

A Brief for Pluralism: Defending the Relevance of Coercion for Global Justice

1. Introduction

There is little agreement about what grounds obligations of distributive justice (Miller, 1998; Blake, 2001; Pogge, 2002; Tan, 2004; Moellendorf, 2009; Brock, 2009). Many hold that coercion is necessary and sufficient for such obligations (Blake, 2001; Miller, 1998). Others reject at least the traditional, often non-cosmopolitan, coercion-based accounts because their advocates fail to defend the claim that coercion is necessary for these obligations (Caney, 2011; Abizadeh, 2007; Moellendorf, 2009; Sangiovanni, 2007; Miller, 1998). Cosmopolitan coercion-based accounts can avoid such objections. They need not specify that coercion is a necessary condition for obligations of distributive justice – they need only hold that coercion is sufficient for these obligations (Caney, 2011; Author, with-held d).

This paper defends cosmopolitan coercion theory against recent criticism that coercive rule is not even sufficient to generate obligations of distributive justice (Sangiovanni 2012; Caney, 2011). Some defend roughly Rawlsian accounts of cosmopolitan justice arguing that we should try to maximize the prospects of the least well-off globally or ensure that everyone's basic human rights are secure (Pogge, 2002; Tan, 2004; Moellendorf, 2009; Brock, 2009). I focus, here, on defending a more modest account on which coercion grounds significant, but not egalitarian, obligations (Author, 2008; Author, 2012; Author, 2015). The basic idea is that for coercion to be legitimate, everyone subject to coercive rules must be able to at least object to their subjection. To object, people require basic capacities including freedom of thought and the capacity to articulate objections. To have these things, everyone needs adequate food and water, and most require basic shelter, education, healthcare and so forth. If people cannot secure these things on their own and no one else is providing the requisite assistance, coercive rulers must do so on pain of illegitimacy. On one of the most sustained arguments against the idea that coercion is sufficient to generate obligations

of distributive justice, critics object that coercion, and other nonvoluntary relationships, cannot fix the scope, or content, of these obligations (Sangiovanni, 2012, 81). At best, critics argue, nonvoluntary relationships can ground obligations of charity or humanity (Caney, 2011).ⁱ This paper argues that at least non-voluntarist arguments along the lines sketched above can survive this *Scope/Content Critique* (and suggests that, although it raises a live challenge for several other non-voluntarist arguments, they are many possible ways for their advocates to respondⁱⁱ). It argues that the *Scope/Content Critique* fails, in part, because it fails to recognize the motivation for coercion theories. Moreover, despite assertions to the contrary, the *Scope/Content Critique* assumes coercion must suffice to ground obligations of distributive justice. Nonvoluntarists can hold there are many things, in addition to non-voluntary relations, that can ground them.ⁱⁱⁱ Finally, the paper concludes with some brief reflections on another worry about nonvoluntarist arguments.^{iv}

2. *The First Interpretation of Non-Voluntarism: Compensation or Outweighing?*

Advocates of the *Scope/Content Critique* provide two ways of cashing out the nonvoluntarist position. Consider “a schematic summary of the first way of cashing out the nonvoluntarist position:

- (1) Bending someone’s will... is presumptively wrongful...
- (2) Those whose will has been bent are therefore owed a special, more stringent justification for the bending [than they would otherwise merit].
- (3) Basic social and political institutions massively bend subjects’ will by enforcing a vast array of legal rules that shape the full extent of their life and liberty, including how they may acquire, transfer, and so on, property.
- (4) Those forced to live by this pattern of rules are therefore owed a special, more stringent justification for the resulting distribution than those who are not.

(5) This special, more stringent justification, to be successful, requires the pattern of rules to realize a more demanding set of socioeconomic standards (e.g., egalitarian standards) among those whose will has been bent. (Sangiovanni, 2012, 87)

Consider two possible interpretations of what advocates of the Scope/Content Critique take to be the key (and mistaken) move in the first non-voluntarist argument. “On one variant, (5) follows from (4) because more demanding norms of distributive justice are understood as *outweighing* the initial wrong; on another variant, such standards are understood as *compensating for* the initial wrong” (Sangiovanni, 2012, 88). On the first interpretation, the proposal is to just weigh the interests involved in determining whether the balance of reasons supports allowing the coercion. The idea is that it is only justifiable to coerce someone “in the service of a very urgent or weighty end that could not have been pursued in any other way” (Sangiovanni, 2012, 95). One might suggest, for instance, that we cannot coerce others into helping us garden, but we can coerce them into contributing to build a levy to prevent disastrous flooding. The interests at stake in avoiding the flood (but not creating the garden) are significant enough to outweigh interests in not contributing to the shared project. On the second interpretation, compensation is necessary for the harms coercion causes and one might propose three possible baselines: compensation may have to make the coerced better off than what would have been the case:

(1) had the state (or other relevant political agent) lacked the capacity to bend our will, (2) had everyone complied with the law without needing enforcement, and (3) had the state provided us with what we morally ought to have had (Sangiovanni, 2012, 91).

