advantaged in the system lead to an egalitarian distribution? In response to questions like this, chapter 2 of *On Global Justice* offers an account of political and legal immediacy in shared membership in states that is supposed to explain the ways in which citizens are equals.

<sup>6</sup> Blake, *Justice and Foreign Policy*, p. 105.

<sup>7</sup> Blake, 'Immigration, Jurisdiction, and Exclusion'.

two starting points. First of all, and this is now familiar, human beings not only have basic human rights, but also rights to the circumstances under which these rights are protected. Secondly, everybody has a right to avoid unwanted obligations where they have no duty to become obligated. Blake argues that what is crucial in the right to exclude is that the state is a territorial and legal community. The state's territory delineates a jurisdiction within which its laws are effective. Somebody who migrates into a jurisdiction obligates its inhabitants to protect her human rights, which constrains the freedom of current inhabitants.

The question becomes under what circumstances states may refuse to accept new obligations of the aforementioned sort. For Blake they may do so only if the country of origin adequately protects human rights. Otherwise migrants acquire rights-protections upon entry. I assume the rights that must be protected cover the full range of liberal-egalitarian rights. So all would-be immigrants from non-liberal states must be accepted. Force used to prevent them from entering is illegitimate. A state's right to exclude people from poor and oppressive countries is generally weak. Whereas Wellman (2008)<sup>8</sup> allows states to purchase the right to exclude by supporting development in poor countries, Blake insists we cannot justify force against one person by providing benefits to others. The coerced party itself must be able to accept the use of force without having to identify with the interest of others to an undue extent. Given how many countries do not qualify as liberal, the implications of Blake's stance on immigration for current practice are revolutionary.

## II. IDEAL VS. NON-IDEAL THEORY

My approach in *On Global Justice* bears important similarities to Blake's. To begin with, we both take the system of states as a given, and explore how we can make it as just as possible instead of seeking to replace it with a different order altogether. Secondly, we agree that particular principles of justice apply within states that do not apply elsewhere. Thirdly, we both hold that there is a global duty of assistance in building certain institutions that is imposed in particular

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<sup>8</sup> Wellman, Christopher, 'Immigration and Freedom of Association', *Ethics* 119 (2008): 109–141.

on wealthy democracies and whose beneficiaries are developing countries.

But with these similarities also come important differences. To begin with, Blake takes a system of states as given and does not engage with its justifiability, whereas I start with that system but also discuss how to justify it. I think the great project of modern political philosophy, to justify the state as being demonstrably either the uniquely most rational mode of organization or the uniquely moral mode, has failed. Skeptics cannot be conclusively silenced. I offer a justification of states that draws partly on their prudential and moral advantages but also turns on the epistemic limits of utopian thought. There is no alternative vision of world order we can theorize sufficiently well for it to be action-guiding. So-called cosmopolitans—a term I like as little as Blake does in theorizing about distributive justice—are wrong if they think we must stick to states only because abolishing them would create chaos. We must stick to them especially because, at this stage of history, we do not know what an alternative world-order would be like, and thus cannot sensibly pursue it as an ideal.

It is in particular in light of the availability of this kind of justification of states that I offer my theory as *ideal* theory. Ideal theory is normative theory that assumes all agents are both able and willing to comply with the moral prescriptions that apply to them. Ideal theory is constrained by epistemic conditions. Within such constraints I offer a theory of *grounds of justice*. These grounds are the features of the population that make it the case that certain principles of justice hold within that population. I discuss five grounds: shared membership in a state; common humanity; shared membership in the global order; humanity's collective ownership of the earth; and shared subjection to the trading system. All of these grounds generate distributive principles that are of the required stringency to be principles of justice. A theory of global justice emerges from reflection on how principles of distributive justice that arise in this way apply to different agents.

