

How Within a Liberal Theory Exclusion can Be Justified

A Research on Coercion Accounts to Global Justice

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1. Introduction

For liberal theories, exclusion seems problematic. All human beings, by virtue of being human, are entitled to equal treatment, dignity, and respect (West, 1998, p. 711). An implication of this shared universal nature is that exclusion is problematic (West, 1998, p. 706). Exclusion undermines the shared universal nature and deprives humans from their equality. Brian Barry brings it even further and argues that ‘the point of liberalism is that it is universalistic’, consequently liberal egalitarian principles should apply universally (as cited in Bacon, 2003, p. 41). Moreover, liberal institutions, rights and laws should also apply universally (Barry as cited in Bacon, 2003, p. 46). This commitment to universalism implies universal justice, no one should be excluded from it. These ideas come from a commitment to fundamental equality and the right of every individual to choose their own ends (Barry as cited in Bacon, 2003, p. 44). By having universal laws, institutions, and rights, individuals are provided with the opportunity to pursue their own ends (Barry as cited in Bacon, 2003, p. 46).

Therefore, if liberalism is committed to universalism and if that commitment denounces exclusion, then those who wish to exclude persons from the scope of justice have to come up with justification. In fact, several philosophers have tried to come up with such a justification by developing a relational account to justice. Relational accounts assume that a certain relationship is necessary for principles of distributive justice to apply (Sangiovanni, 2007, p. 5). Therefore, people that are not part of this relationship will be excluded from (distributive) justice.

Although within this approach there are different arguments defended, I will focus on coercion accounts. These accounts argue that demands of distributive justice only apply to persons that are subject to the same institutional coercion. However, there remains academic disagreement about the scope of (global) justice among philosophers endorsing a coercion account. Some argue that demands of distributive justice only apply domestically, the so-called statist approaches, while others argue that they apply internationally, the so-called cosmopolitan approaches. However, there are also approaches that take a more moderate stand. This disagreement stems from a more fundamental disagreement concerning the nature of coercion, how one understands the nature of coercion influences the scope of justice. Consequently, the scope of justice has implications for exclusion and the degree to which it is justified.

By focussing on coercion, we can hopefully figure out which coercion account is the

most convincing and if exclusion is justified. So, the aim is to look at the relation between exclusion and liberalism based on coercion accounts to global justice and their implications in relation to exclusion. The main research question is: *'What coercion account to global justice and the underlying account of exclusion can be justified?'*. To answer this question, several sub-questions will be answered in the following chapters. In chapter two the focus will be on the first sub-question: 'What does the coercion account entail and what are its implications for exclusion?'. The first section of this chapter will elaborate on the claims made by statist accounts concerning the scope of justice. However, these claims have been criticised by several philosophers and this will become clear in the second section. This division is important because which claim you defend has implications for exclusion. In chapter three the focus will be on developing a definition of coercion. To develop such an account, it is important to critically reflect on the ideas brought forward by philosophers endorsing a coercion account. Once we have established this, it becomes clear which relationship in the coercion account is the most convincing. Consequently, this will show the implications for the degree of exclusion. Once we have established this, we can see to which degree exclusion is justified within a liberal relational approach to global justice.

2. Coercion Accounts to Global Justice

In this chapter I will focus on the academic disagreements among philosophers endorsing a coercion account to global justice. I will start by elaborating on the claims made by statist accounts. However, these claims have been criticised and this will become clear in the second section of this chapter. We will see that the conclusion for the scope of justice has implications for the degree to which exclusion is justified.

2.1 Statist Coercion Accounts

In developing a theory of coercion, statist accounts make several claims.

The first one concerns the idea that states only subject insiders to coercion. To understand this, it is important to look at the nature of coercion. One option is to understand coercion as the reduction of the will of one person to another (Blake, 2001, p. 268). However, the reduction of options is not sufficient to trigger coercion, an act of coercion should intentionally replace the chosen option with the choice of another (Blake, 2001, p. 272). When coercion is exercised, it constrains autonomy. For a person to be autonomous certain conditions must be met. First, an individual should have the capacity for practical reasoning (Blake, 2001, p. 267). Second, there must be sufficient options between which choice is possible (Blake, 2001, p. 267). Last, coercion should be absent (Blake, 2001, p. 268). If autonomy is present, individuals can develop and pursue self-chosen goals and relations (Blake, 2001, p. 267). However, coercion constrains autonomy because it replaces the individual's chosen plans and pursuits with those of another and this demands a justification (Blake, 2001, pp. 272-288). However, the state is a coercive agent, it uses legal machinery to coercively define relative shares amongst its citizens (Blake, 2011, p. 555). Nevertheless, the state is also a necessary condition for autonomy (Blake, 2001, pp. 281-282). Therefore, coercion should be justified to all those who are subject to coercion (Blake, 2001, p. 272). However, it is argued that such a coercive agent is absent from the international level (Blake, 2001, p. 568).

