

Cosmopolitan Egalitarianism: a new paradigm of distributive justice?

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I. Introduction

In “The Law of Peoples”¹, *John Rawls* offers his account of international justice and the principles are to be considered as the extension of his domestic theory. It’s possible to say that this text has become the most polemic of *Rawls’* theory as the secondary literature that immediately followed the publication shows. *Martha Nussbaum*, *Seyla Benhabib*, *Charles Beitz*, *Thomas Pogge*, *Allen Buchanan* and *Andrew Kupfer* are only some of the scholars that presented critical reviews of *Rawls’* conception of justice formulated in “The Law of Peoples”.² The critics differ on their interpretation, but they share the view that *Rawls’* conception of international justice is problematic. Despite the negative reviews, *John Rawls’* theory became once again a benchmark for studies of distributive justice, more specifically for questions of distributive justice in the international sphere. This is due among other things to the fact that *Rawls’* position on the principles of distributive justice differs from the cosmopolitan account that was being set forth by *Thomas Pogge* and *Charles Beitz*, scholars that based their own conception of justice on *Rawls’* domestic theory of justice. Therefore, it is in this background that *Rawls* upholds that his conception of international justice is different from the cosmopolitan account and the principles that stem from it. The most important aspect of this disagreement is *Rawls’* refusal to uphold the difference principle in the international sphere. *Rawls* will argue, instead, for the *principle of assistance* as the appropriate principle to regulate the issues regarding poverty and inequalities in the global sphere. He considers the *assistance principle* as an egalitarian principle with a cut-off point and argues that the demands of the difference principle cannot be commanded on the international sphere, as was laid out by cosmopolitan conceptions of distributive justice,³ which I should call from now on cosmopolitan egalitarianism. This brief outline provides the background on the problem of distributive justice and cosmopolitanism. In the sections that follow, I will approach this topic by analyzing the meaning of cosmopolitanism showing how it became a philosophical foundation for the two main theories of

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¹ *Rawls*, *The Law of Peoples*, 1999.

² See *Nussbaum*, *Women and The Law of Peoples, Politics, Philosophy & Economy* 1 (2002), 283 ff.; *Benhabib*, *The Law of Peoples, Distributive Justice and Migrations*, *Fordham Law Review* 72 (2004), 1761 ff.; *Beitz*, *Rawls’ Law of Peoples, Ethics* 110 (2000), 669 ff.; *Pogge*, *The Incoherence Between Rawls’ Theories of Justice*, *Fordham Law Review* 72 (2004), 1739 ff.; *Buchanan*, *Rawls’ Law of Peoples: Rules for a Vanished Westphalian World*, *Ethics* 110 (2000), 697 ff.; *Kupfer*, *Rawlsian Global Justice Beyond The Law of Peoples to a Cosmopolitan Law of Person*, *Political Theory* 28 (2000), 640 ff.

³ *Rawls*, *The Law of Peoples*, 1999, 115 ff.

international distributive justice. Secondly, I will point out to some of the practical challenges to these conceptions as well as to the conceptual shortcomings of considering cosmopolitanism as the sole foundation of such theories. To do so, I will follow *David Miller's* account on this matter,⁴ specifically his understanding that the conception of responsibility is incomplete on both conceptions. Finally, I will indicate *Pogge* and *Beitz's* turn to human rights theories and question if this stand brings them closer to Rawls' understanding of international distributive justice.

II. Cosmopolitanism

Cosmopolitanism is an ideal that isn't new⁵ but has enjoyed renewed attention, as *Martha Nussbaum* has assessed:

"In a world filled with unjust inequalities, it is fitting that theorists should be turning their attention to the ethical ideal known as "cosmopolitanism", a view that holds that our loyalties and ethical duties ought to transcend the local and even the national, focusing on the needs of human beings everywhere."⁶

It is therefore a conception that holds that human beings everywhere in the world deserve the same respect and consideration. This basic principle has been understood in different ways and cosmopolitanism has many facets, with "stronger" (political cosmopolitanism) and "weaker" versions (an ethical commitment, cultural cosmopolitanism, for example). Cosmopolitanism has become of interest for scholars from many areas of expertise and its interdisciplinary appeal attests to the force of the idea but also to the difficulty in trying to analyze the meaning and consequences of stating cosmopolitanism as a political theory and the justification of why it is superior to domestic theories, for instance; thus it is important to clarify the definition of cosmopolitanism. I will follow *Thomas Pogge's* definition, which has been considered the most influential. He states that there are three elements that define cosmopolitanism:

