

*Globalization and Global Justice*ⁱ

1. Introduction

On cosmopolitan theories everyone deserves equal respect and consideration as ultimate units of moral consideration independent of citizenship or other affiliation.ⁱⁱ On non-cosmopolitan theories citizenship status or other affiliations help determine what we owe to others.ⁱⁱⁱ Surprisingly, non-cosmopolitans can grant that everyone deserves equal respect and consideration as ultimate units of moral consideration and cosmopolitans can hold that citizenship status or other affiliations may help determine what we owe to others.^{iv} Cosmopolitans and non-cosmopolitans usually disagree about whether or not it is acceptable to give priority to the claims of compatriots over, more needy, outsiders. Often the crucial claim in non-cosmopolitan arguments is that non-humanitarian obligations of legitimacy or justice only pertain within states.^v This paper takes issue with this claim.

This paper starts from one way of understanding what cosmopolitan respect and consideration require that even non-cosmopolitans might accept, to argue for significant obligations beyond borders (that are not purely humanitarian). It suggests that legitimacy, if not justice, requires ensuring that the global poor can meet their basic needs. That is, the paper starts from a liberal cosmopolitan concern with what is necessary for people to agree to be subject to a common, coercive order. It suggests that people must at least be able to reject the claims of coercive rulers; they must have some basic capacities under coercive rule. Non-cosmopolitans like Michael Blake, Thomas Nagel, and Richard Miller accept something like this proposition.^{vi} They advocate "coercion-based theories" on which the fact that citizens are subject to a shared coercive order generates significant obligations of domestic legitimacy or justice. This paper argues, however, that these authors implausibly restrict their attention to the forms of coercion exercised by the domestic state. It argues that there a common, coercive global institutional system – a set of institutions and rules that together determine individuals' basic life prospects at the global level. So, it concludes that this system must ensure that everyone can secure basic capacities. Finally, it suggests that, to secure these

capacities, people must at least secure some minimal amount of food, water, shelter, education, health care, social and emotional goods. So the global order has some significant obligations of legitimacy, if not justice, to the global poor. More precisely, this paper defends the *Cosmopolitan Legitimacy Argument*:

- 1) Everyone is subject to a coercive global institutional system.
 - 2) This system must be legitimate.
 - 3) For this system to be legitimate it must ensure that its subjects secure basic reasoning and planning capacities.
 - 4) Most people, to secure these capacities, must secure some minimal amount of food, water, shelter, education, health care, social and emotional goods.^{vii}
- C) So the global institutional system must ensure that these people secure these things.

This paper's argument is not the *only* good cosmopolitan argument for the conclusion that the global institutional system must ensure that everyone secure basic capacities or the things they need to maintain these capacities. Many cosmopolitan arguments (e.g. those that start from a concern for human rights) support this conclusion. This paper's argument may not even provide the most compelling reasons to believe the global institutional system must ensure that people secure food, water, shelter, education, health care, social and emotional goods.

Nevertheless, this paper sketches the broad outline of a *new* cosmopolitan argument for significant obligations to the global poor that is intended to appeal to liberals of all sorts (including non-cosmopolitans who reject the traditional cosmopolitan arguments for this conclusion). In this respect, this paper's argument has some things in common with Thomas Pogge's argument in *World Poverty and Human Rights*. It is, however, different from Pogge's cosmopolitan argument in some important ways. Both arguments start from a concern for individual freedom to defend some significant obligations to the global poor. Pogge argues, however, that this is because those of us in the developed world are harming the global poor. Although his argument may, ultimately, be successful, there are significant reasons to worry about whether Pogge has established this crucial premise in a way that everyone who is concerned about individual freedom can accept. Mathias Risse and Alan Patten argue, for instance, that libertarians and actual consent theorists are likely to reject Pogge's baseline for harm. So, even though this paper is not primarily intended to address skeptics, it is noteworthy that this paper argues that the global institutional

system is *coercing* (not necessarily harming) the global poor. This is something even those least likely to believe there are significant obligations to the global poor may accept.

2. *The First Premise*

The Global Institutional System

An *institutional system* is, roughly, a group of legal, political, and economic institutions and rules that sets the terms for social interaction and governs the resulting distribution of fundamental duties, rights, advantages, and disadvantages.^{viii} Very roughly, an *institution* is an organization that creates, enforces, and/or arbitrates between rules governing interaction between individuals or groups.^{ix} The British Parliament, the United States (US) Department of Homeland Security, and the European Court of Justice are institutions. The British Parliament creates rules. The US Department of Homeland Security enforces rules. The European Court of Justice arbitrates between rules.

States are the clearest examples of institutional systems. Their legislatures create rules, their judiciaries arbitrate between rules, and their executives enforce rules. States' rules govern everything from the distribution of food to the organization of the family.

Both cosmopolitans and non-cosmopolitans can grant that the global institutional system is the largest institutional system. The global institutional system possesses institutions with executive power like the United Nations (UN), legal institutions like the African Union Court of Human and People's Rights, and economic institutions like the Bank of International Settlements. States, some multinational corporations, and some non-governmental organizations (NGOs) are also part of this system. Many of these organizations (like the UN and the United Kingdom) create international rules. Others like the international courts and some treaty organizations arbitrate between international rules. Yet others like the US and North Atlantic Treaty Organization (NATO) enforce international rules.^x Together these institutions govern everything from the international terms of trade to the security of populations.

Organizations like the International Tennis Association are not part of the global institutional system. Though the International Tennis Association creates international rules, norms, and procedures, it does not govern the distribution of fundamental duties, rights, advantages, and disadvantages that result from social interaction.

Some non-cosmopolitans accept the claim that there is a global institutional system,^{xi} but consider one way non-cosmopolitans may object to this conclusion.^{xii} Non-cosmopolitans might adapt an argument from Samuel Freeman to suggest that institutional systems must be corporate agents to act and be held responsible (though Freeman was only concerned to argue that such agency is necessary for global distributive egalitarian obligations).^{xiii} Non-cosmopolitans might deny that what this paper has called *the global institutional system* is an agent of the relevant sort. If this is right, it is impossible to say that this system must ensure that its subjects secure basic capacities on pain of illegitimacy.

There are criteria by which it may be possible to tell what counts as an act of the global institutional system. Consider, for instance, the Vienna convention on treaties -- the foundation of most modern treaty-law. The Vienna convention specifies that new treaties must be consistent with the existing body of treaty law.^{xiv} WTO rules must, for instance, take into account pre-existing treaty law including other trade agreements. WTO's article 24, for instance, allows members of regional trade agreements like the North American Free Trade Agreement (NAFTA) to give each other special treatment. To do this, the WTO must make an exception to one of its key principles -- its *most favored nation* principle. This principle explicitly requires countries not to give preferential treatment to trading partners. Since regional trade agreements cover more than 50% of world trade, the WTO must allow a lot of exceptions to its most favored nation principle. The Vienna convention also provides criteria for resolving conflict between international laws, customary laws, treaties, conventions, national laws, and so forth.^{xv} The US was acting in accordance with the treaty when it specified that international law is sovereign over state law in order to avoid potential conflicts.^{xvi}

More generally, the principles of international law may determine what counts as an act of the global institutional system in the way that corporate laws determine what count as an act of a corporation. Parts of the global institutional system can violate international laws in the way that parts of a corporation can violate corporate laws. When, for instance, a state uses force against another state in contravention of international law it is not acting as part of this system. If a state exercises such force with the backing of the UN's Security Council in support of international law, however, it is acting as part of the global institutional system. So, even those who think there must be criteria for determining what counts as an act

of the global institutional system, might be satisfied that there is a global institutional system that can act and bear obligations.^{xvii}

Contra non-cosmopolitan critics, however, the global institutional system may not need to be a corporate agent to be legitimate or illegitimate and bear obligations. People evaluate all kinds of groups from mobs to random collections of individuals (like Nazi-sympathizers).^{xviii} It should be enough to justify moral scrutiny that the global institutional system forms a fundamental part of the normative and coercively enforced institutional backdrop against which persons interact.^{xix} It is acceptable to ask whether the global institutional system is organized consistent with the demands of the right (whether it is legitimate) just as it is acceptable to ask whether the rules of a military game backed by coercive force are legitimate. What is more controversial is the claim that the rules of the global institutional system are coercively enforced. So the rest of this section will focus on making this case.

Coercion

Very roughly, an institution or rule is *coercive* when individuals or groups violating its dictates are likely to face sanctions for the violation.^{xx} A *sanction* is a punishment or penalty. Coercion usually creates conditions under which the coerced have no good alternative except to do what their coercer wants them to do. This is usually explained by the fact that the coerced are threatened by sanctions.^{xxi}

As this paper will use the term, coercion can include the use of brute force. Both cosmopolitans and non-cosmopolitans can accept this. For, it is the “mainstream view of coercion that is more or less continuous with the view found in Aquinas and Hobbes/Locke/Kant (and some of the views of Bentham and Mill). This view identifies coercion with the use of force or violence, as well as to threats of the same.”^{xxii} Those who do not believe the use of brute force constitutes coercion can read “coercion” throughout as “coercion or use of force.”

Depending on the kind and amount of coercion and so forth, coercion may or may not undermine basic reasoning and planning capacities. Usually, it engages the will of the coerced. Consider a paradigmatic case of coercion. Suppose a homeless woman threatens a man with a gun saying “your money or your life.” The man does not literally have to give over his money, though he has no good alternative to doing so and will face severe sanctions if he resists. The man has to choose to hand over the money.