I will take issue with the interpretation of premise 5 in the non-voluntarists’ argument below but will first raise a different worry. Both of the models, above sound consequentialist. Compensation justifies the move from the fourth to fifth premise above because “all things considered, the more demanding distributive standard makes you much better off overall” (Sangiovanni, 2012, 88). The right to autonomy is outweighed

“by the urgency or weightiness of the general interests protected by the more demanding distributive standard” (Sangiovanni, 2012, 88). There is, however, another possible way of understanding the non-voluntarists’ arguments. Many nonvoluntarists hold that people must have basic freedoms under coercive rule: Otherwise, coercion violates rights.^v So, even if we are better off on the first two baselines suggested in the compensation model, and even if the right to autonomy is outweighed by the urgency of general interests, it may not be permissible to coerce us.^{vi} What follows considers how one non-voluntarist argument -- that starts from a concern for individual freedom – can avoid the Scope/Content Critique.

An Alternative Ground

Consider the following right--, rather than harm-, based non-voluntarist argument.^{vii} Non-voluntarists might suggest that coercion (understood to include the threat as well as use of force to secure compliance with rules) gives rise to demanding, but not necessarily egalitarian, distributive obligations:

- 1) Coercive rulers must be legitimate.
 - 2) Coercive rulers can only be legitimate if their subjects (those they subject to coercive rule) secure basic reasoning and planning capacities.
 - 3) All the rulers’ subjects will only secure these capacities if rulers ensure that they do.
- C) So, coercive rulers must ensure that their subjects secure the requisite capacities (Author, 2012).^{viii}

It is possible to defend the first premise in many ways (Author, 2012; Author, 2016). One possible line of reasoning, following John Locke, is this: Each person has a natural right to freedom; hence people cannot be subject to others’ commands without justification (Locke, 1690). Locke claimed that people are “naturally in... a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man...” (Locke, 1690, Section 4). The constraint that all are subject to the law of nature is

cashied out in terms of being subject to reason, which “teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions...” (Locke, 1690, Section 6). So, no one can abridge another’s natural right to freedom at least as long as that person does not harm anyone else. Alternately, one might follow H.L.A. Hart in arguing that if there are any natural rights, there is a natural right to freedom (Hart, 1955). There are also other ways one might try to ground the concern for freedom e.g. in individuals’ interests.

If we grant that people have a natural right to freedom, it should follow that coercive rulers require justification to use coercive force; they must have the right to use such force (Author, 2012). On this account, saying that rulers must have the right to use coercive force is just to say they must be legitimate in the sense at issue for the argument. *That is, to be legitimate, rulers must have the justification-right to use coercive force.*^{ix} Having this *justification-right* is having moral permission to make coercive rules and give coercive commands (Landenson, 1980). Knowing that a ruler has a justification-right to rule does not tell us whether or not it is permissible for others to interfere with its rule (Christiano, 2004). A ruler has *justified authority* if, and only if, the ruler is legitimate and individuals have a moral duty to comply with its rules (Christiano, 2004). Some rights may carry with them correlative duties (Simmons, 1979). Nevertheless, the argument above does not rely on the claim that if a ruler has a right to rule through force, its subjects are obligated to obey its dictates.

Before considering the second premise, consider the basic capacities at issue in at least the more recent versions of the argument above (Author, 2012; Author, 2015). To have these capacities, people must at least be able to live lives in which they can reason about, make, and carry out some significant plans on the basis of their beliefs, values, desires, and goals (henceforth: *commitments*). The importance of the qualifier *some* is just this: One need not be able to carry out every valuable plan that one might want to carry out. Still, one must have the ability to carry out at least a few such plans.

First, to reason on the basis of one's commitments, one must have some instrumental reasoning ability. Some hold much more demanding conceptions of rationality. Kant believes, for instance, that reason requires acknowledging the categorical imperative as unconditionally required.^x The claim is not that this much is necessary, however. People must only have the ability to do some instrumental reasoning.

