

The London School of Economics and Political Science

*A Non-Contingent Concept of Connectedness for
Cosmopolitanism*

Katy Dineen

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Abstract

My aim, in this thesis, is to criticise what I see to be a theme in contemporary cosmopolitanism, and suggest a new direction for such theorizing to follow. That theme is the placement of empirical considerations at the very centre of cosmopolitan theorizing. It seems at times that many cosmopolitans look around them, see something they find deeply unsettling (i.e. global poverty and/or inequality), and this moves them to theorize cosmopolitan obligations into being. I will argue against this kind of approach. I believe this 'pragmatic turn' to be damaging to cosmopolitanism. The starting point of these cosmopolitanisms seems to affect those theories, and makes suspect the implied obligations. It would be better if premises and presuppositions that were neutral with respect to these cosmopolitan obligations could imply such obligations. Furthermore, I will argue that a modestly metaphysical Kantianism can give us such neutral starting points. My interpretation of Kant centres on his ideas concerning moral agency, and will be metaphysical: the relevant ideas may be said of all relevant agents at all times, cannot be experienced through empirical investigation, and cannot be proved by theoretical deduction. Nevertheless, I will argue that my Kantian interpretation gives forth a modest metaphysics, insofar as the warrant we have to assert metaphysical claims is not given to us by speculative or theoretical reason, but rather by our practical reason. In particular, I will argue that, from a cosmopolitan perspective, a metaphysical, but also modest, interpretation of imperfection and freedom may be very useful.

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Introduction

My aim, in this thesis, is to criticise what I see to be a theme in contemporary cosmopolitanism, and suggest a new direction for such theorizing to follow. That theme is the placement of empirical considerations at the very centre of cosmopolitan theorizing. It seems at times that many cosmopolitans look around them, see something they find deeply unsettling (i.e. global poverty and/or inequality), and this moves them to theorize cosmopolitan obligations into being. I will argue against this kind of approach. I believe this 'pragmatic turn' to be damaging to cosmopolitanism. The starting point of these cosmopolitanisms seems to affect those theories, and makes suspect the implied obligations. It would be better if premises and presuppositions that were neutral with respect to these cosmopolitan obligations could imply such obligations. Furthermore, I will argue that a modestly metaphysical Kantianism can give us such neutral starting points. My interpretation of Kant centres on his ideas concerning moral agency, and will be metaphysical: the relevant ideas may be said to apply to all relevant agents at all times, cannot be experienced through empirical investigation, and cannot be proved by theoretical deduction. Nevertheless, I will argue that my Kantian interpretation gives forth a modest metaphysics, insofar as the warrant we have to assert metaphysical claims is not given to us by speculative or theoretical reason, but rather by our practical reason. In particular, I will argue that, from a cosmopolitan perspective, a metaphysical, but also modest, interpretation of imperfection and freedom may be very interesting.

The focus of my thesis then is *within* cosmopolitanism rather than *about* cosmopolitanism. That is, I shall suppose its truth, and focus rather on arguments internal to cosmopolitanism. My concerns, in this thesis, may be highlighted by the following question: 'if cosmopolitanism holds then what type of cosmopolitanism ought one to espouse'. Of course, the implications of this dissertation may be interesting for

someone engaged in arguments for or against cosmopolitanism. Nevertheless, these disputes are beyond the scope of this dissertation.

In what follows I shall follow a tripartite structure. In the first Part I will explain what I mean by 'pragmatic turn' and a 'theme in contemporary cosmopolitanism'. In particular I see Chapter 1 as a more in depth introduction to this dissertation, wherein I describe current cosmopolitanism, parsimoniously formulate my objection to it, and outline my preferred 'new direction' for cosmopolitanism. In Chapter 2 I target the cosmopolitanisms of Thomas Pogge and Charles Beitz; these theorists are chosen as they represent very influential cosmopolitanisms, and I believe they also represent theories that are particularly liable to the sorts of objections I wish to make against contemporary cosmopolitanism in general. In Chapter 3 I discuss constructivism; this is not a departure from Chapter 2, as I classify both Beitz and Pogge as constructivists. In this Chapter I introduce the cosmopolitanism of Onora O'Neill. I believe O'Neill's cosmopolitanism to be preferable to the cosmopolitanisms of the other theorists discussed. In fact, in much of this dissertation I am sympathetic to O'Neill's Kantian cosmopolitanism. Thus, it is incumbent on me to show how my account differs from that of O'Neill. I shall begin to show this differentiation in Chapter 3, but it is not until Part 2 that my departure from O'Neill can be said to be complete. The differentiation between O'Neill and myself can be found in our interpretations of Kant's conceptions of freedom and imperfection. Therefore Chapter 3 leads on to Part 2, wherein I focus on my interpretation of Kant. In Chapter 4 I will argue for a modestly metaphysical interpretation of Kant's moral theory. Such an interpretation will give me the resources necessary to distance myself from O'Neill's constructivist account. Furthermore, Kant's moral theory has relevance to my overall aims, as it is Kant's use of the concepts of imperfection and freedom within his moral theory that concerns me in the proceeding chapters of Part 2. As previously stated, my interpretation of these concepts will be modestly metaphysical, and so in Chapter 5 I will discuss the Rawlsian criticism of the use of metaphysics in political theory. I will argue that one can meet Rawls' concerns

about metaphysics and still provide a metaphysical account of connectedness. In Chapter Six I will outline my preferred concept of connectedness, and show how my interpretation of these concepts differs from that of O'Neill. Finally in Part 3, I will revert my attention from Kantianism back to cosmopolitanism. Herein I shall show how my interpretation of freedom and imperfection may be useful from a cosmopolitan perspective. In Chapter 7 I will give a preliminary outline of what a cosmopolitanism with my preferred concept of connectedness might look like; thus I will briefly describe how a cosmopolitan theory of justice might incorporate such a concept, I will question whether this theory of justice would be inclusive enough, and I will show how such a cosmopolitanism might be seen as an improvement upon those theories discussed in Part 1. In Chapter Eight I will focus on the 'Ought Implies Can' principle, I will show how this principle has a bearing on contemporary cosmopolitanism. I will argue that there are reasons to think such a principle cannot be a fundamental principle insofar as it cannot be invoked as a straightforward knockdown argument against any theory. Furthermore I will propose a revised 'Ought implies Can' principle, based on my interpretation of Kant given in Part 2, and I will argue that this principle is consistent with cosmopolitanism.

Part 1: Contemporary Cosmopolitanism

In the first Part of my thesis my main concentration will be on contemporary cosmopolitanism. In Chapter 1 I will describe cosmopolitanism; I see this Chapter as an extended introduction. My aim is not to argue for a particular brand of cosmopolitanism, rather I aim to delineate the sort of cosmopolitanism I am interested in. I will do so by starting with a broad definition of cosmopolitanism, and working towards a more narrow understanding of cosmopolitanism about justice. In Chapter 1 I will also say a little about what the 'pragmatic turn', and a 'theme in cosmopolitanism' mean. In Chapter 2 I will focus on particular cosmopolitanisms. My primary aim is to object to the cosmopolitanisms of Thomas Pogge and Charles Beitz. In doing so I will apply an objection similar to that used by Simon Caney. Nevertheless, I do not adhere to Caney's brand of cosmopolitanism, so in Chapter 2 I will also distance myself from the cosmopolitanism of Simon Caney. In Chapter 3 I will contend that Pogge and Beitz are both constructivists. Furthermore, in that Chapter I will discuss Onora O'Neill's constructive cosmopolitanism. Throughout this thesis I will be quite sympathetic to O'Neill's Kantian cosmopolitanism, so it is incumbent on me to show how I distinguish my position from hers. In Chapter 3 I will begin to do this by objecting to her constructivism, but this distinction will not be complete until the end of Part 2 of this thesis.

Chapter 1: Describing Cosmopolitanism

Introduction

In the contemporary theoretical landscape there exists an abundance of cosmopolitanisms. Moreover, these cosmopolitanisms seem quite diverse; from Bruce Ackerman and Anthony Appiah's rooted cosmopolitanism to Amartya Sen's identity based cosmopolitanism to Simon Caney's human rights approach, among many other approaches. Descriptions of cosmopolitanism, and the cosmopolitan, can differ widely in style and substance from one theorist to another. As Samuel Scheffler notes,

there is no consensus among contemporary philosophers and theorists about how the precise content of a cosmopolitan position is to be understood, and this despite the fact that cosmopolitanism as a political doctrine has a rich history dating back to ancient times¹

My aim in this chapter is neither to provide a standard literature review, nor is it to argue towards an overall conclusion. Rather I see this chapter as introducing themes and concepts that I will extend and refine in ensuing chapters. My methodology is first to describe cosmopolitanism. I will start by describing cosmopolitanism at its most general level; I will then differentiate between cosmopolitanism about culture and cosmopolitanism about justice. My interest is with cosmopolitanism about justice. I will describe differentiations between cosmopolitans about justice: weak and strong cosmopolitanism, moral cosmopolitanism, political cosmopolitanism, interactional and institutional cosmopolitanism, and legal cosmopolitanism. All the while I will be starting to show my stance with respect to strands of cosmopolitan theorizing. I proceed by describing some different types of cosmopolitanism about justice: in particular the cosmopolitanisms of Martha Nussbaum and Darrel Moellendorf. My reason for choosing to delineate these cosmopolitanisms here is that while my descriptions of them (and objections to them) anticipate themes I will pursue at length throughout this

¹ Scheffler, Samuel. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. Oxford: Oxford University Press, 2001. p. 111.

thesis, they do not exemplify either the best or the worst contemporary cosmopolitanism has to offer; as such I will not engage with them in ensuing chapters. I will end by noting what I see to be a common trend in contemporary cosmopolitanism about justice: this should be seen as a precursor to the more critical chapters in this thesis.

Section 1: Cosmopolitanism

1.1: What is Cosmopolitanism?

As most know, cosmopolitan literally means citizen of the universe. In a non-academic setting a cosmopolitan is a sophisticate, elevated above all things parochial. In academic settings, theorists aim for a more specific reading of the term. Nevertheless, there is great divergence between the specific readings different cosmopolitans give the term cosmopolitanism. In general one can differentiate between definitions of cosmopolitanism along stylistic lines. Some definitions seek precision, and are stylistically more formal, while others seek to describe cosmopolitanism as a human condition and are less precise and more lyrical. Often the 'lyrical' cosmopolitans claim inspiration from literature, including, typically, Salman Rushdie. One famous example is that of Jeremy Waldron². Waldron describes the cosmopolitan as an individual who lives a certain kind of life

The cosmopolitan may live all his life in one city and maintain the same citizenship throughout. But he refuses to think of himself as *defined* by his location or his ancestry or his citizenship or his language. Though he may live in San Francisco and be of Irish ancestry, he does not take his identity to be compromised when he learns Spanish, eats Chinese, wears clothes made in Korea, listens to arias by Verdi sung by a Maori princess on Japanese equipment, follows

² Rushdie seems to be the darling of contemporary cosmopolitans, and so references to him in the literature, whether direct or oblique, are not hard to find. Another nice example of the way in which a theorist uses Rushdie in his definition of cosmopolitanism is Craig Calhoun. He states "Salman Rushdie (2000) writes that 'among the great struggles of man – good/ evil, reason/unreason, etc. – there is also this mighty conflict between the fantasy of Home and the fantasy of Away, the dream of roots and the mirage of the journey'. Cosmopolitanism is a central way in which the modern era has organised 'the fantasy of Away'". Calhoun, Craig. 'Cosmopolitanism and Nationalism'. *Nations and Nationalism*, Vol. 14, No. 3, 2008, pp 427-448. p. 427.

Ukrainian politics, and practices Buddhist meditative techniques. He is a creature of modernity, conscious of living in a mixed-up world and having a mixed up self³

Alternatively the theorists seeking a precise definition of cosmopolitanism avoid such lyrical language. One such example is Thomas Pogge who defines cosmopolitanism in terms of individualism, universalism, and generalism. As he states:

Three elements are shared by all cosmopolitan positions. First *individualism*: The ultimate units of concern are *human beings*, or *persons*- rather than, say, family lines, tribes, or ethnic, cultural, or religious communities, nations, or 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 *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 such like⁴

I believe that this differentiation (between the stylistically lyrical and precise) corresponds to a substantive differentiation between cosmopolitans: Some cosmopolitans are cosmopolitans about culture, and some are cosmopolitans about justice; and further, cosmopolitans about culture tend to express themselves more lyrically than cosmopolitans about justice. Cosmopolitans about culture and the self, like Jeremy Waldron and Anthony Appiah, are concerned with the way in which individual's capacity for agency and their wellbeing is influenced by the idea that culture is not fixed by nationality. Important to the cosmopolitan about culture is the idea that identity is not set in stone. Rather it is a malleable thing, with which we are free to experiment. Furthermore, wellbeing is promoted when there exists a range of options among which we are free to choose. As Appiah puts it,

The fundamental thought of the cosmopolitanism I defend is that the freedom to create oneself- the freedom that liberalism celebrates- requires a range of socially transmitted options from which to invent what we have come to call our identities. Our families and schools, our churches and temples, our professional associations and clubs, provide two essential elements in the tool kit of self-creation: first, they provide ready-made identities- son, lover, husband, doctor, teacher, Methodist, worker, Moslem, Yankee fan, mensch- whose shapes are constituted by norms and expectations, stereotypes and demands, rights and obligations; second, they give us a language in which to think about these identities and through which we may shape new ones⁵

³ Waldron, Jeremy. 'Minority Cultures and the Cosmopolitan Alternative' *University of Michigan Journal of Law*, Vol. 751, 1991-1992. p. 754.

⁴ Pogge, Thomas. 'Cosmopolitanism and Sovereignty' *Ethics*, Vol. 103, No. 1. p. 48.

⁵ Appiah, Anthony. 'Cosmopolitan Patriots', *Critical Inquiry*. Vol. 23, No. 3, Spring 1997. p. 625.

Generally then, cosmopolitanism about culture includes a tenet about the malleability of identity, the effect this has on wellbeing, and a premise about openness of contemporary culture; this last tenet may be that culture ought to be open, or that the reality is that culture is open. As Scheffler puts it, cosmopolitanism about culture “is opposed to any suggestion that individuals’ well-being or their identity or their capacity for effective human agency normally depends on their membership in a determinate cultural group whose boundaries are reasonably clear and whose stability and cohesion are reasonably secure”⁶.

Cosmopolitanism, both about culture and justice, is often defined in negative terms. If cosmopolitanism about culture is opposed to indexing a conception of identity to a particular culture, then cosmopolitanism about justice is against indexing a conception of justice to a particular nation state. Gillian Brock and Harry Brighouse make note of this tendency of cosmopolitanism to define itself negatively. They state

Cosmopolitanism’s force can well be appreciated by examining what the position excludes. For instance, cosmopolitanism rules out assigning ultimate (rather than derivative) value to collective entities such as nations or states, and it also rules out positions that attach no moral value to some people, or that weight the value people have differentially according to characteristics like ethnicity, race, or nationality⁷

Insofar as it invokes individualism as opposed to nationalism, I see the Brock and Brighouse negative definition of cosmopolitanism to show a movement towards cosmopolitanism about justice. Cosmopolitans about justice tend to talk about the unit of ultimate value: It is as though given individualism, universalism, and generalism, i.e. given that each individual is the unit of concern, regardless of where such individuals are situated, for all other individuals, then we must be cosmopolitans about justice. That is, if we have a conception of justice at all then we cannot index it to a particular nation state, given the tenets of individualism, universalism, and generalism. Similar to Pogge, Charles Jones holds that cosmopolitanism is a moral perspective, which

⁶ Scheffler, Samuel. *Boundaries and Allegiances: Problems of Justice and Responsibility in Liberal Thought*. p. 112.

⁷ Gillian Brock and Harry Brighouse (eds). *The Political Philosophy of Cosmopolitanism*. Cambridge: Cambridge University Press, 2005. p. 4.

stipulates “individuals are the basic units of moral concern, and the interests of individuals should be taken into account by the adoption of an impartial standpoint for evaluation”⁸; thus defined, “the cosmopolitan standpoint is impartial, universal, individualist and egalitarian”⁹.

Although cosmopolitanism about culture and cosmopolitanism about justice are distinct they are not self-contained, opposing, theories. In fact cosmopolitans about culture can also be cosmopolitans about justice, and vice versa. Nevertheless, my aim in drawing attention to this distinction is to show that cosmopolitans go about theorizing in a different way to cosmopolitans about justice. Thus far, we have defined cosmopolitanism about justice negatively but we have said nothing about what positive moves cosmopolitan involves. I will deal with the differentiation, between cosmopolitans about justice, along these grounds in the next section of this chapter.

1.2: Cosmopolitanism: Weak or Strong?

From here on in my concern is with cosmopolitanism about justice; thus when I speak of cosmopolitanism I mean to refer to cosmopolitanism about justice. The question ‘what positive moves does cosmopolitanism involve’ is very divisive; one can advocate a weak cosmopolitanism, or a strong cosmopolitanism. In general ‘weak or strong’, in the context of cosmopolitanism, refers to the proposed outcome of the theory, or the positive measures the theory implies¹⁰. As Gillian Brock notes

Weak cosmopolitanism underwrites, as requirements of justice, only the conditions that are universally necessary for human beings to lead minimally decent lives, whereas strong cosmopolitanism is committed to a more demanding form of global distributive equality that aims to eliminate inequalities between persons beyond some account of what is sufficient to live a minimally decent life. So, what is weak or strong on this account is the extent of one’s commitments to redistribution¹¹

⁸ Jones, Charles. *Global Justice: Defending Cosmopolitanism*. Oxford: Oxford University Press, 2001, p. 15.

⁹ *Ibid.* p. 15.

¹⁰ As well as weak and strong cosmopolitanism there is also a similar distinction made by David Held between thick and thin cosmopolitanism. Thick cosmopolitanism claims that particular attention to certain others can only proceed in accordance with cosmopolitan principles, while thin cosmopolitanism holds that we can justifiably act with greater partiality to these certain others. See for example Held, David. ‘Principles of Cosmopolitan Order’ in *The Political Philosophy of Cosmopolitanism*. pp. 10-28.

¹¹ Brock, Gillian. *Global Justice: A Cosmopolitan Account*. Oxford: Oxford University Press; 2009. p. 13.

This interpretation of 'weak or strong' is not particularly helpful. The practical implications of one's theory should not be taken to either weaken or strengthen one's cosmopolitanism. In order to explain this take two libertarian cosmopolitan accounts, that of Chandron Kukathas and James Sterba. Kukathas argues for a universal right of association and a corresponding universal duty of tolerance¹² that trumps the civic arrangements of any particular state. The practical outcome of such a cosmopolitanism is not in forced redistribution between states or individuals, rather, for Kukathas, it is in the opening of borders and the freedom of movement between states. As such then Kukathas's cosmopolitanism is weak. Alternatively James Sterba argues for "the liberty of the poor not to be interfered with in taking from the surplus possessions of the rich what is necessary to satisfy their basic needs"¹³, and that respecting such a liberty leads to positive right to welfare for the poor. Furthermore, the right of the poor to welfare, combined with respecting the rights of future generations "leads to the egalitarian requirement that as far as possible, we should use up no more resources than are necessary to meet our basic needs, securing for ourselves a decent life but no more"¹⁴. Thus formulated Sterba's cosmopolitanism is strong. Nevertheless, Sterba is not more cosmopolitan than Kukathas. I believe allocating the terms weak or strong on the basis of the theories' practical import is misguided. Although Sterba's theory will most likely imply much stronger practical changes, and may be seen as more strongly egalitarian, it should not be viewed as a stronger version of cosmopolitanism compared to Kukathas's theory on those grounds¹⁵. Both theorists have a conception of justice that is not indexed to a closed society; both posit a conception of justice that is global in scope. In fact both theorists do so on libertarian grounds; it may well be that it is their interpretation of libertarianism that divides them, and not their cosmopolitanism. So this

¹² Kukathas, Chandron. *The Liberal Archipelago*. Oxford: Oxford University Press, 2003. See for example Chapter 1.

¹³ Sterba, James. 'Completing the Kantian Project: From Rationality to Equality'. *Proceedings and Addresses of the APA*, Vol. 82, No. 2, 2008. p.59.

¹⁴ *Ibid.* p. 66.

¹⁵ Even the idea that Sterba's theory would require stronger political changes is open to question. Kukathas's theory would imply open borders. To get us to a stage where all nations had open borders would presumably require huge changes.

interpretation of 'weak or strong' cosmopolitanism is wrong headed because it misguides by allocating 'strength' based on the practical implications of the theory. A better strategy would be to follow Simon Caney's differentiation between weak and strong versions of the claim that there are international principles of justice. Caney makes this distinction in an article wherein he reviews the cosmopolitan landscape. He states that on the weak claim, "individuals have obligations of distributive justice to some but not all those who live outside their nation state"¹⁶. Alternatively, on the strong claim "individuals have obligations of distributive justice to everyone: the scope of justice is global"¹⁷. Here then it would seem that a weak version of the position that there are international principles of justice is non-cosmopolitan insofar as it is not global in scope and thus privileges one set of persons. As such then this interpretation of weak and strong does not allocate the strength of a cosmopolitanism based on its practical conclusions: Rather there is scope to claim that a cosmopolitan theory is stronger the more it can be said to have a conception of justice that is global in scope.

This may seem like a purely taxonomical point, but it goes deeper than that. There is an undercurrent of pragmatism evident in much contemporary cosmopolitanism about justice. In many cases it seems as though cosmopolitanism about justice is theorized into being by those who are affected by global poverty and vulnerability as an answer to these problems. As such then it is not surprising that a cosmopolitanism is seen as strong in virtue of its redistributive implication; that is, the theory's strength lies in the fact that it includes an ambitious program of material redistribution to tackle the problems of global injustice. I shall come back to contemporary cosmopolitanism's 'pragmatic turn' later in this chapter, and in ensuing chapters; suffice to say at this point that one theme of my thesis is to argue that theory should come before practice; in this case that means that the attempt to tackle global

¹⁶ Caney, Simon. 'Review Article: International Distributive Justice', *Political Studies*, Vol. 49, 2001. pp. 974-997. p. 975.

¹⁷ *Ibid.* p. 975.

injustice should be seen an attractive conclusion of a cosmopolitan theory rather than the motivation for cosmopolitan theorizing.

1.3: Cosmopolitanism About Justice: Moral, Political, Legal, Institutional or Interactional?

In the literature there are five ‘differentiations’ in cosmopolitanism about justice worth distinguishing: moral cosmopolitanism, political cosmopolitanism, institutional cosmopolitanism, interactional cosmopolitanism, and legal cosmopolitanism. In what follows I will describe these differentiations in a bid to understand more about cosmopolitanism. In this thesis, I do not wish to offer a very detailed account of a cosmopolitanism theory; rather than offer a ‘new’ cosmopolitanism I am interested in diagnosing a problematic theme and indicating a new direction for cosmopolitan theorizing. As such then I will not invoke these distinctions and differentiations in an attempt to describe my own cosmopolitanism. Nevertheless I will use these distinctions in order to begin the description of the theme in cosmopolitanism I referred to earlier.

Moral cosmopolitanism seems to be the most basic form of cosmopolitanism¹⁸. Perhaps it is best characterized by saying simply that each human being has equal moral worth, and that this standing implies moral responsibilities that have universal scope. Pogge states

*Moral cosmopolitanism holds that all persons stand in certain moral relations to one another: We are required to respect one another’s status as ultimate units of moral concern- a requirement that imposes limits on our conduct and, in particular, on our efforts to construct institutional schemes*¹⁹

I will return to this idea later, but it is worth noting here that Pogge’s definition of moral cosmopolitanism already includes an institutional bias. It is difficult to accurately define political cosmopolitanism. This is because political cosmopolitanism is often conflated

¹⁸ It may be that moral cosmopolitanism is basic to cosmopolitanism about culture. I am not interested in cosmopolitanism about culture, and so will not pursue this direction further.

¹⁹ Pogge ‘Cosmopolitanism and Sovereignty’. p. 49.

with what Pogge calls legal cosmopolitanism. Legal cosmopolitanism is “committed to a concrete political ideal of a global order under which all persons have equivalent legal rights and duties- are fellow citizens of a world republic”²⁰; i.e. legal cosmopolitanism is committed to the idea of a world state. Political cosmopolitanism, in my view is one step more abstract than legal cosmopolitanism, although it is less abstract when compared to moral cosmopolitanism. Political cosmopolitanism can be characterized by saying that some cosmopolitans believe the truth of moral cosmopolitanism implies the desirability of a certain political structure. So political cosmopolitanism may imply the desirability of a world state, but it may not; it may instead imply something more modest, perhaps an institutionalized system of international law.

As a schema the move from moral cosmopolitanism might look like this:

Moral Cosmopolitanism → Political Cosmopolitanism → Legal Cosmopolitanism

The schema I am trying to describe starts from the most abstract, and works out from there. At each level there is more substance added to the description, and so each level is more particular and less abstract than the last. Thus, moral cosmopolitanism is the most general and abstract form cosmopolitanism can take. Political cosmopolitanism is less abstract than moral cosmopolitanism insofar as it posits a particular political structure as the best way of instantiating cosmopolitanism. Again Legal cosmopolitanism is less abstract than political cosmopolitanism insofar as it posits a world state as the best political structure to instantiate cosmopolitanism. In effect, as one moves out, one is adding more substance to one’s cosmopolitan theory. Thus legal cosmopolitanism is distinct from political cosmopolitanism as it offers a more

²⁰ Ibid. p. 49.

concrete and substantive picture of what the world should look like; but this does not mean that political and legal cosmopolitanism are incompatible²¹

According to Pogge, the distinction between institutional cosmopolitanism and interactional cosmopolitanism lies within the domain of moral cosmopolitanism. He describes the distinction between institutional and interactional cosmopolitanism as follows

My second distinction lies within the domain of the moral. It concerns the nature of the moral constraints to be imposed. An *institutional* conception postulates certain fundamental principles of social *justice*. These apply to institutional schemes and are thus second-order principles: standards for assessing the ground rules and practices that regulate human interactions. An *interactional* conception, by contrast, postulates certain fundamental principles of *ethics*. These principles, like institutional ground rules, are first-order in that they apply directly to the conduct of persons and groups²²

Although Pogge describes this distinction as operating at a fundamental theoretical level, between principles of justice and ethics, it can also be expressed as a distinction that operates at the level of practice; that is, it can be expressed as distinguishing between who is responsible for the obligations implied by cosmopolitanism. As Pogge states

Interactional cosmopolitanism assigns direct responsibility for the fulfilment of human rights to other individual and collective agents, whereas institutional cosmopolitanism assigns such responsibility to institutional schemes. On the latter view, the responsibility of persons is then indirect- a shared responsibility for the justice of any practices one helps to impose: One ought not to cooperate in the imposition of a coercive institutional order that avoidably leaves human rights unfulfilled without making reasonable efforts to protect its victims and to promote institutional reform²³

So it seems that Pogge's schema of cosmopolitanism might look more like this

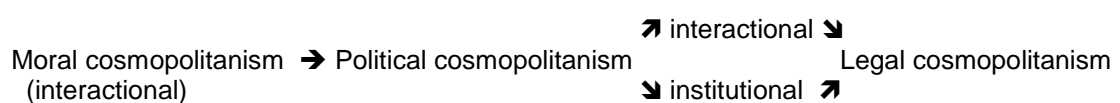
Moral cosmopolitanism (interactional or institutional) → Political Cosmopolitanism → Legal Cosmopolitanism

²¹ The sort of schema I am elucidating is also used by Pogge, though I argue that Pogge's schematic distinctions are not as precise as they ought to be. As he states of the distinction between moral cosmopolitanism and legal cosmopolitanism, "this view (moral cosmopolitanism) is more abstract, and in this sense weaker than legal cosmopolitanism: though compatible with the latter, it is also compatible with other patterns of human interaction, for example with a system of autonomous states, and even with a plurality of self-contained communities". Ibid. p. 49

²² Ibid. p. 50.

²³ Ibid. p. 50.

Two things strike me about Pogge's schema of cosmopolitanism: First, it has been extremely influential, and second, Pogge's moral cosmopolitanism is informed if not motivated by his political cosmopolitanism. It seems to me that some idea of 'interaction' underlies all forms of cosmopolitanism. As I shall argue in the next chapter one can speak of individualism, universalism, and generalism all one wants, but if there is no concept of connectedness (or concept of how agents can interact) it is difficult to see how any cosmopolitanism can get off the ground. Nevertheless, this does not imply that interactional cosmopolitanism and institutional cosmopolitanism operate at the level of moral cosmopolitanism. One can posit individualism, universalism, generalism, and a concept of interaction, without taking any stance on who has ultimate responsibility for discharging universal obligations. It seems to me that including institutional cosmopolitanism at the moral level is an attempt, by Pogge, to build in his desired political conclusions at the most basic theoretical level of cosmopolitanism. As seen above, Pogge's very definition of cosmopolitanism includes a reference to institutions as bearers of obligations. In fact, it would seem much more natural to state that the distinction between interactional cosmopolitanism and institutional cosmopolitanism operates at the level of political cosmopolitanism. If political cosmopolitanism is the idea that those who believe that cosmopolitanism is true also believe that this truth implies a certain political structuring, then political cosmopolitans who are also institutional cosmopolitans will likely argue for certain institutional structuring while political cosmopolitans who are also interactional cosmopolitans may not do likewise; such cosmopolitans may instead argue for minimal political structuring. Thus a new schema for cosmopolitanism may look more like this:



Once again, the above may seem merely taxonomical, but again I think there is a deeper point to be made. If cosmopolitanism starts with theorizing about who should have responsibility for discharging obligations, as I think Pogge's cosmopolitanism does, then one's political views will infect one's moral cosmopolitanism. In my opinion, one's cosmopolitanism will be strengthened if one first works out one's position on moral cosmopolitanism, including one's concept of connectedness, and only then moves outwards towards political cosmopolitanism and legal cosmopolitanism. I shall return to this theme at later stages in my thesis wherein I will argue for what I term a concept of connectedness at the level of moral cosmopolitanism.

Section 2: Two Different Cosmopolitanisms

In the previous section I described the cosmopolitan, at the most general level, as someone who believes himself a citizen of the world. In this section I will delineate two very different interpretations of this world citizenship: Martha Nussbaum's approach and Darrel Moellendorf's cosmopolitanism. My aim in so doing is not to perfectly capture their theories by describing them deeply, nor is it to fully develop knockdown arguments against them. Rather I wish to draw some comparisons between these theories in order to start the process of communicating my particular slant on cosmopolitanism. I wish to begin the process of arguing against certain cosmopolitans on the grounds that they put practice before theory, and that their concept of connectedness may result in arbitrary theory (more will be said on these themes later in my thesis). Furthermore I wish to begin drawing attention to what I view as a superior approach (exemplified here by Nussbaum, and more developed, as we shall see in subsequent chapters by Onora O'Neill): one that puts theory before practice, and posits a more abstract concept of connectedness.

Martha Nussbaum's cosmopolitanism is distinctly Stoic. She describes the situation of the human being as citizen of the world. She fleshes out her stoic-inspired conception of cosmopolitanism with a picture of the cosmopolitan as surrounded by concentric circles. As she states of the Stoics:

They suggest that we think of ourselves not as devoid of local affiliations, but as surrounded by a series of concentric circles. The first one is drawn around the self; the next takes in one's immediate family; then follows the extended family; then, in order, one's neighbors or local group, one's fellow city-dwellers, one's fellow countrymen -- and we can easily add to this list groupings based on ethnic, linguistic, historical, professional, gender and sexual identities. Outside all these circles is the largest one, that of humanity as a whole²⁴

The result of this Stoic picture, for Nussbaum, is to emphasize that we are world citizens first, and countrymen, neighbors, family, etc (the other concentric rings) second. For Nussbaum, our cosmopolitan obligations are fundamental, and, importantly, our more particular obligations are derivative. This is not to say that these other particular identities are unimportant, or that we should give them up. These identities can even be thought of as partly constitutive of our make-up. The point, according to Nussbaum, is the more radical one "that we should give our first allegiance to no mere form of government, no temporal power, but to the moral community made up by the humanity of all human beings"²⁵. Thus, for Nussbaum if it is right to give the local more concern than the non-local, then "the primary reason a cosmopolitan should have for this is not that the local is better *per se*, but rather that this is the only sensible way to do good"²⁶. Thus, we have a duty as world citizens to draw the circles somehow toward the center, making all human beings more like our compatriot city dwellers²⁷.

Famously Nussbaum advocates what is termed a capabilities approach to justice. Basically, her capabilities approach is outcome orientated, and looks to a theory of justice to satisfy the requirements to exercise certain human capabilities. Her

²⁴ Nussbaum, Martha. 'Kant and Stoic Cosmopolitanism', *The Journal of Political Philosophy*, Vol. 5, No. 1, 1997. pp. 1-25. p. 9.

²⁵ Ibid. p. 8.

²⁶ Nussbaum, Martha. in Martha C. Nussbaum with Respondents, *For Love of Country: Debating the Limits of Patriotism*, edited by Joshua Cohen. Boston: Beacon, 1996. p. 135.

²⁷ Nussbaum, Martha. 'Kant and Stoic Cosmopolitanism'. p. 9.

cosmopolitanism demands that the prerequisite of a decent world order is that we recognize that “if human beings have such entitlements, then we are all under a collective obligation to provide the people of the world with what they need”. As she states,

If our world is to be a decent world in the future, we must acknowledge right now that we are citizens of one interdependent world, held together by mutual fellowships as well as the pursuit of mutual advantage, by compassion as well as self-interest, by a love of human dignity in all people, even when there is nothing when there is nothing we have to gain from cooperating with them²⁸

Nussbaum's theorizing is, on my conception, strongly cosmopolitan. On her theory what fundamentally connects human beings is cosmopolitan in scope. Thus, her theory of justice is not biased in the direction of any nation, but rather takes every individual, no matter where they are situated, into account. The foundations of her cosmopolitanism, taken from Stoicism, make reference to how individuals are situated in a world of others. On her account, we live in a world characterized by the presence of significant others: some are more significant to us than others, but all can claim our allegiance. The groundings of Nussbaum's cosmopolitanism are clearly in moral cosmopolitanism: what is more, she does not picture a political structure and *then* proceed to giving this structure a cosmopolitan foundation, rather she theorizes about the fundamental obligations of a person situated in such a world as ours, and shows how her cosmopolitan capabilities approach is implied by this theory. Thus, on the schema given earlier, Nussbaum's theory of what connects us to others in the way pertinent to cosmopolitanism takes place at the level of moral cosmopolitanism. Certainly, Nussbaum has a political cosmopolitanism (as emphasized by her capabilities theory), and this political cosmopolitanism may be seen as a necessary implication of her moral cosmopolitanism. Nevertheless, Nussbaum does not build her political conclusions into her moral argument.

In my opinion the cosmopolitanism of Darrel Moellendorf stands in stark comparison to that of Nussbaum. Where Nussbaum referred to non-contingent facts

²⁸ Nussbaum, Martha. 'Beyond the Social Contract: Capabilities and Global Justice'. *Oxford Development Studies*, Vol. 32, No.1, March 2004. p. 18.

about personhood (our fundamental connectedness and obligations to others), Moellendorf argues that cosmopolitanism cannot follow “from the demands of personhood alone”²⁹; Moellendorf is far more interested in the role contingent facts play in the grounding of cosmopolitanism. As he states, “the best defense of the central claim of cosmopolitanism must be based in part upon contingent facts about the world in which we live, facts of the associations of persons in particular”³⁰. Although he does not distance himself entirely from the non-contingent personhood approach, it is difficult to see anything of it in his cosmopolitanism. Indeed, on Moellendorf’s account certain contingent facts about the way in which the world is ordered are much more important to cosmopolitanism than ideas about personhood. As he states

The sort of contingent facts that would justify the central claim of cosmopolitanism then would be facts that justify that a global association exists, that it is largely non-voluntary, and that it is a significant part of the context of one’s various public relationships. The principles of justice that would follow from this sort of global association would depend upon the moral interests that this association affects³¹

I find Moellendorf’s cosmopolitanism objectionable on many levels. Leaving aside the substance of his Rawlsian cosmopolitanism for a moment, his very definition of cosmopolitanism is, in my opinion problematic. As he defines it “the central claim of cosmopolitanism is that we owe duties of justice to all the persons of the world”³². Surely this is not a central claim of all cosmopolitanisms, but rather a conclusion of some cosmopolitanisms. I believe it would be better to say that cosmopolitanism about justice stipulates that if we hold duties of justice to persons, then we hold duties of justice to all the persons of the world; this reformulation is important as one can imagine some libertarian cosmopolitans who believe as part of their theory of justice that we do not owe duties of redistribution to anyone (co-national or not), as such then those theorist’s conceptions of justice would be cosmopolitan as it is global in scope.

²⁹ Moellendorf, Darrel. ‘Persons’ interests, states’ duties, and global governance’, in *The Political Philosophy of Cosmopolitanism*. Edited by Gillian Brock and Harry Brighouse. Cambridge: Cambridge University Press, 2005. p. 149.

³⁰ Ibid. p. 149.

³¹ Ibid. p. 151.

³² Ibid. p. 148.

Furthermore, I am much more sympathetic to a Nussbaum-esque approach to the foundations of cosmopolitanism. Moellendorf's cosmopolitanism eschews non-arbitrary conceptions of the person in favour of a foundation based on certain contingent facts about the interconnectedness (presumably through various sorts of institutions) of the modern world. As previously outlined, I worry that such an approach often builds in elements of political cosmopolitanism into the level of moral cosmopolitanism. That is, one builds in the practicalities of how the obligations are going to be discharged at the level of moral cosmopolitanism (as emphasized earlier in relation to Pogge's institutional cosmopolitanism); I termed this approach the 'pragmatic turn'. I will argue in the remainder of this thesis that such an approach is misguided, and that it would be better to avoid contingent facts when grounding cosmopolitanism as such a cosmopolitanism would itself be contingent. In the remainder of this chapter I will survey a common theme in contemporary cosmopolitanism, and I will conclude by linking this theme to the grounding of cosmopolitanism on contingent facts.

Section 3: A Theme in Contemporary Cosmopolitanism

I have mentioned a 'pragmatic turn' evident in contemporary cosmopolitanism, and I have stated my belief that many cosmopolitans are motivated by their horror of pervasive poverty; I would like to use this section to review the starting points of some contemporary cosmopolitans, with a view to illustrating the theme of pragmatism therein.

Many cosmopolitans begin the description of their theories with a commentary on the state of the world. It is common to find cosmopolitans listing the number of people that live on less than a dollar a day, and infant mortality rates etc; one such example is Kok Chor Tan³³. As he states

³³ Thomas Pogge is probably the most famous proponent of this approach. I will deal with Pogge's cosmopolitanism in the next chapter, so I will avoid repetition by not quoting him here.

Almost half the world's population of 6 billion people live on less than \$2 a day, and 1.2 billion (a fifth of the world's population) live in absolute poverty on less than \$1 a day. In developed countries, fewer than 5% of children under five are malnourished, whereas in poor countries as many as 50% are. Infant mortality rates vary across the world. In Sub-Saharan Africa, it is 15 times that of developed countries³⁴

In general cosmopolitans describe a long list of such shocking statistics. Usually, after listing these statistics cosmopolitans begin their argument that righting these wrongs is the obligation of the members of richer nations. As David Copp argues, after a description of the wrongs of global poverty,

There is a moral gravity to situations in which people are unable to meet their basic needs. It is widely agreed that the better off have a duty of charity to assist those living in poverty. I believe, however, that there are duties that go beyond charity. Some differences in life prospects between people in different countries are to be expected, even in a fully just international order. But, I believe, with qualifications, that there is injustice in the fact that some countries do not have the resources to enable their people to meet their basic needs while other countries have resources that are surplus to their people's basic needs³⁵

Moreover, many theorists also note, in conjunction with world poverty, the growing globalization of the world (in terms of trade, institutions, etc). So, in the literature, many theorists make use of two contingent facts about the world as the starting point of their cosmopolitanisms: pervasive poverty and the interconnectedness of the world. For example, in a book of collected essays by key cosmopolitans, called *The Political Philosophy of Cosmopolitanism*, whose stated aim is to defend a positive conception of cosmopolitanism, the very first line is:

trade has internationalized rapidly and labor mobility has increased significantly since the end of the Cold War. These developments have sharply raised questions about the moral significance of national boundaries³⁶

Furthermore, there has been a simultaneous increase in our interconnectness to others (through trade and labor mobility):

At the same time, the north-south divide between wealthy industrial and post-industrial and poor developing countries has been an increasing object of political concern³⁷

³⁴ Tan, Kok Chor. *Justice Without Borders: Cosmopolitanism, Nationalism, and Patriotism*. Cambridge: Cambridge University Press, 2004. p. 20.

