

No Justice Without Democracy: A Deliberative Approach to the Global Distribution of Wealth

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Abstract

The debate about global distributive justice is characterized by an often stark opposition between universalistic approaches, advocating an egalitarian global redistribution of wealth (Beitz, Pogge, Barry, Tan), and particularistic positions, aiming to justify a restriction of redistribution to the domestic community (D. Miller, R. Miller, Blake, Nagel, Rawls). I argue that an approach starting from the deliberative model of democracy (Habermas) can overcome this opposition. On the one hand, the increasingly global scope of economic interactions implies that the range of individuals concerned with the redistribution of wealth should also be increasingly universal. On the other hand, the need for democratic deliberation refers to the fact that demands of justice should be contextual and should take into account the particular circumstances, needs and values of the people concerned. Both concerns can be realized simultaneously only within a multi-layered democratic system in which redistribution is a concern at the domestic, the international and the global level.

Keywords: global justice; deliberative democracy; distribution; multi-level governance

I Introduction

In the current world, our chances of being rich or poor are largely determined by the country we happen to be born in. Many philosophers consider this to be an unacceptable situation and argue on the basis of universalistic premises that citizenship is a morally arbitrary characteristic which should not influence our economic or social position. Principles of distributive justice governing the distribution of economic burdens and benefits should be global in scope and ignore national boundaries (Beitz, 1999a; Barry, 1982; Pogge, 2002; Tan, 2004). Other philosophers argue, in contrast, that such egalitarian positions fail to appreciate the moral relevance of certain features of our particular relationship with our fellow countrymen. Of course, we have certain universal duties of assistance to alleviate extreme

poverty throughout the world, but once a certain threshold of well-being is reached, we are no longer required to diminish remaining inequalities across state borders. Our special obligations towards our compatriots justify the restriction of the scope of distributive justice to the domestic community (Rawls, 1999; Dagger, 1985; Goodin, 1988; D. Miller, 1988, 1999, 2005; R. Miller, 1998; Blake 2001; Nagel, 2005; Sangiovanni, 2007).

The often stark opposition between domestic and global justice which characterizes the current philosophical debate is rather surprising. In practice, a middle-ground position in which we give a certain priority to our own compatriots but in which, *at the same time*, a significant part of our wealth is also redistributed on a global scale is perfectly feasible. In fact, such a middle-ground position has a strong intuitive appeal. On the one hand, we feel that the strong economic, social and political bonds we share with our fellow citizens entitle us to keep all or most of the benefits that 'we' as a collective produce. On the other hand, it is becoming ever more clear that our domestic wealth is generated in the context of a globalizing economy in which we are increasingly dependent on the decisions made by economic and political players elsewhere. To the extent that economic production thus becomes a more global enterprise, the idea of a global scheme for the redistribution of the benefits and the burdens it generates seems ever more appropriate.

It is the purpose of the present paper to provide a theoretical framework which is capable of providing a normative justification for such a practically feasible and intuitively appealing middle-ground position. Taking the deliberative model of democracy (Habermas, 1996, 1998) as a starting point, I argue for a *multi-level approach* in which distributive justice is a concern at the *domestic, international and global level*. The deliberative model is particularly suitable for such an undertaking because it combines the ideal of *universal respect* for the autonomy of all individuals with a strong focus on the need for the *contextual realization* of this autonomy (Forst, 2001).

II Autonomy as a Democratic Construction

In this section I start with a preliminary exposition of the deliberative model of democracy. Since this model serves here as a starting point for an argument concerning distributive justice, this exposition will necessarily remain sketchy. For a more profound analysis and normative justification of the model, I therefore refer to a series of other recent publications (Rummens, 2006, 2007, 2008).

The core of the deliberative approach is best captured by the *discourse principle*, which states that all norms regulating human conduct should be based on an agreement which is the outcome of a reasonable deliberation between all individuals concerned (Habermas, 1996: p. 107; 1998: p. 41). Applying this requirement to the principles of distributive justice means that these principles cannot be determined in an a priori manner by philosophers

or policy-makers but that they should be the outcome of actual democratic deliberations between all citizens concerned. The *procedural* nature of the deliberative approach therefore implies that an adequate theory of justice will not be able to provide a specific set of criteria for redistribution but has to focus rather on the democratic contexts in which such criteria should be established.

Critics of the deliberative approach often consider its procedural character to be a severe weakness because the model's lack of substantive normative content supposedly undermines its ability to criticize the status quo. This critique is, however, not warranted. First of all, discourse theory does not refer to simply any kind of procedure but requires, rather, *reasonable* deliberations which have to be, amongst other things, inclusive and not distorted by power imbalances. Insofar as the existing democratic structures on the domestic or the international level fail to meet the requirements of reasonableness they can and should be criticized. In that case, the deliberative approach will be able to advocate transformed or perhaps entirely new democratic procedures and institutions. Secondly, discourse theory is not a purely procedural theory. The model contains a *substantive normative core* which can be adequately characterized in terms of the *context-sensitive recognition of autonomy* (Rummens, 2006, 2007). As Habermas clearly indicates, the reasonableness of deliberation implies that an agreement can only be reached on the basis of norms which are impartial (Habermas, 1996: p. 109; 1998: p. 42). Impartiality thereby means that the norms should give equal consideration to the particular needs and values of all citizens concerned and, thus, should aim to maximize the autonomy of these citizens in an equal but context-sensitive manner. Insofar as existing norms, such as the existing criteria of redistribution, manifestly violate this substantive requirement, the deliberative model is able to criticize them as unreasonable and, therefore, unacceptable.

A proper understanding of the unique way in which the deliberative model combines procedural and more substantive concerns reveals that it is based on a *constructivist conception of autonomy* (Rummens, 2007). This means, on the one hand, that the model takes the recognition of human autonomy, the ability freely to choose and pursue one's own conception of the good life, to be its core and universal concern. This also means, on the other hand, that a more specific understanding of what the recognition of autonomy requires can only be determined on the basis of historically situated democratic procedures. The need for such processes is explained on the basis of two further claims. First of all, discourse theory assumes that our human condition is characterized by an ineliminable plurality. The requirements of autonomy cannot be determined once and for all for all people indiscriminately. Instead, they will depend upon the historically situated diversity of values, interests and perspectives held by the individuals involved. Secondly, discourse theory also assumes that individuals have a

certain epistemic privilege in terms of determining their own concerns and needs. Only they themselves are able to explain their own particular perspective adequately and to judge whether or not it has been sufficiently taken into account. As a result, the external imposition by policy-makers or expert philosophers of a more specific conception of autonomy on a group of people is tantamount to a paradoxical denial of the autonomy one wishes to recognize. Instead, a specific interpretation of the a priori necessarily vague idea of autonomy should be *constructed* on the basis of an inclusive democratic process in which the people concerned have a genuine impact. Of course, and this is a common misunderstanding, this does not mean that the deliberative ideal can only be realized in the context of a direct, participatory democracy. Instead, the deliberative model recognizes the importance of representative institutions, but emphasizes that the formal sphere of decision-making they constitute should remain open to the influence of the informal deliberations which take place in the public sphere. These deliberations in turn should remain open and inclusive and should allow the voice and the arguments of all citizens to be heard (Habermas, 1996: pp. 352–9, 379–84).

