

# Fair Equality of Opportunity in Global Justice

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MARK NAVIN

**Abstract:** Many political philosophers argue that a principle of 'fair equality of opportunity' (FEO) ought to extend beyond national borders. I agree that there is a place for FEO in a theory of global justice. However, I think that the idea of cross-border FEO is indeterminate between three different principles. Part of my work in this paper is methodological: I identify three different principles of cross-border fair equality of opportunity and I distinguish them from each other. The other part of my work in this paper is normative: I argue that we should endorse only two of the three principles of cross-border fair equality of opportunity and that we should reject the third. Importantly, I think that we should reject the one version of transnational fair equality of opportunity that most advocates of such a principle appear to endorse.

## 1. Introduction

The concept of fair equality of opportunity (FEO) originates in domestic political theory, where it is invoked to express the idea that persons' access to privileged positions should be based on their (natural) talents and efforts; and that race, gender, and class (and other social facts) should not affect such access. Bernard Williams provides an illustration of this idea:

Suppose that in a certain society great prestige is attached to membership in a warrior class, the duties of which require great physical strength. The class has in the past been recruited from certain wealthy families only; but egalitarian reformers achieve a change in the rules, by which warriors are recruited from all sections of society, on the results of a suitable competition. The effect of this, however, is that the wealthy families still provide virtually all the warriors, because the rest of the populace is so under-nourished by reason of poverty that their physical strength is inferior to that of the wealthy and well nourished. The reformers protest that equality of opportunity has not really been achieved; the wealthy reply that in fact it has, and that the poor now have the opportunity of becoming warriors—it is just bad luck that their characteristics are such that they do not pass the test.<sup>1</sup>

The reforms in this imaginary society achieve formal (non-discriminatory) equality of opportunity. This society no longer explicitly prohibits children of poorer fami-

lies from becoming warriors. But since being born into a poor family undermines one's ability to compete on fair terms, we think that such reforms fall short of what justice requires. That is, we think that equality of opportunity ought to be *fair*, and that we should not allow social facts like race or gender to affect one's chances in life, but that we may allow morally relevant natural facts, like talent or ambition, to determine the distribution of goods and privileged positions. John Rawls takes up this idea and incorporates a principle of fair equality of opportunity into his theory of distributive justice.<sup>2</sup> Many contemporary debates about distributive justice revolve around questions about what fair equality of opportunity requires.<sup>3</sup> For example, Anne Phillips has called equality of opportunity the "default position" for debates about liberalism, since it is an idea to which "no one could seriously object."<sup>4</sup> Debates about equality of opportunity are, therefore, usually debates about the conditions under which equality of opportunity is fair, rather than debates about whether equality of opportunity is desirable.

One recent introduction to debates about fair equality of opportunity is the suggestion that the domain of this principle ought to extend beyond national borders. Many political philosophers have endorsed some version of transnational FEO, including Brian Barry, Charles Beitz, Allen Buchanan, Simon Caney, Darrel Moellendorf, Thomas Pogge, and Kok-Chor Tan.<sup>5</sup>

I argue that there are three ways to interpret what it means to extend FEO beyond national borders. On my view, two versions of FEO offer plausible principles of international justice. These principles require international institutional democracy, international development assistance, and worldwide domestic fair equality of opportunity. However, a third version of FEO offers an implausible principle of international justice. This principle requires absolute per capita equality of national wealth and income. I argue that we should reject this third principle because its (re)distributive implications would undermine national self-determination and responsibility.<sup>6</sup>

## II. Principles of Transnational FEO

There are three ways to interpret the idea of transnational fair equality. They are the following:

- (1) *International FEO*: Every society should have an equal opportunity to hold privileged positions within the institutions of international society. A principle of fair equality of opportunity applies to international institutional activity.
- (2) *Global Institutional FEO*: Every person should have an equal opportunity to hold privileged positions within the institutions of international society. A principle of fair equality of opportunity applies to the activity of individuals within the institutional structure of international society.
- (3) *Cosmopolitan FEO*: Each person should have an equal opportunity to hold privileged positions throughout the world. A principle of fair equality of op-

portunity applies to personal activity within the institutional structure of the entire world.

