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## National responsibility and global justice

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This chapter outlines the main ideas of my book *National responsibility and global justice*. It begins with two widely held but conflicting intuitions about what global justice might mean on the one hand, and what it means to be a member of a national community on the other. The first intuition tells us that global inequalities of the magnitude that currently exist are radically unjust, while the second intuition tells us that inequalities are both unavoidable and fair once national responsibility is allowed to operate. This conflict might be resolved either by adopting a cosmopolitan theory of justice (which leaves no room for national responsibility) or by adopting a ‘political’ theory of justice (which denies that questions of distributive justice can arise beyond the walls of the sovereign state). Since neither resolution is satisfactory, the chapter defends the idea of national responsibility and proposes a new theory of global justice, whose main elements are the protection of basic human rights worldwide, and fair terms of interaction between independent political communities.

**Keywords:** national responsibility; global justice; human rights; inequality; Nagel; Pogge; Rawls

In this essay, I shall sketch some of the main ideas developed more fully in my book *National responsibility and global justice* (Miller 2007a), so readers are asked to be charitable and assume that if a claim is defended briefly here, they will be able to find a fuller and more persuasive defence in the book itself! I propose to introduce the problem that the book addresses by considering two apparently conflicting intuitions that many of us will have when we think about the two ideas in the title, national responsibility on the one hand, and global justice on the other. Reflecting on these ideas we may come to think that the first excludes the second – that there cannot be global justice, in any strong sense, in a world in which national communities are responsible for their own destinies. So how does this conflict arise?

When we look at the world order as it exists today, what immediately strikes us is the huge gulf that exists between the standard of life that those of us in the developed West mostly enjoy, and the standard of those living in

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much of what used to be called the Third World – almost all of sub-Saharan Africa, as well as many parts of Asia and Latin America. This is a gulf first of all in material living standards – in average income, in life expectancy, in health status, and so forth; but also very often in civil liberties and political rights. And our natural reaction is to say that these differences are radically unjust: why is it fair that I, as a citizen of relatively affluent Britain, have a life expectancy of 76 years, live in a country with a GDP per capita of \$US30,000, have easy access to good quality education, health care, and so forth, while a person born in Nigeria has a life expectancy of only 47 years, a GDP per capita of only \$1000 and unless they are quite lucky, very little access to decent education or health care? We may not yet be able to formulate our principles of global justice with any precision, but we feel certain that a just world would not contain inequalities like that. So global justice appears to impose heavy obligations on rich states to redistribute some part of their resources to the global poor, and perhaps also to intervene to ensure that those living under regimes that deny them civil liberties and political rights are able to enjoy the benefits of liberal democracy.

But a different picture emerges when we think about our membership in national political communities. For then we are first of all inclined to believe that we owe special obligations to those we are bound to by ties of history, common culture, common language and so forth: we ought to give their interests special weight when considering what forms of distribution or redistribution justice requires. And furthermore, we attach considerable value to collective self-determination: to being able to decide, together with our fellow citizens, what social goals to aim at, and what policies to pursue. How far should we aim for economic growth, and how far for developing a sustainable lifestyle with minimal environmental impact, for example? What proportion of the resources we produce should be used to provide education or healthcare? Now if these questions are decided collectively, at national level, or at some other level that is still less than cosmopolitan – European level, for instance – then this will unavoidably have an effect on the global pattern of distribution. Different societies pursuing different priorities will arrive at unequal finishing points, using a metric such as average life expectancy or per capita GDP. From this perspective, the idea that justice may require redistribution between societies looks wrong; it seems to undermine national self-determination by nullifying its inevitable effects. This, then, is the idea of national responsibility: we are responsible for what we collectively decide to do, and we should bear the outcome, for better or worse. And what could global justice mean in a world of largely autonomous political communities whose members carry such responsibility? It seems it must consist primarily in non-interference, in each society leaving the others free to pursue their own destinies. There could not be global distributive justice, justice as applied to outcomes such as the living standards or resource levels achieved in different societies.

So we have two conflicting intuitions, one telling us that when we look at the relative positions of people living in different places, the inequalities between them are radically unjust, and the other telling us that such inequalities are both unavoidable and fair if we hold national communities responsible for the choices and decisions they make.<sup>1</sup> How are we to resolve the conflict? Well, perhaps one or other of the intuitions will collapse under closer inspection, leaving its rival in command of the field. So let me look more critically first at the idea of national responsibility and then at the idea of global justice.

