



Universiteit
Leiden
The Netherlands

Justice bound to the state or states bound to justice? An analysis of coercion accounts of justice

Sousa, Kevin

Citation

Sousa, K. (2021). *Justice bound to the state or states bound to justice?: An analysis of coercion accounts of justice*.

Version: Not Applicable (or Unknown)

License: [License to inclusion and publication of a Bachelor or Master thesis in the Leiden University Student Repository](#)

Downloaded from: <https://hdl.handle.net/1887/3245606>

Note: To cite this publication please use the final published version (if applicable).

Justice bound to the state or states bound to justice?

An analysis of coercion accounts of justice

Bachelor Thesis as part of BSc International Relations and Organizations

Faculty of Social and Behavioural Sciences



**Universiteit
Leiden**

**Kevin Sousa
S2015730**

Supervisor: Dr. Marco Verschoor

Bachelor Project: Justice in a Globalized World

Date: Friday, 18th December 2020

Word count: 8142

Table of contents

1. Introduction	3
2. Anti-Cosmopolitan coercion accounts to justice	5
3. Cosmopolitan coercion accounts to justice	10
4. Coercion: The power to impose moral imperatives	13
5. Conclusion	20
References	23

1. Introduction

Justice can be defined as “what we owe to each other” and it is said to be the first virtue of any democratic institution. For Rawls (1971), justice is a political project that concerns all democratic states, however, the demands of justice are seen as only fulfillable under an institution that regulates the relationship of citizens, allowing them to pursue their autonomous goals. Many relational theories to justice have been developed, but the most promising one can be found in the coercive accounts to justice. Accordingly, justice is owed to all subject to coercion.

For statist coercion accounts, it is clear that the strongest coercive relation an individual has is to its state, which relies on enforced norms and the formation of legitimate institutions through the use of state coercion (Blake, 2011). Statist theories argue that the state is the only legitimate institution able to rely on coercion, as it aims at safeguarding autonomy; any other type of coercion, thus, ought to either be eliminated or is justifiable under principles less than justice (Blake, 2011; Nagel, 2005; Risse, 2006). While this might seem in line with Rawls’s political project within a state, cosmopolitans have pointed out that states live in a condition of global politics, which creates a relation to other states that is coercive and thus triggering demands of justice. (Abizadeh, 2008; Cohen & Sabel, 2006; Hassoun, 2012) By emphasizing international institutions’ power and authority in state matters, specifically those of the International Monetary Fund (IMF) and the World Trade Organization (WTO), cosmopolitans believe that coercion does exist on a global scale (Cohen & Sabel, 2006). In this respect, this thesis attempts at shedding light on the controversy between statist and cosmopolitan accounts regarding coercion.

The main academic dispute seems to lie in how coercion is defined. While statist seek to justify its legitimate use, cosmopolitans look at the conditions that allow for coercion to exist and be used by coercers, thus allowing the use of coercion beyond state boundaries (Abizadeh, 2010; Miller, 2010). Consequently, depending on which definition of coercion is utilized it might have varying implications for the scope of justice. As this thesis will challenge the nature of coercion and scope of justice, it aims at answering the following research question: “*What is the nature of coercion and, consequently, what are the implications for the scope of justice?*”

To understand the extent to which justice is owed under a coercive system, it is imperative to first define coercion. If cosmopolitan accounts are correct and the relationship between states and international institutions is coercive, this would imply that the scope of justice is global.

Coercion can thus not be defined solely in terms of state coercion but has to expand itself to include the other aspects, such as the conditions that allow for coercion to be utilized by some, but not by others internationally (Abizadeh, 2011; Anderson, 2010). The existence of global coercion would thus trigger demands of justice, extending justice from a domestic to a global project.

This thesis will be structured into three chapters and a conclusion. Subsequently a summary of each chapter is presented for the reader. The first chapter will focus on statist and anti-cosmopolitan assumptions, in particular, the main theoretical hypotheses that leads them to limit the scope of justice to the domestic level. The second chapter, instead, will explore how cosmopolitan coercion perspectives on justice are a response to their statist counterparts, emphasizing that state coercion does coerce outsiders. For cosmopolitans, the global system can justifiably be seen as coercive, although in a potentially different way than the state. Furthermore, the third chapter will then engage with both theories and will be guided by two sub-questions; *1) what is the nature of coercion?* and accordingly, *2) what are the implications for the scope of justice?* In the conclusive section, it will become evident that coercion might not be unique to singular states, but also to the international institutions whose authority over certain state matters might be seen as coercive, and thus triggering demands of justice globally.

2. Anti-Cosmopolitan coercion accounts to justice

The following section explores statist / anti-cosmopolitan accounts of justice which mostly invokes the state as the only institution able to achieve demands of justice through coercion, and consequently limits the scope of justice to the state and all it can legitimately coerce i.e. citizens (Blake, 2011; Miller, 2010; Nagel, 2005). These accounts emphasize the importance to safeguard autonomy and invoke the state's unique institutional characteristics, which allow doing so in a justified way. These statist accounts follow certain assumptions:

1) All subject to coercion are owed justification

Coercion can be generally understood as the will of another being unjustly imposed on someone making them less autonomous (Nozick, 1972). Autonomy is seen as an essential need for a person because it allows one to pursue their life aims as they see fit with the capabilities they have (Raz, 1986; Nagel, 2005; Abizadeh, 2010). For anti-cosmopolitan accounts, autonomy is generally defined by invoking Raz's conditions of autonomy (Miller, 2010, pp. 112-114; Blake, 2001, pp. 267-268). Accordingly, for a person to be considered "autonomous," three conditions have to be fulfilled:

1. mental abilities to make choices;
2. an adequate range of choices to choose from;
3. independence from imposition by the will of another.

