

Richard Miller
Spring 2007

Philosophy 643: Social and Political Philosophy
Topic: International Justice
(Tuesdays, 4:30-6:30, Goldwin Smith 124)

In Philosophy 643, we will discuss the leading questions of international justice: what are the duties of people in developed countries to help needy people in developing countries (and how do they compare with duties to compatriots)? What norms should be used in judging warmaking (for example, in judging proposals to make war to end an unjust foreign regime or to prevent future aggression by a government not actively preparing to attack)? What large-scale changes in the global political structure would improve global justice? (A drastic reduction in immigration restrictions? a new framework for controlling global climate change? strengthening of global institutions?) The course is a seminar, emphasizing discussion among participants. The readings will mostly be recent and will concern the main current controversies. **There is a detailed schedule of topics and readings at the end of this syllabus** (subject to change in light of interests of participants and the course of our discussions.)

Readings:

Our assigned readings will partly come from the following books, on sale for the course at the Campus Store.

Deen Chatterjee, ed., *The Ethics of Assistance* (Cambridge.)

Joseph Stiglitz, *Making Globalization Work* (Norton.)

John Rawls, *The Law of Peoples* (Harvard.)

Michael Walzer, *Just and Unjust Wars* (Basic Books.)

Except for Rawls, these books will each be the source of several substantial readings. *The Law of Peoples* will just provide one big chunk. So I will also put a copy on Two-Hour Reserve in Uris.

Otherwise, the readings will be posted as Course Documents. The bibliographic information about articles in the readings list will also get you directly to them via the Cornell e-journals system.

Course Requirements:

1. Discussion Board contributions: At the end of every class, I will ask two or three people to take on the task of each contributing two or three pointed questions or brief comments about next week's readings to the Discussion Board on the course website. I will ask for volunteers (pressuring/assigning as a last resort), with the understanding that this assignment rotates. Of course, in addition to those who are delegated, everyone is welcome to contribute. The contributions must be posted by 8:00 PM on Monday, so that everyone has a chance to read them.

2. Attendance and participation. Everyone is expected to take part in discussions at each meeting of the seminar on the basis of knowledge of the readings and the Discussion Board contributions.

3. Paper: On March 13, I will distribute a description of diverse alternative topics and readings that could provide the basis for a fine term paper. If you would like to write on a topic substantially different from any on the list, consult with me first, to get approval and talk tactics. The preliminary draft is to be submitted by April 17. It will be returned ungraded, with comments, April 24. The final version, revised in light of the comments, will be due May 9, the last day of study period. 15-20 pages, double spaced, is the range you should aim for.

Contact information:

My e-mail is rwm5@cornell.edu. My office is 329 Goldwin Smith. My office hours are Monday and Thursday, 4:30-6:30.

The course website is phil643.

SCHEDULE OF TOPICS AND READINGS

1/23: Introduction

I. Global duties to help those in need

1/30: Neediness and Beneficence – Does the severity of global poverty make it wrong to buy luxuries and frills, rather than using the money to help the global poor?

Peter Singer, "Famine, Affluence and Morality," *Philosophy & Public Affairs* 1 (1972): 229-43.

Peter Unger, *Living High and Letting Die* (New York: Oxford University Press, 1996), pp. 24f., 134-36.

David Schmidtz, "Islands in a Sea of Obligation," *Law and Philosophy* 19 (2000): 683-705.

Richard Miller, "Beneficence, Duty and Distance," *Philosophy & Public Affairs* 32 (2004): 357-83.

Peter Singer, "Outsiders: our obligations to those beyond our borders" in Chatterjee, ed., *The Ethics of Assistance*, pp. 11-32.