Second, to make some significant plans on the basis of one's commitments, one need not plan every second of one's day, never mind one's whole life. It just cannot be too difficult for one to make it through each day. Moreover, one must be able to make some significant plans for the future. One lacks the capacity to make plans on the basis of one's commitments if, for example, one must spend all of one's time securing adequate food (or meeting other basic needs).^{xi} One must also be able to pursue valuable projects and a good life as one sees it. This requires internal freedom (that is compatible with external constraint). Internal freedom is, roughly, the capacity to decide "for oneself what is worth doing," and make "the decisions of a normative agent"; one must be able to recognize and respond to value as one sees it (Griffin, 2006, Ch. 7). Although one might not choose to do so, one must be able to make some significant plans that one could carry through if free from external constraint.^{xii}

Finally, to carry out some significant plans one requires both some internal freedom and external freedom. Once again, internal freedom is roughly the capacity to recognize and respond to value as one sees it (Griffin, 2006: Ch. 7). External freedom, or liberty, is roughly freedom from interference to pursue a "worthwhile life" (Griffin, 2006: Ch. 7).

Keeping the nature of the basic capacities in mind, it is possible to defend the second premise – that coercive rulers can only be legitimate if their subjects secure the requisite capacities – in many ways (Author, 2012; Author, 2015).^{xiii} One possible argument begins by noting that liberals are committed to individual freedom. Recently liberals have focused on the conditions for decent, if not fully just, rule. However, liberals also care that the *actual* relationship between the rulers and *each person* who is ruled is voluntary in some way,

though they have different accounts of what this requires.^{xiv} Although those who are concerned about individual freedom disagree about what makes the relationship between the rulers and ruled voluntary, they all agree that this relationship can only be voluntary if the ruled possess at least some freedom (Author, 2012; Author, 2015). 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. The key idea is that subjects must be free to shape their relationship with rulers (Waldron, 1987, 132). Although they may not be able to choose to exit a coercive system, individuals must *at least* be able to control how they respond to subjection. They must be able to consent to, abide by, or dissent from coercive rule by passive resistance, non-violent protest, conscientious objection, and so forth (Waldron, 1987, 146). So, they must be able to reason about, make, and carry out significant plans in light of their commitments; they must be able to secure basic reasoning and planning capacities.^{xv} Hence, liberals implicitly accept the second premise of the argument above (Author, 2012).^{xvi}

The third premise follows quickly from the second once one understands the definition of “ensuring” (Author, 2012). Consider what *ensuring* someone to secure basic capacities requires. The idea is that rulers must provide whatever assistance is necessary for their subjects to secure and maintain these capacities at least until the subjects freely choose to relinquish their ability to do so. What is necessary to ensure that someone can secure these capacities will vary with the case. Those who live in Finland, for instance, will need heat in winter while those in Costa Rica will not. Some only need to be free from interference to secure reasoning and planning capacities; others need a lot of assistance. The rulers to which these people are subject may have to provide this assistance. If, for instance, someone is in a coma from which that person could recover with proper medical care and that person is not receiving such care from friends, family, or benefactors then rulers must provide it.

Here is the argument in defense of the third premise:

- 1) Some need assistance to secure basic capacities and no one else is providing (or will provide) this assistance.
- 2) If some need assistance to secure basic capacities and no one else is providing (or will provide) this assistance, they will only secure basic reasoning and planning capacities if rulers help them secure the requisite capacities.
- 3) If rulers help those of their subjects that need assistance, they ensure that all of their people secure basic capacities. (Recall that, to ensure that people secure basic reasoning and planning capacities, rulers have to assist all those in the population who need assistance in securing the capacities.)
- 4) Some of those rulers coerce will only secure basic reasoning and planning capacities if rulers ensure that all of their people secure basic capacities. (note that the logical form of this statement is this: for some d to have x, y is necessary)
- 5) If some of those rulers coerce will only secure basic reasoning and planning capacities if rulers ensure that all of their people secure these capacities then all the people coercive rulers govern will only secure basic reasoning and planning capacities if rulers ensure that they do so. (If for some d to have x, y is necessary then for all d to have x, y is necessary)
- 6) All the people coercive rulers govern will only secure basic reasoning and planning capacities if rulers ensure that they secure these capacities. (for all d to have x, y is necessary) (Author, 2015).

1) is relatively uncontroversial and 2) and 5) are analytic. The third premise follows from the definition of ensuring (recall that to ensure is to guarantee what is needed such that, whenever what is needed is not otherwise available, it is provided.) If rulers (reliably) provide for those who need it, they ensure that all of their people secure basic capacities. 4) follows from 1), 2) and 3). The third premise of the overall argument 6) follows from 4) and 5) (Author, 2015).

The conclusion of the overall argument follows directly from the first three premises.

- 1) Coercive rulers must be legitimate.

