



# Foundations of Global Justice

First term seminar, 2018-2019

Organized by Andrea Sangiovanni

Thursdays 17.00-19.00, Seminar Room 3 or 4, Badia Fiesolana

Please register [online](#)

Contact: Adele Battistini

## Description

While global income inequality has been falling, there is still a vast gap between the poorest and richest individuals in the world. Is this inequality morally objectionable? Many believe it is. But on what grounds? Some object to the *absolute* deprivation suffered by the world's poorest, which is easily preventable. Others agree, but also believe that the *gap* between the richest and poorest is morally problematic. For the latter, it is morally relevant that some do better than others; while absolute deprivation matters from a moral point of view, so does relative. This seminar begins by evaluating this further claim as a claim about *justice*: global inequality is morally objectionable not merely as morally regrettable but as unjust. Topics covered include: Rawls's *justice as fairness*, cosmopolitanism, liberal nationalism, state coercion, and reciprocity.

The second part of the seminar will turn to a practical and highly salient political question whose resolution turns, in part, on considerations of socioeconomic justice and inequality: immigration. To what extent do states—especially richer states—have a moral permission to exclude foreign citizens who wish to immigrate? Is there any injustice in denying membership? When and why? Does it matter whether would-be immigrants are (relatively) poorer than the citizens and long-term residents of the states to which they want to immigrate? Does it matter whether more open immigration policies promote socioeconomic inequality in receiving countries? Is there a human right to immigration? Topics covered include: immigration as a human right, the role of territory, self-determination, and reciprocity.

The seminar will provide students with a solid grasp of the normative foundations of some of the most hotly contested questions in current political philosophy, and a set of tools for providing their own answers to them.

For each seminar, be sure to identify the main claims defended by each author, and the arguments presented for them. What are the premises of the argument? What are the conclusions? Does the conclusion follow? Are the premises true? What kind of support does the author provide for them? Do you find the arguments convincing? What are the main lines of objection in the literature? What are your objections? What kinds of implications does the

argument have for other, related topics? What policy implications might the arguments have? Are there blind-spots that undermine the argument's overall thrust or force?

The seminar is open to all. No background in political theory or philosophy is required. Students will come from a variety of backgrounds. I hope that you will be able to incorporate your own research into this class; your contributions are essential and welcome. There is room to modify or extend the readings. If your own research project overlaps with the topics listed in the syllabus, let me know and I will tweak a session to allow you (and the rest of us) to get the most out of it.

### Requirements:

Participants who take the seminar for credit are expected:

- to read all the texts marked as required reading. Generally, required readings will not exceed 150 pages per week
- to prepare a reaction paragraph (1-2 pages) on the readings for each week and upload it to [this](#) dropbox folder by Thurs 10 am
- to read all reaction paragraphs (from the [dropbox folder](#)) and engage actively in discussions in class
- to introduce one seminar topic to the class on the basis of additional readings

If you want to take the seminar for credit, you have the option of writing a seminar paper of about 5000 words. For those who select this option, outlines of about 500 words must be sent by email to [adele.battistini@eui.eu](mailto:adele.battistini@eui.eu) on 14 December. The full paper has to be submitted by 21 January to [andrea.sangiovanni@eui.eu](mailto:andrea.sangiovanni@eui.eu).

If you want to audit the seminar without full participation, you need to register and do the reading for the units that you want to attend.

### Schedule

Thursday 4 October:	<b>Seminar Room 4</b>	17.00-19.00
Thursday 11 October:	Seminar Room 3	17.00-19.00
Thursday 18 October:	<b>Seminar Room 4</b>	17.00-19.00
Thursday 25 October:	Seminar Room 3	17.00-19.00
Tuesday 6 November:	<b>Seminar Room 4</b>	<b>13.00-15.00</b>
Thursday 8 November:	Seminar Room 3	17.00-19.00
Tuesday 20 November:	<b>Seminar Room 4</b>	<b>13.00-15.00</b>
Thursday 29 November:	Seminar Room 3	17.00-19.00
Thursday 6 December:	Seminar Room 3	17.00-19.00
Thursday 13 December:	Seminar Room 3	17.00-19.00

## **Week 1 (4 October) Introduction**

I will briefly introduce the main themes of the seminar and participants who are taking the seminar for credit will sign up for weekly presentations.

