Reconciling Cosmopolitanism and Nationalism in Global Justice.

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Abstract
In exploring how to decisively address global poverty the question of what should be the content of nations’ global justice duties has been debatable. Nationalism has usually been regarded as incompatible with cosmopolitanism. It is against extending principles of social justice to the entire globe as cosmopolitanism demands on the grounds that the global context lacks the special attachments that generate national solidarity which is regarded as what ensures distributive justice realizable. For nationalism there cannot be motivation for global distributive justice since this solidarity is only national. As such the nationalist perspective holds that only humanitarian obligations constitute global justice duties. Nationalists also restrict global justice duties to humanitarian assistance due to the fact that nations have a moral obligation to respect another nation’s political culture’s values manifested in the type of national policies they pursue. For nationalists fulfilling the moral requirement of mutual respect of nations’ political cultures would entail letting nations face the consequences of their preferred choices which in some cases lead to poverty. Only when a humanitarian crisis looms do other nations have moral obligations of helping out. Cosmopolitanism agrees with the idea of respecting nations’ right to self-determination and letting nations face consequences of their choices. However it demands the precondition that the background context in which the self-determination is exercised should be just and fair. This demands that before nations respect poor nations’ political cultures the global cooperation which interferes with the exercise of self-determination should be rid of its interference tendencies that negatively restrict nations’ choices. It further demands that nations’ political cultures that are harmful to individuals by subjecting them to poverty ought to be reformed. What cosmopolitanism demands is that there should be a new understanding of nationalism with respect to the individual as the ultimate unit of moral concern. It also regards the lack of solidarity on the globe context as a resolvable challenge that would be faced in the implementation of global justice in the non-ideal real life. It does not in any way invalidate the moral worth of cosmopolitan principles of justice.
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Chapter one
General introduction

1.0. Global Inequalities

Global poverty is escalating. More than half of the world’s population lives on less than US$2 a day.¹ This implies that most people in the world cannot afford basic healthcare and have to struggle to access food for basic survival. This lack of basic amenities greatly deprives them of the opportunity to realise their aspirations. While the life expectancy at birth in most developed countries like Sweden² is 81 years that of people in the world’s poor nations like Sierra Leone³ is 42 years. While developed nations like Sweden have their GDP per capita averaging at US$34,000 that of poor nations like Sierra Leone is at a meagre US$630. Then there is also among many others the problem of high infant mortality rates among the world’s poor. In Swaziland, Ethiopia, and Sierra Leone the average infant mortality rate per 1000 is more than 200.⁴ On the other hand in the developed nations of Iceland, Norway, Australia, and Italy the infant mortality rate per 1000 in each of these nations is less than 3.⁵ This shows the extremely high levels of economic inequality that exist between the world’s rich nations and the worse-off nations. Inevitably such huge inequalities raise ethical questions. A familiar question is about what should be done to resolve this undesirable state of affairs. The current global inequalities are morally undesirable hence efforts have been made to resolve the problem. Most rich nations have taken steps towards addressing global poverty. Among others this has been done through cancellation of debts which poor nations owe rich nations, increasing the flow of aid to poor nations and also allowing more immigration from poor nations into rich nation-states.⁶ So far nations have taken such measures voluntarily if not out of charity. In political philosophy however there has been debate as to whether in the context of such inequalities rich nations have obligations of justice to those outside their national boundaries. If they do, what is the scope of those duties?

1.1. The Problem: Cosmopolitanism versus Nationalism

The recent response of rich nations to the problem of global poverty through increasing aid flow and debt cancellation has shown that global poverty is a moral problem. In other words

¹ http://www.makepovertyhistory.org/whatwewant/trade.shtml
³ http://hdrstats.undp.org/2008/countries/country_fact_sheets/cty_fs_SLE.html accessed on 16th May 2009
⁴ www.gapminder.org accessed on 16th May 2009, specific link in the references.
⁵ Ibid.
⁶ http://www.makepovertyhistory.org/docs/manifesto.doc
The affluent nations realise that they cannot just be indifferent to the plight of world’s poor. There is hence a general assumption that nations at least have some obligations of some sort to non-nationals outside their boundaries. What is hugely contested though is the content of these duties. The answer to this question is very important. It would among others facilitate an increase in the level of rich nations’ assistance to poor nations. It would also spell out the ethical obligations beyond the duties of charity that nation-states have to non-members outside national borders. This can give room for enforcement in order to ensure that nations fulfil such duties. Thus the scope of justice is generally agreed to be global but what those duties should be restricted to is contentious. Some thinkers require that the same content of obligations of justice within the nation-state should be extended to those outside the nation. Thus justice must be boundary insensitive. It must equally consider non-members outside the nation-state. On the other hand as shall be seen later there are thinkers who claim that states’ duties of justice to those non-members outside the state are limited. They do not extend beyond humanitarian assistance. This is a nationalist orientation of global justice while the former is cosmopolitan.

The cosmopolitan conception of justice primarily holds that since the individual human being is the ultimate unit of moral concern then she has entitlement to equal consideration despite any other contingencies. It holds that issues of justice are essentially moral issues and that justice must always be in the best interest of the individual. Therefore cosmopolitanism demands that principles of justice should apply to all individuals impartially. This means that rich nations’ obligations to the poor should be to ensure that the poor have more than a mere subsistence life. In other words the existing global inequalities should be eliminated. According to Tan the equality that global justice demands is an ideal that is generally motivated by the notion that socio-economic inequalities even across boundaries are a moral concern. The global equality being aspired for can be explained through the Rawlsian view of egalitarianism which requires that inequalities be tolerated only on condition that they occur in a context that offers fair equality of opportunity and that the social arrangement is to the benefit of the worst-off. He states that “global equality…. [refers] to forms of social arrangement (i.e. institutions) under which resulting inequalities are mitigated and justified rather that to an equality of outcome as such”.

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8 Tan, 2004, p7
Nationalists on the other hand agree that the nation has other duties beyond its borders. These external duties however are restricted to ensuring that nations that face conditions of severe poverty are assisted up to the extent where the disadvantaged nations attain a stage where they have the basic necessities of life. Such obligations are essentially humanitarian duties only. Beyond this point the helping nation has no further obligations. Thus nationalist thinkers hold that principles of justice should be restricted to the nation-state’s borders. The reason, so they claim, is that the conditions and nature of the nation-state, which is an important institution for the realization of justice and democracy, are unique to the nation only and as such they restrict justice within national boundaries. These conditions as nationalists argue are non-existent in the global sphere. This is why for such thinkers the state should not be committed up to equal distribution of resources to the entire world’s humanity.

Apart from the idea of the uniqueness of nationality, nationalists also argue that nationals can be held collectively responsible for the policies their nations pursue. Moral respect also demands that you not only let an agent make a choice but also let live with the consequences of the choice. Nations are agents and hence entitled to the right of self-determination. As agents they make choices and order priorities. It is only when the consequences of their choices lead to a humanitarian crisis that it is ethically legitimate to intervene.

The cosmopolitan conception seems to be at odds with a nationalist perspective of global justice. However both ideals are very important. Nationalism greatly helps to ensure that democracy and social justice are realized and sustained in the nation-state. Though seemingly mutually exclusive ideals, the two ought to be compatible since they are both valuable.

1.2. Objective
This thesis aims at showing that nationalism and cosmopolitanism are compatible and that states’ obligations of global justice ought to extend beyond humanitarian duties. This is derived from two reasons. Firstly liberalism, a concept which both liberal nationalism and cosmopolitanism subscribe to demands that the individual should be the ultimate unit of moral concern and hence justice. This is irrespective of one’s nationality.

9 Tan 2004, p20
While conceding that cosmopolitanism needs nationalism because of its importance to the individual it will be argued that there is need for an appropriate form of nationalism. It shall later be argued that by this re-defined nationalism nations can be collectively held responsible for the choices through the policies they pursue. However it shall finally be argued that much as nationalism rightly defined legitimately renders national members collectively responsible over their bad choices most of poor nations today fall short of the standards of the re-defined or ideal nationalism that cosmopolitanism would tolerate. It is for this reason that cosmopolitanism though it allows for nations’ right to self-determination it still demands that in the current state of most poor nations, the right to self-determination is being exercised in conditions that undermine its value and very end. As such according to cosmopolitanism rich nations have more obligations to the poor other than mere humanitarian duties.

It shall also be argued that the concept of (national) collective responsibility is undermined by the current global economic order. The economic order practically restricts the policies or choices which other nations pursue. As such most poor nations are unable to pursue policies that they deem to be in their best interest. Usually they have to choose from the options prescribed by the global order as to which one of the available options better serves their interests. Since participation in the economic global order is increasingly becoming both necessary and inevitable grounding responsibility of ending global poverty in national responsibility is inadequate. This is because it is in a way dictated by the global economic order. In this case it will be shown that global justice duties among nations ought to be beyond mere humanitarian obligations as nationalists argue.

1.3. Study outline

The next chapter gives an account of the cosmopolitan claim for global justice. Particularly it focuses on the arguments advanced by Kok-Chor Tan in defence of cosmopolitanism and how it should accommodate nationalism. Tan’s cosmopolitanism is chosen because of his quest to accommodate other than dismiss the value of nationalism. He sees nationalism and cosmopolitanism as ideals that are interdependent, besides cosmopolitanism being the higher good. In other words cosmopolitanism needs nationalism

The third chapter gives an account of the arguments that call for the limiting of duties of justice to national boundaries and call for nations to be committed to only up to global justice
duties of humanitarian assistance. It explores how nationalists argue for restricted global justice obligations by claiming that this is what respecting nations’ right to self-determination requires. It will also discuss a related nationalist claim that co-nationals’ special ties and special commitments that co-citizens have to each other cannot be overridden in preference of global justice commitments. It employs David Miller’s arguments as representative of nationalist claims in global justice. Upon examining the claims of both cosmopolitanism and nationalism, the fourth chapter draws implications from these theories to determine how they ought to relate with each other. In other words from the claims of cosmopolitanism and nationalism, it will show how and why nationalism must be understood within the framework of cosmopolitan principles of global justice. The fifth chapter relates the implications of the relationship of the two theories to the current global order. Through the case of the implementation of the World Trade Organization’s Trade-Related Aspects of Intellectual Property rights (TRIPS) agreement in global trade it will be shown that there are some respects in which the current global economic order hinders realization of even the very right which nationalism takes to be nations ultimate global justice duties vis-a-vis the right to subsistence. The TRIPS agreement in some respects restricts the options nations may have at their disposal in pursuit of what they regard to be their national good. The case therefore shows that we no longer ought to restrict global justice duties to humanitarian obligations on the basis of respecting nations’ right to self-determination. Through the TRIPS case it will be shown as to what adjustments ought to be made to some aspects of the current global order to ensure that such agreements conform to the notion that national interests must be restricted by cosmopolitan global justice.

1.4. Definition of concepts

It is necessary to define some of the concepts that will be used in this thesis. The conception of justice in this paper is in essence an extension of the universal liberal principles of social justice as they apply in the nation-state. A Rawlsian conception of justice is adopted since it is deemed to be very consistent with cosmopolitanism. Rawls states that “the primary subject of justice is the basic structure of society or more exactly, the way in which the major social institutions … determine the division of advantages from social cooperation”. He defines the major institutions as the principal economic and social arrangements that have the capacity of defining and influencing a person’s life prospects. 11

Rawls’ underlying idea is that an individual’s success or failure should be a result of the choices she freely makes (thus earned) other than be due to some arbitrary endowments one has no control over. This is consistent with the ideals of cosmopolitanism.\(^\text{12}\) Since in the nation-state this would be the basis for Rawls difference principle in this paper global justice obligations should be also be understood as having a global difference principle – national inequalities should be to the greatest benefit of the least advantaged nations.\(^\text{13}\) Here the term ‘nations’ and not ‘individual’ is used because as it shall be shown later cosmopolitanism also ought to demand a specific and appropriate form of nationalism that is representative of the individual’s interests.

The terms national interest, nationalism and patriotism interchangeably to refer to the mode of thought that egalitarian distribution of resources should be restricted to the state and that global justice should not necessarily commit a nation to more than meeting humanitarian assistance to individuals outside the state’s borders. The terms special duties, special ties, patriotism, and special commitments will also be used interchangeably to refer to the unique duties that co-citizens have to each other in order to realize global justice.


\(^{13}\) Kymlicka, 2002, p56
Chapter 2
Tan’s Cosmopolitanism

2.0. Cosmopolitanism
This chapter discusses Tan’s conception of cosmopolitanism. Much of it is a response to the common claims of the incompatibility of global egalitarian justice with national interest. A detailed examination of Tan’s cosmopolitanism is preferred because of its uniqueness in that other than argue for a cosmopolitan global justice that excludes and undermines nationalism Tan seeks to show that the two ought to be co-exist. This is important in that global justice is never regarded to be at the expense of the value of nationalism.

In his book *Justice Without Borders* Tan highlights the relationship of incompatibility as claimed by both nationalists and some cosmopolitans between egalitarian global justice and liberal nationalism.\(^\text{14}\) He observes that the exclusive stances taken by each of the two sides in the debate that cannot consider each co-existing with the other is un-progressive and also a misunderstanding of the nature of the two. Tan’s project therefore is to reconcile the two seemingly conflicting outlooks of justice (nationalism and cosmopolitanism) without having one conception of justice relegating the other. He holds that other than being mutually exclusive the two conceptions of justice and their resultant moral obligations are interdependent. He states that “[F]ar from being contradictory ideals as once thought [cosmopolitanism and nationalism] are not only compatible but indeed mutually reinforcing ideals”.\(^\text{15}\) Tan aspires to show how nationalism should co-exist alongside a commitment to egalitarian global justice.