This article consists of an extended discussion and evaluation of these three interpretations of transnational fair equality of opportunity.

## III. International FEO

The idea behind international FEO is that nations should have equal access to positions within international institutions. For example, Allen Buchanan argues that the parties to Rawls's international original position would choose to regulate their interactions by (what I have called) a principle of international FEO:

Surely the parties representing peoples would choose a principle of global equality of opportunity—a principle designed to ensure that their societies are not disadvantaged as a result of their members not having fair access to desirable positions and roles in the most important international economic institutions.<sup>7</sup>

While Buchanan calls this idea of transnational FEO "global equality of opportunity," I think that his emphasis on the relative advantages of societies (rather than persons) demonstrates that he is committed to (what I have called) international FEO. That is, he thinks that societies—as societies—should have an equal chance to benefit from international cooperation.

How do we apply the idea of FEO to questions about national access to 'positions and roles in the most important international economic institutions'? When we apply FEO in domestic society, we try to ensure that the allocation of privileged positions does not track social identities—like race or gender—but we do allow the distribution of such goods to track natural talents and dispositions.<sup>8</sup> However, domestic applications of FEO rely upon a distinction between one's social identity and one's other attributes that may seem ill-suited to international relations. Specifically, it may be unclear how to distinguish between a society's social and natural identities and attributes.

Recall that domestic fair equality of opportunity prohibits the distribution of positions of privilege and power from tracking persons' social identities (e.g., their race or gender). Instead, domestic fair equality of opportunity permits institutional inequalities to arise only from differences in morally relevant natural attributes (e.g., talents, ambitions, etc.). One worry about international FEO is that it seems unclear whether there could be any meaningful distinction between the natural and social attributes of a nation. While we may be able to identify nations' current attributes (e.g., levels of education or economic productivity), we may be unsure whether anything like a natural national attribute exists. Instead, it may seem as if national attributes are, by their nature, creations of a social process and history. However, the point of fair equality of opportunity is to ensure that

current differences in agents' talents or ambitions do not—by themselves—result in institutional inequalities, but that institutional inequalities are only permitted to result from differences in *natural* talents and ambitions. That is, if we want to justify international institutional inequalities on the basis of current national talents and ambitions, we need to have confidence that current differences in these attributes originated from natural differences in these attributes, and not merely from histories of unequal social conditions.

For example, domestic fair equality of opportunity can be violated when greater percentages of white children than black children get admitted to university on the basis of their higher scores on College Board examinations. If the differences in these scores are due to differences in the social conditions that the children of different races experience—rather than being due to differences in natural abilities—the different admission rates may violate fair equality of opportunity. (Or at least we would want to say that a society (as a whole) violates FEO if it allows different social conditions to affect citizens' access to social goods.) When we criticize the American educational system for the different educational opportunities that it offers to members of different races and classes, we are pointing out that the system allows facts about social identity (rather than natural talents, etc.) to create inequalitarian outcomes.

Earlier, I worried that we might not be able to distinguish between natural and social national attributes, or at least that we might not be able to make this distinction as intuitively as we are able to make the distinction between the natural and social attributes of individuals. I think that one potential response to this worry is to conceive of natural national attributes as the collective natural attributes of the individual members of a society. According to this view, a nation's natural attributes *just are* the natural attributes of its members. An important consequence of this (person-based) conception of natural national attributes is that we can conclude that each nation possesses equal natural attributes. This is because each society is likely to possess a distribution of natural talents among its population that is (roughly) equivalent to the distribution within each other society, even while there may be differences between the natural talents and ambitions of individual persons. That is, while we can accept that the 'natural lottery' distributes natural abilities and ambitions in different amounts to different persons, a nation with a non-trivial population should possess a distribution of natural attributes among its population that is equivalent to the distribution of natural attributes among the populations of other nations. To think otherwise would be to endorse claims about genetic determinism (e.g., of intelligence) that we ought to reject.<sup>9</sup>

What follows from the conclusion that nations have (roughly) equal natural attributes? One thing that seems to follow is that international FEO cannot allow current inequalities in national wealth or power to affect the ability of nations to participate in international institutional activity. If international institutional activ-

ity is to be regulated by FEO (as international FEO requires), and if FEO tolerates inequalities only if they are due to differences in natural attributes, and if nations have (roughly) equal natural attributes, then international FEO cannot tolerate inequalities in international institutional participation.