## **Week 2 (11 October) John Rawls's *A Theory of Justice***

John Rawls's *Theory of Justice* is one of the most influential texts in contemporary political philosophy. When compared with his forebears, Rawls is also distinctive in putting questions of distributive justice and socioeconomic inequality at the center of political philosophy. We therefore begin with Rawls and his most strident and prominent critic, Robert Nozick. While reading, consider in particular Rawls's argument for the 'difference principle', his assessment of arguments based on moral desert, and the role he assigns to the 'basic structure'.

Required:

John Rawls, (1971) [revised ed. 1999], *A Theory of Justice*, §1-5, §10-14, §17, §20, §22-29, §48, §58.

Suggested:

For those who wish to read the revised version of the theory, see, in addition to *A Theory of Justice*:

John Rawls, (1999) *Justice as Fairness*. Please read sections in this order: §§1, 7, 13-16, 6, 20-21, 23, 25, 38, 39.

The literature on Rawls is enormous. Thomas Pogge's *John Rawls* contains a biographical chapter and a critical survey of Rawls's theories. Samuel Freeman's *Rawls* is a comprehensive and sympathetic scholarly exposition. The classic volume of critical essays is Daniels, ed. *Reading Rawls* (esp. papers by Nagel, Scanlon, and Dworkin). A more recent critical volume is *The Cambridge Companion to Rawls*, ed. Samuel Freeman (esp. papers by Nagel, Cohen, Scanlon, Gutmann, Dreben, and Scheffler; Freeman's introduction gives a brief summary of Rawls's work). Other well-known works:

Waldron, Jeremy (2008), 'John Rawls and the Social Minimum', *Journal of Applied Philosophy* 3: 21-33.

Joshua Cohen, "Democratic Equality," *Ethics* 99 (1989), 727-51.

Dworkin, Ronald (1973), 'The Original Position', *The University of Chicago Law Review* 40: 500-33.

Nagel, Thomas (1973), 'Rawls on Justice' *The Philosophical Review* 82: 220-234.

Amy Gutmann, "Communitarian Critics of Liberalism," *Philosophy & Public Affairs*, 14 (1985), 308-22.

Richard Krause and Michael McPherson, "Capitalism, 'Property-Owning Democracy,' and the Welfare State," in *Democracy and the Welfare State*, ed. Amy Gutmann, 79-105.

Susan M. Okin, "'Forty Acres and a Mule' for Women: Rawls and Feminism," *Politics, Philosophy and Economics* 4 (2005), 233-48.

Michael Sandel, *Liberalism and the Limits of Justice*. [Library Permalink](#)

Frankfurt, 'Equality as a Moral Ideal', *Ethics*, vol. 98, no. 1, 1987.

### **Week 3 (18 October) Nozick's Critique (and Left-Libertarianism)**

While reading, make sure to reflect on the place of the 'Lockean proviso' in Nozick's theory and his critique of the role of social cooperation in Rawls's theory. The Lockean proviso, in particular, has a central place in what has come to be known as 'left-libertarianism' (see the Vallentyne reading in particular). Nozick's critique of the relevance of social cooperation and the notion of 'fair play' has also been very influential (see, e.g., Brian Barry, *Theories of Justice*, esp. his critique of justice as mutual advantage).

Required:

Robert Nozick (1974), *Anarchy, State, and Utopia* (New York: Basic Books), pp. 149-231.

Peter Vallentyne, 'Left-Libertarianism: A Primer' in *Left Libertarianism and Its Critics: The Contemporary Debate*, eds. Peter Vallentyne and Hillel Steiner (Palgrave Publishers Ltd., 2000), pp. 1-20.