As opposed to that, Blake offers decidedly non-ideal theory. Non-ideal theory is normative theory that does not assume all agents comply with moral prescriptions, either because they are unwilling or because they live under circumstances that make it very difficult if



not impossible for them to do so. Non-ideal theory is significant because it tells us how to proceed from here, and Blake's goal is to offer advice to liberal democracies on how to reform their foreign policy here and now. But one challenge that often arises for non-ideal theory is how to determine consistently what is currently within reach and what is not. Blake's approach is beset by a strong version of this problem.

On the one hand, Blake proposes that we should aim for a constitutional amendment—an 'alien's bill of rights' (p. 130)—that, say, in the US would obligate the government to pursue a foreign policy guided by ideals of universal equality. Blake thinks that is somehow doable, at least more doable than to pursue change through international organizations or transnational civil society (p. 125).<sup>9</sup> But surely a possible world near ours where wealthy democracies adopt such an amendment is also one in which international organizations and transnational civil society can contribute much more to global problem solving than they currently do. But then it becomes hard to explain why Blake focuses on states as much as he does and has so little to say about how to utilize international organizations as agents of change.

Non-ideal theorists need a consistent vision of which features of the world they consider fixed and which features they think can be changed, in a politically realistic sense of 'can'. What is problematic is to propose certain measures and reject others as unrealistic even though the rejected measures are politically doable in our world to very similar degrees than the proposed measures. In such a case the theory cannot provide the guidance that, qua non-ideal theory, it sets out to give. For it cannot explain why the proposed measures *rather than* the rejected ones are what we should choose, and therefore it leaves us without any well-reasoned guidance in the actual world.

A different way of seeing what is problematic here is that, on the one hand, Blake insists that his book should guide foreign policy of liberal states in the world as it is, but on the other hand some key points are made in terms of simplistic two-state scenarios. These scenarios involve Borduria and Syldavia, fictional countries from the *Adventures of Tintin* that made previous appearances in Blake's work. For instance:

Borduria and Syldavia, part one: Borduria is a just society, in which the appropriate norms of distributive justice are recognized and institutionally respected. Bor-

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<sup>9</sup> Blake, *Justice and Foreign Policy*, pp. 130, 125.

duria's economy depends on an ample and continuous supply of Castaforium, a rare mineral found only in the hills of Syldavia. Syldavian trading policy can potentially undermine the just distributive policy in Borduria; if Syldavian traders take maximal advantage of the Bordurian vulnerability, the Bordurian political society will find the just domestic distribution impossible to maintain. (p. 12)<sup>10</sup>

Blake uses this example to illustrate how the international order is a second order site of justice. Syldavia is not supposed to exploit Borduria's vulnerability because it would thereby make it impossible for Bordurians to live in a just society. It is hard to see what lessons to draw from this case for actual trade policy. For the flourishing of a liberal democracy (as opposed to that of the kind of state that thanks to the United Fruit Company came to be called a 'banana republic') will normally not depend on the availability of one good. Much more plausible is that such flourishing depends on general trade terms. But then we should think about international agreements and the set-up of the WTO in much greater detail than Blake does.

Examples like Borduria and Syldavia cases have a time-honored place in philosophical reasoning as intuition-pumps. They succeed at that precisely by simplifying conditions, much in the same way in which physicists theorize about a vehicle rolling down a tilted surface while abstracting from friction. But in a book concerned with foreign policy *in the world as it is* we need more practical political discussion about the world as it is. Otherwise, again, we do not have a good enough sense of why certain measures are proposed and others are rejected.

### III. SITES OF JUSTICE, GROUNDS OF JUSTICE

A second difference is that, although Blake and I agree that particular principles of distributive justice exclusively apply within states and that Rawls was more or less right about their contents (or as I would say, about their contents before additional principles drawing on other grounds are added), we disagree about how to think of the international order in terms of justice. For Blake, principles of distributive justice apply only within states, period. For me, different principles of *distributive* justice apply outside of states: they apply to humanity as such, they apply to the international trading regime, they regulate humanity's collective ownership across generations and they regulate membership in the global order.

