

In "The Problem of Global Justice" Thomas Nagel argues that global justice is not a problem for a world like ours where sovereignty is parceled out in states.<sup>1</sup> I disagree. The world is governed from many capitals but indivisible in its injustice. When I consider it from a philosophical position much like Nagel's, I have to hope precisely for justice to put it all right.

## I

Say that two people are in the *justice relation* if the allocation of goods across them is just or if it is unjust. Which pairs of people are in the justice relation? This is a question about justice's scope. Nagel answers that two people are in this relation only if they belong to the same state; he shares it with the New Yorker who irons his shirt but not with the Brazilian who grows his coffee (p. 141). Behind this question of scope there is the deeper issue of justice's ground. Which features of the situations of two people in the justice relation account for that relation by giving rise to considerations of justice? The question is deeper because nothing less than a theory of justice can answer it.

A situation in which a person can choose among several allocations of good things is an allocation problem. Your decisions about allocation problems can be held to various standards. For example you might think that people have claims to things that fairness requires you to honor by acting for allocations that satisfy them. Or that your concern for people's

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1. This is a reply to Thomas Nagel, "The Problem of Global Justice," *Philosophy & Public Affairs* 33 (2005): 113–47. Page numbers in the text refer to this article.

well-being recommends that you aim for particular patterns of well-being put out by particular goods allocations. On an *allocative conception* of justice, justice is fundamentally a standard for evaluating people's responses to allocation problems. These problems materialize wherever you notice the possibility of adding to or subtracting from people's holdings of goods. To see the point of living up to that standard, you do not need to know how the problems came about nor how the different allocations attainable in them are to be produced. Being germane to every problem, justice covers the choice of an allocation for all the people whose holdings are within our reach. To limit justice so that it falls short of regulating *this* problem would require an argument, and until an argument arrives we should apply it to the global choice of one big allocation.

An *associative conception* of justice takes it to be a standard for evaluating histories of people's interaction. Interaction of specific kinds gives rise to unusual moral demands that are partly met by ensuring that the interaction tends to generate special distributions of goods. But those demands do not reduce to the demand that people respond well to an allocation problem.

Though the distinction between allocative and associative outlooks is not logically exhaustive, every familiar view of egalitarian distributive justice falls under one of these heads. The allocative conception refuses the claim that the justice relation supervenes on co-membership in states. So that claim will find support, if anywhere and if not from some unfamiliar or nonegalitarian view, from a view within the associative conception.

Nagel derives it from one version of that outlook. On Nagel's *political conception*, membership in a state establishes moral demands that are partly met by using state policy to promote certain allocations, and justice is fundamentally a standard for evaluating how people answer the demands to which membership in the state exposes them (p. 120). Nagel sets against this a *cosmopolitan conception* for which "the demands of justice derive from an equal concern or a duty of fairness that we owe in principle to all our fellow human beings, and the institutions to which standards of justice can be applied are instruments for the fulfillment of that duty" (p. 119).

This distinction between cosmopolitan and political outlooks is not only logically nonexhaustive; it excludes a view with well-known actual

defenders. Some people who think that demands of justice arise from a special context of interaction rather than from the bare technological feasibility of passing goods around deny that this context is contained within states. For example some people think that international trade, investment, and migration are governed by a world basic structure that is unjust because it fails to satisfy Rawls's difference principle, and that the world distribution of goods holdings is unjust because it is the creature of this unjust world basic structure.

Nagel handles this Young Rawlsian view in a couple of mutually incompatible and individually questionable ways. He first mentions two world-basic-structure thinkers, Thomas Pogge and Charles Beitz, as exponents of the cosmopolitan conception (p. 119). But Pogge and Beitz have argued for redistribution on a world scale as an obligation incurred in institutionally routinized interaction and not as the pre-institutional requirement of equal concern or fairness.<sup>2</sup> The mistake is possibly explained by recalling that "cosmopolitanism" commonly names not a view of justice's *ground* that makes it pre-institutional but a view of justice's *scope* that has it reaching across the boundaries of states.

