

Coercion and (Global) Justice: Towards a Unified Framework*

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Abstract – The current theoretical debate on global justice has reached an impasse between two seemingly irreconcilable views. Cosmopolitanism, on the one hand, holds that liberal principles of distributive justice should apply globally. Statism, on the other, argues that only weaker duties of assistance extend beyond state borders. Is there a way out of this impasse? In this paper I argue that there is. I develop a coercion-based approach to justice which provides a general conceptual framework from which cosmopolitanism and statism can be derived as special cases, and systematically assessed. I then argue that both views presuppose implausible accounts of the nature of contemporary global politics and suggest how the debate on global justice could learn from as well as move beyond them.

INTRODUCTION

In an increasingly globalized world, the issue of distributive justice beyond state borders has gained tremendous urgency.¹ Regrettably, the current theoretical debate on this topic has reached an impasse between two seemingly irreconcilable views. Cosmopolitanism, on the one hand, holds that liberal principles of distributive justice should extend to the world at large. Statism, on the other, confines international distribution to weaker duties of assistance and sees justice beyond borders as a matter of mutual non-interference between states.² Much ink has been spilled on the virtues and vices of these views, but no genuine progress has been made in establishing which one we should endorse. Although many seem to agree that cosmopolitanism asks too much, and statism too little, these two

outlooks keep dominating the debate on global justice. Given the current state of this debate, it seems that there is little to be gained by entering it directly. What is needed is not a set of substantive arguments defending statism against cosmopolitanism or vice versa – there are already plenty of these – but rather an overall conceptual framework that enables us systematically to assess these two normative doctrines, and move beyond them.

My aim in this paper is to provide such a framework by looking at the role played by the notion of coercion in our understanding of justice. My argument proceeds as follows. In section I, I give a brief overview of the dispute between cosmopolitanism and statism and argue that, as recent contributions to this debate suggest, a concern with the justification of coercion is central to both outlooks. In section II, I maintain that, although coercion plays a pivotal role in our political morality, we lack a theoretically rigorous account of coercion as the subject of justice.³ In sections III, IV and V, I attempt to fill this gap in the literature and

¹ By distributive justice I mean principles allocating resources broadly construed, be they rights, liberties, wealth or a combination thereof. I take no stand on what the '*distribuendum*' of justice should be.

² Some tend to see the debate between cosmopolitanism and statism as turning on whether domestic egalitarian distributive justice applies to the international arena. This question – i.e., whether the particular *conception* of justice liberals defend domestically should apply internationally – seems to me to be less fundamental than the question whether the same *concept* of justice should apply across these two domains. Statists and cosmopolitans disagree on both questions. In this paper, I only focus on the latter.

³ I am using the notion of a subject of justice in line with John Rawls's understanding of this expression – i.e., as that which a theory of justice is meant to assess: its '*indicandum*.'

develop a new definition of coercion. Central to this definition is a distinction between ‘interactional’ and ‘systemic’ coercion. The former is coercion exercised by an agent (collective or individual), the latter is coercion exercised by a system of rules supported by a large enough number of agents. On this ‘coercion view’, whether duties of justice apply beyond borders depends on what forms of coercion exist in the international realm. In section VI, I show that this conceptual scheme reframes, and moves us beyond, the long-standing debate between cosmopolitanism and statism by revealing that, far from being irreconcilable, these views are simply special cases of a more general normative outlook. In particular, while statist focus exclusively on the justification of interactional coercion between states, cosmopolitans only consider its systemic counterpart. However, since the world at large exhibits systemic as well as interactional coercion, I argue that a plausible theory of global justice should contain principles justifying both. I conclude my discussion in section VII, where I respond to a number of possible objections.

Before getting started, let me qualify the scope of my discussion. In this paper, I will only consider the part of the debate on global justice that has been inspired either directly or indirectly by the work of John Rawls. This is no problematic loss of generality. Since much of this debate is driven by references to Rawls – whether supportive or critical – confining my discussion to Rawls-inspired approaches does not significantly reduce its general appeal.

I. SETTING THE STAGE: COERCION AS THE SUBJECT OF JUSTICE

Central to a Rawlsian approach to justice are the following two claims. First, the *function* of principles of distributive justice is to secure persons’ right to freedom, by preserving the social conditions for them to lead autonomous lives.⁴ Second, the *subject* of principles of distributive justice is the ‘basic structure of society’, namely its main political, legal and economic institutions.⁵ From this Rawlsian perspective, absent a global basic structure, distributive justice must be confined to the domestic arena. Cosmopolitans believe there exists a global basic structure,⁶ statist do not.

Due to the vagueness of Rawls’s notion of a basic structure, statist and cosmopolitan claims are notoriously hard to assess.⁷ To decide whether there are any

⁴ Or, as Rawls puts it, the conditions for people to form, revise and pursue their conceptions of the good. I take the idea of freedom to indicate the necessary *social* conditions for one to lead an autonomous life. Notice, however, that freedom is not sufficient for autonomy. A person can only lead an autonomous life if she also possesses adequate mental and physical abilities.

⁵ See John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1999 rev. ed.) and *Political Liberalism*, with a New Introduction and the ‘Reply to Habermas’ (New York: Columbia University Press, 1996).

⁶ See, e.g., Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989), Charles R. Beitz, *Political Theory and International Relations* with a new afterword (Princeton, NJ: Princeton University Press, 1999), Darrell Moellendorf, *Cosmopolitan Justice* (Boulder, CO: Westview Press, 2002). Notice that, since I confine my discussion to ‘Rawlsian’ approaches to global justice, I do not consider those forms of cosmopolitanism which hold that principles of distributive justice should apply globally irrespective of the existence of a global basic structure. See, e.g., Charles R. Beitz, ‘Cosmopolitan Ideals and National Sentiment’, *The Journal of Philosophy*, 80 (10) (1983), 591-600, Simon Caney, *Justice beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), and Kok-Chor Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism* (Cambridge: Cambridge University Press, 2004).

⁷ For different interpretations of this notion see Arash Abizadeh, ‘Cooperation, Pervasive Impact, and Coercion:

morally significant disanalogies between the domestic and the international realm, we must first establish *why* the basic structure matters for purposes of justice.

In recent years, an increasing number of scholars have located the moral importance of the basic structure in the phenomenon of state coercion. State coercion matters because, paradoxically, it *both* constrains *and* enables persons' autonomy.⁸ On the one hand, state coercion obviously places limits on persons' actions. On the other, it generates the necessary stability of expectations for people to act in pursuit of their ends and goals.⁹ In a completely anarchical scenario, autonomy would simply be impossible.

Since state coercion not only limits autonomy, but is also one of its 'enabling conditions',¹⁰ liberals cannot dispense with it. Instead, they must make sure that its exercise is respectful of everyone's right to freedom.¹¹ As I mentioned earlier, this is the task liberals attribute to principles of

distributive justice.¹² When a state coerces its citizens in accordance with these principles, it shows equal respect for their autonomy by giving them an equal chance to pursue their ends and goals. What are the implications of this coercion-based approach to justice for questions of international morality?

No one denies that coercion exists at the global level. Think, for instance, of military intervention or international economic sanctions. Statists certainly acknowledge the existence of moral standards regulating these forms of international coercion – such as the principle of non-interference between states.¹³ But since these instances of coercion bear little resemblance to all-pervasive state coercion, they do not determine whether the sort of *distributive* justice liberals defend in the domestic context applies on a global scale. Are there any forms of 'global' coercion generating demands of distributive justice?

One popular strand of cosmopolitanism believes that there are. On this view, international institutions such as the WTO, the IMF and the UN are rightly regarded as part of a global order coercively imposed by the world's most advantaged on the world's least advantaged.¹⁴ This claim fails to convince

On the Scope (not Site) of Distributive Justice', *Philosophy & Public Affairs*, 35 (4) (2007), 318-58.