Coercion is problematic as it infringes on the coerced's autonomy, and thus calls for justification as to why a person's autonomy had to be infringed. Therefore, state coercion can only be legitimate if it is justified. Blake (2001) argues that state coercion is justified through what he calls citizen's "hypothetical consent" (p.275). This means that all who are part of a state and thus subject to state coercion would have reasonably agreed to do so in a hypothetical *ex-ante* situation since the state provides the means for an autonomous life (pp. 274-276). For Nagel (2005), this justification is not established through "hypothetical consent", but by the state carrying out the coercion "in your name" and citizens being co-authors of their laws (pp.128-129). The state imposes citizenship on a person born within its bounds, and with it come burdens and benefits, one of these being the responsibility of citizens for state actions (pp. 129-130). Through imposed participation on citizens, they become co-authors of the state, preventing state coercion from

becoming “pure coercion”, which would imply coercion solely benefiting a select few instead of all citizens (pp.129-130). This adds to Nagel’s definition of coercion as the element of non-voluntariness, which, in turn, is in line with Blake’s idea of coercive membership being an essential aspect of state coercion (Nagel, 2005, pp. 130-133; Blake, 2011, pp. 563-564).

However, anti-cosmopolitan accounts on coercion do not believe that every act that reduces someone’s freedom should be seen as constituting coercion (Miller, 2010, p. 113). Miller (2010) argues that the third condition can only be violated through a violation of the second condition. Thus removing one option should not be considered coercive, as long as a person has enough options available left. This is based on the fact that the second condition of autonomy calls for the availability of an “adequate range of options”; this does not call for a maximization of options, but merely for an adequate range (Miller, 2010, pp.113-114; Blake, 2001, p. 269). A person does not need all options available to them to be autonomous, as the range of options should just be considered adequate. Miller’s (2010) account thus emphasizes that a distinction is needed between what is “coercion” and “prevention” (p.114).

This can be exemplified by state A deciding to close its borders to immigrants. Miller’s “prospective immigrant” that is no longer allowed to enter state A cannot be seen as coerced by such state as long they have other adequate options available to them (2010, p.). While it is true that the prospective immigrant has one less option to choose from, as they were prevented from choosing one, it does not mean that state A is forcing them to 1) stay where they are or 2) not choose from the other options available to them. Coercion involves the direct imposition of will so that the coerced has no other options but one, whether they want that option or not (pp. 116-117). This cannot be said of prevention, as it merely forces someone not to choose one option from many available ones. There is, thus, no claim for justification when talking of preventive measures, as long as they leave an adequate range of options left (Miller, 2010).

2) Special obligations are owed to co-citizens

The second assumption is that the nature of state coercion gives rise to special duties owed to co-citizens, that are not owed to outsiders of the state. Since these duties are either born from “hypothetical consent” or “coercion being imposed in your name”, such duties are stronger among all that are subject to state coercion, thus special justification is owed to co-citizens, compared to non-citizens (Blake, 2001, p. 274; Nagel, 2005, pp.128-130). Statists authors are not ignorant of

the fact that a state's domestic decisions might have effects outside its borders, but these cannot be seen as "coercive" and do not manage to establish the same duties and justifications equal to the ones owed to co-citizens coercing each other through the state (Nagel, 2005, p. 130).

Another important point for state-centric theorists is that the state does not merely rely on coercive power to form "hypothetical consent" needed for criminal law (Blake, 2001 pp. 273-275). The state is also involved in the creation of institutions which structure the social life, wealth distribution, and other aspects of citizens' life (Blake, 2001, pp. 280-282). These institutional processes inherently establish norms of appropriate behaviour which are maintained by the coercive powers of the state. These institutions tie co-citizens in institutional ways that are not as established equally with outsiders, such as through domestic criminal law and property regimes (Blake, 2001; Nagel, 2005). Co-citizens are thus linked through various coercive relations provided by the state, creating a greater need to care about our co-citizens. Anti-cosmopolitans rely on the unique coercive relationship co-citizens have with each other through the state, as it is not available with foreigners (Nagel, 2005, p. 130). They do not suppose that we should care more about co-citizens, but that different burdens and justification arise from the domestic coercive relation we share with co-citizens.

Similarly, for Nagel (2005), co-citizens partake jointly in the decision-making processes that establish the legitimacy for state coercion to take place. Citizens are born into a state, and membership is imposed on them (p.128). Yet, this is only justified because citizens are also forced to actively participate in state-decision making processes, which aim at preventing "pure coercion" from occurring (p. 129). Accordingly, Nagel sees that citizens, through the state, create demands for their fellow co-citizens, which give rise to special obligations between citizens of a state. As co-authors of the same coercive structure, citizens' obligations arise from having a state they can use to coerce each other. Co-citizens thus partake in a uniquely coercive relationship under the state, that is built upon outsiders that do not partake in this type of internal state coercion, and are thus not owed an equal justification or consideration (Nagel, 2005, p. 129).