³⁵ Copp, David. 'International Justice and the Basic Needs Principle', in *The Political Philosophy of Cosmopolitanism*. p. 39.

³⁶ Gillian Brock and Harry Brighouse 'Introduction', in *The Political Philosophy of Cosmopolitanism*. p. ix.

³⁷ Ibid. p. ix.

In effect, current theorizing seems to follow a certain pattern. We live in a world of others with whom we are connected, and some of those others are poor: thus we should redress the situation. Nevertheless, there seems to be very little political motivation to right these global wrongs. In effect, the fact of the matter is, politically we are not doing enough to eradicate these problems. As such then it is the job of the theorist to strengthen this motivation. Thus, cosmopolitanism is invoked as a theoretical tool to increase this political motivation. The best instantiation of this reasoning, though I do think it to be pervasive in the literature, is Christine Sypnowich.

She begins by stating

The greatest equality gaps are no longer, as they were a hundred years ago, between rich and poor persons within a country, but between rich and poor peoples: problems of inequality are most egregious between the haves and have-nots in the international context³⁸

Nevertheless, as she notes, we (the haves) are not responding to this inequality:

And yet we lack the capacity to redress global injustice: institutional resources, human motivation and the concepts of political philosophy all presume the predominance of the nationstate paradigms and obligations among citizens³⁹

It seems that if we only recognized that we have obligations to others based on the information that we are connected to these others through institutions etc, and that these others are poor, theorists would have no need to describe cosmopolitanism and its implications. Thus cosmopolitanism is invoked to plug a motivational gap. As Sypnowich concludes, “thus perhaps the toughest test of an egalitarian theory is what it can contribute to the promotion of equality, not among citizens, but around the globe”⁴⁰.

It is true that poverty related statistics are shocking. Possibly, it is also true that the mere mention of such statistics should motivate us to counteract them. The reality is that there is very little motivation to act against global poverty. As I write this, we are no way near making good on the millennium goals by 2015. I could list a pile of statistics to show how little motivation there is, on the part of developed countries, to

³⁸ Sypnowich, Christine. ‘Cosmopolitans, Cosmopolitanism, and Human Flourishing’, in *The Political Philosophy of Cosmopolitanism*. p. 55.

³⁹ Ibid. p. 55.

⁴⁰ Ibid. p. 55.

alleviate poverty, but I am pretty sure we all know how little our states are in fact doing in this regard. That being said, I do not think the appropriate response, by the theorist who wishes to remind us of our obligations, is to theorize cosmopolitanism into being in order fill the void left by our lack of motivation. My objective, in this thesis, is to provide an argument against the 'practical turn' of cosmopolitanism. Thus, I will speak to cosmopolitans, supposing the truth of cosmopolitanism, in an attempt to convince them that a better cosmopolitanism is one that concentrates on certain necessary presuppositions about persons rather than contingent facts about the world. My hope is that a poverty eradicating conclusion will naturally fall out of a cosmopolitanism that starts from such a conception of persons; perhaps my hope will be satisfied, but if not at least those theorists who are scandalised by world poverty will know that cosmopolitanism cannot 'plug the hole' of our motivations.

As it stands, given the practical turn, contemporary cosmopolitan theorizing seems somewhat *ex post facto*. We live in an interconnected world of others, some of whom are extremely poor, and yet we are not motivated to alleviate this poverty. Interest in cosmopolitan theorizing is sparked by these facts, and thus the resultant cosmopolitan theory cannot help but be somehow infected by them: for example, as I will show in the next chapter Pogge's cosmopolitanism is infected by his institutional bias. This 'ex post facto infection' is reminiscent of the 'prediction versus accommodation' debate within the philosophy of science. Theorists such as John Worrall argue that scientific theories which genuinely predict, rather than merely accommodate certain phenomena, are superior⁴¹. For Worrall a theory predicts a phenomenon in case that the theory entails the phenomenon without being constructed just for this purpose. For example, in the debate between Darwinians and Creationists, it follows from the basic principles of Darwin's theory of evolution that there should exist fossils; in contrast Creationists, who believe that the Earth was created in 4000

⁴¹ John Worrall 'New Evidence for Old', in *In the Scope of Logic, Methodology and Philosophy of Science*, edited by P. Gardenfors, J. Wolenski and K. Kijania- Placek. Volume 1, pp. 191-209.

B.C., must invoke the additional assumption that God created 'fossils'. Therefore, on Worrall's account, Darwinism is the superior theory. As such then, it would be better if our obligations were an implication of our cosmopolitan theories, rather than our putative obligations being pragmatically invoked in order to construct a cosmopolitan theory. In effect, these obligations should be implied by the cosmopolitanism (and thus theory would precede practice), rather than the cosmopolitanism being brought into existence to justify these obligations to which the theorist is already committed (and so practice precedes theory).

Interestingly, the first cosmopolitans were not at all concerned with contingent facts about the world. As Cicero states

For the Universe is as it were the common home of gods and men, or a city that belongs to both. For they alone live according to justice and law by the use of reason. So just as it must be supposed that Athens and Sparta were founded for the sake of the Athenians and the Spartans, and all the things contained in those cities are rightly said to belong to those peoples, so whatever things are contained in the entire universe must be supposed to belong to gods and men⁴²

The importance of this passage is to note that people are connected to one another through what Cicero terms 'right reason'. It is right reason that forms the bond between citizens in the cosmological city, rather than some contingent fact about the world like institutional interconnectedness. Further, right reason is not contingent on living in Rome or Sparta, and neither is it contingent on being human; after all, according to Cicero it is what connects us to God also, and what allows us to inhabit the cosmological city with him. My own cosmopolitanism is not taken from Stoicism, but from Kantianism. Nevertheless, I believe there are certain similarities between the Stoic approach to cosmopolitanism, and my own: I too will avoid contingent facts when searching for a concept of what connects us to relevant others, and my concept of connectedness will depend on reason, finally I will invoke God to imbue my concept of connectness with metaphysical necessity. Nevertheless, I will avoid the realism of the Cicero's cosmopolitanism insofar as I will not invoke the reality of God and some

⁴² Schofield, Malcolm. *The Stoic Idea of the City*. Cambridge: Cambridge University Press, 1991. p. 65.

supersensible realm, rather I will use the concept of God to show that reason (and so our connections to others) are not, in theory, limited to other human beings.

Conclusion

My aim in this chapter was to explain what cosmopolitanism is, and some differentiations between cosmopolitan theorists. In the process of this explanation I described what I see to be a theme within contemporary cosmopolitanism about justice. This chapter was written to be a launchpad to the more critical chapters of my dissertation. As such my aim was not to provide an argument against the practical turn; that will come later in this thesis. Rather, my aim was to describe cosmopolitanism, and what I see to be the pragmatic turn evident in contemporary cosmopolitanism about justice. Furthermore, I hinted at the problems I see with the direction some contemporary cosmopolitans are taking; in what follows I will expand on these hints in order to provide an argument against contingent, pragmatic, cosmopolitanism. In the next chapter of this thesis I will turn to describing what I call the concept of connectedness invoked by cosmopolitanism, and I will build upon the themes discussed in this chapter by linking them with this concept.

Chapter 2: The Concept of Connectedness, and Currently Influential Cosmopolitanism

Introduction

In the previous chapters I described the importance of connectedness to cosmopolitanism, and I illustrated a common theme in contemporary cosmopolitanism: a pragmatic turn towards a contingent concept of connectedness. The aim of this chapter is to unpack these thoughts further, and provide a critique of this pragmatic turn. My focus will be on the cosmopolitanisms of Simon Caney, Charles Beitz, and Thomas Pogge. I will use these thinkers to illustrate both the importance of connectedness to cosmopolitanism, and certain problems that arise when connectedness is, in my opinion, improperly construed.

I will explain, in the first Section of this chapter, exactly what I mean by the concept of connectedness, with respect to cosmopolitanism. I will then outline Charles Beitz and Thomas Pogge's cosmopolitanisms, and show how a contingent concept of connectedness emerges from their theories. In Section 2 I will delineate my objection to that concept of connectedness. I will then, in Section 3, briefly describe how this objection may be levelled against Beitz and Pogge's cosmopolitanisms. Finally, in Section 4, I will describe some counterintuitive implications involved in the use of this concept of connectedness.

Section 1: The Concept of Connectedness: Beitz and Pogge

As mentioned in the first chapter of this dissertation Thomas Pogge takes cosmopolitan theories to share at least three tenets⁴³. First, cosmopolitan theories posit that the unit

⁴³ I believe this definition or description has been extremely influential within the landscape of contemporary cosmopolitanism. The reasons I use this definition are its apparent influence on contemporary cosmopolitanism, and the engagement of this chapter with the work of Thomas Pogge. Nevertheless, I think there is room to criticise this definition. For one thing Katrin Flikschuh has criticised

of moral concern is the individual. Second, cosmopolitan theories contend that this moral concern attaches to every individual universally. Third, cosmopolitan theories stipulate that each individual is the concern of all others in generality⁴⁴. Cosmopolitan theories usually have some action guiding implications; for example many such theories stipulate some form of resource redistribution from rich to poor countries. The three tenets of cosmopolitanism, on their own, do not imply a relation of obligation between individuals. Individualism, universality and generality apply to a set of persons who are connected or related in some relevant way. For example, it would make no sense to stipulate a relation of obligation between those living in extreme poverty on Mars and those living on Earth, in the absence of any connection (communication, cooperation, joint institutions, even our knowledge of the Martian existence, etc) between those on Mars and those on Earth. Those on Mars can talk of individualism, universality and generality, but some relation of connectedness is a necessary condition for these tenets of cosmopolitanism to result in a relation of obligation between those on Earth and those on Mars. Thus, the question I am concerned with, in this chapter, is how do currently influential cosmopolitan theories depict the context within which I live with respect to how I am connected to others⁴⁵.

Charles Beitz's cosmopolitanism is "in the spirit of the political theory of *The Law of Peoples*"⁴⁶. In effect, Beitz aims to reinterpret the Rawlsian original position as applicable to international relations, and as resulting in a redistribution of resources. He begins this reinterpretation by arguing that international relations is not a Hobbesian state of nature. That is, international relations cannot be characterized as an "order of independent agents, each pursuing its own interests, without any common power

the idea that it is necessary to include a tenet of individualism in any definition of cosmopolitanism. See for example, 'Kant's Non-Individualist Cosmopolitanism', in *Kant and the Future of European Enlightenment* edited by Heiner F. Klemme. New York: Walter de Gruyter, 2009. Furthermore I believe one could deny generalism, and still be thought of as a cosmopolitan. Nonetheless, it is beyond the scope of this dissertation to discuss these questions further. I will come back to the issues involved with this definition of cosmopolitanism in Chapter 7 of this thesis.

⁴⁴ Pogge, Thomas. *World Poverty and Human Rights*. Cambridge: Polity Press, 2002. p. 169.

⁴⁵ I use the term 'the concept of connectedness' to refer to the concept used, by cosmopolitans, to explain how I am connected to all others.

⁴⁶ Beitz, Charles R. 'Human rights and the law of peoples', in *The Ethics of Assistance: Morality and the Distant Needy*. Edited by Deen K. Chatterjee. Cambridge: Cambridge University Press, 2004. p. 209.

capable of enforcing rules of cooperation”⁴⁷. According to Beitz, the argument that international relations is a state of nature is composed of two claims; an empirical claim, and a theoretical claim. The empirical claim asserts that no state within the state of nature, as a state of war, has an overriding interest in following moral rules that restrain the pursuit of more immediate interests. The theoretical claim asserts that moral principles must be justified by showing that following them promotes the long range interests of each agent to whom they apply.

Beitz argues that the empirical claim is false in that it involves a misperception of the structure and dynamics of contemporary international politics. One example wherein this misperception is instantiated is in the behaviour of transnational associations of persons⁴⁸. Beitz argues “nation states can no longer be regarded as the only, or as the ultimate, actors in international relations, since their action may be influenced significantly by pressures from groups that represent transnational interests”⁴⁹. Since transnational associations of persons can have common interests that motivate them to exert pressures for cooperation on their respective governments, and thus the state can be pressured to restrain the pursuit of its most immediate interests, then the empirical claim is false.

Beitz argues that the theoretical claim is wrong because the idea that moral rules oblige only when they can be shown to be in the interests of everyone to whom they apply is intuitively inadequate. In effect, according to Beitz an ethics based on enlightened self-interest does not allow moral criticism of established practices, nor does it admit principles whose general observance might seem morally required but would not benefit every party. As he states, “to assert that ethics is possible is to say

⁴⁷ Beitz, Charles R. *Political Theory and International Relations*. New Jersey: Princeton University Press, 1976. p. 14.

⁴⁸ Beitz uses many other examples to illustrate this point. He explores such examples as the proliferation of nuclear weapons and the power of nations relative to one another. For example, in one passage he examines such empirical instances, and concludes that “if these empirical criticisms are correct, then, even if one holds that states are obliged to observe moral rules only when it is in their interests to do so, it seems that there are some rules of cooperation that are binding on states”. Beitz, *Political Theory and International Relations*. pp. 36-50.

⁴⁹ *Ibid.* p. 40.

that there are occasions when we have reason to override the demands of self-interest by taking the moral point of view toward human affairs”⁵⁰. Since an ethics based on enlightened self-interest is inadequate, and the theoretical claim defends the idea that moral principles can be justified merely by a reference to enlightened self-interest, then the theoretical claim is false.

If the empirical and the theoretical claim are false then Beitz may contend that international relations is not a state of nature. The argument that international relations is a state of nature is used to defend scepticism about international morality. Since the argument is unsound Beitz may conclude that “the moral point of view is not irrelevant to political theory”⁵¹ at the global level. According to Beitz, it is “the rights and interests of persons that are of fundamental importance from the moral point of view”⁵². It is in cashing out this moral point of view that Beitz begins to sound distinctively Rawlsian. As he states, “the moral point of view requires us to regard the world from the perspective of one person among many”⁵³ and to choose policies, rules, institutions, etc on grounds “that would be acceptable to any agent who was impartial among competing interests involved”⁵⁴. Even more telling, Beitz asks us to “imagine a global original position”⁵⁵, and to “suppose that the parties are deprived by a veil of ignorance of information about the economic circumstances of their societies”⁵⁶.

For my purposes, it is *how* Beitz distinguishes himself from Rawls that is most important. Beitz’s original position departs from its Rawlsian counterpart on two matters: resource redistribution, and the self-sufficiency principle. First, Beitz argues that resources are not attached to persons, rather they are found ‘out there’ in the world. Furthermore, the appropriation of resources by some will leave others comparatively disadvantaged. According to Beitz, the natural distribution of resources

⁵⁰ Ibid. p. 58.

⁵¹ Ibid. p. 60.

⁵² Ibid. p. 55.

⁵³ Ibid. p. 58.

⁵⁴ Ibid. p. 58.

⁵⁵ Beitz, Charles R. ‘Human rights and the law of peoples’ in *The Ethics of Assistance: Morality and the Distant Needy*. p. 209.

⁵⁶ Ibid. p. 209.

is a case of “something being arbitrary from a moral point of view”⁵⁷. Thus, Beitz contends that parties to his original position, not knowing the resource endowments of their own societies, would agree on a principle of resource redistribution that would “give each society a fair chance to develop just political institutions and an economy capable of satisfying its members’ basic needs”⁵⁸. Second, Beitz contends that Rawls’ image of the world as composed of self-sufficient national societies is misleading. This image has “lost its normative relevance because of the rise of global economic interdependence. Hence principles of distributive justice must apply in the first instance to the world as a whole, and derivatively to nation states”⁵⁹.

Beitz’s concept of connectedness is composed of two elements: resource distribution, and economic interdependence. He holds that principles of social justice should be made applicable globally as the moral point of view stipulates that it is the rights and interests of persons that are of fundamental importance. Thus, it is *persons* and not *peoples* that are the unit of moral concern. Furthermore, our concern must be extended to such others in virtue of the facts that the natural distribution of resources is arbitrary from a moral point of view, and that we are connected to these others through a complex system of global interdependence⁶⁰. If the natural distribution of resources is arbitrary from a moral point of view, and in a world of limited resources the acquisition of resources by some will leave others disadvantaged, then it is right to maintain that “each person has an equal prima facie claim to a share of the total available resources”⁶¹. Moreover, international interdependence, in showing the existence of a global scheme of cooperation, proves that national boundaries do not have moral significance with respect to obligations. That is, as Beitz states, “since boundaries are

⁵⁷ Beitz, Charles R. *Political Theory and International Relations*. p. 140.

⁵⁸ *Ibid.* p. 141.

⁵⁹ *Ibid.* p. 130.

⁶⁰ It might be argued that connectedness is not necessary for Beitz’s cosmopolitanism. In effect, one might contend, all that is necessary for Beitz’s cosmopolitanism is that the distribution of resources is arbitrary from a moral point of view. To this I reply that one must remember Beitz’s arguments against those who are sceptical about international morality. Beitz’s arguments against such scepticism depend on the idea that the nation state is not the only or ultimate actor in international relations; if it were, then scepticism might be appropriate; and cosmopolitanism would be ruled out. Therefore, on Beitz’s account, connectedness is a necessary condition for cosmopolitanism.

⁶¹ *Ibid.* p. 142

not coextensive with the scope of social cooperation, they do not mark the limits of social obligations”⁶². It is enough at this stage to conclude that Beitz cannot avoid appeal to some sort of concept of connectedness. I shall argue, at a later stage in this Chapter, that the concept of connectedness he invokes is contingent.

Thomas Pogge’s cosmopolitanism draws much strength from the distinction between positive and negative duties. Pogge allows that our positive duties to prevent injustice (carried out by others) and generally to assist our compatriots are stronger than like duties we might owe to foreigners. Nevertheless, our “much sharper and weightier”⁶³ negative duties not to harm others do not vary in this way. That is, our duty not to harm foreigners is as strong as our duty not to harm our compatriots. As Pogge states, “injustices and other wrongs we commit against foreigners have the same weight as like injustices and other wrongs we commit against compatriots”⁶⁴.

Pogge observes that we live in a world characterized by international economic interaction regulated by institutions. Such institutions include, among other things, “an elaborate system of treaties and conventions about trade, investment, loans, patents, copy rights, trademarks, double taxation, labour standards, environmental protection, use of seabed resources”⁶⁵. He argues that such regulations have been shaped in a way that is unfavourable to the poor. One instantiation of this ‘shaping’ of the regulations governing economic interaction is the international resource privilege. The international resource privilege is the power to confer globally recognized property rights in a country’s resources. Pogge’s concerns about the international resource privilege stem from the idea that this privilege is not sensitive to *who* wields this power and *how* it is wielded. As he states, “any group controlling a preponderance of the mean of coercion within a country is internationally recognized as the legitimate government of this country’s territory and people- regardless of how this group came to

⁶² Ibid. p. 151.

⁶³ Pogge, Thomas W. *World Poverty and Human Rights*. p. 135.

⁶⁴ Ibid. p. 133.

⁶⁵ Pogge, Thomas W. ‘ “Assisting” the global poor’ in *The Ethics of Assistance: Morality and the Distant Needy*. p. 263.

power, of how it exercises power, and of the extent to which it may be supported or opposed by the population it rules”⁶⁶. Pogge argues that such a privilege constitutes a powerful incentive towards coups, and oppression of populations by rulers who, enjoying the resource privilege, want to maintain their power in the face of popular opposition. Thus, factors like the international resource privilege “strongly affect the overall incidence of oppression and poverty”⁶⁷.

If the regulations governing economic interaction are ‘shaped’ such that they affect oppression and poverty in the way Pogge describes, then, as persons involved in upholding these institutions, our negative duty not to harm must be engaged. As Pogge states, “the normative force of other’s human rights for me is that I must not help uphold and impose upon them coercive social institutions under which they do not have secure access to the objects of their human rights”⁶⁸. For Pogge, responsibility for a person’s human rights “falls on all and only those who participate with this person in the same social system”⁶⁹. Thus, as he emphasizes, as such participants, “this buck stops with us”⁷⁰.

For Pogge, taking our negative duties not to harm seriously involves either discontinuing our involvement in such institutions or, where this is not possible, working for the reform of those institutions or the protection of those adversely affected by them. One such reform advocated by Pogge is a Global Resource Dividend (GRD)⁷¹. The concept motivating Pogge’s GRD is that “the global poor own an inalienable stake in all limited resources”⁷². An implementation of the GRD would involve states relinquishing part of their property rights over their resources. In effect, when a state

⁶⁶ Ibid. p. 113.

⁶⁷ Ibid. p. 115.

⁶⁸ Ibid. p. 66.

⁶⁹ Ibid. p. 66.

⁷⁰ Ibid. p. 20. Note that this is not an uncontentious thesis. Some theorists have questioned Pogge’s causal thesis that we are responsible for poverty abroad. For example Mathias Risse is sceptical of Pogge’s arguments concerning the harm done by the global order to the poor. Although Risse does find that the global order harms the poor, he argues that this harm is “consistent with its deserving praise for having advanced the world above a historically predominant state of misery”. Risse, Mathias. ‘How does the Global Order Harm the Poor’, in *Philosophy and Public Affairs (Autumn 2005)* 33 (4): pp. 349-376. p 351.

⁷¹ Pogge, Thomas. *World Poverty and Human Rights*. p. 196.

⁷² Ibid. p. 202.

decides to use or sell a resource, the GRD would require that it shares a small part of the value of that resource. Thus through the GRD we could compensate the global poor for our neglect of our negative duty not to harm them⁷³. As Pogge states, insofar as we compensate the global poor “we are not mere ‘assisting’ the poor abroad, but reducing the impact of unfair rules that bring unjust gains at their expense”⁷⁴.

Pogge’s concept of connectedness is institutional in nature. That is, he maintains that institutions connect individuals. As he states, “all human beings are now participants in a single, global institutional order- involving such institutions as the territorial state, a system of international law and diplomacy, as well as global economic system of property rights and markets for capital, goods and services”⁷⁵. Interestingly, his conception of an institution seems quite porous. The institutions he is concerned with are those structures that regulate international economic interaction. Thus, that which connects us, through Pogge’s concept of connectedness, is potentially a very large set of institutional structures.

Section 2: Formulating the Objection

It seems to me that these currently influential cosmopolitanisms share an important tenet. That is, one’s starting points must be the circumstances of the individual. When the circumstances of the individual have been posited, then one can identify all relevant individuals (that is all connected individuals) in virtue of their shared circumstances. Pretend there is a spectrum on which conceptions of the circumstances of the individual lie, where the more content they contain the more substantive they are, and the less content they contain the more abstract they are⁷⁶. I believe that

⁷³ Presumably the GRD would work to mitigate Pogge’s worries (mentioned above) concerning the international resource dividend. As such, at least part of the money acquired through the sale of the resource in a certain country would be redirected towards the poor of that country.

⁷⁴ Pogge, Thomas W. ‘ “Assisting” the global poor’ in *The Ethics of Assistance: Morality and the Distant Needy*. p. 278.

⁷⁵ Pogge, Thomas W. *World Poverty and Human Rights*. p. 168.

⁷⁶ Connectedness with ‘more content’ might be conceptions like ‘connected to all and only white female academics’, compared to conceptions like ‘connected to all and only white females’. The thought I am trying to elucidate here is that the less content (‘white, female, likes cats, etc’) involved in a concept of connectedness, the more abstract it can be said to be.

currently influential cosmopolitanisms posit richly substantive conceptions of the circumstances of the individual: such concepts of the circumstances of the individual include economic interdependence, institutional interconnections, political relations, etc. Furthermore, I contend that such substantive conceptions of the circumstances of the individual inform the concepts of connectedness invoked by these cosmopolitans, and hence their theory of justice; for example, if the salient circumstances of the individual are political then he will be connected (in the relevant way) with others who share his political system, and thus he will have relations of obligation with all and only those relevant others.

It does not seem obvious to me that the grounds of my connectedness to relevant others are exhausted by any substantive conception of the circumstances of the individual. That is, it is not obvious to me that I must think of connectedness as a function of how I happen to be connected to others as a matter of contingent circumstance. It is possible that I may be connected with individuals who do *not* share with me politics, economics, or institutions. In fact, I think substantive conceptions of the circumstances of the individual results in unnecessarily arbitrary theory. To illustrate the arbitrariness of such conceptions, take the example of the imaginary island, on Earth, called Ragus. Somewhat like Cuba (as an ideal socialist island), Ragus is unconnected through politics, economics, or institutions, to the rest of the world. Now if one (or all) of the circumstances of politics, economics, or institutions constituted necessary and sufficient conditions for my connectedness to others, then I ought to feel disconnected from the inhabitants on Ragus. Given this disconnection, I ought not feel obligated, by justice, to alleviate the suffering of those on Ragus (caused perhaps by famine brought about by corrupt government, or natural disaster, etc). Alternatively, if this suffering (again caused by famine, natural disaster, etc) happened on Ragus, and I was connected with the inhabitants of Ragus through some substantive structure (say for instance there were trade agreements between institutions here and on Ragus) then I ought to feel obligated towards Ragus's

inhabitants. It seems strange to me to ground a theory of obligation on such substantive structures⁷⁷. I think one could justifiably ask of any substantive structure, 'why is obligation implied by this structure, and not some other thing'. Thus, the move from 'we are connected to these others in virtue of some substantive condition of the world', to 'we are obligated to these others' does not seem to me to be a necessary one⁷⁸.

In sum, I object to cosmopolitan theories that posit richly substantive concepts of connectedness because I consider such concepts to be arbitrary. Furthermore, such arbitrary concepts of connectedness necessarily exclude some from the realms of justice: that exclusion might be actual (for example 'some' might refer to those who do not participate in our global economic order), or merely theoretical (for example 'some' might refer the non-existent inhabitants of Ragus).

Section 3: Objecting to Beitz and Pogge's Cosmopolitanism

From my point of view, Simon Caney poses a very interesting challenge to both Beitz and Pogge's cosmopolitanisms. As Caney states, "both (Beitz and Pogge) have maintained that the difference principle applies only among those who are interconnected. It is this moral premise that is most vulnerable"⁷⁹. Caney's argument against this premise centres on the idea that the reasoning underlying cosmopolitanism does not allow a cosmopolitan to found his theory of obligation on interconnectedness.

⁷⁷ It might be argued against me here that Beitz and Pogge could allow that we owe humanitarian duties of assistance to those suffering on Ragus, but we do not owe duties of justice to them. Duties of justice, they might say, are a result of specific forms of interaction, and thus we do not owe them to those on Ragus. The idea I am trying to illustrate through the example of Ragus may be articulated by the question 'what is so great about any specific form of interaction?' In effect, 'why should we think that specific substantive structure implies a duty of justice?' At this point in my argument, raising these questions is enough; I will say more later.

⁷⁸ It should be noted here that I am not concerned with a conception of cosmopolitanism as general beneficence. I am not concerned with this debate. Rather I am concerned with those theorists that think of cosmopolitanism as agent centred, and as a concern of justice. Simon Caney in one example of a theorist whose cosmopolitanism promotes duties of justice that do not equate with duties of beneficence, but neither are they dependent on a specific form of connectedness.

⁷⁹ Caney, Simon. *Justice Beyond Borders: A Global Political Theory*. Oxford: Oxford University Press, 2005. p. 110.

The cosmopolitanisms of Beitz, Pogge, and Caney, hinge on the idea of a morally arbitrary consideration. In effect, the theorists agree that for a theory of justice to be fair it must not be based on a consideration that is arbitrary from a moral point of view⁸⁰. For Beitz and Pogge “nationality is just one further deep contingency”⁸¹. Caney extends this argument to include the claim that interconnectedness is arbitrary. He agrees that the idea underlying cosmopolitanism stipulates that one’s access to opportunities ought not depend on some morally arbitrary consideration. Meanwhile, for Caney, coming from an institutional scheme is likewise arbitrary; if ‘coming from a particular nation’ is such a morally arbitrary consideration, then it is difficult to see why ‘coming from a particular institutional scheme’ is not also deemed such a consideration. As he states, “if it is arbitrary for some to face worse options because they come from a particular nation, is it not equally arbitrary to penalize someone for coming from a particular institutional scheme”⁸²? According to him, “the logic of the intuition underpinning cosmopolitanism thus subverts an institutional perspective”⁸³ because “we have no reason to think that membership of an institutional scheme has moral relevance for it does not track any entitlement-creating properties”⁸⁴.

As aforementioned there are two levels to Charles Beitz’s concept of connectedness: resource distribution, and economic interdependence. I believe one might argue that the first level of this concept of connectedness is not open to the objection I have launched against currently influential cosmopolitanisms. That is, I think one could argue that the concept that we are connected through the arbitrary distribution of natural resources is not unnecessarily substantive. The idea that we are connected through the arbitrary distribution of such resources does not exclude anyone

⁸⁰ Interestingly this seems to be a Rawlsian idea. As he states, “Once we decide to look for a conception of justice that nullifies the accidents of natural endowment and the contingencies of social circumstance as counters in quest for political and economic advantage, we are led to these principles. They express the result of leaving aside those aspects of the social world that seem arbitrary from the moral point of view”. Rawls, John. *A Theory of Justice*. Cambridge: Harvard University Press, 1971. p. 15. In fact one could look at the cosmopolitanisms of Beitz and Pogge as an extension of the arbitrariness claim to the global sphere.

⁸¹ Pogge, Thomas. *Realizing Rawls*. Ithaca: Cornell, 1989. p. 378.

⁸² Caney, Simon. *Justice Beyond Borders*. p. 112.

⁸³ *Ibid.* p. 112.

⁸⁴ *Ibid.* p. 112.

since each is subject to this arbitrariness. Furthermore, the use of some Rawlsian apparatus like the original position to rectify the arbitrariness of this distribution should issue in a theory of obligation.

Leaving aside whether or not this concept of connectedness is arbitrarily substantive⁸⁵, I believe the idea that this concept, alone, issues in a theory of obligation is problematic. Say we agree that the distribution of resources is arbitrary from a moral point of view: for example, we might agree that the distribution of oil is arbitrary. I do not believe it now follows straightforwardly that we should engage in some Rawlsian reasoning to allocate obligations to rectify this arbitrary distribution. Interestingly, John Rawls himself did not believe that we ought to engage in such reasoning at a global level. As he states, “In laying out the Law of Peoples, we begin with principles of political justice for the basic structure of a closed and self-contained liberal democratic society”⁸⁶. To clarify this argument, remember again Ragus (my imaginary ideal socialist island on earth)⁸⁷. As an ideal socialist island Ragus does not trade or communicate with the outside world. In Rawls’ terms Ragus is self-sufficient. I contend that the government on Ragus might also believe that the distribution of natural resources on earth is arbitrary from a moral point of view, and yet quite reasonably refuse to engage in original position theorizing with the rest of the world, and so refuse to be allocated any obligations. Moreover, to force Ragus to comply with the findings of this global original position would be tantamount to endorsing a position of liberal imperialism. As Rawls argues, on such an account, “the foreign policy of a liberal

⁸⁵ I do believe that this concept of connectedness is a substantive one. Furthermore, I believe that, whereas the previously a substantive conception of connectedness was used to exclude others from the purview of justice here a substantive conception is used to include some. Moreover, as with the previous use of a substantive conception, the use of such a conception to include some in the purview of justice is problematic.

⁸⁶ Rawls, John. *The Law of Peoples*. London: Harvard University Press, 2002. p. 86.

⁸⁷ My use here of the theoretical tool that is Ragus may seem to contradict the motives I had during my previous use of Ragus. Previously, I wished to object to overly substantive concepts of connectedness on the grounds that they would exclude Ragus from the purview of justice. My use here indicates that I would object to Beitz’s first level concept of connectedness on the grounds that it would include Ragus in the purview of justice against the will of Ragus. This apparent contradiction alludes to a subtlety in my preferred concept of connectedness that shall be delineated at a later point in this dissertation. As a very first approximation I might say that a concept of connectedness must be sensitive on the one hand to the danger of excluding some on the basis of a substantive picture of the world, and on the other including others on the basis of a similar picture of the world.

people- which it is our concern to elaborate- will be to act gradually to shape all not yet liberal societies in a liberal direction, until eventually (in the ideal case) all societies are liberal”⁸⁸.

As previously emphasized, Beitz quite easily overcomes this problem by contending that the world is not composed of self-sufficient societies, and thus the moral point of view is applicable to international relations. As he states, “the self-sufficiency assumption, upon which Rawls’ entire consideration of the law of nations rests, is not justified by the facts of contemporary international relations”⁸⁹. According to Beitz, the world is one of international economic interdependence, and as such it is reasonable to include all in original position theorizing, and thus to allocate obligations accordingly.

I object to Beitz insofar as his concept of connectedness⁹⁰ is overly substantive. Beitz postulates that the circumstances of the individual are economic interdependence with all other individuals. Thus his concept of connectedness stipulates that we are connected to all others who share our circumstances of economic interdependence. Since it is this concept of connectedness which grounds a theory of obligation then we may infer that we are obligated to all and only those who share with us economic interdependence. Following Simon Caney, one may ask Beitz, if ‘coming from a particular nation state’ is a morally arbitrary consideration, then why should ‘coming from an economic scheme’ not be deemed a morally arbitrary consideration also? Similarly, we might ask Beitz, if obligation cannot be implied by a concept of connectedness that refers directly to one’s membership of a nation, why then should obligation be implied by a concept of connectedness that refers directly to one’s membership of an economic scheme? Therefore, the move from ‘we are connected to

⁸⁸ Ibid. p. 82.

⁸⁹ Beitz, Charles R. *Political Theory and International Relations*. p. 169.

⁹⁰ It is true that properly speaking Beitz’s concept of connectedness is composed of two elements: resource distribution and economic interdependence. Nevertheless, I have argued that the first element of Beitz’s concept of connectedness fails to issue in a theory of obligation. Thus, from here on in, when I refer to Beitz’s concept of connectedness, I shall be referring solely to economic interdependence.

these others in virtue of our economic interdependence' to 'we are obligated to these others' does not seem to me to be a necessary one.

Thomas Pogge's concept of connectedness is relatively easy to reconstruct. He believes individuals are interconnected in a single institutional order. Thus, we are connected to all and only fellow members of this institutional scheme. The advantage of such a concept of connectedness is the seemingly straightforward way in which it issues in a theory of obligation. In effect, since we are all participants in a single global institutional order, and that order can inflict harm on some, we have a negative duty to refrain from upholding and imposing the parts of this order that inflicts such harms. As Pogge states, "those who have such a responsibility should either discontinue their involvement- often not a realistic option- or else compensate for it by working for the reform of institutions or for the protection of their victims"⁹¹. As mentioned previously, such reform may include financial compensation.

As will be familiar at this stage, I object to Pogge's account on the basis that it posits a substantive concept of connectedness. Such a concept implies, at least in theory, an arbitrary exclusion of some from the purview of justice. Once again, following Simon Caney, one can ask Pogge, if 'coming from a particular nation state' is a morally arbitrary consideration, then why should 'coming from an institutional order' not be deemed a morally arbitrary consideration also? Similarly, we might ask Pogge, if obligation cannot be implied by a concept of connectedness that refers directly to one's membership of a nation, why then should obligation be implied by a concept of connectedness that refers directly to one's membership of an institutional order. Therefore, the move from 'we are connected to these others in virtue of our institutional interdependence' to 'we are obligated to these others' does not seem to me to be a necessary one⁹².

⁹¹ Pogge, Thomas. *World Poverty and Human Rights*. p. 49.

⁹² I believe that Charles Jones's cosmopolitanism is also open to this objection. Jones advocates a rights-based cosmopolitanism. His particular brand of rights-based cosmopolitanism seeks to protect the basic interest of persons. Following John Rawls, Jones takes justice to apply to the main institutions that have a dominant impact on the life prospects of individuals. He argues that the institutions affecting persons' life

Section 4: Pogge and Caney: a Middle Way

As has been shown, my objection to currently influential cosmopolitanisms is quite similar to that posed by Simon Caney. Nevertheless, I do not find his method of founding cosmopolitanism attractive. If Caney has a concept of connectedness, it is based on the idea of a shared humanity. I think it may be a mistake to invoke such a self-justifying concept of connectedness; to that extent I agree with Pogge and Beitz that there is an advantage to be had from a non self-evident concept of connectedness for cosmopolitanism. Nevertheless, I consider the apparent advantage of Pogge's concept of connectedness to be misleading. That is, I think the connection between a substantive concept of connectedness and a theory of obligation is not as straightforward as it might appear. I believe that a theory of obligation should be accessible and reconcilable to the obligated individuals. In effect, a theory of obligation ought to enable the obligated individuals to acknowledge that they are obligated, and how they ought to act to discharge their obligation. This final section will argue for a

prospects are increasingly international ones. Thus, as he states while defining his cosmopolitanism, the fundamental idea is that each person affected by an institutional arrangement should be given equal consideration. It seems then that, in founding his cosmopolitanism, Jones posits a substantive concept of connectedness. So, it seems that when broached with the question 'why are we obligated to these others', Jones can answer 'because we are connected to them through an institutional scheme'. Thus, we may object to Jones that such a concept of connectedness is arbitrary. Alternatively, and similarly to my treatment of Caney's method of founding his cosmopolitanism, we might object that Jones's theory of obligation does not tie obligations to particular others. Jones asserts that his rights-based theory requires that we make institutional arrangements be consistent with the recognition of a set of rights held by persons. This is so, because the recognition of the claim to the content of a right should motivate a search for ways to fulfil the duties generated by the right. Furthermore, according to Jones, while individual action is not sufficient to fulfil the duties implied by the right, institutional actions are likely to enable such duty. As he states, if one's goal is to help needy individuals, then one ought to take the most efficient means to that goal, and that entails ensuring that accountable collective agencies exist (or are brought into existence) whose purpose is to help those in need. Similar to Caney, I believe that Jones's conclusion, that his cosmopolitanism implies an obligation to arrange institutions to be consistent with the rights of persons, does not follow from his premises. That is, we may agree with Jones that the recognition of the claim to the content of a right should motivate a search for ways to fulfil the duties generated by the right. We may also agree that institutions are the most effective and efficient method of discharging obligations to the global poor. Nevertheless this does not imply that it is our obligation to make institutional arrangements consistent with the rights of the global poor. Jones, Charles. *Global Justice: Defending Cosmopolitanism*. Oxford: Oxford University Press, 1999. pp. 2-70.

middle way between Pogge's substantive concept of connectedness and the idea of humanity as a self-justifying concept of connectedness.

4.1: Caney's Concept of Connectedness

It is difficult to ascertain whether Caney has a concept of connectedness⁹³: perhaps because he never directly asks, nor answers, the question 'what connects us to relevant others'. Caney promotes a rights-based approach to cosmopolitanism that advocates the implementation of four principles. These principles cover a right to subsistence, a right to equal opportunities, a right to equal pay for equal work, and the idea that benefiting people matters more the worse off these people are⁹⁴. Importantly, Caney argues that his package of civil and political human rights does not rely on economic or institutional interdependence. As he states, "by contrast with many other cosmopolitans the argument for these universal principles of distributive justice does not depend on whether there is extensive economic globalisation or not"⁹⁵. It seems that Caney founds his cosmopolitanism on the idea that there is no significant difference between the domestic and the global realm. Thus, for Caney, the principles of justice (including distributive justice) that hold at the domestic level ought to also hold at the global level. As he states, "one central feature of cosmopolitanism is its suggestion that there is no fundamental morally significant difference between the domestic and the global realms"⁹⁶, thus "for cosmopolitans, the principles of justice that inform the domestic level should also inform the global level"⁹⁷.