"First, individualism: the ultimate units of concern are human beings, or persons – rather than, say, family lines, tribes, ethnic, cultural or religious communities, nations and states. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, universality: the status of ultimate unit of concern attaches to every living human being equally – not merely to some subset, such as men, aristocrats, Aryans, whites, or Muslims. Third, generality: this special status has global force. Persons are ultimate units of concern for everyone – not only for their compatriots, fellow religionists, or suchlike."⁷

Therefore, there is an interface between moral cosmopolitanism and its practical institutional application that is usually examined by scholars through the following

⁴ *Miller*, *National Responsibility and Global Justice*, 2010.

⁵ On the philosophical history of cosmopolitanism, see *Nussbaum*, *Kant and Cosmopolitanism*, in: *Brown/Held* (eds.), *The Cosmopolitanism Reader*, 2010, 27 ff.

⁶ *Nussbaum*, *The Capabilities Approach and Ethical Cosmopolitanism: A Response to Noah Feldman*, *Yale Law Journal Pocket Part* 117 (2007), 123.

⁷ *Pogge*, *World Poverty and Human Rights*, 2008, 175.

interrelated themes: global justice, cultural cosmopolitanism, legal cosmopolitanism, political cosmopolitanism and civic cosmopolitanism.⁸

It goes beyond the aims of this paper to illustrate all these branches of cosmopolitanism, but it is worthwhile to linger on the difference between *legal cosmopolitanism* and *moral cosmopolitanism*. The former is a theory connected to a political ideal of a global order where all people have equal rights and duties, whereas moral cosmopolitanism's focus is on the mutual moral relations that we bear to one another. As Pogge has stated: "we are required to respect one another's status as ultimate units of moral concern."⁹ There is, yet, one important classification of cosmopolitanism for the aims of this study that should be clarified, still following Pogge's definition. In the domain of moral cosmopolitanism, Pogge establishes the distinction between institutional and interactional conceptions. The institutional is a conception that focuses on the institutional schemes and concerns the principles of social justice while the interactional postulates certain fundamental principles of *ethics*. It is also noteworthy that both are compatible and may be combined.¹⁰

Peter Singer's position¹¹ on the problem global poverty is the main example of interactional cosmopolitanism and Thomas Pogge has been the leading voice of institutional cosmopolitanism, considering it the coherent consequence of Rawls' account of distributive justice on the international sphere. Both authors have combined their efforts on fighting global poverty and despite the different paths that they point to with regards to solving this injustice, they share the same diagnosis when determining the responsibility for the global poor: "we" are responsible for this devastating scenario.

Thus, Pogge's answer lies within the *institutional* framework: we are responsible because we support institutions that maintain and increase global poverty. Accordingly, he strongly criticizes *justificatory nationalism* and its use as a valid justification of putting the problem of inequality in the global sphere aside, since its eradication is not seen as a shared duty for all. Pogge has written that:

"Our present economic order produces a stable pattern of widespread malnutrition and starvation among the poor, with some 18 million persons dying each year from poverty-related causes, and there are likely to be feasible alternative regimes that would not produce similarly severe deprivations. If this is so, the victims of such avoidable deprivations are not merely poor and starving, but impoverished and starved through an institutional order imposed coercively upon them. There is an injustice in this economic order, which it would be wrong for its more affluent participants to perpetuate."¹²

Pogge builds on this powerful argument to conclude that extreme poverty should be considered a violation of basic human rights. So, the practical step he takes in this direction is that human rights should be defined in these terms.¹³ I will later point out to a possible difficulty if this thesis is to be understood as established on a cosmopolitan egalitarian basis.

⁸ Cf. Brown/Held, Editor's Introduction, in: Brown/Held (eds.), *The Cosmopolitan Reader*, 2010.

⁹ Pogge, *World Poverty and Human Rights*, 2008, 175.

¹⁰ *Ibid.*, 175 f.

¹¹ Singer, *The Life You Can Save: acting now to end global poverty*, 2009.

¹² Pogge, *World Poverty and Human Rights*, 2008, 182.