- 2) Coercive rulers can only be legitimate if their subjects secure basic reasoning and planning capacities.
 - 3) All the people coercive rulers govern will only secure these capacities if rulers ensure that they do so.
- C) So, coercive rulers must ensure that their subjects secure the requisite capacities.

For further explication, see: (Author, 2015).

The important point here is just that advocates of the Scope/Content Critique would have to offer some reason to reject the preceding argument (as well as all other nonvoluntarist arguments) to reject nonvoluntarism. Although it is possible to defend each premise of the argument above at great length, it is certainly possible to reject any of them.^{xvii} But the fact that advocates of the Scope/Content Critique provide two other ways of understanding the non-voluntarist' rationale for the move from 4) to 5) in the interpretation above does not provide a reason to reject the proposed rationale. Advocates of the Scope/Content Critique must engage with the details of such nonvoluntarists' arguments to reject them.

Advocates of the Scope/Content Critique might ask whether coercion theorists can explain why the obligations they believe coercive institutions must fulfill follow from the pro tanto wrongness of coercion, but there are many answers. Andrea Sangiovanni puts the question this way: "Why is a comprehensively egalitarian distributive standard the correct way of redressing the initial pro tanto wrong?" (Sangiovanni, 2012, 93). Although he oversteps here, in supposing the standard must be egalitarian, he has a point. Michael Blake, Darrel Moellendorf, and Gillian Brock's cosmopolitan coercion theories appeal at key points to an implicit Rawlsian arguments for egalitarian obligations (Blake, 2013; Brock, 2009; Moellendorf, 2009). However, I take it that the aim of most non-voluntarists' arguments *is* to explain why the obligations they believe coercive institutions must fulfill follow from the pro tanto wrongness of coercion. And there are significant resources in earlier version of cosmopolitan coercion theories Charles Beitz and Thomas Pogge defend for providing the requisite response (Beitz, 1979; Pogge, 1989). So

advocates of the Scope/Content Critique cannot dispense with these views just by raising this question. The argument sketched above illustrates one way to bridge this gap.

Advocates of the Scope/Content Critique might object that they *do* consider the idea that coercion itself is a pro-tanto wrong. Sangiovanni says that if this is so, we must compensate people for the coercion (and not just any harm that results). He dismisses this thought quickly. He says that “the will-bending involved in political power is, we are assuming, all things considered *justified*, so it is unclear why any rectification should be owed for a wrong that is merely *pro tanto*” (Sangiovanni, 2012, 92). To support this claim, he gives the example of someone who violates property rights by breaking into a cabin to escape from a deadly storm. Since doing so is justified, advocates of the Scope/Content Critique might maintain, the person only has to pay for any damage to the property itself.

Coercion theorists might respond to the preceding point by saying this: whether or not the transgression is justified depends on whether the distributive obligations coercion theorists defend are fulfilled. This may (or may not) require more than compensation for any (additional) harms coercion causes. Nonvoluntarists may maintain, for instance, that it is wrong for rulers to exercise coercion without supporting egalitarian institutions. This does not imply that individuals acquire these obligations by exercising coercion in non-institutional contexts. The analogous question in the storm case is what justifies someone in breaking into the cabin in the first place. If it is the need for shelter from a deadly storm, then the justification is in place and no further compensation for the break in itself is required. If, however, one were to break in when a storm was not deadly but merely uncomfortable (and that was not justifiable), one may well owe further compensation for violating property rights.

It is not a problem if, once we determine that special justification is required for coercion, coercion does no work in specifying the content of this justification. Suppose, for instance, that once we know what kind of consent (e.g.) will legitimate coercion on the argument above, we figure out what exactly rulers must do to

be legitimate by figuring out what that kind of consent requires.^{xviii} This does not show that coercion theories are impotent. It is still coercion that requires justification and the kind of consent that generates significant obligations to those who are coerced.

Perhaps advocates of the Scope/Content Critique would say this: Coercion must be justified by the interests of other people who have prior entitlements. So coercion is redundant as a ground for obligations of distributive justice. It is the prior entitlements that ground these obligations.