Later Nagel attributes to Beitz and to Brian Barry the proposal that the political conception calls for redistribution across states when the members of different states are joined by the right sort of interactive interdependence (p. 137).<sup>3</sup> If the political conception grounds the justice relation in the moral demands arising from co-membership in a state, however, international interdependence is flatly irrelevant to justice so conceived, and this Beitz–Barry proposal can't get started.

To be sure of an interesting disagreement, we should make this a disagreement about the best way to develop the associative conception. That will be my topic. I will argue that on its best development the members of different states are in the justice relation if their interaction links them densely enough. Nagel is right about the shirt but wrong about the coffee.

2. Nagel refers to Thomas Pogge, *Realizing Rawls* (Ithaca, N.Y.: Cornell University Press, 1989), pp. 240–80; and to Charles Beitz, *Political Theory and International Relations* (Princeton, N.J.: Princeton University Press, 1979). For a similar objection to Nagel's characterization of Beitz and Pogge, see Joshua Cohen and Charles Sabel, "Extra Rempublicam Nulla Justitia?" *Philosophy & Public Affairs*, in this issue.

3. Beitz, pp. 150–53; Brian Barry, *The Liberal Theory of Justice* (Oxford: Oxford University Press, 1973), pp. 128–33.

## II

Allocative justice is not the sort of thing that you should try to explain in terms of other considerations or a special context. That people face allocation problems and that they must answer to allocative standards are primitives of our ethical thinking. In taking up the associative conception, however, Nagel and I promise to explain the strong and unusual requirements of distributive justice. Nagel wants to account for them as obligations arising from membership in a state, and I will argue that he is looking for explanations in the wrong place.

What is special about sharing a state with other people? Nagel emphasizes two aspects of that relation. The members of a state are subject to the same coercively imposed rules, involuntary terms of association that no one can alter acting on her own and that each can escape only by quitting the country. But those terms are also put forward “in the name” of each member, each is regarded as their “putative joint author,” and they “actively engage” each member’s will (pp. 128–29).

These ideas about the active engagement of wills are explained here:

The society makes us responsible for its acts, which are taken in our name and on which, in a democracy, we may even have some influence; and it holds us responsible for obeying its laws and conforming to its norms, thereby supporting the institutions through which advantages and disadvantages are created and distributed. Insofar as those institutions admit arbitrary inequalities, we are, even though the responsibility has been simply handed to us, responsible, and we therefore have standing to ask why we should accept them. This request for justification has moral weight even if we have in practice no choice but to live under the existing regime. The reason is that its requirements claim our active cooperation, and this cannot be legitimately done without justification—otherwise it is pure coercion.

The required active engagement of the will of each member of the society in its operation is crucial. It is not enough to appeal to the material effects that the system imposes on its members. The immigration policies of one country may impose large effects on the lives of those living in other countries . . . [But those policies] are simply enforced against the nationals of other states; the laws are not imposed in their name, nor are they asked to accept and uphold those

laws. Since no acceptance is demanded of them, no justification is required that explains why they should accept such discriminatory policies, or why their interests should be given equal consideration (pp. 129–30).

For these purposes we can say that a person *accepts* her society's terms if she believes that she has a specifically moral reason to conform to them. To *uphold* the terms is to conform to them by acting on this reason. In the right sort of society this reason need not reduce to the consideration that the terms coincide with independent moral requirements that she recognizes. It can also involve her belief that the terms have been chosen for the purpose of regulating her interactions with others and that they have been selected by procedures or have passed some substantive tests that give them force over this.

If I aim to bring it about that you uphold the society's terms—conforming to them because you accept them—I should try to make sure that you really can accept them. When I take this attitude toward you, I give you standing, as Nagel says, to ask for a justification of the terms I am imposing on you.

