Cosmopolitans believe that all human beings have equal moral worth and that our responsibilities to others do not stop at borders.¹ Various cosmopolitans offer different interpretations of how we should understand what is entailed by that equal moral worth and what responsibilities we have to each other in taking our equality seriously.² Two suggestions are that a cosmopolitan should endorse a Global Difference Principle and a Principle of Global Equality of Opportunity.³ In the first part of this paper I examine whether these two suggestions are compelling. I argue against a Global Difference Principle, but for an alternative Needs-Based Minimum Floor Principle (where these are not co-extensive, as I explain). I develop a model of cosmopolitan justice which allows us to address not only matters of global distributive justice, but other global justice issues as well. Though I support what I refer to as a negative version of the Global Equality of Opportunity Principle, I argue that a more positive version of the ideal remains elusive. In the second part of this paper, I reflect on what bearing these results have on two central sets of questions: First, what kind of ideal are we after in the domain of cosmopolitan justice and what practical implications can we reasonably expect from it? Second, what sort of ideal of egalitarianism is compelling and does my model of cosmopolitan justice adequately reflect the legitimate concerns of egalitarians?

Part I: Two recent proposals about Cosmopolitan Justice

1. Should cosmopolitans support a Global Difference Principle?

   a. Some reasons offered in support of a Global Difference Principle
I begin the analysis with the most well-developed and comprehensive recent account of cosmopolitan justice which contains in it central reasons offered in support of a Global Difference Principle, namely the work of Darrel Moellendorf as presented in *Cosmopolitan Justice*. Moellendorf takes as his point of departure Rawls' early views on justice and, using Rawlsian considerations, argues that the later views on international justice must largely be rejected. Rawls' views on global justice, as outlined in *The Law of Peoples*, differ markedly from his earlier views on justice, as expressed in *A Theory of Justice*. In that earlier work, Rawls sets out to derive the principles of justice that should govern liberal societies and, by employing all the apparatus attached to the original position -- the hypothetical choosing situation, he famously endorses two principles, namely, one protecting equal basic liberties, and the second permitting social and economic inequalities when (and only when) they are both to the greatest benefit of the least advantaged (the Difference Principle) and attached to positions which are open to all under conditions of fair equality of opportunity (the Fair Equality of Opportunity principle). These principles should apply within liberal societies but not across them. Rather, in the international arena, Rawls thinks different principles would be chosen (in a second original position occupied by representatives of different peoples) and these would include principles acknowledging peoples' independence, their equality, that they have a right to self-defence, duties of non-intervention, to observe treaties, to honour a limited set of human rights, conduct themselves appropriately in war, and to assist other peoples living in unfavourable conditions.

Moellendorf argues that Rawls' reasoning in *The Law of Peoples* is faulty on a number of grounds, such as, that the focus on peoples rather than persons means that Rawls has difficulty adequately capturing respect for persons, that his focus on getting agreement means he sacrifices full justice for the sake of trying to get wider support, and that Rawls' reasons for excluding principles of socioeconomic equality and democracy are unconvincing. Moellendorf offers an alternative view which extends Rawls' picture of justice as defended in *A Theory of Justice* to the global context and notably includes: a fuller list of human rights that must be respected, requirements of constitutional democracy, global equality of opportunity, and a global difference principle.
Like other cosmopolitans before him (such as, Charles Beitz and Thomas Pogge), Moellendorf's alternative construction is a single construction (rather than one involving two original positions) in which representatives "are ignorant of which state the represented citizens inhabit, as well as the state's character, territory, and population size. They would also be ignorant of the various natural and social characteristics of the persons they represent." The representatives are more "concerned with the freedom and ability of persons to pursue their own conceptions of the good life within a fair system of cooperation" than they are concerned with the interests of peoples. Such representatives would thus be more concerned than Rawls is to protect democratic and egalitarian social orders, since the absence of these can importantly prevent people from pursuing their own conceptions of the good life. Why would representatives in a cosmopolitan original position choose a Global Difference Principle? If the representatives are "ignorant of the talents and abilities of those whom they represent, they will want the collective set of talents and abilities to benefit all, not just their possessors," Moellendorf reasons. So if the representatives have no knowledge of the distribution of talents, they would select principles in which inequalities of distribution that derive from differential talents and abilities are "to the maximum benefit of the least advantaged over the course of their life" and so they would choose the difference principle.

I agree with Moellendorf that the Rawlsian framework can provide a good way for us to think through what justice requires, because it sets up conditions for modelling impartiality well. However, I part company with Moellendorf on what this impartial choosing situation would yield. Like other cosmopolitans, Moellendorf maintains that the Difference Principle would be chosen in the original position, and as I argue, this is not at all obvious, in fact there are good reasons to think it would not be chosen. I outline an alternative Rawlsian construction procedure and why it must be reasonable to choose a more minimally egalitarian principle -- a particular Needs-Based Minimum Floor one. Wouldn't we choose something that is more demanding than this Minimum Floor Principle? In order to make my case that we would not choose the more demanding Difference Principle (or a range of other more demanding principles), I introduce some compelling experimental psychology evidence. I go on to discuss why a Minimum Floor
Principle is actually in the best interests of the least advantaged and so, possibly, co-extensive with what the Difference Principle would recommend, all things considered.

b. A sketch of an alternative Rawlsian-style normative thought experiment

I begin by sketching a normative thought experiment that models ideal deliberating conditions. Here I focus on how it can supply us with an excellent framework for settling matters of global distributive justice (though it offers a systematic way for thinking through a number of other issues concerning global justice as well and I highlight some of these). I take my inspiration for the thought experiment from Rawls, though crucial details of my view are quite different from Rawls' account as should become quite clear soon enough. Rawlsian-style thought experiments are well suited to examining what an ideal world might require of us. These thought experiments, when properly set up, are a good way of fleshing out what we can reasonably expect of one another in a way that avoids inappropriate partiality: if people do not know what positions they might find themselves in during the lottery of life, they will pay more attention to what would constitute fair arrangements.

An easy way to enter the thought experiment is to imagine a global conference has been organised. You have been randomly selected to be a decision-making delegate to this conference. You are to participate in deciding what would be a fair framework for interactions and relations among the world's inhabitants. Though you have been invited to the decision-making forum, you do not know anything about what allegiances you have (or may have after the conference concludes), but you do know that whatever decisions are made at this conference will be binding ones. It may turn out that you find you belong to a developing nation, occupy a territory with poor natural resources, belong to a generation which does not yet exist, and so forth. Given these sorts of possibilities, you are provided with reasons to care about what you would be prepared to tolerate in all sorts of cases.