<sup>10</sup> Blake, *Justice and Foreign Policy*, p. 12.

Blake approaches the international order in terms of his distinction between first and second order sites of justice. A first order site 'is one in which the political relationships between the parties are constrained by norms demanding equal concern and respect towards the parties themselves' (p. 12). A second order site 'is one in which the political relationships between the parties are constrained by norms demanding equal concern and respect between some *other* set of parties' (p. 12).<sup>11</sup> The state is a first order site, the global order a second order site.

But this terminology generates oddities that reveal a deeper problem that should make us abandon the distinction between first and second order sites and talk about grounds of justice instead. Notice first that the state is also a second order site. What this implies is that, in interactions at the international level, the ability of any group of people who share a state to live in a democracy must be considered. But in addition, the fact that one given state is a second order site of justice also implies that people who live in another state (any other state) must consider their ability to live in a democracy, and choose domestic policies that promote that ability. For instance, states might have to abolish trade subsidies if they do the relevant kind of damage abroad. They would have to do so unilaterally so that people elsewhere can have their democracy. It is in light of such cases that states would be both first and second order sites.

That problem could be fixed by adding the word 'only' at an appropriate place in the definition of 'second order site'. But another point is that calling the international order a second order site of *justice* makes one wonder what it is about human beings that makes their ability to form certain political relationships so important that outsiders must bear substantial sacrifices to that end. Blake's answer is that, per liberal egalitarianism, people have rights to live in certain political relationships. The duty-bearers are all of us. But it is hard to make sense of the demandingness of that duty unless all human beings stand in a kind of relationship with each other to which demands of justice apply, in virtue of their common humanity. Moreover, since what is at stake is the availability of certain entities needed for people to lead the kind of life

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<sup>11</sup> Blake, *Justice and Foreign Policy*, p. 12.

Blake thinks they deserve, these demands would naturally be matters of *distributive* justice.

Barry (1982), for one, famously argued that considerations of humanity are importantly different from considerations of justice.<sup>12</sup> Nagel (2005) insisted that justice applies only within states and the international order is no site of justice at all.<sup>13</sup> But Blake wants to link our shared humanity with considerations of justice. However, he does not acknowledge common humanity as what I call a ground of justice. For him justice is all about *relationships*. Blake has to choose: either justice is all about relationships, but then justice only applies among the people who stand in that relationship and does not involve others (certainly not to the demanding degree Blake thinks they are involved). In that case, there are no second order sites. Or else, one way or another, justice applies among all human beings, and then common humanity should be theorized as a ground of justice. In that case, we would be clear that common humanity does the relevant work in terms of justice. But then there would again be no second order sites.

On the grounds-of-justice view, one would say shared membership in states is one ground of justice, and common humanity is another. We would then explore what principles of distributive justice are associated with these grounds (after theorizing about important ontological differences between these grounds), and would then think about how these and other principles of justice would apply to agents (including states and international organizations). We would thereby avoid any odd implications of Blake's distinction between first and second order sites.

What does Blake say about why the international order is a second order site? In addition to the point about the importance of individual rights, Blake writes that states are not natural persons, and that at the international level we have no effective organizations that could make much of a difference (p. 109ff). Choosing this second order view helps us keep an eye on the real problems: how to get democracy going in other states, which is best done by states themselves. But neither consideration precludes acknowledging common humanity as a ground of justice. Nor, for that matter, do

<sup>12</sup> Brian Barry, 'Justice and Humanity in Global Perspective', in (J. R. Pennock and J. W. Chapman, eds.) *Nomos 24: Ethics, Economics and the Law* (New York: Harvester Wheatsheaf, 1982).