⁸ This view arguably traces back to Immanuel Kant, *The Metaphysical Elements of Justice, Part I of the Metaphysics of Morals* (1797), translated by John Ladd (Indianapolis/Cambridge: Hackett, 1999, 2nd ed.). The view has been recently advocated by John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Harvard University Press, 2001), p. 41, Michael Blake, 'Distributive Justice, State Coercion, and Autonomy', *Philosophy and Public Affairs*, 30 (3) (2001), 257-96, Richard W. Miller, 'Cosmopolitan Respect and Patriotic Concern', *Philosophy and Public Affairs*, 27 (3) (1998), 202-24, and Thomas Nagel, 'The Problem of Global Justice', *Philosophy and Public Affairs*, 33 (2) (2005), 113-47.

⁹ As argued by Michael Blake: 'Without some sort of state coercion, the very ability to pursue our projects and plans seems impossible. Settled rules of coercive adjudication seem necessary for the settled expectations without which autonomy is denied'. Blake, 'Distributive Justice, State Coercion, and Autonomy', p. 280.

¹⁰ I borrow the notion of an 'enabling condition' from Nagel, 'The Problem of Global Justice', p. 114.

¹¹ Kant, *The Metaphysical Elements of Justice*, p. 31 [6:232].

¹² Blake, 'Distributive Justice, State Coercion, and Autonomy', p. 282.

¹³ Just to mention one prominent example, Rawls's *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), includes principles of just war theory and justified humanitarian intervention.

¹⁴ This claim is most forcefully defended by Thomas W. Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (Cambridge, MA: Polity, 2002), esp. ch. 4. Many cosmopolitan writers seem broadly to agree with it. See, e.g., Debra Satz, 'Equality of What among Whom? Thoughts on Cosmopolitanism, Statism and Nationalism', Ian Shapiro and Lea Brilmayer (eds) *Global Justice*, Suppl. Volume of *Nomos XLI* (1998), pp. 67-

advocates of statism, who can easily point to the fact that international institutions are organizations: instead of being imposed on states, they are created by states, and their rules are binding only for those which have *voluntarily* joined them.¹⁵ Cosmopolitans typically respond that opting (or remaining) out of the global order is hardly a viable option for weaker societies. Exclusion from international institutions equals exclusion from international finance and trade – a price too high to pay, especially for developing countries. This counterargument turns out to do more harm than good to the cosmopolitan cause. If joining the global order is an offer which, *given the advantages of membership*, poor countries cannot refuse, this means that the global order has ‘greatly benefited the poor’ and its absence would ‘harm its weakest members the most’.¹⁶ In short, borrowing from a much-cited example by Peter Singer, the global order looks more like a passer-by who offers to help a drowning child than like an evil friend who pushes him into the water.¹⁷

This model exchange between cosmopolitans and statist suggests two

things. First, an appeal to coercion as the subject of justice resonates with both sides, thus pointing to a common ground on the basis of which to assess their views. Second, statist and cosmopolitan use of the notion of coercion is rather confusing. On close inspection, their arguments implicitly assume different accounts of coercion, some leading to affirm the existence of global coercion and others to deny it. In what follows, I reconstruct these accounts more carefully, beginning with the one defended by statist.

II. COSMOPOLITAN AND STATIST COERCION

Statist scepticism about the existence of global coercion hinges on what might be described as a ‘narrow’ – but common – understanding of coercion as operating through a set of commands backed by the threat of sanctions.¹⁸ On this view,

An agent A coerces another agent B if A intentionally forces B to do, or to refrain from doing, X through a command backed by the threat of sanctions.

If we apply this understanding of coercion to domestic politics, the state turns out to

85. The language of coercion is also implicit in Beitz’s defence of global distributive justice. He says ‘In the present structure of world prices, poor countries are often forced ... to sell resources to more wealthy countries.... Also, private foreign investment *imposes* on poor countries patterns of political and economic development that may not be optimal from the point of view of the poor countries themselves’. See Charles R. Beitz, ‘Justice and International Relations’, *Philosophy and Public Affairs*, 4 (4) (1975), 360-89, p. 374, emphases added.

¹⁵ See, e.g., Nagel, ‘The Problem of Global Justice’.

¹⁶ Mathias Risse, ‘Do We Owe the Global Poor Assistance or Rectification?’, *Ethics and International Affairs*, 19 (1) (2005), 9-18, p. 12.

¹⁷ The example of the drowning child is Peter Singer’s. See his ‘Famine, Affluence, and Morality’, *Philosophy and Public Affairs*, 1 (3) (1972), 229-43. For this particular formulation of the example see David Zimmerman, ‘Coercive Wage Offers’, *Philosophy and Public Affairs*, 10 (2) (1981), 121-45, pp. 134-5.

¹⁸ See e.g., Nagel, ‘The Problem of Global Justice’, and Blake, ‘Distributive Justice, State Coercion and Autonomy’. It is worth noting that Blake and Nagel do not spend much time defining the notion of coercion, but their work suggests that they subscribe to this popular, threat-based, conception of it. Blake, for instance, says that ‘Coercion is an intentional action, designed to replace the chosen option with the choice of another’, and uses state punishment as an archetypical example of coercion (p. 272). Nagel, on the other hand, considers the centralized coercive apparatus of the state as the grounds for egalitarian justice (p. 127-8). He says a ‘sovereign state is not just a cooperative enterprise for mutual advantage. The societal rules determining its basic structure are coercively imposed: it is not a voluntary association’ (p. 128). The language of ‘coercive imposition’, immediately suggests imposition through commands backed by the threat of sanctions.

play the role of the coercer (A), its citizens that of the coerced (B), and sanctions administered by public officials constitute the means through which the state intentionally restricts its citizens' freedom. On this interpretation of state coercion, the state coerces its citizens almost in the same way in which a gunman coerces his victims.¹⁹ The structure of coercion remains the same across the two cases, and only its content changes. While the gunman targets innocent bystanders threatening 'Give me your money, or otherwise I'll kill you', the state targets (potential) law-breakers threatening 'Do not break the law, or otherwise I'll punish you'.

It seems obvious that, if this is the sort of coercion that matters for purposes of distributive justice, principles of distributive justice cannot possibly apply to the international realm, where nothing like a global state exists.²⁰

This statist conclusion is far from uncontroversial. What is problematic about it is not the claim that no global state exists. That much we can certainly grant to statist. What seems puzzling about their view is their focus on coercion so narrowly construed. For instance, decisions as to whether developing countries X and Y should be granted IMF

loans are likely significantly to affect the autonomy of their inhabitants. If, as Michael Blake puts it, '*all individuals, regardless of institutional context, ought to have access to those goods and circumstances under which they are able to live as rationally autonomous agents*',²¹ why is special justification required for state coercion but not for conditional development aid?²² Or else, think about domestic agricultural subsidies sustaining local farmers in Europe and the United States. These policies deeply affect the opportunities of farmers and producers in developing countries who, as a result, are driven out of business and lack the necessary means for leading autonomous lives.²³ But since no coercion seems to be involved in this autonomy-loss – Europe and the United States are not threatening sanctions against these farmers – from within a statist perspective we are in no position to condemn them on grounds of distributive justice.

In short, if what matters to us is autonomy, a focus on coercion so narrowly conceived will give us no tools to offer a justice-based critique of many actions which unduly constrain persons' autonomy. This point is fully taken on board by cosmopolitans. Their claim that distributive justice should apply worldwide because the global order is 'coercively imposed' by the wealthy on the poor, rests on a much looser understanding of coercion than the statist one.²⁴ In particular, cosmopolitans link

¹⁹ I say 'almost' because the one important difference between these two cases concerns responsibility for coercion. State coercion is unlike other forms of coercion in that responsibility for it lies (at least in part) with those who are subject to it: the citizens. Of course, their degree of responsibility will vary depending on the type of political regime under which they live, and the particular position they occupy in it. But it is doubtless that, in a well-functioning democratic society, citizens are to be regarded as jointly responsible for its coercive system. Nagel, 'The Problem of Global Justice', p. 128. I will elaborate on this point more fully at a later stage in my discussion.