You can have access to any information you like about various subjects (such as, history, psychology, or economics), but so far as possible, very little (if any) information about subjects like the demographics of world population should be made available. The idea is that you should not have access to information which could lead you to deduce odds, since (for instance) if you
know that over 1 billion of the 6 billion people alive today are Indian, some might be tempted to gamble that they are going to turn out to be Indian, and so try to ensure Indians get better treatment than others. I want to eliminate scope for this sort of gambling.xix

More positively, certain information will be made available to all delegates. This information pack includes material about our urgent global collective problems and how we will have to co-operate to solve them. Delegates will have information about various threats to peace and security, including threats we face as a result of the increasing number of people who have access to weapons (especially weapons of mass destruction), and the activities of terrorists and drug traffickers. Delegates will have information about various environmental threats we face, such as, the destruction of the ozone layer and the current state of knowledge about global warming. Information about threats to health such as the spread of highly infectious diseases will also be included. Some of this information will make clear that these problems have global reach and require global co-operation if they are to be resolved. Some of this material will also maintain that the people of the world are in a state of interdependence and mutual vulnerability, they rely on each other crucially if they are to achieve any reasonable level of peace, security, or well-being both now and in the future.xx

The main issue delegates must entertain concerns what basic framework governing the world's inhabitants we can reasonably expect to agree on as fair ones.xxii What is the minimum set of protections and entitlements we could reasonably be prepared to tolerate? Since individual contractors have no particular knowledge of how they will be positioned, who each will be once the conference adjourns, delegates would agree only to those policies which did not have unbearable effects on people, since they might end up being on the receiving end of such policies. More positively, delegates would find it reasonable for each person to be able to enjoy the prospects for a decent life and much discussion would be about the (minimum) content of such a life. I submit we would centre discussion towards the terms of agreement around at least two primary guidelines of roughly equal importance, namely, that everyone should enjoy some equal basic liberties, and everyone should be protected from certain real (or high probability) opportunities for serious harms.xxii
Reasonable people will care, at least minimally, about enjoying a *certain* level of freedom. Freedom may, of course, not be the only thing they care about and often they may not care about it very much when other issues are at stake about which they care more deeply. Nevertheless, reasonable people will care at least a little about enjoying *some* freedoms. Many kinds of freedoms will be of interest, but importantly, they would include freedom from assault or extreme coercion (such as slavery) and *some* basic freedoms governing movement, association, and speech. We need to be permitted to evaluate and revise the basic organising ideas of our lives should we chose to do this. Delegates should recognise that it is possible they could find themselves in a society with whose major organising values, principles, and commitments they disagree. In such situations, it would be reasonable that some might want to have the scope to question and revise the values operative in the society, or at least a certain freedom to live their lives in accordance with values they find more congenial. Recognising this they would, therefore, endorse a certain freedom of dissent, conscience, and speech.xxiii

In addition to caring about protecting freedom, rational decision-makers will also want protection from real opportunities for serious harms to which they would be vulnerable (and potentially powerless to resist) in certain cases. Under some kinds of arrangements there could be enormous opportunities to inflict harms. For instance, multinational corporations operating in unregulated market economies can threaten people's abilities to subsist in various ways, for instance, they can pollute so severely that they poison the soil and water such that crops are no longer able to grow properly. Indeed, people considering what arrangements to adopt would be vigilant to ensure that meeting their needs is within their reach and so importantly protected, since being unable to meet our basic needs must be one of the greatest harms that can ensue. Reflecting on the gravity of such a harm in particular,xxiv more positively but in a similar vein, we would find it reasonable to have certain guaranteed minimal opportunities and those would be strongly coloured by what is necessary to be enabled to meet our basic needs for ourselves.

Furthermore, delegates should consider the possibility that they are permanently disabled and they should also consider the actual periods of extreme dependence which naturally occur in the human life-cycle. Having contemplated these issues, delegates would want adequate protections to be guaranteed should (or when) the need arises. Clearly-thinking individuals
behind an appropriate veil of ignorance should be strongly motivated to choose not only to ensure certain minimal opportunities to meet our needs for ourselves are available, but also that persons should have adequate provisions to be assisted with need-satisfaction, should they not be in a position to meet their needs themselves.

So my claim is that the minimum package it would be reasonable to agree to in the ideal choosing situation I have identified is that we should all be adequately positioned to enjoy the prospects for a decent life, as fleshed out by what is necessary to be enabled to meet our basic needs and those of our dependents (but with provisions firmly in place for the permanently or temporarily disabled to be adequately cared for) and certain guarantees about basic freedom.xxv We would use this as a base-line and endorse social and political arrangements that can ensure and underwrite these important goods.

The minimum package endorsed will have implications for most spheres of human activity, especially economic activity and political organisation. For instance, economic activity must be sensitive to everyone's prospects for a decent life and regulations must be devised to ensure this. Extensive sets of rules would need to be outlined to make plain for all just what would constitute important threats to people's prospects for decent lives. Organisations that can monitor and enforce these rules must be established.

What sort of governance structure would we endorse? There are many kinds of arrangements we could choose but two key guiding principles would operate: we would want our vital interests (such as, our ability to subsist) protected and it can be anticipated that we would want to retain as much control over affairs that directly affect us as is consistent with protection of those vital interests. Any governing authorities we endorse will have as a high priority that they are to protect our vital interests and the legitimacy of governing bodies will rest on their ability to do an adequate job of this. Mixed forms of governance might reasonably be chosen such that in some matters local bodies have complete control, in others -- where protection of vital interests can only be secured if there is widespread co-operation across states -- joint sovereignty might reasonably be chosen. At any rate, whatever governing structures we endorse would have as the central part of their mandate to protect people's vital interests, to ensure that
people are so positioned that meeting their basic needs is within their reach and their basic liberties are protected. xxvi

Delegates are aware that all entitlements chosen need to be financed and so generate financial obligations. Resources will need to be forthcoming to fund the arrangements that are chosen as minimally acceptable. We will need to address the issue of what counts as fair ownership of resources, but whatever account of fair ownership of resources we endorse, cannot be such that it effectively blocks funding reasonable arrangements necessary to underwrite the basic framework, since obligations to set up and do our part in supporting the basic framework are more fundamental.

I have suggested that a rough guiding principle we would choose is to have social and political arrangements that allow reasonable opportunities for us to be enabled to meet our basic needs. But wouldn't we want more? Would we find it reasonable to endorse something like a Global Difference Principle, or more substantive equality? As I go on to discuss in the next section, a threshold principle is the more compelling and reasonable choice.

c. Empirical evidence for the view

A skeptic might complain that such arm-chair theorising is all well and good, but what evidence is there really that anything like what I suggest would be chosen, would actually be chosen? Why, for instance, would they not choose the more demanding Difference Principle? I am happy to report that there is quite a bit of encouraging evidence to support these claims. The work of Norman Frohlich and Joe Oppenheimer is particularly instructive. xxvii

Frohlich and Oppenheimer argue that the key to understanding issues of distributive justice is choosing under conditions of impartiality (that is, where one must set aside certain particular interests we actually have which might well skew our judgments about fairness). They designed some experiments to set up conditions of impartiality so that they can assess what principles would be chosen and how stable these choices prove to be over time. Imperfect information can generate ideal conditions for impartiality to operate, and so the experiments set up a situation in which subjects do not know what will be in their immediate self-interest, yet must choose, as a group, by which principle of distributive justice they will run their affairs.
Frohlich and Oppenheimer (and others) repeated their experiments in different countries to ensure the results were generalizable. xxviii They were particularly interested to see whether Harsanyi's principle of maximizing the average income or Rawls' idea of maximizing the income for the worst off would be chosen. They offered participants four principles, but allowed them also to choose any other they could think of. xxix The four principles were:

1. Maximizing the floor income: "The most just distribution of income is that which maximizes the floor (or lowest) income in the society". xxx

2. Maximizing the average income: "The most just distribution of income is that which maximizes the average income in the society". xxxi

3. Maximizing the average with a floor constraint of $____: "The most just distribution of income is that which maximizes the average income only after a certain specified minimum income is guaranteed to everyone". xxxii

4. Maximizing the average with a range constraint of $____: "The most just distribution of income is that which attempts to maximize the average income only after guaranteeing that the difference between the poorest and the richest individuals (i.e., the range of income) in the society is not greater than a specified amount". xxxiii

Individual subjects then ranked which of these principles they preferred and how confident they felt about their rankings. For principles in which there is a dollar sign followed by a blank space, participants were asked to fill in the blank, if they chose that principle.

