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The Grounds of Justice

Mathias Risse

John F. Kennedy School of Government – Harvard University

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The Grounds of Justice

Mathias Risse

John F. Kennedy School of Government, Harvard University

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1. Are there principles of distributive justice that apply within but not across states, principles that only hold among some but not all human beings?¹ To formulate some initial distinctions, I use the term “relationists” for those who think principles of justice only hold among individuals who stand in a certain practice-mediated relation to each other. I call those who think principles of justice are grounded in other ways “non-relationists.” (A reference to practices keeps non-relationism from collapsing into relationism.) The disagreement here is about the *grounds* of justice, the set of norm-generating conditions or considerations that must be present for demands of justice to become applicable among individuals who share these conditions.²

Relationists might hold a range of views about the nature of this relation, and disagree about the *scope* of principles of justice. “Globalists” are relationists who think the relevant relation holds among all human beings; “internationalists” think this relation holds respectively among individuals who share a state, and only among them. Non-relationists, in virtue of denying that principles of justice are practice-mediated, will plausibly think the scope of principles of justice is global. Relationists, then, think of

¹ Thanks to audiences at a conference on Global Distributive Justice, held at the World Bank in Washington, D.C., in May 2007, and at a work-in-progress workshop organized by the Center for Ethics at Harvard in October 2007 for helpful discussion.

² “Conditions or considerations:” The term “grounds of justice” must be used here so to remain neutral between relationists and non-relationists. (That is, “grounds of justice” will have to be characterized in such a way that talk about “practice-mediated relations” already registers as one view on how to think about them.) This makes it somewhat difficult to say anything more specific than this about the sort of thing that counts as these “grounds.”

principles of justice as regulating a particular relationship in which some individuals stand with each others, but others do not. (Programmatically speaking, relationists are motivated by concerns about “relevance.”) Non-relationists will typically think principles of justice apply to the whole range of advantageous and disadvantageous events that occur in a life. (Again programmatically speaking, non-relationists are motivated by concerns about “arbitrariness.”)³ Internationalists endorse the view that, as far as principles of justice are concerned, special considerations apply among citizens and residents of a state, and so endorse what I call “the normative peculiarity of the state;” globalists and non-relationists do not. Reflection on the grounds of justice did not use to be of much interest to philosophers. The state was at the center of attention, not always for the Hobbesian reason that there is no justice outside of the state, but relatively little attention was paid to other settings. Yet increasing global political and economic interconnectedness gives some urgency to questions about what generates norms that make up principles of justice.

This classification of views captures disagreements among those who think about justice globally. Yet it is also committed to a certain way of thinking about what principles of justice are, and how they are tied to the grounds of justice, that we will later question. To wit, these positions take it as given that there is a *fixed* set of such principles; that those are associated with particular grounds on which they apply, as well

³ (1) To explain the formulations “will plausibly” and “will typically:” Non-relationists logically fall into two camps: they either think principles of justice hold among those who are tied *by non-practice mediated relations* (such as those born between 11.20 and 11.35 am on a Sunday); or that principles of justice hold among those who are *not tied by any relation*. Obviously, the plausible sort of non-relationism is the latter, but the existence of the former sort (which in turn is implied by the move needed to make sure non-relationism does not collapse into relationism) will make it difficult to draw general inferences from the very statement of non-relationism; those would have to be qualified by markers such as “will plausibly” and “will typically.” (2) Blake and Risse (forthcoming/a) discuss this theme in the context of competing views about equality and responsibility. They also engage in some detail with related literature.

as with a set of individuals in their scope; and that this association can be captured in terms of necessary and sufficient conditions for demands of justice to apply. Alternatively one may use the term “principles of justice” as an umbrella term that stands for different principles that *respectively* have grounds and scope. This essay develops that view. I specifically do so way by way of engaging with Sangiovanni (2007), but the topic at stake here is rather central to current reflection on global justice. For instance, in response to Nagel (2005), various authors (e.g., Cohen and Sabel (2006) and Julius (2006)) have expressed a version of the thought that a view of justice should be developed that is “in between” the extreme views that either principles of justice applies only within a given state, or else they apply globally. This essay does some of the groundwork needed actually to carry out that project.

Sangiovanni (2007), from whom I have also taken some of the vocabulary to draw the distinctions above, defends a *reciprocity-based* version of internationalism. Our inquiry will unfold by engaging with his arguments for that position. Being a reciprocity-based internationalist, Sangiovanni thinks principles of justice apply only within states, and this is so because individuals who share citizenship or residency in a state are tied by bonds of reciprocity.⁴ Principles of distributive justice regulate at least to some extent the distribution of the goods available to individuals in their scope. The nature of these goods may vary, and more would need to be said about why, how, and to what extent they are subject to such regulation. Yet crucially these goods might be the sort of thing that is

⁴ (1) In short: “I will argue that equality as a demand of justice is a requirement of reciprocity in the mutual provision of a central class of collective goods, namely those goods necessary for developing and acting on a plan of life. Because states (except in cases of occupied or failed states) provide these goods rather than the global order, we have special obligations of egalitarian justice to fellow citizens and residents, who together sustain the state, that we do not have with respect to non-citizens and non-residents.” (Sangiovanni (2007), p 3f). (2) Note that, from now on, I will disregard the difference between shared citizenship and shared residency.

often at stake in questions of global justice, for instance “permissions to immigrate” or “human rights.” To give at least some minimal content to principles of justice, I stipulate, alongside Sangiovanni, that regardless of their grounds and scope, principles of justice substantially limit the range of permissible social, economic, political, and legal inequalities in the possession of the relevant goods among individuals in their scope, and in that sense are *egalitarian*. This stipulation can be motivated by the point that, among those who share a ground of justice, the moral arbitrariness of whatever it is that would generate inequalities will limit those inequalities. (The sorts of goods that are often in question globally make it hard to find a metric with regard to which the terms “equal” and “unequal” applies; but I set that aside.) For our purposes we need to make no more specific stipulations about the content of principles of justice.⁵

Reciprocity-based internationalism can be opposed from two directions: non-relationists disagree that principles of justice depend on practice-mediated relations,

⁵ (1) To flag one question that this paragraph touches on: One issue that is normally not addressed in the literature is what exactly should count as the goods with which global distributive justice is concerned. Rawlsian social bases of self-respect make it rather clear that the sort of good that distributive justice is concerned with is often of a rather non-tangible sort, even domestically. Quite plausibly, then, what has to count as such a good at the global level and therefore can be treated under the heading of “global distributive justice” is highly non-trivial. Does it include interventions, non-interventions, Peace, international agreements, international esteem in which countries are held? (2) Again alongside Sangiovanni, I endorse cosmopolitanism *as a moral doctrine*, according to which individuals are the ultimate unit of moral concern, are so equally and are so to everybody. Understood in this way, cosmopolitanism does not make claims about the grounds or the scope of principles of *justice*. This point will play no role in what follows, but since our subjects is global justice, this term needs to be accounted for somehow. (3) Fleischacker (2004) offers an intriguing historical discussion of the emergence of what he takes to be the contemporary conceptions of distributive justice. An essential element of that conception is that there is a certain claim to redistributive measures that individuals have who are socio-economically disadvantaged, regardless of merit; that this claim must be taken seriously by the state (or, we might add, other political and economic organizations); and that the re-distribution of goods as it has come about without such regulation is feasible (does not undermine its goal, is otherwise counterproductive, etc.) This view of distributive justice can be undermined by any number of standpoints, such as: poverty is a natural evil, a punishment for sin, or a condition appropriate to some people for whatever reason; or else also the view that the need for redistributive measures is overruled by the importance of other concerns, or that redistributive measures would for some reason be ineffective or create problems of their own. Contrast this with the classical Aristotelean distinction between distributive and corrective (or commutative) justice. The latter is concerned merely with rectifying harm, whereas the former is concerned with rewarding merit.

whereas other relationists disagree on what the relevant relation is. Among these one position stands out, the view that the relevant relation is generated by the presence of coercion (see Blake (2001), Nagel (2005), Risse (2006)). Sangiovanni offers two responses: first, he rebuts *coercion-based* internationalism, and second, he strengthens the internationalist (relationist) case against *non-relationists* by responding to a challenge, namely the charge to accommodate the intuition that the arbitrariness of the conditions of one's birth should not determine one's fate. Sangiovanni reinterprets that intuition within his own view. As far as the first point is concerned (the one that leads to the disagreement pursued here): the version of coercion-based internationalism in Risse (2006) is not susceptible to Sangiovanni's objection. Crucially, Sangiovanni rejects Blake's (2001) view that the presence of coercion is a *necessary* condition for principles of justice to apply. Yet for Risse (2006), the presence of coercion is among several conditions that are jointly *sufficient* to render principles of justice applicable.