3) Global coercion does not exist, and if so, it demands less than justice

The unique structure of the state and the capabilities it has to meet demands of justice domestically leads anti-cosmopolitans to their third assumption, namely that justice is only owed within the state. Since the only way to justify coercion is in a domestic system, and such coercion

does not affect outsiders, global coercion does not exist. Blake (2011) does not dismiss that coercion is present at the international level; for example, a rich country can have coercive power over a poor country, but that is inherently different from state coercion (pp. 567). The latter can be seen as “vertical coercion”, in which one central power can impose the norms of institutions coercively by engaging its citizens in institutionalized processes (p. 565). Coercion internationally is “horizontal coercion”, meaning that states rely on coercing each other, without a guarantee that this enforcement will be successful, as there is no authority enforcing it (p. 566). Unlike the domestic level, the procedures necessary to allow for legitimate horizontal coercion are hardly established in any international institution. Thus for Blake (2011), this type of coercion cannot be justified and should be eliminated (pp. 568-569). While states should still care about other states’ conditions at the international level, anti-cosmopolitans claim this concern should be about absolute, rather than relative wealth (Blake, 2001, p. 264). State A being wealthier than state B does not really matter, as long as both have enough to create state institutions that allow for democratic self-government. Furthermore, Blake (2011) is skeptical about simply giving money to poor nations as an adequate way to compensate marginal states for horizontal coercion, because this would simply put marginal states at the whim of the wealthier nations (pp. 568-569). Yet for him, the inequalities that exist on the international level are a sign of commitment to justice and we should care about material equality only within our state, and relative equality outside of it. This is what he denotes as the “impartial principle”: distribution should be impartial within the state, and partial outside the state (Blake, 2001, pp. 263-265). In line with Nagel’s views, duties to outsiders are mainly humanitarian, given the lack of international institutions that give rise to demands of egalitarian distributive justice (Nagel, 2005, pp. 124-126).

However, for Risse (2006), certain aspects of the global system call forth some form of distribution, as they can be seen as partially coercive. Membership at the WTO, for example, can hardly be rejected, which turns it into the only reasonable choice for weak economic states to make if they want to reap the benefits of the organized trade. Furthermore, the WTO not only establishes institutional practices of trade, but has institutional processes arbitration over state disputes through which it imposes WTO’s international standards (Risse, 2006). WTO decisions can be imposed coercively through sanctions, and states give value to these decisions. While these international institutions do not have the immediacy to citizens as states do, they establish some

conditions of distributive justice, although weaker than the egalitarian ones at the domestic level (Risse, 2006, pp. 690-691).

The lack of institutionalized procedures to legitimize coercion on the global level, leads many statist theorists to limit the scope of justice to the state. Egalitarian distribution principles of justice might thus be appropriate within a state that has extensive control over wealth distribution and a reasonable duty to care about impartially (Blake, 2011; Nagel, 2005). However, this form of distribution is inappropriate at the international level, where no existing institution has legitimate coercive control needed for fully egalitarian distribution principles to arise. (Blake, 2011; Nagel, 2005; Risse, 2006)

Statist approaches thus see the state as a practical necessity to achieve justice. It is the state, and the comprehensive control it has over its citizens, that allows for just practices to be built and upheld. Without the state, there would only be a moral minimum to meet, but it is the state that creates special obligations on citizens that go beyond a moral minimum. For Nagel, the fact that the state can establish social, economical, and political structures among citizens, makes it unique in pursuing justice. The duty of the state to its citizens is thus inherently tied to the citizens' duty to each other. Justice is thus closely linked with sovereignty, and the capacity to establish stable and continuous practices that guide social, political, and economic processes, such as the state does (Nagel, 2005, pp. 115-117).

3. Cosmopolitan coercion accounts to justice

On the other hand, Cosmopolitan accounts conflict with previously mentioned state accounts of coercion, and reject the strong statist stance authors like Nagel take (Cohen & Sabel, 2006, p. 148). A limited focus on the state has the consequence of overshadowing other institutions that might also be coercive, thus triggering demands of justice. This section will focus on how cosmopolitan accounts have responded to their anti-cosmopolitan counterparts.

1) state coercion has to be justified to non-members

Similarly, to the other accounts, cosmopolitans see coercion as an infringement on autonomy, and also invoke Raz's (1986) conditions of autonomy. Theorists like Miller (2010) use these conditions to show how unilateral state decisions do not always infringe on the third condition of independence, notably if enough options are left available (p.116). He makes a distinction between coercion and prevention, and claims that only the former requires justification. Abizadeh (2010) disagrees with the assumption that the third condition can only be violated by infringing on the second one. He argues that the third condition is always violated through coercive measures. Coercion should not only focus on the ability of a state to make a coercive threat, but also on its willingness to make use of its coercive abilities (Abizadeh, 2010). When a state makes a conditional threat such as "If you enter the state, X will happen", it relies on an array of coercive tools available to make sure that the prospective immigrant does not enter. While the act of prevention might be justified according to Miller (2010), this, in reality, says nothing about which measures are threatened to non-members. Abizadeh (2010) notes that when a state makes a threat to outsiders, it threatens non-members to use their bodies forcefully, by either jailing, deporting, or killing them, if they do X (p. 126). Prevention is then just the state's way to enact coercion. There is thus a democratic need to justify the coercive measures that are inflicted on non-citizens, as they can range from simply stopping them at the border, to incarcerating them for life. There is a clear distinction between the coerciveness of the first and second way of prevention, and the implications this has for autonomy. Yet for Miller, both would be justified under the concept of prevention (Abizadeh, 2010, pp. 122-125). Abizadeh (2010) therefore emphasizes that since the bodies and wills of non-members are implicated in border control, they are owed a justification and not merely an adequate range of options to choose from.

