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Equalizing Opportunities Globally:

Objections, Justifications, and the Way Forward

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A Thesis submitted in fulfillment of the degree of Master of Arts in Philosophy

University of Auckland

2006

Abstract

How inclusive the scope of justice is, what we take the unit of moral concern to be, and what principles we think are globally relevant are pressing questions in light of the world in which we currently live. Our answers to each of these questions heavily bear on the life chances of literally billions of people who suffer and die every year unnecessarily. Over one billion people still live in abject poverty and survive on less than \$1 a day, and at least ten million children die each year before they reach the age of five. These are shocking figures when we take into account that almost all of these children are from poor communities - in short, millions of children die every year simply because of where they are born. It is clear that this is a source of severe injustice for persons who are not lucky enough to have been born into western societies where reading and writing philosophy is possible. This thesis concerns itself with this injustice, and attempts to answer each of these questions with the goal of motivating real world change. I argue that the scope of justice is global, that the unit of moral concern should be persons, and that at least one justified global principle is a principle of equal opportunities. I survey some of the strongest arguments against this principle; examine two recent formulations of the ideal; as well as some of the recent objections and problems leveled against it. I claim that the principle is justified on the grounds that it satisfies the conditions of a realistic utopia, and that it remains sensitive to global cultural diversity and choice. In closing, I tentatively suggest ways of formulating realistically utopian accounts of global justice; however, my main objective is to contribute to the debate which has global justice as its aim, and to justify our obligations to others based on a global principle of equal opportunities.

***For my Mother, Grandmother, and Aunty Sue
...For being here...***

Acknowledgments

I would first of all like to thank my supervisor, Dr. Gillian Brock, for all of her valuable feedback, without which, this thesis would not have been as well thought out.

Thanks to Phillippa Malpas, Patricia Watene, and Susan Watene for conversations assisting in the development of some of the ideas presented here. Especially thanks to Nicola Clarke, who has been involved in my philosophy education for the past five years, for many discussions that have helped me to shape (reshape) many of my ideas.

There are three very important people who continually inspire and ground me, they are: My Mother Patricia Watene, My Grandmother Patricia Lavemai, and My Aunt Susan Watene. Much thanks for the hours spent editing, and assisting me this year, I am indebted to you for all of your love, support, and time.

Thanks to Frank, Steve, Cara, Shelly, William, and Teisha-May for being here and for believing in me.

I would also like to thank a lot of people who supported my attendance at a conference this year at Dartmouth College in the US. While the conference was not directly related to the principle of equal opportunities globally, the conference did consider issues of moral obligations to others and the demands of particular moral theories. More importantly, the conference helped me to understand how and why idealism in political philosophy could not, on its own, satisfy principles of justice, and it helped me, overall, to find the angle from which most of the conclusions in this thesis are drawn. They are: Zain Ali, John Bishop, Nicola Clarke, Michelle Cozens, Jan Crosthwaite, Thomas Guy, Rosalind Hursthouse, Aness Kim, Vanya Kovach, Patricia Lavemai, Phillippa Malpas, Tim Mulgan, James Stewart, Patricia Watene, Susan Watene, Myles Webster, Tuakana Arts, and Nga Pae o te Maramatanga (National Maori Research Institute). Most importantly I am indebted to both Aaron Erb and (especially) Johnathan Mckeown-Green for giving me so much of your time when time was so hard to find.

Finally, thanks to Susanne Gomes, and Yogita Nand for everything they have done over the past fourteen months in relation to all that I have been involved in. It has made writing this thesis much easier.

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INTRODUCTION

Domestic justice

Questions about social and distributive justice have dominated political philosophy since John Rawls' revolutionary work *A Theory of Justice* in 1971.¹ In it, Rawls argues that principles of justice are those which rational agents agree to live by, and which are founded upon the mutually cooperative and advantageous collective nature of political society.² In the original position, which models impartiality (the veil of ignorance) and where we are bound by the results, Rawls thinks that we would agree to only those principles which would ensure respect for persons.³ Thus, he envisages that we would derive two principles of justice from the original position. Firstly, he thinks that we would want to secure basic liberties and freedoms for all (The Basic Liberties Principle); and secondly, that we would agree to a distribution of primary goods which 1) Was to the maximum benefit of the least advantaged in society (The Difference Principle), and 2) Attached to positions and offices open to all (The Principle of Fair Equality of Opportunity).⁴

It is important to note that since these principles apply in the domestic sphere, they are intended only to offer some guidance about social institutions within the nation-state. As mentioned, Rawls envisaged the principles of justice as being derived from the decision of cooperative and interdependent individuals to enter into a contract which would regulate principles of justice that were mutually advantageous. With this in mind, one important point is that the principles of justice are preceded by a certain social and political arrangement which is not only fixed, but which produces the need and capacity to regulate justice.⁵ Along with this contractarian characteristic, the Rawlsian approach to social justice (in at least 1971) can be characterized by equality, rationality, and impartiality. That is, all persons are represented as roughly equal in relation to their particular interests, rational, and limited to a set amount of information so to prevent tailoring. The advantage of his theory then, is that he ensures that no agent, while able to calculate the best arrangement overall, is given any room to tailor principles to her own personal advantage. In saying

¹ John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1972). Prior to Rawls' work, Political Philosophy was becoming overshadowed by an appeal to Rational Choice Theory and a general move toward scientific enquiry. There was a shift away from normative thinking in favor of scientifically measurable evidence. However, a recent Google search entry entitled 'A Theory of Justice' generated thirty-five million entries. This clearly shows how much interest there is in normative philosophy. For more see B. Guy Peters, *Institutional Theory and Political Science* (London: Routledge, 1999).

² Rawls, *A Theory of Justice*. p. 12

³ *Ibid.*, p. 13-14

⁴ *Ibid.*, p. 13

⁵ *Ibid.*, pp. 126-130

this, Rawls develops a theory which is able to regulate domestic principles of justice that are consistent with each of these themes, and by ensuring that they are representative of the interests of all without representing any interests in particular.⁶

A lengthy examination of *A Theory of Justice* will not follow; and for the purposes of this thesis, it is important only to mention how it is that the discussion which followed this work has given rise to questions of justice outside of the domestic contexts which Rawls had originally confined it. In particular, it has gone on to provoke questions about whether justice is reliant on the domestic sphere, and whether Rawls was mistaken to confine his principles domestically. More specifically, and more recently, questions have been raised about whether Rawlsian domestic justice, and principles of justice in general, are relevant at the global level, something which has led to a huge field of thought concerning global justice, and global principles of justice, which we briefly introduce next.⁷

Global Justice

More than one billion people (roughly one in five) still survive on less than \$1 a day, that is, at a level of poverty so abject that it is life threatening; and more than one billion people live on between \$1-2 a day.⁸ Likewise, more than one billion people lack access to safe water, and just fewer than three billion lack access to improved sanitation, shocking figures when coupled with the fact that diseases transmitted through water and human waste constitutes the second leading cause of death in developing countries.⁹ Unlike those of us who are lucky enough to have been born into societies which have adequate housing, healthcare, and education, those who are born into poverty stricken countries do not have a choice about the sort of life they, and their dependants, are capable of living. This is not merely a moral injustice, but an unnecessary and preventable injustice. In short, persons of the world are entitled to have a choice about the kinds of lives that they can live. Thus, and so I will argue, we have obligations to those who are, through no fault of their own, unable to fulfill those duties to their own and their dependants' well-being, which most of us, born into the west, presuppose as a condition of human agency.

⁶ Ibid., pp. 136-142

⁷ The influence and impact which John Rawls has had in generating and influencing the global justice debate is exemplified by a Google search of 'The Law of Peoples' which generated 25 million entries; and a search of 'Global Justice', in which Rawls is mentioned, generating more than 70 million.

⁸United Nations Development Programme (UNDP), "International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World," (New York: United Nations, 2005). pp. 3-4. The conditions of human development in relation to global inequality are extensively covered in chapter 2 of the report 'Inequality and Human Development', pp. 49-73

⁹ Ibid., pp. 49-73

The global justice debate does not theoretically differ from the domestic justice debate because the fundamental questions and concerns are comparable. While there are obvious differences between the global and domestic spheres such as the scale and institutional structures, which may yield distinct answers, the questions, by and large, remain the same. For example, the basic questions that one must concern themselves with are those such as: What is justice? What principles of justice are there? What is the unit of justice? In what contexts is justice relevant? For this reason and more so because domestic justifications precede the global sphere, domestic accounts and the domestic sphere heavily influence the global debate. For instance, there is a tendency to extend the domestic account, and to look to apply domestic justifications and principles globally.¹⁰ While this is the case, this thesis does not concern itself with how domestic justice relates to global justice in any fundamental way. However, it does acknowledge that we must take heed of the relationship between justice in the domestic and global contexts, and we must justify the implications that our theories will have on both.

In relation to the specific questions that the global justice debate must confront, the first and most obvious is whether there can be global justice. This question, first of all, falls back on what the nature of justice is, and whether this is exemplified within a global context. Clearly, the importance of this question lies in the revelation that how we define justice, and what we think gives rise to principles of justice, will ultimately affect the sorts of contexts wherein our theories are applicable. More simply, how it is that we characterize the conditions of justice will determine how restricted and restricting our principles are.¹¹ A second related and resulting question presupposes the first question (that there is global justice), and goes on to question the sorts of principles a theory of global justice will yield.¹² Finally, one distinct global question which stems from the nature of the global sphere itself is how we expect to cash global justice and global principles of

¹⁰ Some of the earliest defenders of Cosmopolitan accounts of global justice such as Charles Beitz, Thomas Pogge, and (more recently) Darrel Moellendorf demonstrate how it is that Rawls is committed to a global extension of his domestic account. For more see: Charles Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979), Thomas Pogge, "An Egalitarian Law of Peoples," *Philosophy and Public Affairs* 23 (1994), Darrel Moellendorf, *Cosmopolitan Justice* (Colorado and Oxford: Westview Press, 2002).

¹¹ For example, Rawls restricts his domestic conception of justice by suggesting that justice is born from a community of individuals who have a shared benefit in regulating principles to govern social interaction and institutions. However, other accounts such as those which base justice on human rights or utility (exclusive of certain social arrangements) define justice in ways which are globally inclusive. For example see: Gerard Elfstrom, *Ethics for a Shrinking World* (London: Macmillan Press, 1990), Henry Shue, *Basic Rights: Subsistence, Affluence, and Us Foreign Policy*, 2nd ed. (Princeton: Princeton University Press, 1996), Peter Singer, "Famine, Affluence, and Morality," in *Philosophy and Public Affairs* (Princeton, NJ: Princeton University Press, 1972), Jeremy Waldron, *Liberal Rights: Collected Papers 1981-1991* (Cambridge: Cambridge University Press, 1993).

¹² One of such principles is the 'Global Resources Tax' advocated by Thomas Pogge, see: Pogge, "An Egalitarian Law of Peoples." Also, Charles Beitz advocates 'The Resource Distribution Principle' and 'Global Distribution Principle'. See: Beitz, *Political Theory and International Relations*. p. 137; Likewise, and more recently, Darrel Moellendorf advocates both a 'Global Difference Principle' and 'Global Principle of Fair Equality of Opportunities', see: Moellendorf, *Cosmopolitan Justice*.

justice out. More simply, how it is that we actually apply and then regulate principles at the global level in the real world. Clearly, a complete conception of global justice must not only examine these sorts of questions, but this examination and enquiry must be made in light of the conditions and limitations of the real world.

It goes without saying that disagreement about all of these issues is widespread.¹³ Some dismiss claims that there could be global justice, and so dismiss principles which require or oblige global redistribution above and beyond charity.¹⁴ This line of thought is said to be justified in many ways. It could be argued that principles of justice are created only between persons for mutual advantage and since there is no apparent joint benefit from global redistribution that justice cannot apply within this arrangement. Therefore, that justice must first satisfy a commitment of reciprocity because without it we underestimate respect for persons.¹⁵ Some of the most influential thinkers, however, argue for a contractarian account of global justice. In doing so, they argue that the international forum exemplifies the arrangement on which Rawlsian contractualism depends. Such theorists generally demonstrate how it is that Rawls' thesis is consistent with global justice; and how it is that his same principles, on those grounds, should apply globally.¹⁶ More recently, however, there has been a subtle shift away from extending the Rawlsian framework. One question which has been raised is how it is that domestic justice and global justice might be better captured without reference to contractarian accounts and justifications. Theorists, have instead been questioning how relevant the original position is in relation to our search for global principles of justice and, more generally, how relevant the social contract account is in formulating such principles.¹⁷

¹³ There is disagreement about what our unit of moral concern should be, what the objective of justice in the global sphere is, and what demands are reasonable. For example Peter Singer argues for a Utilitarian account of Global Justice which takes all persons' interests as the unit of moral concern, the minimization of global suffering as the goal, and suggests that (at least ideally) all and any demands placed on persons which assist in achieving this end are reasonable, see: Singer, "Famine, Affluence, and Morality." On the other hand, Hans Morgenthau suggests that the unit of international concern should be the interests of states, that the pursuit of state objectified goals should be the aim, and that any demands which run counter to the interests of those states are unreasonable, see: Hans J. Morgenthau, *Politics among Nations* (Toronto: Random House, Inc., 1967).

¹⁴ Beitz, *Political Theory and International Relations*. p. 127 Beitz notes here that some persons will agree only to their right to decide for themselves whether they desire to give to the needy. They will accept some obligation but they will reject an institutionalized obligation. This is also something which is covered in Brian Barry, *Why Social Justice Matters* (Cambridge and Malden: Polity Press, 2005)., especially see chapter iv, pp. 131-154

¹⁵ Such a view can be found in Brian Barry, "Humanity and Global Justice in Perspective," in *Ethics, Economics and the Law*, ed. John W. Chapman J. Roland. (New York: New York University Press, 1982). Likewise, it can be found in Walter Feinberg, *Common Schools/Uncommon Identities: National Unity and Cultural Difference* (New Haven: Yale University Press, 1998).

¹⁶ As stated earlier, the most significant are: Beitz, *Political Theory and International Relations*.; Pogge, "An Egalitarian Law of Peoples."; and Moellendorf, *Cosmopolitan Justice*.

¹⁷ Utilitarians, in general, defend obligations to others based on the consequences of doing so. For example, and rather than appealing to rights or reciprocity, Peter Singer writes that "...if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it." Singer, "Famine, Affluence, and Morality." p. 230. Likewise, Martha Nussbaum has argued against the Social

As my concern here is with justifying principles of global justice, I indirectly presuppose a favorable answer to the question of whether there can be global justice. The challenge I take to be central is not whether there can exist justice in the global sphere, but what those principles are, and how one even begins to achieve them. In saying that, substantiating global justice can only be achieved through a normative and practical justification of global principles. Thus, while I do not directly concern myself with defending the existence of global justice, it is clear that one of the implications of successfully formulating and justifying global principles is to do so. In relation to such principles, one point which I think is worth noting is that the debate centers on at least two significant and overlapping features. The first is what we take the unit of justice to be, and the second is what we envisage that global justice should achieve. In relation to the first feature, the debate is between taking the interests of persons as the unit of global justice (such as individuals), and taking the interests of a collection of persons as the unit (such as states).¹⁸ In relation to the second, the debate is over where the benefits and burdens will rest, and whether this is justified.¹⁹

In sum, what it is that we envisage our ideal achieving will dictate: how demanding, how realistic, and how utopian our principles are of persons, institutions, and states. Therefore, the underlying questions most important to this thesis are: 1) which principles of global justice apply? and 2) what are the strongest arguments for these principles? More specifically, this thesis focuses on the principle of equality of opportunity and asks whether or not, and on what grounds, it should apply globally. Therefore, the questions surrounding this enquiry are:

1. What have been the strongest arguments against equalizing opportunities globally, and can we overcome them?
2. What is it that we want to regulate within such an ideal, and how should we do so?
3. What problems, if any, are there in such a global ideal and formulation?
4. Is the ideal achievable, and how do we achieve it?

This thesis will examine each of these questions; and will focus on some of the issues central to the debate about whether we can formulate a global principle of equality of opportunities. I divide this thesis

contract tradition as the starting point and justification for global justice, in favor of the Capabilities Approach, see Martha C. Nussbaum, "Beyond the Social Contract: Toward Global Justice," in *The Tanner Lectures on Human Values* (Australian National University and Cambridge University: Yale University, 2003).; in particular, see chapter 2 "Beyond National Boundaries: Capabilities and Global Justice", pp. 457-481

¹⁸ I will say a bit more about this distinction later, however, I take general cosmopolitan accounts to be representative of those views which centre on persons, and realist accounts as representing those which centre on some formal or informal collective of individuals.

¹⁹ We must consider what arrangement and principles best capture what is implied by global justice, but we must also take into account what burdens are reasonable to place on persons.

into three main chapters each of which is concerned with examining at least one of the questions above, and each of which examines some of the key issues involved in the debate. A full overview of each chapter is provided next.

Overview

In the first chapter I outline and examine one of the most influential thinkers on justice, and explore some of the strongest and most compelling arguments against extending the principle of equal opportunities globally. I begin by considering the characterization of global justice offered by John Rawls. In particular I pay reverential attention to his attempt to remain consistent with what he called a 'realistic utopia', and I use this discussion to introduce some of the background wherein the debate stems. Most importantly, I examine whether Rawls satisfies the realistic utopian ideal, and examine ways to go about doing so. I then move on to examine three of the arguments he offers to support his rejection of globalizing equal opportunities. The first is the argument against a cosmopolitan account of equality; the second is the argument against global redistribution based on the importance of state responsibility; and the final argument is the argument from the importance of toleration. I then compare Rawls' toleration argument with Bernard Boxill's argument from the importance of cultural diversity, and in doing so, examine Boxill's claim against the idea based on the assertion that there is no clear way to equalize opportunities amidst widespread cultural differences.

The aim of the first chapter is to assess some of the strongest arguments against any formulation of the ideal independently of a formulation itself; and so I assess how strong these arguments are without reference to any specific conception. In doing so, I aim to locate the arguments that advocates of the principle will need to overcome in formulating a sound conception of the ideal. I argue that we should, as Rawls suggest, formulate ideals which appeal to a realistic utopia, but suggest that Rawls himself does not fulfill this objective. I also argue that none of Rawls' arguments convincingly demonstrate how the principle of equal opportunities is unjustified; and that there are instead grounds upon which to base a sound justification. I do, however, concede that Boxill's argument must be taken into account, and that any formulation of the ideal must respect cultural diversity.

While the first chapter is concerned with locating the problems that advocates of a global principle of equality of opportunities must acknowledge, the second chapter is concerned with assessing how two of such theorists go about doing so. I begin with an overview of how one might go about formulating the ideal; and then move on to examine both Darrel Moellendorf's and Simon Caney's attempts respectively.

In light of the conclusions in chapter one, I examine how and whether Moellendorf and Caney are vulnerable to Boxill's objection, and if so, how flexible their theories are in overcoming it. Likewise, I examine each theory against the conditions of a realistic utopia, and consider whether each of the theories satisfies this requirement.

The aim of the second chapter is to consider some of the most recent attempts at formulating the ideal in light of the arguments examined in chapter one. The aim is to give a full account of both, to compare the nature of the ideals, and to critically evaluate the strengths and weaknesses of the formulations. I argue that while both formulations are admirable, that Moellendorf's ideal is far too idealistic, and so, cannot overcome the Boxill problem. I also claim that Moellendorf's formulation is unable to meet the right balance of realism and utopianism. On the other hand, I argue that Caney's formulation with the capabilities approach overcomes Boxill's criticism, and gets us closer to our realistically utopian ideal. I leave this chapter with a question: in their attempts to satisfy the ideal amidst the Boxill and Rawlsian challenges, do they indirectly allow the emergence of further challenges to the ideal, such as theoretical problems, unreasonable implications, or unrealistic demands?

The third chapter considers some of the most recent critiques of both Moellendorf and Caney, and examines the most recent challenges to the ideal. Section one is concerned with David Miller and examines some of the most compelling arguments against equal opportunities, and global equality in general. Miller claims that our concern for equality does not justify equalizing opportunities globally, or that we should concern ourselves with global inequalities. Rather, his argument follows that neither Moellendorf nor Caney offer us a decent formulation of the ideal, and that our concern should be with inequalities of power as the source of global injustice, rather than equalizing opportunities as such. In arguing this line, Miller makes four claims: the first is that there is a morally significant difference between domestic and global equality; the second is that if we adhere to Moellendorf's formulation of identical opportunities we allow unlimited global migration; the third follows that there is no clear way to assess equivalent opportunities globally, and finally that a belief in cosmopolitanism need not incorporate equalizing opportunities. I examine each of these claims in turn and critically discuss whether they should hold any weight in discussions about equalizing opportunities globally.

In section two of chapter three, I discuss some of the recent work of Gillian Brock who suggests that since it is far too problematic to formulate a positive conception of the ideal we should take seriously the proposition that resting on a negative intuition may be best. She claims that, while Moellendorf is far too specific, Caney is far too general; and that since this is the case Moellendorf is open to criticisms of

cultural insensitivity and Caney to at least three forms of discrimination. In examining these claims we pay close attention to the capability approach and consider ways in which the approach might in fact shield Caney's conception from the discrimination Brock highlights. Finally we consider Brock's tentative suggestion that rather than focusing on 'equal' opportunity sets per se, that we should concern ourselves with 'decent' ones.

The third chapter has three inter-related aims. The first is to argue for the relevance of equality (in particular equal opportunities) globally; the second is to argue for a positive formulation such as that offered by Caney; and the third is to advocate the value in assuming a needs-based capabilities approach such as that offered by Nussbaum. I agree with Miller and Brock that Moellendorf is overzealous, but then part company from them because I defend the claim that we should focus on Caney's formulation in association with the capabilities approach. I argue that equivalent opportunity sets consist in equalizing capabilities globally and argue that the three sources of discrimination highlighted by Brock can be overcome by an appeal to this.

In the final chapter I summarize the conclusions that I have come to throughout the thesis. In particular, I argue that we should adhere to the pursuit of John Rawls' 'realistic utopia'; and that in doing so, we should defend a formulation of the global principles of equality of opportunities which depends on a list of capabilities, such as that offered by Martha Nussbaum. I argue, therefore, that a positive account of the ideal is not only achievable, but also politically, and globally feasible. I also tentatively suggest that we should not only take persons as central, but that we should consider the possibility that equal opportunities can justifiably exist in both the domestic and global spheres for two very different reasons. I suggest that a Rawlsian domestic account need not extend globally in order for the ideal to apply globally, and that we should consider a justification based on what persons require in having the ability to attain meaningful lives.

The aims of this thesis are threefold. The first, and most important, is to maintain the relevance of global equality in the way of a global principle of equality of opportunities. I argue against both David Miller and Gillian Brock in an attempt to demonstrate how it is that we should not be too quick to discount this ideal as unnecessary or irrelevant. I argue that equality is instrumental at the institutional level and in ensuring cross-national and international agreement to act, and I suggest that equality does not neglect the importance of adequate or decent prospects in life, but rather, that a global principle of equality of opportunities presupposes this as a condition.

The second aim is to consider how one best goes about satisfying a realistic utopia. Early on I suggest that if Rawls is admirable in at least one respect, it is because he recognizes the need to formulate principles which conform to a compromise between realism and idealism, and I acknowledge that an important part of this ideal is recognizing global cultural diversity. I also suggest that we should extend this notion of a realistic utopia to incorporate a balance between what we 'ought' to do and what we are 'willing' to do. Thus, that we must not only focus on what we think we should be doing, nor what it is we think that we are capable of doing. Rather, a satisfactory 'realistic utopia' will incorporate a willingness to act, that is, it will engage in a motivational account of action in relation to those principles justified.

Finally, the aim of this thesis is to demonstrate how valuable the capabilities approach is in formulating adequate principles of global justice. I attempt to demonstrate how it is that the capabilities approach enables us to set a threshold of equality which is realistic, and how the approach is consistent with the search for a realistic utopia which takes persons as the unit of justice. I argue that the capabilities approach can easily conform to cultural diversity and that it captures that which an account of global equality of opportunities requires.

In closing, I tentatively suggest that a realistic utopian account of the ideal will recognize the importance of the nation-state as key to the formulation of international institutions and that a satisfactory account will acknowledge that the domestic and global spheres, while interdependent, are distinct. I tentatively suggest that in justifying a global account of equal opportunities we need not take our lead from the domestic sphere and that the justifications for a global account might well be distinct from it.

1. Arguments against Equalizing Opportunities Globally

1.1 Global equality

To be concerned with the concept of equality globally may presume a number of things. Firstly, a concern with global equality presupposes unjustified global inequalities. An important point to make here is that it might be the case that inequalities exist globally (as they do within the domestic sphere), however, this does not immediately render them problematic or in need of regulation. Thus, it is not inequalities across the board that are problematic, but certain types of inequalities, such as those which place persons at heavy and unwarranted disadvantages. A concern with global equality may, secondly, presuppose that it is justified for some persons to bear the rectification costs of these disadvantages. That is, it presumes that there is a way of equalizing these unjustified global inequalities and that it is permissible for us to expect (if necessary) people or institutions to bear the costs of doing so. Finally, a concern for global equality presupposes that rectification costs are outweighed by the benefits that result; and so, there is a belief in the way in which equality has some benefit and value.

However, each of these points relies on a justification for what it is that justifies our concern with equality globally, and how it is that we achieve it – both of which are important in two inter-related ways. Firstly, it is important in the way that we justify our concern for global equality. That is, it tells us something about our commitment to it and the sorts of implications which such a commitment entails for others. Secondly, it is important in our attempts to formulate a principle, and in examining whether that ideal is practically possible. Unfortunately, while there is agreement about the place of domestic equality, there is widespread disagreement about the place of equality in the global sphere. We go on to examine this next.

Domestic equality

Equality as a domestic ideal is extremely influential. Charles Taylor considers this influence as a rejection of domestic society as embodying ordered difference.²⁰ According to Taylor, our belief in equality stems from a disbelief in inequality and the implications which follow it; thus, it is bound to a rejection of

²⁰ Charles Taylor, *Philosophy and the Human Sciences* (Cambridge: Cambridge University Press, 1985). p. 303

unjustified discrimination.²¹ For this reason, equality plays a significant role in the formulation of domestic principles of justice, society, politics, and economics; and this necessitates a powerful commitment to it.²²

Western societies take principles of equality (redistributive, civil, or otherwise) to recognize and measure democratic civility, and believe that equality is fundamental to any democratic society and/or decision-making process. This presupposition of domestic equality has led to the belief that equality as an ideal presupposes a certain social or political arrangement; and thus, that a concern for equality stems from our interdependence and recognition of each other as equals. Elizabeth Anderson, for example, suggests that the aim of equality is “to create a community in which people stand in relations of equality to others”.²³ In saying that, Anderson’s point is that there is a mutually recognizable feature between persons which objectifies what it is that we are after when we are said to promote equality. Likewise, Charles Beitz writes that:

Regulative interests of citizenship are higher-order interests that represent within the theory the plurality of regulative concerns that arise in connection with the complex status of democratic citizenship. Paramount among these are: interests in recognition, equitable treatment, and deliberative responsibility.²⁴

Note here that Beitz conveys how it is that equality is one of the recognizably significant conditions of democratic citizenship. Therefore, one thing to say is that domestic equality is a mechanical and social construction which relies heavily on how we relate to one another. It stems from the desire to create a certain kind of social, political and cultural environment; that is, the sort of environment wherein persons are able to stand as equals in relation to each other. Similarly, such ways of framing equality rely on, and are born from, the domestic sphere wherein persons have and recognize a cooperative and national association.

²¹ *Ibid.*, p. 303

²² This not to say, however, that domestic equality is without opposition. Indeed, in the wake of an ever-growing commitment to equality, there is continual probing, not only around its demands, but around its justification. Charles Taylor says that this is representative of the conflict between the well off in society and the not so well off; and he outlines how it is only common sense to accept that if equality requires redistribution of some sort then there will be conflict and disagreement between those who will lose and those who will gain in the process, see: *Ibid.*, p. 308. However, this is also illustrative of the way in which the equality debate in the domestic sphere consists in what equality means and how it is best achieved, rather than whether it is justified. At least at the domestic level, the concern does not consist in justifying equality, but rather how we achieve it in the real world; that is, what it is that we are trying to equalize. Note however, that I do not concern myself with the ‘equality of what’ debate, although I recognize that in advocating a principle which assumes the importance of equality I invoke such questions relative to the global context. For more see: Amartya Sen, “Equality of What,” in *The Tanner Lectures on Human Values*, ed. S M. McMurrin (Cambridge University Press, 1980).

