
In his very ambitious book, Justice Beyond Borders: A Global Political Theory, Simon Caney articulates an egalitarian brand of liberal cosmopolitanism. This cosmopolitanism is robust. It affirms that all persons have a fairly wide range of human rights and that all people have substantial duties in virtue of these rights. It also requires the construction of supra-state political institutions that enforce these rights, especially a purported right to a fair share under a scheme of international distributive justice. Finally (as if this were not enough), Caney puts his brand of cosmopolitanism to work to resolve many of our most pressing questions about just war theory and humanitarian intervention.

Caney manages to cover this impressive swath of territory at a breezy pace by providing a great deal of summary and triangulation of many of the arguments (and the objections to these arguments) that have been produced by the leading scholars in the field of global justice. Caney ably represents these views and shows an impressive control over this literature. This feature of Justice Beyond Borders therefore makes it a fine (if not the finest) introduction for those students who are first coming into contact with problems of global justice.

The book is broken into roughly three sections, each of which builds nicely on the arguments of the previous section(s). After a quick introductory chapter, the first section consists of Chapter 2, which contains arguments for universal moral principles and against moral relativism. The second section, consisting of Chapters 3 through 5, contains a substantive theory of cosmopolitan justice. In the final section, which consists of Chapters 6 and 7, we find a cosmopolitan theory of just war and humanitarian intervention.

The most important argument Caney makes—the one on which much of the rest of his work hangs—is his argument for universal human rights. I will focus at some length on the first step of this argument, which Caney dubs the ‘General Argument for Moral Universalism’. It runs as follows (I pull the premises from pp. 35-36):

(P1) There are valid moral principles. [the anti-sceptical premise]
(P2) The moral principles that apply to some persons apply to all persons who share some common morally relevant properties.
(P3) Persons throughout the world are similar in a morally relevant way.

Therefore:

(C) There are some moral principles with universal form (the same principles apply) and universal scope (these principles apply to all).

Many of Caney’s arguments later in the book depend upon the success of the ‘General Argument for Moral Universalism’. So, does this argument succeed? Let us consider each premise in turn.

Caney simply assumes (P1) to be true. Caney writes that ‘[t]horoughgoing moral skeptics are hard to find...’ (p. 36). Are they? Much of twentieth-century metaethics is predicated upon the negation of (P1). Caney’s failure even to consider such moral sceptics as Stevenson, Ayer, Mackie, Blackburn and Gibbard (to name just a few major figures) is almost breathtaking.
(P2) is, Caney rightly asserts, a truism (p. 36). In fact, on its most plausible and least controversial reading, (P2) is simply a tautology. Some property is a morally relevant property if and only if one’s having that property makes one covered by some moral principle. Thus, (P2), in effect, simply states that moral principles apply to all those to whom they apply.

(P3), then, ends up doing all the work. Once again, though, being similar in a morally relevant way is nothing more than having some property that is picked out by some moral principle. How else are we to determine what the morally relevant properties are except by appeal to certain moral principles? Race, for example, is not prima facie morally irrelevant. But, there are no acceptable moral principles (or, rather, moral theories) that recognize race as a morally relevant property. So, we conclude that race is not a morally relevant property. This suggests that we must appeal to something like (C) in order to establish (P3) and not the other way around. In particular, the only way Caney can argue for (P3) is by making a moral argument for moral principles that are universal in scope. Caney’s ‘General Argument for Moral Universalism’ appears either to be question-begging or simply to fail.

In Chapters 3 through 5, Caney attempts to spell out what universal moral principles there are (since he takes himself to have shown that there must be such principles). He concludes that there is a robust set of human rights, which includes a human right to a substantial share of goods (a right to subsistence, a right to equal opportunity and a right to equal ‘renumeration’ for equal work [pp. 122-23]). He also argues that all people have ‘a democratic right to be able to affect those aspects of the social-economic political system in which they live that impact on their ability to exercise their rights’ (p. 158). Since our social-economic political system is a global system, Caney concludes that his brand of cosmopolitanism requires democratic supra-state political institutions through which people can impact that system (Caney also gives an instrumental argument for such institutions that does not depend upon positing any universal rights to democratic participation).

Let us briefly consider Caney’s position on human rights. His view is, as best as I can tell, very close to the capabilities approach to human rights pioneered by Amartya Sen and Martha Nussbaum over the past two decades. Caney claims that human rights must be predicated upon ‘persons’ equal moral standing’ (p. 72). He then asserts that ‘[h]uman rights must be informed by an account of persons’ human interests’. Chief among these interests, Caney claims, is ‘an interest in leading a fulfilling and rewarding life’ (p. 73). In order to live such a life there must be respect and provision for Nussbaum and Sen’s Aristotelian human capacities (such as life, health, bodily integrity, emotions, practical reason, friendship, etc.). Thus, each person has a human right to the respect and provision for these capacities.

Caney does not so much defend this view as assert it and then argue against alternatives. His counter-arguments are all predicated upon his claim at pp. 65-66 that a conceptual requirement for any theory of human rights is that it meets three desiderata: the criterion of determinacy (a theory must specify what human rights there are), the criterion of domestic-compatibility (a theory of human rights must be consistent with one’s domestic political theory) and the criterion of coherence (the proposed set of human rights must be ‘internally coherent’). Caney then appeals to these desiderata in his arguments against competing views. For example, Caney argues at pp. 78-85 that John Rawls’s non-cosmopolitan account of human rights found in his important work, The Law of Peoples, fails to meet all three of the desiderata. Caney therefore concludes that the Rawlsian theory of human rights fails.