Since Caney seems to hold that we are connected to all others in the same way we are connected to our compatriots, we might extrapolate that Caney either holds that

⁹³ Caney's comments, previously noted, about interconnections being irrelevant to cosmopolitanism may mislead here. I do not believe Caney is talking about concepts of connectedness being irrelevant to cosmopolitanism. Rather I believe he is referring solely to substantive interconnections. Nevertheless, it is difficult to ascertain Caney's opinion of the relevance of concepts of connectedness to cosmopolitanism.

⁹⁴ Simon Caney, *Justice Beyond Borders*. pp. 122-123.

⁹⁵ *Ibid.* p. 264.

⁹⁶ *Ibid.* p. 265.

⁹⁷ *Ibid.* p. 265.

we are connected to all others in virtue of our shared humanity, or our connections to others are not at all relevant to our theory of justice. It is my belief that Caney favours the first approach: in effect, he holds that we are connected to all others in virtue of our shared humanity. He argues that every human being has certain rights. Furthermore, Caney believes his rights-based approach implies a theory of obligation. Thus it seems our connectedness to the global poor is a correlation of their human rights: we bear the duty to provide the global poor with their entitlements.

In my opinion there are two problems with Caney's approach that can be articulated by two questions: why is humanity not an arbitrary consideration, and how can Caney motivate obligation bearers to recognize their obligations?

As shown, Caney makes much use of what we might call the arbitrariness claim (if a consideration is morally arbitrary it may not be used to justify a cosmopolitan theory of justice). He both uses it to criticise other cosmopolitanisms, and he uses it to inform his own cosmopolitanism. Thus it is strange that Caney does not say more about why humanity is not a morally arbitrary consideration. There are those who believe that Rights theories like that of Caney arbitrarily preference humanity to the exclusion of animals⁹⁸. Although I do not think the arbitrariness claim mandates the inclusion of animals in any theory of human rights, I do believe that Caney stops his justification too early. That is, I agree there is something about humanity that generates obligations and rights, and it is possible that the same cannot be said of other animals. Nevertheless, I think it is necessary to explain what it is about humanity that generates these obligations and rights, in a way that does not arbitrarily preference humanity. I aim to do just this in later chapters in this thesis.

Furthermore, the benefit of a concept of connectedness is that it can be used to change the status quo insofar as it can motivate some to recognize their obligation to others. In clarification, imagine a group of people who witness a crime against a foreign

⁹⁸ See for example Gearty, Conor. 'Is Human Rights Speciesist?' in *The Link Between Animal Abuse and Human Violence*, edited by Andrew Linzey. Sussex: Sussex Academic Press, 2009.

tourist. At the stage of the immediate aftermath of the crime, the obligation of the individual members of the group is equal in strength and uncertainty. When the police attempt to interview the victim it becomes apparent that the victim cannot communicate in their language. Luckily, within the group of spectators there is a person who is capable of translating, as they speak both the native and foreign languages. The obligation to help obtains in relation to all spectators (those who do not share a language with the victim could assist in other ways), though a method to discharge this obligation has now become obvious to one amongst the spectators, and thus it has become clear that this one spectator has a duty to translate. So, this spectator is connected with the victim through the shared language. Thus, this spectator can now recognize her obligations to translate for the victim, and so can change the status quo. The thought I am attempting to elucidate is that, taking the level of action we currently employ to combat world poverty as the status quo, any theory which attempts to change this status quo must justify both why such a change is necessary, and who is best placed to make that change. A theory that justifies such a change in terms of how we are connected to the global poor will encounter fewer problems when it comes to allocating obligations than a theory that fails to do so.

I believe Caney's cosmopolitanism, in virtue of its (implicit) concept of connectedness encounters problems in allocating obligations. In reply to a similar objection⁹⁹ Caney states that for persons to receive the entitlements of their rights institutions must be in place whose role it is to protect those person's rights. As he states, "we can, then, infer from this what our duties are, namely we have duties to support those institutional arrangements that would best protect peoples rights"¹⁰⁰. The problem with this is that Caney's conclusion that we have obligations to support certain

⁹⁹ By 'similar objection' I mean the more general objection that cosmopolitan theories based on person's rights do not (or cannot) provide an account of whose duty it is to ensure people receive the entitlements of their rights. Such an objection appeals to the idea of 'manifesto' rights. My objection here is more specific insofar as I am objecting to theories that postulate either an overly general concept of connectedness, or no concept at all. There exist rights-based theories that do not fall foul of my current objection (for example Pogge's rights-based approach).

¹⁰⁰ Simon Caney, *Justice Beyond Borders*. p. 120.

institutional arrangements is rather ad hoc. In effect, if Caney were asked *why* we have such obligations to others, his cosmopolitanism does not have the resources to allow him to answer that such obligations necessarily attach to us, as duty-bearers, in virtue of our being connected in a relevant way to those others. Rather, he argues that institutions are necessary for persons to receive the entitlements of their rights. Thus, we could agree with Caney that institutions are necessary for rights-holders, but this does not prove that it is our obligation to support such institutions.

Caney might respond by arguing that since we are connected to these others as duty-bearers are connected to rights-holders then it is *our* obligation to support such institutions. So, in terms of the foreign tourist example¹⁰¹, Caney might argue that the tourist is connected to the crowd of spectators via their shared humanity. As such, the tourist's interest in being understood implies a duty, on the part of the crowd, to translate. Nevertheless, I do not believe that this theory of obligation is enough to tie a duty to translate to the particular spectator who can speak both languages. In effect, given that the translator is part of a large crowd, she might agree that the tourist has an interest in being understood and yet fail to realize that, given she is best placed among the spectators to discharge this duty, she should translate. Thus, I object to Caney's concept of connectedness in that I do not believe it succeeds in tying obligations to particular duty-bearers¹⁰².

4.2: Pogge's Concept of Connectedness

As aforementioned, Pogge's theory of obligation stipulates that since we are all participants in a global institutional order, and that order can inflict harm on some, we have a negative duty to refrain from upholding and imposing the parts of this order that

¹⁰¹ I do not believe this example need be a case of honouring human rights; particularly, I do not think this example is a case concerning basic human rights. Rather, I see it as elucidating an idea. That idea is the relation between a theory of obligation and a concept of connectedness.

¹⁰² It is generally assumed that if one person has a right, another has a correlative duty. This works better for negative rights than positive rights. In effect, if I have a right not to be abused, then my potential abused has a duty to refrain from this abuse. Assigning duties is less clear in the case of positive rights; for example, if I have a right to food, it is not always clear who has a duty to provide food for me. It is this lack of clarity that motivates my objection above.

inflict such harms. According to Pogge, such a duty implies that we ought to discontinue our involvement in such institutions, or where this is not possible, we ought to work for their reform. To illustrate this theory of obligation take the example of buying a resource from a certain African country. Suppose this country is ruled by a tyrannical dictator, and the majority of the population lives in severe poverty. Suppose also that it is obvious that the selling of this resource, in such a situation, will benefit the buyer and the tyrannical government, but not the poor population. According to Pogge's theory of obligation, we must assess this institution (the buying and selling of this resource) as coercive to the poor population and either discontinue our involvement in it (probably impossible) or work for its reform. Furthermore, since this coercive institution is imposed on the poor population "by our governments in our name"¹⁰³ then, supposedly, it is our responsibility, as *individuals*, to reform this institution¹⁰⁴.

I believe this theory of obligation is asking too much of the obligated individuals. I contend that in order to be obligated in the way in which Pogge wants to obligate us, an individual must be able to come to know how their behaviour is wrong and how to correct it. It is difficult to see how an individual might do this given the complexity of the global institutional order. In effect, it is difficult to see how an individual might be able to acknowledge his complicity in an unjust institutional system as a cause of global poverty, since he is such a minute contributor to that system, and that system is hugely complex and admits of contradictory interpretations as to its influence on global poverty. It is hard to see how individuals might gauge his participation in such systems when even development economists disagree about globalisation and its effects. As Onora O'Neill states, in commenting on the influence of the North on the fragile economies of the South, "Although there is widespread agreement that injury ought to

¹⁰³ Pogge, Thomas. *World Poverty and Human Rights*. p. 23.

¹⁰⁴ Leif Wenar espouses a similar argument in 'Property Rights and the resource Curse' *Philosophy and Public Affairs* vol. 36. No. 1. 2008. pp. 2-32. As he states "The plainest criticism of global commerce today is not that it is unfair by some abstract distributive standard, but that it flouts the first principle of capitalism. The system of international trade that transports huge quantities of stolen goods to consumers violates property rights, and violates them on an enormous scale. The first priority in reforming global commerce does not require replacing 'free trade' with 'fair trade'. It requires replacing trade for theft". p. 2.

be compensated, there is equally widespread disagreement about which actions constitute injury and about who has suffered injury and who has inflicted injury”¹⁰⁵. Thus, in the case of the example given, it is difficult, if not impossible, for the individuals (whose governments impose such coercive institutions) to be able to acknowledge their complicity, given the complexity of the situation.

I believe that a theory of obligation that assesses individual action instead of institutional action is preferable. In the case of the resource example, individuals would be asked to assess their own behaviour vis a vis the buying and selling of this resource, and not the institution itself. Thus, where the option is available an individual might refuse to buy this resource from this country (or campaign for this option to be made available), or an individual might decide to use as little of this resource as possible, etc. To illustrate this point further, take the example of Anne who is questioning whether she wants to be a cosmopolitan. On my preferred account Anne would be told that, if she wants to be a cosmopolitan, then she must assess her own actions. Since, in order to be a cosmopolitan, Anne must assess the effects of her own action (and not whether a substantive structure is unjust and if so how to reform it etc), then I believe Anne would be more inclined towards cosmopolitanism. Furthermore, if Anne must deliberate upon her own actions (and not on the likely actions of others involved in a substantive structure), then Anne would be more inclined to act according to her cosmopolitan deliberations since her deliberations would not be premised on the action of others.

Interestingly, Pogge contends that the complexity of our social world supports his institutional approach to cosmopolitanism. He argues that the effects of one individual’s behaviour, intermingled with the effects of the behaviour of billions of other individuals, reverberate throughout the world. Thus, as he states, “many morally salient features of the situations of human beings (persistent starvation in north eastern Brazil,

¹⁰⁵ O’Neill, Onora. ‘International justice: distribution’. In, *Encyclopaedia of Ethics*, second edition. Edited by Lawrence C. Becker and Charlotte B. Becker, 2001. p. 876.

civil war in El Salvador, famine in India) arise from the confluence of the often very remote effects of the conduct of vast numbers of human beings”¹⁰⁶. While I have taken similar descriptions of the complexity of our social world to promote an individual approach to cosmopolitanism, Pogge takes them to imply an institutional approach. Pogge contends that, as individuals, we have no hope of coping with such complexity and interdependence. So, “if we take the existing ground rules for granted and merely ask ‘how should I act?’ or ‘what should I do differently?’”¹⁰⁷ we shall become lost in complexity and confusion. Thus, he concludes, “we can cope only by attending to this all-pervasive scheme of ground rules which shapes the way persons act and co-determines how their actions, together, affect the lives of others”¹⁰⁸.

I believe it would be understandable if Pogge supported his institutional position by referring to efficiency, or efficacy. For example, he might argue that assessing institutions is more efficient, or more effective, than assessing individual behaviour. Nevertheless, instead of using some claim to efficiency or efficacy to support his institutional cosmopolitanism, Pogge employs an epistemological claim. He argues that assessing institutions is more accessible, epistemologically speaking, than assessing individual behaviour. I find this position very strange. Surely, at least in general, the rights and wrongs of our own behaviour are more accessible to us than the moral standing of some global institutional scheme? Perhaps Pogge’s argument here relies on the idea that, as cosmopolitans, our behaviour must be premised on the behaviour of all others. In which case assessing how we ought to act, as individuals, would become arduous, as our assessment would have to encompass the possible and likely behaviour of all others. Nevertheless, such an idea is not un-contentious¹⁰⁹. Thus, if Pogge’s institutional approach to cosmopolitanism does rely on such an idea, it ought to be made explicit, and it ought to be defended.

¹⁰⁶ Pogge, Thomas. *Realizing Rawls*. p. 9.

¹⁰⁷ *Ibid.* p. 9.

¹⁰⁸ *Ibid.* p. 9.

¹⁰⁹ It is not un-contentious insofar as one might equally argue that one’s moral actions ought not be premised on the likely actions of others.

Moreover, there seems to be a tension in Pogge's cosmopolitanism between institutions and individuals. On the one hand Pogge believes that since we uphold a coercive institutional world order, we, as individuals, are responsible for the injury this world order causes the global poor: remember his 'buck stops with us' comment. On the other hand Pogge argues that, as cosmopolitans, we are lost if we assess individual behaviour. It seems that Pogge is arguing that, as creators and upholders of coercive institutions, we are responsible to the global poor. Nevertheless, our responsibility is not to assess our own behaviour, but to assess the justice of the institutions we have created. It seems to me that Pogge does not take into account that institutions are made up of individual behaviours. I believe this tension between the individual and the institutional is an outcome of the constructivist nature of Pogge's account. I will, in the next chapter of this dissertation, investigate the role of constructivism in contemporary cosmopolitanism. Furthermore, I shall provide a critique of the use of constructivism in cosmopolitan theory. In particular, I will show how constructivism is problematic in the cosmopolitanism of Onora O'Neill.

Conclusion

The overall aim of this Chapter was to provide a criticism of currently influential cosmopolitanism. In brief, this criticism objected to currently influential cosmopolitanism on the grounds that it is founded on an overly substantive concept of connectedness. Thus, in Section 1 I outlined what I meant by a concept of connectedness, and I delineated Charles Beitz and Thomas Pogge's concepts of connectedness, as representative of currently influential cosmopolitanism. In Section 2 I outlined my objection to substantive concepts of connectedness, while I also argued that some concept of connectedness is necessary in order to issue straightforwardly in a theory of obligation. I used Section 3 to describe how this objection may be raised against Beitz and Pogge. Finally, in Section 4 I queried whether Pogge's cosmopolitanism issues

straightforwardly in a theory of obligation. I also, briefly, mentioned the issue of constructivism in cosmopolitanism. I will be concerned, in the next Chapter of this dissertation, with the issue of constructivism in cosmopolitanism.

Chapter 3: Constructivism in Cosmopolitanism

In the last Chapter I discussed the cosmopolitanisms of Charles Beitz and Thomas Pogge. In this Chapter I will argue that both theorists can be seen as constructivists. My aim is to argue against constructivism in cosmopolitanism. I will contend that constructivism is not an adequate theory with which to ground cosmopolitan obligations. My argument will have two parts: first, while normative constructivisms can be viewed as attractive justifications for theories of justice in certain contexts their scope cannot be enlarged to include the cosmopolitan context, and second, while the scope of meta-normative constructivisms includes the cosmopolitan context, it is questionable whether they are justified in doing so given the arguments they rely on.

Much of my argument will depend on the idea that constructivism cannot be substantively neutral: by this I mean that the starting points of a constructivism will always contain some normative substantive content. I will argue that the cosmopolitanism of any theorist who uses constructivism as their justificatory theory will necessarily reflect this substantive starting point; I will argue that there is a tension between this reflection and the universality of scope posited by a cosmopolitan.

In Section 1 I will briefly describe constructivism in the context of the cosmopolitanisms of Beitz and Pogge, I will characterize cosmopolitanism in general, and I will describe the distinction between normative and meta-normative constructivism. In Section 2 I will delineate Onora O'Neill's constructivism, paying particular attention to the ways in which her constructivism grounds her cosmopolitanism. In Section 3 I will argue against constructivism as a grounding theory for cosmopolitanism. My conclusions from Sections 2 and 3 are that, while in some very important ways O'Neill's constructivism and her cosmopolitanism are more attractive than the constructivism of Rawls, and the cosmopolitanisms of Pogge and Beitz, one might still question whether constructivism is the most appropriate method of grounding cosmopolitanism. After this chapter I will turn to describing my interpretation

of Kant. As such then, this chapter marks my admiration for O'Neill's Kantian cosmopolitanism, but also my point of departure from her theory. I will return to O'Neill's Kantianism at the end of the second section of this thesis.

Section 1: Normative and Meta-Normative Constructivism

1.1: Describing Constructivism

Constructivism is immensely popular in all sorts of disciplines¹¹⁰. In particular, constructivism has become increasingly popular in political theory. In my opinion, underlying constructivism's popularity is the idea that it is more inclusive than competing theories (for example rationalism). My aim in this section is to describe constructivism at some length, but let me say here that constructivism aims to provide an alternative to the idea that a political claim is true in and of itself independent of the reasoning of those whom it may affect. As Samuel Freeman states, "as opposed to moral realism, constructivism denies that moral statements correspond to antecedent moral facts or to a realm of values that are prior to and independent of practical reasoning"¹¹¹. As such then, constructivism can claim a certain advantage over other theories: the conclusions of the construction process are more reconcilable to the affected agents as the construction does not refer to anything over and above the practical reasoning of those agents. As such then, from the point of view of these agents constructivism can be seen as more inclusive. The cosmopolitanisms of Beitz and Pogge may be articulated as versions of constructivist reasoning. Both their cosmopolitanisms are non-foundational: they do not make reference to independent truth claims, nor do they invoke claims about rights-holders or obligation-bearers that gain their truth values from something over and above those agents' connections with each other through politics, economics, institutions, etc. Rather, their cosmopolitanisms

¹¹⁰ Constructivism is prevalent in many disciplines, from educational psychology (for example Ernst Von Glasersfeld) to Political Economy (for example the work of Mark Blyth).

¹¹¹ Freeman, Samuel. 'The Burdens of Public Justification: Constructivism, Contractualism, and Publicity'. *Politics, Philosophy, and Economics* Vol. 6, No. 5, 2007. p. 7.

may be conceived as implying our obligations in terms of reasoning from our relations or, as I claimed in the previous chapter, connectedness to relevant others. I shall return to the relations between cosmopolitanism and constructivism later in this chapter, when I discuss Onora O'Neill's explicitly constructive cosmopolitanism. Let me now describe constructivism in more depth.

Very generally, at the heart of constructivism are two ideas: one wishing to base theory on actual conditions of living persons, and one seeking to maintain some sort of claim to scope. The first idea is exemplified in moral constructivism by the stipulation that morality is a human construct, and so the moral principles, facts, truths, etc produced by the construction depend (in some way) on the humans that construct them¹¹². The second idea may be clarified by noting that constructivism usually¹¹³ pertains to justification from the point of view of a plurality of agents.

Christine Korsgaard succinctly illustrates the first idea, that of basing theory close to the lived lives of actual agents, when she states "constructivism may be understood as the (alternative) view that a normative concept refers schematically to the solution to a practical problem. A constructive account of a concept, unlike a traditional analysis is an attempt to work out the solution to that problem"¹¹⁴. Korsgaard also illustrates the second idea, that the constructivism aims at justification from the point of view of all the agents that must live under its proposed principles, she states, "when a concept is applied correctly, what we get is truth"¹¹⁵. To illustrate this point, Korsgaard stipulates that moral concepts are analogous to concepts of artefacts (in particular the concept of a chair). She argues that all human beings, cross culturally, have some conception of 'chair', as the physical construction of human beings makes it

¹¹² I say 'in some way' here to denote that this dependence may be very minimal, for example the moral truths etc may depend only on the existence of human beings. Nevertheless, the dependence may be quite substantive, for example the moral truths etc may depend on particular beliefs, desires, etc.

¹¹³ Of course this is not true of constructivisms whose agents of construction are single individuals, and whose scope is limited to those individuals; for example, a constructivism that posits an individual deciding about which course of action is morally required of her.

¹¹⁴ Korsgaard, Christine M. 'Philosophy in America at the Turn of the Century: Realism and Constructivism in Twentieth-Century Moral Philosophy', *The Journal of Philosophical Research*, APA Centennial Supplement, 2003, pp, 99-122. p. 99.

¹¹⁵ *Ibid.* p. 117.

occasionally necessary to sit: thus the concept chair is an answer to the universal problem of the occasional necessity of sitting. Analogously, we can build our conceptions of morality and politics as the answer to pervasive human problems. Thus, she states, “our use of the concept when guided by the correct conception *constructs* an essentially human reality- the just society, the Kingdom of Ends- that solves the problem from which the concept springs”¹¹⁶. So, since Korsgaard’s conception of constructivism is a reaction to a pervasive problem, for example that of the occasional necessity of sitting, then the scope of the construction includes all who find it occasionally necessary to sit, and thus the construction (in this case a chair) ought to be justified from the point of view of someone who is privy to the construction; that is, a chair must answer to the occasional necessity of sitting. It is my contention that the distinction I have drawn between the above two ideas is related to the distinction between normative and meta-normative constructivism. That is, I believe that a normative constructivism can claim to be more responsive to actual circumstances, whereas a meta-normative constructivism can claim a more unrestricted scope. Thus, it is to this second distinction that I will now turn.

Larry Krasnoff shows that constructivism can be construed in two ways. First, constructivism can be understood as a kind of normative theory that emphasises the role of a certain constructive procedure in the generation of moral facts and truths, or principles of justice, etc (in Korsgaard’s case the procedure of solving the problem of freedom, ultimately gives rise to the Kingdom of Ends). Second, constructivism can be understood as a theory about how these facts, truths, principles, etc, can be justified. Krasnoff states, substantively meta-normative moral constructivism holds that “moral truth is constructed by persons, not found in nature”¹¹⁷. Ronald Milo clarifies this distinction by using as an example the principle according to which ‘an act is wrong if and only if it would be prohibited by any set of norms chosen by hypothetical

¹¹⁶ Ibid. p. 117.

¹¹⁷ Ibid. p. 394.

contractors'¹¹⁸. According to Milo, "so interpreted, the principle does not commit one to any particular theory about the nature or ontological status of moral wrongness"¹¹⁹. So, one can be a normative constructivist, for example one might believe that a constructivist procedure will give rise to the Kingdom of Ends, and yet fail to be a meta-normative constructivist, for example one might believe that the truth conditions for the Kingdom of Ends do not consist in the constructive procedure. In effect, one could hold normative constructivism, and yet claim that whatever is constructed is justified insofar as it partakes of the non-natural form of goodness, or it maximises utility, or it coheres with an overlapping consensus etc. This raises the interesting question of how far constructivism can go; in effect from where do we construct. It seems to me that normative constructivists argue that not everything can be constructed, whereas meta-normative constructivists argue constructivism can go further insofar as everything can be constructed.

Very generally again, both normative and meta-normative constructivisms stipulate a) an (or more than one) agent of construction, b) reasoning in a certain way, c) under certain conditions. In clarification, take the example Milo uses to illustrate contractarian constructivism's claim to objectivity: "it may be, for example, that the norms chosen by the hypothetical contractors would prohibit capital punishment even though no one has been able to construct a convincing argument to establish this"¹²⁰. Extrapolating from this example, say that 'no one' refers to a group of actual agents, and these agents believe that capital punishment is right, and furthermore that these actual agents take the reason 'the victims of crime prefer capital punishment' to be evidence for their belief. Presumably Milo could argue that these agents are committing a moral mistake. That is, presumably Milo could argue that if these agents were reasoning in ideal circumstances they would have come to believe (like the agents of

¹¹⁸ Milo, Ronald. 'Contractarian Constructivism', in *The Journal of Philosophy*, Vol. 92. No. 4, Apr. 1995. p. 189.

¹¹⁹ Ibid. p. 189.

¹²⁰ Ibid. p. 190.

construction) that capital punishment should be prohibited. As far as I can see, 'reasoning in ideal circumstances' can only refer to reasoning that is perfect (i.e. the reasoning powers of the agents of construction are incorrigible) and takes place in perfect conditions (the agents of construction reason in conditions that are free from constraint or coercion, etc). Since I, as an imperfect actual agent, cannot hope to fully meet this ideal, it is difficult for me to see what perfect reasoning in perfect conditions would look like. Say for instance I take homo economicus as my example of perfect reasoning and negative liberty as my example of perfect conditions, and I apply the constructive procedure, I conclude that certain moral facts hold. Nevertheless, it is an open question why I should take homo economicus in conditions of negative freedom as my agent of construction.

G.A. Cohen argues against Rawls, "that all principles that reflect facts reflect facts only because they also reflect principles that do not reflect facts, and that the latter principles form the ultimate foundation of all principles, fact reflecting principles included"¹²¹. He means by this that, contrary to the Rawlsian stipulation that fundamental principles of justice are a response to the facts of the human condition, the way in which we appraise such facts depends upon a fact insensitive (or normative) principle. Cohen says of Rawls' original position, "we have to reckon not only with the principles justified *by* the original position, but also with the principles that *justify* that procedure"¹²². According to Cohen, the original position is justified in virtue of the fact that persons are regarded as free and equal, and, as he concludes, "that way of regarding them either embodies or presupposes a fact-insensitive *normative* principle"¹²³, be it that persons are free and equal and act in conditions of pluralism and limited scarcity, or that persons are homo economicus' acting in conditions of negative freedom.

¹²¹ Cohen, G.A. 'Facts and Principles' *Philosophy and Public Affairs*. Vol. 31, No. 3, Summer 2003. p. 231.

¹²² *Ibid.* p. 222.

¹²³ *Ibid.* p. 222.

Furthermore, I take it that the truth of the statement ‘constructivism takes for granted normative principles’ is, relatively speaking, rather uncontentious. As Korsgaard states, with reference to Rawls’ construction of the principles of justice “(he) takes certain other normative notions for granted”¹²⁴. She argues that theories “will vary in how extensively constructivist they are, because different normative ‘objects’ are constructed in different constructivist theories”¹²⁵. Thus, by implication, she allows for the truth of the statement ‘constructivism takes for granted normative principles’, and concludes, “there is a question about how ‘deep’ constructivism can go”¹²⁶. More explicitly, Milo asks us to “let me frankly acknowledge that I do not think it is possible for a metaethical theory about the subject matter of morality to be completely normatively neutral”¹²⁷. It follows that constructivism (normative or meta-normative) cannot be non-normative. Rather, it can contain more or less normative substantive content: thus it can be more or less substantively light.

1.2: Normative and Meta-Normative Constructivism: Rawls and O’Neill

According to Rawls, what is constructed is the content of his political conception of justice. In effect, what is constructed are Rawls’ principles of justice: first, that each person has an equal right to a scheme of equal basic rights and liberties, and second that social and economic inequalities are to be arranged so that they are attached to offices equally open to all, and are to the greatest benefit of the least advantaged¹²⁸.

Tautologically, Rawls’ principles of justice are constructed through a procedure of construction. Persons, conceptualised in a certain way, reasoning in specified circumstances, construct Rawls’ principles of justice. Rawls’ conception of the person stipulates that they view themselves as free and equal, and have the capacity to act

¹²⁴ Korsgaard, Christine. ‘Philosophy in America at the Turn of the Century’. P. 117.

¹²⁵ Ibid. p. 117.

¹²⁶ Ibid. p. 118.

¹²⁷ Milo, Romald. ‘Contractarian Constructivism’. P. 197.

¹²⁸ Rawls, John. ‘Justice as Fairness: Political not Metaphysical’, in *Philosophy and Public Affairs*, Vol. 14, No. 3, Summer, 1985. pp. 223-251. p. 227

from both their conception of the good, and their sense of justice¹²⁹. The circumstances within which these persons reason, are the circumstances of justice: moderate scarcity, and pluralism. Such persons, in such circumstances, reasoning about the appropriate understanding of freedom and equality, construct the principles of justice. The procedure of construction itself is a model of representation whereby the persons involved are deprived of certain information in order to model the freedom and equality of moral persons. Rawls believes that such agents, so placed, and asked to construct principles of justice, will take a maximin strategy, and thus maximise the position of the least well off. In sum then, and in Rawls' words, the main idea of constructivism is to:

establish a connection between the first principles of justice and the conception of moral persons as free and equal. These first principles are used to settle the appropriate understanding of freedom and equality for a modern democratic society. The requisite connection is provided by a procedure of construction in which rationally autonomous agents subject to reasonable conditions agree to public principles of justice¹³⁰.

Rawls' decision to ground his theory of justice on a constructivist procedure largely depends on what he terms the fact of pluralism, or the subjective circumstances of justice. The fact of pluralism stipulates that persons have different conceptions of the good, and different ideas about how to realize them. That is, "they hold opposing religious and philosophical beliefs, and affirm not only diverse moral and political doctrines, but also conflicting ways of evaluating arguments and evidence when they try to reconcile these oppositions"¹³¹. According to Rawls, the fact of pluralism may lead to intractability, since certain fundamental questions can give rise to divisive political controversy, and in such cases it may seem "difficult, if not impossible, to find any shared basis of political agreement"¹³². If such cases were resolved with reference to a particular conception of moral or political truth then, for Rawls, this would

¹²⁹ As he states, "the conception of free and equal persons as reasonable and rational is the basis of the construction". Rawls, John. 'Themes in Kant's Moral Philosophy' in *Kant's Transcendental Deductions: Studies in Kant and German Idealism*. Edited by Eckart Forster, Stanford: Stanford University Press, 1989. p. 151.

¹³⁰ Rawls, John. 'Kantian Constructivism in Moral Theory', in *The Journal of Philosophy*, Vol. 77, No. 9, Sep. 9, 1980. pp. 515-572. p. 554.

¹³¹ Ibid. p. 536.

¹³² Rawls, John. *Justice as Fairness*. p. 226.

constitute an “autocratic use of state power”¹³³. Rawls contends that constructivism avoids metaphysical controversies, as judgements are not justified by reference to some moral or political truth. Rather, as he states, “judgments are reasonable and sound if they result in following the correct procedure correctly and rely only on true premises”¹³⁴.

Thus, Rawls, as a normative constructivist, argues that his construction can be endorsed from a variety of different meta-normative positions. Furthermore, he contends that, although the reasons why we hold such beliefs are extremely important, since there is a plurality of reasonable, and conflicting, meta-normative positions, we cannot use any one meta-normative theory to justify that which is constructed¹³⁵.

In contrast, Onora O’Neill constructs from reason itself. The starting points of her constructivism, which will be described and examined in more depth later, are the abstract presuppositions of agency, given that the potential for interaction between all agents “cannot be assumed away”¹³⁶. O’Neill takes, what she sees to be, a Kantian conception of reason, insofar as it is universal and unavoidable, and as such beings “we are unavoidably committed to thinking and acting, hence unavoidably partially, incipient reasoning beings”¹³⁷. Furthermore, her interpretation of Kant stipulates that reason is itself constructed. As she states, “the construction of reason is to be seen as process rather than product, as practices of connection and integration rather than as once and for all laying of foundations”¹³⁸. Thus her constructivism begins from abstract starting points, constructed from reason. So, O’Neill’s meta-normative constructivism justifies that which is constructed in terms of the procedure of construction.

¹³³ Ibid. p. 230.

¹³⁴ Note, Rawls here is comparing constructivism in political theory with constructivism in the philosophy of mathematics. Ibid. p. 102.

¹³⁵ Note John Rawls’ position in ‘Justice as Fairness: Political not Metaphysical’, which will be discussed in length later.

¹³⁶ O’Neill, Onora. *The Bounds of Justice*. Cambridge: Cambridge University Press, 2000. p. 157.

¹³⁷ O’Neill, Onora. ‘Vindicating Reason’, in *The Cambridge Companion to Kant*, edited by Paul Guyer. Cambridge: Cambridge University Press, 1999. p. 291.

¹³⁸ Ibid. p. 292.

1.3: The Amount of Substance Involved: Rawls and O'Neill

For my purposes, the question 'How does Rawls formulate his constructivism', or in other words, 'How does Rawls account for his premises' is of utmost importance; in particular the premise that persons are free and equal, rational and reasonable. Thus given that Rawls contends that his conception of the person is "formed by idealizing and simplifying in various ways"¹³⁹ the question I wish to raise is 'from what does Rawls idealize and simplify?' Negatively, Rawls answers that his conception of the person is not itself constructed. As he states, "the idea here is not everything can be constructed and every construction has a basis, certain materials, as it were, from which it begins"¹⁴⁰. Positively, Rawls answers that his conception of the person is "simply *laid out*"¹⁴¹ or, in other words, his conception of the person is made up of ideas that are "assembled and connected"¹⁴².

The 'laid-outness' of a conception of the person is ambiguous. It seems to me Rawls means that his conception of the person is collected from concepts and feelings prevalent within the liberal democracy wherein his constructivism is to take place. He states that his constructivism "in addressing the public culture of a democratic society, hopes to bring to awareness a conception of the person and of social cooperation conjectured to be implicit in that culture, or at least congenial to its deepest tendencies when properly expressed and represented"¹⁴³. Moreover, Rawls' distinction between a conception of the person, and a theory of human nature would seem to add evidence

¹³⁹ Rawls, John. 'Justice as Fairness: Political not Metaphysical', *Philosophy and Public Affairs*. Vol. 14, No. 3, Summer 1985. p. 236.

¹⁴⁰ Rawls, John. 'Themes in Kant's Moral Philosophy'. p. 99.

¹⁴¹ Ibid. 99. Also see; Rawls, John. *Political Liberalism*. Columbia: Columbia University Press, 2005 p. 104.

¹⁴² Rawls, John. *Political Liberalism*. p. 108.

¹⁴³ Rawls, John. 'Kantian Constructivism in Moral Theory'. p.569. Also note, he states of his political constructivism that "it proceeds from what is, or can be, held in common; and so we begin from shared fundamental ideas implicit in the public political culture in the hope of developing from them a political conception that can gain free and reasoned agreement in judgment". Rawls, John. *Political Liberalism*. p. 100.

to my interpretation. According to Rawls, an adequate theory of human nature informs a conception of the person insofar as it provides the limits within which a conception of the person can be posited. He states, while speaking of the conception of the person:

it must be possible for people to honour it sufficiently closely; and hence the feasible ideals of the person are limited by the capacities of human nature and the requirements of social life. To this extent such an ideal presupposes a theory of human nature, and social theory generally, but the task of a moral doctrine is to specify an appropriate conception of the person that general facts about nature and society allow¹⁴⁴.

Thus, it would seem that Rawls' conception of the person is limited by, and dependent on, certain beliefs about human nature and how society works. Furthermore, it seems that such beliefs are culturally indexed (i.e. Rawls' theory of human nature and society is a theory about human nature within a democratic society). Therefore it seems that Rawls' constructivism itself is culturally indexed. As he states, when speaking of the beliefs about human nature and society, "the agreement of the parties is relative, then, to those beliefs. There is no other way to proceed, since we must start from where we are"¹⁴⁵.

Unlike Rawls, O'Neill seeks to provide a genuinely abstract, rather than an idealization dependent, constructivism¹⁴⁶. She argues that constructivisms that rely on idealizations tend to exclude some agents from their scope. As she states, "idealization masquerading as abstraction produces theories that may appear to apply widely but in fact covertly exclude from their scope those who do not match a certain ideal"¹⁴⁷. In effect, O'Neill's constructivism differs in form from that of Rawls, insofar as she abstracts from, rather than idealizes, culturally indexed beliefs. Thus, by abstracting O'Neill wishes to broaden the scope of her constructivism. So, if O'Neill can provide genuinely abstract starting points, starting points that abstract from all our contingent characteristics and thus contain only that which is shared among all, then she may

¹⁴⁴ Rawls, John. 'Kantian Constructivism in Moral Theory'. p. 534.

¹⁴⁵ Ibid. p. 534.

¹⁴⁶ Here I mean to mention O'Neill's criticism of Rawls wherein she argues that Rawls idealizes rather than abstracts. O'Neill claims that Rawls' constructivism relies on a concept of human reasoning and agency that all do not share (thus it is ideal). She then argues that some may be excluded from the purview of justice if they cannot live up to this ideal. See, O'Neill, Onora. *Constructions of Reason*. Cambridge: Cambridge University Press, 1989. p. 210

¹⁴⁷ Ibid. p. 210.

argue that her constructivism refuses to exclude some (who do not match a certain ideal) from its scope. Thus, her constructivism would have a cosmopolitan scope.

I believe that the scope of a constructivism is inversely related to the amount of substantive content posited by that constructivism's starting points. Furthermore, I contend that normative constructivisms, which stipulate that their construction can be endorsed from a plurality of different meta-normative positions, must possess a constrained scope. To clarify this, suppose that the actualities of your life include the facts that you live in a liberal society, and that you share beliefs, widely held within your society, about equality and freedom. As a normative constructivist, you might argue that a solution to certain problems, for example the problem of justice in liberal societies, can be constructed from these widely held beliefs about equality and freedom. Hence, the scope of your constructivism is indexed to these 'widely held' beliefs. That is, if these beliefs are not widely held in some society, then the construction is not justified from the point of view of the members of that society. So, the scope of a normative constructivism is constrained by the substantive content posited in its starting points. Thus, the construction is justified to all and only those agents who share that substantive tenet (in this case widely held beliefs about freedom and equality).

Alternatively, I contend that meta-normative constructivisms can posit relatively larger scopes. For meta-normative constructivism, that which is constructed is justified insofar as it is constructed. In the case of ethical constructivism, the process of construction, insofar as it is a process of hypothetical, idealized, or abstract reasoning, acts to 'screen out' our arbitrary subjective feelings concerning the moral fact. Now, the more subjective feelings about the moral fact are screened out, the larger the scope of the constructivism. That is, the more subjective feelings (including feelings subject to

society) are screened out from moral fact, the more likely it is that the moral fact¹⁴⁸ can be justified from the point of view of a larger set of people.

Furthermore, I believe the ability of a construction to reflect the lived lives of actual human beings is related to the amount of substantive content posited in the starting points of that constructivism. That is, the more 'screened out' our subjective feelings concerning the moral fact, the less the moral fact can be said to represent the particular actualities of our lived lives. That is, the more these subjective (arguably embedded, diverse, and individualistic) normative constraints are 'screened out' (and thus the larger the scope achieved), the less the resulting ethic will represent, and resemble the lived lives of the agents who carry those constraints. Thus, I believe that, compared to meta-normative constructivism, normative constructivism must have a relatively constrained scope. Nevertheless, in comparison again, normative constructivism may contend that it is better able to reflect the particularities of the lives lived by the individuals subject to its construction. On this scheme then, O'Neill's constructivism would be more attractive than that of Rawls, from a cosmopolitan viewpoint. The next section will deal with Onora O'Neills constructivism and her cosmopolitanism in more depth.

Section 2: The Constructivism of Onora O'Neill

2.1: A Description of O'Neill's Constructivism

O'Neill's constructivism prioritizes two characteristics: abstraction (rather than idealization) and accessibility¹⁴⁹. Onora O'Neill wishes her constructivism to start from

¹⁴⁸ When I use the terms moral fact or truths in this context I mean to refer to constructed facts and truths, rather than realist facts and truths.

“the *least determinate* conceptions both of rationality and of mutual independence of agents”¹⁵⁰. She argues that a constructivism with this starting point “does not privilege one ideal of the person”¹⁵¹, and as such it must “seek principles for agents who are numerous, not ideally rational and not ideally independent of one another”¹⁵². As such then, these principles should be accessible to others. As she states

The standard that *must* be met by any structure of thought or action that is to count as reasoned is simply that it *must* be such that others *can* follow it. In this very minimal explication of the authority of reason we can recognize a more general version of the Kantian conception of reason as doubly modal: as the *necessity* to adopt principles which we think it *possible* for others to follow¹⁵³

O’Neill’s first move to finding the least determinate conceptions of rationality and independence of agents is to discard those claims that need but lack either metaphysical or empirical backing, in order to “abstract a minimal range of convincing starting points”¹⁵⁴. She describes these starting points as the “rather abstract and deeply interconnected aspects of the countless specific assumptions that structure all activity”¹⁵⁵. Those assumptions being that “*there are others* (seen as separate from the agent); *that those others are nevertheless connected to the agent* (either or both can act on the other) and; *that those others have limited but determinate powers*”¹⁵⁶. Nevertheless, abstraction, according to O’Neill, is not enough. As she claims, “an adequate account of ethics will need not only convincing starting points but convincing ways of proceeding from those starting points”¹⁵⁷. Thus, she states, “ethical judgment may rest not on *discovering* ethical features in (or beyond) the world, but on *constructing* ethical principles”¹⁵⁸.

