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In Defence of Cosmopolitanism^{*}

Carl Knight

Abstract: David Miller has objected to the cosmopolitan argument that it is arbitrary and hence unfair to treat individuals differently on account of things for which they are not responsible. Such a view seems to require, implausibly, that individuals be treated identically even where (unchosen) needs differ. The objection is, however, inapplicable where the focus of cosmopolitan concern is arbitrary disadvantage rather than arbitrary treatment. This ‘unfair disadvantage argument’ supports a form of global luck egalitarianism. Miller also objects that cosmopolitanism is unable to accommodate special obligations generated by national membership. Cosmopolitanism can, however, accommodate many special obligations to compatriots. Those which it cannot accommodate are only morally compelling if we assume what the objection claims to prove – that cosmopolitanism is mistaken. Cosmopolitanism construed as global luck egalitarianism is therefore able to withstand both of Miller’s objections, and has significant independent appeal on account of the unfair disadvantage argument.

Keywords: associative duties, cosmopolitanism, egalitarianism, global justice, luck, David Miller

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Introduction

Weak cosmopolitanism requires that equal concern is shown for all persons in the world. *Strong cosmopolitanism* accepts this requirement but, crucially, adds another: that all persons must be subjected to equal treatment (in some strong sense).¹ This is now the most common position taken by political philosophers writing on global justice, but it is far from universally accepted. Several writers defend positions which give some form of priority to compatriots (Rawls 1999; Blake 2001; Nagel 2005; Sangiovanni 2007). They accept weak cosmopolitanism,² but see no injustice in there being inequality between nations or states, or between citizens in different nations or states, provided certain minimal conditions are met – typically, that all have the means for self-determination and/or certain decent minimums are upheld for all.

In the course of his recent defence of such a position David Miller has presented two grounds for rejecting strong cosmopolitanism (hereafter: ‘cosmopolitanism’³). This article responds to the two problems with cosmopolitanism that Miller believes he has identified. It first considers the suggestion that the common argument for cosmopolitanism which attempts to combine weak cosmopolitanism with a rejection of morally arbitrary distributive influences yields counterintuitive implications where individual needs differ. It goes on to address the argument that cosmopolitanism cannot give due weight to the special obligations generated by national membership. In the course of responding to these two problems, an argument for a form of *luck egalitarianism* – the view that individuals’ advantage levels should be sensitive to their exercises of responsibility, or failing that equal – is presented and defended. If this

argument succeeds, it will have been shown that Miller's objections are not strong grounds for rejecting cosmopolitanism.

Arbitrariness and Advantage

The 'weak cosmopolitan premise' is found in much work on global justice. According to Miller, Charles Beitz, Brian Barry, Thomas Pogge, and Kok-Chor Tan have all endorsed it in one form or another: 'one formulation states that every human being has equal moral worth; another that every human being is equally an object of moral concern; yet another that we owe every human being impartial consideration of their claims upon us'.⁴ Nevertheless, there is, on Miller's view, an identifiable core to the weak cosmopolitan premise:

What these formulations have in common is the idea that we owe all human beings moral consideration of some kind – their claims must count with us when we decide how to act or what institutions to establish – and also that *in some sense* that consideration must involve treating their claims equally (Miller 2007: 27, original emphasis).

This 'equal consideration principle' seems uncontroversial. As Miller says, virtually everyone would accept that we can not give people of different races different medical treatment just because they belong to different races, and such blatantly unequal consideration of claims is ruled out by the principle. The principle 'would be accepted by almost everyone (with the exception, perhaps, of a few extreme racists), so if that were all

strong cosmopolitanism meant, we could safely say that we are all cosmopolitans now' (Miller 2007: 27; see also Brock & Brighouse 2005: 3). But of course cosmopolitans really want to say rather more: for instance, that justice requires global equal opportunity. Part of Miller's argument against such cosmopolitan positions is that 'whether such principles can be defended in their own terms, it is important to see that they cannot be derived from the weak cosmopolitan premise' (Miller 2007: 28).

Cosmopolitans generally do not claim that their demanding principles of global justice can be derived in any strict sense from weak premises. Pogge, for instance, writes that '[t]he central idea of moral cosmopolitanism is that every human being has a global stature as an ultimate unit of moral concern. Such moral concern can be fleshed out in countless ways' (Pogge 2008: 52). The cosmopolitans' claim is that their positions follow when a weak cosmopolitan premise is combined with other stronger but still plausible premises.

One argument of this sort starts with the weak cosmopolitan premise, and notes that it precludes discriminating against people on the grounds of race or sex. We might then flesh out the idea of treating claims equally by proposing an equal opportunity principle, of a sort widely accepted at a domestic level. The next move is to argue that 'a person's nationality is an irrelevant feature when we are considering what opportunities they should have, so the principle should be given a global application' (Miller 2007: 31). We consider nationality as being 'morally arbitrary', like, say, hair colour is, and so our substantive norm of equal opportunity should apply globally (Caney 2001; Pogge 1989: 247; Tan 2004: 27-8, 159-60; Moellendorf 2002: 55-6, 79).