The first essay, an argument for a strenuous duty of beneficence, is thirty years old and very, very widely read, often assigned in introductory ethics courses or Philosophy 101. So it may seem a strange start for a graduate-level seminar. But the orientation of much current literature on global economic justice depends on whether and why the author rejects Singer's arguments (which he has repeated, without much change, in many other subsequent influential writings.) In 1996, Peter Unger came to Singer's aid with further arguments from cases of obligatory rescue like Singer's famous case of a toddler drowning in a shallow pond. The short Unger assignment simply presents some of these cases, which Unger deploys in the same way as Singer does his article (i.e., the challenge is, "If you would be morally obliged to make these sacrifices, why aren't you obliged to

make sacrifices as great in response to funding-raising letters from UNICEF and the like?") The assignments by Schmitz and me criticize Unger and Singer. My article defends a rival account of our duty of beneficence. In the final assigned reading, Singer argues that the apparent superior strength of our duties to help those in special relationships to us can be explained in a way that supports, rather than undermining, his strong demand for aid to the world's neediest.

2/6: The Harm of Global Poverty -- Does a citizen of a developed country harm the global poor by participating in a global system of institutions in which severe poverty could be relieved and is not?

Thomas Pogge, "'Assisting' the global poor" in Chatterjee, *The Ethics of Assistance*, pp. 260-88.

Mathias Risse, "Do We Owe the Global Poor Assistance or Rectification?", *Ethics and International Affairs* 19 (2005): 9-18.

Thomas Pogge, "Reply to the Critics: Severe Poverty as a Violation of Negative Duties", *Ethics and International Affairs* 19 (2005) :55-60 (going just a bit beyond his reply to Risse. The rest of the essay is certainly worth reading.)

Henry Shue, *Basic Rights* (Princeton: Princeton University Press, 1996 [orig.: 1980]), pp. 18-21, 23-25 and chapter 5.

In the first reading, Pogge argues that obvious facts about the current global system of institutions create a duty to use it to relieve dire poverty, even if there is no general duty of beneficence of the sort Singer and Unger defend. Then, Risse criticizes and Pogge replies. In the final reading, Shue presents a powerful complementary argument for a similar conclusion to Pogge's concerning institutional duties to relieve abysmal poverty.

2/13: The Ethics of Globalization -- What is the right way to judge the justice of the current course of globalization?

Joseph Stiglitz, *Making Globalization Work*, chapters 1-3.

Walden Bello, *Deglobalization*, chapter 7.

Stiglitz describes a variety of moral flaws in the course of globalization, including the unfairness of the current, WTO-administered trade regime. In the second reading, Bello argues that the wholesale dismantling of the current institutional apparatus, rather than Stiglitz's reforms, is the right response. Virtually everyone accepts that the current trade regime is unfair in important ways. (I am told by a former participant that every bureaucrat in WTO headquarters agrees.) But it is much less clear what a fair trade regime would be like. This will be our main focus.

2/20: Patriotic Priorities and Foreign Needs -- Is there an obligation to give priority to needs of disadvantaged compatriots, even in per-capita rich countries?

Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy & Public Affairs* 30 (2002): 257-96.

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

Richard Miller, *Globalizing Justice*, ch. 2 ("Compatriots and Foreigners"), excerpts.

Blake argues that obligations to promote distributive justice bind compatriots, not people throughout the world at large, because those obligations depend on political coercion. Arneson argues that the fundamental obligations of distributive justice are global. His targets are both Blake's article and an earlier one by me inferring patriotic priority from political coercion, "Cosmopolitan Respect and Patriotic Concern," *Philosophy & Public*

Affairs 30 (2001): 257-96. Since then, I've added to and, probably, altered my claims (at least in emphasis.) So I have included an excerpt from my book manuscript, advancing a more explicitly qualified view of patriotic priority.

2/27: Global Power and Global Responsibility -- What transnational political responsibilities does transnational power currently create, in general and in the specific case of the sole super-power?

Thomas Nagel, "The Problem of Global Justice," *Philosophy & Public Affairs* 33 (2005): 113-147.

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

Robert Wade, "The Invisible Hand of the American Empire," *Ethics and International Affairs* 17 (2003): 77-88.