However, the point here is not that there exists a defensible version of coercion-based internationalism; that point emerges in passing. Instead, again, discussing Sangiovanni guides us towards reflection on the grounds of justice and thereby to a revision of the idea of how the term "principle of justice" operates that I introduced above. Sangiovanni himself, then, does not make the appropriate sort of use of the kind of counterexample he offers. This essay begins with an assessment of Sangiovanni's rejection of coercion-based internationalism. I argue that the kind of counter-example he uses to rebut the view that the presence of coercion is necessary for principles of justice to apply can also be used to reject the view that the presence of reciprocity is such a condition. This is why Sangiovanni's argument fails to champion reciprocity-based over

coercion-based internationalism. Instead, we find that different sets of regulative principles apply on different grounds. These are all principles of justice, but the term “principles of justice” operates then like a logical variable, not like a name.

The development of this view on what principles of justice are can be carried out alongside two successive modifications of internationalism. Discussing Sangiovanni prepares the ground for a distinction between *graded* and *non-graded* internationalism. Non-graded internationalism is the view that principles of justice either do or do not apply, that they do apply within states, and do not apply under any other conditions. Graded internationalism is the view that such principles operate with a range of considerations that determine what individuals or political entities owe to each other, considerations that apply differentially depending on what social and political arrangements are shared. The state is a boundary case where all of them apply, which is a different way of saying that weakened versions of principles that apply within states apply within other associations. (In this sense we can still speak of the normative peculiarity of the state.) Yet graded internationalism does not go far enough revising the picture captured by non-graded internationalism. Another revision is needed, which leads us to *pluralist* internationalism.

Unlike its graded cousin this view makes room for principles of justice that do not hold on grounds that can be described as weakenings of the conditions that characterize the state; in fact, this view makes room for principles that hold on grounds that do not refer to man-made structures at all. (To wit: one such ground that I will want to insert then is *humanity’s collectively owning the earth.*) While continuing to endorse the normative peculiarity of the state, this view therefore transcends the distinction between

relationism and non-relationism; instead, it is thoroughly pluralist about the very grounds of justice. The goal of this study is to make a preliminary case for the plausibility of pluralist internationalism as a view about the grounds of justice. Ultimately, the success of that view will stand and fall with its more detailed development, which I cannot offer in this study. Instead, I will pursue the discussion here only to a point where I can offer a statement of pluralist internationalism, in hopes that by the time we get to that point I will have done enough to render it an interesting view meriting further investigation.

2. Let us think of coercion as characterized by two features. First, it creates conditions under which X has no reasonable alternative but to do A. Second, it involves a threat: X has no reasonable alternative but to do A because otherwise the coercive agent will seriously worsen X's circumstances. I refer to the condition under which the first feature is present as "Non-Voluntariness," and to condition under which the second is present as "Threat." (It may be controversial whether indeed X has "reasonable" alternatives and what counts as seriously worsening her circumstances.) This usage classifies the activities of enforcement agents as coercive, but does not classify all coercion as wrongful. In what follows, it will be useful to think of Non-Voluntariness and Threat as two necessary conditions making up coercion, and all I will claim about coercion is that it involves these two necessary conditions. On any natural understanding of what a threat is it will involve an absence of voluntariness, but not each time something is done involuntarily a threat is present. But since Sangiovanni treats these two conditions separately, I will too. Since at any rate Non-Voluntariness itself also might appear to be a plausible condition on the

applicability of principles of justice, some of the upcoming investigations will involve that condition as such.

Blake (2001) is a coercion-based internationalist. States exercise coercion, which is problematic because coercion interferes with agents' autonomy and thus requires justification. What accounts for the normative peculiarity of the state is the presence of coercion; what makes the relationship of the state to its citizens special is the need to justify this exercise of coercion *to them*, but not to others not subject to such coercion. Distinctive about shared citizenship is that fellow-citizens are jointly subject to coercive structures, the body of law in effect in a country and enforced by its bureaucracy, courts, and police with fines, incarceration, and other penalties. The Autonomy Principle states that "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" (Blake (2001), p 267).⁶

Forms of coercion, according to Blake, can be justified by hypothetical consent. In particular property law must be so justified. Arguably property law is justifiable to all subject to it only if economic differences remain limited. Persons who share a property regime have claims on each other as far as their relative economic standing is concerned. Given the conventional nature of property, such a justification could hardly succeed unless the property regime is arranged in some sense to all participants' advantage. Most property law is domestic, and no such conclusion follows *vis-à-vis* people not subject to the same body of law. This does not mean there are no duties towards them, but those

⁶ The notion of autonomy captures a vision of people controlling their own destiny to some extent. An autonomous life is possible only if a person has the appropriate mental capacities to formulate and pursue personal projects; enjoys an adequate range of valuable options; and is free from coercion and manipulation. These are what Raz (1986) calls the "conditions of autonomy" (pp 369-378).

would have to be established differently. This way of establishing the normative peculiarity of the state responds to writers such as Carens (1987) who deny that shared citizenship is morally more important than being on the winning side of feudalism, but does not address obligations that may hold towards others either way.

Crucially, Sangiovanni takes Blake to be proposing a *necessary* condition for the demands of justice to apply. Blake does not state explicitly that he thinks of coerciveness as such; but indeed, had he meant for his criterion to be a sufficient one, he would have left open the question of whether the global order itself might not also satisfy some sufficient condition for principles of justice to apply. Without addressing that issue somehow, he would not have established the normative peculiarity of the state at all (at any rate in no sense other than by showing that shared citizenship is not beneath any moral acceptability). Yes Sangiovanni denies that coerciveness is such a necessary condition, and he makes this point by constructing the following scenario:

Imagine an internally just state. Let us now suppose that all local means of law enforcement – police, army, and any potential replacements – are temporarily disarmed and disabled by a terrorist attack. Suppose further that this condition continues for several years. Crime rates increase, compliance with the laws decreases, but society does not dissolve at a stroke into a war of all against all. Citizens generally feel a sense of solidarity in the wake of the attack, and a desire to maintain public order and decency despite the private advantages they could gain through disobedience and non-compliance; this sense of solidarity is common knowledge and sufficient to provide assurance that people will (generally) continue to comply with the law. The laws still earn most people's respect: the state continues to provide the services it always has; the legislature meets regularly; laws are debated and passed; contracts and wills drawn up; property transferred in accordance with law, dispute settled through legal arbitration, and so on. (p 10f)

Under these conditions, Sangiovanni argues, the legal system still requires the same sort of justification as before because membership in that state continues to be *non-voluntary*.

