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**MUST MILLENNIUM DOMES STAND IN THE WAY OF  
THE MILLENNIUM GOALS?  
On David Miller's split-level view of domestic and global  
justice**

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## **ABSTRACT:**

This paper examines David Miller's reasoning about cases of conflict. It does so from a cosmopolitan perspective which is closest to the split-level view as proposed by Miller, but insists on the priority of global justice. The paper takes the familiar position that global justice requires an international structure of institutions of some kind, under which Miller's principle of respecting basic human rights is largely satisfied, that erecting such a structure lies within the realm of economic and political feasibility, and that the present institutional structure is highly unjust, when assessed against this principle. The priority claim to be defended from this perspective is that eliminating underfulfillment of basic human rights everywhere is the first and most urgent task of justice at present, and that demands of domestic justice should not stand in the way of achieving that task as soon as possible. This is because domestic justice (at least on a defensible conception of its structure of principles) requires the fulfillment of basic human rights, whatever else it may require over and above that.

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## 1. INTRODUCTION

The split-level view proposed by David Miller suggests that we try to balance duties of domestic (national) and global justice, on the assumption that nationhood is both intrinsically valuable and not inherently an unjust way of excluding outsiders. This view is set out in *Reasonable Partiality Towards Compatriots* (2005a), which extends a discussion started in *Self-Determination and Global Justice* (2000). In a nutshell, Miller holds that principles of domestic justice in a political community arise from, and are shaped by, the national culture of that community. They do not extend across its borders. Duties of domestic justice are associational, and are therefore owed to co-nationals (compatriots), whereas global justice is owed to all individuals irrespective of the political communities to which they belong. Miller distinguishes three principles of global justice, respecting basic human rights, a prohibition to exploit vulnerable communities and individuals, and the duty of creating opportunities for political communities to achieve self-determination and social justice (2000: 177).

The split-level view is advanced in opposition to cosmopolitan views which either deny that domestic justice has a free-standing basis at all, or argue that even if it does, global duties of justice invariably have priority over domestic ones. Against this, Miller holds that principles of justice at both levels, the national and the global, are of equal moral standing, and that both are binding. The task faced by a 'split-level moral agent', then, is to harmonize the demands of domestic and global justice in a reasonable way. The need for reasonable accommodation arises because domestic justice is bound up with the intrinsic value of national unity and the claims of self-determination which arise from this value. Thus it becomes important to work out reasonable ways of understanding the moral grounds of duties of domestic and global justice, what it is that both types of duties require, and how to deal with possible conflicts between duties of either type. Miller thinks that such conflicts often do arise, and that where they arise, he argues that it may be sometimes be reasonable to insist on letting the demands of domestic justice take precedence.

In this paper I examine Miller's reasoning about cases of conflict. I do so from a cosmopolitan perspective of the second variety mentioned above. This is the one which is closest to the split-level view, but insists on the priority of global justice. I take the familiar position that global justice requires an international structure of institutions of some kind, under which the basic rights of Miller's first principle are

largely satisfied, that erecting such a structure lies within the realm of economic and political feasibility, and that the present institutional structure is highly unjust, when assessed against this principle. The priority claim I would want to defend from this perspective is that eliminating underfulfillment of basic human rights everywhere is the first and most urgent task of justice at present, and that demands of domestic justice should not stand in the way of achieving that task as soon as possible. This priority claim is thus limited to the first of Miller's global principles.<sup>1</sup> I think the claim is plausible, since domestic justice (at least on a defensible conception of its structure of principles) requires the fulfillment of basic human rights, whatever else it may require over and above that.

But here I will not try to argue for the claim directly. Instead I shall accept the above premises of the split-level view, and aim to show that compatibly with Miller's elaboration of the view, though somewhat beyond his own understanding of it, split-level morality produces a strong case for prioritizing the fulfillment of basic human rights by means of institutional reforms. I first give an interpretation of the duties that are involved in the split-level contest of importance, as they are presented by Miller, and suggest in section 2 that other global duties may also be identified. Then I examine some cases of conflict in section 3 which involve choosing between the same basic rights at home or abroad. But I think that the really interesting cases involve comparing duties of securing the basic rights of foreigners and securing certain non-basic rights of compatriots, so I spend some time in discussing these in sections 4 and 5, in the context of development aid.

For my argument, it is not necessary to argue that in any domestic-global conflict of justice duties, global automatically wins out over local. The argument is rather that it quite often does, and that besides, on the way to a more just institutional order for securing basic rights, duties of global justice tend to proliferate and become stronger. To support this last argument, I discuss various moral reasons for national states for strengthening their commitments to global justice in the fields of international trade and conflict resolution in sections 6 and 7. Respectively, those reasons come from the duties required by the *two other principles of global justice* that Miller upholds: non-exploitation and promoting national self-determination,

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<sup>1</sup> This limitation means that I do not address the debate between Miller and cosmopolitan theorists about more demanding principles of global justice, such as the difference principle or 'equality of opportunity', see Miller (2005b).

insofar as these duties interact with guaranteeing basic human rights. In the final two sections, I focus on an issue that runs throughout the whole of the paper. It concerns the way in which duties of global justice depend on a process of assigning definite responsibilities to national states. If those duties are to proliferate and become stronger, then this will require a motivation of fairness in respect of contributing to international collective action. I finally argue that the split-level view contains elements that support this motivation.

I now explain why I think it is relevant to engage in this inquiry. It is relevant given an obvious weakness of the institutional outlook to which I broadly subscribe. The moral purchase of a widely shared understanding of global justice based on ‘respect for basic human rights’ does not merely rest on the extent to which basic rights are in fact underfulfilled in the present world. It also depends on the counterfactual judgement that compared to some feasible alternative international regime of institutions, the continuation of ‘business as usual’ under present international institutions is unacceptable. The problem is that the alternative regime does not in fact exist, and that one could envisage more than one feasible alternative that would secure basic human rights. Because it is both unclear what the features of the relevant standard of comparison are, and what the process of institutional change for arriving at any given alternative would be, it is difficult to formulate and assign duties of global justice with the same degree of precision that one can find in debates on how to address shortfalls of distributive justice in many domestic societies with a well-defined governmental mandate and an effective machinery of implementation. In short, a practicable scheme of global justice is vulnerable to large coordination and collective action problems. It will not do simply to say that ‘we’ (individuals, states, corporations, IGO’s and NGO’s) have pressing duties to actualize some blueprint of a more just, or ideally just, *international basic structure*. Precisely because Miller is not an institutionalist, and because of his eloquent arguments in favor of reasonable partiality for compatriots, his writings are especially useful to help me think more concretely about the contexts in which various kinds of global duties can be posed, and what their strength might be.

## 2. DUTIES OF GLOBAL AND DOMESTIC JUSTICE

My point of reference is the list of four types of duties that Miller derives from the principle of respect for basic human rights. The first two of these, on which this paper concentrates, may be regarded as primary duties:

(1) The negative duty to refrain from infringing basic rights by our own actions – e.g. killing or injuring innocent people.