National responsibility, as I have presented it, is an idea taken for granted by most politicians and ordinary citizens, in democratic societies at least, but it has also been subjected to a variety of attacks from academic critics. We can divide these critical attacks roughly into two categories: empirical and normative. The empirical case against national responsibility is that how societies fare materially does not to any large extent depend on what their members choose or decide; societies become relatively rich or relatively poor for other reasons, for instance external economic conditions over which their members have no control. So it makes no sense to hold the members collectively responsible for social outcomes such as life expectancy or per capita GDP. The normative attack takes a different direction: whatever the answer to the empirical question proves be, it is still unfair to hold individuals responsible for the way that their society turns out, in the sense of allowing them to enjoy the benefits if their society does well, and suffering the burdens if their society does badly. Responsibility might attach to institutions such as states, for instance, but it does not descend to their individual subjects. Whatever explains Nigeria's lack of development, it is not fair for individual Nigerians to have to exist on \$1000 per annum; it is not, in the relevant sense, their fault.

I want to defend the idea of national responsibility against these challenges. The first thing to say is that it is clearly a matter of degree. Just as individuals are to varying extents responsible for the good and bad outcomes that follow from their actions, so compatriots are to varying extents responsible for the results of the practices they follow and the collective decisions they take. The extent of responsibility varies along two dimensions. One I shall call the control dimension: the degree to which people collectively are actually able to control the direction in which their society is moving. There is obviously a spectrum here, at one end of which we would find some of the smaller European democracies whose governing institutions are highly responsive to popular opinion and will, and at the other end of which we would find countries like North Korea or Burma. The second dimension I'll call the constraint dimension: the degree to which the external environment in which a nation finds itself provides it with viable options in important areas of decision such as economic and social policy. Again there is a spectrum here between nations that have little freedom of manoeuvre because they are

dominated by powerful neighbours, or highly exposed to fluctuations in world commodity prices, and nations that are economically self-sufficient, free to contract different political alliances according to their choice, etc. Just as a bank clerk, say, is not responsible for the bank's loss when he or she opens the safe at gunpoint, a country whose policy decisions are dictated to it by the disasters that would ensue were it to decide differently can't be held responsible for the outcome of those decisions.

Having accepted that national responsibility is a matter of degree, I still want to argue that in today's world we should treat national responsibility for outcomes as the norm rather than the exception. Two points in particular are worth making here. First, although collective responsibility may apply most clearly in states that are democratically governed in a formal sense, it can apply too in authoritarian regimes that enjoy popular support by virtue of the beliefs and cultural values of the people they govern. So a theocracy whose domestic and foreign policies reflect the consensually held religious beliefs of its subjects will involve them in collective responsibility for the results of those policies. Indeed, in one respect, assignments of national responsibility may be easier here, because whereas in democracies there are likely to be minority groups vigorously opposed to many of the policies that are adopted with majority support – which may sometimes make it hard to include members of those groups within the scope of collective responsibility – there may be a higher level of consensus among the subjects of authoritarian regimes. Of course one needs to show that the observed consensus is genuine and not coerced. Attributions of national responsibility depend on the idea that the activities that nations engage in express beliefs and values that are genuinely shared by their members. This does not require that each member should have thought it all out for herself, so to speak; it does not exclude normal processes of socialisation whereby individuals are exposed to certain values and practices as they grow up, and come to adopt and identify with those values and practices. But where current political attitudes can be directly traced to sustained propaganda efforts by an autocratic regime that allows no dissenting voices to be heard – attitudes of extreme hostility, say, towards a neighbouring community – it is much less plausible to hold ordinary people responsible for the consequences that follow.

So much on the control condition for responsibility. What about the constraint condition? Critics of the idea of national responsibility, particularly when this notion is being applied to poor countries, often argue that the economic fortunes of individual countries are to a large extent determined by a global economic system that is effectively imposed on them, leaving them little or no scope for policy choices. Here we enter upon a large and continuing debate among economists and economic historians about the relative importance of different sets of factors in determining the wealth or poverty of nations over the long term. These factors fall into three main groups: physical factors, such as the availability of resources like coal and oil, the

prevailing climate, and the society's geographical location (is it landlocked, for instance?); domestic factors, especially the prevailing religious or political culture, and the practices and institutions which both reflect and shape it; and external factors, such as the pattern of global trade and investment, the impact of foreign states through colonialism or neo-colonialism, etc.<sup>2</sup> My own reading of the evidence is that domestic factors matter a great deal, external factors matter somewhat, and physical factors matter hardly at all; or to be more precise, the impact of physical factors, especially the natural resources with which a society is endowed, is almost entirely determined by domestic factors, that's to say the prevailing economic and political system, and the cultural values of the society.<sup>3</sup> Even those who would attach greater weight to the impact of physical or external factors, however, concede that domestic factors play a significant role in explaining economic development, or lack of it.