²⁰ Blake, 'Distributive Justice, State Coercion, and Autonomy', p. 265.

²¹ Blake, 'Distributive Justice, State Coercion, and Autonomy', p. 271, emphasis added.

²² Mathias Risse, 'What to Say about the State?', *Social Theory and Practice*, 32 (4) (2006), 671-98, p. 681.

²³ Ryan Pevnick, 'Political Coercion and the Scope of Distributive Justice', *Political Studies*, 56 (2) (2008), 339-413, p. 7.

²⁴ Pogge, *World Poverty and Human Rights*, esp. ch. 4.

global coercion to two facts. First, since rich western societies have greater bargaining power than poor ones, they often design the rules governing international institutions to their unfair advantage.²⁵ Second, even granting that membership in international institutions is voluntary for states, this does not mean that it is also voluntary for their populations: many states lack meaningful democratic processes and their citizens live in conditions of destitution and oppression.

These facts may well be true, and certainly morally troublesome, but can we express them using the language of *global coercion*? Greater bargaining power is certainly conducive to exploitation, but is it also 'coercive'? What is distinctive of exploitation is that the exploited party is made better off by virtue of the exploitative relation.²⁶ Unlike victims of coercion – who are made worse off by the coercer's intervention – victims of exploitation benefit in absolute terms. The reason why a vulnerable party ends up accepting an exploitative offer is precisely that, by accepting the offer, she is made better off overall. If this is the case, it would seem appropriate to claim that the rules governing the global economic order are at worst exploitative, but not coercive.

Similarly, the use of coercion on the part of ruthless tyrants in poor countries is to be condemned, but it does not quite so easily translate into the claim that, because wealthy westerners are supporting a global economic order in which such

corrupt rulers are also involved, *they are themselves* coercing the world's poor. The coercers, here, are the rulers, not wealthy societies. If this is the case, then the cosmopolitan argument for extending distributive justice to the world at large does not work. All the argument shows is that the coercion exercised by ruthless tyrants in developing countries is unjustified. But this is a claim statisticians can also easily accept.

This discussion suggests that there is no unique notion of global coercion (as opposed to exploitation) doing the moral work within the cosmopolitan approach. What conclusion should we draw from this observation? One would be simply to abandon an approach to justice based on coercion. Exploitation, and other types of asymmetrical social relations, are bad enough to deserve to be condemned even if they do not involve coercion. In fact, one might take this point even further. If what matters is persons' autonomy, then *anything* which might be said to undermine autonomy – including natural catastrophes – should be evaluated from the viewpoint of justice. Why limit oneself to coercive and exploitative relations?

These are sensible suggestions, but I think we have good reasons to resist them. First, a great virtue of a theory of domestic and global justice should be explanatory parsimony and systematicity. Arguing that coercion, exploitation and other instances of autonomy-deprivation all trigger concerns of justice, would be equal to settling for a disappointingly unsystematic and expansive theory of justice. Second, in this respect, a focus on coercion appears particularly promising, given that talk of justice is often associated with the justification of coercion both

²⁵ See, e.g., Darrell Moellendorf, 'The World Trade Organization and Egalitarian Justice', *Metaphilosophy*, 36 (1/2) (2005), 145-62.

²⁶ Robert Mayer, 'What's Wrong with Exploitation?', *Journal of Applied Philosophy*, 24 (2) (2007), 137-150. See also Zimmerman, 'Coercive Wage Offers'.

domestically and internationally.²⁷ Finally, a theory that considered any instance of autonomy-deprivation an injustice would rob justice of its distinctive moral status. Paradigmatically, duties of justice are different from duties of assistance. The former place constraints on our actions for the sake of respecting others' right to freedom, i.e., they define our respective spheres of action by determining our entitlements. The latter tell us what we ought to do to help others with resources to which we are rightfully entitled.²⁸ By turning *any* instance of lack of autonomy into a matter of justice, we would entirely eliminate the category of assistance. Since cosmopolitans defend principles of global justice on the assumption that they are more stringent than, and should apply *in addition to*, principles of global assistance, this avenue would be self-defeating from a cosmopolitan perspective.

In light of this, what should our next step be? The statist definition of coercion appears too narrow, while the cosmopolitan one seems too broad and vague. Perhaps the best way to proceed is to design an account of coercion occupying a middle ground between these two, steering a middle course between coercion narrowly understood – in terms of intentional commands backed by the threat of sanctions – and mere lack of autonomy.

In what follows I attempt to accomplish this task. My strategy will be to use

statists' narrow definition of coercion as a starting point, and then relax it in two crucial respects: (i) in its specification of *how* the coercer restricts the coerced's freedom (thus infringing her autonomy), and (ii) in its implicit understanding of *who* – i.e., what sort of entity – can play the role of the coercer.

III. TOWARDS A NEW DEFINITION OF COERCION (I)

Like many others, statisticians identify coercive acts on the basis of *how* they restrict persons' freedom: through the intentional threat of sanctions. Although this is a popular way of defining coercion, it is not the only one.²⁹ An alternative, less common, account of coercion can be found in Kant's political philosophy, where coercion is defined as a hindrance to freedom.³⁰ As Arthur Ripstein puts it, on a Kantian view, '[a]nything another person does that interferes with the capacity to set ends for yourself is ... coercive, because it makes the question of which ends you will pursue depend on the choice of that person'.³¹

This broader view of coercion seems better suited as an account of the conditions of applicability of justice than the standard, threat-based view statisticians endorse. If what matters is persons' being

²⁷ Think, for instance, about the just war theory tradition. On the relation between justice and coercion more generally see Terry Nardin, 'Justice and Coercion', in Alex J. Bellamy (ed.) *International Society and Its Critics* (Oxford: Oxford University Press, 2005), 247-64.

²⁸ I offer a more detailed discussion of the distinction between justice and assistance in my 'Justice and Assistance: Three Approaches and a Fourth One' (unpublished manuscript).

²⁹ See, e.g., Robert Nozick, 'Coercion', in S. Morgenbesser, P. Suppes and M. White (eds.) *Philosophy, Science, and Method: Essays in Honor of Ernest Nagel* (New York: St Martin's, 1969), 440-72; Alan Wertheimer, *Coercion* (Princeton: Princeton University Press, 1987), who both subscribe to threat-based accounts of coercion. For an excellent overview of different approaches to coercion see Scott Anderson, 'Coercion', in Edward N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy* (Spring 2006 edition), available online at <http://plato.stanford.edu/archives/spr2006/entries/coercion/>.

³⁰ Kant, *The Metaphysical Elements of Justice*, p. 30 [6: 231].

³¹ Arthur Ripstein, 'Authority and Coercion', *Philosophy and Public Affairs*, 32 (1) (2004), 2-35, p. 8.

in a position to act *autonomously*, then whether A restricts B's freedom through a command backed by the threat of sanctions, through direct physical interference or through some other means should make no difference as to whether coercion has occurred. My capacity to set and pursue ends for myself is undermined not only when I am forced to perform certain actions on pain of sanctions, but also when I am robbed of my property, or I am subject to physical compulsion.³² The notion of coercion we should look for – if coercion is to offer a plausible account of the subject of justice – should be insensitive to *how* A restricts B's freedom. All that coercion requires is (i) a responsible agent, (ii) a non-trivial restriction of someone else's freedom, (iii) compared to a suitable baseline.³³

The first condition – i.e., *responsibility* – is necessary for acts of coercion to stand as possible objects of moral appraisal, that is as objects of justification. The sense of responsibility I am referring to here is often called 'responsibility as attributability'.³⁴ To say that someone is responsible in this sense is to say that 'for a given action ... it is appropriate to take it as a basis of moral appraisal of that person'.³⁵

What counts as coercive thus depends on what we can plausibly hold people responsible (i.e., accountable) for. In principle, someone is accountable for the

consequences of her actions so long as they are both foreseeable and avoidable.³⁶ The existence-conditions of responsibility posited here – i.e., foreseeability and avoidability – are weaker than intentionality, but stronger than causal responsibility. What we want is for coercers to have a reasonable degree of control and foresight over the consequences of their actions, but not necessarily to intend them.