This is a strong commitment to equality of national access to international institutions. However, I do not think that international FEO implies any ongoing commitment to regulate international inequalities of wealth and income. This is because international institutional positions are primarily *political* positions. The positions that nations hold in international society—on the UN Security Council, on the dispute settlement board at the WTO, etc.—are positions in international institutional governance. Therefore, equality of access to international institutional positions requires some sort of international institutional democracy. However, international democratic governance does not directly address international inequalities of wealth and income. Of course, democratic governance may (indirectly) contribute to a decrease in international inequality, since current conditions of *non*-democratic global institutional governance likely contribute to international inequalities of wealth and income.

Furthermore, international FEO may also require international wealth transfers aimed at assisting burdened societies to become equal members to international institutions. For example, even if the World Trade Organization were regulated by a principle of international democracy, some nations would be unable to afford to rent and staff an office in Geneva and, therefore, would be unable to participate as equals in the WTO's governance. Since a nation's poverty may prevent it from participating as an equal member of international institutions, international FEO provides a reason for wealthier societies to offer development assistance to burdened societies.

Importantly, international FEO's support for development assistance does not entail an ongoing commitment to regulate international inequalities of wealth and income. *Relative* international deprivation is not the problem. Rather, *absolute* deprivation is a problem for international FEO, since a nation's ability to be an equal participant to international institutional governance is undermined by the fact that it does not have *enough*—and not by the fact that it merely has *less*. To return to the previous example, international FEO requires (among other things) that each nation have the ability to rent office space and pay the salaries of its representatives to international institutions. Nations need to possess some minimum level of national wealth in order to rent an office and pay its representatives. International inequality, as such, does not prevent societies from paying the costs associated with representing themselves.

I have argued that international fair equality of opportunity implies two principles of global justice: a principle of international institutional democracy and an international duty of assistance. Importantly, neither of these principles implies a commitment to an ongoing concern for international inequalities of wealth or income.

#### IV. Global Institutional FEO

Another way to extend FEO beyond national borders is to require *persons* (rather than *nations*) to have an equal opportunity to hold positions in global society. There are at least two ways to express the idea that persons should have an equal opportunity to hold international positions. First, we could require persons to have an equal opportunity to represent their nations in the institutions of international society. This is the interpretation I label 'global institutional FEO'. Second, we could require persons to have an equal opportunity to hold all positions within the entire world. This is the interpretation I label 'cosmopolitan FEO'. I turn here to the former idea and discuss the latter in the following section.

The idea of global institutional fair equality of opportunity is that persons should have an equal right to represent their societies in international society. I think that global institutional FEO requires both that nations have equal access to international institutional positions, and that persons have equal opportunities to hold the positions in international governance that the international community has reserved for their nation. A citizen's claim to global institutional FEO is two-fold: It is a claim (1) against international society for international FEO and (2) against her own society for domestic FEO. However, since neither domestic FEO nor international FEO require an ongoing concern for international inequalities of wealth or income, global institutional FEO does not require ongoing concern for international inequalities of wealth or income.

Global institutional FEO is of interest because it is one interpretation of what it means for persons to have an equal opportunity to hold positions in the institutions of global society. The idea that global justice is about regulating the way in which the major institutions of global society distribute social goods (e.g., opportunities, etc.) is popular among those political philosophers who advocate a 'globalized' form of Rawls's conception of institutional justice.<sup>10</sup> Just as Rawls claimed that domestic fair equality of opportunity should regulate the institutions of the domestic 'basic structure,' these global egalitarians argue that a principle of fair equality of opportunity should regulate the global 'basic structure.'<sup>11</sup> According to this first interpretation (i.e., global institutional FEO), equal opportunity to hold positions in the global basic structure requires only that persons have an equal opportunity to represent their nations in international society. If the 'global basic structure' consists in the set of international institutions that govern global commerce, etc., then global institutional FEO captures what a 'globalized' version of Rawls's principle of fair equality of opportunity requires. However, if we conceive of the 'global basic structure' as consisting in the institutional structure of the entire world—where this includes all the major institutions within and between nations—then we should look to another interpretation of what it means for persons to have an equal opportunity to hold positions in the global basic structure. I call this interpretation 'cosmopolitan FEO'.

