Michael Blake's Border Controls

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According to the rules that Michael Blake applies to global justice in *Justice and Foreign Policy*,[1] the demands of a crucial kind of economic justice bind only fellow-citizens, injustice in non-democracies should be reduced by proportionate interventions, but unjust liberal democracies should be treated with principled respect. I will argue that these border controls for global justice are too rigid. They misinterpret the commitment to the moral equality of all humans everywhere, which is supposed to be their ultimate foundation.

Partitioning Distributive Justice

The general view that economic justice makes substantially, systematically different demands among fellow-citizens than among people in the world at large is very widely held. Among other considerations, this view is based on the relative ease with which fellow-citizens can convey their needs to one another and arrive at effective agreement; loyalty due to the reciprocal help in achieving prosperity by political means, which largely occurs among fellow-citizens; and democratic citizenries' special responsibility to cope with the impact of their own prior choices on their prosperity.

Going further, Blake claims that "a concern for distributive equality" among persons is a political duty only among fellow-citizens (p.11), arguing that this duty is only properly based on a domestic need to justify political coercion. Since Blake is very far from denying all duties of transnational economic justice, we need a clear understanding of how "distributive equality" is to be understood. Sometimes his descriptions of what is at stake make distributive equality seem purely a matter of comparison of holdings, with no implication that those with the least are significantly burdened by disadvantages. The concern is said to be for "income equality" (p. 15), "material equality" (p. 87), or "relative economic

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shares" (p. 91). This purely comparative concern seems very far from what most of us have in mind when we say "There is too much inequality in my country." As a well-salaried full professor in the Ivy League, I have much less income than Bill Gates, but if I were among the worst-off, then, at least if my sort were not politically disadvantaged, my fellow-Americans would not, most of us think, have any political obligation to make me better-off. In this spirit, I will assume that an adequate basis for a political duty to reduce economic inequality may only require material improvement of those whose lesser holdings are connected with some significant material difficulty in achieving some significant goal in wellbeing a difficulty that is not due to lack of discipline in developing expensive tastes. Blake may agree, since he also describes distributive equality as a matter of "relative wealth and poverty" (pp. 11, 80).

Blake confines the demand for distributive equality to fellow-citizens because of his view of the grounds for this demand. In his view, the only sound bases for a political duty of concern for distributive equality derive from the need to justify a government's coercive imposition of its laws to its own citizens, a justification that is needed to respect their autonomy. The first of the two derivations of this kind that he offers connects economic and political equality. The imposition of laws can be justified to those on whom they are imposed only if they have "not simply . . . formal access to the levers of political power but some more substantive form of equality in actual ability to propose and approve legal policy . . . [T]o the extent income inequality can be shown to undermine democratic equality [Blake says he makes no claim about this extent, for lack of expertise], we thereby derive evidence for the relevance of relative income shares" (p. 88).

The argument is sketched quickly, essentially on one page. How powerful is it, appropriately fleshed out? If domestic justice requires the reduction of economic inequality, then, of course, superior political influence of the best-off will be an obstacle to justice. But the antecedent assumes what is to be shown. If a just political arrangement must be one that would be chosen from a standpoint of impartial concern to advance each member's life-prospects as a whole by political means, then equality of political influence might be important, instrumentally or on account of the inherent importance in wellbeing of effective political activity. But the moral authority of such a standpoint (the original position, for example) remains to be established—the task, in fact, of Blake's second argument.

The moral premise of an independent argument from political equality is, presumably, the intrinsic moral importance of equality of political influence, and this

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is highly controversial. The late Ronald Dworkin, the most important contemporary political philosopher to have extensively scrutinized the workings of democracy, vigorously rejected this premise. So did John Stuart Mill, in the classic defense of representative government. If they are wrong, the reason why is crucial to Blake's larger project. Suppose that full and equal respect for everyone's autonomy requires concern to reduce inequality of influence over measures unavoidably affecting people's lives in important ways. This consideration would undermine Blake's stance on economic justice. The best-off in the world have much more influence over international agreements imposing trade rules and intellectual property rights than the worst-off, for reasons of economic inequality that do not depend on abject poverty down below. Blake does not deny this unequal influence, but does deny that it sustains international demands for greater economic equality if abject poverty is not the source of inferior influence.