<sup>13</sup> Nagel, Thomas, 'The Problem of Global Justice'. *Philosophy and Public Affairs* 33 (2005): 113–147.

they stand in the way of acknowledging shared membership in the global order as a ground, certainly not once we see that Blake's 'alien's bill of rights' is every bit as utopian in the pejorative sense (p. 112) as proposals for reforms at the international level.<sup>14</sup>

#### IV. IMPLICATIONS OF COMMON HUMANITY

Blake has good reason to recognize common humanity as a ground of justice and abandon the distinction between first and second order sites. But let us now take a closer look at what he tells us about why human beings would have the far-reaching obligations to each other he says they have. Again, the liberal-egalitarian starting position is that all individuals have equal moral status qua autonomous agents and have a right to institutions protecting that status. All such agents have a right to have coercive action justified to them. Correspondingly, all have a duty to defend and create institutions that enable people to lead autonomous lives (p. 25). These entitlements generate a 'right to autonomous collective agency', including the right to 'participate as equals in the process of self-government' (p. 67).<sup>15</sup>

It is unclear what Blake takes the logical relationship between basic liberal-egalitarian commitments and this right to autonomous collective agency to be. He introduces that right by saying that '[we] *might imagine*, then, that the following rights will be found to some degree in any society whose claim to egalitarianism is plausible' (italics added). We might imagine, or we might not: more precise language is desirable in argumentative moves such as this one. I take it from the context that he thinks this right is implied by the basic liberal commitments about personhood, and that it is part of a set of rights with whose realization all other agents should offer assistance.

We have now also arrived at Blake's disagreement with Rawls about the limits of toleration. Blake is unwilling to tolerate societies that do not recognize such a collective right. Rawls is, at least under certain circumstances. Who is right? A complaint against both is that neither of them investigates the normative relevance of the distinctively human life, what kinds of rights this life generates, and how precisely it does so. Absent such an investigation in both au-

<sup>14</sup> Blake, *Justice and Foreign Policy*, pp. 109, 112ff.

<sup>15</sup> Blake, *Justice and Foreign Policy*, pp. 25, 67. The text says they should be able to participate in self-government 'in equals'. I take that to be a typo.

thors it is hard to side with either of them on toleration. To my mind, the most sensible way of assessing the limits of toleration is to delineate what we owe to each other in ways that generate international obligations. An assessment of what we owe to each other in virtue of sharing the distinctively human life is essential to that task. Blake, for one, offers no such inquiry. His framework is largely stipulated.

Chapter 4 of *On Global Justice* offers an investigation of the sort I sketched. This is a difficult project, but one that is necessary to assess international obligations. Much ink has been spilled on the question of whether something like Rawls's decent consultation hierarchy is worthy of toleration, and the question matters both theoretically and practically. But we do need a different kind of inquiry now than what Blake offers to make progress.

My own inquiry delivers the result that, drawing merely on the protection required for the distinctively human life, we cannot obtain rights associated with liberal democracy, as opposed to other forms of governments; the secular state, as opposed to other forms of political organization; or the value of equality, as opposed to other forms of distribution or status. In none of these cases does the significance of the distinctively human life establish the required difference. Such a life is available to those who do not live in a liberal democracy or a secular state or do not enjoy a status of equality. Trying to derive the protection of such values from the distinctively human existence hopelessly overextends that idea. All is not lost for the case for a human right to democracy (at least not on my approach, since there would be alternative ways of deriving such a right—see chapter 7, especially p 144, and chapter 11). But we do not obtain a right to democracy by reflecting on what's involved in common humanity. Since Blake offers no deeper theory to back up his understanding of liberal egalitarianism, I leave it at stating this complaint.

At the beginning of Section II, I drew attention to three views Blake and I hold in common and have since then explained how these views also come with substantial differences. I have now explained this for the first and second similarity. The third similarity is that we both hold that there is a global duty of assistance in building certain institutions that is imposed in particular on wealthy

democracies and whose beneficiaries are the developing countries. But the discussion we just completed also reveals an important difference. Blake thinks this duty is one to build liberal-democratic institutions. On my account, we get a duty of assistance that falls short of requiring that these institutions be liberal-democratic. I arrive at such an obligation by discussing what's involved in the distinctively human life and by then deploying an instrumental argument to the effect that, given plausible empirical assumptions, a certain kind of institution is the best way of protecting the distinctively human life (chapter 4, especially p. 80).