(2) The positive duty to secure the basic rights of the people we are responsible for – e.g. supplying food to people who cannot provide it for themselves, where we have been identified as the responsible agent. (RP, 74).<sup>2</sup>

As I interpret them, these two duties are primary in the sense that if all relevant agents for whom responsibilities are assigned fully comply with each of those duties with a reasonable degree of competence, then the principle of justice from which they derive should be satisfied by and large, and no other duties arise. In most of this paper, I focus on the most important international agents, at present the states acting in the name of national communities, and I thus assume that the duties figuring in the split-level view of morality can be formulated at that level, as well as at the individual level of national citizens.<sup>3</sup>

For negative duty (1), all agents have responsibilities. But to activate positive duty (2), as I understand Miller, some scheme of collective cooperation is required which assigns specific responsibilities to agents for undertaking beneficial action aimed at specified groups of people.<sup>4</sup> The exact formulation of such responsibilities poses some problems that I try to deal with in a pragmatic way, by looking at responsibilities of states within schemes of international cooperation in various stages of articulation. These include the mechanisms of governance involved in carrying forward the Millennium Goals adopted by the United Nations in 2000.

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<sup>2</sup> For convenience, I refer to Miller 2005a as ‘RP’.

<sup>3</sup> I do not try to analyse here how these two levels are connected. The topic is discussed at length in Miller (2004).

<sup>4</sup> As Miller (2001) shows, there are several ways in which the responsibilities that ground moral duties can be conceived. I do not enter into this in any detail, as I am here assuming that the assignment of responsibilities, in particular those of national states, emerges from processes of international cooperation in which parties commit themselves to undertakings that may be considered binding to very different degrees.

In principle the other two kinds of duties discussed by Miller are secondary. They arise as back-up provisions where other agents fail to satisfy the first two duties for which they have been assigned responsibility.

(3) The positive duty to prevent rights-violations by other parties – e.g. intervening to prevent a genocide or some lesser abuse of human rights.

(4) The positive duty to secure the basic rights of people when others have failed in their responsibility – e.g. supplying food to people who are themselves responsible for their condition, or towards whom third parties have failed in their duty of aid. (RP, 74).

Thus duties (3) and (4) respectively deal with situations where failures of duties (1) and (2) have occurred. Before discussing how he assesses these four duties in one scheme of ranking, I raise a problem that goes largely unnoticed in Miller's account. The primary-secondary distinction - which he does not mention explicitly - involves a highly idealistic empirical assumption. It is that the scheme of collective cooperation including the set of responsibilities for assigning duty (2) is indeed sufficient to ensure (or at least reasonably approximate) global justice under full compliance. If this is not the case, there exists a *responsibility gap*. That gap can not be filled by extending secondary duties as specified above, since duties (3) and (4) are activated only when others fail to carry out the positive primary duties *vis a vis* their respective 'target groups'. If all comply with their primary duties under an imperfect scheme of cooperation therefore, the basic human rights of a possibly large number of 'untargeted' people will still remain underfulfilled.<sup>5</sup>

This problem perhaps lies at the heart of present discussions about how to achieve basic human rights. On the understanding of justice here adopted, we have a 'master principle' of distributive global justice - Miller's first principle - from which primary duties derive. But then we run into an indeterminacy, for there may be several ways to formulate those duties concretely, within several imaginable schemes of international cooperation. So in order for those duties to be ones of *justice* strictly speaking, it is necessary that the actually chosen scheme for assigning responsibilities is justified by appeal to general notions of justice and fairness as well. When we are considering a sufficiency principle of distributive justice such as 'respect for basic

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<sup>5</sup> This can be the case even when all domestic societies are in principle responsible for the basic rights of their citizens, because the extent of the responsibility that can reasonably assigned to a national government may be severely limited by its economic and governance capacities. See section 3.

human rights', the content of these auxiliary notions of justice and fairness that are to govern the scheme for distributing primary positive duties is in part independent of the master principle itself.<sup>6</sup> So even when there is universal consensus about the master principle, it may well be that the parties are not able to agree on the question how to distribute the responsibilities for discharging those duties in a just and fair way. In that case global justice is incomplete, for there will then be no scheme of cooperation that can fully satisfy basic human rights. Thus a responsibility gap ensues.<sup>7</sup> There are two principled responses to this, acquiescent and activist. The acquiescent response is to accept incompleteness of justice as a fact of life. It says that existing duties of justice simply do not fully cover what the master principle requires, but that this principle nevertheless generates humanitarian obligations aimed at filling the responsibility gap. This resembles Miller's view on remedial duty (4), of which he says that it is best considered as a humanitarian obligation,

'...an obligation whose moral force falls somewhere between a duty of justice and a merely charitable duty, if we take a charitable duty to be one where the bearer attracts no moral criticism if he or she fails to act on it in a particular occasion, or what is sometimes referred to as a duty of imperfect obligation' (RP, 76).

Miller applies this label to cases where someone would be asked to step in and lend aid wherever responsible parties fall down on their primary positive duties, possibly including the recipient party itself, e.g. a poorly governed nation in Africa. But on the first response here considered, the duty to lend aid to people for whom no one has been made responsible in the first place can then be seen as a humanitarian obligation

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<sup>6</sup> By contrast, a distributive principle such as maximin or equality, which specifies a unique distribution of all resources or opportunities does not pose this problem. With such a principle, the set of responsibilities governing the duties that need to be fulfilled in order to satisfy it under given circumstances is fixed. The difficulty with these principles is the different one of identifying exactly what this set of responsibilities would have to be. In the absence of a stable institutional framework, it is especially hard to make even educated guesses about this. This is why talk about 'implementing a global difference principle' is often uncomfortably loose.

<sup>7</sup> To prevent confusion, 'incompleteness of justice' is something different from injustice or even moral indifference. It refers to a situation of incomplete normative consensus on the principles that are necessary for a fully coordinated realisation of the master principle, under full compliance. Note that the concept of incompleteness may be extended to cases of partial compliance as well. Then we have a situation very much like the one covered by duties (3) and (4). For those duties do not mention any responsibility for agents to undertake remedial action to preventing violations of basic rights or help overcome failures of aid by others. If such specific responsibilities were assigned in a fair and generally endorsed general scheme of back-up action, then the moral force of these remedial duties would become larger. But here also there is no guarantee that parties will agree on such a back-up scheme.

of a slightly more stringent kind. This is because respect for basic rights, after all, is a principle of distributive justice, even though it is one with a ‘target and cut-off point’. Not acting on that principle, when one’s actions would make a difference, and would not be excessively costly given one’s other duties, therefore has to attract more moral criticism when it is a failure to act in cognizance of a responsibility gap, than when it is a failure to step in in a back-up role where others bear primary responsibility, but unfortunately fail to discharge it. Still, the obligation envisaged by the acquiescent response would remain a humanitarian one, in Miller’s sense, as long as it is accepted that justice is incomplete at any given moment.