²³ Elizabeth Anderson, “What Is the Point of Equality?,” *Ethics* 109, no. 2 (1999). pp. 287-337

²⁴ Charles Beitz, “Political Equality,” in *Democracy*, ed. David Estlund (Blackwell, 2002). p. 152

While this commitment to equality presents itself in many forms, at least one of the strands which have made some impact on public policy is the principle of equality of opportunities. Equal opportunities at the domestic level has become a way of ensuring that persons stand equally in relation to each other, and that persons are not disadvantaged by morally arbitrary features such as race, ethnicity, gender and so on.²⁵ However, when we move to assess how applicable this is at the global level, what the requirements are, and what the principle could reasonably demand is not so clear-cut.

In much the same way that domestic justice has led to questions of global justice, domestic equality, and equality of opportunities more specifically, leads us to enquire about the relevance and existence of global equality, and the globalizability of equal opportunities. The sorts of questions that one might find worth asking are: 1) is equality relevant only between persons in the domestic sphere, or does its relevance extend beyond national boundaries to incorporate all persons of the world? 2) Does equality presume certain associative boundaries or can we achieve equality in their absence? 3) If equality can and does exist at the global level, what constitutes the unit of equalization? While each of these questions are important, the most important question in relation to global equality, and equalizing opportunities, is what unit of value we take to represent equality, if anything, globally. As this thesis concerns itself with equalizing opportunities, the presupposition is that persons are morally worthy globally.²⁶ However, I offer an account of at least three ways in which one might attempt to answer this question next.

There are three clear ways in which one might answer the question of: what unit of value should we take to be central to the ideal? The first is that we should take persons to be central at both the domestic and global levels. Doing this implies that the domestic account of equality should be extended to incorporate all persons of the world, and so that there should be no morally relevant differentiation between the domestic and the global in relation to how we treat persons.²⁷ The second answer takes equality between persons as relevant only in the domestic sphere, and allocates nations or the collective interests of persons as the

²⁵ A good description of equal opportunities is offered in: Barry, *Why Social Justice Matters*. Chapter 2, pp. 37-105. Barry offers some reasons why equal opportunities are important in a scheme of social justice, and examines how a principle of equal opportunities relates to social institutions such as: education, health, and race.

²⁶ In contrast, it could be argued that nation-states be given equal opportunities in relation to trade, political influence, and so on. However, this thesis takes the domestic account of the principle and so assumes that the principle refers to persons as the unit of value. A useful discussion can be found in: Kok-Chor Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism* (Cambridge: Cambridge University Press, 2004). pp. 107-110.

²⁷ Again this position is representative of Cosmopolitan thinkers such as: Charles Beitz, "Cosmopolitanism and Global Justice," *Journal of Ethics* 9 (2005), Beitz, *Political Theory and International Relations*, Simon Caney, *Justice Beyond Borders: A Global Political Theory* (Oxford: Oxford University Press, 2005), Charles Jones, "Global Justice: Defending Cosmopolitanism," *Ethics* 112, no. 3 (2002), Moellendorf, *Cosmopolitan Justice*, Pogge, "An Egalitarian Law of Peoples.", Singer, "Famine, Affluence, and Morality.", Peter Singer, *One World* (Melbourne, Victoria: Text Publishing, 2002), Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*.

unit of global equality.²⁸ For a variety of reasons, this position suggests that inter-personal equality requires the nation-state, and so cannot consistently apply globally. One final answer to consider could follow that the unit of both domestic and global equality consistently involve persons, but that our justifications in both cases differ, thereby recognizing the importance of the domestic and global spheres and their differences.²⁹ The first answer is exemplified by cosmopolitan thinkers who take persons to be the fundamental unit of equality and equal worth; while the second answer is exemplified by some contractarian thinkers, of which Rawls is the most influential. The final answer can be viewed as a compromise between both the cosmopolitan and Rawlsian accounts, and while this is something of particular interest to me, we will not discuss it until chapter four. We move now, however, to discuss one of the most influential accounts of global justice, and we examine how this account bears on any attempt to globalize equal opportunities.

1.2 John Rawls and Global Justice

I will not provide a full description of 'Political Liberalism',³⁰ or 'The Law of Peoples',³¹ however, it is imperative that we consider the Rawlsian conception of global justice. Not only is Rawls considered one of the most influential authorities on domestic and global justice, but his theories considered among the most compelling. In short, any account of global justice, and any formulation of an ideal which departs from the Rawlsian framework³² must be justified.³³ Rawls takes persons to be central in his account of domestic justice, but does not take it to be fundamental globally. Instead, Rawls assumes the relevance and existence of nation-states prior to any discussion concerning global justice. Consequently, Rawls concerns

²⁸ Representing this school of thought is: Robert E. Goodin, "What Is So Special About Our Fellow Countrymen?," *Ethics* 98, no. 4 (1988), Terry Nardin, *Law, Morality, and the Relations of States* (Princeton: Princeton University Press, 1983), John Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'* (Cambridge and London: Harvard University Press, 1999), Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1983). A helpful overview can be found in: Moellendorf, *Cosmopolitan Justice*. pp. 68-86. Singer, *One World*. pp. 183-197. Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*. pp. 107-132

²⁹ This way of answering the question is considered later, however, I take this from: Tim Mulgan, *The Demands of Consequentialism* (Oxford: Clarendon Press, 2001). Part four, pp. 169-209

³⁰ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

³¹ Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*.

³² Shanon P. Daly, "Applying Rawls Globally: Extending the Rawlsian Framework" (MA, University of Canterbury, 2004).

³³ Robert Nozick, *Anarchy, State and Utopia* (Oxford: Blackwell, 1974). p. 183

himself with international justice rather than global justice per se;³⁴ that is, he concerns himself with regulating justice between nations or 'peoples'³⁵ rather than persons directly.

Rawls clearly thinks that, while justice is possible and required in the domestic sphere, at the global level there is a vital point of departure where justice becomes redundant. So then, while justice at the domestic level is characterized by respecting civil and democratic rights and limiting inequalities in the distribution of resources, these same principles are neither relevant nor defensible globally. Instead of the two principles mentioned earlier which Rawls believes would be derived from the domestic original position,³⁶ he thinks that in an international original position, comprising representatives of peoples, the following eight principles of international justice would be chosen:

1. Peoples are free and independent, and their freedom and independence is to be respected by other peoples
2. Peoples are to observe treaties and undertakings
3. Peoples are equal and are parties to the agreements that bind them
4. Peoples observe the duty of non-intervention
5. Peoples have the right to self-defense but not to instigate war for reasons other than self-defense
6. Peoples are to honour human rights
7. Peoples are to observe certain specified restrictions on the conduct of war
8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.³⁷

These principles do not require explanation, not only are they straightforwardly self-explanatory, but they require of us a lot less than one, after reading *A Theory of Justice*, might have expected. Peter Singer, for example, suggests that:

There is a lack of focus on obligations towards individuals who are currently destitute in other countries. The book is, after all, called *The Law of Peoples*, not, for example, *A Theory of Global Justice*.³⁸

³⁴ The difference here between 'global' and 'international' is based on the unit of moral concern, such that 'global justice' takes persons to be central, and 'international justice' takes states or a collection of persons to be central. Daly, "Applying Rawls Globally: Extending the Rawlsian Framework".

³⁵ According to Rawls, liberal peoples have three basic features: the first is institutional, and consists in a 'reasonably just constitutional democratic government'; the second is cultural and consists in 'common sympathies'; and the third is moral, requiring a political conception of right and justice, and consists in a 'moral nature'. Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. pp. 23-24

³⁶ See page 1 of this thesis, (The Basic Liberties Principle, The Difference Principle, and The Principle of Fair Equality of Opportunities).

³⁷ Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. p. 37

³⁸ Singer, *One World*. p. 193

What should become apparent is that all of these international principles excluding principles six and eight are concerned with state sovereignty and respecting national integrity.³⁹ For Rawls, the importance of national status, sovereignty, and integrity to the representatives of peoples is seemingly paramount.

On the other hand, principles six and eight are the only two that are at least minimally related to the domestic Rawlsian principles mentioned earlier. Principle six attempts to protect human rights (basic rights and political liberties), and eight lays out the conditions upon which redistribution between nations is to occur.⁴⁰ However, Rawls maintains that a duty of assistance between nations or peoples only exists when, and if, other peoples are unable to establish just or decent political systems and institutions.⁴¹ In saying this, the only obligation that peoples have is to provide the means for other peoples to establish such institutions. Clearly, obligations of assistance are restricted by respecting principles of non-intervention and tolerance. The flip side of this, of course, is that assistance is not driven by the existence of international or global inequalities; rather, the inequalities, if any, will not factor into account if political structures and institutions are just or decent. This is telling, and the implication is that representatives of peoples will not consider inequalities between nations or persons globally to be a source of injustice which requires rectification, or which obliges other peoples to bear those costs. NB: because the reasons for coming together (cooperating) are not driven by this concern.

Read together, the eight principles which Rawls offers run more as a peace agreement rather than a redistributive contract between nations; indeed, the principles suggest that at the global level there would be little, if any, discussion about redistribution between peoples. The eight principles together suggest only what it is that a peaceful international order requires of states. There is no mention of cooperation or individual entitlements, but only prevention and international agreement. Likewise, there is only a minimal set of freedoms and rights, and only a very small duty to global egalitarianism – enough to ensure that states can live by the international principles.⁴²

Rawlsian Accounts: Domestic and Global

³⁹ The principles are concerned with protecting the interests of peoples, and maintaining a well-defined culture.

⁴⁰ An exceptional assessment of the eight principles of international justice can be found in: Moellendorf, *Cosmopolitan Justice*. pp. 7-29. Also see: Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*. pp. 62-66. and Caney, *Justice Beyond Borders: A Global Political Theory*. pp. 78-85

⁴¹ Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. Note that this is stated as principle eight above, however, Rawls was aware of the controversy surrounding redistributive requirements and further discusses this on pp. 105-120

⁴² *Ibid.*, p. 106

There is clearly a lot of disparity between *A Theory of Justice* and *The Law of Peoples*; however, if one is looking for consistency, then at least one thing that remains is the Rawlsian decision-making procedure. Rawls utilizes the original position and the veil of ignorance to ensure some relative equality and impartiality, and in his bid to minimally regulate the sorts of principles drawn.⁴³ Rawls, for example, suggests that international justice would be born from an entirely different original position which places representatives of peoples behind the veil of ignorance. However, this does not retract from the way in which the moral relevance of these two spheres differ; and on this account the nature of the moral actors within the domestic and global accounts are distinct.

I think that this should draw attention to at least one important point. Quite simply, the original position and the veil of ignorance function at the latter stages of Rawls' theory, and so while they might be considered fundamental overall, how it is that they play out depends on the details which precedes them. This is why Rawls yields very different accounts of justice. What his account depends on is what we consider to be the morally relevant units of justice, and the context within which this occurs – something which the disparities between the domestic and global accounts illustrate. The main point here is that if we are looking for consistency in Rawlsian theory then we need to look beyond the structures (such as the original position and veil of ignorance), and we need to examine the details – such as who is situated in the original position and what the veil prevents us from knowing – which in the end dictate what function those structures have.

This is clearly why consistency between his domestic and global theories of justice and the principles drawn from them are so dissimilar. This is not to say that the principles generated from both would have been similar if persons rather than peoples were to be considered in the global case.⁴⁴ But it is to suggest that there may have been much more discussion about socio-economic inequalities, basic needs, and reasonable demands, which would be of interest to persons behind a veil of ignorance.⁴⁵ With that in mind, it is clear that Rawls does not think that the same motive which functions in the domestic sphere functions at the global level. Thus, that the principles of justice agreed to at the domestic level cannot consistently be applied globally because those same principles are not globally motivated and so are exclusive of desirable intent. Justice in the domestic sphere is about what it is that would motivate individuals to enter

⁴³ Ibid., p. 30 Rawls advocates two original positions, one to regulate justice between persons in the domestic case, and another to establish international principles of justice between representatives of peoples.

⁴⁴ Gillian Brock, for example, provides some reasons against the idea that persons would choose the difference principle, see: Gillian Brock, "Egalitarianism, Ideals, and Cosmopolitan Justice," *The Philosophical Forum* 36, no. 1 (Spring 2005). pp.2-15

⁴⁵Ibid., p 12. Brock offers evidence to show how persons behind the veil of ignorance are interested in balancing basic needs with entitlements and incentives.

into agreements with other individuals, and what it is that they would be driven by and to accepting. In this sense, justice is the distributive arrangement these persons would agree to live by, and it is what reasonable persons would accept as fair. For these reasons, in the international arena we get an entirely different picture.

There has been a lot of dissatisfaction with the angle and the conclusion that Rawls here draws. Without exaggerating, there is a lot to worry about if we take Rawls seriously and if we adhere to his account. Peter Singer sums this up nicely when he says that:

As our world is now, however, millions will die from malnutrition and poverty-related illnesses before their countries gain liberal or decent institutions...how the rich nations and their citizens are to respond to the needs of the more than one billion desperately poor people has an urgency that overrides the longer-term goal of changing the culture of societies...But that issue is not one which the author of *A Theory of Justice* has ever given serious attention.⁴⁶

In sum, if we adhere to the Rawlsian account of global justice then (as Peter Singer would say) we allow unnecessary and unjustified suffering; but more problematically, we discount the interests of individuals. This, I think, is the most unreasonable implication of Rawls' position.

In Defense of Rawls: Balancing the Real World and the Ideal World

Perhaps in Rawls' defense, it is in no way clear what grounds we would base the extension of his domestic principles globally on; and it is not at all clear what our motivation for doing so would be. It is one thing to look for theoretical consistency between the domestic and global spheres, but it is another thing to consider what real persons will agree to. It is clear that real persons typically consider the nation-state and the global sphere distinctly, and they consider that their allegiances align with both of them in different ways. What Rawls taps into here then, is the reality that since there is nothing to motivate all persons of the world to enter into the original position that there is no reason to think that they would. This assumes that justice is only born from a cooperative and mutually advantageous situation wherein persons identify a reciprocally beneficial association. In line with this assumption, one could argue that there is no durable relationship of this nature which exists between persons, at least at this moment, globally.⁴⁷ It might be worth considering that Rawls taps into the way that (at least some) persons typically want national and state assurances before they agree to enter into any contract born from a subsequent domestic original

⁴⁶ Singer, *One World*. p. 197

⁴⁷ With the formation of the European Union it is clear that this is not impossible, and that it is possible that there might one day exist a unified global or international order. However, my point here is that this is not, at present, the way of the world.

position; and the way in which they may not consider global distribution as an important point of discussion. Hence, there is some sense to what Rawls is trying to do and to achieve at the global level; and so I think that his account is plausible when we take into consideration that Rawls presupposes the existence of states (something which is realistic) and that he is trying to retrieve principles which most peoples will actually agree to live by. Moreover, and discussed next, that he is trying to formulate an account of global justice which is 'realistically utopian'.

Idealism and Realism

As mentioned already, at the heart of the controversy surrounding global justice, quite generally, is the debate over what we take the unit of justice to be. Note that Rawls takes respect for 'peoples' to be representative of what justice requires of us when we consider the role of justice beyond the domestic sphere. However, and at odds with this specification, other theorists take 'persons' to be central, and suggest that a satisfactory account of justice will be global, and will recognize respect for persons. Likewise, they suggest that any conception which functions with anything broader than this will be inappropriate. In line with this debate, we can consistently apply realism and idealism. In doing so, we can categorize 'peoples' as the unit of justice as 'realistic', while 'persons' as the unit of justice as 'idealistic'; and we examine this distinction next.

Taking Persons as Central

Cosmopolitanism has been described variously.⁴⁸ For example, Kok-Chor Tan identifies four common classifications of the ideal which cover: moral and institutional cosmopolitanism, identity and justice-based cosmopolitanism, weak and strong cosmopolitanism, as well as extreme and moderate cosmopolitanism. In sum, Tan refers to the way in which cosmopolitanism can be interpreted as a thesis about our moral obligations to others, global citizenship, cultural identity, and the scope of justice. Likewise, he refers to the way that it can be classified in relation to weak, strong, extreme, and moderate notions, each of which indicates the strength of the principles required and how they are to be understood in relation to non-cosmopolitan commitments.⁴⁹ Following these classifications, it is important to note that the cosmopolitanism which this thesis broadly refers to is that which takes persons as morally worthy and which takes the scope of justice to extend beyond national boundaries.

⁴⁸ For an account of these descriptions and differences see: Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*. pp. 10-12.

⁴⁹ *Ibid.*, pp. 10-12

With this in mind, I think that it is worth adhering to Brian Barry's basic formulation. According to Barry, cosmopolitanism combines three elements. The first is that individual human beings have (ultimate) value. That is, individuals have inherent value which cannot be measured by some characteristic or trait and which does not distinguish between us. Secondly, each human being has equal moral value, and so no human has any more value than another. Again the idea is that worth is inherent merely in the humanity of an individual and nothing else; we are all equal merely because equality consists only in our shared human identity which extends to incorporate moral worth. Finally, both if these things apply to all humans. So all humans, merely by virtue of their humanity are morally worthy and equally so – there is no differentiation between individuals on some characterization or basis.⁵⁰ This description of the position is affirmed by most cosmopolitan thinkers, for example Thomas Pogge writes that:

Three elements are shared by all cosmopolitan positions. First, *individualism*: the ultimate units of concern are *human beings*, or *persons* – rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations or states. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, *universality*: the status of ultimate unit of concern attaches to *every* living human being *equally* – not merely to some sub-set, such as men, aristocrats, Aryans, whites, or Muslims. Third, *generality*: this special status has global force. Persons are ultimate units of concern for *everyone* – not only for their compatriots, fellow religionists, or such like.⁵¹

While we may feel compelled to adhere to the cosmopolitan view which recognizes the moral worth of all persons, the problem is that when we confront the real world we realize that it does not consist merely of persons who converge ethically or who unite in their shared humanity. Conversely, in the real world we are separated by geography, culture, religion, socio-economic class, politics, gender, and nationality. Therefore, while cosmopolitanism may proclaim the equal value and worth of persons, in the real world, and for whatever reason, at least most of us, do not live by those standards and so it is important to consider the moral relevance of national and cultural association.

The Moral Relevance of National and Cultural Associations

It is often argued that we have obligations to co-nationals which are distinct from non-nationals simply because of the relevance of nationality. For example, in his 'On Nationality' David Miller defends a conception of moral nationalism based on three key claims.⁵² The first claim that Miller makes is that the

⁵⁰ Brian Barry, "Statism and Nationalism: A Cosmopolitan Critique," in *Nomos: Global Justice*, ed. Ian Shapiro and Lea Brilmayer (New York: New York University Press, 1999). pp. 35-36

⁵¹ Thomas Pogge, *World Poverty and Human Rights* (Cambridge: Polity Press, 2002). p. 169

⁵² David Miller, *On Nationality* (Oxford: Clarendon Press, 1995). p. 11, see also: Gillian Brock, "The New Nationalists," *The Monist* 82 (1999).

sense of belonging and the feeling of association which we formulate with our own countries is a legitimate way of understanding our places in the world.⁵³ Miller's second claim is that nations are ethical communities;⁵⁴ while the third claim follows that national communities have a good claim to self-determination.⁵⁵ Miller's fundamental claim is that our obligations to others are nationally relative and dependent. So that, and as he writes:

Acknowledging a national identity, I am also acknowledging that I owe special obligations to fellow members of my nation which I do not owe to other human beings. This proposition is a contentious one, for it seems to cut against a powerful humanitarian sentiment which can be expressed by saying that every human being should matter equally to us.⁵⁶

Clearly, the implication here is that if we adhere to a cosmopolitan account then we deny these three key features which, for Miller, are both unrealistic and problematic. But more importantly, that we are justified in giving differential treatment to persons based on their relationship to us, which runs counter to the cosmopolitan view.⁵⁷

This argument, against viewing all persons equally, appeals to the way that we naturally consider the interests of those closest to us above others. For example, we naturally offer assistance to those who we identify with, and we naturally feel that we owe them much more than we owe others. This issue is action guiding and relates to the way in which we live our lives in communities, whether they are cultural, social, political, or national. In relation to cosmopolitanism, therefore, the implication is that expecting persons to treat all persons of the world equally is to concern oneself with an unrealistic ideal. Equally as important is the implication that persons will treat non-nationals with less moral conviction than co-nationals, and so, accepts the realistic significance of national association.

1.3 A Realistic Utopia

This debate concerning what we take to be morally relevant, in relation to what we demand of others, exemplifies what Rawls tries to balance in an attempt to formulate a realistically utopian ideal. For instance, Rawls says that:

⁵³ Miller, *On Nationality*, p. 11

⁵⁴ *Ibid.*, p. 11

⁵⁵ *Ibid.*, p. 11

⁵⁶ *Ibid.*, p. 49

⁵⁷ Miller is not alone in his bid to promote the interests of co-nationals above non-nationals, others include, for example, Yael Tamir, *Liberal Nationalism* (Princeton: Princeton University Press, 1993).

Political philosophy is realistically utopian when it extends what are ordinarily thought to be the limits of practicable political possibility and, in doing so, reconciles us to our political social condition.⁵⁸

Rawls was well aware of how important it was to formulate ideals that did not neglect the realistic nature of human society, and he was aware of the importance of issuing principles and precepts that were both workable and applicable to an ongoing political and social arrangement.⁵⁹ That said, Rawls advocated what he called the 'realistic utopia' which is, in the broadest sense, a compromise between idealism and realism – it is a compromise between the ideal world and the real world.

Rawls believed that we cannot and should not concern ourselves exclusively with idealism or realism. Instead, he thought that we must balance both in a bid to realize principles which not only satisfy what we think ought to be done, but also what can, in practice, be done. Rawls is in no way alone in this viewpoint. Other theorists, such as Will Kymlicka, write that the challenge for political theorists is to formulate principles which are both morally justified and politically viable, the point being that in motivating real world change we must in some ways lower our utopian ideals and expectations.⁶⁰ Thus, that the challenge is not simply to consider what we should or can do, but to locate the right (realistic) balance of each. Similarly, Elizabeth Anderson suggests this when she writes that:

The claims that people are entitled to make on others should be sensitive not only to the benefits expected on the part of the claimants but to the burdens these claims place on others.⁶¹

In saying this, Anderson points out that benefits and burdens generated through any theoretical scheme of justice must be accountable simply because they will bear on the way in which the theory survives in practice. While this may sound simple enough, problems arise when we start to ask ourselves what the advantages and disadvantages of idealism and realism are, how we achieve a healthy compromise which holds on to the former while discarding the latter. Thus, if our aim is to fuse realism and idealism, then we need to locate the strengths and weaknesses within both.

Locating the Problems

Idealists problematically spend far too much time considering only how it is that we justify what we should be doing. The problem of course is that there seems to be a point where we simply cannot spend most of

⁵⁸ Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. p. 11

⁵⁹ *Ibid.*, pp. 12-13

⁶⁰ Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995). p. 1

⁶¹ Anderson, "What Is the Point of Equality?." p. 294

our time discussing what we think should be done unless we are willing to back this up with practical ways to get there. I am sympathetic to the idealist's reasoning, starting points, and to the hard fact that we could quite easily give and do much more than we do. The problem, however, is that we can discuss whether or not we should be giving all of our income to charity, and whether or not we should live in poverty to provide for those dying in Africa. But in doing so, we are missing the point that people are suffering from injustices, and that our concern should not be with agreeing or disagreeing about what we should be doing, but assisting those in need.

General cosmopolitan accounts such as Act Consequentialism clearly illustrate the problem with idealism.⁶² Utilitarianism and general consequentialist theories of justice do not question the extension of the domestic framework globally.⁶³ Since utilitarianism is concerned merely with maximizing benefits, the extent of equality is twofold; firstly, in the way of equal consideration, and secondly, in contributing to the overall good. While things get a bit complicated when we start to discuss ways to promote and weigh up benefits, the point that I am making here is that not all theories would exclude the global sphere in their thinking. Indeed, some theories such as cosmopolitanism and utilitarianism make no differentiation and so are inherently global in scope. However, the central problem with Consequentialist accounts is that they involve a misunderstanding of the dynamic underlying real world change. Note that one of the principal objections to Act Consequentialist theories stem from the idea that it is far too demanding. Act Consequentialism requires not only that persons of the world give all they have until they reach the level of marginal utility; but they imply that it is unjust to maintain a personal level of utility in any measure above that of the least advantaged.⁶⁴ Not only does this require that we place our own interests on a strict par with others, but it demands that we place our dependents' needs on an equal basis with others. This recognizes how it is that Act Consequentialists are far too utopian; and it demonstrates how it is that, while they take persons to constitute the unit of justice and equality, they problematically neglect to account for *real persons* in the real world.⁶⁵

⁶² I take general cosmopolitan accounts to share one central feature which is that persons (in at least some way) are the units of moral concern. I take Act Consequentialism to be one representation of this kind of position in relation to global justice.

⁶³ This is a general comment, note that some theorists, Richard Miller in particular, is not typically part of this generalization, see: Richard Miller, "Cosmopolitanism and Its Limits: Comments on Cosmopolitan Justice," *Theoria* 104, no. i (2004).

⁶⁴ For example, Peter Singer writes that "we ought to give until we reach the level of marginal utility - that is, the level at which, by giving more, I would cause as much suffering to myself or my dependents as I would relieve by my gift. This would mean, of course, that one would reduce oneself to very near the material circumstances of a Bengali refugee." Singer, "Famine, Affluence, and Morality." p. 249

⁶⁵ A useful critical discussion of the demands of consequentialist theories can be found in: Mulgan, *The Demands of Consequentialism*. pp. 3-24, see also: Samuel Scheffler, *The Rejection of Consequentialism* (Oxford Clarendon Press, 1982).

Realists on the other hand, do not give enough weight to the interests of others and assume that real persons will be driven by self-interests and egoistic gain.⁶⁶ That said, at the global level, it is assumed that states or any collective association of individuals, who are in pursuit of state-objectified gains, are the only units of justice, and to supersede the state at the global level is to cause an injustice. In contrast to the problem with idealist accounts, it seems that realists, in focusing on state sovereignty and freedom, do not afford any place for normative thinking. That is, they do not prescribe any room for thinking about what the state of the world might require of us. While not all nationalists are extreme realists, at least some nationalists assume that we should be able to afford more moral worth to those closest to us and that our moral obligation diminishes the further we go beyond our own personal associations.⁶⁷ The implication for global justice is that persons should be represented collectively.

The point that needs to be made here is that neither an extremely idealistic version of global justice nor an extremely realistic account will yield sufficient results – sufficient results here being defined as those which motivate global change. If we adhere to an idealistic account then we pay no attention to what limitations the real world places on theories of justice; and if we focus too heavily on a realistic account we do not engage in normative thinking. Either way, we make no headway solving global problems.

As a result, we need to take on board the Rawlsian emphasis on formulating an account that takes heed of what is required of us, while not neglecting the restrictions that the real world places on those requirements. In sum, we need to formulate theories which challenge our real world convictions, but which do not compromise what it is that is practicably possible. We need to formulate a theory which is, as Kymlicka suggests it should be, both morally justified and politically viable. One nice example of such a move is made by Peter Singer who, in recognition of the unrealistic nature of extreme Act Consequentialism, settles, rather than on a global requirement which would demand of persons a level of marginal utility, on a more realistic obligation of ten percent of their income.⁶⁸ This concession is based on the way in which it is more realistic to expect persons to give up ten percent of their income; and the way in which, in doing so, we come much closer to achieving our idealism.

⁶⁶ Morgenthau, *Politics among Nations*. pp. 3-22; a useful overview can be found in Moellendorf, *Cosmopolitan Justice*., pp. 142-148; Caney, *Justice Beyond Borders: A Global Political Theory*. pp. 7-10

⁶⁷ As mentioned earlier, this line of thinking can be found in the work of: Miller, *On Nationality*. As well as: Tamir, *Liberal Nationalism*.

⁶⁸ It is important to point out that Singer does not reconsider the moral demands of Act Utilitarianism, such as those which the Bengali refugee example demonstrates. Singer still affirms that morality requires that persons should be giving much more than ten per cent of their annual income, however, Singer compromises his idealism with realism based on the recognition of what persons will do.

Balancing what we should do with what we can do (as Singer's example demonstrates) can have a powerful affect on the way in which we act and what our actions can accomplish. If we can somehow get the amounts right, then we are in a position to make some real headway solving global problems. Indeed, a collective approach which is moderately demanding will achieve more in the real world. Interestingly, Rawls believes that he remains consistent with this standard, and states that as a condition of realism we must uphold a "construction that does not completely call into question the international state system".⁶⁹ The final question, in relation to this discussion then, is whether Rawls satisfies this standard; that is, does Rawls locate the right balance of idealism and realism?

Rawlsian International Justice: A Realistic Utopia?