#### V. Cosmopolitan FEO

Cosmopolitan FEO requires all persons to have an equal chance to hold positions throughout the world, so long as they possess equal natural talents and ambitions. Whereas international FEO focuses on the international positions available to nations, and global institutional FEO focuses on the international positions available to persons (i.e., in representing their societies in international affairs), cosmopolitan FEO focuses on persons' access to all the positions in the world. In the words of one of its advocates, cosmopolitan FEO ensures that "one's place of birth . . . should not affect . . . one's access to opportunities."<sup>12</sup>

The main idea of cosmopolitan FEO is that 'nationality,' like race or gender, cannot justify institutional inequalities, since nationality is just one more 'morally irrelevant' social fact. This account of border-crossing equality of opportunity has dramatic consequences for global justice. One proponent of global FEO suggests that it requires "a child growing up in rural Mozambique [to] be statistically as likely as the child of a senior executive at a Swiss bank to reach the position of the latter's parent."<sup>13</sup> That is, one suggestion is that global FEO requires each person in the world to have an equal opportunity to hold *identical* positions throughout the world.

The requirement that all persons should have equal opportunities to hold identical positions may be too strong, as both proponents and critics of cosmopolitan FEO have recognized.<sup>14</sup> This is because the requirement of equal access to identical positions would be insensitive to cultural differences (e.g., since we have no culture independent metric by which to say that 'physician' or 'shaman' is a more *valuable* position) and would mandate both open borders and universal fluency in a world language (i.e., in order for every person in the world be able to work in every location in the world).<sup>15</sup> While I lack the room to discuss this challenge here, I think that the advocate of cosmopolitan FEO can try to escape it by substituting the idea of 'equal opportunity to hold equivalent positions' for the idea of 'equal opportunity to hold identical positions,' where 'equivalent positions' are positions attached to equal amounts of social goods. For example, so long as a person living in France has an equal opportunity to become a physician as an Inuit has to become a shaman—and so long as both positions are attached to the same kind and amount of social goods—these two persons may have equal opportunities.<sup>16</sup>

Since the vast majority of people hold positions within their own societies, the immediate responsibility for achieving cosmopolitan FEO falls to the institutions of domestic society. Therefore, we need to determine what domestic societies require in order to fulfill their (immediate) obligations to cosmopolitan FEO.

I think that domestic fair equality of opportunity is one necessary condition of cosmopolitan FEO. Recall that fair equality of opportunity tolerates position-based inequalities only if they originate from difference in persons' *natural* talents or ambitions. As I suggested earlier, we can assume that the distribution of natural

talents and ambitions among persons within a society is (roughly) equivalent to the distribution of natural talents and ambitions among persons between societies. That is, the most naturally talented in one country are as talented as the most naturally talented from all societies, and all of the world's most naturally talented are equally more talented than those who are less gifted with natural abilities. We can say the same about persons of equivalent levels of ability and ambition. Therefore, domestic fair equality of opportunity models the same kind of competition for positions as does global fair equality of opportunity, since the distribution of natural talents within a society is identical to the distribution of natural talents in the world as a whole.