Miller believes he has a powerful objection to the arguments of this sort found in the literature. They rely upon an equivocation between (1) morally arbitrary in the sense of not being grounded in responsibility, which is the premise of such arguments, and (2) morally arbitrary in the sense of not being an appropriate basis for differential treatment, which is the conclusion of such arguments. What the cosmopolitan needs, Miller suggests, is a principle to link the premise to the conclusion. An obvious candidate is as follows: ‘if two people are differentiated only by features for which they are not morally responsible (arbitrariness in sense 1), then it is wrong that they should be treated differently (arbitrariness in sense 2)’.⁵ But Miller believes this principle is implausible. Suppose that there are differences in people’s *needs* that do not result from responsible action – for instance, that some people have congenital disabilities. In such a case it seems clear that people undifferentiated by responsibility considerations are nevertheless due differential treatment, for ‘[v]irtually everyone thinks that people with greater needs should be given greater resources’ (Miller 2007: 33). This shows, Miller believes, that just because nationality is ‘happenstance’, does not mean it is as morally irrelevant as hair colour; nationality could be a morally relevant happenstance, like need.

I believe that the argument from moral arbitrariness is only hamstrung by the needs objection where the argument relies on an unnecessarily implausible distributive principle. The key move in resisting the objection is to revise the second sense of morally arbitrary. The relevant sense of morally arbitrary is not (2) morally arbitrary in the sense of not being an appropriate basis for differential treatment, but rather (2’) morally arbitrary in the sense of not being an appropriate basis for *unequal levels of advantage*.

Here I use ‘advantage’ as Miller does, referring to ‘some neutral currency ... in terms of which a principle of global equality can be couched’ (Miller 2007: 68).

Changing the focus from when ‘differential treatment’ is unjustified to when ‘unequal levels of advantage’ are unjustified gives the arbitrariness argument the tools to meet Miller’s challenge regarding needs. Different needs require, in his terms, differential treatment, but they do not require unequal levels of advantage – indeed, one reason why they might require differential treatment is presumably to secure equal levels of advantage. There is consequently nothing implausible about claiming that ‘if two people are differentiated only by features for which they are not responsible (arbitrariness in sense 1), then it is wrong that they should have unequal levels of advantage (arbitrariness in sense 2)’. There may, as before, be differences in people’s needs that do not result from responsible action (arbitrariness in sense 1). But on the reformulated position there is nothing wrong about this difference in needs being reflected in a difference in how people are treated, provided it results in equal levels of advantage. In fact, for arbitrariness in sense 2’ to arise in this case, there would have to be unequal levels of advantage, and the most straightforward way in which this could happen would be for all people to be treated in the same way, in spite of the difference in needs. The revised position is, then, not only consistent with catering to different needs, but actually makes it a condition of appropriate treatment that people’s needs are taken into account, so that people who are not differentiated on responsibility do not have different advantage levels.

This change to focusing on (in)equality of advantage rather than (in)equality of treatment is far from ad hoc. Perhaps the best known theory of equality to be developed since Rawls is luck egalitarianism, which states that levels of advantage must reflect

exercises of responsibility.⁶ Cases where different individuals exercise their responsibility equivalently, and cases where different individuals do not exercise their responsibility, justify equality of advantage. Cases where different individuals exercise their responsibility non-equivalently justify inequality of advantage. The relevant point, then, is that reformulating the argument from arbitrariness leads us to the established luck egalitarian position that inequalities in advantage can only be justified by interpersonal differences in how responsibility has been exercised. This move would be desirable even if it was not necessary to avoid Miller's needs-based argument. The original version of the arbitrariness argument lead us to the unappealing position that inequalities in treatment, even those necessary to secure equality of advantage, need to be justified by responsibility considerations. No luck egalitarian has defended a position like that.

It is also important to note that, although differences in needs are now allowed for, differences in nationality are not allowed for. Where two persons differ in nationality, and are not responsible for this, the argument says that inequality in their levels of advantage is not morally appropriate. Of course, if people from one country (an East African country during a famine, say) have greater needs than those of another country (a Western European country, say), then we will need to give more resources to the first people in order to ensure equality of advantage. But that manoeuvre places no weight on nationality per se. This is just the result the cosmopolitan is looking for.

More formally stated, the revised argument, or *arbitrary disadvantage argument* as I will refer it, looks like this:

Premise 1: All persons are to be subject to equal consideration.

Premise 2: Equal consideration implies that persons are not disadvantaged on the basis of race or sex.

Premise 3: The feature of race and sex which is necessary and sufficient for persons not being subject to equal consideration when they are disadvantaged on the basis of race and sex is that persons are not agent responsible for their race or sex.