The constructivist conception of autonomy explains how the deliberative model manages to overcome the often stark opposition between universalism and particularism. As we will elaborate, this is particularly relevant in the debate concerning distributive justice. In line with the *universalistic* concerns of the global egalitarians, discourse theory recognizes that the partial and power-ridden nature of the norms regulating the current global economy are unacceptable because they fail to support or even actively undermine the ability of large groups of people to lead autonomous lives. In line with the *particularistic* concerns of the advocates of domestic justice, however, the deliberative model recognizes, at the same time, that the context-sensitive realization of distributive justice (as an integral part of the context-sensitive realization of human autonomy) should preferably take place close to home, on a more local level of government, where the particular concerns, values and needs of the people concerned can be fully taken into account.

These dynamics between the universal and the particular are also manifest in the *institutional recommendations* put forward by discourse theorists. Habermas, for instance, acknowledges that the continuing processes of globalization require the development of political structures beyond the level of the current nation-state. In this regard, Habermas proposes to supplement the domestic level of government with a transnational level (the level of regional powers such as the EU) and a supranational or truly global level of government (the level of the UN) (Habermas, 2006: pp. 115–93). At the same time, however, Habermas is still inclined to identify the domestic democratic state as the primary locus for the realization of human autonomy. In his view, every democratic state constitutes a historically specific

constitutional project in which citizens generate – through their specific constitution, but also through ordinary legislation and policy-making – a historically specific interpretation of the universal but abstract ideal of autonomy (Habermas, 1996: pp. 118–31, 489; Forst, 2001: pp. 171–3). Indeed, the adequate context-sensitive realization of autonomy has to proceed on the basis of the common engagement of a group of citizens who recognize each other as equal and free members of a common political community. Through an inclusive, continuing and open-ended democratic process, this community aims to devise legislation and policies which provide an adequate response to the particular historical circumstances in which the community finds itself and which do maximal justice to the particular needs, values and circumstances of all fellow citizens.

The common engagement in a constitutional project requires and generates special ties and a form of solidarity between the citizens involved which Habermas has described as *constitutional patriotism* (Habermas, 1998: pp. 117–20; 2001: 73–4). The fact that these special ties are a necessary requirement for the adequate realization of the autonomy of individuals implies that they are morally relevant. In the next two sections, I explain how the moral ideal of the context-sensitive realization of autonomy can be used to generate an argument supporting the need for domestic control in matters of redistribution.

III Distributive Justice as a Domestic Project

The constructivist conception of autonomy which characterizes discourse theory implies that the autonomy of citizens is best realized at a political level close to home. Since the redistribution of the benefits and burdens generated by the economic system has an important impact on the material conditions in which individual citizens pursue their own conception of the good life, the principles of distributive justice obviously constitute an important part of the realization of autonomy. Therefore, matters of distributive justice should also be part of the constitutional project close to home (Forst, 2001: pp. 171–3).

The importance of domestic control over the redistribution of the burdens and benefits generated by the economic system and, thus, the importance of domestic justice can be illustrated in two different ways. *First of all*, the specific principles of distributive justice and the social policies through which they are realized should reflect the specific values and preferences of citizens. The extensive philosophical debate on distributive justice, which has been going on for decades, illustrates that this involves many issues. Every specific view on distributive justice has to decide, for instance, to what extent the *merits* of individual citizens are a relevant factor in defining the share of the benefits they are entitled to. To what extent is a person who works hard and for long hours allowed to keep the

additional wealth she thereby generates? How do we financially reward people who are willing and able to invest in years of higher education and training in order to become highly skilled workers? What are the entitlements of people who perform unpaid and, therefore, supposedly unproductive tasks such as house-keeping or taking care of elderly relatives? Similar questions arise concerning the *natural talents* of people. Should a person who is born with skills and talents which our society accidentally happens to value be allowed to reap all the financial benefits from her talent? Should somebody who has the talent to do interesting but sometimes stressful work in a senior role be entitled to more or to fewer economic benefits than somebody who is less talented and therefore condemned to do simpler and perhaps personally less rewarding work? Yet another factor is found in the different *needs* people might have. What are the means we wish to make available in order to make people with certain physical disabilities as mobile as other people? And to what extent are we supposed to pay for the parental leave of parents who believe that it is important to spend a lot of time with their children?

The list of similar questions is, of course, endless, and the examples merely serve to illustrate that social policy is a complex matter and that it would be strange to suppose that all these questions have unique answers which depend neither on the specific circumstances of the society concerned nor on the specific values and needs of the individuals belonging to that society. As David Miller emphasizes, the answers to these questions cannot be given by experts or philosophers but need to be determined in a public debate in which every society makes its own choices (D. Miller, 2000: pp. 167–72; 2007: pp. 56–68). That the choices made will differ from one society to the next is furthermore testified by what we see in the real world. The social model of the Scandinavian countries differs significantly from the models chosen by West European countries, and these, in turn, differ strongly from the American approach. If the redistribution of goods were to become a purely global matter, all these differences would have to disappear. A uniform system of redistribution imposed paternalistically on all societies world-wide would imply that the local preferences and circumstances could no longer be taken into account. In other words, such a uniform system would undermine the context-sensitive realization of the autonomy of citizens.

A uniform system of global distributive justice would not only undermine the ability of domestic societies to provide context-sensitive answers to problems within the domain of social policy. Because social policy is closely tied up with other policy domains, global distributive justice would, *secondly*, also pose a more indirect but general threat to the ability of the domestic state to pursue the context-sensitive realization of the autonomy of its citizens. A purely global system of redistribution, in which belonging to a nation played no role whatsoever in determining the social rights and

the economic opportunities of citizens, would require a centralized institution which decided on a uniform system of taxation for consumers and producers and which subsequently also determined how the revenues should be redistributed amongst the citizens of the world. Importantly, such a system would require states to surrender their general competency to impose taxes. All forms of domestic taxation would, indeed, have additional redistributive effects and would, thereby, thwart the uniform redistribution imposed on the global level. Since the domestic states thereby lose their ability to generate revenues, their only plausible source of income would be some kind of allocation provided by the centralized global institution. Moreover, in order to preserve a purely global system of redistribution the sum allocated to each country would have to be determined by the size of its population (with perhaps some corrections for geographical, climatic or other differences), but *not* by the amount of wealth its citizens generated collectively. Indeed, if the latter were the case, the richer countries could provide more and better public goods for their citizens and, thus, reintroduce inequalities between individuals based purely on belonging to a nation.