2) the state coerces outsiders and insiders

This leads to the second assumption of cosmopolitan theories, which views coercion as going beyond the state and its own citizens. If coercion relies on the ability and willingness of an institution to coerce, as Abizadeh (2010) proposes, the state is not only coercive to its members, but also to outsiders. As seen in the example of border control, statist accounts collapse the second and third condition of autonomy in each other to distinguish between “coercion” and “prevention” (Abizadeh, 2010, p. 126). Prevention, nevertheless, is inherently coercive by willingly threatening outsiders with imposing force on them, if they do not comply. Complying with the threat becomes an imperative for the outsider, otherwise the threatened sanctions will be imposed on them. The state thus coerces outsiders by threatening to “justifiably” infringe on their autonomy. Cosmopolitans, however, extend the capacities of coercion beyond the domestic. For Cohen and Sabel (2006) certain international institutions can be seen as having coercive capabilities. Both the IMF and WTO, have the capabilities to coerce their member states, be it through sanctions or structural adjustment funds. While these institutions answer to states, they also set up certain standards of behavior among states, which are expected to be followed, and coercively imposed if needed. The need to follow these international standards does not rise from the domestic, but from deliberation at the international level. The behaviour of individuals is therefore governed by a state that accepts the authority of international institutions, and adapts its rules accordingly (Cohen & Sabel, 2006, pp. 167-168).

The participation of states allows for these institutions to call for the legitimate representations of the will of states, yet not all states have equal power, making some more resilient to international institutions’s decisions than others. International economic institutions such as the International Monetary Fund (IMF) and WTO are generally dominated by wealthy states, which see the liberalization of trade as benefiting all involved. However, this relies on the false assumption that all members already possess the domestic institutions to participate in such international discussions on fair terms (Cohen and Sabel, 2006; Hassoum, 2012) This shows how participation in these institutions is hailed as legitimately democratic, yet is coercive if the state lacks wealth to resist sanctions, or domestic institutions to assert its will internationally.

3) Global coercion does exist, so demands of justice arise globally

Democratic cosmopolitans, such as Abizadeh (2010) further elaborate that state coercion does not find its end at a state's border. Consequently, this leads to claims that global coercion does exist, which in turn gives rise to demands of global justice. This is what Cohen and Sabel (2006) argue when they analyze the coercive nature of the global order. In line with Blake (20), they see that marginal states can be taken advantage of by wealthier states, yet they disagree that this would not immediately call for some sort of distributive justice. Cohen and Sabel (2006) criticize traditional accounts of state fixation, and emphasize the power of international institutions, as a possible ground for cooperation and coercion to take place, which can similarly fulfill demands of justice at the global scale. By invoking the example of the International Labour Organization, they show that states can partake in collective norm formation that affects individual states' behaviour (Cohen & Sabel, 2006, pp.169-171). Consequently, since states have the power to influence other states' behaviour, they should aim at doing so while following demands of justice.

To exemplify the coercive nature of global institutions, Structural Adjustment Funds can be seen as coercively withholding financial aid necessary for the development of a nation. Justice inherently calls for inclusion, which, in turn, calls for all to be considered members whose goods are worth something (Cohen & Sabel, 2006, p. 173). The IMF fails at this by seemingly engaging with marginal states in democratic ways, just to impose paternalistic economic sanctions. Furthermore, the IMF would technically fulfill the criteria of a coercive institution as it establishes institutionalized procedures, and can coercively impose its norms by withholding money from member states who need it (Cohen & Sabel, 2006, pp. 167-168). This would technically call for some sort of normative justification, since these institutions engage the will of people through states and impose options in their name (Cohen & Sabel, 2006, p. 167). It is in these disputes that the need becomes clear for structures that legitimize these coercive measures, mainly by demanding international coercion to conform to more procedural and substantive standards (Cohen and Sabel, 2006, p. 168). For cosmopolitans, thus, the scope of justice is not tied to the state institution, but to any institution able to engage the will and choices of people, in turn demanding his engagement to justify itself in a legitimate way, be it by inclusion in current legitimation processes or the construction of new forms of producing political legitimacy.

4. Coercion: The power to impose moral imperatives

As shown above, the manner in which one defines coercion has clear implications to whom justification is owed, and subsequently what the scope of justice should be accordingly. In order to reflect on the points brought forth by these theories, the critical reflection part will use two guiding questions: 1) what is coercion? and 2) what is the scope of justice?

Firstly, the question, which seeks to answer “What is coercion?” will be addressed. The debate between Miller and Abizadeh seems imperative to tackle, if coercion, or the lack thereof, is to be defined. For Miller (2010) it is not evident that coercion always invades autonomy, primarily when reflecting on the concepts of ‘prevention’ or ‘deterrence’ (p.114). In the conditions for autonomy set out by Raz (1986), Miller focuses on the third condition of independence, which states that the subject must be free from coercion. According to Miller (2010), removing an option or preventing someone from pursuing an option is not coercive, as long as it leaves an adequate range of options left from which the subject can choose (p. 117). This allows his definition of coercion to theoretically ‘bypass’ Raz’s third condition, as no clear number of options is needed, as long as the remaining options are adequate. The logic of Miller’s argument is clear, as no person needs every option available to be accessible in order for conditions of autonomy to be met. “Prevention” can accordingly not be seen as coercive (Miller, 2010).