In any case, the first argument seems to sustain much less than the "fair equality of opportunity . . . and . . . relatively stringent principle of equality" (p. 101) that Blake seeks to defend. Even in countries where elections are not affected by big campaign contributions—for example, in most of Europe, because of legal restrictions, or in the United States in times past when campaigning was relatively cheap—the best-off still have much more political influence than most of those worse-off, including the nonpoor. This political inequality is sustained by differences in economic position, rather than income inequality. The best-off include those at the commanding heights of major enterprises, connected by networks of acquaintance, whose special knowledge and economic inclinations ought to be consulted and whose anxieties about government economic policies can cause economic slowdowns and instability. The information resources, credentials, and interpersonal connections that are characteristic of many professionals and managers are also important sources of political influence. The reduction of income inequality does not strengthen the countervailing force of labor organizations—if anything, it weakens solidarity. By the same token, given the basic terms of liberal capitalism, which Blake seems to accept, and assuming that limits to campaign contributions and the like are imposed, stringent yet feasible reduction in income inequality does not seem justifiable by its role in promoting equality of political influence.

The other argument for distributive equality is, Blake notes, "intentionally both brief and familiar" (p. 95), taking up only two pages on the controversial points. Laws concerning property, contracts, and the like are in need of justification to those forced to conform. While the actual consent of all is not feasible, their

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hypothetical consent can satisfy the demands of autonomy by establishing a standard for judging these laws that no one could reasonably reject. "The legal system coercively defines what resources flow to which activities" (p. 94), "is coercive, and . . . has consequences for the allocation of goods" (p. 95), so justification must be derivable from a hypothetical situation in which people choose distributive principles advancing their material interests as a whole while abstracting away from "morally arbitrary aspects" of their actual individual situations (p. 95). This derivation would result in a restriction on material inequality along the lines of Rawls' difference principle. Otherwise, some people subject to the laws, namely, the worst-off, could reasonably reject the imposition of the laws as failing to respect their autonomy (p. 96).

The objections to this argument are also familiar. Told that they must give up the results of honest exchange, noncoercive individual initiatives, and receipt of voluntary gifts in order to help others, many people reject the imposition as coercively intruding on their autonomy. Told that the legal system has allocated goods to them, they note that what they seek to preserve from redistribution is due to the private enterprise in which they and others take part, not to government allocation. Reminded that they would have virtually nothing without a reliably enforced system of commercial law (and other governmental facilities such as currency, highways, and so on), they respond that these measures benefit all, while accepting the need for full payment for the facilities with a fair distribution of burdens of payment. Reminded that they are benefiting from traits and family circumstances that they did nothing to deserve, they say that there is nothing wrong with benefiting from the good use of advantages that are not deserved, so long as those advantages are not wrongfully obtained.

Blake does not attempt to rebut any of these familiar criticisms of the Rawlsian argument he sketches about the role of distributive equality in justifying political coercion. He notes that he has simply "assumed, for the present purposes" (p. 96) that the argument works. His fallback, in case of failure, seems to be the argument for "relatively equal abilities to influence . . . government's policies," which, he says, "will make *some* considerations of relative holdings of goods relevant" (p. 96; his italics). If my criticisms are accurate, that first argument has large gaps and is ill-suited to justify a strong constraint on economic inequality.

This would be a dispiriting outcome for those of us who say, as part of our politics, "There is far too much inequality in my country." We social democrats need

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not despair, but, I would suggest, what saves the day will overflow the moral boundaries that Blake constructs.

