Coercion, Justification and Inequality: Defending Global Egalitarianism

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Michael Blake's excellent book *Justice and Foreign Policy*makes an important contribution to the ongoing debates about the kinds of values that should inform the foreign policy of liberal states.[1] I share Blake's commitment to universal liberal values and also his commitment to autonomy. We part ways, however, over a number of issues, including when egalitarian ideals of distributive justice apply. Blake holds that they apply only in the context of a coercive state. Others – such as myself - argue that egalitarian principles of distributive justice apply at the global level, and hence think it unjust that some people in the world enjoy vastly better opportunities for leading fulfilling lives than others.

In this paper, I explore Blake's arguments against global egalitarianism. I focus in particular on the arguments he makes in Chapter 4 of his book, and his defence of what he terms "the negative argument about distributive justice" (p.5).The core idea of Blake's"negative argument" is captured in the following statement:

> "[the] process of justifying coercive law to those coerced is one which issues in the demand for some principle of material equality to those coerced. If this is right, then the best story we have about why material inequality matters is one that makes essential reference to the coercive nature of a sovereign state" (pp.86-87)

So, on Blake's view, there is an intimate connection between the coercive state, on the one hand, and the application of equality, on the other. Blake then proceeds to spell out this core idea in two ways – one that focuses on the nature of democratic government and a second that explores the implications of justification. In what follows I shall examine both arguments he gives. I then draw attention to a general problem with his view.

I: The Argument from Democracy

*§1.*Let us start with Blake's first argument then (pp.87-91). This has three key premises. As noted above, his starting point is the claim that the state as a coercive institution needs to be legitimized. Blake holds that if it is to treat persons as equals this requires that it be run on democratic lines. His first step can thus be stated as follows:

[1] Oxford: Oxford University Press, 2013. Future references to this work are inserted into the text.

> [P1] If coercive state power is to be legitimate, political decisions should be made by a democratic decision-making process.

Blake then argues, second, that democratic decision-making has socio-economic implications. Democracy to be meaningful requires that citizens have the material wherewithal to participate in politics. As Blake puts it, "[w]e are, I think, bound to create those circumstances under which full and effective participation in the creation of the laws might be possible" (p.88).Blake is not very specific at this point on quite what the socio-economic preconditions are. He writes, for example, that they draw attention to the significance of "relative income shares" (p.87). However, at otherpoints he argues that democratic government is incompatible with "income inequality" (p.88).Furthermore, as the passage I quoted above reveals, Blake is seeking to defend "some principle of material equality" (p.86). Now, if this is right then the second step then is that:

> [P2] Democratic decision-making has socio-economic preconditions, and, more specifically, requires socio-economic equality.

Blake then argues that this line of reasoning cannot be extended to the global realm.

> [P3] There is no coercive political organization at the global level.

Thusthe argument from democracy to socio-economic equality does not justify global egalitarianism (p.89).Blake concludes, then, that equality applies within the state but not above it. Let us call this the 'argument from democracy'.

§2. This argument might be criticized from a number of different perspectives. First, some will dispute (P2). I am sympathetic to it, but I would note that it requires much more conceptual and normative argument,and more empirical data,than Blake supplies. For example, whether democracy requires socio-economic equality will depend on what conception of democracy one affirms, and whether there is a good argument for that conception. More deliberative models of democracy might do so, but we should note that Blake often emphasizes that he is taking the world as it is and as it is likely to be for the foreseeable future (p.45ff). If he stays true to these strictures then appeals to radical democratic models are likely to be ruled out as utopian. The prospects of the US transforming itself in the foreseeable future from an oligarchy dominated by corporate interests into a political community that realizes political equality seem to me remote. And more realistic models of democracy won't have the same egalitarian implications. So, Blake's non-ideal strictures raise a problem for his defence of (P2).

Perhaps Blake can address these concerns. My centralconcern with hisargument is that his premises do not yield the conclusion that he seeks. At most Blake's argument establishes the following:

> (C_1) The 'argument from democracy' provides us with a reason to call for socio-economic equality within the state; and it does not provide us with a reason to call for global equality.

Indeed, at one point, this is how Blake himself presents his own argument. Just after presenting the 'argument from democracy' he writes

> "All this has been simply to argue that we have one plausible story, stemming from the needs of democratic self-government, to think that relative economic

> shares between persons are morally important; and, further, to argue that this story does not itself apply directly to the international realm" (p.91).