Still present is Non-Voluntariness, but not Threat. People have no viable alternative to

membership because of the costs of starting a new life elsewhere. Subjection to this post-attack state is non-voluntary, but since it is no longer coercive, this subjection is not autonomy-infringing. On the contrary, says Sangiovanni, membership is autonomy-preserving, providing the background before which people can join secondary associations that shape their lives. A group of “gentlemen objectors” (who think under these conditions principles of justice no longer apply) could be rebutted along these lines.

What is left of Blake’s argument is that the state is a non-voluntary association. But since Sangiovanni assumes that what is autonomy-infringing is Threat, rather than Non-Voluntariness, the argument now misses “some account of how the relations in which we stand as subjects of a non-voluntary, authoritative system of legal norms is normatively relevant in conditioning the content, scope, and justification of a conception of distributive justice” (p 14). Sangiovanni turns to Nagel (2005) to find such an account. Agreeing with Cohen and Sabel (2006), Sangiovanni insists that exit from international organizations also carries significant costs and cannot be said to be voluntary in the relevant sense either. To capture the normatively relevant differences between states and other political entities “voluntariness” must be construed along a continuum. Yet that move does not help Nagel because he endorses a sharp demarcation between states and other political organizations. More importantly, Sangiovanni doubts this continuum can be constructed in any plausible way (a conclusion he can reach from discussing Blake, which makes his discussion of Nagel redundant for this own purposes).

The lesson Sangiovanni draws is that it is a mistake

to try to ground internationalism in how state and non-state norms and regulations interact with the will. (...) A better kind of internationalism would abandon the concern with voluntarism and focus on what the state does – on the object of our authorization – rather than how it engages, constrains, or thwarts the will. (p 19)

Sangiovanni argues instead that

equality 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. We owe obligations of egalitarian reciprocity to fellow citizens and residents in the state, who provide us with the basic conditions and guarantees necessary to develop and act on a plan of life, but not to non-citizens, who do not. For reciprocity-based internationalism state coercion is relative to the construction of a conception of egalitarian justice, not because it violates autonomy but because it is a useful way to preserve it (and only a contingently necessary one). 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 distributive equality. (p 19f)

Reciprocity consists in the “joint participation in the maintenance and reproduction of the state” (p 27). Consider how he describes the modern state:

When well-functioning, these basic state capacities [the basic extractive, regulative, and distributive capacities central to any modern state], backed by a system of courts, administration, and military, 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. Consider further that state capacity in each of these areas is not manna from heaven. It requires a financial and sociological basis to function effectively, indeed event to exist. (...) [C]itizens and residents, in all but the most extreme cases, provide the financial and sociological support required to sustain the state. It is they who constitute and maintain the state through taxation, through participation, in various forms of political activity, and through simple compliance, which includes the full range of our everyday, legally regulated activity. Without their contributions to the de facto authority of the state – contributions paid in the coin of compliance, trust, resources, and participation – we would lack the individual capabilities to function as citizens, producers, and biological beings. (p 20f)

While this explanation makes for a less clear-cut statement than what we said above to introduce Threat and Non-Voluntariness, I use the term Reciprocity to capture the condition of individuals jointly participating in the maintenance of a state of this sort.

3. I agree that Blake's way of capturing the normative peculiarity of the state is problematic. 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. The Autonomy Principle, after all, states that human beings "have entitlements to those circumstances and conditions under which [an autonomous life] is possible." One way of affecting whether people live under such conditions is by coercing them, but another way is to set incentives that, regardless of whether they involve a threat, determine whether people can rise above the poverty line. For instance, the IMF might need to decide on a loan for a certain country. (Assume the IMF is not to blame for that country's economic problems.) There will be no coercion involved if no threat is present, but the IMF does have actions at its disposal that affect whether people in that country can lead autonomous lives. In light of the Autonomy Principle, the IMF must justify its action just as well as if it had used a threat. There are important differences between coercion and incentive-setting, but one cannot argue for the normative peculiarity of the state by saying *both* (a) that states coerce while the global order merely sets incentives, *and* (b) that the reason why (only) states require special justification is because of the Autonomy Principle.⁷

⁷ Nagel's account is problematic too. Since what matters for Nagel is the presence of threats per se, rather than the violation of any principle through them, the difference between citizenship in states and membership in international organizations is insufficient to draw a morally salient contrast between such citizenship and such membership in terms of coercion. To see this, notice that there are important similarities between citizenship and such membership. First, generally both involve coercion (including threats) in cases of non-compliance. (Think of the WTO dispute settlement process.) Although in the case of membership in an international organization the limit to the threats will be drawn by exclusion from the organization (and thus be different in nature from coercion that would apply to individuals in states), this might still amount to coercion. And second, once citizenship or membership has been assumed, resigning may not be a reasonable option; and in the case of, say, the WTO one could also argue that not being a member is no longer a reasonable option either, and presumably will be ever less so in the future.

Yet the proper response to these findings is not to embrace reciprocity-based internationalism. As far as the debate between reciprocity- and coercion-based internationalists is concerned, the relevant conditions are Threat, Non-Voluntariness, and Reciprocity. Coercion-based internationalists think a necessary condition for principles of justice to apply is the joint presence of Threat and Non-Voluntariness, whereas reciprocity-based internationalists think Reciprocity is such a necessary condition. Both views capture the normative peculiarity of the state in terms of a necessary condition on the applicability of the principles of justice. Sangiovanni has presented an example intended to show that Threat is no such necessary condition. Therefore the conjunction over Threat and Non-Voluntariness is not necessary to that end either, and thus coercion-based internationalism is implausible if the relevance of coercion to the normative peculiarity of the state must be captured in terms of a necessary condition.

Yet other examples show that neither Non-Voluntariness *nor Reciprocity* is such a necessary condition. In both cases an argument similar to Sangiovanni's can be given:

Imagine an internally just state. Let us suppose now that, for whatever reason, perhaps just to indulge in a gigantic philosophical experiment, many individuals in other parts of the world wish to create a situation that would render membership in that state voluntary. Suppose they have the means, the patience, and the ability to do so. To lure people away from that state, they would be willing to learn their language and adopt their customs, and more generally, to create a social environment continuous with what the targeted emigrants are used to – *except* that egalitarian principles of justice will not fully apply. That is, no matter how many people from our given state accept this offer and relocate, the improvements of their situation cannot be seen as outcomes of just redistributive principles that are in place elsewhere (perhaps only because they would receive noticeably more than justly they ought to). Moreover, suppose all the climatic conditions that exist in our internally just state also exist somewhere else on this planet. So for anybody who would wish to emigrate from the internally just state, whatever they would care about by way of what is normally provided to them by their social and natural environment could be reproduced elsewhere, and could be accessed by those people. In fact, anybody willing to emigrate would have their move financed, would get generous start-up costs to allow them a social status

above what they used to have, and they can be assured that, not only will their new neighbors be eager to befriend them, but there will even be the possibility of getting financial support for their friends and family from back home to come to visit. (Let us assume that the relevant numbers of people respectively involved here make it possible for all this come true.)

Yes, it is hard to imagine people adopting this mentality. But it is not much harder to imagine this than to imagine Sangiovanni's post-attack state where it just so happens that *merely* the law-enforcement is suspended and everything else, including law-making, continues as before, over several years. Anyway, these scenarios serve as intuition-pumps: they challenge us to get clear on what reasons matter, and do so by abstracting from irrelevant conditions. Sangiovanni eliminates Threat from an internally just state, and this scenario eliminates Non-Voluntariness. Non-Voluntariness, recall, captured a state of affairs where no reasonable alternatives to the current situation are available.⁸

Suppose a group of gentlemen objectors disputes that, under the circumstances, norms of egalitarian justice continue to apply. They may say membership now is voluntary. Exit has never been so easy. Since Threat persists, the gentlemen are forced to continue their participation in our state. However, they could complain that Threat persists unjustly, and resistance might be justified. But those gentlemen can be rebutted just like their counterparts above. Threat and Reciprocity, jointly with the fact that exit may not take them to a scenario where egalitarian principles of justice hold, suffice for demanding such principles. Non-Voluntariness is not necessary to render principles of justice applicable.