Still, people can be coerced into doing what they would otherwise do freely. The man may have charitably donated money to the homeless woman, if he had not been coerced into doing so. Furthermore, institutional systems can be coercive, even if they do not coerce anyone into doing anything. If, for instance, a state only creates just laws and everyone willingly obeys, it may still be coercive. The state is subjecting people to coercive laws, though it never has to sanction anyone for disobedience.

There is certainly more to say. A lot hangs on what counts as a violation, a punishment or penalty, and a good alternative in this analysis.^{xxiii} Many believe, for instance, that only threats can be coercive while some want to say sanctions can include with-holding an offered good.^{xxiv} There is also disagreement about the appropriate baseline relative to which something counts as a sanction. It is not clear, for instance, whether one can be sanctioned in ways that do not violate rights.^{xxv} It is impossible, however, to resolve all of the debates about coercion here.

This paper will, instead, rely on a rough and ready characterization of the coercion, arguing that the global institutional system is coercive by relying upon relatively uncontroversial examples of coercion for its audience. Most liberals who are deeply concerned about coercion can agree that taxation and law enforcement, military and economic sanctions are coercive.^{xxvi} It does not matter whether they are cosmopolitans or non-cosmopolitans. Furthermore, if law enforcement was primarily carried out by volunteer bounty hunters or external armies most liberals would still think that it was coercive.^{xxvii} Not everyone will accept all of the examples of coercion below but hopefully everyone can accept at least some of them. This paper's argument will only be strengthened if there are other cases of coercion.

Furthermore, even non-cosmopolitans who deny that the global institutional system is coercive, should accept a modified version of this paper's argument. Non-cosmopolitans should agree that those exercising coercion at the global level (however extensive it is) are obligated to ensure that their subjects secure the things they need for basic reasoning and planning. Different non-cosmopolitans will just take different views on the scope and significance of this result.

To get clearer on what makes an institutional system coercive, it will help to examine some of the most clearly coercive institutional systems. Perhaps the least controversial examples of coercive institutional systems are states. Not every rule or institution in the US, Belgium, or Brazil is coercive, but many are. These states often coercively enforce their laws. The US, for instance, indirectly coerces those

who violate its rules when it enforces citizen arrests, relies upon bounty hunters, and allows vigilante groups to aid the border patrol. The US exercises direct coercion over individuals when its police officers and military officials enforce its criminal statutes and military rules. Even much weaker states, with poor enforcement mechanisms, are generally characterized as coercive. When people violate state rules they can be, and often are, punished.^{xxviii} So, it is reasonable to suppose that other institutional systems are coercive if they contain enough coercive rules and institutions.

On this account, the global institutional system is coercive. Some global rules and institutions are not coercive. Non-binding treaties like the Declaration on the Rights of Disabled Persons are not in themselves coercive. Nor are non-governmental organizations that offer only voluntary programs, normally, coercive. There are, however, many coercive global institutions and rules.

Consider, for instance, how many of the global institutions governing trade exercise *indirect* coercion. Institutions like the WTO and the NAFTA impose sanctions on countries that violate property rights or the rules of the market. States enforce these sanctions. The NAFTA sanctioned Mexico for prohibiting Metalclad from operating a toxic waste dump in San Luis Potosi, for instance. Mexico had to pay Metalclad 16 million US dollars in damages.^{xxix} The WTO found the US guilty of violating its rules with the Byrd amendment. It allowed prosecuting countries to impose import duties on the US until the US repealed the act.^{xxx} Recently the WTO sanctioned the EU by allowing the US to impose tariffs on EU goods because the EU had used import licensing requirements to support Caribbean banana producers.^{xxxi} In many cases, laws passed by states as a result of WTO rulings eventually coerce businesses and individuals into abiding by WTO rulings.

Or, consider indirect coercion exercised by the UN. The UN Security Council imposes economic sanctions, air traffic controls, and arms embargos on countries and groups within countries that threaten international security. The UN has, for instance, sanctioned Rhodesia, Iraq, South Africa, Serbia, Montenegro, Yugoslavia, Somalia, Libya, Haiti, Sudan, Rwanda, Sierra Leon, Ethiopia, Eritrea, and groups within Cambodia, Angola, and Afghanistan.^{xxxii} The UN Security Council also authorizes the use of force against countries threatening international peace. When Iraq invaded Kuwait the UN authorized the use of force to stop the invasion. The UN-mandated International Security Assistance Force of about 30,000 troops is currently involved in military action in Afghanistan.^{xxxiii}

Non-cosmopolitans might object that what this paper has called *indirect coercion* is not genuine coercion. Consider an analogy. Suppose that a matriarch wants her family to join a club which requires a membership fee. Even if the club refuses to waive the fee, and the matriarch forces her family to join the club, the club does not coerce the family by its rules. Only the matriarch coerces the family.

Although this move may work against some of the examples above, it misses a crucial point. Many countries' participation in international trade and organizations is not voluntary in the way that becoming a member of a club is voluntary. Countries often pay significant penalties if they do not abide by WTO, UN, WB, or IMF rules. Sometimes these countries do not have other good options and so are not free to resist these organization's conditions. Highly indebted poor countries facing default, for instance, may have to abide by IMF conditionality.^{xxxiv} Many countries have, for example, had to coerce individuals into allowing their public services to be privatized or to accept additional taxes to abide by IMF conditions, despite violent protests. When these states do not have any other reasonable options but to abide by these institutions' dictates, the proper analogy is of a person being forced to threaten another at gun point.^{xxxv}

In 1998, for instance, the World Bank (WB) and International Monetary Fund (IMF) worked with the Bolivian government to privatize its public enterprises – including Bolivia's water company (SEMAPA) – as a condition of giving Bolivia a loan.^{xxxvi} Subsequently, when the Bechtel Corporation took over the Bolivian water supply, many poor Bolivians saw their water bills triple or quadruple. In March 2000, Bolivians took to the streets in protest—demanding affordable water. In another case, the IMF required Ecuador to privatize its water and sewage system as a condition of giving Ecuador a loan. Although service improved in some respects, poor infrastructure led to an outbreak of hepatitis A, and poor Ecuadorians suffered as prices rose and subsidies were eliminated. As a result, some suggest that, in some parts of Ecuador, the poor were unable gain access to clean water and sanitation.^{xxxvii} Finally, in a third case, the IMF pressured Niger to put a 19 percent value-added tax on goods – including foodstuffs – as a condition of giving Niger a loan. The tax was levied even though the price of basic grains had risen by up to 89% percent in the previous five years, and even though Niger's nomadic herders' main source of income (livestock) had fallen 25 percent in value.^{xxxviii} Although causation is notoriously hard to prove, we know there was famine in Niger that year. The tax may well have been an aggravating factor in the famine.^{xxxix} Bolivia, Ecuador, and Niger may have had to accept the international financial institutions'

conditions. If so, these international institutions have indirectly coerced individuals in these countries in the way that a man with a gun indirectly coerces someone if he forces another person to threaten the first.^{xl}

Some non-cosmopolitans might refuse to grant that indirect coercion is genuine, but parts of the global institutional system exercise direct coercion as well. UN peacekeeping forces exercise direct coercion by, for instance, taking over territory, patrolling borders, and creating safe havens for refugees. Those who attempt to wrest control from the UN or enter its protectorates or safe zones without permission face sanctions for the violation. Peacekeeping forces have been deployed in places as diverse as Congo, Iran, Lebanon, Sinai, Yemen, the Golan Heights and Cyprus. Between 1988 and 1999 alone, the UN initiated forty peacekeeping missions.^{xli}

Other international institutions also coerce individuals directly. The NATO's role in the Balkans provides an interesting case study. As the humanitarian crisis in the Balkans developed, the UN imposed an arms embargo against the former Yugoslavia, a flight ban over Bosnia and Herzegovina, and economic sanctions against Montenegro and Serbia. The NATO enforced these measures. In 1999, when the UN peacekeeping force failed to prevent the Srebrenica massacre, the NATO bombed Bosnia. The NATO then enforced the Bosnia-Herzegovina peace agreement under the auspices of a UN protectorate and brought individuals accused of war crimes to The Hague. It thereby directly coerced, and enabled the court to coerce, individuals. Eventually, the NATO ceded command in Bosnia to the EU, which deployed its own troops.^{xlii} Finally, states exercise a great deal of direct coercion. They collect taxes, punish criminals, and wage wars. States, themselves, make up much of the global institutional system. So, it should be clear that the global institutional system is coercive.^{xliii}

Perhaps non-cosmopolitans could argue that the global institutional system is not coercive because the coercion it exercises and relies upon is not official. After all, coercion by rogue parties or institutions within states (e.g. terrorist organizations) does not make a state coercive.^{xliv} Non-cosmopolitans could follow Nagel (in a slightly different context)^{xlv} in arguing that, most of the time, parts of the global institutional system do not exercise coercion on behalf of the global institutional system or in its name. Rather, non-cosmopolitans may insist that there are just a bunch of loosely related institutions exercising coercion willy-nilly in their own best interests.

Coercion does not need to be exercised on behalf of a coercive institutional system to make the system coercive, however. To see this, consider what is necessary for a state to be coercive. The coercion the Philippines' local police forces exercises need not aim at maintaining or promoting the Philippines' objectives to contribute to the fact that the Philippines is a coercive state, for instance. The coercion could aim only at promoting a particular local government's aims or at upholding a particular city's rules. So, there is compelling reason to believe that the coercion parts of an institutional system exercise in their official capacity as part of this system contributes to the coerciveness of the institutional system if that coercion contributes to the maintenance of (or at least does not undermine) the system. And much of the coercion parts of the global institutional system exercise is like this. Much of the coercion is exercised in an official capacity – in accordance with international law - does not undermine but, rather, supports the system. When the UN or NATO use coercion to uphold international law they are (usually) helping to maintain, not undermine, the system. When states use coercion to enforce WTO sanctions or collect money to pay dues to international organizations they are (usually) helping to uphold the global institutional system, not undermine it.^{xlvi}

If the above arguments go through, and one grants that people are *subject* to an institutional system when the rules of the system apply to them, the first premise of the Cosmopolitan Legitimacy Argument follows; everyone is subject to the global institutional system.^{xlvii} The next section will argue that because this system is coercive, it must be legitimate.