But note: this is a very weak conclusion. It is weak because it is quite compatible with there being other arguments for equality which *do*support global equality. (C_1) entailsmerely that *one* kind of argument for equality does not support global egalitarianism. Clearly, however, that does not show that there could be no argument for global equality.

*§3.*Elsewhere in *Justice and Foreign Policy*, Blake seeks to establish much stronger conclusions. For example, at many points he affirms the following:

> (C_2) the 'argument from democracy'gives*the best justification of* the value of equality; and, it does not support global egalitarianism.

Consider, for example, the following passages from Blake's book:

> "the best reasons we have to care about distributive justice of this sort rely upon facts that hold true only in the domestic political realm" (p.5)

> "The best reasons we have to value specifically egalitarian distributions … hold only within the local context, and cannot be generalized to the world as a whole" (p.11)

Elsewhere we are told that Blake's arguments provide "the best story we have about why material inequality matters" (p.87: see also p.80). In all of these cases, then,Blake is affirming (C_2), and not merely (C_1).

Now before evaluating (C_2) we should note that sometimes Blake affirms a third conclusion, namely:

> (C_3) The 'argument from democracy' provides the *only* argument for socio-economic equality; and it does not apply at the global level.

For example, Blake writes that "relative deprivation becomes morally significant *only* because of certain features which hold true within, but not without, the domestic political state" (p.80: emphasis added: see also p.91). The "only" in that sentence is significant: it signals that the *sole* situation in which concerns about equality apply is that of "the domestic political state".[2]

§4.(C_2) and (C_3) are importantly distinct. To say that a reason, Ri, is the "best reason" for some course of actiondoes not entail that other reasons (a reason Rii) might not also be a good reason for performing that action. Consider a different issue –torture. Someone might say that the best argument against torture is of a deontological nature (so this is Ri). To say this, however, is not to preclude the possibility that there might also be other arguments against torture - for example, the consequentialist argument that torture does not provide reliable evidence (Rii) - that also provide us with good reason not to practise it and which are,in themselves,sufficient to show that it should not be practised. So, one

[2] In his illuminating paper in this issue, Pablo Gilabert also notes both Blake's equivocation between what I have termed (C_2) and (C_3) and the failure of his arguments to yield (C_3), 'Blake on Global Distributive Justice', section 3(ii).

can hold that the "best reason" for an injunction is Ri whilst also holding that Rii also gives a good reason for that same injunction. In the case of torture someone might say that the consequentialist argument is not the best account because its condemnation is contingent on certain facts holding and that, the critic might say, is a weakness. It is a weakness because it concedes that if the facts were different it would endorse torture.[3]Nonetheless, the consequentialist reasoning might still provide a compelling reason – one that is sufficient on its own - to prohibit torture. So (C_2) and (C_3) are distinct; and, moreover, (C_2) does not entail (C_3).

Let us now consider both conclusions. Several points are worth making. The first and most important point is that the premises adduced by Blake (what I have termed (P1), (P2) and (P3)) do not entail either (C_2) or (C_3). Consider (C_2). If true, (P1) and (P2) show – at the very most – that a commitment to democracy entails a commitment to material equality. They don't show that it is the *best* explanation of the value of equality. Simply as a matter of logical entailment, (P1)-(P3) do not entail (C_2). In addition to this, however, a wide variety of different arguments has been given in defence of equality. Nothing that Blake has said gives us reason to think either that the argument from democracy is better than any of theseother arguments for equality or that they do not justify global egalitarianism.

Turn now to (C_3). Again, Blake's premises do not entail his conclusion. (P1)-(P3) just do not logically imply (C_3).[4]For Blake to arrive at (C_3) he would have to add a further premise:

> (P4) There are no other arguments for equality that(a) are persuasive and (b) support global egalitarianism.

But Blake does not explicitly affirm (P4) and does not give us any reason to endorse it. He could do so if he considered all the main arguments for equality and showed that none met conditions (a) and (b). Or he could develop a general argument which showed that no argument could possibly jointly honour (a) and (b), but he does not do either. So we have no reason to endorse the suppressed premise (P4). Without it, we cannot get from (P1)-(P3) to (C_3).