⁸ Threat, of course, all by itself involves a lack of voluntariness. So our scenario here captures a situation where one's remaining in a situation that involves a threat (and in that sense a lack of voluntariness, if for instance policy enforcement is exercised) is itself voluntary. This sort of situation, I take it, is of sufficient interest in the present context to be treated here explicitly, and again, Sangiovanni also separates Threat from Non-Voluntariness, which is why I apply my *reductio*-strategy to Non-Voluntariness as well.

Sangiovanni can agree since he dismisses Non-Voluntariness alongside Threat as a necessary condition for principles of justice to apply.⁹ But consider the next scenario, which is more important to the core of the dispute here (which, after all, is one between coercion-based and reciprocity-based accounts of internationalism):

Imagine an internally just state. Suppose that, in response to a peculiar sort of biological warfare, most but not all individuals become quite lethargic and are considerably less interested in cooperating with each other, even where that is clearly to their advantage, than they were before. Suppose all those with blood type O negative are less affected – of whom there are very few in an average population. It is not that individuals seek to gain private advantages over others; instead, they generally do not care enough about their own gains above the minimum, nor do they care much about how well they are doing comparative to others. Means of law enforcement, however, continue to exist, at a minimal level. For some reason other states are not affected by these changes, and continue not to offer reasonable exit options to people living in this kind of post-attack state. Gradually, economic, political, legal, and social ties loosen, and trust and a sense of solidarity diminish, but again, not because it is replaced with aggressive attitudes, but because most people do not care enough about themselves and each other. Public order and decency are maintained by the ongoing law-enforcement, at a minimal level. While individuals continue to cooperate in ways sufficient to secure their livelihood, there is no more to it than that. Most of the ongoing process of law-giving needed for a socially, economically, legally and politically sophisticated society comes to a standstill. As time goes by, the state more and more ceases to provide many of the services it used to provide; the legislature almost never meets; contracts and wills are hardly ever drawn up; property is rarely transferred, but disputes hardly arise because of the general lethargy.

Interaction now is so minimal that it is pointless to talk about “joint participation in the maintenance and reproduction of the state,” which defines Reciprocity. The point is to think about a society where the level of cooperation sinks below the level where one’s favorite sense of Reciprocity (which, again, does not lend itself to as straightforward a characterization as Threat and Non-Voluntariness) is still applicable. Since Reciprocity must be understood in such a way that some societies might not be characterized by it on

⁹ For this reason, the argumentative importance of this non-voluntariness scenario is weakest. So a reader disagreeing with my intuition about this easy-exit scenario is not bound to disagree with the remainder of the discussion. The main contrast to be pursued here is between coerciveness and reciprocity.

the ground that there would not be *enough* cooperation, this will always be possible. Instead of positing that the shortfall of participatory activities is due to lethargy, one could formulate a scenario in terms of excessive aggressiveness. Again, these thought experiments are fanciful, perhaps more so than the earlier ones. But if so, it is only a matter of degree. Yet it lies in the nature of our subject matter that it requires a stretch of the imagination to get to a society without Reciprocity where Threat and Non-Voluntariness still hold, because Reciprocity requires that society is in a certain shape.

Suppose a group of gentlemen objectors forms, all of blood type O negative. They insist that, now that people do not much cooperate with each other, principles of justice no longer apply. What enforcement is left of egalitarian principles (and there could not be much) is exercised unjustly and thus not binding. Most people would be too lethargic to object, but a theorist speaking on their behalf should insist that such a proposal would be misguided. Since there are no reasonable exit options, and since enforcement continues to have the possibility of seriously worsening people's circumstances, individuals continue to have the same sort of claims to principles of justice. So Reciprocity is not necessary for the applicability of principles of justice either.

4. So none of the common contenders turns out to be *necessary* for the internationalist's case. Below I explain why this matters, but first let me say why this result is not as counter-intuitive as it may sound. The outlandish nature of these thought experiments shows that Threat, Non-Voluntariness, and Reciprocity naturally occur together in our world. Worlds in which any two of them hold but the third does not are nowhere near ours in logical space. Apparently we are creatures who only establish communities of

certain sorts, or at least have gone through a history in which it so happened that only communities of a certain sort of have developed. If we are making egalitarian demands, we are motivated by a number of factors that characterize societies as we know them. No single one of them stands out because we always encounter them together, and thus in situations where we take them to be *jointly sufficient* for demands of justice to arise.

To illustrate, consider intuitive resistance to libertarianism. Many of those who resist libertarianism do so because they believe our fates are intertwined in ways that are not properly accounted for by libertarian justice. Efforts to substantiate the rights-based claims of libertarians can be resisted by intuitions drawing on any of these factors. “Look,” one may say, “we are all involved in creating the social product within which each of us operates. So it makes little sense to think of what each should get out of her participation merely in terms of a marginal contribution, which is what drives wages in capitalist economies. The fact that we all have to cooperate to maintain such a system, that we are customers or consumers, and that we generally comply with the rules matters too. No account of individual entitlements could undermine this point.”

Or else one could say: “Nothing you could say would give individuals property rights that resonate through the ages in the sense that they could be bequeathed and inherited at will. Property rights have a strong conventional component, and given that they are coercively maintained, ought to be arranged in such a way that each person can make an acceptable living within our property system. Otherwise we could not justify the ways in which our conventions shape individual prospects.” Finally, a similar point could be made with reference to the fact that property regimes are being applied to individuals who do not have realistic alternatives to staying within the state. “I have no other place to

go, within reasonable limits. The reason for this is nothing about me, but that human beings have developed living arrangements of a certain sort. That gives me a claim to have this society that I happen to live in arranged such that I can make a decent living.”

These pre-theoretical intuitions have to be formulated more carefully and embedded into a theoretical framework, but the point is that libertarians run into resistance from people motivated by precisely these intuitions. There is no single factor that could be sorted out for special consideration such that a libertarian could say back: “If I can persuade you on that point, I trust I have won the debate.” Instead, these conditions are jointly sufficient. Barring any one of them from an anti-libertarian stance cannot undermine that stance as long as the others remain available.

A related point about the interconnectedness of these factors can be made with reference to the way in which internationalists appeal to Rawls. Nagel (2005) says:

[I]n [Rawls’s] theory the objection to arbitrary inequalities gets a foothold only because of the societal context. What is objectionable is that we should be fellow participants in a collective enterprise of coercively imposed legal and political institutions that generates such arbitrary inequalities. (p 128)

Blake is eager to establish the compatibility of Rawls’s theory with his approach (p 285-289), quoting for instance the following statement from *Political Liberalism*:

[W]e ask: when may citizens by their vote properly exercise their coercive political power over one another when fundamental questions are at stake? Or in the light of what principles and ideals must we exercise that power if our doing so is to be justifiable to others as free and equal? To this questions political liberalism replies: our exercise of political power is property and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles of ideal acceptable to them as rational and reasonable. This is the liberal principle of legitimacy” (*Political Liberalism*, p 136, quoted in Blake, p 286)

Sangiovanni quotes passages from Rawls’ *Restatement* in support of *his* view:

The least advantaged are not, if all goes well, the unfortunate and unlucky – object of our charity and compassion, much less our pity – but those to whom reciprocity is owed as a matter of political justice among those who are free and equal citizens along with everyone else. Although they control fewer resources, they are doing their full share on terms recognized by all as mutually advantageous and consistent with everyone’s self-respect. (*Restatement*, p 139, quoted in Sangiovanni, p 28; see also Sangiovanni, pp 75-77)

Beitz (1999), an earlier defender of the relevance of reciprocity for the applicability of principles of justice (alas in a globalist vein), also enlists Rawls: “Like Hume, Rawls regards society as a ‘cooperative venture for mutual advantage’” (p 4 of TJ (1971)):

To say that society is “a cooperative venture for mutual advantage” is to add certain elements of a social ideal to a description of the circumstances to which justice applies. These additional elements unnecessarily narrow the description of these circumstances. It would be better to say that the requirements of justice apply to institutions and practices (whether or not they are genuinely cooperative) in which social activity produces relative or absolute benefits or burdens that would not exist if the social activity did not take place. Henceforth I shall take Rawls’s characterization of society as a cooperative scheme as an elliptical description of social schemes meeting this condition. (Beitz, p 130f)

In addition, Rawls notoriously assumes that we are born into a society but cannot leave it, which is a way of stipulating Non-Voluntariness. So all three conditions internationalists use appear in Rawls. The reason for this is presumably that, when conceiving of his original theory of justice, Rawls was only marginally interested in delineating the normative peculiarity of the state. He was assuming that society was a certain way, Threat, Non-Voluntariness, and Reciprocity all providing intuitive input. The question of *precisely what* constitutes the grounds of justice has only recently attracted systematic attention. In pre-theoretical thinking about the state, again, these factors are run together. The question of whether any one of them makes for a *necessary* condition arises only once the normative peculiarity of the state is scrutinized. So the

absence of a necessary condition for egalitarian demands of justice to arise is not as counter-intuitive as it may appear.

5. Sangiovanni draws the wrong conclusion from his thought experiment. What we can learn there is that we need to rethink internationalism and the normative peculiarity of the state. As we will see shortly, we also have to reconsider how to think about principles of justice and their grounds in the first place. To begin with, relationists may not have to abandon the quest for necessary conditions for the applicability of principles of justice entirely. To see this, let us briefly return to the scenarios above that excluded Threat, Non-Voluntariness, and Reciprocity as individually necessary conditions. Consider combining any two scenarios, which creates a situation where two conditions are defined away. Consider, say, Sangiovanni's post-attack state in combination with the easy-exit situation. This delivers a state where law is not enforced *and* where it is easy for people to leave. Yet that society would still be characterized by Reciprocity.

How would we respond now to gentlemen objectors resisting the applicability of principles of justice? Above I claimed our intuitions here were groomed in a world where the standard conditions all apply, and once too much is subtracted from this normal scenario, it is hard to assess what to say. Do we want to say principles of justice still apply if people can easily leave and rules remain unenforced? Or do we now agree with the unwilling objectors? I think we are now losing our grip on these situations.

Perhaps a necessary condition for the applicability of principles of justice is that some combination of at least two conditions holds. This necessary condition would be a

disjunction over three conjunctions.¹⁰ Yet stating the point like this makes it sound more precise than we could plausibly make it. The only assumption we made about principles of justice is that they are weakly egalitarian. At the same time, Reciprocity, Threat, and Non-Voluntariness all are particular fixations of conditions that occur in different versions. Reciprocity captures a particularly strongly developed form of cooperation, whereas Threat and Non-Voluntariness capture forms of what Julius (2003) calls “framing,” ways of getting others to do what furthers one’s own interest. These conditions take on different shapes and occur in weaker or stronger versions (or perhaps also in versions that do not relate to each other as weaker or stronger). These points make it hard to specify any necessary condition for the applicability of justice in terms of these three particular conditions.

What we can say is that these three conditions belong to a set of jointly sufficient conditions that render egalitarian principles of justice applicable. Conceivably, another condition that one could (maybe would have to) add to this set is a kind of domain condition endorsed by Blake, that the state regulates most property law. So Threat, Non-Voluntariness, Reciprocity, and perhaps additional conditions create reasons to apply principles of justice, at least in the presence of the other conditions, but the best way of capturing the manner in which they do is not to assess which one is all by itself either necessary or sufficient to this end. It is partly because assessing the way in which these conditions are involved in the generation of norms of justice is more complex than that, and partly because Threat, Non-Voluntariness, and Reciprocity are all fixations of

¹⁰ One might say here that Threat cannot go with the negation of Non-Voluntariness because Threat always involves a form of non-voluntariness. But recall the easy-exit scenario above, which did involve Threat and the corresponding form of non-voluntariness, but also involved voluntariness in a recognizable sense.

conditions that occur in weaker or stronger versions, that the way in which these conditions generate reasons in support of claims individuals might have against each other may be appropriately captured as a matter of degree, or anyway in ways other than by saying that they either do or do not support the applicability of principles of justice.

Recall that at the beginning I offered an account of principles of justice that tied them to particular grounds on which these principles are applicable. I noticed that these principles would then also have a particular scope. All this would be subject to disagreement, but that disagreement appeared to be about the formulation of the principles and the assessment of their grounds and scope. Yet what seemed implied was that the envisaged way of resolving this disagreement would be about fixing a *determinate* set of principles plus corresponding ground and scope. On this view, we think of principles of justice as a uniquely fixed list (“the principles of justice”) that applies among those who stand in a justice-relation (as e.g. Julius (2006), p 176, says). Yet we can now see that we ought to think about principles of justice differently.

On the alternative view, “principles of justice” are *different principles* that arise on *different grounds*, and that depend on what the norm-generating conditions are that apply in the respective contexts. Individuals stand in certain relationships that give rise to certain legitimate expectations, expectations strong enough to render the language of what is owed to each other applicable. In some of these relationships these expectations concern certain goods generated through that relationship, or at any rate goods whose distribution is to be regulated by its participants. Depending on the nature of these relationships and goods, different norms are generated to guide this distribution. “Principles of justice” are those principles that fulfill this purpose. There is no single

“justice-relationship” in which people must stand for a set of fixed principles to apply. Instead, individuals stand in different relationships in which distributive questions arise for whose settlement a certain range of considerations matter. Principles of justice are those principles that regulate how these considerations bear on the distribution. Principles of justice, that is, explicate what is owed to the relevant individuals as far as the distribution of a certain good is concerned. The term “principles of justice” then operates like a logical variable rather than like a name.

The conclusions drawn from discussing Sangiovanni also give us reason to think that these different principles of justice will be interconnected because their respective grounds are; after all, we have only talked about a few different conditions and pointed out that they might occur in different constellations and in different strengths, and then give rise to certain norms. Recall how we defined internationalism and the normative peculiarity of the state. Internationalism is the view that principles of justice apply within the state, but not outside of it, which entails a commitment to the normative peculiarity of the state, the view that, as far as principles of justice are concerned, special considerations apply among citizens of a state. Now a new distinction between different versions of internationalism suggests itself, one between *non-graded* and *graded* internationalism.

Non-graded internationalism is the view that principles of justice either do or do not apply, that they do apply within states, and only then. Non-graded internationalism is what we have so far understood internationalism to mean, except that we can now integrate some in sights we have gained. As far as the grounds of justice are concerned, the state and membership in it are characterized by a set of considerations that render

principles of justice applicable. Some of these, or perhaps disjunctions over combinations of them, are necessary to render these principles applicable (and these do not apply outside of a state), but there may be others that are not indispensable to that purpose but that, if present, also provide reasons for why the principles of justice should apply. Jointly these considerations suffice to render these principles applicable. One possible view on the grounds of justice according to non-graded internationalism is that the disjunction over the three two-pair conjunction above is necessary for principles of justice to apply, whereas Threat, Non-Voluntariness and Reciprocity are jointly sufficient to render them so (since each of them contributes reasons for why they should apply).