This role can be grasped intuitively by looking at the trajectories of pairs of societies whose position was largely comparable at some point in the past, but which have subsequently developed at very different speeds. In the book I perhaps rashly cite the example of Ghana and Malaysia, which both won their independence from Britain in the same year, 1957, and at that point were poor countries with similar per capita GDPs. Their subsequent fortunes have however been very different, such that average incomes in Malaysia are now some 10 times higher than those in Ghana: in global terms it no longer counts as a poor country. What explains the contrast? The full story will no doubt be a complicated one, but a large part of it will involve the very different policy choices made by governments in the two societies, made possible in turn by the high degree of political stability in Malaysia, while Ghana, after an initial period of one-man rule by Nkrumah, descended into two decades of political instability involving a succession of military coups. What caused Ghana's continuing poverty was not external constraint – the world economy – but domestic failure. It's a further question, of course, how far the control condition was met – how far we can reasonably attribute responsibility to ordinary Ghanaians for the political disasters that befell them – but the constraint condition seems to have been.

When considering the idea of national responsibility, it is also important to keep in mind its double-sided character. Insofar as the control and constraint conditions are met, nations can be held responsible for their own members' conditions of life; but they can also be held responsible for the harmful effects of their policies and practices on other societies, which in some cases can give rise to demands for compensation. Such other-regarding responsibility may stretch back in time, so that nations today can be held responsible, and liable to make appropriate redress, for injustices perpetrated by their ancestors. So if we are thinking about national responsibility in relation to global poverty, then although it will sometimes be appropriate to hold people in poor countries responsible for holding values and supporting

practices that are obstacles to economic development, it will also sometimes be appropriate to hold citizens in rich nations responsible for the damaging effects of their policies, now or in the past, and to demand reparations to the global poor on those grounds. The essential point is that we must apply ideas of collective responsibility consistently. This is not always done. Thomas Pogge, for example, is very critical of what he calls ‘explanatory nationalism’, the idea that wealth and poverty can be fully explained by domestic factors internal to each society. Since, as he puts it, ‘global factors are all-important for explaining present human misery’ (Pogge 2002, p. 144), it would be quite wrong to hold people living in societies in which poverty is endemic collectively responsible for that misery. Pogge nonetheless holds a quite strong doctrine of national responsibility when it comes to explaining why ordinary citizens in rich societies can properly be taxed to provide compensation to the world’s poor whose rights, he argues, have been infringed by the policies pursued by Western governments – according to Pogge you share in responsibility for the actions of any government you are ‘involved in upholding’ where this might include just working in the economy and/or paying taxes (Pogge 2002, especially pp. 66–67, 139–145). That is, he doesn’t allow ordinary citizens to distance themselves from the policies their governments may pursue; he assumes that we are all included in national responsibility for the harm we have inflicted on poor people in other countries, and can therefore be required to contribute to transfers to compensate for that harm. But why should this idea of collective responsibility apply to us but not to people living in poor countries for the harms they inflict on themselves?

It might be argued here that even if global inequalities are primarily to be explained in terms of what I have been calling domestic factors – the beliefs and values that the members of a society share, and the institutions and practices that embody those beliefs and values – it is still wrong to hold the members themselves responsible for such outcomes. Suppose that the contrasting trajectories of Ghana and Malaysia are indeed to be attributed mainly to cultural differences between Ghanaians and Malaysians: why should we hold Ghanaians responsible for adhering to beliefs and values that have been handed down to them by their predecessors, in a sense that can justify the unequal outcome? But note that this is not a question we would normally ask about domestic inequalities. Suppose you have been brought up by your rather strict parents to adhere to a Protestant work ethic and to believe in material success; I have been raised by ageing hippies to think that what matters is being true to yourself and having a good time. Faced with the same opportunity set, you are likely to end up considerably better off materially than me (though perhaps less happy). But is this incompatible with equality of opportunity and social justice? Most people, though not everyone, would say that it is. If the difference in outcome can be explained by personal beliefs and values with which we both identify, then there is no injustice. I admit that



not all aspects of this example transfer straightforwardly to the case of collective responsibility. Still, I think it shows that the mere fact that choices reflect cultural values that have been inherited does not undermine responsibility, or the justice of unequal outcomes.