Merely contributing to the causal chain of events which results in a restriction of a persons' freedom does not count as coercion. To see this, think about the following situation. Carol leaves the flat not knowing that Jane, her flatmate, has left without her keys. All of a sudden, Jane realises that she has forgotten a very important document at home, but since Carol has left, she cannot get in. In this case, Carol cannot be said to have coerced Jane. Even though being locked out of the flat constitutes an obstacle to the realisation of Jane's ends, Carol cannot be held accountable for the presence of that obstacle. What happened to Jane might be unfortunate, but is not something which can in principle be evaluated from the viewpoint of rightness and wrongness, justice or injustice.³⁷

Now consider another scenario. The CEO of a big company decides to fire half of his employees. He knows that, in so doing, he will undermine their freedom, depriving them of their much-needed salary. In this case, the action of the CEO is indeed coercive, and even though the

³² Cf. Ripstein, 'Authority and Coercion', pp. 8ff.

³³ In what follows, my discussion of (i) and (ii) is largely informed by David Miller's instructive piece 'Constraints on Freedom', *Ethics*, 94 (1) (1983), 66-86.

³⁴ Thomas M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), ch. 6. See also David Miller's 'Constraints on Freedom', p. 72, and his discussion of what, following Tony Honoré, he calls 'outcome responsibility' in *National Responsibility and Global Justice*, ch. 4.

³⁵ Scanlon, *What We Owe to Each Other*, p. 248.

³⁶ I borrow these conditions from Thomas Pogge, who famously argues that the global order harms the poor because it foreseeably and avoidably perpetuates their plight. See Pogge, *World Poverty and Human Rights*.

³⁷ Cf. Miller's examples in 'Constraints on Freedom', pp. 70-1.

CEO does not intend to constrain his employees' freedom (in fact he regrets it), his conduct still stands in need of justification. While Carol owes Jane no explanation as to why she left the house, the CEO owes his employees an explanation as to why he has fired them. Of course, the CEO might have had good reasons for doing so. For instance, he could explain that the only way for his business to survive competition was to cut costs and reduce personnel. In these circumstances, the CEO seems to have been justified in acting the way he did.³⁸

Let me now turn to the second necessary condition for coercion. Not every restriction of freedom counts as 'coercive'. When evaluating whether an action is coercive, we should make sure to rule out *trivial* restrictions of freedom.³⁹ What should count as trivial is bound to be, at least partly, a matter of debate, but we can be confident that people's judgements will often converge. For instance, if A and B are both having their tea break and A eats the last remaining biscuit on the table, she thereby foreseeably and avoidably deprives B of the opportunity to eat it herself. Since, however, by any reasonable standards, this restriction of opportunities is absolutely trivial, it should not count as coercive. For sure, instances of trivial restrictions of freedom can be evaluated morally – e.g., perhaps it was unfair of A

to take the biscuit, or maybe it was not, given that B had already eaten her share – but since they do not significantly affect a person's freedom, they do not elicit concerns of *justice*.⁴⁰

Similarly, we would not worry about a four-year-old boy pointing a toy gun to his mother's head threatening 'Give me some chocolate or I'll shoot'. The threat involved in this example is so trivial that saying that the little boy coerces his mother seems inappropriate. Of course, things would look different if A were to act in such a way as to restrict B's access to food, shelter, education or health care.⁴¹ In this case, A would certainly be perpetrating an act of coercion. But acts which, by any reasonable standards, only trivially undermine a person's freedom, do not count as coercive.

Finally, let me say a few words on the *relevant baseline* against which to evaluate whether a person's freedom has been constrained. Such a baseline can be of two kinds: either moralised or non-moralised.⁴² On a non-moralised account, the benchmark with respect to which we establish whether there is a freedom-restriction is the expected course of events in the absence of A's (the putative coercer's) intervention. On a moralised

³⁸ On my definition, whether or not the CEO's action counts as coercive depends on whether or not it was genuinely avoidable. A detailed analysis of the notion of avoidability is beyond the scope of this paper. For present purposes I therefore limit myself to pointing out that, as part of an account of the conditions of applicability of justice, the notion of avoidability should not be understood in moralised terms. This means that the prevention of another harm is not by itself sufficient to render an action unavoidable.

³⁹ Cf. Miller, 'Constraints on Freedom', p. 76.

⁴⁰ Some might think that justice and fairness are synonyms. Here I want to resist this view. It is true that the two notions are linked to one another, but justice seems to me to have a stronger connotation. When we say that something is an injustice, we convey a greater sense of urgency than when we say that something is 'unfair'. Moreover, by distinguishing justice and fairness in this way, we can also account for the widespread view that people have a (justice-based) right to do wrong (i.e., to be, among other things, unfair). For further discussion of the special moral force of justice see Christian Schemmel, 'On the Usefulness of Luck-Egalitarian Arguments to Global Justice', *Global Justice: Theory Practice Rhetoric*, 1 (2007), 54-67.

⁴¹ Cf. David Miller, 'Against Global Egalitarianism', *The Journal of Ethics*, 9 (1/2) (2005), 55-79, p. 62.

⁴² See Anderson, 'Coercion'.

account, such a benchmark is the ‘morally expected’ course of events: the course of events that would obtain in a just state of affairs. Which sort of baseline should we opt for? If we want coercion to offer a plausible account of the conditions of applicability of justice, we should opt for a non-moralised baseline. Otherwise, we would no longer be in a position to say that coercion stands in need of justification. Instead, we would have to say that coercion is *always* unjust, thereby mistakenly conflating principles of justice with their conditions of applicability. Little is gained by saying that principles of justice apply to injustices.

If we now reformulate the notion of coercion in line with the above reflections, we obtain the following definition:

An agent A coerces another agent B if A foreseeably and avoidably places non-trivial constraints on B’s freedom, compared to B’s freedom in the absence of A’s intervention (other things being equal).

This definition substantially generalises the statist definition, but still does not do so enough. Up to now, our account of coercion implicitly assumes that the coercer (A) can only be a morally responsible agent. But this condition is too restrictive, and fails to capture a crucial class of constraints on persons’ freedom. In fact, it fails to capture those constraints that are most relevant to the question of justice.

To see this, let us go back to the CEO example, and focus on his employees’ situation after being sacked. Sadly, they have hardly enough to feed their families, and find themselves virtually forced to

accept any job offer that comes their way, no matter how unfair it is. The former employees’ situation is certainly bad. But some of us would also want to say that it is unjust even if we have concluded that the CEO did not behave unjustly. Surely, there must be something wrong with society as a whole if the freedom of some of its members is so severely constrained.

If we limit ourselves to the definition of coercion developed so far, we will be unable to account for this conviction, given that there is no individual agent wrongfully coercing our former employees in the case under discussion. To account for the unjust nature of their situation, we need to further broaden our notion of coercion. This time, rather than focusing on *how* coercion is performed, we focus on *who*, or rather, *what* can be coercive.

IV. TOWARDS A NEW DEFINITION OF COERCION (II)

Depending on the nature of the coercer, coercion can be either interactional or systemic. So far, we have discussed interactional coercion, assuming A to be an individual or a group agent. I now turn to the case of systemic coercion, that is the sort of coercion exercised by a *system of social rules* supported by a sufficient number of agents. On this account of coercion

A system of social rules S is coercive if it foreseeably and avoidably places non-trivial constraints on some agents’ freedom, compared to their freedom in the absence of that system.