It might seem that I can cancel this obligation just by adjusting my attitude. If I aim only to coerce you into conforming to the terms—if I don't intend to lead you to accept them—then I no longer owe you a reason for accepting them. Or at least this follows from a literal interpretation of Nagel's claim that where “no acceptance is demanded . . . no justification is required.”

What's to stop me from shrugging off the burdens of justification by redescribing my power over you as a purely coercive one? One possibility is that *you* believe that you should conform to the whole complex of the society's terms because of their role in regulating your interaction with other people. If I know this about you, then when I introduce a new term I knowingly lead you to uphold it. It perhaps follows that I should make sure that you can accept it. This is a consideration of the kind that stops me from adding off-message content—sexual boasts, pet theories about the Kennedy assassination—to a birthday card that you have signed because you want to wish someone a happy birthday. Just as your name on the card gives you a veto over what is written there, a person's inclination to accept her society's terms possibly implies that the term setters should try to make each of them truly acceptable to her.

A second possibility is simpler. If I impose terms on you, I am required to make them acceptable to you. I trigger this requirement just by intending to coerce you and regardless of any moral attitude that you or I bring to this encounter.

Say that a group of people is *protolegitimate* if the people who set terms for these people's interaction have a duty to make certain that every member can accept them. Nagel argues that to submit terms to standards of justice is fundamentally a way of acting on this duty. If we accept his argument, we can determine a scope for justice by finding out which groups of people form protolegitimate societies. The discussion so far suggests two strategies for deciding this.

You might claim, first, that a society is protolegitimate if people in the society regard its terms as having moral force over the members' interactions. This makes of protolegitimacy a kind of equilibrium condition. Justification is required if people believe that the terms have force, and this belief is ratified when people try hard enough to meet that requirement.

Or again you might suppose that an *unconditional* justificatory burden attaches to certain acts of coercion by which people try to impose terms of interaction. Some blanks will need to be filled in: which kinds of coercive acts and which kinds of interaction have this status? The point, for now, is that they acquire their status, not from people's beliefs that the terms have moral force, but from other features that are independent of those beliefs.

The Nagel passage has another important idea that I've passed over. This is that each member helps to impose the society's terms on others just by complying with them: in "obeying its laws and conforming to its norms" we are "supporting the institutions through which advantages and disadvantages are created and distributed." If that's right, each person is the subject as well as the object of the imposition of terms. Each person's action invites the demand that she be able to justify the terms to others even as she is the source of a similar demand for justification. It's an old and profound theme of Nagel's writing on equality that this sort of a totally connected network of pairwise justificatory demands that run in two directions is the home ground of a strong form of equal consideration of others' interests that leads to egalitarian justice.<sup>4</sup>

4. Nagel, "Equality" in *Mortal Questions* (Cambridge: Cambridge University Press, 1979), pp. 106–27; Nagel, *Equality and Partiality* (Oxford: Oxford University Press, 1991), pp. 10–52.

My plan is to criticize Nagel's internalization of protolegitimacy in states, and I think I can do this without denying this further claim. The alternative that I will go on to sketch makes a somewhat different use of this image of justification that points in all directions.

### III

Why suppose that all and only the co-members of a state make a protolegitimate society? To answer we have to choose between the two maps of protolegitimacy that I described.

Applying the first one we look out the window and see that people are triggering demands for the acceptability of terms by asking others to accept them or by being disposed to accept them. Nagel's claim about states is in this case a piece of empirical political sociology. It's the observation that Uzbeki citizens or policymakers believe that Uzbeki citizens have a moral reason to play by the rules, so that Uzbeki policymakers are required to supply this reason by choosing acceptable rules.