The entitlement at issue in non-voluntarists' arguments, however, is only the right not to be coerced without justification. Most non-voluntarists would grant that people have pre-existing entitlements. Consider, however, a world where there are no other pre-existing entitlements. Still, the justification for coercing people can be partly in terms of fulfilling others' interests. You might be justified in coercing me to give up what I have in order to help others even if they are not entitled to your help. Suppose I would only consent to being coerced if you make sure everyone can eat.^{xix} It may be acceptable to coerce me only on the condition that you make sure everyone can eat.^{xx}

Coercion theorists can also accept the idea that many people's interests besides those who are coerced help ground obligations of distributive justice. The justification owed to someone for coercion may appeal (even exclusively) to coercion's effects on others' interests. The important point is just that the justification for coercion is *owed to* the coerced (just as the justification for breaking a promise is owed to the promise). Whether the justification must appeal exclusively to coercion's effects on the coerced, or can appeal to coercion's impact on others' interests, depends on one's theory (Raz, 1998; Author, with-held e). On hypothetical consent theory, for instance, it is plausible that people would only consent to coercion on which they can meet their basic needs (assuming that it is possible for everyone to meet these needs without sacrificing anything of moral significance) (Sangiovanni, 2012, 100). However, many nonvoluntarists argue that people would also require a system of rules to maximize the position of the least well off.^{xxi} This

may amount to denying that all nonvoluntarist accounts must ground more demanding distributive obligations *among those who are coerced*. But advocates of the Scope/Content Critique only think this is a problem because they misunderstand the nonvoluntarist thesis. They assume that nonvoluntarists are committed to much more than they must accept. Nonvoluntarists need only say that nonvoluntary relations ground demanding duties. Rulers owe these duties to those they coerce. Still, fulfilling them may require rulers to help other people.

Advocates of the Scope/Content Critique would likely object to the non-voluntarists argument suggested above by claiming that people need not consent to coercion. Sangiovanni says that “nonvoluntarist views at most establish that some obligations can be waived by consent (but who would object to that?), *not* that more demanding obligations arise only among individuals whose interaction is forced” (Sangiovanni, 2012, 108). He gives two examples to support the point. He considers an immigrant who does not consent to be paid less than others for doing the same work. Even if the immigrant comes to a country voluntarily, she cannot be paid less unless she consents to unequal pay for equal work. Sangiovanni also considers a patient who can choose between different hospitals. He says that if waiting lists for admission are in place, the standards that govern placement on the lists should not be less stringent than those in play when patients do not have a choice of hospitals.

There are several problems with the proposed objection. First, it misconstrues the nonvoluntarists’ argument.^{xxii} Nonvoluntarists need not claim that “more demanding obligations arise only among individuals whose interaction is forced” (Sangiovanni, 2012, 108). The non-voluntarist argument sketched above does not, for instance, rely on this claim. Second, neither of the above thought experiments suffices to establish advocates of the Scope/Content Critique’s conclusion. Coercion theorists can hold that people have rights against discrimination and to essential health care. At the same time, they can hold that coercion generates some demanding obligations.^{xxiii} Finally, it is possible to give non-voluntarist arguments that are not contractualist at all. Consider, for instance, one way to defend the first premise of the coercion argument

sketched above. On liberal communitarian theories, communities must support, or foster, individual identity to remain strong and vibrant. So, people should at least be able to object, if not consent, to their coercive rules (Author, 2008; Author, 2012; Author, 2015). The important point here is not whether this line of thought is ultimately defensible, just that such arguments merit close examination.

Advocates of the Scope/Content Critique's remaining objections to non-voluntarism fail for similar reasons. They will only go through if coercion is a necessary condition for distributive obligations. Some say that if coercers, in effect, replace their subjects' will with their own, this might explain "the nature of the new obligations to serve their interests" (Sangiovanni, 2012, 101). They may allow that coercion might explain the additional weight of the justification required for coercers' actions (Sangiovanni, 2012, 101). Still, advocates of the Scope/Content Critique might claim that the obligations coercers must fulfill are general and independent of their coercion; coercers just have a more demanding duty not to harm in light of their coercion. Sangiovanni considers someone who continually coerces a group of panicked people in an emergency. He supposes the coercer has some food to distribute. The coercer should not give more of the collectively secured food to someone he or she coerces than an innocent, and non-panicked, bystander. However, coercion theorists need not claim that coercion is a necessary condition for distributive obligations. They need not even say that coercion generates unique, or more demanding, distributive duties than would otherwise exist. Sangiovanni's argument wrongly presupposes that coercion theorists must maintain that coercion is necessary for demanding obligations to obtain. In his example, it is right to suggest that the bystander should receive his or her fair share of the food.^{xxiv} But what we learn from the simple analogy is just that there are obligations that do not arise from nonvoluntary relations. We should not allow some to go without food especially when they have "participated and borne significant costs in its retrieval" (Sangiovanni, 2012, 103). That does not mean that coercion plays no role in generating, or establishing the nature of, individuals' entitlements. There are many good non-voluntarist arguments for the conclusion that everyone should be able to meet their basic needs (including one derived from the argument above – as people must be able to secure sufficient food, water, shelter, education and medical care etc. to secure and

maintain basic mental capacities). On the account, people should have these things even if they have not participated in or paid significant costs for securing them but just because they must abide by coercive rule (they should, e.g., at least be able to object to their subjection). The proposed counter-example does nothing to challenge such arguments.