¹³ *Ibid.*, 58 ff.

A different position has been developed by *Peter Singer*, who elaborates his proposal from an ethical viewpoint, his well-known “Child in the Pond” example.¹⁴ In it, *Singer* asks that we imagine that we are walking around a pond and see a child who fell into it and questions: what should we do? Should we leave the child since we are wearing good clothes, expansive shoes? He argues that the “right” answer, which most people agree to, is that the person should get in the pond and save the child, since the value of life is incomparable to the clothes and shoes, no matter how expansive they are. If I know how to swim, I should get in. The same line of thought should apply, *Singer* argues, when we consider the fact that regarding global poverty there are children in the danger of dying right now and there are things we could do to help. If you argue that “yes, you should save the child”, the coherent position is to hold a position in favor of donating – give or take – the same amount that you are willing to spend on expansive clothes, for example, to international organizations that focus on poverty worldwide. Therefore, the moral principle that is championed by *Singer* is: “If it is in our power to prevent something bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it.”¹⁵

In this background, *David Miller* presents us with some obstacles regarding *Singer’s* position, such as: what if there were more children in the lake? Who should be rescued first? Who’s responsible for such rescues? *Miller* also criticizes *Singer’s* position due to the fact that it stimulates us to think of the poor exclusively as the victims.¹⁶ There is yet another important question that should be answered: do we know how to help the poor? It is implicit in *Singer’s* line of reasoning that we *do know* how to help and yet there are significant voices pointing out to the fact that we don’t know exactly how to fight poverty.¹⁷ *Miller* also criticizes *Pogge’s* stand on poverty and considers that it is parallel to “blaming the engineers that build a road and not the drivers” with regards to accidents.¹⁸ *Mathias Risse*¹⁹ has also criticized *Pogge’s* approach. *Risse* has stated that if the institutional order is to blame regarding bad things that have happened it should also be accounted for the advances that have been made in the international sphere.²⁰ Finally, one should also point out to the fact that *Pogge’s* criticism of *justificatory nationalism* doesn’t account for legitimate special relations that are held by members of the same society. These are only some of the challenges that cosmopolitan egalitarians have to answer to, but they illustrate that it is a very controversial position, notwithstanding its less controversial starting point (moral cosmopolitanism) and the ample agreement that global poverty is an issue that demands urgent action and requests attention from scholars that work with theories of justice.

Regarding the practical matters of what should be done to alleviate global poverty, *Pogge* and *Singer* agree that financial aid is essential and in this sense this stand has brought their theories close to economist *Jeffrey Sachs’* response²¹ to the problem of

¹⁴ *Singer*, *The Life You Can Save*, 2009, 3 ff.

¹⁵ *Singer*, *Famine, Affluence, and Morality*, *Philosophy and Public Affairs* 1 (1972), 229 (231).

¹⁶ *Miller*, *National Responsibility and Global Justice*, 2010, 234 ff.

¹⁷ See *Banerjee/Duflou*, *Poor Economics: a radical way of rethinking the way to fight global poverty*, 2011.

¹⁸ *Ibid.*, 240.

¹⁹ *Risse*, *What We Owe to the Global Poor*, *The Journal of Ethics* 9 (2005), 81 ff.

²⁰ *Ibid.*, 81.

²¹ *Sachs* has argued that through increasing aid it will possible to eliminate world poverty by 2025. See *Sachs*, *The End of Poverty: economic possibilities of our times*, 2005, 396.

global poverty. *Sachs* has argued that the amount of \$ 195 Billion Dollars per year in humanitarian form now up to 2025 would eliminate poverty.²² *William Easterly* has held a contrary position²³ and has argued against the focus on humanitarian aid, and who has affirmed that aid has done more to sustain inequalities than to diminish them.

In this vein, that is, regarding the practical aspects of the debate, *Banerjee* and *Duflo*'s conclusions presented on their text *Poor Economics: a radical way of rethinking the way to fight global poverty* can help clarify the discussion held by cosmopolitans and non-cosmopolitans and by aid supporters and aid critics. There are two arguments of their study worth mentioning here: firstly, the problem with *sweeping answers* should be noted, since they may bring paralysis rather than progress and secondly, the relation between humanitarian aid and development is still not clear; and most of the successful programs that target inequality result from national efforts.²⁴ These conclusions suggest that these debates may have to be reviewed since the answer to ending global poverty seems to be somewhere in the middle of these disputes.