However, Miller misunderstands Abizadeh’s (2010) criticism on why prevention demands justification, specifically regarding how prevention makes use of coercive measures (pp. 122-125). He does not disagree that a state has the ability to close its borders, and even offers various reasons for why this could justifiably in certain cases (Abizadeh, 2008, pp. 49-53). An example explored is the protection of a minority group from the threat of being overrun by immigrants that may harm the minority group upon entry to the state (p. 53). Abizadeh (2010) instead suggests that the method of enacting “prevention” relies on coercive measures, such as police, jailing, border controls, and other forces (p. 123). These coercive measures aim to enact force on the prospective immigrant if they fail to comply with the threat, and try to enter the state (p. 124).

Submitting to the state’s threat thus becomes a necessity to do anything else, otherwise one can be jailed, shot, or tortured. It becomes clear that it is not the fact that an option is removed

that makes it coercive, it is the ability and willingness to use coercive measures to ensure that prospective immigrants do not enter (Abizadeh, 2010). When state A threatens to shoot X if they enter it, state A makes not entering a necessary condition for the prospective immigrant to continue their life autonomously. If the prospective immigrant does not comply, they are shot. Moreover, Miller (2010) argues that preventive laws are not coercive by leaving enough options, yet he completely misses the coerciveness taking place during prevention. Abizadeh (2010) thus claims that “prevention” is merely the main operative mode of coercion, because it still relies on a state being willing to use its coercive abilities against outsiders, and requires justification. Coercion, in turn, must be analyzed through the abilities of a state, and its willingness to use these abilities to threaten prospective immigrants with force. Preventive laws thus are coercive to outsiders, and necessitate justification (Abizadeh, 2010, p. 125). Miller (2010) would argue that a person B who never wanted to enter state A would not be coerced, because it was never one of person B’s preferred options (p. 116). However, Abizadeh (2010) contests that an immigrant’s desire to enter state A does not matter; the fact remains that the immigrant was threatened with force by the state if they were not to comply (p. 127). This calls for a justification based on infringing independence, as the state willfully threatens to use the prospective immigrant’s body for purposes that are not their own. An understanding of coercion should thus not be limited to actions against individual autonomy, but also on the fact that the coercer has the ability and willingness to do so.

While the access or lack of preferential options cannot itself establish coercion, the formation of our preferences can be influenced by the availability of particular options. An important insight on this issue is given by Fowler’s (1982) coercion account, which analyzes the implications of coercion on practical reason. Practical reason is the ability to differentiate options we want from options we do not want (Fowler, 1982, pp. 330-331). Free from coercion, we utilize practical reason to select our preferred options. Choices made with free will are thus generally choices made out of preference. When coercion is present, however, we might have to make decisions not out of preference, but prudence (p. 332).

For example, access to bicycles is an option that can be interpreted as preferential to pursue life autonomously. Hypothetically, consider state A has a monopoly on bicycles in the world, and decides to remove bicycles as an option for anyone outside of that state. No one would argue that a lack of bicycles impacts the adequacy of options available. Bicycles are one of many preferences a person might have, but outsiders of the state can still decide to walk, skate, monocycle, etc. If

state A threatens to jail outsiders if they enter state A and use bicycles, this would have to be justified accordingly, as physical force is being willfully threatened against outsiders (Abizadeh, 2010). However, if the individual does not see bicycles as their preference, justification might be owed to them as they were threatened with force, but their pursuit of an autonomous life is not morally limited by me having access to bikes (Fowler, 1982). In essence, preferences are options that allow for the pursuit of autonomous goals. Pivotal options on the other hand, are options that are necessary for the establishment and continuance of autonomous goals (Fowler, 1982, p. 332). Water is a pivotal option, as no one can be autonomous without access to water.

Now say state A has a monopoly on safe drinking water. State A has developed an option that allows for water to be safe to drink, a development that only state A has been able to achieve given its greatly endowed natural resources and domestic institutions to govern them. State A now decides to remove the option, and threatens again to jail everyone that enters state A and uses their safe drinking water. Again justification is owed as force is being threatened, but safe drinking water is not just a preference, it is a pivotal option to all. While a person can adequately live without access to bicycles, she cannot adequately live without water. This ties with Abizadeh's (2010) idea that coercion cannot only be identified through access and removal of options, but also through ability and will to remove those options. State A would never be able to justify the removal of an essential need, neither to insiders nor to outsiders, as water is a pivotal option that establishes personal autonomy. For Fowler (1982), threatening the removal of a pivotal option can change our moral imperatives, which allow us to determine what is good for us and what is bad for us, considering our personal context (p. 331). Threatening the removal of pivotal options thus creates new moral imperatives on the coerced, that would not exist if the option was simply preferential. Thus the second condition of autonomy regarding the "adequate range of options" must assert that a person has not only an adequate range of preferential options, but a necessary range of pivotal options to allow for choices to be made with practical reason, and thus free of coercive pressures (Fowler, 1982). In turn, Miller's (2010) coercion account is quite ambiguous when it comes to options that are preferences and options that are essential. He does not take into account the nature of the option, and that some are more essential to autonomy than others. Coercion, therefore, inherently involves the power to interfere in practical reasoning by willfully utilizing pivotal options to create moral imperatives we cannot escape. As Fowler (1982) says, when pivotal options are threatened to be removed, our practical reason leads us to do anything in our power to guard

that option (pp. 331). A convincing account on coercion would take into consideration the abilities of a coercer, and its willingness to use these abilities to create new moral imperatives.