A system of social rules (S) indicates an institution or a social practice.⁴³ Since participation in a practice requires following its rules, practices inevitably place some constraints on participants' actions. Of course, parallel to the case of interactional coercion, systemic coercion will only exist when practices avoidably and *non-trivially* constrain their members' or other agents' freedom. Even though people will once again reasonably disagree about what counts as non-trivial, we can expect their judgements to converge at least in some cases. For instance, if we think of a small tennis club, we can pretty much take it for granted that, no matter what rules apply to it, typically they do not *significantly* restrict anyone's freedom.⁴⁴ On the contrary, if we think of the rules governing family structures, or society as a whole, we can safely assume that they have a 'deep and pervasive impact' on their members' and (possibly) some third parties' capacities to set and pursue ends for themselves.⁴⁵

So far, I have spoken about systems of rules placing constraints on freedom, without discussing the relevant baseline with respect to which such constraints should be evaluated. In the case of interactional coercion, the appropriate baseline corresponded to B's freedom in the absence of A's intervention, other things being equal. Can a similar baseline be employed in the case of systemic

coercion? In principle it can, but at the cost of considerably complicating matters. Envisaging what the world would be like in the absence of a particular system of rules can be an extremely complex task, especially if the system in question is itself complex and extensive. When this is the case – i.e., when the system has a subtle and far-reaching impact on many lives – absent the system, things are unlikely to remain equal. This is why there may be more than one plausible account of the relevant baseline.

To see this, let S be the rules governing a society. A world without S could be either one containing S' – i.e., a different system of rules – or one containing S'', S''' and so forth. Notice that a *completely* anarchical scenario – one without any social rules (and not just without S) – would not constitute an appropriate term of comparison. Without any rules enabling agents to form reliable expectations about one another's behaviour, freedom and autonomy are simply impossible. If we took absolute anarchy to be our baseline, then *no* system of rules could possibly turn out to be coercive, given that the presence of *state-like* rules is an enabling condition of autonomy.

Even excluding complete lawlessness, there is bound to be great disagreement as to whether the appropriate baseline for assessing the coerciveness of S should be a world with S', S'', S'''. As the relevant counterfactual baseline may thus be controversial, some might object that my proposal is very hard, if not impossible, to operationalize.

I have two things to say in response to this objection. First, the difficulties with my proposal are in principle no different

⁴³ In Rawls's words, an institution is 'a public system of rules which defines offices and positions with their rights and duties, powers and immunities, and the like'. See Rawls, *A Theory of Justice*, pp. 47-8. For further discussion see Pogge, *Realizing Rawls*, ch 1.

⁴⁴ Cf. Andrea Sangiovanni, 'Global Justice, Reciprocity, and the State', *Philosophy and Public Affairs*, 35 (1) (2007), 3-39, p. 18.

⁴⁵ Cf. Rawls's definition of the basic structure of society in *A Theory of Justice*, p. 7.

from the difficulties routinely encountered in the evaluation of causal claims in complex social systems. The higher the system's complexity, the harder the evaluation of the relevant counterfactuals. This, however, does not seem to be good enough a reason to abandon the aspiration of making causal claims in the social sciences altogether. Indeed, much successful social-scientific research revolves precisely around establishing causal claims despite such difficulties. If this is the case, then the difficulties with my proposal are simply on a par with those encountered in, and successfully tackled by, other areas of the social sciences, and therefore constitute no reason to reject my proposal either.

Second, even though counterfactuals are hard to adjudicate, in the last analysis less hinges on them than one might at first think. Independently of what we take to be the relevant baseline – be it the absence of the system of rules in question, be it the presence of a different such system – in *many* (but not all conceivable) cases, some agents' freedom will be greater than under system *S*, hence *S* will turn out to be coercive on the present definition.⁴⁶ It is indeed safe to assume that the baseline will *rarely* be one where *everyone* is less free than under the current system. A plausible account of the baseline will be one where some are worse off and others better off. Even if more agents are better off (in terms of freedom) under the current system *S* than under its relevant counterfactual counterpart *S'*, so long as some of them are better off under *S'*, *S* counts as coercive. If some agents' freedom is restricted, they are owed a

justification as to why the system is designed in the way it is.

This conclusion reflects the intuitive idea that, by creating common practices, we *ipso facto* place some constraints on one another's freedom. The existence of such practice-mediated constraints on freedom is simply a by-product of our living in a social world with moderate scarcity. In such a world, our lives and actions inevitably place constraints on those of others. The question we need to ask, then, is whether the way such constraints are crystallised within existing social rules is morally defensible.

For instance, we might look at the practice of slavery – which would presumably turn out to be coercive under any plausible specification of the baseline⁴⁷ – and conclude that the way in which it places constraints on some persons' freedom is inadmissible. The practice itself is therefore unjust. Otherwise, we might consider the rules governing the tax system in *this* particular society – once again on the assumption that a particular tax system is coercive of at least some agents under any reasonable specification of the baseline. If we are libertarians, we will perhaps conclude that a tax system is as freedom-undermining as a slave system, and accordingly reject it as unjust (opting instead for a night-watchman state).⁴⁸ If we are Rawlsian liberal egalitarians, we will assess that particular tax system against the requirements of the difference principle,

⁴⁶ I am grateful to Christian List and Henry Shue for helping me sharpen this point.

⁴⁷ Indeed, we might take slavery to be a test-case for a minimally acceptable account of the baseline. If a certain way of identifying the baseline led us to conclude that slavery is not coercive, we would automatically reject it.

⁴⁸ See Robert Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974).

and then decide whether it is morally justified or not.

Up to this point we have a coercer (S), non-trivial constraints on freedom and a discussion of the relevant baseline. But what about the responsibility-conditions that any plausible instance of coercion must fulfil? After all, one might think, the reason why standard accounts of coercion always assume the coercer to be an agent is precisely that agents are the sorts of things to which we can ascribe responsibility. How, then, do we go about making attributions of responsibility when the coercer is a system of rules?

When we come to assess the coercive character of a system of rules (as opposed to the coercive nature of an individual act) responsibility for it is *indirect*: it falls on all those who support the rules in question, depending on the particular position they occupy in it.⁴⁹ In the case of slavery, while individual slave-owners can be said to coerce their slaves directly, responsibility for the sort of indirect systemic coercion occurring within slave societies falls on *both* slave owners and those members of society who do not own any slaves but still support the slave system by diligently complying with its rules.⁵⁰ Systemic coercion is characterised by an apparent ‘gap’ between coercion and responsibility for coercion. While coercion is quite literally exercised by the system of rules governing the practice in question,

responsibility for it falls on those who support, and comply with, those rules.⁵¹

Having generalised the statist view of coercion, we should now put the resulting view to test to establish whether it provides a plausible account of the conditions of applicability of justice. To do so, in the next section I will look at two possible interpretations of the phenomenon of *state coercion* in particular. The first understands it in terms of interactional coercion and closely resembles the standard, threat-based account, while the second understand it in terms of systemic coercion. I argue that only the latter can plausibly ground the view that state coercion triggers principles of domestic distributive justice.

V. STATE COERCION: INTERACTIONAL VS. SYSTEMIC ACCOUNTS

Recall that statist interpret the phenomenon of state coercion as a special instance of interactional coercion, whereby the state plays the role of the coercer (A), its citizens that of the coerced (B), and sanctions administered by public officials constitute the means through which the state foreseeably and avoidably (in fact, intentionally) restricts its citizens’ freedom.

⁴⁹ Cf. Christopher Kutz’s notion of ‘relational and positional accountability’ in *Complicity: Ethics and Law for a Collective Age*, (New York: Cambridge University Press, 2000).

⁵⁰ Cf. Aaron James, ‘Power in Social Organization as the Subject of Justice’, *Pacific Philosophical Quarterly*, 86 (1) (2005), 25-49, pp. 43-4.