For these reasons, I do not think that we should easily give up our intuition about the significance of national responsibility. What then about our intuition about global justice, captured in the apparent intuitive unfairness of the existing inequality between an average Briton and his counterpart in Nigeria? Should we instead give up on the idea of global justice? More precisely, should we limit the scope of justice in such a way that at global level it applies only to actions that violate the negative rights of others – acts that involve killing or wounding, coercion, fraud, breach of contract, and so forth. On this view, there would be nothing unjust about global inequalities such as those between Britons and Nigerians unless it can be shown that they originate in actions or policies that violate the rights of the latter in one of the ways just outlined. In the case of the global poor, there may in addition be a humanitarian obligation to come to their aid and lift them above some global poverty line. But this positive obligation should not be seen as a matter of justice.

Such a view has recently been given an eloquent defence by Thomas Nagel, who argues, following another Thomas, Thomas Hobbes, that ‘the idea of global justice without a world government is a chimera’ (Nagel 2005, p. 115). This is not merely because a world government would be necessary to *achieve* distributive justice at global level, but more fundamentally because on Nagel’s view obligations of distributive justice only obtain between people who are subject to the same sovereign authority which acts in their name and forces them to abide by its rules. People who belong to the same sovereign state, Nagel argues, are collectively responsible for the coercion that they exercise on one another, and this gives rise to a demand for justification that can only be met by showing that the laws and policies of the state are distributively just – that any inequalities between citizens that they create are non-arbitrary. In the case of inequalities between states, or between citizens of different states, there is no such burden of justification. The idea of global justice (in the distributive sense) would therefore only apply if a global sovereign were to arise. Until one does, our obligations to the world’s poor are better understood as humanitarian in nature.

Nagel’s argument provides a useful foil against which to develop the account of global justice that I favour, but let me first say what I find correct in his argument. I believe he is right to argue that principles of justice vary according to the subject matter to which they are applied, and that in particular global justice, whatever it means, cannot simply be social justice stretched outwards to apply at global rather than national level. He finds this view in Rawls, and he calls it anti-monism. But Nagel wants to replace the monism of global justice with a rather simple dualism in which an egalitarian version



of social justice obtains between those who are citizens of the same sovereign state, while at international level justice means only the non-violation of basic human rights. But this seems to me too simple as an alternative to monism, for two reasons at least.

The first is that if we look at what distinguishes the nation-state as a context of justice from the world as a whole, we find more than just the fact of subjection to a common sovereign authority, important though that is. The nation-state is also what John Rawls famously called ‘a cooperative venture for mutual advantage’; ‘a system of cooperation designed to advance the good of those taking part in it’ (Rawls 1971, p. 4). Seen from this perspective, nation-states do indeed generate special requirements of distributive justice, but these would now be seen as principles for sharing the benefits of a co-operative practice among those who participate in the practice. These principles do not depend on the idea that the rules of the practice are coercively enforced; they would apply in much the same form to a system of voluntary co-operation, say a co-operative established by a group of neighbours to improve the local environment or produce some good needed by all of them. Insofar as we regard the institutions that compose what Rawls calls ‘the basic structure of society’ as creating a system of society-wide co-operation in this sense, they should be governed by principles specifying what should count as a fair division of the resulting benefits.

But there is also a third aspect of the nation-state that deserves our attention, namely its *national* character, that is its existence as a community with which the members identify themselves, again quite apart from its coercive nature. This aspect is noted by Rawls, though only in passing – he speaks in *The law of peoples*, for example, of peoples as being united by common sympathies and a common culture (Rawls 1999, section 2). But it seems to me that if we are to understand what differentiates social justice from the forms of justice (if any) that may apply at global level, we must take account of the fact that social justice applies within political communities that are indeed communities, in the sense that their members normally identify with each other and recognize special obligations to fellow-citizens as a result of this identification.