III. Strong and Weak Cosmopolitanism

Although it is possible to place doubts on the conception of distributive justice defended by cosmopolitan egalitarians considering the viewpoint of practical uncertainties that the current discussions on global poverty point to, the question posed here is: has it become a paradigm of distributive justice and managed to displace *John Rawls*' conception of justice? And to evaluate this question no empirical basis is needed. On the other hand, it is necessary to assess the meaning of this account and understand what it expects of us in terms of justice and how it justifies this expectation. To do so, I will follow *David Miller*'s account of what it means to hold a strong cosmopolitan position.

Cosmopolitan egalitarianism is a form of strong cosmopolitanism, that is, it has implications that go beyond the premise of moral cosmopolitanism stated above. *Miller*²⁵ has formulated some distinctions within the framework of cosmopolitanism that are important to deepened the understanding as to why it is problematic in terms of being the foundation for a theory of global justice. He holds that we can consider cosmopolitanism in two ways: weak and strong. The first point that should be made is that moral cosmopolitanism (which considers that everyone should be treated based upon the same moral laws) does not result in its more demanding version: political cosmopolitanism. In this sense, *Miller* asks: what does moral cosmopolitanism mean when it doesn't hold a political meaning?

Contrary to what is held by cosmopolitans who challenge the legitimacy of the connections that are established with the domestic sphere, *Miller*'s purpose will be to show that *weak cosmopolitanism* is compatible with the special demands that arise from the

²² *Ibid.*, 301.

²³ The *Sachs-Easterly* debate has divided opinions on the effectiveness of aid. *William Easterly*, contrary to *Sachs*' reading of the current situation has held that aid does not lead to growth and has been ineffective. Both contenders of this debate – and the same happens in regards to most debates about world poverty – agree on the tragedy of the situation but have held completely different answers to it.

²⁴ *Banerjee/Duflo*, *Poor Economics: a radical way of rethinking the way to fight global poverty*, 2011, 303.

²⁵ *Miller*, *National Responsibility and Global Justice*, 2010, 27.

national sphere. Thus, *Miller's* thesis may be placed in the middle ground between the demanding requirements of *strong cosmopolitanism* and, on the other hand, conceptions that hold that demands of justice arise solely from the nationalist paradigm. In this sense, he will also consider that the idea of *cosmopolitan citizenship* as problematic, due to the fact that the concept of citizenship is intimately linked to the relations that are held within the domestic sphere, through sharing the problems as well as the triumphs that inform people's daily lives. Thus, when cosmopolitans attempt to link the concept of citizenship within the international sphere, there is little that remains from the *relational* moral connection that puts it at the heart of the idea of citizenship.²⁶ Therefore, the definition of responsibility is a fundamental idea in the discussion of cosmopolitanism due to the fact that it establishes the key question that motivates theories of global justice: *what do we owe to each other?*

Miller's approach to this question is elucidating due to the fact that he sheds light on the differences between weak and strong cosmopolitanism, therefore he is able to make the case that weak cosmopolitanism (which is based on the idea that that demands of justice have equal value) can't answer the question that was put forth due to the fact that it cannot answer exactly what it is that we owe each other. In other words, weak cosmopolitanism is based on the legitimacy of a universal demand based on justice, but its premise is incapable of defining how such demands should be satisfied.²⁷

The problem, *Miller* tells us, is that most theorists that define themselves as cosmopolitans are actually defending principles that are more demanding than the mere recognition that all deserve consideration on the political decision-making. As he puts it:

“But those who self-consciously describe themselves as cosmopolitans want to get something stronger out of this premise, a requirement of equal treatment that goes beyond saying that all human beings must be considered in some way when we are deciding how to act. For example, they may want to argue that our institutions and practices must be based on the principle of giving equal weight to the interests of all those affected by them.”²⁸

What *Miller* is trying to sustain is that authors who defend theories of global justice as the best way to interpret and implement cosmopolitanism have to go beyond the cosmopolitan premise and should present an independent reason to ground their theories.²⁹ *Miller's* objections should be understood as an attempt to review the idea of responsibility, both the personal ethics account as well as the institutional conception, for even there is a shared basis of agreement between both that the responsibility for the world's poor falls upon the rich (person and countries, on *Singer's* case), there are important differences on the definition of responsibility that informs these leading conceptions and *Miller* will argue that both are approaches are inadequate.