We don't need blood on the streets of Andijan to make us wonder whether this founds Nagel's view on a *false* sociology. Take the United States. Some people obey its laws in the belief that their political origins and social role endow them with moral force. Many others are just avoiding the costs of breaking the law. Some lawmakers want to make it true that everyone has reason to obey the law apart from those costs. Others have delegated authorship of the law to their unelected campaign donors, with no pretense to a wider justification of what gets passed.<sup>5</sup> The executive branch has said that it owes me no account of its program for the secret and indefinite detention of people it accuses of involvement in terrorism. No account of its program for torture. Do these people act in my name? It's hard to tell, on the current strategy. On the current strategy we cannot establish that officials are required to justify their policies until we establish that people's conformity to the policy indicates an acceptance of it. The present map shows a second equilibrium where each nonmoral stance toward terms—an unaccepting conformity to them and a purely coercive imposition of them—licenses the other. If the United States is in this morally neutral equilibrium and not

5. Cf. John Rawls, "The Idea of Public Reason Revisited" in *Collected Papers*, ed. Samuel Freeman (Cambridge, Mass.; Harvard University Press, 1999), p. 580.

in the morally excited equilibrium of protolegitimacy, Nagel's view implies that standards of justice do not cover it. But the distribution of goods in this society is unjust.<sup>6</sup>

Maybe this is too cynical a picture of 2005. So consider that there is no obvious respect in which the laws of the antebellum United States can be said to have been enacted in the name of the slaves. The slaves had no moral reason to play their legally assigned parts in the institution of slavery, and since only slaves and a few abolitionists regarded the slaves as moral actors, whips and hunger were anyway substituted for normative engagement in reconciling the slaves to it. An adequate moral audit of the United States in 1861 would nonetheless reveal not only violations of the slaves' pre-institutional human rights but also the unjust interaction of slaves and slaveowners in plantation agriculture and the unjust distributions of benefits and burdens that this produced. Rather than making it possible for the first time to criticize the Southern economy as unjust, emancipation and Reconstruction sought to overcome its injustices.

When he considers a similar objection about colonialism, Nagel says that it might be sidestepped by adopting a sufficiently "broad interpretation of what it is for a society to be governed in the name of its members" (p. 129, n. 14). Forget slavery and colonialism, then, forget my doubts about present-day protolegitimacy, and consider a hypothetical *naked tyranny* constructed to fail even the broadest interpretation. People do what the tyrant tells them to do so that he will not kill them. Though no one imagines there is any moral reason to obey him, it is hard to agree that the society is not unjust if people are going hungry as they build his pleasure palaces.

Nagel might reply that his view can open the tyranny to claims of justice after all. The Hobbesian or Kantian obligation to *form* sovereign states (p. 133) requires that the tyrant's predations give way to an authority capable of securing a minimum of peace and order. And petitions of justice can be filed with that new power once it takes hold. But this does not answer the objection. The objection is not that Nagel's theory rules out the possibility of justice for these people but that the theory cannot find injustice in their situation.

6. "... [J]ustice itself is a rise in exclusive obligation, but with a broader associative range and from a lower moral baseline . . ." (p. 132). Think of the levees left to sink because they were protecting no one important.



This argument appeals to the judgment that the tyranny is unjust. Maybe that is controversial. Here is another observation that does not depend on it. The tyrant is imposing on his people a form of interaction—a servitude that sacrifices their gravest interests to his most trivial ones—that none of them can accept. Whether or not we say that this circumstance is unjust, we should try to account for its distinctive wrongness. We might account for it by saying that the society is protolegitimate. The tyrant fails to pay people the kind of moral attention that protolegitimacy calls for. The current strategy cannot reach this conclusion, however, since it cannot agree that the tyrant must justify the terms he is imposing.

## IV

On plausible views about which societies are unjust, the first map draws the scope of justice too narrowly. Whatever you think about justice, the first map understands *protolegitimacy* too narrowly. So we should try the second map. Suppose that the coercive imposition of terms of interaction can establish protolegitimacy independently of anyone's belief that the terms are to be accepted. We now need to decide which acts of the coercive imposition of terms call for justification to the people on whom they are imposed. Nagel has to answer that only the imposition of a state's policies on members of that state rises to this standard.