So the nation-state, as a context of justice, is ‘special’ in at least three distinct ways. The people who belong to it are subject to a common set of coercively imposed laws; they are engaged in a co-operative practice regulated by a common set of economic and social institutions; and they share a common national identity that binds them to each other and gives rise to particular obligations not owed to humanity at large. This also helps explain why the idea of social justice is internally complex – containing distinct distributive principles, especially principles of *equality*, *desert* and *need*, as I have argued elsewhere (Miller 1999a, especially ch. 2). (Nagel, who as we have seen focuses on the first feature, assumes as a result that social justice must be egalitarian in nature; equality is indeed the principle that applies

between people conceived simply as citizens subject to the same sovereign authority.) Now it is not just an accident that the three features I have described have as a matter of historical fact tended to come together in the familiar form of the nation-state. There are strong two-way causal connections between sovereignty, economic co-operation, and national identity. But they do not *necessarily* coincide, and indeed many contemporary commentators argue that they are coming apart in the world today: sovereignty is being diffused upwards and downwards; economic interactions increasingly take place across traditional national borders and on terms set by institutions that are transnational or global in character; and national identities, although not disappearing, have increasingly to compete with other identities, some territorially based, some not. Such claims are often exaggerated, but they are not entirely unfounded, and they imply that a simple dualism about justice such as that proposed by Nagel cannot be sustained. The nation-state remains for the moment at least the privileged context for social justice as standardly understood, but fresh demands of justice emerge as human beings relate and associate in new ways at international level.

Is it correct then to speak of global justice? The idea is defensible so long as we do not think of global justice as simply an extended version of social justice – the same principles of equality and so forth but now applied at global rather than national level. Instead we need to work out new principles appropriate to the human relationships that exist at transnational level. Which principles might fit this bill?

One such principle is the universal protection of basic human rights. I understand human rights to be rights to those freedoms, resources and bodily states that allow basic human needs to be fulfilled, and basic needs in turn are defined as the conditions that must be met if a person is to have a minimally decent life in the society to which he or she belongs. So we begin with the idea that a decent human life contains certain essential components that are reiterated across all societies, and on that basis identify generic human needs whose precise form will nonetheless vary somewhat from one society to the next (thus the need for food and shelter takes a different concrete form in tropical and Arctic societies). Corresponding to these needs we have a set of human rights, some of which are primarily rights to non-interference (such as rights to freedom of movement and expression) but others of which are rights to positive provision (to the means of subsistence, basic health care, and so forth).

If basic human rights are to generate obligations of global justice, it must be possible to justify them in a way that is genuinely universal; the idea of a decent life to which we appeal in order to identify human needs must not be slanted towards any one form of life in particular, which means that the list of human rights, for this purpose, is going to be fairly short. It is still controversial whether such a justification is possible. I am going to leave this issue aside, however, in order to focus on the relationship between human rights

and global justice. Suppose then, that we have identified a set of human rights that satisfies the condition of universal justification that I have just imposed. Is it a requirement of global justice that these rights should be fulfilled and protected for people everywhere?

Nagel, as we have seen, asserts that we have a strong moral obligation to provide material aid to those who fall below a minimal poverty line, but he characterises this as a duty of humanity rather than justice. Why is this? One reason he gives is that ‘humanitarian duties hold in virtue of the absolute rather than the relative level of need of the people we are in a position to help. Justice, by contrast, is concerned with the relations between the conditions of different classes of people, and the causes of inequality between them’ (Nagel 2005, p. 119). In other words, justice is by definition a comparative notion: it is about how different groups of people fare relative to one another. But this seems merely stipulative; it dismisses out of hand the idea that principles of *sufficiency*, for example, might qualify as principles of justice. It seems better to say that justice can take both comparative and non-comparative forms: sometimes it concerns how people are treated relative to one another, sometimes about how they are treated in absolute terms.<sup>4</sup> Indeed Nagel is willing to concede that breaches of human rights may in certain instances count as acts of injustice – he refers to war crimes and crimes against humanity – but these are surely absolute rather than relative wrongs. So why suppose that a failure to supply human beings with the means to meet their essential needs when it is possible to do so does not also count as injustice?