There were several stages to the experiments such as checking that participants understood all the principles, also that they understood that their selection would determine their income and that they would be randomly assigned to an income class. The participants also had to deliberate and decide as a group which principle they supported. After the group selection was made, subjects drew chits from a bag to get a distribution into an income category (low, middle, or high income). Later in the experiments they were given the chance to perform tasks xxxiv to earn income and to have redistributive policies applied to see whether people were able to live with their choices.

Unanimous agreement was reached on a single principle in all cases in which the experiments were run properly. Interestingly, the principles chosen in the experiment do not
support either Rawls' or Harsanyi's models. Indeed, there was almost no support for the Difference Principle -- it was chosen in only about one percent of cases. It was certainly the least popular choice. By far the most popular choice in all countries was the principle with the guaranteed floor constraint: Around 78% chose the floor constraint principle, 12% chose to maximise the average income, 9% chose the range constraint principle, and 1% chose the Difference Principle. Overwhelmingly, groups "wanted an income floor to be guaranteed to the worst-off individual. This floor was to act as a safety net for all individuals. But after this constraint was set, they wished to preserve incentives so as to maximize production and hence average income".\footnote{xxxv}

What arguments were used for the floor-constraint principle? In just about all groups there was a concern that individuals not fall below some minimum level of income -- \textit{that they have enough to meet their basic needs}.\footnote{xxxvi} But concern was also raised about how to set the floor so that it did not undermine incentives to work.\footnote{xxxvii} There was also tension expressed between "the desire to preserve entitlements and to ensure that people at the bottom were not too badly off".\footnote{xxxviii} Overall, three factors dominated the discussion: balancing people's basic needs, with entitlements and incentives.\footnote{xxxix}

Since there was such a high level of support for a floor-constraint principle, can we say the principle is a fair rule? Frohlich and Oppenheimer go on to extensive discussion to check whether various factors may have undermined the execution and design of the experiments and so what we can say about the results. They argue that the subjects are not so homogenous in values or background that the resulting choices simply reflect that homogeneity rather than universal preference.\footnote{xl} They seem particularly concerned that they are not just reporting people's antecedent preferences. If that were the case the experiments would be of little value. They say: "If the groups' choices are to have ethical validity, the answer to the following central question must be positive: Does the structure of the experiments affect the subjects' preferences and choices? ... Participating in the experiments must have a meaningful impact on the subjects if the experiments are to reveal anything about distributive justice".\footnote{xli} They go on to show how the experiments did make a difference to participants' views, since their rankings, preferences and confidence levels all change significantly during the experiments. In fact "[i]n 74 percent of the
cases some individuals had a preferred principle that differed from the one chosen by the group. It is relevant to these results that Rawls indicated that a unanimous group decision need not reflect complete agreement among individuals regarding a principle. Rather, it was to reflect a workable political consensus. Our results support that interpretation: the decision is usually the result of political compromise, at least by some of the individuals. After extensive analysis of the shifts that occurred, they conclude that the changes in preferences and confidence levels constitute the kind of clear evidence needed to show the learning and decision phases made the relevant difference.

Also noteworthy is how the floor is selected. Though experimental groups overwhelmingly support a floor principle, they set the floor at different levels. (The North American Floor chosen was about $10,000 per year, the highest was in Poland where it was about $19,000.) Again, three factors dominate the discussion: need, entitlements, and incentives, and the tensions amongst weighting any of these too heavily to the detriment of the others. The incentives they seem to be concerned with are giving the poor enough incentives to go out and work -- just enough so they don't starve, but not enough so they can afford to be too lazy.

So as we see then, needs matter in considering issues of justice, but even more important is the balance between needs, entitlements, and incentives. We seek a balance between these three considerations. What we find when we examine the dialogue participants actually had in conditions modelling impartiality, is that a balance was sought and found between the three central ideas: we could arrive at a reasoned view of the weight to give a commitment to meeting basic needs which does not thwart entitlement or dampen incentives. It is not the case that we care only about the worst off, nor is it the case that considerations of entitlements and incentives drown out our appropriate concern with needs. As the empirical evidence shows, concern for the needy is strong and robust, all things considered. But importantly, it is strikingly not the case that under conditions of impartiality we want to arrange things so that we concern ourselves only with maximizing the position of the worst off. This tells rather dramatically against the Difference Principle.

How stable are the choices when people must live with their decisions? Do the high producers feel they are not getting their due when part of what they earn is redistributed to
others? What happens to productivity? Importantly, Frohlich and Oppenheimer found continued firm support for the floor constraint principle and, in fact, confidence over the principle and productivity increased when people experienced the results of having their decisions implemented.\textsuperscript{xlvi}

d. Could a Global Difference Principle be co-extensive with a Needs-Based Minimum Floor one?

Summarising the argument so far, I have suggested that in an appropriate cosmopolitan original position, a Needs-Based Minimum Floor Principle would be chosen, rather than a Global Difference Principle. I offered two central grounds for my view here. First, I presented a theoretical argument as to why a major focus would appropriately go on being well-positioned to meet our needs, if we were in a cosmopolitan original position. Second, I presented empirical evidence that supports the theoretical argument. What we would and should choose has to take account of how people actually reason under conditions of impartiality and how they are able to live with the decisions they make under such conditions. The preference for the Minimum Floor principle shows stability over time; people become more confident rather than less when they actually have to live with the results of their choices. This all seems like pretty good evidence that in the long run this is better for the worst off, since the arrangements are likely to prove to be more stable.\textsuperscript{xlvii}

Rather than forcing a choice between the two principles, though, there is a way in which we can see that the choice of a Global Difference Principle and my selection focusing on needs are actually co-extensive. If we follow the Global Difference Principle and inequalities are arranged such that they are to be maximally in the interests of the worst off over the long-term, then the recommendations of the Difference Principle might, when cashed out, actually be the same as the recommendations of a Needs-Based Minimum Floor Principle. Why? Because, presumably, it is strongly in the interests of the worst off to have people's preferences for the systems governing distribution be very stable. A system that balances needs, entitlement, and incentives in an appropriate way, in a way people overwhelmingly judge to be fair in conditions
modelling impartiality, and in a way they grow increasingly confident rather than less confident about, strikes me as one that is very strongly in the interests of the worst off.

2. Can the ideal of (Fair) Equality of Opportunity be extended globally?

Ideals about equality of opportunity have a powerful hold on us. Why is this? I suggest at least part of the answer has to do with the ideal's relying on a compelling negative intuition, something like this: 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. While the negative intuition motivating the ideal is a strong one, a problem occurs when we try to formulate the ideal more positively -- when we move from the negative situation that we think must be rejected, to the positive formulation that we think can be endorsed as adequately realising the ideal. Within one society the positive version of the ideal is often formulated along these sorts of lines: all citizens "regardless of class or origin, should have the same chance of attaining a favoured social position, given the same talents and willingness to try". However, problems quickly emerge when we start to think about how to extend this kind of ideal globally. Two recent snapshots of how to extend the ideal have been offered and in this second part of the paper I examine them but show that each has significant problems.

Moellendorf believes a principle of equality of opportunity should apply globally and he cashes this out such that: "a child born in rural Mozambique would be statistically as likely to become an investment banker as the child of a Swiss banker". I contend that this is an inappropriate yardstick for several reasons but, most obviously and as I will go on to discuss, it is much too culturally specific. In specifying the ideal, why favour the positions of high status in one society over the positions of high status in others?