This sketch of the institutional framework needed for a purely global system of redistribution indicates that such a system would have a profound and detrimental impact on the possibility of states pursuing their own independent policies in almost all areas. By losing its ability to raise taxes, the domestic state would, *first of all*, lose one of its most important instruments for policy-making. To the extent that domestic choices in the areas of family planning, sustainable development, scientific innovation or industrial policy can only be realized on the basis of tax measures, the domestic state would undoubtedly lose much of its autonomy in all of these domains. *Secondly*, the domestic state would no longer have the option of stimulating economic growth in order to use the generated benefits for the realization of other non-economic goals such as an increase in the level of health care or the improvement of the educational system. Since global egalitarianism means that belonging to a nation should not influence the economic and social benefits and opportunities of individuals, nations should not be allowed to keep domestically generated economic gains for the benefit of their own citizens. More generally, the uncoupling of economic policy from other policy areas would have two complementary devastating effects on the global economic system. Because the domestic state could not reap the benefits of a wise economic policy, it would lose, on the one hand, *all incentive* to provide the adequate background conditions for solid economic growth. This means that incentives to invest in infrastructure, education or scientific innovation would decline significantly. Because the state would not be penalized for a drop in domestic economic productivity, it would, on the other hand, be tempted to *free-ride* on the economic efforts of other societies and simply focus on the non-economic concerns its citizens found

most important. These effects indicate, *thirdly*, that a purely global system of redistribution would only be feasible if the centralized global institution organizing it also received the competencies necessary to sustain economic productivity world-wide and to counteract free-riding behaviour. This means, in other words, that a centralized system of redistribution would indeed generate a strong tendency towards further centralization in almost all other policy areas (D. Miller, 2005: pp. 71–4). Constraints on the pursuit of the domestic and context-sensitive realization of distributive justice would necessarily also undermine the pursuit of the context-sensitive realization of autonomy more generally.

Of course, authors such as Kok-Chor Tan have tried to argue that the centralized global scheme of redistribution sketched here is inadequate and that there are ways of reconciling global egalitarianism with a significant amount of national autonomy for states. The arguments put forward, however, are not convincing. In one line of reasoning, Tan (2004: pp. 69–74) rightly argues that domestic Rawlsian principles of justice merely provide a background structure characterized by the principle of equal opportunity and the difference-principle, but that it is the individual's own responsibility to make full use of the opportunities offered. He suggests that, analogously, a global difference principle would provide a background structure of economic and social positions for individuals which still allowed nations to decide how to make use of the resources and wealth allocated by the global basic structure. This analogy fails, however. As explained, nations should not be able to control the resources and wealth of their citizens because that would require domestic tax schemes distorting the egalitarian global distribution. Since nations could, therefore, at most freely dispose of a centrally allocated sum of money which should not depend on domestically generated wealth, there would be no possibility that nations could make use of the opportunities provided by the global basic structure. If belonging to a nation should not introduce inequalities between citizens, these opportunities are there for individuals only. In a second line of reasoning, Tan (2004: pp. 156–61) makes another analogy between special concern for compatriots with the domestic possibility of favouring your own children on the basis of post-tax income. This argument fails to recognize that a strictly egalitarian conception of domestic justice would have to disallow even this kind of favouring and would most probably impose a 100 per cent tax on inheritance and gifts, even between family members. Moreover, even if some differences based on family membership were tolerated, these could be partly offset if the background institutions of the domestic society provided equal opportunities for economic success regardless of family background. In a world without fully open borders, a similar shared background of opportunities would not exist for two people from different countries. As a result, patriotic favouring would constitute an even worse deviation from egalitarianism than the favouring of family.

IV The Specificity of the Deliberative Argument

In order to clarify further the discourse-theoretical argument concerning the context-sensitive realization of autonomy in favour of domestic justice, it is useful to compare it with some of the other arguments which have been brought forward in the literature. Of course, within the scope of the present paper, it is not possible to do full justice to the complexities of these other approaches. The brief survey in this section thus only serves to highlight the specificity of the deliberative argument.

IV.1 *National Self-Determination*

Authors such as John Rawls (1999) and David Miller (1988, 1999, 2005, 2007) refer to the importance of national self-determination in order to justify the restriction of the scope of distributive justice to the domestic sphere.

Although John Rawls argues for strongly egalitarian principles of distributive justice in the context of the domestic society (Rawls, 1971), he believes that our duties of distributive justice on the global level are restricted to the alleviation of extreme forms of poverty. In order to support the difference between the domestic and the global sphere, Rawls appeals to the importance of the *political autonomy of peoples*. He argues that global egalitarianism would undermine the responsibility of peoples for the policies they pursue and for the welfare that they generate (Rawls, 1999: pp. 115–20).

Discourse theory, of course, subscribes to the importance of the political autonomy of domestic states. Nevertheless, the deliberative approach also suggests that the main problem facing Rawls's theory is that he fails to provide a justification for this normative importance. It seems as if he simply assumes the political autonomy of peoples as some kind of premise and fails to explain how this notion fits with the strong egalitarian and methodologically much more individualistic assumptions he makes in his earlier work (Rawls, 1999: pp. 38–9; Beitz, 2000: pp. 678–93; Buchanan, 2000; Pogge, 1994). The main advantage of the discourse-theoretical approach over Rawls's argument resides, therefore, in the fact that its analysis of the constructivist nature of justice explains how the individual autonomy of citizens has to be realized in the context of a historically situated constitutional project and, thus, within the context of an autonomous democratic state.

By thus explaining the importance of the political autonomy of states in terms of the individual autonomy of citizens, discourse theory emphasizes the normative priority of the latter over the former. This also means that, contrary to Rawls, a concern for individual autonomy can, depending on the circumstances, put constraints on the exercise of domestic political

autonomy. The discourse-theoretical concern for domestic political autonomy does not result in a justification of the current Westphalian system of sovereign nation-states. To the extent that the global economic order is characterized by large and unjust inequalities, for instance, the importance of domestic political autonomy can and should be balanced against the need for a more just and egalitarian realization of the individual autonomy of citizens world-wide and, thus, possibly against the need for a more egalitarian global distribution. As will be further explained in section VI below, the democratically organized multi-level political structures which are needed to deal with these concerns of transnational justice thereby necessarily signify an at least partial vertical dispersal of sovereignty (Pogge, 1992).