Suggested:

Nagel, T. (1975), 'Libertarianism without Foundations', *Yale Law Journal* 85: 136-49.

Scanlon, Thomas (1976), 'Nozick on Rights, Liberty, and Property', *Philosophy & Public Affairs* 6: 3-25.

Cohen, G. A. (1995), *Self-Ownership, Freedom, and Equality* (Cambridge: Cambridge University Press), esp. chs 3 & 4.

Otsuka, Michael (1998), 'Self-Ownership and Equality: A Lockean Reconciliation', *Philosophy & Public Affairs* 27: 65-92.

Fried, Barbara (2004), 'Left-Libertarianism: A Review Essay', *Philosophy & Public Affairs* 32: 66-92.

Vallentyne, Peter, Hillel Steiner, and Michael Otsuka (2005), 'Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried', *Philosophy & Public Affairs* 33: 201-15.

Fried, Barbara (2005), 'Left-Libertarianism, Once More: A Rejoinder to Vallentyne, Steiner, and Otsuka', *Philosophy & Public Affairs* 33: 216-22.

Vallentyne, Peter (2007), 'On Original Appropriation', in *Liberty, Games and Contracts: Jan Narveson and the Defence of Libertarianism*, ed. Malcolm Murray (Aldershot: Ashgate Press).

Risse, Mathias (2004), 'Does Left-Libertarianism Have Coherent Foundations?', *Politics, Philosophy & Economics* 3: 337-64.

Brian Barry (1989), *Theories of Justice* (Berkeley: UC Press).

### **Week 4 (25 October) Cosmopolitanism and the Global Basic Structure**

In a *Theory of Justice*, Rawls only mentions international relations in passing. Charles Beitz was the first to ask: What if we tried to derive a comprehensive theory of international *cum* global justice from Rawls's theory? The answer, he claims, depends on two things: first, the role of the basic structure in Rawls's theory, and second, whether or not there is a truly *global* basic structure. As you will see, Beitz agrees with Rawls that the basic structure matters (though

note the special treatment of natural resources), but also believes, *contra* Rawls, that the difference principle applies at the global level. Beitz then later changed his mind on the first point (see ‘Cosmopolitan Ideals’): the difference principle would apply *whether or not* there was a global basic structure. Principles of justice apply to human beings *as such*, not just to human beings whose relations are mediated by a basic structure. Caney concurs. What do you think? Do principles of distributive justice above a humanitarian minimum only apply when human beings share an institutional life of some kind? If so, what kind?

Required:

Charles R. Beitz, (1975), ‘Justice and International Relations’, *Philosophy & Public Affairs* 4: pp. 360-389.

Caney, Simon (2005), *Justice Beyond Borders* (Oxford: Oxford University Press), Ch. 4.

Charles R. Beitz, (1983), ‘Cosmopolitan Ideals and National Sentiment’, *The Journal of Philosophy* 80: 591-600, esp. p. 595.

Sangiovanni, Andrea (2013), ‘On the Relation Between Moral and Distributive Equality’ in *Cosmopolitanism: For and Against*, ed. Gillian Brock (Oxford University Press).

Suggested:

John Rawls (1993), ‘The Basic Structure as Subject’ in *Political Liberalism* (Cambridge: Harvard University Press).

Thomas Scanlon (2018), *Why Does Inequality Matter?* (Oxford: Oxford University Press), Ch. 2

Pablo Gilibert (2011), ‘Cosmopolitan Overflow’, *The Monist* 94/4: 583-593.

Kok-Chor Tan (2012), *Justice, Institutions, and Luck* (Oxford: Oxford University Press)

Rainer Forst (2012), *The Right to Justification: Elements of a Constructivist Theory of Justice* (Columbia University Press), Chs. 11 and 12.

Pablo Gilibert (2012), *From Global Poverty to Global Equality* (OUP), Chs. 5 and 6.