Graded internationalism is the view that different redistributive principles apply depending on the associational (i.e., social, legal, political, or economical) arrangements. Different arrangements are characterized by a set of considerations that render the respective redistributive principles applicable, all of which are principles of justice. Some of these, or possibly a disjunction over combinations of them, would be necessary to render these principles applicable (and these would not apply outside of that particular setting), but there might be others that are not indispensable to that purpose but that, if present, also provide reasons for why these particular principles should apply. Jointly all these considerations are sufficient to render these specific principles applicable.¹¹ The state emerges as a boundary case where all of these considerations apply, and the

¹¹ The search for necessary and sufficient conditions is less central to graded internationalism than for its non-graded cousin. For the former, what matters is to identify considerations and conditions that apply to particular associative structures, and do not apply in the same way to other structures, and that then lead to certain distributive principles. The specification of necessary and sufficient conditions emerges only as an exercise in logical clarification. According to non-graded internationalism, the typical sort of exercise would be to argue that what one takes to be principles of justice do indeed only apply within the state. That move by itself leads to a specification of necessary and sufficient conditions for the applicability of these principles.

principles that hold in other associations are weakened versions of those that apply within states. In this sense we can still speak of the normative peculiarity of the state.

To develop graded internationalism, we would presumably be looking at other associative structures, such as the world trade regime, the EU, or the UN, to which weakened versions of those principles would indeed apply that hold within the state. Graded internationalism is committed to a particular version of relationism that postulates a certain structure among the different associations involved. That leaves open the possibility of there being conditions that might apply to individuals and that can give rise to distributive questions but that *cannot* be understood in this way, that is, for which it would not be the case that weakened versions of those principles apply under those conditions that hold within states. There might be grounds of justice of a totally different sort – and, again, the case I have in mind here are principles of justice that apply based on the ground that humanity owns the earth collectively. Graded internationalism, that is, might not exhaust the potential of the alternative approach we have begun to develop. This is a point to which we return below, but for now let us give more contents to graded internationalism.

6. Graded internationalism is an intermediate position “in between” what Beitz (1999) calls social liberalism and cosmopolitan liberalism (cf. pp 215ff). Social liberalism formulates a two-level conception of international society that embodies a division of labor between the domestic and international levels: states assume responsibility for the well-being of their people while the international community establishes background conditions in which societies can flourish. Cosmopolitan liberalism seeks principles

acceptable from a standpoint in which everybody's prospects are equally represented, without representing the standpoint of societies per se. As Beitz sees it, cosmopolitan liberalism extends to the world the criteria of justice that apply within a society.

Graded internationalism shares with social liberalism a commitment to the normative peculiarity of the state. However, graded internationalism does not formulate a *two-level* conception of international society, but a more differentiated picture. Thereby, it meets one challenge that can be formulated against social liberalism, namely, that on this view the normative peculiarity of the state cannot be made clear. (This is not supposed to be a new point at this stage: social liberalism, after all, is non-graded internationalism under a different description.) That problem, however, arises only because one looks for necessary and sufficient conditions that render principles of justice applicable only within states. Graded internationalism captures the normative peculiarity of the state differently and thus does not encounter that problem. At the same time, it remains distinct from liberal cosmopolitanism.

Graded internationalism is best developed in two ways: first, by looking at the state and trying to identify what the considerations are about shared citizenship that trigger redistributive demands; and second, by keeping in mind that the generic conditions that matter here (i.e., cooperative and coercive structures) will also apply, in some version, to other associational arrangements. We must be sure to characterize properly what the specific fixation of those conditions is in the case of states, as opposed to those other arrangements. Once that is done we must explain how these conditions apply to other arrangements.

Clearly, the three conditions formulated before apply to the state, and graded internationalism should account for this.¹² Reciprocity as a particular form of cooperation that characterizes the state has been sufficiently illuminated by Sangiovanni. Yet Threat and Non-Voluntariness as stated are insufficiently specific to capture the particular nature of state coerciveness. We need to take a closer look at state coerciveness to spell out graded internationalism, and how it registers the normative peculiarity of the state. Risse (2006) offers an analysis of the particular way in which the state is coercive, an account that makes it easier to draw a distinction between states and other political structures, that is, to offer weaker conditions that apply to other structures. To motivate this account, note first that both Blake and Nagel emphasize the *unmediated nature* of interaction among people in a state with their government, what I will call the *immediacy* of the interaction between citizens and state. Blake thinks only states coerce immediately. Similarly, Nagel admits that

the traditional model of international organizations based on treaties between sovereign states has been transcended. Nevertheless, I believe that the newer forms of international governance share with the old a markedly indirect relation to individual citizens and that this is morally significant. (p 139)

Yet while both Blake and Nagel acknowledge that the immediacy of the relationship between citizens and states *somehow* is morally significant the immediacy of this relationship does not appear explicitly in their accounts of the normative peculiarity of states. Elaborating on this notion allows us to understand the coercive nature of the state more precisely by way of contrast with the coerciveness of other associations.

The relevant notion of immediacy has nothing to do with spatial proximity. State power can be immediate in a sense I am about to explain although some citizens may be

¹² The next few pages follow Risse (2006).

remote from the seats of power. Instead, immediacy of interaction among citizens and the state can be characterized along two dimensions, one legal and one political. (For brevity, I sometimes talk about legal or political immediacy.) The *legal* aspect consists in the directness and pervasiveness of law enforcement. State enforcement agencies have direct, unmediated access to citizens' bodies and assets. Also, since many dealings of citizens among themselves (including all property dealings, ranging from small purchases to the ownership of firms and conditions on inheritance and bequest) are regulated, the potential involvement of such enforcement is pervasive for those subject to it.

Bureaucracies, courts, police, and other agencies may seize, incarcerate, fine or otherwise penalize individuals. Such enforcement agencies often come with nested or overlapping jurisdiction, and sometimes states may even do without enforcement agencies to which all citizens are subject (think of the early 19th century US). Still, what characterizes all such agencies is that they have direct access to individuals' assets and bodies (sometimes the one more than the other, depending on their jurisdiction). Even if a state, such as the 19th century US, decides to enforce laws in a decentralized manner, this by itself is grounded in a prior decision to enforce law accordingly, a decision that is within the power of the state to change (which is what happened in the US). While law enforcement may take on a variety of shapes, living in a state means living in an environment where enforcement agencies pervasively have such access, and where it is up to internal processes to regulate what shape such access takes. The relationship between citizens and the state is such that there is no organization "in between," in the sense that its prerogative (a prerogative acceptable within a just state) is to offer

protection against enforcement agents of the state, in a way in which state agencies are charged with protecting individuals from both other individuals and other states.

The *political* aspect of the immediacy of the relationship between a state and its citizens consists in the crucial importance of the environment provided by the state for the realization of basic moral rights. It is the state that provides the environment in which individuals' basic rights are, or fail to be, realized. The kind of rights I have in mind are those captured by Rawls's first principle of justice (cf. Rawls (2001), p 44): "freedom of thought and liberty of conscience; political liberties (for example, the right to vote and to participate in politics) and freedom of association, as well as the rights and liberties specified by the integrity (physical and psychological) of the person; and finally, the rights and liberties covered by the rule of law."