David Miller strongly emphasizes the contextual nature of distributive justice and argues that justice can mean different things in different communities (D. Miller, 2000: pp. 167–72; 2007: pp. 56–68). He also emphasizes that a contextual interpretation of the requirements of justice should proceed on the basis of a deliberation between all individuals concerned (D. Miller, 2000: pp. 53–61, 166). Although his position thus seems to resemble the discourse-theoretical approach, there are crucial differences which all derive from the fact that Miller identifies the community in which justice should be realized in *cultural* terms. When talking about national self-determination, Miller refers to the nation as a cultural community with a common language, a common history and, importantly, a set of *shared meanings* concerning, for instance, issues of distributive justice. As a result, Miller conceives of the deliberation in which the requirements of justice should be determined as a *hermeneutical process* which allows us to *discover* these shared meanings (D. Miller, 2000: p. 171).

The problem with this approach, however, is that it seems ill-suited to deal with a number of important political developments in our international order. Habermas, for instance, has argued that the continuing processes of globalization imply that we are witnessing the emergence of a *postnational constellation* in which the cultural homogeneity of nation-states is rapidly being eroded and in which the opportunities for nations to determine their own fate are systematically being undermined. Therefore, Habermas urges that an adequate political theory for this new constellation needs to uncouple the political integration of society from its cultural integration (Habermas, 1998: p. 225). This means that we should fully recognize the multicultural nature of the modern democratic state and that we should contemplate the need for new forms of political integration which transcend the boundaries of the traditional nation-states. Consequently, Habermas understands the constitutional project in which citizens determine the requirements of justice and autonomy as a *constructivist* rather than a hermeneutical process. Democratic deliberation does not necessarily depend on the prior existence of a set of shared meanings. Rather, deliberation allows for the construction of *new* meanings which take into account

the particular perspectives of all individuals concerned, regardless of the culture to which they belong. As a result, deliberation remains sensitive to new forms of injustice and will not lead to the legitimization of the cultural status quo within the state. Similarly, discourse theory explicitly allows for the possibility of some measures of transnational redistribution in response to transnational forms of injustice. Unlike Miller, discourse theory does not consider the current absence of a *globally shared metric* needed to compare the value of opportunities and resources as an insurmountable obstacle in this regard (Miller, 1999: pp. 191–6; 2000: pp. 173–4; 2005: pp. 58–64). Instead, discourse theory assumes that the discursive construction of globally shared meanings remains not only a genuine possibility but also, in view of the injustice of the present transnational order, an ineluctable moral requirement.

IV.2 Efficiency

The priority for compatriots in the context of the redistribution of wealth is sometimes defended in terms of the greater *efficiency* such a priority achieves. Robert Goodin (1988) argues, for instance, that the duties we have towards others are indeed universal or *general duties* but that it is, in fact, much more efficient to assign the responsibility for realizing these duties to a specific and limited group of people. The *special duties* we have towards our compatriots in terms of redistribution are therefore merely the result of a *division of labour* meant to realize our universal duty of redistribution efficiently. David Miller has already noted that this line of reasoning seems highly implausible. As he puts it, it is unclear why, for instance, Somalis would be better helped by other Somalis in poverty reduction than, for instance, by Britons. A more fundamental problem with Goodin's approach has to do with his assumption that our special duties derive their moral force from general duties which are themselves already well defined and fully determined. The constructivism advocated by discourse theory denies, however, that this is possible. The only general duty we have is the duty to recognize the autonomy of all others in a context-sensitive manner. The need for the realization of distributive justice on a political level close to home therefore does not arise from a division of labour in executing a well-defined duty. This need arises because our duties of redistribution necessarily remain vague and underdetermined until more local political processes actually construct their specific and context-sensitive content.

Andreas Føllesdal faces a similar problem with his claim that more local autonomy for the state is needed in order to realize the local preferences of citizens more efficiently (Føllesdal, 1998: pp. 205–7, 210–3; 2001: pp. 246–9. Føllesdal thereby understands the notion of efficiency in an economic sense and, thus, seems to be working within the utilitarian paradigm, focused on the maximum realization of the preferences (or the utility) of all citizens.

Again, this approach presupposes a fixed a priori criterion of justice, the maximization of utility, and fails to recognize the constructivist nature of justice. According to the deliberative model, preferences should be realized in an *impartial* instead of in a maximal way. Deliberation is a transformative process in which the preferences of different individuals are confronted with each other and in which non-universalizable preferences are filtered out.

Not surprisingly, both authors recognize that their arguments in favour of domestic justice are relatively weak. Since the special obligations towards compatriots are derived from a more general normative concern, it remains possible, depending on the needs and preferences of outsiders, that this general concern trumps our special duties and that domestic justice no longer represents the most efficient approach (Føllesdal, 2001: p. 247; Goodin, 1988: pp. 685–6). Although discourse theory also recognizes that it might be necessary to balance the preferences and needs of outsiders against those of our fellow citizens, it adds an important element. Because the existence of political autonomy is a necessary condition for the context-sensitive realization of (individual) autonomy, reasonable citizens will consider political autonomy an important good and will count its preservation as one of their major ‘preferences’. If this preference is added to the balance, our special duties will be less easily trumped by more global concerns and, as a result, the discourse-theoretical argument will generally make a stronger claim in favour of domestic justice than the argument of efficiency.

IV.3 *Mutual Benefits*

A classical argument states that the citizens of a state are entitled to the wealth they produce because it is the result of *cooperation based on mutual advantage*. Both Richard Dagger (1985) and, more recently, Andrea Sangiovanni (2007) argue that our duties of redistributive justice should be understood as duties of *reciprocity*. Such duties exist between citizens as compliant participants in a political community which organizes and guarantees the basic structure (laws, infrastructure, administrative system, etc.) needed to support the mutually beneficial production of economic goods.

Against this line of reasoning in favour of domestic justice, two arguments are generally raised. First of all, it is unclear how this argument can make a distinction between the domestic and the global economic system (D. Miller, 1988: p. 651; 1995: pp. 62–4). Indeed, the latter also seems to exist by virtue of some kind of basic structure (international law, WTO, IMF, etc.) which creates the context in which a global market can operate. If that is indeed the case, then there should also exist a global duty of reciprocity which requires us to redistribute our wealth on a global scale. Secondly, a

conception of distributive justice based entirely on the idea of mutual benefits appears to represent a very limited notion of justice. It implies that all those people who, because of old age or certain disabilities, are unable to make a net contribution to the cooperation as well as those people who, because they are being exploited, are not allowed to do so, are not entitled to any form of reciprocal compensation (Sangiovanni, 2007: p. 31; Goodin, 1988: p. 677; Barry, 1982: pp. 232–3).