Rawls' commitment to realism is represented in the way that he takes 'peoples' as the unit of international justice and recognizes the relevance of the nation-state. Likewise, the eight principles that he advocates demonstrates how it is that he wants to remain consistent with what is practicably possible and so tries to create principles which regulate international peace and which protect national sovereignty. As Rawls claims, *The Law of Peoples* is realistic in the way that it takes peoples as they are (represented in the international original position by representatives of peoples) and in the way that it workably applies to an ongoing cooperative, political arrangement.⁷⁰ In sum, Rawls suggests that a commitment to realism will follow from the recognition of peoples rather than persons and from the recognition of the importance of a theory which accounts for international progress and development.

On the other hand, Rawls' commitment to idealism is comparatively shallow. Not only does Rawls demand little of peoples in the real world, but he does not set his idealism as high as one might have liked or even imagined he would. Rawls advocates only a narrow requirement of global egalitarianism and redistribution, and a very thin commitment to human rights.⁷¹ Rawls, however, suggests that his theory is utopian in the way that moral ideals, principles, and concepts are used to specify reasonably right and just political and social arrangements.⁷² However, it is clear that these utopian moral principles are limited by the realism that dominates his theory, something which is exemplified in the way that a global principle of equality of opportunities is neither ideal nor realistic within the sphere of international justice.

⁶⁹ Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. p. 38

⁷⁰ *Ibid.*, pp17-19

⁷¹ A full critical evaluation can be found in: Moellendorf, *Cosmopolitan Justice*. pp. 7-29

⁷² Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. pp. 17-19

I think that it is somewhat clear that Rawls tips the scales onto the side of the realists; and, in doing so, lacks the utopianism which his own standard requires. For this reason, there is something intuitively amiss when we consider the Rawlsian approach in relation to the state of the world, and our own and others' place in it. This is worth thinking about because if there is some instinctive inconsistency between what Rawls includes and excludes in his theory, then there must also be something at play which requires consideration. In examining this inconsistency, it is clear that we have to question the grounds upon which we justify what Rawls has to say about what international justice requires, and on what grounds we think that there is something amiss.

I think that this problem is related to the realistically utopian standard that Rawls requires of theories and principles; and I think that this can be explained in the way that most persons are typically stuck between what it is that the state of the world requires, and what it is that those requirements demand. That said, we will typically agree with, and accept, the slim obligation that Rawlsian international justice requires of us given our self-interestedness and egocentricities. But when considering what it is that others require of us, given the state of the world and our place in it, we find we are driven to altruism. That is, when we are informed about the actual conditions of the world and about what it is that we can do about it, the same self-interestedness becomes answerable to an altruistic consideration. Rawls, therefore, does not consider the reality that visibility and increased awareness has on our motivation to act, and so leaves room only for a very minimal (and disappointing) account of obligation to others. At least one tentative conclusion might be that when we deliberate fully aware of the state of the world, we take issue with what Rawlsian international justice requires of us, and what it yields for others. Thus, a realistic utopia will be insufficient if it does not account for this. On that note, the conclusion that one must come to is that Rawls does not satisfy his own realistically utopian ideal by leaving insufficient room for idealism. He pays far too much homage to realism, and, in doing so, miscalculates the balance which he claims to yield.

A Tentative Suggestion about the Way Forward

It is perhaps worth suggesting that, when we discuss justice and principles which require redistribution of any sort, we must try to balance need with what we are actually 'willing' to do in the real world. As discussed, if we simply focus on what we ought to be doing, and wholeheartedly on the normative importance of philosophical justifications then we end up prescribing a theory which involves demands which are impossible to attain. On the other hand, if we start from the premise that everything must be achievable based on the state of the world as it is now then we really make no headway solving global problems because we simply justify the world as it is. Clearly then, we need to take both of these things

into account and we need to formulate a theory which is not only sensitive to the needs of others, but to our own capacity to act. I propose, however, that in doing so we acknowledge the importance of motivation – that is, the importance of an underlying element of motive for others. Thus, rather than focusing on what we ought to do and what we can do, I recommend that we focus on what we are ‘willing’ to do. I take this to be representative of the recognition that what it is that we ought to do can only be driven by, and so must be attentive to, what it is that real persons are willing to do.

I think that we should concern ourselves with ought and will rather than ought and can because the former does not entirely depend on physical, emotional, or social ability while the latter does. What it is that we ‘can do’ implies that there are actual limits and barriers; whereas what it is that we are willing to do implies, not only, compliance and enthusiasm, but motivation and endeavor. For example, when we say that we can save the life of child A, this implies nothing in relation to whether or not we are willing to do so – it is merely an observation. On the other hand, when someone says that they are willing to save the life of child A, while in some cases it may involve a statement about actual ability, it is also much more than this – it is a statement which also involves intent and motivation. The point here then, is that what we need to tap into, when considering how to implement global principles, is a form of willingness rather than mere ability.

Based on the example above, ought and will may appear to conform too much to realism, and it might seem as if it is less demanding than ought and can. However, this is by no means my intention. Using the example above about child A, it seems that there are two ways to view the connection between can and will. One way is to suggest that what I can do precedes what I am actually willing to do, such that although I can save the drowning child I might not feel up to it. However, this is not the way in which the relationship should be viewed. Rather the connection is that willingness proceeds ability. Thus, even when I know that I cannot or may not be able to save child A, I am nonetheless willing to try. I propose that in formulating a realistically utopian ideal we tap into this willingness and we try to instill in persons a willingness to act which need not require or depend on ability.⁷³

It is important to point out that when referring to a ‘realistic utopia’ from here on in, I assume that this consists in balancing ought and will. Perhaps it is also worth mentioning that a satisfactory account of a global principle of equality of opportunities will consistently apply this balance. The point of this discussion

⁷³ People who sponsor children in developing countries comment on the way in which they are unsure about whether their efforts can make a difference. However, and regardless of this, they remain in a position where they are willing to continue to offer their support and aid. (based on conversations with child sponsors) This is what I would like to tap into – this rejection of ‘ability to change’ for a ‘willingness to change’.

was to flesh out how to achieve this standard, and to suggest ways forward in that achievement. We go on now to examine four arguments against the global principle of equal opportunities that I defend.

1.4 Against Equalizing Opportunities Globally: John Rawls and Bernard Boxill⁷⁴

Rawls and Cosmopolitanism

The major difference between the domestic and global spheres, for Rawls, is that the actors in the domestic sphere are persons while the actors in the global sphere are peoples. Rawls thinks that if we take persons to be central and if we focus on a cosmopolitan account of justice, then we are imposing liberal ideals on others, and we are assuming that only liberal democratic societies can participate in the global sphere.⁷⁵ Bearing in mind that the principle of equal opportunities relies on an account of persons, the claim then is that, in defending it, we presuppose democratic values, and so to equalize opportunities is to impose liberal values on others.⁷⁶

In response to the cosmopolitan belief in a conception of justice which is universal in scope, and so to the principle of equality of opportunities which assumes this position, Rawls argues that the conception is problematically drawn from a democratic tradition.⁷⁷ For example, Rawls claims that the cosmopolitan doctrine is not truly universal and so neither global nor inclusive.⁷⁸ The idea here is that if we draw the cosmopolitan account from a democratic tradition, then we are drawing a picture of the global order which is democratically imposing and tainted, and we do not respect cultural diversity.⁷⁹ Clearly, this claim aligns with the reality that not all cultures take persons to be central and not all cultures take all persons to be the unit of moral concern. Thus, to assume a principle which is individualist does not acknowledge this fundamental difference.

If Rawls is right, then there is a real problem with taking persons to be central. Not only do we assume certain values and principles, but we do not, in the end, tolerate the values of others; and we, in the most extreme sense, ignore the existence of cultural groups, communities, and 'peoples'. As we will see,

⁷⁴ I take this way of setting up the Rawlsian challenge from Simon Caney, see: Simon Caney, "Cosmopolitan Justice and Equalizing Opportunities," *Metaphilosophy* 32, no. 1/2 (2001). pp. 113-134

⁷⁵ A full account of this argument can be found in: Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. pp. 82-83. See also: Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*.

⁷⁶ Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. pp. 82-83

⁷⁷ *Ibid.*, pp. 82-83

⁷⁸ *Ibid.*, pp. 82-83

⁷⁹ *Ibid.*, p. 82-83

tolerance of peoples for Rawls is paramount; however, we now go on to examine the importance of national responsibility.

Rawls and Accountability

Rawls thinks that, provided that societies have just or decent structures in place, the nation-state must be held accountable for their actions and their choices; and that redistribution from rich nations to poor nations implies that the latter societies are not responsible for the choices and decisions that they have made.⁸⁰ On such grounds, Rawls thinks that it is unjustified if nations are expected to assist those societies who are free and responsible for their own choices.⁸¹ One key point is that Rawls recognizes that countries will progress at different rates and levels, and that this will largely be because of the different choices that they make.⁸² Rawls says that if two liberal or decent countries start out with the same level of wealth but end up in two very different economic positions, it would be unjust for redistribution to occur in this situation.⁸³ Consequently, if we support the idea that disadvantaged states should be compensated for by others, we imply that accountability does not matter and that responsibility for one's actions are trivial.⁸⁴

As a consequence, and in relation to this point about freedom and responsibility, Rawls thinks that there can only be duties of global distributive transfer which involve what he calls a target and a cut off.⁸⁵ For Rawls, there must not only be some sort of goal which states attempt to achieve, but there must also be boundaries set which do not permit constant redistribution from rich nations to poor.⁸⁶ The reason for this is that he wants to ensure that responsibility and accountability is constant, and that redistribution is limited. What is assumed by the principle of equal opportunities globally is that wealth redistribution between nations is justified; therefore, Rawls clearly wants to demonstrate how this line of thinking is inappropriate.

Rawls and Tolerance

The main argument that Rawls presents against a cosmopolitan account, and for his theory of international justice, is one from tolerance. He claims that international principles need to remain

⁸⁰ *Ibid.* pp. 117-118

⁸¹ *Ibid.*, p. 117

⁸² *Ibid.*, p. 117

⁸³ *Ibid.*, p. 117

⁸⁴ *Ibid.*, p. 117

⁸⁵ *Ibid.*, pp. 111-112

⁸⁶ *Ibid.*, pp. 111-112

consistent with the conditions of toleration; this is because he thinks that amidst cultural and political diversity we need principles which will be tolerant and allow differentiation.⁸⁷ This line of thought is exemplified by the eight principles which he defends, all of which have international peace as their aim, and none of which are imposing by any measure. This is a strong argument when we take into account that it is clear that international peace relies on some standard of tolerance. That is, we cannot expect cross-cultural and trans-national cooperation and agreement without some level of tolerance. Thus, in the 'Law of Peoples' Rawls suggests that the limits of tolerance must extend to decent hierarchical societies,⁸⁸ and that international justice must include them.⁸⁹ His claim is that if we support principles which rely on persons and democratic principles, then we not only show limited and partial tolerance, but we end up disrespecting non-democratic states.

What one must make clear at the outset is that Rawls thinks that we should tolerate the values fundamental to peoples.⁹⁰ Indeed, the claim is not that we should tolerate persons and their choices, but that we should tolerate the existence of cultural diversity which consists in the diversity of values underpinning the existence and continued existence of peoples.⁹¹ This, therefore, connects to the argument against cosmopolitanism which suggests that to assume the equal worth of persons and to take this as the unit of value is to disrespect peoples who do not share this belief. At least one point which is worth making is that Rawls acknowledges the reality that representatives of peoples will neither agree to, nor be willing to renounce their peoples' system of values. Thus, an international agreement among representatives of peoples will both assume and require this.

Rawls' argument from tolerance must be taken as a claim against taking persons as central, and thus, should be understood as an argument for 'peoples' as the unit of global moral value.⁹² This bears on the formulation of a principle of global equality of opportunities, in the very first instance, because the principle assumes that persons constitute the unit of moral concern. Thus, Rawls is arguing against invoking the

⁸⁷ Ibid., p. 60. See also: Moellendorf, *Cosmopolitan Justice*. pp. 26-28; Caney, "Cosmopolitan Justice and Equalizing Opportunities." p. 129; Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*. pp. 62-65; Charles Jones, *Global Justice: Defending Cosmopolitanism* (Oxford: Oxford University Press, 1999). pp. 188-189.

⁸⁸ Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. p. 64. Decent hierarchical societies are defined as those which are 1) non-aggressive in their aspirations, and 2a) secures some measure of human rights, and 2b) secures a system of law which imposes obligations on all those within the territory, and has a belief in the lawmakers. Recall that Rawls includes all liberal peoples and then extends the framework to include all decent hierarchical societies. This is representative of the importance of tolerance and inclusion for Rawls, his aim is to maintain international inclusiveness.

⁸⁹ Ibid., p. 60

⁹⁰ Ibid., pp. 113-120

⁹¹ Ibid., p. 113

⁹² Ibid., pp. 113-120

principle because he thinks that it cannot consistently apply within a framework of global tolerance.⁹³ In line with this argument, Bernard Boxill argues against, rather than taking persons as central in a culturally plural world, what equalizing opportunities will require in such a world. We go on to discuss this next.

Bernard Boxill and Cultural Diversity

One of the main challenges to a global principle of equality of opportunities, and one which a satisfactory ideal needs to deal with, is Bernard Boxill's claim that it is an inappropriate ideal given the great cultural diversity that exists in the world.⁹⁴ The claim is that equality of opportunity can only apply where there is at least some cultural consensus; and equal opportunities is justified at the domestic level because persons in states have affiliations which stem from certain national and cultural values which binds them. Boxill expresses this in the following way:

The principle of fair equality can be only imperfectly carried out, at least as long as different cultures exist. Thus, if, in some societies, the pinnacle is occupied by the businessman and businesswoman, this is by no means always the case: in Hindu society it was occupied by the priest, in old china by the learned man, and in other societies by the soldier. For which of these standards are opportunities to be equalized? To choose one over the other seems individual and presumptuous.⁹⁵

Clearly, Boxill's point is that diversity gives rise to multiple ways of living and different understandings of meaning in life. He says that different societies value different ways of life for different reasons, and that a principle which seeks to equalize opportunities will run into problems because there is no way to equalize such diversity. Note that Boxill's argument here runs alongside the problem of impossibility – that it is impossible to equalize opportunities without being culturally offensive or without having to ensure unrealistic ideals involving identical opportunities for all.

This is an important point because even if one was able to show how the principle may be culturally accommodating and realistic, there is still one further and related practical problem. That is, how is it that opportunities will be assessed in the real world, and what standard will we measure opportunities by? What seems to be the case is that even if we can accommodate cultural diversity in our theoretical ideal, how will we know that the ideal is actually realized and practically possible? Unless we have some way of measuring the results and unless we have some evidential support to demonstrate its applicability, there

⁹³ Ibid., pp. 59-60

⁹⁴ Bernard Boxill, "Global Equality of Opportunity and National Integrity," *Social Philosophy and Policy* 5 (1987). pp. 143-68

⁹⁵ Ibid., p. 148

seems to remain a serious problem of how we can measure the way in which the ideal has played out in the real world.

Note also that Boxill's claim is that we should respect values, and so does not assume that doing so requires that we respect peoples. Thus, one very important implication is that, unlike the arguments offered by Rawls, taking persons as central is not the immediate problem – taking persons as central does not amount to cultural insensitivity on its own. Rather, Boxill challenges the nature of the principle by pointing out that, when we find ourselves in a position where we must decide which opportunities to equalize, we run into problems of cultural insensitivity and intolerance.

1.5 Possible Responses

Rawls and Cosmopolitanism

There is one clear way to respond to Rawls' criticism of principles which take persons as the unit of moral concern, such as the principle of equal opportunities globally. The first is to suggest that Rawls misunderstands the cosmopolitan thesis; and that, rather than disregarding groups, cosmopolitanism can acknowledge the importance of cultural diversity. Note that an appeal to persons, or a principle which assumes the worth of persons, does not entail forsaking our local identifications. Indeed, a cosmopolitan can claim that our cultural associations are important parts of our identity and can recognize that intimate affiliations contribute to the richness of life.⁹⁶ Thus, recognition still needs to be given to these affiliations, even when our objective should be to connect and centralize under the banner of equality and humanity.⁹⁷ More simply, to recognize that all humans are morally worthy, and equally so, does not impose individualist ideals on others because recognition is also given to our cultural associations.

That said, Rawls problematically assumes that when we take persons as central we also disregard the importance of groups; and thus, assumes that we must choose between taking persons as central (which involves ignoring the importance of groups), and taking groups as primary (which will involve limiting the relevance of persons). Rawls does not, in any way, consider the union of both persons and groups and so leaves himself with little room to move. Recall that Rawls says that there is nothing to gain by challenging the current international arrangement. Rawls thinks that when we advocate an ideal which takes persons

⁹⁶ Martha Nussbaum, "For Love of Country," in *Patriotism and Cosmopolitanism*, ed. Martha Nussbaum and Joshua Cohen (Boston: Beacon Press, 1996). p. 9. Nussbaum says that cultural attachments and associations contribute to a person's well being, and that cultural diversity is enriching.

⁹⁷ *Ibid.*, p. 9

as primary, we problematically challenge the current order. Hence, Rawls opts to take 'peoples' as central and leaves little room for persons in his overall scheme of global justice.

In sum, to take persons as primary does not assume liberalism, but merely assumes that persons are able to formulate their own conceptions of the good life amongst a variety of values which enrich that formulation and conception.⁹⁸ Likewise, and more specifically, to advocate a principle of equal opportunities at the global level is to assume that persons be given a choice about what they find valuable. The principle need not require that persons recognize each other as equals, nor require that cultural values take persons to be fundamental – indeed the principle need not be imposing in any way. The principle of equality of opportunities, in this way, is not about limiting choices or imposing choices on others, but about increasing the scope of choices and options open to persons. Indeed, the principle (and cosmopolitanism for that matter) merely recognizes that cultural groups should enrich, benefit, and improve a person's life, rather than disadvantage them.

Rawls and Accountability

The major problem with the angle that Rawls takes here is that he forgets that part of our concern for others is that they do not suffer for the choices that they had no part in, but which affect the kinds of lives that they have the ability to lead.⁹⁹ Clearly, the line which Rawls takes here heavily connects to the way in which he limits the importance of persons and takes 'peoples' as primary. He seems to think that, in the name of international accountability, it is reasonable to forsake the interests of persons – even when those persons, for no fault of their own, will bear the costs of those actions.

It seems highly unjust that persons, who may not be in a position to alter the social and political structures and institutions governing their peoples, will bear the burden of this standard. Rawls, thus, sacrifices the welfare of individuals within those states which he thinks must be held accountable to their choices. As with the argument against taking persons as central, there is something amiss when we suggest that persons belonging to 'peoples' X must suffer for the choices made by a few persons Y.

⁹⁸ Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*. pp. 80-82. Kymlicka suggests that true freedom consists in our ability to make choices amongst meaningful options.

⁹⁹ It seems that we need to make a distinction between 'being accountable' and 'being held accountable'. The former is only pertinent in situations where persons are responsible for the choices made in at least some direct way; while the latter requires none of this. Rawls does not make this distinction and so he is left with no clear direction in relation to who should bear this burden. However, if we are really interested in accountability then it would be an injustice not to hold those responsible accountable, in the same way that it would be an injustice to hold those who are not responsible accountable.

In sum, my point is not that national responsibility is unproductive, indeed, one important part of social and political society is that representatives of 'peoples' are held accountable for their actions and their decisions. The problem is that it is unfair if innocent persons will have to bear the brunt of this responsibility and it is unfair if we ignore the way in which persons are not responsible for those actions. Thus, rather than focusing merely on international accountability where states are held accountable by other states, we should also focus on ensuring that those states remain accountable to the persons within them, who are affected most. The principle which I advocate attempts to remain consistent with both of these conditions; and it suggests that we need to focus on who should be held accountable and whether this is reasonable. The principle advocates giving persons a choice about what political structures they defend and suggests that without this choice we should not expect them to endure the suffering that would result from the kind of position that Rawls assumes.

Rawls and Tolerance

Rawls thinks that a global principle of equality of opportunities would be objectionably sectarian and intolerant since it rests in liberal egalitarian ideals that some reject.¹⁰⁰ The point here is that the principle would impose western values of equality and freedom on others and this would involve a lack of tolerance for diversity. The conviction at the heart of this argument is that we should not impose our values on others; more specifically, that we should not thrust liberal ideals onto non-liberal peoples.¹⁰¹

As mentioned above, if we take peoples as primary, and limit the place of individuals, we have no way of preventing all forms of injustice occurring to persons within those groups. The obvious problem with any scheme of toleration is what unit we take to be the object of tolerance, and what we sacrifice in doing so. In relation to the international sphere we have to be clear about whether or not toleration involves tolerating states which are culturally and politically intolerant, such as those states which perform acts unjustly, and states which invoke oppressive cultural practices.¹⁰² The problem of accepting that we tolerate 'peoples' as Rawls defends then, is that it requires that we forsake the individual for the good of the community.

¹⁰⁰ Taken from: Caney, "Cosmopolitan Justice and Equalizing Opportunities." p.120. For specifics see: Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. pp. 18-19, 59-60, 63-79, 82-85, 121-122.

¹⁰¹ Rawls, *The Law of Peoples, with 'the Idea of Public Reason Revisited'*. pp. 82-83

¹⁰² Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Kymlicka suggests that group freedom must not, and need not, include membership oppression. Instead, he thinks that we can find a balance between the rights of the individual and the group in general.

Again Rawls seems to assume that we can only appeal to either a broad or specific account of tolerance; thus, that we either take persons or peoples as our unit. Again, Rawls does not allow for a compromise between both, and so he turns his back on the problem consisting in the way that taking peoples as primary may involve tolerating injustices placed on members within those groups. For this reason, there is a real problem when we demand cultural sensitivity and cultural tolerance amidst intolerable acts; and there is a real issue when we must sacrifice the intra-group interests for inter-group value.

While Rawls thinks that this account of toleration is an integral part of a theory of international justice, I suggest that it in no way captures what it is that we want to prevent and secure when we refer to justice or tolerance. I maintain therefore, that we should adhere to a cosmopolitan account of toleration – we should tolerate diversity but not at the expense of the individual, and we should tolerate cultural values provided that they enrich and benefit the lives of those to whom they apply. Thus, I think that tolerance should not merely be about accepting and allowing cultural values, but also about allowing choice, and a commitment to freedom and equality.

Summing up Rawls' Arguments

Each of the three arguments offered by Rawls and examined above are the basis upon which Rawls rejects egalitarian principles and the reasoning underlying the global principle of equality of opportunities which this thesis defends. All of these arguments stem from the way in Rawls neglects persons, and for this reason I argue that Rawls does not sufficiently capture nor live up to the requirements of global justice. Rawls thinks that to take persons as central is to impose ideals on others and that this is disrespectful of other peoples' values. I suggest that Rawls does not consider the way in which an account of persons is consistent with valuing cultural diversity and that the global principle of equality of opportunities does not entail nor need involve any form of intrusion at all.

The most directed argument is that from the problem of intolerance. I think that his argument from tolerance is left wanting and it becomes increasingly clear that Rawls is willing to allow all kinds of injustices on persons at the expense of international appeal. While someone might suggest that I am far too uncharitable to Rawls and the way in which he stipulates a commitment to human rights, this commitment is to a very limited set of human rights which does not prevent various forms of discrimination on persons.¹⁰³

¹⁰³ Moellendorf, *Cosmopolitan Justice*. pp. 9-14

I am sympathetic to the Rawlsian attempt to remain consistent with the real world, and to build upon what it is that we already have. In saying this, I think that at least one thing that we can take away from Rawls is that the global sphere must not disregard the nation-state, instead that it must have a place for the nation in any theory of global justice, and in any formulation of a principle of equal opportunities globally. Moreover, that a cosmopolitan account, such as that mentioned in relation to state responsibility and tolerance, recognizes the nation-state as a culture within itself and as an institution which should enrich and benefit the lives of those it affects. In conclusion, Rawls is wrong to reject cosmopolitanism and a global principle of equality of opportunities on an account that these ideals will be intolerant and imposing on others.

Bernard Boxill and Cultural Diversity

Much like the tolerance argument offered by Rawls, this objection directly opposes the global formulation of equality of opportunities. It does not focus nor stem, as the Rawlsian objections do, from an account which disputes the principle on the grounds that it assumes persons as central. Rather, Boxill's criticism is one which stems from within the principle, and so which objects to its practical implications. According to Boxill, if we adhere to the principle we will be driven to cultural insensitivity because in achieving it we will need to decide which opportunities to equalize. His claim is that this will involve ignoring much, if not all, of the cultural diversity which exists. Boxill claims that when we equalize opportunities we will have to choose between, and presumptuously rank, cultural values.

The clear problem, however, is that Boxill assumes that the principle involves identicalising opportunities; that is, that he thinks that the ideal is satisfied by ensuring that all persons of the world have identical opportunities.¹⁰⁴ Perhaps one might add at this point that Boxill is rather presumptuous in doing so, and that Boxill assumes an account of the ideal which is contestable. Thus, one need only ask whether the ideal requires that we identicalise opportunities globally, and claim that perhaps this is not the case. One clear response, therefore, and one which we will examine in the following chapter is that, rather than identical opportunities, the ideal is cashed out as equivalent opportunities.¹⁰⁵ Not only would this allow cultural diversity, but it would overcome the problem of cultural insensitivity which Boxill claims.

However, this is an important argument; and I think that it is worth taking into consideration that an ideal which attempts to equalize across cultures takes heed of the implications that it has for cultural values and

¹⁰⁴ Caney, "Cosmopolitan Justice and Equalizing Opportunities." pp. 118-121

¹⁰⁵ Ibid., pp. 118-122. This way of overcoming the objection is examined in much detail when we consider Simon Caney's formulation of the ideal in chapter two.

persons alike. Therefore, we need to ensure that we do not place some at disadvantages, and that we do not assume a set of characteristics which makes a claim about the sorts of opportunities we should value. Thus, while Boxill may, in one sense, have assumed a conception that may not necessarily satisfy the ideal, I suggest that we keep this problem in mind, and we test our theories against it.

1.6 Conclusions of the Chapter

Perhaps the most obvious conclusion that I would like to draw from this chapter is that our principles must satisfy the requirements of a 'realistic utopia' which attempts to yield a compromise between realism and idealism. That is, a theory which balances what it is that we ought to do with what it is that we are willing to do. I think that we need to tap into the motivational force which drives willingness, and we need to focus on this because we need to motivate positive global change. That said, I suggest that Rawls does not satisfy this standard and that his over-emphasis on the thesis of realism prevents him from entirely achieving this.

Likewise, I conclude that Rawls is wrong, not merely because he takes 'peoples' as central at the expense of persons, but because he allows various forms of injustices on persons in doing so. I argue that, while his arguments are important, what it is that his standpoint allows and promotes renders them unreasonable. Thus, I claim that we should concern ourselves with persons and groups, and that our accounts of toleration and responsibility should stem from cosmopolitan interpretations. They are interpretations which, while acknowledging the importance of cultural diversity and enrichment, do not do so at the expense of individual welfare.

Finally, I argue that while Bernard Boxill may not have formulated his argument as well as he could of, we should still bear reference to his objection. Not only should we ensure that our ideal is not culturally judgmental and insensitive, but we need to ensure that we do not formulate theories which have implications for the sorts of lives persons deem worthy. That is, we need to ensure that principles, such as a global principle of equality of opportunities, do not allow opportunities at the expense of cultural identity. On that note, we go now to examine two of such formulations of the ideal and we assess them both in relation to these problems.

2. Recent Attempts at Formulating the Ideal: Darrel Moellendorf and Simon Caney

In light of the arguments examined in chapter one, some of the questions that one should be tempted to ask in relation to a global principle of equal opportunities are: 1) Are we imposing certain ideals on others? 2) Are we respecting cultural difference? More generally, that how the principle of equality of opportunities is formulated dictates how successfully it answers both these questions, whether it is theoretically acceptable; and most importantly, whether it is practically possible.

The formal conception of equal opportunities states that positions should not be allocated according to irrelevant factors such as race, culture, religion, and so on.¹⁰⁶ This conception takes equality to be a representation of anti-discrimination, and it takes equality to be captured by allowing all persons to be judged by the same set of factors relevant to the competition for certain offices and positions.¹⁰⁷ For example, if persons A and B were vying for the same financial management position, then only their attributes relevant to the position (management and financial experience, relevant skills, organizational ability and the like), rather than other irrelevant factors (race, religion, skin color, gender, sexuality), should matter to the selection of the successful candidate. The formal conception starts with the question of what distribution of positions and offices is just, and in answering suggests that only a distribution where offices and positions are distributed according to talents and qualifications relevant to the competition are justified.¹⁰⁸

At least one of the problems with this formulation, as John Rawls pointed out, is that it is blind to the social and economic contexts within which persons acquire, or have the opportunity to acquire, such talents and qualifications.¹⁰⁹ The point here is that if we really want to engage in the formulation of the principle of equal opportunities, then we need to take one more factor into account. That is, we need to take into account that formalizing equal opportunities only gets us part of the way because we also need to regulate abilities and talents. In sum, if our formal conception is going to hold any weight then it needs to first ensure that persons have the capacity and ability to have equal opportunities. Thus, the problem with this conception is that it presumes that persons have the capacity to stand in formal equality with others, and, since this is not the case, more is required to ensure its application.