While I sympathise with the intuitions motivating the need for a principle covering equality of opportunity to be included in an adequate account of global justice, there are a number of problems with trying to articulate an adequate form of the ideal. One problem we face in trying to extend the notion of equality of opportunity from the state to the global arena is that different cultures often value different ends or goods, and positions' desirability will often vary in
accordance with these different valuations. The problem with Moellendorf's formulation of the
goal is his assumption that global equality of opportunity means that people equally able and
motivated should have equal opportunities to achieve positions valued in one particular society.
But this is not the best way to formulate the goal since it is vulnerable to criticisms of cultural
insensitivity, as Boxill laments: "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 equalised? To choose one over
the other seems invidious and presumptuous."

Simon Caney suggests that a way to express the goal that avoids this difficulty is this:
"Global 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". This way of expressing the goal is not vulnerable to Boxill's objections and so improves
on Moellendorf's version in this respect (though as I go on to discuss, it has other weaknesses
nonetheless). People should have equal opportunity to achieve "positions of equal worth" as
captured by the standard of living positions enable. How do we construct a culture-neutral
account of people's standard of living? The approach Caney favours follows that of Sen and
Nussbaum in constructing standard of living in terms of people's capacity to enjoy certain
functionings, and here he appeals specifically to Nussbaum's list of human goods which includes
the "capacity for (1) life, (2) health, (3) the avoidance of pain, (4) use of the five senses, (5)
human relationships, (6) the deliberation about and pursuit of personal ideals, (7) relations of
care for others, (8) access to the natural environment, (9) experiencing enjoyment, and (10)
independence". Using this account, Caney argues that "global equality of opportunity requires
that people of equal talent have equal access to positions of an equal standard of living (where
the standard of living is assessed in terms of their contribution to well-being)". In this way,
Caney believes he can accommodate cultural diversity and still have the ability to judge whether
opportunities are equal.
Caney's attempt to formulate the ideal is still however defective, since it cannot adequately block all kinds of unequal opportunities and discrimination. We can see this by looking at examples. So, consider a first example in which A's list of opportunities in one society includes: becoming a doctor with the WHO, an investigative reporter for CNN, an investment banker for the IMF, and so on. Assume B's list of opportunities in a different society include: becoming a witchdoctor, a storyteller, or a circus performer, and so on. Let us say that the two sets of options are judged to have equal worth within the particular societies and enable similar fulfilment of personal capabilities and so, standards of living on Caney's account. Still, there might be an enormous difference in the levels and kinds of power A and B have and so their abilities to influence public policy, political arrangements, or global institutions, which shape their lives (and those of their descendants), and this power difference alone must count as a relevant difference in their opportunities, even if they enjoy an equal standard of living, as cashed out by the relevant capabilities and their contribution to well-being.

A second example illustrates how Caney's account cannot adequately block sex discrimination. Consider B's options again: to become a witchdoctor, a storyteller, or a circus performer. Now consider C's options in that same society, which we assume to be highly patriarchal: she may become a witchdoctor's wife, a storyteller's wife, a circus performer's wife and so on. Let us also assume (as is common in many parts of the world) that the wife of people of high status is similarly high. (Let us simply stipulate that in her society her role is considered to have equal worth to that of her husband.) She enjoys a commensurate standard of living as cashed out by the relevant capabilities. It is not clear to me that women truly have equal opportunities to men in this second society, but Caney's account may well not detect this. (You may think C has less independence than B, and so there is after all a relevant difference in their capability set and so well-being. However, this may well not be the case if B's options are as circumscribed as I have suggested they could be in societies where gender significantly dictates roles and choices.)

Similarly, Caney's account is not sufficient to block societies that assign jobs on caste or ethnic lines, as long as the set enables equivalent standards of living. Consider a third example which illustrates this. In Fiji, the Fijian Indians tend to pursue and get jobs in management,
business and professional occupations, and the Indigenous Fijians tend to occupy more unskilled, lower-paying jobs (for instance, as cleaners). So long as they have equivalent standards of living we now have equality of opportunity, according to Caney. They may enjoy equal levels of well-being, because what the Fijian Indians may gain in material prosperity they lose in terms of political power and security, and what the Indigenous Fijians lose in material prosperity they gain in terms of political power and security. We may have equality of standards of living or levels of well-being experienced, but we have not realised the ideal of equality of opportunity very well at all, I would think. This last example also illustrates how we could satisfy Caney's requirement for equality of opportunity (that is, commensurate levels of well-being are made possible) even though these levels of well-being are fairly poor. Perhaps Caney's version of the ideal is not ambitious enough, but if we get too ambitious maybe we have to get more specific?

In trying to articulate an adequate account of global equality of opportunity, we are faced, then, with a dilemma. Either we must try to articulate a version of equality of opportunity that mentions particular social positions that are favoured, and opportunities to achieve these are equalised, or we allow much cultural variation on what counts as a favoured social position, and the standards of living or levels of well-being that they enable are to be equalised. If we go with the first option, we are vulnerable to charges of being insufficiently attuned to cultural difference. If we go with the second and try to equalise standards of living, we may end up with a very weak account of equality of opportunity which permits many cases which do not look at all much like a robust account of blocking disadvantage and discrimination on morally arbitrary grounds. As we have seen, Moellendorf chooses the first horn, Caney the second, and both paths have weaknesses. It is not clear to me which (if either) of these paths is likely, ultimately, to yield an adequate articulation of the ideal of equality of opportunity.

In the meantime, it might be best to go back to the negative version of the ideal and see what can be done to remove barriers to developing a range of skills and capacities that would be useful no matter what goals people set themselves, and here attention to enabling people to meet their needs is, once again, a useful focal point. No matter what goals people have in life, their achievement is just going to be more likely if we eliminate a range of barriers they currently face which impede human agency and these include not having secure access to clean water, food,
sanitation, education, health care, and so on. This will, of course, keep us busy enough in the interim.

Let me also tentatively suggest that perhaps our focus on *equalising* opportunities has blinded us to something more basic about the ideal that is really important, in fact providing much of the force that makes the ideal so compelling, and that concerns making sure people have a *decent* set of opportunities rather than an *equal* set strictly speaking. The decent set of opportunities is surely the primary goal rather than the equal set, because consider how we could equalise downwards, so that everyone has the same opportunities, but these be hopelessly inadequate. The real concern is surely not with equality at any cost. If faced with the option of equal, but poor life options or, a situation in which, though there is some inequality of access, everyone has access to developing a range of skills so they can earn a living (or meet their needs) with dignity and delight, we should surely choose the second situation.

Part II: Reflections on Ideals and Egalitarianism

Though there has been some discussion about ideals and equality already, I turn now to some more direct discussion of these issues. I start with some brief remarks about the nature of the kind of ideal we should want to articulate as cosmopolitans. My remarks on this issue are brief so as to leave plenty of space for dealing with the issue of egalitarianism and cosmopolitan justice more directly.

1. What kind of ideal of justice should cosmopolitans find desirable?

What should cosmopolitans want in an ideal of cosmopolitan justice? Ideals can vary considerably in what implications (if any) they have for real practice. The kind of ideal I am after, and believe we should be somewhat concerned with in the area of global justice, would have more ready-to-hand implications for actual practice. The kind of ideal I think we should be aiming at is a "realistic utopia," as Rawls puts it. There are two components to a realistic utopia and they are potentially in considerable tension. The more realisable the realistic utopia is the
more its utopian aspirations might be compromised, but if it is too utopian it may well be unrealisable. So reaching the right balance is likely to prove difficult. I suggest we do best in not compromising our utopian aspirations when we start firmly in the utopian camp to get the broad framework justified (as I did in presenting my normative thought experiment). However, we cannot remain there exclusively if we are to arrive at something that is to have implications for our actual lives. Our ideal must be informed by what real people would choose and remain happy about choosing when they are suitably positioned, that is, in a situation which relevantly models impartiality. This is, of course, what the experiments by Frohlich and Oppenheimer attempt to do. It seems we could gather additional useful information about other aspects of global justice, from further experiments of this kind.