⁵¹ This account of responsibility is defended in Pogge, *World Poverty and Human Rights* and Iris Marion Young, ‘Responsibility and Global Justice: A Social Connection Model’, *Social Philosophy and Policy*, 23 (1) (2006), 102-30. Notice that indirect responsibility for coercion can also occur in interactional contexts. Consider the following case. Greg asks Jonah to sell him his gun, revealing his intention to use it to rob Mary. Jonah sells Greg the gun, although he foresees that this will in all likelihood result in a (wrongful) restriction of Mary’s freedom – and he is right: Greg successfully robs Mary. Even though Jonah cannot be said to have *coerced* Mary (i.e., he is not the one who has placed constraints on her freedom), he is indirectly, partly responsible for Jonah’s act of coercion. I owe this example to several discussions with Julio Montero.

On this understanding of state coercion, the state and its citizens are treated as separate entities – like a gunman and his victims – and coercion is always directly and intentionally exercised by one agent (the state) against another agent (the citizen). From within this interactional perspective, the state ‘wants’ its citizens to behave in certain ways and ‘pushes them around’ to make sure that they do.

Although intuitively appealing and conceptually neat, the interactional view is problematic as an account of the grounds of domestic egalitarian justice. To be sure, it is still helpful in a number of contexts. For example, it is a good way of conceptualising specific instances of domestic and international state coercion, such as when state X punishes this or that criminal, collects taxes from this or that citizen, or coerces another state by threatening economic sanctions. What brings together these different examples of interactional state coercion is that they *take for granted the background* against which individual occurrences of state coercion take place.

But what if we want to evaluate such a background? When thinking about the state as a subject of principles of distributive justice – as a ‘basic structure’ – the interactional view, and the clear separation it presupposes between the state and its citizens, becomes implausible. States are not only agents, but also institutions, that is, they are systems of rules variously supported by their members, depending on the particular roles they occupy in them. In a democratic society, as the name suggests, state officials are ultimately empowered by the *demos* to act in the name of the people. Except for dictatorial regimes, where the

ruling class arbitrarily governs the country, it is citizens who confer power on state officials and who therefore bear responsibility for the consequences of their actions. In Iris Young’s words (inspired by Hannah Arendt), as members of society ‘we are bound to acknowledge that we bear responsibility for things our government does in our name or supposedly on our behalf, even though we ourselves have not done those things...’.⁵² The very structure of state agency in democratic societies presupposes citizens’ input. To think of a democratic state as entirely independent of the will of its population is to misconstrue what a democratic state is.

Interestingly, this account of state agency underpins Thomas Nagel’s much-discussed statist approach to justice. On Nagel’s view, what is special about the state is that ‘we are both putatively joint authors of [its] coercively imposed system, and subject to its norms’.⁵³ On this account, there is no state agent separate from its citizens, given that these are also the authors of its constitutive norms. From this it follows that the sort of coercion exercised through society’s overall system of laws and policies is not one-directional (by the state against its citizens) but two-directional: it is mutual coercion of citizens against one another through rules they support and submit to. Once we take up the perspective suggested by Nagel’s joint-authorship argument, the interactional account clearly appears unable fully to capture the phenomenon of state coercion. Most importantly, by positing the state as an independent agent,

⁵² Iris Marion Young, ‘Responsibility and Global Labor Justice’, *Journal of Political Philosophy*, 12 (4) (2004), 365-88, p. 376.

⁵³ Nagel, ‘The Problem of Global Justice’, p. 128.

it drives attention away from how people might coerce one another indirectly *through* the state's institutional structure. This points us in the direction of the systemic account of coercion.

As I said earlier, systemic coercion occurs whenever a system of rules (S) places *non-trivial* constraints on its members' freedom. Since the overall set of practices in which we engage on a daily basis – from family to school, from work to leisure – are brought together under an even higher-order practice, society as a whole, when looking for systemic coercion it makes sense to turn to the state as its primary *locus*. Like any other form of coercion, systemic state coercion can be either justified or unjustified.

First, consider a state marked by racial discrimination. Discrimination may not be formally authorised by the law, but simply result from widespread prejudices and informal social rules. What matters is that, in the society under consideration, the members of one racial group – for example, blacks – are *de facto* second-class citizens. They have much worse educational and employment opportunities than the dominant group – say, whites – and their capacity for autonomy is significantly restricted compared to that of other members. That society is, by all accounts, an unjust one, but whose fault is it? In our society there is no *individual* agent we can point at who can be accused of restricting blacks' opportunities. Instead, it is society's system of formal and informal rules that causes blacks' freedom to shrink (unduly). There is no single individual who can be said to act in a way that causes such a dramatic restriction in black citizens' freedom (i.e., their overall opportunities to

act). If we want to blame someone, we need to look at society as a whole.

Since a system of rules is not freestanding, and its existence depends on the support of a large enough number of individuals, it is ultimately they who bear responsibility for how such rules are designed. In a society with racial discrimination like the one I have just described, we can safely exclude that citizens can be plausibly regarded as being all *equally* joint authors and joint subjects of the rules governing it.⁵⁴ In such cases, some are 'more authors than others'. The rules in question reflect the will and interests of a privileged segment within the community. Since such rules unfairly reflect the interests of a particular group, it is appropriate to say that this group is unjustly coercing the rest of the citizenry – pushing them around in pursuit of their interests, according to rules they have no reason to accept in the first place.

Cases of (unjust) systemic coercion have been extensively discussed by

⁵⁴ Notice that, in this case, the basis for collective (or quasi-collective) responsibility can be of two analytically distinguishable, but deeply interrelated, kinds. First, responsibility extends to all citizens who *do not actively oppose* the particular culture which fosters racial discrimination. This is because, by virtue of being members of society, citizens share (and are thus responsible for the consequences of) a system of values which is ultimately conducive to racial discrimination. Second, responsibility extends to those who occupy positions of power in society and most benefit from racism. The former sense of responsibility broadly corresponds to what David Miller calls 'like-minded model' of collective responsibility, the latter to Miller's 'cooperative practice model' of collective responsibility. For further discussion see Miller, 'Holding Nations Responsible', *Ethics*, 114 (2) (2004), 240-68, pp. 252ff. On the theme of collective responsibility for racial discrimination, see Joel Feinberg, 'Collective Responsibility', in Joel Feinberg (ed.) *Doing and Deserving: Essays in the Theory of Responsibility* (Princeton, NJ: Princeton University Press, 1970), 222-51, pp. 247-8, discussed by Miller at p. 252.

Marxist thinkers. In G.A. Cohen's view, the proletariat is appropriately said to be forced (coerced) because the structure of capitalism

is sustained by a great deal of deliberate human action, notably on the part of the state. And if, as I often think, the state functions on behalf of the capitalist class, then any structural constraint by virtue of which the worker must sell his labour power has enough human will behind it to satisfy the stipulation that, where there is force, there are forcing human beings.⁵⁵

In a capitalist society of the kind described by Cohen, we cannot reasonably assume coercion to be genuinely mutual. By all plausible standards, authorship of the system lies primarily with the capitalist ruling elite. Without an account of systemic coercion, we would not be able to make sense of this highly plausible and familiar claim. In fact, from a purely interactional perspective, we would hardly be able to condemn this state of affairs. To see this, consider the relation between a particular capitalist employer C and a proletarian worker P. Even though C offers P an underpaid job, P cannot refuse it. Analysed in relation to the relevant counterfactual, i.e., a world in which C makes no offer, P cannot be said to be coerced. C's offer enhances, rather than curtails, P's freedom. If the offer were exploitative, we could certainly call it

unfair but, on a purely interactional account of coercion, it would not fall within the purview of principles of social justice. This interactional perspective is thus blind to the existence of coercion in the relations *between C and P* (as opposed to the relations between C and some independent entity called 'the state').

If we now take a systemic perspective and look at the society in which P and C live in its entirety, we are bound to conclude that capitalists are acting unjustly towards the proletarians through supporting a system of rules which imposes unjustifiable constraints on their freedom. What is troubling in the relations between C and P is that (i) P lives under a system which places him in a position such that he has no choice but to accept C's exploitative offer, and (ii) C shares responsibility for the existence of such a system.