¹⁰⁶ Ibid., pp. 113-114; see also: Douglas Rae, *Equalities* (Cambridge: Harvard University Press, 1981).

¹⁰⁷ John E. Roemer, *Equality of Opportunity* (Cambridge: Cambridge University Press, 1998). p. 25

¹⁰⁸ Caney, "Cosmopolitan Justice and Equalizing Opportunities." pp. 113-114

¹⁰⁹ Ibid., p. 114.

In addressing this problem John Rawls suggested that we conform to the principle of fair equality of opportunity which states that:

Background social conditions are such that each citizen, regardless of class or origin, should have the same chance of attaining a favored social position, given the same talents and willingness to try.¹¹⁰

This formulation acknowledges that social circumstances affect the sorts of chances we have to compete as equals; and in taking this into account, it suggests that we should stand in formal equality to each other, and most importantly, we should be given the same opportunities to compete as formal equals. Thus, it is not merely about offices being open to all, but it is about having a fair chance to attain them. Hence, the same level of talent, ability, and willingness should equate to the same prospects of success; and our principle should ensure that we are able to compete effectively.¹¹¹

While it is somewhat clear how this ideal might be realized in the domestic sphere, it is not at all clear how we cash it out globally.¹¹² Recent attempts to realize this principle as a global ideal have raised the awareness of this principle as a global contender; but it has also raised uncertainties about whether it is achievable. We move on now to examine two of the most recent and influential attempts at globalizing this ideal, and consider how achievable these formulations are.

2.1 Darrel Moellendorf

Darrel Moellendorf thinks that the reasoning behind Rawls' minimalist account of distributive justice and equality at the international level is unclear.¹¹³ As Moellendorf points out, Rawls is not only problematically willing to sacrifice full justice for general agreement, but his desire to secure international cooperation leaves him with a theory that is maximally inclusive, but inadequate. Moellendorf concludes that Rawls' arguments are overall unconvincing and his trumping of full agreement over full justice disappointing.¹¹⁴

¹¹⁰ John Rawls, *A Theory of Justice*, 2nd ed. (Oxford: Oxford University Press, 1999). pp. 72-73

¹¹¹ *Ibid.*, pp. 73

¹¹² Western Democracies formalize equal opportunities in the workplace by advocating Equal Employment Opportunities. For example, there is the Equal Opportunities Commission in the UK, the Human Rights and Equal Opportunities Commission in Australia, the Equal Employment Commission in the US. Each of which have equality and anti-discrimination in the workplace as their aim. However, equal opportunities are also regulated via state funded education, healthcare, and welfare.

¹¹³ Moellendorf, *Cosmopolitan Justice*. pp. 14-15

¹¹⁴ *Ibid.*, pp.14-15

According to Moellendorf, global justice requires that the principle of equality of opportunities (stated above) should apply globally. One thing should be said about the way in which this principle relies on a full conception of global justice. Quite simply, the principle requires and presupposes a distribution of goods of some sort, and so it should not be taken to be fully representative of global justice. This is because, as mentioned, this formulation recognizes that talents and abilities are distributed in ways which leave some in society better off than others – and so this conception acknowledges that redistribution is required to ensure that this ideal is fulfilled.¹¹⁵ In asserting this line of thought, Moellendorf globalizes Rawls' domestic conception of justice by suggesting that the framework should extend globally.¹¹⁶ In doing so, he takes some of the central concepts inherent in the domestic Rawlsian theory and claims that on these same grounds global justice should incorporate the same principles and justifications.¹¹⁷

Importantly, this is not an approach to global justice specific to Moellendorf. Indeed, both Charles Beitz and Thomas Pogge apply the same line of reasoning and argue that global justice extends from the domestic sphere within the Rawlsian framework.¹¹⁸ However, what both Beitz and Pogge are primarily concerned with are the boundaries of justice; thus, their main concerns are demonstrating how social cooperation extends national boundaries and so with showing that our obligatory boundaries extend also. Moellendorf differs, therefore, because he offers us a way of constructing a positive formulation of the principle of global equality of opportunities and demonstrates how it is that this ideal should be realized.

In believing that the principle should apply globally, Moellendorf takes the principle of equal opportunities quite literally. Moellendorf thinks that the way this principle is cashed out or realized at the global level is by ensuring that all persons have the same opportunities cross-nationally. For example, Moellendorf states that:

If equality of opportunity were realized, a child growing up in rural Mozambique would be statistically as likely as a child of a senior executive at a Swiss bank to reach the position of the latter's parent.¹¹⁹

In understanding and examining the nature of this ideal, we need to unpack just what it is that Moellendorf is suggesting here; and in doing so, we need to unpack the advantages and disadvantages of this formulation.

¹¹⁵ Ibid., pp. 7-30

¹¹⁶ Ibid., p. 7

¹¹⁷ Ibid., pp. 80-81. The principle of equal opportunities globally is only part of Moellendorf's full account of global justice which, for example, also includes a Global Difference Principle.

¹¹⁸ Beitz, *Political Theory and International Relations*, Pogge, "An Egalitarian Law of Peoples."

¹¹⁹ Moellendorf, *Cosmopolitan Justice*. p. 79

Unpacking Moellendorf's Formulation of the Ideal

The most obvious claim that Moellendorf makes is that if there is any reason to concern ourselves with the ideal then it is to attain this end; it is to equalize, identically, the opportunities between children of the world.¹²⁰ Thus, this is what the ideal should aim to achieve, and this is what formulations, institutions, and persons should focus on achieving. Note how Moellendorf states that “if equality of opportunity were realized”, which clearly suggests that this is an end result.¹²¹ That said, at least one of the advantages of his formulation is that we get a clear picture of the principle in its idealized form, and we have at least some guidance in relation to what we look to in attaining the ideal.

The next point to make about the ideal is that Moellendorf suggests that we not settle for anything less than proven statistics about the social, economical, and political success of the ideal.¹²² Moellendorf states that it must be “statistically as likely”. Note that Moellendorf could have simply said that it must be ‘as likely’ that both children become Swiss bankers, but he makes a point in saying that it must be “statistically” proven that both are as likely to become Swiss bankers.¹²³ This suggests that, the success of the principle will not rest on anything other than proven information. One obvious advantage of this appeal is that those who lack the ability to stand equally in relation to others, in regards to employment opportunities, have claims on others until it is statistically proven that they do not. Thus, the entitlements are not token gestures, because they must be consolidated by global proof.

The final and related point to make about this ideal is that country of origin does not factor into account. The fact that the Mozambique child is born in Mozambique, and the Swiss child is born in Switzerland does not bear on the chances that both have to compete for the same social positions.¹²⁴ The advantage again relates to the way in which where one is born can not justifiably affect one's life chances, and the way in which, in equalizing opportunities, we must recognize the way that some are more advantaged than others simply by birth.

Like most theories, just as one is tempted to characterize a feature as an advantage, it becomes apparent that the feature could just as easily be construed as a disadvantage. In relation to the first point mentioned above, about the way in which Moellendorf insists on invoking an idealized realization of the ideal, there

¹²⁰ *Ibid.*, p. 78-80

¹²¹ *Ibid.*, p. 79

¹²² *Ibid.*, p. 79

¹²³ *Ibid.*, p. 79

¹²⁴ *Ibid.*, p. 79

are at least two problems with this way of formulating it. The first is that in challenging Moellendorf's ideal one can simply reject this realization. That is, one can simply suggest that we need not concern ourselves with this ideal because it is not the end result that one is looking for which makes utilizing the ideal superfluous.

Likewise, and secondly, one can simply claim that it is far too ambitious, and so unlikely because of the demands it places on persons.¹²⁵ The intensity of the ideal rests on the way in which Moellendorf thinks that in achieving the ideal we need to ensure that competition is fair, and that the resulting inequalities minimized; so, all persons should have the same opportunities regardless of nationality. In terms of what it will demand, it is clear that the implication is that persons must bear the costs of duplicating opportunities globally. This implies that all persons lacking the opportunity to become Swiss bankers are entitled to make claims on those who do. If we measure this realization alongside the state of the world, then it is extremely demanding. In order for Mozambique children to have the same opportunity as the children of Swiss bankers, there would need to transpire hefty transactions and commitments between the well off and worst off persons and nations. However, it is not at all clear how Moellendorf expects these demands to realistically be fulfilled or how we are to motivate the sort of global changes that his ideal would endorse or require.

In relation to the advantage mentioned concerning the way in which country of origin should not factor into account, it is clear that there are huge cultural differences which are likely to affect how the ideal pans out. I sympathize with the intent of this line of reasoning and I agree that nationality should not fundamentally affect the worth of persons or factor into whether persons have certain opportunities. However, the social, political, economical, and cultural environment which one finds that they are in will play a major role in their achieving equal opportunities. This adds to the extreme demands that this principle places on persons and nations, and it adds to the argument that using this ideal as guidance only isolates us within the reality that it is perhaps unattainable.

Finally, there are two key problems which centre on the way in which Moellendorf suggests that it must not merely be the case that all children of the world are as likely to achieve an opportunity, but that this must also be statistically proven. Both of these problems stem from two assumptions that Moellendorf seems to

¹²⁵ This, and the arguments that follow, constitute the standard objections to Moellendorf's formulation. I do not offer a full response in defense of Moellendorf here, but instead allow a full response in chapter 3 section 2. For criticisms of Moellendorf's formulation see: Brock, "Egalitarianism, Ideals, and Cosmopolitan Justice.", David Miller, "Against Global Egalitarianism," *Journal of Ethics* 9 (2005), Miller, "Cosmopolitanism and Its Limits: Comments on Cosmopolitan Justice.", Paul Voice, "Global Justice and the Challenge of Radical Pluralism," *Theoria* 104, no. i (2004).

be making here. The first is that the ideal is statistically achievable. Again there are huge problems with Moellendorf's claim if we take heed of what the claim implies for others and if we recognize the nature of the requirements that it makes. Not only should persons assist those without opportunities to reach them, but persons must ensure that those persons statistically maintain them.

However, the second, and perhaps the most problematic, is that Moellendorf makes an assumption about the sorts of opportunities persons should want. This is because Moellendorf passes judgment on what kinds of lives persons should find meaningful. This problem stems from the way in which Moellendorf thinks that it should be statistically as likely that both the Mozambique and Swiss child become Swiss bankers. If we take into consideration that Moellendorf suggests that it must be equally as likely that both children become Swiss bankers, we run into problems because we are making a claim about what persons should want out of life. Thus, where he claims that we should all be equally as likely to become Swiss bankers, he also claims that we should all want this out of life. Not only is this highly presumptuous, but it is culturally insensitive. On that note, it seems highly unlikely that Moellendorf's formulation can overcome the challenge set by Bernard Boxill, and that which I proposed a sufficient ideal must do – we examine this in detail next.

The Boxill Problem

Building on the exposition above, Moellendorf thinks that the likelihood of the two children becoming Swiss bankers must be statistically equal. This is consistent with Moellendorf's claim that the actual outcomes resulting from the instatement of the principle matter. However, there is a clear problem with claiming that the opportunity to become a Swiss banker must be equalized, and then saying that it must also be as statistically likely that all persons will become Swiss bankers. The problem with this line of reasoning is that Moellendorf is imposing a set of values on others when he claims that statistics need to demonstrate equal opportunities. In saying what he does, he insists that persons will not only be able to become Swiss bankers but that they would want to.

There is a clear case here where Bernard Boxill's concern rings true because it is not at all clear that Moellendorf acknowledges the importance of cultural diversity and difference.¹²⁶ The question which needs to be asked is: how does Moellendorf appeal to cultural diversity and how is it that he justifies his cultural-specificity? Since there is no obvious answer to this question, we are left with an even bigger

¹²⁶ Moellendorf, *Cosmopolitan Justice*. p. 79

question which needs to be asked: Is Moellendorf's objective far too ambitious a project given both the diversity in the world and given the reality consisting in what persons are actually willing to do for others?

Perhaps, one might argue, we are being far too hard on Moellendorf here. Perhaps we are presuming something of his theory which we need not. What we might consider that Moellendorf is suggesting is not that both children must be equally as likely to become Swiss bankers, but rather, that they should each be given the same ability or opportunity to do so. This weakens the claim somewhat and falls back on the distribution of goods, it suggests that both children must be given the means which translate into equal opportunities.¹²⁷

However, and in conclusion, there are still problems with the ideal even if we concede that Moellendorf wants to equalize opportunities and that his emphasis on outcomes should take a back seat. This is because he still makes a claim about what the equalization should centre on; that is, he thinks that all children should have the opportunity to be Swiss bankers and that when they do equal opportunities is globally realized.¹²⁸ Again, we are back with the problem of cultural insensitivity, this is because Moellendorf ranks Swiss banking above all else and does not leave any room for the realization of other opportunities which may comparatively rank higher for some. To make this point more explicit, the claim follows that if all children of the world had no opportunities, other than to become Swiss bankers, then Moellendorf claims that the ideal is realized. Again the formulation and the expectations lead Moellendorf into the hands of the Boxill problem, and, more importantly, leaves the reader with an insufficient formulation of the ideal. It should at this point be somewhat clear therefore, that Moellendorf does not fulfill the requirements of a realistically utopian ideal, and we examine where and how it is that he goes wrong next.

A Realistic Utopia

Moellendorf clearly appeals to idealism when he formulates his ideal as his claim is about what the principle should aim to achieve, and what realizing the ideal will mean. In relation to the realistic nature of the principle, and the emphasis on motivating willingness, Moellendorf, in contrast, spends little time focusing on this. Moellendorf seems to simply suggest that the ideal when achieved will mean that children in Mozambique will have the same chance to be a Swiss banker as children of Swiss bankers, and that this is what should guide our decision-making from here on in. Unfortunately, there is nothing to drive our

¹²⁷ Ibid., pp. 78-80

¹²⁸ Ibid., pp. 78-80

concern for the realization of such a principle. Aside from the heavy demands, extreme idealism, and lack of attention to real persons – upon which this realization depends – Moellendorf does little to get us closer to the ideal.

At least one of the conclusions that we can come to based on this dynamic and in relation to Moellendorf's theory, and perhaps the most obvious, is that he misunderstands what is needed to motivate real world change. With this in mind, it is easy to conclude that Moellendorf does not account for what it is that real persons in the real world are willing to do, and so his theory suffers because of this.

In Moellendorf's defense I think that one needs to maintain how it is that he suggests that a global principle of equal opportunities is only minimally globally egalitarian.¹²⁹ That is, that the principle cannot limit the extent of inequalities affecting the present generation but only the extent of inequality in future generations. I think that this is interesting, what it can do is lead us to the conclusion that the focus is not on what we, here and now are willing to do, but that the principle acknowledges that we can only motivate change for the next generation. This I think makes Moellendorf's theory much more reasonable, and in other ways much more realistic. Perhaps the reality which Moellendorf plugs into is the way in which it is unrealistic to expect change in this lifetime and so equally as unreasonable and unrealistic to focus on motivating change here and now. This is reinforced in the way that Moellendorf describes social justice as concerning the moral nature of the institutions that mediate interactions between persons. Clearly, institutional change is large scale and so gradual, thus, our concern for equal opportunities globally will be likewise.¹³⁰

Even so, we are still left with no clear way of achieving the ideal and with generating willingness. Moellendorf's idealism generates demands which rely on a willingness which most persons do not possess, and he does not provide us with reasons to adopt them. Even if one suggests that the burden is not entirely on this generation, there is still no attention to what is required of us and how we will motivate future generations to the willingness that we here and now lack. In sum, it is clear that Moellendorf does not satisfy the requirements of an ideal which is both realistic and utopian; consequently, his ideal is insufficient on two counts. We move on now to examine whether Simon Caney's formulation gets us any closer to a sufficient formulation of the ideal.

2. 2 Simon Caney

¹²⁹ Ibid., p. 79

¹³⁰ Ibid., p. 79

Simon Caney agrees with Moellendorf that the Rawlsian formulation of the principle should apply globally.¹³¹ Not only should positions be open to all, but all who are interested in achieving these positions should in no way be disadvantaged by social conditions, including country of origin or birth.¹³² Clearly, Caney thinks that this principle should be extended from the domestic sphere to be globally inclusive, and recognizes that advantages and disadvantages occur by virtue of where one is born in the world. Caney, thus, believes that the ideal will ensure that some regulation of equality will rectify this.

Caney thinks that it is worth noting at least two things about the global conception that he favors. Firstly, it is important to note that the principle not only presumes a full account of global justice, but that global equality of opportunity is an essential component of it.¹³³ Thus, equality of opportunities is not the whole story, but it is at least a necessary part of it. Secondly, he finds it important to point out that equality of opportunity does not require equality of outcomes.¹³⁴ He thinks that, while outcomes are useful as indicators, that positions and achievements need not be equally shared overall. That is, ethnic, national, and class composition does not need to mirror the ethnic, national, and class composition of the population; instead, each person should merely have the opportunity to achieve such positions and advantages. Thus, the conception and approach to equal opportunities is procedural rather than outcome based – it is about being recognized as an equal competitor and this recognition does not depend on the results.¹³⁵

This is, firstly, important because it recognizes and requires that we equalize opportunities but it leaves open what it is that we choose in life. That is, it allows freedom of choice, but regulates and attempts to equalize those choices. It is clear that a justified conception of the principle will leave enough room for personal choice and development in recognition of the need to leave open what it is that individuals will find both valuable and meaningful in life. It is reasonable to suggest that all that we can assume is that by ensuring equal opportunities we enrich the range of meaningful options that all persons have the ability to achieve.¹³⁶ The second reason why this is important is because it leads on to reinforce that this principle can only operate within a fuller account of global justice which recognizes the importance of basic liberties and freedoms.¹³⁷ That is, a procedural principle of equal opportunities presumes a basic level of freedom

¹³¹ Caney, "Cosmopolitan Justice and Equalizing Opportunities." p. 114.

¹³² *Ibid.*, p. 114

¹³³ *Ibid.*, p. 114

¹³⁴ *Ibid.*, p. 114

¹³⁵ *Ibid.*, p. 115

¹³⁶ Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Nussbaum, "For Love of Country." Both Kymlicka and Nussbaum (as mentioned earlier) advocate the value of cultural enrichment, and assert the importance of individual choice both within and between social groups.

¹³⁷ Caney, "Cosmopolitan Justice and Equalizing Opportunities." p. 114-115

and civility – it presumes that persons have the capacity to make choices, amongst a variety of options, and that they allow others to do the same.

Like Moellendorf, Caney's conception involves a claim about people's entitlements. He thinks that it is about what persons are entitled to, rather than what is required to compensate or protect persons from social occurrences which affect opportunities in life. Thus, what we can now add to his conception is that his formulation is one which suggests that the reason why we should support a conception of this sort is because this is what persons are entitled to, and so this is what all persons are owed. Moreover, that the appropriate line of reasoning about global justice is to firstly locate what people's entitlements are and from here decide what duties we have based on them. Thus, Caney thinks that the question should not be what it is that we owe to others, but rather, what is it that persons are owed.

While this line of thought is all good and well, what is needed at this point are some reasons why we should accept this formulation of the principle. That is, we need some reasons to approach global equality of opportunity as entitlements, and we need some reasons to accept that the general Rawlsian formulation should actually apply globally. Thus, we go now to examine the justifications which Caney offers for the account.

Justification from Consistency

One justification which Caney appeals to is the consistency between the domestic and global spheres. Caney claims that since it is unfair if someone enjoys worse opportunities because of their class, or ethnicity at the domestic level, it is also unfair if someone has better opportunities because of it.¹³⁸ His further claim is that if we object to this arrangement at the domestic level, then we should also object to it at the global level. Accepting one, he says, entails that we should accept the other.¹³⁹ To state this more simply, the idea is that when we justify equal opportunities in the domestic sphere, we base that justification on the argument that to allow persons to have worse opportunities, simply by virtue of being born into circumstances beyond their control, is wrong. So in the domestic sphere being born into a low socio-economic family should not limit a person's opportunities to excel in life and their ability to improve their circumstances. Globally, this means that it is wrong to let persons born into poor and deprived nations, something which is beyond their control, bear the costs of that happening. In sum, we can not and should not allow nationality and geographic location, to direct our ideas about justice at the global level.

¹³⁸ Ibid., p. 115

¹³⁹ Ibid., p. 115

This argument relies on the idea that underlying our belief in the principle of equal opportunities at the domestic level is a deep conviction about what the unfairness of social and geographical happenstance requires of us.¹⁴⁰

Justification from Comparison

Caney then demonstrates how it is that his principle stacks up against both the basic rights and utilitarian accounts, and tries to justify his account by showing how his formulation is superior. He says that we should accept his principle over Henry Shue's basic right to subsistence principle¹⁴¹ because a basic rights approach, on its own, is insufficient. This argument acknowledges the claim that we should not concern ourselves with equalizing opportunities globally but that we should instead protect basic needs. Caney says that this sort of conception at the global level will remain to allow persons to have better prospects in life for no reason other than the fact that one is Somalian and the other is Italian. A case where a state ensures basic rights for all, but allows one race to enjoy better opportunities would be considered a system of liberal apartheid.¹⁴² Therefore, there is no direct correlation between basic needs and opportunities; just because we protect basic needs does not equalize opportunities.

Caney says that the problem with utilitarian conceptions and some cosmopolitan conceptions is that they call into question how realistic they are.¹⁴³ In defense of his own principle he says that the demands are relatively light, especially, he says, when a mere \$9 billion a year is needed to bring water and sanitation for all, and \$17 billion a year is spent on pet food alone in the US.¹⁴⁴ His conclusion is that his formulation of the principle sits between the undue modesty of a basic rights approach and the undue ambition of utilitarianism.¹⁴⁵ This is an interesting point and it shows that Caney wants to ensure that there is a balance between what it is that we should be doing and what we can in reality do. This is important, not simply because Caney takes account of the limitations of the real world, but because he acknowledges that principles of justice must acknowledge this.

Justification from the Alleviation of Poverty

¹⁴⁰ This deep conviction (as I call it) will be revisited in section 2 of chapter 3.

¹⁴¹ Shue, *Basic Rights: Subsistence, Affluence, and Us Foreign Policy*.

¹⁴² Caney, "Cosmopolitan Justice and Equalizing Opportunities." p. 115

¹⁴³ *Ibid.*, p. 116

¹⁴⁴ *Ibid.*, p. 116. Recall that earlier I mentioned that the second leading cause of death is born from a lack of water sanitation, and so one can see how much impact Caney's theory would have for persons in developing countries.

¹⁴⁵ *Ibid.*, pp. 117-119

The third advantage that Caney points out is that equalizing opportunities would contribute favorably to the alleviation of global poverty. He bases this claim on the way in which some persons are impoverished simply because they do not have a fair start in life. He argues that by equalizing opportunities we make headway solving global problems.¹⁴⁶

Overview of Justifications

We can make three points here. Firstly, Caney points out that we are actually concerned about opportunities and not just about basic needs.¹⁴⁷ This is demonstrated in the way that even if all of our basic needs were met, there would be injustice because some would still be able to do far more than others. I think that this raises an interesting question about what makes our lives worth living – something which will be discussed at length a little later. Secondly, there is a concern and drive towards, practical principles of justice.¹⁴⁸ Caney is aware that our formulations of the ideal need to be morally justified as well as practically possible. This leads on to the third point which is that there is no point to global justice and global principles of justice if they are neither practically possible nor functional.¹⁴⁹

One point that must be made is that someone can claim that nationality is morally relevant; that is, that it differs from ethnicity and class in the domestic sense.¹⁵⁰ So even if we were to suggest that nationality, like ethnicity, culture, and class is happenstance, we can still argue that there are differences between nationality within the global sphere and ethnicity in the domestic which bear on the justification of a global principle of equality of opportunities. In line with this, one could argue that our concern is so different in both cases (domestic and global sphere) that this extension does not follow. In saying this, I think that it is fair to say that this argument alone is insufficient – someone might simply say that it is realistic to assume that such a principle can hold at the domestic level rather than the global.¹⁵¹ In this way, someone who wants to take that line needs to supply much more detailed argumentation.

However, I think that Caney is right when he says that there is something inherently wrong with suggesting that minimal basic needs are sufficient to warrant global justice.¹⁵² There is something wrong with giving

¹⁴⁶ Ibid., pp. 116-117

¹⁴⁷ Ibid., p. 117

¹⁴⁸ Ibid., pp. 115-117

¹⁴⁹ Ibid., pp 115-117

¹⁵⁰ This line of reasoning has been mentioned, and appeals to nationality as morally relevant and significant.

¹⁵¹ Miller, "Against Global Egalitarianism." The argument that Miller presents will be covered in chapter 3.

¹⁵² However, this will depend on how one defines a need as basic. More discussion of this will be presented in chapter 3 section 2.

persons the bare minimum for survival or those which a person requires by life. Not only does this miss the needs of persons beyond their mere survival, such as meaning and value in life, but it does not do much in the way of assisting those in need to become fully aware and able adults. It does not recognize persons as those who are interested in ensuring, and having the opportunities to secure, their own and dependants' self-sufficiency. In saying this, to allow a person to live day to day by mere basic needs would not only be futile, but it would be to misunderstand what it meant to live. One final point is that Caney's objection to this point is very interesting; not only does Caney recognize that this conception does not sufficiently meet the ideal, but that it problematically leaves room for cross-national discrimination.¹⁵³ That is, it allows for persons to have much better life prospects simply because they are born into one society rather than another.

In relation to Caney's point about solving global problems, I think it is worth saying that the global equality of opportunity debate is not one of mere normative importance. When we discuss what principles are required to regulate global justice, we are dealing with issues that affect real people, and we are faced with the state of the world and with deciding on our place in it. In saying this, I think that amidst widespread poverty, political injustices, discrimination, and death, that if there is any point to global principles, it will, at the very least, involve promoting positive global change. Anything below this would render global justice futile. Perhaps what is worth remembering is that we are presenting a picture of the world, and of our own and others' place in it, which is worthy of scrutiny.

What is interesting and admirable about Caney's formulation is that he explicates it while addressing the Boxill problem. Clearly then, Caney is aware that the ideal must confront this objection and that one needs to ensure that the ideal does not inhibit the existence of cultural diversity, but that it encourages that diversity instead. We move now to examine how it is that Caney overcomes the Boxill problem and what his principle looks like.

The Boxill Problem

Caney's rejection of the Boxill problems is twofold. Not only does Caney think that Boxill's claims have no force against the principle which he defends, but he says that he can also suggest ways to measure the ideal that he supports.¹⁵⁴ While Caney defends the Rawlsian account of fair equality of opportunity, he suggests that in cashing it out:

¹⁵³ Caney, "Cosmopolitan Justice and Equalizing Opportunities." p. 117

¹⁵⁴ Ibid., pp. 118-122

Equality of opportunity requires that persons of equal ability and motivation have equal opportunities to attain an equal number of positions of a commensurate standard of living.¹⁵⁵

There are at least two things to mention about this formulation of the ideal. The first thing to point out is that this account does not require a specific set of opportunities, instead the conception requires only that persons have opportunities that are comparable in worth and number. In this way, Caney's conception is attractively culturally-neutral. Secondly, while it does not specifically mention cultural values, it does presume that what we value correlates to the standard of living that it allows us to enjoy. Therefore, where Boxill claims that there is no way to compare how positions are valued in different societies; Caney suggests that the invariable feature is economic value. What this points out about Boxill's criticism is that it does not allow for a culturally-neutral account of the principle and it does not allow for any neutral universal feature. Thus, if Caney's account is successful, it seems that Boxill has no grounds to challenge the relevance of the ideal in relation to culture.¹⁵⁶

What this does tell us about Boxill's claim then, is that it has force only against a conception which is culturally specific and culturally reliant. That is, if the principle was to require that persons (of equal ability and motivation) have equal opportunities to attain the positions valued in one preferred society, or that persons (of equal ability and motivation) have equal opportunities to attain the positions valued in every society, then it is clear that Boxill's criticism would have some force.¹⁵⁷ However, Caney asserts a formulation of the principle which not only sidesteps Boxill's arguments, but which demonstrates how it is that Boxill's claims problematically presuppose what the principle consists in.¹⁵⁸ Caney not only thinks that his conception of the principle overcomes Boxill's concerns but that it represents an attractive and plausible interpretation of the principle. His formulation does not require that we include any cultural values into our conception, and it does not require that we attach importance to one set of cultural values; rather, his account is silent in regard to the sorts of values we support and refer to.