The most encompassing definition of coercion is given by Anderson (2010), which sees the inherent power differential between coercer and coerced as the enabling condition for coercion, which expands on the conditions which allow for coercers to have willingness and ability to coerce. Anderson defines power not only in material terms, but social ones as well (pp. 10-12). Coercer and coerced generally share a background of knowledge and are generally aware of the positions and abilities of each other (p. 13). The coerced is aware that they do not have the power to impose their will on the coercer, and the coercer is aware that they do have the abilities to impose their will, making any threat credible as the power differential is of significance size to permit coercion (p. 26). Power differentials are thus a necessary condition for any coercion to exist, yet, justification can only be established if the power differential that enables coercion is justifiable in the first place. In other words, would the coerced be better off if the power differential did not exist (pp. 30-31). We are now able to define coercion as the power to impose moral imperatives, enabled by the existence of significant power differentials between coercer and the coerced.

Coercion can thus be defined by the ability and willingness to make use of power differentials between coercer and coerced, imposing moral imperatives on the latter. A coercer can be anyone or anything that enjoys significant power differentials (Anderson, 2010). This power differential does not have to solely pertain to physical attributes, like height or strength, but can involve social attributes, like status and wealth. What makes it coercive is that this power differential is willfully exploited and used against someone to manipulate their preferences (Anderson, 2010; Fowler, 1982). A given power differential needs to be credible as well, otherwise no one would believe that the coercer would go through with his threat. The shared “background” which informs people not only on the abilities of a coercer, but on past moments in which those abilities have been utilized by mentioned coercer (Anderson, 2010, p. 19). If they have done it in the past, it is likely that they will do it again, especially if the coercer remains able to exploit the power differentials between coercer and coerced.

With this definition in mind, the next guiding question can be answered: what then is the scope of justice? Since power differentials are an enabling condition for coercion, it cannot only be seen as solely utilized by the state, but rather by any institution that has both the ability and

willingness to make use of power differentials to manipulate someone's moral imperatives. The prime case for this would be the state using state coercion to impose norms that in turn allow us to be autonomous. The existence of the state has undoubtedly helped people to organize themselves, and the coercive apparatus behind it is the reason why it remains a stable and enduring institution (Blake, 2001; Nagel, 2005). Beyond the state, anti-cosmopolitans have argued that no global coercion exists, as there is no global coercer with the legitimate authority to coerce. While Blake (2011) recognizes that the coercion between states, namely "horizontal coercion" does exist, this kind is enforced by powerful states onto marginal states, and cannot be justified (pp. 566-567). Blake (2001) has pointed out that an international institution that makes conditions for material exchange to a state on the brink of chaos is coercive, and should also not technically not exist due to a lack of institutional processes of legitimation. According to Nagel (2005), the best we can do is hope one day an institution will arise that is able to legitimize global coercion in the form of a federal state thus having as extensive control over states, as states have over citizens (p. 120). However, this seems reductionist in confining coercion to the state, which we have seen can extend beyond the state, as long as there is a significant power differential present that is able and willfully exploited for the benefit of the coercer (Anderson, 2010). Further, this leads to the conclusion that although global coercion might exist, it lies in the responsibility of individual states to eliminate the coercion they exert on weaker states. This leaves the elimination of global coercion dependent on the willingness of the stronger states to do so, leaving poor states at the whim and generosity of the wealthier states. While Rawl's (1971) conception of justice views itself as a political project realized within the state, politics is not only tied to the state, especially since states engage in global politics that have domestic effects (Cohen & Sabel, 2006, pp. 162-164). According to the statist view on duties to outsiders, citizens are supposed to care about relative well-being domestically and democratic self-governance internationally (p. 569).

From the perspective that states are engaged in global politics, an important point often overlooked by statist approaches is that states can use international institutions to coerce weaker under the guise of humanitarian and development aid (Cohen & Sabel, 2006; Fowler, 1982). Institutions such as the IMF and the WTO have the power to tie access to pivotal options to conditions, such as liberalizing the economy in exchange for monetary relief. Nagel (2005) would argue that institutions are entities that serve as tools for state, with the main authority still relying within its members, not the international institutions in which they happen to discuss these matters

(pp. 139-140). Nagel underplays the authority granted to these institutions on global matters such as economic disputes. States rely on the authority of international rules and norms as set forth by the WTO when economic disputes arise (Cohen & Sabel, 2006, pp. 172). The institutionalized mechanism of solving disputes at the WTO can be seen as having authority to regulate trade. This authority comes from states acknowledging the WTO as legitimately regulating the trade of all its members in an equally beneficial way (Cohen & Sabel, 2006, p. 173). However, the WTO becomes a coercive institution when deviations by states from WTO rules can be sanctioned, exhibiting its established coercive economic authority over its individual member states.