An alternative is to look at the non-voluntary nature of coercion (Nagel, 2005, p. 128). Without being given a choice individuals are part of a particular society, and the societal rules determining its basic structure are coercively imposed (Nagel, 2005, pp. 128-129). A sovereign state is needed to ensure compliance with these rules (Nagel, 2005, pp. 115-129). Consequently, sovereign states provide an institutional relation that binds fellow citizens (Nagel, 2005, p. 128). This relation rests on the idea that individuals are subject to the norms and laws the state coercively imposes (Nagel, 2005, pp. 128-129). This is in

line with Blake, in the sense that states use legal machinery to coercively define relative shares amongst its citizens (Blake, 2011, p. 555). However, it differs from Blake because citizens should be coerced in their name, which makes them responsible for the laws and norms imposed (Nagel, 2005, p. 129). Because citizens are responsible, in part, for the state institutions and this requires active cooperation of them, justification is needed to prevent pure coercion (Nagel, 2005, p. 129). At the global level there is no sovereign authority that exercises coercion in your name (Nagel, 2005, p. 137). Besides, states do not coerce outsiders. Although immigration policies of one country can have large effects on individuals living in other countries, it is not imposed in their name and therefore a state does not need to give equal consideration to the interests and opportunities of these individuals (Nagel, 2005, pp. 129-130).

Even if coercion is present at the global level, this coercion differs from the domestic sphere and consequently does not give rise to demands of distributive justice. This is the second claim and to show this, a distinction is made between vertical and horizontal coercion (Blake, 2011, p. 566). Vertical coercion is exercised by one agent, who is set up by the parties that are subject to that agent's authority (Blake, 2011, p. 566). This is present at the domestic level where citizens are subject to the coercive laws of the state and the state needs to be equally accountable to all those it coerces (Blake, 2011, pp. 567-568). In contrast, horizontal coercion is present at the global level, where the parties act both as coercers and coerced (Blake, 2011, p. 566). This is because the coercive enforcement of international norms is executed through states (Blake, 2011, p. 567). Marginal states are coerced by stronger states and in an ideal world this form of coercion would be absent (Blake, 2011, p. 568). Consequently, the justification at the domestic level that gives rise to distributive justice is absent at the international level (Blake, 2011, p. 568). Another argument to support this claim is that there is no global sovereign authority that exercises coercion in your name (Nagel, 2005, p. 137). Consequently, demands of distributive justice do not arise internationally (Nagel, 2005, pp. 137-138).

The third claim is that there are no global coercive institutions. International institutions are not coercively imposed in the name of all the individuals whose lives they affect, and they do not ask for the kind of authorization by individuals that carries with it a responsibility to treat all those individuals equally (Nagel, 2005, p. 138). Therefore, international institutions do not coerce individuals in their name (Nagel, 2005, p. 138). Besides, international institutions do not engage in coercive practices against individual human agents, which means that the justification that gives rise to distributive justice is

absent at the international level (Blake, 2001, p. 280). Moreover, it is argued that in the current international trading relationship there is no coercion present (Blake, 2001, p. 292). There is no obligation to trade with each other and coercive threats are absent from trading offers, and consequently autonomy is not violated (Blake, 2001, p. 292).

Unfortunately, these statist claims have implications for exclusion. Because they argue that states do not coerce outsiders, states only subject citizens to coercion. Consequently, individuals that are not citizens of this state are excluded from distributive justice. Therefore, people that live in another country are excluded. However, sometimes they do have connections with that state, because of for example trade. Nevertheless, it would be argued that they do not share the same political institutions, and therefore demands of distributive justice do not apply (Blake, 2001; Nagel, 2005). Because of their statist conclusion, the scope of justice is limited to the domestic sphere of states.

Moreover, by adding the co-authorship part, Nagel (2005) excludes citizens that are not coerced in their name because they cannot demand principles of justice.

2.2 Anti-Statist Coercion Accounts

The abovementioned claims have been criticised by several philosophers.

First, it is argued that states do coerce outsiders. To understand this, it is important to look at how coercion is understood. Within Abizadeh's (2008) definition, a distinction is made between coercive acts and coercive threats (Abizadeh, 2008, p. 57). An agent subjects another to a coercive act when the action is intentional, or when it effectively authorizes a future act by its agents with the effect to deprive a person of the possibility of acting in some way she otherwise could have (Abizadeh, 2008, p. 57). A coercive threat is when a person threatens to do X when person B does not comply (Abizadeh, 2008, p. 58). In both instances it does not matter if somebody is successfully prevented from doing something, she otherwise likely would have (Abizadeh, 2008, p. 57). Besides, it does not matter if there are still sufficient options open to her, and if she has an interest in carrying out the proscribed action (Abizadeh, 2008, p. 59). What matters is that somebody is being subjected to coercion (Abizadeh, 2008, pp. 57-58). This invades autonomy because it subjects one agent to the will of another and this requires a justification (Abizadeh, 2008, p. 40). As with Blake (2001), the state is seen as a necessary coercive agent for autonomy, therefore state coercion should be justified to all those that are subject to it (Blake, 2001, pp. 272-282; Abizadeh, 2008, pp. 40-45). However, Abizadeh (2008) goes even further, by arguing that because border coercion subjects both members and non-members of the state to the state's coercive exercise of power, a justification is owed to both (Abizadeh,

2008, p. 45). It is argued that states use coercion against foreigners to prevent them from entering their territory (Abizadeh, 2007, p. 349). Coercive border policing affects humans in a way that has profound distributive consequences for their chances in the world (Abizadeh, 2007, pp. 350-355). For example, access to material resources is coercively imposed on foreigners because border coercion regulates cross-border movement (Abizadeh, 2007, p. 356). Because border coercion affects citizens beyond the state in a distributive way, distributive justice should apply globally (Abizadeh, 2007, pp. 358).