However, there still remains the problem of how to actually measure worth in relation to multicultural sets of values.¹⁵⁹ That is, even if there is an invariable feature cross-culturally, how is it that we assess it? Caney suggests that this challenge can be met through the work of Amartya Sen and Martha Nussbaum (more specifically Nussbaum in relation to justice). He is supportive of the idea that there are certain resources which enrich our lives and which are instrumental to a person's livelihood. He thinks that if we

¹⁵⁵ *Ibid.*, p. 120

¹⁵⁶ *Ibid.*, pp. 120-121

¹⁵⁷ *Ibid.*, p. 120

¹⁵⁸ *Ibid.*, p. 120

¹⁵⁹ *Ibid.*, pp. 122-123

adhere to equalizing these things, then we make headway in our attempts to equalize opportunities globally.¹⁶⁰

The Capabilities

A full examination and explanation of the Capabilities approach will be pursued in the second section of chapter three. However, it is worth listing what it is that Caney refers to and so what entitlements he thinks that we can plausibly measure. They are the capability for:

1. life
2. Health
3. The Avoidance of pain
4. The use of the five senses
5. Human relationships
6. Deliberation about and pursuit of personal ideals
7. Relations of care for others
8. Access to the natural environment
9. Experiencing enjoyment
10. Independence.¹⁶¹

The point then is that if we ensure that all persons of the world have the capability to do these things, then we can safely say that these same persons have equal opportunities. More simply, if we can measure a persons capability to live, enjoy some level of health, and have healthy human relationships (to name a few), then we at the same time measure the sorts of opportunities that they have to attain a certain standard of living and meaning in their lives.¹⁶²

One side point, which I think is worth pointing out here, is that this leads the debate into another discussion, not only about how the capabilities may or may not satisfy the ideal, but also a debate about how relevant the capabilities approach is in this context. The point here is that we cannot introduce the capabilities approach without offering some justifications for its applicability. Caney merely suggests that this may be one way to go about measuring equal opportunities globally, and so it is worth examining whether or not the capabilities and the list offered by Nussbaum above really does get us where we want

¹⁶⁰ Ibid., p. 122

¹⁶¹ Ibid., p. 121

¹⁶² Ibid., p. 121-123

to be. It is enough to say here that it is worth considering how it is that the capabilities approach applies to global principles of justice and how it is that the list of capabilities may lead us down the right track in achieving them. Thus, at least one of the questions one might want to ask in relation to Caney's use of the approach is what relationship the list offered above has with standard of living. Likewise, and as we will go on to examine, can we really measure capabilities?

While it might be suggested that it may still be too hard, if not impossible, to measure standard of living according to this list.¹⁶³ Caney, notes that there are sophisticated measurements such as those used for United Nations Development Programme reports which render this criticism weak.¹⁶⁴ He adds that we can assess opportunities simply by examining the choices of well-informed people.¹⁶⁵ Overall, Caney thinks that the principle of global equality of opportunity need not be culturally offensive and thinks that if we appeal, not to specific opportunities, but rather, to standards of living and then equalize them cross-nationally, that we achieve the ideal. He also believes that the capabilities approach has got much to offer his conception and thinks that one clear way of assessing the ideal, is to measure opportunities against a certain set of capabilities. The idea then, is that if persons each have a basic set of capabilities, then it will also follow that they have roughly equal opportunities which consists in an equal opportunity to attain an equal number of positions of a commensurate standard of living.

I think it is clear that Caney formulates an ideal which can overcome the Boxill problem and which is both culturally neutral and culturally universal. That is, the ideal that Caney defends does not rely on culturally specific values, but it locates a general currency in relation to global opportunities. However, there is still one more challenge which ideals must satisfy in sufficiently meeting the requirements of the ideal; therefore, we move on to assess the ideal against the requirement of a realistic utopia.

A Realistic Utopia

Before examining the ideal in detail, I think it is important to note that Caney attempts to mediate between the extremes when he advocates his formulation.¹⁶⁶ Recall that Caney justifies his account against both a basic needs account and a cosmopolitan account. Recall also that Caney is apprehensive about the way in which a basic needs account does not do enough, and the way in which cosmopolitan accounts demand far too much of us. This is clearly an attempt to compromise between extremes and to recognize

¹⁶³ *Ibid.*, p. 122

¹⁶⁴ *Ibid.*, p. 122

¹⁶⁵ *Ibid.*, p. 122

¹⁶⁶ *Ibid.*, pp. 116-117

that what is needed is an ideal which does not compromise what we want out of our ideals, but which nonetheless takes into account that we are dealing with real persons. Thus, it is important to note that Caney is on the right track and that he is attempting to achieve what it is that we want out of a theory of equal opportunities which is reassuring.

In relation to the sort of idealism Caney invokes, I think it is clear that Caney thinks that if the ideal were to be realized, persons of the world would have the same chance of attaining favorable positions regardless of where one is born. Therefore, equalized opportunities would mean that (at the very least) a person in Sweden would have the same opportunity to achieve a position of status within Sweden as the person in Mexico has to achieve a position of status in Mexico and which is relative to the position in Sweden. The idealism then rests on the way in which country of birth would not set a person's opportunities and would not suggest what it was that that person was able to achieve in life; rather, we would get persons who are able to take advantage of opportunities which are equally standardized.

In relation to the realism that Caney invokes, the most obvious is that given the cultural diversity in the world it is unrealistic to specify the sorts of values we should equalize. Instead, it is much more realistic if we equalize opportunities to achieve standards of living which are recognized cross-nationally. Another appeal to realism consists in the way that each person, regardless of nationality or country of birth, should have a set of capabilities to achieve certain functionings. This is an appeal to realism simply because we are concerned with what persons are actually able to do and to be and we equalize ability; this recognizes that some persons are unable to stand in adept-equality with each other and that a satisfactory account will seek to ensure that this is recognized.

What I think becomes most apparent about Caney's theory is that the line between idealism and realism is neither clear nor easily recognized. Indeed, the appeal to capabilities, while noted as an appeal to realism above, could easily be described as an appeal to idealism. Therefore, if we are to achieve the ideal we would secure capabilities for all globally. Likewise, the appeal to standards of living which is noted as idealist could easily be described as realistic. What this tells us about the account is that the idealism and realism are almost one in the same and that when we take heed of what the account demands we are confronted with a well-balanced account of realism and idealism. That said, I think that one must here conclude, at least preliminarily, that Caney offers us a realistically utopian account of the principle of equal opportunities globally.

However, and that said, there is something which Caney's realistic utopia fails to directly address. To be precise, Caney does not give us any way of countering, how it is that in the real world there are obstacles, not merely in justifying this kind of position but in proving its applicability. There is a real challenge of how to secure equal opportunities across sovereign, self-governing and independent nations; and there is an underlying feature of impossibility when we consider the reality of having to perform full scale institutional change both at the domestic and global levels. Caney, while leading the way in relation to the formulation of a satisfactory ideal, does not offer an account of institutional design, which as we cover in the next chapter, is critical to the success of global ideals such as this.

2.3 Moellendorf and Caney

What I think is important to remember about the accounts examined above is that both Caney and Moellendorf are part of the same school of thought in their belief in globalizing Rawls. Indeed, despite their differences, they both defend a positive ideal, and they both defend the fundamental precept consisting in respect for persons. Both Caney and Moellendorf believe that when we consider a global principle of equal opportunities we are considering the entitlements and needs of persons. We have already mentioned the basic idea behind this position but it is worth noting that both of these theorists, in defending equal opportunities globally, place value in the equal status of persons regardless of birthplace. Another important similarity is that both of the theorists recognize that the principle is an integral part of a full account of global justice. That is, that global justice requires that we equalize opportunities cross-nationally and cross-culturally, and that a principle which does not recognize this is unsatisfactory.

However, and in light of these theoretical parallels, Moellendorf and Caney come to two very different conclusions about what a successful account of the ideal should yield. Moellendorf thinks that an achieved ideal will ensure that all children of the world have (and are equally as statistically likely to take advantage of) identical opportunities. Caney on the other hand suggests that we achieve the ideal when all persons have the same opportunity to attain an equal number of positions of a commensurate standard of living. Note that one of the major differences is that Moellendorf recognizes the importance of outcomes and results in achieving this principle, while Caney suggests that the results only matter insofar as they demonstrate how the ideal is not being realized; however, the success of the principle does not depend solely on the generated consequences.

Perhaps the most important distinction between these formulations is that Moellendorf takes the unit of distribution as vested in primary goods. That is, Moellendorf thinks that if we distribute primary goods in a

way which gives persons globally identical opportunities then we have satisfied the ideal. On the other hand, Caney suggests that what we should focus on when we consider the unit of distribution is what persons are actually able to do and to be; therefore Caney offers us some guidance, in relation to what those goods should yield, which Moellendorf does not.

For these reasons, and even after we have taken into account that the starting point for both theorists is identical, both formulations are extremely distinct. In sum, Caney's formulation is much more charitable to the conditions and limits placed on practicability in the real world, and he demonstrates more of a willingness to compromise idealism in light of this. Moellendorf on the other hand offers us a framework to guide normative thinking but does not offer us enough realism and any real guidance to get us there, which leaves his approach exclusive of an important consideration. That is, his approach does not give us the direction that a sufficient account of the ideal requires.

2. 4 Conclusions of the chapter

There was two clear and yet distinct objectives to this chapter. Firstly, the aim was to draw on previous objections to formulating a global principle of equality of opportunities, and to examine how the ideal has recently been formulated in light of those objections. The second aim, therefore, was to assess these recent formulations and to examine whether they sufficiently met two conditions drawn from the first chapter. Hence, we drew on Darrel Moellendorf and Simon Caney and examined how it is that they approach the question of global justice and more specifically how they formulated global principles of equal opportunities. We then examined whether or not these accounts were open to the Boxill problem and whether or not they were consistent with a realistic utopia.

In relation to the first challenge, we concluded that Darrel Moellendorf's identical conception was unable to maintain cultural neutrality and that for this reason his theory was unnecessarily culturally specific. On the other hand, we concluded that since Simon Caney drew on a culturally neutral account of equivalent opportunities that his conception was far better. Therefore, Moellendorf was lacking in his ability to realize a realistically utopian ideal because his appeal was far too limited, while Caney's use of the capabilities approach and standard of living meant that he was able to offer an account which did not depend on specific cultural values, but which was based on a culturally neutral and realistically utopian explanation.

Clearly, both of the thinkers considered in this chapter, and all of the theorists discussed thus far, have contributed to the debate about what principles of justice are relevant in the global sphere. Likewise, each

have valuable points to make about how to go about formulating a satisfactory account of a global principle of equal opportunities, and whether this is indeed possible. I think that they offer formulations and or challenges which are worthy of note, and I think that they each contribute to the development of the ideal in theory and in practice. While I think it is clear that Moellendorf and Caney offer interesting and distinctive accounts of the ideal, the next obvious question that must be raised is whether they encounter additional problems and challenges for the ideal. Thus, we must ask whether the Boxill and Rawlsian challenges are the only ones which are relevant, and we must question whether, even if they are able to overcome them, there are unreasonable implications of adhering to their formulations of the ideal. Thus, we move now to examine some of the recent challenges to the ideal, and examine whether or not the ideal can overcome them.

3. New challenges to the ideal: David Miller and Gillian Brock

This chapter is divided into two sections, the first concentrates on David Miller and examines three objections offered against the formulation of a global principle of equality of opportunities, and against global egalitarianism more generally. The first objection offered challenges Moellendorf's account which attempts to endorse a conception of the ideal which consists in identicalising opportunities globally. The second focuses on the account offered by Caney and suggests that even though equivalent opportunities are justified at the domestic level, it is problematic and impossible to achieve this ideal globally. Finally, we examine the argument offered against a cosmopolitan conception of persons and we examine how it is that Miller comes to the conclusion that a cosmopolitan thesis does not entail equal respect for persons.

Section two considers the arguments against the formulation of the ideal offered by Gillian Brock. The first argument examined is that there is no trouble-free way to approach the formulation of a positive ideal and thus, that we might be better off adhering to the negative intuition which gives us enough to do in the meantime. In asserting this line Brock demonstrates how it is that Moellendorf's account is far too culturally insensitive, and how it is that Caney's account allows at least three forms of discrimination; we examine both of these claims. The next assertion examined is that it might be best if we do not focus entirely on 'equal' opportunities per se, but rather, that we focus on 'decent' opportunities. Brock suggests that it might be wise to account for the way in which persons, if given the option, would opt for unequal opportunities which were decent, over equal opportunities which were indecent.

3.1 Section One: David Miller

This section is inspired by the work of David Miller and more specifically his article which disputes the relevance of global egalitarianism in our thinking about justice globally.¹⁶⁷ This section broadly focuses on at least two questions. Firstly, if we are going to defend or presume the relevance of global egalitarianism then what is it that this ideal consists of? Secondly, how is it that global egalitarianism differs from domestic egalitarianism, and what are the implications of these differences? I will argue that global egalitarianism is relevant and, in particular, that a principle of equality of opportunities is relevant at the global level because it constitutes the ordinary assumptions that justify our disregard for others. I concede that Miller is right to point out that there are fundamental points of difference between domestic and global

¹⁶⁷ Miller, "Against Global Egalitarianism."

egalitarianism, but I claim (and will go on to argue) that this does not undermine the relevance of global egalitarianism.

Darrel Moellendorf

In response to Darrel Moellendorf's idea that equalizing opportunities globally will require that:

A child growing up in rural Mozambique would be statistically as likely as the child of a senior executive at a Swiss bank to reach the position of the latter's parent.¹⁶⁸

Miller suggests that this line of reasoning is faulty on at least two grounds, one which stems from a mistaken ideal of equality, and the other which makes unreasonable demands of us. Miller's first criticism of this conception stems from the way in which he thinks that it is based on a mistaken principle of equality.¹⁶⁹ Miller claims that this account assumes a foundational or derivative account of equality rather than a functional account.¹⁷⁰ According to Miller, there is a fundamental difference between global and domestic equality; to be precise, only a functional account of equality is relevant at the global level, and so an appeal to equality as a foundational ideal is improper.¹⁷¹

It is important to note that the structure of Miller's paper begins with this distinction between foundational and functional equality.¹⁷² His aim is to demonstrate how it is that neither foundational nor functional accounts of equality are relevant in discussions about global justice, and therefore, that principles which assume equality are indefensible. Note, however, that Miller does not want to suggest that equality is not something that we should concern ourselves with, rather, Miller wants to suggest that when we discuss the importance of equality globally we are in fact invoking something which is not so general. He thinks that what we should be concerned about is not equality, as such, but certain types of inequality, namely, that we should be concerned about inequalities of power.¹⁷³ For example, Miller states that:

Equality can be valued because inequality is seen as a *source* of injustice, without being unjust in itself...some of the reasons for objecting to global inequality that do not turn on the most powerful, is that material inequalities broadly conceived will naturally translate into inequalities of power, which then become a source of global injustice.¹⁷⁴

¹⁶⁸ Moellendorf, *Cosmopolitan Justice*. p. 79

¹⁶⁹ Miller, "Against Global Egalitarianism." pp. 56-59

¹⁷⁰ *Ibid.*, p. 57

¹⁷¹ *Ibid.*, p. 56

¹⁷² *Ibid.*, pp. 55-57

¹⁷³ *Ibid.*, pp. 74-78

¹⁷⁴ *Ibid.*, p. 74

The important point to make here then is that the claim is that inequalities are not, simply by themselves, unwarranted; but that certain kinds of inequalities such as those which result in inequalities of power are the cause of much injustice. Note that Miller offers us a distinct starting point which suggests that we do not try to promote equality but that we prevent unjustified inequalities instead. We go on to examine his foundational and functional distinction next.

Inconsistency: Functional and Foundational Equality

Miller differentiates and divides equality in two ways; he says that when we invoke a principle of equality it can be for either foundational or functional reasons.¹⁷⁵ The basic distinction consists in the way that the value we place in the former is intrinsic, thus equality in and of itself is valuable; while the latter emphasizes an extrinsic value, meaning that the value we derive from it consists in what it ensures or prevents.¹⁷⁶ The idea then is that foundational equality does not rely on any consequential or potential benefits; instead, the value of equality in this context exists because we recognize that equality is valuable. On the contrary, functional equality is outcome driven, equality in this case is valued for what it is that it creates or prevents. In this way, equality serves a purpose or function quite distinct from the foundational value mentioned above.

The key point that Miller wants to make here is that domestic and global equality are not driven by the same concern and that instead domestic equality is foundational and global equality functional.¹⁷⁷ His point is that our concern with global inequality is not one which stems from the problematically inherent nature of inequality; but rather, that it concerns us because of what it tells us about the state of the world.¹⁷⁸ On the other hand, our concern with inequality at the social level has a more intimate bearing; it is based on the nature and value that we place on equality amongst each other.¹⁷⁹

The key difference between these spheres is an associational one, which miller believes leads on to a key distinction between the types of equality we are concerned with.¹⁸⁰ It is a difference which is socio-culturally values based, and it is based simply on the attachments that we formulate at the national level and the lack of attachment which results at the global level. The relevance of this associational attachment

¹⁷⁵ Ibid., p. 56

¹⁷⁶ Ibid., p. 56

¹⁷⁷ Ibid., p. 56

¹⁷⁸ Ibid., p. 56

¹⁷⁹ Ibid., p. 56

¹⁸⁰ Ibid., p. 62

is that they drive two very distinct concerns for equality which Miller thinks demonstrates how equality at the domestic and global levels is distinct.

I think that there are at least two points to make about foundational equality. If foundational equality is something which we recognize as having value in relation to other persons who share this notion then foundational equality presupposes a certain sort of social environment. Not only does this account then presume some type of national culture wherein persons believe in recognizing and being recognized as an equal, but it also presumes that the ideal cannot exist within arrangements where this kind of associative connection between persons is lacking. Therefore, the claim seems to follow that our associative ties disappear the further one draws their boundaries, and so that there is a limit to the relevance that foundational equality has. Overall, the claim is that the global sphere does not typify this environment, and so we cannot espouse foundational accounts of equality as relevant.¹⁸¹

Moreover, the crux of the argument suggests that when we try to extend the domestic (foundational) principle of equality globally, we end up with a misrepresentative distortion.¹⁸² Therefore, a consistent extension of the principle from the domestic to the global is actually impossible because the differences between them impede its extension. The argument that he offers suggests that there are differences in the domestic and global spheres which make our commitment to equality, the reasons behind our commitment, and the sort of equality we are looking for so distinct that any attempt to compare them would be to misunderstand the value that we place in it at the domestic level – and so to misrepresent it.¹⁸³

I think that this distinction is, on the surface, rather plausible.¹⁸⁴ There is something which separates us from others in the world, which, as Miller would argue, was our shared national connection and sense of national identity. Furthermore, it is true that there are mutually beneficial national institutions which bear on the way we view each other and the way we see ourselves in relation to those belonging to the same association. Likewise, our political, cultural, social, and geographical proximity and boundaries encourage a sense of belief in each other as worthy of, and entitled to, equal status. In this sense, there really is something missing from the global sphere, which bears on the way that we consider each other to be worthy of equal consideration.

¹⁸¹ Ibid., p. 56

¹⁸² Ibid., p. 56

¹⁸³ Ibid., pp. 62-63

¹⁸⁴ When I say 'rather plausible' I do not mean that it is correct or right, but simply that at first glance there are clear reasons to accept this distinction, one of which is the existence of cultural diversity in the world.

However, and while this is all true, we must at the same time acknowledge that much more is needed to accept that this distinction should justifiably bear on our thoughts about global equality and global principles which presuppose the importance of global equality. Clearly, we need to take this actuality into account, but we do not want to suggest that since something is a certain way, that it should also be a certain way. For instance, some theorists will argue that it is wrong to give national association a moral ranking higher than that of humanity and suggest that we are wrong to do so; and that this is the case even after we accept that most of us do so.¹⁸⁵ Thus, Miller has not given us enough, as yet, to persuade us not to promote the associative allegiances within the global sphere, and he has done little to convince us that it is impossible to do so.

In sum, Miller's claim is that we are appealing to two very different things in the domestic and global spheres. I think that Miller is right, but his foundational and functional distinction does not render global egalitarianism irrelevant. Miller only demonstrates how it is that the domestic principle is not as applicable as theorists (recall that one of Caney's justifications for his global ideal relies on the consistency between the domestic and global spheres) assume; however, he has not shown how it is that it could not be extended or become extendable. For the most part, we should not be convinced that Miller has explored all of the relevant avenues apparent in his distinction between foundational and functional equality¹⁸⁶. However, it should be pointed out that Miller does not rely solely on this distinction as proof of the irrelevance of Moellendorf's account, or the ideal in general, and so we go on to examine his second objection next.

An Unrealistic Account: Open Border Migration

Miller thinks that Moellendorf's account is excessively utopian and that the demands which this formulation makes, some of which were mentioned earlier, are unrealistic.¹⁸⁷ The problem which Miller points out is that if we adhere to Moellendorf's conception of the principle then we are bound to the idea that persons of the same talent and motivation should have identical opportunities. Problematically, the demands of such a principle include unlimited migration rights and unrestricted admission to citizenship simply because it

¹⁸⁵ Singer, *One World*. p. 197. Jones, *Global Justice: Defending Cosmopolitanism*. pp. 159-172. Some theorists, however, suggest that certain forms of cosmopolitanism are not incompatible with nationalism. See: Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*. pp. 98-100

¹⁸⁶ Miller, for example, does not consider the possibility that there is a progressive connection between function and foundation; and he does not consider how there might be different kinds of foundational or functional equality. In short, Miller simply tells us that there is a distinction, and assumes that the distinction does not require critical examination.

¹⁸⁷ Miller, "Against Global Egalitarianism." pp. 59-60

would be impossible to ensure identical opportunities within each and every nation-state.¹⁸⁸ Thus, in order to identicalise opportunities globally, we would have to either make sure that each nation had the same opportunities for all, or allow open migration – both of which he thinks is unrealistic. In saying this, the implication concerning what we would be required to do would be huge. Miller makes this clear when he says that:

It would, for instance, require unlimited rights of migration coupled with unrestricted admission to citizenship... So unless advocates of global equality of opportunity envisage a borderless world in which everyone speaks Esperanto, it is more plausible to interpret the principle as requiring *equivalent* opportunity sets.¹⁸⁹

Miller's point is that an extreme line such as that offered by Moellendorf is impractical because it forgets about opportunistic diversity. That is, it neglects the social, cultural, economic, and political differences inherent to particular societies which affect the range of opportunities available to and favored by persons in particular societies. Likewise, it suggests that the only way to ensure identical opportunities and to fulfill the principle is to allow open migration.

In contrast, some theorists defend the right to freedom of movement, and open migration policies.¹⁹⁰ Indeed, some suggest that it is an injustice stemming from an insider-outsider mentality which allows some to enjoy better prospects in life.¹⁹¹ However, it seems both impractical and unrealistic at this point to advocate open borders globally, as it would not directly address the problems that those suffering face. This is because, to advocate open border migration is to presuppose that persons have the opportunity, ability, and freedom of movement. Moreover, it is to neglect the real issues if we suppose that open migration is the immediate answer.

Thomas Pogge demonstrates the inefficiency of open borders when he suggests that it is clear that scarce resources should not be spent on immigration.¹⁹² He adds that while persons who seek admission are those who are subject to terrible economic and political conditions, and who seek to be freed from

¹⁸⁸ Ibid., pp. 59-60

¹⁸⁹ Ibid., p. 60

¹⁹⁰ For example, see: Joseph Carens, "Migration and Morality: A Liberal Egalitarian Perspective," in *Free Movement*, ed. Brian Barry and Robert Goodin (College Station: The Pennsylvania State University Press, 1992). p. 39; see also: Moellendorf, *Cosmopolitan Justice*, pp. 61-67, see also: Veit Bader, "Fairly Open Borders," in *Citizenship and Exclusion*, ed. Veit Bader (New York: St Martin's Press., Inc, 1997). Chapter one.

¹⁹¹ See: Joseph Carens, "Cosmopolitanism, Nationalism, and Immigration: False Dichotomies and Shifting Presuppositions," in *Canadian Political Philosophy*, ed. Ronald Beiner and Wayne Norman (Ontario: Oxford University Press, 2001). See also: Moellendorf, *Cosmopolitan Justice*, pp. 61-62,

¹⁹² Thomas Pogge, "Migration and Poverty," in *Citizenship and Exclusion*, ed. Veit Bader (New York: St Martin's Press, 1997). p. 12

impoverished circumstances, that admission does not solve the underlying problems.¹⁹³ Instead, Pogge says that we cannot protect persons living in such dire circumstances by admittance alone simply because there are too many of such persons, and those which we admit are generally not the worst off.¹⁹⁴ Pogge concludes by suggesting that protecting persons who are in dire poverty should consist in financially supporting global institutions which have the alleviation of political and economic suffering as their aim.¹⁹⁵ This is one way of arguing, as Miller does, against globally open migration. However, note that in arguing against this, we are not committing ourselves to arguing against global justice or global equality (as Pogge's argument demonstrates), but we are simply suggesting that effective action may consist in small scale rather than large scale change (open borders belonging to the latter school). Note also that Miller's argument against open migration is based on the unrealistic nature of achieving this; while Pogge's argument against it is based on what the real benefits of doing so would be.

I am in agreement with Miller, that open migration is one of the problematic implications of Moellendorf's position. This would not only be a mistake in light of what can be done, but it would be to misrepresent the principle itself – it would involve setting the principle up to fail. Note that we must uphold theoretical accountability by questioning whether the effect that a certain initiative achieves is consistent with the aims of the ideal. Thus, if our aim is to equalize opportunities and to counter the global problems which impede equalized opportunities, then to allow open migration for those in a position to take advantage of these benefits is to support partially equal opportunities, and it is to provide opportunities for a cross-section of those who require assistance. Thus, while I am sympathetic to Moellendorf's vision, I think that Miller is right in his assessment of Moellendorf's account. Unfortunately, we can discuss whether or not we should be giving all of our income to charity and whether or not we should live in poverty to provide for those dying in Africa, and we can talk about making sure that the Mozambique child has the chance to become a Swiss banker. But in doing so, we are neglecting and missing the point that people are suffering from injustices, and that our concern should not be with agreeing or disagreeing, but about making practical progress.

While we can suggest now that, according to Miller, identical opportunity sets does not offer us a satisfactory account of the ideal, we are still left with the Caneyian conception which suggests that we equalate opportunities. We move now to outline and examine Miller's response to Simon Caney's account of the ideal.

¹⁹³ Ibid., p. 14

¹⁹⁴ Ibid., p. 14

¹⁹⁵ Ibid., p. 16

Simon Caney

Recall that Simon Caney, in contrast to Moellendorf and in overcoming the Boxill problem, suggests that a satisfactory account of equal opportunities need not rely on identical opportunities. Instead, Caney demonstrates how a formulation of the ideal can meet these requirements without specifying any opportunities at all. Thus, Caney suggests that we focus on equivalating opportunity sets, by ensuring that they are equal in relation to some commensurable standard, rather than some precise standard. Therefore, Caney suggests that we cash out the ideal when we ensure that all persons of equal talent and willingness have equal opportunities to achieve an equal number of positions of a commensurable standard of living whereby that standard is assessed in relation to a set of capabilities. At least one point to make here is that this account does not rely on a foundational account of equality, but that it instead recognizes equality as functional.¹⁹⁶

Miller points out that in the real world equality can be gained and satisfied through equivalent difference.¹⁹⁷ Miller agrees with the initial claim made by Caney and says that in the real world, we are not so concerned that the Mozambique in Moellendorf's story is disadvantaged when the Swiss child has more chance to be a Swiss banker so long as the Mozambique has more chance to be a Mozambique banker.¹⁹⁸ The point here is that there can be some sort of trade off which will easily and fairly keep equality in check without actually identicalising opportunities cross-nationally. Therefore, Miller recognizes the realistic nature of Caney's appeal and shows that, in agreement with Caney, equality does not require the kind of identicalisation that Moellendorf defends. In spite of this agreement, it is important to state that Miller is skeptical about whether we can actually equalate opportunities cross-nationally, and so we go on to examine this next.