As Nagel points out, many terms of cross-border interaction are coercively imposed by states on foreign nationals. If you try to enter the United States without the right papers, you will be seized and returned to where you lived before. If you plan to distribute anti-retroviral drugs to HIV carriers in your country, you will be deterred by liability in U.S. courts from using formulas patented by U.S. manufacturers. If you want to nationalize your country's foreign-owned productive assets, the long list of occasions on which the United States reversed such assertions of sovereignty by mining the harbors and arming the opponents of states that attempted them will dissuade you from risking similar disruptions now. The fact that people born in Brazil continue to interact with residents of the United States as participants in the Brazilian labor market and not the U.S. one, the fact that African doctors interact with U.S. drugmakers in ignorance of the latest medical technology, and the fact that U.S. consumers pay rents to multinational firms that they might

have paid to asset-owning states—these are complicated facts with complicated explanations, but each explanation involves a program of coercion by which U.S. policymakers have tried to change or preserve the terms on which U.S. citizens do business with people in other countries.

Recall what Nagel says about the first example. Because immigration policies are “simply enforced against” foreign nationals and “not imposed in their name,” because would-be immigrants are not “asked to accept and uphold these laws, . . . no justification is required that explains why they should accept such discriminatory policies.” Here Nagel appeals squarely to the first map of protolegitimacy. To find out which acts of coercion require special justification, we ask which ones already tend to be accompanied, in the actual world, by beliefs that the coerced people have reason to act in the imposed ways apart from the fact of their coercion. We look to the actual world to see which sticks of coercion are accompanied by the carrots of a pretended extracoercive justification.

This strategy is unacceptable, however, as we do not accept the conclusion that the naked tyranny is not protolegitimate. On the alternative I am trying out now, you cannot simply report that people are disposed only to conform to the policies of foreign states and not to accept them or that foreign policymakers are not claiming acceptability for them. What we want to know now is whether acceptability is something that the imposers *should* claim and that the imposed-on *should* demand. To answer No we need a reason for distinguishing cross-state terms from terms internal to states. Since the scope of protolegitimacy is not dictated by the empirical incidence of people’s acknowledgment of it, an argument is required to stop it from taking in the whole world system of coercively imposed terms.

One such argument notices that the members of a state help to enforce its policies, for example by paying taxes or serving in its army.<sup>7</sup> In speaking of members’ *active* support for those policies Nagel might have in mind this belief-independent material contribution to their enforcement. If taxes and military service make the taxpayers and draftees responsible for the policies, that responsibility might entitle them to demand justifications of them.

7. This argument was suggested by an Editor of *Philosophy & Public Affairs*.

Is it plausible that, where tax collection and drafts are backed by coercion, taxpayers and draftees are supporting the state's policies in a way that makes them responsible for them? I agree with Nagel that this is sometimes plausible. Suppose I think that taken together the state's policies have moral force. Then my reasons for paying up and serving can include my belief that I should contribute to their enforcement, even if I don't approve of every item on the books. My participation, when I act on this acceptance of the policies, makes me responsible for them even though I have no decent alternative to participating. Nagel's idea of responsibilities that we all incur despite the fact that each person has no choice but to take the actions that make her responsible is, I think, a coherent one.

But it is crucial that we act on an acceptance of the terms. If I do not accept them, if I am only coerced into enforcing them, if I participate only because I have no decent alternative, I am not responsible; I am not generally responsible for acts into which I am purely coerced. It follows that a mere vulnerability to coercive taxes and drafts does not entitle me to ask for justifications. Only tax paying and service that express a general acceptance of the framework can create that entitlement. If you condition the demand for justification on an acceptance of the framework, however, you have returned to the discarded first map of protolegitimacy.

I've supposed with Nagel that protolegitimacy raises a special moral challenge whose resolution calls for a strongly egalitarian attention to everyone's interests. To derive a scope for justice from this idea, we have to decide which people are involved in this challenge. If we let the actual patterns of pretended justification and moralized conformity decide this, we unacceptably exclude relations within frankly illegitimate states. If we instead require protolegitimacy to track the coercive imposition of interactive terms, we have not yet found a reason to encapsulate it in states.