Importantly, domestic FEO is not sufficient for cosmopolitan FEO. While domestic FEO ensures that the (naturally) most talented individuals from each society have equal access to the best positions within their societies (from the point of view of the amount and kind of social goods attached to these positions), domestic FEO does not ensure that the most talented individuals in the world (as a whole) have access to equally valuable (i.e., equivalent) positions. This is because the best positions (and those of all other relative rankings) in one society may be attached to fewer social resources than are the best positions in another, since one society may have more wealth than another. For example, world-wide domestic FEO may ensure that a person in France has an equal opportunity to be a physician as an Inuit has to become a shaman. However, since the position of 'physician' is usually attached to far greater social goods (at least in terms of income) than is the position of 'shaman,' worldwide domestic FEO does not achieve cosmopolitan FEO.

In order to achieve cosmopolitan fair equality of opportunity, we need world-wide domestic FEO *and* something else. It must also be the case that each nation can provide equal amounts of social goods to persons of the same natural abilities and ambitions. This is what it means to say that persons in every society have an equal opportunity hold equivalent positions. And, since (we assume that) each nation has an equal distribution of natural talents and ambitions among its citizens, we can conclude that each nation must have equal (per capita) social goods available to distribute to its citizens. Therefore, another necessary condition of cosmopolitan FEO is that each nation in the world must possess an equal amount of per capita wealth and income, and that wealthy nations must transfer their wealth and income to poorer nations in order to achieve this goal. That is, wealthier societies must provide large wealth transfers to poorer societies, even after such societies are no longer burdened by unfortunate conditions and even after such societies are able to maintain the social conditions necessary for their members to lead flourishing lives. Cosmopolitan FEO requires not just poverty relief but an absolute equality of per capita national wealth and income.

Importantly, cosmopolitan FEO is *minimally* egalitarian from the point of view of individuals, since it may tolerate large inequalities in the distribution of social

goods between the persons of the world. So long as position-based inequalities are grounded in differences between persons' natural talents and ambitions, they can be acceptable from the point of view of cosmopolitan FEO. Interpersonal inequalities (even very large interpersonal inequalities) can exist within and between nations, so long as they are justified in this way. In contrast, cosmopolitan FEO is *maximally* egalitarian from the point of view of societies, since it tolerates no significant inequalities in levels of per capita national wealth and income. In the following section, I argue that this maximal international egalitarianism is problematic for national responsibility and self-determination.

## VI. Why Cosmopolitan FEO is Problematic

Cosmopolitan FEO requires all societies to have equal amounts of per capita financial resources. In order to achieve this goal, wealthier nations will have to transfer their wealth to poorer nations, up until the point at which all nations have the same amount. This is not a 'starting-gate' account of distributive justice.<sup>17</sup> It does not require merely that every nation get a fresh start on an 'equal playing field' after which we allow international inequalities to accrue from the results of free national activities. Instead, cosmopolitan FEO tasks nations to maintain the conditions of international equality by correcting for the inegalitarian results of free national activity. I think that this ongoing commitment to strict international equality is problematic for national responsibility. This is because a nation's knowledge of the fact that it will not enjoy significant benefits from its good choices—nor bear significant burdens from its bad choices—undermines national self-determination.<sup>18</sup>

Perhaps we should not be concerned about the negative effects of cosmopolitan FEO upon national self-determination. After all, liberals think that individuals are the ultimate units of moral concern, and, therefore, that national responsibility and self-determination are only instrumentally valuable (i.e., as they benefit individuals). For example, we think that a society's right to self-determination ought to be regulated by international human rights standards, and that a society's right to enjoy its own natural and social resources ought to be restricted by its obligations to provide foreign aid.<sup>19</sup> Along these lines, one advocate of cosmopolitan FEO observes that the challenge cosmopolitan FEO presents for national responsibility and self-determination cannot be problematic, since national self-determination "should be constrained by considerations of justice."<sup>20</sup> If cosmopolitan FEO constrains—or eliminates—national self-determination, so much the worse for national self-determination.

I think that this is a question-begging response to the worry that I have presented. In a world of many states, national responsibility and self-determination play important roles in promoting persons' freedom, since persons participate in national projects.<sup>21</sup> Treating persons as moral equals requires protecting their right

to bear some reasonable responsibility for the results of national projects (i.e., by bearing some of the burdens and enjoying some of the benefits of national activities). Therefore, the question that we need to answer is *how* to weigh the justice-claims of cosmopolitan FEO against the justice-claims of national responsibility and self-determination, and not *whether* justice constrains these values.