3. *The Second Premise*

Legitimacy and Justice

There are different conceptions of legitimacy in the literature on cosmopolitanism and non-cosmopolitanism. *On one conception, a coercive institutional system is legitimate if and only if the system has the justification-right to use coercive force.*^{xlviii} Having a *justification-right* is having moral permission to make coercive rules and give coercive commands.^{xlix} Claim rights, like those generated by promises, carry with them correlative duties.¹ Liberty rights do not carry with them correlative duties. I may have a right to dance but no one is under any obligation to help me do so. On the above account, the justification right to rule is a liberty right. So, knowing that an institutional system has a justification-right to rule does not tell us whether or not it is permissible for others to interfere with its rule. *Legitimacy*, on this

conception, is different from *justified authority*.^{li} An institutional system has *justified authority* if and only if individuals have a moral duty to comply with its rules.^{lii}

Some believe that legitimacy (in the sense above) yields justified authority. Perhaps this is because they hold that the same features that give an institutional system a right to rule ground a correlative obligation to obey its dictates. These people might argue that a unified account of legitimacy and justified authority is simpler and, so, better, than a disparate account of these phenomena.

Nothing in this paper's argument is intended to establish, or rides on, the claim that there is an obligation to obey coercive institutional systems. So this paper does not need to resolve this debate. It need not suppose that if a coercive institutional system has a right to rule through force, its subjects are obligated to obey its dictates. Though, that may be so. This paper is only trying to show that certain conditions must be met before institutional systems have the (liberty) right to rule through force.

Different ways of understanding legitimacy, however, lend themselves to different ways of thinking about the relationship between legitimacy and justice. Legitimacy may be a necessary condition of justice (or visa-versa), they may be equivalent, or legitimacy may simply be different than justice.

Cosmopolitan Charles Beitz seems to hold that justice is a necessary condition of legitimacy. For, he would probably argue that individuals have an obligation to obey legitimate institutional systems and that they do not have an obligation to obey unjust systems.^{liii} Those who do not believe the right to rule carries with it correlative obligations to obey cannot, however, accept this argument. On their account, a coercive institutional system can have the right to rule through force even if it is imperfectly just. They might argue, for instance, that full justice requires preserving full religious freedom. Even if a coercive institutional system does not preserve full religious freedom (it, say, bans headscarves) it might have the right to rule through force. This argument would also allow one to reject the above account of the relationship between obligations of legitimacy and justice while holding that legitimacy entails justified authority.

Understood as a justification right to rule, it is more plausible that perfect justice requires full legitimacy rather than the other way around. It is not clear that an institutional system could be perfectly just if it is illegitimate (i.e. it does not even meet the conditions necessary for it to have the right to rule though force). Other things may be necessary for an institutional system to be fully just. Nevertheless, one

might maintain that a coercive institutional system must at least meet the minimal conditions necessary to be justified in exercising coercive force over its subjects to be fully just.

Perhaps non-cosmopolitans can deny this. They might maintain that perfect justice is unobtainable. So, they might argue that it is an open question whether there can be conflicts between justice and legitimacy (understood as a liberty right to rule).

Even if non-cosmopolitans are right on this count, however, this paper's arguments may still address them. For, legitimacy may just be different than justice. And non-cosmopolitans accept some obligations besides obligations of humanity and justice. Consider, for instance, Rawls' argument that there are duties – though not duties of humanity or justice – to respect the short list of human rights in the *Law of Peoples*. It is not clear how non-cosmopolitans will respond to the claim that there are the obligations this paper defends. It is not clear, for instance, whether traditional non-cosmopolitans' arguments for the view that obligations of justice should have priority over humanitarian obligations tell us anything about whether obligations of justice have priority over other sorts of obligations.^{liv} In any case, this paper's argument should address non-cosmopolitans who, like Michael Blake, argue that it is coercion which generates obligations of legitimacy but believe legitimacy grounds giving priority to compatriots.^{lv}

The Second Premise of the Cosmopolitan Legitimacy Argument

The second premise of the Cosmopolitan Legitimacy Argument follows from the relatively uncontroversial claim that all coercive institutional systems must be legitimate. Consider just a quick argument in defense of this claim that might appeal to liberals deeply concerned about coercion. Cosmopolitans might argue that each person has a natural right to freedom; hence, they cannot be subject to others' commands without justification. A coercive institutional system must be justified in using coercive force; it must have the right to use such force.

H.L.A. Hart provides one possible way of defending a natural right to freedom. Hart argues that if there are any natural rights, there is a natural right to freedom.^{lvi} Alternately, one might try to ground the concern for freedom in a concern for individuals' interests or autonomy. The Cosmopolitan Legitimacy Argument is not intended to address skeptics about the importance of freedom, however. So, this paper will not say more about this matter.

It is important to be clear that that this section is not claiming that institutional systems that are coercive are illegitimate. For all it has said so far, all existing institutional systems may be perfectly legitimate. Furthermore, one can accept this section's argument and hold that different entities need to satisfy different conditions for legitimacy. What is required to legitimize a state may be different than what is required to legitimize the global institutional system. This section has only argued that coercive institutional systems must be legitimate (whatever that entails).

Non-cosmopolitans might argue that, unlike states, the global institutional system does not need to be legitimate. Some things that fundamentally shape individuals' basic life prospects need not be legitimate. Hurricanes, typhoons, and earthquakes, for instance, can shape individuals' and communities' fortunes, but they do not need to be justified. Perhaps the global institutional system is more like a natural disaster than like a state.

Although the impacts of natural disasters are often inescapable and significant, natural disasters are different from institutional systems in some important respects. Natural disasters are not the result of human agency. So they cannot be coercive. The global institutional system, on the other hand, is coercive. That is why the Cosmopolitan Legitimacy Argument applies to the global institutional systems while it does not apply to natural disasters.

Some non-cosmopolitans would probably modify an argument by Nagel and object that the global institutional system is less developed than most states and, so, need not be legitimate.^{lvii} The global institutional system does not have well developed enforcement mechanisms. It has few executive and judicial bodies. Perhaps if the global institutional system were the equivalent of a world state, non-cosmopolitans would agree that it has to be legitimate. As it is, non-cosmopolitans might reject this conclusion.

The claim that the global institutional system does not amount to a world government or global sovereign does not, however, amount to an argument for the conclusion that it need not be legitimate. That claim does not show that only institutional systems that claim a right to exercise coercive force in the name of their subjects must be legitimate. If the preceding arguments are correct, coercive institutional system must be justified in exercising coercive force over their subjects whether or not they exercise this force in the name of anyone at all.

Nagel does say that “the newer forms of international governance share with the old a markedly indirect relation to individual citizens and that this is morally significant.”^{lviii} So maybe one could argue (again in a slightly different context) that the global institutional system need not be justified in coercing individuals because it has secured their states’ consent.

There are several problems with this suggestion. One is that not all parts of the global institutional system are backed by states’ consent and the system itself is certainly not. At best, most of its parts have secured such consent. Another problem is that state consent does not clearly justify the global institutional system in coercing individuals, especially since many states are not democratic. There may be a way around these problems. Even so, those who are deeply concerned about individual freedom should agree that the global institutional system must be *justified* in exercising coercive force over its subjects. They would just hold that it is so justified because it has secured this consent.

4. *The Third Premise*

Preliminaries and Definitions

Many things might be required for legitimacy. To be legitimate, a coercive institutional system might need to treat people equally. It might need to embody a commitment to reciprocity, publicity, free speech, or due process. To be legitimate, a coercive institutional system might have to give the disadvantaged a significant stake in the system.^{lix} It might even need to give all people equal status, respect, consideration, resources, or opportunity for welfare.^{lx}

This section will defend the *cosmopolitan condition for legitimacy*. To fulfill the cosmopolitan condition for legitimacy, coercive institutional systems must ensure that their subjects secure basic reasoning and planning capacities. Although the paper will say more about what is necessary for someone to secure *basic reasoning and planning capacities* below, the basic idea is this: One must be able to reason about, make and carry out some significant plans on the basis of one’s desires, beliefs, values, and goals (henceforth *commitments*). The claim that one must have basic capacities is not intended to entail that one must be able to reason and plan at every second. Rather the idea is, roughly, that one’s capacity to reason and plan must remain intact over the course of a normal or healthy life, unless one freely chooses not to maintain one’s basic capacities. As should become clear below, one must have whatever amount of

reasoning and planning ability is necessary for one to freely consent to or dissent from the rule of the global institutional system.^{lxi}

There are two parts to the cosmopolitan condition for legitimacy. First, it embodies the claim that coercive institutional systems can only be legitimate if their subjects (who can) secure basic reasoning and planning capacities. Second, it embodies the claim that such institutional systems must ensure that their subjects secure these capacities. Some non-cosmopolitans already accept something like the cosmopolitan condition for legitimacy. Nevertheless, the next sub-section will argue that, insofar as they are liberal, all non-cosmopolitans should accept the first part of this claim. The second claim will follow from the first claim, the Cosmopolitan Legitimacy Argument's second premise, and some observations about the nature of the global institutional system.