According to Tan, moral cosmopolitanism is founded on the fact that “the individual is the ultimate unit of moral concern” and that how we ought to act or what kinds of institutions we ought to establish “should be based on an impartial consideration of the claims of each person who would be affected by our choices”.\(^\text{16}\) For Tan cosmopolitan justice is an extension of the principles of justice as they apply in a liberal domestic set up. He argues that cosmopolitan justice should be a project of ‘globalising’ the domestic principles of justice as espoused by

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New York: Cambridge University Press.

\(^{15}\) Tan 2004, p85

\(^{16}\) Tan 2004, p94
John Rawls which are centred on the notion of human equality.\textsuperscript{17} Under this conception of equality social institutions that are responsible for distribution of resources should be insensitive to the arbitrary contingencies that individuals might possess. This is because such things have no moral worth since they are not a result of individual choice but mere endowments of nature. What constitutes arbitrary attributes of a human being include such things as social status, endowment with natural talents and abilities, and intelligence among others.\textsuperscript{18} For cosmopolitans none of such factors should determine one’s entitlement in life in liberal domestic society. This is a fundamental principle of equality upon which the other social schemes of distribution must be based upon.

Distribution of resources in the society is therefore supposed to ensure that none of such arbitrary factors have an influence in determining one’s lot. Cosmopolitans’ basis for their claim lies in their including nationality as being one of the arbitrary factors of life just like ethnicity, race, social status that ought to be denied of moral relevance in deciding an individual’s entitlements in life.\textsuperscript{19} Thus cosmopolitans draw from the fundamental and universal principle of equality which suggests that the individual should be the ultimate unit of moral concern. This in turn requires that society’s principles of justice should be insensitive to an individual’s position and condition. Thus justice is conceived to apply individuals impartially. What motivates equal distribution of resources within the state is this impartiality that is insensitive to some arbitrary factors. Cosmopolitans argue that there is no moral basis for an arbitrary factor as state boundaries to determine the life chances of an individual. They hold state boundaries and nationality to be arbitrary since they are not a result of person’s choice as they are determined by the contingency of birth.

It could be said that for cosmopolitans like Tan since the schemes of resource distribution within the state are rooted in impartial and universal principles of human equality, such principles of justice also ought to apply to the rest of humanity even those in other countries. The reason is that these other people who are not necessarily members of the state also share the fundamental qualification of being human and are hence also entitled to the same universal principles of justice. Just as in the nation-state where equality is achieved not by eliminating and removing all inequalities in resource allocation so too should the case be on

\textsuperscript{17} Tan 2004, p62
\textsuperscript{18} Kymlicka, 2002, p63.
\textsuperscript{19} Tan 2004, p56
the global level. Just as inequalities in the Rawlsian liberal state are tolerated because they advantage and benefit the worst-off member, so too should the inequalities of wealth among the nations of the world be so that the rich nations’ wealth should be tolerated only if they benefit the world’s poor. What this means is that rich nations should be committed to ensuring improvement of the lives of the world’s worse-off. This requires more than meeting duties of humanitarian assistance. Ideally this means that even when the least-off individuals in poor nations have managed to attain basic conditions of life their commitment ought not to stop. This however is the point where nationalists and cosmopolitans disagree. Liberal nationalists concede of the equality of all individuals and their right to equal concern on account of being human beings. However they contend that the relationship that nationals have with each other offers ground that universally warrant that despite nation borders being arbitrary co-nationals in every state have extra and unique duties to each other.20 Such duties would make global egalitarian distribution impossible. Tan however still holds that such duties indeed do exist but that they ought to be constrained by the demands of global justice.21 He thus attempts to reconcile the two without undermining the worth of these special duties that citizens owe to each other which nationalists regard to be an obstacle to an egalitarian global justice. The following sections focus on some key arguments that Tan raises in his attempt to show that cosmopolitanism is capable of accommodating special commitments that citizens have and that these duties rightfully understood are not inconsistent with cosmopolitanism.

2.1. Tan on patriotism

Unlike most cosmopolitans who are dismissive of the value of special duties that citizens owe to each other or at least reduce such special commitments among citizens to some instrumental value in the service of global justice, Tan holds that such special duties ought not to be dismissed.22 He recognises the value of special commitments as being advantageous to both the bearers of the duties as well as to the realization of justice in the domestic political society. He holds that special commitments which citizens have to each other give them meaning and value which cannot be analysed by some external rational principles. The moral justification for such commitments lies in what he refers to as “common sense morality”.23 Thus the justification and value for such relationships can be established only by common

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20 Tan 2004 p87-88
21 ibid
22 Tan 2004 p90
23 Tan 2004, p140
sense intuitions. Apart from being meaningful among citizens, these special ties also have a bearing on the realization of democracy. As he states, “common nationality [among citizens] ensures a certain degree of trust and mutual respect among fellow citizens that is necessary for a functioning deliberative democracy”. As such he holds that it is wrong for cosmopolitanism to commit these special duties to moral scrutiny by appealing to external moral principles.

However Tan holds that with respect to global justice these special duties are not beyond the underlying principle of equality as espoused by cosmopolitan claims. Fulfilment of these duties in the affluent nation must never be at the expense of a deprivation of a better life owed to the world’s poor. It is on this ground that Tan holds that without scrutinizing the rational justification of special duties, an imperative still stands that whatever their form, such special commitments ought to conform to the demands of an overarching justice to all humanity, which in Tan’s context is global justice. Thus much as he concedes of special commitments he contends that these special commitments must be exercised within the confines of global justice.

Tan further gives an important description of what common sense morality is and what it is not about. He distinguishes between what he describes as “conventional morality” and “common sense morality”. By implication conventional morality would lead to conventional patriotism which refers to the rationalization of patriotism as it is understood and practised today. In other words today’s conception of patriotism and its common practices is not as it ought to be even though the practices are regularised and made to be ‘normal’. Common sense morality on the other hand is what informs the right form of patriotism. Common sense morality ensures that the special commitments people might have to each other should be restricted by the fundamental and universal principles justice. Thus whatever the basis of these commitments might be, they should be fulfilled within the framework of the universal obligations of global justice.

Tan holds that it is uncommon for most nationalist thinkers to mistake the common sense morality for conventional morality. Such a conception takes the current practices of patriotism

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24 Tan, 2004, p90
25 Tan, 2004 p140
as being the right form that does not contravene the duties of justice that states have to individuals outside the state.

To sum up so far it could be said that for nationalists special duties among citizens have the same fundamental moral value as the obligations of (non-egalitarian) global justice and that the two co-exist. However in this context the moment a state honours its obligations of humanitarian assistance there are no more constraints on obligations to co-citizens cannot in terms of priority. On the cosmopolitan front however, special duties to co-nationals are always confined to be fulfilled within the limits of an egalitarian global justice background.

2.1.1. Inadequacy of humanitarian assistance

Tan is against a state’s commitment to only humanitarian duties of assistance because as he holds this would imply that the current global baseline is acceptable. He notes that the baseline structure of the current global order is not structured in such a way that it should benefit the least well-off. Without restructuring it the duty of humanitarian assistance will “serve only to treat the symptom of injustice rather than tackle the underlying cause of it”.26 Thus for Tan, duties only up to humanitarian assistance are inadequate as far as global justice is concerned. Since all other commitments that individuals as citizens might have to each other are supposed to be subjected to global justice duties, stopping at humanitarian duties only would be failure in fulfilment of duties. Since the fundamental and overarching principle of equality demands that inequalities should only exist to the advantage of the less well-off restricting oneself to humanitarian duties and later on proceed to patriotic duties would still leave an unjustifiable inequality.

Patriotic commitments as per the principle of equality should only be given priority over the concern of other non-citizens in other nations only after global justice duties owed to poor nations have been fulfilled. Thus priority to special commitments is meaningful only after the world’s worse-off have been improved. Fulfilment of the duties requires a global scheme whose institutions are designed to advantage the less well-off. Since this is not the case then, for Tan any other prioritization of patriotic duties (through limiting state duties to humanitarian assistance only) is even more intolerable.

2.2. Global impartiality and patriotic partiality

Arguments raised by nationalists in support of patriotic partiality are based on the claim that the conditions that support distributive justice in the domestic context are legitimate and unique only within the state. They are absent from the global context. One of these key conditions that constitute the basis for egalitarian distribution within the state as advanced by nationalists is the claim that the state and citizenship duties are involuntary and are in essence a lawful coercive authority. As such an egalitarian distribution is the most fair and legitimate ‘compensation’ to the citizens who are made to bear the burdens of citizenship. Since on the global stage this coercion does not exist, as there are no social institutions under which citizens are coerced, it is impossible to conceive of global distributive justice since its basis is just absent.\(^{27}\) This for nationalists does not entail neglect for global obligations of justice to the rest of the world that would further imply undermining the overarching principle of equality. Such global justice obligations have to be met in the name of obligations of humanitarian assistance. For nationalists human equality’s demand of equal concern for humanity does not necessarily mean equal treatment for all individuals. Thus for nationalists fulfilment of duties of justice to all humanity does not exclude special concern neither does it demand global egalitarian distribution.\(^{28}\) For them special concern for compatriots upon fulfilling humanitarian duties of assistance is not illegitimate and does not violate the ideal of equal concern for humanity. For nationalists it is a universal principle across all individuals that much as they have equal respect to all individuals the degree of concern they have to humanity varies.\(^{29}\) A person is naturally inclined to show more concern to those who are close to him and that this can translate into an unequal distribution of one’s resources that is still legitimate. It will be legitimate since even the worse-off people in poor nations would not regard the partiality among the rich co-nationals as unjust. This individual since she too also knows that one ought to be partial to one’s close relationships, cannot count this unequal concern as undermining equality’s universal principle of equal respect.\(^{30}\)

However Tan argues that the social context and its background institutions are what determine whether the special concern is legitimate and that this is only so in “the context of equitably

\(^{28}\) Ibid p178  
\(^{29}\) Ibid  
\(^{30}\) Tan 2005 p178
and adequately allocated resources between individuals throughout different countries”.

Unless this is so any partial concern at the expense of some worse of individual in the world would by implication be a violation of the ideal of equal respect.

2.3. On the legitimacy of institutions

Tan also responds to the coercion condition as argued by nationalists by contending that there is also coercion by the global order on individuals of poor countries. He holds that the current global order demands that individuals comply with socio-political arrangements (that promote some national interest) whose influence spans across the entire globe. Most of such demands have an influence in determining the choices and opportunities of the lives of all people across the globe. Among these are international norms that regulate operations of transnational corporations, as well as patent laws. For Tan if justice is motivated by the coercive social order that limits an individual’s autonomy, then the same conditions also are available on the global level. What legitimizes the coercive authority at the domestic level (that is both inevitable of involuntary) is the incentive they get through egalitarian distribution. Tan further extends the basis for legitimacy with respect to the state today. Since the pursuit of national interest in the present is coupled with intricate global interdependence those who are supposed to be considered as recipients of incentives should not and does not only involve citizens. There are several people outside the state who are “rendered worse-off by the arrangement” of one state in its pursuit of national interest. For Tan such individuals are entitled to some justification for this coercion.

Having presented the key cosmopolitan claims the next chapter focuses on the claims of and grounds for nationalism and its commitment to the duties of humanitarian assistance. It focuses on David Miller’s nationalist grounds for restricting global justice duties to humanitarian obligations.

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31 Tan 2005, p178
32 Tan 2006 p326
33 Ibid p337
Chapter 3
Nationalist Perspective of Global Justice

3.0. Introduction
In the previous chapter I have given an account of cosmopolitanism. Essentially cosmopolitanism is motivated by the fact that an individual human being should always be the ultimate unit of moral concern. As such questions of justice should not be restricted by any other arbitrary factors that are not a result of a person’s choice. For cosmopolitans nationality and national boundaries are among the arbitrary factors that determine one’s chances in life. It is on this ground that they call for commitment on the rich nations to the poor to make sure that lives of people in poor nations are improved and have a decent life.

This chapter shifts focus from cosmopolitans to nationalists. I will examine the arguments advanced by nationalists that call for duties of justice to be restricted to the nation-state’s boundary. In this chapter I concentrate on the arguments advanced by David Miller, a re-known advocate of nationalism and an opponent of cosmopolitanism in relation to global justice.\(^1\)

In this chapter I explore David Miller’s critique of cosmopolitanism. I particularly focus on his concepts of responsibility namely outcome responsibility and remedial responsibility. Next I discuss his claims that individual human beings can be held responsible for the status of their nations and later on I discuss his conceptions of the duties that nations owe to the world’s poor given this background.

3.1. The problem of global poverty
David Miller opens his book *National Responsibility and Global justice* with instances of global problems that revolve around global poverty. Among others he highlights instances of famine in some poor countries.\(^2\) He notes that when confronted with the situation of severe global poverty on the one hand and the affluence of the citizens of rich countries on the other one is easily tempted into jumping to the conclusion that there is definitely an obligation which the rich citizens must fulfil to the world’s poor. In other words the best approach to

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\(^2\) Miller 2007, p4-5
addressing the huge inequality that exists between the rich citizens and the world’s poor is to commit the rich nations to eliminating world poverty through resource transfer.