To sum up: The Scope/Content Critique -- that non-voluntarists “*presuppose* a prior set of entitlements” -- fails (Sangiovanni, 2012, 99).^{xxv} Coercion theorists can be pluralists who deny that coercion is necessary for establishing all entitlements. Yet, they can maintain that coercion is sufficient, on its own, to establish some entitlements. They may even hold that voluntary and non-voluntary relationships independently ground the exact same obligations (but for different reasons).

3. *The Second Interpretation of the Non-Voluntarist’s Argument*

Finally, let me conclude with some brief reflections on a different interpretation of the non-voluntarist’s argument. On this interpretation, “nonvoluntary subjection to political power directs our will to serve ends that we cannot avoid but for which we are responsible” (Sangiovanni, 2012, 80). Coercion is justified only if there is a fiduciary relationship between the rulers and the ruled. Consider the following schematic summary of the argument:

- (1) When we are subject to an association that
 - (a) bends our will into compliance....;
 - (b) enacts a vast array of rules that shapes the full extent of their life and liberty, including how we may acquire, transfer, and so on, property;
 - (c) demands compliance with its directives as a matter of right;
 - and
 - (d) grounds this right in the further claim that, in legislating, it

speaks in our name,

(2) we are owed a special, more stringent justification that shows us that the association is what it claims to be, namely our authorized fiduciary.

(3) This special justification can be successful if and only if the enacted pattern of benefits and burdens satisfies more demanding distributive standards (e.g., egalitarian standards) among those whose will has been bent.

Advocates of the Scope/Content Critique say there are two problems with this view. First, there is the well-known and, I believe, correct point that the fact that some act as others' agents does not automatically give them the power to create obligations on the part of their principles. Second, there are many possible fiduciary relationships. So, advocates of the Scope/Content Critique say the fact that one obtains does not tell us how agents can act on behalf of their principles.^{xxvi}

However, the first problem articulated above is just a problem with some accounts of how obligations are grounded in fiduciary relationships (like the one advocated by Thomas Nagel (2005)). There are many possible kinds of fiduciary relationships. Fiduciaries can have license to do many different kinds of things. There can also be many limits on what they can do.^{xxvii} That some act as others' agents may ground no obligations on the part of principals. It may only explain why the agents have obligations to principals.^{xxviii} Moreover, the fact that there are many possible fiduciary relationships, does not mean we can conclude nothing about what kind of fiduciary relationship obtains between rulers and their subjects. There are many possible fiduciary relationships. Still, agents are generally granted license, and constrained, by their contractual relationship to their principal(s).^{xxix} They must normally secure their principal's consent to establish this relationship. Normally, their actions are limited to advancing their principal's interests (Frankel, 2011). Some of these limits are established in particular contracts. All of this is inscribed in laws regulating fiduciary contracts (Frankel, 2011). Consider what happens when we apply this model to states and other coercive institutions that might qualify as agents: If a fiduciary relationship is in place, the coercer

(agent) must generally secure consent from its subjects (principles). The agent's actions should generally be limited to carrying out its part of the agreement. This may involve advancing others' interests in advancing their principal's interests. The agent may, for instance, have to administer a trust for their principle's descendants. The fact that some fiduciary relationships are different does not challenge the application of the general model. It is true, that some agents are guardians of minors or those who lack the capacity to consent. Still, most of those subject to coercion are not infants or mentally disabled. The relationship of states, or other coercive institutions, to those who are currently incapacitated might be modeled on the different fiduciary relationship of guardianship. In any case, there is a large literature in political philosophy on how exactly these relationships should be defined (Locke, 1690, Ch. 1; Fox-Decent, 2011). Again states (or other agents) may have to take into account other obligations, and the justification for coercion may not be limited to its impacts on the coerced. Nevertheless, this model is probably right to suggest that, for agents to be justified in coercing their principals, they must generally act in their principals' interests.^{xxx}

4. *Recap*

Recent critics of non-voluntarism argue that the view is not even capable of explaining why coercion suffices to establish obligations of global justice. This paper considered two such objections: First, "bending people's will by, for example, coercing them is at best a causal means or instrument for ensuring compliance with distributive obligations that hold independently" (Sangiovanni, 2012, 81). Second, it is not clear how coercion grounds the kind of obligations nonvoluntarists suppose it grounds.^{xxxi}