The second response is activist. It does not accept the incompleteness of (global) justice as a fact of life, but regards it as a failure of the social world. The activist response is strongly inspired by the idea that justice is the prime motivator, and thus seeks to close the responsibility gap by calling for coordinated action around possible platforms for fairly distributing primary positive duties. In consequence, this response would regard the obligation of acting to secure basic rights of those not covered by the existing global scheme of responsibilities as one that is at least *very close* to a genuine duty of justice. But it would also want to identify a class of ‘constructive’ positive duties requiring efforts (on the diplomatic, political and economic fronts) directed towards a fully effective distribution of responsibilities for positive action. It is not difficult to see that this activist response is the one that fits most easily with the institutional view I favor. As Pogge argues in an excellent discussion of human rights as claims of individuals on the world’s institutions under which they are inescapably forced to live, avoidable institutional failure to satisfy and safeguard those rights constitutes injustice (Pogge, 2002, Ch 1). To get rid of this injustice, institutions need to be changed. Under the altered institutions, if they were to be entirely successful, justice is complete, that is to say responsibilities for discharging duties are assigned to all parties and reliable mechanisms for monitoring and enforcing those duties exist as well. More realistically of course, an attainable set of global institutions would probably never have this degree of stability in embedding duties within officially sanctioned rules, in which case it would require a back-up scheme of coordinated voluntary action motivated by remedial duties. From the institutional perspective, then, what goes on in between the two ‘regimes’, the unjust and the just one, must be regulated by the idealistic motivation to extend the coverage of justice in duty-bound interactions. Therefore that perspective adopts the activist

response to responsibility gaps that prevent the institutional guarantee of respect for basic human rights.<sup>8</sup>

Yet is tempting to think about these two responses as merely signaling a different attitude towards the incompleteness of global justice, assuming that people are aware that the phenomenon exists at all. For some, it may not be very important whether they are asked to act under a humanitarian obligation or under a duty of global justice – the force of both may be nearly equally weak or strong in relation to motives of self-interest, or group-based morality. But for others, it may make quite a lot of difference whether they are called upon in the name of ‘justice’ or ‘humanitarian concern’. In the context of Miller’s attempt to weigh global against domestic duties, I believe it is important to consider this general issue, and I return to it later in sections 8 and 9.

I now want to discuss Miller’s ranking of global duties according to their moral weight or stringency. Not surprisingly we find primary negative duty (1) at the top of the ranking and remedial positive duty (4) - the humanitarian obligation - at the bottom. As far as I can see, the logic behind this ranking is based on two familiar ideas. First, that negative duties, which prescribe desisting from harmful actions (as defined by the principle of justice) are more stringent than positive duties which require beneficial action by the duty-holder (as mandated under the same principle). Thus (1) is more stringent than (2). Secondly, primary duties are more stringent than the secondary ones, which are remedial, and therefore positive by nature.

But to carry through this ranking what is at stake for the addressees of the duties should be at least roughly comparable. This is not always so, and when it is not, the consequences of delinquency on the part of the duty-holders also enter the assessment. A state that fails to live up to its assigned responsibility under a positive duty of aid, when this leads to massive starvation, arguably produces an underfulfillment of the basic right of subsistence which is so much worse than the violation of the basic right of security by that state, when it arbitrarily arrests and imprisons a small group of foreign citizens who are suspected of terrorism, that we might want to reverse the stringency ranking of this state’s duties (1) and (2) in such a

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<sup>8</sup> It is possible to say that justice is most securely at home within a coercively backed institutional scheme, but hold at the same time that such a scheme must be enacted by and requires the periodic endorsement of individuals, as in a national democratic state. This view is defended by Nagel (2005), who calls it the ‘political conception’ of global justice. Nagel argues that as long as there is no democratic world state, the global reach of justice is severely limited. I do not agree with this view and I take it that Miller would also reject it.

comparison. Miller does not mention this complication, but I think that he partly acknowledges it. For he does allow for the possibility that we can have a greater obligation to prevent rights-violations by third parties under (3) than we have to provide aid to the needy for whom we are responsible under (2) (RP, 74). Such a judgement might be compatible with the view that stepping in to prevent third parties from violating their negative duties by inflicting harm on people is a more stringent duty than taking care of (assigned) needy may be, because the violation of negative duties (even by others) constitutes a more serious subversion of justice overall than failing to meet some of one's own primary positive duties does. But reversing the ranking of type (2) and (3) duties can also be explained by factoring in the seriousness of consequences of either type of failure (e.g. preventing genocide in Ruanda, versus providing more educational opportunities in Bangladesh). If this last reason for reversal is operative, then it might also become possible to turn around one's judgement on the stringency of duties (3) and (4) in some cases.

Be that as it may, I shall work with Miller's rough ranking of global duties in the comparison with duties of domestic justice. Within this last class of duties, however, Miller does not explicitly propose a similar kind of ranking. I take it that he regards the similarity as being understood. However, there is a distinction of domestic duties of justice implicit in Miller's reasoning that needs to be brought forward. One must in principle be able to distinguish duties towards securing the basic human rights of compatriots from other associational duties owed under the specific scheme of social justice which is in force within national borders. In order to obtain a clear picture of what is involved in global-local duty comparisons, it should be understood that the first subclass of domestic duties arises from 'respect for basic human rights' and from the domestic conception of justice as well, whereas the second subclass is required only by the domestic conception.

This last distinction raises two problems. The first is the obvious one that domestic justice might not involve full respect for basic rights. I shall not consider such cases here, so my discussion is limited to domestic systems of justice of 'well-ordered' nations, to use Rawls's term, which do fully respect basic human rights. I believe Miller would agree on this limitation. The second problem can not be set aside as easily. It is that the standards for satisfying basic human rights, even if one agrees on the exact content of these rights as far as their 'substances' are concerned, are undoubtedly perceived to vary between rich and poor countries. For example, basic

rights of subsistence, security and liberty may well be understood as requiring higher levels of protection and provision within the Netherlands than the Dutch government would want to apply to interpretations of duties under (1) and (2) which inform its foreign policy and international cooperation. The problem is that it is often unclear how one should compare standards of basic right-satisfaction cross-nationally. I only note that this problem is raised, but not explicitly acknowledged by some of Miller's examples.

### **3. COMPARING EQUIVALENT BASIC RIGHTS AT HOME AND ABROAD**

How then are global duties weighed against domestic duties of justice? As a preliminary issue, I first consider one part of the comparison between primary duties (1) and (2) on the one hand, and the corresponding duties to guarantee domestic basic rights on the other, leaving aside the associational duties that specifically arise from the domestic conception. Miller's discussion of this is perhaps somewhat artificial, because it assumes without argument that hard choices would have to be made between violating the basic rights of either compatriots or outsiders (this concerns negative duty (1)) or between securing the fulfillment of basic rights either at home or abroad, under positive duty (2). What I find surprising is that the outcomes of these hard choices turn out to be very different.