The Problem with Equivalent Opportunities

Building on the Mozambique child and Swiss child difference, Miller uses a second example to illustrate the problem with taking equivalent opportunity sets as representing the global ideal of equal opportunities. Miller asks us to consider two villages that are similar in size and general composition. Suppose, he says, that village A has a football field and that village B has a tennis court, is it then plausible to add that the villages have equal opportunities? Miller's answer is that they do because the metric that we use to assess this is 'access to sporting facilities'. On the other hand, Miller says that if village A had a school and no

¹⁹⁶ Miller, "Against Global Egalitarianism." p. 61

¹⁹⁷ Ibid., p. 61

¹⁹⁸ Ibid., p. 61

church, while village B had a church and no school, we would be struck by a sense of inequality. He says that we view these two things as different because we do not recognize that a lack of one thing can be compensated for by another.¹⁹⁹

From this inconsistency between what we deem as justifiably equivalent Miller suggests that we must examine how it is that we are able to adequately judge the football pitch and tennis court case, but not the school and church case. Miller concludes that:

The answer must be that we have cultural understandings that tell us that football pitches and tennis courts are naturally substitutable...whereas schools and churches are just different kinds of things, such that you cannot compensate people for not having access to one by giving them access to the other.²⁰⁰

Miller adds that this suggests that in relation to football pitches and tennis courts it is preferable to use a broader grained 'access to sporting facilities', while when we encounter schools and churches it is preferable to adhere to a finer grained account of 'access to schools', which will prevent schools from being substitutable.²⁰¹

Miller thinks that in the domestic sphere we have a number of specific resources which are singled out as valuable and which are not substitutable; and includes such things as personal security, education, healthcare, and so on.²⁰² However, within such categories there are finer grained points which are not recognized as bearing on the way we view them. For example, he says that while it is important that each person has an opportunity to attend school, whether the school offers French or Italian does not bear on the account.²⁰³ Likewise, it might be the case that some persons must train to work, drive, bus, or walk and this should not be seen as an injustice because such differences do not transpire as unjustifiable or problematic.²⁰⁴ In sum, Miller recognizes that we have a clear sense of what differences result in injustices at the domestic level, and that we have a clear sense of which opportunities are necessary to ensure social justice.

However, if we try to extend this account globally Miller states that:

¹⁹⁹ Ibid., p. 61

²⁰⁰ Ibid., p. 62

²⁰¹ Ibid., p. 62

²⁰² Ibid., p. 62

²⁰³ Ibid., p. 62

²⁰⁴ Ibid., p. 62

We run into serious difficulties created by the fact that we can no longer rely upon a common set of cultural understandings to tell us which metric or metrics it is appropriate to use when attempting to draw cross-national opportunity comparisons.²⁰⁵

Miller's claim here is that equivalent opportunity sets require and depend on a set of common values and cultural understandings, something which does not operate at the global level because of cultural diversity. Interestingly, the claim then suggests that while Caney attempts to overcome the problem of cultural insensitivity, the ideal that he formulates cannot actually exist in a culturally diverse world, and thus, his account is inadequate. The problem is that we can in no way for certain know whether the education opportunities for a child in country A are worse than those for another child in country B, simply because we have no way of knowing what the relevant measurement is cross-nationally.

One point to make is that Miller is not making a claim about the impossibility of finding a way of measuring opportunities globally; rather, the problem that Miller wants to emphasize is that:

It is essentially the problem of what equality of opportunity *means* in a culturally plural world in which different societies will construct goods in different ways and also rank them in different ways. The metric problem arises not just because it is hard to determine how much educational opportunity an average child has in society A, but because the meaning of education, and the way in which it relates to, or contrasts with, other goods will vary from place to place.²⁰⁶

It is important not to misunderstand Miller's position here, and so one must remember that Miller does not want to object to a global principle of equal opportunities, but he wants to demonstrate how it is that principles which assume the relevance of global equality misunderstand the nature of what one says when they promote it. He wants to show how, when faced with certain dilemmas and problems, we can only make confident judgments in extreme cases;²⁰⁷ as a consequence, we can come to the conclusion that our use of equality consists in overcoming global poverty, and extreme deprivation. That said, Miller concludes that we are focusing on two very different accounts here, one of which consists in overcoming poverty and one of which consists in promoting equality. His point is that we need not invoke the latter in addressing the former; more simply, that if our bottom line concern is to alleviate poverty then we can achieve this without referring to a principle of equality.²⁰⁸ As Miller claims "we can agree in practice without having to formulate explicitly the principles that lie behind this judgment".²⁰⁹

²⁰⁵ Ibid., p. 62

²⁰⁶ Ibid., p. 64

²⁰⁷ Ibid., p. 63

²⁰⁸ Ibid., p. 64

²⁰⁹ Ibid., p. 64

In sum, Miller's claim is that the underlying purpose behind equalizing opportunities need not depend on equalizing opportunities at all, rendering both a concern for global equality and Caney's ideal self-defeating. I think that Miller, in general, makes at least two very important points. The first is that in the real world we do in fact cash out equality through equalized differences. The other point is that global cultural diversity prevents us from using this line of reasoning in practice. However, each of the claims that Miller makes is important. Most significant, however, is the claim that there seems to be no reason to adopt egalitarian ideals such as a global principle of equality of opportunity based on the way in which we can agree in practice without formulating principles to adhere to, and that we require a common set of cultural understandings. We go on to consider some of the possible responses to this line of reasoning next.

I think that in responding to Miller's claim, it is important to distinguish between pure equality and a threshold of equality. Note that if we pursue the former consisting in the belief that only a conception of equality which has as its aim a result which sees that all persons must have absolutely equal opportunities, then we run into the sorts of problems that Moellendorf's conception invokes. Thus, we end up with a conception that is both unrealistic and unreasonably demanding of persons. Recall, however, that Caney suggests that what is important is that we equalize opportunities to enjoy an equal number of positions of a commensurate standard of living whereby the standard of living is assessed according to our ability to achieve certain functionings. Note here that Caney is by no means appealing to a conception which relies on a pure account of equality, but rather, seems to suggest that equalized opportunities must correspond to a threshold level of capabilities. That said, I think it is important to point out that the concern is not directed at equalizing education for children A and B, but to ensure that the institutions and systems (one of which would invoke education) were consistent with providing persons with a threshold set of capabilities.

I should here say that it seems proper that one should set a threshold of equality rather than pursue absolute equality. Miller above suggests that we can achieve agreement in practice about what is required of us without appealing to certain underlying principles. However, I am not so convinced that we can attain the sort of agreement required without also affirming a principled threshold. Indeed, without such a principled threshold it might be the case that the agreement we reach is exclusive of an agreement to take action. Recall that Rawls suggest that there must be a set goal or cut-off. Likewise, recall Peter Singer's 10% concession concerning the level at which persons should give to the needy. It might be the case that we are in agreement with the claim that we should give far more than ten percent of our annual income to those who suffer unnecessarily, but an agreement which includes a motive or a willingness to act relies on a threshold level which we agree to appeal to and which we agree to act in accordance with. Thus, we

agree that we should do far more than we do, but we agree to act in accordance with a threshold level set at ten percent of one's annual income.

It is not clear what the nature of the agreement is when Miller suggests that agreement is attainable exclusive of principles; but it is somewhat clear that if we are interested in agreement then it should consist in the sort of agreement which generates, and which is consistent with, a willingness to act. Note that this is an important part of a principle which remains consistent with the conditions of a realistic utopia; that is, a realistically utopian ideal will set a threshold because this is consistent with a realistic attempt to achieve the ideal. Thus, I think that Caney does have a way of responding to the criticism that his ideal ends up falling back on objectives which do not depend on equality. That is, his account recognizes that a principled threshold stemming from the importance of equality is an important part of global agreement inclusive of an agreement to take action.

I revisit this argument when we examine the capabilities approach in detail in section two. However, I am not convinced Miller has successfully refuted the role that a principled account of equality (in the form of a global principle of equality of opportunities) has to play in global justice. For the most part Miller suggests that we can agree on that which does not rely on such principles, however, I am not sure that the sort of agreement one would hope to yield would be achieved without a principled threshold.

Finally, I am not convinced of Miller's claim that to adopt an equivalent account of equal opportunities requires some "common set of cultural understandings".²¹⁰ I think that it is possible to draw on an account which relies on a list of culturally neutral and universal needs in the form of human capabilities. Miller suggests that cultural diversity problematically prevents us from having common cultural understandings and that because of this we cannot sufficiently provide equivalent opportunities. I think that Miller exaggerates this problem because it is not at all clear how much information is required when the unit of measurement is well-being and the opportunity to live meaningful lives. However, I discuss this further in section two when I discuss the role of the capabilities approach in relation to the problems highlighted by Gillian Brock. We move now to examine the third argument offered by Miller against the ideal which consists in a distinction between a cosmopolitan account of action and a cosmopolitan account of value.

A Cosmopolitan Account of Action and Value

²¹⁰ Ibid., p. 62

The aim of this argument is to show how a commitment to cosmopolitanism does not entail a commitment to global egalitarianism. In doing so, Miller makes a distinction between what it is that persons might value and how it is that persons act; and he uses an example to show how it is that these things need not influence each other.²¹¹

The cosmopolitan emphasis on persons as central, on human worth as fundamental, and upon justice which is global in scope seems to imply equality; however, this is something which Miller thinks is a mistake. According to Miller, cosmopolitanism does not require any form of global egalitarianism.²¹² He says this is because cosmopolitanism is a thesis about value, and so it is something that tells us that we should care about all people everywhere.²¹³ On the other hand, he says that global equality of opportunity is a principle which is action guiding, it is about how we should establish institutions, and how we should behave as voters.²¹⁴ He goes on to add that claims about value and how we should act are distinct – there can be no entailment from one to the other. Miller here makes another key distinction, Miller distinguishes between what it is that we think should be valued and what it is that influences how we act.

The Case of the Missing Child

Miller, in demonstrating the lack of consistency between value and action, asks us to consider an example. He says that when a child goes missing, the fear for their safety is bad no matter who the child is or who the child belongs to.²¹⁵ However, even though there is recognition of this universally equal concern, our actions which result from this are not correspondingly universal.²¹⁶ According to Miller, some agents, such as the police and other community support services, should, and will, devote all of their time to finding the child; but other agents' actions, and reasons for acting, will very much depend on their relationship with the child.²¹⁷ From here he suggests that:

If the child is mine, then I have a strong reason, indeed an overwhelming reason, to devote all my time and energy to finding her. If the child comes from my village, then I have a stronger reason to contribute to the search than I would have in the case of a child from another community. Of course if I have information that might help find that distant child, then I should give it to the police

²¹¹ Ibid., p. 66

²¹² Ibid., p. 66

²¹³ Ibid., p. 66

²¹⁴ Ibid., p. 66

²¹⁵ Ibid., p. 66

²¹⁶ Ibid., p. 66

²¹⁷ Ibid., p. 66

at once. It is not that I lack any responsibilities to the distant child. But everyone thinks that I have a much greater responsibility to my own child, or to one I am connected to in some other way²¹⁸

Note here that Miller makes a claim about the communal spheres that we belong to and claims that how we rank those spheres depend on how close they are to us. The analogy is that we should and do value children regardless of who they are, but that our actions in the real world depend on something more than this value. Importantly, Miller's point is not that we lack responsibility to the distant child; indeed, Miller thinks that we at the very least owe the child any information that we may have in relation to the situation.²¹⁹ However, we do have a stronger responsibility to our own child, or a child which is connected to us in some way. The point is also that our greater responsibility to our own child is consistent with the fact that it is equally bad when any child goes missing, as Miller also suggests that "the important point is that this is perfectly consistent with the view that it is equally bad, equally a matter of concern, when any child goes missing".²²⁰

The overall point that Miller wants to make here is that we can agree on what has value, and we can even agree on the equality of those things in relation to that value, but it doesn't then follow that we give, in practice, the same equal value when considering how it is that we should act.

The missing child example and the distinction which can be drawn between what it is that we value and what impacts on our decisions to act, reaffirms how important realistic utopian accounts are. Likewise, one important question raised by this example is that if motive is the key to influencing how it is that we behave and act, then we need to examine what motivates persons to act and we need to see what impact and relationship value plays in the equation. I think that the key to understanding the lack of impact values have on us is to understand the importance of institutions. That is, values must be institutionalized in at least some formal or informal way in order for them to hold weight in an action-based decision making process.²²¹ We briefly examine the role of institutions next.

The Role of Institutions

²¹⁸ Ibid., p. 66

²¹⁹ Ibid., p. 66

²²⁰ Ibid., p. 66

²²¹ What I mean here is that informal institutions such as Rugby club etiquette, or social norms such as buying rounds of beer at the local pub, can affect how it is that we decide to act in the same way as formal rules such as: speeding laws, parking rules, and so on.

Rawls was well aware of the significance of institutions. For Rawls, social justice was based on an understanding or presumption that political institutions were fundamental in regulating and securing it.²²² Thus, the key to formulating and securing a feasible and desirable conception of distributive justice was to establish just institutions to implement them. This regenerated²²³ line of thinking remains, such that Moellendorf, in agreement with Rawls, says that:

Social justice concerns the moral nature of the institutions that mediate interactions among persons...At base our moral duties of justice are directed to other persons, but these duties are usually discharged through conduct directed toward institutions, such as obeying existing institutional rules, defying them, or advocating and aiding in the construction of new institutions that promote just interactions. For example, although a duty of justice to others involves protecting them from criminal wrongdoing and apprehending the wrongdoer, this duty is discharged by paying taxes to support the police and judicial system and by cooperating with police and judicial investigations.²²⁴

As Moellendorf clearly states, institutions regulate social interactions among persons, and secures justice between persons.

The importance of institutions is also demonstrated in the work of 'New Institutionalists'.²²⁵ New Institutionalists are concerned with examining political processes such that the emphasis is not on what we do or how we behave, but how it is that we decide to behave.²²⁶ They are interested in uncovering what impacts our preferences and options, and why. One of the major claims is that political behavior is grounded in collective action, and that we behave in ways which recognize the need and belief in similar acts by others. New Institutionalists, thus, defend institutions as decision makers in and of themselves with the ability to impact on, sway and direct the behavior of its members.²²⁷ Likewise, they believe in the

²²² Rawls, *A Theory of Justice*.

²²³ Appeals to formal institutions to explain and predict political processes and outcomes can be traced back to the earliest development of political studies as a discipline. The study of formal institutions was, up until the middle of the twentieth century, considered fundamentally necessary to explain and understand politics, based on the belief that institutions not only influenced political organization but was the foundation upon which all political activity developed. The behavioral and rational choice revolution is based on a desire for scientific grounding, and for this reason it is predominantly a reaction to the unscientific and science-obstructing problems inherent in the old institutionalism mentioned above. Thus, my use of the term 'regenerated' acknowledges the way in which the importance of institutions has been reaffirmed. For more see: Peters, *Institutional Theory and Political Science*. Or and Johan P. Olsen James G. March, "The New Institutionalists: Organizational Factors in Political Life," *American Political Science Review* 78, no. 3 (1984).

²²⁴ Moellendorf, *Cosmopolitan Justice*. p. 1

²²⁵ This is the term used to describe political theorists who affirm the value of political institutions in assessing collective action. The term was coined by James G. March and Johan P. Olsen in 1984, see: March and James G. March, "The New Institutionalists: Organizational Factors in Political Life."

²²⁶ *Ibid.*, p. 738

²²⁷ *Ibid.*, p. 738

relevance of institutions such as rules, routines, norms, and they acknowledge the influence that informal institutions have on the way we behave.²²⁸

In relation to global justice and influencing the ways in which persons decide to act, it seems fair to say that there are two points to make. Firstly, that we place value in and regulate collective action through institutions, and secondly, we adhere to those rules, norms, and practices which are institutionalized in at least some way. Thus, the importance of institutions strengthens social justice and our obligations to others.

While I think that Miller's example illustrates the point that he attempts to make about value and actions, I think that the example he uses needs to be scrutinized. There are at least two points that need to be made here. The first point is that, in at least this context, our actions are driven by effectiveness, something which relates to the point above about motive and the role of institutions in regulating and influencing behavior. Secondly, that our acceptance of his argument is built upon an important assumption which Miller fails to recognize.

It is an empirical truth that you will not find persons willing to search for all missing children, so Miller is right in this regard. However, this is not simply a story about what we value, it is also a decision based upon effective collective action. Not only do we acknowledge that institutions such as the police are the most effective ways to act, but we also recognize those social institutions as representing our support. Quite simply, Miller seems to focus on the lack of personal support offered by persons in the real world, but misses the point that doing otherwise would, in many ways, be ineffective. Thus, while he is right to point out that we feel a greater responsibility to search when those missing children are our own or connected to us in some way, we must not forget that this is above and beyond the already institutional support on offer. In saying this, there is at least value guided actions at the institutional level, and in the way that institutions exist which ensures equal consideration.

One thing that I think Miller suggests is that institutional support is not as strong as the personal support that one may feel for their own child. That is, ensuring institutional support is the very least that persons will offer to persons whom they have the least allegiance to. In line with the point made above that when we consider how it is that we should act we take into account how to act effectively, I think that we make far more headway through the use of institutions. Our duties of justice are strengthened by institutions because they are made much more possible and realistic simply because we achieve much more by doing

²²⁸ Ibid., p. 739

so. Take the example used by Moellendorf, if duties of justice to prevent harm to others involved our having to actively police the streets a number of problems would result from such an organization. Firstly, this would require that we each had to police the streets which would be disorderly, but even worse it would mean that we would end up creating much more disorder than there otherwise would be. My point here is simply that we invest in institutions not merely because of a lack of associational commitment to persons, but because we recognize that institutions are the most effective means of securing and producing collective action.

In relation to global justice and the needs of those beyond our own borders, it is clear that institutions are invaluable. An institutional focus enables the borders of justice to extend far beyond those within our own view, and so through them we can actively owe and encourage obligatory actions to those who we cannot physical support in any way. Thus, the importance of institutions strengthens social justice and our obligations to others in the way that we are able to get far more done in far more ways, for far more people.

Stemming from this point is the idea that Miller's point is built upon a universal assumption. Miller suggests that we each value children regardless of who they are, but that our actions and obligations differ depending on the association that we have with those children. What Miller neglects to include is the underlying assumption that we make about collective action. This is that we accept this line of thought because we assume that all persons are partial to their own children, and secondly that all persons have the capacity or opportunity to act on this partiality. Nussbaum sums this up nicely when she refers to the way in which partiality can be justified on universal grounds. She says that:

Politics, like child care, will be poorly done if each thinks herself equally responsible for all, rather than giving the immediate surroundings special attention and care. To give one's own sphere special care is justifiable in Universal terms, and I think this is its most compelling justification. To take one example, we do not really think our own children are morally more important than other people's children, even though almost all of us who have children would give our own children far more love and care than we give others'. It is good for children, on the whole, that things work this way, and that this is why our special care is good, rather than selfish.²²⁹

Note that the point that Nussbaum makes here is that it is universally justified to love your own children more than anyone else's children because all persons have this partial tendency, and because it is better to do so.²³⁰ Note also that Nussbaum's explanation is consistent with what Miller has to say about this, not

²²⁹ Nussbaum, "For Love of Country." p. 13

²³⁰ Ibid., p. 13

only does Nussbaum accept that we love and care for our own children more, but we, in doing so, do not think our own children are more morally worthy than others. The fact that all persons have this partial love for their own children justifies it as acceptable on universal grounds. That said, I think that we can say that we not only accept that this stance is universal but we expect that this is the case. In relation to Miller's missing child example, it is clear that we act knowing that such partiality is both acceptable and universally justified.

I think that it is clear that the story changes when either of the two assumptions mentioned above are not fulfilled; that is, when it is simply untrue that all persons feel this partial obligation, or when it is that those persons do not have the opportunities to act on them. As it stands, almost four thousand children die everyday,²³¹ and more than ten million children die each year before they reach the age of five.²³² Almost all of these deaths are preventable, but perhaps more importantly ninety-eight percent of all children who die each year live in poor communities – in short they die because of where they are born.²³³ What these statistics show us is that there are persons who are not in a position to act on the partial nature which Miller defends, and there are parents who do not have the opportunity to provide for their children. On these grounds I think that Miller's example needs to be assessed. This is because I think that most of us will agree that a partial tendency toward your own children is justified provided that each person has the same opportunity to act on this. Therefore, I think that we would get a very different picture if we were to take the above statistics into account, which demonstrate how some people are simply unable to actually fulfill or live up to this justified favoritism.

In sum, the sort of conclusion that we actually might end up with in light of this consideration is that we assume that each of us has the opportunity to act on universal instincts and feelings of partiality to our own children. The implication then may be that we actually believe that we should all, at the very least, have the opportunity to act on this. Thus, the conclusion that one could reach from Miller's example is not merely one about motive, value, and actions, but about equal opportunities as an underlying assumption and concern. I think that we end up with a story about what justified favoritism actually requires of us, and what a lack of opportunities yields. In saying this, I think that Miller is guilty of the utopian picture that he despises. His example only works where every person has the means to follow their intuition which tells them to search for their own child, and only if each society has the relevant and necessary institutions and support networks. Where either of these things is missing, it might be the case that we feel a greater

²³¹ (UNDP), "International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World." p. 3

²³² *Ibid.*, p. 3

²³³ *Ibid.*, p. 4

responsibility and obligation to aiding those who cannot act on a desire to search for their own missing child even when someone else's child is missing much closer to home.²³⁴

Miller's conclusion is that cosmopolitanism by itself does not tell us what we actually owe to others (even when we concede that we owe them something). In saying this, he claims that cosmopolitanism, at the very least, does not tell us that it is equal treatment that we owe.²³⁵ Therefore, cosmopolitans cannot rely on cosmopolitanism itself to justify their inclusion of equality globally, instead, he thinks that further examination and argument is needed to move to such a conclusion. On the contrary, I think it is clear that cosmopolitanism suggests that what we owe to others depends on what it is that we assume justifies our own partial preferences. That is, what we owe to others will depend on the justification which we assume sufficiently justifies our lack of obligation to others. Therefore, and taking the missing child example, what we owe to others in such a situation is the opportunity to search (or more broadly to care for and protect) for their own children, and the sorts of institutions which support this. In the absence of such opportunities and institutions, what we owe persons is much more than this.

3.2 Conclusions of the section

There are a few conclusions to be drawn from the examination of Miller's three arguments against the relevance of global egalitarianism. The first concerns the distinction Miller draws between functional and foundational equality. It is important to mention that this distinction is utilized in at least three ways: the first is in the way that there is a distinction between domestic equality and global equality which discount any connections or justifications between domestic and global accounts of equal opportunities. The second relates to the way in which the distinction renders global accounts which rely on foundational equality (such as Moellendorf's account) as unrealistic. While thirdly, it functions as a way of suggesting that a derivative account which utilizes equality to achieve some end (such as Caney's) may in the end turn out to show that those ends do not require an appeal to equality.

While it is clear that Miller does not explore the extent of this distinction, and while it is clear that Miller does not consider that the distinction might not maintain the distinction between the domestic and global spheres, I think that we lose nothing by allowing him this advantage. That said, and based on the way in

²³⁴ For example, when we hear about a truck driver fatality in our own city, we are not compelled to visit or support the wife and the children left behind. Most likely, this is because we, as taxpayers, are assured that the state will offer and make available to them the necessary support networks (income, healthcare, education). Based on this reasoning, there might be more incentive, and obligation, to assist the family of the fallen Mozambique farmer, all of whom will be left to slowly, but surely, die of starvation.

²³⁵ (UNDP), "International Cooperation at a Crossroads: Aid, Trade and Security in an Unequal World.", p. 4

which Moellendorf problematically takes a foundational view of equality by insisting on promoting identical opportunities, Miller is right in his opposition to this kind of account. On the other hand, it is not so clear that Miller convincingly discounts Caney's approach by suggesting that on closer examination the aims of an equivalating account need not defend nor rely on an account of global equality. Miller suggests that we can attain agreement about how to proceed without invoking a global principle of equality; however, I suggest that an agreement to act, something which is distinct from mere agreement, will be gained only through a threshold account of equality such as that which Caney defends.

Finally, although what we value and how we act may not always coincide, this does not show that cosmopolitanism does not entail global equality. Instead, it offers an insight into what influences our actions and it is not at all clear that equality is not one of them. Miller suggests that we display equal consideration for others, but that we do not display this sort of disposition when we consider the right ways to act. I suggest that Miller discounts the importance of effective institutional action, and that our partiality to those closest to us can be justified on universal grounds.

A further conclusion that I think should be drawn from this chapter and in light of those mentioned above is that there are very important and significant differences between the domestic and global spheres. These differences are national, cultural, social, economical, institutional, and above all influential. They are important not merely because they bear on how it is that we decide to act, but because a principle of equal opportunities which wants to stand up in the real world needs to account for them. Finally, and before proceeding to discuss Gillian Brock, I think it is important to reinforce that Miller's overall conclusion is not merely that the principle of equality of opportunities at the global level is irrelevant. Indeed, Miller makes a point of suggesting that our emphasis on equality has shrouded our real concern which is with preventing unjustified inequalities. I will not concern myself with this here, but will nonetheless refer to this problem when examining Gillian Brock's arguments which we go on to discuss next.

3.3 Section 2: Gillian Brock

Following a critical examination of the way in which both Caney and Moellendorf formulate the ideal Gillian Brock comes to some very interesting and important conclusions in relation to whether or not it is possible to formulate a positive conception of the principle of global equality of opportunities. In recognition of this, we examine three of such conclusions in turn. The first is Brock's conclusion that there is no trouble-free way to formulate a positive conception of the ideal. This conclusion is important because Brock locates an interesting dilemma in formulating and justifying a positive conception of the ideal which requires consideration. The second conclusion examined is the related point that there is no immediate need to formulate a positive ideal. Brock's claim is that global justice might be better served if we adhere to the guidance of our negative intuition rather than a positive ideal, which, in any case, gives us enough to deal with in the meantime. The final conclusion that we examine is Brock's tentative conclusion that it might be worth focusing on 'decent' opportunities rather than equal opportunities. In saying this Brock suggests that there is a difference between 'equal' opportunities and 'decent' opportunities and that upon reflection persons will opt for 'decent and unequal' opportunities over 'indecent and equal' ones. In examining this claim we examine how it might be that 'decent' opportunities differ from 'equal' ones and examine what role decent opportunities can play at the global level.

A Positive Ideal and a Negative Intuition

We have already mentioned the principle of equal opportunities, and, in particular, we have examined how Simon Caney and Darrel Moellendorf formulate this principle at the global level. One important point that was made was that both Caney and Moellendorf advocate a positive conception of the ideal. That is, they base their justifications for the principle on what it is that they believe persons are entitled to, one of which is equal opportunities globally. While we have questioned the nature of equal opportunities and the relevance of equal opportunities in the global sphere, we have not yet challenged or questioned the approach or the angle from which justifications of this principle stem. Gillian Brock questions and takes issue with the positive account and the positive justification of this kind of ideal.²³⁶ According to Brock, the principle of equal opportunities has a powerful hold on us because it relies on a negative intuition which is distinct from a positive ideal.²³⁷ That is, we adhere to its justification because we think that:

²³⁶ Brock, "Egalitarianism, Ideals, and Cosmopolitan Justice." p. 113

²³⁷ *Ibid.*, p. 113

It is unfair if some are significantly disadvantaged in life because of morally arbitrary features, so it is unfair if some have much worse prospects in life than others because of their race, ethnicity, class, and so on.²³⁸

This is of course in opposition to the positive formulation of the ideal which both Caney and Moellendorf defend which claims that:

All citizens regardless of class and origin should have the same chance of attaining a favored position given the same talents and willingness to try.²³⁹

Note that while Moellendorf and Caney differ in the way that the ideal is cashed out (Moellendorf believing in identical opportunities and Caney in equivalent ones) the fundamental aim is to satisfy the positive ideal stated above.

At least one point that I think is worth making about the difference between a positive ideal which develops from a negative intuition and a mere negative intuition, is that the former is much harder to defend and to justify than the latter. That is, to defend a positive conception of the ideal of equal opportunities globally is to take a stand on what we think persons are owed and for this reason much harder to justify. The point here then, is that those who defend positive conceptions, such as Caney and Moellendorf, are by nature on the back foot in relation to those who wish to dispute it. In many ways Brock's assertion recognizes this point. She points out that complex issues surround the ideal when we try to direct our attention to formulating a positive conception, that is, when we redirect our attention from what must be rejected and rectified to what must be endorsed and secured.²⁴⁰ We examine this claim in relation to both theorists, beginning with Moellendorf, next.