Of course a reason may still turn up. In holding out for one I am not endorsing the monism that Nagel ascribes to the cosmopolitans (p. 122). I am applying rather than rejecting the Rawlsian home truth that "the correct regulative principle for anything depends on the nature of that thing."<sup>8</sup> When a moral difference between national and international

8. John Rawls, *A Theory of Justice*, rev. ed. (Cambridge, Mass.: Harvard University Press, 1999), p. 25, as cited by Nagel, "Problem," p. 122, n. 7.

impositions of terms makes its appearance, we should give them their own principles. But that difference is to be discovered and not assumed. Rawls's multilayered scheme for ethics has us adding layer to layer, not in the execution of a blueprint given from the start, but to make room for our successive discoveries of the different moral things the world contains.

v

The second strategy, if it is not interrupted by a good argument for dividing our moral attention between several kinds of coercively regulated interaction, leads to an associative view of justice on which the justice relation runs across states as well as within them. We scan the globe for coercively imposed terms, and, finding some that are international, we subject the whole mass to a single standard.

But this view cannot account for the appearance that global justice has become more important as the world has become more connected. This appearance is part of the intellectual background to Nagel's paper, although his theory turns out to imply that it is a mirage; the importance of global justice has been stable at zero, where it will remain until a world state emerges to mediate the political conflicts stirred up by economic internationalization. The one-coercive-system view of the previous paragraph produces the opposite mistake by implying that global justice has had a constant force from the first time a guard's arrow stopped an alien intruder. I want a view for which the salience of global justice is increasing in the density of interactions across borders.

In granting Nagel's point that not every act of the coercive imposition of terms on foreign nationals refers us to the same strong standard of egalitarian justice, I accept the burden of identifying some *variable* of world organization that is the source of demands of justice and whose variation can account for global justice's variable importance. When Nagel considers the view that "there is a sliding scale of degrees of co-membership in a nested or sometimes overlapping set of governing institutions" that supports "a corresponding spectrum of degrees of egalitarian justice," he objects precisely that he cannot see any such variable apart from the presence or absence of a state that claims to act in people's names (pp. 140–43).

So what's the missing variable? Nagel points us in the right direction, I think, by speaking of the special burdens that attach to institutions

because they actively involve people's wills. He has in mind that people are asked to accept the institutions. But there is a second way in which institutions can involve each person as an actor, a will, and not merely as their passive beneficiary or victim. Institutions depend for their typical effects on people's choosing to act in particular ways when they occupy particular places in those institutions. People who aim for specific institutions are aiming to make particularly placed people take actions whose consequences they favor. Viewed from the perspective of the people who make them, institutions are primarily devices by which they can direct other people to serve their purposes.

The thing to notice is that you *shouldn't* use other people by directing their action to your benefit unless you can show that the resulting sequence of actions and results is something they themselves have reason to want to come about. If that is right, this business of getting other people to act for your purposes is an independently plausible occasion for the special justificatory demands that eventually carry us to an equal consideration of other people's interests.<sup>9</sup>

I have argued this out before, and I will not repeat the argument except in a short sketch.<sup>10</sup> There are various projects by which you can direct other people to advance your interests. Some are fleeting and self-contained. When someone is approaching you on a crowded sidewalk you might step to your left so that she will step to your right, allowing you to pass. Others last longer and are more encompassing. Projects by which you try to get ahead by altering the typical products over time of an entire network of social interaction require justification to the representative occupant of each typical position in that network. For the most ambitious projects whose effects take in all positions, this means justification to everyone.