However Miller holds that for a better understanding of the problem of global poverty the problem should be looked at from different perspectives that are usually ignored but which are of profound value. For him other than just theorise on what the rich should do to the world’s poor a moral theory of global justice should be able to rightly ground the duties which the rich have to the poor. In other words the mere existence of global poverty in contrast to the wealth of the rich citizens does not immediately raise moral obligations for the rich. Miller therefore demands that in dealing with the problem of global justice the world’s poor must be looked at from two perspectives. Firstly they must be understood as victims, “needy and vulnerable people who have no chance of living a decent life … unless others come to their aid”. On the other hand the world’s poor should also be understood as moral agents which means that they are “people who make choices that have implications on either for themselves or for others”. Miller holds that considering such perspectives in the discussion of the problem of global poverty is not just an academic exercise. For him understanding global poverty through these perspectives clearly grounds the moral duties and obligations on those who should resolve the problem. Unless the problem is understood in such perspectives, some moral obligations aimed at ending global poverty might be wrongly assigned to agents who ought not to bear the obligation. This would also help states and citizens to know in what respect they should participate in ending global poverty, whether as merely giving aid or as having moral duties on themselves to transfer a certain amount of resources to the impoverished parts of the world.

For Miller failure to respond to situations of global poverty like famine “would be a moral failure, a failure of respect” since human life is at stake. Still more it would also be a failure of respect if the agents of help ignore the fact that victims are simply regarded as “passive recipients of … aid and not as agents potentially able to take charge of their own lives and with their own efforts improve their situation”. It is only when we have such an understanding of nations’ poverty that for Miller we can properly understand what justice

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3 Miller, 2007, p4-5
4 Miller, 2007, p6
5 Miller 2007, p5
6 Miller, 2007, p7
7 Miller, 2007, p7
means and especially what the duties of global justice are and what is to be demanded of various agents.

Indeed what Miller highlights is what has usually been ignored in the discourse of global justice especially among cosmopolitans. It is obvious that the problem of global poverty is motivated by a host of interacting factors both internal as well as external to the poor nations. Usually the only rich nations are assigned responsibility aimed at eliminating global poverty. As Risse also notes in most global justice theories there is not much that is demanded from the poor countries which also have some significant responsibility arising from the choices they make and the policies they pursue. Indeed rich nations are urged to change their structures and accommodate poor nations while any necessary reforms by poor nations are either avoided or not categorically demanded. In the end following Miller this would result in wrongly placing the responsibility on rich citizens when they were not supposed to bear that particular responsibility except only for that which results from the harms they cause.

A lasting solution to global poverty therefore ought to simultaneously exert responsibility on both the rich nations as well as the poor countries who are not just victims at the mercy of the world’s rich nations. However as shall be discussed in the next chapter this does not limit the duties of states to the world’s poor to the level Miller argues they should be. It would demand a lot more.

3.2. The Nation and Cosmopolitanism

As presented in the previous chapter cosmopolitans are motivated by the fact that the individual human being should be the ultimate unit of moral concern. As such treatment of an individual should not be based on arbitrary factors that are not the person’s choice. One of such arbitrary factors for cosmopolitans is nationality or national borders. As such they demand that in the current context of huge global poverty the rich states have an obligation to make sure that the lives of the poor are improved. Transfer of resources to benefit the world’s poor ought not to be limited by national boundaries.

David Miller however argues against cosmopolitanism’s assumption that global justice requires nothing less than extending social justice’s principles from the domestic sphere onto

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8 Mathias Risse, "What we Owe to the Global Poor”. The Journal of Ethics (2005 9:81-117)
the global scene.\textsuperscript{9} Thus merely ‘globalizing’ social principles of justice would not be tantamount to realizing global justice. For him social justice is context-dependent and the global scope is deficient of the necessary context for distributive justice. The context and condition for social justice’s principles of distribution as he argues is nationality and as such national borders are not arbitrary as cosmopolitans claim.\textsuperscript{10} The needy state in which the global poor are in may only play a certain limited role in our conception of global justice. However as he holds the role of being needy in global justice cannot play the same role as it plays in social justice.\textsuperscript{11} Need in the nation-state calls for distributive justice because of the relationship that exists within the nation among co-nationals. This relationship is absent at the global level. As such contrary to the claims of cosmopolitans there is every moral reason for distributive justice to be restricted to the borders of the nation.

3.3. Conditions for distribution

Miller holds that principles of distributive justice are context-dependent. What makes nationality one of the necessary circumstances for distributive justice according to Miller is that it provides the condition where there are “no differences between [the people] among whom distribution is made”\textsuperscript{12}. The special commitments which co-nationals have to each other therefore matter and have moral value. The special attachments that are there among co-nationals are for Miller legitimate grounds for citizens to have special duties to one another that are imposed by nationhood and should not be regarded as subordinate to claims of cosmopolitan global justice. Miller argues against cosmopolitans’ regard of nationality and its consequent special duties as arbitrary. He offers three grounds upon which special duties are legitimate.

Firstly Miller holds that nationality generates special duties because the nature of the relationships of co-nationals have intrinsic value. They are unlike the duties that arise from commitments such as promises, contracts, and cooperatives.\textsuperscript{13} He holds that cosmopolitans usually take nationality for granted though they assume it when they conceive of social justice’s distribution. Cosmopolitans accord it an instrumental value as a mere means for realizing social justice. For him the relevance of nationality as the necessary condition that

\textsuperscript{9} Miller, 2007,p14  
\textsuperscript{10} Miller, 2007, p14  
\textsuperscript{11} Miller, 2007, p17  
\textsuperscript{12} Miller, 2007,p55  
\textsuperscript{13} Miller, 2007,p35
makes democracy realizable is rooted in the intrinsic value of nationality.\textsuperscript{14} Nationality thus has an intrinsic value on which the political institutions depend and might utilize. Without the national ties democracy and its consequent principles of justice cannot be realised even though all human beings possess the equality cosmopolitans esteem so much. Miller holds that co-nationals must “first believe that their association is valuable for its own sake and be committed to preserving it over time in order to reap the other benefits that national solidarity brings with it”.\textsuperscript{15} Thus for Miller social justice principles are a result of a national solidarity without which any aggregate of human beings cannot be able to make the sacrifices that are made in the nation. It is on this account that he claims that “the instrumental value of nationality is that it is parasitic on its intrinsic value”.\textsuperscript{16} As such principles of distributive justice cannot obtain where this special commitment is absent as is the case on the global level.

The second condition that renders special duties legitimate is that “the duties in question must be integral to the relationship in the sense that the relationship could not exist in the form it does unless the duties were generally acknowledged”.\textsuperscript{17} Here Miller holds that for duties to qualify as special duties they must not be ethical obligations whose real basis and motivation is something else like self-interest for instance. For him without necessarily counting on the benefits such obligations bring, the obligations are still central to the understanding of the relationship anyway. The major political values within the nation-state such as deliberative democracy and social justice presuppose an existent ethical community (the nation) whose members have pre-existing responsibilities to both “support each other and preserve their community”.\textsuperscript{18} For Miller, co-nationals regard belonging to the nation as constituting a good that is of a different kind from the good that any grouping based on self-interest or emotion fulfilment like music fans who derive emotional satisfaction from the same kind of music they all enjoy.\textsuperscript{19}

The third condition which he offers for the legitimacy of special duties is that the attachments that ground the special duties must not inherently involve injustice. In other words the attachments must not be founded on the unjust treatment of outsiders and neither should they

\begin{footnotes}
\item[14] Miller, 2007, p37-8
\item[15] Miller, 2007, p38
\item[16] Miller, 2007, p38
\item[17] Miller, 2007, p35
\item[18] Miller, 2007, p38-9
\item[19] Miller, 2007, p38-9
\end{footnotes}
involve unfair exclusion of those who would aspire to join the group. He later argues that national commitments meet this condition. He argues that when some people within a common and regular group join together in a new association, they immediately assume special responsibilities to each other. They can in this case “give priority to each other’s demands and needs” which means that those who are not part of this new relationship but belong to the regular group will have lesser claims on the new group’s members in comparison to the claims the members will owe to each other. Initially before formation of the new group all individuals had equal claims on and responsibilities to each other. However once the new group has been formed the members will still have their duties to the other people in the regular group who in relation to the new group are non-members. However the essence of the new group will be in that the members must have extra duties to each other. These duties will be exclusive to this new group only. No non-member will be entitled to make claims on these new obligations. The members of the new group though should still honour the duties they had to every individual of the general and regular group. They should not violate them in order to fulfil commitments of the new group.

Miller holds that so long as the new group’s membership meets some minimal responsibilities to the non-members “they cannot be inclined to do supererogatory duties” to the regular group but should proceed to their special commitments”. It is on this account that Miller argues that “special commitments are consistent with recognising individuals’ equal moral claims”. This being the case, for Miller, it is wrong to subject nation-states’ distributive principles in the name of showing equal moral concern to the wider world as cosmopolitans argue. For him there is a difference between showing equal moral concern and showing equal moral treatment. The members of the new group in the given example would show equal moral concern to all humanity including the non-members when they fulfil their minimal responsibilities to them (the non-members). Only fellow members of the new group will demand equal treatment from one another because they belong both to the wider group of humanity and also to the special group that places special commitments on members. In this case Miller argues that showing equal moral concern to (the poor) non-members does not imply and demand treating all humanity equally.22

20 Miller, 2007, p39
21 Miller, 2007, p40-3
22 Miller, 2007, p44
However what is still contentious in this account by Miller is the legitimacy of the minimal duties a community of people with special commitments owe to the wider humanity. In the next chapter I will argue that though Miller’s account of special commitments is defensible he still has without enough reasons lowered so much the standard of the duties owed to non-members by settling on mere minimal humanitarian responsibility.

Miller criticizes cosmopolitanism’s universal duties for “driving a wedge between ethical duty and personal identity” of the moral agent. In other words the moral agent is required to conceive herself as a bearer of responsibilities to all humanity and that in doing so she should ignore her personal identity. She should be motivated by her rational obligations and this must exclude any considerations about how she is attached to her community which give her a sense of identity. Cosmopolitanism’s universalism is hence seen as “a commitment to abstract rationality that exceeds the capacities of ordinary human beings.”

3.4. The Individual and collective responsibility

As discussed in the pervious chapter one of the motivations of cosmopolitanism is that justice ought to be impartial. The individual human being must be held responsible for consequences that result from his own choices. Since most of the world’s poor are in this state because of either their states’ policies or because of the impact of some global structures, the well-off have obligations to ensure that the people’s welfare is improved. For cosmopolitanism their poverty does not result from their choices.

Miller however argues that individuals could bear collective responsibility of their society’s actions. Upon highlighting the influence one’s nation or community has on the type of choices you make in life, Miller further argues that in their respective societies “people greatly value living under their own rules and according to their own cultural beliefs.” Within their societies the individuals as agents make choices and take responsibility for their lives according to the context offered by their culture. As such Miller argues that in global justice the individual as a participant in the large scale human association of the nation should also have some responsibility over the nation’s status.

23 Miller, 1995, p57
24 Miller, 1995, p58
25 Miller, 2007, p21
Unlike cosmopolitans who exempt the individual from bearing the responsibility of her nation’s choices, Miller argues that once collective responsibility is clearly understood individuals are supposed to bear the collective responsibility of their nations’ choices. Miller therefore discusses the two forms of responsibility; outcome and remedial responsibility. Understanding responsibility through such conceptions would avoid the mistakes he alleges cosmopolitans make in matters of global justice. Cosmopolitans for him are mistaken in failing to differentiate between identifying responsibility and assigning it. He therefore discusses different forms of responsibility and what they entail.

3.4.1. Outcome responsibility and Remedial responsibilities

Outcome and remedial responsibilities are the two major conceptions of responsibility that according to Miller should inform global justice duties. Miller describes outcome responsibility as having some elements of causal responsibility. Causal responsibility involves our inquiry as to which one of the various conditions whose fulfilment would result in \( Y \) has actually led to \( Y \)? In other words we talk of causal responsibility in seeking to know why something has happened. Though outcome responsibility has a causal element the interest we have when we raise questions of outcome responsibility is different. Outcome responsibility involves inquiring whether a given agent “can be credited or debited with a particular outcome – a gain or a loss either to the agent herself or to other parties.”

On the other hand remedial responsibility is a type of responsibility that involves exploring “whether there is anyone whose responsibility it is to put that [particular problematic] state of affairs right.” For Miller remedial responsibility does not always fall on the one who has outcome responsibility. In other words someone might be tasked with making right a particular situation which she never participated in bringing about.

There are various ways in which remedial responsibilities arise and how they relate with other types of responsibilities. One can be outcome responsible for something without being morally responsible, where moral responsibility refers to an agent’s actions leading to moral failure. Miller gives an example of a morally neutral and even justifiable act of legitimate economic competition between two corporations where due to market competition one

\[ 26 \text{ Miller, 2007, p84} \]
\[ 27 \text{ Miller 2007, p98} \]
\[ 28 \text{ Miller, 2007, p98} \]
corporation ends up bankrupt. It is clear that the employees and shareholders of the corporation that has gone bankrupt would in one way or the other face deprivation. The competing corporation is outcome responsible for the deprivation but as Miller argues it is not in this case required to compensate the victims of the collapsed corporation. In other words there are no moral responsibilities on the corporation that is still running to compensate those who are facing deprivation due to its competitiveness.29

Remedial responsibility can also be assigned basing on others’ capacity to bring relief to the victim besides not being agents of the harm on the victim. Thus one can be tasked with making a situation right or helping a victim even though one is not outcome responsible for the victim’s suffering. In this case by the mere fact that one is capable of supplying remedy one is expected to bring relief to the victim. An immediate example would be of people walking along a river bank and discover that a child is falling into the river.30 For Miller even though those on the bank are capable of rescuing the child, none of them can be blamed of moral failure if for one personal reason or the other they do not dive in the water to rescue the child. The important thing here is that having the capacity to help someone does not immediately place some moral obligations on you to help a victim as cosmopolitanism suggests.