We might think that cosmopolitan FEO could avoid undermining national responsibility and self-determination by focusing its attention on the institutions of global society rather than on the activity of individual nations.<sup>22</sup> According to this account of what cosmopolitan FEO requires, nations need not be pre-occupied with the administrative burden of promoting international equality.<sup>23</sup> Rather, societies could focus on their own day-to-day affairs, i.e., both in their domestic conduct and in their international relations. Therefore, cosmopolitan FEO could be consistent with national responsibility and self-determination, since the responsibility for ensuring international equality would fall to the global institutional order, rather than to individual nations.

I think that this sort of response misses the point of the objection I have raised against cosmopolitan FEO. I do not think that cosmopolitan FEO jeopardizes national responsibility and self-determination by forcing nations to focus their attention on the goal of international equality. I agree that cosmopolitan FEO is not overly burdensome in this *administrative* sense, since some international institutional scheme could bear the responsibility for maintaining international equality. (For example, we could imagine some international taxation scheme that could accomplish this task.) Instead, strict international egalitarianism—of the sort required by cosmopolitan FEO—is troubling from the point of view of national responsibility and self-determination because of the detrimental effect it would have on national decision-making, even if a global institutional scheme bore the burden of ensuring international equality of wealth and income. This is because nations know that they will receive no significant monetary benefit (nor will they bear any significant monetary harm) for their actions. Whatever the immediate consequences of their choices, the economic results of national activity will be evenly distributed among the nations of the world.

Let's look at an example. Imagine that the Netherlands were considering a national project that would have the short-term effect of increasing per capita GNP by \$1000. This is not a huge amount of money, but it would be a boon to many of the country's 16 million citizens and would represent a substantial 4 percent increase to the Netherlands' GNP. Assume, too, that the only relevant reason for undertaking this project is that it will create this economic benefit. This project neither promotes nor undermines social justice, nor does it (directly at least) protect or jeopardize other social goods (e.g., national culture, the natural environment). Imagine, also, that cosmopolitan FEO were in effect and the citizens of the Netherlands know that cosmopolitan FEO is in effect.<sup>24</sup> They know that some international taxation

scheme will distribute the benefit of their proposed national project equally to all of the nations of the world. The consequences of this international egalitarian distribution for the proposed national project are such that the citizens of the Netherlands will receive .25 percent of the benefit of their national project, since they represent about .25 percent of the world's population. This works out to about \$2.50 per person and a .01 percent increase to the Netherlands GNP. In other words, the Netherlands has no significant economic reason to undertake this project, so long as cosmopolitan FEO is in effect.

Notice that the problem with strict international equality is not that nations are necessarily greedy or that we have to resign ourselves to this greed as a condition of national productivity or economic development. Rather, the problem is that we should make room for some account of responsibility for our choices, where this means that different choices have the potential to result in different outcomes. When our choices are restricted to actions that yield the same outcomes, we do not have *real options* to choose between. For example, if a prisoner had a mealtime 'choice' between putrid gruel and rancid slop, we would not say that he had a *real* choice in the matter.<sup>25</sup> Strict international inequality is problematic because it destroys an important space of national practical reason. It undermines the ability of nations to act on the basis of reasons in directing their own economic policies.

Perhaps I have gone too far, since we may think that *individuals* are able to choose freely between options attached to equal monetary rewards. And if individuals can do so, we might think that nations can, too. For example, imagine a society in which a strictly egalitarian conception of domestic distributive justice is in effect. Persons within this society can take whatever jobs they want and can receive different nominal wages for doing different work. However, all wages above the national equal wage line (i.e., the mean national wage) get taxed at 100 percent (in order to supplement the wages of those who make less than the national mean). If the equal wage were \$50,000, then the philosophy professor who makes \$60,000 would be taxed \$10,000 and the street cleaner who makes \$40,000 would receive a \$10,000 supplement. We surely would not say that the fact that these citizens' wages get equalized renders them unable to freely choose their careers. We believe, after all, that there are many good reasons for becoming a philosophy professor other than the anticipated wages. Among other things, we may be more attracted to academic work or to the clean and climate-controlled conditions under which it (usually) occurs. That is, there may be non-monetary consequences that motivate individuals' economic decisions. And, if it is the case that individual persons can freely choose professions in the absence of different (anticipated) monetary rewards, we might think that nations could choose between economic policies on similar bases.