Say that I am in the relation *R* to you if I face projects for advancing my interests by reshaping the network to redirect the action of people in

9. When the difficulties of stabilizing the scope of protolegitimacy that I mentioned in Section II are kept in mind—it seemed that the obligations of term setters could be turned on or off depending on the moral description they gave to their own activity—it is remarkable that the trigger of *these* demands is not a moral relation at all. The trigger is your intention to get people to do things, and you cannot escape the obligation in which this involves you by retreating to a normatively disengaged understanding of what you are doing. Acceptability is required even where acceptance is not sought.

10. A. J. Julius, "Basic Structure and the Value of Equality," *Philosophy & Public Affairs* 31 (2003): 321–55.

your position. And consider a group of people that is closed under R—everyone bears this relation only to other members of the group—and for which R is complete—every member bears it to every other member. I will make but cannot defend here four claims about this situation. First, each person should adopt a *policy* for choosing among her projects. Second, the completeness of R means that everyone must be able to justify her policy to every other member in light of the fact that everyone else is seeking a justifiable policy. Third, since everyone who contemplates these projects is regarding the sum of her interactions with others as a device for producing goods for herself, a policy that everyone can accept *with respect to the resulting distributions of goods* is indeed acceptable to everyone. The fourth claim comes from Nagel's article on "Equality." He showed there that the Rawlsian goal of maximizing the minimum goods position can be explained as a way of approximating unanimity when it happens that no goods distribution is acceptable to everyone outright because each person wants more requiring others to have less.<sup>11</sup> Since everyone can agree that a distribution is at least as acceptable as it is to the worst-off person, people come closest to outright unanimity by maximizing *that* level of acceptability.<sup>12</sup> If this establishes an obligation to carry out the difference principle, the obligation relates all and only the members of any group for which R is closed and complete.

Coming back to the world, we have to distinguish three structures for it. The world might decompose into a series of societies such that R is closed and complete for each society. In choosing among her projects, here, a person triggers the considerations of the previous paragraph with respect to every other member of her society, and no one else is involved. Each society is a Nagel-style totally connected graph of two-way demands for justification, and the justice relation holds between all and only its members.

In a second possible organization, R is complete with respect to the world itself. The same reasoning shows that the justice relation applies to every pair of people in the world.

In a third, intermediate case, the world fails to fall apart into mutually unconnected subnetworks, but R is not yet complete. You cannot find a group of people, smaller than the whole world, whose members'

11. Nagel, "Equality," p. 123.

12. In this restatement of Nagel's argument I draw on something Derek Parfit said in a seminar at NYU in 2002.

projects affect only the positions of other members. Neither is it true, however, that everyone faces a project for affecting the action taken at every other position. What's confusing about this pattern is that we cannot strictly apply to it the reasoning that establishes the difference principle in the first two cases since it lacks their shared feature of the closure and completeness of R.

## VI

Capitalist economic growth and its politically concerted internationalization have carried us out of the first structure but have not yet delivered us to the second. We are somewhere between them, in a world of that confusing intermediate kind.

The new material interdependence inspires new projects for shaping outsiders' action to insiders' purposes, and these projects intrude on formerly inward-looking domains of policy and association. Again consider immigration. It was at one time possible to describe controls on immigration as a way of insulating citizens from interaction with the people they kept out. Now trade with and investment in the migrants' home countries mean that interaction is an accomplished fact. Policy at the border decides only the form that it will take. A Mexican worker is either sent back to produce my consumption goods as a member of the Mexican workforce employed by firms that export to the United States, or she is allowed to work here as Nagel's fellow New Yorker. (If you doubt that immigration policy is fine-tuned with these alternatives in mind, take a look at the roster of lobbyists for and against proposals to liberalize the inflow of alien labor.) Or consider the ever more explicit dedication of diplomacy and other "high politics" to the service of externally oriented commercial interests. When those interests press for a geopolitical strategy that favors a weaker or a stronger yuan, or the suppression or permission of trade union activity among Chinese workers, they are trying to secure specific terms of trade, specific patterns of interaction, with people who live in China. These outgoing projects are to an imperfect extent mirrored by incoming Mexican and Chinese projects for recruiting Nagel and me to Mexican and Chinese purposes. But that extent is quite imperfect. The material entanglement that provides those projects with their motives and devices is far from complete, so the relation R remains incomplete, too.