¹⁴⁹ For a good discussion on O’Neill and followability see Thomas M. Besch ‘Kantian Constructivism, the Issue of Scope and Perfectionism: O’Neill on Ethical Standing’, *European Journal of Philosophy*. Vol. 19, No. 1, March 2011, pp. 1-20.

¹⁵⁰ O’Neill, Onora. *Constructions of Reason*. p.212.

¹⁵¹ *Ibid.* p. 213.

¹⁵² *Ibid.* p. 213.

¹⁵³ O’Neill, Onora. *Bounds of Justice*. p. 24

¹⁵⁴ O’Neill, Onora. *Towards Justice and Virtue: A Constructive Account of Practical Reasoning*. Cambridge: Cambridge University Press, 1998. p. 38.

¹⁵⁵ *Ibid.* pp. 100-101.

¹⁵⁶ *Ibid.* pp. 100-101.

¹⁵⁷ *Ibid.* p. 39.

¹⁵⁸ *Ibid.* p. 39.

It seems to me that O'Neill does not explicitly define or describe her constructive procedure, which departs from her abstract starting points (plurality, connection, and finitude). I believe she would argue that given plurality, connection, and finitude, and a procedure whereby maxims are subjected to a universalizability test, we must conclude that certain acts would be prohibited: including acts based on principles of deceit, injury, or coercion. In effect, she states, "there are certain constraints on the principles of action that could be adopted by all of a plurality of potentially interacting agents"¹⁵⁹, and that the "principles that cannot be adopted by all must be rejected by any plurality for whom the problem of justice arises"¹⁶⁰. Thus O'Neill claims that to act on the principle of victimization is unjust. As she states, "no plurality can choose to live by principles that aim to destroy, undercut, or erode the agency (of whatever determinate shape) of some of its members"¹⁶¹. Victims *cannot* act on their oppressor's principles of action. In other terminology, one might say that the maxim of victimization is not universalizable. As O'Neill states, "principles of action that hinge on victimizing some, whether by destroying, paralyzing, or undercutting their capacities for agency for at least some time and in some deep ways, can be adopted by some but cannot be universally adopted"¹⁶².

O'Neill argues, furthermore, that her constructed conception of justice is *constructive*. That is, her conception of justice may inform what we ought to do in specific contexts. Here O'Neill appeals to the idea of consent. It seems that a just constraint, for O'Neill, is one that "could have been refused or renegotiated"¹⁶³. O'Neill stresses that her appeal to consent is neither to the "hypothetical consent of the ideally rational and independent"¹⁶⁴, nor to the "actual consent that might reflect oppression"¹⁶⁵. O'Neill's appeal to consent supports the idea that justice can be

¹⁵⁹ O'Neill, Onora. *Constructions of Reason*. p. 215.

¹⁶⁰ *Ibid.* p. 215.

¹⁶¹ *Ibid.* p. 213.

¹⁶² *Ibid.* p. 215.

¹⁶³ *Ibid.* p. 217.

¹⁶⁴ *Ibid.* p. 217.

¹⁶⁵ *Ibid.* p. 217.

sensitive “of others’ actual capacities and opportunities to act- and of their incapacities and lack of opportunities”¹⁶⁶. It seems that if a constraint is endorsed by the *possible consent of actual agents* then it is consistent with others’ capacities and opportunities to act. Furthermore, O’Neill argues that the feature of actual situations that should be taken into consideration in assessing whether consent was present is “the security or vulnerability of agents that allow agents to dissent from the arrangements that affect their lives and whose absence compromises any ostensible ‘consent’”¹⁶⁷.

Implicit in the O’Neill’s account of the possible consent of actual agents is a concept of finitude. I believe that O’Neill’s concept of finitude is very important to her cosmopolitanism. On O’Neill account, both rights holders and obligation bearers are finite beings, and any cosmopolitanism must take this into account. As she states, “where agents are intensively mutually vulnerable, justice can be sought only by a dual strategy of disciplining the action of the powerful and of seeking to empower the powerless, so making them less vulnerable”¹⁶⁸. Similarly, obligation bearers (or agents of construction) have finite reasoning abilities, and so what is actually available to them as options to discharge their obligations must reflect their capacities for deliberation and action. As she states, obligation-bearers “must understand the categories employed and see them as relevant to the actual context, and have the power to take and implement them”¹⁶⁹. I will contend that there is a lack of clarity as to what finitude actually means on O’Neill’s account. I believe O’Neill conflates a Kantian notion of finitude with a more substantive notion of vulnerability.

2.2: Vulnerability and Finitude- How Substantive?

It is my contention that O’Neill’s concept of finitude is substantively laden. To illustrate and clarify this contention let me start by unpacking O’Neill’s concept of finitude. Firstly,

¹⁶⁶ Ibid. p. 218.

¹⁶⁷ Ibid. p. 218.

¹⁶⁸ O’Neill, Onora. *Bounds of Justice*. p. 140.

¹⁶⁹ O’Neill, Onora. *Faces of Hunger*. Cambridge: Cambridge University Press , 1986. p. 34.

I do not believe that O'Neill's cosmopolitanism can do without her concept of finitude. In *Towards Justice and Virtue* she begins her exposition of constructivism by examining the advantages and disadvantages of universalism and particularism in justice. She describes how particularists accuse universalists of prescribing uniform treatment, and so of showing "an oppressive lack of sensitivity or concern for the numerous differences between the persons and situations from which they have abstracted"¹⁷⁰. At the same time, she argues that particularism can be seen as a mere defence of the status quo. As she states, "by itself an appeal to local practices and traditions (however venerable, however passionately maintained) cannot but endorse evil practices and traditions, indeed vices"¹⁷¹. In defence of universalists, she claims that they "think that there can be reasonable objections even to established norms and practices, even to passionately felt sensibilities and attachments"¹⁷². In other words, "it is false that one cannot 'go behind' responses that are constitutive of identities, since identities are fixed for all time"¹⁷³. Thus O'Neill starts her constructivism as a response to the failings of particularism and universalism. If the status quo fails to promote cosmopolitan obligations, then O'Neill's constructive cosmopolitanism must be sensitive to the particularized attachments of persons, and also gain some abstract distance in order to criticise the non-cosmopolitan status quo. O'Neill's concept of finitude allows her to do just that: while her constructive cosmopolitanism argues that cosmopolitan duties have to be met, her tenet of finitude allows her to stipulate that these duties must be couched in terms that the obligation bearer (with all their particular attachments) cannot fail to understand.

Much depends, I believe, on how O'Neill might cash out finitude. It is not clear whether finitude applies only to descriptive constraints on agents' deliberation. To illustrate this, take the example of Ruth, who understands that she has obligations to

¹⁷⁰ O'Neill, Onora. *Towards Justice and Virtue*. p. 18.

¹⁷¹ *Ibid.* p. 19.

¹⁷² *Ibid.* p. 21.

¹⁷³ *Ibid.* p. 21.

far away others, yet who fails to see those obligations as requiring her refusal to buy certain products (since the companies who produce these products cause harm to those who Ruth owes obligations). Now finitude may refer to descriptive obstacles that resulted in Ruth's failure to grasp her obligations. That is, finitude may refer to obstacles such as the fact that since there is no accessible information about the actions of these companies, it is not possible for Ruth to recognize, and apply, her obligations as relevant in this actual context, and thus it is not possible for her to implement them. Thus, a cosmopolitan who recognized that Ruth is finitely rational (in this descriptive sense) would have to make that information available to Ruth in order to show her that her cosmopolitan duties are relevant in the particular case discussed.

I contend that O'Neill's concept of finitude speaks not only to descriptive constraints, but also to normative constraints. I believe that there is a difference between the stipulation that 'we must recognize that our cosmopolitan obligations hold in this particular instance', and that 'we must recognize that we have cosmopolitan obligations'. In order to change the status quo to accord with the first stipulation, then we must overcome the descriptive constraints of obligation bearers: thus the cosmopolitanism must be sensitive to the finitude of Ruth's reasoning insofar as she may have imperfect information, etc. Alternatively, in order to change the status quo to accord with the second stipulation, then, I believe, we must overcome the normative constraints of obligation bearers. To illustrate this point take the example of Amy, who does not believe she has cosmopolitan duties, rather she believes she has duties to all and only those who share her religion. Overcoming Amy's finitude, and thus showing her she does in fact owe cosmopolitan duties to those who do not share her religion, is in my opinion a much more arduous task than showing Ruth the existence of her duties. Furthermore, I am not convinced that Amy could be shown that she has cosmopolitan duties to those who do not share her religion by simply describing the world. Rather, I think overcoming Amy's normative finiteness will demand a normative argument.

It is not only the finitude of obligations bearers that encounters such ambiguities on O'Neill's account. That is, the finitude of obligation bearers is reflected by the finitude of the persons to whom obligation bearers owe their obligations. As illustrated earlier, O'Neill's cosmopolitanism relies on the idea that certain act types must be rejected if one adheres to the universalizability test: she states that acts based on principles of deceit, injury, and coercion, would fail the universalizability test, and so must be rejected. For O'Neill, our cosmopolitan obligations do not stop at refraining from acting on principles of deceit, injury, or coercion. She argues that the performance of deception, injury, and coercion depends on a certain power relationship between the agent who wishes to deceive, injure, or coerce, and that agent's victim. In particular the agent must be relatively more powerful in order to be successful at deceiving, injuring, or coercing, his victim. As she states, "what constitutes injury, or threat, or effective deception always depends on the relative power of those agents and agencies who act unjustly and the relative lack of power and consequently enhanced vulnerability of those who suffer injustice"¹⁷⁴. Thus, according to O'Neill, we have obligations to "restrict the ways in which the relatively powerful misuse their advantage"¹⁷⁵, and to "reduce(ing) the relative weakness of those who would otherwise be most vulnerable and so open to coercion"¹⁷⁶. I believe that although O'Neill prescribes that we ought to restrict the ways in which the powerful may use their advantage, and we ought to reduce relative weakness, it is still an open question what counts as 'finitude' in this respect. Once again, the concept could be cashed out in a purely descriptive way: thus, what would constitute finitude would be being female, much older or younger, poorer, etc. Alternatively, this concept could be cashed out in a normative way: thus, what would constitute finitude would be, for instance, a woman's assimilation of a norm that women are of less worth than men, and so in times of hunger men should eat first. Furthermore, and similar to my observations on the finitude of obligation bearers, I

¹⁷⁴ O'Neill, Onora. *The Bounds of Justice*. p. 139.

¹⁷⁵ Ibid. p. 96.

¹⁷⁶ Ibid. p. 96.

believe overcoming descriptive finitude is a much easier task than overcoming normative constraints finitude. Also similar to my observations on finitude of obligation bearers, I think that overcoming a normative finitude would require the use of a normative principle.

Furthermore, I believe both the normative principle that would overcome the finitude of obligation bearers, and the normative principle that would overcome the finitude of rights holders would have to be rather substantive. Thus, the principle that overcomes the stipulation that we do not have obligations to those who do not share our religious beliefs, must either deny the relevance of religion in fixing our obligations, or affirm that we have obligations over and above those fixed by religion. It is difficult to see how this could be done by reference to some thoroughly abstract principle. I believe O'Neill would respond that one could show the religious enthusiast that when she interacts with those who do not share her religion she presupposes characteristics on their part, which she denies when deciding upon her obligations¹⁷⁷. In effect, I think O'Neill would argue that the religious enthusiast is wrong to believe that religion fixes her obligations since she is denying a tenet of connection to those who do not share her religion, even though she must presume this tenet in order to interact with those non-believers. However, I contend that the religious enthusiast could agree with O'Neill that she presupposes such connection for the purposes of interaction, and denies such connection when deciding upon her obligations, and still ask of O'Neill, what of it? That

¹⁷⁷ I believe Thomas Besch holds similar concerns about O'Neill's account. As he states "It thus seems that there is a non sequitur at the normative core of O'Neill's approach. What she shows, if anything, is that where we take other people to be on the receiving end of our activity, we take them to be vulnerable and connected independent sources of activity (and cannot coherently, or reasonably, deny that they are such sources). Yet this leaves open why, if we take them to be such sources of activity, we must, by pain of incoherence, or unreasonableness, include them in the scope of practical reasoning. But this is what an approach to the issue of scope would need to show if it seeks to determine whom we are to include in the scope of practical reasoning in the first place. At best, for all we have seen, O'Neill's approach provides orientation only for those agents who already endorse a view of ethical standing by which all vulnerable and connected independent sources of activity, or beings the agent takes to be such sources, merit ethical standing and consideration. It remains open, though, why it would be incoherent, or unreasonable, not to endorse such a view of ethical standing in the first place". Besch's answer to this problem is that Kantian constructivism should take refuge in a perfectionist view of the good. This view of the good could not claim to be entirely abstract (per the abstraction claimed by O'Neill for finitude, plurality, and connection). Thomas Besch 'Kantian Constructivism, the Issue of Scope and Perfectionism: O'Neill on Ethical Standing'. p. 10.

is, the religious enthusiast could argue that 'connection' is relevant when assessing her interactions with others, but totally irrelevant when deciding upon her obligations. Thus, to motivate her argument, O'Neill would need to provide a normative principle to overcome the religious enthusiast's finitude, and it is difficult to see how O'Neill could keep substantiveness from entering into this principle. That is, the religious enthusiast could be answered by stipulating that we are connected in such a way (perhaps by economic trade, or liberal beliefs, etc, etc) that is relevant for fixing obligations. Nevertheless, this route leads us away from abstraction.

At the heart of all this, I believe is a lack of clarity. I have been talking in terms of finitude above, but in doing so I have been unclear; although I maintain that this lack of clarity is reflective of an ambiguity at the heart of O'Neill's conception of finitude. There is some confusion concerning the relation between two of O'Neill's central concepts: finitude and vulnerability. Often these terms are conflated, and it seems that O'Neill refers to them interchangeably¹⁷⁸. I suggest distinguishing between vulnerability and finitude, while still maintaining a relation between them. Thus I believe it would be better to use the concept of finitude in a more general way compared to a more particularized use of vulnerability¹⁷⁹. That is, while the concept of vulnerability is used with reference to particular agents (for example the vulnerabilities of rights holders etc) finitude is used with reference to the human condition. Finitude cannot be overcome. Finitude refers to the fact that we are not perfect reasoners; we do not have a God's eye view, and as such our reasoning is constrained in certain ways. Nevertheless, it is in virtue of our finitude that we are vulnerable. In comparison, particular vulnerabilities can be overcome. Although we may use vulnerability in a particularized way (or at least in a more particularized way than finitude), it is still the case that human beings, as such, are all vulnerable beings. Nevertheless, some are more vulnerable than others.

¹⁷⁸ See for example *Towards Justice and Virtue* pp. 106-112.

¹⁷⁹ I do not believe O'Neill makes this distinction. I believe her account might be improved by such a distinction. Nevertheless, let it be noted that if O'Neill denied the need for such a distinction, then the critical points I bring up below would still affect her account; they would just apply to 'finitude/vulnerability' rather than just 'vulnerability'.

This is obviously the case with some rights holders; for example extreme poverty can leave some more vulnerable to abuse. Less obviously, some obligations bearers are vulnerable in important ways. Obligation bearers (or agents of construction) do not have perfect reasoning abilities, and thus they are vulnerable to error; so what is actually available to them as options to discharge their obligations must reflect their capacities for deliberation and action. Confusion enters O'Neill's account because she often interprets finitude in terms of vulnerability (and by this I mean particular vulnerabilities). It seems that she desires the more formal Kantian (and hence abstract) reading of finitude, but interprets that in terms of vulnerabilities that bring with them substantive content. I believe O'Neill's concern with vulnerability is related to her accessibility criterion. A principle, if it is to be deemed rational, must be a possible object of endorsement by actual agents, and thus be accessible to those agents. Furthermore, any such principle must reflect both the vulnerabilities of agents and their finitude. This concern seems to mirror a Rawlsian concern with avoiding intractable disagreement over competing and incommensurable conceptions of the good. In Part 2 of this dissertation I will pick up on these themes, and unpack them further. In particular, I will show how my (more metaphysical) interpretation of finitude departs from O'Neill's account by eschewing her constructivism.

Section 3: The Exclusion of Normative Constructivism, and the Inclusion of Meta-Normative Constructivism

As previously mentioned, Onora O'Neill criticises Rawls on the grounds that idealization masquerading as abstraction may exclude some from the purview of justice who should, by rights, be included. My argument against O'Neill inverts this criticism. That is, I believe that substantiveness masquerading as abstraction includes some in the purview of justice who should not be included on this theory.

To illustrate the above claim, take the example of Anne who has imbibed the normative principle that women are of lesser worth than men, so in times of hunger men should eat first. Of course, such a principle of action is not universalizable, and so a Kantian would not see this as a valid maxim of action. Nevertheless, perhaps Anne does not care whether a Kantian would see her action as moral or not. So, the question arises, how do we convince Anne that her principle is not just. The answer to this question might be phrased in terms of what we owe Anne. Now, on O'Neill's account we owe Anne obligations to decrease her vulnerability, and (at least as I have argued) thus to overcome her imbibing of this normative principle. As I have argued, it is difficult to see how this could be done without recourse to some other normative (and substantively laden) principle. For example, we might try to convince Anne that each individual is as much of worth as any other, regardless of any differentiation between them, for example gender, age, wealth, etc; and thus we show her the validity of the universalizability criterion. It may well be the case that Anne is perfectly happy with her normatively substantive principle. Thus, Anne may be aware of all *our* arguments (descriptive as well as normative) concerning her imbibing of her favoured norm, and yet feel no compunction to alter her normative position. Now, given my reconstruction of O'Neill's account above I believe O'Neill would argue that Anne ought to adhere to the universalizability test, because in not doing so she is being inconsistent: Anne supposes something when she acts which she later discards when she denies the ethical standing of herself (among others). Nevertheless, my aim in this Chapter was to argue that it is difficult to see the inconsistency in Anne's behaviour. I believe that Anne has chosen one normatively substantive principle over another; in effect she has chosen to imbibe the idea that some are worth more than others, over the idea that all have equal worth. The idea I am trying to describe here is consistent with Thomas Besch's argument given in an earlier footnote. As he states

At best, for all we have seen, O'Neill's approach provides orientation only for those agents who already endorse a view of ethical standing by which all vulnerable and connected independent

sources of activity, or beings the agent takes to be such sources, merit ethical standing and consideration. It remains open, though, why it would be incoherent, or unreasonable, not to endorse such a view of ethical standing in the first place¹⁸⁰

Thus, I hope to have shown at this stage in this Chapter that were we to succeed in convincing Anne of another normative principle, it is difficult to see how that principle could remain substantively light. I have argued throughout that all constructivisms rely on some sort of normatively substantive principle. It is quite possible that the principles of justice to which Anne adheres are constructed. It is equally possible that they are constructed from normatively substantive principles like the one attributed to Anne. As previously argued, O'Neill as a meta-normative constructivist posits cosmopolitan scope. Thus, it would seem that Anne would be included in the scope of O'Neill's constructivism. Nevertheless, it seems possible that Anne would not desire this, for whatever reason. In such a situation, Anne could contend that we are uncomfortable with the normatively substantive principles underlying her constructivism because they are different from our sincerely held beliefs. Likewise we are comfortable with the more liberal normatively substantively principles underlying O'Neill's constructivism because they correspond to the way we think the world should be ordered. If we were to argue our sincerely held beliefs were the correct beliefs, it would be tantamount to denying the validity of Anne's sincerely held beliefs.

As I have previously argued, it is always an open question whether the normatively substantive posits behind a constructivism are the 'correct' ones (remember I argued that it is always an open question why I should take homo economicus in conditions of negative liberty as my agent of construction). The scope of any theory that is so founded ought to be suitably constrained. Nevertheless, Rawls is very open about the constraints in scope of his normative constructivism. He acknowledges the fact that his constructivism must begin from something

¹⁸⁰ Besch 'Kantian Constructivism and the Issue of Scope and Perfectionism: O'Neill on Ethical Standing' p. 10.

unconstructed. Furthermore, as illustrated earlier, he openly acknowledges that his constructed conclusions are indexed to that unconstructed material. That is, the scope of Rawls' constructivism is indexed to the culture of the liberal democracy wherein that constructivism is to take place. Unsurprisingly, Rawls' comments on cosmopolitans, who "imagine a global original position with its veil of ignorance behind which all parties are situated symmetrically"¹⁸¹ are quite disparaging. In effect, Rawls accuses those who attempt to enlarge the scope of his conception of justice outside the confines of a liberal democracy of performing acts of liberal imperialism. As he states, such theory "amounts to saying that all persons are to have the equal liberal rights of citizens in a constitutional democracy"¹⁸², and thus a foreign policy based on such theory would "act gradually to shape all not yet liberal societies in a liberal direction, until eventually (in the ideal case) all societies are liberal"¹⁸³. Such a foreign policy presupposes that nonliberal peoples cannot be acceptable, and this for Rawls is a tenet "we can't merely assume"¹⁸⁴.

Conclusion

I have argued in this chapter that constructivism cannot remain normatively substantively light, and since normative standpoints can differ radically and it is always an open question which normative standpoint is most appropriate, then a theory seeking universal scope (for example cosmopolitanism) ought not be based on constructivism. My intuition throughout this chapter is that constructivism cannot maintain a claim to universal scope while being sensitive to the many particularities that characterize the lived experience of actual human beings: that is, I feel constructivism cannot have its cake and eat it. Furthermore, I think that cosmopolitanism cannot be based on normative constructivism, since such

¹⁸¹ Rawls, John. *The Law of Peoples*. London: Harvard University Press, 2002. p. 82.

¹⁸² Ibid. p. 82.

¹⁸³ Ibid. p. 82.

¹⁸⁴ Ibid. p. 82.

constructivism must construct from normatively substantive starting points that may be shared between persons in bounded societies, but are unlikely to be shared the cosmopolitan level. Additionally, I think if meta-normative constructivism could maintain abstract starting points, and give forth a cosmopolitan theory of obligations, then such a cosmopolitanism would be highly attractive. I doubt though that this is possible as I believe some normative substantiveness will be necessary to convince us of the existence of our cosmopolitan duties (thus I argued that O'Neill's concepts of finitude and vulnerability must be cashed out in normatively substantive ways). I do believe that there is a role for constructivism in ethics and political theory. I think that constructivism is applicable in bounded societies where people share some normative normatively substantive principles (for whatever reasons). In such a society the starting points of the constructivism will cohere with an overlapping consensus of the beliefs and values of the people that are party to it. As such, the conclusions of that construction will be indexed to the shared substantive principles held by those people. Nevertheless, since the construction has limited scope (the scope is constrained to fit all and only those who share an overlapping consensus), then the fact that the conclusions of the construction are indexed to those normative principles need not be seen as problematic. Similarly, I can see a role for constructivism in ethics. For example, the contention that constructivism has limited scope will not problematise any argument that posits a lone agent constructing her ethical principles. Conversely, this is not so with a theory which proclaims universal scope. Thus, I conclude that constructivism is an inadequate theory of justification for cosmopolitanism.

Part 2: A Kantian Concept of Connectedness

I showed in Part 1 that I find certain aspects of some contemporary cosmopolitan theorizing to be wanting. I described a theme in contemporary cosmopolitanism in Chapter 1. In Chapter 2 I depicted what I termed a concept of connectedness. Roughly a concept of connectedness is a concept that describes how we are connected to others. In particular, in the context of cosmopolitanism, a concept of connectedness shows us as connected to others in a way relevant to the obligations we bear towards those others. For example, if we say that we are connected to all and only those with whom we share institutions, then if we are cosmopolitans we might conclude that we are obligated to all and only those connected others. I objected to certain cosmopolitanisms on the grounds that they posit an overly substantive concept of connectedness. In Chapter 3 I showed how the substantive cosmopolitanisms discussed in Chapter 2 could be termed constructive cosmopolitanisms (meaning they utilize elements of constructivism). Furthermore, I argued that constructivism is not an adequate theory with which to ground cosmopolitanism. I argued that constructivism cannot remain normatively light, and as such its claim to universality is questionable. Furthermore, in Chapter 3 I dealt with Onora O'Neill's constructive cosmopolitanism. Thus, Chapter 3 marked my first attempt to differentiate my theory from that of O'Neill. Intuitively, I am very sympathetic to O'Neill's cosmopolitanism in virtue of its concentration on obligations rather than rights, and its Kantian underpinnings. Nevertheless, I prefer a non-constructive grounding for cosmopolitanism. Thus, in Chapter 3 I differentiated myself from O'Neill by objecting to her constructivism, and by distinguishing between a formal reading of finitude and a more substantive reading of vulnerability. Nevertheless, I do not believe I have adequately dealt with O'Neill at this point; I will only be able to completely differentiate my account from hers after I have put forward my own interpretation of Kant.

Part 2 of this thesis marks my entry into Kantian exegesis; that is, I will now concentrate on describing my interpretation of certain elements of Kantian theory. My aim in so doing is to describe a non-contingent concept of connectedness based on the ideas of finitude and freedom. I start this process, in Chapter 4, by looking at the metaethical underpinnings of a Kantian idea of 'Ought'. I do this, partly to distance myself further from a constructivist interpretation of Kant, and partly because finitude and freedom are concepts usually associated with Kant's moral theory; thus, investigating the status of a Kantian idea of 'Ought' seems like a natural place to start my exegesis of Kant's position with respect to finitude and freedom. My interpretation of finitude and freedom will be metaphysical, but modestly so. Thus, in Chapter 5 I will discuss the Rawlsian preoccupation with avoiding metaphysics. I will argue that one can meet Rawls' worries about metaphysics, and still propose a metaphysical account; I will rely on a Kantian practical metaphysics to do so. Finally, in Chapter 6 I will delineate my preferred concept of connectedness. I will describe the non-empirical nature of my Kantian interpretation of freedom and finitude. Furthermore, I will show how this interpretation differs from O'Neill's Kantianism: in particular her conception of finitude. I will argue that my interpretation is metaphysical rather than constructivist, and that it is more formal than O'Neill's account.

Chapter 4: The Status of a Kantian Ought

Introduction

I ended Section 1 by arguing that while constructivism is attractive in some ways, it ought not to be used in founding cosmopolitanism. In effect, normative constructivism cannot maintain universality of scope, while it is doubtful that meta-normative constructivism can retain thoroughly abstract starting points. Thus, normative constructivism is not appropriate, as cosmopolitanism needs to maintain universality of scope, while meta-normative constructivism is not appropriate, as it may unjustifiably include some in the purview of justice. My aim in this Section is to describe a non-contingent idea of connectedness as a possible grounding for cosmopolitan obligations.

In Chapter 3, my misgivings about constructivism were articulated in terms of its scope: I argued that constructivism may be an attractive theory when used in particular societies wherein people share the normative presuppositions underlying the construction (let me call this non-cosmopolitan constructivism); but the same cannot be said of constructivism with cosmopolitan scope. My aim in this chapter is to begin delineating my non-constructivist interpretation of Kant. Remember, I argued that O'Neill's constructive cosmopolitanism failed because she seemed to equivocate between finitude and vulnerability, and thus smuggled substantive content into her 'abstract' starting points. I will begin my interpretation by investigating Kant's moral theory. In particular, I will discuss the metaethical status of obligation as found in Kant's

*Groundwork*¹⁸⁵. I aim to discuss in what way Kantian obligations can be said to exist, and on what this existence depends on¹⁸⁶.

My method of analysis shall proceed rather obliquely insofar as I will begin with an examination of some aspects of Hume's moral theory. My motivation in doing this is to link Hume with the type of constructivism I found attractive in the previous section. In so doing I will not be arguing for a Kantian approach over a Humean one, rather I will highlight the distinctiveness of certain Kantian concepts by first contrasting them with a Humean counterpart. Furthermore, when I distinguish Kant from Hume, I will also be distinguishing him from non-cosmopolitan constructivism.

In Section 1 I will describe Hume's subjectivism and his naturalism and argue for an interpretation of Hume which sees parallels between his theoretical philosophy and his moral philosophy. Section 2 will proceed to my interpretation of Kantian obligation, here I will describe moral necessitation and moral necessity. In Section 3 I will examine what Kantian obligation is *not* founded on. Finally, in Section 4 I will illustrate what I take to be the grounding of ought, and I will discuss the metaethical status of this ought.

Section 1: Hume's Naturalism

In Book two of the *Treatise* Hume introduces his discussion of morals with the question "whether these moral distinctions be founded on nature and original principles, or arise from interest and education"¹⁸⁷. Unsurprisingly, given that the title of one Section in *Of*

¹⁸⁵ I take it that metaethics is that discipline which deals with second-order ethical questions. Thus, if first-order, practical, ethics deals with issues of how to behave and what to do, second-order ethics or metaethics deals with issues *about* practical ethics insofar as metaethics investigates the concepts and methods used in practical ethics

¹⁸⁶ Here I am implying a very general reading of existence. In effect, I do not mean to imply the givenness of Platonic moral truths or any substantive metaethical position. I mean only to imply that I will discuss the way in which these obligations exist (what do they rely on, what do they imply, etc).

¹⁸⁷ Hume, David. *A Treatise of Human Nature*. 2.1.7 (5). Quotations of this work are from the Oxford Philosophical text edited by David Fate Norton and Mary J. Norton. Oxford: Oxford Philosophical Texts, 2000.

Morals is Moral distinctions deriv'd from a moral sense, Hume argues that moral distinctions are founded on natural and original principles. As he states “since vice and virtue are not discoverable merely by reason, or the comparison of ideas, it must be by means of some impression or sentiment they occasion, that we are able to mark the difference betwixt them”¹⁸⁸. Hume’s conclusion here follows an argument that reason alone cannot motivate, and since morals are supposed to have “an influence on the actions and affections”¹⁸⁹, then morals cannot be derived from reason. Thus, moral judgement is constituted by a sentiment or feeling. As he states, “to have the sense of virtue, is nothing but to *feel* a satisfaction of a particular kind from the contemplation of a character”¹⁹⁰.

Taking into account his theory of motivation, Hume’s subjectivism may be explained as follows: Since moral judgments are intrinsically action guiding, and it is the sentiments rather than reason alone which can motivate action then moral judgments, for Hume, are not expressions of objective states but rather expressions of something within the agent, for example a feeling or passion. In this context Hume’s subjectivism may be explained as follows: Given any immoral action that one observes, the immorality of that action does not reside in the action itself, as an object, rather it resides in the subject, the spectator of the action. It follows that, for Hume, moral sentiments do not have cognitive content, and as such do not have truth-values. As he states, “a passion is an original existence, or, if you will, a modification of existence, and contains not a representative quality, which renders it a copy of any other existence or modification”¹⁹¹. For Hume, to assign truth and falsity to passions is to make a category mistake, as passions are simply not the sort of thing that might be

¹⁸⁸ Ibid. 3.1.2(1)

¹⁸⁹ Ibid. 3.1.1(6)

¹⁹⁰ Ibid. 3.1.2(3) Note that this satisfaction is of a *particular kind*. In effect, for Hume, moral sentiments have certain disinterestedness. Sympathy is the pre-moral attitude on which the moral sentiments are founded. Sympathy is *pre-moral* insofar as it is not yet moderated for partiality. Mere sympathetic responses are too subjective. Reason and imagination moderate sympathetic responses in order to render them moral. It does not follow that morality is therefore derived from reason. Rather, reason has a use in constructing a virtuous response. Nonetheless, it is the sentiments or feelings, which ground morality.

¹⁹¹ Ibid. 2.3.3(5).

called true or false¹⁹². Thus, it is possible to clarify the famous Humean dictum that reason can neither justify nor condemn the passions: If no state of the world could rationally compel us to have one desire than another “’tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger”¹⁹³.

Following Norman Smith, I believe that Hume has a “naturalistic view of reason”¹⁹⁴, and that “there is a close connection between his theory of knowledge and his ethical teaching”¹⁹⁵. Smith interprets Hume as arguing that when it comes to belief formation, reason cannot be the force at work, rather it is “a blind and powerful instinct, that demanding no evidence, and ignoring theoretical inconsistency for the sake of practical convenience, necessitates belief”¹⁹⁶. For Smith, Hume is arguing that our beliefs are not necessitated by objective states of the world. Take for example cause and effect; Smith says of him that “Hume’s whole meaning (therefore) is that the connexion and necessity *which ground our inferences* can only exist in us”. Thus, as Smith states, for Hume “natural belief takes the place of rational insight”¹⁹⁷. Likewise, with reference to Hume’s moral theory, our judgments are not necessitated by an objective fact about the world, but arise from and in our human nature. As he states in the *Enquiry*:

it is an operation of soul, when we are so situated, as unavoidable as to feel the passion of love, when we receive benefits; or hatred, when we meet with injuries. All these operations are a species of natural instincts which no reasoning or process of the thought and understanding is able, either to produce, or to prevent¹⁹⁸

¹⁹² Note that given Michael Smith’s distinction between cognitivism and non-cognitivism, my interpretation of Hume places him in the non-cognitivist camp. For Michael Smith, on a cognitivist view “in forming moral opinions we acquire beliefs, representations of the way the world is morally”(9). Alternatively, non-cognitivism stipulates that “making a moral judgement requires our having a certain desire and no recognition of a fact about the world could rationally compel us to have one desire rather than another, our judgment must really simply be an expression of that desire”. See, Smith, Michael. *The Moral Problem*. Oxford: Blackwell, 1994. pp. 9-10. I have avoided the cognitivist/non-cognitivist debate as I wish to avoid conflating practical reason with theoretical reason. Although I aim to draw parallels between Hume’s moral theory and his theoretical philosophy, I also wish to maintain the distinctiveness of practical reasons from theoretical reason.

¹⁹³ Hume. *Treatise*. 2.3.3(6).

¹⁹⁴ Kemp-Smith, Norman. ‘Hume’s Naturalism 1’, *Mind* Vol. 14. pp. 149-73 and 335-47. p.158.

¹⁹⁵ *Ibid.* p.159.

¹⁹⁶ *Ibid.* p.159.

¹⁹⁷ *Ibid.* p.159.

¹⁹⁸ *Enquiry* 5.1.30(6)

In “Was-Must Be’ and “Is-Ought” in Hume’ Lewis White Beck takes a somewhat similar interpretation of Hume, insofar as he believes that Hume’s theoretical philosophy can be used to further an understanding of his moral philosophy. As Beck states, “the argument concerning causation, which is both better written and better known, throws light on his argument concerning moral distinctions and serves as a model by which the latter may be understood”¹⁹⁹. Beck argues that according to Hume the justification of the ascription of moral predicates is pragmatic and lies in their peculiar function in the social relations of mankind²⁰⁰. In order to justify his interpretation Beck references Hume; “Moral language and distinctions are therefore necessary for man’s social life as the language and thought of causality are necessary for his natural and social life”²⁰¹. Where X is a voluntary action:

- a. X is beneficial or immediately pleasing to the generality of mankind
- b. X ought to be done

According to Beck’s interpretation, the connection between the two is supplied by two premises, which Hume thinks he has established:

- a. A causal premise that stipulates that X produces satisfaction of a particular kind.
- b. A linguistic premise that stipulates that X ought to be done means nothing but there is satisfaction of a particular kind upon contemplating X.

So, on both Beck and Smith’s interpretation of Hume, if a spectator judges an act to be good, or virtuous, it is so judged because the spectator experiences an emotive response while contemplating the action. Furthermore, at least on Smith’s interpretation, this response is grounded in the spectator’s human nature. Thus, as Smith states, “in his ethics Hume grounds the distinction between moral good and evil

¹⁹⁹ Beck, Lewis White. *Essays on Kant and Hume*. London: Yale University Press, 1978. p. 206.

²⁰⁰ *Ibid.* p. 214.

²⁰¹ *Ibid.* p. 214.

not on reason but on certain emotions and passions which are to be found in every man, and which constitute the constant element in human nature”²⁰².

Importantly, if there are constant elements in human nature that give rise to generally shared virtues, then, for Hume this neither is grounded on, nor does it imply, a metaphysics of human nature. Natural virtues are those traits that all human beings will, as a matter of fact, admire. There is an assumption of generality at work here, but it is an assumption that is consistent with Hume’s empiricism, and not an assumption that is grounded on, or implies “any incomprehensible relations and qualities, which never did exist in nature, not even in our imagination, by any clear and distinct conception”²⁰³.

As I have characterized it, Hume’s moral theory does not invoke universality underpinned by some sort of metaphysical claim. It may be argued that the constant element in human nature will provide an element of necessity²⁰⁴ to at least some of Hume’s ‘X ought to be done’ claims. This seems to me to be true, nevertheless it should be noted that it is so contingently: it is not part of Hume’s conception of ought that some ought claims will hold universally with necessity, rather Hume’s empiricism discovers constant elements to human nature and, given Hume’s naturalistic moral theory, this lends Hume’s theory generally shared virtues. This idea of Hume’s moral theory as tolerant of contingency may be seen as related to a new strand of theorizing in constructivism.

In the literature constructivists do not usually claim allegiance to Hume: in fact constructivism is seen as a Kantian endeavour. Recently, however, some scholars have begun to theorize about ‘Humean constructivism’²⁰⁵. According to Dale Dorsey, Humean constructivism, like Kantian constructivism, maintains that “claims about

²⁰² Hume. *Treatise*. 3.1.2(11).

²⁰³ *Ibid.* 3.1.2(11).

²⁰⁴ What I mean by necessity and necessitation shall be discussed below.

²⁰⁵ Much of this theorizing is very new, and as such is contained in unpublished manuscripts. For example, Dale Dorsey ‘Relativism and Constructivism: A Humean Response’, unpublished manuscript; Sharon Street ‘Coming to Terms with Contingency: Humean Constructivism about Practical Reason’ unpublished manuscript; and James Lenman ‘Humean Constructivism in Moral Theory’, forthcoming in *Oxford Studies in Metaethics* V 2010 pp. 175-193.

morality are made true, not by conforming to some independent moral realm (whether natural or non-natural), but rather by the *ratification of authoritative agents*²⁰⁶. The difference between Humean constructivism and Kantian constructivism can be articulated in terms of the ratification involved. According to Dorsey, the sort of ratification involved in Kantian constructivism is willing or self-legislation; while the ratification invoked by Humean constructivists may be couched in terms of concern. Thus, with respect to the construction a Kantian will insist that the most relevant cognitive condition is practical rationality insofar as the authoritative stance is identified as what the ideal practical reasoner would will. Meanwhile, “Humean views identify the authoritative mental state with concern, but note that only *fully informed* concerns are morally authoritative²⁰⁷”.

As Sharon Street characterizes it, Humean constructivism embraces the idea that one’s substantive starting points are irreducibly normative, and as such different starting points can result in different constructed principles. She states,

According to the Humean constructivist, the substantive content of an agent’s normative reasons is a function of his or her particular, contingently given, evaluative starting points. On this view, “pure practical reason”- understood as the standpoint of “valuing,” or normative judgment, as such- commits one to no specific substantive values. Instead, the substance of one’s normative reasons must ultimately be supplied by the particular set of values with which one finds oneself alive as an agent. The Humean constructivist accepts the idea that had one entered the world with a radically different set of values, or were merely causal forces to effect a radical change in one’s existing set of values, then one’s normative reasons would have been, or would become, radically different in a corresponding way²⁰⁸

This aspect of Humean constructivism imbues the moral theory with a certain sort of contingency. As Street comments “if one accepts Humean constructivism, then one accepts that contingencies- social, historical, biological, and otherwise- have played a crucial role in determining what normative reasons one has²⁰⁹”. This acceptance of contingency, as noted previously, is consistent Hume’s naturalistic moral theory as one of generally shared virtues as opposed to a universalistic ethics. If we construct from

²⁰⁶ Dale Dorsey ‘Relativism and Constructivism: A Humean Response’. p. 9.

²⁰⁷ Ibid. p. 10.

²⁰⁸ Sharon Street ‘Coming to Terms with Contingency: Humean Constructivism about Practical Reason’. p.

²⁰⁹ Ibid. p. 18.