Conclusion: No person should be disadvantaged on the basis of things for which they are not agent responsible.⁷

I believe that the arbitrary disadvantage argument provides a plausible basis for an egalitarian form of cosmopolitanism.⁸ If the premises are accepted, the Conclusion seems to follow naturally. Miller accepts Premise 1 (the weak cosmopolitan premise) and Premise 2 (which he presents as an implication of the weak premise). The most controversial part of the argument is undoubtedly Premise 3, but it is not obviously wrong. If we try to separate features which people may, consistent with equal consideration, be disadvantaged on the basis of, from features which people may not, consistent with equal consideration, be disadvantaged on the basis of, the dividing line does seem to mirror an intuitive divide between responsibility and non-responsibility: on the one hand we have time spent working, intensity of effort, and quality of decision-making; on the other hand we have race, sex, religion, and class. While the last of these, at least, may be, to some extent, subject to individual choice – where, in a meritocratic society, one of a lowly background attains education and employment associated with

higher classes – it may be thought that, insofar as choice actually has this impact, class slides over the line, and becomes a legitimate basis for inequality.

There may be some features, such as political or even religious beliefs, which people may become responsible for, by consciously seeking out ideological or holy texts, or attending meetings of like-minded people, which nevertheless strike us as an inappropriate basis for inequality. But the relevant point is that, even if someone is responsible for their beliefs, they can only form the basis for inequality where they result in other conditions being satisfied. If someone adopts a political or religious belief which means they work harder or less hard, or have a different level of risk aversion, then the basis for inequality will be their agent responsibility for the benefits and burdens that their responsible actions bring about. But if their belief does not affect their conduct in that way then, though they are responsible for it, it will not affect their distributive share.

I In short, a cosmopolitanism grounded in the arbitrariness of basing distributions on things for which people are not responsible has some promise. Miller remarks, on rejecting the original arbitrariness argument, that ‘we have yet to be given a reason why it is wrong if people are better or worse off on account of their national membership’ (Miller 2007: 33). But there is a *prima facie* case for saying that it is at least often wrong if people are better or worse off on account of their national membership. It is that (a) no person should be disadvantaged on the basis of things for which they are not agent responsible, and (b) national membership is something for which people are not usually agent responsible. Miller is right that cosmopolitanism cannot be ‘derived’ from the weak premise, or as he puts it elsewhere that ‘strong cosmopolitanism is not entailed by weak

cosmopolitanism' (Miller 2007: 50). But the weak premise can be part of an appealing argument for a form of full-blown cosmopolitanism.

Special Obligations

Another argument for rejecting cosmopolitanism that Miller presents is that it fails to give due weight to national membership. The argument 'is an attempt to defeat strong versions of cosmopolitanism by showing that nations are indeed communities of the kind that can support special obligations' (Miller 2007: 34). Two key steps are made: first, it is asserted that human attachments can generate special obligations; second, it is maintained that national membership is a kind of attachment that can satisfy the three necessary conditions for special obligations.

Just any special obligations will not do for Miller's argument.⁹ If there are special obligations, but the fundamental moral grounds for them are cosmopolitan, then the argument will not get off the ground. Miller acknowledges that 'strong cosmopolitans can of course recognise and endorse special obligations to compatriots where it can be shown that acting on these is the most effective means of bringing about global justice' (Miller 2007: 31n.12). Robert Goodin, for instance, regards special duties 'as being merely "distributed general duties"', deriving 'the whole of their moral force from the moral force of those general duties' (Goodin 2008: 272). The duties that state agents have towards their citizens are '[a]t root ... merely the general duties that everyone has towards everyone else worldwide' (Goodin 2008: 274). On this view, special duties are assigned to those with particular attachments with others (family members, compatriots) simply because that is the best (for instance, most efficient or most fulfilling) way for

general duties to be upheld. For instance, there might be general duties to raise young children that are best allocated to parents, who will care more reliably and wholeheartedly for their offspring than non-relatives would. These derivative special obligations will not do for Miller's purposes as he intends to establish national membership as the fundamental basis for (some) obligations, not just as a convenient way of distributing obligations that have a purely cosmopolitan moral basis. So both steps of Miller's argument must refer not just to special obligations, but to *morally fundamental* special obligations.

Miller's argument must also refer to what we might call *lexically prior justicial* special obligations. A justicial obligation is an obligation the fulfilment of which is a matter of justice, which both Miller and myself take as implying consistency with equal consideration. For instance, it would typically be thought a matter of justice that a state ensures its citizens are educated, but not a matter of justice that parents promote their child's upbringing, even if they are so obliged. A *lexically prior* justicial special obligation is an obligation the fulfilment of which is among the first priorities of justice. For instance, Rawls famously argued that the basic liberties had lexical priority over distributive justice, so on that account the state's obligations to uphold basic liberties would be lexically prior (Rawls 1972). The relevance of this distinction is shown by Tan's position that 'cosmopolitan justice, properly understood, can provide the limiting conditions for nationalist aspirations and patriotic commitments, and that it can do so without denying the moral significance of such particular ties and obligations'.¹⁰ This position allows that special obligations based on nationality are morally fundamental (see Tan 2004: ch. 9; Abizadeh & Gilabert 2008). But Miller still needs to resist it because it

in effect grants lexical priority to cosmopolitan justice – we can only consider special obligations once cosmopolitan obligations are satisfied – and is therefore consistent with the (strong) cosmopolitan requirement of substantively equal treatment. Just ‘showing that nations are indeed communities of the kind that can support special obligations’ is not enough to ‘defeat strong versions of cosmopolitanism’, even if those obligations are fundamental. Miller in addition requires that those obligations are treated as a matter of justice, and as among the first priorities of justice: if they were non-justicial, or justicial but lower priorities than cosmopolitan considerations, their existence would not challenge cosmopolitanism.¹¹