Nagel argues that political duties of justice (as opposed to duties of compassion for abject destitution) only bind fellow-citizens. Julius argues that a global network of coercive relations currently generates duties of global justice. Wade describes some of the specific interactions that are sometimes summed up in the claim that there is an American empire (which will lead us to consider what responsibilities, if any, result.)

3/6: Global Multiculturalism and Human Rights -- Should liberal values be promoted as universal human rights?

John Rawls, *The Law of Peoples*, pp. 3-5 (middle), 22 (from "Yet we must not ...") -26, 30-37, 49 (middle)-50 and all of chapter 2.

Kok-Chor Tan, "Liberal Toleration in Rawls's Law of Peoples," *Ethics* 108 (1998): 276-98.

Martha Nussbaum, "Women and theories of global justice" in Chatterjee, *The Ethics of Assistance*.

In *A Theory of Justice* (1971), Rawls relied on the device of a veil of ignorance, in which fellow-citizens choose a standard of justice in ignorance of their own advantages and disadvantages, to argue for a strongly egalitarian form of liberalism. When, late in life, he presented an account of international justice, he shocked many admirers by arguing that the corresponding veil of ignorance procedure should involve choice among representatives of whole peoples, not individual persons, and proposing that certain illiberal societies should be given the same highest standing as liberal societies. In our readings, Rawls tries to establish this strong requirement of tolerance of illiberal but, as he puts it, decent peoples. Tan and Nussbaum argue that Rawls' requirements of toleration fail to do justice to the interests of vulnerable persons (with special emphasis, in Nussbaum's essay, on the status of women.)

II. The Morality of War

3/13: War and Self-Defense -- In what causes can a just war be fought, and is national self-defense one of them?

Michael Walzer, *Just and Unjust Wars*, chapter 4.

David Rodin, "War and Self-Defense"; Jeff McMahan, "War as Self-Defense"; Rodin, "Beyond National Self-Defense" – *Ethics and International Affairs* 18 (2004): 63-5, 75-80, 93-8

Jeff McMahan, "Just Cause for War," *Ethics and International Affairs* 19 (2005):1-21.

In the traditional theory of just war, national self-defense is the central case (in some versions, the only case) of a just cause. Walzer defends the view that national self-defense is a just cause. Rodin, summarizing a recent book of his, argues that war cannot

be justified on such grounds. McMahan defends the traditional claim, on very different grounds from Walzer. Rodin replies. McMahan's criticisms are part of a positive theory of just cause, developed in the final reading.

[3/20: Spring Break]

3/27: Humanitarian War -- Is the relief of grave, systematic injustice in a foreign country a just cause for war?

Assignment: Walzer, *Just and Unjust Wars*, chapter 6.

Darrel Moellendorf, *Cosmopolitan Justice* (Boulder: Westview, 2002), chapter 5.

Richard Miller, "Respectable Oppressors, Hypocritical Liberators," in Deen Chatterjee and Donald Scheid, eds., *Ethics and Foreign Intervention*, (Cambridge: Cambridge University Press, 2003), pp. 215-50.

Fact sheet on the Kosovo intervention

Walzer argues that mere grave and systematic injustice is never a just cause of intervention, because of the importance of communal autonomy. Moellendorf argues that the reduction of grave and systematic injustice is a just cause, even in the absence of widespread ongoing atrocities. I argue that neither position provides appropriate moral guidance, because of the proclivities of nations participating in intervention. After discussing the general controversy, we will assess the Kosovo intervention.

4/3 Preventive War --: "Is the prevention of future aggression a just cause for war?"

Assignment: Walzer, *Just and Unjust Wars*, chapter 5.

David Lubin, "Preventive War," *Philosophy & Public Affairs* 32 (2003): 207-248.

Jeff McMahan, "Preventive War and the Killing of the Innocent" in Richard Sorabji and David Rodin, *The Ethics of War* (Aldershot: Ashgate, 2006), pp. 169-90.

Excerpts from defenses of the invasion to overthrow Saddam Hussein as a preventive war, including Kenneth Pollack, *The Threatening Storm*.