Statist theorist like Nagel would still see no coercion triggering demands of justice, as the poor state agrees willingly on the offer in a voluntary association; if at all the poor state should be held responsible for the unknown consequences of their state's choice (Nagel, 2005, pp. 137-138). However, international institutions are essential to marginal states, as they often seem like the only space in which states can appeal for better treatment and the resources they need. Furthermore, there is no real option out of these institutions, as autarky is not a valuable economic form in a highly globalized and interdependent world (Blake, 2011, p. 565). Such institutions often boast themselves on allowing democratic participation to all, but some have argued that this a farce creating the illusion of the institutions political legitimacy, while in reality engaging in paternalistic acts towards marginal states in vulnerable positions. Democratic participation in any institution should emphasize a value of inclusion which requires all members and their gods to be seen as valid and valuable (Cohen & Sabel, 2006, pp. 166-168). Making choices on an equal basis should involve deliberating with equal consideration and equal capacity, yet would this not call for all involved to have the adequate institutions to engage in deliberation in the first place?

This follows the theory that a certain minimum of institutional stability and participation is required to produce political legitimacy (Fowler, 1982; Hassoun, 2012). Yet wealthy states have a clear advantage by having the means to sustain and enforce domestic institutions, which is not always possible for poorer states with fewer resources. It is morally questionable if marginalized states, which lack institutions that can represent the will of the people legitimately, can actually be included as equals, when a member's domestic political legitimacy is not always guaranteed due to lack of resources. Blake (2011) would say that material compensation cannot justify coercion that is not legitimate, so we should defer from reasoning material distribution into global justice duties (pp. 567-569). Hassoun (2012) argues that political legitimacy depends on having the means

to create democratic institutions that are enduring and stable, which often depend on having the material wealth to create those institutions (pp. 59-64). Poor states then are doomed to follow whatever the institutions dictate if they want to continue receiving the pivotal aid needed, unless they are given enough help to participate on an equal basis.

The IMF and WTO have the power to give out Structural Adjustment Funds (S.A.F.'s) and impose sanctions on states (Cohen & Sabel, 2006, pp. 167-169; IMF, 2019). The access to this money is often essential for countries that do not have the required material conditions to help its people (Hassoun, 2012). These institutions are thus coercive, as they can make use of their power differentials, i.e. holding pivotal needs, which they are willing to use in order to make marginal states follow their conditions as a moral imperative (Hassoun, 2012; Anderson, 2010). While some would argue that this would be exploitation, they would fail to regard the extent to which international institutions eliminate alternative options. The WTO and the IMF exploit their position as the main assistance providers, while smaller donor institutions that are more likely to prioritize the needs and development of the marginal state are too costly to join. Therefore, the marginalized state has no real option out when seeking assistance, as the alternative will be undermined and shadowed by unmeasurable costs in leaving the current institution (Cohen & Sabel, 2006).

While institutions such as the IMF and WTO might be coercive at the international level, Anderson's definition is multi-applicable, to the domestic, the international, and the regional, such as the European Union. Although the EU generally relies on states individually implementing the norms deliberated at the regional level, it has the ability to implement its norms coercively on member states. Such an example was seen in Poland this year, where it lost EU funding for breaking EU Law on the Equality of People by creating Anti-LGBTQ zones (Wanat, 2020). Consequently, the scope of justice is global. Institutions, international or domestic, have social power and, if that social power is met with the willingness to coerce, they are able to impose moral imperatives, be it through sanctions or aid packages. However, legitimate participation is key to ensure justification, as Abizadeh (2010) has pointed out. In combination with Cohen and Sabel's (2006) emphasis on inclusion and Anderson's (2010) justification of power differential, only by being on the side of the coerced can one justify the power differential coercive institutions hold. If statisticians do believe that we have to care about democratic self-governance outside the states, this would require that these states have the means to construct democratic institutions in the first place. Otherwise, the risk of unjustifiably implying people's will could occur, and for which the poorer

state should not be blamed. Instead, the blame should be placed on institutions that willingly made access to a pivotal need into a conditional threat. This is coercive, as without this pivotal need (i.e. money), marginalized states will continue lacking resources to establish democratic institutions. Blake (2001) has rightfully argued that we should not fetishize material equality for the sake of all having the same, but he fails to see how a sufficient level of material equality is needed to allow poor states to develop democratic institutions in the first place. This is a focal point in Hassoun's theory on coercive systems indicating that all members have to be given the adequate means to be autonomous and also be able to dissent autonomously on specific matter, which requires adequate institutions (Hassoun, 2012, p. 45).

Justice cannot be seen as a state only political project, because of the condition of global politics under which we live (Cohen & Sabel, 2006, pp. 162-164). Without a hyper-fixation on the state when talking about coercion, the global structure can be seen as wrapping all states into a network of institutional coercion. This is primarily seen in international institutions, such as the IMF, WTO, or the EU, which are the main tools through which states organize themselves globally, and are able to exert coercion over their members (Cohen & Sabel, 2006). States thus bind themselves to these institutions in common faith of achieving mutually beneficial goals, similar to co-citizens within a state trying to fulfill demands of justice. However, deliberating on an equal basis requires deliberating with free will, which requires that one is free from external pressures, such as the fear of having a pivotal option removed (Fowler, 1982; Hassoun, 2012). What these pivotal options entail goes beyond the scope of this analysis. Nevertheless, it would be important to note that pivotal needs should not only include options that allow for a person to be autonomous (such as food, water, shelter), but also options that allow for autonomy to be enduring like infrastructure, money, or economic leniency.