A final preliminary is that Miller’s argument must refer to *extensive* special obligations. By this I mean special obligations which are sufficiently far-reaching to conflict with cosmopolitanism’s obligations. More specifically, I interpret special obligations as being extensive where their full set cannot be satisfied simultaneously with the full set of *baseline* general obligations (those that would be held absent any special obligations). Samuel Scheffler considers the position that ‘the acquisition of special responsibilities to some people leaves unchanged both the content and strength of one’s general responsibilities to other people’ (Scheffler 2001: 86). If Miller was only able to establish special obligations of this sort, he would have presented no case against (strong) cosmopolitanism. Suppose, for example, that he could establish that there was a special obligation to contribute to the upkeep of a welfare state to assist co-nationals in certain ideal circumstances of greatly increased equality (see Seglow 2010: 70-1). Even if this special obligation was fundamental, and even if it was lexically prior justicial, cosmopolitanism could accommodate it as the obligation to support a national welfare

state is not at odds with the baseline general obligations of many cosmopolitan theories where global equality has already been realised.

If Miller's argument is successful in the terms described above, we will have grounds on which to resist the arbitrary disadvantage argument for global luck egalitarianism presented above. Specifically, we will be able to resist Premise 3, which holds that *the feature of race and sex which is necessary and sufficient for persons not being subject to equal consideration when they are disadvantaged on the basis of race and sex is that persons are not agent responsible for their race or sex*. The premise will be threatened by the success of Miller's argument because such success establishes that a person being disadvantaged on the basis of something for which they are not agent responsible is *not* necessary and sufficient person for that person having been denied equal consideration. If Miller's argument succeeds, equal consideration will be consistent with at least one form of responsibility-insensitive disadvantaging, namely the disadvantaging that arises where one person is made worse off than another due to the latter benefitting from co-nationals discharging their special obligations towards them.

The main task of this section is to raise doubts about whether the first step of Miller's argument, revised to accommodate the above preliminaries, can deliver the claimed refutation of cosmopolitanism. Our question is whether human attachments can generate fundamental, lexically prior justicial, and extensive special obligations. All further unqualified reference to special obligations must be taken to refer to lexically prior justicial and extensive special obligations. An explicit distinction between fundamental and derivative special obligations will, however, be central to the discussion. I will first argue that, in *National Responsibility and Global Justice*, Miller fails to

establish that there are any fundamental special obligations. I then go on to suggest that, though Miller's earlier work suggests that certain familiar nationally-derived obligations would have to be grounded fundamentally if it all, the cosmopolitan can plausibly deny the existence of such duties.

Miller says that he will be assuming that *some* attachments can generate special obligations. He writes that his argument 'does not address those who think that there can be no local duties, duties not owed to humanity at large, not even within family groups' (Miller 2007: 34). The apparent explanation for this is that 'most cosmopolitans are willing to accept such duties' (Miller 2007: 34) when presented with examples such as the following:

Suppose a child goes missing and there are fears for her safety. This is equally bad no matter whose child it is, and there are some agents, for instance the police, who should devote equal resources to finding the child in all cases. But there are other agents whose reasons for action will depend on their relationship to the child. If the child is mine, then I have a strong reason, indeed an overwhelming reason, to devote all my time and energy to finding her – a *moral* reason, to be clear, not merely a strong desire, by virtue of our special relationship. If the child comes from my village, then I have a stronger reason to contribute to the search than I would have in the case of a child from another community (Miller 2007: 29, original emphasis).

It may be true that most cosmopolitans would accept that there are special obligations in a case like this. But we are given very little to make us think that the special obligations those close to the child have are fundamental, i.e. not merely Goodin's 'devices whereby the moral community's general duties get assigned to particular agents' (Goodin 2008: 272). It is not too much to suppose that the moral community has duties to protect children. Nor is it much of a leap to suggest that, if you want to protect children, it is better to assign the most demanding duties to the child's parents and local people. If these demanding duties were instead assigned to outsiders, and family and friends socialised to believe that they had to do no more to look for a child close to them than to one on the other side of the country, the efforts made to look for the child would be much less thorough. Even if the letter of the demanding duties – fields were combed for so many hours a day, appeals were made to the media, and so on – was begrudgingly followed by strangers the standard of their performance, and their contribution to protecting children, would be much lower. Of course, the best case scenario as regards protection of a particular missing child would be for everyone to (be under the duty to) devote themselves to looking for the child. But the moral community's duties of child protection are not so strong that they extend to grinding a county or a country to a halt. So the best way of assigning the general duties of child protection, consistent with other duties (for instance, maintaining a competitive economy), is to assign weak general duties to all (to use Miller's example, to require anyone to pass relevant information on to the police), and stronger special duties to those in certain professional roles and those biologically or geographically close to the child.