Given the way outcome responsibility and remedial responsibility variably relate to each other Miller argues that a theory of global justice must determine the remedial duties that rich nations have to poor nations following what is the outcome cause of the poverty. Where the rich countries have outcome responsibility in causing the poverty then they have moral responsibility as well as remedial responsibility to commit themselves to compensating the poor countries they have formed. However as shall be shown in the next section for him most of the global poverty is rooted in the poor nations’ own responsibility and hence the duties that are expected from the rich countries ought not to be as stringent as suggested by cosmopolitanism.

3.5. National Responsibility

Miller holds that “where a community of people shares a set of cultural values one of whose effects is to encourage behaviour that results in” a particular outcome, “then everyone who

29 Miller, 2007, p98
30 Miller, 2007, p104
belongs to the community shares in the responsibility” in that particular outcome. Remedial duties refer to the responsibility of correcting a situation. Being like-minded members of the community they always sustain the climate of opinion under which the actions in question take place and this is irrespective of the fact that one opposes the society’s actions themselves. As such for Miller people who belong to like-minded groups and also participate in its cooperative practices are collectively responsible for their behaviour’s actions and consequences.

Collective national responsibility would arise on two occasions. Firstly it would arise through a society’s concerted political channels. Thus the individual can deliberately and freely participate in the political institutions and processes of her society. Miller argues that there is collective ownership of responsibility over choices and actions taken in a democratic society. For him what sustains democratic deliberation even when one’s opinion is not voted by the majority is the fact that one on the losing minority side still accepts the majority’s opinion (though she disagrees with it) in the hope that next time her opinion will be widely held by the majority. She thus bears responsibility over the prevailing choices’ implications. For this type of responsibility to be binding on the individual there must be some basic way through which individuals determine and influence decisions of the whole community. This means that there must be at least some basic democratic structures within the society for there to be a legitimate assignment of collective responsibility.

The second way where an individual can bear collective responsibility is when actions that affect the society are taken by “an individual or groups of individuals … that reflect some elements in the national culture”. In this case an absence of even some crude democratic institutions in the society is not a pre-condition for apportioning collective responsibility on the society’s members. The idea is that the culture which the society’s members cherish so much, preserve, and promote is what the individual leaders or the representative leading group are adhering to. This being the case, the ordinary members who also share such beliefs tacitly endorse the decisions of the leaders since they are all motivated by the same beliefs.

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31 Miller, 2007, p118  
32 Miller, 2007, p126  
33 Miller, 2007, p126
Miller notes that there would be problems if the nation in question is led by an autocracy or by few elites. Still more this would not exempt such communities from being assigned collective responsibility. He argues that even though the leaders are not accountable to the people so long as the leaders hold beliefs and values that correspond to their subjects’ and are motivated by these beliefs then the entire society bears responsibility.  

Secondly he holds that the subjects of the autocracy have an obligation to resist its injustices to either members or outsiders. Mere passivity therefore would not be enough for subjects to escape collective responsibility. However Miller still notes that there should be caution in allocating collective responsibility to subjects of an autocracy since doing so would be asking for superhuman efforts from the subjects being suppressed by the autocracy. However he holds that with the limited exception of absolute dictatorships, most societies in the world today are decent societies’ (the Rawlsian sense) and their members cannot therefore be exempted from being assigned collective responsibility.

3.6. Humanitarian duties to the world poor

Having clarified on how responsibilities in remedying global poverty ought to be allocated Miller holds that the first step in global justice should be to find out how the poverty came about. This will in the end determine what sort of responsibilities if any arise to be undertaken by the rich nations and also on whom specifically should those obligations fall. He holds that national cultures and conception of the good life in most nations with their consequent choices and decisions are outcome responsible for most of the world’s poverty. As he states,

“[M]ore often the (adult) global poor are also responsible agents capable of making choices for themselves – good choices from which they may benefit or bad choices from which they lose. If they are starving of crop failure should they have planted different crops? If they are dying of AIDS, should they have changed their sexual behaviour?”

Miller notes that raising such questions is necessary in that the victims will be seen as both vulnerable people and hence morally requiring someone’s help. On the other hand they will be seen as agents who have responsibility in getting themselves into their current situation. Miller therefore argues that the world’s poor have only subsistence claims on the rich nations as a matter of justice. Only when a person is such disadvantaged that he cannot live a

34 Miller, 2007, p128  
35 Miller, 2007, p236-7
minimally basic life do the other (rich nations) have moral obligations to come to his relief. As such the rich nations have duties to the poor only when the poor fall below the global minimum that every human being is entitled to live and in order to survive.\textsuperscript{36} The global minimum is a set of basic human rights that must be protected everywhere irrespective of the circumstances that led to the crisis. Since they are basic rights Miller holds that they correspond to the conditions of a decent life.\textsuperscript{37}

For David Miller, the different cultural conceptions of the good life among nations cannot be forced to be universal. Every society has its own understanding of what counts as basic rights. This is usually influenced by the community’s ethos. As such he notes that there will always be conflicts in priorities that are attached to various social needs. For example formal education for all sexes would be a basic right in one society while in another one it would be restricted to one sex only. Attempts of making it accessible to all would undermine cultural values.\textsuperscript{38} As a result of this cosmopolitan’s claims of assigning duties on everybody to help out the world’s poor according to Miller are against global justice properly understood. Such claims are against the principles of responsibility and respect of peoples’ choices.

Miller therefore argues that cosmopolitanism cannot adequately accommodate nationalism rightly defined.\textsuperscript{39} However as the previous chapter showed, Tan argues that it is possible to be a nationalist and at the same time be a strong cosmopolitan. In the next chapter I seek to defend Chok-Kor Tan’s position by accommodating the nationalist claims of David Miller presented in this chapter, in the cosmopolitan framework without of course undermining his defences of the intrinsic value of nationality.

\textsuperscript{36} Miller, 2007, p167
\textsuperscript{37} Miller, 2007, p269
\textsuperscript{38} Miller, 1995, p75
\textsuperscript{39} Miller, 1995, p78
Chapter 4
Accommodating Nationalism in cosmopolitanism

4.0. Introduction
In the second chapter I presented the cosmopolitan account of global justice which demands that justice should be impartial. As such national boundaries should play no limiting role in restricting the scope of the duties of justice that individuals have to each other. More specifically I presented Kok-Chor Tan’s demand that nationalism and cosmopolitanism are not radically opposed to each other. They are not only co-existent but mutually complementary of each other. In the end however nationalism should be exercised within the ambits of global justice. In the third chapter I discussed an opposing account. David Miller’s nationalism rules out the possibility of serious nationalism ever co-existing with cosmopolitanism without greatly compromising on either of the two.

In this chapter I compare and contrast David Miller and Kok-Chor Tan’s accounts of global justice. I argue that nationalism and cosmopolitanism are indeed complementary. In this process I propose some changes in the conception of collective responsibility, and the political structure of nations. I argue that since both cosmopolitans and nationalists agree on the indispensability of the nation, to better serve the demands of individuals within (poor) nations there ought to be some political reforms in response to the demands of cosmopolitan global justice. I argue that rich nations have to extend their obligations of justice to the world’s poor beyond the humanitarian threshold that nationalists advance. I show that in light of the global economic cooperation the humanitarian threshold loses legitimacy. I also argue that cosmopolitanism demands that poor countries must recognize individual autonomy as an obligation of global justice.

4.1. Nationalism and Cosmopolitanism on National-self determination
Tan’s cosmopolitanism is unique in that in its advance of impartial morality it does not dismiss and rule out the moral relevance of patriotic duties and special commitments. As already indicated in chapter two Tan argues that patriotic ties co-nationals have to each other are rooted in common sense morality and that they cannot be reduced to some moral
principle. They are according to him what makes life meaningful to individuals. As such any attempts aimed at questioning their moral basis would be reductionist.\textsuperscript{40}

Tan’s attempt to reconcile cosmopolitanism with nationalism makes his version of cosmopolitanism share some important similarities with nationalism. Firstly Tan holds that nationalism and its special commitments should not be dismissed as being inconsistent with cosmopolitanism. He holds that nationalism is very important for both social justice as well as global justice in that it offers the individuals a context of choice. The special attachments that follow from it are meaningful to the members.\textsuperscript{41} This perspective is also shared by David Miller who holds that nations offer conditions for distributive justice and that justice essentially builds on the solidarity generated by nationalism. People have to trust those with whom they will enter into distributive cooperation with. Nationalism offers the foundational solidarity that is key for the realization of distributive justice.\textsuperscript{42} David Miller is explicit on the right of nations to self-determination. He holds that the principle of respect of the autonomy of an individual as well as respect for a nation’s way of life demands that nations be left to pursue their own outlooks of the good life.\textsuperscript{43} Though Tan does not explicitly emphasize on the right of nations to self-determination in his cosmopolitanism account, this is something that can be drawn from his earlier work.\textsuperscript{44} Tan argues that in the liberal setup the state should safeguard individual autonomy. However since individual autonomy in the formulation of the ethical life requires options of the good life from which one should choose it is therefore incumbent upon comprehensive liberalism that it also safeguards and promote national culture. It does so by according special group rights to minority nation groups whose culture is not the nation-state’s dominant culture.\textsuperscript{45} This is an endorsement of nations’ right to self-determination.

Related to the concept of national self-determination is the concept of collective responsibility. Miller argues that nations are very constitutive of the individual’s outlook. For him everyone who participates in a society thereby contributes in shaping and sustaining the society’s climate of opinion and as such shares responsibility over its actions. This includes

\begin{itemize}
  \item Tan, 2004, p138
  \item Tan 2004, p90
  \item Miller, 1995, p185
  \item Miller 2007, p118-23
  \item Tan, 2000, p114
\end{itemize}
even collective actions whose views one opposes.\textsuperscript{46} As such by virtue of being a member of a nation one can justifiably be assigned collective responsibility. Though Tan does not explicitly claim that individuals can be collectively held responsible for their nations’ acts, this is something which would be implied from his account of comprehensive liberalism’s (which is the foundation of cosmopolitanism) commitment to group rights. By according group rights to minority groups in the state it could be assumed that this is an endorsement of the right to self-determination. Self-determination entails own making of decisions and acting on them. Thus nations are in this case agents. Agency automatically generates ownership of responsibility over actions.

However there are significant differences between Tan and David Miller’s conceptions of global justice and nationality. The contrast emerges from the emphasis that is put on individual autonomy and its role. For Tan and cosmopolitanism since the individual is the ultimate unit of moral concern she must be held responsible for only those actions that originate in the context of her free exercising of individual autonomy un-coerced. Given this primary role of individual autonomy, society has meaning only in relation to how it affects the human being. This conception of moral autonomy also has a bearing on how and when collective responsibility would be assigned to a member. It can be implied that for Tan unlike Miller, mere membership and belonging to a nation is insufficient ground for the assignment of collective responsibility. Collective responsibility would be meaningful only when it was assigned against a background that does not suppress individual autonomy. As stated before, for Miller participation in a nation’s way of life immediately makes one collectively responsible. This is so since even as an individual you are widely informed by the social culture and you are bound to act in accordance with your culture even when granted individual autonomy.\textsuperscript{47}

\section*{4.2. Global cooperation and national responsibility}

In the following sections I focus on David Miller’s notion of collective responsibility because it is foundational for his narrowing down of duties of global justice to humanitarian duties only. However as shall be shown when one considers how deeply entrenched the current

\textsuperscript{46} Miller, 2007, p118
\textsuperscript{47} Miller, 2007, p128
global economic cooperation is the content of minimal duties of global justice cannot be as narrow as David Miller’s the global minimum – humanitarian duties only.

David Miller argues that the individual citizens of the world’s poor nation-states should be held collectively responsible for the poverty they are usually found in. He highlights the need that in global justice the world’s poor citizens should be regarded as both vulnerable victims and also as moral agents. Thus they are on the one hand victims who cannot survive until someone else helps them. On the other hand they are moral agents who should be respected for the decisions they are capable of making. One way of respecting their moral agency is by letting them own up the consequences of their actions.\(^48\) He cites an example of the world’s poor suffering from a famine. Such victims should be understood as both victims and agents. It should be noted that Miller does not rule out the obligations of assisting them when they face starvation. Actually he demands that when they face starvation they should be assisted by the rich nations as their duty of global justice as the global minimum requires: no-one should fall below the humanitarian threshold. However he argues that the adult poor facing starvation are not absolved of their responsibility. He holds that if they are suffering from a famine for example they should have planted different alternative crops. “If they are dying of AIDS should they not have changed their sexual behaviour?”\(^49\) Such questions when considered in global justice will legitimately limit global justice duties to humanitarian obligations only according to Miller.

Such questions are indeed pertinent and very relevant in matters of justice both in the global as well as domestic context. As already shown cosmopolitanism as well as nationalism endorse both national self-determination and its consequent collective national responsibility. However dwelling on these questions only in the assignment of collective responsibility ignores other equally pertinent questions about the global cooperation that greatly determines and narrows the choices the poor nation in question. Consequently this narrows down the individual’s options. This can be exemplified by focusing on Miller’s example about the problem of famine and HIV-AIDS. In most poor countries property rights make improved seeds as well as farm inputs far beyond the reach of the population. Irrigation technology is equally unaffordable. The AIDS problem is one of a vicious cycle and it requires more than just a change of sexual behaviour if it is to be resolved. For example orphaned children and

\(^{48}\) Miller, 2007, p236  
\(^{49}\) Miller, 2007, p236
widows are forced to fend for their siblings and children respectively. In the process they are exposed to the HIV virus as circumstances of desperation will force them to engage in risky sexual behaviour in an effort to have ends met. Most of the breadwinners of the families would not have died that early leaving their families that destitute were they to have had access to the patented and expensive anti-retroviral therapy (ART) that remarkably prolongs lives of HIV patients.