Brian Barry (1991), ‘Humanity and Justice in Global Perspective’, in *Essays in Political Theory*, 2 Clarendon Press, Oxford, pp. 182-210.

Pogge, Thomas (1989), *Realizing Rawls* (Ithaca: Cornell University Press), Part III.

### **Week 5 (NB; 2 November NO CLASS; 6 November ) Rawls’s Law of Peoples and the Importance of Nationhood**

This week we turn to Rawls’s extension of his political theory to the foreign policy of liberal democratic states. The book is striking, among other things, because Rawls rejects Beitz (and Pogge’s) cosmopolitan interpretation of justice as fairness. Indeed, Rawls never speaks in this book of international let alone global *justice*. Instead, he elaborates a ‘law of peoples’ that is meant to guide liberal states in their foreign policy. Why does he reject the cosmopolitan interpretation? What role, if any, does the importance of national fellow-feeling (see his understanding of ‘peoples’) play in this rejection? Leaving aside Rawls, do we have good reasons to believe that sharing a national identity grounds special obligations of socioeconomic justice (as Tamir and Miller argue)?

Required:

John Rawls (1999), *The Law of Peoples* (Cambridge: Harvard University Press), esp. 1-59; 113-129.

Tamir, Yael (1995), *Liberal Nationalism* (Princeton, NJ: Princeton University Press), Ch. 3.

Miller, D. (2008), 'National Responsibility and Global Justice', *Critical review of international social political philosophy* 11: 383-99.

Suggested:

Leif Wenar (2006), 'Why Rawls Is Not a Cosmopolitan Egalitarian', in *Rawls's Law of Peoples: A Realistic Utopia*, eds. Rex Martin and David A. Reidy (Oxford: Blackwell), pp. 95-113.

Beitz, Charles (2000), 'Rawls's Law of Peoples', *Ethics* 110: 669-96.

Buchanan, Allen (2000), 'Rawls's Law of Peoples: Rules for a Vanished Westphalian World', *Ethics* 110: 697-721.

Caney, Simon (2002), 'Survey Article: Cosmopolitanism and the Law of Peoples', *Journal of Political Philosophy* 10: 95-123.

David Miller (1995), *On Nationality* (Oxford: Oxford University Press), Chs. 1 and 2.

Brian Barry, 'Statism and Nationalism: A Cosmopolitan Critique', in Ian Shapiro and Lea Brilmayer, eds., *Global Justice*, 1999.

Martha Nussbaum, 'Patriotism and Cosmopolitanism', in J. Cohen, ed., *For Love of Country*, 1996.

Goodin, Robert E. (1988), 'What Is So Special About Our Fellow Countrymen?' *Ethics* 98: 663-86.

Miller, Richard W. (1998), 'Cosmopolitan Respect and Patriotic Concern', *Philosophy & Public Affairs* 27: 202-24.

### **Week 6 (8 November) The State and Distributive Justice**

Last week, we considered views that gave national identity a central place in explaining why egalitarian justice does not extend globally. This week we turn to two groups of views that reject the idea that national identity matters for justice, but agree that stronger obligations of distributive equality only apply at the domestic level. The first group argue that egalitarianism is grounded in the fact that, at the state level, we maintain thick, extensive webs of mutual coercion that are absent at the international *cum* global level. The second group argue that duties of distributive justice beyond a humanitarian minimum hold when we together support and maintain a comprehensive set of collective goods. Because the collective goods provided at the state level are more comprehensive than at the international *cum* global level, different obligations apply at that level. Who, if anyone, is right? Recall, once again, our discussion from two weeks ago: Are these authors mistaken that our humanity alone cannot ground strong obligations of egalitarian justice?

Required:

Thomas Nagel (2005), 'The Problem of Global Justice', *Philosophy & Public Affairs* 33: 113-47.

Michael Blake (2001), 'Distributive Justice, State Coercion, and Autonomy', *Philosophy & Public Affairs* 30: 257-96.