Defending the First Part of the Capacities Condition

At the heart of liberalism is the concern for individual freedom. Recently liberals have focused primarily on arguing that whatever coercive institutional systems are imposed upon people must be decent, if not fully just.^{lxii} An equally powerful strand in liberal thought, however, expresses the idea that the *actual* relationship between the rulers and *each person* who is ruled must be voluntary in some way. Still, those who are concerned about individual freedom disagree about what makes this relationship voluntary. On liberal communitarian theories, for instance, this relationship is voluntary if the rulers allow or support communities of appropriate kinds that need not be explicitly consensual. Other liberal theories make consent central to legitimacy. On (reasonable and) hypothetical consent theories, for instance, the relationship between ruler and ruled is only voluntary if (reasonable) people *would* agree to be subject to a coercive system *were* they asked.^{lxiii} Democratic theory requires more. On democratic theory, legitimacy arises through the democratic process where the majority must actually consent to their institutional system's rule for their system to be legitimate. Perhaps the most demanding theory of this type is actual consent theory. On actual consent theory, coercive institutional systems are legitimate if and only if they secure their subjects' actual consent.

Although those who are concerned about individual freedom disagree about what makes the relationship between the rulers and ruled voluntary, they agree that this relationship can only be voluntary if the ruled possess at least some freedom. This is one way of understanding what respect and consideration

require. The kind of freedom at issue here is not overly expansive or limited. This freedom is not constituted by the social order but it is compatible with significant constraints on social life.^{lxiv} The key idea is that subjects must be free to determine their actions and shape the nature of their relationship with the system to which they are subject.^{lxv} Although individuals may not get to decide whether or not they are subject to a coercive system, they must be able to control the way they react to their subjection. Subjects should get to decide whether or not to abide by, dissent from, or consent to coercive systems for themselves.^{lxvi} Political liberals almost unanimously agree, for instance, that people have a right to dissent from the rule of a coercive institutional system by conscientious objection, non-violent protest, passive resistance, and so forth. To react to their institutional systems in these ways, people must be able to reason about, make, and carry out some significant plans in light of their beliefs, desires, values, and goals.^{lxvii} So liberals implicitly accept the first claim embodied in the cosmopolitan condition for legitimacy; those living under a coercive institutional system must secure basic capacities for that system to be legitimate.

To make this case, this section will first argue that communitarians, democratic, hypothetical, and actual consent theorists have to accept this cosmopolitan commitment: legitimacy requires that subjects be free to determine their actions and shape the nature of their relationships to coercive institutional systems. It will then explain why reasoning and planning are necessary for this freedom.

Consider communitarianism first. Communitarians believe that legitimacy vests in relationships of various kinds that need not rely on consent. Some communitarians follow Will Kymlicka in holding that communities are valuable because they support, promote, or give rise to individual identity or autonomy.^{lxviii} To do these things, communities must at least protect individuals' right to dissent from their rule. So these communitarians have to agree that subjects must get to decide whether or not to abide by, dissent from, or consent to coercive institutional systems for themselves. Perhaps communitarians could hold that communities are independently valuable; they need not think communities are valuable, in the first place, because they support, promote, or give rise to individual identity or autonomy.^{lxix} Rather, their primary concern might be that communities and relationships themselves flourish. To keep communities and relationships strong and vibrant, however, orthodoxies have to be open to challenge at least from within.^{lxx} People must at least have a right to dissent from the rule of a coercive institutional system by voicing their disagreement with, if not leaving, the system. As Charles Taylor puts it, these sorts of

freedoms protect the “crucial moral interest that each one of us has in the authentic development of the other.”^{lxxi} Even if communities do not want to hear heretics or reformers, communities cannot remain strong unless their members inhabit their traditions in a way that keeps these traditions alive and responsive. So even this kind of liberal communitarian has to accept the cosmopolitan commitment; subjects must get to decide whether or not to abide by, dissent from, or consent to coercive communities for themselves.

Some communitarians might believe they are liberals and yet deny that individuals need any substantive freedoms at all under coercive institutional systems.^{lxxii} Some non-cosmopolitans are just committed to the liberal principle of toleration and believe that toleration only requires respecting individuals’ right to exit from their community.^{lxxiii} Chandran Kukathas argues, for instance, that people must only have freedom of conscience under coercive institutional systems. He believes that the right to freedom of exit is sufficient to preserve freedom of conscience.^{lxxiv}

Cosmopolitans can insist, however, that individuals have to be able to decide whether or not to abide by, dissent from, or consent to a coercive institutional system to have a real right to exit. If communitarian theories deny this, they are illiberal.^{lxxv} William Kymlicka puts the point this way: “liberalism is committed to (and perhaps even defined by) the view that individuals should have the freedom and capacity to question and possibly revise the traditional practices of their community, should they come to see them as no longer worthy of their allegiance.”^{lxxvi} On *liberal* communitarian theories, subjects must be free to shape the nature of their relationship to their institutional system for their system to be legitimate. This just is the cosmopolitan commitment.

Hypothetical consent theorists should agree that subjects must have basic freedoms under coercive institutional systems.^{lxxvii} Obviously, many hypothetical (and reasonable) consent theorists are statist. Still, insofar as hypothetical consent is supposed to legitimize coercive institutional systems in general, hypothetical consent theorists should agree that people must have basic freedoms under them. On hypothetical (or reasonable) consent theory, legitimacy requires that coercive institutional systems be organized according to those principles that would be chosen in an appropriately specified original position. But (reasonable) people in a liberally construed original position would only agree to a coercive institutional system under which they are able to abide by, dissent from, or consent to the system.^{lxxviii} On

John Rawls' non-cosmopolitan theory, for instance, people would choose principles of justice on which they would be fully autonomous and people living under these principles would be able to understand and embrace them. Full autonomy and the ability to understand and embrace Rawls' principles of justice require the ability to abide by, dissent from, or consent to coercive institutional systems.^{lxxix}

Non-cosmopolitans might object that people, even in a liberally construed original position, would accept some risk of not being able to shape their relationship to coercive institutional systems to reduce other risks or secure other benefits. In Rawls' original position, for instance, the deliberators are heads of families and might be more concerned to ensure that their family members can abide by, consent to, and dissent from these systems. Non-cosmopolitans may argue that this is especially likely if there are not enough resources to ensure that everyone secures these freedoms.

Hypothetical consent theorists must, however, accept the cosmopolitan commitment. They are committed to the idea that subjects must be able to abide by, dissent from, or consent to their institutional systems for these systems to be *fully* legitimate. Full legitimacy may be impossible. Still, hypothetical consent theorists must agree that people have to be able to shape the nature of their relationships to coercive institutional systems *for these systems to be fully legitimate*.

Some may not believe democratic theory can be applied usefully in the international realm. Like hypothetical consent theorists, many democratic theorists are statist. Further, it may be very difficult to democratize international institutions, never mind the global institutional system.

Nevertheless, some argue for global democracy. David Held, for instance defends a theory of global democracy on which a voluntary confederation of states (securing the consent of their peoples) should establish cosmopolitan democratic political structures. Over time, he believes, nation-states should "wither-away" so that they are no longer the "sole centers of legitimate power."^{lxxx} Rather, he argues for a system of subsidiarity with dispersed decision making at the lowest effective levels.^{lxxxi}

In any case, insofar as democracy is required to legitimize coercion, people must be able to decide whether or not to abide by, dissent from, or consent to their coercive institutional systems to be able to participate in the democratic process.^{lxxxii} For, on democratic theory, everyone must be free to participate in the democratic process.^{lxxxiii} Furthermore, most democratic theorists accept important institutional constraints on the exercise of coercive force that protect individuals' basic freedoms.^{lxxxiv} Written or

unwritten constitutions often form the basis of democratic societies and protect individuals' rights to dissent from the rule of their coercive institutional systems by conscientious objection, non-violent protest, or passive resistance. Liberal democrats should accept the cosmopolitan commitment.

Finally, the cosmopolitan commitment is implicit in actual consent theory.^{lxxxv} On actual consent theory, coercive institutional systems are *legitimate* if and only if they secure their subjects' autonomous consent. The ability to determine one's actions and shape the nature of one's relationship to the systems to which one is subject is a precondition for autonomous consent. For subjects to actually autonomously consent to a coercive institutional system, they must be able to do so. So, actual consent theorists like Harry Beran have to agree that subjects must accept the cosmopolitan commitment.^{lxxxvi}

What would accounts of legitimacy look like that denied that subjects must have basic freedoms under coercive institutional systems? On such accounts, these systems could be legitimate *even though people living under them could not even freely object*. It is hard to see how such systems would not be totalitarian. After all, people would not be able to dissent from the rule of such coercive institutional systems by voting, conscientious objection, non-violent protest, or even passive resistance. Even if such systems provide some formal freedoms, and are otherwise decent, it is hard to see how their subjects' relationships to the systems are voluntary. Subjects must be free to determine their actions and shape the nature of their relationship with the coercive systems to which they are subject.

For people to be able to decide for themselves whether or not to abide by, dissent from, or consent to these systems, they must be able to reason about, make, and carry out some significant plans on the basis of their commitments. Subjects must not be constrained to making plans only to satisfy their immediate needs. Though they might not exercise this ability, subjects must be able to pursue the good life as they see it, whether or not that includes obedience to their coercive institutional systems; they must be able to plan support, protest against, or surrender to these systems. In other words, subjects must have basic reasoning and planning capacities to be free to determine their actions and shape the nature of their relationship with the systems to which they are subject.^{lxxxvii}

The cosmopolitan commitment to the idea that coercive institutional systems can only be legitimate if their subjects secure basic capacities just is the first claim embodied in the cosmopolitan

condition for legitimacy set out above. The next section will argue that coercive institutional systems must ensure that their subjects secure basic reasoning and planning capacities.