The un-affordability of ART is due to property rights. This is an element of the global economic cooperation. The global economic order is largely informed by most rich and powerful nation-states’ interests. Altering this order would in one way or the other affect the rich states’ interests. It is therefore clear that today the question of national responsibility is so complex. Thus the rich are not obliged to make resource transfer only when they have direct causal and outcome responsibility that warrants compensation duties as Miller argues. The poor are owed more than humanitarian duties that arise when they face a crisis. Global poverty is to a greater extent symptomatic of some other external influences in the background. Thus the rich states’ also have a role in causing these problems. This perspective to the HIV and famine example does not show that there should be egalitarian global distributive justice. It nevertheless shows how the responsibility of one person’s act especially his choice is significantly determined by other external factors. This therefore grounds global justice duties at least way above Miller’s proposed global minimum.

There would be a possible reaction against the claim that it is not appropriate to hold poor nations citizens collectively responsible for their poverty because of the influence of the global cooperation since it is voluntary. It would be argued that the domestic cooperation in the state is non-voluntary hence it demands no compensation. It would be said that the global cooperation being voluntary is the more reason that the nations should be held responsible. However as Beitz argues participation in the current global order, cooperation cannot be said to be voluntary. This is so because the nature of the cooperation is such that the weaker and poor nation partner “cannot afford to effectively bargain for alternative terms of exchange”. As such the terms are in effect determined by the powerful partner who is motivated by own

50 Miller, 2007, p85-6
national interests. On the other hand making the choice of withdrawing from the cooperation would have consequences that are greatly ruining.

It is clear that one cannot be morally indifferent to the outcomes that will ensue from such a background. Restricting oneself to the rigid and pre-set global minimum duties is in this case inappropriate. Global justice duties demand more than humanitarian justice.

4.3. Rawls on respect for national self-determination

Miller’s view of respecting nations’ choices and their consequences as being part of the moral principle of respecting others’ cultural outlooks shares similarities with that held by John Rawls. Rawls holds that “the political culture of a burdened state is all important, and that at the same time there is no recipe, certainly no easy recipe, for well-ordered peoples to help a burdened society to change its political and social culture”\(^{52}\). He further states that “the causes of the wealth of a people and the forms it takes lie in their political culture and in their religious, philosophical, and moral traditions that support the basic structure of their political and social institutions, as well as in the industrialness and cooperative talents of its members, all supported by their political virtues”.\(^{53}\) In the end Rawls claims that “there is no society anywhere in the world – except for marginal cases – with resources so scarce that it could not, were it reasonably and rationally organised and governed become well-ordered”.\(^{54}\) In other words poverty in nations is a result of the choices of the policies nations choose and the manner in which they pursue them.

Liberalism’s ultimate goal is that the individual should be the legislator of her personal moral values. She should be allowed to revise them and reformulate them. The individual is of primary concern. Comprehensive liberalism is the foundation of cosmopolitanism. In Rawlsian society of peoples the motivation of the law of peoples is not mere stability, co-existence or preservation of societies in themselves. This is why for example well-ordered states can legitimately wage war against another people like an outlaw state when it grossly violates human rights.\(^{55}\) The point is that liberalism (and cosmopolitanism) are not aimed at preserving and defending societies. It is and indeed it should be aimed at the freedom of the individual.

\(^{53}\) ibid
\(^{54}\) Rawls, 1999b, p89
\(^{55}\) ibid
Liberalism should be able to even intervene and secure the freedom of the individual in the domestic sphere when she is being repressed by the sphere’s religion or ethnic values, values which liberalisms tolerates. Rawls concedes of the role of ethnic, cultural, philosophical, and moral traditions in determining the society’s wealth. In essence these factors determine an individual’s life chances. Not everybody though freely consents to pursuing a life that values these values. If granted freedom of choice not every one would choose the type of life of pursuing comprehensive doctrines. In other words several people have their destiny determined by social, cultural, and ethnic values. This is against the ideals of liberalism. This is against the very reason why liberalism tolerates choice of comprehensive doctrines as the good life.

By not letting the law of peoples prescribe some necessary demands to be met by members of the society of peoples (particularly burdened states) Rawls risks making liberalism (which is the foundation of cosmopolitanism) tolerance of decent peoples as a *modus operandi* – to merely ensure stability and co-existence of nations. This toleration made in the name of respecting the people’s political culture, when the culture infringes individual self-realization is problematic. Such toleration would not be in the best interest of the individual but only the nation. This would imply that preservation of the nation is of greater value than that of the individual.

Restricting the duties of global justice to humanitarian assistance in the name of fulfilling the moral principle of respect of decent nations’ cultural outlooks does not adequately serve the very goal of liberalism. This is because most of such cultures are undemocratic and the individuals suffer due to factors outside and beyond their control. Even if the poverty is entirely due to national choices such that the poverty results from the political culture of the nation, this still does not make it legitimate for the other nations to passively watch and be indifferent in the name of mutual respect. It should be understood that one of the morally problematic issues in global inequality is the poverty itself. It is the inequality and the poverty that are immoral and undesirable. Poverty in this case is about the failure of the individuals to afford a generally good life. Therefore it is not that the rich nations only and not the poverty victims themselves are aware of the immorality of the inequalities. The poor people themselves whatever their culture find the inequalities and their poverty morally unacceptable and problematic. They thus find their situation to be one that is worth changing. If one of the
major causes of the poverty is their political culture there would be nothing tantamount to violating the principle of cultural respect in calling upon them to consider revising their culture. This is because the culture in this case is not only a way of life or of organising society. Instead it is something that has a vital role of influencing its people’s life chances. It can be altered not just for change’s sake or for cultural superiority’s sake, but for the realization of even higher goods which every culture no matter how diverse both pursues and aspires for.

A political culture that subjects its members to high infant mortality rate and a poor health system when it is evident that its people have higher aspirations cannot just be left alone in the name of cultural respect. It is consistent with cosmopolitanism to call for the necessary reforms of the political culture that will be in the best interest of the members’ aspirations.

Respect of cultures in the name of not demanding the relevant political reforms is non-liberal in the strictest sense. Building of political cultures on the other hand also demands and implies that the rich nations assist poor nations with resources. Establishment of sound political institutions goes hand in hand with being a wealthy and self-sufficient nation. This obligation cannot be met by duties of humanitarian assistance only. It should be up to when these nations can be self-sustaining.

The argument here is that it is inconsistent with mutual respect to be indifferent to the political cultural practices that contribute to poverty. Nations and international institutions should therefore be able to demand reforms in poor nations that would stop contributing to poverty. How this could be achieved and what its implications are is altogether a broad subject of discussion that cannot be exhausted in this thesis. However this can among others be achieved through engagement of the affected nations to mutually arrive at some conditionalities for the resources disbursed to such nations. Other global organisations like the United Nations, the WTO and IMF should be empowered to be able to ensure and demand that nations have distributive schemes that are in the best interest of the individual members.

4.4. A Wider Conception of Responsibility
As it has already been highlighted both cosmopolitanism and nationalism would agree to the concept of collective responsibility despite cosmopolitanism’s demands that the background of the society respects moral autonomy. Furthermore given how pervasive the current global
economic order is assignment of collective responsibility would not solve the problem. It would neither be fair because in reality there are several agents who are entangled in the responsibility web for global poverty other than the victim nations only. As Iris Young observes, the depth of cooperation in the global economic order makes it impossible “to trace how each person’s actions produce specific effects on others because there are many mediating actions and events.” Just like cosmopolitans and nationalists agree on national responsibility Young agrees that poor nations should be held responsible for their choices and actions. However she notes that such a conception of responsibility which she calls the liability model of responsibility is limited and hence unfair. She explains this through the case of the anti-sweatshop movement which is against structural injustice in the apparel industry. It is a movement against the inhumane working conditions of factory workers in Asia and South America for multinational garment producing corporations. She seeks to show that in matters of structural injustice the liability model of responsibility is inadequate to resolve the problem of global poverty. She defines the liability model of responsibility as that type of responsibility that “assigns responsibility to a particular agent whose actions can be shown to be causally connected to the circumstances to which responsibility is sought.” This conception of responsibility is similar to how Miller ultimately assigns remedial responsibility to the poor nations because they are outcome responsible for the poverty. In other words they have a causal role to the poverty on account of the collective choices they make and pursue through their respective states.

With respect to the sweatshops one would blame the local factory workers for not setting up labour movements and demand better working conditions. The host state would be blamed for not enforcing better working conditions for the workers. For Young these are indeed valid grounds for blame. However she notes that the factory owners as well as the consumers of the final products also have some responsibility as their actions sustain and perpetrate the poverty and exploitation in different ways and degrees. This being the case the liability model just like Miller’s account of apportioning responsibility would fail in allocating responsibility in such situations.

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57 Young, 2006, p107
58 Young, 2006, p116
59 Miller, 2007, p237-45
Young therefore introduces what she calls the social connection model as the best approach to addressing structural injustices. This model holds that “individuals bear responsibility for structural responsibility because they contribute by their actions to the processes that produce unjust outcomes.” In such cases obligations of distribution arise not due to a shared national community. Instead they result from participation in the global institutional processes that produce structural injustice. Young holds that the social connection model of responsibility unlike the liability model is not isolating. In other words it ensures that none of those who are connected to the structural connection should be absolved of responsibility no matter the degree of their contribution to the problem. In this case consumers of the products in rich states also bear responsibility for the exploitation and poverty of the factory workers.

From Young’s account of the social connection model of responsibility one can argue that today even though poor nations have some responsibility over their poverty, given the background global economic structure rich nations too have some responsibility. This in itself might not demand egalitarian distribution. However one would still argue that what nations owe each other in such a context is way above Miller’s proposed and pre-fixed global minimum – humanitarian justice.

Young’s account shows that much as distribution is first actualized within a nation’s boundaries, since it is realized through the solidarity that nationality provides, the duties are not restricted to the nation neither are they afterwards limited by national solidarity. Young also holds that the social connection model of responsibility is forward-looking other than backward-looking. This, she holds, is because it is impossible to hold every agent into account to make the necessary compensation. As such she holds that what is necessary is to enjoin all involved agents to change the structure.

One can claim that this is a better approach for resolving and addressing global poverty. The requirement that there should be shared responsibility in addressing global poverty is appropriate. This is because the poor nations cannot singlehandedly alter their situation even if they play their role. It is because there are intervening external influences outside the nation that contribute to the problem. As Pogge notes, “different causes of poverty such as global

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60 Young, 2006, p119
61 Young, 2006, p125
institutional factors and national policies, influence one another’s effects. As such there should be reforms on the global order and changes in commitment on the part of rich states to ending poverty. In this case the duties owed cannot be mere humanitarian obligations as if each nation existed independent of each other.

That domestic as well as global factors interact in possibly a multiplicative way in leading to global poverty makes even strong demands on the poor states themselves. Just as Young’s social connection responsibility model holds rich states’ citizen consumers responsible for causing global poverty poor nations too have adjustments to make. The governments have an obligation of cosmopolitan justice to entrench democratic values so that national choices are indeed reflective of individual choice or consensus.

4.5. Self-determination and non-democratic nations

In his earlier work, Tan criticizes Rawls of toleration of decent societies in the society of peoples. It should be remembered that Rawls’s toleration of liberal societies is rooted in the nature of liberalism (which is also the foundation of cosmopolitanism). Toleration is not settled for as a modus operandi for realization of political stability. Instead it is because it is in the very interest of respect for individual autonomy that even those that regard comprehensive beliefs should be respected for their choices of what they freely conceive as the good life.

Tan holds that one of the principles of liberalism is ethical neutrality. This means that each individual should be let to have reasonable beliefs that that the rest even though opposed to them might tolerate. There should be no state or political imposition of one mode of life as the good life for everyone. This is why within the state some can have rational conceptions of the good life whereas others would have conceptions that are essentially comprehensive religious outlooks. Tan argues that within the democratic or liberal state the condition that ensures this neutrality and the subsequent toleration of some comprehensive doctrine is that they should be reasonable. This for Tan means that toleration is possible because of the liberal political order. Thus what legitimizes toleration of comprehensive doctrines within the state is the background political structures that defend individual autonomy. However the scenario at the global level is totally different from that in the liberal state that legitimates toleration.

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63 Tan , 2000, p29
64 Tan , 2000, p29
65 Tan, 2009, p29
Rawlsian decent states (of which most of the world’s poor states are) are non-liberal. In the global context there is no political background as in the state that would safeguard and defend individual autonomy of the individuals within the decent states. Thus there is no basis unlike in the liberal state upon which individual autonomy can be checked against. As such for Tan Rawls is wrong in drawing an analogy between the state and the global context because there are no similar fundamental background conditions for toleration. As such the law of peoples should not tolerate decent societies since the toleration is not for practical or political stability.66

Tan seeks to show the practical implications of two different forms of liberalism: political liberalism and comprehensive nationalism. Political liberalism whilst conceding on the moral autonomy of the individual, it highly regards liberal toleration as the more fundamental value. On the other hand comprehensive liberalism “regards individual ethical autonomy rather than toleration as the more fundamental” moral value.67 Comprehensive liberalism requires that the state ensures that religious beliefs and ethnic groups are not only tolerated but that the individual members participating in those groups or beliefs do so freely and independently without any imposition. Comprehensive liberalism would demand that the state should safeguard individual autonomy of members of ethnic groups which are given special rights.68 Tan holds that state intervention in defending autonomy even in the domestic sphere is in the interest of individual autonomy. This is also to ensure that ethnic or national minority groups flourish given their vital role to the individual. For comprehensive liberalism, the state should be committed to promoting and defending autonomy. This however does not entail the state using active coercive measures like legislating against and criminalizing non-liberal practices. Instead it involves strong advocacy to make sure that state traditional cultural tendencies are ‘voluntarily’ and freely chosen by the members without infringing on their autonomy.