Moreover, the second claim of statist accounts has also been criticised. It is argued that the type of coercion defended by Nagel (2005) is present at the global level and consequently demands of distributive justice arise globally (Cohen & Sabel, 2006, p. 164). They define coercion through non-voluntariness and the capacity to impose and execute a threat to ensure compliance (Cohen & Sabel, 2006, pp. 167-168). With an example of the IMF, they show that coercion is present at the global level (Cohen & Sabel, 2006, p. 167). First, the IMF is a non-voluntary organization, opting out is not an option (Cohen & Sabel, 2006, p. 167). Moreover, the IMF imposes a coercive threat, by only granting the loan when a country meets certain conditions (Cohen & Sabel, 2006, p. 167). However, the IMF also imposes the threat which leads to a compliance with the threat and successful execution of the threat (Cohen & Sabel, 2006, pp. 167-168). Moreover, this institution is coercive 'in your name' because it has your interests in mind (Cohen & Sabel, 2006, p. 167). This means that the co-authorship part of Nagel's (2005) coercion is present at the global level.

Furthermore, it is argued that even if coercion differs from the domestic sphere this does not mean that distributive duties only arise domestically (Risse, 2006, p. 684). Risse's (2006) definition of coercion encompasses two features. First, coercion creates conditions under which the coerced has no reasonable alternative but to do A (Risse, 2006, p. 680). Second, it involves a threat, the threat to seriously worsen X's circumstances (Risse, 2006, p. 680). He argues that all three conditions for distributive justice, presence of coercion, regulation of property under a system's jurisdiction, and political and legal immediacy are, in a weaker sense, present at the international level (Risse, 2006, pp. 690-691). It is weaker because the last condition is satisfied differently than within states (Risse, 2006, p. 690). Within a state, the legal dimension encompasses the directness and pervasiveness of the state's law enforcement, while the political dimension encompasses that states provide the environment in which basic moral rights are realized (Risse, 2006, p. 685). This immediacy creates the associative duties that hold within the state and this

relation does not exist outside of the state (Risse, 2006, pp. 688-689). Nevertheless, with an example of the WTO he shows that all three conditions for distributive justice are present at the international level. This institution is coercive because states have no reasonable option to stay away from the WTO, this means that X's circumstances worsen if they stay away from the WTO (Risse, 2006, p. 690). Besides, the WTO regulates intellectual property (Risse, 2006, p. 690). For the third condition he argues that although we only find legal and political immediacy domestically, there are other forms of coerciveness at the international level (Risse, 2006, p. 690). The WTO for example, has a coercive dispute settlement mechanism that can impose sanctions (Risse, 2006, p. 690). Consequently, distributive duties arise internationally, although they are different and probably weaker than the duties at the domestic level because of the absence of political and legal immediacy (Risse, 2006, pp. 690-691).

This second criticism implies that the third claim of statist accounts is also rejected. Global institutions are coercive because opting out is not a genuine option and they have the capacity to impose and execute a threat to ensure compliance (Cohen & Sabel, 2006, pp. 167-168; Risse, 2006, p. 690; Eckert, 2008, pp. 72-76). Besides, it is argued that international institutions coerce their member states in much the same way as domestic institutions coerce their citizens (Eckert, 2008, p. 68). In this argument states occupy the position of individuals (Eckert, 2008, p. 71). The consent of states is key in the creation and maintenance of international institutions and structures; however, these structures and institutions enforce compliance by using coercion (Eckert, 2008, p. 73). And because in coercion accounts coercive institutions are a prerequisite for the existence of duties of distributive justice, and these institutions exist at the international level, duties of distributive justice arise globally (Eckert, 2008, p. 76).

Moreover, the third claim is also rejected if we would understand the global level as a coercive system. Valentini (2011) argues that as with an agent, a system or institution can be coercive (Valentini, 2011, p. 212). An agent or system is coercive when it imposes foreseeable, avoidable, and non-trivial constraints (Valentini, 2011, p. 212). However, coercion is problematic because it constrains freedom, which is the enjoyment of the necessary social conditions to lead autonomous lives (Valentini, 2011, p. 206). Nevertheless, a coercive agent or system is also needed for freedom, which means that coercion should be justified by acting in accordance with principles of justice (Valentini, 2011, p. 206).