Defending the Second Part of the Capacities Condition

So far this section has suggested that when institutional systems subject people who cannot secure basic reasoning and planning capacities to coercive rules and do not ensure that their subjects secure these capacities, they are illegitimate. This is because such institutional systems are not justified in exercising coercive force over those who could, but have not, secured basic reasoning and planning capacities. Yet such institutional systems exercise such force. If institutional systems continue to exercise coercive force, legitimacy requires that they ensure that these subjects secure basic reasoning and planning capacities. Coercive institutional systems do, necessarily, continue to exercise such force. So, coercive institutional systems must ensure that their subjects secure basic reasoning and planning capacities. This just is the cosmopolitan condition for legitimacy.

To put the argument for the cosmopolitan condition for legitimacy another way, this claim follows from the previous sub-section's argument: For coercive institutional systems to be legitimate, they must either 1) stop coercing people or 2) ensure that their subjects secure basic reasoning and planning capacities. Because coercive institutional systems are *coercive* institutional systems they will not 1) stop coercing their subjects. So, 2) they must ensure that their subjects secure basic reasoning and planning capacities.

Of course, others may help those subject to a coercive institutional system to secure basic reasoning and planning capacities. Others may even have primary responsibility for doing so. If people secure these capacities on their own or with the help of friends and/or benefactors their coercive institutional systems can ensure that they secure these capacities without helping them to do so. Institutional systems must step into the breach, however, if help is required. It is only if coercive institutional systems do this that their subjects will secure basic reasoning and planning capacities. Coercive institutional systems must ensure that their subjects secure these capacities. This is the only way such institutional systems can be legitimate in our imperfect world.

What is necessary here is what is realistically achievable.^{lxxxviii} A system does not lose legitimacy if it does not ensure that someone secure basic reasoning and planning capacities if this person does not

have the potential to secure these capacities.^{lxxxix} When they are very young, children will lack basic reasoning and planning capacities no matter what anyone does. Most children who receive proper care will secure basic reasoning and planning capacities as they get older. If no one else does so, a legitimate institutional system must help these children secure these capacities once they are old enough.

What is necessary for one to secure the relevant capacities will vary with the case. It depends on how close one is to securing these capacities and what resources one already has. In cold climates, for instance, heat may be necessary. In the tropics, heat is usually not necessary. Some will secure basic reasoning and planning capacities as long as they are free from interference. Others need significant assistance. The coercive institutional systems to which these people are subject may have to provide this assistance. If, for instance, one is in a coma from which one could recover with proper medical care and one is not receiving such care from friends, family, or benefactors then the institutional systems to which one is subject must provide it.

Non-cosmopolitans might object that even if institutional systems wrongly subject people to coercive rules, they need not ensure that their subjects secure basic reasoning and planning capacities. Consider an analogy. Suppose someone who does not have basic reasoning and planning capacities, let us call her Tamil, agrees to give me a large sum of money. I do not thereby have a duty to do what I can to ensure that Tamil secures basic reasoning and planning capacities. I merely fail to have a contract with her. Tamil has not, by agreeing to give me a large sum of money, incurred an enforceable debt to me. If I were to try to enforce the agreement on Tamil, I would act wrongly. But, non-cosmopolitans may insist, as long as I do not try to extract any money from her, I have no obligation to her.

This objection does not undercut the conclusion that coercive institutional systems must ensure that their subjects secure basic reasoning and planning capacities. The non-cosmopolitan may be right about Tamil's case. If I do not try to extract any money from Tamil I may have no obligation to her. Similarly, if an institutional system stopped subjecting people to coercive rules, it might not need to do anything to ensure that its subjects secure basic reasoning and planning capacities. The problem is that the non-cosmopolitan does not appreciate the nature of *coercive* institutional systems. Such systems can be legitimate *only if* they ensure that their subjects secure basic reasoning and planning capacities. Insofar as *coercive* institutional systems continue to exist, they *continue* to subject people to coercive rules. Coercive

institutional systems must ensure that their subjects secure basic reasoning and planning capacities because they will not cease subjecting people to their rules. (If they did, they would cease to be coercive systems). Consider a better analogy to illustrate the import of these observations. Suppose I find out Tamil is incapable of consenting to give me her money and do not go elsewhere. Rather, I continue to coerce her. In this case, I act illegitimately unless I get her free consent to give me the money (which, by supposition, requires ensuring that she secure basic reasoning and planning capacities). Similarly, coercive institutional systems, because they continually subject people to coercive rules, must ensure that their subjects secure basic reasoning and planning capacities. Otherwise, they cannot be legitimate.

As noted above, there may be other conditions for legitimacy. So, coercive institutional systems may be justified in doing other things before ensuring that their subjects secure basic reasoning and planning capacities. Suppose, for instance, that to be legitimate, institutional systems have to be democratic. In our world, trade-offs between fulfilling this condition for legitimacy and the capacities condition will almost certainly be necessary.^{xc} For, even standard protections of these capacities are expensive. Suppose that voting booths are essential for maintaining a democracy but not for ensuring that people secure basic reasoning and planning capacities. Suppose that elementary education is essential for individuals to secure basic reasoning and planning capacities but not for maintaining a democracy (not all people have to be able to participate in a democracy). It might be acceptable to use resources to purchase voting booths before hiring teachers. Nevertheless, standard protections of basic reasoning and planning capacities should have a good deal of priority. This paper has not relied on it being the case that these capacities are components of welfare or necessary for many other things to have value. Some will reject this assertion. Nevertheless, there are compelling arguments for this conclusion.^{xcii}

5. The Fourth Premise

The final premise of the Cosmopolitan Legitimacy Argument is this: Most people must at least secure some minimal amount of food, water, shelter, education, health care, social and emotional goods to secure basic reasoning and planning capacities. Consider, first, the nature of these capacities.^{xciii}

For one to reason on the basis of one's commitments, one just needs some instrumental reasoning ability. Some hold much more demanding conceptions of rationality that are controversial. Kant, for instance, thinks that reason requires each of us to acknowledge the categorical imperative as

unconditionally required.^{xciii} This much is not necessary, however, to secure the basic reasoning capacity at issue. One only needs the ability to do some instrumental reasoning.^{xciv}

To make some significant plans on the basis of one's commitments one need not plan one's whole life or every detail of one's day. Rather, one must be able to navigate through one's day without too much difficulty and make general plans for the future. One must not be, like Joseph Raz's proverbial man in a pit or hounded woman, constrained to making plans only about how to meet one's basic needs.^{xcv} Though one might not choose to exercise this ability, one must have the reasoning and planning ability necessary to pursue the projects one values, to pursue a good life as one sees it. This ability requires a kind of internal freedom one can have even if subject to external constraint. Internal freedom is roughly the capacity to decide "for oneself what is worth doing," one must be able to make "the decisions of a normative agent"; to recognize and respond to value as one sees it.^{xcvi} One must be able to form some significant plans that would work if implemented. One must be able to make some significant plans that one could carry through if free from external constraint.^{xcvii}

Finally, to carry out some significant plans one must have some external as well as internal freedom.^{xcviii} External freedom is roughly freedom from interference to pursue a "worthwhile life."^{xcix} One must have enough freedom from coercion and constraint to carry out those actions necessary to bring some significant plans to fruition.

The qualifier *some* is important for this reason: One need not be able to carry out every significant plan that one might want to carry out to have this capacity. Still, the ability to carry out *some significant* plans is a necessary.

Some non-cosmopolitans might object, however, that the basic reasoning and planning capacities at issue are Western. Perhaps they are incompatible with the kind of concern for community and care central to many non-Western countries. So, non-cosmopolitans might conclude, they are inappropriate for evaluating non-Western institutions.

The basic reasoning and planning capacities at issue here, however, are not particularly Western. They are compatible with concern for community and care. So there is little reason to suppose they are inappropriate for evaluating non-Western institutions. To see this, suppose Emal is a devout Muslim. He wants to live his whole life according to his faith. Occasionally he wants to drink with the other young men

who live in his neighborhood. Fortunately, he is able to reason about, make, and carry out some significant plans on the basis of his competing commitments. Emal might reason about and act on his plan not to drink, for instance, because his commitment to being a good Muslim is much stronger than his desire to drink. Emal has the basic reasoning and planning capacities at issue in the Cosmopolitan Legitimacy Argument.^c

The capacities at issue are minimal, nevertheless they provide a threshold on practical reason that gives us a handle on world poverty. Consider, first, how those who lack basic food, water, and health care are likely to suffer from disabilities that undermine basic reasoning and planning capacities. Malnutrition inhibits one's immune system's ability to fight infection and poor nutrition is linked even more directly to many non-infectious illnesses.^{ci} Those without basic preventative health care (e.g. immunizations) are at risk for many of these illnesses. And those who cannot secure essential medications (e.g. dehydration salts and antibiotics) are likely to be disabled by these diseases. Often the diseases those who lack basic food, water, and health care acquire result in severe disabilities, sometimes they result in death.^{cii}

Similarly, if people lack adequate shelter they are likely to suffer from disabilities that undermine basic reasoning and planning capacities. Those without adequate shelter may be exposed to environmental hazards including disasters, pollutants, parasites, and bacteria (e.g. in flood water or unsanitary living conditions).^{ciii} These "hazards are responsible for about a quarter of the total burden of disease worldwide, and nearly 35% in regions such as sub-Saharan Africa."^{civ} Bed nets alone could prevent a lot of illness that undermines basic reasoning and planning capacities.^{cv}

Less obviously, those without basic education, emotional and social goods may suffer from disabilities that undermine basic reasoning and planning capacities.^{cvi} Basic education, emotional, and social goods are often necessary for securing decent living conditions, health care, livelihood opportunities, and earning power.^{cvi} Those who lack (formal or informal) elementary education may not secure basic reasoning and planning capacities.^{cvi} Those who lack basic emotional and social goods are at high risk for mental and physical illness, suicide, and early death from other causes.^{cix} "Fear, insecurity, dependency, depression, anxiety, intransquility, shame, hopelessness, isolation and powerlessness... such experiential elements of a bad life...[often impact]agency."^{cx} Most people must secure basic education, emotional, and social goods to secure basic reasoning and planning capacities.^{cx}

Poor people who suffer from malnutrition and diseases – like B12 and folate deficiencies and malaria – provide only the most vivid examples of people who cannot maintain the requisite reasoning and planning capacities. Recall that people must not be, like Raz’s proverbial man in a pit or hounded woman, constrained to making plans only about how to meet their basic needs.^{cxii} Though they might not choose to exercise this ability, they must have the planning ability necessary to pursue the projects they value. They must be able to pursue a good life as they see it. Some of the poor have these capacities, but severe poverty characteristically constrains people’s options so that they cannot do much besides try to meet their basic needs. If people get severe poverty related illnesses, their minds may become so clouded that they cannot reason or plan. Just as importantly, however, many poor people lack the requisite capacities because their options are so severely constrained.