Another source of evidence that we might profitably look at (were it to become available) would be the sorts of deliberative polls that James Fishkin has been in the business of conducting.\textsuperscript{160} He takes a random sample of people and gives them the opportunity to become very well informed about a particular issue, to deliberate with other participants and experts on the key issues, and then a poll is taken of their more informed views. Though the crucial element of impartiality is not directly aimed at, it is sometimes approximated in that participants typically offer reasons for their views in their deliberations with others, and these reasons must be able to withstand public scrutiny, especially from opponents. The Deliberative Poll can have a recommending force for public policy makers who are interested in what people would say if they were better informed on a particular issue.

Taking the choices and behaviour of real people (suitably situated) as a focus of examination means we have one foot firmly in the realism camp. Trying to approximate a more ideal choosing situation, by modelling impartiality or full information (or both), means we have our sights firmly on something that can often legitimately claim to have some normative force. Cosmopolitans must offer us an ideal that is at least potentially realisable in order to address what will undoubtedly be some of their most skeptical opponents -- those who claim that the cosmopolitan vision is just not realisable. At any rate, I think there is considerable potential for gaining more insights about what a realistic utopia might consist in by looking at the type of work Frohlich and Oppenheimer, and James Fishkin are doing.
There is, clearly, much more to say about ideals, but in the space remaining I focus on issues to do with egalitarianism.

2. Egalitarianism and Cosmopolitan Justice

In what sense (if any) is my model for dealing with issues of Cosmopolitan Justice egalitarian? In what sense does it show respect for our equal moral worth, as it should, if it is to be embraced by cosmopolitans? Does the model I have sketched adequately reflect our equality? This raises the more general question: What kind of equality should the model be reflecting -- what kind of equality is compelling? Of the models of equality currently on offer, I find that articulated by Elizabeth Anderson most compelling, a theory she calls "Democratic Equality". I briefly summarize its main tenets next.

a. Democratic Equality

Anderson starts off by noticing that theorizing about egalitarianism has lost its way, because of a defective understanding of the point of equality. The aim of equality should not be "to compensate people for undeserved bad luck -- being born poor with poor native endowments, bad parents, and disagreeable personalities, suffering from accidents and illness, and so forth". We cannot anyhow entirely eliminate the impact of brute luck from human affairs. What we can do is try to eliminate oppression, something which is under human control. The proper objective is "to create a community in which people stand in relations of equality to others".

Those who advocate equality of luck or fortune maintain that people should get compensation for undeserved misfortunes. Great weight is placed on those outcomes for which individuals are responsible and those for which they are not. Even if we could draw some clear line between those things for which we are and are not responsible, the level of scrutiny the state would need to apply to determine whether to assist in particular cases (for one thing) encourages a whining, victim's mentality, and the channelling of effort into stories about why we are not responsible for unfortunate outcomes, effort which could be more productively re-directed elsewhere. More generally, such a level of scrutiny is not consistent with treating people as
equals. Democratic equality guarantees access to the social conditions of freedom to all law-abiding citizens at all times. However the view also "avoids bankruptcy at the hands of the imprudent by limiting the range of goods provided collectively and expecting individuals to take personal responsibility for the other goods in their possession". In fact, she says: "Justice demands 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".

Egalitarian political movements, such as those that opposed racism, sexism, and class oppression, have typically been about opposing unequal social relations, relations in which some are seen as superior and others inferior. They are about asserting the equal moral worth of persons which, Anderson goes on to elaborate, "asserts that all competent adults are equally moral agents: everyone equally has the power to develop and exercise moral responsibility, to cooperate with others according to principles of justice, to shape and fulfil a conception of their good". Real egalitarians focus on abolishing oppression and trying to bring about the kind of social order which recognizes person's equality, namely, a democratic community: "Democracy is here understood as collective self-determination by means of open discussion among equals, in accordance with rules acceptable to all. To stand as an equal before others in discussion means that one is entitled to participate, that others recognize an obligation to listen respectfully and respond to one's arguments, that no one need bow and scrape before others or represent themselves as inferior to others as a condition of having their claim heard".

So living in an egalitarian community involves being free from oppression and being free to "participate in and enjoy the goods of society, and to participate in democratic self-government". The best way to understand the freedom to which we are all equally entitled is in terms of capabilities. Capabilities are the sets of functionings persons can achieve, "given the personal, material, and social resources available" to them. Given that we are capable of so much, which of the capabilities are we obligated to equalise? Basically, those capabilities that enable people to live without oppressive social relationships, and those required to function "as an equal citizen in a democratic state". Several clarifications are made about these
entitlements. First, what is guaranteed is effective access to levels of functioning, not actual functionings. Second,

democratic equality can make access to certain functionings -- those requiring income -- conditional upon working for them, provided that citizens have effective access to those conditions -- they are physically capable of performing the work, doing so is consistent with their other duties, they can find a job, and so forth. Effective access to a level of functioning means that people can achieve that functioning by deploying means already at their disposal, not that the functioning is unconditionally guaranteed without any effort on their own part. Thus, democratic equality is consistent with constructing the incentive systems needed for a modern economy to support the production needed to support egalitarian guarantees in the first place.lxviii

Third, what is guaranteed is "effective access to levels of functioning sufficient to stand as an equal in society,"lxix not access to equal levels of functioning.

Citizens must have effective access to levels of functioning sufficient to stand as an equal in society. Democratic equality guarantees such access by underwriting a package of capabilities to which all law-abiding citizens are entitled at all times. Everyone is entitled to enough resources to avoid oppression and to function as an equal in society. What counts as enough may vary individually, with social or cultural norms, or environments.lxx Standing as an equal in society includes not just having resources, but "social relations and norms, and the structure of opportunities, public goods and public spaces".lxxi

In selecting principles for a fair division of labour and the fruits of labour, the economy is to be thought of as a system of co-operative joint production. She says:

By 'joint production,' I mean that people regard every product of the economy as jointly produced by everyone working together. From the point of view of justice, the attempt, independent of moral principles, to credit specific bits of output to specific bits of input by specific individuals represents an arbitrary cut in the causal web that in fact makes everyone's productive contribution dependent on what everyone else is doing. Each worker's capacity to labor depends on a vast array of inputs produced by other people -- food, schooling, parenting, and the like. ... The comprehensiveness of the division of labor in a modern economy implies that no one produces everything, or indeed anything, they consume by their own efforts alone. In regarding the division of labor as a comprehensive system of joint production, workers and consumers regard themselves as collectively commissioning everyone else to perform their chosen role in the economy.lxxii

So in a complex modern economy, everyone can and usually does, play some valuable role. Those who perform low-skill tasks or maintenance work thereby free up others to use their
time more productively. Those who occupy more productive roles would not be so productive if they had to spend some of their time on these low-skill or routine tasks. We all (typically) make a contribution to the social product and wage-rates should acknowledge this better. What sorts of income inequalities would be acceptable? This depends to some extent on just how easily income can be converted into "status inequality -- differences in the social bases of self-respect, influence over elections, and the like. The stronger the barriers against commodifying social status, political influence, and the like, the more acceptable are significant income inequalities. The moral status of free market allocations is strengthened the more carefully defined is the domain in which these allocations have free rein". lxxiii

b. Democratic Equality and Cosmopolitan Justice

After that brief review of the central aspects of democratic equality, let us turn now to the question: In what sense is my framework for tackling issues of cosmopolitan justice an egalitarian one? The account is certainly consistent with the central demands of democratic equality. However, it is not just that what the two accounts would recommend co-incide, rather, my account can gain additional support by looking at it through the lens of a democratic egalitarian -- what a democratic egalitarian should support in the global context. Anderson develops the account for a state or closed society, but I think we can usefully extend the core features to the global situation, such that we get further support for the kind of cosmopolitan justice project I am developing. Thus another set of considerations to support my project can be found in the area of democratic equality.