As Blake strongly affirms when he looks beyond borders, there can be a political duty to enforce obligations to help others overcome difficulties that were not created by oneself, one's fellow-citizens, or one's government. In his own view (which I will soon consider), the duties that do not derive from coercion of compatriots must concern radical deprivations. But the equal valuing of everyone's life that Blake requires, which he sometimes describes as a matter of "equal concern and respect" (p. 11), is hardly limited to these dire circumstances. Postponing an errand a bit to help a lost traveler or stopping to comfort a crying child who will surely soon be found by his parent is also an expression of equal valuing; if one neglected to help, one would treat someone else's interests as less important than one's own, even though one would not coerce her. Granted, a general duty to help, regardless of special relationships or interactions, must take account of costs. Something like this is a plausible principle: Everyone's underlying concern for others ought to be sufficiently great that greater concern would impose a significant risk of worsening his or her life, if he or she fulfilled all further responsibilities; but apart from special relationships or interactions, it does not have to be more demanding than this.

By "underlying concern for others" I mean the responsiveness to their needs that expresses the general importance one ascribes to helping people. Needs, in this context, are difficulties in access to a better life. By "a significant risk of worsening one's life" I mean a nontrivial chance that one's life as a whole will be worse than it would otherwise be. What is jeopardized is one's ability to pursue enjoyably and well worthwhile goals with which one intelligently identifies and from which one cannot readily detach.

More specific duties— for example, duties to rescue those in physical peril close at hand—can be derived as policies that conscientious people would adopt to implement this general precept of concern. Within the considerable realm in which government action is superior to self-help, there will, then, be a duty to support help that does not worsen one's own life. As a matter of political integrity, this help must express impartial concern. This is not a recipe for a nanny state, since self-reliance—that is, the active pursuit of worthwhile goals with which one identifies, as expressing one's own interests, temperament, and talent—is an important (though not always overriding) aspect of wellbeing.

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If social democrats are right in their empirical assumptions, this regime of impartial concern will extend beyond relief of abject misery to health care for conditions that are not dire; higher education for those with appropriate talent, interests, and prospects of employment; access to enjoyment of nature and culture; leisure and facilities for recreation and inquiry; and resources for other important human activities. The vast majority have a duty to support these measures, which do not worsen their lives (even if they have some expected net cost). There may be an unavoidable small minority whose lives are worsened by these policies, because of specific goals to which they are attached. Under the circumstances, they should acquiesce without resentment.

In this perspective, citizens of the per-capita best-off countries have a duty to help compatriots at all levels of need that is not cancelled by the moral demands of global poverty. Over the long run, measures implementing concern for their compatriots increase the flow of resources to the foreign poor that is dictated by the moderate principle of concern; for these measures typically make compatriots more productive while increasing the extent to which they can give up resources later without making their lives worse. In addition, the needs for self-reliance and for reciprocity in valued associations have international implications: even in poor countries, these needs are served by a strong preference for local efforts, including collective self-reliance. Also, the duty to support political measures to help foreigners in need is a shared duty of citizenries of all developed countries, while collective self-reliance and efficacy make political concern for their compatriots the sole responsibility of the citizens of each developed country. Still, there is no stark contrast here, as in Blake's perspective, between concern for material equality that is confined within borders and, across borders, concern restricted to remedying abject destitution.

The Abject Threshold

I have just alluded to an extremely low threshold of foreign deprivation that Blake marks off toward the end of his book, in a further appeal to the decisive importance of autonomy. In his most detailed statement, people living under this threshold "exist under conditions of material deprivation in which they . . . are unable to form and pursue plans of life. . . . [A]utonomous human functioning seems simply impossible" (p. 115). Blake says that people have a political duty to help raise people everywhere above this threshold, at which point their duty of aid ends if those

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in need are foreigners. The only limit to the demands of their duty that he endorses is avoidance of "placing their individual or collective autonomy at risk" (ibid.)