On the personal ethics approach, *Miller* sustains that the more we look at the problem, the less it resembles the drowning child example. The difficulties of such approach arise from the definition of the extent of the obligation that each one has regarding the problem at stake, after all, if the responsibility for the world's poor is falls upon the better-off, aren't better-off members of poor societies as responsible as better-off members of rich societies? Considering the institutional approach, *Miller* recognizes it as prefer-

²⁶ *Ibid.*, 25.

²⁷ *Ibid.*, 27 ff.

²⁸ *Ibid.*, 28.

²⁹ *Ibid.*, 30.

able to the personal ethics approach, but he also considers that on the present institutional system, global justice demands “far-reaching institutional changes”. On this background, *Miller* will establish that the best is to draw on both approaches

By arguing that *weak cosmopolitanism* isn't incompatible with the principle of sovereignty, that is, that the recognition of the existence of special duties between compatriots doesn't dismiss the responsibility regarding others, *Miller* explores the conception of responsibility³⁰ attempting to provide for the two dimensions of the human existence that the debates on cosmopolitanism tend to polarize: *agency* and *vulnerability*. The former being the comprehension championed by *Singer* that there are people who are incapable of reaching a minimally decent standard of living without the help of external aid and the latter lies within the idea of agency, that is, that individuals should be considered responsible not only for the benefits but also for the harms that arise from the choices and actions. This is the path that leads *Miller* to the identification of two forms of responsibility: *outcome* and *remedial* responsibility. Outcome responsibility is the conception that stems from the recognition of agency (the question being who's responsible) whereas remedial is linked to vulnerability (focused on the patient, the question being: who's in need). Both forms of responsibility can also be conveyed in terms of collectivities, which would ground the idea of *national responsibility* to others. This form of conveying responsibility would enable the identification of duties of justice that arise within the national spheres (such as intergenerational responsibilities) and also claims that arise from the international sphere (clarifying the external obligations in the case of global poverty, for example). But what is fundamental is to keep both forms of responsibility in balance. *Miller* writes that:

“In our thinking about responsibility, we need to keep these two aspects of the human condition in proper balance. (...) If we focus too narrowly on outcome responsibility, then when confronted by situations in which people are in desperate need, but where responsibility for this appears to lie within them, or with no one at all (as in the case of natural disasters), we fail to see injustice. If we focus too narrowly on remedial responsibility, then when confronted by situations, we may encourage a victim mentality and deny people who are in need of help the status of agents who can, and ought to, take control of their lives.”³¹

The notion of weak cosmopolitanism is also argued by *Beitz*³² but with a different implication than *Miller's* approach. Although he agrees that weak cosmopolitanism doesn't define the object of distributive justice on the international domain, he regards it as implying that an international theory of distributive justice should be an extension of the principles that are established nationally. When considering *John Rawls'* interpretation of human rights, *Beitz* preserves the interpretation that *Rawls'* international theory isn't compatible with his or *Pogge's* conception of weak cosmopolitanism.

The main aspect of this dispute is the idea of *special responsibilities*. That is, is moral cosmopolitanism an enclave to special responsibilities, as *Beitz* has defended³³, or is it consistent with the recognition that we have special responsibilities to compatriots³⁴?

³⁰ *Ibid.*, 81 ff.

³¹ *Ibid.*, 108.

³² *Beitz*, Afterword, in: *Beitz, Political Theory and International Relations*, rev. ed. 2009, 185 (199 ff.).

³³ *Beitz*, *Political Theory and International Relations*, 1979, 200.

³⁴ *Miller*, *National Responsibility and Global Justice*, 2010, 44.