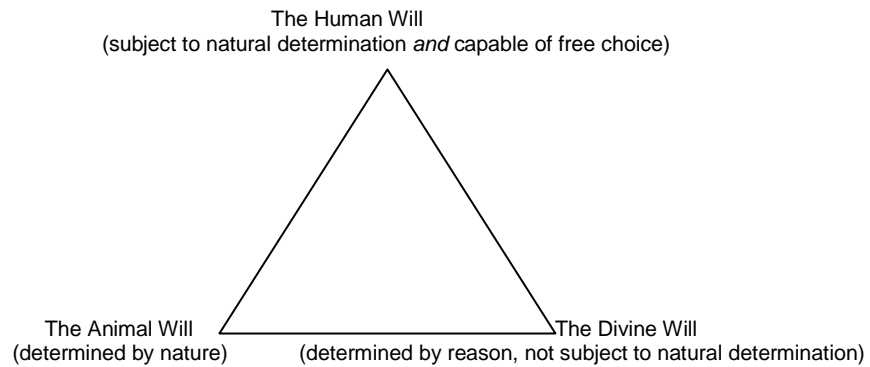
contingent circumstances (be they social, biological, or otherwise), our normative conclusion will reflect these contingencies; and thus, with respect to scope, the most we can claim for such a constructivism is that the contingencies are generally shared, and thus the principles are generally applicable. In effect, Humean constructivism is unapologetic about its commitment to contingency. As such then, it begins to sound like the sorts of constructivism I specified as attractive in the last chapter of this thesis. Remember, such constructivisms (like that of Rawls²¹⁰), admitted the contingencies involved (like commitment to freedom and equality), and thus the scope of the construction reflected those contingencies (the construction was applicable to all and only those who adhere to these unconstructed contingencies). In the next Section I will begin to advance my interpretation of Kant's moral theory. In what follows I will show how my interpretation of Kant differs from Hume's moral theory. Thus here ends my exegesis of Humean moral theory, and Humean constructivism. My aim is not to argue against such constructivism, but rather to prepare my reader for my interpretation of Kantian moral necessity. I will now turn to describing my interpretation of Kant.

Section 2: What are Moral Necessitation, and Moral Necessity?

My aim in this section is to examine the idea of moral necessitation, as opposed to natural determination and moral necessity. I will interpret the Kantian idea of moral necessitation as being concerned with the type of reasoning beings we are. Furthermore, my interpretation of Kant will describe moral necessitation as the relation between an imperfect subjective power of choice and objective laws; that takes the form of the imperative 'ought'. My interpretation will make much use of the idea that the human will is distinct from the animal will, which is determined by nature, and the divine

²¹⁰ I think one could argue persuasively that Rawls is more of a Humean constructivist than he is a Kantian constructivist. Nevertheless, I realize such an argument would be very contentious, and it is outside the scope of this dissertation to do so.

will, which is completely free. At this point it might be helpful to present the animal will, the human will, and the divine will schematically:



In some sense I wish to illustrate the human being, and thus the human will, as occupying the space between the animal and the divine. By 'divine' I do not mean to presuppose anything concerning the existence of God. In particular, I believe this interpretation of Kant, and indeed obligation, does not rely on the any metaphysical argument for God's existence. In the below I am treating God as an idea of reason that helps us to see more clearly certain aspects of moral obligation. As Kant states:

A law that binds us *a priori* and unconditionally by our own reason can also be expressed as proceeding from the will of a supreme lawgiver, that is one who has rights but no duties (hence from the divine will); but this signifies only the idea of a moral being whose will is a law for everyone, without his being thought of as author of the law²¹¹

The idea of God, I will attempt to put forward, may be clarified by analogy. In Hume's discussion of the Copy Principle he famously allows of one exception. He illustrates this exception with a thought experiment. Imagine a man who has become acquainted with all colours except a particular shade of blue. If all the colours blue were placed before him from the deepest to the lightest, Hume allows that the man would be able to supply the missing blue colour from his imagination. I think of Kant as attempting to illustrate human obligation in a like manner as we would illustrate the missing blue colour: if we shade in the divine will (an unconditionally good will so is subject to moral

²¹¹ Kant, Immanuel. *Metaphysics of Morals*. Edited by Mary Gregor. Cambridge: Cambridge University Press, 1996. 6:228.

necessity) and the animal will (a sensibly determined will), then perhaps we will be in a better position to understand the human will (a will that is not determined, but is subject to certain limitations, and so is subject to human moral necessitation).

Kant begins his discussion of the will²¹², and the imperatives that must govern it with the acknowledgement that “everything in nature works in accordance with laws”²¹³. Thus, when we see an apple falling to the ground with necessity, rather than floating in the air, we can explain the phenomenon with reference to the fact that the law of gravity acts upon it. Such an acknowledgement may seem a strange starting point for Kant’s endeavour to describe moral necessitation, as it alludes to a thesis concerning the idea that man must explain himself and his world as in some way determined by natural laws²¹⁴. The thesis that human beings are part of the natural world, and so their actions must accord with natural laws is but part of the story for Kant. Furthermore, Kant, by choosing such a starting point for his discussion of the will, is attempting to elucidate the concept of ‘will’ by contrasting it with the way in which mans actions may be seen as determined by nature. As he states, “only a rational being has the capacity to act *in accordance with the representation* of laws, that is, in accordance with principles, or has a *will*”²¹⁵.

Man is not merely a creature of the natural world whose action can always be explained if certain subjective principles are posited, in the way that a dog’s eating can be explained by reference to the dog’s hunger (all other things being equal). Rather,

²¹² I wish to sidestep the important Wille-Willkur distinction at this point. I think my failure to discuss this distinction in the main text is appropriate as Kant himself does not introduce the distinction until *The Metaphysics of Morals*, although Henry Allison comments that the distinction plays an important role in both *Metaphysics of Morals* and *Religion within the Limits of Reason Alone*. Thus, it is the broad sense of will that I shall be using in the following. Allison states of the distinction that “This locution, which is certainly not unique to Kant, presupposes a certain duality of function within the will, and the Wille-Willkur distinction provides just what is required in order to articulate this duality within unity. Thus, it is Wille in the narrow sense that provides the norm and Willkur that chooses in light of this norm. Strictly speaking, then it is only Wille in the broad sense that has the property of autonomy, since it is only Wille in this sense that can be characterized as law to itself”. Allison, Henry. *Kant’s Theory of Freedom*. Cambridge: Cambridge University Press, 1990. pp. 129-131.

²¹³ Kant, Immanuel. *Groundwork of the Metaphysics of Morals*. Edited by Mary Gregor. Cambridge: Cambridge University Press, 2007. 4:413

²¹⁴ I am not trying to say here that natural laws obtain independently of the human understanding. The concept of causality is a category of the understanding for Kant. As such then, we are determined to understand ourselves and our world as subject to certain natural laws.

²¹⁵ Ibid. 4:413.

man as a rational creature has the capacity to will his actions to be in accordance with objective principles. Thus, we cannot explain man's action merely by reference to a subjective principle: A man may eat for reasons that embody an objective principle, for example a man may eat because it is impolite to refuse food that is provided for him²¹⁶.

A holy will, for Kant, is one that is always determines itself by reason. Such a will is impervious to subjective incentives. As Jens Timmermann states, "there is, in such a will, no competing force that might provoke it to stray from the right path"²¹⁷. Reason, independent of inclination, determines the will of a holy being. Thus, the actions of a holy being are objectively necessary as well as subjectively necessary; they are subjectively necessary insofar as the holy will will *only* choose to act in a way that reason cognizes as necessary, and they are objectively necessary insofar as a holy being will *always*, non-contingently, act in such a way that is in accordance with objective principles. In Kant's words:

If reason infallibly determines the will, the actions of such a being that are cognized as objectively necessary are also subjectively necessary, that is, the will is a capacity to choose *only that* which reason independently of inclination cognizes as practically necessary, that is, as good²¹⁸

It must be noted that, on this account, the divine being is absolutely free. It is true that the divine being will always choose to act according to objective laws, and so reason will always 'determine' the will of the holy being. Nevertheless, the divine being will always so choose, as he is not subject to any factors, for example inclination, which could constrain his choice. As Kant states,

But freedom of choice cannot be defined- as some have tried to define it- as the ability to make a choice for or against the law, even though choice as *phenomenon* provides frequent examples of this in experience. For we know freedom (as it first becomes manifest to us through the moral law) only as a *negative* property in us, namely that of not being necessitated to act through any sensible determining grounds²¹⁹

²¹⁶ I have purposely chosen a non-moral example to clarify the above thought, as I wanted to avoid the notions of maxims and duty. I have done so because I believe Kant has not yet distinguished between a holy will, which is impervious to the notions of will and duty, and a human will. In this point I follow Jens Timmermann. Timmermann, Jens. *Kant's Groundwork of the Metaphysics of Morals: A Commentary*. Cambridge: Cambridge University Press, 2007. p. 60.

²¹⁷ Ibid. p. 60.

²¹⁸ Kant. *Groundwork*. 4:413

²¹⁹ Kant. *The Metaphysics of Morals*. 6:227.

In contrast, as human beings, our will is not determined by reason alone: Since we are finite beings, as opposed to divine beings, our power of choice is not impervious to subjective inclinations. As Timmermann states, the human will “is exposed to essentially subjective incentives rooted in the sensual side of human nature and potentially at odds with objective reason”²²⁰. As such, for human beings, actions that are cognized as objectively necessary are not also subjectively necessary: That is, human beings cannot be said to *only* choose to act in a way that reason cognizes as necessary. In effect, with respect to human beings, actions which are cognized as objectively necessary are always subjectively contingent, insofar as it always remains a possibility that, as finite beings, we may fail to act rationally. It is at this juncture that the concept of moral necessitation arises. As Kant states:

then actions that are cognized as objectively necessary are subjectively contingent, and the determination of such a will in conformity with objective laws is *necessitation*: that is to say, the relation of objective laws to a will that is not thoroughly good is represented as the determination of the will of a rational being through grounds of reason, indeed, but grounds to which this will is not by its nature necessarily obedient²²¹

So, moral necessitation for Kant is the relation between an objective law of reason and a human will (with all the contingencies that go along with this concept). So, it would seem that, as human beings, we are at a cross roads; we are neither determined by our inclination, nor do we necessarily act according to the moral law. As Allison points out

the defining characteristic of autonomy is not independence from causal determination by one’s needs as a sensous being (since such independence pertains to the very concept of an *arbitrium liberum*). Nor is it a total freedom from these needs (since only a divine or holy will is thought to be free of these needs). It is rather a motivational independence, that is, a capacity for self-determination independently of, and even contrary to, these needs. Positively expressed, a will with the property of autonomy is one for which there are (or can be) reasons to act that are logically independent of the agent’s needs as a sensous being²²²

²²⁰ Timmermann. *Groundwork*. P. 61.

²²¹ Kant. *Groundwork*. 4:413.

²²² *Ibid.* 4:413.

So, good action is not inevitable, acting according to inclination is always an alternative; rather when we produce a good act we are necessitated by the laws of reason.

Moral necessitation can only be understood with reference to the type of reasoned beings we are. Human beings, as the possessors of reason, are not determined by nature in the way that animals are. Nevertheless, human beings are not divine beings, insofar as human beings are only finitely rational (and as such their power of choice is subject to inclination). Thus, human beings stand at the cross roads of reason: they are rational as opposed to fully determined by nature, but they are not fully rational in the divine sense. As such beings, it seems that objective laws necessitate us externally²²³: A human being has the capacity to act in accordance with objective laws, but may fail to do so (the human will is so constituted to be subject to natural inclination but capable of choosing the good action), and so the will must be constrained to act in accordance with such laws. This external nature of necessitation is in contrast with the way in which the divine being acts on objective laws. As such a being, it seems objective laws necessitate God internally. The Divine being stands outside nature and natural determination, and so the Holy will is not subject to inclination, it is so constituted that it will always acts according to objective laws: Such a being cannot but act according to objective laws. This external/internal distinction may be clarified further by H.J. Paton, when he states:

To imperfectly rational beings objective principles seem almost to *constrain* or (in Kant's technical language) to *necessitate* the will- that is, they seem to be imposed upon the will from without instead of being its *necessary* manifestation (as they would in the case of a wholly rational agent). There is in this respect a sharp difference between being *necessary*, and being *necessitating*, for a rational will²²⁴

The necessitating character of moral necessitation takes the form of imperatives. As Kant states, "the representation of an objective principle, insofar as it is necessitating

²²³ It should be noted here that I do not mean something other than the will brings moral necessitation. I mean only that the human will is subject to moral necessitation rather than it wills in accordance with morality necessarily.

²²⁴ Paton, H. J. *The Moral Law: Groundwork of the Metaphysics of Morals*. London: Routledge, 1991. p. 26.

for a will, is called a command (of reason), and the formula of the command is called an imperative”²²⁵. Again according to Kant, “All imperatives are expressed by an *ought* and indicate by this the relation of an objective law of reason to a will that by its subjective constitution is not necessarily determined by it (a necessitation)”²²⁶. Notice that Kant’s explanation of ‘ought’ is strikingly similar to his explanation of moral necessitation quoted above. In effect, the word ‘ought’ signifies moral necessitation for Kant, insofar as ‘ought’ indicates the imperative of reason which subjugates our power of choice to comply with objective laws. Furthermore, unsurprisingly given what has been said thus far in reference to the Holy will, ‘ought’ is not applicable to Divine beings. To apply ought to such beings would be to make a category mistake, as moral necessitation is irrelevant to the Holy being. As Kant states:

no imperatives hold for the *divine* will and in general for a *holy* will: the ‘ought’ is out of place here, because volition is of itself necessarily in accord with the law. Therefore imperatives are only formulae expressing the relations of objective laws of volition in general to the subjective imperfection of the will of this or that rational being, for example, of the human will²²⁷

Thus, ‘ought’ for Kant is that imperative of reason, applicable to human beings as opposed to divine beings, which signifies moral necessitation, and which commands our subjective will to accord with objective laws²²⁸. So for any ‘X ought to be done’ claim, the Divine being will, with moral necessity, do X. Meanwhile, since man is finite but free, it is neither determined that he will not do X, nor is it necessary that he will do X. Rather a human being is necessitated to do X insofar as X is the good act; that is, he ought to do X. In effect, moral necessitation, or ought, is that which bridges our subjective, imperfect will, and the practical good (objective laws). In extremely simple terms ‘ought’ is that which signifies to us imperfect reasoners that an action is practically good.

²²⁵ Kant. *Groundwork*. 4:413.

²²⁶ Ibid. 4:413.

²²⁷ Ibid. 4:414.

²²⁸ Of course, the hypothetical imperative is also an ‘ought’ of sorts. If one wants to pass an exam one ought to study hard. I am not interested in these sorts of imperatives (at least not in this context), thus when I speak of ‘ought’ I am speaking of the categorical imperative.

My aim in this section was to introduce and explain three concepts; first natural determination as the determining nature of natural laws and natural inclinations, second Divine moral necessity as the necessity with which a Holy will chooses, and third the moral necessitation of human beings as that which commands the human will to accord with objective laws. In particular, my aim was to describe human moral necessitation as different from natural determination and from the way in which the divine will operates with moral necessity. As humans we can fail to act in accordance with the moral imperative (unlike the divine will), but we cannot fail to follow certain natural laws. Nonetheless, we can abstract from certain natural determinations (unlike the animal will), and freely endorse moral necessitation. Ought (or moral necessitation) is that which applies to us as human beings in virtue of the fact that we are finite (and thus not divine) but free (and thus not animal).

Section 3: What is 'Ought' not Grounded on?

Given the task of searching for the grounds of obligation or 'ought', one must start somewhere: According to Kant, we must begin such a task by looking to common cognition²²⁹. Kant chooses the starting point of common cognition as he believes that morality is not extraneous to human understanding, such that it must be discovered by the philosopher to be taught to the public: Rather, common human intellect is fully capable of understanding morality. As he states, "in moral matters human reason can easily be brought to a high degree of correctness and accomplishment, even in the most common understanding"²³⁰. Nevertheless, common cognition is easily led astray,

²²⁹ By 'Beginning' I mean to allude to Kant's discussion of duty, wherein he claims that the idea of the absolute worth of duty is in accord with "all the agreement even of common understanding". As Timmermann states, "according to Kant, ordinary moral practice merely implicitly commits all mature human beings to valuing the good above all other goods, and on reflection everyone will appreciate this truth". Timmermann, Jens. *Kant's Groundwork of the Metaphysics of Morals: A Commentary*. Cambridge: Cambridge University Press, 2007. p. 16.

²³⁰ Kant. *Groundwork*. 4:392

as the imperatives of morality can be countered by the inclinations and needs²³¹. As Kant states, “there is something splendid about innocence; but what is bad about it, in turn, is that it cannot protect itself very well and is easily seduced”²³². Thus, according to Kant, finding the grounds of ought, or “investigating the source of the practical basic principles”²³³, is vitally important for moral philosophy; this is because, as mentioned, “morals themselves remain subject to all sorts of corruption as long as we are without that clue and supreme norm by which to appraise them correctly”²³⁴. So, one of the philosopher’s jobs is to clarify the principles of morality found in common cognition; to clear away the debris in common cognition, and present human understanding with its very own principle.

The debris in common cognition that may pervert human understanding from knowledge of its own principle, and which Kant argues moral philosophy should be “carefully cleansed of”, is empirical conjecture. Before proceeding to analyse what is meant by ‘cleansing moral philosophy of empirical conjecture’, it is important to note that empiricism does have some role in Kantian ethics: For one thing moral philosophy is dependent on the empirical world. All philosophy is based on experience²³⁵, as emphasised earlier with respect to moral philosophy, there is no where else to start. As Timmermann says of Kant’s method:

he is developing his moral philosophy on the basis of reflective normative convictions that are generally shared, at least implicitly, and that he considers to be essentially correct. The purpose of this procedure is wholly heuristic. This method is entirely legitimate in a foundational work on moral philosophy. In fact, it is difficult to see an alternative²³⁶

Similarly, once the grounds of ought have been ascertained, empirical conjecture is useful to moral agents insofar as it aids them to judge in what particular circumstances an obligation is due, and helps them discharge their obligations. As Kant states, moral

²³¹ As Kant states, “the human being feels within himself a powerful counterweight to all the commands of duty, which reason represents to him as so deserving of the highest respect- the counterweight of his needs and inclinations, the entire satisfaction of which he sums up under the name happiness”.

²³² Ibid. 4:405.

²³³ Ibid. 4:390.

²³⁴ Ibid. 4:390.

²³⁵ As Kant states “all philosophy as it is based on grounds of experience can be called *empirical*”. 4:388.

²³⁶ Timmermann. *Kant’s Groundwork of the Metaphysics of Morals*. p. 7.

laws given to agents a priori “no doubt still require a judgment sharpened by experience, partly to distinguish in what cases they are applicable and partly to provide them with access to the will of the human being and efficacy for his fulfillment of them”²³⁷. Nevertheless, there is *no* role for empirical conjecture in grounding ought. Furthermore, the claim that there is no role for empirical conjecture in Kant’s grounding of ought is not inconsistent with his method of beginning his analysis with an examination of common cognition²³⁸.

Throughout the *Groundwork* Kant insists that a pure moral philosophy is needed: a philosophy is pure insofar as it “sets forth its teachings simply from a priori principles”²³⁹. In this context, I believe a priori refers to the idea that a pure philosophy must be grounded on principles that are not dependent on specific facts or empirical knowledge, in this case empirical facts about human beings (or in Kant’s terminology anthropological facts). So, as Kant argues in the Preface of the *Groundwork*, “it is of the utmost necessity to work out for once a pure moral philosophy, completely cleansed of everything that may be only empirical and that belongs to anthropology”²⁴⁰. Thus, in looking for the grounds of ‘ought’ we must look not to empirical conjecture; we must not look to facts about ourselves as human beings, or the world in which we live. Rather, we must theorize from common cognition to that a priori principle which informs moral necessitation.

At this juncture it may be useful to illustrate Kant’s argument against the grounding of ought on empirical claims by comparison to Hume’s grounding of ought

²³⁷Note that this quote ends with the statement that “the human being is affected by so many inclinations that, though capable of the idea of a practical pure reason, he is not so easily able to make it effective *in concreto* in the conduct of his life. This idea shall remerge later in this dissertation. Kant. *Groundwork*. 4:389.

²³⁸ As Otfried Hoffe states “as already in the “Preface”, Kant pleads for a “completely isolated metaphysics of morals, mixed with no anthropology”, and decisively rejects “a mixed doctrine of morals”. Examples have no justificatory relevance for the “grounding” of morals. Hoffe, Otfried. *Kant’s Cosmopolitan Theory of Law and Peace*. Cambridge: Cambridge University Press, 2006. p. 50.

²³⁹ Kant. *Groundwork*. 4:388.

²⁴⁰ Ibid. 4:389. Likewise Kant states that “among practical cognitions, not only do moral laws, along with their principles differ essentially from all the rest, in which there is something empirical, but all moral philosophy is based entirely on its pure part; and when it is applied to the human being it does not borrow the least thing from acquaintance with him (from anthropology) but gives to him, as a rational being, laws a priori”. 4:389.

and his idea of generally shared values introduced in the first Section. Remember also that I argued that the Humean idea of generally shared values relies on a contingent empirical argument that contends there are constant elements to human nature. For Hume, as discussed, moral distinctions, virtues and vices, are grounded on the sentiments. For Kant, such a grounding is not acceptable, as it bases morality on something specifically sensible, and thus contingent. For Hume, ought claims represent generally shared virtues. A Kantian claim to universality, it can be presumed, unlike the Humean claim to generality, will not be based on empirical findings about human nature. I believe the reasoning behind Kant's eschewing empiricism with respect to his claim to universality is a concern with contingency. As Kant states:

Empirical Principles are not at all fit to be the ground of moral laws. For, the universality with which these are to hold for all rational beings without distinction- the unconditional practical necessity which is thereby imposed upon them- comes to nothing if their ground is taken from the *special constitution of human nature* or the contingent circumstances in which it is placed²⁴¹.

In the next Section, I will push this connection between the grounding of ought on empirical claims and contingency further.

My aim, in this Section, was to consider what ought is not grounded on for Kant. My object in so doing was to mark the distinctiveness of the Kantian approach to grounding obligation. The above quote begins to explain the reasoning behind this distinctive approach: an approach which grounds obligation on a priori claims will not be subject to contentions of contingency or arbitrariness. As such it is unconditional practical necessity that the Kantian ought must represent. In the next Section I will explore this idea in more depth, and introduce another necessity concept: human moral necessity. Furthermore, I will conclude the next Section with an explanation of how these Kantian considerations impact on the metaethical status of obligation.

²⁴¹ Ibid. p. 4:442.

Section 4: Human Moral Necessity and the Grounds of Ought

My aims in this Section are threefold: first to delineate human moral necessity, second to illustrate the grounds of ought, and third to comment on what the grounds of ought together with the other aspect of Kants moral theory discussed imply for the metaethical status of ought. I ended Section 2 with the claim that ‘ought’ is that which signifies to us imperfect reasoners that an action is practically good. In this Section I will push this thought further, and argue that ought is that which makes an action morally necessary. I shall then illustrate what I take it grounds this concept of ought. Towards the end of this Section I will invoke a distinction made by Karl Ameriks between the extreme internal conception of moral authority, and the extreme external conception of moral authority. I will argue that my interpretation of the Kantian conception of ought does not align easily into either the extreme internal conception of moral authority or the corresponding extreme external conception.

According to Kant, a law represents an action as necessary, since “only law brings with it the concept of an *unconditional* and objective and hence universally valid *necessity*”²⁴². Thus, a law is that which is binding on all those, without exception, who fall within its scope. Such laws are binding on both the divine being and the human being though, unsurprisingly given the distinction between the will of the divine being and that of the human being, such laws adhere to the human being, through imperatives, while they inhere in the divine being. As Kant states:

An imperative differs from a practical law in that a law indeed represents an action as necessary but takes no account of whether this action already inheres by an *inner* necessity in the acting subject (as in the holy being) or whether it is contingent (as in the human being); for where the former is the case there is no imperative²⁴³

²⁴² Ibid. 4:417.

²⁴³ Kant. *Metaphysics of Morals*. 6:222. Note also that Kant states in the Groundwork (4:414) “A perfectly good will would, therefore, equally stand under objective laws (of the good), but it could not on this account be represented as *necessitated* to actions in conformity with law since of itself, but its subjective constitution, it can be determined only through the representation of the good”.

In the case of the human being ought is that which binds the human will to the law. As Kant states “an imperative is a rule the representation of which *makes* necessary an action that is subjectively contingent and thus represents the subject as one that must be *constrained* (necessitated) to conform with the rule”. Thus, a moral imperative is that which necessitates the human will to adhere to the law, and as such makes an action morally necessary for a human being.

Necessity, for Kant, is bound up with the idea of exceptionlessness. It is law which brings with it the sort of necessity and universality Kant seeks, and as such we cannot ground that law on empirical conjecture: any law grounded on empirical conjecture will be contingent on that empirical conjecture holding true, and as such cannot be said to contain necessity. In effect, as Kant states:

Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity; that, for example, the command ‘thou shalt not lie’ does not hold for human beings, as if other rational beings did not have to heed it, and so with all other moral laws properly so called; that, therefore, the ground of obligation here must not be sought in the nature of the human being or in the circumstances of the world in which he is placed, but a priori simply in concepts of pure reason; and that any other precept, which is based on principles of mere experience- even if is universal in a certain respect- insofar as it rests in the least part on empirical grounds, perhaps only in terms of a motive, can indeed be called a practical rule but never a moral law²⁴⁴

If the moral law is that which makes an action necessary for all beings, and the imperative ‘ought’ is that which makes an action morally necessary for imperfect beings such as us, then ought is in some way grounded on both the moral law *and* our imperfect reason. The moral law itself, as the law of the intelligible realm as opposed to the sensible realm²⁴⁵ is something that we cannot know. Nevertheless, the moral law can be informative to some extent. That is, the moral law gives us the form of lawlikeness: universality. As Kant states:

(The moral law) provides a fact absolutely inexplicable from any data of the sensible world and from the whole compass of our theoretical use of reason, a fact that points to a pure world of the understanding and, indeed, even *determines* it *positively* and lets us cognize something of it, namely a law²⁴⁶

²⁴⁴ Kant. *Groundwork*. 4:389.

²⁴⁵ I take it that the intelligible realm is a realm of Ideas.

²⁴⁶ Kant, Immanuel. *Critique of Practical Reason*. Edited by Mary Gregor. Cambridge: Cambridge University Press, 1997. 5:43.

So, the moral imperative, which makes an action morally necessary for us, must have lawlike form: As everyone knows, that imperative is the Categorical Imperative (CI). The Categorical Imperative states, “act only in accordance with that maxim through which you can at the same time will that it become a universal law”²⁴⁷.

I contend that some ideas concerning the status of ought may be gleaned from the argument that the CI, as the imperative that makes actions morally necessary for us, is grounded on the moral law and our imperfect reason: in particular, that morality as such is neither limited in its existence nor in its application to human beings. In this contention I follow Amerik’s argument that “in the moral realm, the main- and yet often forgotten- point that must always be kept in mind is that Kant is quite clear that laws of morality are not as such limited to human selves”. As I have tried to show, the moral law is applicable to human selves *and* divine selves. Furthermore, although our experience does not inform us as to the existence of other (non-human) imperfectly rational beings, there is no reason why the moral law should not be applicable to such beings. In effect, as is the case with the human being, the moral law would be applicable to such beings through imperatives. Moreover, such a claim has an intuitive base. Timmermann argues that our moral intuitions confirm the idea that *all* imperfect wills must be constrained by the CI. He asks us to consider our attitudes to aliens we encounter in works of science fiction. As he states:

Extraterrestrial beings who destroy planet Earth, eradicate humanity or at the very least desire to eat our cats are different in kind from natural disasters even if the effects are indistinguishable. Perhaps the only thing they share with us is the use of reason and language. Yet we naturally judge them by the moral categories of good and evil²⁴⁸

It is reason that grounds the moral law, and not merely imperfect reason such as ours. Thus, the moral law, and even derivatively obligation, is not indexed to human beings.

²⁴⁷ Kant. *Groundwork*. 4:421. Note I have chosen the formula of the universal law (FUL) as I think this formula to be the most “formal”, and this characteristic of the FUL seems pertinent given the discussion of the moral law above. At this point I wish to remain silent on the issues concerning how many categorical imperatives, or how many formulas of the imperative, etc, there are.

²⁴⁸ Timmermann. *Groundwork*. p 7.

As such, then it is difficult to see how the moral law can be a human construct. As Beck states

Kant's theory, however, legitimizes the moral command for rational beings in general. Morality cannot be derived from the empirical nature of man, nor should it be applied to man alone. It lies in the essence of rationality itself and applies to all rational beings²⁴⁹

At this stage it might be helpful to invoke a distinction introduced by Karl Ameriks. Ameriks describes two dichotomous conceptions of moral authority: the extreme internal conception and the extreme external conception. According to Ameriks, the extreme internal conception "the ground of (moral) laws themselves (and not simply their discovery in our moral knowledge) is literally a function of the construction of human beings, be it in a whimsical individual way... or even in a highly structured and ideal communal manner"²⁵⁰. I take it Ameriks is alluding to metaethically non-realist conceptions of ought, insofar as the realist conception of ought will not allow ought to be indexed to human beings in the way described by the extreme internal conception of moral authority²⁵¹. Alternatively, an extreme external conception "would give the rules of morality a constant form but only because of the incessant power of a natural or political or supernatural force"²⁵². Here I believe Ameriks to be alluding to metaethically realist conception of ought, insofar as ought exists independently of human beings. As Ameriks notes, given that arguments above concerning divine beings and non-human beings "neither the grounding of the laws nor their ultimate scope can be a matter of any kind of temporal, let alone spatiotemporal, *action* (such as consensus formation limited to the specific conditions of finite beings like us)"²⁵³. Given the extreme external conception and the corresponding extreme internal conception of moral authority, Ameriks sees his interpretation of Kant as 'a moderate

²⁴⁹ Beck, Lewis White. *Studies in the Philosophy of Kant*. Indiana: The Bobbs-Merill Company, 1965. p. 31.

²⁵⁰ Ameriks, Karl. *Kant and the Fate of Autonomy*. Cambridge: Cambridge University Press, 2000. p. 14.

²⁵¹ Moral realism may be seen as being composed of two claims; a claim concerning the idea that moral facts exist, and a claim concerning the idea that these facts have an independent existence. David O. Brink argues for a realist position which claims "there are moral facts and true moral claims whose existence and nature are independent of our beliefs about what is right and wrong Brink, David O. *Moral Realism and the Foundations of Ethics*. New York: Cambridge University Press, 1989. p. 7.

²⁵² Ameriks. *The Fate of Autonomy*. p. 14.

²⁵³ Ameriks. p. 13.

understanding of our moral autonomy'. Thus Ameriks' understanding partakes of the external conception to the extent that it does not index the moral law to human beings in the way described. It is internal insofar as the moral laws grounded on something that is not external to our "essential nature"²⁵⁴. As he states the moral law "come(s) from something 'in' us, even if it is not *only* in *us*- whereas if they were grounded simply in a contingent fact such as a natural, political, or arbitrary religious power, they would have an external source"²⁵⁵. Thus, the moral law is grounded on reason: something which exists in us as a capacity but which is not necessarily an exclusively human characteristic. The reason which grounds the moral law is reason *as such*, and so the moral law is not indexed to something necessarily human, and yet human beings are intrinsically reasoning beings and so the grounds of the moral law are not wholly external to our essential nature.

In contrast, on this scheme Hume's subjectivism would lie on the internal side of the dichotomy: X ought to be done as X produces satisfaction of a particular kind (presumably cashed out in terms of man's social life). As mentioned previously, it may be argued that Hume's subjectivism is inter-subjective in nature, given his concern with the social relations of mankind. In effect, 'X ought to be done' then does not reflect the whimsical individuality mentioned by Ameriks, but rather a communal effort to adhere to certain norms beneficial to social life. Nevertheless, those norms are open to change and refinement, and thus 'X ought to be done' is also open to flux. Again, as mentioned in Section one, it may also be argued that the constant element in human nature will provide an element of necessity²⁵⁶ to at least some of Hume's 'X ought to be done' claims. This may be true, nevertheless it should be noted that it is so contingently: it is not part of Hume's conception of ought that some ought claims will hold with necessity, rather Hume's empiricism discovers constant elements to human nature and, given Hume's naturalistic moral theory, this lends Hume's theory generally shared virtues.

²⁵⁴ *ibid.* p. 14.

²⁵⁵ *ibid.* p. 14.

²⁵⁶ What I mean by necessity and necessitation shall be discussed below.

Thus, on this scheme, and as argued in section one, Hume's theory meshes well with non-cosmopolitan constructivism. Kant's moral theory contrasts with Hume's in many ways; in particular, on my interpretation, Kantian moral theory jars with the accommodation of contingency at the heart of Humean constructivism. Thus, my interpretation of Kant's moral theory contrasts with non-cosmopolitan constructivism. In the remaining two Chapters in this Section I will build on this interpretation, in order to provide a non-contingent foundation for cosmopolitanism and distance my interpretation of Kant from Onora O'Neill's constructivist account.

Conclusion

My aim in this Chapter was twofold: I wished to begin distancing my interpretation of Kant from constructivism, and I wished to begin my exposition of a non-contingent foundation for cosmopolitanism. Let me conclude by making the structure of my argument clear. I argued in section one that Hume's claim to generality (i.e. there are generally shared virtues) is consistent with his naturalism, his subjectivism, and his empiricism. I ended Section 1 with the contention that it is not part of Hume's conception of ought that some ought claims will hold with necessity, rather Hume's empiricism discovers constant elements to human nature and this lends Hume's moral theory generally shared virtues. Thus, I linked Hume's moral theory to a movement called Humean constructivism and non-cosmopolitan constructivism. In opposition, Kantian ought claims do hold with necessity. In this sense, at least some of our obligations could not be otherwise, no matter what empirical, political, institutional feature of the world, or characteristic of human nature is taken into account. The Kantian conception of obligation can maintain a conception of necessity as it is grounded on the moral law, which itself is grounded on reason as such, and not merely imperfect human reason. If the moral law is grounded on reason as such then it is not

indexed to anything specifically human (institutional features of the world, characteristics of human nature etc), and so the moral law will not change with changes in such specifically human features and characteristics. Remember that moral necessity, or ought, makes the moral law necessary for subjectively contingent beings such as us. Thus, moral necessity must be indexed to us as imperfect reasoners. Nevertheless, ought must also be indexed to reason as such, and thus ought will reflect something non-contingent. In the ensuing Chapters I will describe further how imperfection and freedom can provide a non-contingent starting point for cosmopolitanism.

Chapter 5: A Kantian Defence of Metaphysics

Introduction

In the last Chapter I began describing my non-constructivist interpretation of Kant through an analysis of certain aspects of Kant's moral theory; in particular the grounding of ought. I concluded that, unlike their Humean counterparts, Kantian ought claims hold with necessity; meaning that at least some of our obligations could not be otherwise, no matter the empirical, political, institutional features of our world, or the characteristics of human nature taken into account. My aim in the last Chapter was to begin the process of arguing for my preferred non-contingent concept of connectedness: a concept that is very important from a cosmopolitan perspective. In Chapter 6 I will complete my delineation of this concept of connectedness, but let me say here that this concept relies on a metaphysical interpretation of Kant. There is a pervading wariness of metaphysics in contemporary political theory, and so before unpacking my preferred account of connectedness, in this Chapter I will outline and respond to the Rawlsian argument for the avoidance of metaphysics. I have chosen to respond to the Rawlsian criticism of metaphysics as, in my opinion, it is still holding sway over the contemporary political theory landscape, and both Beitz and Pogge see themselves as extending Rawlsian arguments to the global sphere. Moreover, I believe there is a very good response available to the Kantian, and, given Rawls' espoused Kantianism, such a response must be of interest to both Kantian political theorists with sympathy towards metaphysics, and Rawlsians.

In the first Section I will outline the Rawlsian argument for the avoidance of metaphysics in political theory. I will agree with Rawls' argument up to a point: there is something unattractive about the use of certain metaphysical arguments in political theory, but this does not imply that one should abstain from any metaphysical argumentation. In the second Section I will describe the Kantian position as being

consistent with elements of the Rawlsian argument against metaphysics, while still departing from Rawls' avoidance of metaphysics tout court. Finally, in Section 3 I will link my Kantian defence of metaphysics with my cosmopolitan project by describing the connection between universality, wariness of contingent claims, and metaphysics in Kant's moral theory. In Chapter 6 I will then build on these connections, and delineate my preferred account of connectedness.

Section 1: Political Theory Can and Should be Done Without Metaphysics

In the literature on the relevance (or lack thereof) of metaphysics to politics, reference to one article is a staple; that article being 'Justice as Fairness: Political not Metaphysical'. Rawls' main premise in that article is that the conception of justice propagated by *A Theory of Justice* can be understood as political rather than metaphysical and that such a conception of justice is attractive in a democratic society.

As he states

Briefly, the idea is that in a constitutional democracy the public conception of justice should be, so far as possible, independent of controversial philosophical and religious doctrines. Thus, to formulate such a conception, we apply the principle of toleration to philosophy itself: the public conception of justice is to be political, not metaphysical²⁵⁷

In coming to understand Rawls' position on metaphysics and justice two questions are central; first, what exactly should be independent of metaphysics, and second, why ought it be independent of metaphysics (or, a 'what question' and a 'why question'). The 'what question' is difficult to answer: At times, as emphasised in the above quote, it seems that Rawls has in mind a *conception* of justice, at other times it seems that Rawls has in mind the *justification* of a conception of justice²⁵⁸ (for example when he argues that only a political conception can allow for a "publicly recognized

²⁵⁷ Rawls, John. 'Justice as Fairness: Political not Metaphysical'. In *Philosophy and Public Affairs*, Vol. 14, No. 3, Summer, 1985. pp. 223-251.

²⁵⁸ Note that this distinction is reminiscent of the distinction between normative and meta-normative constructivism discussed in Chapter 3.

basis for a conception of justice”²⁵⁹), at still other times it is the “*aim* of justice as fairness”²⁶⁰ that is be political rather than metaphysical. The why question has a more straightforward answer, and I believe it will furnish us with an answer to the ‘what question’: In particular, the ‘why question’ may be answered by appealing to the fact of pluralism. The fact of pluralism stipulates that persons have different conceptions of the good, different justifications for these conceptions, and different ideas about how to realize them. That is, “they hold opposing religious and philosophical beliefs, and affirm not only diverse moral and political doctrines, but also conflicting ways of evaluating arguments and evidence when they try to reconcile these oppositions”²⁶¹. According to Rawls, the fact of pluralism may lead to intractability, since certain fundamental questions can give rise to divisive political controversy, and in such cases it may seem “difficult, if not impossible, to find any shared basis of political agreement”²⁶². If such cases were resolved with reference to a particular conception of moral or political truth then, for Rawls, this would constitute an “autocratic use of state power”²⁶³. The use of such power would be illegitimate. When seeking a conception of justice then, one which can serve as a political agreement between citizens with plural competing and incommensurable conceptions of the good, we ought to “try, so far as we can, to avoid disputed philosophical, as well as disputed moral and religious, questions”²⁶⁴. As Rawls states then, “justice as fairness deliberately stays on the surface, philosophically speaking”²⁶⁵. Thus, the ‘why question’ is answered by reference to justification: given the fact of pluralism discussed above, certain methods of arriving at a conception of justice are unjustified; that is, methods that make reference to contested metaphysical theory. Similarly, the ‘what question’ is answered by reference to a methodology: a justified method of arriving at a conception of justice will not make reference to a

²⁵⁹ Ibid. p. 225.

²⁶⁰ Ibid. p. 230.

²⁶¹ Rawls, John. ‘Kantian Constructivism in Moral Theory’, in *The Journal of Philosophy*, Vol. 77, No. 9, Sep. 9, 1980. pp. 515-572. p. 536.

²⁶² Justice as Fairness 226.

²⁶³ Ibid. p. 230.

²⁶⁴ Ibid. p. 230.

²⁶⁵ Ibid. p. 230.

contested metaphysical theory²⁶⁶. As Rawls states of his preferred method of arriving at a conception of justice:

Since justification is addressed to others, it proceeds from what is, or can be, held in common; and so we begin from shared fundamental ideas implicit in the public political culture in the hope of developing from them a political conception that can gain free and reasoned agreement in judgment²⁶⁷

In sum then, for a conception of justice to be considered justified our method of arriving at that conception must not rely on contested metaphysical ideas.