6. Conclusion

This paper started from the non-cosmopolitan observation that relationships ground non-humanitarian obligations of legitimacy or justice to reach the cosmopolitan conclusion that these obligations extend far beyond borders. It suggested that obligations of legitimacy, which may be preconditions of or provide an alternative to obligations of justice, require that the global institutional system ensure that those with the potential to secure basic reasoning and planning capacities do so. To secure these capacities, most people must secure some minimal amount of food, water, shelter, education, health care, social and emotional goods. So, the global institutional system must ensure that these people secure these things. Though much more than this is probably required, this is a significant conclusion in a world where 18 million people die annually of easily preventable poverty-related causes.^{cxiii}

i Acknowledgements with-held to preserve anonymity.

ii Gillian Brock. 2009. *Global Justice: A Cosmopolitan Account*. Oxford university Press: Oxford.

iii Richard Miller. 1998. "Cosmopolitan Respect and Patriotic Concern." *Philosophy and Public Affairs*. Vol. 27, No. 3: 202-224.

Michael Blake. 2001. "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs*. Vol. 30, No. 3: 257-296.

Thomas Nagel. 2005. "The Problem of Global Justice." *Philosophy and Public Affairs*. Vol. 33, No. 2. 113-147.

iv Gillian Brock. 2009. *Global Justice: A Cosmopolitan Account*. Oxford university Press: Oxford. Michael Blake. 2001.

"Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs*. Vol. 30, No. 3: 257-296.

v Cosmopolitans might also challenge the some of the non-cosmopolitans' assumptions about what institutional arrangements are feasible or about the relative weight of humanitarian obligations to the global poor vs. non-humanitarian obligations to outsiders. For discussion see: Author. 2010a. Reference with-held.

vi Richard Miller. 1998. "Cosmopolitan Respect and Patriotic Concern." *Philosophy and Public Affairs*. Vol. 27, No. 3: 202-224.

Michael Blake. 2001. "Distributive Justice, State Coercion, and Autonomy." *Philosophy and Public Affairs*. Vol. 30, No. 3: 257-296.

Thomas Nagel. 2005. "The Problem of Global Justice." *Philosophy and Public Affairs*. Vol. 33, No. 2. 113-147.

vii For accounts of basic needs see: Gillian Brock. 1998. *Necessary Goods: Our Responsibilities to Meet Others' Needs*. Roman and Littlefield Publishers Inc.: New York. For other cosmopolitan arguments regarding obligations to the poor see: Allen Buchanan. 1990.

"Justice as Reciprocity vs. Subject-Centered Justice." *Philosophy and Public Affairs*. Vol. 19, No. 3: 227-252. Simon Caney. 2002.

"Survey Article: Cosmopolitanism and the Law of Peoples." *The Journal of Political Philosophy*. Volume 10, Number 1: 95-133.

Thomas Pogge. 2005. "Severe Poverty as a Human Rights Violation." *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* Thomas Pogge ed. Oxford University Press: Oxford.

viii Such a system is similar to Rawls' basic structure except that my use of *institution* may be closer to Rawls' use of *association* than his use of *institution*. As this paper uses the term, an institutional system does not require cooperation. It merely requires social interaction. See: John Rawls. 1993. *Political Liberalism*. Columbia University Press: New York. For discussion of Rawls' use of

institution see: Thomas Pogge. 1989. *Realizing Rawls*. Cornell University Press: New York. Also see Allen Buchanan. 2004. *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*. Oxford University Press: Oxford.

ix Because institutions create, enforce, and/or arbitrate between norms, rules, or procedures governing interaction between individuals or groups, they are not mere practices.

x Parts of the global institutional system have changed or gone out of existence in the past fifty years. The League of Nations has been transformed into the United Nations. The General Agreement on Tariffs and Trade is now the World Trade Organization. Still, the global institutional system has persisted. Eliminating an institution like the World Bank or International Monetary Fund would alter the global institutional system, not abolish it. See: Andrew Hurrell. 2001. "Global Inequality and International Institutions." *Global Justice*. Thomas Pogge ed. Meta-philosophy Series in Philosophy A.T. Maroobian and Brian Huschle eds. Blackwell Publishing: Oxford. P. 36

xi See, for instance: Mathias Risse. 2005. "How Does the Global Order Harm the Poor?" *Philosophy and Public Affairs*. Vol. 33. 9-10.

xii Ibid.

xiii Samuel Freeman. 2007. *Justice and the Social Contract: Essays on Rawlsian Social and Political Philosophy*. Oxford University Press: Oxford. For further discussion of institutional agency see: Michael Green. 2002. "Institutional Responsibility for Global Problems" *Philosophical Topics*. Vol. 30, No. 2: 79-96.

xiv Joost Pauwelyn. 2004. "Bridging Fragmentation and Unity: International Law as a Universe of Inter-connected Islands." *Michigan Journal of International Law*. Vol. 25: 903-916.

xv Ibid.

xvi World Trade Organization. 2007. "Regionalism: Friends or Rivals?" *Understanding the WTO: Cross-Cutting and New Issues*. World Trade Organization: Geneva.

xvii The underlying worry here may be expressed in Samuel Freeman's argument against Thomas Pogge's use of a similar term in his work. See: Samuel Freeman. 2007. *Justice and the Social Contract: Essays on Rawlsian Social and Political Philosophy*. Oxford University Press: Oxford.

xviii Larry May and Stacey Hoffman. 1991. *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics*.

Rowman and Littlefield: Lanham, MD.

xix The global institutional system is norm-guided and is unified by shared norms in the sense that individuals and groups within institutional systems take its rules and institutions to provide reasons for their behavior. These individuals and groups see the rules of the system as providing norms that apply to them. They do not see these rules as mere regularities; they must take them as having reason-giving force. The Chief Justice of the Australian High Court takes the rulings of other Australian courts to have such force (although Australia does not rely on a precedent system). Similarly, international courts and appellate bodies take into consideration the rulings of other international courts and the body of international law. Although international courts and commissions usually do not invoke precedent, their justices take the decisions of other international courts and commissions to have normative force. The Human Rights Committee in charge of monitoring the International Covenant on Civil and Political Rights will not even entertain individual complaints if another human rights court is examining them. Similarly, the WTO takes into account the provisions of other international treaties. The WTO's article 24, for instance, allows members of regional trade agreements like the North American Free Trade Agreement (NAFTA) to give each other special treatment. Even states specify that their laws cannot conflict with international laws. In the US, for instance, potential conflicts are avoided by making international law sovereign over state law. For more on norm-guidedness see: H.L.A. Hart. 1994. *The Concept of Law*. 2nd ed. Clarendon Press: Oxford. For more on how the WTO is constrained by other trade-agreements see: World Trade Organization. 2007. "Regionalism: Friends or Rivals?" *Understanding the WTO: Cross-Cutting and New Issues*. World Trade Organization: Geneva.

xx For further discussion of coercion and its moral significance see: Gerald Gaus. 2003. "Liberal Neutrality: A Compelling and Radical Principle." *Perfectionism and Neutrality: Essays in Liberal Theory*. Steven Wall and George Klosko eds. Rowman and Littlefield Publishers: New York.

xxi Mathias Risse. 2006. "What to Say about the State." KSG Working Paper No. RWP06-008. Harvard University: Cambridge.

xxii Scott Anderson. 2006. "Coercion." *Stanford Encyclopedia of Philosophy*. Available: <<http://plato.stanford.edu/entries/coercion/>>.

xxiii Ibid.

xxiv Ibid.

xxv Ibid.

xxvi Gerald Gaus. 2003. "Liberal Neutrality: A Compelling and Radical Principle." *Perfectionism and Neutrality: Essays in Liberal Theory*. Steven Wall and George Klosko eds. Rowman and Littlefield Publishers: New York.

xxvii State rules are often enforced indirectly through local police forces, bounty hunters and, at least historically, by the victims of a crime or the victims' agent. In Viking-age Iceland, for instance, tribunals sometimes allowed victims to punish the perpetrators of a crime.

xxviii Coercively collected taxes are also necessary to sustain even non-coercive institutions and rules. Ibid explains in more detail why state governments are coercive. The same reasoning shows that the global institutional system is coercive.