Unfortunately for the advocates of cosmopolitan FEO, national economic policy deliberations are not analogous to the career considerations of individuals. This is because national economic policies often do not directly aim at achieving

social goods, but, rather, aim to increase national wealth (and little else). Of course, a society can use its new wealth to achieve other social goods, but it can only do so if it gets to keep the wealth it has created. And, since cosmopolitan FEO ensures that all national economic policies have the same (or very close to the same) economic results, there can be little reason for a nation to choose one economic policy over another, so long as the direct results of these national economic policies are comparable except for the expected monetary outcomes. This is why strict international inequality undermines national self-determination and responsibility.

## VII. Conclusion

Our world is deeply unjust. Among other reasons, this is because persons in poor societies experience vastly inferior opportunities than do persons in wealthy societies. The appeal of global fair equality of opportunity arises from the idea that the world would be a better place if everyone had similar chances to enjoy a good life. I have introduced three different interpretations of transnational FEO. The first, international FEO, requires international institutional democracy and international development assistance. The second, global institutional FEO, requires international FEO and worldwide domestic FEO. The third, cosmopolitan FEO, requires international redistributions of national wealth, aimed at creating per capita equality of wealth among the nations of the world. I argued that there are good reasons to endorse the first two versions of transnational FEO, but that there are good reasons to reject the third.

Mark C. Navin, University of Pennsylvania

## Notes

1. "The Idea of Equality" in *Philosophy, Politics, and Society* (Second Series), ed. Peter Laslett and W. G. Runciman (Barnes and Noble: New York, 1962), 126.
2. *A Theory of Justice*, 2nd Edition (Cambridge, MA: Harvard University Press, 1999 [1971]), §§ 14, 47. Henceforth, I refer to *Theory* as Rawls (1999a), to distinguish it from *Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), to which I will refer as Rawls (1999b).
3. For example, see Richard Arneson, "Against Rawlsian Equality of Opportunity," *Philosophical Studies* 93 (1999): 77–112; G. A. Cohen, "On the Currency of Egalitarian Justice," *Ethics* 99 (1989): 906–44; Ronald Dworkin, *Sovereign Virtue* (Cambridge: Harvard University Press, 2000); Anne Phillips, "'Really' Equal: Opportunities and Autonomy," *Journal of Political Philosophy* 14 (2006): 18–32; Mathias Risse, "What Equality of Opportunity Could Not Be," *Ethics* 112 (2002): 720–47; John Roemer, "Defending Equality of Opportunity,"

*The Monist*, 86 (2003): 261–82, and Iris Marion Young, "Equality of Whom? Social Group and Judgments of Injustice," *Journal of Political Philosophy* 9 (2001): 1–18.