Although I am sympathetic to much of Rawls' above argument, I believe there are two possible lines of objection: first, it is not obvious that his arguments concerning the fact of pluralism provide sufficient reason to eschew metaphysics, and, second, Rawls' conception of metaphysics is misleading. An avoidance of metaphysics is not necessitated merely from the fact that there exist diverse, and incommensurable, conceptions of the good life. Scientists often have diverse and incommensurable theories regarding a phenomenon. For example, Jean Hampton notes, "Rawls might have to count even certain theories of science, such as the thesis that species have evolved, to be part of metaphysics so understood if they have been heavily contested in the community". Nevertheless, we do not think that the only way to gain convergence on scientific matters is an autocratic use of power. The obvious rejoinder here is to mark a difference between contested scientific theories and metaphysics: Some scientific theories are highly contested like those mentioned above, but we can justifiably hope that the scientific community's opinion will converge, with respect to these theories in the future; we can have no such hope concerning convergence between metaphysicians and those who hold disparate conceptions of the good life. So the fact of pluralism does not, by itself, imply that avoidance of metaphysics is justified. When the fact of pluralism is held in conjunction with an argument about the

²⁶⁶ As Idil Boran states, when discussing her version of the 'what question', "the method of avoidance is second-order in that it makes a *methodological* point on how to proceed in a discussion over the requirements of justice". By 'the method of avoidance', Boran means to refer to Rawls avoidance of metaphysics. Boran, Idil. 'Rawls and Carnap on Doing Philosophy Without Metaphysics', *Pacific Philosophical Quarterly* Vol. 86, No. 4. pp. 459-479. p. 470.

²⁶⁷ *Political Liberalism*. pp. 100-101.

impossibility of convergence on metaphysical topics we see that the unjustified use of autocratic state power would be necessary to create convergence, and thus we see that metaphysics should be avoided.

An interesting question at this point is whether, for Rawls, these contested metaphysical ideas and incommensurable conceptions of the good have truth-values. Is their contestability and incommensurability a function of an epistemological problem (we cannot come to know whether they are true or not, and so we must always contest incommensurable theories as we will never converge on the truth about them), or is it a function of their nature (there is no fact of the matter to which we can make reference, and this enables the contestability of these conceptions)? If there were no 'facts of the matter' to which metaphysical arguments could make reference, then this would seem to make nonsense out of metaphysics. For example, an argument between two philosophers concerning whether God is involved in the world after creation, would be nonsensical if there was no fact of the matter (no theistic or deistic God) to which the arguments could make reference: nevertheless such an argument would make sense, even though it may be irresolvable, if a fact of the matter were possible but some constraint on human capacities stopped us from ever gaining epistemic access to this fact. The claim that, with respect to metaphysics, there is no fact of the matter seems far from metaphysically neutral²⁶⁸, and flies in the face of Rawls' claims concerning the importance of metaphysics, or at least makes these claims appear insincere. As he states:

To secure this agreement we try, so far as we can, to avoid disputed philosophical, as well as disputed moral and religious, questions. We do this not because these questions are unimportant or regarded with indifference,' but because we think them too important and recognize that there is no way to resolve them politically²⁶⁹

Thus, it would seem more coherent to claim that Rawls believes that there is an epistemological difficulty involved and thus we cannot reach convergence, and so the

²⁶⁸ Note that Rawls himself seems aware of this, when he states "To deny certain metaphysical doctrines is to assert another such doctrine". *Political Liberalism*. p. 379 n8.

²⁶⁹ *Ibid.* p. 230.

avoidance of metaphysics is justified. Nevertheless, the presence of an epistemological difficulty does not obviously mandate the avoidance of metaphysics. For one thing the metaphysician could work on eliminating (or at the least reducing) the contestability of their claims in order to gain maximum convergence. As Flikschuh states “one might equally plausibly suggest that the fact of pluralism makes all the more urgent philosophical inquiry into metaphysical presuppositions sufficiently abstract in their conception to claim general validity”²⁷⁰. I believe that the fact that Rawls overlooked the possibility of such a metaphysics points to my second objection to Rawls’ arguments about the avoidance of metaphysics: Rawls’ conception of metaphysics is misleading.

It is difficult to point to a quote wherein Rawls specifies, exactly, what he means by the term metaphysics. To my knowledge he never defines the term. I believe he comes close to defining metaphysics in both *Political Liberalism*, where in a footnote he states “I think of metaphysics as being at least a general account of what there is, including fundamental, fully general statements- for example, the statement ‘every event has a cause’ and ‘all events occur in space and time’²⁷¹, and *A Theory of Justice*, where he states:

A correct conception of our relations to animals and to nature would seem to depend upon a theory of the natural order and our place in it. One of the tasks of metaphysics is to work out a view of the world which is suited for this purpose; it should identify and systemize the truths decisive for these questions²⁷²

Whatever Rawls’ actual conception of metaphysics might be, the conception he has in mind when he speaks of avoiding metaphysics is quite clear. As Robert Stern notes, “Rawls’ central aim is to abandon any reliance on metaphysics as ‘first philosophy’”²⁷³. Here then, Rawls’ description of metaphysics seems largely rationalist, and Platonist. As he states “philosophy as the search for truth about an independent metaphysical and moral order cannot (...) provide a workable and shared basis for a political

²⁷⁰ Flikschuh, Katrin. *Kant and Modern Political Philosophy*. Cambridge: Cambridge University Press, 2000. p.14.

²⁷¹ *Political Liberalism*. p. 379 n8.

²⁷² *A Theory of Justice*. p. 512.

²⁷³ Stern, Robert. ‘The Relation Between Moral Theory and Metaphysics’, in *Proceedings of the Aristotelian Society*. New Series, Vol. 92, 1992, p. 156.

conception of justice in a democratic society.”²⁷⁴ Here metaphysics is the search for truth about the nature of reality, independent of experience, using reason alone²⁷⁵.

In general, I accept Rawls’ premises; the fact of pluralism, the epistemic difficulties involved in ‘coming to know’ metaphysical truths, and the inappropriateness of the use of coercive power to gain consensus. Nevertheless, I do not think that Rawls’ conclusion, the eschewal of all metaphysics, follows from his premises. There is something attractive about Rawls’ weariness of metaphysics, especially when we consider his particular conception of metaphysics. That is, there is something attractive about avoiding metaphysical conceptions that pertain to truth about an independent order: in particular if one holds that there are epistemological difficulties involved with such theories. For example a method of arriving at a conception of justice that utilizes the idea that the world really is divided on class lines, and so the class to which one is born marks a salient line of differentiation between persons, would be unjust given that we cannot come to know whether this claim is true or false. Furthermore, I agree with Rawls that there are such epistemological difficulties. Nevertheless, it does not follow from this that we must avoid metaphysics. In fact, I believe such a conclusion is more consistent with a positivist view of metaphysics: A view that I do not believe Rawls held, nor do I believe he should hold ²⁷⁶. Rawls’ idea of metaphysics is misleading, as

²⁷⁴ Rawls, John. ‘Justice as Fairness: Political not Metaphysical’. p. 230.

²⁷⁵ This equivocation between metaphysics and rationalist metaphysics is borne out by Rawls constant conjunction of metaphysics and religion. Rawls continuously mentions metaphysics in the same breath as disputed moral and religious questions. For Rawls both religion and metaphysics have the same structure: both pertain to knowledge about a realm that cannot be experienced, and both are mired in controversy. Given the epistemological problem described earlier, once controversy arises the religious person and the metaphysician have little recourse: at some stage in the metaphysical or religious debate one is forced to say ‘I can not ‘show’ the truth of this theory to you’.

²⁷⁶ In brief, the logical positivists wished to demarcate science from non-science: They did so through a method called the verifiability criterion of meaning, or verificationism. A claim is meaningful if there is a procedure for determining its truth or falsity. According to the logical positivists, metaphysical statements are not meaningful, as no such procedure exists to test their truth or falsity. As Rudolf Carnap states, “the metaphysician tells us that empirical truth-conditions cannot be specified; if he adds that nevertheless he ‘means’ something, we know that this is merely an allusion to associated images and feelings which, however, do not bestow a meaning on the word. The alleged statements of metaphysics which contain such words have no sense, assert nothing, are mere pseudo-statements”. Carnap, Rudolf. ‘The Elimination of Metaphysics Through Logical Analysis of Language’, *Erkenntnis*. Vol. 2, 1932. p. 79. An avoidance of metaphysics seems straightforwardly implied from logical positivist premises (pertaining to the nonsensical nature of metaphysical ‘facts’). Nevertheless, such a positivist argument is inconsistent with other elements of Rawls’ theory. Furthermore, it is more difficult to see how the epistemic difficulties involved in metaphysical argumentation can imply an avoidance of metaphysics, or so I argue.

his conception of metaphysics is not exhaustive: there are conceptions of metaphysics that are not so dogmatic in their pretensions, and are sensitive to the epistemological difficulties involved. In the next Section I will describe one such conception of metaphysics.

Section 2: A Kantian Defence of Metaphysics

Like Rawls, Kant was critical of what he terms rationalist metaphysics. He says of Platonic metaphysics, that “allows reason, in regard to that of which only a speculative knowledge is granted us, to indulge in ideal explanations of natural appearances, and to neglect the physical investigation of them”²⁷⁷; meaning reason is permitted to speculate beyond the bounds of experience, and this, according to Kant, is not justified. In fact, so critical was Kant of rationalist metaphysics that T.L.S. Sprigge labelled him an anti-metaphysician on a spectrum with the positivists²⁷⁸. In this Section I will delineate Kant’s reasoning behind his rejection of rationalist metaphysics, and draw some parallels between Kant and Rawls. Nevertheless, I will argue that Kant should not be conceived of as an anti-metaphysician. Rather, I will argue that Kant’s differentiation between speculative and practical metaphysics leaves us with an attractively modest conception of metaphysics. In order to explain this distinction, and the Kantian critique of rationalist metaphysics, I will start with a description of Kant’s antinomies

²⁷⁷ Kant, Immanuel. *Critique of Pure Reason*. Translated and Edited by Paul Guyer and Allen Wood. Cambridge: Cambridge University Press, 1998. A472/B500.

²⁷⁸ As he says “there have been two great waves of anti-metaphysics: the Kantian system and logical positivism”. Sprigge, T. L. S. ‘Has Speculative Metaphysics a Future’, *The Monist* Vol. 81, No. 4, 1998. pp. 513-533. p. 516.

2.1: Metaphysics, a Critical Approach

In the antinomies Kant discusses four cosmological ideas²⁷⁹ by setting up four arguments- each dealing with one of the ideas- that state a rationalist thesis and an empiricist antithesis: the idea being that both thesis and antithesis arguments are valid but dialectical (in contradiction), leaving us with an antinomy. In general, the rationalist thesis stipulates that we can have positive knowledge of certain metaphysical entities (i.e. the world has a beginning in space and time, there exist causes through freedom etc), while as Michelle Grier explains it, “the antithesis positions, by contrast, are said to adopt a broadly Epicurean (‘empiricist’) standpoint, and to take reality as that which is given in sensation, in space and time”²⁸⁰. Kant resolves these antinomies by referring to an epistemological criterion. That is, we can only claim to have knowledge of objects we can encounter in experience, since we cannot encounter these cosmological ideas in experience we cannot claim to have knowledge of them²⁸¹.

In order to unpack Kant’s antinomies, we must first delineate what it means to ‘know’ something, for a Kantian. Cognition, for Kant, arises from two sources: reception of representations (through which an object is given to us), and the faculty for cognizing an object (through which an object is thought)²⁸², the former Kant calls intuition, and the latter he terms concepts. As he states

²⁷⁹ The dialectical ideas discussed in the antinomies: the world has a beginning and is infinite, everything in the world is composed of simple elements and the world is composite, causality through freedom exists in the world and there is no freedom, and there is a necessary being and there is nothing necessary in the world.

²⁸⁰ Grier, Michelle. ‘The Logic of Illusion and the Antinomies’, in *A Companion to Kant*, edited by Graham Bird. Oxford: Wiley Blackwell, 2010. p. 200.

²⁸¹ In clarification, the antinomies are resolved, either by claiming that both the thesis and antithesis are false as there is no corresponding object to the cosmological idea given in experience (as is the case with the first and second antinomy), or by claiming that both thesis and antithesis may be true depending on whether we are talking about things in themselves or things as they appear (as is the case with the third and fourth antinomy).

²⁸² As Kant states “Our cognition arises from two fundamental sources in the mind, the first of which is the reception of representations (the receptivity of impressions), the second the faculty for cognizing an object by means of these representations (spontaneity of concepts); through the former an object is given to us,

For two components belong to cognition: first, the concept, through which an object is thought at all (the category), and second, the intuition, through which it is given; for if an intuition corresponding to the concept could not be given at all, then it would be a thought as far as its form is concerned, but without any object, and by its means no cognition of anything at all would be possible, since, as far as I know, nothing would be given nor could be given to which my thought could be applied²⁸³

As the above quote shows, for Kant, both intuition and concepts are necessary for cognition, or, as he famously puts it “thoughts without content are empty, intuitions without concepts are blind”²⁸⁴. So, in order to know phenomena we must perceive the sensibly given ‘manifold’ as discrete objects, and in order to do so we must apply the concepts of the understanding to this object through thought (we apply quantity, quality, relation, modality to that object). What is important to recognize here, and so is worth repeating, is that a sensibly given object is necessary (as necessary as concepts) for knowledge. As he states

Now all intuition that is possible for us is sensible (Aesthetic), thus for us thinking of an object in general through a pure concept of the understanding can become cognition only insofar as this concept is related to objects of the senses²⁸⁵

Thus, it is unsurprising that, for Kant, we are incapable of ‘knowing’ the cosmological ideas: we can explain an appearance only insofar as the conditions of the explanation are given in experience, but the unconditioned cannot be found anywhere in perception, and so explanation and knowledge of unconditioned ideas is not possible²⁸⁶. Think of this in terms of the example of Rose getting up from a chair because she is hungry. Rose can explain the experience of getting up from the chair because she is hungry, as she perceives her own hunger. Now, if Rose wanted to explain her getting up from the chair in terms of either her absolute freedom, or she wished to use this example to show that that freedom is not possible, she would have

through the latter it is thought in relation to that representation (as a mere determination of the mind). Kant. *Critique of Pure Reason*. A51/B75.

²⁸³ Ibid. B146.

²⁸⁴ Ibid. A51/B75.

²⁸⁵ Ibid B146.

²⁸⁶ As Kant states “appearances require to be explained only insofar as their conditions of explanation are given in perception, but everything that can ever be given in it, taken together in an absolute whole, is not itself any perception. But it is really this whole for which an explanation is being demanded in the transcendental problems of reason”. Ibid. A484/B512.

to have knowledge of that totality of causes and effects; this of course is not possible since no object corresponding to such a totality can be given to Rose's sense, and so cognition of the third cosmological idea is precluded from Rose. As Kant states, regarding the cosmological ideas, "for each of these questions concerns an object that can be given no where in our thoughts, namely the absolute unconditioned totality of the synthesis of appearances"²⁸⁷.

So, Kant's critique of rationalist metaphysics revolves around the idea that, as humans, we cannot come to know the cosmological ideas: given that we cannot have positive knowledge of these entities, rationalist metaphysics is not justified in its assertions. Thus, given that an object is necessary for human knowledge, our professions to knowledge are somehow limited to the empirical realm. So far then Rawls and Kant can be seen to be in agreement. On my interpretation, both Kant and Rawls problematize rationalist metaphysics (in Rawls' terms Platonic metaphysics) on the basis that we cannot have knowledge of such ideas. Moreover, if I am right in interpreting Rawls as remaining shy of the contention that there is no fact of the matter when it comes to metaphysics, then this would mark another point of similarity between Rawls and Kant. Although Kant was critical of rationalist metaphysics, he was equally critical of empiricist metaphysics. That is, he says that empiricism itself can become dogmatic, when, with reference to the cosmological ideas, it contends that all that exists is that which can be verified empirically. As he states:

But if empiricism itself becomes dogmatic in regard to the ideas (as frequently happens), and boldly denies whatever lies beyond the sphere of its intuitive cognitions, then it itself makes the same mistake of immodesty, which is all the more blamable here²⁸⁸

Thus for a Kantian, the thesis that we can only have knowledge of that which is a possible object of our experience is as damaging to empiricist metaphysics as dogmatic metaphysics.

²⁸⁷ Ibid. A481/B509.

²⁸⁸ Ibid. A471/B499.

Now, although there are points of agreement between Rawls and Kant, Kant did not advocate an avoidance of metaphysics. In what follows I shall describe Kant's defence of practical metaphysics.

2.2: Practical Metaphysics

For Kant, our use of reason is bound up with the search for the unconditioned. When we reason, we search for unity and seek completeness of knowledge. This means that when we are in the act of coming to a reasoned judgment, we are seeking a unified explanation pertaining to that judgment. The way in which we do this is to search out the conditions of the judgment; this search is only completed when we are at the unconditioned. As Kant states

Second, reason in its logical use seeks the universal condition of its judgment (its conclusion), and the syllogism is nothing but a judgment mediated by the subsumption of its condition under a universal rule (the major premise). Now since this rule is once again exposed to this same attempt of reason, and the condition of its condition thereby has to be sought (by means of a prosyllogism) as far as we may, we see very well that the proper principle of reason in general (in its logical use) is to find the unconditioned for conditional cognitions of the understanding, with which its unity will be completed²⁸⁹

This desire to know the conditions of conditioned judgments, and ultimately to know the unconditioned, is in some sense inescapable. It is part of human reason to constantly seek a completely full explanation of phenomena²⁹⁰. In the context of the cosmological ideas, this means that metaphysics, for Kant, is in some sense unavoidable. When speaking of the cosmological ideas, he is quick to point out that we do not think them up arbitrarily. As he states,

Reason, rather in the continuous progression of the empirical synthesis, has been led to them necessarily when it tries to liberate from every condition, and to grasp in its unconditional totality, that which can always be determined only conditionally in accordance with rules of experience²⁹¹

²⁸⁹ Ibid A307/B364.

²⁹⁰ As Kant states, this "ascent to ever higher conditions to approach completeness in them and thus to bring the highest possible unity of reason into our cognition" is a "need of reason". Ibid. A309/B366.

²⁹¹ Ibid. A462/B490.

It seems that, in the context of the cosmological ideas, when we reason we begin with something given to us in experience. Nevertheless, due to something inherent in human cognition we progressively extend our use of reason until it “soars aloft to (these) sublime ideas”²⁹². Human reason cannot stop at a conditional object of experience, but must extend itself to finding the unconditioned explanation. Similarly, he states concerning the cosmological ideas:

It does not concern an arbitrary question that one might raise only at one’s option, but one that every human reason must necessarily come up against in the course of its progress²⁹³

So, on the Kantian scheme, by virtue of being human we are already committed in some way to metaphysical thinking. Nevertheless, it could be the case that, although we are committed to metaphysics insofar as when we are confronted with a conditional claim we necessarily extend our reason in the search for the unconditional, we can still sideline metaphysical claims in the context of political theory: particularly when we admit that such a search is futile. For my purposes, it is necessary to show that, on a Kantian account, a commitment to metaphysics is necessary in the context of political theory: and furthermore that such a commitment is justified. The first step towards showing this is describing Kant’s distinction between speculative reason, and practical reason.

In the Canon, Kant illustrates the difference between speculative reason and practical reason through three questions: what can I know, what should I do, and what may I hope²⁹⁴. Leaving aside the third question, the first question is merely speculative insofar it addresses what we can know, while the second question is merely practical. Thus speculative reason is theoretical: it concerns the way the world is, or at least the way in which we perceive it to be. To clarify the distinction between speculative and practical reason, take one of the cosmological ideas: transcendental freedom. Speculative reason will attempt to gain theoretical knowledge about our absolute freedom, perhaps by explaining its possibility. So in the Rose example, when we

²⁹² Ibid. A463/B491.

²⁹³ Ibid. A421/B449.

²⁹⁴ Ibid. A805/B833.

attempt to explain how Rose's getting up from the chair could constitute an absolutely free act (one that had no preceding cause), we are employing speculative reason. Given what has been said above, were we limited to speculative reason, we might say 'it may be the case that Rose is really free, and it be the case that there is no freedom'; we cannot cognize Rose's freedom; what we can cognize is Rose's hunger, and further that hunger causing Rose's act; thus speculative reason would be limited to explaining Rose's act from the point of view of it being caused by hunger. In fact, we can use speculative reason to investigate all human actions thus. As Kant states

All the actions of the human being in appearance are determined in accord with the order of nature by his empirical character and the other cooperating causes; and if we could investigate all the appearances of his power of choice down to their basis, then there would be no human action that we could not predict with certainty, and recognize as necessary given its preceding conditions. Thus in regard to this empirical character there is no freedom, and according to this character we can consider the human being solely by observing, and as happens in anthropology, by trying to investigate the moving causes of his actions physiologically²⁹⁵

When we employ practical reason we are doing something distinctively different. Practical reason is not so concerned with what is, and how one can explain events theoretically. Practical reason is concerned with what ought to be, and so reason's ability to produce events. So, on the Rose example, if we say that although Rose is hungry, she ought not get up from her chair as she is on a diet, we are reasoning practically. The difference is that when we are reasoning practically we are not looking at empirical evidence in order to explain Rose's action, in fact we are using rules and principles that are entirely different from such causal explanations. As Kant states

If we consider the very same actions in relation to reason, not to be sure, in relation to speculative reason, in order to explain them as regards their origin, but insofar as reason is the cause of producing them by themselves- in a word, if we compare them with reason in a practical respect- then we find a rule and order that is entirely other than the natural order. For perhaps everything that has happened in the course of nature, and on empirical grounds inevitably had to happen, nevertheless ought not to have happened²⁹⁶

For my purposes, the distinction between speculative reason and practical reason is pertinent because, although when we employ speculative reason in the

²⁹⁵ Ibid. A550/B578.

²⁹⁶ Ibid. A550/B578.

context of the cosmological ideas we go beyond our remit; the speculative use is not the only use reason has; in the context of practical reason we may be warranted in going beyond that remit. For Kant, as reasoners we have two types of interest; corresponding to the distinction between speculative reason and practical reason, these interest are theoretical and practical. Our theoretical interests pull us to think about the unconditioned in order to provide our thought with fullness, sytematicy etc, while our practical interests force us to think about the unconditioned in order to make sense of elements of our practical reasoning. In effect, according to Kant the cosmological ideas (in particular the third and fourth cosmological ideas) are the cornerstones of morality and religion, and as such we have a 'practical interest' in them²⁹⁷. For example, in the case of morality, we are constantly confronted with 'oughts' as imperatives. As practical reasoners we have an interest in believing ourselves free in order to act upon these imperatives. Given that in the context of speculative reason we can neither know that we are free nor can we know that we are not free, and given our experience of morality, we may say that we are warranted in supposing we are free in the practical sphere. As Kant states:

For, in such a case, intellectual presuppositions and faith on behalf of our practical concern would not be taken from us; only one could not put them forward with the title and pomp of science and rational insight, because real speculative knowledge can encounter no object anywhere except that of experience, and if one transgresses its boundary, then the synthesis that attempts cognitions which are new and independent of experience has no substratum of intuition on which it could be based²⁹⁸

So, it would seem that freedom is a necessary presupposition of practical agency insofar as when we acknowledge an 'ought' we presume ourselves free to act upon it. The warrant for believing ourseves to be free is not given by speculative reason (ie through intuiting an object in experience), rather it is given by practical reason (ie through analysis of our experience as practical agents). Thus, the use of metaphysics is justified insofar we have practical experience (e.g. morality), and if such a

²⁹⁷ Ibid. A466/B494.

²⁹⁸ Ibid. A471/B499.

metaphysical claim is a necessary presupposition of that agency (e.g. absolute freedom) then we are warranted to assert it.

Thus far I have argued that humans are necessarily drawn to metaphysics, and that given the distinction between practical and speculative reason, we can be warranted in asserting metaphysical claims in the context of practical agency even while we deny them the status of speculative truths. In the next Section I wish to argue that, in at least one area of political theory, metaphysical thinking is necessary. In sum, Kant's rejection of rationalist metaphysics amounts to the idea that, although our theoretical interests necessitate us to think about the unconditioned (when we experience a conditioned object or judgment we necessarily think about its underlying conditions, stretching back to its unconditioned condition in order to bring systematicity and completeness to our thinking), we are unwarranted in any knowledge claim concerning the unconditioned, as we can never experience it in sensation. As such then, when it comes to speculative reason, metaphysical thinking is unavoidable but unrewarding. Nevertheless, our practical interests necessitate us to think about the unconditioned, and in this context we are warranted in asserting metaphysical claims when such claims are the necessary presuppositions of our experience.

Section 3: Universality and Metaphysics

I have argued that there is a defence available to the Kantian against the Rawlsian critique of metaphysics. That defence, as described above, depends on the distinction between our practical and theoretical interests in metaphysics; in particular our practical interests can generate a warrant for metaphysical claims in a way that our theoretical interests cannot. My aim in this Section is to begin moving this argument towards my interests in cosmopolitanism. I will start this process by contending that the concept of universality invoked in Kant's moral theory is attractive from a cosmopolitan's viewpoint; furthermore this concept of universality is unapologetically metaphysical. In

some of this I will be reminding the reader of what has come before; in particular the connections between contingency, empiricism, and universality highlighted in my exposition of Kant in the last chapter. Nevertheless, in this Section I will push my interpretation of Kant forward by linking that exposition to a metaphysical conception of universality.

Integral to all cosmopolitanisms is a concept of universality. In fact one could give a loose characterization of cosmopolitanism based on a concept of universality: cosmopolitanism stipulates that if one owes obligations of justice to any other individual, then one owes them to all individuals universally. Cosmopolitanism is opposed to nationalism: where nationalism stipulates that there is something special between co-nationals that justifies certain obligations, cosmopolitanism stipulates that we cannot limit our concern to co-nationals, but must extend that concern to all others universally. Insofar as cosmopolitanism is necessarily tied to a concept of universality, it is comparable to the Kantian moral system. Thus, when I refer to arguments Kant uses to ground his moral theory, I am not entering the debate on whether we should be moral or political cosmopolitans: rather I am using Kantian arguments concerning the grounding of morality in order to clarify the sort of universality appropriate for cosmopolitanism.

Kant's grounding of morality is unapologetically metaphysical. As emphasized in Chapter 4, from the start, the *Groundwork* stresses that the foundations of morals must be completely cleaned of anything that may only be empirical²⁹⁹. According to Kant, empirical conjecture is useful to moral agents insofar as it aids them to judge in what particular circumstances an obligation is due, and helps them discharge their obligations³⁰⁰. Nevertheless, when it comes to grounding obligation, empirical conjecture is completely unsuitable. It seems that Kant's reasoning amounts to the idea that if

²⁹⁹ Kant. *Groundwork* 4:389.

³⁰⁰ As I have already quoted in Chapter 4 Kant states, moral laws given to agents a priori "no doubt still require a judgment sharpened by experience, partly to distinguish in what cases they are applicable and partly to provide them with access to the will of the human being and efficacy for his fulfillment of them". *Ibid.* 4:439.

morality is to hold with necessity, it cannot be grounded on a contingent claim. As he states:

Everyone must grant that a law, if it is to hold morally, that is, as a ground of an obligation, must carry with it absolute necessity (...). (T)he ground of obligation here must not be sought in the nature of the human being or in the circumstances of the world in which he is placed, but a priori simply in concepts of pure reason; and that any other precept, which is based on principles of mere experience- even if it is universal in a certain respect- insofar as it rests in the least part on empirical grounds, perhaps only in terms of a motive, can indeed be called a practical rule but never a moral law³⁰¹

Empirical conjecture, even if universal in a certain way, can never give us a grounding of necessary obligation. So it seems then that the necessity of morality depends on its non-arbitrary foundation. What is interesting from my perspective is that, for Kant, the necessity of morality is bound up with its universality, and that that universality can only be gained through grounding morality on something non-arbitrary. As every student of Kant's moral theory knows morality for Kant must be universalistic. Importantly, Kant argues that this universalism comes to nothing (and thus the necessity if morality is undermined) if the moral theory is grounded on an empirical claim. As he states:

Empirical Principles are not at all fit to be the ground of moral laws. For, the universality with which these are to hold for all rational beings without distinction- the unconditional practical necessity which is thereby imposed upon them- comes to nothing if their ground is taken from the *special constitution of human nature* or the contingent circumstances in which it is placed³⁰²

Thus, the Kantian use of metaphysics in the context of morality is defended in two ways. First, Kant distinguishes between practical and speculative reason, and argues that the use of metaphysical claims is warranted by practical reasons even while we deny that we can have speculative knowledge of such claims: the warrant of practical reason is

³⁰¹ I have also used this quote before. My reasoning in repeating these quotes rather than providing fresh ones, is that, in my opinion, these quotes perfectly fit in the context of the argument I am making. There are many more Kantian references to the effect that no real moral universality can be gained from contingent empirical grounds; in fact he emphasizes this many times. For example, amongst his most vehement; "hence everything empirical, as an addition to the principle of morality, is not only quite inept for this; it is also highly prejudicial to the purity of morals, where the proper worth of an absolutely good will- a worth raised above all price- consists just in the principle of action being free from all influences of contingent grounds, which only experience can furnish. One cannot give too many or too frequent warnings against this laxity, or even mean cast of mind, which seeks its principles among empirical motives and laws; for, human reason in its weariness gladly rests on this pillow and in a dream of sweet illusions (which allow it to embrace a cloud instead of Juno) it substitutes for morality a bastard patched up from limbs of quite diverse ancestry, which looks like whatever one wants to see in it but not like virtue for him who has once seen virtue in her true form. Ibid. 4:426.

³⁰² Ibid. 4:442.

asserted by contending that such claims are the presuppositions of practical agency. Second, Kant argues that, in the context of the grounding of morality, one ought to use metaphysical rather than empirical claims: this is because it is only through purifying philosophy of empirical conjecture that we can maintain genuine universality.

Now I am in a position to apply the Kantian arguments concerning metaphysics and the grounding of morality to the context of cosmopolitanism. As I have argued in Chapter 1 cosmopolitanisms that ground their theories of obligation on empirical conjecture have problems maintaining genuine universality. I contended that a cosmopolitanism that begins from an empirical conjecture about the world – a claim about increased economic and political global interdependence, say – and derives cosmopolitan obligations from contingent connectedness leads to the problem of arbitrariness: given any particular empirical starting point, some individuals will be excluded because they are not affected by the particular contingent condition identified. This problem is unsurprising given the Kantian arguments delineated above: genuine universality can only be guaranteed by invoking a metaphysical claim. A concept of connectedness that relies on a claim about the special constitution of the human being or the circumstances in which that being is placed will never produce a genuinely universal theory of obligation. The moment that characteristic or circumstance is questioned; the corresponding obligation will become unsupported. As I have shown in the introduction and first Chapter of this thesis, given the nature of cosmopolitanism, the problem of arbitrariness is of the utmost importance. In the next Chapter in this dissertation, I will delineate a metaphysical account of agency as a candidate concept of connectedness: one that will not be open to the charge of arbitrariness. Thus, Chapter 6 will see the culmination of the arguments of this section of my dissertation; finally I am in a position to draw on my conclusions from Chapter 4 and 5 and provide a non-constructivist, metaphysical, Kantian conception of how we are connected to others with a view to providing a defensible cosmopolitanism.

Conclusion

I began this Chapter with a discussion of Rawls. I stated that, in part, I am sympathetic to Rawls' avoidance of metaphysics. We are not the sorts of beings that can know the truth or falsity of such ideas, as such then we must be very careful not to base our political decision taking on contentious metaphysical ideas. For example a politician must take care not to base his foreign policy on whether or not the preconditions of the second coming of Christ have been met. Nevertheless, one can agree with the need for care, while shunning the idea of avoiding all metaphysics in political theory. It is possible to construct a metaphysics that does not pertain to some sort of Platonic idea of forms, and does not suppose rationalistic truth claims are appropriate. It is possible to construct an abstract metaphysics, based on the reality of something everpresent in our day to day life, thereby increasing the likelihood of convergence upon its claims: in my account that everpresent thing is morality, and the metaphysics we can deduce from it is a practical metaphysics. Furthermore, a metaphysical political theory can be endowed with benefits that are problematic on a non-metaphysical theory. I have argued that one such benefit is genuine universality.

Chapter 6: Free but Finite Agency

Introduction

In this Chapter I will delineate my preferred concept of connectedness: a metaphysical concept of agency. My interest in defending Kantian metaphysics, in the previous Chapter, was to lend justification to my use of such a conception of agency. I concluded the last Chapter by stating that it is possible to construct an abstract metaphysics, based on the reality of something constantly present in our day to day life, thereby increasing the likelihood of convergence upon its claims: on my account that present phenomenon is morality, and the metaphysics we can deduce from it is a practical metaphysics. In this Chapter I will unpack this argument showing how a particular concept of agency falls out of Kant's moral theory. That is, Kantian moral theory presupposes a certain kind of agency. In Section 1 I will describe Kantian moral agency as law-governed agency, unique to free but finite (or imperfect) beings. I will interpret the concepts of imperfection and freedom as metaphysical, but modestly so. In Section 2 I will differentiate this interpretation of finitude and freedom from O'Neill's interpretation of these concepts. I will end this Chapter by delineating the advantages to cosmopolitanism in positing such a concept of connectedness that invokes free but finite rational agency.

Section 1: Moral Agency, Rational Agency, Imperfection and Freedom

For Kant, moral agency is a species of rational agency, meaning when we act morally we are acting in accordance with reason rather than inclination. Kant espouses reason

rather than inclination in this context in virtue of, once again, reason's ability to maintain the non-arbitrariness of morality. Inclination, incentives, and desires are subjective: what one man is inclined towards, another may not be, etc. Agency based on inclinations etc cannot maintain the unconditionality of morality, and as such then cannot maintain the genuine universality of morality necessary to the Kantian system.

As Kant states:

The ends that a rational being proposes at his discretion as *effects* of his actions (material ends) are all only relative; for only their mere relation to a specially constituted faculty of desire on the part of the subject gives them their worth, which can therefore furnish no universal principles, no principles valid and necessary for all rational beings and also for every volition, that is, no practical laws. Hence all these relative ends are only the ground of hypothetical imperatives³⁰³

It is reason that is the source of the unconditional commands of morality.

Throughout the literature links are made between Kant's theory of rational agency, the imperfection of the human being (though this concept is often differently labeled), and a concept of freedom; whether this be Karl Ameriks, while speaking of Kant's theory of action, stating that "inclinations can 'tempt' us not as forces that can overwhelm, but only as occasions that can appear attractive to our free judgement"³⁰⁴; or Barbara Herman noting that although "a rational being must always regard himself as a legislator in a kingdom of ends rendered possible by freedom of the will", "we have needs and only limited power, we are not, even as legislators, independent of the wills of others"³⁰⁵; or Beck noting that "Man, however, is not merely a rational being; and his peculiar position in the world as a rational being affected by sensuous needs, creates special problems for him. It requires special efforts on Kant's part to show how man as citizen of the sensuous world can fulfill his destiny in the intelligible world"³⁰⁶. To be a human agent is to be an agent who is constantly confronted with moral imperatives, and an agent who is able to reason practically in order to act upon these imperatives:

³⁰³ Kant. *Groundwork* 4:428.

³⁰⁴ Ameriks, Karl. *Interpreting Kant's Critiques*. Oxford: Oxford University Press, 2003. p. 206.

³⁰⁵ Herman, Barbara. 'A Cosmopolitan Kingdom of Ends', in *Reclaiming the History of Ethics: Essays for John Rawls*. Edited by Andrew Reath, Barbara Herman and Christine Korsgaard. Cambridge: Cambridge University Press 1997. p. 197.

³⁰⁶ Beck, Lewis White. *Studies in the Philosophy of Kant*. Indiana: The Bobbs-Merrill Company, 1965. P. 22.

such an agent is finite but also free. In what follows I shall begin by dealing with imperfection and freedom separately. My reading of both concepts will be unapologetically metaphysical, yet modestly so. In the next final Section I will put these concepts back together and discuss the link between rational agency and cosmopolitanism in more depth.

1.2: Imperfection

As I have noted while discussing Onora O'Neill's constructivism in Chapter 3, there are many possible ways of discussing imperfect agency, even if one presupposes a Kantian framework. That is, a Kantian might be interested in finite agency as opposed to infinite agency, or she might examine the finiteness of the human condition (for example that we are mortal is such an imperfection), or she might consider specific occurrences of human finiteness (say for instance the need of people living in famine conditions)³⁰⁷. Generally, finiteness is given a purely negative reading: it is seen as being a limiting condition on agency. In what follows I will discuss finiteness as a constraint, and also as that which demarcates us from other sorts of beings, bonds us together, and enables a certain kind of agency.

References wherein Kant contrasts human agents with perfect, infinite, divine agents are not difficult to find: in fact they are found in abundance, in particular in his works on moral philosophy. Kant's arguments here are metaphysical, but they are not an attempt to argue for the existence of a divine being³⁰⁸. If Kant's juxtaposition of imperfect and perfect is metaphysical, it is a metaphysics of ideas³⁰⁹: it is metaphysical

³⁰⁷ Note that I will refer to such instances as vulnerabilities rather than instances of finitude. This demarcation of vulnerability from finitude is an offshoot of my argument against Onora O'Neill, and will be discussed further in what follows.

³⁰⁸ As he states, "Of course, no one will be able to boast that he **knows** that there is a God and a future life; for if he knows that, then he is precisely the man I have long sought. All knowing (if it concerns an object of reason alone) can be communicated, and I would therefore also be able to hope to have my knowledge extended to such a wonderful degree by his instruction". Kant. *The Critique of Pure Reason*. A829/B857.

³⁰⁹ Flikschuh states of Kant's characterisation of a perfectly rational being, that it is "an idea of reason". Furthermore, she states that, unlike O'Neill and Rawls "Kant acknowledges the importance of such

as the idea of a perfect being goes beyond our experience, and it is a metaphysics of ideas as, in Katrin Flikschuh's terms "to entertain the *idea* of a perfectly rational being is not, according to Kant, to affirm its *existence*"³¹⁰. Thus, Kant's use of a divine being represents a metaphysics of ideas, as he states "God is not a being outside me, but merely a thought in me. God is the morally practical reason legislating for itself"³¹¹. I believe the juxtaposition functions to inform us about human agency. Here Kant is using perfection and infiniteness, through a metaphysical idea, to cash out something about human agency. As Flikschuh states of this method:

Both his theory of knowledge and his moral philosophy depart from a metaphysics of persons as finite rational beings, contrasting human beings' limited theoretical insight with the idea of an omniscient, perfectly rational being, and their limited moral capacities with the idea of an unconditionally good will. In both cases, human finitude is articulated by means of its juxtaposition with the idea of a perfectly rational, perfectly virtuous being³¹²

To see how this juxtaposition functions to inform our conception of human agency, take one example wherein Kant makes use of it:

no imperatives hold for the *divine* will and in general for a *holy* will: the 'ought' is out of place here, because volition is of itself necessarily in accord with the law. Therefore imperatives are only formulae expressing the relations of objective laws of volition in general to the subjective imperfection of the will of this or that rational being, for example, of the human will"³¹³

Kant uses the juxtaposition of imperfect, finite human rationality, with perfect, infinite, divine rationality in the above quote, and throughout his practical philosophy, to remind us that practical reasoning is the providence of imperfectly rational creatures. Insofar as we are imperfect, but yet rational, we are uniquely situated: were we perfectly rational we would never act according to the imperatives of practical reason. In fact, practical reasoning itself would be totally unnecessary.

In order to illuminate the idea that it is our imperfection that enables practical reasoning and practical agency, it is necessary to first explain our imperfection: so,

metaphysical ideas to practical reasoning". Flikschuh, Katrin. 'Metaphysics and the Boundaries of Justice', *Global Society*, 14: 4,487-505.p. 502.

³¹⁰ Ibid. p. 501.