My argument so far is sufficient to condemn Blake's first argument. (P1)-(P3) do not establish what Blake seeks to establish, whether that is (C_2) or (C_3).

A further point is, however, worth noting. Return now to (C_2). As I recorded above, Blake give us no reason to endorse (C_2). In addition to this, however, the claim is also highly implausible. I think that democratic self-government is important and that it requires some material preconditions, but it seems incredible to think that this is the best

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[3] See G. A. Cohen's discussion of a certain kind of objection to utilitarianism (and in particular his discussion of "Objector B") in his *Rescuing Justice and Equality* (Cambridge, Massachusetts: Harvard University Press, 2008) pp.264-266.

[4] This point is one that has often been made against Blake's earliest work on coercion ('Distributive Justice, State Coercion, and Autonomy', *Philosophy and Public Affairs* vol.30 no.3 (2001), pp.257-296). See, for example, Caney 'Global Distributive Justice and the State', *Political Studies* vol.56 no.3 (2008), pp.502-503 (and the references cited there: p.515 footnote 20), Gilabert *From Global Poverty to Global Equality: A Philosophical Exploration* (Oxford: Oxford University Press, 2012), p.172.

– most compelling – reason to value socio-economic equality. To say that the main reason that equality has value is because it enables fair participationin politics is to place extraordinary weight on one domain of human life (political participation) – one that many people do not enormously value – and to downplay all the other domains which we spend much of our life pursuing. It seems much more compelling to me to think that equality matters because it is part of a fair conception of people's opportunities in life conceived of more generally – that is, their prospects to pursue their own conception of the good (their goals, interests and ambitions). When I call for economic equality it distorts the underlying thought to represent it as 'the best case for this is that it enables people to take part in politics on an equal basis'!

III: The Coercion and Justification Argument

Let us turn now to Blake's second argument (pp.91-98). This also maintains that there is a tight link between, on the one hand, being subject to a coercive state and, on the other, the application of principles of distributive justice. But it offers a different way of connecting the two.

As with the first version of Blake's argument, it is helpful to break it down into the individual steps. The first step is as follows:

(P1) The system of law within a state is coercive (pp.91-93).

Blake is keen to establish here that it is not just the criminal law that is coercive, but the private law too; and, moreover, that citizens are bound by a general system of laws. As a coercive system, the law invades persons' autonomy. This takes us to the second step:

(P2) State coercion stands in need of justification, specifically in the form of a hypothetical contract (pp.93-94).

Since it compromises individual autonomy, the state is under a duty to justify its actions to its citizens.At this point Blake then introduces a third step:

(P3) The state's justification of its coercive power through the use of a hypothetical contract justifies egalitarian principles of distributive justice (pp.95-97)

Blake's final move is – as before – to deny that this argument applies at the global level.

(P4) There is no analogous coercion at the global level (pp.97-98)

Therefore

(P5) Given (P4), the preceding argument for equality (encapsulated in (P1)-(P3)) does not apply at the global level.

What should we make of this argument? I think it is vulnerable to several powerful objections. I will mention two here.

§1. First, one problem with his argument concerns (P2). Let us suppose that being subject to a coercive power requires justification. There are very many different accounts of what political justification involves, and many of them do not have the distributive implications that Blake ascribes to the one that he affirms. Blake, however, moves straight from a commitment to justification to one very specific account of justification

(namely the Rawlsian original position). In doing so he overlooks other kinds of justification. To see the problem consider the following four models:

> A: Political justification requires that those who exercise coercion are democratically elected.
>
> B: Political justification requires that political authorities set out the reasons for their policies and their rationale.
>
> C: Political justification requires that political authorities only employ public reason and widely shared modes of reasoning, and that they eschew appeal to comprehensive doctrines.
>
> D: Political justification requires the implementation of the principles that would emerge from a hypothetical contract comprising only those who are coerced

My question to Blake then is: Why assume that justification requires D? Why not some or all of the others instead?Consider A. One very natural response to being coerced is to ask 'what gives you the right to exercise coercion over me?' Now one reasonable kind of answer is to argue that the exercise of coercion is legitimate because, and to the extent that, those exercising it were democratically elected by those subject to its coercive power. However, if this is what political justification requires then it collapses into Blake's first argument. As such it (a) adds nothing to that argument and (b) is vulnerable to all the limitations set out above.