Andrea Sangiovanni (2007), 'Global Justice, Reciprocity, and the State', *Philosophy & Public Affairs* 35: 2-39.

Arash Abizadeh (2007), 'Cooperation, Pervasive Impact, and Coercion: On the Scope (Not Site) of Distributive Justice', *Philosophy & Public Affairs* 35: 318-58.

Suggested:

Cohen, Joshua, and Charles Sabel (2006), 'Extra Rempublicam Nulla Justitia?' *Philosophy & Public Affairs* 34: 147-75.

Julius, A. J. (2006), 'Nagel's Atlas', *Philosophy & Public Affairs* 34: 176-92.

Laura Valentini (2012), *Justice in a Globalized World: A Normative Framework* (Oxford: Oxford University Press). [Library Permalink](#)

Richard Arneson (2005), 'Do Patriotic Ties Limit Global Justice Duties?' *Journal of Ethics* 9: 127-50.

Andrea Sangiovanni (2012), 'The Irrelevance of Coercion, Imposition, and Framing to Distributive Justice', *Philosophy & Public Affairs* 40: 79-110.

### **Week 7 (NB: 15 November NO CLASS; 20 November) A Human Right to Immigrate?**

In this and the following weeks we will discuss what has been called the 'right to exclude'. Do states have a moral permission to exclude would-be immigrants at their borders? When and why? This week we consider a powerful argument in favor of 'open borders', namely that there is a human right to *international* freedom of movement that is grounded in the same considerations as the (widely recognized) human right to *domestic* freedom of movement. If there is such a right, then only very weighty considerations (for example, extensive public disorder, public emergencies) could justify restricting freedom of movement, and so restricting immigration. The desire to limit the number of poor immigrants, forestall criminality, maintain the cultural character of a community, or prevent the erosion of wages do not count, on these views, as weighty enough considerations to restrict immigration. Are they right?

Required:

Kieran Oberman, 'Immigration as a Human Right', in Sarah Fine and Lea Ypi (eds.) *Migration in Political Theory: The Ethics of Movement and Membership* (Oxford University Press, 2016).

Joseph Carens (2013), *The Ethics of Immigration* (Oxford: Oxford University Press), Ch. 10, pp. 225-255.

David Miller, 'Is There a Human Right to Immigrate?', in Sarah Fine and Lea Ypi (eds.) *Migration in Political Theory: The Ethics of Movement and Membership* (Oxford University Press, 2016).

Adam Hosein, (2013), 'Immigration and Freedom of Movement', *Ethics & Global Politics* 6: 25-37.

Suggested:

Caleb Yong (2017), 'Immigration Rights and the Justification of Immigration Restrictions', *Journal of Social Philosophy* 48: 461-80.

Goodhart, D. (2017), *The Road to Somewhere: The Populist Revolt and the Future of Politics* (Oxford: Oxford University Press), Ch. 4.

### **Week 8 (29 November) Immigration and Freedom of Association**

All liberals believe that individual rights to freedom of association are fundamental. At the core of any such right is a right to 'dissociate', namely to choose whom *not* to associate with. But if this is true at the individual level, why shouldn't it be true at the *state* level? Why shouldn't the citizenry as a collective body get to decide with whom they want to associate? Why shouldn't, that is, the citizenry get to decide democratically whom to admit as an immigrant, and whom to exclude? This is Wellman's argument. Fine and Blake disagree. Who, if anyone, is right? (NB: The distinction between justice and legitimacy employed by Wellman.)

Required:

Christopher Heath Wellman, 'Immigration and Freedom of Association', *Ethics*, vol. 119, no. 1 (2008), pp. 109–141.

Sarah Fine (2010), 'Freedom of Association Is Not the Answer', *Ethics* 120: 338-56.

Michael Blake (2012), 'Immigration, Association, and Antidiscrimination', *Ethics* 122: 748-62.