Of course, coercion in society need not always be unjustified. When state laws can plausibly be interpreted as expressing the will of the entire population – because, by giving each citizen equal freedom, all would have reason to accept them – such laws are just and citizens' coercion is genuinely mutual. In those circumstances, state coercion is exercised with a view to protecting the freedom of all.

VI. BEYOND STATISM AND COSMOPOLITANISM

In sections III, IV, and V, I have distinguished between systemic and interactional coercion, and suggested that principles of domestic justice are triggered by the former, rather than by the latter. My twofold definition scheme meets the desideratum, posited at the end of section II, of steering a middle course between

⁵⁵ G.A. Cohen, 'The Structure of Proletarian Unfreedom', *Philosophy and Public Affairs*, 12 (1) (1983), 3-33, pp. 6-7.

coercion narrowly understood, and mere non-voluntariness or lack of autonomy. Firstly, by recognising that coercion can be exercised both directly, by an agent against another agent, and indirectly, through a system of rules, this notion of coercion is sensitive to the multiplicity of ways in which we might restrict one another's opportunities to act. Secondly, this definition is insensitive to *how* we might constrain one another's freedom – whether it is through a command backed by a threat of sanctions, direct physical interference or some other means. For instance, on this account, if A breaks into my house and steals all of my valuables, it makes sense to say that A coerces me (presumably, in this case that A unjustly coerces me). Thirdly, my account of coercion does not collapse into mere non-voluntariness or lack of autonomy insofar as it takes responsibility as attributability to be an existence condition of coercion.⁵⁶ While in the case of interactional coercion attributability is direct, in the case of systemic coercion it is indirect.

In addition to offering a valuable alternative to the problematic notions of coercion presupposed by statism and cosmopolitanism, this conceptual framework sheds new light on the debate between these two outlooks. If we consider statist principles of international *justice* (as opposed to assistance) – i.e., mutual non-interference and respect for self-determination – we can easily understand their function as that of justifying inter-state interactional coercion. For statists, refraining from undermining persons' autonomy in the international sphere means refraining

from interfering with the legitimate operation of their political communities (assuming these are internally just, hence respect their citizens' autonomy).⁵⁷ Any form of intervention would count as unjustified coercion. Cosmopolitans, on the other hand, defend principles justifying global systemic coercion, and assume that the sort of systemic coercion liberals justify domestically by appeal to egalitarian justice also exists internationally. Assuming that certain empirical conditions are met, statism and cosmopolitanism can be both grounded in the coercion-based conceptual scheme I have developed.

Although my view lends coherent theoretical foundations to cosmopolitanism and statism, predictably, it vindicates neither. The international set-up each of them presupposes is too distant from the actual world to ground a plausible approach to global justice. Statism and cosmopolitanism both assume very simplistic, though opposite, pictures of contemporary international politics. The former sees it as a matter of interactions between states, the latter as a matter of indirect relations between individuals mediated by an overarching, supra-national system of rules. Even a superficial look at our international scenario suggests that we are 'neither here, nor there', so to speak.⁵⁸ In our world, both inter-state interactions and (imperfect) supra-national rules and conventions exist – each placing different types of constraints on agency. This suggests that a successful theory of global

⁵⁶ On the notion of an existence condition, see Abizadeh, 'Cooperation, Pervasive Impact, and Coercion'.

⁵⁷ Cf. Rawls, *The Law of Peoples*.

⁵⁸ Andrew Hurrell, 'Global Inequality and International Institutions', *Metaphilosophy*, 32 (1/2) (2001), 34-57 and A.J. Julius, 'Nagel's Atlas', *Philosophy and Public Affairs*, 34 (2) (2006), 176-92, pp. 90-1.

justice should offer principles justifying both. In short, statist principles of non-interference placing limits on interactional international coercion should be supplemented by 'cosmopolitan' principles justifying global (or near-global) systemic coercion. Global justice is neither as detached from domestic justice as statist think, nor as close to it as cosmopolitans claim.

To show how my argument can help us adjudicate statist and cosmopolitan claims about the coerciveness of the international realm, let us reconsider the examples I discussed in my earlier 'model-exchange' between statism and cosmopolitanism. Take, for instance, the WTO. On my proposed view, whether the WTO is coercive depends on the framework of analysis we adopt. The WTO may in fact be conceived of both as an agent and as a system of rules. If we look at the WTO from the former perspective, we can ask questions such as: 'Is the WTO interactionally coercive of developing country Y?' That is, does the WTO restrict Y's freedom when it invites Y to join its institutions, compared to a scenario in which no such offer is advanced?⁵⁹ Critics of global justice typically answer in the negative, and they have a point. In all likelihood, by remaining outside the WTO a developing country would be worse off in absolute terms, lacking crucial opportunities to trade with other states. If this is the case, then it looks like the WTO broadens, rather than restricts, Y's freedom and is therefore anything but (interactionally) coercive. On this view,

the WTO is beyond justice-based scrutiny. If anything, 'it helps' the poor.⁶⁰

If we look at the WTO interactionally in order to establish whether it constitutes a plausible subject of justice, we are looking at it from the wrong perspective. What we have to look at is the WTO as a system of rules supported by a plurality of states. The constraints it imposes on its members' (and third parties') conduct are certainly non-trivial, and no matter what our chosen baseline for comparison is – be it a WTO, 'WTO,' 'WTO'' or no global trade organization at all – we can plausibly (but not conclusively)⁶¹ assume that *at least some* agents' freedom would be greater in the alternative scenario than in the existing one. This being the case, the WTO would correctly qualify as systemically coercive and therefore as a subject of justice. To clarify: this does not by itself show that the WTO is unjust. But it shows that it is appropriate to assess the WTO from a perspective of justice.

Some might think that, if the relevant baseline is the absence of *any* global trade organization, this conclusion does not follow. Unfair trade is better than *no* trade at all, also for developing countries.⁶² This is precisely what allows statist to say that 'the global order benefits the poor'. This objection overlooks the fact that the absence of a global system of trade does not automatically exclude the possibility of trade. Trade would still exist in the envisaged world without the WTO (or one

⁵⁹ For a description of the process of accession to the WTO see http://www.wto.org/english/thewto_e/acc_e/acces_e.htm.

⁶⁰ Cf. the model-exchange between statist and cosmopolitans in section I.

⁶¹ I don't consider this a serious problem – if we can make a plausible case for X, then we should believe in X until X is refuted. The burden of refuting X, when X is established non-conclusively, falls on whoever wants to dispute it.

⁶² I am grateful to Kai Spiekermann for raising this objection.

of its analogues), but it would not be centrally regulated. Developing countries allegedly benefit from joining the WTO because WTO standards have now become dominant. Refusal to participate in the WTO therefore results in virtually no trade.⁶³ This would not be the case in a world without any dominant standards. In such a world, trade would still be a possibility, and it seems obvious that at least *some* agents would be better off (in terms of freedom) than they are under the current system.

Notice, moreover, that from the plausible hypothesis that the WTO qualifies as systemically coercive it does not follow that it should be justified by appeal to principles of domestic distributive justice. Global systemic coercion differs from domestic systemic coercion. Since, plainly, the constraints on agency generated by the former are not the same as those generated by the latter – and if someone disagrees with this plausible claim, the burden of proof should fall on them – such constraints should be justified by appeal to different substantive principles. These principles would still be designed with a view to ensuring the freedom of all (states, and most importantly, their citizens). But what securing freedom requires is likely to vary from the domestic to the global arena.

Let us now consider another example, that of US and EU agricultural subsidies. Earlier we saw how, on a narrow conception of coercion, such policies could not plausibly qualify as coercive and therefore as legitimate subjects of justice. This is no longer the case if we adopt the

analysis of coercion I have proposed in this paper. Agricultural subsidies in the US and the EU foreseeably and avoidably place non-trivial constraints on the freedom of farmers in developing countries who are unable to sell their products and are thus condemned to destitution. To that extent, these subsidies certainly qualify as coercive. Interestingly, in this particular case we can characterize the coercion involved as being either interactional (at least in the broad sense defined in this paper, where a threat of sanctions is not a necessary condition for coercion) or systemic. If we interpret the US and the EU as particular agents acting *vis à vis* other agents (e.g., developing countries), then their coercion is properly described as interactional. On the other hand, if we consider their policies to be part of the ‘global economic system’, the coercion in question will be – as in the case of the WTO – of a systemic nature. In both cases, however, such coercion will have to be placed under justice-based assessment.