#### V. AUTONOMY

The preceding sections have explored differences between Blake and myself that originated from views we hold in common. In the remaining two sections I elaborate on points where we plainly disagree. The first topic is Blake's use of autonomy to justify the applicability of special principles of justice to those who share membership in a state. The second topic, which I discuss in the next section, is that Blake's focus on shared membership in states leaves important moral issues unaddressed that the foreign policy of liberal democracies must not ignore.

The first topic is continued from Blake's 2001 article. There he formulated the Autonomy Principle ['all human beings have the moral entitlement to live as autonomous agents, and therefore have entitlements to those circumstances and conditions under which this is possible' (p. 267)],<sup>16</sup> insisting it was on account of that principle that coercion must be justified to persons. The notion of autonomy captures a vision of persons controlling their destiny to some extent. An autonomous life is possible only for somebody who has mental capacities to pursue projects, enjoys an adequate range of valuable options, and is free from coercion and manipulation (what Raz (1986) calls 'conditions of autonomy', pp. 369–378).<sup>17</sup> What makes the relationship between state and citizens special is the need to justify coercion *to them*, but not to others not subject to such coercion. Forms of coercion, according to Blake, can be justified by hypothetical consent. In particular, property law must be so justified.

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<sup>16</sup> Blake, 'Distributive Justice, State Coercion, and Autonomy', p. 267.

<sup>17</sup> Raz, Joseph, *The Morality of Freedom*, (Oxford: Clarendon Press, 1986) pp. 369–378.

Persons who share a property regime have claims on each other as far as their relative economic standing is concerned.

In chapter 3 of *On Global Justice*, I object to the use Blake makes of the Autonomy Principle. Blake discusses several objections to his account, but since I do not find that particular objection answered I revisit it here. If it is *because of the Autonomy Principle* that coercion requires justification, anything requires justification that affects whether people have a reasonable range of options. One way of affecting whether people live under such conditions is by coercing them, but others include *removing* options and setting incentives that determine whether people can rise above poverty. Let us assume the IMF is not to blame for a country's problems but must decide on a loan for that country. No coercion is involved since there is no threat, but the IMF affects whether people there can lead autonomous lives. In light of the Autonomy Principle, the IMF must justify its action just as well as if it had used threats. Differences between coercion and incentive-setting notwithstanding, one cannot argue for the normative peculiarity of the state (that is, for the view that particular principles apply exclusively within the state) by asserting *both* (a) that states coerce while the global order merely sets incentives, *and* (b) that the reason why (only) states require special justification is the Autonomy Principle.

Blake's book contains material that helps respond to this point. It is now stated that basic entitlements qua human beings entail rights to individual and collective autonomy. Within units that are collectively self-governing (states), particular kinds of justification must be given because, there and only there, individuals must be taken seriously as participants in self-governance. Only there do certain kinds of private law apply that require particular kinds of justification. Outsiders also deserve a justification, say, for why they are excluded. But it suffices to say to them that they are not entitled to anything other than living in a certain kind of community. If they already do, they are not entitled to anything else. By the same token they must be admitted if they are not. For then nothing can be said to them that would justify exclusion.

But why not say the unit of collective self-determination is the UN or the WTO? Or what about regional organizations, especially the EU? Or why not say that, in addition to domestic private law,



certain bits of international law (such as the WTO treaty) also must be justified to individuals? Or, to put it in terms of my query from *On Global Justice*, if what matters is autonomy, then all manner of infringement on autonomy require justification, including rules of the global order that are not national in character.