This second argument illustrates again an important difference from the deliberative approach. The central discourse-theoretical notion of impartiality is much more demanding than the notion of reciprocity used here. Impartiality is connected to the idea of a reasonable agreement achieved on the basis of an inclusive deliberation. This deliberation operates in terms of what Habermas, in reference to Mead, calls a process of *role-taking* whereby all participants have to take the perspectives of all other participants in order to assess whether or not, from their point of view, the proposed norms are acceptable (Habermas, 1990: pp. 65, 121; 2003: p. 260). It is clear that in this kind of procedure norms which exclude people who are unable to make net contributions to the cooperation will not be able to generate general support.

IV.4 *Political Coercion*

An argument which has gained prominence in recent years refers to the *political coercion* which is exercised by the state over its citizens. This kind of coercion creates special ties between compatriots and allegedly justifies the restriction of redistribution to the confines of the domestic state. Since the state coercively imposes on all citizens a system of laws, the inequalities which are generated by the economic system which these laws help to support should be compensated by means of redistribution. Richard Miller (1998) has analysed this duty of redistribution in terms of the *respect* we owe other human beings. Michael Blake (2001) points towards the violation of the *autonomy* of citizens which results from political coercion. Thomas Nagel (2005), finally, focuses on the responsibility we have as participants who *willingly* support the imposition of this coercive framework on our fellow citizens.

The main problem with this argumentation is, again, that it fails to discriminate sufficiently between the domestic and the global level (Sangiovanni, 2007: pp. 8–19). Some authors point out, first of all, that the domestic state also exercises coercive force on the international level. By imposing strict constraints on immigration, states exercise a coercive political force against outsiders which is not compensated by means of redistribution (Abizadeh, 2007: pp. 348–57; Julius, 2006: pp. 184–5). Secondly, it is clear that the global level is ridden with all kinds of non-political power relations. It remains, however, unclear why this kind of, for instance, economic force

does not require the same amount of compensation as political coercion (Tan, 2004: pp. 153–4, 175–6).

Especially the latter argument points towards a crucial difference between this approach and the discourse-theoretical one. Discourse theory confirms that justice can only be realized within the context of a democratically organized political community, in which the citizens jointly determine the specific content of their duties of justice. Nevertheless, this does not imply that the scope of our duties of justice is necessarily limited to the scope of existing political structures. Discourse theory is, again, not a theory of the status quo but requires that all action-guiding norms, including the norms supporting the current global economic system, should be subject to the critical assessment of all people involved. To the extent that the global order is marred by power imbalances and blatantly unjust inequalities, there is an urgent need to devise *new transnational political structures* which allow us to regain some democratic control over the global economic system.

V Distributive Justice as a Global Concern

The expansive debate on global justice has been nurtured by the growing awareness of the increasingly global scale of our economic interactions. The global level seems to constitute an arena of ever more intensive international cooperation and trade in which economic players of different kinds – individuals, multinational corporations, national governments or international institutions – make decisions with a potentially global impact. As with any economic system, this global economic structure is supported by an institutional framework (encompassing, for instance, international or regional multilateral agreements, as well as expressly supranational organizations such as the World Bank, the IMF or the WTO) which regulates the flow of capital, goods and services and the legitimate entitlements of goods (Beitz, 1999a: pp. 200–5, 1999b: pp. 521–4; Buchanan, 2000: pp. 705–7; Forst, 2001: pp. 165–7; Tan, 2004: pp. 21–35).

The existence of such an economic system with a potential and often actual impact on the life chances and circumstances of individuals worldwide implies, from a discourse-theoretical perspective, that the just distribution of the burdens and benefits generated by this system should be a global concern. As already indicated, the discourse principle underlying the deliberative model requires that the norms guiding human interaction and, thus, in this case, the norms supporting the global economic order should be the result of a reasonable deliberation between *all individuals concerned*. If we take this requirement seriously, it appears that the current global order is marred by a serious deficit in terms of justice, and this on the substantive as well as on the procedural level. On the *substantive* level, the current global economic system is characterized by large and often

increasing inequalities and clearly fails to solve the problem of world poverty in an efficient manner. Consequently, it seems inappropriate to assume that such an economic order is in fact perceived by all individuals involved as an impartial order which gives equal consideration to everybody's needs and values. In order to know, however, which kind of order the people of the world would find more reasonable to accept, it is necessary to provide them with the opportunity to criticize the current situation. And, of course, here we face the *procedural* deficit. The political structures which are needed in order to subject the global economy to the inclusive and discursive democratic control of the citizens of the world are badly underdeveloped if not entirely absent. The upshot is that the impact of the economic order is experienced by these citizens as an external and hence coercive constraint on their social and economic actions and opportunities. In other words, as long as the global order is not thoroughly democratized, it will remain a sphere of 'force and domination' (Forst, 2001: p. 166; also Bohman, 2005).

The deliberative model thus assumes that the existence of world-wide economic interactions provides a sufficient condition for the emergence of global duties of justice. Since it is again beyond the scope of this paper to provide a full comparison of the deliberative argument in favour of global justice with other arguments advanced in the literature, I will limit myself to two remarks.

First of all, the deliberative model emphatically rejects the suggestion that the economic interactions on the international level are of a purely voluntary and contractual nature and that, therefore, the only requirement of justice in this context consists in the duty to pay the 'right price' (Blake, 2001: pp. 289–94; Nagel, 2005: pp. 136–40). This approach in terms of *justice-as-requital* only focuses on isolated economic interactions and thereby fails to consider the prior question concerning the distribution of goods and property that precedes the contractual interaction. This line of reasoning is thus based on a typically neoliberal conception in which 'property' is analysed in terms of some prepolitical and inalienable subjective right and in which the 'free market' is supposed to be part of the natural order of things. As Thomas Pogge (1994: pp. 211–12) rightly emphasizes, however, the principles of distributive justice should not be understood in terms of a *re*-distribution which starts from the supposedly natural baseline determined by the workings of the free market. Since *any* system of property rights only exists by virtue of an institutional framework which coercively enforces it, the idea of a natural base-line is nothing more than an ideological fiction. Instead, it is always up to the people concerned themselves to determine which of the many possible systems for regulating entitlement to goods they deem to be the most just.