Moellendorf and Cultural Insensitivity

In relation to Moellendorf's formulation, Brock thinks that the key problem is that it is far too culturally specific for it to successfully and adequately apply on the global stage.²⁴¹ In specifying the ideal Brock asks "why should we favor the high positions in one society over the positions of high status in another?"²⁴² This reiterates the Boxill problem already mentioned, and it points out how Moellendorf leaves himself open to criticisms of cultural insensitivity. The problem which Brock reiterates consists in the way

²³⁸ *Ibid.*, p. 113

²³⁹ *Ibid.*, p. 114

²⁴⁰ *Ibid.*, p. 113

²⁴¹ *Ibid.*, p. 114

²⁴² *Ibid.*, p. 114

that Moellendorf approaches the ideal, and points out that he is problematically settles for identical opportunities, which, as mentioned, is far too idealistic.

Note that this type of criticism has been leveled against Moellendorf by a number of theorists on a number of occasions throughout this thesis. For example, Miller argues against Moellendorf by suggesting that his account is far too idealistic in relation to immigration, and Brock has leveled a claim against the account based on its cultural insensitivity. That said, I think that it is more than fitting that Moellendorf should, at this stage, have a chance to respond to such criticisms, and so we go on to examine how Moellendorf responds to Brock next.

Moellendorf suggests that Brock's criticism is based on the claim that his principle implies "that people equally able and motivated should have equal opportunities to achieve positions valued in one particular society"²⁴³ However, and in response to this criticism, Moellendorf writes that this characterization is misguided. Moellendorf says that his principle does not, as Brock seems to suggest, require that positions in some favored society be equally open to all; rather, it requires that positions of privilege (determined with respect to primary goods) be approximately equally open to all.²⁴⁴ Moellendorf adds that at the global level this principle includes those that allow one to exercise greater influence on the global economy and to enjoy a greater share of the wealth.²⁴⁵

Moellendorf, therefore, criticizes Brock for taking his principle far too literally. He points out that the intention is not to make positions in one favored society open to all, but to recognize that persons should be equally able to attain positions of equal importance in relation to primary goods.²⁴⁶ More simply, it is to say that when we allocate or distribute primary goods, the distribution should aim at allowing all persons to achieve equal positions. By definition, this would entail that the Mozambique child would acquire, and would be entitled to acquire, far more of the primary goods and resources – enough to allow the Mozambique child the same chance of becoming a Swiss banker as the Swiss child. For instance, Moellendorf says that:

Because of differences in educational and health infrastructures and in effective capacities for meeting security and subsistence needs, children in the poorest developing countries are very far from having the same opportunities for success that the privileged in the developed world enjoy. Achieving fair equality of opportunity globally would require significant wealth transfers from the

²⁴³ Darrel Moellendorf, "Cosmopolitan Justice Reconsidered," *Theoria* i, no. 104 (2004). p. 220

²⁴⁴ *Ibid.*, p. 220

²⁴⁵ *Ibid.*, p. 220

²⁴⁶ *Ibid.*, p. 220

wealthiest persons of the developed world to the developing world to support educational, health, food, and security programs.²⁴⁷

I think that this clarification brings Moellendorf's intention into focus. His claim is not simply about identicalising opportunities, but about regulating opportunities with this as our aim.²⁴⁸

However, I think that there is still something amiss. I think that the problem is that the yardstick remains unreasonably idealistic and demanding. This is because positions of privilege in relation to primary goods are situated in the western world, and so even if Moellendorf rejects that this is what he directly appeals to, his theory does indirectly imply what Brock suggests it does. Not only will it involve and oblige huge amounts of global redistribution, but it will consist in utilizing the most advantaged as a yardstick. That said, we are still, in at least some way, demonstrating cultural insensitivity even only if we specify cultural values as a yardstick because we are making note of culturally-specific opportunities.

In Moellendorf's defense one could suggest that persons should be given the same choices about the sorts of lives they choose to lead; and that this requires we distribute primary goods heavily to the advantage of the worst off. Clearly, what it is that Moellendorf is appealing to, is not culturally insensitive if we acknowledge that his formulation is beyond the sorts of cultural concerns that one is referring to. That in some societies the pinnacle is held by the priest compared to the businessman in other societies is not to discriminate based on cultures if one is to say that each person should have the opportunity to attain either. Rather, this is to equalize diversity and to enrich the sorts of options that we have. The main point one must make here is that cultural insensitivity does not necessarily lie in the way that cultures value certain positions over others, or in the way that Moellendorf attempts to promote equal attainability.

However, even if we concede that Moellendorf's formulation should not be taken at face value, and even if we grant that his principle should not be taken as literally as Brock proceeds to take it, we are still left with a problem. This problem concerns the way in which Moellendorf adheres to an ideal which is not directly achievable. That is, the ideal only incorporates what it is that equal opportunities at the global level should consist in when we can be said to have achieved it. The problem then, is that Moellendorf, even by his own standards, only tells us part of the story and only gets us part of the way to achieving the ideal. Importantly, this is not to say that Moellendorf is wrong in his ambition or in his belief in the ideal in the long run; rather it is to take issue with what Moellendorf thinks will actually drive this concern and how it is that we realistically achieve it. This is insufficient, there is no consideration of what motivates real persons to even care about the needs of others, let alone accept that entitlements underpin that concern.

²⁴⁷ Moellendorf, *Cosmopolitan Justice*. p. 49

²⁴⁸ *Ibid.*, p. 49

In sum, and in agreement with Brock, even after we consider how Moellendorf might be able to respond to the recurring charges of idealism, and cultural insensitivity, we do not overcome the problems set by Moellendorf's account. Moellendorf sets the threshold far too high and for this reason his conception falls short of the ideal.

Caney and Discrimination

Things get a little more optimistic when Brock applauds the way that Caney's formulation avoids the problems associated with cultural insensitivity. As Brock states, Caney's version is not vulnerable to Boxill's objections and so improves on that offered by Moellendorf.²⁴⁹ However, and that said, Brock maintains that there are problems nonetheless. Recall that, Caney's ideal stipulates that global equality of opportunities requires that people of equal talent have equal access to an equal standard of living whereby the standard of living is assessed in terms of their contribution to well-being. There are three important points that Brock makes which she suggests demonstrates how Caney's ideal is lacking, and which demonstrate how the capabilities approach exemplifies no clear way of dealing with them.²⁵⁰ Before examining these three points we will examine the capabilities approach; something which is important because of the fundamental role it plays in Caney's ideal.

The Capabilities Approach

The Capabilities approach is neither directly nor solely a theory specifically concerned with domestic, let alone global, justice. It is the brainchild of Amartya Sen who, concerned about the rigid nature of economics, sought to find a way to measure the actual well-being of persons.²⁵¹ The capabilities approach is, therefore, a normative framework used to evaluate individual well-being and social arrangements; and its core focus is on what people are effectively able to do and to be.²⁵² The capabilities approach rejects utilitarian and other welfarist approaches simply because of the reliance that such theories have on utility. Importantly, the rejection is not merely centered on the way that happiness or utility is not important, and the claim is not that welfare or happiness has no place in economics, ethics, or justice. Rather, the claim is

²⁴⁹ Brock, "Egalitarianism, Ideals, and Cosmopolitan Justice." p. 115

²⁵⁰ Ibid., p. 115

²⁵¹ Amartya Sen, *Commodities and Capabilities* (Amsterdam: North-Holland, 1985).

²⁵² For example see: Cecile Fabre and David Miller, "Justice and Culture: Rawls, Sen, Nussbaum, and O'Neill," *Political Studies Review* 1 (2003), Nussbaum, "Beyond the Social Contract: Toward Global Justice.", Martha C. Nussbaum, "Capabilities as Fundamental Entitlements: Sen and Social Justice," *Feminist Economics* 9, no. 2-3 (2003), Martha C. Nussbaum, *Women and Human Development* (Cambridge, New York, Melbourne: Cambridge University Press, 2000), Sen, *Commodities and Capabilities*.

that it is problematic to take happiness and utility as having ultimate and exclusive value.²⁵³ The capabilities approach also rejects the primary goods notion (that we should each get X amount of goods) on the grounds that such approaches neglect the diversity of human beings. The point here then, is that an index of primary goods only works where all persons are identical. In light of this misunderstanding, the primary goods approach fails to account for the fact that different persons require different amounts of goods to reach the same level of well-being.²⁵⁴

Compared with utilitarian and primary goods approaches, the capabilities approach takes what it is that persons can actually do with what they have to be the focus; and so it is a thesis concerned with needs, freedom, and ability.²⁵⁵ It is not about ensuring that we maximize the amount of happiness overall, nor is it about ensuring that all persons are afforded fair amounts of certain goods. Instead, and as Sen states, its focus is on what it is that people are actually able to do and to be, and it concentrates on the quality of life a person may have, and most importantly, on removing obstacles so that persons can live the sort of lives that, upon reflection, they find valuable. As Sen explains:

The capability approach to a person's advantage is concerned with evaluating it in terms of his or her actual ability to achieve various valuable functionings as a part of living. The corresponding approach to social advantage – for aggregative appraisal as well as for the choice of institutions and policy – takes the set of individual capabilities as constituting an indispensable and central part of the relevant informational base of such evaluation²⁵⁶

So when we discuss well-being and development we should discuss these things in terms of capabilities and functions – that is, on effective opportunities to undertake certain actions and activities which are valuable.

The most important distinction that needs to be taken into account in considering this approach is the difference between capabilities and functionings. In its simplest form, this distinction is between the realized and the effectively possible – the former consisting in functionings, and the latter in capabilities.²⁵⁷

²⁵³ Amartya Sen, "Personal Utilities and Public Judgements: Or What's Wrong with Welfare Economics?," *The Economic Journal* 89 (1979).

²⁵⁴ For more on the rejection of primary goods, and the Rawlsian framework in general see: Nussbaum, "Beyond the Social Contract: Toward Global Justice.", Amartya Sen, *Rights and Capabilities. In Resources, Values, and Development* (Cambridge, Massachusetts: Harvard University press, 1984). Note also that Thomas Pogge has recently responded in favor of the Rawlsian approach, see: Thomas Pogge, "Can the Capabilities Approach Be Justified?," *Philosophical Topics* 30, no. 2 (2002).

²⁵⁵ Nussbaum, *Women and Human Development*. pp. 86-96

²⁵⁶ Amartya Sen, "Capability and Well-Being," in *The Quality of Life*, ed. and A. Sen M. Nussbaum (Oxford Clarendon Press, 1993). p. 30

²⁵⁷ Nussbaum, *Women and Human Development*. pp. 86-96, see also: Amartya Sen, "The Standard of Living," in *The Standard of Living*, ed. G. Hawthorn (Cambridge: Cambridge University Press, 1987). p. 36

Functionings are those which persons achieve – such as working, resting, being literate, being healthy, being respected; while capabilities are those which persons have the capacity to achieve but may or may not have or ever achieve – such as the capability to work, or rest, or to be educated.²⁵⁸ There is an important relationship between functionings and capabilities which this approach relies on. That is, there needs to exist certain achievable functionings in order for there to be a corresponding capability, for example, persons must actually be able to achieve good health (it must be an achievable functioning), otherwise persons cannot in any way have the capability to achieve good health.²⁵⁹

There are three final points to be made about the approach. The first is that the interdependence of functionings and capabilities shows us how the approach relies heavily on what a person can actually achieve in the real world, and so is firmly rooted in what is practically possible. Secondly, that an advocate of the capabilities approach wishes only to ensure that persons have the capability to achieve functionings, which is distinct from persons having and enjoying functionings. As Nussbaum points out:

*Capability, not functioning, is the appropriate political goal...Citizens must be free to determine their own course after that. The person with plenty of food may always choose to fast, but there is a great difference between fasting and starving, and it is this difference that I wish to capture.*²⁶⁰

The point then is that what is fundamental is only that persons have the ability to achieve functionings, if they so wish, which demonstrates that there is an important emphasis on freedom and choice. The final point, which this last point emphasizes, is the way in which what it is that we achieve in relation to functionings depends very much on personal belief, and endeavor. That is, that we cannot ensure that persons actually enjoy certain functionings but only that they have the ability or opportunity to do so. In saying this, there is a dynamic that these three points recognize:

1. That there is a reliance on the real world and what we can actually achieve
2. That we can only be concerned with capabilities to achieve rather than achievement itself
3. That there must be left enough room for personal choice

While the approach is fundamentally the brainchild of Amartya Sen, in recent years and in relation to debates about global justice, Martha Nussbaum can be said to be almost entirely representative of this school of thought. For the most part, this is because Nussbaum not only applies the approach to debates

²⁵⁸ Nussbaum, *Women and Human Development*. pp. 86-96

²⁵⁹ This is something which Nussbaum considers, and in doing so, suggests that limitations to achieve functionings are physical, psychological, and emotional. See: *Ibid.*, pp. 86-96

²⁶⁰ *Ibid.*, p. 87

about justice but she formulates a list of capabilities which she claims to be representative of what should be regulated in accordance with global justice.²⁶¹ Nevertheless, it is important to point out that Sen does not offer any list of capabilities with which to actually measure well-being, and it is important to note that, without a full list, the approach renders itself unusable.²⁶² Thus, our discussion of the approach in relation to global justice will revolve around Martha Nussbaum's contribution to the approach and will begin with an examination of her list of capabilities.

Martha Nussbaum's List of Capabilities

Recall that Caney envisages that the capabilities approach plays an important role in global justice, or, more specifically, in his formulation of the global principle of equality of opportunities. Caney thinks that at least one way to measure the success of the ideal in the real world is to measure how capable persons are against Nussbaum's set list. Therefore, Caney thinks that equality of opportunity is globally achieved provided that persons have the opportunity to attain an equal number of positions of commensurate standard of living where that standard corresponds to Martha Nussbaum's list of capabilities.

On top of Nussbaum's list is the capability for life, which Nussbaum defines as:

Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.²⁶³

We can read a lot into this feature of her list; we can assume that Nussbaum is referring to the length of one's life in terms of actual years, and we can assume that she refers to quality of life in relation to worth. In sum, it is not at all clear from what angle Nussbaum wants to come from, simply because it is not at all clear whether she wants to incorporate health of some physical and or mental nature. However, I think that in taking the feature in its most simplest form, Nussbaum merely asserts here a claim to life, in actually living for as long as one so chooses, and in such forms as one so decides. Underlying this feature is simply a broad conception consisting in our freedom to have the ability to live.

²⁶¹ Nussbaum, "Beyond the Social Contract: Toward Global Justice." pp. 455-457, Martha Nussbaum, "Aristotelian Social Democracy," in *Necessary Goods: Our Responsibilities to Meet Others' Needs*, ed. Gillian Brock (Lanham, Maryland: Rowman and Littlefield Publishers, Inc., 1998). pp. 150-151

²⁶² Nussbaum has been a prominent voice arguing that Sen should endorse such a list, however, Sen has claimed that the approach must remain one which generally evaluates individual advantage and social arrangement. See: Sen, "Capability and Well-Being."

²⁶³ This (latest) list can be found in a number of journal articles and books written by Nussbaum, however, I take this list from Nussbaum, *Women and Human Development*. p. 78

The second capability Nussbaum describes concerns one's bodily health, which she defines as:

Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.²⁶⁴

This capability, while clearly related to the first, concerns our physical and environmental health and well-being. However, it also concerns reproductive health which I think is both interesting and telling in relation to cultural values and cultural practices. Overall, this feature is straightforwardly one about health and our ability to be in good health; likewise, it is about our ability to live in healthy surrounds – to have good shelter and to be fed, and it is about our claim to be able to enjoy reproduction.

The third capability is for bodily integrity which Nussbaum describes as:

Being able to move freely from place to place, to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.²⁶⁵

This feature is heavily related to freedom, but, in examining it, it might be best to divide it into three points. The first is bodily integrity in relation to freedom of movement. The obvious point is that persons should be able to move freely and should not be physically imprisoned in any way. However, I also think it is important to point out that this imprisonment can exist in the form of social structures, religious beliefs, as well as cultural values and so it is really a point about our continued ability to be free when we choose to live restricted or controlled lives. The second part of this capability is to be protected from all forms of violence, such as sexual, physical, and emotional abuse. This relates to bodily integrity because to treat someone in such a way is to not only treat them with disregard, but to ignore such a person's right to be treated respectfully and in ways that they so choose. Lastly, Nussbaum thinks that we should each have the capability for sexual satisfaction and that we should each be able to choose our reproductive partners. Again the appeal is to freedom of choice of some sort, which, in this instance, consists in the freedom to enjoy sexual intimacy and to experience this with a person of our choosing.

The fifth capability which Nussbaum advocates is the capability to have emotions. That is, to be:

Able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing,

²⁶⁴ Ibid., p. 78

²⁶⁵ Ibid., p. 78

gratitude, and justified anger, not having one's emotional development blighted by fear and anxiety.²⁶⁶

The point here is that persons should be able to experience emotional attachments, to love and to be loved, to experience emotional sentiments such as grief, anger, and longing without fear. In saying this, Nussbaum extends the context within which freedom is relevant by suggesting that we should be free to experience certain emotional pleasures and displeasures associated with human attachments without fear of discrimination or singling out. Thus, it is about allowing us to be part of groups and being able to fully experience the extent to which that membership and association is meaningful.

The sixth capability consists in practical reason, or as Nussbaum says:

Being able to form a conception of the good and to engage in critical reflection about the planning of one's life, (this entails protection for the liberty of conscience and religious observance).²⁶⁷

This is straight forward enough and depends largely on the defense of freedom that shrouds the five capabilities thus far. This is because Nussbaum thinks that we should each have the capability to formulate our own conception of the good life consistent with what it is that we hold dear and that we should also be able to question and reformulate that conception whenever we see fit. Thus, there is an inherent connection between having the freedom to formulate such conceptions and the freedom to carry them out.

Next on the list of the capabilities is to have affiliations, which Nussbaum divides into two broad classes. The first relates to our being able to live with others and to interact with others on various levels. As Nussbaum states, it involves:

Being able to live with and toward others, to recognize and show concern for other human beings, to engage in various forms of social interaction; to be able to imagine the situation of another.²⁶⁸

Clearly, remnants of a person's right to express certain human emotions linger here, and one might note how affiliation may precede emotional attachment, as well as sentiment. Thus, it is important to note the key theme throughout the capabilities. The next class, however, relates to our ability to be affiliated with others and to associate with them as an equal. Nussbaum says that we need to have:

²⁶⁶ Ibid., p. 79

²⁶⁷ Ibid., p. 79

²⁶⁸ Ibid., pp. 79-80

The social basis of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others, this entails provisions of non-discrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin.²⁶⁹

This feature directly relates to the affiliation point above, it is about standing in relation to others as an equal and so it implies that to be affiliated is to associate with others as an equal.

The next capability consists in our ability to:

Enjoy and immerse ourselves in the realm of other, non-human, species'.²⁷⁰

The point here is one about our individual freedom to choose to live with other species such as animals, plants, and the natural environment, but it is also a story about ensuring that such freedoms are possible by ensuring that such species are available. Thus, it is not merely about what we should be able to do if we so choose, but it is also about what should be made available for us to choose between.

Likewise, and the ninth capability is to play, which Nussbaum describes as:

Being able to laugh, to play, to enjoy recreational activities.²⁷¹

Again this point is about our ability to enjoy physical, emotional, and mental entertainment and to be able to participate in such recreational activities if we so wish.

The final capability on Nussbaum's list is that we should have the capability to have control over our political and material environment. In relation to the political environment Nussbaum writes that we should be:

Able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.²⁷²

²⁶⁹ Ibid., p. 80

²⁷⁰ Ibid., p. 80

²⁷¹ Ibid., p. 80

²⁷² Ibid., p. 80

I think that the key point here is that Nussbaum wants these freedoms that we see throughout her list as institutionalized, that is, that they should be held and regulated at the political level of government. On the other hand, and in relation to material control, Nussbaum writes that this consists in our:

Being able to hold property (both land and movable goods), having property rights on an equal basis with others; having the freedom from unwarranted search and seizure...In work, being able to work as a human being exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.²⁷³

This point is of course about having certain property rights; it is about being able to hold, use and accumulate property at ones will and to have that right protected.²⁷⁴

Before continuing, it is important to note that Nussbaum's list is in no way complete, indeed, Nussbaum's list is open for modification at whichever time she finds suitable. As Nussbaum states, "this is an open-ended list. One could subtract some items and/or add others. But it is a thick vague starting point for reflection about what the good life for such a being might be".²⁷⁵ Thus, the list is not a rigid set of guidelines but a progressive list which is open to all forms of social, political, and theoretical change. Note that if one was to compare the list which Caney refers to earlier, one would notice that the list has in fact developed and progressed.²⁷⁶ In understanding this logic, it is important to mention what the list in its entirety represents, and so what it is that the approach attempts to achieve.

The best way to describe the approach is to say that it is concerned with locating the necessities which allow persons to live a free and meaningful life. That is, it is a general account of what all persons, in having the ability to live meaningful lives, needs. In saying this, the question which a capabilities theorist asks is: what is it that a person needs to be able to do to live a meaningful life? And the answer is, of

²⁷³ Ibid., p. 80

²⁷⁴ This is also a point about equal rights for all. Note that one of Nussbaum's main concerns is the rights of women and so this capability refers to the way in which women are heavily disadvantaged in life because they are unable to hold property rights. Nussbaum includes a quote which clearly demonstrates this: 'We come from our family's house to live in our husband's house. If we mention *our* name in this house, they say, "Oh, that is *another* family." Yet when it comes to working, they say, "What you earn is ours, because you are in *this* family's house," or "because you are working on *this* family's land." Let the land be registered in our names, so that we will not always feel like we are in someone else's family.' (Santokbehn, Agricultural laborer, Ahmedabad). See: Ibid., p. iii

²⁷⁵ Nussbaum, "Aristotelian Social Democracy." p. 150

²⁷⁶ A useful comparison is the list endorsed in: Caney, "Cosmopolitan Justice and Equalizing Opportunities.", Nussbaum, "Aristotelian Social Democracy.", Nussbaum, "Beyond the Social Contract: Toward Global Justice." Nussbaum claims that her renewed list is influenced by discussions with people in India. She adds that these discussions centered on a greater emphasis for bodily integrity and control over one's environment. Nussbaum suggests that both of these features are most often criticized by Western feminists as 'Male' and 'Western', and it is upon those grounds that their role in earlier lists was made insignificant. Nussbaum, *Women and Human Development*. p. 78 (footnote 82)

course, a set of capabilities such as that offered by Nussbaum. A clear example of where a basic needs account is consistent with the capabilities approach is Gillian Brock's list of basic needs. Brock claims that a need is basic if it is a necessary condition of human agency, which Brock suggests consists in the ability to deliberate and choose.²⁷⁷ In saying that, Brock suggests that to have the ability to deliberate and choose one requires:

1. Physical and mental health
2. Sufficient security to be able to act
3. A sufficient level of understanding of what one is choosing between
4. A certain amount of autonomy
5. Decent social relations with at least some others.²⁷⁸

A full account of Brock's position will not be offered, however, it is worth noting how this account relates to the capabilities approach and how the underlying aim is to offer persons the ability to choose and to maximize those choices. Overall, there is not a lot of difference between the needs-based approach which Brock defends and the capabilities approach which Nussbaum defends; more so, on close examination both are almost synonymous with each other.²⁷⁹

In conclusion, it is important to here distinguish, as a capabilities theorist would, between living a meaningfully worthwhile life and having the ability to live one if one so chooses. Recall that the capabilities approach is concerned only with the latter – it is concerned only with ensuring an environment conducive of the sort which is worthwhile and meaningful. Thus, and as mentioned earlier, the approach goes hand in hand with an account of freedom and choice, and it recognizes that the capabilities approach only attempts to enrich and regulate the sorts of choices that one has in formulating their conception of the good life and in living the life that they deem worthy.

Issues with the Approach

²⁷⁷ Brock, "Egalitarianism, Ideals, and Cosmopolitan Justice." p. 8 (footnote 25)

²⁷⁸ *Ibid.*, p. 8 (footnote 25)

²⁷⁹ *Ibid.*, p. 8 (footnote 25). Note that there is a clear consistency between Brock's need for physical and mental health and Nussbaum's capability for life, health, and play. There is also consistency between Brock's need for a sufficient amount of security to act and Nussbaum's capability to move freely, and to be secure. Likewise, there is consistency between Brock's need for a sufficient level of understanding and Nussbaum's capability for practical reasoning. In the same way, Brock's need for a certain amount of autonomy correlates to Nussbaum's capability for life, practical reason, and play. Finally, Brock's need for decent social relations with others correlates to Nussbaum's capability for emotional attachments, and affiliations.

Adaptive Preferences

Related to this last point about the connection and interdependence of freedom and the capabilities, it is important to note that the capabilities approach makes a key point in relation to the role of cultural values in justice and in general. Nussbaum keenly asserts that underlying any belief, or capability to be, is choice and freedom not to. In relation to culture (religious, ethnic, national, social, economic) this means that what we believe, and what values we take to be central to the meaning in our lives, is chosen freely. This is important simply because when we do not take a stand (or when we are able to take a stand) on the type of life that we consider to be valuable, we start to push against problems of adaptive preferences.²⁸⁰

The problem consisting in adaptive preferences is exemplified by the following example used by Nussbaum when she writes that:

In the desert area outside Mahabubnagar, Andhra Pradesh, I talked with women who were severely malnourished, and whose village had no reliable clean water supply. Before the arrival of a government consciousness-raising program, these women apparently had no feeling of anger or protest about their physical situation. They knew no other way. They did not consider their conditions unhealthful or unsanitary, and they did not consider themselves to be malnourished.²⁸¹

This problem is also summed up by Amartya Sen when he writes that:

The most blatant forms of inequalities and exploitations survive in the world through making allies out of the deprived and the exploited. The underdog learns to bear the burden so well that he or she overlooks the burden itself. Discontent is replaced by acceptance, hopeless rebellion by conformist quiet, and – most relevantly in the present context – suffering and anger by cheerful endurance. As people learn to survive to adjust to the existing horrors by sheer necessity of uneventful survival, the horrors look less terrible in the metric of utilities.²⁸²

What this demonstrates is the problem that persons will find problematic details within their own lives only if they are granted the opportunity to live otherwise. Thus, persons will find meaningful only what it is that they have known in their lives regardless of what that is constitutive of. Such that, person X in only ever experiencing \$1 a week would find \$2 valuable even when the average might be \$100; and as Nussbaum's example above demonstrates, what a persons considers nourishment and health to be will be

²⁸⁰ Nussbaum, *Women and Human Development*. pp. 111-166

²⁸¹ *Ibid.*, p. 113

²⁸² Sen, *Rights and Capabilities. In Resources, Values, and Development*. p. 309

relative to the situation one finds themselves in. The point here is that, at times, persons will be limited in their ability to conceive of meaning and so look for meaning within their own lives and this is a huge problem when we consider that they are left to define what that meaning is.

While the capabilities approach rejects utilitarian preference-based theories because of the problem with adaptive preferences,²⁸³ it is not at all clear that the capabilities approach is able to guard against this problem. This is because we need to consider the limits placed on persons within cultural traditions, and need to consider the way in which the approach hinges on the idea that persons in certain circumstances need to be able to envisage the sort of freedom or opportunities that are necessary for the approach to successfully function. This then raises an important and specific issue, can we, in practice, ensure that persons, who are physically capable of achieving certain functionings, actually have the emotional and psychological capacity to do so.²⁸⁴ The question which this point raises is whether or not it is possible to provide persons, who do not believe nor consider they can achieve functionings of some nature, the capabilities to do so. That is, can the capabilities approach in reality, and considering the mass human diversity, actually work?

I think that Nussbaum provides a way to deal with this problem. Nussbaum continually refers to the relevance and role of institutions as part of the approach, and she also mentions the need to establish and support the institutions which are conducive of these things. Thus, in relation to the capability for emotion she adds that:

Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.²⁸⁵

Likewise, she adds to the capability of affiliation that:

Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.²⁸⁶

Here then, we point out that Nussbaum is well aware of the possibility that persons are not equipped with the means needed to acquire the capabilities, or utilize them effectively, even once they have acquired

²⁸³ Nussbaum, *Women and Human Development*. p. 114

²⁸⁴ This problem turns on the way that the approach criticizes Preference-based approaches. Identifying Adaptive Preferences is, however, only part of the answer; a satisfactory answer must also offer an account of how we influence and redefine what choices a person has, or considers to be viable, in life.

²⁸⁵ Nussbaum, *Women and Human Development*. p. 79

²⁸⁶ *Ibid.*, pp. 79-80

them. In recognizing this problem she wants to ensure the means for acquiring and utilizing them. In saying this, it is important to note that Nussbaum recognizes the major role that institutions and raised awareness will need to play in making the approach viable in practice, and so reinforces the points made in chapter two concerning the role of institutions.