The radical nature of this deprivation is important to Blake's larger project. Suppose that, in contrast, there is a political duty of concern for poverty among people everywhere, and poverty is specified along these lines: having serious material difficulties in pursuing enjoyably and well worthwhile goals in activities that would exercise the full range of important human capacities, difficulties seriously interfering with nearly all these aspirations, aspirations that do not reflect a lack of discipline in avoiding expensive projects. There would be room for much debate over the specification of "serious," "well, "full," important" and other terms. But a reasonable interpretation would identify as poor such people as most of those below the U.S. poverty line, on account of difficulties that only differ in degree from those encountered by many non-poor working-class or lower-middle class Americans. A political duty of concern for poverty in this sense could be part of the broad duty of concern I previously described. The foreign neediness that must be relieved would, then, tend to be especially severe and recalcitrant, but this will be a difference in degree regulated by a uniform principle.

Blake sets the bar for international political duties of aid too low when he holds that we only have such duties to those who lack the capacity for autonomous functioning. Blake himself says, "I would insist . . . that . . . those living beneath the United Nations definition of the poverty line are under" the threshold creating a duty of relief (p. 115). Suppose he has in mind the lower of the two U.N. poverty standards, $1.25 a day. Even the lower standard does not fit his requirement of non-autonomy. He offers no reason for insisting that the billion people below this line, including two-fifths of those in sub-Saharan Africa, "are unable to pursue plans of life" and find "autonomous human functioning . . . simply impossible." Despite ill-health, drudgery, disruption, and discomfort, many of them pursue, with heart-wrenchingly limited but meaningful success, plans for rewarding association, spiritual expression, and aesthetic enjoyment. Blake's non-autonomy threshold is too low to provide an adequate standard of concern, but a less abject standard would not support his qualitative distinction between duties of concern at home and abroad.

In contrast, the demands triggered by his threshold seem to be far too high. Blake's view seems to be that people who live in democracies in which there is no radical absence of autonomy have a duty to do whatever would help people suffering this radical absence if they do not risk depriving themselves of democracy or autonomous functioning (see pp. 115–16).There is no engagement with the highly plausible

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protest that serious losses of wellbeing short of the radical absence of autonomy are too much to require of those who have not deprived others of autonomy.

Blake also uses the radical threshold to insist on a further important distinction between the domestic and the international. He accepts that the exclusion of a country from global trade agreements, such as those administered by the World Trade Organization, could, in some circumstances, count as coercion. But coercion, he argues, must be based on a threat to do what would be wrong, and a rich country that threatens to withhold market access from a poorer country does not threaten to do wrong so long as people in that country would not, as a consequence, fall beneath the threshold of autonomous functioning or be unable to sustain democratic governance. Since coercion ends when the abject threshold is surpassed, justice in setting the terms of international agreements does not require anything like the attention to material inequality in domestic justice.

In addition to the low threshold for negligence that I have already criticized, this attempt to limit criticism of vital international agreements depends on neglect of the central consideration in Rawls's theory of justice, namely, fairness—neglect that contrasts with Blake's use of Rawls's work as an exemplary account of domestic justice. In accepting a trade accord, countries bind themselves to terms of economic cooperation. Rawls very plausibly insists that a joint commitment to terms of cooperation is only fair if these terms could willingly be accepted by all in fair deliberations. In fair international deliberations, each representative equally respects the responsibility of all to advance the interests of their citizenries and gives weight to appeals to losses and benefits in proportion to the strength of those considerations, regardless of who makes the appeals. Suppose, in contrast, that the treatment of farm subsidies or intellectual property rights in a trade accord imposes a serious loss on people in developing countries with no equally serious gain to people in developed countries, because economic inferiority made it rational for representatives of developing countries to acquiesce in the face of economic threats by representatives of developed countries. Even if there was no risk of radical loss of autonomy, dependence on such deliberations is a basis for criticizing the trade regime as unfair and the conduct that produced it as unjust.

Intervening for Democracy

In the first three chapters of his book, Blake argues that the proper reach of another much-debated form of transnational conduct depends on another

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categorical political distinction, between liberal and illiberal states. The conduct that he regulates by this distinction, which I will label "intervention," includes military intervention and economic sanctions that would radically deprive people of their autonomy. It does not include reasoned disagreement expressing an attitude of "principled respect," which is the proper attitude toward liberal states, even if they are unjust (p. 63). Does it include putting conditions on aid that is not needed to avoid the radical absence of autonomy, naming and shaming in official declarations and multinational organizations, or diplomatic pressure involving implicit threats of non-cooperation in potentially beneficial projects? Blake says his criteria might apply to these acts as well (p. 52). Since this conduct does not seem to express principled respect, I will assume that it, too, is regulated by the basic political contrast between liberal and illiberal states.