Miller says that when negative duties are at stake, then 'morality would appear to me to require strict impartiality at least as far as nationality is concerned' (RP, 75). This means that the choice, however it would fall, can not be based on reasons for protecting the basic rights of compatriots first, for apparently no such reasons exist. But when the positive duty of providing resources comes up for comparison, he thinks that the picture changes quite radically. For now, 'most people would accept a fairly strong version of priority for compatriots'. (RP, 75). Thus in these cases, we appear to have reasonable partiality in favor of national citizens. Miller does not fully explain this switch.

But I can understand why 'most people' (if they share the split-level view on justice) would support the last judgement. On the *basic versus non-basic* distinction of section 2, duties of securing (the same) basic rights for nationals – in this case rights of subsistence presumably – are covered both by the principle of global justice, and by the associational ties expressed in the domestic conception of justice of the

country in question, while duties of securing those rights for outsiders are not supported by these ties. Compatriots are then owed reasonable priority simply by parity of what is at stake, it being given that they can appeal to reasons which are not disqualified as being inherently unjust. But if this justifies putting their interests first, then it needs to be explained why compatriots should be treated on a par with outsiders in cases where the national government is in a position where it is forced to choose between either not infringing the basic rights of its own citizens, or not to violate the same rights of outsiders. Miller cites examples of ‘trolley cases’ to illustrate why national identity badges should not affect this last choice. But I fail to grasp how those examples actually explain the difference. So on the logic of the split-level view, I conclude that where equivalent basic rights are at stake in forced choices, compatriots should win out for the reason just stated, regardless of whether the duties involved in guaranteeing those rights are positive or negative ones. If I am correct, then partiality has more bite here than Miller wants to acknowledge.

#### **4. CASES OF AID: WHY SHOULD THERE BE A CONFLICT BETWEEN DOMESTIC AND GLOBAL JUSTICE?**

But as I said, I regard these forced choice-cases as somewhat artificial as long as it is not clear how they arise in the first place. The same holds to some extent for the next issue I want to discuss, where what is at stake between global and domestic claims of justice is not equal. Such cases involve the need to choose between securing basic human rights of subsistence for outsiders who fall under a national government’s responsibility, or providing ‘non-basic’ provisions to the people at home, for example welfare services above a basic rights-covering social minimum, higher education and labour market opportunities. Here it is easier to see how such choices might enter a real political agenda. In this and the next section, I want to discuss choices of this kind, for it seems to me that they define a good part of the territory on which the split-level view needs to be examined.

Miller proposes a trading off model for these cases. The duty to rectify failures of domestic justice in resource provision should be weighed against the positive duty of the rich country to secure basic rights of subsistence in poor countries for which responsibility exists. Thus, reflecting partiality, ‘rights-claims of poor compatriots are given a larger (though not absolute) weight’ than those of outsiders, while the greater

moral urgency of the global duty's claims gets reflected in a larger weight for outsiders. (RP, 74). The result of the comparison then depends on the relative strength of these two moral weightings. The tradeoff may go either way, it may or may not produce a reasonable decision in favor of domestic concerns. Miller does not discuss concrete examples in any detail, except for saying that the tradeoff model would apply when deciding how to use scarce resources for either supplying elementary education to fellow-nationals or to help out starving people in a foreign country once it is established that a special responsibility exists to do so. To this, he adds that since 'we currently lack adequate mechanisms for assigning positive duties, the tradeoff model may not even be applied in fact, because 'no government believes it has a special responsibility to render aid in such cases.' (RP, 74). If that last assessment is correct, one is forced to speculate about situations where something like the tradeoff model can be said to apply in reality. For otherwise there is little that we can say beyond admitting the indeterminacy. So for the sake of concreteness, I first want to present a comparison that gives a potential application of the tradeoff model.

As a domestic example I take a case of unjust deprivation which is separately discussed in the Human Development Report 2005. (Box 2.4 at page 68). It concerns the existence of widespread child poverty in the UK. The Blair government pledged in 1999 to halve child poverty (which is currently around 4 million children growing up in British households below 60% of median income after subtraction of housing costs) before 2012. Next, to identify a case of worse deprivation elsewhere for which the UK could be thought to assume responsibility, something needs to be said about existing mechanisms for assigning positive duties, however tentative and imperfect these may be. As a major OECD-member, the UK has committed itself - at least in principle - to acting within the *Millennium Development Compact* (MDC). As explained in the 2003 Human Development Report, this is a framework devoted to helping along the governance process of the eight Millennium Goals, whose first goal is to halve the number of poor living below one dollar PPP a day by 2015. The nature of this commitment is of some interest here, because it applies to what Miller may have in mind when he says that global duty (2) holds for countries for whom the rich country has taken responsibility. On the one hand, the commitment refers to the 'global partnership' mentioned under the last Millennium Goal, MDG-8, in which the rich (or 'donor') countries are asked to provide larger and more focused contributions in development aid, trade revisions aimed at improving access to markets of poor

countries, debt cancellations and schemes for speeding up transfer of medical and production technology. On the other hand, the responsibilities of the rich countries are specified by the MDC as undertakings that should be addressed to *eligible* poor countries.

Eligibility here has two sides. First, the notion of global partnership focuses on a 'top priority' class of states involved in the most serious 'poverty traps' in which healthcare, education, infrastructure and governing capacity are below certain threshold levels. These countries are called on under the MDC to meet their own responsibilities. Those responsibilities are wide-ranging. They concern achieving progress on the other six MDG-s besides halving extreme income poverty and hunger (among these: reduction of child mortality, maternal health, gender equality, primary education and access to drinking water). But as the 2003 Report explains, what achieving progress on these fronts means is that the poor countries manage to set up a coherent long-term strategy for meeting the Goals by 2015 with their own estimated resources, after consultation with domestic 'stakeholders', as well as listing the resources and specific enabling conditions they would be able to obtain under provisions of the 'global partnership', after having consulted international agencies such as the World Bank and the IMF. So secondly, the criterion of eligibility concerns the extent to which top priority countries have managed to formulate such a coordinated strategy of poverty reduction at home. The 2005 Human Development Report lists a large number of such 'eligible' countries.

In principle then, these are the countries to some of which the UK could owe global duty (2), depending on further undertakings and negotiations within the MDC framework, which would then have to be followed by decisions of British foreign policy. I have only listed these details here to clarify the sort of acknowledged responsibility for meeting urgent demands of global justice that would make the tradeoff model seem realistically applicable. Miller instructs us to think that the UK might be forced to balance the two demands (reducing child poverty at home and helping to secure specified basic human rights of one or several eligible poor countries abroad). I now ask two questions.