In this context, it is worth pointing out that *Pogge's* theory has been criticized³⁵ for being incoherent due to the fact that the principle of “not causing harm”, which has played an important part in his recent work, does not reflect the egalitarianism of his early work. These critics suggest that the idea of extreme poverty as a violation of human rights aligns *Pogge's* theory with minimalists' conceptions of human rights, but its conclusions are incompatible with minimalism if one considers, for example, his defense of the difference principle as a principle that should be listed within the human rights principles. These critics strongly suggest that to be coherent, *Pogge's* theory it would have to be formulated in terms that are quite similar to *Rawls's* minimalist conception. *Pogge* has replied that these evaluations are misplaced due to the fact that the critics disregard the different questions that have guided his work. One should not confuse his questioning of the *most plausible criterion of justice* with his criticism of *Rawls's* theory, which would have to be understood as the questioning of “the conception of global justice that would be most coherent with *Rawls's* theory”.³⁶

Charles Beitz has also turned to the theory of human rights, but has refrained from the debate on cosmopolitanism and global justice, considering that it is inaccurate and unconstructive to adopt “a view of the justifying purposes of the practice that requires a commitment to one or another larger conception of global justice”.³⁷

The focus on the practice of human rights by both theorists that set forth *cosmopolitan egalitarianism* suggests that there are still some obstacles to turn it into the paradigmatic conception of distributive justice. On the other hand, the idea of minimalism in the practice of human rights aligned with a conception of a global social minimum seem to have fewer challenges due to the ample acceptance that these two ideas enjoy, which makes them a powerful starting point for the foundations of a shared conception of justice with practical potential.

IV. Conclusion

The idea of *egalitarian cosmopolitanism* surfaced on one hand from *Thomas Pogge* and *Charles Beitz's* interpretation of the internationalization of “A Theory of Justice”. From another theoretical school (utilitarianism) *Peter Singer* took a different path but also arrived at the conclusion that a conception of distributive justice has to be framed in the international domain. The idea of cosmopolitan egalitarianism has at its heart the idea that everybody deserves equal representation, or, as *Rawls* puts it, it has as its ultimate end the welfare of individuals and not the justice of societies.³⁸

Theorists that support cosmopolitan egalitarianism are, therefore, pushing for a new starting point for the conceptions of distributive justice. In such terms, the “Theory of Justice” as a paradigm for distributive justice³⁹ would have been overcome by cosmopolitan egalitarianism because it has become necessary to frame the principles of justice

³⁵ *Kelly/McPherson*, Non-Egalitarian Global Fairness, in: Jagger (ed.), *Thomas Pogge and his critics*, 2010, 103 ff.

³⁶ *Pogge*, Response to the Critics, in: Jagger (ed.), *Thomas Pogge and his critics*, 2010, 175 (215).

³⁷ *Beitz*, *The Idea of Human Rights*, 2009, 133.

³⁸ *Rawls*, *The Law of Peoples*, 1999, 119.

³⁹ I follow *Samuel Fleischacker* who argues that *Rawls's* “A Theory of Justice” has become the distributive paradigm of justice (see esp. pp. 115–116). *Fleischacker*, *A Short History of Distributive Justice*, 2004, 190.

in light of the economical, political and cultural integration that has been established in the past decades and that demands a similar conception of distributive justice. Although this characterization of distributive justice may seem natural,⁴⁰ there are many challenges that have to be overcome as well as clarifications to the idea, especially by the specification of the argument, that is, a premise independent from cosmopolitanism (following *Miller's* evaluation), a task that should be undertaken by theorists who demand a stronger reading of cosmopolitanism.

In this scenario, as mentioned, *Pogge's* and *Beitz's* more recent work have focused on an approach to distributive justice that is linked to a minimalist conception of human rights. How should cosmopolitanism, specifically egalitarian cosmopolitanism – that has demands that aren't compatible with a *minimalist* conception of human rights – be developed from within this framework is a question that is yet to be answered.

This line of questioning also invites theorists that work within the Rawlsian framework to reconsider how accurate the conclusion that he was an anti-cosmopolitan is. If the idea of moral cosmopolitanism is the core of cosmopolitan claims, it is possible to suggest that *Rawls's* international theory with the proposal of the assistance principle can be considered a global theory of social minimum, which isn't so different from human rights conceptions that authors such as *Beitz* and *Pogge* have been refining. And, differently from their approaches, *Rawls's* theory can maintain its philosophical basis of justification.

⁴⁰ See *Van Parijs*, International Distributive Justice, in: Goodin/Pettit/Pogge (eds.), *A Companion to Contemporary Political Philosophy*: Vol. 2, 2007, 638 ff.