Like everyone taking part in the fierce debates over intervention, Blake thinks that it must be regulated by due concern that harms not be disproportionate to relevant gains. In his view, if it is proportionate, intervention to improve democracy in illiberal states is a duty; in contrast, intervention to improve justice in a liberal state is always wrong. Only representative democracies, in his view, are liberal.

To start with the category that protects states from justified intervention: liberal representative democracies can, Blake accepts, implement gravely defective conceptions of justice, seriously worsening many people's lives. Suppose that a representative democracy provides only a very low safety net that solely protects against the abject absence of autonomy but does nothing more to help those in need. A substantial minority are recurrently poor. The children of the best-off have a much greater chance of access to interesting, creative, well-rewarded work than others' children who start out with similar aptitudes and interests—children who have very little prospect of such success if they start out in the lowest income fifth. While wishing that the worst-off did better, a stable majority of the electorate support laws under which this situation is stably reproduced, on the grounds that the appreciation of the equal worth of all fellow-citizens, with its core component of autonomy, prohibits the taxation and regulation that would be needed to bring about change.

This democracy seems the sort of relatively libertarian society that in Blake's view is making a "serious" mistake, but a mistake that "we are duty-bound to respect" (p. 63). Of course, no sane person would suppose that a foreign attempt to mitigate this error through invasion or dire economic sanctions would have

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expected gains proportionate to harms. But suppose that other countries name and shame this one for inhumane neglect, or exclude such inhumane countries, democracies or not, from mutually beneficial association until they change their ways. Such conduct does not seem wrong in principle, but does not seem an expression of "principled respect."

On the other side of the great divide, Blake says that political societies that are not representative democracies are subject to intervention, including war, to make them more democratic, provided that expected democratic gains are proportionate to expected relevant harms. He says that they are morally vulnerable in this way because their effective conception of political justice could not be an interpretation of moral equality to which their citizens could give free and informed consent—a standard that he thinks is met in relatively libertarian democracies in which people suffer under a misguided interpretation.

Under a form of one-party rule in the category that is said to be vulnerable to intervention, over a half-billion people in China have escaped from destitution below the lower U.N. poverty line since 1980. The Chinese Communist Party, along with many informed, intelligent, humane people in China, have justified their form of governance, which the majority of Chinese seem to support, as playing a vital role in this liberation. Given the vast size and diversity of China, the conflicts of interest continually posed by the most promising development policies, the constant tension between the productive expansion of the market sector and workers' economic security, and the need to combine local responses to stupendously diverse local conditions with national policies, genuine multi-party democracy would, they say, interfere too much with the long-term planning and stability on which liberation from poverty depends. One can accept this justification of a non-liberal political system while regarding its repressive consequences as necessary evils or individually unnecessary evils of a sort that are bound to occur. In his brief discussion of one-party rule (centered on a fictional "Syldavia"), Blake says that "we cannot imagine people as we know them agreeing to these conceptions under conditions of free and informed consent" (p. 66). This verdict requires an extremely compelling critique of the standard justification of China's form of one-party rule. He does not offer any of it in his book.

Although cautions about disproportionate harm are still available, acceptance of Blake's rigid distinction makes it harder to consolidate a strong predisposition, outside the corridors of power, against U.S. interventions to promote democracy, and easier to justify U.S. efforts to reduce China's geopolitical influence. Those of

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us who think that the injustices of U.S. foreign policy reflect the inhumane defense of preeminence in power, not the lack of prudence that Blake decries, will find this dangerous.

NOTE

[1] Michael Blake, *Justice and Foreign Policy* (Oxford: Oxford University Press, 2013). Future references to this work are inserted into the text.

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