The global level is such a coercive system, it consists of a set of rules and social

practices in the absence of an all-encompassing global agent (Valentini, 2011, pp. 215-219). Because coercion is exercised at the global level, a justification is demanded and consequently socio-economic justice arises internationally (Valentini, 2011, pp. 215-219). However, she argues that socio-economic justice should not be adopted in the same way as within states (Valentini, 2011, p. 218). This is because the justification at the global level for coercion does not require a global agent governed by domestic principles of justice (Valentini, 2011, p. 218).

Because all these philosophers reject or adjust the claims made by statist accounts, they do not exclude the global level from distributive justice. However, some philosophers are more inclusionary than others. Risse (2006) and Valentini (2011) both argue that international demands of distributive justice are less demanding or weaker (Risse, 2006; Valentini, 2011). For Risse (2006) this arises out of the absence of political and legal immediacy at the global level, while Valentini (2011) is mainly concerned with the prevention of an all-encompassing global agent (Risse, 2006, pp. 690-691; Valentini, 2011, p. 218). Therefore, there still exists a degree of exclusion at the global level because there are differences between the domestic and the global level.

Consequently, the other philosophers discussed in this section are more inclusive. They argue that distributive justice applies globally without stating differences between the domestic and global level. However, they defend different arguments for this conclusion, and this creates differences between them in relation to exclusion. Abizadeh (2007, 2008) is the most inclusionary because he focusses on coercion exercised by the state beyond the scope of the state. This implicates that state coercion subjects foreigners to coercion (Abizadeh, 2008, p. 45). Consequently, individuals are included in the scope of justice. In contrast, Eckert (2008) argues that states take over the role of individuals at the international level (Eckert, 2008, p. 71). Moreover, international institutions coerce states, and consequently distributive justice should apply between states, but not necessarily between individuals of different countries. In contrast, Cohen and Sabel (2006) argue that there is a direct relation between the global bodies and the citizens of different states (Cohen & Sabel, 2006, p. 168). As with Abizadeh (2007, 2008), they do include individuals in their argument and as a result in distributive justice.

3. Coercion as the Power to Determine what Another Does

As we have seen, which theory of coercion one endorses affects the scope of justice. Therefore, it is important to determine a correct theory of coercion. This will determine the scope of justice and its implications for exclusion.

First, it is important to look at the act of coercion itself. Consequently, the ‘in your name’ clause is rejected. This is because this clause is problematic, it can lead to a justification of unjust regimes. This is an unforeseen consequence of Nagel’s (2005) argument, surely he did not make his theory with the idea of creating inequality. In contrast, he places emphasis on the equality of citizens in the light of principles of justice (Nagel, 2005, pp. 126-130). However, by adding the ‘in your name part’ a colonial state could be justified. Colonial state A could colonize state B. Consequently, state A coerces the citizens of state B in the name of the citizens of state A, and therefore coercion exercised by state A is justified, although it seems unjust and is against the will of the citizens of state B. Moreover, state A could falsely claim to act in the name of the citizens of state B. This could justify a multitude of atrocities because they are executed in the name of the citizens of state B. Moreover, a ruler could argue that its citizens, or part of its citizens, are not coerced in their name. This could give rise to unjust exclusion because the ruler can choose who they are excluding from distributive justice. I will avoid this kind of problematic exclusion by only focussing on the act of coercion itself.

To put it simply, coercion is when one agent interferes as such in the life of another agent that it determines what the other agent does or does not do. The agent can achieve this by using a threat, acting on the threat or taking away a vital option. However, not every threat or removal of an option is sufficient to trigger coercion. It should have a certain impact on the coerced agent. For example, if person A buys the last apple in the supermarket, it removes the option of buying an apple for person B. However, this act is not coercive. By buying the last apple person A restricts B’s choices; B cannot buy an apple but person A, by buying the apple, does not decide what person B will do next.

However, taking away an option is coercive when it is being used as a means of power to force another agent to do something. To use the example above, coercion takes place when person A takes the last apple and says to person B ‘if you want the apple you have to give me all your money or otherwise, I will eat it’. Person A is using a threat, eating the apple, to get person B to do something, by taking away an option it is forcing person B to do something. Therefore, it is not necessarily about restricting choices but about the

restriction of choices with the intention of forcing somebody to do something. This is in line with Blake (2001), in the sense that the reduction of options is not sufficient to trigger coercion, an act of coercion should be intentional (Blake, 2001, p. 272). However, there is more to coercion and Blake (2001) does not extensively comment on this. Therefore, I will also focus on credibility and non-triviality. However, before elaborating on these two issues, we should look more closely at the example of the apple.

Although the example above is useful to gain insight about the definition of coercion, it is too simplistic. Using an apple as a threat or taking away the option of buying an apple is not as essential that somebody is genuinely hindered in living their life. This means that coercion should genuinely hinder somebody in living their life. This is in line with Blake (2001), who argues that coercion constrains autonomy, and consequently people are not able to develop and pursue self-chosen goals and relations (Blake, 2001, p. 272).