There are several reasons why one might resist this thought, but none of them I think stands up to close scrutiny. The first is that justice only comes into the picture when an agent takes some positive action that affects a second party. Mere inaction, standing by and doing nothing, may be reprehensible, but does not constitute injustice. So violating human rights by some positive action would be unjust, but failing to protect them – say by not delivering food one might have delivered in a famine situation – would not be. But this is not how we think about *social* justice. Social justice does require that the state should make various forms of positive provision for its citizens; it is an injustice if citizens are left without adequate health care, or housing, or support in old age. So it cannot be a conceptual truth about justice that it comes into play only in case where an agent has *acted* in a way that impacts on another.

Another reason why one might think that a failure to fulfil human rights should not count as injustice is that it may be difficult to establish whose failure it is. As a general matter, in international society there will be a number of agencies – states or international organisations – who are capable of coming to the aid of a group whose subsistence or other basic rights are not being met, but it may be difficult to single out one agency in particular as having the corresponding obligation. If one thinks of human rights as having to be Hohfeldian claim-rights with strictly correlative obligations in order for

questions of justice to arise, this would be a relevant consideration. But should one think like that? Suppose in a domestic setting we discover a small class of people who are living without adequate resources to feed and clothe themselves, without proper access to medical care, and so forth – they have somehow slipped through the welfare net. It may be difficult to establish which social service agency is responsible for their plight; it may turn out that there was a systemic failure for which no agency in particular was to blame. Yet this is surely a social injustice: we identify the injustice first, from the fact of deprivation, and then we try to discover who, if anybody, has failed in their obligation.

In the international case, there is certainly a serious problem of identifying the relevant agents in the absence of a global government capable of coordinating efforts to protect human rights. I refer to this as the problem of allocating remedial responsibilities, and the problem arise because there are a number of different (and in practice often conflicting) criteria that might be used to single out the agency that bears remedial responsibility for a particular case of deprivation.<sup>5</sup> But this still does not show that a failure to protect human rights is not an injustice suffered by those whose rights go unprotected.

A final reason for resisting the idea that global justice should encompass the protection of human rights is that such protection may be costly, and therefore may compete with other demands of justice such as those that arise routinely within nation-states. One cannot sidestep this problem by producing back of the envelope calculations about the financial cost to rich nations of raising the world's poor above the currently accepted poverty line – the World Bank uses \$1 per day adjusted to take account of local purchasing power differences – which have the effect of making the cost sound trivial. These calculations assume that we can abolish poverty by means of direct money transfers from the foreign aid budgets of rich countries to individual poor people. In reality, tackling poverty on a permanent basis would mean transforming the social and political systems that reproduce it, and therefore undertaking some potentially very costly interventions in the internal affairs of the societies in question. Moreover protecting human rights may involve more than tackling poverty – it may, for example, require humanitarian intervention on behalf of people who are threatened by civil war, ethnic cleansing or genocide, and no one is any doubt about the cost to the intervening agencies, in resources and human lives, of undertaking such actions – hence the reluctance of most states to get involved unless national interests are also at stake. So does this give us a reason for thinking that the universal protection of human rights cannot be a matter of justice? Again I believe not. It is not inherent in our concept of justice that achieving justice should be undemanding in terms of the sacrifice it requires of our other values. *Fiat justitia, ruat caelum* may be normatively wrong as a guide to our conduct, but it does not involve a conceptual mistake. We need, therefore, to give some account of

how *demanding* are our collective obligations to achieve global justice, and what weight they should be assigned relative to our obligations to achieve *social* justice for our fellow-citizens. These are not easy questions to answer, and have not so far been explored extensively in the literature of moral and political philosophy.<sup>6</sup> But this is not a reason to abandon the idea of global justice in the form I have been discussing. A just world is among other things one in which human beings everywhere can securely possess and exercise their basic human rights.

The protection of basic human rights is a non-comparative requirement of global justice. It says nothing directly about global inequality; it simply requires that people everywhere should enjoy the conditions under which they can lead minimally decent lives. But can we go further and argue that global justice also includes certain comparative principles, for example principles of equal opportunity? If we accept the anti-monist idea that principles of justice have particular contexts of application, we will not be tempted by such an argument. Comparative principles, including principles of equality, apply among people who already stand in a certain relationship to each, and especially among those who are fellow-citizens of a nation-state, partly for the reason that Nagel gives. There is no equivalent to this at global level: global citizenship may be an aspiration of some, but it is no more than that. There are, however, very significant forms of interaction and co-operation that occur at levels beyond the nation-state. In particular, trade and investment flow across national borders, and states co-operate with each other to provide collective goods such as environmental protection and the conservation of natural resources. These interactions are often looked at in terms of their relative efficiency, but they also raise questions of justice and fairness, as I shall now try to show.