Miller does not, as far as I can tell, describe any argument for thinking that the special duties of parents and the local community are fundamental rather than derivative on general duties. This seems like a strange omission, given his recognition that derivative special duties in the international context are insufficient for his purposes. Miller's argument does not only, as he admits, disregard the minority position among cosmopolitans that there are no local duties; it also ignores the majority position among cosmopolitans that there *are* special, local duties, but that these are derivative on worldwide duties. Those two positions are exhaustive of (consistent) cosmopolitan stances on special duties, so to assume that they are wrong is to assume that cosmopolitanism is wrong.

This lacuna in Miller's argument might be thought attributable to the fact that he had already, in *On Nationality*, examined the position that duties to compatriots are derivative.¹² Describing Goodin's position as an example of 'the "useful convention" method of getting from universal duties to particular ones' (Miller 2008a: 286), Miller acknowledges that some particular duties are indeed useful conventions for achieving general duties. For instance, the general duty to save struggling swimmers can be effectively acted upon by assigning particular duties to lifeguards. But this is because lifeguards are capable swimmers with specialised training, which makes them especially well equipped to pull strugglers out of the sea and remove water from their lungs. There is no comparable specialisation among any particular individual's co-nationals, so it is hard to see how taking special responsibility for one's compatriots can be justified as the best way of satisfying universal duties. For while people may have a certain advantage, due to cultural similarities, in identifying the needs of their compatriots, this is

counterbalanced by the fact that assigning special responsibilities to compatriots is a highly inefficient way of using resources from a general perspective. For instance, '[t]o put Swedes, with a per capita annual income of \$24,000, in charge of their own needy, and Somalians, with a per capita income of \$120, in charge of *their* needy would seem grossly irrational from a universal standpoint' (Miller 2008a: 292). Miller concludes that universalists – or cosmopolitans as he now refers to them – cannot assign moral worth to nationality indirectly, as serving general duties. If we want to assign moral value to nationality then we would do better to do so directly, as he proposes.

This argument has some appeal. But can it be used to establish the first step of the argument against cosmopolitanism (the claim that human attachments can generate fundamental special obligations)? It is pretty clear that it cannot. As Miller admits, it is only an argument against those cosmopolitans who think they *can* find a derivative moral basis for nationality. A cosmopolitanism which says that special obligations are grounded in general duties, and that nationality does *not* give rise to special obligations, is not addressed by Miller's argument.

The argument so far is that Miller's argument begs the question. His argument is that cosmopolitanism fails because it does not allow national membership to give rise to special obligations. But for this argument to get off the ground, he must mean that cosmopolitanism cannot give rise to special obligations of nationality that are morally fundamental. Some evidence for the existence of special obligations is given, but no evidence for the existence of fundamental special obligations of nationality is presented. Miller simply assumes that such obligations exist, and in so doing assumes what he claims to be demonstrating – the 'defeat' of cosmopolitanism.

One last attempt to resuscitate Miller's argument proceeds as follows. The second step of Miller's argument in *National Responsibility and Global Justice* unfolds as an attempt to show that national membership satisfies three conditions for attachments to legitimately ground special duties (Miller 2007: 36-43; see also Child 2009). It may seem that, if there can be no such thing as fundamental special obligations, then it is beside the point whether national membership satisfies the three conditions of being intrinsically valuable, of entailing duties intrinsic to the relationship, and of not being founded on injustice. At most it will have been shown that national membership can ground special obligations, and that is not enough as special obligations may be derived from general duties. But I have already allowed that there is some plausibility to the argument of *On Nationality* that if we are to assign weight to nationality, it must be on fundamental grounds. So pulling the two strands of argument together we have (i) that national membership can ground special obligations, and (ii) that, *if* national membership can ground special obligations, those obligations must be fundamental. Unless one or both of these positions can be resisted, we appear to have a solid argument for saying that national membership can ground fundamental special obligations, and hence that cosmopolitanism is mistaken.

I do not want to dispute (i). Although I would reject Miller's account of why national membership is a basis for special obligations, it seems likely to me that some cosmopolitan account that gives instrumental value to special obligations and/or makes them non-justicial and/or non-lexically prior and/or non-extensive might succeed. In spite of its initial appeal, it is (ii) that I would challenge.