Several ways of living out this interregnum occur to me. We could decide that only one of the standards I described before—a society-by-society application of the difference principle and a global one—has force, or that neither does. We could decide to switch standards when we pass a critical point in some measure of connectivity. Or we could answer to a mixture of the two standards, shifting weight toward the global one as ties between formerly self-contained societies multiply and deepen. Of these policies, only the last registers two outstanding facts of our situation. On the one hand many people have outgoing projects that call for justification to the foreigners whom they affect. If the global standard is suppressed, we are left without a basis for guiding and evaluating them.<sup>13</sup> On the other hand most people's projects are still concentrated within their particular neighborhoods of the world economy. If the society-by-society standard is suppressed, we cannot do justice to this residual clustering of the projects. A continuous transition between the standards succeeds in acknowledging both circumstances even as it ensures that the international difference principle eventually displaces the national one.

Nagel is likely to find this continuous policy arbitrary, but we should distinguish two versions of the charge of arbitrariness. Any concrete representation of the policy in, say, a particular objective function will be arbitrary in the sense that we could think of other functions that would represent it just as well.<sup>14</sup> There may be no best way of sliding up the sliding scale. But Nagel's more serious charge of arbitrariness is that the slide is not controlled by any morally interesting variable. And I hope to have answered this more serious criticism by explaining the moral significance of the facts that our projects for institutionally manipulating other people used to break down into a series of closed networks and

13. Moves to accelerate the flow of goods, capital, and labor across countries and the creation of international agencies charged with regulating it are projects for bringing new people into the range of old projects. Though I am not sure how to argue for the point, it seems especially important that these second-order projects, which take the scope of R as their explicit object, pay adequate attention to every one of the people whom they might bring into R.

14. Could it be something so Procrustean as

$$\max \left[ \alpha \min_{i \in A} w_i + (1 - \alpha) \min_{j \in W} w_j \right]$$

with  $A$  the set of your fellow citizens,  $W$  the set of people in the world,  $w_i$  an index of  $i$ 's goods, and  $\alpha$  a parameter decaying from 1 to 0?



that they are now probably recombining to form a single closed network at the level of the entire world.

If we could make practical the idea of a gradual redistribution of weight between standards, this might be the least bad approach. It matches the reflective datum with which I began, the appearance that global requirements are becoming more important. It is a perspective from which they can begin to seem important long before people have conjured a world state from the wreckage of their separate efforts to tie down errant fissionable material or stabilize the planet's temperature. The world does not need a demigod to hold it up, and the demands of world justice are also self-standing.

## VII

Lincoln's war for sovereignty over the South, which became a war for justice within it, serves Nagel as a lesson in the dependence of justice on sovereignty (p. 146). I see a different lesson. Lincoln came to office vowing to "hold, occupy, and possess the property and places belonging to the government" even as he hoped that "the mystic chords of memory" that tied his compatriots to their shared past would "swell the chorus of the Union when touched again . . . by the better angels of our nature."<sup>15</sup> But he was improvising. He would soon relocate the moral purpose of the war in what his order of January 1, 1863 called an "act of justice."

And what is justice? I think it's an angelic disturbance, not of memory's mystic chords, but of the profane bonds of our actual interdependence. To bring those relations under the control of a practical political morality, now that they extend around the world, calls for an enormous expansion in the acknowledged scope of justice. A pessimist in many things, Nagel is right to doubt that this change will come soon. The richest people in the world are too powerful, and they have too much to lose. Lincoln's example shows at least that it is possible to discover reasons of justice where we are used to seeing reasons of state.

15. Abraham Lincoln, "First Inaugural Address" in *Collected Works of Abraham Lincoln*, vol. 4, ed. Roy P. Basler (New Brunswick, N.J.: Rutgers University Press, 1958), pp. 262–71.