Human Diversity

Another problem relates to the claim that the approach might not account for human diversity, and so that assuming a set of capabilities makes an assumption about 'normal' human ability. What this problem asserts is that we end up promoting more inequalities by attempting to regulate capabilities because we make claims about what a meaningful life generally consists in. In line with this, someone might suggest that there is a problem when we assert a set of capabilities which some persons are unable to attain. For example, some persons, such as the mentally disabled, are unable to make free choices and to formulate their own conception of the good life. If we are consistent with Nussbaum's claims then we would also assume that such persons are unable to live a meaningful, and fully human, life. Not only does this seem disdainful, but it seems highly problematic because we surely do not want an approach which excludes persons for morally arbitrary reasons.²⁸⁷

However, I am not sure that the capabilities approach needs to be read as a theory which makes any claims about ability. At least one way around this theoretical problem is to simply say that persons who are capable of achieving the full set of capabilities should be able to do so. This I do not think takes anything away from persons who cannot achieve certain functionings because it need not suggest that a person must find valuable any set of functionings and so correlative capabilities at all. Moreover, there is no reason to think that all persons will achieve equal levels of capability, and so the approach does not assume or require any specific ability.

The problems outlined above, while important and interesting, clearly do not bear on the approach too much. However, we move now to examine three objections based on unjustified discrimination which Gillian Brock levels against Caney's account. In doing so, we examine whether the capabilities approach has a way of dealing with these issues.

²⁸⁷ A global principle of equal opportunities affirms opportunities regardless of national association or origin. In this context it is argued that nationality is morally arbitrary in relation to the scope and unit of justice. It would seem problematic to then defend the inclusion of an approach which implicitly includes and excludes on morally arbitrary grounds.

Three Cases of Discrimination

More relevant to global justice, and more specifically in relation to Caney's positive formulation of the global principle of equal opportunities, Brock demonstrates how, even when his approach succeeds where Moellendorf's fails, it is still lacking in three fundamental situations. Recall that Caney suggests that equality of opportunity at the global level means that persons, of equal talent and willingness to try, should be given equal chances to attain an equal number of positions of a commensurate standard of living where the standard of living is measured according to a set of capabilities. Brock, while optimistic at first, suggests that this way of formulating the ideal is problematically open to at least three sorts of discrimination, each of which will be discussed in turn.

Opportunity Discrimination

The first type Brock describes as opportunity discrimination which is simply discrimination in relation to the sorts of opportunities that are available to persons by birth.²⁸⁸ It is simply discrimination based on what it is that one has the option of doing, being, and becoming; and so it is heavily influenced by the sorts of structures, and the kind of society one finds that they are born into. Brock, in demonstrating this point, says that our ideal is confronted with a problem if, even when our standards of living are equal, one person's opportunities include being 1) a doctor with the World Health Organization, 2) a reporter for CNN, and 3) an investment banker for the monetary fund. While another person's opportunities include becoming, 1) a witchdoctor, 2) a storyteller, and 3) a circus performer.²⁸⁹

I think that there is clearly something amiss here, and Brock's example shows how if we are concerned only with standards of living, then we do not provide any way of preventing this sort of discrimination. Note, however, that the problem does not stem merely from the differences in opportunities that one is able to have; indeed, to say that we have different opportunities based on the society that we live in is expected. Rather, the problem consists in the way in which the natures of these opportunities bear on the sorts of lives we lead. Thus, there is a problem because a power differential corresponds to the opportunities that we have, which relates to the kind of power persons can have in relation to how much influence and control we have around circumstances which affect our lives.

Sex-based Discrimination

²⁸⁸ Brock, "Egalitarianism, Ideals, and Cosmopolitan Justice." p. 17

²⁸⁹ Ibid., p. 17

The next type of discrimination Brock refers to as sex-based discrimination, and claims that, like the opportunity discrimination above, Caney's formulation does not prevent this from occurring. Brock uses B's set of opportunities above and adds that while B's opportunities might include being 1) a witchdoctor, 2) a storyteller, or 3) a circus performer, it might also be the case that person C's options include being 1) a witchdoctor's wife, 2) a storyteller's wife, or 3) a circus performer's wife.²⁹⁰ What is clear is that this sort of discrimination is both opportunity-based and sex-based simply because the opportunities correspond to differences in sex. Brock writes that even if we stipulate that the wife's role is equal to that of her husband, we get problems because it is not at all clear that equal opportunities are actually working here. More of a worry, however, is her claim that it is not at all clear that Caney's formulation can actually detect this let alone deal with it.²⁹¹

Ethnic Discrimination

The final type of discrimination which Brock mentions is ethnic, which clearly invokes race-based discrimination. Brock's example centers on the social and political circumstances in Fiji where she says that "Fijian Indians get jobs in management, business and professional occupations" while "Indigenous Fijians occupy unskilled, lower paying jobs such as cleaners".²⁹² Brock here raises a problem very similar to that pointed out through sex-based discrimination – it is a problem which allows opportunities to be situated along ethnic lines. As Brock says, "according to Caney, so long as there are equal standards of living – this is equality of opportunity".²⁹³ While she adds that they may have equality of well-being (note that what Fijian Indians have in material power they lose in political power, and what Indigenous Fijians lose in material power they gain in political power), it is not clear that this is representative of the sort of equality of opportunity that one would envisage as playing out.²⁹⁴

There are two general points to make about the three points that Brock makes. Firstly, that each of the three points is a variance on opportunity discrimination; that is, the first type of discrimination is basically national opportunity discrimination, the second sex-based opportunity discrimination, while the third ethnic-based opportunity discrimination. Lastly, it is important to point out that the problem is not that Caney's conception promotes or encourages this type of discrimination. Rather, the problem and the claim, is that the conception does not have any way to pick up on it as problematic. Thus, standard of living and

²⁹⁰ *Ibid.*, p. 18

²⁹¹ *Ibid.*, p. 18

²⁹² *Ibid.*, p. 18

²⁹³ *Ibid.*, p. 18

²⁹⁴ *Ibid.*, p. 18

capabilities do not on their own block these three types of discrimination. Recall that chapter two considered the justifications for Caney's account of equal opportunities one of which was hostile to the basic needs approach offered by Henry Shue on the grounds that even if one was to provide basic needs globally, there may still be a huge difference between the sorts of opportunities that persons have. For example, person A in New Zealand and person B in Tonga will have very different opportunity sets even after their basic needs are provided for. According to Brock, Caney is open to the same sort of criticism here, that even if opportunities coincide in relation to standards of living, the opportunities themselves might be discriminatory.²⁹⁵

Assessing the Cases

Taking the second and third forms of discrimination (sex-based and ethnic), I think we have to consider their relevance in a discussion about global justice. This is because the actual conditions wherein such discrimination is problematic and where it would result in the worst kind of inequality is in the domestic sphere. The claim here then is that only where the ethnic and sex-based discrimination exists in the domestic or national context will it be deemed discrimination. This is of course to say that it is the associative connection that we have in the domestic sphere which makes this problematic. This is exemplified and reinforced by the examples that Brock uses, in relation to sex-based discrimination Brock is talking about the opportunities which differentiate between genders within the same society, as she writes, B's opportunities might include being a storyteller, witchdoctor, or circus performer while C's opportunities are being the formers wife. Likewise, ethnic differentiation involves persons of the same nation where, like the social and labor conditions in Fiji, ethnic differences give rise to opportunity discrimination.

Will Kymlicka points this problem out when he says that we must look carefully at intra-group inequalities because justice within cultural groups is as important as it is between them.²⁹⁶ In relation to sex-based and ethnic opportunity discrimination we need to ensure that our theories do not overlook justice within groups such as nations or communities within nations; and so we need to make sure that we are not advocating a form of global justice which does not or cannot penetrate domestic, social and cultural arrangements. What I think Brock's point demonstrates for theorists who want to take persons as central to theories of global justice, and who want to advocate a global principle of equal opportunities, is that there exists a serious problem. That is, that in reality, when we try to take into account all persons globally we end up

²⁹⁵ Ibid., p. 18

²⁹⁶ Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*. pp. 75-106

allowing persons to suffer injustices such as the domestic discrimination which Brock points out.²⁹⁷ Moreover, this tells us that there is a limit to just how global in scope our theories can be, and it demonstrates how we may just as quickly allow and encourage injustice even when our sole aim is to alleviate it. This shows how difficult, in reality, it is to formulate global principles which do not lose sight of what justice requires at the domestic level; and shows how, when we focus our attention to global equality, we neglect intra-national equality.

That said, I think that what someone might say, in defense of the principle of equal opportunities at the global level, is that at least these two forms of discrimination are problems of equality and justice at the domestic level, and so to invoke them as a global problem is misguided. However, Caney's formulation of the ideal does not leave room for this type of response as he believes that the domestic and global spheres should not differentiate and be differentiated between. Instead, he thinks that, when we consider principles of justice such as the one that he defends, we should consider all persons of the world. In saying this, there is no differentiation between domestic and global spheres which renders his conception open to the sorts of discrimination that Brock alerts us to.

However, I think that one must note that the seventh capability listed in the discussion concerning the capabilities approach above can account for this. Recall that it suggests that persons must have the capability to have the social bases of self-respect, which Nussbaum claims involves "being treated as a dignified being whose worth is equal to that of others" and which involves "protections against discrimination on the basis of race, sex, sexual orientation, religion, caste, ethnicity, or national origin". This clearly covers the sex-based opportunity, and ethnic opportunity discrimination above, but more importantly, directly relates to the domestic sphere wherein this discrimination will most likely occur. Thus, it is clear that an appeal to the capabilities approach will pick up on this problem.

In relation to the first of the points which Brock raises, which she broadly refers to as opportunity discrimination, here lies a key problem for the global sphere. What Brock points out is that opportunity sets, cross-nationally, will affect the sorts of lives that we are able to lead and this will correspond to the sort of power we can have over affairs that affect our own and our dependants' lives.²⁹⁸ This concern is echoed by David Miller who claims that the most powerful problem with global inequality is that material

²⁹⁷ At the beginning of this thesis, I criticized Rawls for taking peoples as the unit of moral concern. The problem I noted was that in doing so we would allow various forms of suffering and injustices on persons; however, it now seems that to take persons as central is to allow the same injustices because we do not differentiate between the domestic and the global spheres wherein various forms of discrimination can occur.

²⁹⁸ Brock, "Egalitarianism, Ideals, and Cosmopolitan Justice." p. 21

inequalities will naturally translate into inequalities of power which will become a source of global injustice.²⁹⁹

I agree that this is a serious issue at the global level; however, it seems that Caney only needs to extend his conception to specifically include power to influence national and international structures as of significant importance. In saying this, we might also add that Nussbaum's revised list³⁰⁰ (not the list offered by Caney) includes control over one's environment which would involve limiting the influence that outside forces have on internal structures. This will surely have implications for the environment, society, politics, and trade; and, in line with the point made above, it will need to ensure that persons and other nations do not dictate the sorts of opportunities and functionings that persons have or are able to have. It is not merely about national, cultural, or ethnic sovereignty, but about personal sovereignty – it is about controlling ones own life and having control over it.

3.4 Brock's Conclusion

Brock's conclusion, in relation to Moellendorf and Caney, is that neither of their formulations is satisfactory. In relation to Caney's formulation, Brock thinks that the problems stem from the way in which his account lacks ambition; clearly, this appeal to ambition relates to the way that Caney fails to actually specify what the ideal requires and consists in. This of course runs counter to the problem that Brock points out in relation to Moellendorf's conception, which is simply that his conception is excessively ambitious and specific. We might be tempted here to accuse Brock of not only confusing us with mixed messages, but in contradicting her own deductions. However, we should not be so quick to do so because Brocks conclusion is not simply that Caney's formulation fails because it lacks what Moellendorf's conception has and that Moellendorf's conception fails because it lacks what Caney's has. Rather, Brocks point is that when we are in the business of formulating a positive conception of the ideal as Caney and Moellendorf are, we are confronted with a dilemma. Either we try to mention certain social positions or we allow variance on those positions.³⁰¹ Doing the first means that we end up being criticized for cultural insensitivity, and going with the second means we end up with a weak account of equality of opportunity

²⁹⁹ This is something that I mentioned in section one where David Miller suggests that our focus should be on inequalities of power as a source of global injustice. See: Miller, "Against Global Egalitarianism." pp. 72-79

³⁰⁰ Note that Brock's criticism was leveled at the list offered in: Caney, "Cosmopolitan Justice and Equalizing Opportunities." And Nussbaum, "Aristotelian Social Democracy." Neither of these lists included the capability for control over one's environment, and so it is clear that Brock is right in light of the lists that she refers to, and especially in relation to the list that Caney offers. However, the revised list overcomes all of these issues, and in light of the way in which Caney has recently referred to this revised list, I think that one can assume that Caney will defend the revised list. See: Caney, *Justice Beyond Borders: A Global Political Theory*. pp. 36-37

³⁰¹ Brock, "Egalitarianism, Ideals, and Cosmopolitan Justice." p. 18

which permits at least three kinds of discrimination. In Sum, it is not clear which, if any, will yield a good account of the ideal.³⁰² Either way, our accounts are subject to serious issues and fatal problems.

For Brock this dilemma is enough to justify a shift away from the mission consisting in a positive conception of the ideal, and a return to the negative intuition which underlies our concern. As she writes “there is enough to worry about in the meantime without trying to formulate a positive conception”.³⁰³ We started this chapter with the aim of exploring whether or not we could adequately formulate a positive conception of the global principle of equality of opportunities. Brock suggests that there are practical problems which prevent us from achieving this ideal, and that in the global arena there is a real worry about advocating accounts which allow inequalities of power. For these reasons, Brock suggests that we do not concern ourselves with formulating a positive account, and we turn our attention to ‘decent’ opportunities rather than strictly ‘equal’ ones.³⁰⁴ We assess both of these conclusions next.

Should we Concern Ourselves with a Positive Ideal?

At least one positive which might be in Caney and Moellendorf’s favor is that if it is possible to show that one of the starting points overcomes these problems which Brock identifies then we might be in a position to defend our ability to successfully formulate a positive account of the principle. Note that Brock suggests that it is too difficult to formulate a positive conception which is both sensitive to cultural diversity and which does not allow opportunity-based discrimination. However, I think that Caney achieves this, and so overcomes the problems which Brock highlights. As mentioned, in addressing two of the three problems (sex-based and ethnic opportunity discrimination) we need to recognize that certain problems will and can only exist within the domestic sphere. Therefore, the conclusion that we have drawn is that there must be incorporated into our theory some way of acknowledging these differences, and I make some tentative suggestions about doing so in chapter four.

However, I think that there is another reason why it is important that we continue to focus on a positive account of the ideal. This is, by and large, because a positive account of the ideal gives us the guidance and direction that we need to coordinate global change, and it gives us the kind of direction needed to motivate global change. This is not to suggest that a negative intuition gives us no direction in relation to creating global change, but it is to say that a negative intuition does not offer us any clear assistance. For example, it is unfair if person A’s car is damaged by bad driver B. However, what does this negative

³⁰² Ibid., p. 18-19

³⁰³ Ibid., p. 19

³⁰⁴ Ibid., p. 19

intuition tell us in relation to solving this problem; should person B pay? How do we justify this? Does person A pay and then person B apologize? It is clear that person A has a serious case of bad luck, and that person B should bear the rectification costs, but the problem is that we need to appeal to something else to get this straight. Such that, we need to appeal to rules, rights, and entitlements and this invokes a positive account or justification. Thus, a negative intuition cannot, on its own, generate or coordinate global change.

Decent versus Equal Opportunities

Brock encourages us to rethink our position in relation to equal opportunities and suggests that we think about giving persons 'decent' opportunities rather than strictly 'equal' ones.³⁰⁵ In advocating this tentative suggestion, Brock suggests that, when given the choice, persons will surely opt for decent and yet unequal opportunities rather than indecent and equal ones.³⁰⁶ I think that Brock is right that we need to seriously consider the sorts of opportunities that person's actual have the capability to achieve, however, I am not convinced that when we focus merely on equalizing opportunities we do not consider this point. In short, I am not convinced that this move is justified or even necessary.

Brock in asserting this line (inadvertently) makes a distinction between decent opportunities and equal opportunities. Brock suggests that decent opportunities focus on the nature of the opportunities available and that an emphasis on equal opportunities problematically focuses only on comparing some value of the opportunities objectively. However, Brock is wrong to make this distinction. In relation to the accounts of the principle that we have covered so far, there is a reason why Moellendorf suggests that we should all be able to become Swiss bankers. Note that Moellendorf does not say that equal opportunities would be attained if: 1. we were all capable of becoming Swiss bankers, or 2. we were all capable of becoming Mozambique farmers. In sum, there is a reason why the emphasis is on Swiss banking and not Mozambique farming. Likewise, Caney attempts to ensure a set of capabilities relevant to basic needs and meaning in life. The point is not that we should have some form of capabilities, but a set relevant to living a decent life. The point here is that there is an underlying element of decency which both Caney and Moellendorf imply – and which any realistic and satisfactory account will demonstrate.

Thus, when we espouse the principle of equal opportunities, we are actually assuming decent opportunities. That said, there is no controversy over what Brock deems to be relevant and irrelevant,

³⁰⁵ Ibid., p. 19

³⁰⁶ Ibid., p.19

indeed, it seems highly likely that advocates of the principle would agree with what Brock suggests. Thus, Caney and Moellendorf will agree that the aim is to provide decent opportunities through a principle of equal opportunities and that the question is rather where we set the threshold of equality (or decency as Brock would prefer).

3.5 Conclusions of the Section

Perhaps the most obvious conclusion that one should come to based on the discussion above is that 1) Moellendorf's approach does not get us where we want, and 2) the capabilities approach has much to offer Caney's account. Recall that the capabilities approach (reformulated) was able to set a threshold and introduce new capabilities which overcame and addressed the problems which Brock highlighted, and that it was consistent with the formulation of a realistic utopia. The second conclusion that is worth pointing out is that it is not at all clear what Brock has in mind when she suggests that we focus on decent rather than strictly equal opportunities. Without overlooking the fact that Brock intends this only to be a tentative suggestion, I think that it still warrants a full explanation. I have demonstrated how it is that Brock's conclusion might not be so far from the principle and account which both Moellendorf and Caney refer to and suggest that on closer examination there might be much more agreement than she otherwise may have thought.

Overall, I think that what must be drawn from this discussion is that the capabilities approach is a formidable approach in relation to discussions about globalizing equal opportunities. I suggest that this is for at least two reasons. The first is because the approach is based on universal human values and needs; and so the approach concerns itself strictly with what humans require to live a meaningful human life. Thus, it offers us an approach which asks not what persons have or what persons should be given but what it is that persons are actually able to do and be, and suggests that we contribute to well-being if we focus on this.

The second reason why I think that the approach is formidable is because it is open-ended and flexible. This point is exemplified by the way in which Caney's list was open to the sorts of discrimination that Brock pointed out, but the revised list provided ways to overcome these problems. The advantage of course and the logic is that capabilities and functionings will inevitably develop and change and so the approach can adapt to those changes. This of course means that any criticisms leveled against the approach can only make the approach stronger, and can only reformulate the approach to deal with them. Thus, and in sum,

Simon Caney's account of the ideal, inclusive of the capabilities approach, provides us with a realistic utopian account which is both flexible and formidable.

4. Main Conclusion: The Way Forward

The aims of this thesis were threefold. The first, and overarching aim, was to defend the relevance of global equality between persons, and to argue for a global principle of equality of opportunities. The second aim was to substantiate the importance of formulating global principles, in particular a global principle of equal opportunities which conformed to the Rawlsian standard of a 'realistic utopia'. Finally, the aim was to demonstrate how the capabilities approach was one decent way of both formulating a sufficient account of the ideal and in remaining consistent with a realistic utopia.

The first chapter was concerned with examining some of the leading arguments against a global principle of equality of opportunities. I examined three arguments offered by John Rawls, and one offered by Bernard Boxill against equalizing opportunities globally. I suggested that Rawls' arguments all stem from his emphasis on 'peoples' as the units of global moral concern, and that this emphasis allows various forms of injustices on persons. I argue that such implications are unreasonable and that a realistic account of global justice will protect the interests of persons as well as the groups which those persons belong to. Thus, I advocated a cosmopolitan account of global tolerance, and accountability which was neither imposing nor ignorant of individual affiliation, but which protected inter-cultural and intra-cultural interests. Likewise, I argued that Boxill's challenge was worthy of note, and that a satisfactory account of the ideal would be consistent with, and sensitive to, global cultural diversity. Most importantly, I argued that theorists should formulate principles which were consistent with a realistic utopian ideal (of which Rawls is the initiator, but not the creator), with the aim of both challenging our real world convictions while acknowledging the limitations of the real world. I suggested that in locating the right balance we should try to focus on what it is that we ought to do and what we are, in the real world, willing to do.

The second chapter examined two of the most recent attempts at formulating an account of the ideal. The first account examined was that belonging to Darrel Moellendorf who argues for a formulation of the ideal which would give all children of the world the opportunity and ability to become Swiss bankers. The second account examined was that offered by Simon Caney who advises that a satisfactory account of the ideal would equalize opportunities to attain an equal number of positions of a commensurate standard of living. I examined both theorists' ideals and posed two questions framed from the first chapter. They were: 1) does the account remain sensitive to global diversity? And 2) does the account achieve, or remain consistent with a realistic utopia? In relation to Moellendorf, I suggested that his formulation fails on both counts because he does not allow for cultural diversity, and because he does not formulate a theory which

is realistic in any clear way. In relation to Caney, I argued that the appeal to capabilities and an equivalent standard of living allows for cultural diversity, which, in turn, fashions a promising compromise between realism and idealism. Thus, I argue that Caney offers us some clear direction in relation to satisfying the ideal.

The third chapter examined some of the most recent challenges to the ideal in the way of David Miller and Gillian Brock. In relation to the arguments leveled against Moellendorf and Caney by Miller, I suggested that 1) Miller is right in his analysis of Moellendorf, 2) that Miller is mistaken to conclude that equivalent opportunity sets are unattainable globally, 3) that Miller is wrong to assert that we can achieve agreement without reference to principles such as equality, and finally 4) that Miller does not convincingly reject the principle of equality within cosmopolitanism. I argued instead, that in understanding what persons require to live meaningful lives, we require little or no global cultural understanding; likewise, that principles such as a global principle of equal opportunities achieves the kind of agreement which is inclusive of an agreement to act; and finally that there are more things to consider when we discuss values-based and action-guiding accounts of cosmopolitanism. In particular we need to account for effective collective action, the role of institutions, and the justification of universal partiality.

Gillian Brock's concerns were based on the way in which she considered it problematic to formulate a positive account of the ideal, because our ideals are either culturally insensitive (Moellendorf) or they allow various forms of discrimination (Caney). In sum, Brock suggests that we adhere to a negative intuition of the ideal and that we rethink our concern for equal opportunities, and considers an emphasis on 'decent' opportunities instead. I argue that while Brock is right to criticize Moellendorf, Caney's approach, in conjunction with the capabilities approach, overcomes the discrimination that she describes. Likewise, I argue that we should focus on a positive ideal rather than a negative intuition because the former gives us much clearer direction. Finally I argue that her concern with 'decent' rather than 'equal' opportunities is uncalled for based on the way in which there is no reason why an account of equal opportunities globally would not include this.

With the accumulation of these arguments, and in relation to the issues discussed throughout the thesis, I hope to have offered a persuasive justification for global equality and, in particular, a global principle of equal opportunities. I hope to have demonstrated how equality at the global level is both important and beneficial, and how theorists might better go about formulating realistically utopian ideals. However, I would like to make one tentative conclusion about the way forward, based on the conclusions set thus far; and in doing so, I would like to utilize the work of Tim Mulgan in relation to our moral obligations to others.

The Way Forward

One probing feature throughout this thesis has been the difference (be it moral, political, geographical, or institutional) between the domestic and global spheres. For example, there have been claims concerning the relevance of equal opportunities in both, the relevance and regulation of this principle in both, what the relationship between the principle is, and overall, how this bears on the justification of a global principle of equal opportunities. David Miller tries to show how the spheres differ in relation to our actions, values and expectations; he suggests that there is a difference between the moral nature of equality in both spheres and the way in which our actions align with partiality to co-nationals. Similarly, Rawls recognizes this difference, but suggests that we acknowledge it by taking 'peoples' as our units of moral concern at the international level. This clearly demonstrates how it is that, underlying the debate about the justification of a global principle of equal opportunities, there is a concern for the nation-state and the domestic sphere in general.

In his *The Demands of Consequentialism*, Tim Mulgan explores the arguments for and against the moral demands made by Act Consequentialists of persons.³⁰⁷ This thesis does not concern itself with the demands of morality in relation to any form of consequentialism, and so the nature of Mulgan's main discussion is of no real use. However, what is interesting, and something which I think is worthy of consideration, is the way in which Mulgan comes to the conclusion that the way forward is to recognize that there are characteristics which give rise to moral differences between what he terms distinct moral realms, which are governed by different moral principles and obligations.³⁰⁸ Mulgan suggests that there be a distinction made between three moral realms,³⁰⁹ two of which are the 'realm of reciprocity' and the 'realm of necessity'. The simplest way to view the difference between the realms is to say that the 'realm of reciprocity' fits nicely with the idea of a specific moral community such as the nation-state, while the 'realm of necessity' fits nicely with the idea of a broader moral community such as a global order.³¹⁰ As Mulgan states, 'our response to the plight of the distant starving belongs to the Realm of Necessity...while our everyday lives are mostly lived within the Realm of Reciprocity'.³¹¹ Without going into any detail, what I would like to draw from this conclusion is that there are very clear practical and theoretical reasons and justifications for distinguishing between the domestic and global spheres in relation to justice; and more importantly, that there are clear ways to achieve satisfactory global and domestic principles by doing so.

³⁰⁷ Mulgan, *The Demands of Consequentialism*. pp. 169-207

³⁰⁸ Ibid., pp. 169-173

³⁰⁹ While Tim Mulgan refers to three moral realms in his book, he considers only two, both of which I include in my discussion here. For a full description of each see: Ibid., pp. 172-3

³¹⁰ Ibid., p. 172

³¹¹ Ibid., p. 172

I think that it is worth considering whether or not both a domestic and global ideal of equal opportunities could be relevant for two very different reasons and justified upon two separate grounds. More so, in recognition of the way in which our actions and motives in both spheres differ, I think that it is reasonable to consider that what impacts our decision-making processes in both cases are two very different things. Recall how cosmopolitan theorists such as Charles Beitz, Thomas Pogge, and Darrel Moellendorf, do not recognize this distinction by attempting to extend the Rawlsian framework globally; while other theorists such as Rawls recognize this difference but cash it out by changing the unit of moral worth. In contrast, Tim Mulgan recognizes this distinction and cashes it out, not by altering the unit of moral concern, but by differentiating between the nature of our obligations between those moral spheres.

Recall that early on I suggested that there were three ways to consider the unit of moral concern in relation to equal opportunities globally.³¹² The first was to consider that the difference was actually located in the unit of moral concern – such that a domestic ideal consisted of persons, and a global ideal consisted of nations or peoples. The second way was to consider that there was no difference between the spheres or the unit of concern, and so, for example, no morally justified reason to claim the nation state as a moral community, nor any reason not to formulate an all encompassing ideal. Finally I suggested that we should consider a compromise between both these positions which would yield a conception which consistently applied the unit of moral value as persons but which established different justifications and principles (recognizing the different moral spheres). Perhaps one way to view this would be to say that the domestic account of justice represented a Rawlsian style contract between persons, while the global sphere represented a capabilities entitlement-based justification. On the other hand, one might suggest that both spheres were governed by two separate original positions, but that the unit of moral concern remained as persons, while the principles derived distinct. However, there are many ways in which one might see this as playing out, and it is in no way my intention to advocate or offer an account here.

By way of conclusion, I think that it is important not to get over-involved in theoretical discussions independent of practical debates concerning global justice and equal opportunities more specifically. Just as there were billions of people dying at the beginning of this thesis, as I come to the end, there are billions more suffering and dying from preventable diseases. There are people malnourished, and who do not have the opportunity or ability to provide for their own and their dependants' basic needs. But most importantly, and perhaps most unjustifiably, there are people whose life chances are limited by, and for no fault of their own, the circumstances within which they were born.

³¹² See chapter one, page 13 of this thesis.

I have examined some of the strongest arguments for and against globalizing equal opportunities, and I have suggested that a realistic account of the ideal will globalize a threshold level of capabilities. While I tentatively offer some guidance concerning the way forward, my sole aim is to promote a global principle of equal opportunities which is culturally neutral, utopian, and most importantly achievable. I hope to have offered some compelling reasons to acknowledge that there are massive preventable injustices which ensue everyday, and which most of us in the western world should be obligated to relieve. But most importantly, I hope to have suggested that there is a reason and a need to motivate positive global change by formulating realistically utopian principles which substantiate our moral obligations to others; and that by doing so, this change is possible.

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