Consider now B: very often justification takes this form. Political actors comply with this by approach by setting out the reasons for the policies that they are implementing. They justify their actions, that is, by presenting the arguments for their position, and by addressing concerns and counter-arguments. One might go further and argue that justification requires that they engage in this process in public. Consider those who exercise power but do not answer requests for reasons, fail to discuss their rationale, and do not consider objections and provide answers to them. According to B,such conduct is disrespectful and it is a failure of political justification.

All of this sounds right to me. But it does not entail the creation of egalitarian distributive principles. Crucially: it can take the form of defending, and presenting the reasons for,*independently-derived* principles of justice. So suppose one thinks that a global egalitarian scheme of justice (or another view if you prefer, such as libertarianism) is correct then, on this view, political justification requires setting out the reasoning underlying this view, addressing objections and so forth. It does not require defining the *content*of justice as that which persons would agree to in a Rawlsian hypothetical contract. So B gives no support to Blake's conclusions.

Someone might add that B is insufficient. Inspired by Rawls's arguments in *Political Liberalism*they might argue that the exercise of political coercion requires political actors to draw only on commonly shared modes of reasoning, and public reason, and to eschew comprehensive doctrines. This it seems to me is the authentic Rawlsian response to the fact of coercion.[5]Indeed Rawls barely mentions coercion in *A Theory of Justice*, and when he does it is in connection with topics like the equal liberty principle, whether private associations can employ coercion, the use of coercion to supply public goods, the need to enforce principles of justice, and the conditions for promises to be binding - *not*

[5]*Political Liberalism* (New York: Columbia University Press, 1993).

the scope of distributive justice.[6]Coercion is much more relevant to the arguments for political legitimacy in *Political Liberalism*. But C does not have egalitarian distributive implications. It requires only that political actors eschew controversial comprehensive doctrines and has little to say about distributive justice.

The problem then is this: whilst the claim that political coercion must be justified is true, Blake illegitimately moves from that anodyne claim to a very specific conception of justification, ignoring three others – where one of these restates his first argument and the other two do not entail equality.

§2. Suppose that we grant that coercion entails a commitment to justification and, moreover, that we endorse Blake's Rawlsian conception of justification, and suppose, further, that that justifies egalitarian principles of justice. Even then, an additional problem – one that afflicted the first argument – resurfaces, namely that this does not entail either (C_2) or (C_3). (P1)-(P4) entail only that *one* argument for equality does not apply at the global level. It does not show it to be the best argument. And it does not show that no other argument does.

Blake is aware of this concern and devotes three pages to this objection(pp.103-105). However, in that discussion he focuses on a version given by Andrea Sangiovanni, which employs an example of a society without coercion to make its point that equality might apply even in the absence of coercion.[7] Blake's response then gets caught up in all the details of Sangiovanni's example (is it really a coercion free society? Indeed, is such a society possible among human beings?) As such it misses the broader point, which is that showing that one argument for equality does not apply at the global level simply does not show that no argument does. (C_3)is not entailed by the premises that Blake adduces. Blake may think that no other argument could entail global egalitarianism, but he gives us no reason to share this conclusion.

IV: A General Objection

So both versions of his negative argument fail. In this final section I wish to draw attention to one general problem with Blake's view. To introduce the problem it is helpful to list the kind of question that one requires a theory of distributive justice to answer. Amongst other things, we expect them to specify:

a) the scope of justice
b) the principle of distribution

but we also need to know

c) what particular goods (and bads) are governed by the principle.

Blake's arguments are designed to provide answers to (a) and (b), but even if we know that a principle of equality should apply among co-citizens we also need to know – and

[6] Rawls *A Theory of Justice* (Oxford: Oxford University Press, 1999) Revised Edition, pp.182, 207, 267, 249 & 303.
[7]Andrea Sangiovanni 'Global Justice, Reciprocity, and the State', *Philosophy and Public Affairs* vol.35 no.1 (2007), pp.10-11.

this is what (c) concerns – what resources are included in its remit. What are the specific goods – and bads- that are legitimately governed by the principle that applies among one group of people?

To illustrate the point consider natural resources and territory. Is a state entitled to all the natural resources within its territory and 100% of the benefits of these resources? And what counts as 'its' territory – everything that it has at the moment? If so, what is the argument for that? Might it be entitled to land currently held by another state? Or should it cede some territory? What we need here then is an argument showing what resources and territory a state can legitimately treat as 'its' – that come under its remit - and what is justly owed to others.