For me to have freedom of speech means to be able to speak my mind to those around me; it does not depend on governments elsewhere refusing to publish my views, even if this means I cannot reach the audience I am most eager to reach. For me to have freedom of conscience means to be able to worship where I live, not for my religion to be accepted elsewhere, nor does it even mean for me to be able to travel anywhere my religion might require me to travel. (Think of the Hadj: if by some peculiar development Saudi Arabia were to prevent Muslims from making the pilgrimage to Mecca, this does not undermine the freedom of conscience of Muslims in Detroit.) And for me to enjoy freedom of association means to be able to get together with like-minded persons where we live; it does not depend on my ability to associate with people with whom I do not share a jurisdiction, even if those are the only like-minded people I have. International organizations can monitor rights violations, or set incentives for states to respect or to

disregard basic rights. Yet whether individuals can exercise these rights is a function of their immediate environment.¹³

Whereas the legal aspect of the immediacy of the relationship between citizens and the state captures its *directness* and *pervasiveness*, the political aspect captures its *profundity*. What accounts for the normative peculiarity of the state, then, is not merely its coerciveness, but the *particular* nature of this coerciveness. Legal and political immediacy characterize what is peculiar about the state's coerciveness. Citizenship is membership in an association for which these two features are distinctive, and those two aspects of the immediacy of the relationship between states and citizens provide reasons for associative duties restricted to people who share a citizenship.

Because the legal and political aspect of the immediacy of the relationship between the state and its citizens enter political debates in this manner, they are normatively relevant: they provide reasons on the basis of which individuals can make claims on each other, and these particular reasons do not hold among people not subject to the same coercive structures characterized by legal and political immediacy. The existence of this relationship between the state and its citizens also creates a special relationship among citizens, namely that of joint subjugation to the authority of the state and thus to a form of power with the characteristics we just provided.

¹³ It is possible to construct scenarios in which the exercise of certain basic rights of the sort envisaged here depends only to a small extent on what happens in one's immediate environment. Think of a religion that requires ongoing frequent travel to many places far from one's immediate environment, and requires nothing that would in any way depend on one's immediate environment. However, I think a world in which such cases are common is quite different from ours. Overall, the arguments I have made are informed by the way we in fact live on this planet, and it is inevitable for political thought to be informed in this manner. I submit that the kind and quantity of counter-examples to the claim I am making here about basic rights will not suffice to undermine the special importance of the immediate environment for their realization.

7. We have now formulated the normative peculiarity of the state in a manner that does not just talk about coercion per se, but also characterizes the state's particular form of coerciveness. This puts us into a position to offer a characterization of the normative peculiarity of the state that integrates the three conditions discussed all along, the added emphasis on immediacy, but also the domain-characterization in Blake according to which the state is in particular characterized by the regulation of property. States, on this view, are political systems characterized by the following four conditions: (a) coercion is present (i.e., Threat and Non-Voluntariness apply); (b) Reciprocity applies; (c) the regulation of property is under this system's jurisdiction; and (d) the system is characterized by legal and political immediacy.

These conditions jointly characterize the state's normative peculiarity and give rise to redistributive duties. Assuming that the regulation of property is left to states, one may include references to legal and political immediacy to justify redistributive measures within states: one may say we are straying too far from political equality and are making the value of basic rights too unequal if large income and wealth differentials are accepted; or that no property law that is up for direct and pervasive enforcement is justifiable to each person under its jurisdiction if it allows overly large inequalities due to genetic luck. The directness, pervasiveness, and profundity of state coerciveness enter such arguments.

By way of contrast, consider the World Trade Organization. Notice the following three points about the WTO. First, the WTO is an organization in which most nations are members. Staying away is arguably no longer a reasonable option. Second, the WTO treaty is a "single undertaking:" members cannot choose which bits of the treaty they

wish to accept. Finally, through the adoption of TRIPs the WTO has taken on the regulation of at least one domain of property.

These remarks put us in a position to see that the WTO satisfies weakened versions of conditions (a), (b), and (c) as well as a variant of condition (d). As for condition (a) and (d), member states have not joined the WTO because of a threat, but categorically staying away from the WTO is not a reasonable option. Parallel to reasoning employed above, we can see that the WTO thereby requires special justification in light of the Autonomy Principle, regardless of whether autonomy has been affected by strong incentives, or by a threat. Moreover, while the particular form of coerciveness that is characterized by legal and political immediacy is restricted to states, coerciveness in other forms is present outside of states. The WTO's dispute settlement system, in particular, is coercive because it can impose sanctions.¹⁴ As for (b), the WTO endorses a reciprocity condition of a rather particular sense, namely, that trade regulations are characterized by an equal give and take. So this is a much thinner, more specific sense of reciprocity than what above we defined as the condition of Reciprocity. Similarly for (c): while the WTO does not generally regulate property, it has taken on the regulation of intellectual property.

As far as redistributive duties are concerned, with regard to the WTO, one has to argue differently from the case of the state. The WTO has jurisdiction over a much smaller range of issues than a state, with a corresponding difference in its impact on individuals. No appeals to legal and political immediacy can be made. Claims to the

¹⁴ I am talking about a variant of condition (d) rather than a weakened version because the two crucial features of state coercion (legal and political immediacy) are not present at all in the case of the WTO. A variant of condition (c) is a condition that lists other forms of coerciveness than those characteristic of states.

existence of associative duties could be made by pointing out that the WTO is a single undertaking, that there is no reasonable alternative to membership in the WTO (or that this, at any rate, is increasingly so), and that the dispute settlement system of the WTO comes with its own version of coercion. Since in addition the members of the WTO generally are sovereign states, the WTO should grant all its members a certain status of equality, which should have a bearing at least on WTO procedures, the availability of legal council for states who cannot afford a well-staffed WTO-delegation, etc.

Or claims to the existence of such duties could be made by reference to the fact that TRIPs forces developing countries to accept intellectual-property standards that developed countries themselves were willing to accept only when they reached a certain stage in their development (cf. Finger (2000), p 430). But the property domain regulated by the WTO is much smaller than that regulated by states. It should be clear that, with regard to the WTO, it will in particular be much harder to argue for extensive financial transfers of the sort that are embodied by a domestic tax system. Therefore, the kind of associative duties that arise depends on the actual nature of the association.

8. Graded internationalism, then, should be understood along such lines. However, I pointed out above that the program of re-considering how we think about principles of justice and their grounds was only incompletely filled in by graded internationalism. What we derived from discussing Sangiovanni is the possibility of thinking about justice in the following way: There are no uniquely fixed principles of justice based on particular grounds and with a particular scope, but instead, people can make claims on each other on different grounds, and there are different principles that regulate the distributive issues

that arise thereby. The grounds of justice are the connections between people that make it the case that the distribution of certain goods needs to be justified to those particular people; principles of justice are what provides this justification, respectively. To spell out what is meant by such “connections,” we need to make sure that the formulation remains neutral with regard to particular forms that this connection might take, in particular with regard to the question of whether this should be a practice-mediated relationship or not. (That is, we can say, and will say, in a formal sense, that people who share grounds of justice stand in a certain *relationship* to each other, namely, that of sharing those grounds of justice, but it should be clear then that that is all that is meant there.)

It should be noted that, while sharing certain grounds of justice creates a context in which the distribution of a certain good requires justification, there will also be relevant differences among those who share these grounds, in terms of their claims to the goods in question. Just what the principles of distributive justice are for the relevant context, and how much tend towards equality or inequality, will have to be worked out given these relevant grounds.¹⁵ Some of the relevant considerations will address relative standing, some absolute standing; some will press for making sure that people have “enough,” maybe only enough to satisfy their basic needs; at any rate, there are different criteria that operate within these grounds.¹⁶

¹⁵ Relevant again here is the Fleischacker discussion: nowadays, we have a tendency of thinking about needs as seriously relevant to distributive issues, and to the extent that that is so, this by itself has an inequality–decreasing effect; and if compliance with, say, a coercive or reciprocal social scheme generates some claims to rewards, or at any rate minimal standards of living, then that too is inequality-decreasing.