Miller is right to say that, if national membership can ground special obligations *like those which are commonly attributed to compatriots*, those obligations must be fundamental. But the italicised qualification is crucial, for Miller offers no real support for the stronger claim that, if national membership can ground special obligations *at all*, those obligations must be fundamental. We might take the position that Swedes have special obligations to other Swedes, but that these are weaker than is commonly supposed. Perhaps these obligations are purely expressive in content (for example, Swedes might owe other Swedes expressions of national solidarity that they do not owe Somalis); or perhaps these obligations concern the legal and political framework of the country (for example, Swedes might be obliged to be jurors or witnesses when the Swedish justice system requests it, but can ignore similar requests from Somalia). Miller's argument would not touch positions of this kind as they are consistent with Swedes having as much of an obligation to meet the material needs of Somalis as they do to meet those of Swedes. The special obligations described by such positions are, in the terms introduced above, non-extensive – they do not conflict with general obligations.¹³ (The expressive special obligations are probably also non-justicial and non-lexically prior.) These positions acknowledge the point that Swedes are culturally better equipped to help other Swedes than they are to help Somalis, without following that point to what Miller notes is an untenable conclusion for the cosmopolitan: that Swedes should prioritise helping those Swedes who are (relative to other Swedes) economically needy, even though Somalis are generally in far greater economic need. The crucial point, then, is that Miller has not shown that there are obligations of justice grounded in nationality which are extensive enough to conflict with cosmopolitan obligations. Swedish duties to

financially assist Swedes would be extensive enough, but it is highly plausible, especially to cosmopolitans, that Swedes are under no such duties.

It is possible to defuse Miller's objection to the position that nationally-grounded special obligations derive from general obligations by decoupling nationally-grounded special obligations from practices which are rooted in, and perpetuate, huge international inequalities (see Tan 2004: 144-6). There are few cosmopolitans for whom that decoupling would be problematic – indeed, it would be a natural result of applying equality globally, as many cosmopolitans propose. For instance, were we to endorse the luck egalitarian view that people are not subject to equal consideration where they are disadvantaged on the basis of things for which they are not responsible, it would be clear that poor Swedes could not be given priority over poorer Somalis on account of being Swedes, because Somalis are not (at least usually) responsible for being Somalis.¹⁴ So I deny that special obligations grounded in national membership must be fundamental as (ii) suggests, and see no problem in the cosmopolitan accepting (i) that national membership can ground special obligations. Premise 3 of the arbitrary disadvantage argument is secure because it has not been shown that disadvantaging of people on account of things for which they are not responsible, such as nationality, is required for us to handle special obligations in a plausible way.

The suggestion that cosmopolitanism should be rejected on account of its inability to accommodate special obligations has some intuitive appeal. Cosmopolitanism can, however, accommodate many special obligations – specifically, all of those which are either derivative, or non-lexically prior, or non-justicial, or non-extensive, or any combination of these. The goal for the critic of cosmopolitanism is therefore to identify

special obligations which have none of these features. It is easy to identify special obligations, but very hard – perhaps impossible – to keep all of these features out without assuming the falsity of cosmopolitanism. That falsity is supposed to be the conclusion of Miller’s argument, not its premise.

Conclusion

I have argued that Miller’s criticisms of cosmopolitanism do not threaten its coherence or appeal where the view is stated in one of its stronger forms. The needs problem does not undermine moral arbitrariness as a basis for cosmopolitanism where a global form of luck egalitarianism is assumed. The special obligations problem implicitly assumes that special obligations are fundamental, and as cosmopolitanism is inconsistent with fundamental special obligations, this is not so much an argument against cosmopolitanism as a bare assumption against it. An extension of the argument points to the apparent existence of fundamental national obligations where, for example, people in rich countries are obligated to help their co-nationals, but such obligations are not plausible from a cosmopolitan perspective. As proof that special obligations of the relevant sort can exist has not been provided, the thought that discrimination based on race or sex is inconsistent with equal consideration *because* it disadvantages people on the basis of things for which they are not responsible remains tenable. I have maintained that that thought is the key part of a plausible argument for global luck egalitarianism.

None of this is to say that Miller’s critique of cosmopolitanism is without merit. He successfully challenges certain arguments for cosmopolitanism, such as the original arbitrariness argument, which refers to differential treatment rather than disadvantage. He

shows cosmopolitanism to be a more demanding doctrine than some of its adherents might like, ruling out some familiar national obligations. It is also true that he has some effective specific criticisms of forms of global egalitarianism other than my favoured luck egalitarianism which I have been able to disregard here (Miller 2007: ch. 3; see also Knight 2012). Miller's higher ambition of undermining cosmopolitanism itself is unsuccessful, as it follows from the plausibility of one form of cosmopolitanism that the problem with other forms of cosmopolitanism is not their cosmopolitanism. But Miller's ambition is unsuccessful in an enlightening way. By drawing on assumptions very different to those of cosmopolitans, the critique lays bare the deep methodological and substantive assumptions of cosmopolitanism. Miller says that he is open to Leif Wenar's 'suggestion that I should appeal to the value to individuals of national self-determination as a way of countering arguments for global equality if my direct attack on the latter value should fail' (Miller 2008b: 566; see also Wenar 2008). The direct attack seems to have failed, but Miller can still resist cosmopolitanism by confronting it with a rival set of basic values.