4. Phillips (2006), 18.
5. These include the following: Brian Barry, *Why Social Justice Matters* (Cambridge: Polity Press, 2005); Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979); Alan Buchanan, "Rawls's Law of Peoples: Rules for a Vanishing Westphalian World," *Ethics* 110 (2000): 697–721; Simon Caney, "Cosmopolitan Justice and Equalizing Opportunities," *Metaphilosophy* 32 (2001), 113–34; and *Justice Beyond Borders* (Oxford: Oxford University Press, 2005); Darrel Moellendorf, *Cosmopolitan Justice* (Boulder: Westview Press, 2002); "Equality of Opportunity Globalized," *Canadian Journal of Law and Jurisprudence* 19 (2006): 301–18; Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989); and "An Egalitarian Law of Peoples," *Philosophy and Public Affairs* 23 (1994): 195–224; Kok-Chor Tan, *Justice Without Borders* (Cambridge: Cambridge University Press, 2004); and "The Boundary of Justice and the Justice of Boundaries," *Canadian Journal of Law and Jurisprudence* 19 (2006).
6. I use the terms 'national self-determination' and 'national responsibility' to mean roughly the same thing. The idea of 'self-determination' emphasizes a society's ability to direct its own affairs without interference, and with the guarantee of sufficient all-purpose means to pursue valuable activities. The idea of 'responsibility' emphasizes a society's ability to enjoy the benefits and bear the burdens of the choices that it makes, so long as these benefits and burdens are consistent with the demands of justice. While the two ideas have different emphases, I think that they both describe the same main idea.
7. Buchanan (2000), 711. See also 714 for more on this point.
8. Of course, it is possible to pair FEO with another principle of distributive justice that would not tolerate such inequalities. For example, in Rawls's view, the difference principle requires the inequalities that remain after FEO is in effect to be to the benefit of the worst off.
9. For a discussion of the pseudo-science surrounding claims about the genetic determinants of intelligence, see Claude S. Fischer, Michael Hout, Martín Sánchez Jankowski, Samuel R. Lucas, Ann Swidler, and Kim Vos, *Inequality by Design: Cracking the Bell Curve Myth* (Princeton, NJ: Princeton University Press, 1996).
10. This includes early Beitz (1979), early Pogge (1989), Tan (2004), and Moellendorf (2002).
11. For Rawls on the basic structure, see Rawls (1999a), §§ 2, 16, and 43, and *Political Liberalism* (Columbia: Columbia University Press, 1993), Lecture VII.
12. Moellendorf (2002), 55.
13. Moellendorf (2002), 49. Also see 79.
14. David Miller, "Against Global Egalitarianism," *The Journal of Ethics* 9 (2005): 55–71; Gillian Brock, "The Difference Principle, Equality of Opportunity, and Cosmopolitan Justice," *Journal of Moral Philosophy* 2 (2005): 333–51, at 347; Moellendorf (2006).
15. Miller (2005), 59–60; Brock (2005), 349–50.
16. Of course, a complete account of equal opportunity would require that the French person and the Inuit had equal opportunities to hold an entire set of equivalent positions.

17. For an example of a 'starting-gate' account of distributive justice, see Robert Nozick's *Anarchy, State, and Utopia* (New York: Basic Books, 1974), chap. 7.
18. David Miller says something similar: "Democratically governed nations, I argued, are likely to make policy decisions that affect the resources and opportunities available to future generations of their own members, so that even if we were to imagine starting out from a baseline of equality, that equality will immediately be broken as political and cultural differences between nations find expression in the policies that they pursue. To preserve equality we would have to transfer resources from nations that become relatively better-off to those who become worse-off, undermining political autonomy, and in a sense undermining self-determination, too, insofar as this involves choosing between alternative futures and receiving the costs and benefits that result from such choices" (Miller, 2005), 71.
19. For example, John Rawls argues that nations only have a right to the use of those national resources that remain after the nation has fulfilled its duty of assistance (1999b).
20. Moellendorf (2006), 317.
21. For a discussion of these issues, see Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1993).
22. In this way, cosmopolitan FEO could attempt to respect the 'division of moral labor' between institutions and moral agents that marks the liberal egalitarian theories of Thomas Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991) and John Rawls (1999a, 1999b, 1993).
23. "Such institutions need not constantly intervene in decision-making or take back the results of political deliberation because they establish the constraints in which politics occurs. . . . Although equality of opportunity may constrain the scope of state deliberation in comparison to the scope that presently exists, once the constraints are institutionally secured, deliberation will normally take place without hindrance." Moellendorf (2006), 317.
24. I assume, therefore, that all nations also begin with equal per capita income and wealth. However, for the sake of this example, I refer to existing GDP numbers, even though—were cosmopolitan FEO in effect—these numbers would likely be significantly different.
25. The same applies if the 'choices' are between good things, too. Imagine a game show in which contestants choose between two doors and get to keep the prize behind the door they choose. If there is \$10,000 behind each door—and if the contestants know this—then there is no reason that contestants can give for choosing one over the other.