The essential point is that both economic interaction and co-operation between states can and should produce a co-operative surplus: as a result of the interaction all the parties involved can be, and intend to be, better off than they would be without it. In a simple case of trade, A and B exchange commodities to their mutual advantage. In a case, say, of international resource conservation, a number of countries agree to reduce the level at which they take fish from a common ocean in order to allow sustainable fishing in the future. In both cases there is a question of how the co-operative surplus should be allocated between the parties. In the trade case, there is a range of prices at which A and B may be willing to exchange (assuming they are rationally self-interested); at one end of the range virtually all of the benefit goes to A, at the other end virtually all to B. In the fish conservation case, there is a range of ways of allocating fish quotas to countries that will lead to whatever overall level of fishing is thought to be sustainable, and obviously the scheme that is selected from within this range will entail a particular distribution of costs and benefits between the parties involved.

One might think that justice, or fairness, in such cases is purely procedural: whatever the parties in question agree to is by that token a just

outcome. But although procedural justice plays a role here, I do not think it can be the whole story. For one thing, what people will agree to reflects their relative bargaining power; if A and B are exchanging commodities, and it is vital to A but not to B that the exchange should take place, then we should expect B to collar most of the co-operative surplus. Similarly, in public goods cases, the parties for whom an agreed scheme is most essential to protect their interests may expect under a bargaining regime to pay the highest relative costs to get the scheme in place. One response to this is to say that a just outcome is the one that *would* arise if differences in bargaining power were neutralised. But in fact there seems to be an independent and substantive principle that applies to such cases, namely a principle of equal net benefit: the co-operative surplus should be divided in such a way that (as far as possible) each party to the interaction gains to the same extent.<sup>7</sup> Thus in the exchange case, a fair transaction would be one that occurs in the middle of the range – both A and B gaining significantly more than it would take to induce them to transact in the first place. Note that the principle being used here is not a strong principle of equality of the kind that I earlier rejected as a principle of global justice. What justice requires in mutual advantage contexts is not that the position of the parties be equalised overall. Equal net benefit applies only to the surplus created by the co-operation. It leaves untouched inequalities that arise independently of it.

It is not hard to see how this principle applies in a global setting. It is a commonplace that the global trade and investment regime operates in such a way that the lion's share of the benefits goes to individuals and corporations in the rich countries. Conversely, the main idea behind the growing Fair Trade movement is to guarantee the primary producers of products like coffee, cocoa and cotton a small, but still significant, proportion of the final selling price of these commodities – the movement is fuelled by the gross disproportion between the share they currently receive and the share taken by the companies that import and process the products, as well as by the absolute (low) level of their earnings. I shall not try to tackle here the difficulties involved in trying to formulate the relevant principle of justice more precisely and to make it operational – in particular problems in estimating the size of the benefit each party receives from co-operation. The principle has purchase where current practices distribute the material gains in such a grossly unequal way that according to any reasonable metric the outcome is unfair. And today's world offers plenty of instances that fit that description.

I have presented two principles of global justice: the first calls for the universal protection of basic human rights, and it would apply in any world we can envisage, even a world made up (so to speak) of independent islands having no prior interactions with one another;<sup>8</sup> the second applies when people belonging to separate political communities interact and co-operate to their mutual advantage and it requires that the costs and benefits of co-operation should be fairly allocated, so that each party receives approximately



the same net gain. Neither principle calls for the levelling of global inequalities: both leave space for national communities to develop at different speeds and in different directions, provided they comply with the requirements of these two principles.

Does that mean that the tension between national responsibility and global justice is fully resolved once we understand global justice in the way I have proposed? I want to conclude by sounding one note of caution, and then a second that is more hopeful. The note of caution has to do with the likely presence of what I shall call a justice gap – a gap between what people in poor countries can legitimately claim as a matter of justice (especially protection of their human rights) and what the citizens of rich countries are obliged, as a matter of justice, to sacrifice to fulfil these claims.