Secondly, it is useful to have a closer look at the categorization of theories of justice which has become popular in recent years. This categorization

distinguishes between 'allocative' or 'non-relational' theories on the hand and 'associative' or 'relational' ones on the other (Julius, 2006; Cohen and Sabel, 2006; Sangiovanni, 2007). The first category contains theories claiming that the distribution of goods should not depend on the particular relationships that exist between individuals. An example of such a theory can be found in the utilitarian approach of Peter Singer (1972), who simply uses the criterion of marginal utility in order to determine the required amount of redistribution. Theories in the second category, however, assume that our duties of justice depend on the relations that exist between people. Here, Cohen and Sabel make an additional distinction between four types of theories which refer to the presence of, respectively, economic interactions, mutually beneficial forms of cooperation, shared institutions and shared political structures as the necessary conditions for the emergence of duties of justice. Charles Beitz (1999a), for instance, states that the existence of a global basic structure (as a set of institutions) is the crucial condition which explains the need for a global system of justice. Thomas Nagel (2005), in contrast, claims that the absence of global political structures implies that our duties of redistribution remain strictly domestic.

It is now important to notice that the categorization sketched is too rigid to categorize the discourse-theoretical approach adequately. On the one hand, discourse theory has strong affinities with the *relational* approach. The contextual nature of our duties of justice means that their precise content needs to take into account the relations that exist between people, be it either the special ties between participants in a constitutional project or the economic interdependencies connecting participants in the global economic order. On the other hand, the most fundamental relation between people consists in the existence of a discursive community. This means that people who are able to communicate with one another have the possibility of exercising their *right to justification* (Forst, 2001: pp. 168–70) in order to criticize an existing state of affairs. Since the ability to communicate is universal, the relevant 'association' always remains human kind as a whole and, in this limited sense, the discourse-theoretical approach will always share the universalism characteristic of *allocative* theories of justice. With regard to the further subdivision of the relational approaches, it seems that the categories of Cohen and Sabel remain either too narrow or too static to apply to discourse theory. As already noted in the previous section, discourse theory holds that the criterion of *mutual benefit* is too narrow to provide an adequate theory of justice. The other three categories, on the other hand, seem too closely connected to be easily separated. *Economic interactions* always require a shared *institutional background* which regulates entitlement to goods (as in the case of the at least partly institutionalized global economic order). This institutional framework itself can only be just if it operates according to norms which are themselves the outcome of institutionalized *democratic processes*. Again, the contingent presence or

absence of certain associations cannot in itself suffice to justify the status quo. To the extent that the political institutions needed to democratize an institutionally supported economic order are absent, it is our duty of justice to develop such institutions as quickly as possible (Forst, 2001: pp. 174–5).

VI The Multi-Level Realization of Distributive Justice

Our arguments so far have revealed that, concerning the scope of distributive justice, the deliberative model of democracy seems to pull in two opposite directions. The need for the context-sensitive realization of the autonomy of all individuals world-wide explains the importance of the domestic autonomy of states to pursue their own policies *as well as* the need for more extensive forms of democratic control over the global economy. This twofold result need not, however, be understood as a contradiction. Instead, it provides theoretical support for a multi-level approach in which matters of distributive justice are a concern at different levels of government (Forst, 2001; Føllesdal, 2001).

In order to illustrate how the two conditions could be simultaneously realized, I sketch, in this final section, an idealized democratic model which makes a distinction between a domestic, an international and a global level of government and which aims to indicate the concerns that need to be raised at the different levels. The model is idealized in the sense that it presupposes that states are democratically governed and that the deliberations on all levels of government are conducted in a reasonable manner. The system as a whole attempts to provide the best possible institutional framework in which to realize *one single moral purpose*, viz. the discursive and context-sensitive realization of justice-as-impartiality.

VI.1 Domestic Justice

As extensively argued in the previous sections, the primary context of justice should remain the constitutional project at the *domestic level*. The special ties that exist between citizens engaged in a common enterprise in which they aim to maximally realize each other's autonomy in a context-sensitive manner provides sufficient normative ground for supporting a certain amount of priority for compatriots in matters of distributive justice.

National economies are, however, increasingly affected by the global economic system of which they are part in ways that are often hard or impossible to control by domestic governments. The global system thereby actively undermines the domestic capacity to realize justice on the domestic level and generates its own global inequalities. As a result, it becomes imperative to devise democratic institutions that can shape and organize the global system and modify its impact on the basis of democratically determined demands of justice.

VI.2 *International Justice*

Because the need for domestic justice confirms the importance of states and national economies as prime players in the global economy, it seems advisable, in a first approximation, to deal with the regulation of this global economy on an *international level* of governance in which democratically mandated representatives of different countries convene to make binding decisions regarding matters of international justice. As required by the deliberative model, these deliberations would have to be reasonable and would, therefore, have to result in context-sensitive but impartial norms that give equal consideration to the interests of all parties concerned. In this case, these interests are the democratically determined interests of the states that participate as players in the global economy.

Although it is impossible to determine the exact outcome of such ideal deliberations, it seems that in matters of distributive justice the representatives of states will have two main issues to deal with. First, they will have to find a right *balance between the extent of global integration and state autonomy*. Global cooperation and the opening of borders can generate substantial gains in efficiency and economic productivity on the global scale. As it is probably the case that most societies would have an interest in acquiring a share of the benefits that could be generated, they will have an interest in participating in this global economic system. Although it is unavoidable that such participation will partly corrode domestic control over social, economic and possibly other matters, it is nevertheless in the interest of domestic societies to limit this corrosion as much as possible. Indeed, their participation in the global economy is only meaningful to the extent that it serves and not undermines their ability to support the autonomy of their citizens. Finding the right balance will be a difficult matter that has to be solved in a democratic manner.

Secondly, the representatives will have to be concerned with the *conditions of international integration* and make sure that it is based on rules that give equal concern to all states. In this respect, one issue will be the *equal opportunities of states* as participants in the global economy. Impartiality requires that the chances of economic success of states should not be determined by unchosen natural or historical disadvantages. Therefore, the representatives could decide, for instance, that inequalities in the availability of natural resources should be compensated for, or that scientific and technological knowledge should be made available to as yet only partly industrialized countries, or that historical colonial relations of exploitation should be redressed. Of course, these are merely suggestions. As always, it is up to the participants themselves to decide what they consider the precise demands of justice to be. A second issue of concern might be the *distribution of the benefits* of global cooperation. To the extent that all domestic societies remain vulnerable to the vagaries of the global economy, they could suffer

bad losses at any time. Representatives might consider implementing a kind of institutionalized safety net that provides support to national economies in need.