³¹¹ Kant, Immanuel. *Opus Postumum*. Translated and edited by Eckart Forster and Michael Rosen. Cambridge: Cambridge University Press, 1993. AA XXI: 145.

³¹² Flikschuh, Katrin. 'Metaphysics and the Boundaries of Justice' p. 501.

³¹³ Kant. *Groundwork*. 4:414.

from where does this imperfection stem? The answer is that this imperfection stems from our nature as pathologically affected beings³¹⁴. As Kant states in the first *Critique*:

For a power of choice is **sensible** insofar as it is **pathologically affected** (through moving-causes of sensibility); it is called an **animal** power of choice (*arbitrium brutum*) if it can be **pathologically necessitated**. The human power of choice is indeed an *arbitrium sensitivum*, yet not *brutum* but *liberum*, because sensibility does not render its action necessary, but in the human being there is a faculty of determining oneself from oneself, independently of necessitation by sensible impulses³¹⁵

Moreover, our imperfection refers to something: we are imperfect insofar as we have the capacity to fail to act as the categorical imperative demands. Human beings have a tendency towards evil (evil being the adoption of maxims that are contrary to the moral law). Our nature as *arbitrium brutum* allows for us to have such a tendency, but it does not necessitate our adoption of maxims that are contrary to the moral law. That is, although I believe that our imperfection stems from our nature as pathologically affected beings, this is not to say that I believe that inclinations are the source of man's tendency toward evil. I believe our nature as pathologically affected beings is necessary, but not sufficient, in the explanation of why man has such a tendency. I follow Henry Allison on this when he says that man's propensity to evil consists "in a tendency to challenge ("quibble with") the supremely authoritative or unconditioned status of moral principles in the name of the claims of need and inclination"³¹⁶.

Thus, as beings with needs we are sensibly affected and this contributes to our tendency towards evil. One way to think of this is to compare the Kantian account to that implied by Hollywood blockbusters such as 'The Terminator' and 'The Matrix'. Both films discuss the tendency towards evil of intelligent technology, and both describe that technology as being without need. On the Kantian scheme it is arguably impossible that such needless technology would become evil: there is no inclination or need that would incentivize quibbling with the moral law. Now further imagine that these needless beings are perfectly rational- they are omniscient, and never err when reasoning. Such

³¹⁴ Ameriks. *Kant's Theory of Freedom* pp.151-152.

³¹⁵ Kant. *Critique of Pure Reason*. A534/B562.

³¹⁶ Allison, Henry. *Kant's Theory of Freedom*. Cambridge: Cambridge University Press, 1990. p. 151.

beings can see the totality of causes and effects; they can see every past cause, and every future event; furthermore no need of theirs sways their reasoning. Now if morality is part of rationality³¹⁷, and these beings are perfectly rational, and without need, then their actions will accord with the moral law constitutively. In this instance the moral law would be descriptive rather than proscriptive. Describing the moral actions of such a being would be like describing the falling of an apple from a tree in accordance with the law of gravity. We are not such beings. We are inherently imperfect reasoners (we cannot see every cause and effect etc), and we are needy beings. As such then we are practical reasoners: in the reality of imperfect knowledge and human need we must use our capabilities to determine what we ought to do, and strengthen our will to carry out what our practical reason has prescribed to us. Thus, imperfection or finiteness is not merely a limiting condition of rationality. In an important way it enables us as reasoners: it enables practical reason. As Katrin Flikschuh puts this point:

It is our limited knowledge of the world- our ignorance regarding the first cause or ultimate end of the world- that entitles us to think of ourselves as free from a practical perspective. If we were omniscient, such that we had complete insight into all the past causes and future events that have occurred and that are going to occur, all our past actions could be safely explained and all our future actions safely predicted. There would be no room for uncertainty or doubt, but none for hope or for practical deliberation either. It is only because we are finite and cannot predict the future that the future is open, holding alternate possibilities for us³¹⁸

So imperfection and finiteness enables practical reasoning. Furthermore, our finiteness and imperfection demarcates us from other sorts of beings. Insofar as we are finitely rational we are not terminators or Gods. Our finiteness is something fundamental that human beings *share* with one another, something that is common to all human beings. The idea of a perfectly reasoning being allows us to see that we are different from such a being in important ways, and similar to one another.

As mentioned previously most cosmopolitans agree that human beings are needy beings. Nevertheless, this neediness is usually interpreted as merely a limiting

³¹⁷ Of course, this is not an uncontentious presupposition, and a very Kantian one at that. Those who do not believe that morality is a species of rationality will not follow the implications of this argument. Nevertheless, it is this presupposition that, for Kant enables the unconditionality of morality, and thus it is a presupposition that the cosmopolitan has reason to be sympathetic towards, or so I argue.

³¹⁸ Flikschuh, 'Metaphysics and the Boundaries of Justice'. p. 502.

condition of agency. For example, as Onora O'Neill puts it, "where agents are intensively mutually vulnerable, justice can be sought only by a dual strategy of disciplining the action of the powerful and of seeking to empower the powerless, so making them less vulnerable"³¹⁹. There is much Kantian justification for mitigating or reducing our needs and the needs of others: given it is our neediness that distracts us from the moral law, it would perhaps be better if we could rid ourselves from them. As he states:

But the inclinations themselves, as sources of needs, are so far from having an absolute worth, so as to make one wish to have them, that it must instead be the universal wish of every rational being to be altogether free from them³²⁰

Nevertheless, I hope to have shown that our finiteness can be interpreted as much more than a limiting condition of agency. I will argue, at the end of this Chapter, that this finiteness can be seen as one element of a concept of connectness: we are connected to relevant others through our ability to reason practically, and this ability is enabled through our finiteness and our freedom. All that remains, in this section, is for me to note that, although this conception of finiteness is metaphysical, it is modestly so.

The theory that we are imperfect, that this imperfection distances us from other types of beings and provides a bond between us as human beings, and that we can come to appreciate this imperfection by entertaining the idea of a perfect being is metaphysically modest. Nowhere in such a theory is a truth claim about an independently existing order. Such a theory does not depend on the existence of a divine being: at most it depends on our being able to think about a perfect being. Furthermore, we are warranted in entertaining such metaphysical ideas as they are implied by our agency: when we encounter ourselves as acting beings, we sense a lack in ourselves- we are imperfect reasoners, we cannot step outside ourselves and see the totality of causes and effects and as such we cannot predict the effects of our

³¹⁹ O'Neill, Onora. *Bounds of Justice*. p. 138.

³²⁰ Kant. *Groundwork* 4:428.

own actions; we think about a divine being as a being without limitation; we can then infer what imperfection mandates of our own behaviour- that morality is expressed through imperatives, and that we are bonded to relevant others through our use of practical reason. The next section will deal with the concept of freedom.

1.3: Freedom

So, we have seen that it is our finitude that marks a space for our freedom. If we were omniscient we could explain everything theoretically- even our absolute freedom would be explicable to us- and so practical reasoning would not add anything to the explanation of morality. Much has been written on interpreting Kant's idea of freedom. There seems to be an important distinction between interpreters who espouse a merely practical account of freedom, and those who argue for a metaphysically sympathetic one. It is beyond the scope of my thesis (not to mind this Chapter) to wade into this debate. Nevertheless, I will use this debate (in particular between Christine Korsgaard and Karl Ameriks) to describe the difference between practical freedom and transcendental freedom, and to argue that practical reason supplies us with a warrant to suppose transcendental freedom

The distinction between practical and transcendental freedom seems to turn on what our agency is independent of. As Karl Ameriks states, "practical (or comparative freedom), that is, independence from mere sensual impulses, is to be distinguished from transcendental (or absolute) freedom, that is independence from anything predetermining a being's action"³²¹. Here practical freedom is freedom from determination by natural causes, so for example I am practically free when I choose not to eat cake, even though I am extremely hungry. Alternatively, an agent is transcendently free if that agent produces an act and in so doing is not determined by any preceding cause, but rather that agent is himself a cause of that effect (i.e. the act issues from an uncaused cause). The difference between transcendental freedom and

³²¹ Ameriks, Karl. 'Kant's Deduction of Freedom and Morality', *Journal of the History of Philosophy*, Vol. 19, No. 1, 1981, pp. 53-79. p. 61.

practical freedom is that when one's act is practically free it is not determined by natural causes, but when an act is transcendentally free it is not determined by any cause (including such causes as the laws of nature/ God's will/ etc) apart from the causing of the author of that act. According to Ameriks' reading, Kant's conception of transcendental freedom implies that the laws of nature/God's will etc do not provide genuine metaphysical causes of the act. Nevertheless, this reading of transcendental freedom is compatible with the idea that an act can be transcendentally free, and yet be surrounded by all sorts of regularities that may aid in the explanation of that act, but do not absolutely determine the act. To understand this imagine you are a transcendentally free agent with a character such that given a certain empirical situation you will always bake a cake; one might say that the empirical situation caused the cake to be baked, and while this is partly true, you know you are responsible for having the sort of character that would react in this way, so really your freedom was behind this act, and we could say that this act was the result of an uncaused causing³²².

Those who interpret Kant as holding merely a practical conception of freedom make much of one famous passage from the *Groundwork*. That passage runs as follows:

I say now: every being that cannot act otherwise than *under the idea of freedom* is just because of that really free in a practical respect, that is, all laws that are inseparably bound up with freedom hold for him just as if his will had been validly pronounced free also in itself and in theoretical philosophy³²³.

For example, Christine Korsgaard interprets this passage as Kant arguing, "when you make a choice you must act 'under the idea of freedom'"³²⁴. For Korsgaard this interpretation entails that when you act, you must choose *as if* you are free, but that "this is quite consistent with believing yourself to be fully determined"³²⁵. Thus, we do

³²² This example was given to me by Karl Ameriks via email correspondence.

³²³ Kant. *Groundwork* 4:448

³²⁴ Korsgaard, Christine, 'Freedom as Morality', in *Creating the Kingdom of Ends*. Cambridge: Cambridge University Press, 1996. p.167.

³²⁵ Ibid. p. 162.

not need transcendental freedom for morality; freedom for her plays merely a practical role; it does not affect morality if, in fact, we are not transcendently free at all. I believe this to be a very dubious interpretation of Kant. For one thing it turns freedom into turnspit freedom, something Kant was rightfully worried about. As he states

If the freedom of our will were none other than the latter (say, psychological and comparative but not also transcendental, i.e., absolute), then it would at bottom be nothing better than the freedom of a turnspit, which, when once it is wound up, also accomplishes its movements of itself³²⁶

Furthermore, Kant's 'as if' passage can be given a different interpretation: one that contends Kant is referring to a proof of freedom when he states that when we act under the idea of freedom we are really free. It is to such an interpretation that I now turn.

Karl Ameriks distinguishes between two ways of validating freedom (a theoretical proof of freedom, and a practically sufficient proof of freedom). A theoretical proof of absolute freedom is an explanation of how such freedom works, that is, "a speculative deduction or clarification of its noumenal operation"³²⁷. Alternatively, a "merely practically sufficient"³²⁸ proof is one that falls short of a full theoretical account of freedom; nevertheless it is sufficient for our purposes as practical agents. Thus, with respect to freedom, "what contrasts with 'merely practical' here is not proof that in fact we are free, but rather simply a complete theoretical explanation of how such an absolutely free causality works in relation to nature and God"³²⁹. The importance of this distinction is that it allows Ameriks to deny that Kant is stipulating that practical freedom is sufficient for morality when he claims that we cannot know that we are free in a theoretical respect, but can only say of ourselves that we act under the idea of freedom: Given his distinction between a theoretical and practical proof of morality, Ameriks can say of Kant's stipulation that it refers to the type of proof necessary to ground freedom, and not the type of freedom necessary to ground morality. As Ameriks states, in the context of Kant's 'as if' passage:

³²⁶ Kant. *Critique of Practical Reason* 5:97.

³²⁷ Ameriks, Karl. *The Fate of Autonomy: Problems in the Appropriation of the Critical Philosophy*. Cambridge: Cambridge University Press, 2000. p. 164.

³²⁸ Ibid. p. 164.

³²⁹ Ibid. p. 165.

It is tempting to understand this as meaning only that we are merely 'practically free' or, as some have thought, as meaning 'only' that we cannot help but do as if we are free but cannot say we are really free. However, although Kant does use the phrase 'as if' here, he does not mean thereby to question our transcendental freedom. What he says is that to know we are 'really free in a practical respect' *is* to know the *validity* of the law of a free will just 'as if its will were explained to be free by theoretical philosophy'. This means that what a proof of our freedom 'in a theoretical respect' would add would be nothing about the truth of our freedom or its relevant practical consequences³³⁰

So now we are left with absolute or transcendental freedom, which is given a merely practically sufficient proof. Transcendental freedom is metaphysical, and as such it is problematic from the point of view of many of Kant's interpreters. In fact, it is in answer to the metaphysical nature of transcendental freedom that many interpreters claim Kant was interested in mere practical freedom: such interpreters try to downplay the unattractive noumenal element of Kant's practical philosophy by claiming transcendental freedom is unnecessary to Kant's moral theory. Nevertheless, if supposing transcendental freedom invokes metaphysics, then it is practical metaphysics rather than speculative metaphysics. That is, we do not attempt to explain the possibility of transcendental freedom, or invoke truth claims about such freedom: to do so would be to use reason inappropriately. Rather, once again, it is our experience of morality that supplies us with a warrant for supposing we are absolutely free.

As aforementioned the warrant of practical reason is different from a claim to knowledge of theoretical reason. The difference marked between practical reason and theoretical reason allows practical reason a larger remit when it comes to the cosmological (or supersensible) ideas. As Kant states

As for whatever other properties, belonging to the theoretical way of representing such supersensible things, may be brought forward in connection with these categories, these are without exception to be counted not as knowledge but only as a warrant (for practical purposes, however, a necessity) to admit and presuppose them, even where supersensible beings (such as God) are assumed by analogy, that is, by a pure rational relation of which we make a practical use with respect to what is sensible; and so, by this application to the supersensible but only for practical purposes, pure theoretical reason is not given the least encouragement to fly into the transcendent³³¹

³³⁰ Ameriks, Karl, 'Kant's Deduction of Freedom and Morality'. p. 61.

³³¹ Kant. *Critique of Practical Reason*. 5:59.

As such then, we have a warrant to suppose our freedom, and this warrant is based on our moral experience. Our experience of morality presupposes absolute freedom, for example, when we attribute blame to an agent: our attribution of blame would be compromised if we knew that the agent was not free, and it would be problematical if we thought that although we can act as if the agent were free it is as likely that he is determined. As such then, practical reason adds to our security in supposing our transcendental freedom. As Kant states:

By this, speculative reason does not gain anything with respect to its insight but it still gains something only with respect to the *security* of its problematic concept of freedom, which is here afforded *objective* and, though only practical, undoubted *reality*³³²

Once again, this warrant is more modest than a claim to know that we are transcendently free. Here Kant is using a fact of our every day experience, the fact of morality (or the fact of reason as he calls it), and from this he is uncovering what is presupposed by our commonly held beliefs about morality. Given that both freedom and imperfection are presuppositions of our moral reality, they are thus conferred with reality themselves: that is, we are warranted in their assertion.

Section 2: Going Back to O'Neill

In Chapter 3 I described Onora O'Neill's constructivism, and her cosmopolitanism. As I described them, both her constructivism and her cosmopolitanism make reference to an idea of finitude. Clearly it is O'Neill's Kantianism that motivates her interest in finitude. As she states

Both Kant's argument and his conclusions about justice are distinctive because he combines a strong view of human capacities for action and autonomy with insistence that human beings are finite and mutually vulnerable, dependent on material resources, and not always well-disposed to one another. If human beings were not vulnerable and needy they could not damage, destroy, coerce and deceive so successfully (or perhaps at all), and the need for justice would be gone. On Kant's view, the combination of agency and vulnerability constitutes the circumstances of justice³³³

³³² Ibid 5:49.

³³³ O'Neill. *Bounds of Justice*. p. 138.

There are elements of my preferred idea of finitude, and indeed my interpretation of Kant and cosmopolitanism, which are reflective of O'Neill. Indeed, when I argue that we are practical reasoners, and that this means that in the reality of imperfect knowledge and human need we must use our capabilities to determine what we ought to do, and strengthen our will to carry out the orders of our practical reason, I see that my position is very close to that of O'Neill. Nevertheless, my interpretation of finitude, and thus my concept of connectedness and grounding for cosmopolitanism differ from that of O'Neill. In this Section I will explain how my account of finitude differs from that of O'Neill.

I differentiate my account of finitude from O'Neill's account along two lines: I distinguish between finitude and vulnerability, and I espouse a modestly metaphysical account of finitude. In Chapter 3 I described how finitude is distinct from vulnerability, and yet the two are related. Finitude is a more general concept, while vulnerability is more particular. In effect, vulnerability is used with reference to particular agents, while finitude is used with reference to the human condition. Finitude cannot be overcome, while particular vulnerabilities may be overcome. As I hope to have made clear in this Chapter, finitude demarcates us from other sorts of beings. We share the fact that we are finite with other finite beings. Furthermore, it is our finitude that enables our practical reasoning; were we perfect we would never have to reason about how we ought to act. In order to demarcate this interpretation of finitude, let me again, briefly, describe O'Neill's account.

As I have explained in Chapter 3, O'Neill's constructivism is motivated by the need to criticise the status quo, while steering clear of unvindicated metaphysical conjecture. She states of constructivism's competitors "none of the more popular proposals clearly avoids both the need for metaphysical backing and the limitations of particularist starting points"³³⁴. Meanwhile, according to her

³³⁴ O'Neill, Onora. *Towards Justice and Virtue: A Constructive Account of Practical Reason*. p. 92-93.

A constructivist approach to questions of standing and scope would have distinctive advantages if it could resolve them without either relying (openly or covertly) on strenuous metaphysical claims, or blandly and groundlessly endorsing the actual views and ethical standing of a particular time and place³³⁵

O'Neill advocates a practical method (rather than a theoretical method) for deciding problems of standing and scope; that is, she utilizes a practical method in answering questions about who or what we must acknowledge as agents. This is important, as ultimately O'Neill's answers to such questions motivate her cosmopolitanism; the scope of our attribution of ethical standing must be cosmopolitan. Her answer is that we must construct our account of ethical standing based on our practice of interaction with other agents. As she states,

they need to construct rather than presuppose an account of ethical standing, and the material they will have to hand to do this includes numerous interlocking assumptions about others on which they base their activities. Activity, in the widest sense, may be taken to cover *individual acts and responses, feelings and attitudes, support for policies and participation in practice*³³⁶

As I have shown in Chapter 3, these interlocking assumptions are plurality, connection, and finitude. Furthermore, as I have argued, finitude is the most important, and yet ambiguous, assumption. O'Neill says that her idea of finitude (like the other assumptions) is gained through abstraction. As such then, we would expect to be shown a formal conception of finitude, one that is abstract enough to cover all agents, rather than a conception of vulnerability that describes different agents substantive 'imperfections'. Nevertheless, as I have argued, there seems to be an ambiguity at in O'Neill's conception of finitude that leads her to conflate the abstract formal idea of finitude (like the one I have described above) with a more substantive idea of vulnerability. References that show O'Neill going from speaking of finitude to speaking of vulnerability abound in her works; nevertheless there does not seem to be an explanation of either the distinction between them, nor how they are related to each other; one such example follows

³³⁵ Ibid. pp. 92-93.

³³⁶ Ibid. p. 99.

Just as certain denials of finitude can be used to augment the dirty work performed by denials of plurality, so can exaggerations of others' capacities and capabilities, and the corresponding denials of their vulnerabilities. When others' capacities or capabilities are exaggerated, unreasonable claims about their self sufficiency and their cognitive and other forms of independence may be put forward, and their vulnerabilities, suffering and pain may be played down or denied³³⁷

My conception of finitude marks a clear departure from O'Neill on this issue. I argue for a formal conception of finitude. Unlike God, we are finite reasoners. We are not neither omniscient nor omnipotent, and we are mortal. These are facts about all human beings, which cannot be overcome. Our finitude leaves us open to vulnerability. We are needy beings, and our needs make us vulnerable. Certain vulnerabilities can be overcome or decreased. Thus, there is a clear distinction between finitude and vulnerability, and a clear relationship between the two.

So, O'Neill sees her constructivism as a methodology that allows her to abstract from, and criticise, the status quo, while maintaining that her account is free from problematic metaphysical conjecture. I argued in Chapter 3 that her constructivism may avoid metaphysics, but it does not maintain substantive neutrality, and thus it is not justified in its proposed universal scope. It may be that a substantively light constructivism is possible, and thus its claim to universality would be justified. I doubt it. My intuition is that an informative constructivism must depart from unconstructed premises, and such premises will necessarily be somewhat substantive. Nevertheless, it is beyond the scope of this dissertation to unpack this intuition further. I argued that a metaphysical notion of finitude is not necessarily problematic. For one thing, metaphysics is unavoidable, insofar as we are unavoidably drawn to metaphysical questions. O'Neill allows for this, but her interpretation of the primacy of practical reason³³⁸ stipulates that these supposed metaphysical questions need not be metaphysical at all. As Katrin Flikschuh states of O'Neill's account

³³⁷ Ibid. p. 109.

³³⁸ The primacy of practical reasoning, in this context, refers to the idea that practical reasoning is 'prior' to speculative reasoning. As Sebastian Gardiner states, "to assert the primacy of practical reason with respect to speculative reason is, therefore, to assert that propositions on which the interest of practical reason depends necessarily, so long as they are not contradicted by theoretical reason, must be accepted

Seemingly metaphysical questions are in fact symptomatic of practical problems we face- most acutely, the problem of agency itself: how can we be confident that our agency effects change in the causally governed order of the world? One might think this itself a metaphysical question; however, for O'Neill the discipline of reason demands that we set aside our metaphysical impulses: insofar as the question of practical efficacy arises in the practical context it can only meaningfully be answered from within that context³³⁹

As such then, it would seem there is a link between O'Neill's commitment to constructivism, and her avoidance of metaphysics. As Flikschuh states "current Kantian appeals to the primacy of practical reason thesis usually depart from constructivist assumptions that see problems in moral philosophy as arising directly from experienced practical contexts such that the principal task of moral theory is seen as finding solutions to practical problems which we confront"³⁴⁰.

My account of finitude (and indeed freedom) is metaphysical. It is applicable to all persons at all times. Both my conception of finitude and freedom cannot be 'proved' by speculative reason; rather we might say that our moral experience gives us warrant for asserting such claims. It might be asked at this point, what is the difference between a constructivist's use of the primacy of practical reason, and my own. I agree with the constructivists that certain Kantian ideas cannot be proved; nevertheless, I disagree that these ideas should be jettisoned in favour of 'solving practical problems' from within the context of practice. The ideas outlined in the preceding sections may be metaphysical, and thus undemonstrable, but that does not mean that they are of no use to human beings. As Flikschuh states

Acknowledging theoretical indemonstrability need not issue in a denial of metaphysical status. To the contrary, acknowledgement of theoretical indemonstrability forms the core of Kant's articulation of the noumenal as negative yet necessary idea of reason- negative in the sense of containing no substantive higher order truths for us; necessary in the sense of preserving the non empirical status of freedom and morality³⁴¹

Thus, these ideas are necessary insofar as we cannot but think them, and they are presupposed by our very nature as moral beings; they are also necessary insofar as

by theoretical reason". Gardiner, Sebastian. 'The Primacy of Practical Reason', in *A Companion to Kant*. Oxford: Blackwell Publishing, 2010. p. 260.

³³⁹ Flikschuh, Katrin. 'Hope as Prudence: Practical Faith in Kant's Political Thinking'. *Faith and Reason*, edited by Jurgen Stolzenberg and Fred Rush. New York: de Gruyter, 2010. p.9.

³⁴⁰ Ibid. p. 3.

³⁴¹ Ibid. p. 12.

they maintain the non-empirical status of morality and freedom, and thus, as I have argued, their universality. In the rest of this Chapter, I will explain how my conception of finitude and freedom maintain this universality.

Section 3: Putting Imperfection and Freedom Back Together Again

So morality is a species of rational agency, and this enables the universality of morality; rational agency itself supposes a claim about imperfection and a claim about freedom; and both imperfection and freedom are metaphysical but modestly so insofar as they are supported by a practical metaphysics, or by a warrant of practical reason.

The first thing to note about this account of moral agency is that it bonds us together as human beings, and separates us from other types of beings. The account of imperfection is a distinctively human account: we are neither determined by our needs, nor are we completely free from them. Further, the account of freedom is also distinctively human: we are alone in our ability to reason practically and to abstract from our needs and will our moral reasoning into being. Nevertheless, this account of moral agency is not limited to the human race. It is inclusive of humanity, but theoretically there may be others who need like us, and who have the ability to become uncaused causes: the account is distinctive to humanity only because we have not experienced anything that is not of human kind, and yet can be said to be imperfect and free in the required sense. If we did experience such a being who shared these characteristics, then we could say we are connected to this being.

A cosmopolitanism that supposes such a conception of agency as its concept of connectedness could maintain genuine universality. Such a cosmopolitanism could postulate that there is something special about human beings that enables them to become obligated to each other: they are needy beings and so can benefit from the obligations of others, and they are free beings and so can come to realize the

necessity of obligating themselves. Also, such a cosmopolitanism would pick out all human beings as relevant agents. Nevertheless, such a cosmopolitanism would not limit itself to human agents: it is not humanity itself that mandates obligations between agents, it is the particular understanding of the imperfection and freedom of the agents involved that makes such obligations necessary and appropriate. In the alien example I took from Jens Timmermann earlier, it may be that the specifics of the alien's need means that it must eat cats³⁴², it may well be then that the cosmopolitan has an obligation to provide the alien with cats. Thus genuine universality can be guaranteed. The next chapter in this thesis will discuss further the idea that genuine universality can be granted to a cosmopolitanism that supposes such a concept of rational agency as its concept of connectedness.

Conclusion

My aim in this Chapter was to outline a concept of connectedness; that is, a concept of how we are connected to all other human beings. I wanted a concept that is not indexed to *only* human beings. That is, I wanted a concept of connectedness that allows that we could be connected to other sorts of beings if those beings have the required characteristics. So, my concept of connectedness does not imply that we are only connected to those others who share our institutions, nor are we necessarily only connected to other human beings. Rather, we are connected to all other beings that share certain characteristics with us. The characteristics I have chosen are freedom and finitude. So, we are connected to all and only beings who are finite (not omniscient or omnipotent or immortal) and free (meant as the capacity to think of ourselves as

³⁴² This example is expropriated, and changed, from an example given by Jens Timmermann. He states "consider our reactive attitudes towards the fantastic alien creatures we encounter in science fiction. Extra terrestrial beings who destroy planet Earth, eradicate humanity or at the very least desire to eat our cats are different in kind from natural disasters even if the effects are indistinguishable". Timmermann, Jens. *Kant's Groundwork of the Metaphysics of Morals; a Commentary*. p. 7.

uncaused causes). I have shown how these characteristics are metaphysical; they are theoretically unverifiable, they are not deduced empirically, and yet we are warranted to say they can be ascribed to all such beings at all times. Nevertheless, they are modestly metaphysical; they rely on a practical metaphysics, meaning that the warrant we have to affirm them is not implied by our theorizing about their existence etc, rather we are warranted in asserting them because we find that we are moral agents and that agency presupposes that we are free but finite reasoners. In the next Part of this dissertation I will describe the benefits of such a concept of connectedness. In Chapter 7 I will briefly recap on the criticisms I made to contemporary cosmopolitanism, and I will show how my concept of connectedness addresses these concerns. In Chapter 8 I will deal with a specific problem I diagnose in contemporary cosmopolitanism; the problem of 'Ought implies Can'. I will show how the 'Ought implies Can' problem is related to the criticisms I made in Part 1 of this dissertation, and I will show how my concept of connectedness addresses this problem.

Part 3: The Resulting Cosmopolitanism and its Implications

In Part 1 of this thesis I discussed some elements of contemporary cosmopolitanism. I described a theme followed by such cosmopolitans to put empirical considerations at the heart of their theorizing (in particular by positing an overly substantive concept of connectedness), and I provided an argument against this theme. In Part 2 I described an alternative concept of connectedness; one based on Kantian moral theory. Thus, in Chapter 4 I discussed the Kantian idea of 'Ought'. In Chapter 5 I defended the use of some metaphysical claims in political theory; I did this in order to make room for my preferred concept of connectedness. I described an idea of connectedness that invokes the Kantian ideas of finitude and freedom. I argued that such a conception is metaphysical, but modestly so. In this Part of my thesis I will draw some implications from Part 1 and 2. In Chapter 7 I will describe, briefly, how a cosmopolitanism might incorporate my preferred concept of connectedness. Furthermore, I will recap on my criticisms of contemporary cosmopolitanism, and I will show how a cosmopolitanism with my preferred concept of connectedness might avoid these problems. My aim in this thesis is not to bring a new cosmopolitanism into being; rather my overall aim is to diagnose a problematic theme based on an idea of connectedness, and to offer an alternative. Thus, my description of a cosmopolitanism based on my preferred idea of connectedness will be tentative at best. Nevertheless, I do want to show roughly how a cosmopolitanism could be grounded on my preferred concept of connectedness, and I want to delineate some implications of this concept for cosmopolitanism. Furthermore, I want to distance my tentatively described cosmopolitanism from those cosmopolitanisms delineated in Part 1 of this thesis. In effect, then, Part 3 concludes this thesis in two stages. The first stage in this conclusion, Chapter 7, delineates some general implications of my preferred concept of connectedness. The second phase of

this conclusion, Chapter 8, describes a particular implication of this concept of connectedness in the context of the 'Ought implies Can' principle. Therein I argue that given my interpretation of certain elements of Kant's moral theory one can agree with the OIC principle, and still be a cosmopolitan. That is, in Chapter 8 I will argue for a refined version of this principle. I will then show that my interpretation of Kant (as espoused in my preferred concept of connectedness) is continuous with this principle, and thus this principle cannot be used in objecting to my cosmopolitanism.

Chapter 7: Finitude, Freedom and Cosmopolitanism

Introduction

In Part 2 I illustrated my preferred concept of connectedness; we are connected to all relevant others in virtue of our shared finitude and freedom. This concept is metaphysical. It may be attributed to all relevant agents at all times; it cannot be experienced through empirical investigation; and it cannot be proved by theoretical deduction. Rather, as I have argued, we might say our experience of morality gives us warrant to assert that we are free, and that we are finite. In this Chapter I will work with this concept of connectedness. First, I will show how a cosmopolitanism, with such a concept of connectedness, *might* look; any positive assertions in this respect will be tentative. Second, I will recap on my criticisms of some elements of contemporary cosmopolitanism, and I will show how my concept of connectedness can answer these criticisms. So, this Chapter will mark my first concluding Chapter, wherein I will point to the direction that a cosmopolitanism with my concept of connectedness might follow, and I will tie up loose ends by recapping on the arguments that have come before and showing how my concept of connectedness might have an impact on them. This first concluding Chapter is concerned with the implications of my preferred concept of connectedness in general. Chapter 8 is my second concluding Chapter; therein I will concentrate on one implication of my Kantian account, and argue that such a position allows me to hold cosmopolitan duties and an 'Ought implies Can' principle.

Section 1: Tentative Steps Towards a Cosmopolitanism with a Non-Contingent Concept of Connectedness

In Chapter 1 I showed that there are many ways to understand the term 'cosmopolitan'. One can be a cosmopolitan about culture, or a cosmopolitan about justice; one can espouse a moral cosmopolitanism, a political cosmopolitanism, or a legal

cosmopolitanism; one can have a weak cosmopolitanism, or a strong cosmopolitanism. My interest, in this thesis, has been with cosmopolitanism about justice³⁴³. As I described it, a cosmopolitan theory of justice does not ascribe more or less importance to one group of people over another group of people. I prefer to put it in terms of universality; a cosmopolitan about justice subscribes to the idea that a theory of justice must be cosmopolitan in scope. I have mentioned Thomas Pogge's definition of cosmopolitanism a few times during this thesis; it is a definition that is espoused by many theorists and as such it is highly influential. In brief, Pogge claims a theory of justice is cosmopolitan if it contains three sorts of claims: a claim about individualism, a claim about universalism, and a claim about generalism. A claim about individualism states that it is the individual that is of concern, and not collectives like states or religious groups, etc. A claim about universalism stipulates that every individual is of concern, no matter where they are situated. Finally, a claim about generalism describes the idea that every individual is of concern to all other individuals, no matter where these other individuals are situated. Now, as I argued in Chapter 2, individualism, universality, and generalism apply to a set of people who are connected in a relevant way. That is, there must be a concept of how the relevant agents are connected in order for a cosmopolitanism to get off the ground. I called this phenomenon a concept of connectedness. As Garrett Wallace Brown states, "most cosmopolitan theories, if not all, are premised on the fact that the world is an interconnected and interdependent community, which is bound by the spherical shape of the earth: where our moral responsibility toward all of humanity should be understood as being a universal and globalized concern"³⁴⁴. Although, as I have

³⁴³ It should be noted here again that although I describe cosmopolitanism about justice in the broader landscape of cosmopolitanism in general (cosmopolitanism about justice + cosmopolitanism about culture) in Chapter 1, I did so for clarificatory purposes. That is, I talked about cosmopolitanism about culture as a way to understanding the larger context of cosmopolitanism. In this thesis, my interest is with cosmopolitanism about justice (and so, with the cosmopolitanism underlying political cosmopolitanism and legal cosmopolitanism). It remains an interesting question whether what I say in this thesis also applies to cosmopolitanism about culture, but this is a question I do not pursue in this thesis

³⁴⁴ Brown, Garrett Wallace. *Grounding Cosmopolitanism: From Kant to the Idea of a Cosmopolitan Constitution*. Edinburgh: Edinburgh University Press, 2009. p. 2.

argued, I disagree with the idea that cosmopolitanism is necessarily tied to an idea of humanity and 'earth', I believe Brown's point to be relevant; cosmopolitanism about justice needs some concept of how we are connected to those who ought to share with us a theory of justice.

As should be familiar at this stage, my preferred concept of connectedness posits that we are connected to all and only those agents that are free but finite. 'Free' and 'finite' are understood as formal and metaphysical. A free agent is one who is capable of acting freely in the way described in Chapter 6. A finite agent is one who is neither omnipotent nor omniscient and who is not immortal. Now, what would a cosmopolitanism that is grounded on such a theory look like? In order to answer this I must assume a theory of justice. Let it be noted here that the content of the theory of justice I suppose is entirely irrelevant. It would be as useful to suppose a libertarian account as much as a welfare-based account. What is at issue is how the scope of a theory of justice may be extended, beyond national borders, to the cosmopolitan sphere. For the sake of simplicity, let us pretend that within our theory of justice we adhere to two principles: the first guaranteeing equal basic liberties for all, and the second mandating an emphasis on equality. Now arises the question of scope; to whom do these two principles apply. Obviously, the cosmopolitan will want to say that these principles should have cosmopolitan scope. This means that the principles apply to all and only those agents who are connected in a certain way. On my account then, this means that our two principles of justice apply to all and only those people who are free but finite. Thus, if an agent is free and finite, they ought to be included in the purview of my supposed theory of justice.

It would seem uncontentious to have a concept of connectedness that invokes a claim that we are imperfect insofar as we are mortal and neither omnipotent nor omniscient. Very few sorts of beings would be unfairly excluded from this theory based on not conforming to the idea of finitude I have invoked. Perhaps God may be excluded, but given that justice (but not morality) would seem to be a human notion,

and given that God is not a needy being, it is quite likely that neither he nor us should have reason to be concerned about this. Nevertheless, if our concept of connectedness only invoked finitude it would not capture all that is distinct about us as humans³⁴⁵. Such a cosmopolitanism would have us share our theory of justice with dogs and elephants, etc. It might be asked, at this point, what is so crazy about owing obligations of justice to dogs. I would respond that nothing about this idea is crazy or irrational. In fact, although it is not my primary concern at this point, intuitively I think that we probably do owe obligations to animals. Nevertheless, it would be crazy to think that dogs and elephants owe *us* obligations. They are just not the sorts of beings who can take it upon themselves to be obligated to others. They cannot reason like us. If an elephant failed to recognize that he owed an obligation to another agent then it would not make sense to say 'bad elephant'. Animals, on my theory, can only be the objects of obligations, or perhaps rights-holders, and cannot ever be termed 'obligation bearers'. In effect, animals are not free in the way required on my theory to be anything other than the passive recipient of the obligations of free but finite agents.

Placing a conception of freedom at the heart of a cosmopolitanism may be quite contentious. If the scope of justice is cosmopolitan insofar as it covers all and only those who are finite and *free* then might not some persons be excluded from justice; in particular, might not some severely handicapped persons be excluded from this theory. So, the question is, is the conception of freedom supposed by my account so demanding that it would exclude persons from a cosmopolitanism that intuitively ought to be included. Now I did invoke absolute freedom, meaning an agent's ability to be an uncaused cause; this means for an agent to be accommodated in my cosmopolitan theory of justice they must be able to begin a sequence of action free from any sort of determination. I believe that although this may seem like a hugely demanding theory of freedom, and as such it would seem to exclude many from its purview, the demanding-

³⁴⁵ Note, although I want my concept of connectedness to capture something in us that is distinctive, I do not want to posit a necessarily human-centric cosmopolitanism.

ness and exclusivity is largely prima facie. While there exist hard cases that may be damaging to my theory, I think overall my concept of connectedness can include the severely handicapped. Most severely handicapped persons are capable of reasoned action. For example, Jean-Dominique Bauby, who suffered a severe stroke that left him with 'locked-in syndrome'³⁴⁶ wrote a book detailing his experiences by using only his left eye. As such, Bauby was capable of free action; he was capable of reasoning, and thus capable of thinking as an uncaused cause; furthermore, he was capable of action through the use of his left eye. Of course, if Bauby were not able to use his left eye, then it would be more difficult to think of him as free in the required sense. Similarly, if a person is mentally handicapped to the extent that they are completely incapable of abstraction from inclination, then it also becomes difficult to think of them as free in the way required by my theory.

I believe there are a couple of things I can do to make the hard cases less hard. First, as hinted above I can differentiate between rights-holders and obligation bearers. Second, I can argue against a claim to generalism being included in cosmopolitanism. Before showing how such moves might diminish the unattractiveness of my account, it should be noted that Onora O'Neill also makes such a distinction. As she states on the differentiation

When we talk of such rights we look at the required action from the perspective of the claimant or right-holder; when we talk of obligations we look at required action from the perspective of the obligation-bearer, of the one who is to act³⁴⁷

Clearly there is a relationship between rights and obligations. Rights talk would be empty if one could be said to have a right without another having an obligation. As she states "it is clear though that there will be no claim rights unless others have obligations"³⁴⁸. Nevertheless, theories that centre on human rights are not equivalent to

³⁴⁶ Locked-in syndrome is characterized by almost complete paralysis of voluntary muscles in the body (except the eyes), nevertheless the patient is aware and conscious.

³⁴⁷ O'Neill, Onora. *Bound of Justice*. p. 98.

³⁴⁸ *Ibid.* p. 98.

theories that centre on obligations³⁴⁹. Now, O'Neill's differentiation is slightly different to mine. She argues that if an agent has a right another agent must have an obligation, while it may be that an agent has an obligation without another having a corresponding right³⁵⁰: whereas I argue that some agents can be capable of being rights holders, and incapable of becoming obligation bearers. The importance of this is that, while it is true that some persons cannot be said to be free, such a differentiation allows me to include them (in a constrained way) in my cosmopolitanism. In order to be a part of my cosmopolitan theory of justice, one has to be free and finite. So, if one is not free, then strictly speaking one is not a full cosmopolitan citizen. I admit that this sounds counterintuitive, but I contend that the implications of not being a full citizen may not be as unattractive as they at first seem. In particular, not being a full citizen does not mean that such persons have no rights. They are still rights holders. Nevertheless, it does mean that they cannot be thought of as obligation bearers. In fact, this might be an attractive element of my theory. It would mean that the severely mentally handicapped, and those who have no control whatsoever over any voluntary muscles must be thought of having a full rights menu, but no responsibilities.

