MORAL ARBITRARINESS AND GLOBAL JUSTICE

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Abstract
Cosmopolitans claim that nationality is plausibly a factor that is arbitrary from a moral point of view on a par with, for example, talents, sex, and color. Accordingly, they believe that principles of justice designed to neutralize or mitigate arbitrary inequalities have global scope. Critics, otherwise friendly to the moral presumption against arbitrary differences, point out that this presumption only achieves moral relevance within the context of domestic institutions. They emphasize especially the legally coercive nature of the latter. The paper examines the following avenues for accounting for the asserted profound moral significance of domestic coercive structures (as opposed to international structures, coercive or otherwise): (i) domestic structures impose coercion in the name of its subjects, and they are asked to accept this coercion on moral grounds; (ii) domestic coercion is profound; (iii) domestic coercion is direct or immediate; (iv) domestic coercion is paradoxical in the sense that it infringes, but at the same time is a precondition for individual autonomy; (v) and/or domestic coercion is autonomy-infringing. I find each of these grounds seriously wanting. In particular, some properties which domestic institutions plausibly have and which plausibly trigger the presumption against arbitrary inequalities are shared by international or global institutions; and other properties which differentiate the two institutional structures are not morally significant in such a way that the objection to arbitrary inequalities is only relevant with respect to domestic institutions.

Introduction
The argument for substantial egalitarian or prioritarian conclusions appealing to the claim that inequalities in distributive shares caused by natural and
social contingencies are arbitrary from a moral point of view plays a key role in John Rawls' *A Theory of Justice*. While Rawls himself for various reasons restricted the application of the argument from arbitrariness to the domestic domain, early responses to *A Theory of Justice* extended the argument to the international or global level, observing that nationality is plausibly a factor that is arbitrary from a moral point of view on a par with, for example, talent, sex, and color. In the recent literature on global justice the argument from moral arbitrariness continues to be important, especially among cosmopolitans. Consider Simon Caney's recent forceful statement:

> Which state someone belongs to is, in many cases, a matter of luck. It is a matter of fortune whether someone is born into Berkshire or Bihar and it seems highly perverse to argue that such facts should affect what people are entitled to. Why, one may ask, should being born into one state have such a tremendous impact on people’s prospects in life? It is hard to see why something so arbitrary—as arbitrary as one’s class origin or social status or ethnic identity—should be allowed to have such normative implications.

Whilst the argument from arbitrariness unites important strands of cosmopolitan thinking in contemporary international ethics, a particular resistance of this argument, or the appropriate scope of this argument, is the common ground of a series of profound recent contributions. The thrust of the latter is the belief that the argument from arbitrariness is basically sound, but that its soundness depends upon a certain institutional or societal relation obtaining. The relevant institution is believed to be the state, especially its *legally coercive* structure. Legally coercive structures, the argument goes, must be justified to those subjected to them. Such structures can only be justified in so far as their construction does not allow arbitrary inequalities, or at least only allows such inequalities if they benefit the worst off. The main representatives of this view are Michael Blake and Thomas Nagel.

The present paper sets out to rebut Blake’s and Nagel’s arguments for the restricted application of the presumption against inequalities that are arbitrary from a moral point of view. It does so by arguing that some properties which national institutions have and which plausibly give rise to principles