Suggested:

Wellman, C. H., and P. Cole (2011), *Debating the Ethics of Immigration: Is There a Right to Exclude?* (Oxford: Oxford University Press), Ch. 1.

### **Week 9 (6 December) Immigration, Authority, and Makers' Rights**

This week we consider two further attempts to ground a right to exclude. The first (Blake) begins with the idea that states have a special responsibility toward everyone on their territory (consider, for example, what it takes to maintain and protect the human rights of all present on a territory). If the state were to admit a would-be immigrant, it—and hence the citizenry—would therefore acquire special obligations to maintain and protect them. But we have a prior right to reject the imposition of unwanted obligations. So we, as citizens, have a prior (qualified) right to choose whom to admit. The second argument begins with the thought that the state, if we live in a democracy, is our creation. It is we, the citizenry, that create and maintain the institutions that govern our lives. As joint authors of state institutions, we therefore have special rights over the terms of access to those institutions, including special rights over whom to admit as members. How do these arguments stack up against the others we have discussed? How qualified are the arguments for the right to exclude? Do some justify more porous borders than others?

Required:

Blake, M. (2013), 'Immigration, Jurisdiction, and Exclusion', *Philosophy & Public Affairs* 41: 103-30.

Kates, M., and R. Pevnick (2014), 'Immigration, Jurisdiction, and History', *Philosophy & Public Affairs* 42: 179-94.

Pevnick, R. (2011), *Immigration and the Constraints of Justice: Between Open Borders and Absolute Sovereignty* (Cambridge, UK: Cambridge University Press), pp. 27-77.

Brezger, J., and A. Cassee (2016), 'Debate: Immigrants and Newcomers by Birth—Do Statist Arguments Imply a Right to Exclude Both?', *Journal of Political Philosophy* 24: 367-78, pp. 373-377.

Suggested:

Bauböck, R. (2009), 'Global Justice, Freedom of Movement and Democratic Citizenship', *European Journal of Sociology* 50: 1-31.

Carens, J. (2013), *The Ethics of Immigration* (Oxford: Oxford University Press), Ch. 8.

Simmons, A. J. (1998), 'Makers' Rights', *The Journal of Ethics* 2: 197-218.

### **Week 10 (13 December) Immigration and Distributive Justice**

One of the most common objections to more open immigration policies is that they tend to lower the wages of low-skilled labor, thus increasing domestic socioeconomic inequality. There is a large empirical literature on whether this is true (see suggested readings for some of the relevant literature). This literature is, however, divided on whether, when and where immigration has such effects. In this week, we ask: Let us assume immigration tends to exacerbate host state inequality, what implications does this have for the right to exclude? We consider one of the most famous justice-based arguments for open borders (Carens), and some contemporary responses.

Required:

Joseph Carens (1987), 'Aliens and Citizens: The Case for Open Borders', *The Review of Politics* 49: 251-73.

Stephen Macedo (2007), 'The Moral Dilemma of US Immigration Policy: Open Borders Versus Social Justice?', in *Debating Immigration*, ed. Carol Swain (Cambridge: Cambridge University Press), pp. 301-23.

Ryan Pevnick (2011), *Immigration and the Constraints of Justice: Between Open Borders and Absolute Sovereignty* (Cambridge, UK: Cambridge University Press), pp. 104-32.

Suggested:

Dustmann, C., and T. Frattini (2014), 'The Fiscal Effects of Immigration to the UK', *The economic journal* 124: 593-643.

Borjas, G. (2003), 'The Labor Demand Curve Is Downward Sloping: Reexamining the Impact of Immigration on the Labor Market', *The Quarterly Journal of Economics* 118: 1335-74.

Goodhart, D. (2017), *The Road to Somewhere: The Populist Revolt and the Future of Politics* (Oxford: Oxford University Press), Ch. 5.

Wellman, C. H., and P. Cole (2011), *Debating the Ethics of Immigration: Is There a Right to Exclude?* (Oxford: Oxford University Press), Ch. 2.