It may be that critics think that this project is not promising since the model of democratic equality cannot be easily applied or adapted to issues of global justice. Can Anderson's model of democratic equality be successfully adapted to the international arena? It seems there are several insights that can profitably be applied and several places where the analysis may need work. First, I highlight some of the ways in which the model of democratic equality can profitably be extended to cosmopolitan justice. I then turn to some aspects that are potentially worrying in their application to global justice. First I explore the positive potential of the model.
Real egalitarians focus on abolishing oppression and trying to bring about the kind of social order which recognizes person's equality, namely, a democratic community. In a democratic community all are entitled to "collective self-determination by means of open discussion among equals". How should we extend this focus in the global context? It would be nice if people of the world could engage in collective self-determination through open discussion among equals. In the absence of us actually having mechanisms for such global conversation, I suggest that there may be ways to simulate the conditions for a meaningful discussion that can supply normative force. It seems to me that my normative thought experiment establishes a situation which is supposed to model the conditions for inclusive conversation -- we have the set up for an open discussion among equals in my hypothetical conference situation. I first theorized about what it would be reasonable for participants to choose and then brought some relevant evidence to bear to show why these predicted choices are plausible. Through relevant experiments that model impartiality (and also through relevant deliberative polls) we can gather much about what an inclusive conversation might reasonably yield.

There are several features of Anderson's democratic equality model that seem especially salient to developing an adequate account of global justice. Recall that she says: "democratic equality is consistent with constructing the incentive systems needed for a modern economy to support the production needed to support egalitarian guarantees in the first place". So democratic equality puts firmly in view what sort of effects on incentive structures our package of entitlements has. As I highlighted, this feature resonates well with what people suitably hypothetically situated believe to be important, and rate highly for the stability of the system over time. The effects on incentives seem especially pertinent in the global context where, as things currently stand, attending to functioning deficiencies could potentially be extremely onerous. However, Anderson also emphasizes that the claims people may make on each other must be sensitive to the burdens this would place on others. It seems there is thus a considerable role for dialogue between potential recipients and donors about what people's entitlements should be globally. I have already highlighted the key role conversation -- both hypothetical and actual -- play in my model, but we hereby see further reasons to underscore its importance.
Recall that all citizens are to be guaranteed effective "access to a package of capabilities sufficient for standing as an equal over the course of an entire life". We both believe all are entitled to access to a certain minimum level of adequate functioning at all times. Would the package of capabilities that Anderson endorses be more generous than the package as defined by what is required to be enabled to meet our needs? Not necessarily, since, we are both concerned with abilities to function in certain kinds of ways, though we may describe these abilities to function differently. In fact, the ideas of capabilities promotion and being enabled to meet our needs do not seem that far apart to me at all, and when she fleshes out which capabilities would be (potentially) guaranteed, her kind of list looks quite similar to mine. I have already suggested that there is considerable scope for conversation in settling some of the details about entitlements and there is plenty in the model of democratic equality that requires similar emphasis.

Is income inequality a residual problem for democratic egalitarians? Not necessarily. If all enjoy a decent set of freedoms, enough to function as an equal with others in the society, any remaining inequalities of income may not be especially problematic. Whether or not these are problematic depends on how easily income inequality can be converted into status inequality, especially if these translate into differences in the social bases of self-respect, or influence over elections, and so forth. So the key is whether income inequality translates into oppression. However it seems to me that we can put institutional barriers in place to guard against such conversions and results. Other parts of the institutional framework that are part of the package endorsed in the normative thought experiment can guard against this kind of conversion. In my normative thought experiment, I recommended that organisations be set up to make plain for all what constitute important threats to people's vital interests and these organisations would be charged with the responsibility of monitoring and enforcing such rules. They could also monitor whether income inequalities are being converted into worrisome status inequalities and take remedial action to prevent this.

While there are several points at which we can draw on the model of democratic equality in supporting the account of cosmopolitan justice sketched earlier, there are several places where it looks like trying to extend Anderson's account of democratic equality to cosmopolitan justice...
may be problematic. I highlight three of these next and indicate why the apparent difficulties are not insurmountable.

First, what is the relevant community of which we are to stand in relations of equality? It seems there are multiple communities of relevance: national, ethnic, or political, to name just a few. Some communities are overlapping and intersecting, others are more discrete. We should work towards standing in relations of equality in all of these communities. However, there is one community that stands outside all of these -- the community of human persons -- and that community deserves special attention too. Can we think of all humans standing in relations of equality to one another in one giant community as well? There is nothing incoherent about such a view and in fact several have argued this. Indeed, the idea of a human community (or "brotherhood of man") has been promoted by many traditions, including religious and socialist ones.

Second, are all people really part of one system of co-operative joint production? Recall that a key part of the argument for a better distribution of the fruits of our labours -- at least a distribution that will underwrite the package of capabilities that are guaranteed -- involves the argument that we are all members of one co-operative productive system. Recall that some of the key ideas here were these: that in choosing principles for a just division of labour we should "regard the economy as a system of cooperative, joint production. ... By 'joint production,' I mean that people regard every product of the economy as jointly produced by everyone working together. ... In regarding the division of labor as a comprehensive system of joint production, workers and consumers regard themselves as collectively commissioning everyone else to perform their chosen role in the economy". In what sense are persons of the world all members of one global co-operative production system? Can we really think of the global economy in this way? Globalization has made the international economic system more integrated in many respects, and so some will view the answer to this question as, obviously and clearly, "yes". However, there are some people who seem surprisingly unconnected to the global economic system, who maybe would even like to be better integrated. Some of these people only dream of getting to work in the sweatshops that offer some hope of escape from grinding poverty. There are others who are simply disconnected, usually because of geographical or cultural
isolation; think here, for instance, of subsistence farmers in more remote parts of Africa and Asia. Here the reliance on the connection to the global economic system is unwise if it is to supply the central grounds for concern for others.

Thirdly, but relatedly, there are points where some of the more detailed analysis Anderson presents seems inadequate to the task, for instance, the idea of thinking in terms of collectively commissioning people to perform certain tasks for the benefit of all, and yet having these roles be freely chosen. These two ideas involve considerable tension and I am not sure how we are to resolve this tension, especially in the global context, as the following example illustrates. Some people choose to make wood carvings -- that's what they most want to do. But (carrying on with this not entirely hypothetical example) lots of people make wood carvings, such that the supply of wood carvings greatly exceeds the demand for these and consequently the carvers cannot all support themselves. To what extent would the carvers have an obligation to revise what they do so they can be more self-supporting? Presumably, democratic equality would require them to rethink their chosen role fairly seriously for a variety of reasons (for instance, an awareness of how they might be burdening others, or a sense of fair reciprocity). Something has to give and what is going to be easiest to give way is that they cannot all perform their chosen role. For those who must perform some other job, is an important capability being thwarted, or are they being thereby oppressed, or does it threaten their standing in relations of equality to all others? Arguably, an important capability might thereby be thwarted, and insofar as the carvers perform jobs they do not like, this might constitute oppression of the kind Anderson should be concerned about.