However, taking away the option of buying an apple does not genuinely hinder somebody in living their life because person B could always go to another supermarket to buy an apple or decide to buy some other fruit. However, Valentini (2011) would argue that this act is coercive. This is because she removes intentionality from coercion. She argues that the responsible agent for coercion should be aware of the consequences of exercising coercion, but not necessarily to intend them (Valentini, 2011, p. 211). If I buy the last apple in the supermarket, I am aware of the consequences; nobody can buy an apple anymore. However, it was not used as an intended means to determine what the other does. This means that the coercer lacks the intention to limit what another agent does. Consequently, the act is not coercive. According to Valentini (2011) I am coercing others by taking away this option. However, taking away an option is not sufficient to trigger coercion. There are still enough other options left, going to another supermarket or buying other fruit, and these options do not hinder somebody in living their life. However, for something to count as coercive it should constrain people's freedom with the consequence that these people cannot lead autonomous lives pursuing their chosen ends and goals (Valentini, 2011, p. 206). This means that a coercive act should hinder somebody in living their life. The example of the apple does not achieve this goal which means that not necessarily every removal of an option is sufficient to trigger coercion. By taking away intentionality, the meaning of coercion will encompass many different things resulting in an over-inclusive definition.

Taking away an option, or expressing a threat becomes more problematic when the threat or option has a more serious effect on person B's life. This becomes clear when we

replace the eating of the apple with the life of person B. Here, it does not really matter what is being asked but more what threat is being used. Person A is now saying: ‘Give me your money or otherwise I will shoot you’, person B does not really have another option than obeying since this is a matter of life and death. Consequently, B gives A her money and A has successfully coerced B. This is similar to Cohen and Sabel (2007) who define coercion with non-voluntariness and the capacity to impose and execute a threat (Cohen & Sabel, 2006, pp. 167-168). However, they do not extensively comment on the ability to execute a threat. What happens if an agent has expressed a threat but does not have the ability to execute it? Does this still count as coercion? To answer these questions, we should look at credibility and non-triviality.

A coercive threat should be both credible and non-trivial. If person A does not carry a gun, they can never successfully exercise the threat and B can just choose to ignore it because person B knows that the threat will not be executed. However, this consideration can be problematic because it is dependent on the subjective appreciation of the coercee, which means that it is dependent on the thoughts and feelings of the coercee. It is possible that the threatened party may be irrational (Anderson, 2010, p. 19). Person B can have an incorrect idea about person A’s ability to exercise the threat. Consequently, person B can choose not to obey but will suffer the consequences because he or she made a miscalculation. If a theory of coercion is made dependent on the subjective appreciation of the coercee, it can become over-inclusive. It can count too many cases as coercive while there may be no coercion at all. The coercee might think that taking away the last apple in the supermarket is coercive. However, I have previously shown that this is not coercive. Vice versa, the theory of coercion can also become under-inclusive. This means that there are certain instances where coercion is exercised, but the coercee does not experience it as coercion and as a result the coercive act will not count as coercive. Using the subjective appreciation of the coercee to determine the credibility of the coercive act is thus not preferable. Consequently, it is important to look at credibility from the coercer’s point of view. The coercer should be able and willing to exercise the threat. Willingness is often dependent on the costs and benefits of executing a threat (Anderson, 2010, p. 20). This ability also determines the non-triviality of the threat. The coercer should have the capacity to execute the threat, otherwise he or she does not have the power to determine what the coercee does, which in the end is the goal of coercion. This means that non-triviality is a function of the power possessed by the coercer to determine what the other does or does not do.

However, even if the coercer is able and willing to execute the threat it may be that the coercer is not able to constrain the activities of person B (Anderson, 2010, p. 8). However, this does not necessarily mean that coercion has not been employed (Anderson, 2010, p. 8). The act has been coercive, while it may not have reached the initial goal of forcing somebody to do a certain thing, the threat has been credible and non-trivial. This is an instance of non-successful coercion, the threat has been credible and non-trivial but has led to non-compliance (Anderson, 2010, pp. 20-26). In contrast, successful coercion is when a threat is both credible and non-trivial and has led to compliance. What matters is that in both cases somebody is subject to coercion. This distinction will become clear with the example of immigration.

In sum, coercion is when one agent interferes as such in the life of another agent that it determines what the other agent does or does not do. Coercion can be exercised by using a threat, acting on the threat or taking away a vital option with the intention of forcing somebody to do something. Besides, coercion should genuinely hinder somebody in living their life. Moreover, the threat should be credible and non-trivial from the perspective of the coercer's qualities.

If we accept this definition it becomes clear that coercion is exercised within the state. However, coercion is also exercised by the state on 'outsiders' and it is exercised at the global or supranational level. However, my focus will first be on the state. This kind of coercion is most clearly seen with the use of law enforcement by the state. If a state has adopted certain legislation it is with the purpose that its citizens will obey by it. To enforce this compliance, the state adds a sanction to violating the law. This means that the state uses and executes a threat to ensure that citizens will obey the law, for example, 'if you do not obey you will be imprisoned for five years'. This threat is both non-trivial and credible. Credibility and non-triviality are both dependent on the coercer, the coercer should be able and willing to execute the threat. A state is able to imprison somebody for five years because it has a police force to arrest and a judicial system to convict somebody. Moreover, there is no exception to the law. So, the state will always be willing to act on the threat.