¹⁶ The notion of arbitrariness enters in two ways. First of all, it is often arbitrary (not a matter of anybody’s choice) whether individuals share the relevant grounds. Second, among those who stand in that relation to each other, it is arbitrary whether they also satisfy other criteria according to which they might make distributive claims. (For instance, within a state it is arbitrary whether somebody is in a position to make a bigger marginal contribution to the economy than others.) On this general approach, the first sort of arbitrariness is set aside as distributively irrelevant, at least as far as those distributive demands are

However, once we have that view in sight, there is no reason to think that it can be *exhausted* by graded internationalism. Graded internationalism, after all, is committed to the idea that principles of justice in associative structures other than the state can be understood as weakened versions of the principles of justice that hold within the state, and that the grounds on which they hold would also be correspondingly related. This way of spelling out the aforementioned program was grounded in *relationism*. Our starting point was the assumption that there is some fixed set of principles of justice, and one question to raise about them is whether their grounds can be understood in relationist terms, *or not*. Yet now that we have started to develop a *pluralistic* picture about the grounds of justice, we must take seriously the idea that some of these grounds could be relational in nature (i.e., relationships of sorts), whereas others are not.

To push this further, distributively relevant grounds may well not be restricted to grounds that apply within social and political arrangement (where the term “distributive” is broadly construed, so as to have in its scope measures such as transfers, interventions, permissions for people to move, etc.), and not all such grounds may give rise to weakened versions of principles that hold within states apply. Of course, people could be sharing grounds of justice because they are related to each other through sharing certain political or economic structures that might persist anyway and into which they are born

concerned that arise on those particular grounds. The distributive relevance of sharing that ground overrides the arbitrariness that is involved in determining who shares in this ground and who does not. And among those who share the ground, the fact that their individual place among those who share the ground is arbitrary is addressed by pointing out again that the ground that they share matters more than what special properties might apply to them. So in both cases the relevance of that ground is emphasized, but in one case to trump over the insistence that membership in it is arbitrary, in the other case to point out that special properties do not matter *decisively* because they are arbitrary. Crucially, the fact that those other properties do not matter decisively does not mean that they do not matter at all. Total equality of whatever it is whose distribution is at stake is not entailed. Other criteria must be assessed in terms of how they should affect the distribution.

(such as states), or else structures they have volunteered to join through certain transactions. But alternatively, people could be sharing such grounds that do not involve sharing any political and economic (or any other man-made) structures at all and would in that sense be natural – all this depending on whether what is taken to be distributively relevant is membership in certain associations, the occurrence of certain transactions, or a naturally given state of affairs.

For each possible ground of justice a case would have to be made for its distributive relevance, which must include in particular an argument that a justification of the distribution of a certain good is owed to those people who share that ground. So one should not worry about proliferation of grounds of justice, nor should one worry that the language of justice leaves too little left for other bits of the moral language. A boundary case here could be shared humanity; that is, so-called “humanitarian duties” that, for instance, Nagel (2005) considers by way of contrast with duties of justice would appear here as duties that could be understood as duties connected to one particular ground of justice. What could bring this ground into the domain of theorizing about justice is an argument showing that the distribution of some good does indeed need to be justified on the grounds of humanity alone. However, my primary example of additional grounds (additional, that is, to those we have discussed already) based on which certain principles of justice would apply is *collective ownership of the earth* (cf. Risse (forthcoming/a and b), and Blake and Risse (forthcoming/b)).

This is not the occasion to argue for this in detail, but I submit it is plausible to think of the earth as indeed collectively owned by humanity as a whole. Precisely what this can most plausibly mean has to be spelled out in detail, but the guiding intuitions are

that the resources of the earth exist through nobody's accomplishment but are needed by all. This, I think, gives all of humanity a symmetrical claim to resources that exist independently of human interference, and if so, certain principles will apply that regulate what to do with those resources. Collective ownership of the earth, or its conceptually more specific and precise development, thereby would count among the grounds of justice. We are then led to pluralist internationalism.

Pluralist internationalism holds the following: (1) Principles of justice apply only on grounds whose distributive relevance must be established. (2) There are different grounds of that sort (some relational and some not), and what distributive considerations apply within them depends on the nature of these grounds. (3) A range of considerations (including coerciveness and reciprocity) apply within the state as a set of jointly sufficient conditions to render particular principles of justice applicable. (4) Weakened versions of this set of conditions apply within other social and political arrangements and generate particular principles of justice there (and it is largely because these are such *weakened* versions that we can still speak of the normative peculiarity of the state). (5) There are distributively relevant grounds within which considerations apply that cannot readily be understood as continuous with those that apply within the state (where the relevant case that will turn out to be crucial here is that of being co-owners of the earth).

In virtue of its formulation, pluralist internationalism transcends the distinctions between relationist and non-relationist views about justice. For it explicitly permits grounds of justice that are relational in nature (constituted by membership in a relationship of sorts, or generally practice-mediated), as well as those that are not. Non-graded (or as one could now say, *monist*) internationalism remains the primary opposing

view, but pluralist internationalism is a more general view than graded internationalism. It is with the sheer presentation of this view that I would like to close. Obviously, the plausibility of this view depends on how it can be spelled out. Yet my hope is that this essay has made it a plausible contender as a view about the grounds of justice that merits further investigation.

Literature

Beitz, Charles. 1999. *Political Theory and International Relations* (revised edition), Princeton: Princeton University Press

Blake, Michael. 2001. "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs* 30: pp 257-297

Blake, Michael, and Mathias Risse. Forthcoming/a. "Two Models of Equality and Responsibility." To Appear in the *Canadian Journal of Philosophy*

Blake, Michael, and Mathias Risse. Forthcoming/b: "Is there a Human Right to Free Movement? Immigration and Original Ownership of the Earth." Available as Kennedy School of Government Working Paper Number RWP06-012

Carens, Joseph. 1987. "Aliens and Citizens: The Case for Open Borders," *Review of Politics* 49: pp 251-73

Cohen, Joshua, and Charles Sabel. 2006. "Extra Rempublicam, Nulla Justitia?" *Philosophy and Public Affairs* 34 (2): pp 147-175

Finger, Michael. 2000. "The WTO's Special Burden on Less Developed Countries." *Cato Journal* 19 (3): pp 425-437

Fleischacker, Samuel. 2004. *A Short History of Distributive Justice*. Cambridge: Harvard University Press

Julius, A.J. 2003. "Basic Structure and the Value of Equality." *Philosophy and Public Affairs* 31 (4): pp 321-356

Julius, A.J. 2006. "Nagel's Atlas." *Philosophy and Public Affairs* 34: pp 176-192

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

Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press

Rawls, John. 1999b (2nd edition). *A Theory of Justice*. Cambridge: Harvard University Press

Rawls, John. 2001. *Justice as Fairness: A Restatement*. Ed. By Erin Kelly. Cambridge: Harvard University Press

Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Clarendon

Risse, Mathias. Forthcoming/a. "Common Ownership of the Earth as a Non-Parochial Standpoint: A Contingent Derivation of Human Rights." Available as Kennedy School of Government Working Paper RWP07-033

Risse, Mathias. Forthcoming/b: "Common Ownership as a Basis for Human Rights: Political Not Metaphysical." Available as Kennedy School of Government Working Paper RWP07-008

Risse, Mathias. 2006. "What to Say about the State." *Social Theory and Practice*, Vol, 32 (4): pp 671-698

Sangiovanni, Andrea. 2007. "Global Justice, Reciprocity, and the State." *Philosophy and Public Affairs* 35 (1): pp 3-39