5. Conclusion

All in all, this analysis aimed at exploring how coercion is defined according to statist and cosmopolitan coercion accounts to develop an answer to "*what is coercion, and consequently what*

are the implications for the scope of justice?" After engaging with both accounts in a critical reflection, it becomes clear that coercion cannot solely be defined through the state and its abilities to coerce, but rather through the conditions allowing for coercion and the willingness to employ it to impose practical imperatives.

This thesis thus agrees with a definition of coercion as the power to impose practical imperatives, enabled by the significant power differentials between coercer and the coerced. Through this coercion it then becomes clear that the global system is coercive in a presumably legitimate way, thus triggering global demands of justice. This is mainly accentuated through international institutions, such as the IMF and WTO, which can coercively impose their decisions (Cohen & Sabel, 2006). Even if the decisions are carried out by the states, the coercive authority that shapes state behaviour relies on the international standards and norms embodied by international institutions. Generally, this thesis embraces the democratic reasoning of Abizadeh (2010) that justification is owed to all that are subject to coercion. Further elaborating on these claims with Anderson's (2010) and Fowler's (1982) theory, it becomes clear that such coercion functions under certain conditions. Hence, it is important to ensure that such conditions that allow for coercion are justified to the coerced.

There are clear limitations to this analysis as it has mainly focused on an understanding of coercion through state and international institutions. Yet, under the proposed definition of coercion, other institutions as well could have the ability to coerce. If an institution enjoys significant power differentials and is willing to exploit these, these could constitute coercion. In line with this claim, national and transitional institutions might be coercive, and thus in need of justification. This then calls for an urgent expansion of the concept of coercion that goes beyond state-fixed institutions, and extends duties to justice beyond the state.

Generally, the global system is coercive with the greatest implication being that the scope of justice is global. Consequently, this analysis has emphasized the need for legitimacy at the international level. If marginal states are not given the means to establish enduring democratic institutions, the political legitimacy on which international institutions enforce their measures seems dubious (Hassoun, 2012). Therefore, if all member states are in a coercive relationship with international institutions, justice would demand that the coercion imposed on marginal states has to be justified. IMF conditionality, would thus only be justified if the coerced were not dependent on specific IMF aid, and had other means to self-help. However, this is not the case; the IMF and

WTO will most likely remain important coercive economic institutions. More in-depth analysis beyond the state might showcase that these institutions are not as rare as they might seem if it only involves a limited amount of states, such as the EU.

As states are entangled in coercive relations through international institutions, the scope of justice is global. Anderson's (2010) definition of coercion is multilayered, however, offering an attempt to gain more insight into regional, local, or continental coercion, to further understand the implications various degrees of coercion might have on justice. While state coercion is an effective institution that has managed in its ways to fulfill demands of justice, it does not mean that justice ends at the state, since states coerce beyond its borders and through other institutions.

Given the aforementioned implications, it would be reasonable to focus future studies on coercive systems outside the state. In fact, as various types of coercive systems offer various workings, each one coerces through different power differentials. One interesting question that I believe would be worth research is: do various systems of coercion trigger differing demands of justice? In particular, it would be interesting analyzing how far would the obligations of EU citizens extend beyond the European Region.

References

- Abizadeh, A. (2008). Democratic theory and border coercion: No right to unilaterally control your own borders. *Political Theory*, 36(1), 37-65.
doi:10.1177/0090591707310090
- Abizadeh, A. (2010). Democratic legitimacy and state coercion: A reply to David Miller. *Political Theory*, 38(1), pp. 121-120.
- Anderson, S. (2010). The enforcement approach to coercion. *Journal of Ethics & Social Philosophy*, 5(1), pp. 1-31.
- Blake, M. (2001). Distributive justice, state coercion, and autonomy. *Philosophy and Public Affairs*, 30(3), 257-296.
doi:10.1111/j.1088-4963.2001.00257.
- Blake, M. (2011). Coercion and egalitarian justice. *The Monist*, 94(4), 555-570.
doi:10.5840/monist201194428
- Cohen, J., & Sabel, C. (2006). Extra rempublicam nulla justitia? *Philosophy & Public Affairs*, 34(2), 147-175.
doi:10.1111/j.1088-4963.2006.00060.
- Fowler, M. (1982). Coercion and practical reasoning. *Social Theory and Practice*, 8(3), 329-355.
- Hassoun, N. (2012). Chapter 2: Legitimacy and global justice. In *Globalization and global justice: Shrinking distance, expanding obligations*. Cambridge: Cambridge Univ. Press.
- Miller, D. (2010). Why immigration controls are not coercive: A reply to Arash Abizadeh. *Political Theory*, 38(1), pp. 111-120.
- IMF (2019). IMF Conditionality. Retrieved from <https://www.imf.org/en/About/Factsheets/Sheets/2016/08/02/21/28/IMF-Conditionality>.
- Nagel, T. (2005). The problem of global justice. *Philosophy & Public Affairs*, 33(2), 113- 147.
doi:10.1111/j.1088-4963.2005.00027.

Nozick, R. (1972). Coercion. *Philosophy, Politics, and Society*. P. Laslett et al. (Ed.), Oxford: Blackwell, pp. 101–135.

Rawls, J. (1971). *A theory of justice*. Cambridge: The Belknap.

Raz, J. (1986). *The morality of freedom*. Oxford: Clarendon Press.

Wanat, Z. (2020). Polish towns pay a steep price for anti-LGBTQ views. *Politico*. Retrieved from: <https://www.politico.eu/article/poland-lgbtq-steep-price/>