It is clear that one can draw a link between comprehensive liberalism and cosmopolitanism. Comprehensive liberalism’s commitment to group rights and autonomy is very important in the role of nationality and global justice in the global context. Only comprehensive liberalism is committed to according individuals group rights within the state given the high value it

66 Tan, 200, p47
67 Tan, 2000, p79
68 Tan, 2000, p79
places on the worth of cultural groups.\textsuperscript{69} It should be remembered that cultural groups are highly regarded because they give the individual options for choice. Political liberalism on the other in its esteem for toleration does not extend group rights regarding this as promotion of one choice of life.\textsuperscript{70} Thus comprehensive liberalism on the global stage is better placed to advance global justice. This is because of its capability of simultaneously promoting group (national) rights whilst also ensuring that the individual member in the group or nation is accorded the moral autonomy she deserves. This is due to the fact that unless there is also due commitment to safeguarding individual autonomy the very same group rights could be a tool for abusing the very individual member they are supposed to serve. It can be concluded that the comprehensive liberalism is consistent with cosmopolitanism nationalism. This is because cosmopolitan nationalism defends and recognizes the worth of nations and also at the same time recognizes that the individual member of whatever nation is the ultimate unit of moral concern. In global justice theory this has two implications. The first concerns how to apportion or not to allocate collective responsibility to national members. The second one is on how the poor nations or the decent states should reform themselves.

Liberal toleration is meaningful because it is aimed at ensuring respect of individual moral autonomy. Group rights and indeed liberal toleration have value because they enhance individual autonomy. It is now apparent that the commitment to toleration and group rights should be guided by the value of moral autonomy. Moral autonomy could be violated through prevalence of political institutions established and functioning without the free consent of the governed. In other words this is when nations are either non-liberal or illiberal. This means that where moral autonomy is violated it is improper (contra Miller) to hold citizens of decent poor states collectively responsible for their leaders’ choices which lead to poverty. This is because they are deprived of individual autonomy. As such what is owed to humanity in the absence and infringement of autonomy cannot be duties of humanitarian justice only as though the nation’s choices were made by free people.

The implication of cosmopolitanism (or comprehensive liberalism) to the poor nation is that no claims of right to self-determination should be used to prohibit change of necessary political reforms. The fact that within the nation-state comprehensive liberalism advocates and defends group rights implies that at the global level it would defend national rights of

\textsuperscript{69} Tan, 2000, p49

\textsuperscript{70} Tan, 2000, p49
self-determination. Nevertheless it should also follow that states be required to ensure that the exercise of the so-called right to self-determination should be in the interest of the individuals. This means that in the first place the individual’s autonomy must be respected. It can minimally be respected by letting her participate in formulating that which concerns her in the nation. As such national self-determination would make sense. As such nationals can legitimately be held collectively responsible for the decisions of their states. This means that poor countries as a requirement of global justice should have ‘liberal’ democratic institutions.

Such demands would serve two purposes. Firstly they would meet the demands of cosmopolitanism and that the individual human being should be the ultimate unit of moral concern and that she should be responsible over consequences arising from her free choices. It is only an individual understood as such who can be held responsible for her actions and choices, even collectively. Secondly this would satisfy the conditions for global distribution. It has already been shown that the individual needs the nation for provision of a context of choice. One of the major attributes is its exercise of the right of self-determination. In the light of self-determination in global justice it is necessary that following Rawlsian distributive justice, global distribution should be choice sensitive. The only ideal way national choices can be valid is when the nations are democratic.

4.6. Morality and special attachments
Nationalists and indeed Miller criticize cosmopolitan obligations as being abstract and that it cannot motivate individuals to engage in distribution with other nations’ members with whom they share no sense of community. Indeed it is argued that distributive duties are made possible in the nation because co-nationals are in a special relationship which is absent among global citizens.

However as Caney notes such claims wrongly conceive the role of a moral scheme. The fact that cosmopolitanism’s impartiality does not motivate and effect change in a society does not in any way invalidate the moral principles. He holds that the failure of a moral scheme to induce people’s compliance does not render it invalid. Nationalists are thus criticised of over-stating the role of the national sentiment in the determination of the duties of global justice. Caney argues that the national sentiment on its own cannot fully account for the basis of all

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71 Miller, 1995, p54
72 Caney, 2005, p70
forms of distribution. This however does not deny its significant role. He holds that the national sentiment on its own is not the only motivation for social justice’s distribution. If this were so Caney holds that egalitarian distribution in multi-national states would almost be impossible. He argues that minority nation groups are loyal and pay taxes to the nation-state and not to their nations elsewhere despite not sharing the same national identity in the nation they are living in.\textsuperscript{73}

It can be noted that motivation for distribution is not static or restricted to common ties. Common ties and indeed the national sentiment are crucial for the realization of distribution. However it is clear that afterwards when other interactive factors come into play it can broaden its scope, transcending the national boundaries that made possible its coming into existence. This is why Tan holds that global justice is an expansionist project other than a constricting one. Caney holds the claims of requirement of a sense of community sentiment advanced by nationalists “presuppose an ahistorical and unchanging account of human nature, assuming that we are necessarily only willing to make sacrifices for fellow nationals”. Such arguments “undermine people’s ability to be motivated by their moral values” one of which is liberalism’s impartiality.\textsuperscript{74} It is therefore apparent that duties of distributive justice are not determined by common ties only.

Furthermore such claims imply that nations are unified undifferentiated wholes. However there are other subgroups within the national structure that command more of people’s loyalty and commitment. Such subgroups are possibly more meaningful and relevant to some individuals than the wider nation unit is. It therefore should not be taken for granted that by belonging to a nation one would immediately make sacrifices to every member of the nation. In nations as well as multi-nation states members have to develop their moral values to oblige to egalitarian distribution or just to realize the sense of a unified nation. The same capacity can therefore be cultivated to realize global distribution though it is indeed true that this would be after a longer period of time and not immediate. Nevertheless it rules out the overstated role of lack of special ties as inhibiting global distribution. They are capable of being motivated by something else other than their social solidarity.

\textsuperscript{73} Caney, 2005, p132
\textsuperscript{74} Caney, 2005, p133
Chandran Kukathas notes that cultural (national) communities are mutable by nature and that groups are hardly homogeneous at any given moment. “Within cultural communities there may be important differences and conflicts of interests. Internal divisions can take [the] form [of] divisions between subgroups within the larger community”. He cites an example of the Yoruba, Lozi, and Bakongo nations of Nigeria, Zambia, and Zaire respectively. There was internal differentiation within each of these groups and sometimes they would fight each other. These groups were forced to somehow ignore their “sub-cultural differences, standardise language, and take other measures to assimilate the many interests into a united association with political strength” when they had to confront colonialism. However after the colonial struggle in some cases the subgroup conflict persisted.

The conflict between subgroups shows where the loyalty of interest of some people lay. It did not lie to the wider group i.e. the nation. Thus to some people some other unit within the larger nation group was more valuable than anything else including the wider ‘nation’. Apart from their cultural identity sharing some characteristics with that of a rival subgroup, the mere fact that they would fight each other tells us the limits to which shared ‘nationality’ only can be the motivation for distributive justice. It is therefore not correct to conclude that a national will always give priority to the interests of a co-national at the expense of other demands like the world’s poor just because they belong to the same national group. This would be over-stating the effect of a shared nationality. The nationalist prerequisite of existence of special commitments and a shared identity as grounds for distributive justice is weak. Citizens have various motivations and interests, with varying degrees of commitment. There is as such no fixed extent to which a national can make sacrifices for a fellow national. This however does not invalidate claims of nationals who might find nationality as being meaningful to them and demanding special commitments. However what is clear is that such commitment and ties should not restrict duties of global justice.

Criticisms that demand that there cannot be global justice because there is no global solidarity among global citizens are also addressed by Beitz. He argues that such claims misunderstand the relation between ideal theory and the real world. For him ideal theory “prescribes goals of

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75 Kukathas, C, “Are There Any Cultural Rights” Political Theory, Vol. 20, No1 (Feb., 1992), p105-106. p113
76 Kukathas however uses this example for an opposite goal: to argue against group rights
political change in the quest of a just society”. As such the fact that the requirements of ideal theory cannot be realized in the present world cannot undermine its moral relevance.\textsuperscript{77}

It is without dispute that what is the ‘present’ is always changing rapidly in modern times. Globalization and technology are fast overcoming time and space whilst deepening levels of cooperation across societies. Different interests which induce or influence cooperation also develop. Cooperation deepens. People begin to understand themselves beyond national boundaries. Actually this is how supra-state institutions are increasingly developing these days. Nations that were once characteristically hostile to each other are able to contemplate of participating in a single distribution scheme with their one time adversary. This should not be taken for granted. It does not only show that nations are exercising self-determination. Instead it greatly shows that nations and individuals can adjust conception of the limits of the scope of their loyalty and distribution. The global justice project is an ongoing and growing project. An absence of solidarity on the global scene in the present cannot manage to rule out the existence of cosmopolitan global distribution. This is why Beitz brings what he considers the two types of reasons that would make ideal theory’s demands impossible and not worth pursuing. The first type of reasons is when there are impediments to the implementation of ideal theory, but the impediments are themselves capable of being modified over time. In the second category are impediments which by their very nature are unalterable and unavoidable. It is only in the second category of impediments to ideal theory that claims of ideal theory can be ignored.\textsuperscript{78} Nationalist critiques of absence of solidarity fall into the first category of alterable obstacles.

\textbf{4.6.1. Rawls on mutual attachments}

Rawls holds that even in a continuing cooperation between peoples that is motivated by (national) self-interest the people would ultimately care about each other transcending the self-interest of peoples. The affinity between them grows stronger. In the end mutual concern across nations develops and people no longer find it impossible for them to make sacrifices for non-co-nationals. When such a cross-national cooperation and affinity develop decent and


\textsuperscript{78} Beitz, 1999, p156
well-ordered societies will ultimately be motivated “to act on the ideal and principles (my italics) their civilization specifies.”\textsuperscript{79} This shows two things.

Firstly it shows that much as national solidarity has some value to individuals, it cannot act as the restricting factor for justice. It shows that people are not motivated into making sacrifices only under the motivation of a mutual national identity. Cosmopolitan ideals are therefore not abstract and far removed from the individual national. Given the current global economic interdependence that is responsible for both the prosperity and in some respects resulting in poverty elsewhere, restricting justice duties to the national boundary is unfair. What nations owe each other is more than humanitarian duties of assistance.

There is a second thing that can be drawn from Rawls concession of the expansiveness of affinity. Rawls’ account shows that unlike nationalists’ claims, the universalism of principles of justice is not restricted to those one shares a sense of national solidarity with. Through the increasing affinity beyond national boundaries and the weakening of the force of self-interest, people soon realize that the principles of justice are what they are – universal. They are not universal only in the society to which nationals pledge their solidarity. They are universal globally.

4.7. Implications of citizenship project

It is due to the realization that shared nationality on its own cannot motivate civic obligations within the context of the nation-state that states are committed to citizenship development. Kymlicka holds that citizenship virtues are very necessary for the realization of social justice within the nation-state. Among others citizenship virtues include the willingness to engage in public discussion and also the virtue of public reasonableness, which is about framing one’s public views in a manner that is intelligible and acceptable to the rest of the other citizens.\textsuperscript{80}

Citizenship theory involves making citizens forgo their private interests and differences and communicate their views in terms that are not sensitive to (their) private beliefs. They should be terms shared by everybody. For example nationals would be urged to intelligibly and reasonably give justification for their public views in public debate. We can imagine a society that historically is predominantly religion X and this is the culture that has always informed

\textsuperscript{79} Rawls, 1999b, p113
\textsuperscript{80} Kymlicka, 2002, p190
the political culture. We can also imagine that some members of this society convert to religion $Y$ which is historically antagonistic to religion $X$, and that the members of religion $Y$ are requesting the state to incorporate their religion in the education curriculum. Normally most of the other members of the community who traditionally have comprehensive religious doctrines about their religion $X$ will be greatly offended. They would be unwilling to tolerate the new religion’s demands. Given the vital role religion $X$ plays to their personal identity they would look at compromising and ‘submitting’ to tolerating religion $Y$ as in essence being tantamount to undermining their life’s cherished values.

With a religion they deeply cherish members of religion $X$ would find it nearly impossible having their tax money financing a religion they extremely dislike, a religion which is opposite to and a ‘negation’ of their personal identity. Indeed they would rather have their tax money spent on something else outside the nation that is not as ‘offensive’ to them as sponsoring an education that promotes a religion they do not agree with. This is where there is the need for the entrenchment of the civic virtues of accommodation and compromise on top of the virtue of reasonableness.\textsuperscript{81}

It is only a society whose members possess such citizenship virtues that will be able to realize social justice. This is why nation-states are committed to developing citizenship virtues among others through the school system. What all this shows is that shared nationality on its own cannot motivate duties of social justice even within the nation-state. People have got different interests and priorities that might not always have a lesser value in relation to the national attachments. Furthermore the national attachments do not have a similar force of relevance across all nationals. This is why upon realising this nation-states embark on entrenching citizenship virtues in their citizens so as to secure conditions for the sustenance of social justice. It is clear that an absence of such virtues (despite having a shared nationality) cannot guarantee duties of social justice. The fact that it is possible for some people under the motivation of some other interests not to prioritise the national interests tells that duties of justice are not limited by national solidarity, or a shared national identity.