Nevertheless, a lot of citizens obey the law not because of an existing coercive threat but because they do not want to break it. However, these individuals are still subject to coercion because if they break the law, these laws will apply to them. This is because non-triviality depends on the coercer, if necessary, the state still has the power to execute the threat. Therefore, the intention of the coerced is irrelevant. This is in line with Abizadeh

(2008), who argues that despite intention, individuals are still subject to the effective authorization of coercion of immigration policies (Abizadeh, 2008, p. 59). However, he does not focus much on credibility and non-triviality. Consequently, he argues that the effectively authorization of a future act by its agents also counts as coercive (Abizadeh, 2008, p. 57). However, the coercer should be able and willing to execute coercion. By giving an effective authorization it is not clear if the agents actually have the ability to coerce. If somebody gives you the effective authorization to coerce somebody with a threat, it is not automatically implicated that the agent has the instruments and willingness to execute this threat. Therefore, it is not preferable to use Abizadeh's (2008) definition of coercion, it is important to look at the ability and willingness to execute coercion.

However, besides of the irrelevance of the intention of the coerced it is possible that a person breaks the law and avoids punishment. In this case, there is non-successful coercion, the state has failed in forcing its citizens to obey the law. However, this person is still subject to coercion. Although, for now this person has escaped punishment, the state will keep looking for this individual to submit him or her to a punishment. Consequently, to stay out of the state's claws this individual has to adapt his or her life, maybe he or she has to go into hiding or flee the country. In a way, the state still has control over this individual and determines what he or she does. The individual has to anticipate on the fact that the state will exercise the coercive threat once they arrest him or her. So, this actually confirms the ability of the state to determine what somebody does. By using a non-trivial and credible threat, the state enforces compliance and decides what a citizen can or cannot do, and therefore coerces. The state restricts the choices of its citizens, they cannot commit certain crimes without certain consequences, and they use this restriction to coerce its citizens.

However, coercion extends beyond the state. As we have seen, taking away one vital option can be sufficient to trigger coercion, it just depends on what kind of option it is. Besides, the threat should be non-trivial and credible. To clarify this, I will use the example of immigration and the European Union.

States employ certain immigration policies. To ensure compliance these policies are coercively imposed. Immigration policies can determine that individuals from certain countries cannot enter the country. Consequently, if they try to enter the country these individuals will be sent back to their own country or put in a detention centre. This means that a state exercises coercion beyond their borders. By deciding that an individual cannot enter the country, it limits the actions of this individual. This is in agreement with

Abizadeh (2008) who argues that immigration policies subjects both members and non-members to the state's coercive exercise of power (Abizadeh, 2008, p. 45).

However, despite the threat of being sent back or put in a detention centre, some people decide to enter the country illegally. Nevertheless, this still subjects the individual to coercion because the state has limited the actions of this individual. By entering the country illegally, the individual has anticipated on the fact that if he or she would enter the country legally, the state would have denied the entry. In a way, the state has decided what this individual can or cannot do. This is regardless of the coerced's intentions. As we have seen it is the power and the will to constrain another person that inheres in the coercer that ultimately matters.

However, coercion also extends beyond the state, an institution such as the European Union is coercive. Regulations adopted by the European Union become immediately binding on all the members, and directives should be first converted into national legislation (European Commission, n.d.). To ensure compliance the European Union uses and executes a threat. If a state does not obey, the European Commission starts an infringement procedure, which can lead to the imposition of sanctions (European Commission, n.d.). In most cases, member states obey with the legislation enforced by the European Union. Consequently, the European Union has decided what an agent does. So, within the European Union, states are being coerced directly because if they do not adopt the regulation or directive the European Union will punish them. This is in contrast with Blake (2011), who argues that horizontal coercion is present at the global level, which means that the parties act both as coercers and as the coerced (Blake, 2011, p. 566). Consequently, the justification at the domestic level that is needed considering the autonomy principle is absent at the international level (Blake, 2011, p. 568). However, vertical coercion can be present at the supranational level. The European Union directly coerces their member states. Moreover, while the European Union is founded by states, it has also set up a whole legal system with a parliament, a commission and other institutions. While member states play an important role in the European Union, they do not have a place in for example the European Parliament and the European Commission that consists of individuals (European Commission, n.d.). These member states have become subject to the authority of these institutions, which would mean that states are mainly the subjects of coercion within the European Union and not the coercers themselves.

Besides states, citizens of member states are coerced indirectly because they should

obey to national legislation that is adopted and coercively imposed by the European Union through the state. Moreover, the European Union also coerces individuals beyond their borders. There are certain EU-immigration laws that apply to non-EU citizens. If a non-EU refugee arrives in the European Union, the Dublin regulation determines that they should seek asylum in the country they have arrived in (Vluchtelingenwerk, n.d.). This means that even if you are a non-EU citizen certain laws of the EU will apply to you and this is coercively imposed because you will be stopped from seeking asylum in another country. Moreover, immigration policies of the European Union also apply to non-EU travellers travelling to the European Union. The European Union requires from certain countries that individuals travelling to the EU have a passport and a visa. This is coercively enforced because without these requirements you will be stopped from entering the airplane. Therefore, the European Union takes away the option of coming to the European Union and imposes this by executing a threat, 'if you do not have a visa, you will be stopped from entering the European Union'. This shows that certain international institutions, in this case the European Union, like states coerce citizens beyond states and beyond borders.