This paper argued that the first claim cannot be sustained. Coercion theorists are most plausibly concerned with what can justify coercion itself, not just the harms coercion causes. Their theories need not presuppose any preexisting distributive obligations (though they are compatible with such obligations). Moreover, this argument would only succeed if nonvoluntary relations were a necessary condition for demanding

obligations of distributive justice. Even if some distributive obligations do not arise from nonvoluntary relations, others may be grounded in these relations. The second point -- that it is not clear how non-voluntary relations ground the kind of obligations nonvoluntarists suppose they ground -- is better, but can be overcome.^{xxxii} Non-voluntary relations must be justified to those who stand in those relations because, otherwise, they violate rights. The justification may appeal to other values. Still, it need not presuppose any preexisting distributive obligations. Right libertarians, for instance, hold that there are no such obligations -- and it is possible to extend the argument sketched here to establish that even right libertarians must agree that coercion grounds demanding obligations of distributive justice on pain of inconsistency.^{xxxiii} Coercion theorists can grant that obligations that exist independently of coercion are very demanding. Nevertheless, they insist coercion requires justification; we must have good reasons to coerce people into doing what we want.

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ⁱ Sangiovanni claims that his argument addresses the weakest version of nonvoluntarism on which nonvoluntary relationships are neither necessary, nor sufficient, for demanding obligations. He says his argument applies as long as nonvoluntarists specify that nonvoluntary relations are at least a part of “a set of jointly sufficient conditions” for such obligations (Sangiovanni, 2012, 83).

ii Michael Blake simply appeals to a Rawlsian original position to suggest that people, under a veil of ignorance, would not agree to be subject to coercive rules unless they are treated equally under these rules (Blake, 2013).

iii See, for instance: (Risse, 2012). For alternative accounts of the grounds of our obligations, see: (Tan, 2004; Moellendorf, 2009; Caney, 2011).

iv Like Sangiovanni, I primarily discuss coercion theories but believe many of the points will apply to other forms of nonvoluntarism.

v Sangiovanni does say that, on the outweighing model, a right is still infringed albeit without residue but the idea that we determine whether coercion is justified by appeal to the balance of reasons is different

from the line of argument I believe more closely captures coercion theorists' concern explored below.

Sangiovanni also says that if we see the pro tanto wrong of coercion as a rights violation that requires compensation, we see distributive justice as a kind of "rectificatory or corrective justice" (Sangiovanni, 2012, 90). This is not clear. In any case, the important claim is just that distributive obligations may follow from rights violations.

vi Some background theory of rights may be necessary to care about coercion, but that theory need not amount to a full account of distributive justice. (It need not even imply any distributive obligations on its own – if, for instance, the rights at issue are negative rights).

vii The exposition of the argument in this section draws: (Author, 2015).

viii Although this argument is framed in terms of legitimacy rather than justice, legitimacy is plausibly a necessary condition for justice. Moreover, although it does not defend egalitarian obligations, the obligations it defends are quite demanding.

ix Legitimacy, as I 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 continuous sense. Understanding legitimacy as a degree term, allows one to specify different thresholds on legitimacy for different purposes. In what follows, one need only suppose that imperfectly legitimate systems must be reformed. See: (Buchanan, 2004).

x See: (Hill, 1989). Also see: (O'Neill, 1986)

xi See: (Raz, 1998).

xii To make sense of this idea, one might 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

(Rawls, 1971). These are all standard moves in the literature, so it is not necessary to explicate the ability to make some significant plans on one's commitments further here. See, for instance: (Bratman, 2005).

xiii There are plausibly some exceptions here, e.g. for those who violate others' rights, but I set those aside in what follows.

xiv Liberal communitarians argue, for example, that rulers need only allow, or support, communities of appropriate kinds that need not be explicitly consensual. Other liberals suggest hypothetical or reasonable consent is necessary for legitimacy (Rawls, 1993; Pogge, 1989; Beitz, 1979). Yet others argue that the majority must actually consent (perhaps through democratic processes) to legitimate a ruler. On actual consent theory, everyone subject to coercive rule must consent.

xv 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.