\subsection*{4.8. Chapter conclusion}

\textsuperscript{81} Kymlicka, 2002. p190
In this chapter I have shown that both cosmopolitanism and nationalism agree on collective responsibility. However I have argued that cosmopolitanism by its very nature should apart from demanding distributive duties from the rich nations also demand that the poor nations make relevant political reforms. Democratic reforms are necessary to ensure that self-determination and collective responsibility are reflective of individual choices. This is the only condition where collective responsibility would be legitimate. Miller’s holding of poor nations collectively responsible for their poverty is therefore illegitimate. I have also argued that given the pervasiveness of the current global economic order a rigid account of responsibility as that proposed by Miller’s duties of humanitarian justice would not resolve the problem of global poverty. This is because the national and global factors causing global poverty according to Pogge interact in a multiplicative other than additive way.\(^{82}\) It is inappropriate to hold that poor nations alone have greater responsibility over global poverty. In reality it is the rich nations through the global economic order which they also hugely inform who are also partly responsible for global poverty. Furthermore this also means that it would be difficult if not impossible that poor nations establish democratic institutions first before resource transfers are made. Instead as Young’s shared responsibility suggests the problem should be approached from all angles. The rich should have obligations of justice to the poor nations that are beyond humanitarian obligations. At the same time poor nations should be required to reform their political institutions and political culture making them democratic. As things stand now distribution of resources seems to be holding the key for the kick-starting of the reforms at the domestic level.

I have also argued that the absence of special ties and solidarity on the global context does not render global justice invalid. Claims about the absence of solidarity pertain to how global justice principles can be implemented in the non-ideal world. They do not invalidate global justice obligations in ideal theory.

In the next chapter I show how the concept of national (collective) responsibility is not independent as it is itself influenced by other external factors. I seek to show that in some major respects poverty in poor nations is hard to be resolved unless the external economic global cooperation is reformed to be in their favour as well. Conversely, rich nations have not only global minimum duties. This is for two reasons. Firstly cosmopolitan demands that a

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\(^{82}\) Pogge, 2005, 47

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person should bear responsibility only over actions of her choice. As already argued the same idea extends to nations. Nations’ poverty would be attributable to them only in the event of there being no major external influences over their choices. As such cosmopolitan justice demands that the poor who are not ‘responsible’ for their fate should be assisted.

Secondly, rich nations ought to assist the poor countries because they in a way participate in the current global economic order which equally puts burdens on all global citizens yet the benefits are not widely distributed. In other words the poor are not adequately compensated for participating in the global coercive scheme.
Chapter 5
Making Global Trade Cosmopolitan: The Case of TRIPS

5.0. Introduction
This chapter seeks to show that the current global economic order undermines nationalists’ claims of holding poor nations as singlehandedly outcome responsible for their poverty. It demonstrates how the current global economic order which is hugely informed by (rich) nations’ interest also partly contributes to the problem of global poverty. In some respects it renders poor nations almost incapable of redeeming themselves out of their poverty. It shall be shown that the global economic order is inspired by nationalist conception of global justice other than a cosmopolitan outlook. In the end some recommendations that should be taken as part of the solution to the problem of global poverty shall be proposed.

In the previous chapter I have shown that nationalism and cosmopolitanism are compatible. I have argued that nationalism is a value that cosmopolitanism should highly protect and defend. This is because cosmopolitanism is committed to the idea that the nation offers the individual options for choices of the ideal ethical life and goals to pursue. In this case for cosmopolitanism the value and necessity of a nation lies in its relevance with respect to the individual. The fact that the nation offers a context of choice for an individual’s choice of the ideal ethical life does not and need not imply that the nation in itself has some intrinsic worth apart from the individual. As such it cannot be the basis for limiting duties of justice.

I have also shown in the previous chapter that claims by nationalists like Miller that humanitarian duties to the world’s poor constitute global justice demands are founded on wrong assumptions of equally economically flourishing nation-states. I indicated that cosmopolitanism’s defence for nationalism should also logically supports the idea of collective responsibility in the form of national responsibility. This is still consistent with cosmopolitanism’s consideration of the individual to be the ultimate unit of moral concern and that she should only be held responsible for her own choices’ consequences and not arbitrary circumstances she is not in control over. Nationalism is characterised among others by the exercise of the right to self-determination. However to exercise self-determination in a manner that is representative of the individual’s interests, the nation must be democratic in a great measure.
I have also argued that only holding poor nations as collectively responsible over their predicament is unfair in the current global set-up. In some cases poor nations cannot be held wholly responsible for the choices they make through the different policies they pursue. The choices available are severely restricted by the current global order and the options that remain are just inevitable choices. In this case contra Miller and nationalists, poor nations on their own are not outcome responsible for their poverty and neither do rich nations have only up to humanitarian obligations as the full content of their obligations of global justice. Rich nations owe the citizens in poor countries more than humanitarian duties. From the cosmopolitan perspective their obligations cannot just be up to the global minimum. There ought to be commitments above this minimum that nationalists propose. Secondly the ‘imposition’ of the global economic order which restricts their options should be compensated. It is an order that is shared because it is expected to serve all. However it has some negative effects on other nations

One might contest the above claim by holding that the fact that the current global economic order is also responsible for global poverty does not on its own require that the poor nations be absolved of their role of responsibility over their poverty. Two brief responses could be made to this. Firstly as it has already been shown comprehensive liberalism (which is the root of cosmopolitanism) demands that the individual bears consequences over choices she has freely made. No external coercive factors should influence her choice. This is why it was stated previously that the poor nations’ alleged choices are not binding on the individual citizen so as to hold her outcome responsible for her poverty. This is because most poor nations have no democratic capacity where the collective actions taken by poor nation’s leaders can draw their (cosmopolitan) legitimacy from.

Secondly the global economic order has an impact on poor nations which already face an absence of democratic institutions. The impact of the global order upon interacting with the domestic and national factors as Pogge\textsuperscript{1} notes is not merely additive but multiplicative in effect. A change of the global order would go a long way towards changing of the policies that poor nations pursue. This is because the options of the policies the poor nations choose to pursue and later lead to poverty do not exist in isolation. They are options whose availability is highly determined by the current global order. In other words once the global order is

\textsuperscript{1} Pogge, 2004, p47
reformed it would bring a great impact even on what course of self-determination nations should choose. However it is very difficult to see how the reverse would make a difference, that is if only poor nations are required to make necessary changes in the national policies they pursue. This is because what they pursue is generally pre-determined by the global order. However this does not mean that national reforms in the poor nations are to be given a second priority after reforms of the global order and rich nations fulfil their global justice obligations. Instead what is being highlighted is the pivotal role of the need to reform the global order of course simultaneously with making national reforms in the poor countries.

5.1. The TRIPS agreement.
The following sections show how the current global economic order greatly contributes to the options that poor countries have. In the end the current global economic order much as it benefits some and is intended to benefit all nations it still has some negative effects that leave others in disadvantaged situations. It will ultimately be realised that rich nations have the greater obligation to commit themselves to global distributive justice. The discussion focuses on the contribution of global trade particularly the role and impact of Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement to global poverty.

The TRIPS case has been chosen because it shows how compliance with the inevitable interdependent cooperation in the global economic order has the potential of some adverse effects on some nations. This case demonstrates the conflict between efficient and affordable means of pursuing national interest (national welfare) on the one hand and compliance with global trade agreements aimed at protecting other globally shared interests, though of different priority to different nations on the other. It is a conflict of priority of national interests (a poor nation’s interest) and some internationally binding obligations. It can be seen that there is already some external and non-preferred interference in nations’ exercise of their right to self-determination, which is Miller’s basis for collective national responsibility. Ultimately this basis is the foundation for the global minimum duties nationalist conceptions of global justice advance.

Through the TRIPS agreement case it will be argued that the global economic order is not as sensitive to cosmopolitan ideals as it ought to have been. This does not suggest that the whole concept of TRIPS is a bad idea that brings harm than good. Instead it is a claim that there is indeed a need for a binding TRIPS agreement for all nation-states and that such an agreement
is beneficial to both the rich and poor nations. However the TRIPS agreement should operate in such a way that it promotes the welfare of all humanity. Particularly it should consider the interests of the world’s worse-off. Its operation should not be to the detriment of some other nation-state’s citizens. Thus the moment TRIPS makes lives of some other nation-state citizens’ lives worse-off it is enough cause to revise them and reform them. As such it shall be shown that the TRIPS agreement apart from benefitting some (rich) nation-states also greatly and simultaneously contributes to global poverty and should therefore be reformed. It should be sensitive to the demands of cosmopolitan global justice.

It should be remembered that Miller and indeed nationalists’ stance that rich countries’ global justice obligations are limited to humanitarian duties is founded on their claim that poor nations are largely outcome responsible for their poverty. However through the TRIPS agreement it can be shown that the so-called national choices of policies are influenced by the global economic order. In some respects the global economic order as demonstrated in the TRIPS agreement also contributes to the problem of global poverty or poses some challenges in attempting to resolve the poverty. This should dismiss nationalist claims of restricting obligations of global justice to humanitarian duties only. It should also highlight the need for global distributive commitments among nations.

The Trade-Related Aspects of Intellectual Property (TRIPS) is an agreement that is managed by the World Trade Organization (WTO). It prescribes intellectual property protection standards. “All WTO members must incorporate [these standards] in the national laws (italics mine).” The ultimate purpose of the TRIPS agreement is that the inventors should get incentives for their work. In the end this is expected to promote innovation. By honouring the intellectual property rights, inventors are given an incentive which in the end advances research and development. It should as such be emphasized that the ideal concept of the TRIPS agreement is a reasonable and just idea. This is particularly noted when intellectual property is understood as being about an inventor having a natural claim to ownership of a property she has developed herself. Intuitively it is both reasonable and legitimate that an inventor of a product should also claim ownership over it. Being the owner she has every right to determine what should be done or not be done with her property. It is acceptable for her to make maximum benefit from it when others seek to possess it.

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5.2. TRIPS and national self-determination

As seen in the previous chapters nationalists hold that poor nations are not only victims of poverty but also importantly they are agents who are responsible for their situation.\(^4\) This is the major reason why global justice duties to other nations for nationalists are restricted to humanitarian obligations only. However such a stance assumes that poor nations have a wide or equal range of options to choose which policies they are to pursue. In reality though, poor nations have very restricted alternatives of the kinds of worthwhile policies they must pursue. The available options are not the best options they would choose for themselves all things being equal. Nevertheless they are the only available options which they must choose from anyway. With respect to the TRIPS agreement Oxfam America notes that “until the early 1990’s many developing countries excluded pharmaceuticals from patent laws or had limited patent protections for drugs.” However since the World Trade Organization created the TRIPS agreement most poor countries have been forced to change their policies on medicine patents.” This has been to the disadvantage of the poor and sick people in developing countries where essential drugs for some diseases have soared far way beyond affordability. This has generally “run up the cost for a six-month tuberculosis treatment from $20 to $2,000.”\(^5\)

It is evident from such a scenario that the exercise of national self-determination is partly determined and interfered with by the global economic order. Health being the backbone for development is expected to be granted priority and preferential national expenditures. However it is only until 2001 that the TRIPS agreement was made to accommodate exemption of some essential drugs from patent rights. Great harm had already been made. In such cases it would be wrong relate poverty in the nations with the choice nations make through the type of policies they pursue.

An expected objection to this view would be that the WTO and indeed the TRIPS agreement are not representative of one nation and they do not benefit a particular nation alone. The TRIPS agreement is neutral. Just as most rich nations are seen to be benefitting from the agreement every other nation is also similarly bound to benefit from it. As such rich nations are not to be bound to make any resource transfer to the poor nations because they are not

\(^4\) Miller, 2007 p236-7
\(^5\) [http://www.oxfamamerica.org/whatwedo/issues_we_work_on/trade/news_publication](http://www.oxfamamerica.org/whatwedo/issues_we_work_on/trade/news_publication)
directly responsible for the situation. The situation is just an unfortunate result coming out of an otherwise good system, so would go the response.

To make such a claim is to ignore the background of the deliberations that led to the TRIPS agreement as well as how the allegedly ‘neutral’ agreement is implemented. Apart from such agreements being reached ‘democratically’ the whole process in essence lacks adequate representativeness of all nations’ interests. For example the very bureaucracy of WTO negotiations already excludes most poor countries who nevertheless will inevitably have to sign the globally binding agreements. Partly this is because maintaining costs for national representatives are just too high for most poor and developing countries to afford. “Over half of the poorest countries in the WTO have no representation in Geneva where the WTO headquarters is located. … [T]hose developing countries that are represented in Geneva have only one person responsible for all the WTO negotiation, where there can be more than 40 meetings a week”. The democracy deficit is apparent here. It should be remembered that nations have different interests which would also be shaped by their economic status. What would be counted as a rich nation’s urgent interest might be a luxury for a poor nation. Despite the WTO’s deliberating nations’ sharing of a common interest, still given such a background of democracy deficit it is easy to see how some pertinent needs in other poor countries are not comprehensively considered. More importantly the WTO should embrace a cosmopolitan outlook where the agreements it advances should firstly be in the interest of the individual or global citizens. They should not be agreements that benefit nations’ and their interests only where nations are generally assumed to be of a similar economic state. This demands that the WTO’s representativeness should be seriously looked into since the consequent agreements made without an active engagement of the poor nations has adverse effects on their welfare.