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Notes

1. Miller 2007: 43-4. Both strong and weak cosmopolitanism are forms of ‘moral cosmopolitanism’, which ‘in its most general formulation, says simply that human beings are all subject to the same moral laws’; ‘political cosmopolitanism’, by contrast, ‘says that this can be achieved only if everyone is ultimately subject to the same authority with the power to enforce these laws’ (2007: 24).
2. For example, a country cannot just dump its nuclear waste on foreign soil, with no regard to the interests of the foreigners thereby disadvantaged (Miller 2007: 27-8).
3. Miller sees strong cosmopolitanism as the position taken by self-identifying cosmopolitans (see 2007: 28), and refers to his position as, in Charles Beitz’s (1999) terms, a form of ‘social liberalism’ rather than ‘cosmopolitan liberalism’ (2007: 20-1), even though it endorses weak cosmopolitanism. I hope, then, that the presentational convenience of using cosmopolitanism unqualified to refer to strong cosmopolitanism does not seem jarring. Tan (2004: 151-2) takes the similar strategy of referring to cosmopolitanism and ‘restricted cosmopolitanism’.
4. Miller 2007: 27. See Beitz 1998: 830-1; Beitz 2005: 17; Barry 1999: 35-6; Pogge 2002: 169-70; Tan 2004: 1, 94.
5. Miller 2007: 33. Although Miller refers to *moral* responsibility here, that does not seem to be needed for morally arbitrary inequality to be averted. When one person works harder than another, purely motivated by self-interest, on some views they could not thereby be morally responsible for their extra productivity, even if they are *agent* responsible for it. As Miller recognizes elsewhere (2007: 90, 100-1), accounts of distributive justice which are sensitive to responsibility and choice need not be in the business of basing distributions on moral responsibility; agent responsibility (or ‘outcome

responsibility’, as he calls it) is enough. For this reason I refer to ‘agent responsibility’ later in the text.

6. Arneson 1989; Cohen 1989; Knight 2009a. Though Dworkin (2003) refuses the label of ‘luck egalitarian’, Dworkin 2000: ch. 2 remains the main inspiration for luck egalitarianism.

7. The argument maintains only that equal consideration is sometimes inconsistent with *inequality*. An extended and (I would say) more fully luck egalitarian version of the argument would also hold that equal consideration is inconsistent with equality where there have been non-equivalent exercises of responsibility. I leave this aside as a complication which is unnecessary for present purposes, especially given that some luck egalitarians defend equality even where there have been non-equivalent exercises of responsibility; see Segall 2010: ch. 1.

8. For the argument that luck egalitarianism is indeed substantively egalitarian, see Knight 2009b.

9. Like Miller, I will use ‘duties’ and ‘obligations’ interchangeably. Rawls’ (1972: 114) distinction between obligations, which are acquired voluntarily, and ‘natural duties’, is absent in Miller’s argument. What I am referring to as special duties (or obligations) are often called special responsibilities or associative duties.

10. Tan 2004: 2-3. Arash Abizadeh and Pablo Gilabert (2008: 351) make the similar claim that ‘special responsibilities, like general duties, arise within the framework of cosmopolitan egalitarianism’ .

11. Tan usually says that cosmopolitanism or global justice limit special obligations, which leaves it ambiguous whether those obligations are non-justicial, or justicial but not

matters of global justice. He seems to agree with Miller's claim that there is a conflict between global and domestic justice, although unlike Miller he grants priority to global justice (2004: 191-3; see Miller 2000: 167-70), which supports the justicial interpretation. But elsewhere Tan implies the non-justicial interpretation: 'once the requirements of justice are met, partial concern for compatriots ... is not only to be expected but is unreasonable to deny' (2004: 159). Whichever is Tan's favoured interpretation, Miller must resist it.

12. Miller 1995: ch. 3; reprinted as Miller 2008a.

13. It is arguable that Miller's positive view does not describe extensive special obligations. His approaches to mediating global and special duties, implementing fair terms of cooperation, and securing the subsistence of distant others are all rather vague; see Brock 2008: 440-44.

14. Niko Kolodny (2002) suggests that special and general duties, properly specified, will not conflict. The idea as applied to the present case is that acting on a special duty by prioritizing monetary aid to my fellow Swede simply passes part of my general duty to assist Somalis on to my compatriot. I am far from convinced by this argument. My general duty is most plausibly construed as one to *ensure* that Somalis are assisted, and as a matter of *urgency*. If I give my disposable income to a compatriot it is less than certain that they will pass it on, and even if it is it will be unduly delayed. I suggest that both of these features show that I have acted contrary to my general duty, just as I would have if my aid to Somalia took the form of high denomination bills stuffed into a second-class envelope. For somewhat different criticism of Kolodny's argument see Lazar 2009: 97-99.