The first one is an obvious preliminary: why could the UK not satisfy both duties at the same time? In other words, why do we have to see claims of domestic and global justice as competitive ones that necessitate a choice and thus activate the weighing process under review here? It may be thought that these claims are very

often not in competition, or at least that they should not be. The reason is simply that rich countries (including the UK, home of the Millennium Dome) have a considerable *surplus of opulence* over and above the resources needed to implement domestic justice, on any plausible view of the principles of domestic justice actually in force in those countries. The argument supporting this claim is an empirical one. Domestic justice in affluent nations is in fact never insatiable. That is to say, the fulfillment of its requirements does not take the whole of available resources for distribution. I believe that Miller would agree with this claim (see RP, 77 and note 28). It follows that resource allocations for satisfying claims of global and domestic justice can in principle be met. Room can be found for both, by ‘feeding on the surplus’ - by scrapping a Millennium Dome Project here and there in the public sector, or by imposing higher taxes on more well-to-do compatriots, or by some combination of both measures.

It is curious that Miller (2000, 177), from whom I take the Millennium Dome image, focuses on the issue as one of conflict nevertheless. The explanation may be that democratic resource allocations in rich countries hardly ever fulfill all, or even the most pressing, requirements of domestic justice. Once claims of global justice enter the field, they may then be perceived as conflicting with justice at home without much further discussion. Indeed, research by Noel and Thérien (2002) suggests that there is an inverse relationship between the willingness of national public opinion to help the poor at home and abroad, a relation which they interpret as indicating that people think justice at home needs to be satisfied before justice abroad is addressed. Even if this is true, one can ask whether such facts are morally relevant. This depends on how we interpret Miller’s weighing problem. I assume he is asking what line a moral agent committed to the split-level view would have to take, not what actual publics think. In the child poverty versus starving foreigners case under discussion, I believe such a moral agent would have to prioritize projects required by justice (at home or elsewhere), and thus be willing to sacrifice other projects devoted to the national common good, such as building new football stadiums. As suggested, given the surplus of opulence created by national wealth and productivity, the political will to give justice priority would then ensure that domestic and global duties requiring scarce resources could both be fulfilled.

But one could also interpret Miller's way of presenting the conflict more empirically. It could well be that majorities in rich nations and the governments they choose are not in fact prepared to sacrifice their Millennium Domes, or to cease expanding their art collections, for the sake of either domestic or global justice. At any moment, there might exist just so much in the way of a political space for pursuing objectives of distributive justice in a country, and that space would not be determined by the country's surplus of opulence. I do not want to follow up on this (entirely realistic) line of inquiry, because I take Miller to be engaging in the more principled consequences of the split-level view. But it should be noted that limited space for pursuing justice will make governments reluctant to take on commitments to global collective action schemes such as the MDC, when there is a large backlog of unsatisfied domestic demands.

Perhaps it is not surprising that the UK child poverty case – as well as the even more glaring case of high and unequally incident child mortality in the USA – is separately discussed in the 2005 Human Development Report. These cases are there discussed, among other reasons, as ones where persistent inequality in the sharing of economic growth and in the benefits of the public sector produce outcomes over time which come to be widely seen as unjust. The causal story behind child poverty in the UK is illustrative, bearing in mind the commitment of the Blair government to address the problem. The Report mentions that the average growth of the lowest 10% in the UK income distribution between 1979 and 1990 has been only 0.4% against 3.7% for the richest 10%. Thus it is not surprising that many households in the lowest decile were likely to fall below 60% of median income after housing cost in that period, because this standard of income grows faster than their incomes do on average. This is precisely what has happened. The political lesson is that allowing persistent inequality at home reduces the political possibilities for rich countries to contribute to schemes of meeting basic human rights in the world. Perhaps this explains why countries like Denmark and Sweden, who arguably suffer less serious domestic justice deficits, are among the forerunners in the Millennium process. In reality then, building more Domes instead of attending to your own poor children can work to the detriment of the destitute poor elsewhere. Yet if we return to the principled interpretation, we have to say that a conflict between these demands on economic resources would rarely be seen to exist if only justice were to take priority in rich countries. What appears as a problem of 'reasonable partiality' on the global level,

then, may typically come to the fore when compatriots have already managed to legislate unreasonable partiality between themselves in respect of claims covered by domestic justice and claims answering to other interests not supported by norms of justice. I admit however that the issue will rarely be posed in this principled way. So I agree with Miller that for pragmatic reasons we do have to think about cases of conflict of the sort he has raised.

## **5. WEIGHTING CLOSENESS AND URGENCY: HOW RESPONSIBILITY MAKES A DIFFERENCE**

My second question is independent of the first. *If* there is a conflict to be addressed, what would be the moral arguments for weighting in favor of the less urgent demands posed by the plight of the folks at home? Miller's example is that while people are starving out there, here, the failure may be to supply elementary education of reasonable quality to all at home. We could tie this example into our own one by assuming that the persistence of child poverty in the UK is actually compounded by inequalities on the labour market and in the educational sector. In the eligible countries, of course, such cumulative inequalities are also at work. Hunger and income-poverty are worsened by a complete absence of elementary education for many children, health services inadequate to prevent many of them of dying before age five, no clean drinking water, no medicines for malaria or AIDS, and so forth.

Still, Miller imagines that the tradeoff may go both ways. But on any realistic assessment of urgency, the weight to be given to compatriots would have to be truly massive to tip the balance in favor of the poor children in the UK. Again, there is little doubt that one will find such pro-compatriot weightings in surveys of public opinion, especially if issues of responsibility are left open in the survey. But again, morally speaking this is neither here nor there. Miller's treatment is somewhat ambiguous on this point. Again, it may be that he thinks that what members of the domestic public think in their imperfectly informed ways (at least in good faith for so far as that can be ascertained) is what should enter into the weightings. I would disagree with this. But then it may be asked what guidance do we have for guessing what a reasonably informed split-level agent's moral intuitions about balancing closeness and urgency would be.

Perhaps something more can be learned from looking more closely at the context of responsibility. In the tradeoff exercise, as envisaged by Miller, responsibility is factored in as a mere condition of application. After all, the positive duties of the UK to alleviate poverty or to prevent the misery arising from violent conflicts, where others have failed in their responsibility, are much less stringent. But I want to suggest that independently of its role in *creating* cases of global duty (2), responsibility can also affect the terms of the tradeoff. It can reduce the weight of closeness, for reasons of moral psychology. First, in the area of aid, the UK's responsibility comes about as a result of making commitments to help 'starving people' after arriving at an understanding about mutual responsibility, as illustrated above. If taking on the responsibility comes from such understanding, then honoring the commitments partly becomes an issue of fairness. Of course, a sense of fairness will only be activated among the electorate on the basis of relevant information about what is going on. But if that information is taken aboard, then for the split-level moral agent, other things being equal, this should work against the compatriot-favoring weight of closeness. A related but distinct reason is that a public process of assuming responsibility makes it easier to identify with the people on the receiving end. This works both ways. It undercuts the salience of closeness, and it increases the relevance of urgency in relation to considerations of cost. For example, when one would have to decide on the conflict posed by our example, one might not only factor in the difference between starving abroad and poverty at home, but also note the inverse relation between urgency and cost based on absolute versus relative poverty standards. Eliminating child poverty (as defined above) in the UK is more difficult, because the standard moves up with average wealth. It is less difficult when, as with the MDG-objectives, eliminating conditions of destitution are not indexed to the economic growth of the poor country. Do factors like these this make a difference for the result of the tradeoff? I believe they should, but I can only guess, because what people actually think may not be a reliable guide in these matters.