One way or another, Blake's answer is always to insist on the paramount importance of states for our political reality. There is no need to provide justification in terms of individual participation within international organization because they are not the kind of institution where individuals participate. Why not change them? Because states are of paramount importance and it is utopian in the pejorative sense to try to reform international organizations in ways that make them very different from what they are now. Why not make more of the need to justify basic rules of trade to individuals? Because either trade occurs among functioning democracies, in which case no more demands to justification arise, and the details of the trade regime are not a subject of justice; or else trade involves countries that are not functioning democracies, in which case everything needs to be done to help them become functioning democracies. In both cases the underlying assumption is that people are entitled to live in that kind of community. The reason for that is again that we assume people live like that and will continue to do so. The reasoning always recurs to the insistence on the paramount importance of states—an importance *so paramount* that not even theorizing that leads to a substantial strengthening of transnational civil society or international organizations gets on the radar. This is extremely, and I believe excessively, conservative reasoning, even compared to *On Global Justice*, which does have its degree of conservatism built in.

## VI. THE REACH OF JUSTICE

Recall a quote we encountered above: 'If a state is effectively able to run a just and democratic society', Blake sums up, 'I do not see why we have any good reason to think that the economic difference between them is, in itself ethically troublesome' (p. 105).<sup>18</sup> This statement throws much light on Blake's basic intuition: justice is

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<sup>18</sup> Blake, *Justice and Foreign Policy*, p. 105.

about individuals living in liberal democracies. Injustice is about keeping them from doing so. To my mind, this sentiment underappreciates the scope of justice. I already argued that common humanity should be acknowledged as a ground of justice. *On Global Justice* acknowledges several other grounds. I limit myself here to touching on the relevance of humanity's collective ownership of the earth and shared subjection to the international trade regime as such grounds. In both cases a careful treatment would take us far afield, so I merely offer some thoughts on why Blake's focus on shared citizenship leads to a neglect of very important problems liberal states should address in their foreign policy.

As far as collective ownership of the earth is concerned, the basic motivation is that the spaces and resources of the earth are needed by all human beings for survival, but no human has done more than any other (in the past, present or future) to make it the case that those resources and spaces exist. In light of this, all humans have the same kind of claims to the resources and spaces of the earth, at least as far as opportunities to satisfy basic needs are concerned. Therefore it cannot be morally indifferent what kind of access people have to the resources and spaces of the earth and how people are distributed around the world. But on Blake's account it is. Blake gives us sixteen Borduria-and-Syldavia cases. Let me add two more to develop the point I started to make.

*Borduria and Syldavia, part seventeen.* Borduria and Syldavia are just societies where appropriate norms of distributive justice are recognized and institutionally respected. However, Borduria has few natural resources, has weak institutions and is not a major contributor to trade. Borduria is also relatively small and highly overpopulated, with a population density hardly any other country matches. As opposed to that, Syldavia has plenty of natural resources (including all of the world's deposits of Castaforium, a rare mineral vital to many economies), has strong institutions and is a major contributor to trade. Syldavia is much larger than Borduria, and its population density is much lower. Requests from Bordurians to take up residence and participate in the economy are denied.

*Borduria and Syldavia, part eighteen.* Just like part seventeen, except now a virus decimates the population of Syldavia that for unknown reasons affects only people within Syldavia. The virus strikes so fast that people die before they can leave. There are only 50 survivors. However, before the infection Syldavia built an electronic border surveillance system that includes machines that forcefully keep

others out. Available robotics enables the survivors to maintain their high standard of living. They continue their proud institutional traditions by having weekly on-line council meetings, but live in small groups in far-flung parts of the country. Requests from Bordurians to take up residence and participate in the economy are denied. Bordurians unwilling to accept this decision are overpowered by border robots.