^{xvi} Although I will not provide a detailed argument for the claim that liberals should agree that people have a right to dissent from coercive rule by conscientious objection, non-violent protest, passive resistance, and so forth here, it will help to sketch a few possible lines of argument (Author, 2012). On contractualist accounts of political legitimacy, for instance, people must consent to at least the general structure of coercive rules to which they are subject. Otherwise coercion violates their natural right to freedom. Consider how a few different contractualist theories support this conclusion. On hypothetical consent theory, people would not consent to coercion on which they cannot secure what they need to consent (Author, 2012). Consider, for instance, John Rawls' theory. Rawls says reasonable people choosing principles of justice to regulate their society would want to ensure that they are fully autonomous and, living under these principles, can understand and embrace them. One must have basic reasoning and planning capacities to have full autonomy and the ability to understand and embrace Rawls' principles of justice (Rawls, 1980; Rawls, 1993). Hypothetical (and reasonable) consent theory requires this much. At least this is so assuming that it is possible for everyone to meet these needs without sacrificing anything of moral significance (Sangiovanni, 2012, 100). Similarly, to actually consent to coercion, people must be able to consent.

xvii See: (Author, 2012; Author, 2015).

xviii Similarly, suppose (contra to fact) that the outweighing model was the best interpretation of the non-voluntarists' argument. Consider two mathematical functions that might determine the obligations on a non-voluntarist's account. The broad function takes coercion as the input and outputs the result that we should use the narrow function. The narrow function takes the individual interests as an input and outputs the result of balancing the interests appropriately. I take Sangiovanni's claim to be that once we know the broad function is justified, we only need the narrow function. But the important claim for the non-voluntarist is that we should use the broad function – we should hold that coercion (or what not) requires justification by, e.g., balancing interests.

xix Note that people often consent to being threatened in the future when, for instance, they sign legal contracts that will be enforced. They can also consent to the brute use of force against them when they are not threatened.

xx People might consent to this because they are reasonable in Rawls' sense and care about treating people equally, but the point of this example is just to suggest one way that coercion might ground new entitlements. Of course, some coercion theorists argue at length that we are only forcing ourselves to be free by binding ourselves to the general will (or whatever). But few would deny that some (imperfectly reasonable or rational people) will have to be coerced into obeying some of the laws of just societies even if they embrace the general principles around which these societies are organized.

xxi See, for instance: (Blake, 2001).

xxii Contra Sangiovanni, some coercion theorists would likely argue that even if the immigrant and patient lack other options, they are not coerced in a way that requires justification on their theories. So there is no reason to distinguish between the cases on their account. I set this point aside in what follows.

xxiii It is also noteworthy that the kinds of institutions with which coercion theorists are concerned are very different than hospitals and private employers. These institutions' coercion plausibly grounds demanding distributive obligations.

xxiv Note that this may not be a good case for Sangiovanni. The bystander may be just as dependent on the coercer for food as the coerced. So the relationship between the coercer and bystander may not qualify as voluntary. But I will set aside this worry in what follows.

xxv Sangiovanni then considers the objection that coercion explains why there are some special obligations. He admits that coercion requires some special justification but says that this does not tell us what obligations there are. I am a bit baffled by this response. Perhaps his thought is just that coercion “is a redundant part of the explanation for the distributive standards” (Sangiovanni, 2012, 99). But if there is more than one ground for any particular set of entitlements, all of the grounds are redundant in some sense. That there are other grounds does not show that coercion is not a ground of these entitlements.

xxvi Sangiovanni grants that fiduciary relationships “create special obligations” (Sangiovanni, 2012, 104) but he believes that the obligations agents must fulfill are general and independent of agents’ roles. He says fiduciary relationships do not normally require any kind of (even hypothetical) consent.

xxvii Again, the fact that these relations can be justified by considerations that do not appeal only to the interests of the coerced (or otherwise subjected) individuals’ is not a problem for all coercion theorists.

xxviii Here, and in the remainder of this essay, I intend to indicate the special principal agent relationships that are properly fiduciary (Frankel, 2011).

xxix For an explanation of the conditions under which consent can establish a fiduciary relationship see: (Frankel, 2011).

xxx One might worry that if agents are authorized to do something on the behalf of a principal, the agent cannot coerce the principal. But surely Odysseus authorized his sailors to tie him to the mast. A more pressing question for such coercion theorists is why agency can justify coercion against third parties as states are not clearly the agents of all those they coerce.

xxxi Now if Sangiovanni’s point is only that, on what he believes is the correct theory, there are pre-existing background obligations, and coercion (or whatnot) has no independent force, that may be so. But it begs the question against those who do not embrace what he takes, without argument, to be the correct theory.

xxxii Sangiovanni says that all nonvoluntarist theories in the literature are egalitarian. The non-voluntarist argument sketched above provides a sufficientarian criterion that does make this connection very clearly.

Also see: (Author, 2014; Author, 2013).

xxxiii The argument starts from the conclusion that libertarians should be actual consent theorists defended by many anarchists. It is then (roughly) analogous to the argument sketched above for the conclusion that actual consent theory yields demanding distributive obligations. See: (Author, 2012).