If it is really to supply the grounds for generating obligations to provide others with certain goods, it may be better not to focus on our co-operation in one economic scheme (with its attendant problems). There is (and should be) important co-operation between the people of the world, but its focus should be somewhat more general. We co-operate in producing the collective good of security, though the good has many dimensions. Economic security may be part of this, but security in other areas may be even more profound, for instance, in enjoying the absence of war, nuclear weapons proliferation, ethnic and religious conflict, or terrorism. Containing and grappling with global epidemics and pandemics is likely to yield a more
profound sense of security about our health. Dealing appropriately with toxic waste disposal, ozone layer destruction, and global warming, is likely to yield a more meaningful sense of security about our environment (and health). Ensuring security in communications, the flow of information, and containing the effects that often follow in the wake of drug traffickers, or people smugglers, are further areas in which gains in security would be welcomed. All persons of the world have a role to play here in co-operating to deal with these issues, and if we are to expect them to play their part, a sense of fair reciprocity demands that we will have to help them to be responsible co-operators. If we are looking for firmer support for the obligation to provide the package of capabilities that should be guaranteed to all to ensure standing in relations of equality to one another, economic co-operation provides a less secure basis than co-operation in producing these other, arguably more important, goods.

At any rate, a key task for authentic egalitarians is to eliminate oppression and to create communities in which people stand in relations of equality to one another. Egalitarians must pay more attention to what is required to stand in relations of equality to one another and what is required to end oppression and domination among people in the global context: egalitarians can no longer pretend that the borders of states are the boundaries for egalitarian concern. (Indeed, though I won't have space to argue for the claim, an often overlooked point bears mentioning: an authentic egalitarian must be a cosmopolitan, if she is to be a proper egalitarian.)

III. Summary and Conclusions

In the first part of this paper I considered two proposals about the sorts of principles of justice a cosmopolitan should endorse. By developing a model of cosmopolitan justice, I argued that in a reconstructed cosmopolitan original position we would choose a Needs-Based Minimum Floor Principle rather than a Global Difference Principle, if these are not co-extensive. I offered both theoretical and relevant empirical support for this view. Second, I examined two proposals as to how to develop a Global Equality of Opportunity Principle, but found them both to be defective. I argued that those trying to develop an ideal of global equality of opportunity thus faced a dilemma concerning how best to develop that ideal. Either we must try to articulate a version of
equality of opportunity that mentions particular social positions that are favoured and opportunities to achieve these are equalised, or we allow much cultural variation on what counts as a favoured social position, and the standards of living or levels of well-being that they enable are to be equalised. If we go with the first option, we are vulnerable to charges of being insufficiently attuned to cultural difference. If we go with the second and try to equalise standards of living, we may end up with a very weak account of equality of opportunity which permits many cases which do not look at all much like a robust account of blocking disadvantage and discrimination on morally arbitrary grounds.

In the second part of this paper I offered various reflections on ideals and egalitarianism. First, I suggested that the kind of ideal we are after in the area of cosmopolitan justice is a realistic utopia, and that the model I develop offers this. Second, I argued that my account adequately reflects our equality, when this is properly understood in democratic egalitarian terms. Finally, I indicated why those interested in democratic equality should support something like the framework I offer, though I noted some areas in which adjustments to democratic equality may be needed to fit the global situation better.

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i This kind of view can be found in the work of, for instance, Brian Barry "Statism and Nationalism: A Cosmopolitan Critique" in Nomos XLI (1999): 12-66; Charles Jones Global Justice (Oxford: Oxford University Press, 1999); and Thomas Pogge "Cosmopolitanism and Sovereignty" Ethics 103 (October 1992): 48-75. Though this way of describing cosmopolitanism certainly has its problems (as I outline elsewhere), it is the dominant way of explaining the view.


iii These suggestions are, of course, not necessarily mutually exclusive. For recent versions of both of these see Darrel Moellendorf Cosmopolitan Justice (Cambridge, MA: Westview Press, 2002). For a recent version of a Global Equality of Opportunity Principle, see Simon Caney "Cosmopolitan Justice and Equalizing Opportunities,” Metaphilosophy 32 (2001): 113-134.


viii Ibid., p. 15.


x Moellendorf, Cosmopolitan Justice, p. 17.

xi Ibid., p. 17.

xii Ibid., p. 80.

xiii Ibid., p. 80.
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Delegates would want certain minimum guarantees about what counts as permissible treatment. Heading the list of guarantees we would choose would be guarantees against assault, torture, imprisonment without trial or sufficient warrant, extreme coercion of various kinds (such as slavery) and so forth. But as I have also suggested, it would be reasonable for them to add some freedoms governing dissent, conscience, speech, association, and movement, contrary to what Rawls suggests in Law of Peoples.

Moellendorf does address the issue of a minimum floor principle. He argues that it would be rational for them to choose the difference principle over minimum floor type principles since they would be better off under a difference principle. I go on to examine this claim in discussing the work of Norman Frohlich and Joe Oppenheimer. Interestingly, participants do not reason about what is most rational under the relevant conditions. Rather, they work out and discuss how to balance three relevant considerations, as I go on to discuss.

Such as, Beitz and Pogge, op. cit.

I say "Rawlsian-style" rather than "Rawlsian" since I think there is much of value in the method Rawls employs, but much less of value in the assumptions he makes and the conclusions he thereby endorses, as discussed in The Law of Peoples. Significantly, the method I describe provides a way we can try to help people think through what it would be reasonable to agree to in the choosing situation I go on to outline. Many people raise questions of the following kinds when talk of social contracts is introduced: Is the contract supposed to be actual or hypothetical? If only hypothetical then why does a purely hypothetical contract have any binding force anyway? And if it has no binding force, then why adhere to it? I see talking in terms of social contracts as a way to specify what expectations various parties to the contract may reasonably have of each other: it is simply a way of fleshing out what those reasonable expectations might be. So, in answer to the questions listed: no, the contract developed assuming the ideal world presupposition is neither an actual contract nor a purely hypothetical one. It is a way to sift through what (actual) parties might reasonably expect of one another, by imagining a certain (hypothetical) choosing situation. Talking about social contracts is a way to talk about, and so uncover, the reasonable expectations people might have of one another in ongoing cooperation.

I prefer to have my delegates randomly selected rather than being representatives for a range of reasons having to do with the problematic nature of representation, especially in this context. The notion of representation does, and can do, no real work here.

I contend that if a rational individual does not know the odds, it is not rational to gamble (under at least certain conditions, especially the ones described). She will have to think more seriously about what "the strains of commitment" will really involve and what she will honestly be prepared to tolerate. They will also have information about those who dissent from these common views. Notice how this recognition, though seemingly obvious, is decidedly lacking in Rawls's account as discussed in Law of Peoples.

Here I do not mean what Rawls calls "the basic structure" since there is anyhow so much confusion in Rawls's own account of what this is. Rather the basic framework covers the basic rules of interaction, both individual and institutional, governing human beings in the world.