Blake's theory registers no moral complaint here, not even in the second case. To be sure, my own view of humanity's collective ownership of the earth classifies neither scenario as unjust (for reasons depending on the details of the account). But it does classify both as unreasonable: Bordurians cannot be reasonably expected to accept these arrangements. They are free to knock out the robots and enter Syldavia. Blake's insistence on the moral relevance of a certain kind of political relationship comes at the expense of issues that are morally problematic but do not turn on relationships.<sup>19</sup>

As far as trade is concerned, consider the following scenario: *Borduria and Syldavia, part nineteen*. Just like part seventeen. Syldavia and several other well-to-do countries form the Global Trade Alliance, an organization charged with coordinating trade. The organization imposes intrusive rules designed to harmonize trade among its members. The Alliance grows. Eventually all countries see membership as in their best interest because members give each other certain assurances to protect their trade-related interests. However, countries can join the Alliance only through lengthy ascendancy negotiations in which existing members must be satisfied and that member countries with savvy trade negotiators use to their advantage. Eventually Borduria too is granted ascendancy, but its overall success in trade has sunk noticeably below even where it was before the Alliance was founded. It can barely maintain its democratic governance structure. In the ascendancy negotiations Syldavian negotiators ruthlessly take advantage of the disabling lack of experience of Bordurian negotiators to lock Borduria into unfavorable trade rules that will hamper its economic progress beyond the status quo.

On my account, the behavior of countries like Syldavia is exploitative and unjust [Risse (2012), chapter 14; see also Risse and Wollner (2014)].<sup>20</sup> For Blake as long as Borduria has enough to

<sup>19</sup> See also Blake and Risse (2007, 2009) for joint work in which both the relationship-oriented perspective and the special perspective on immigration have been merged. Blake, Michael, and Mathias Risse, 'Immigration and Original Ownership of the Earth', *Notre Dame Journal of Law, Ethics, and Public Policy* 23/1(2009): 133–167; Blake, Michael, and Mathias Risse, 'Migration, Territoriality, and Culture', in (Jesper Ryberg, Thomas Petersen, and Clark Wolf, eds.) *New Waves in Applied Ethics* (Ashgate Publishers, 2007), 153–182. This work is mentioned in Blake (2013a), p. 20, footnote 18, but the approach is not used in the book.

<sup>20</sup> Risse, Mathias, *On Global Justice*, (Princeton: Princeton University Press, 2012), chapter 14; Risse, Mathias, and Gabriel Wollner, 'Three Images of Trade: On the Place of Trade in a Theory of Global Justice', *Moral Philosophy and Politics* 1/2 (2014): 201–227.

maintain its liberal-democratic governance, there is no complaint from a standpoint of justice. Drawing on Barry (1982),<sup>21</sup> Blake insists ‘no degree of economic interaction can form the moral equivalent of the relational web between citizens of a modern state’ (p. 100).<sup>22</sup> I agree. But much as Blake’s preoccupation with a certain kind of political relationship comes at the expense of too much else that is morally problematic in the international arena and does not turn on relationships, so his preoccupation with shared citizenship comes at the expense of recognizing problems of justice that arise in *other* kinds of relationships. Distributive justice reaches further, and is not confined the way Blake suggests.

I have spent much time elaborating on the differences between Blake’s account and mine. I think the differences amount to more than narcissism of small differences. Nonetheless, let me finish up by reiterating the similarities between my account and his, similarities that matter greatly in light of the ‘cosmopolitan’ proclivities of the contemporary debate in political philosophy that we both oppose. Both Blake and I take the system of states as a given, and explore how we can make it as just as possible instead of seeking to replace it with a different order altogether. Secondly, we agree that particular principles of justice apply within states that do not apply elsewhere. Thirdly, we both hold that there is a global duty of assistance in building certain institutions that is imposed in particular on wealthy democracies and whose beneficiaries are developing countries. I hope that, if nothing else, I have shown that even a discussion that accepts all these starting points can still generate lively disagreement that is worth exploring in detail.

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<sup>21</sup> Barry, ‘Justice and Humanity in Global Perspective’.

<sup>22</sup> Blake, *Justice and Foreign Policy*, p. 100.