This point, note, is not simply about the ownership of natural resources and territory. The point is a more general one: and the key observation is that we need to have a comprehensive account of justice which takes into account the legitimate claims of others, adjudicates between them if they conflict and then, on that basis, determines what resources come under the remit of a state. It thereby supplies an account of (c). The entitlements of a state and of its citizens must be part of a generaltheory of resource ownership. Only when we have that on hand, can we say what goods are governed by Blake's state-centric egalitarianism.

We can see this when we consider other considerations – like historic injustice. Maybe a state's current holdings are based on a history of appropriation from others in other countries, in which case our answer to (c) needs to take into account what might be owed to the descendants of the victims of that injustice.

When determining (c) we also need to take into account what is owed to future generations.

And, finally, we also need to consider any claims that foreigners might have to the goods currently located in that state. Suppose that a democratically constituted government took out a loan then the 'legitimate holdings' that it can distribute to its own citizens must subtract the money that it owes to those others. In addition, if there are obligations of justice to the needy abroad (as Blake himself recognizes), then the legitimate holdings that a state can treat as its must also subtract the resources demanded by that responsibility too. It cannot spend on its own citizens what it does not own.

What these points – about natural resources, territory, claims of rectificatory justice, intergenerational justice and obligations to foreigners – all confirm is that to know what holdings a state can legitimately utilize and include under its remit we must have a more general theory of justice within which the claims of states and their responsibilities to their citizens are then nested. What we cannot do is just assume that whatever states currently have within their borders is all legitimately theirs.

This makes Blake's account incomplete because he does not supply such an account. It also undermines his critique of global egalitarianism, because proponents of the latter argue that a principle of equality should regulate the global legal and political framework

within which political communities can then operate with their 'fair share' of resources.[8] Since he does not supply an account that specifies (c) Blake gives no reason to reject global egalitarian accounts of that general framework.

Perhaps Blake will respond to this by drawing on his treatment of "ideality and foreign policy" (pp.44-49). He writes there that he is going to take certain features of our world as given and fixed, and he sometimes includes the very unequal wealth that exists between states as one of those givens (pp.44-45). Thus he says that he will "assume the inequality of states" (p.44. Furthermore, he reports that he will assume that "states have widely different economic, political, and military powers" (p.45) on the grounds that

> "the inequalities in sizes and in resources between these states, are unlikely to be overcome in any fundamental way in either the short or the medium run. We have, therefore, a need for a particular form of theory: one which accepts the forms of institution we have, and accepts that we begin with deeply inegalitarian distributions of power and wealth" (p.45)

In response: whilst it is important to be able to speak to the world as it is, it would be a grave mistake to treat the existing wealth inequalities as a given. One might perhaps do so if they were impossible to change (appealing to ought implies can) but this is empirically incorrect. It is perfectly possible for states to counteract this inequality. It is just unlikely that they will do so. But their unwillingness does not make it morally permissible.

Furthermore, making this point does not require abolishing the current system of states. One can accept, for the sake of argument, Blake's assumption that a system of states is not going to disappear any time soon, but this is quite compatible with holding that states should work together to reduce global inequalities.

The challenge thus remains: Blake needs to provide a general account of the fair distribution of resources, and only then can he say what goods states may permissibly use to devote to their own citizens. And he cannot simply assume either that the current holdings are unchangeable or are fair, or that they should not be regulated by an egalitarian principle of distributive justice.

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To sum up: in this paper I have argued that neither of Blake's arguments support his conclusions. And I have noted that his account is incomplete in a way that undermines his critique of egalitarian global ideals. If states adopted Blake's principles for their foreign policy we would have a much better world than currently exists. But it would not – I submit - be a fair world.

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[8] As I have argued elsewhere, the same point applies to Sangiovanni's critique of global egalitarianism: see Caney 'Humanity, Associations and Global Justice: In Defence of Humanity-Centred Cosmopolitan Egalitarianism', *The Monist*vol.94, no.4 (2011), pp.516-517. The point goes back to Henry Shue 'The Burdens of Justice', *Journal of Philosophy* vol.80 no.10 (1983), pp.603-606.