This is in agreement with Cohen and Sabel (2006), who argue that international institutions make binding decisions for individuals (Cohen & Sabel, 2006, p. 168). However, they differ in their assumption that international organizations are paternalistic (Cohen & Sabel, 2006, p. 167). They use this argument to show that the co-authorship of Nagel's (2005) coercion applies globally. However, the co-authorship part of Nagel (2005) is problematic and should be rejected. Therefore, I am not sure what the value is of showing that his theory applies globally.

However, there are philosophers who reject the idea that international institutions are coercive in a way that gives rise to distributive justice. Blake (2011) would argue that coercion exercised by the European Union should be eliminated because it is horizontal (Blake, 2011, p. 567). In contrast, at the domestic level coercion requires justification because the state is necessary to ensure autonomy (Blake, 2011, pp. 272-282). However, as we have seen the European Union is a coercive institution that coerces citizens and states. Moreover, in a certain way the European Union takes over the role of states in ensuring autonomy. It ensures certain subsidies and scholarships for her citizens, and in turn her citizens can follow and develop self-chosen goals and relations. This implicates that coercion exercised by the European Union should be justified. However, following Blake (2011) it would mean that coercion exercised by the European Union should be

eliminated. However, this would mean that certain citizens cannot follow and develop their self-chosen goals and relations and is contradictory to what Blake (2001; 2011) argues. This means that a justification is needed for coercion in the same way a justification is needed at the domestic level. However, even if vertical coercion is absent from the international level, it could still be argued that coercion should not be eliminated. Certain global institutions, like globalization processes, are necessary for the realization of institutions like the European Union. It is not realistic to eliminate these processes because they are already present in so many ways domestically and globally. This makes it impossible to eliminate them without changing the whole situation.

However, Eckert (2008) argues that currently there are no global political institutions with the capacity to coerce individuals (Eckert, 2008, pp. 68-71). However, we have seen that the European Union indirectly coerces individuals. Besides, from the above described discussion about immigration it became clear that states have the capacity to coerce individuals beyond their borders. Because Eckert (2008) does not include individuals, her definition of coercion is too narrow. Besides, she does not give an explicit definition of coercion and she mainly connects it with the existence of coercive institutions. However, institutions are not the only coercive actors. States and individuals can also be coercive. Besides, from the abovementioned discussion it has become clear that institutions are not the only international coercive actors. States exert coercion beyond their borders through immigration policies. Although, she argues that states are the most important moral agents at the international level she does not acknowledge their coercive power over other states or individuals. She mainly acknowledges the coercive power of institutions over these states.

However, although coercion is exercised beyond the state, in the current situation there are still some differences between the domestic and international level. These differences have to do with constancy and directness. Constancy becomes clear when we look at the state's law enforcement. Law enforcement will be a constant coercing factor, every day every citizen of a state will be subject to law enforcement and will suffer the consequences if they do not obey. This means that a state always exercises coercion on their citizens, it is always present to ensure that a country is well functioning. In contrast, at the global level, states do not constantly coerce individuals of other countries. This is only under certain circumstances, namely if an individual is subject to the immigration policy of a certain country. In contrast to the state, coercion is not always a present factor at the global level.

Besides, states have a greater ability to coerce their citizens directly, laws that are adopted at the state level will be immediately enforced on their citizens. Moreover, states have the ability to arrest somebody. However, international institutions lack this direct ability of coercion. As we have seen with the European Union, they only coerce citizens indirectly. This is because the laws of the European Union are enforced on citizens by using the state, which means that there is an intermediary to exercise coercion. This means that the ability of international institutions to coerce individuals is only indirectly.

Although it is true that the state also needs an intermediary to execute coercion, to enforce laws it is dependent on the police, military, and the bureaucracy, this does not affect the ability to immediately enforce their citizens. In a well functioning state, the institutional apparatus is controlled by the state. In contrast, the global level is dependent on the institutional apparatus of a state. This means that the institutional apparatus acts in the name of state, however it is being used by the state to enforce compliance with decisions made at the global level. Consequently, the ability of the global level to coerce is less powerful because it does not have its own institutional apparatus to enforce rules, it is dependent on the state for this.

This is in line with Risse (2006) who also makes a distinction between the domestic and global level. Whereas, states have an *unmediated* access to their citizens' bodies and assets, international organizations have not (Risse, 2006, p. 685). As I have argued, international organizations need an intermediary, the institutional apparatus of the state, to coerce individuals. Moreover, Risse (2006) argues that states have an immediate day-to-day ability to enforce rules (Risse, 2006, p. 684). This is similar to my argument in the sense that I have argued that laws adopted at the state level will be immediately enforced on their citizens and states have the ability to arrest somebody, which you could see as the access to a citizen's body. However, Risse (2006) comprehends coercion as worsening the situation of an agent (Risse, 2006, p. 680). Nevertheless, it is not always the case that coercion worsens somebody's situation. Coercion is exercised to determine what the other agent does or does not do, however this may be in the interest of the coercee. While laws are coercively enforced, a lot of them are in place to improve our situation. For example, laws that are in place to prevent and punish sexual harassment.