xxix Lori Wallach. 2005. "Slow Motion Coup d'Etat: Global Trade Agreements and the Displacement of Democracy." *Multinational Monitor*. Vol. 26, Nos. 1-2. Available online at: <<http://multinationalmonitor.org/mm2005/012005/wallach.html>>.

xxx European Union. 2005. "U.S. Congress Repeals Byrd Amendment but Allows for a Transition Period. No. 128/05. Available at: <<http://www.eurunion.org/News/press/2005/2005128.htm>>.

xxxi British Broadcasting Company. 1999. "WTO Approves Banana Sanctions." Available at: <<http://news.bbc.co.uk/2/hi/business/322938.stm>>.

xxxii Adam Roberts. 2001. "United Nations." *The Oxford Companion to Politics of the World*. Second ed. Edited by Joel Krieger. Oxford University Press: Oxford.

xxxiii United Nations. 2003. Press Release SC/7894. "Security Council Seeks Expansion of Role of International Effort in Afghanistan, to Extend Beyond Kabul." Security Council 4840th Meeting (PM) 13/10/2003. Available at: <<http://www.un.org/News/Press/docs/2003/sc7894.doc.htm>>.

xxxiv IMF and World Bank. 1999. Heavily Indebted Poor Countries (HIPC) Initiative. Available online at: <<http://www.imf.org/external/np/hipc/modify/hipc.htm>>.

xxxv Public Citizen. "Water Privatization Case Study: Cochabamba, Bolivia." Available at:

<[http://www.citizen.org/documents/Bolivia_\(PDF\).PDF](http://www.citizen.org/documents/Bolivia_(PDF).PDF)>.

xxxvi IMF and World Bank. 1998. ESAF Policy Framework Paper. Available online at: <www.imf.org/external/np/pfp/bolivia/index.htm>. Cited here <[http://www.citizen.org/documents/Bolivia_\(PDF\).PDF](http://www.citizen.org/documents/Bolivia_(PDF).PDF)>.

xxxvii (Expreso de Guayaquil, 2005; Delgado, 2005) cited in: Emily Joiner. 2007. "Murky Waters: A Look at the Perpetual Puzzle of

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<<http://lanic.utexas.edu/project/etext/llilas/ilassa/2007/joiner.pdf>>. p. 15.

xxxviii Judith Amanthis. 2005. "Niger: The IMF and World Bank's Invisible War on Africans," Global Policy Forum. Available

online at: <<http://www.globalpolicy.org/soecon/bwi-wto/imf/2005/0901invisible.htm>>.

xxxix Ibid.

xl Even if individuals' states have other options and are thus partly responsible for coercing people, those implementing coercive global rules may still be acting illegitimately. Knowing how states are likely to act, it may not be acceptable to implement these rules.

But this paper will set this point aside.

xli Adam Roberts. 2001. "United Nations." *The Oxford Companion to Politics of the World*. Second ed. Edited by Joel Krieger.

Oxford University Press: Oxford.

xlii NATO. 2007. "What's on NATO's Agenda?" North Atlantic Treaty Organization. Available at: <<http://www.nato.int/#>>.

xliii Furthermore, even parts of the global institutional system that are not in-themselves coercive rely for their existence on coercive rules or institutions. Most of the institutions and rules constituting this system are supported by money raised through coercive taxation.

xliv At least not if the state took reasonable efforts to prevent the coercion.

xlv Nagel is actually concerned about equality and justice rather than basic capacities and legitimacy. He believes that there is a duty of humanitarian assistance on the part of states and argues that there is no sufficiently developed global institutional system that can

have distributive egalitarian obligations. That said, his argument might be adapted so that it can apply here. Thomas Nagel. 2005.

“The Problem of Global Justice.” *Philosophy and Public Affairs*. Vol . 33, No. 2. 113-147.

xlvi Even if this conclusion is incorrect, an analogue to the Legitimacy Argument may apply to the coercive institutions (and institutional systems) that are part of the global institutional system.

xlvii The rules regulating immigration raise questions here. Does a Thai rule prohibiting immigration apply to the same people as a Thai traffic law? For now, suppose that immigration laws only apply to those who are not Thai when they reach or reside within that state’s boundaries. Were non-citizens to enter the state’s territory they would be ejected. Certainly immigration laws are not enforced upon non-citizens when they reside outside of the state.

xlviii *Legitimacy*, as this paper will use the term, comes in degrees. Some people believe legitimacy is an all or none affair. This is not a substantive disagreement. Those who hold a binary theory of legitimacy can specify that an institutional system is legitimate in the binary sense if it surpasses a threshold of legitimacy in the degree sense. Understanding *legitimacy* as a degree term, allows one to specify different thresholds on legitimacy for different purposes. Rebellion against very illegitimate systems may be justified while fairly legitimate systems may merely require reform. For the purpose of what follows, one need only suppose that imperfectly legitimate systems must be reformed. See: Allen Buchanan. 2004. *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*. Oxford University Press: Oxford.

xlix Robert Landenson. 1980. “In Defense of a Hobbesian Conception of Law.” *Philosophy and Public Affairs*. 9(2): 134-159.

l John Simmons. 1979. *Moral Principles and Political Obligations*. Princeton University Press: New Jersey.

li See: Thomas Christiano. 2004. “Authority,” *Stanford Encyclopedia of Philosophy*. Available:

<<http://plato.stanford.edu/entries/authority/>>.

lii Ibid.

liii This seems to be one of the premises underlying *Political Theory and International Relations*. On page 81 he says, for instance:

“Assuming that it is part of the justice of institutions that they treat their members in some sense as autonomous persons, then the

claim that unjust states should not be accorded the respect demanded by the principle of state autonomy follows from the claim that it

is only considerations of personal autonomy, appropriately interpreted, that constitute the moral personality of the state.” Charles

Beitz. 1979. *Political Theory and International Relations*. Princeton University Press: Princeton. Acknowledgment with-held.

liv Richard Miller. 1998. “Cosmopolitan Respect and Patriotic Concern.” *Philosophy and Public Affairs*. Vol. 27, No. 3: 202-224.

lv Michael Blake. 2001. “Distributive Justice, State Coercion, and Autonomy.” *Philosophy and Public Affairs*. Vol. 30, No. 3: 257-296.

lvi H.L.A. Hart. 1955. “Are There Any Natural Rights?” *The Philosophical Review*. Vol. 64: 175-191.

lvii Again, Nagel is actually concerned about equality and justice rather than autonomy and legitimacy, but something similar to his argument might apply here. Thomas Nagel. 2005. “The Problem of Global Justice.” *Philosophy and Public Affairs*. Vol. 33, No. 2: 113-147.

lviii Ibid: 132.

lix Andrew Hurrell. 2001. “Global Inequality and International Institutions.” *Global Justice*. Thomas Pogge ed. Meta-philosophy Series in Philosophy A.T. Maroobian and Brian Huschle eds. Blackwell Publishing: Oxford.

lx For different accounts of legitimacy: Gillian Brock. 1998. *Necessary Goods: Our Responsibilities to Meet Others' Needs*. Roman and Littlefield Publishers Inc.: New York. Allen Buchanan. 1990. “Justice as Reciprocity vs. Subject-Centered Justice.” *Philosophy and Public Affairs*. Vol. 19, No. 3: 227-252. Simon Caney. 2002. “Survey Article: Cosmopolitanism and the Law of Peoples.” *The Journal of Political Philosophy*. Volume 10, Number 1: 95-133. Thomas Pogge. 2005. “Severe Poverty as a Human Rights Violation.” *Freedom from Poverty as a Human Right: Who Owes What to the Very Poor?* Thomas Pogge ed. Oxford University Press: Oxford..

lxi There is room for reasonable disagreement about when people are competent to enter into contracts and the more stringent the conditions the more this paper’s argument will show. The penultimate section will return to this issue, if implicitly. For some work on the notion of competence see: Allen Buchanan and Dan Brock. 1989. *Deciding for Others - The Ethics of Surrogate Decision Making*. Cambridge University Press: Cambridge.

lxii See: John Rawls. 1993. *Political Liberalism*. Columbia University Press: New York. Also see: Thomas Pogge. 1989. *Realizing Rawls*. Cornell University Press: New York.

lxiii See: Thomas Pogge. 1989. *Realizing Rawls*. Cornell University Press: Ithaca. Also see: Charles Beitz. 1979. *Political Theory and International Relations*. Princeton University Press: New Jersey.

lxiv Jeremy Waldron. 1987. "Theoretical Foundations of Liberalism." *Philosophical Quarterly*. Vol. 37. No. 147: 133.

lxv Ibid: 132.

lxvi Ibid: 146.

lxvii This does not mean that freedom cannot be shaped by society in important ways. Society can have a great influence on individuals' preferences, for instance, without undermining individuals' ability to reason about, make, and carry out some significant plans.

lxviii Will Kymlicka. 1992. "The Rights of Minority Cultures: Reply to Kukathas." *Political Theory*. Vol. 20, No. 1: 140-46. Bikhu Parekh. 2000. *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Macmillan: Basingstoke.

lxix It is not clear who holds this view, though some communitarians seem to think communities are independently valuable. See, for instance: Larry Blum. 1994. *Moral Perception and Particularity*. Cambridge University Press: Cambridge. Alisdair MacIntyre. 1988. *Whose Justice, Which Rationality?* Notre Dame University Press: Notre Dame. Charles Taylor. 1992. *Sources of the Self: The Making of Modern Identity*. Harvard University Press: Cambridge.

lxx Alisdair Macintire. 1988. *Whose Justice? Which Rationality?* University of Notre Dame Press: Notre Dame. Charles Taylor. 1985. "Atomism." Taylor, Charles. *Charles Taylor Philosophy and Human Science*. Philosophical Papers 2. Cambridge University Press: Cambridge.

lxxi Charles Taylor. 1998. "The Dynamics of Democratic Exclusion." *Journal of Democracy*. Vol. 9, No. 4: 153.

lxxii Chandran Kukathas. 2003. *The Liberal Archipelago: A Theory of Diversity and Freedom*. Oxford University Press: Oxford.

lxxiii Ibid.

lxxiv Ibid.

lxxv Will Kymlicka. 1992. "The Rights of Minority Cultures: Reply to Kukathas." *Political Theory*. Vol. 20, No. 1: 140-46.

lxxvi Ibid: 142

lxxvii For global hypothetical consent theories see: Thomas Pogge. 1989. *Realizing Rawls*. Cornell University Press: New York.