So far I have suggested that global justice rarely if ever poses a conflict with domestic justice in the aid cases, and that if it does, then 'urgency' should prevail over 'closeness'. To argue the intuitive reasonableness of this I have accepted the tradeoff model, appealing to considerations of responsibility that did not enter Miller's reckoning. Responsibility issues are relevant also once the two other principles of

global justice that Miller mentions are brought in. In the next two sections I look at this.

## **6. REASONS FOR TAKING ON RESPONSIBILITIES:**

### **NON-EXPLOITATION**

I cannot fully discuss the principle of non-exploitation and the positive duty of creating opportunities for self-determination and social justice. I only ask what work those principles could be made to do, insofar as acting on them serves to satisfy basic human rights. This ties in with the priority claim in which I am interested, as I want to show that reasonable partiality for compatriots, while it can not be ignored on the split-level view, should not stand in the way of eliminating the underfulfillment of basic rights by means of institutional reforms. It is not difficult to connect the two global duties of refraining from exploitation distinguished by Miller to programmes for satisfying basic rights. The first duty, which I discuss here, is not to take advantage of a desperately weak bargaining position of parties in voluntary transactions. The second duty, to be discussed in the final section, concerns making fair contributions to collective action schemes aimed at protecting essential human interests. (RP, 78).

As Miller notes it is not always clear when transactions are exploitative. But taking advantage of circumstances where no reasonable alternative to accepting unequal terms of transaction exists for the other party surely constitutes exploitation on the common-sense definition of this term. In international trade, exploitative transactions often occur. For example Miller holds that rich countries are under a duty to incur the cost of refraining from importing goods from a desperately poor country at knockdown prices by offering to buy the goods at a higher price. Such a duty, he suggests, could be overridden only if carrying it out by accepting higher import prices would 'necessarily inflict serious injustice on fellow-nationals' (RP, 78). So here again, a variant of the tradeoff model seems to apply, just as in the previous aid cases. But now we have to consider the existence of a conflict of duties, and of the reasonableness of weighting 'closeness' against 'urgency' in a different way. Obviously it is impossible to be sure whether a UK decision to offer several poor trading partners significantly better terms than under 'business as usual' will unavoidably inflict serious injustice on British nationals, since it is difficult to predict

the domestic consequences in the short and long run. Moreover, to judge just how serious the injustice at home is, as compared to the consequences for outsiders of continuing the unfair trade practices, requires one to address another source of empirical uncertainty at the receiving end.

Merely to illustrate this instance of Miller's tradeoff model, assume that over a five year-period, the higher import prices would (directly and indirectly) save just as many thousands of lives in the poor exporting countries as it would create additional unemployed in the UK. We suppose that this would happen because UK firms, whose profitability depended on (exploitatively) low prices, would go bankrupt. We again face the by now familiar comparison of the respective injustices. For example, while the basic rights of the unemployed would not be put at risk under UK social security arrangements, they would be denied the economic and social rewards of paid work, and Miller says that this constitutes a domestic social injustice (**ref**). Here we have a genuine conflict between duties to secure basic human rights of subsistence against non-basic claims on employment. How do we now arrive at reasonable weights? I would think that the unfair background conditions which support the employment that is sure to be lost in this example should favor carrying out the global duty, over and above considerations of relative urgency.

But there might even be an argument that the tradeoff model does not apply at all. To see this, we have to consider that in this sort of case the split-level agent's task is complicated by elements of *prima facie* moral responsibility which force him or her to examine the causal impact of the existing international trade arrangements on justice at home and abroad. It is of course difficult to bring those elements under the rubric of the aid cases, in which the agreement of taking responsibility for 'eligible' recipients under the Millennium Development Compact is basically a forward-looking process. Yet it is by no means impossible to make responsibilities of fair trade more tangible. For as we have seen, the improvement of terms of trade for poor countries figures prominently in the general commitments of the OECD countries under their 'global partnership' within the areas mentioned in MDG-8. Without going into detail about those commitments (which notably involve eliminating high tariffs on imports of poor countries and scrapping EU and US agricultural subsidies that distort trade liberalisation at the expense of many of those countries), it should be noted that they are not only addressed to prevent the exploitative practices in international trade that are Miller's direct concern. The object is rather to discontinue practices of unfair

exclusion from access to world markets. And the unfairness of those practices is straightforwardly derived from the idea of a level playing field within economic liberalism.

Moreover, as the literature on exploitation from Marx onwards shows, exclusion often creates the weak bargaining positions that make it advantageous to include the weak party in a mutually beneficial but exploitative transaction. This implies that split-level moral agents should be asking questions about the extent to which their home countries are able to achieve social justice at the price of exploiting foreigners, on the basis of unfairly excluding them first, whether or not the exclusion is intended to facilitate the exploitation. I think that when these 'structural' factors are entered into tradeoff cases of the kind discussed in the last paragraph, the verdict should be even more clearly in favor for putting global duties first, perhaps to the extent of declaring the tradeoff model inapplicable. I am not sure that this last suggestion is valid. It could be supported if one is prepared to say that the OECD-countries after all have firmly committed themselves in principle to a more fair system of trade liberalisation for the purpose of complementing development aid. But alternatively, one may hold that these commitments are only declarations of principle and go on to say that as long as the declarations are not translated into concrete assignments of responsibility, any positive action that a government takes to modify exploitative price relations with poor countries should be seen as an instance of helping them to secure basic rights, just as I presented it in the tradeoff example above. I return to this issue of interpretation below.

## **7. REASONS FOR TAKING ON RESPONSIBILITIES: ASSISTING SELF-DETERMINATION**

The complementarity of trade and aid, re-affirmed under the Millennium Compact since the Monterrey Agreement of 2002, is a major theme in the 2005 Human Development Report which emphasises that without major progress on both fronts, the Millennium Goals will not be achieved by 2015. But the Report also devotes an entire chapter to a different complementarity which bears directly on Miller's third principle of global justice. This is the principle that nations should help to create the opportunities for other nations to become self-determining and justly organized according to their own understandings (consistently, as I have assumed, with meeting

the basic rights of their citizens). The complementarity I have in mind here is one between aid and conflict resolution. The 2005 Report focuses on this very broad theme of international cooperation because in the period 1990-2002, a strong association is found between countries experiencing violent conflict, or who are in the aftermath of conflict, and reversal of progress on the Human Development Poverty Index. In consequence, these countries are also the ones that are most likely not to achieve the Millennium targets. Violent conflict, as manifested in civil wars with or without intervention from armed groups in adjacent states, creates a vicious circle of deaths, asset destruction, absence of state capacity, loss of political legitimacy and erosion of social trust. This produces prolonged misery among the population from both material deprivation and extreme insecurity. Violent conflict also tends to reduce donor commitment in aid as well as foreign investment. On the eligibility model mentioned earlier this is of course understandable, but it considerably worsens the problem.