References

- Abizadeh, A., and Gilabert, P. 2008. Is there a genuine tension between cosmopolitan egalitarianism and special responsibilities? *Philosophical Studies*, 138, 349-365.
- Arneson, R. J. 1989. Equality and Equal Opportunity for Welfare. *Philosophical Studies*, 56, 77-93.
- Barry, B. 1999. Statism and Nationalism: A Cosmopolitan Perspective. In I. Shapiro and L. Brilmayer (eds), *Nomos 49: Global Justice*. New York: New York University Press.
- Beitz, C. 1998. International Relations, Philosophy of. In E. Craig (ed.), *Routledge Encyclopaedia of Philosophy*. London: Routledge.
- Beitz, C. 1999. International Liberalism and Distributive Justice: A Survey of Recent Thought. *World Politics*, 51, 269-96.
- Beitz, C. 2005. Cosmopolitanism and Global Justice. In G. Brock and D. Moellendorf (eds), *Current Debates in Global Justice*. Dordrecht: Springer.
- Blake, M. 2001. Distributive Justice, State Coercion, and Autonomy. *Philosophy and Public Affairs*, 30, 257-96.
- Brock, G. 2008. What Do We Owe Others as a Matter of Global Justice and Does National Membership Matter? *Critical Review of International Social and Political Philosophy*, 11, 433-48.
- Brock, G. and H. Brighouse. 2005. Introduction. In G. Brock and H. Brighouse (eds), *The Political Philosophy of Cosmopolitanism*. Cambridge: Cambridge University Press.
- Caney, S. 2001. Cosmopolitan Justice and Equalizing Opportunities. In T. Pogge (ed.), *Global Justice*. Oxford: Blackwell.

- Child, R. 2009. Should We Hold Nations Responsible? *Res Publica*, 15, 195-202.
- Cohen, G. A. 1989. On the Currency of Egalitarian Justice. *Ethics*, 99, 906-44.
- Dworkin, R. 2000. *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, MA: Harvard University Press.
- Dworkin, R. 2003. Equality, Luck and Hierarchy. *Philosophy and Public Affairs*, 31, 190-8.
- Goodin, R. 2008. What is So Special about Our Fellow Countrymen? In T. Brooks (ed.), *The Global Justice Reader*. Oxford: Blackwell.
- Knight, C. 2009a. *Luck Egalitarianism: Equality, Responsibility, and Justice*. Edinburgh: Edinburgh University Press.
- Knight, C. 2009b. Describing Equality. *Law and Philosophy*, 28, 327-65.
- Knight, C. 2012. In Defence of Global Egalitarianism. *Journal of Global Ethics*, forthcoming.
- Kolodny, N. 2002. Do Associative Duties Matter. *The Journal of Political Philosophy*, 10, 250-266.
- Lazar, S. 2009. Do Associative Duties Really Not Matter? *The Journal of Political Philosophy*, 17, 90-101.
- Miller, D. 1995. *On Nationalism*. Oxford: Oxford University Press.
- Miller, D. 2000. *Citizenship and National Identity*. Cambridge: Polity.
- Miller, D. 2007. *National Responsibility and Global Justice*. Oxford: Oxford University Press.
- Miller, D. 2008a. The Ethics of Nationality. In T. Brooks (ed.), *The Global Justice Reader*. Oxford: Blackwell.

- Miller, D. 2008b. A Response. *Critical Review of International Social and Political Philosophy*, 11, 553-67.
- Moellendorf, D. 2002. *Cosmopolitan Justice*. Boulder, CO: Westview Press.
- Nagel, T. 2005. The Problem of Global Justice. *Philosophy and Public Affairs*, 33, 113-147.
- Pogge, T. 1989. *Realizing Rawls*. Ithaca, NY: Cornell University Press.
- Pogge, T. 2002. *World Poverty and Human Rights*. Cambridge: Polity.
- Pogge, T. 2008. Cosmopolitanism and Sovereignty. In T. Brooks (ed.), *The Global Justice Reader*. Oxford: Blackwell.
- Rawls, J. 1972. *A Theory of Justice*. Oxford: Oxford University Press.
- Rawls, J. 1999. *The Law of Peoples*. Cambridge, MA: Harvard University Press.
- Sangiovanni, A. 2007. Global Justice, Reciprocity, and the State, *Philosophy and Public Affairs*, 35, 3-39.
- Scheffler, S. 2001. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. Oxford: Oxford University Press.
- Segall, S. 2010. *Health, Luck, and Justice*. Princeton: Princeton University Press.
- Seglow, J. 2010. Associative Duties and Global Justice. *The Journal of Moral Philosophy*, 7, 54-73.
- Tan, K.-C. 2004. *Justice without Borders: Cosmopolitanism, Nationalism, and Patriotism*. Cambridge: Cambridge University Press.
- Wenar, L. 2008. Human Rights and Equality in the Work of David Miller. *Critical Review of International Social and Political Philosophy*, 11, 410-11.