A justice gap may arise because the policies that would be required to fulfil the legitimate claims of the poor may impose very considerable costs on some members of the rich societies, costs that they cannot fairly be required to bear. I noted above that we should not think of remedying human rights violations as requiring only an evenly distributed small sacrifice on the part of the rich, and I used the example of humanitarian intervention to highlight the point. In cases such as this, individual people (soldiers, aid workers, etc.) who have not themselves contributed to the problem they are being asked to resolve are being made to carry the full weight of remedial responsibility – and it may not be clear how remedial responsibilities should be allocated among the various groups and institutions that might discharge them. Compelling the individuals concerned to bear the risks associated with intervention may not be consistent with the equal concern and respect they are owed as fellow-members of the political community. If this is so, social justice and global justice will collide and a justice gap will appear: global justice cannot be achieved in a way that is consistent with the fair treatment of individuals as members of national communities.<sup>9</sup>

The more hopeful note I want to sound concerns the way in which global justice, once achieved, helps to strengthen, rather than undermine, national responsibility. Suppose the two principles of global justice I have outlined were fully implemented, in a world still made up of independent political communities. It would then be much more likely that the control and constraint conditions for national responsibility referred to above would be met in each society. For first, although a society in which human rights are protected need not be a democracy, it must among other things allow basic freedoms of movement, expression and association, which would immediately exclude repressive regimes that can only maintain themselves in power by denying these freedoms. Societies that respect human rights but are not democratic must resemble the ‘decent hierarchical society’ that Rawls describes in *The law of peoples*, a society in which there exists what he calls ‘a decent consultative hierarchy’ that connects the government to various corporate groups within the society, and that allows for dissent from existing



government policy (Rawls 1999, especially sections 8–9). In such a society, what the government does broadly reflects the beliefs and the cultural values of the people as a whole, and the control condition for national responsibility is met, albeit less perfectly than in a society whose institutions are formally democratic.

Second, implementing the two principles would mean that no society found itself in such desperate straits that the constraint condition for responsibility was violated. Its members would enjoy at least subsistence incomes, and the rules and practices of the global economy would allow every society a fair chance to engage in trade and receive inward investment. So choices could be made collectively about the use of natural resources, about which industries to support, about the proper allocation of GDP internally, and so forth. No society would find itself in the position of having to accept terms of trade from a powerful neighbour or a coalition of rich countries under circumstances in which refusing the deal on offer would mean mass destitution. So although richer countries would typically have a wider range of reasonable choice than poorer countries, collective responsibility for social outcomes would apply universally.

If we hold on to the intuition about national responsibility, therefore – we find it valuable that people who belong to political communities with different values and social priorities should be free to pursue those values and priorities without external interference – we have to abandon conceptions of global justice that demand the uniform treatment of individuals across national boundaries. But we need not give up the idea of global justice itself. *Pace* Nagel, in a world in which nation-states unavoidably impact upon one another, and upon one another's individual members, we need principles of justice that can govern these interactions, and that extend beyond the negative duty not to violate rights by one's own actions. The principles I have proposed, once implemented, would help rather than hinder the exercise of national responsibility. A just world would very likely be one of significant inequality between national communities, traceable back to that exercise, but it would also be one in which people everywhere continued to have the means and the opportunity to decide upon their collective destinies.

## Notes

1. These intuitions, one should note, do not *strictly* conflict, since one might believe that existing global inequalities have not arisen by processes that would count as fair, by the standards implied in the second intuition. On the other hand, the national responsibility thesis sets no prior limits to the size of the inequalities that might legitimately emerge, so if one holds the view that a just world could not be radically unequal, the two intuitions remain in tension at least.
2. This division follows the one suggested by Rodrik (2003, ch. 1), although I have used different labels. See also Risse (2005).
3. I have said a little more to support this claim in Miller (2006).

4. On this see Feinberg (1974).
5. See my earlier analysis in Miller (2001).
6. Some discussion of this problem can be found in, for example, Scheffler (2001); Murphy (2000); E. Ashford (2007); and Miller (2005).
7. In earlier treatments of this question I focussed on exploitative transactions, and presented the second principle of global justice as a principle of non-exploitation. Certainly the most serious violations of co-operative justice are those that involve the exploitative use of bargaining power. But I prefer now to extend the principle to cover all cases in which the parties benefit unequally from a co-operative arrangement. See Miller (1999b); Miller (2000).
8. Global justice in such a world might require it to be *possible* for the islands to transfer resources to one another, so that human rights deficits could be made good. But this is different from *actual* co-operation, which is what the second principle presupposes.
9. I have developed this argument at greater length in Miller (2007b).

### Note on contributor

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