5.2.1. TRIPS and poverty
Thomas Pogge notes that unlike the intellectual property rights for films, art, and music; a “monopoly of patents over biological organisms [such as the seeds of the plants used for food] is more consequential to poor countries.” He criticizes TRIPS’s defence of the monopoly of patented seeds in the name of protecting natural property. For him this assumes that “the natural right of inventors is so weighty that even the right to life of poor people … must be

curtailed to accommodate it”.\(^7\) It is evident that there is a conflict of values: the right to intellectual property on the one hand and the social good for the impoverished nations on the other.

This conflict is also noted by Göran Collste. He holds that the principle behind the 2001 Doha Declaration that paved way for the exemption of some HIV-AIDS essential drugs from patent and copyright protection should also be extended to other vital goods. He argues that apart from medicine there are other vital goods that are necessary and qualify for patent exemption. He contends that rights are not absolute. When rights conflict, he argues, it is necessary to reformulate the rights in such a way that the new formulation incorporates both conflicting rights.\(^8\) Thus for example when the right to intellectual property ownership conflicts with the right to subsistence as in the case of patented seeds and impoverished subsistence, the right to intellectual property should be reframed in such a way that it must not “violate other person’s right to subsistence”.\(^9\) Collste’s major claim is that “to achieve a coherent ethical system we must reformulate and limit the scope of intellectual property rights.”\(^10\) In other words the TRIPS agreement in its current form prioritises property rights (which are widely informed by economic national interests of rich states) while violating some fundamental rights such as of subsistence or access to patented educational technology for citizens in poor states.

There is therefore a need for another revision of the TRIPS agreement as was partly done during the 2001 Doha Declaration which affirmed that "the TRIPS Agreement can and should [my italics] be interpreted in a manner supportive of WTO members' right to protect public health and, in particular, to promote access to medicines for all".\(^11\) Such a revision would address concerns where its implementation violates some major human rights with serious consequences in other nations. It should be clear that this is not a rebuttal of the progressive concept of TRIPS. It is true that TRIPS are capable of advancing research and development by acting as incentives. However it is worth constant reminding that the ultimate and primary goal of research and development is promotion of human welfare. Human welfare is good of

\(^8\) Göran Collste, Global Justice and Public Policy – a Conflict of Rights: The Case of Trips. (Workshop Ethics and Society, Linköping Nov24-24, 2008)
\(^9\) Collste, (2008)
\(^10\) Collste, (2008)
and in itself. In the unfortunate context of legitimate property rights conflicting with rights that are central to the realization of human welfare, it is morally permissible and necessary to override an *absolute* fulfilment of property rights. Nation-states are greatly founded and sustained upon this principle. Social cooperation in the state and its following distributive scheme are realised by among others not ‘absolutely’ honouring natural property rights. One disadvantaged society member’s right to equal opportunities (which is a universal moral principle) demands that the naturally talented and well-off member forgoes some if not most of what she is entitled to as her natural property to improve the worse-off member. Thus through paying taxes I do not get everything I laboured for so as to fulfil another person’s right. In the same vein intellectual property rights in the global context ought not to be accorded priority when their fulfilment adversely makes other nations citizens’ lives worse-off.

### 5.3. What should be done?

It is evident that the TRIPS agreement is not as sensitive as ought to the protection of some major human rights in some poor nations. The United States which is the base for 80% of the world’s pharmaceutical industry has constantly been on the forefront in resisting compromises to the TRIPS agreement to allow for the exemption of some essential drugs from patentcy.\(^\text{12}\) The United States threatened South Africa and Thailand to repeal their compulsory licensing of essential drugs. The United States’ stance was greatly influenced by the pharmaceutical corporations which in their pursuit of profit greatly contribute to the American economy.\(^\text{13}\) Thus TRIPS is also widely informed by profit making interests of corporations which coincidentally are in the best interest of the rich nations that host the corporations. Multinational corporations’ profit motivation will result in the failure to honour some fundamental rights of the world’s poor. A cosmopolitan perspective would greatly change the picture in favour of the poor. The current perspective assumes that all nations are well-off and can manage to give strict priority to property rights without suffering any harm. This however is not the state of affairs. Most poor countries cannot afford to meet TRIPS demands without paying a severe cost in the form of rampant poverty. Farm inputs and educational technology among other vital property should be exempted from the inventors’ copyright monopoly because they are very key in influencing or ending poverty in poor countries.


\(^{13}\) *ibid*
The negative effects of the implementation of the TRIPS agreement are an unjust outcome of a democratically faulty WTO. The problem revolves around the lack of comprehensive democracy within the operation systems of the WTO. Its bureaucracy excludes the interests of the weak and poor nations. As a result only the rich nations have great influence in deciding the shape of global trade rules. The ensuing agreement does not comprehensively highlight some key aspects of poor nations’ interest areas to be exempted from wholesale application of the agreement. There ought to be a consideration and moderated implementation of the agreement in most poor nations since unless this is done it negatively impacts some aspects of national welfare e.g. national health care or food sufficiency. In its current form the TRIPS agreement assumes that all nations have the same human welfare conditions. A cosmopolitan outlook would however demand that the global trade terms should as much as possible take into consideration the welfare of the world’s worse-off individual. This would require greater representation and consideration of the weak and poor nations’ interests. The WTO should therefore be reformed so that it should be more democratic and representative of poor states.

Global trade must be designed to be highly sensitive to human rights. The TRIPS agreement is primarily about providing “protection for the results of investment in the development of new technology, thus giving the incentive and means to finance research and development activities” and also that “[T]he protection of such [intellectual property] aims to stimulate and ensure fair competition”\(^{14}\) However TRIPS should not infringe but honour human rights. Every person is entitled to having property. However the right to property presupposes among others people who have enough subsistence and are in basic good health. Having enough subsistence and being in good health imply that the right of access to such goods has been fulfilled. This entails that the right has not been violated. Thus the right to subsistence and basic health care are in this case foundational. Property rights are built on such foundational rights. This is so because property rights would be meaningless once the foundational rights are violated. The reverse though would not be meaningless. Property rights and human rights should therefore be understood as being in a hierarchy with more significance attached to human rights. When the only way of fulfilling human rights is to violate property rights, it should be the reasonable and necessary thing to do.

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\(^{14}\) [http://www.wto.org/english/tratop_e/trips_e/intel1_e.htm](http://www.wto.org/english/tratop_e/trips_e/intel1_e.htm) accessed on 16th May 2009
Given the impact of the implementation of such global agreements as TRIPS it is clear that
global poverty is in part caused and sustained by the global economic order. As such the
effect of national self-determination is greatly compromised. It would thus be unjust to have a
pre-fixed set of global justice duties that is restricted to only humanitarian obligations.
Therefore in the interim as regards global justice duties, rich countries should be committed to
greater distribution towards poor countries. This should be regarded as an obligation of global
justice and not as an act of charity. Realization of this however requires an enforcement agent.
In the end this would demand for example strengthening the capacity of the United Nations so
that it enforces distributive obligations. On the other hand the poor nations as per the demand
of cosmopolitan nationalism ought to ensure that their political institutions are democratic
enough.
Chapter 6: Conclusion

Cosmopolitanism has usually been regarded as being incompatible with nationalism. The two ideals however are not in a dilemma. They are ideals that are interdependent and reinforce each other. Nationalism is very important in that it offers the individual a context for choice of the ideal ethical life one wishes to pursue. Thus it is an ideal condition for the realization of both liberalism and cosmopolitanism. Nationalism also shapes and forms the social political institutions. It acts as a rallying point for the realization of political institutions. The political institutions are vital for the realization of justice. The worth of nationalism to the sustenance of democracy in society cannot be overemphasized.

To make sure that within the liberal nation the individual freely chooses the mode of life she considers worthwhile comprehensive liberalism (which informs cosmopolitan justice) demands that the individual should be accorded group rights so as to be provided with an adequate room for choice of the ideal life. However what motivates comprehensive liberalism is the fact that the individual should on her own freely choose and revise what she considers as the ideal ethical life worth pursuing without any imposition. Comprehensive liberalism therefore further requires that whenever the individual is suppressed or has other values (religious, ethnic, or philosophical) being imposed on her the state should intervene and defend her.\textsuperscript{15} As such the values of liberalism would be fully served. The parallel of group rights in the global sphere would be nationality. The essence of nationality is partly constituted in the exercise of the right to national self-determination. This happens when nations make preference of the policies they seek to collectively pursue. The right to self determination of nations implies that the nation is an agent. It is a moral agent that can make choices and act on them. This further implies that nations can be held morally responsible for their choices or policies they pursue. As such they ideally bear the primary responsibility of both owning up consequences of their choices and actions as well as the responsibility of correcting their situation if need be.

Comprehensive liberalism in the liberal nation however holds that provision of ethnic or religious group rights in itself to ensure that the individual has a wide range of options from which to choose the ideal ethical life is incomplete. This is because the group culture whose purpose the very group rights are aimed at securing can be misused or abused to the harm of

\textsuperscript{15} Tan, 2000, p47
an individual member. In other words the task of ensuring justice for the individual by letting her choose the ideal ethical life is incomplete and risks being altogether unfulfilled. The individual is vulnerable. The same situation applies to cosmopolitan justice. It has already been noted that cosmopolitanism esteems the worth of nationalism in as far as realization of democracy and actualization of justice are concerned. However in its exercise of the right to self-determination the nation is also prone to restricting the individual’s freedom of choice and revision of the ideal life just as the ethnic or religious groups within the nation might do. The nation is capable of imposing some choices on the individual without her consent. The consent as it was argued in the previous chapters does not necessarily refer to the nation adopting national policies the individual agrees with. It is about the process that leads to the adoption of the policies. It was stated in earlier chapters that there are conditions in a democratic society that make a national choice to be binding on every member even on those who disagree with the winning view as chosen by the majority. One of the reasons is that even though her view loses the member still owns the winning decision because she is assured that through the political deliberation her views have been heard. Having been heard she is assured that though it has not been chosen her co-nationals have noted its worth and will consider it in all matters pertaining to the issue. She feels that in this way she is regarded as an equal member of the society with her own unique interests that are worth considering. It is on this ground that she accepts even the winning view she disagrees with. As an individual she assumes responsibility over the collective decision. The most important thing here is the democratic background conditions. They are what make collective responsibility bind on every individual member of the society.

This is the ideal self-determination that is consistent with cosmopolitan justice. It is exercise of such self-determination that takes into consideration every member’s views. It is only collective responsibility that derives from a nation with such a democratic background that would be consistent with holding nations collectively responsible over their decisions and choices in cosmopolitan justice. Unfortunately most of the poor nations do not have democratic institutions that can facilitate the exercise of such nationalism that is consistent with cosmopolitanism. The nationalist claim therefore that poor nations have to bear responsibility for the outcome of their poverty is a claim made too early. It is a claim that ignores the fact that the conditions for legitimately holding nations responsible for their poverty are far from being fulfilled in most poor nations. In any case establishment of sound political and democratic institutions goes hand in hand with a sound national economic state.
Therefore the proposed global minimum obligations of global justice nationalists make are claims that ignore the prevailing factors that prevent legitimate exercise of the right to self-determination by nations.

It should be remembered that the global minimum duties that nationalists propose are founded on the fact that nations are moral agents who can make their choices. National choices are manifest in the type of policies they pursue and the manner in which they pursue them. As such moral respect so argue nationalists, requires that the nations should collectively bear responsibility of whatever consequences their choices may bring. However when they face a humanitarian crisis all other nations as long as they have the capacity have the moral obligation of coming to their aid. In this context it does not matter whether the suffering nation itself carries the responsibility of both making disastrous choices or that morally it ought to fix the problem alone. The duties which the helping nations have though, are restricted to humanitarian obligations alone. However I have argued that sometimes the ‘choices’ nations prefer to choose and hence afterwards accorded responsibility, are in some cases dictated by external factors. As the TRIPS case has shown, the global economic order has the effect of dictating or restricting what national policies can be pursued and in what manner. National priorities are thus prone to being determined or shaped by the global economic order. Such choices may not always be to the best interest of the nation. The nation might therefore forego prioritizing other national interests or might be severely restricted in how it pursues them. When such a scenario contributes to poverty (which the TRIPS case has shown that it may) it is inappropriate to hold the nations alone wholly responsible. Grounding duties of justice to mere humanitarian obligations is also unjust in this case because it assumes that there is no external influence in the name of the global economic cooperation that interferes with national self-determination.

It is clear then that nations’ global justice duties to poor nations ought to be more than humanitarian in content. The global economic cooperation needs to be under constant check that it does not infringe on the welfare of individuals by interfering with nations access to some fundamental goods. In the long run since cosmopolitanism is consistent with a democratic form of nationalism the quest for cosmopolitan justice must be expedited on both fronts. The other front in this case is the poor nation. She has a moral responsibility that it meets the democratic condition of a nationalism that is consistent with cosmopolitan justice. It might be said the democratic institutions will be realised when the nation becomes
economically decent. But this is to ignore the fact that in the absence of democratic institutions national wealth can be concentrated only in the hands of the elites while most of the people have restricted opportunities and leave low quality lives. This would be having an incomplete cosmopolitan project. It should be remembered that the goal of cosmopolitanism is not just to have nations that are self-sufficient but having individuals who are self-sufficient. Such self-sufficient individuals should constitute nations that are self-sufficient. In other words how the wealth is distributed within the nation would still be a matter of cosmopolitanism. Only when the worse-off members have been advantaged will the cosmopolitanism project be complete.

Currently following Rawlsian justice rich nations have global justice obligations beyond humanitarian assistance. They have cosmopolitan duties. They should commit themselves to global distributive justice until poor nations are adequately self-sufficient. It is only after this that collective responsibility would make sense.
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