In explaining his third principle of global justice, Miller stipulates ‘that political communities should assume responsibility for their decisions, but should not be expected to cope with every eventuality that may arise in an interdependent world’. (Miller, 2000, 176-77). Miller lists many such eventualities, but he does not include the many and diverse circumstances that lead to violent conflicts. The Report devotes a lot of attention to those. It stresses that ‘state failure and fragility’, conjoined with deep horizontal inequality between groups and regions is among the immediate causes of violent conflict in countries that are already income-poor but often richly endowed with natural resources. It also lists a number of contributing factors that have been highlighted by Pogge (2002, Ch 4 and 6), notably the complicity of international corporations (based in rich countries) in natural resource transactions with dictators or warlords, and the massive international trade in military hardware, notably small arms and mines. Prolonged violent conflict is perhaps the clearest impediment to self-determination and social justice of a political community, since it amounts to the community’s breakdown. So the question is what one could say about the obligations of nations to prevent and resolve such conflict, and to help reconstruct order and stability for the dominant purpose of securing basic human rights.

On the split-level view, one could identify various duties under Miller's third principle, on the understanding that the moral responsibility of the rich countries who are in a position to act effectively is in part remedial – they can be asked to address the harms arising from state failures for which they bear no direct responsibility – and in part primary – insofar as they can be held morally responsible for at least some of the factors leading up to some state failures that degenerate into prolonged violent conflict. But as the 2005 Human Development Report notes, even though there do exist several areas of international cooperation for translating moral responsibilities into concrete undertakings by the parties involved in those areas, far more needs to be done. Another complication is that in many such areas, for example principled commitments to reduce the sale of small arms to 'conflict-prone regions', the focus is not so much on objectives of human development but rather on regional security. The Report argues that such efforts should also be seen as an integral part of the Millennium Goals: "one certainty is that preventing and resolving conflict and seizing opportunities for post-conflict reconstruction would demonstrably accelerate progress towards the MDGs. Conversely, failure in these areas will make it difficult for the world to achieve the targets it has set." (HDR 2005, 151).

One could certainly imagine bringing some of the conflict-related tasks mentioned in the Report under the 2003 Millennium Development Compact, by including those tasks among the global partnership targets of MDG-8. However, for that to occur a multilateral agreement would be needed, similar to the Monterrey Conference on Development Finance of 2002 which brought the Compact into existence. What this illustrates once more is that the governance mechanisms needed for agreeing on the responsibilities that underlie the duties of global justice identified by Miller are insufficiently developed.

## **8. THE ROLE OF ACKNOWLEDGED RESPONSIBILITIES**

Three things emerge from the cases discussed in the last two sections. First, to the extent that national governments of the rich countries who are in a position to act under multilateral agreements would in fact acknowledge responsibility for equitable liberalisation of trade and for taking on tasks of conflict prevention and resolution, these governments would thereby incur strong duties of global justice. This is because such duties are in the intersection of respect for basic rights, non-exploitation and

promoting opportunities for self-determination. Secondly, on this acknowledgement condition at least some of those duties would have to be classified as *negative* duties, duties that fall under Miller's primary duty (1). For they either involve refraining from inflicting undue harms on people across the world, whose basic human rights remain underfulfilled as a result of unfair exclusion and the exploitation which follows this. Or they require governments to desist from actions that prolong violent conflicts and thus contribute to the very opposite of creating opportunities for national self-determination and social justice.

On Miller's account, it is not quite clear whether or not we should actually impose the acknowledgement condition here, as we must in cases answering to the positive primary duty (2). Should governments be held responsible for their harmful actions, even if they have not voluntarily assumed definite responsibility for adopting fair trade practices or for accepting restrictions on the purchase of oil or strategic metals from dictators who oppress their populations or lead them into civil war? From Miller's formulation of duty (1), 'the negative duty to refrain from infringing basic rights by our own actions', one might conclude that the harmful actions under review are indeed cases of 'infringing basic rights' and are thus in violation of negative duty. Since Miller holds that everyone is held responsible for fulfilling negative duties, we then do not need the acknowledgement condition. If this is right, Miller would have to admit that in these matters there is precious little room for balancing (basic) global duties against (non-basic) domestic duties of justice, because he holds that negative duties of global justice prevail over partiality. In my exploitation example, I suggested that on this interpretation, even widespread domestic unemployment resulting from a change to fair import prices in the UK could not be a reason for rejecting that change.

But I also said that I am not sure whether this interpretation is right, and I now explain that reservation. It may be that some negative duties of justice only arise with full weight when agents are officially assigned a special responsibility for fulfilling them. This might be true whenever carrying out the negative duties in question requires a lot of concerted positive action, as they surely do in the I cases mentioned above. In the absence of such special responsibilities, these negative duties would then have to be 'downgraded in stringency' as it were, given the state of cooperation

actually obtaining in the status quo.<sup>9</sup> In some cases, positive action-requiring negative duties of global justice could be regarded as positive duties, similar to the ones that were examined under the rubric of development aid. This would seem to be reasonable to the extent that the duty-holders can be identified as participants in an emerging multilateral agreement with only loose assignment of responsibilities. In other cases, where no multilateral agreements are not yet worked out even in rough outline, the negative duties we have in mind here would appear as humanitarian obligations of the kind I discussed in section 2, the ones that arise when there is a responsibility gap.

On this second interpretation, the relative force of legitimate domestic claims is of course much larger than it is under the first interpretation, whenever conflicts arise between duties of domestic justice and primary negative duties of global justice. But even on the second interpretation - the one involving negative global duties of the 'downgraded' kind just discussed - I believe that the split-level moral agent can not simply operate the tradeoff model of 'closeness versus urgency' without taking into account the extent of the injustice involved in refusing to act on these global duties. While the absence of an officially acknowledged special responsibility may diminish the stringency of reasons to act towards the removal of patently unfair and harmful practices, it certainly does not nullify those reasons. My suggestion is that this has to affect the tradeoff in favor of global justice.

The third observation concerns the 'surplus of opulence' I mentioned before. At the very least, the negative duties identified above should be regarded as humanitarian obligations (of a rather robust kind), as long as they are not yet translated into concrete responsibilities in a definite scheme of international cooperation in trade and conflict management. Suppose that we do regard them in this way. Even then there should be quite a lot of leeway for honoring those obligations unilaterally, if provisions can be made to help the domestic economy adjust gradually to the eventualities of a lesser growth rate or adverse employment consequences. It is by no means sure that large efforts to include poor countries into the world economy on fair terms will actually lead to long-run domestic downturns in rich countries. But

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<sup>9</sup> I have developed arguments to this effect in the context of more abstract comparisons between alternative global institutions in Van der Veen (2006). In such comparisons, I think, the question of whether the duties of rich countries to fight global poverty are negative or positive in part depends on taking the institutional status quo as the baseline.

even if this is the case when a rich country makes such efforts on its own, the adverse economic consequences of promoting global justice could be managed in a way that avoids large-scale domestic injustices. That would be exactly what we want, because then no conflicts would arise of the kind where the interests of compatriots might have to prevail, according to Miller's scheme. I admit that all this is rather speculatively counterfactual. But I hope not unhelpfully so. For this adjustment example shows that on Miller's understanding of the split-level view, the UK (or any other rich country for that matter) should be motivated to standing in the forefront of multilateral action. On this understanding, its citizens should be prepared to phase out more Millennium Dome projects to achieve the Millennium Goals in the first decade of this century.