Perhaps someone may wonder whether there is only one important principle at issue here, the principle concerning protection from real opportunities for serious harms, since the freedoms highlighted are important because being deprived of them can lead to serious harm? I prefer my formulation because it brings into better view two key features that would be selected in the normative thought experiment. Delegates would want certain minimum guarantees about what counts as permissible treatment. Heading the list of guarantees we would choose would be guarantees against assault, torture, imprisonment without trial or sufficient warrant, extreme coercion of various kinds (such as slavery) and so forth. But as I have also suggested, it would be reasonable for them to add some freedoms governing dissent, conscience, speech, association, and movement, contrary to what Rawls suggests in Law of Peoples.

Indeed, what could be a more fundamental harm than being deprived of one's livelihood or the ability to eke out a livelihood for oneself and one's dependents?

On my account, a need is basic if satisfying it is a necessary condition for human agency. This link to agency helps us derive a list of our basic needs which can circumvent concerns about how an account of such needs could be sufficiently "objective", non-arbitrary, and enjoy widespread cross-cultural support. If basic needs are those things the satisfaction of which is necessary for human agency, by examining the pre-requisites of human agency, of what being a human agent is like, we can derive a more specific list of such conditions, and so basic needs. For instance, by definition, to be an agent one must be able to deliberate and choose. In order to deliberate and choose one will need at least a certain amount of (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, and (4) a certain amount of autonomy. Because of its important role in developing (and maintaining) (1)-(4), I also add a fifth basic need which underlines the importance of our social needs, namely, (5) decent social relations with at least some others. These ideas are developed in "Needs and Global Justice" (forthcoming in Philosophy).

Questions about the kind of favouritism we may show to co-members of our group can only be addressed once there is commitment to the basic framework with all its protections. Assuming this is the case and we have a suitably well organised basic structure in which vital interests are protected, all have prospects for decent lives and control over those lives as is consistent with protection of vital interests, it may be
permissible to favour other interests of compatriots and in other ways be partial to members of one's group in conferring further benefits, so long as this is not in conflict with provision of the basic agreed framework. Theoretically, at the very least, there is some permissible space for favouring our compatriots in certain matters, but the extent of the favouritism we may show must be governed by the commitment we all have to support the basic framework and does not include (for instance) favouring the non-basic interests of compatriots above more needy non-compatriots, since this would not be selected in the normative thought-experiment.


xxix Frohlich and Oppenheimer, Choosing Justice, p. 201
xxx Ibid., p. 35.
xxxi Ibid., p. 35.
xxxii Ibid.
xxxiii Ibid.
xxxiv The tasks consisted of correcting spelling mistakes.
xxxv Ibid., p. 59. "A floor constraint without a ceiling was dominant across all locations. If we consider the different cultural settings (Manitoba was the home of the only socialist government in North America at the time; Poland was under a communist regime; and the United States had Ronald Reagan as president), the widespread acceptance of the principle is testimony to its cultural robustness. The similarity of the distributions of choices in the four locations ... is quite apparent" (ibid., pp. 59-60).

xxxvi Typical of such points were these two sets of comments:
1. "I would like to see that everyone at least has the basic things. After that I don't really care. [If the floor is too low] ... a lot of people are going to be starving, and they will be without shelter and housing" (Transcripts, p. 99).
2. "If you have people that are really poor, ... they have a tendency to just stay there because you know there isn't enough nutrition, they can't get an education, and all these kinds of things. But if you put it on a certain minimum, then they have a chance to get out of that situation. They have a chance" (Transcripts, p. 72).
xxxvii Ibid., pp. 61-62.
xxxviii Ibid., p. 63.

x While they concede they do not have the broadest slice of humanity in their samples, there is enough statistical variation to suggest the groups were not superficially homogenous (ibid., p. 74).
xi Ibid., p. 96.
xii Ibid., p. 96.
xiii Ibid., p. 104.
xiv Ibid., pp. 92-93.
xv It is also strikingly not the case that we are interested in equality for its own sake it seems -- as reflected in (say) an equal distribution of goods. In these conditions people care about everyone reaching an adequate threshold, but equality does not feature significantly in the discourse of what we eventually choose.
xvi Ibid., p. 118. Of course, there is some much more direct evidence that can be appealed to, in arguing that people would choose policies about helping people to meet their needs in any plausible account of global
distributive justice: overwhelmingly, they do in fact choose such policies in relevant fora. A number of recent conferences have actually taken place, and in all cases, attention to basic needs was very much a cornerstone of the policy recommendations that ensued. (Consider, for instance, the recommendations that were made in the Earth Charter (eg Principle 9), and the Johannesburg Declaration on Sustainable Development (eg principle 18)). Granted, these conferences took place in less than ideal circumstances, especially with respect to impartiality – delegates of course knew everything about their actual circumstances, interests, and other relevant information about their positionings. The fact that such conclusions followed without even imposing the relevant requirements of impartiality is further evidence of the power and the salience we attach to the concept of our basic needs.

A third set of reasons recommends a needs-based principle over a Difference Principle in that it has much potential for extension to cover other issues and thus offer us a more comprehensive account. It can more easily be extended to cover issues, such as, environmental matters and future generations. Needs-meeting is the right base line when we begin to take into consideration other obligations we have to future generations and other inhabitants of, and factors related to, the environment. Our account of cosmopolitan justice must be consistent with other claims of justice, such as, environmental justice. Need is the only consideration that we can be confident does not compromise other legitimate moral interests and obligations. We need to make sure that in our rush to make the currently worst off better off we do not end up neglecting other responsibilities we have. For instance, let us say we make the worst off much better off such that they now start consuming and polluting at the same rate as most in developed countries do. This is sure to compromise the interests of future generations, other life-forms, including members of endangered species. By focusing on enabling people to meet their own needs, in a sustainable way, we are more likely to leave more resources for others to whom we also have responsibilities.

Rawls Law of Peoples, p. 115.

Moellendorf, Cosmopolitan Justice, p. 79.


Simon Caney "Cosmopolitan Justice and Equalizing Opportunities," Metaphilosophy 32 (2001): 113-134, p. 120.

Ibid., p. 120.


Caney, "Cosmopolitan Justice and Equalizing Opportunities," p. 121.

John Rawls Law of Peoples, pp. 11-12.


Elizabeth Anderson "What is the Point of Equality?" Ethics 109 (Jan 1999): 287-337.

Ibid., p. 288.

Ibid., p. 289.


Anderson, "What is the Point of Equality?", p. 289.

Ibid., p. 294.

Ibid., p. 312.

Ibid., p. 313.

Ibid., p. 315.

Ibid., p. 316.

Ibid., p. 316.

Ibid., p. 316.

Ibid., p. 318.

Ibid., p. 318. An example of this she gives is instructive. She says: "each citizen is entitled to the same number of votes in an election as everyone else. But for other functionings, standing as an equal does not require equal levels of functioning. To be capable of standing as an equal in civil society requires literacy. But in the U.S. context, it does not require literacy in any language other than English, nor the ability to interpret obscure works of literary theory. Democratic equality does not object if not everyone knows a foreign language.... " (pp. 318-9)
Actually, there is the potential for striking similarity between what I endorse and Anderson selects as the guaranteed package (see ibid., pp. 317-318 and compare with my footnote 25 of this article.) Andrew Mason Community, Solidarity and Belonging: Levels of Community and their Normative Significance (Cambridge: Cambridge University press, 2000), chapter seven. Martha Nussbaum also holds a view that the idea of the community of human beings deserves special attention and respect. See for instance, "Patriotism and Cosmopolitanism" in Joshua Cohen (ed.) For Love of Country: Debating the Limits of Patriotism (Boston: Beacon Press, 1996): 3-17.