Charles Beitz. 1979. *Political Theory and International Relations*. Princeton University Press: New Jersey.

lxxviii John Rawls. 1993. *Political Liberalism*. Columbia University Press: New York: 68-81.

lxxix John Rawls. 1980. "Kantian Constructivism in Moral Theory." *Journal of Philosophy*. Vol. 88: 520-532.

lxxx David Held. 1995. *Democracy and the Global Order*. Stanford University Press: Stanford. P. 233.

lxxxi Held allows that there are many possible democratic forms from direct to representative democracy.

lxxxii Jack Knight and James Johnson. 1997. "What Sort of Political Equality Does Deliberative Democracy Require?" *Deliberative Democracy*. James Bohman and William Reh eds. MIT Press: Boston.

lxxxiii David Held. 1995. *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*. Stanford University Press: California.

lxxxiv Thomas Christiano. 1996. *The Rule of the Many: Fundamental Issues in Democratic Theory*. Westview Press: Boulder.

lxxxv I argue elsewhere that libertarians should accept this premise in part because they should (as John Simmons argues) be actual consent theorists. I also respond to obvious objections to this claim. See: Author. 2008b. Reference with-held. Also see: John Simmons. 2005. "Consent Theory for Libertarians." *Social Philosophy and Policy*. Vol. 22, No. 1: 330-356.

lxxxvi For further argument on this point see: Author. References with-held. Harry Beran. 1987. *The Consent Theory of Political Obligation*. Coom Helm: New York.

lxxxvii On Rawls' theory, full autonomy requires more than the rational autonomy people possess in the original position. Rawls was also quite clear that even the rational autonomy attributed to the agents includes more than the minimal capacities at issue in the Legitimacy Argument. John Rawls. 1980. "Kantian Constructivism in Moral Theory." *Journal of Philosophy*. Vol. 88: 532.

lxxxviii As is common in political philosophy, I am interested in policies that could be implemented in the real world for (and by) real people in the foreseeable future.

lxxxix If institutional systems simply lack the resources to ensure that everyone who has the potential to secure basic reasoning and planning capacities does so, then further restrictions will be necessary. I discuss these issues in: Author. 2008a. Reference with-held.

xc These tradeoffs would be particularly difficult if what fulfills one condition for legitimacy makes it more difficult to fulfill another condition. Before worrying about such tradeoffs, however, it is important to get clear on just what legitimacy requires in the first place. I leave inquiry into such matters for another time. See, however: Author. 2008b. Reference with-held. Also see: Author. Forthcoming. Reference with-held.

xcii I defend this claim in: Author. 2010b. Reference with-held.

xciii This section draws on: Author. Forthcoming. Reference with-held. Author. 2008c. Reference with-held.

xciv See: Thomas E. Hill Jr. 1989. "The Kantian Conception of Autonomy." *The Inner Citadel: Essays on Autonomy*. John Christman Ed. Oxford University Press: Oxford. Also see: Onora O'Neill. 1986. *Faces of Hunger: An Essay on Poverty, Justice and Development*. Allen and Unwin: London.

xcv If, however, one also accepts a robust conception of (e.g. Kantian) autonomy, the argument below should still go through.

xcvi See: Joseph Raz. 1998. *The Morality of Freedom*. Clarendon Press: Oxford.

xcvii James Griffin. 2006. *Human Rights: The Incomplete Idea* (Working Draft). Oxford, Corpus Christi College: Ch. 7.

xcviii There are many ways of starting to make sense of this idea. One might, for instance, analyze the ability to make some significant plans on the basis of one's commitments in terms of the ability to make one's motivating commitments generally coherent. Alternately, one might give a decision-theoretic analysis of planning in terms of a consistent preference ordering. Yet another option is to cash out the ability to make some significant plans on the basis of one's commitments in terms of ordering one's ends perhaps by drawing on John Rawls' work on plans of life. See, for instance: John Rawls. 1971. *A Theory of Justice*. Belknap Press: Massachusetts. Also see: Michael Bratman. 2005. "Planning Agency, Autonomous Agency." *New Essays on Personal Autonomy and its Role in Contemporary Moral Philosophy*. James Stacy Taylor ed. Cambridge University Press: Cambridge. Acknowledgement with-held to preserve anonymity.

xcix James Griffin. 2006. *Human Rights: The Incomplete Idea* (Working Draft). Oxford, Corpus Christi College: Ch. 7.

c Ibid.

c These capacities do not prevent one from acting from poor reasons (e.g., wishful thinking).

ci Scurvy results from a lack of vitamin C, beri-beri from a lack of thiamine, pellagra from niacin deficiency, and macrocytic and microcytic anemia from folic acid and iron deficiencies, for instance. There is also a lot of evidence that decent nourishment is important for good cognitive functioning. Children's mental functioning can even be impaired if their mothers do not receive proper nourishment during pregnancy. Keratomalacia which results from vitamin A deficiency, kwashiorkor which results from protein deficiency, and iodine deficiencies can all lead to severe disabilities and death. See: Howard Leathers and Phillips Foster. 2004. *The World Food Problem: Tackling the Causes of Undernutrition in the Third World*. Lynne Rienner Publisher: Colorado.

cii Ibid.

ciii Those who must live in unsanitary conditions are likely to contract diseases like dysentery, tetanus, typhoid, cholera, or hepatitis.

Red Cross. 2007. "American Red Cross Urges Public Health Precautions." Red Cross: Washington D.C. Available at:

<http://www.redcross.org/pressrelease/0,1077,0_172_4554,00.htm>.

civ World Health Organization. 2007. "10 Facts on Preventing Disease Through Healthy Environments." World Health Organization:

Geneva. Available at: <http://www.who.int/features/factfiles/environmental_health/en/index.html>.

cv Bed nets can prevent many cases of dengue fever and malaria, for instance. Center for Disease Control and Prevention. 2007.

"Vector Control." Center for Disease Control and Prevention: Atlanta. Available at:

<http://www.cdc.gov/malaria/control_prevention/vector_control.htm>.

cvi See: Michael Woolcock. 2001. "The Place of Social Capital in Understanding Social and Economic Outcomes." *Isuma*. Vol. 2,

No. 1. Available at: <http://www.isuma.net/v02n01/woolcock/woolcock_e.shtml>. Also see: Rodger Doyle. 2002. "Calculus of

Happiness: Assessing Subjective Well-being Across Societies." *By the Numbers*. Scientific American. November.

cvii Michael Marmot. 2004. *Status Syndrome: How your Social Standing Directly Affects your Health and Life Expectancy*.

Bloomsbury: London.

cviii Stress may contribute to a host of mental disorders. Stress can, for instance, cause panic attacks and depression. Psychological

disorders can reduce the ability of one's immune system to fight infection. See: David B. Beaton. 2003. "Effects of Stress and

Psychological Disorders on the Immune System." Rochester Institute of Technology Working Paper. Rochester Institute of

Technology: New York. The causal evidence suggests that perception of low social standing may increase stress which reduces immune functioning and can harm health in other ways as well. Also see: Ibid.

cix See: Michelle Cullen and Harvey Whiteford. 2001. "Inter-relations of Social Capital with Health and Mental Health ." Mental Health and Special Programs Branch Commonwealth Department of Health and Aged Care Discussion Paper. Commonwealth Department of Health and Aged Care: Canberra. See also: Michael Woolcock. 2001. "The Place of Social Capital in Understanding Social and Economic Outcomes." *Isuma*. Vol. 2, No. 1. Available at: <http://www.isuma.net/v02n01/woolcock/woolcock_e.shtml>. Finally, see: Christopher G. Hudson. 2005. "Socioeconomic Status and Mental Illness: Tests of the Social Causation and Selection Hypotheses." *American Journal of Orthopsychiatry*. Vol. 75, No. 1: 3–18.

cx Those who lack self-esteem are more likely to develop some devastating psychological problems. Karen Brock. 1999. "'Its Not Only Wealth that Matters it's Peace of Mind Too': Review of Participatory Work on Poverty and Illbeing." Institute of Development Studies: Birmingham.

cxii It is worth noting that the global institutional system might not need to ensure that some people obtain an education sufficient to secure a decent job if they provide these people with other things that ensure that they secure basic reasoning and planning capacities e.g. food stamps and free health care. In our world, however, most people will have to secure this much education to secure these capacities.

cxiii See: Joseph Raz. 1998. *The Morality of Freedom*. Clarendon Press: Oxford.

cxiiii World Health Organization. (2004). "WHO 'Preparing for Treatment' Programme." Call for Tenders to WHO. Annex Table 2. World Health Organization: Geneva. Available at: <<http://www.who.int/hiv/topics/arv/en/index.html>>. Although I will not argue for this conclusion here, institutional systems must also allow individuals to meet their basic needs in a decent, legitimate way. No one should have to scavenge under burning heaps of garbage to survive.