## **9. FAIRNESS IN COLLECTIVE ACTION**

So far it appears that even if one fully accepts reasonable partiality for compatriots, it is very difficult to identify cases of conflict in which non-basic claims of domestic justice must clearly take precedence over efforts for safeguarding basic human rights in the world, at least as far those efforts are understood to be required by primary duties of global justice. In reasoning towards this conclusion, I have deliberately adopted a rather restrictive interpretation of the responsibilities that ground primary duties of global justice, and which give them maximum force. This line of reasoning recognizes that institutional reforms aimed at global justice face large coordination and collective action problems. These problems are manifested by the existence of responsibility gaps, where by responsibility we mean a publicly assigned and acknowledged recognition of special tasks by parties to international schemes of cooperation. As I hope to have clarified earlier, the result is that at any moment in (hypothetical) time before just institutions would be achieved, the primary duties of global justice are insufficiently worked out in practice to provide the safeguarding of basic human rights, even on the idealistic assumption that all duty-holders act in good faith to fulfill their duties, such as they are. This state of affairs is what I have called the 'incompleteness of global justice' in section 2, where I also identified an acquiescent and an activist response to incompleteness.

To conclude this paper, I want to suggest that Miller's second understanding of non-exploitation as a principle of global justice provides reasons for giving global duties under the other principles more weight, as well as for adopting the activist stance towards responsibility gaps. On this second understanding, refraining from exploitation is not a question of refusing to prey on the weak partner in voluntary transactions, as it is in the first understanding discussed in section 6. Non-exploitation rather refers to a state of affairs in which all parties fairly contribute to recognized schemes of collective action. To make my argument, I first need to clarify that Miller's treatment of this issue focuses almost exclusively on examples where the duty of doing one's bit in international collective action is directed towards essential human interests such as cutting the emission of greenhouse gases and preserving biodiversity. A nation that ignores these duties is behaving exploitatively in the sense that it is free-riding on a cooperative practice that other nations uphold. (RP, 78). But Miller points out that the economic cost of participating fairly in global schemes of environmental protection may in some cases unavoidably involve domestic injustice, for instance large-scale loss of jobs. And then, he says, 'we would have a genuine ethical dilemma in which there is no easy way to decide which duty should take priority – the duty to protect social justice among compatriots or the duty to bear one's fair share of the cost of collective action at global level.' (RP, 78).

On this point, I only want to remark that what may appear as a genuine dilemma, when complying with the duty of fair contribution is set against its consequences for domestic justice, might become more tractable if the probable consequences for global distributive justice of not complying with that duty are factored in on the other side. However, I set aside the environmental examples here, and instead consider collective action within multilateral agreements for achieving progress on the Millennium Goals. Collective action in those fields is motivated directly by the principle of respect for basic human rights, and in interaction with this 'master principle', requires refraining from exploitation of the weak (non-exploitation in the first sense) as well as creating opportunities of national self-determination. Unlike the environmental examples, it is also collective action which directly aims at redistributing resources, property rights and authority in order to satisfy principles of global justice. To put it in economic jargon, this is collective action of the sort involving 'Pareto-optimal redistribution', which means that it is action which can only

be said to produce a collective good - in the absence of which all would be worse off - if all parties actually endorse the principles that require the redistribution.

So now we have to ask how the split-level moral agent, who is supposed to endorse all of these principles, should view the existing state of collective action schemes in terms of a concern for 'fair contribution'. Here, like elsewhere, I am considering the split-level agent at the level of the national community. There is only one way in which this can work out, namely in favor of a larger weight for global duties in comparison with domestic ones. But a concern for fair contribution can be more or less ambitiously conceived. At the very least, nations would have to regard the primary duties of global justice for which they have already accepted definite responsibilities in the current state of collective action as more binding than those duties would be without this concern. This implies that in all cases where a global-domestic conflict is agreed to exist, and which thus fall under Miller's tradeoff model, the duty to make a fair contribution will shift the balance against letting partiality for compatriots prevail. In the child poverty example (assuming that there is indeed a conflict there), I noted that when the UK assumes responsibility for alleviating global poverty under the Millennium Development Compact, that responsibility should be honored because it is the result of a commitment in which eligible receiving countries are targeted, who have already shown to satisfaction that they are capable of meeting their part of the development bargain. This expresses a bilateral recognition of fairness in collective action. One can now add that the UK responsibility should be taken even more seriously, because it has been assumed within a scheme of collective action of the kind discussed in the previous paragraph, one which is devoted to save lives and honor the basic rights of many more millions of people, and to which other nations also are contributing. This again shifts the balance in favor of global justice. Bringing in this consideration is not moral double-counting, nor does it deny the legitimacy of pressing domestic concerns. Therefore it should make a genuine difference.

More ambitiously however, a nation's concern to contribute fairly to an existing scheme of collective action can also provide reasons for actively taking on more responsibilities, together with actions directed to strengthening the scheme in other ways. Among these would be the use of the nation's international power resources for penalizing manifest defectors among the other states, taking initiatives

to monitor compliance, funding international development agencies, undertaking to coordinate aid flows and so forth. Such an activist stance is by no means extravagantly 'moral', if it is the case that collective action schemes contain official multilateral commitments that are actually waiting to be fulfilled. The simplest example of this is the 0,7 per cent of GDP target for donor countries' official development aid, which was adopted by the United Nations in 1970, reaffirmed at the Monterrey Conference of 2002, and currently stands at an average of 0,25%. In this and many other instances of such imperfect collective action, one can take the difference between the levels of unrealized and actual commitment as a rough measure of the current responsibility gap, and try to reduce that gap by proactive measures. This more ambitious interpretation of what fairness in regard of collective action means must certainly be included in the moral calculations of the split-level agent. For as mentioned in section 6, in some areas of collective action there are powerful independent reasons for seeking additional responsibilities, especially when negative duties enter the picture, as in the arms and natural resource trading cases.

So it seems to me that when all is said and done, David Miller's dual model of nationality and global justice inescapably puts him on the side of a certain kind of institutional cosmopolitans, once we think through the model. As I said, these are cosmopolitans who do not call for 'global egalitarianism', and who do not deny the value of particularistic ethical reasoning, even though they might not share Miller's enthusiasm for nationhood. The convergence I have tried to argue for is welcome, because it enables cosmopolitans to think more concretely about the morality of institutional transitions.

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