However, the takeaway is that the ability of the state to coerce is more powerful because it can directly have an impact on individuals and this ability is always present. In determining what another agent does or does not do, the state is dependent on its own ability to force this individual to do something. In contrast, the ability of the global level

to coerce is less powerful because it depends on the abilities of states to coerce.

This is an important difference because if we assume coercion to be the relevant relationship regarding distributive justice it is important to look at the differences in coercion between the state and global level. As we have seen in the academic overview, the degree of coercion that is present determines the existence of distributive justice. Statist accounts have argued that coercion is absent at the global level and consequently we should not be concerned with global distributive justice. However, I have argued that coercion is both present at the domestic and global level. This would mean that we should be concerned with distributive justice both at the domestic and global level. However, there are still differences in the ability to coerce at the domestic and global level, and consequently coercion is exercised differently. Therefore, the concern with distributive justice should be different at the domestic and global level. This is also in contrast to cosmopolitan accounts who argue that the concern with distributive justice should be the same at both levels. An example of this account is Valentini (2011). Although she claims that she gives a more nuanced view of coercion, it would be more plausible to place her in the cosmopolitan section (Valentini, 2011, pp. 205-206). This is because she does not explain why there is a difference between the domestic and international level. The type of coercion she defends is exercised both domestically and globally (Valentini, 2011, pp. 212-219). If the same type of coercion is present at the domestic and global level it should lead to the same conclusion. However, she argues that the global level does not require a global agent similar to the domestic state governed by domestic principles of justice (Valentini, 2011, p. 218). This is because concerns with socio-economic justice arise even when there is no global agent (Valentini, 2011, p. 218). This means that problems of socio-economic justice should be solved by the current situation of the global level, which is without an all-encompassing global agent (Valentini, 2011, p. 218). However, in her definition of coercion one encompassing agent is not even important or existing, in contrast, it is about a group agent. Both the state and the global level belong in this category (Valentini, 2011, pp. 215-217). Therefore, it would be more plausible if they would fall under the same kind of conclusion.

However, because of the still existing differences in coercion at the domestic and global level, this fully cosmopolitan conclusion does not follow. Presumably, the concern with distributive justice should be broader at the domestic level because coercion is always present and has a direct impact on individuals. This would mean that there should be a different approach to distributive justice at the domestic and global level. However, it

is beyond the scope of this thesis to look exactly at the differences between distributive justice at the domestic and global level. This implicates that further research is needed to develop which kind of distributive demands arise domestically, and which arise globally.

4. Conclusion

The main research question of this thesis was: *'What coercion account to global justice and the underlying account of exclusion can be justified?'*. In order to answer this question, different coercion accounts were presented. These accounts can be divided into a statist, cosmopolitan and moderate section. From the critical reflection it became clear that the statist and cosmopolitan conclusions were rejected. In contrast to what the statist accounts argue, coercion is exercised beyond the state. Nevertheless, the cosmopolitan conclusion was also rejected because there are still some differences between the domestic and global level, these differences are based on constancy and directness of coercion. Therefore, I do not agree with the cosmopolitan idea that the same kind of coercion is present at the domestic and global level. Because of the still existing differences between the domestic and global level, I could be placed within the moderate section. They argue, in contrast to the statist accounts that more demanding duties than humanitarian duties arise at the international level because coercion is exercised at the global level (Risse, 2006, pp. 690-691). However, they do not agree with cosmopolitan accounts either because they argue that international duties are not necessarily the same as within the state (Risse, 2006, pp. 691-692). This answers the first part of my research question. Moderate coercion accounts to global justice are the most convincing. Nevertheless, by accepting this account, a certain degree of exclusion is justified. It is argued that some demands of distributive justice arise at the international level. However, it is emphasized that these demands will differ from the domestic level (Risse, 2006, pp. 690-691). Consequently, distributive justice at the global level will be less inclusionary because it will not encompass the same things as at the domestic level. So, by embracing this approach a certain degree of exclusion is justified. This means that within a liberal theory exclusion can be justified.

Although it has become clear that certain demands of distributive justice should arise globally, the content of these demands remains unclear. Further research is needed to develop which kind of distributive demands arise domestically, and which arise globally. Once we have established this, we could start implementing these ideas to the real world. Nevertheless, coercion accounts are not the only relational approach to global justice. It was beyond the scope of this thesis to look at other relational approaches. However, further research should take this into account. There is still disagreement between relational approaches over which is the morally relevant relationship regarding global

justice. Consequently, relational approaches should be compared with each other to find out which relationship is the morally relevant one.

Nevertheless, this thesis has elucidated the debate around global justice from the perspective of a coercion account. It has showed that a certain degree of global justice is within reach.

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