Finally, perhaps the deepest, most pervasive and most often overlooked form of systemic coercion, some may point out, is represented by the state system itself.⁶⁴ The rules governing such a system clearly place constraints on persons’ autonomy – think, for instance, about the constraints the state system places on freedom of movement. The state system represents a macro-level set of rules distributing opportunities across the globe. This being the case, the coercion view I propose may seem to prompt us to ask the question of whether states themselves, as institutions,

⁶³ On the consequences of the WTO’s imposition of dominant standards of trade see David Singh Grewal, *Network Power: The Social Dynamics of Globalisation* (New Haven and London: Yale University Press, 2008).

⁶⁴ On this see Arash Abizadeh, ‘Democratic Theory and Border Coercion: No Right to Unilaterally Control Your Own Borders’, *Political Theory*, 36 (1) (2008), 37-65.

can be justified. In spite of first appearances, this question does not sit comfortably with the coercion-based approach I have defended. Recall that state coercion not only constrains but also enables persons' freedom. From the perspective of the present view, state coercion is, in some sense, primitive. We can evaluate different ways in which state coercion is exercised, but we cannot directly question it as such, by disputing the very institution of the state. For all that we know, historically, states have provided the best context in which persons' right to freedom can be fully expressed. This is why statist's emphasis on effective sovereignty and self-determination can be grounded in a genuinely liberal concern with persons' freedom. If a political community is partly, or entirely, dependent of the 'will' of another, it is not genuinely self-determining, hence its citizens' freedom cannot be secured.

In light of the role states play in securing persons' freedom, instead of speculating about whether we should defend alternative forms of political organization, a more fruitful research avenue is to ask under what conditions the coercion exercised by states and other international actors, *both* interactionally *and* systemically, can be justified. It is perfectly possible that our answer will direct us towards considerable institutional reform of the state system ultimately transcending it, but this is something we cannot know until we tackle this question. Answering it – i.e., developing a systematic theory of global justice – is well beyond the scope of the present paper.

VII. OBJECTIONS

So far I have developed a general conceptual framework from which cosmopolitanism and statism can be derived as special cases and assessed on that basis. It now remains for me to defend my proposal against possible objections. I can see at least three forthcoming. The first targets the particular notion of coercion I have proposed, claiming that it stands implausibly far from 'standard' accounts of coercion. What I call 'interactional' and 'systemic' coercion, critics might say, are not forms of coercion at all.

Although it is true that some conceptions of coercion are more common than others, the theoretical literature on coercion contains a plurality of extremely divergent accounts of it. The claim that the view I offer is too detached from standard accounts therefore assumes a greater degree of uniformity in the existing literature than there actually is. Moreover, as I have noted, the view of coercion I defend is Kant-inspired, hence it can boast an important philosophical legacy. Finally, and most importantly, my aim in this paper has been to offer an account of *the subject of justice* capable of capturing the fundamental concerns of both cosmopolitanism and statism. What really matters is that the idea of coercion I propose fulfils such a role. If this notion of coercion better captures the autonomy-based concerns of liberal egalitarian theorists than other notions do, then it is worth defending as an account of the subject of justice. I use the label 'coercion' partly because my view stems from a generalisation of outlooks which appeal to the more familiar, interactional and threat-based account of coercion. I take it that

part of the point of political theory, especially in relation to questions of global justice, is to remodel our familiar moral vocabulary so as to generate conceptual tools with which to address the new challenges raised by globalization. A certain departure from common usage, therefore, is almost inevitable.

Let me now turn to the second objection. This points to the risks associated with tightly linking distributive justice and persons' freedom.⁶⁵ The worry here is that in so doing, I run the risk of unduly restricting the demands of distributive justice to the point of eliminating them altogether. After all, such an emphasis on freedom is paramount in libertarian theory. However, libertarianism is also the view which most harshly criticizes (re)distributive norms precisely because they infringe on persons' freedom.⁶⁶ So how can an exclusive concern with freedom ground a defence of *distributive* justice?

This worry is a legitimate one. A concern with freedom need not lead to defend principles of distributive justice. Whether it does depends on the particular conception of freedom one favours. On a conception of freedom largely based on pre-political self-ownership, like the libertarian one, freedom would be undermined, rather than realized, by distributive institutional arrangements. On a different conception of freedom, one which ties freedom with one's capacity to pursue one's ends and goals without infringing others' right to do the same – which I take to be the one favoured by Rawlsian statists and cosmopolitans – a

just society is one where a certain degree of (re)distribution takes place.⁶⁷ Within that society, distributive measures are undertaken to secure persons' equal right to freedom. In other words, tying justice to freedom does not pre-empt our answer to what the content of principles of justice is. Like many central concepts in political morality, freedom is 'essentially contested',⁶⁸ and an appeal to the *concept* of freedom *per se* is to be distinguished by the particular *conception* of freedom one favours.⁶⁹ The latter will determine how demanding (in terms of distribution) our principles of justice will be.

Finally, critics might object to my proposal not on substantive grounds – i.e., by arguing that there is something wrong with it – but simply by claiming that there is 'nothing new to it'. According to this objection, what I say is all very well and good, but also obvious. The fact that statism and cosmopolitanism are both problematic, and that we need a more nuanced approach to global justice has already been suggested in the literature and, at any rate, one does not need such a complex argument to see this.⁷⁰ What to say in response to this potentially devastating critique? I acknowledge that a sense of dissatisfaction with the extreme positions of statism and cosmopolitanism has recently informed the debate on global

⁶⁷ In addition to Rawlsian justice, Philip Pettit's republican account of freedom as non-domination appears to have such egalitarian implications. See his *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1999).

⁶⁸ W. B. Gallie, 'Essentially Contested Concepts', *Proceedings of The Aristotelian Society*, 56 (1956), 176-198.

⁶⁹ On the difference between concepts and conceptions see Rawls, *A Theory of Justice*, p. 5.

⁷⁰ Julius, 'Nagel's Atlas'. See also Joshua Cohen and Charles Sabel, 'Extra Rempublicam Nulla Justitia?', *Philosophy and Public Affairs*, 34 (2) (2006), 147-75.

⁶⁵ I am indebted to Jonathan Wolff for raising it.

⁶⁶ Nozick, *Anarchy, State, and Utopia*.

justice (although, I should also emphasize, the dispute between these two views continues). However, it is one thing to suggest that there is something intuitively wrong with the sharp dichotomy between cosmopolitan global distributive justice and statist non-interference *cum* assistance, and quite another to offer a systematic conceptual framework enabling us to articulate what exactly is wrong with it, and how we can do better. This, I believe, is the added value of my approach.

CONCLUSION

In an increasingly globalized world, the issue of distributive justice beyond state borders has gained tremendous urgency. Although I have not offered a solution to the problem of global distributive justice in this paper, I hope to have contributed to overcoming one of the most pressing theoretical obstacles to finding a solution: the impasse between statism and cosmopolitanism. In particular, I have

developed a general conceptual framework, in keeping with the fundamental tenets of a liberal political morality, from which these two views can be derived as special cases. My aim has been to enable a more fruitful discussion on global justice by providing common grounds on the basis of which arguments about the extendibility of principles of distributive justice to the international arena can be formulated. Different theorists will subscribe to different conceptions of freedom and of coercion, and consequently advocate different accounts of justice both domestically and internationally. Although I have some views on this matter, this is not the place to reveal them. This paper has been concerned with the design of a general conceptual framework. A defence of how such a framework can be best operationalised in a substantive theory of global justice will have to await another occasion.