However, whether states would also wish to go further and establish an elaborate scheme of taxation that ensured the permanent and structural redistribution of the benefits generated by the international economy is less obvious. Indeed, such a scheme, which could ultimately even look like an international version of the difference principle (allowing differences between countries only to the extent that they benefit the worst-off country), would not be very appealing. When it comes to deciding on a difference principle, the analogy between the domestic and the international case breaks down. In the domestic case, the difference principle maximizes the individual's access to primary goods which allow her to pursue her own idea of the good life. In this sense, the difference principle serves the purpose of individual autonomy. In the international case, the state's first interest is not the acquisition of primary goods. Although it might be in the interest of states to acquire wealth, for instance, this interest is subordinate to the state's prime purpose of providing just and context-sensitive background institutions in which individual citizens can acquire primary goods and lead a good life. As an international difference principle might undermine the state's ability to do so, its enactment would not necessarily promote state autonomy but could, in fact, undermine the state's ability to provide the prime context for the realization of justice.

VI.3 *Global Justice*

Although states will remain among the most important players in the global economy, it is crucial for our argument that they are not the only ones. As soon as states decide to create and support a global economic system by providing the required (minimal) international infrastructure and by allowing free trade across state borders, they are exposing their citizens directly to the impact of global interdependencies that affect these citizens in a variety of ways. As a result of the fact that the global economy cuts across borders the groups of people who have similar interests and similar concerns when it comes to the organization of this global economy are no longer necessarily identified by state borders. The interests of farmers in one country might be much closer to the interests of farmers in another country than to the interests of consumers in their own. A similar point could obviously be made for the interests of poor people versus those of rich people. Therefore, international deliberations are marred by a *democratic deficit*. Indeed, it is unclear how national representatives could adequately represent the often conflicting concerns of their citizens. Similarly, it is unclear how the impartiality of international deliberations that requires 'equal concern' to all states could still function as an acceptable

approximation of the 'equal concern' towards all individuals which is the more fundamental and underlying moral requirement of the deliberative model.

Therefore, it is necessary to complement the international level with a genuinely *global level* of governance where representatives represent individuals rather than states. Although, here again, it is unclear what the specific outcomes of the deliberation on this level will be, it is clear from the outset that the same two main issues regarding the conditions and the extent of global integration reappear. One aspect of the *conditions* of globalization will be the *equal opportunity of individuals* to participate in the global economy. In this regard, individuals who suffer unequal opportunities compared to people with similar skills in other countries might, for instance, generate pressures towards a further integration of background institutions or towards increased cross-border mobility for workers. As the second aspect of the conditions of global integration, the problem of the *distribution of benefits* also re-emerges. Here, although the demand for more egalitarian taxation schemes might seem more appealing to the representatives of individuals than to the representatives of states on the international level, it seems, again, unlikely that pervasive schemes of redistribution will be preferred. Indeed, although people will be concerned with their ability to participate in and profit from a global economic system, they will also have a strong preference for living and participating in a political system that is susceptible to the particular and concrete nature of their own values, interests and concerns and that they can actively help shape in a democratic manner. As a result, this preference will put important constraints on the *extent* of global integration they wish to achieve in economic, social or political matters. In short, although the global level might generate more pressure towards global egalitarianism than the international level, these pressures will still be very much constrained and balanced by the desire to leave room for the *context-sensitive pursuit of justice in the domestic society*.

VI.4 The Problem of Framing

By way of concluding my sketch of the multi-level approach to distributive justice, I would like to make two final remarks about one of the main problems facing a multi-level system of democracy. I refer to the difficult *problem of framing* or the proper division and coordination of competencies between the different levels of governance.

First, it should be noted that the economic system itself, in which the burdens and benefits which we want to distribute are generated, is not a monolithic but rather a multi-layered system (Julius, 2006: pp. 187–92). Although today we tend to speak of an increasingly globalized economy, the global economic system is not a homogeneous bulk, but would be better described as a system that contains many smaller and nested subunits. These

are clusters of more intense local economic interactions, supported by more local background institutions. Therefore, it continues to make sense to talk about the European economy next to the American one, as well as to talk about the Belgian, the French or the Polish economy. Discourse theory, focused on the context-sensitive realization of the autonomy of all people concerned, now suggests some kind of *congruency* between the economic and the political system. If the scope of our economic interactions expands, the scope of our political system should also expand in order to allow all the persons affected by these interactions to be able to shape them in a democratic manner. Indeed, if we were to make our democratic units too small, we would fail to address the inequalities generated by the encompassing economic system. This seems to be our current situation regarding the impact of the global economic order. To the extent, however, that the economy remains clustered with centres of more intense localized economic interactions, it also remains desirable for the more localized participants to retain the ability to take responsibility for the choices they collectively make in this regard. If we were to make our democratic units too big and impose a homogeneous background uniformly structuring social and economic positions, we would distort the subunits in such a way that they could no longer constitute a proper framework for the more local, democratic realization of contextual justice.

As a result, deciding on the proper level at which to deal with distributive issues becomes a partly empirical matter, dependent on the actual structure of economic interactions. Indeed, as the economic system gradually becomes more globalized, it is appropriate to complement existing domestic institutions with democratic institutions at this global level to deal with the inequalities it generates. We could, therefore, even imagine a hypothetical future situation in which the global economy becomes homogeneously integrated to the point where national and other local economies disappear as distinct economic subunits. In such a situation, matters of distributive justice would seem to become fully global and the arguments against global egalitarianism would, accordingly, lose most of their ground. However, from the point of view of discourse theory, such a situation would be normatively unattractive. Such a homogeneous economic and political system would necessarily become oppressive as it would fail to do justice to the plurality which we have assumed as an ineliminable characteristic of our human condition. I would guess, moreover, that there is a point where further integration also becomes economically inefficient. Economic matters are context-dependent as well, and properly functioning economic systems therefore require the presence of democratically supported context-sensitive background institutions. This implies that national economies not only should but in all likelihood also will remain important economic subunits. To the extent that nations remain highly important and (ideally) democratically governed players in the global order, it is appropriate, as in our

current situation, also to deal with distributive issues at the domestic and at the international level.

Of course, decisions concerning the proper level of governance are not entirely determined by empirical circumstances. Indeed, the assessment of the moral relevance and consequences of empirical facts remains a normative matter. Moreover, we are also not mere passive bystanders in economic matters and we are, at least to some extent, able to shape the structure of the economic system by political means. Indeed, as repeatedly mentioned, it is up to states and individuals to determine the right balance between the economic gains of further global economic integration and the loss this implies in terms of more local democratic control of the circumstances of justice. As the problem of framing is, thus, also a matter of normative choice, and this is my second remark, it should be dealt with in an appropriately democratic manner (Fraser, 2005). *Democratic framing* requires that our multi-level democratic system incorporates provisions for the democratic redistribution of competencies among the existing levels and for the democratic shaping and reshaping of institutional arrangements on existing or new levels of governance according to the requirements of changing circumstances. Again, this constitutes a challenging problem of institutional design, perhaps vaguely analogous only to the provision for democratic constitutional reform on the domestic level. Supposing, however, such a system could be devised and realized, we would have finally arrived at a system that was democratic from top to bottom and that would, as a whole, allow for the democratic control of the economic system and of the inequalities it generates.