Walzer describes and supports the traditional view that just national defense extends to aggression that is not actual, but imminent, or, in any case, being actively prepared.

Lubin argues for severe restrictions of the use of war to prevent any more remote aggression. McMahan argues that making war to prevent non-imminent violence is not inherently wrong, but is exceptionally hard to justify.

4/10: Justice in War -- What kinds of killing must be avoided in war? Does the American way of fighting war respect these constraints?

Assignment: John Ford, "The Morality of Obliteration Bombing," *Theological Studies* 5 (1944), excerpts.

Walzer, *Just and Unjust Wars*, chapter 9.

David Rodin, "Terrorism without Intention," *Ethics* 114 (2004): 752-771.

Descriptions of American uses of firepower in Iraq.

Ford's essay is a classic account of the prohibition of intentionally killing civilians that is the core of the traditional doctrine of justice in war. He argues that Allied air attacks on German cities violated this constraint. Walzer amends and, in some respects, expands the traditional prohibition. Rodin argues that standard American military practices are morally wrong in the same way as terrorism, even though their lethal effects on civilians are not intentional. In light of these discussions, we will assess American tactics in Iraq.

III. Transcending Borders

4/17: Immigration and Open Borders -- "What justification could there be for refusing to let foreigners enter and make a new home?"

Assignment: Joseph Carens, "Migration and Morality: A liberal egalitarian perspective" in Brian Barry and Robert Goodin, eds., *Free Movement* (University Park: Pennsylvania State University Press, 1992), pp. 25-47.

James Woodward, "Liberalism and migration" in Barry and Goodin, *op. cit.*, pp. 59-84.

Michael Dummett, *On Immigration and Refugees* (London: Routledge, 2001), pp. 14-21, 46-53.

Carens argues, on liberal egalitarian grounds, that immigration restrictions are, on the whole, violations of human rights. Woodward argues that there are no such rights of entry and that they are not required by the liberal perspectives to which Carens appeals. In the context of vigorous criticism of the injustice and racism of current immigration policies, Dummett reluctantly accepts the threat of cultural "submergence" as a basis for immigration barriers, while arguing that this threat is vastly exaggerated.

4/24: Global Warming and Global Justice -- What is the fair way of accommodating the needs of people in developing countries in the effort to contain global warming?

Assignment: Stiglitz, *Making Globalization Work*, chapter 6.

Henry Shue, "Global environment and international inequality," *International Affairs* 75 (1999): 531-45.

Current facts and predictions – probably from useful compilations of the World Resources Institute, perhaps from the new report of the Intergovernmental Panel on Climate Change, which is supposed to start coming out in February.

Stiglitz describes the economic and political difficulties in containing global climate change, some problems of equity in meeting the challenge, and a proposal for going beyond Kyoto-based solutions. Shue argues that the costs of emissions-reduction should be borne by the wealthy industrialized nations despite the large and growing importance of developing countries as sources (now, of about half of emissions.)

5/1: Improving Global Governance --What should be done to improve global political processes shaping decisions with a global impact? In particular, what is the promise of large-scale reform in global institutions?

Assignment: Robert Keohane, "Governance in a Partially Globalized World," *American Political Science Review* 95 (2001): 1-13.

John Mearsheimer, "The False Promise of International Institutions," *International Security* 19 (1994/5): 5-49.

Richard Miller, "Global Institutional Reform and Global Social Movements: From False Promise to Realistic Hope," *Cornell International Law Journal* (Fall, 2006.)

Christian Barry and Sanjay Reddy, "Just Linkage: International Trade and Labor Standards," *Cornell International Law Journal* (Fall, 2006.)

Keohane argues that the growth of global institutions holds great promise of improving global justice, because of the impact of rules and precedents on power. Mearsheimer argues that such proposals will come to nothing because of the inherent competitive tendencies of great powers. I argue that improvement in global political processes should now concern global social movements, not global institutions, because of the current global power structure. We will use Barry and Reddy's proposal for a new global labor standards regime as a test case.