Of course, the gap between our current real-life system of international decision-making and the ideal sketched here is huge. In our current system, the democratic ability to change the system, as far as this ability exists, lies with the existing so-called sovereign nation-states. The first steps towards the realization of a more impartial and democratic global order would, therefore, probably require that the current nation-states are sufficiently spurred on by the democratic pressures of their citizens to give up some of their sovereign power and to create more democratic international and global decision-making institutions.

VII Conclusion

The sketch presented here of a multi-level democratic structure in which to deal with issues of distributive justice obviously and necessarily remains vague. The more specific institutional framework needed for a best approximation, in the real world, to the idealized model sketched here is a matter of institutional design which is clearly beyond the scope of the present paper. It was simply my ambition to provide some general principles which should guide such an exercise in institutional design. Starting

from the discourse-theoretical ideal of the context-sensitive realization of the autonomy of individuals world-wide I have tried to show, more specifically, that, *first*, distributive justice should, to a large extent, remain part of the domestic constitutional project; that, *secondly*, additional forms of redistribution will have to be organized on a global scale in order to arrive at a more just global economic system; and that, *finally*, these additional forms of redistribution will have to be organized in a democratic manner on both the international and the global level.

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References

- Abizadeh, A. (2007) 'Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice', *Philosophy and Public Affairs* 35 (4): 318–58.
- Barry, B. (1982) 'Humanity and Justice in Global Perspective', in J. R. Pennock and J. W. Chapman (eds) *Ethics, Economics, and the Law: Nomos 24*, New York: New York University Press, pp. 219–52.
- Beitz, C. (1999a) *Political Theory and International Relations: With a New Afterword by the Author*, Princeton: Princeton University Press.
- (1999b) 'Social and Cosmopolitan Liberalism', *International Affairs* 75 (3): 515–29.
- (2000) 'Rawls's Law of Peoples', *Ethics* 110: 669–96.
- Blake, M. (2001) 'Distributive Justice, State Coercion, and Autonomy', *Philosophy and Public Affairs* 30 (3): 257–96.
- Bohman, J. (2005) 'The Democratic Minimum: Democracy a Means to Global Justice?', *Ethics and International Affairs* 19 (1): 101–16.
- Buchanan, A. (2000) 'Rawls's Law of Peoples: Rules for a Vanished Westphalian World', *Ethics* 110: 697–721.
- Cohen, J. and C. Sabel (2006) 'Extra Rempublicam Nulla Justitia?', *Philosophy and Public Affairs* 34 (2): 147–75.
- Dagger, R. (1985) 'Rights, Boundaries, and the Bonds of Community: A Qualified Defense of Moral Parochialism', *American Political Science Review* 79 (2): 436–47.
- Føllesdal, A. (1998) 'Survey Article: Subsidiarity', *Journal of Political Philosophy* 6 (2): 190–218.

- (2001) 'Federal Inequality among Equals: A Contractualist Defense', *Metaphilosophy* 32 (1/2): 236–55.
- Forst, R. (2001) 'Towards a Critical Theory of Transnational Justice', *Metaphilosophy* 32 (1/2): 160–79.
- Fraser, N. (2005) 'Reframing Justice in a Globalizing World', *New Left Review* 36: 69–88.
- Goodin, R. (1988) 'What is so Special about our Fellow Countrymen?', *Ethics* 98: 663–86.
- Habermas, J. (1990) *Moral Consciousness and Communicative Action*, Cambridge, Mass.: MIT Press.
- (1996) *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge, Mass.: MIT Press.
- (1998) *The Inclusion of the Other: Studies in Political Theory*, Cambridge, Mass.: MIT Press.
- (2001) *The Postnational Constellation*, Cambridge: Polity Press.
- (2003) *Truth and Justification*, Cambridge: Polity Press.
- (2006) *The Divided West*, Cambridge: Polity Press.
- Julius, A. J. (2006) 'Nagel's Atlas', *Philosophy and Public Affairs* 34 (2): 176–92.
- Miller, D. (1988) 'The Ethical Significance of Nationality', *Ethics* 98: 647–62.
- (1995) *On Nationality*, Oxford: Clarendon Press.
- (1999) 'Justice and Global Inequality', in A. Hurrell and N. Woods (eds) *Inequality, Globalization, and World Politics*, Oxford: Oxford University Press, pp. 187–210.
- (2000) *Citizenship and National Identity*, Cambridge: Polity Press.
- (2005) 'Against Global Egalitarianism', *Journal of Ethics* 9: 55–79.
- (2007) *National Responsibility and Global Justice*, Oxford: Oxford University Press.
- Miller, R. (1998) 'Cosmopolitan Respect and Patriotic Concern', *Philosophy and Public Affairs* 27 (3): 202–24.
- Nagel, T. (2005) 'The Problem of Global Justice', *Philosophy and Public Affairs* 33 (2): 113–47.
- Pogge, T. (1992) 'Cosmopolitanism and Sovereignty', *Ethics* 103 (1): 48–75.
- (1994) 'An Egalitarian Law of Peoples', *Philosophy and Public Affairs* 23 (3): 195–224.
- (2002) *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Cambridge: Polity Press.
- Rawls, J. (1971 [1999]) *A Theory of Justice*, (revised edition), Oxford: Oxford University Press.
- (1999) *The Law of Peoples*, Cambridge, Mass.: Harvard University Press.
- Rummens, S. (2006) 'Debate: the Co-Originality of Private and Public Autonomy in Deliberative Democracy', *Journal of Political Philosophy* 14 (4): 469–81.
- (2007) 'Democratic Deliberation as the Open-Ended Construction of Justice', *Ratio Juris* 20 (3): 335–54.
- (2008) 'Deliberation Interrupted: Confronting Jürgen Habermas with Claude Lefort', *Philosophy and Social Criticism* 34 (4): 383–408.
- Sangiovanni, A. (2007) 'Global Justice, Reciprocity, and the State', *Philosophy and Public Affairs* 35 (1): 3–39.
- Singer, P. (1972) 'Famine, Affluence, and Morality', *Philosophy and Public Affairs* 1 (3): 229–43.
- Tan, K.-C. (2004) *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*, Cambridge: Cambridge University Press.

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