There is a problem with this distinction between rights and obligations. That is, if we follow Pogge's account of cosmopolitanism, then this avenue is not open to us. In effect, if we hold a cosmopolitanism with a claim to generalism (like that of Pogge), then a person who is not capable of being responsible for the rights of others cannot be thought to be a part of our theory of justice. Remember, generalism stipulates that every individual must be of concern to all others. That is, persons are ultimate units of concerns for everyone, and not only their family, co-nationals, etc. While individualism

³⁴⁹ As Onora O'Neill states "theories that take rights as fundamental and those that take obligations as fundamental are not equivalent. The scope of the two sorts of theory differs..." O'Neill, Onora. 'Children's Rights and Children's Lives', in *Ethics* Vol. 98, No. 3, Apr 1988. p. 446.

³⁵⁰ For example, she specifies an obligation "to be kind and considerate when dealing with children" as such an obligation. As she states "fundamental obligations that are not universal (owed to all others) are, when considered in abstraction from social and institutional contexts *incomplete* or *imperfect*. This is not just a matter of the indeterminacy of the act or omission enjoined by the principle of obligation, but more fundamentally of the fact that, so long as the recipients of the obligation are neither all others nor specified others, there are no right holders, and nobody can either claim or waive performance of any right. If there are any fundamental obligations that are imperfect in this sense, then there are some fundamental obligations to which no fundamental rights correspond". Ibid. p. 448.

and universalism talk about how persons are to be respected, generalism talks about how persons are to respect others. Therefore, while individualism and universalism are recipient-based, generalism is actor-based insofar as it is interested with agents who are to accord concern to all others. As such then, on Pogge's scheme, it would seem that if one cannot be responsible for the rights of others, or if one is incapable of being concerned for others in the relevant way, then that person cannot be included in the purview of justice. Moreover, given Pogge's definition, it may be that generalism is even more demanding; it would seem that, if generalism holds, then to be a cosmopolitan, everyone else must be a cosmopolitan too. If generalism holds then one cannot be a cosmopolitan unless every other person is also a cosmopolitan. If one holds individualism and universalism one can still be a part of a cosmopolitan theory of justice even if there exist nations that accord no moral standing to citizens in other countries. That is, one can still recognize universalism and individualism even if others fail to do so. The same cannot be said for generalism: one cannot be a cosmopolitan in the situation where some do not recognize the moral standing of others, if the very definition of cosmopolitanism stipulates that all recognize the moral standing of all others. I do not believe much would be lost to a cosmopolitanism that did not have a claim to generality. In fact, a theory that implies that if one person does not recognize the moral standing of all other individuals, then no person can call himself a cosmopolitan, may be viewed as quite counter intuitive. In fact, I believe that denying generalism may be very beneficial for a cosmopolitan account (in particular when it comes to motivating cosmopolitan duties). I shall return to these ideas later in this Chapter.

So, most (even severely) handicapped persons can be included in the purview of my cosmopolitanism; some (severely mentally handicapped and those with absolutely no control of any voluntary bodily muscles) can be included, but in a constrained way. The question now arises, how do I differentiate those persons who I deem not free in the relevant way from animals. It is true that I think it may be

reasonable to argue that animals have rights, and I also believe animals to be unfree, but that does not mean I think animals have the status of persons, nor do I think that unfree persons have the status of animals. As a tentative approximation, I believe one could argue that these persons are not really unfree after all. That is, they are still the types of beings that could be free in the required sense, and as such demand more respect, and to have a complete menu of human rights accorded to them. That is, I believe all must recognize that these persons are the sorts of beings that, had things been otherwise, could have been free. Furthermore, I think one could also argue that as such, these persons are ends in themselves. Thus, one could plausibly say that others ought to acknowledge the severely handicapped as persons (moral beings), and this grounds their obligation to treat the severely handicapped as possible members of the kingdom of ends. Obviously this approximation is rather vague; my aim in this Chapter is not to provide a fully worked out cosmopolitanism; rather it is to show the beginnings of a cosmopolitanism with my preferred concept of connectedness, and show how such a theory might proceed. Furthermore, I am not arguing that my cosmopolitanism is alone in positing these practical implications. In fact, I think many cosmopolitanisms might share these implications or conclusions. Rather, as I have shown in Part 1 and 2 of this thesis, my account is distinct insofar as these implications fall out of a cosmopolitanism that posits my preferred concept of connectedness. Nevertheless, I do believe denying generalism is distinctive to my account. I will build on this denial in the next Section of this Chapter. Furthermore I will recap on the criticisms I made in Part 1, and I shall show how my concept of connectedness overcomes them.

Section 2: Overcoming the Criticisms of Part 1

In Part 1 of this thesis I argued that currently influential cosmopolitanisms share an important tenet; that is, one's starting points must be the circumstances of the

individual. Once these circumstances have been posited, then one can identify all relevant individuals in virtue of these shared circumstances. Thus, the concept of connectedness invoked by these cosmopolitans refers to their shared circumstances. Moreover, the circumstances that these cosmopolitans think relevant are contingent; for example institutional or economic interdependence. Thus, some currently influential cosmopolitanisms posit richly substantive and contingent conceptions of connectedness.

In Chapter 2 I objected to cosmopolitanisms based on such substantive and contingent concepts of connectedness. I argued that it did not seem at all obvious that the grounds of my connectedness to others are exhausted by any substantive conception of the circumstances of the individual. That is, it is not obvious to me that I must think of connectedness as a function of how I happen to be connected to others as a matter of contingent circumstance. In fact, I argued that substantive conceptions of the circumstances of the individual result in unnecessarily arbitrary theory. If a cosmopolitanism is based on a contingent circumstance, and this circumstance fails to obtain then presumably the cosmopolitanism itself is eroded. In effect, if a cosmopolitanism invokes a concept of connectedness along the lines of 'institutional interconnectedness', and that connectedness fails to obtain (perhaps in virtue of a nuclear disaster etc), then presumably the cosmopolitanism itself no longer obtains, and thus the implied obligations are no longer owed. Furthermore, in Chapter 2 and 3 I highlighted the importance of motivating cosmopolitan obligations. Thus, I argued that a theory of obligation should be accessible and reconcilable to the obligated individuals. In effect, a theory of obligation ought to enable the obligated individuals to acknowledge that they are obligated, and how they ought to act to discharge their obligation. For example, in Chapter 2 I argued, against Caney, that it is necessary to explain what it is about humanity that generates obligations and rights, in a way that does not arbitrarily preference humanity. In this Section I will return to these objections, and show how my preferred concept of connectedness can be seen as an

improvement. In effect, I will differentiate myself from the cosmopolitanisms I described in Part 1. I will do so in two ways: first I will differentiate myself from Beitz and Pogge by recapping on the arguments about the contingency of their accounts, and second I will differentiate myself from Caney and O'Neill by showing that my theory can motivate obligations in a way that is respectful to the choices of individuals and is consistent with the grounding of my cosmopolitanism. Thus, the first half of this Section will deal with the idea of contingency, and the second will deal with the idea of motivating cosmopolitan obligations. It should be noted here that I will rephrase the contingency objection slightly; in particular, I would like to capitalize on the theme (thus far) of this Chapter, and recap on the argument that cosmopolitanism based on contingent forms of connectedness does not include all in the purview of justice that it ought, and as such is underly-inclusive. Furthermore, I will extend this argument by contending that as well as being underly-inclusive, cosmopolitanisms like Pogge's might also be seen as overly-inclusive insofar as they include persons in the purview of justice in a way that is unjustifiable.

2.1: Underly and Overly Inclusive Cosmopolitanism

I argued in Chapter 2 that cosmopolitans with contingent concepts of connectedness (i.e. Beitz and Pogge) unjustifiably fail to include some in the purview of justice. Remember I showed this through the analogy of Ragus: my idealized socialist island. I contended that in the absence of certain contingent interconnections (like economics and institutions), a cosmopolitan like Beitz or Pogge must conclude that we do not owe cosmopolitan obligations to the inhabitants of this island. I concluded that this seems counterintuitive from a cosmopolitan position. Furthermore, as shown above I argued that in some circumstances (say for instance in the event of a natural disaster), these interconnections may be erased, and so our obligations to these connected others may be undermined. Thus, such cosmopolitanisms are underly-inclusive. I mean by this that the scope of these cosmopolitanisms does not cover all who should be included. I have

argued that intuitively a cosmopolitanism should include persons regardless of whether they are connected via functioning institutions or not. It may be remembered that I used Simon Caney's arbitrariness argument to show that institutional connections are arbitrary from a cosmopolitan perspective. Therefore, failing to include these persons means that such cosmopolitanisms are underly-inclusive. Nevertheless, I believe that cosmopolitans who follow Pogge's definition of the position may also be open to the charge of over-inclusion. To show this, let me remind the reader of the example of Anne (given in Chapter 3), who has imbibed the principle that men are worth more than women. Given what I have said about generalism, on Pogge's conception not only must we recognize Anne's equal moral standing, but Anne must recognize her own equal moral standing *and* the equal moral standing of all others. Now, say for a moment that Anne wishes to deny her own equality and that of some others. It would seem that on Pogge's theory, for cosmopolitanism to hold, we must regard Anne as if she were both an equal moral person among others (individualism + universalism), and a compliant cosmopolitan herself (generalism)³⁵¹. It may well be the case that Anne would resent this. That is, it may be the case that not only does Anne refuse to see herself as an equal moral person among others, but she does not want to be held to cosmopolitan obligations. In this case it would seem that Pogge's cosmopolitanism is overly-inclusive³⁵². I mean by this that his cosmopolitanism includes those in the purview of justice who may not want to be so included.

So the question arises, how do I handle examples like that of Anne. The first step is to deny generalism. If we deny generalism then we are not guilty of including Anne in the purview of justice in a way that she may find objectionable. In effect, we no longer maintain that Anne must see herself as an equal moral individual, and that Anne

³⁵¹ Let it be noted here that another option for Pogge is to treat Anne as if she is completely outside the purview of justice. I will return to this topic below.

³⁵² It is worth remembering that I came up with the Anne example in the context of O'Neill's cosmopolitanism. That is, the Anne example was created as a response to my perception that O'Neill's constructivism may include those who do not adhere to the unconstructed normative convictions underlying the construction (for example freedom and equality). Thus, both Pogge and O'Neill's cosmopolitanism are guilty of over-inclusion.

must recognize and live up to her cosmopolitan obligations. That said, denying generalism does not mean that Anne is completely excluded from the purview of justice. Maintaining individualism and universalism means that we (that is, us cosmopolitans) still regard Anne as an equal moral person, and we still see her as a possible recipient of *our* cosmopolitan obligations. Denying generalism just means that Anne herself does not need to reciprocate in these beliefs. In practice, one might respect Anne's standing by making resources (be they material or otherwise) available to her such that she could exercise her equal moral standing if and when she decided to. Thus a fund, perhaps even something like Pogge's Global Resource Dividend, could be held for agents who are happily non-cosmopolitans in the event that they wish to exit and thus become cosmopolitans. It may be asked of me here: what really is the difference between my account and the cosmopolitanisms I have rejected when it comes to the issue of agents such as Anne? In a way, the difference is obvious: I explicitly deny generalism. As I have argued above, I do not think a lot would be lost if generalism is denied, and further, perhaps a lot can be gained. In more practical terms, I believe that cosmopolitanisms such as Pogge's would either treat Anne as beyond the scope of justice (and so the cosmopolitanism would be underly-inclusive), or they would treat her as full cosmopolitan citizen, and thus say she acts wrongly when she shirks her cosmopolitan duties and fails to see herself as an equal moral person (and so the cosmopolitanism would be overly-inclusive). I believe my cosmopolitanism would walk a middle way. My cosmopolitanism would demand that those committed to cosmopolitanism should view Anne as an equal moral citizen, but also respect Anne's choice to exempt herself from that cosmopolitanism. Such a cosmopolitan would show that he is committed to viewing Anne as an equal moral person by acting in such a way that would facilitate Anne's rights should she choose to claim them. Likewise such a cosmopolitan would show that he is committed to respecting Anne's choices as he is not trying to spread cosmopolitanism imperialistically; rather he would be allowing

Anne the freedom to either become a cosmopolitan or stick with her imbibed norm that men are worth more than women.

2.2: Motivating Cosmopolitanism

A number of times during the course of this thesis I have claimed that my cosmopolitanism would issue in obligations in a more straightforward way than some of the cosmopolitans I discussed: namely Simon Caney and Onora O'Neill. As shown above I described Caney's concept of connectedness as too general to motivate cosmopolitan obligations. That is, I argued that if Caney has a concept of connectedness, it is based on the idea of a shared humanity. Furthermore, I contended that it is a mistake to invoke such a self-justifying concept of connectedness; to that extent I agreed with Pogge and Beitz that there is an advantage to be had from a non self-evident concept of connectedness for cosmopolitanism. I clarified this argument by referring to the example of a group of people who witness a crime against a foreign tourist; and that within the group there is a person who speaks both the native language and the language of the tourist. I argued that the bi-lingual onlooker is best placed to discharge the obligation to help the tourist. The thought relevant to cosmopolitanism behind this example is- taking the level of action we currently employ to combat world poverty as the status quo, any theory which attempts to change this status quo must justify both why such a change is necessary, and who is best placed to make that change. Now, the question arises; does my concept of connectedness do more to motivate a change in the status quo than Caney's humanity based concept of connectedness? I believe it does. Remember again that my concept of connectedness is based on the ideas of freedom and finitude. It is the idea of finitude that can help in this setting. It is important to bear in mind that my concept of connectedness makes reference to a *formal* conception of finitude, meaning that it construes finitude in terms of mortality together with the fact that relevant agents are not omniscient or

omnipotent. As such then it is difficult to see how a formal conception of finitude would help in allocating the responsibility to relevant duty bearers. In effect, in the tourist example it is difficult to see how referring to mortality and a lack of knowledge would help in picking the best person to help, as all spectators would share these characteristics. Nevertheless, as I argued in Chapter 3, finitude is distinct, but related, to a second concept; namely vulnerability. Remember I argued that finitude should be used in a more general (or formal) way, and vulnerability should be used to refer to the particularized vulnerabilities of particular agents. I proceeded by arguing that while finitude cannot be overcome, particular vulnerabilities may be overcome. Thus, it is fully consistent with my account to allocate obligations to particular others based on their ability to successfully 'overcome' the vulnerabilities of particular others. In the tourist example this would mean that the bilingual spectator is under an obligation to help, as he is best placed to overcome the tourist's vulnerability (i.e. help him by translating from the native language to his language). In the cosmopolitan context, this means that my theory allows cosmopolitans to decide who is best placed to change the status quo in order to bring it into line with cosmopolitanism. Furthermore, the idea of vulnerability can also play a part in motivating these obligations. Although more will be said on this below, here I will note that when trying to motivate some to acknowledge their obligations to far away others, my account has the resources to refer to the connections between persons based on their freedom and finitude, and the vulnerability of those others. Therefore, my concept of connectedness is distinct from that of Caney in its ability to issue in particular obligations, and allocate particular duty bearers. It is the concept of vulnerability, an idea related to finitude (part of my concept of connectedness) that allows me to do this.

Obviously, the above arguments concerning finitude are similar to Onora O'Neill's position. In fact, as I showed in Chapter 3 O'Neill also makes use of both finitude and vulnerability. So, the question is; what are the differences between my account and that of O'Neill? First, as argued in Chapter 3, I distinguish between

finitude and vulnerability in a way that O'Neill does not: remember, I objected to O'Neill's account on the grounds that she used finitude and vulnerability seemingly co-extensively. Thus, the first differentiation of my account is to clearly separate the two concepts. Furthermore, as above, I stipulated that although finitude and vulnerability are distinct, they are nonetheless related. Thus, the second distinction is that I clearly set out the relation between finitude and vulnerability.

The main difference between my account and that of O'Neill lies in my rejection of her constructivism. Remember, I argued that O'Neill often conflated vulnerability and finitude. As I described it, it seemed that O'Neill desired the more formal Kantian (and hence abstract) reading of finitude, but interpreted that in terms of vulnerabilities that bring with them substantive content. Furthermore, I contended that her use of vulnerability was inconsistent with her claim that her constructivism relied on totally abstract starting points. O'Neill's cosmopolitanism is grounded on this constructivism, and, as I argued its scope is prefixed by its 'abstract' starting points. Her cosmopolitan obligations are generated by her constructivism. Furthermore, her cosmopolitanism depends on whether her starting points can remain abstract (and thus shared by all). Thus, the use of vulnerability to pick out certain rights-holders and duty-bearers, and to motivate cosmopolitan obligations is inconsistent with her cosmopolitanism founded on a construction from totally abstract starting points. Meanwhile, I never claimed to be a constructivist. In fact, I explicitly rejected constructivism. As I have argued throughout, my concept of connectedness is metaphysical in nature. So, we are connected to all and only those who share with us the characteristics of being free and finite. Freedom and finitude do not generate our cosmopolitan obligations. Rather, given a cosmopolitan theory of justice, my preferred concept of connectedness can fix the scope of that theory. Of course, the cosmopolitan theory must be informed by the underlying concept of connectedness, and in a way the main thrust of this Chapter is to point to ways in which this can be accomplished. Nonetheless, anything I say here will be preliminary. That said, it is consistent with a metaphysical account of

connectedness that a concept of vulnerability may be used to pick out certain duty-bearers as the most able agents to carry out certain obligations, and to change the non-cosmopolitan status quo. Contrary to O'Neill's position, I am not committed to the idea that freedom and finitude are my starting points from which to build a cosmopolitan obligation. Rather I am committed to the argument that given that we want to be cosmopolitans, the ideas of freedom and finitude form an appropriate concept of connectedness. Furthermore, given that the concept of connectedness is used to settle questions of scope, a theory that uses the related concept of vulnerability to settle questions of allocation of obligations and motivation is consistent with my metaphysical account.

An obvious question at this point is, how is what I say about motivating cosmopolitanism and allocating obligations consistent with my claims concerning finding a middle way for cosmopolitanism between overly and underly inclusive? That is, how is what I say in this context continuous with my Anne example? On the face of it there seems to be a contradiction here. In effect, my arguments concerning a middle way above capitalizes on the idea of avoiding cosmopolitan imperialism by respecting Anne's choice to reject the principle of equal moral personhood at the heart of cosmopolitan theorizing; while my arguments against Caney and O'Neill make use of vulnerability to allocate obligations and motivate cosmopolitanism. Thus, it seems like I wish to motivate Anne towards cosmopolitanism, while respecting her avoidance of it, at the same time. In a way, this is exactly what I aim to do; but I do not see it as a contradiction, rather I believe it to be an attractive outcome of my theory. One can still be a cosmopolitanism, and believe in the ideal that one day we will all be cosmopolitans, while still respecting Anne's choices. In fact, in my opinion this position will be better able to motivate movement to the cosmopolitan ideal than a more imperialistic stance. While respecting Anne's choices, as cosmopolitans we can hope that Anne will come to be more receptive to cosmopolitan ideas. When Anne shows this initial receptiveness, we can move to trying to convince Anne of the attractiveness

of cosmopolitanism. On my account we can say two things to Anne: first, we can say Anne is connected to all others via joint freedom and finitude, second, we can allocate obligations to Anne based on her ability to overcome the vulnerabilities of others. As shown above, we can take these two steps consistently with holding a metaphysical grounding for our concept of connectedness. I believe the attractiveness of this account lies in its refusal to coerce Anne into seeing our cosmopolitan point of view. Cosmopolitanism can go on even if persons like Anne do not adhere to its principles. Nevertheless, it can also maintain the ideal of a world united by cosmopolitan principles, and it can do so by believing in the potential for persons like Anne to change their mind, and by being ready to capitalize on this change with rhetoric and resources. Furthermore, my position on motivating cosmopolitanism and allocating obligations is an implication of my interpretation of freedom and finitude and my argument that generalism should be denied. Remember in Chapter 1 I demanded of theorists (such as Christine Sydnovich) that their claims about motivation and allocation be implied by their presuppositions and argumentations, rather than built into their theories from the beginning. Thus, I see my claims about allocation and motivation as answering this requirement.

2.3: Back to Kant

I will conclude this section by briefly recapping on how my Kantian interpretation of 'ought' motivates my response to contingency in cosmopolitanism. I will also emphasize the way in which, rather than building certain implications into my theory, what I say about the scope of cosmopolitanism is implied by my concept of connectedness.

In Part 2, I described my preferred concept of connectedness. My first step in doing this was to describe a Kantian idea of 'ought'; my reason for investigating this topic was that my preferred concept of connectedness is implied (in the way described

in Part 2) by Kantian ideas of morality. It should be remembered here that Kant is at pains to refrain from grounding his moral theory on the contingent circumstances of the individual. It is worth repeating here the quote from Kant given in Chapter 4. As he states:

Empirical Principles are not at all fit to be the ground of moral laws. For, the universality with which these are to hold for all rational beings without distinction- the unconditional practical necessity which is thereby imposed upon them- comes to nothing if their ground is taken from the *special constitution of human nature* or the contingent circumstances in which it is placed³⁵³

Likewise the concept of connectedness implied by his moral theory is not grounded on any empirically contingent fact about us, or the circumstances in which we find ourselves. My concept of connectedness stipulates that what connects us to relevant others is not institutions or politics, etc. Rather what connects us to others is that we share the characteristics of freedom and finitude with them. These characteristics are not contingent. Except for a few hard cases mentioned above, when we stipulate that an agent is a person, we necessarily stipulate that they are free and finite. Furthermore, a cosmopolitanism that posits such a concept of connectedness is more stable; a change in the contingent circumstances of the world will not result in eradicating the cosmopolitan duties. That is, a cosmopolitanism that is based on such a concept of connectedness will be prefaced on something non-contingent. As such, so long as there are agents that can be said to be free and finite, there will be an ensuing cosmopolitanism, and thus there will be cosmopolitan obligations. Finally, such a concept of connectedness can truly be said to be universal, and so the resulting cosmopolitanism has a better claim to be a universalistic theory³⁵⁴. A concept of connectedness based on the ideas of freedom and finitude does not only encompass all human persons, but may theoretically include non-persons; and as the Kant quote referred to above stipulates, such a concept of connectedness is not prefaced on the

³⁵³ Kant. *Groundwork*. 4:442.

³⁵⁴ It should be remembered here that person like Anne would be included in a constrained way, as described by my middle way arguments above. Similarly, I have made allowance for the inclusion of the mentally handicapped above.

contingent circumstances of a human being, nor the *special constitution of human nature*³⁵⁵.

Conclusion

My aim, in this Chapter, was to provide a rough outline of how a cosmopolitan theory of justice could be based on a concept of connectedness that invoked a claim about freedom and finitude. In so doing I pre-empted some apparently counter-intuitive implications of my theory; those implications being that some might be excluded from the purview of a cosmopolitan justice. I hope to have dealt with these implications, at least in a preliminary way. My method of dealing with these problems proceeded by arguing that almost everyone would be included in the purview of justice in a straightforward way; furthermore, by differentiating between what it means to be a rights holder and an obligation bearer, I argued that those few left would be included but in a constrained way as rights holders only. Finally, in order to tie up loose ends, I recapped on some of the objections I posed to contemporary cosmopolitanisms in Part 1 of this thesis; namely that such cosmopolitanisms are overly and underly inclusive, and that they do no account for how to allocate obligations, and how to motivate obligation-bearers. I argued that my position allowed me to take a middle way between under and over inclusiveness. Furthermore, I argued that my position gave me the resources to allocate obligations and motivate cosmopolitanism in a way that is respectful of the choices of others, and is consistent with my underlying theory. In the next Chapter of this dissertation I would like to build on this argument, by describing a particular objection to contemporary cosmopolitanism (the 'Ought' implies 'Can' objection), and showing how a cosmopolitanism based on my preferred concept of connectedness would avoid it. Although my answer to this problem does not explicitly make use of my preferred concept of connectedness, it is based on the Kantian

³⁵⁵ All human beings are encompassed. Now, obviously the hard cases mentioned above make this claim contentious. Nevertheless, I would argue that all are encompassed, whether in a constrained way as merely rights holders, or in a full way as rights holders and obligation bearers.

interpretation underlying it, and as such is continuous with my claims about cosmopolitanism.

Chapter 8: Ought Implies Can and Cannot Implies Not Ought

Introduction

In the last Chapter in this thesis I briefly described what a cosmopolitanism with my preferred concept of connectedness might look like. Furthermore, I showed how such a cosmopolitanism may avoid the objections I outlined in Part 1 of my thesis. In this Chapter I will deal with the 'Ought implies can' principle. This principle is often used in levelling objections at cosmopolitanism. My aim, in this Chapter, is to provide a refined 'Ought implies Can' principle; one that is consistent with my preferred concept of connectedness and thus my proposed idea of cosmopolitanism.

The 'Ought implies Can' (hereafter referred to as OIC) principle is commonly invoked in arguments in political theory. As Holly Lawford-Smith states

Whether or not it is true that 'ought implies can' throughout the unrestricted set of all normative claims, it is certainly true that it does within the restricted domain of political theory. After all, such theory is supposed to be action guiding; it paints a picture of a better world and suggests that we move toward it, whether or not it offers us concrete suggestions on how to do so³⁵⁶

Often the OIC principle is invoked in order to settle a debate, and more often still little effort is made to clarify what is meant by OIC or to justify its use. In the context of cosmopolitanism in political theory, the OIC principle is invoked in the role of objection; roughly speaking if we cannot live up to cosmopolitan obligations, then we cannot be said to be under these obligations³⁵⁷.

My first objective in this Chapter will be to problematize the idea that OIC is a fundamental principle (i.e. a principle that always holds, and everyone in the tradition

³⁵⁶ Lawford-Smith, Holly. 'Feasibility Constraints and the Cosmopolitan Vision: Empirical Reasons for Choosing Justice Over Humanity', in *Questioning Cosmopolitanism, Studies in Global Justice*, 2010, vol. 6, part. 1, pp 137-150. p.137.

³⁵⁷ For example, Lawford-Smith argues that it is better to ground cosmopolitanism on injustice rather than inhumanity because injustice is more likely to motivate persons to act, and thus cosmopolitan obligations are more feasible. Nevertheless, this conclusion is based on an experiment that she believes may have cultural bias, and so she concludes that "appropriate grounds of cosmopolitan proposals to end global poverty may well be relative to culture, and this is a conclusion that has implications for policy making and all those concerned to take feasibility constraints for political theory seriously". Ibid. p. 150.

may appeal to). Nevertheless, there is some obvious plausibility to the OIC principle, and so my second objective in this paper will be to argue for a refined OIC principle: an OIC principle that is distinctively Kantian, or so I will argue.

Section 1: OIC and Possibility

In Section 1 I will briefly clarify what is meant by OIC. I will refer to the varying uses of this principle by describing two opposing OIC arguments in political theory. I will illustrate the importance of ‘cannot’ in OIC arguments that pertain to constraining our duties. I will then object to the role of OIC as a fundamental principle by arguing that the notion of cannot implied by some OIC theorists is contentious: I will do so by discussing the OIC theory of James Griffin.

1.1: Clarifying the OIC Principle.

There are two ways of stating the OIC principle: a modus ponens statement, and a modus tollens statement³⁵⁸. In classical logic modus ponens, or affirming the antecedent, is a valid, simple argument form. It can be formulated thus:

P
If P, then Q
Therefore Q

In terms of the OIC principle the argument becomes:

I ought X
If I ought X then I can X
Therefore I can X

Alternatively, modus tollens or denying the consequent, is a valid argument form, which can be formulated thus:

Not Q
If P, then Q

³⁵⁸ Note that I say ‘statement’ of the principle because they are not two different principles. In fact, they are logically equivalent. Thus, I use ‘statement’ to refer to the idea that the two are different ways of stating the same principle. The logical equivalence of the two statements of the OIC principle will be discussed later in this Chapter.

Therefore not P

In terms of the OIC principle the argument becomes:

Not (I can X)

If I ought to X then I can X

Therefore it is not the case that I ought X.

I will discuss the modus tollens statement of the principle initially, as the form in which the principle is usually stated, and as the version used in order to restrict duty³⁵⁹. That is, a certain limit to our capacities is posited, and since OIC, by modus tollens, our duties are restricted by the specified limit to our capacities. For example, I am not under a duty to attend a meeting because I have been involved in a car accident and am incapacitated. Thus, the fact that I lack the power to attend the meeting implies a restriction of my duty concerning attendance; that is, it is not the case that I have a duty to attend. This version of OIC is used to support two very different arguments in global justice. James Sterba argues that it is unreasonable to restrict the liberty of the poor when they attempt to secure their basic needs, and Maurice Cranston argues that it is not possible to provide universal positive economic and social rights. Sterba argues that although the poor can sacrifice the liberty to take surplus resources from the rich in order to meet their basic needs, it would be unreasonable to require them to do so, and so the poor are not under a duty to make such a sacrifice:

Because it would be unreasonable to ask or require the poor to sacrifice the liberty not to be interfered with when taking from the surplus goods and resources of the rich what is necessary to meet their basic needs, it is not the case that the poor are morally required to make such a sacrifice³⁶⁰

Alternatively, Maurice Cranston argues that a right is like a duty insofar as it must pass the test of practicability. That is, according to Cranston, it is not my duty to do what is impossible for me to do.

³⁵⁹ See Wayne Martin's explanation of these two statements of the OIC principle. Martin, Wayne, forthcoming in *Proceedings of the Aristotelian Society* Vol. 109, 2009.

³⁶⁰ Sterba, James. 'From Liberty to Welfare', *Ethics: The Big Questions*, edited by James Sterba. Oxford: Blackwell, 2004. p. 239

At present it is utterly impossible, and will be for a long time yet, to provide 'holiday with pay' for everyone in the world. For millions of people who live in those parts of Asia, Africa, and South America where industrialisation has hardly begun, such claims are vain and idle.³⁶¹

If OIC is used as a method of restricting duties, then it requires those who rely on the principle to give an account of what is meant by 'cannot'. OIC proponents will provide different OIC principles in virtue of the conceptions of 'cannot' they posit. Furthermore, different OIC principles will conclude in different restrictions on ought, in virtue of the differing conceptions of 'cannot' involved. In effect, the restrictions placed on ought by a proponent who believes it is the case that we cannot do what it is unreasonable to expect us to do will differ (perhaps radically) from a proponent who believes that we cannot do only what is physically impossible.

1.2: Possibility

In 'All Kinds of Possibility', Ian Hacking distinguishes many kinds of possibility: physical, logical, epistemic, *de dicto*, *de re*, technical, theoretical, economical, human, real, metaphysical³⁶². He specifies two important usages of possible:

L: It is possible that *p*.

M: It is possible for *A* to *x*³⁶³.

According to Hacking, except in cases logical possibility, *L* occurrences of possibility are always epistemic; "to say it is possible that so-and so, is to say that so-and-so is consistent with all we know or can readily find out to the contrary"³⁶⁴ or, as far as we know, it may be the case that *p*. *M* occurrences of possible can be modified by many adverbs, for example, technically, economically, theoretically, medically, metaphysically, humanly³⁶⁵. Hacking then offers what he terms a negative reading of *M*-possibility.

It is impossible for *A* to *x* if something absolutely prevents *A* from *x*-ing. It is possible for *A* to *x* if nothing absolutely prevents *A* from *x*-ing. *It is ø-ly* (presumably technically, economically,

³⁶¹ Cranston, Maurice. *What Are Human Rights*. London: The Bodley Head, 1973. p. 66.

³⁶² Hacking, Ian. 'All Kinds of Possibility', *The Philosophical Review*, Vol. 84, No. 3, Jul, 1975. pp. 321-337. p. 321.

³⁶³ *Ibid.* p. 322.

³⁶⁴ *Ibid.* p. 325.

³⁶⁵ *Ibid.* p. 325.

humanly, etc) possible for A to x if there is nothing of a \emptyset -al sort that absolutely prevents A from x-ing³⁶⁶

For the purpose of this paper I am not interested in L possibility. Also, I am not interested in logical impossibility. If logical impossibility is interesting from an OIC point of view, it is only marginally so. For example, it is only marginally interesting to say that one cannot make a square out of a circle, and thus one does not have an obligation to square a circle. While it is true that we do not have an obligation to square a circle, I take it that most proponents of OIC are interested in more controversial cases; cases where the 'cannot' involved is not merely the 'cannot' of logical impossibility. However, M possibility is relevant to restrictions on moral obligation. I shall adopt Hacking's definition, that it is \emptyset -ly possible for A to x if there is nothing of a \emptyset -al sort that absolutely prevents A from x-ing. To complicate matters, the question arises what should stand for \emptyset ? It seems that different OIC proponents posit different values for Φ .

1.3: OIC and 'cannot': Reasonableness, Motivations, and Arduousness

James Griffin is concerned with providing an ethical theory that is sensitive to the individual's striving for the good life, and the individual's attempt to live a moral life. He sees the good life and the moral life as a potential source of conflict in ethics, and one of his main aims is to draw attention to this conflict: "a good life is a life of deep commitments to particular persons, institutions, and causes, but a moral life must be a life of fairness between all people"³⁶⁷. According to Griffin, this conflict can have significant consequences for an individual. In support of this contention, Griffin quotes Bernard Williams and John Updike. For Williams the demands of impartiality, if taken too far, can threaten an individual's integrity to the point of suicide. Likewise, John Updike is quoted as remarking that "we are social creatures but, unlike ants and bees,

³⁶⁶ Ibid. p. 325, bracket mine.

³⁶⁷ Griffin, James. *Value Judgment: Improving Our Ethical Beliefs*. New York: Oxford University Press, 1996. p. 29.

not just that; there is something intrinsically and individually vital which must be defended against the claims even of virtue³⁶⁸.

Griffin's answer to this threat is to stipulate a principle that any ethical theory must adhere to; "Moral rules must mesh with human motivation"³⁶⁹. That is, as Griffin frames this principle, "one cannot ask for what the human frame cannot deliver"³⁷⁰. Here we have a first formulation of Griffin's OIC principle.

Moral norms must be tailored to fit the human moral torso. They are nothing but what such tailoring produces. There are no moral norms outside the boundary set by our capacities. These are not some second-best norms- norms made for everyday use by agents limited in intelligence and will- and then, behind them, true or ideal norms- norms without compromise to human frailty. Moral norms regulate human action; a norm that ignores the limited nature of human agents is not an 'ideal' norm, but no norm at all³⁷¹

Griffin believes that most theorists accept some form of OIC; what is at issue is what sort of 'can' is involved³⁷². As he puts the question: "It is undeniable that some rare human beings sacrifice themselves for others. So they can. So humans can. So we can. And so the question, Ought we?, comes back to challenge us"³⁷³. Griffin distinguishes between two types of 'can't'. First, "there is 'can't' absolutely", where "the human frame cannot deliver such-and-such"³⁷⁴. Here Griffin is referring to 'can't' in the context of human (perhaps human physical) capacities; in effect, if we are incapable of doing something or if it is not humanly possible.

Second, "there is 'can't' if one is living a prudentially good life in a non-oppressive society"³⁷⁵. This version of 'can't' is quite vague. It seems that ethics, for Griffin, presupposes a non-oppressive society, and a human will that is constrained by particular attachments and that which is "most enduring in human nature" (presumably that thing Updike takes to be intrinsically and individually vital). In Griffin's words, "the

³⁶⁸ Ibid. p. 86.

³⁶⁹ Ibid. p. 87.

³⁷⁰ Ibid. p. 87.

³⁷¹ Griffin, James, 'The Human Good and the Ambitions of Consequentialism', *The Good Life and the Human Good*, ed. E. F. Paul, F. D. Miller and J. Paul. Cambridge: Cambridge University Press, 1992. p 131.

³⁷² In Griffin's words; "Most of us agree that 'ought' implies 'can'. What we disagree about is exactly what sort of 'can't' it must be to defeat 'ought' How unconditional does the 'can't have to be? Ibid. p. 89.

³⁷³ Ibid. p. 89.

³⁷⁴ Ibid. p. 90.

³⁷⁵ Ibid. p. 90.

most relevant sense of 'can't', therefore, seems to me to be this: can't by someone in ordinary circumstances with suitable, settled dispositions in a sustainable social order"³⁷⁶. Griffin is employing a notion of 'can't' as 'can't by an agent in ordinary circumstances with suitable dispositions'.

This can be reformulated with reference to Hacking's definition of possibility, where motivation would stand for Φ ; it is motivationally possible for A to x if there is nothing of a motivational sort that absolutely prevents A from x-ing³⁷⁷. For example, Mary lives in a liberal democracy, and is committed to living a good and moral life (she is disposed towards impartiality, but has deep commitments to particular others). On making her will, Mary deliberates whether she ought to leave all her money to a charity or distribute (part of) it to those with whom she has had particular meaningful attachments. Mary comes to see that it would be most fair to will her money to charity, but decides she is not motivated to do so. On Griffin's scheme, it is not true that Mary ought to leave her money to charity, insofar as it is motivationally impossible for Mary to leave her money to charity; her motivations prevent her from doing so.

Griffin's account is implausible in virtue of the contentiousness of the notion of 'can't' on which he relies. It is conceptually possible that liberal people with otherwise good dispositions will not want to do the thing they ought to do. Furthermore, if Mary is an idealized agent, one with suitable dispositions placed in suitable conditions, then Griffin must furnish us with an account of what those dispositions are (presumably they are not 'always do the moral thing'), and why we should consider that a morality that supersedes those motivational conditions is impossible.

Secondly, motivations may be more or less strong. If 'cannot' is defined simply as 'conflicting with one's motivations'- no matter how weak the latter may be – it fails to distinguish between what is (mildly) difficult and what is impossible. At times doing what one ought to do will be arduous, but the difficulty involved cannot outweigh or

³⁷⁶ Ibid. p. 90.

³⁷⁷ This formulation must take note that Griffin's agent is somehow idealized as an A with suitable dispositions in ordinary circumstances.

cancel one's duty. Griffin's concentration on 'can't by an agent in ordinary circumstances with suitable dispositions' brings us too far away from 'can't as incapacity', and too close to an ethics which relieves us of all arduous obligations. If we agree that Mary ought to leave her money to charity, then the difficulty Mary experiences should not speak against her obligation: 'It is not true that Mary ought to x 'does not follow from 'Mary experiences difficulty in x-ing'.

Griffin acknowledges that finding the limits of the human will is a difficult task³⁷⁸. He states, "any ethics works with an inevitable rough, arbitrary picture of the limits of the will"³⁷⁹. However, an arbitrary picture of the limits of the human will weakens the foundations of Griffin's account. If we cannot know the limits of the human will then we cannot know the difference between when Mary (as our candidate liberal with the correct dispositions) cannot will something and when Mary finds it difficult to will something. This leaves us with a dilemma: 'can't' becomes merely 'difficult', or since we have no particular way of establishing 'can't' it may not be used in a procedure to determine the extent of our obligations. Griffin agrees that there is no way to distinguish cannot from difficult, but maintains that his conception of 'can't' may still be used to determine the extent of our obligations. Since his conception of 'can't' is arbitrary, it follows that so is his conception of ought; as he states "often the best we can do is to adopt a correspondingly rough, arbitrary policy: say, pick some level of contribution to charity and abide by it, those doing markedly more thus going beyond the call of this ill-defined duty"³⁸⁰. This quote points to Griffin's misuse of the OIC principle to argue that some obligations are unreasonable, insofar as they are arduous even to a liberal with the right dispositions. I do not think that the OIC principle can be used in this way. An argument as to why we should consider reasonableness (in the particular way described) as a negative check on obligation is necessary. One might

³⁷⁸ As he states "facts about the limits of knowledge and of the will are hardly easy to establish. For one thing, they are a complex mix of the empirical and the normative. Judgements about the limits of the will, for example, involve judgements about what a prudentially good life is like and how the commitments that it involves affect the will", he concludes that "uncertainty is bound to linger" Ibid. p. 129.

³⁷⁹ Ibid. p. 120.

³⁸⁰ Ibid. p. 120.

agree with Griffin that asking Mary to leave her money to charity is unreasonable, given her particular attachments to others, but one may still think that Mary fails to do as she ought if she fails to so leave her money.

The modus tollens statement of OIC is supposed to use our capacities to determine our obligations. In particular it is supposed to restrict 'ought', by indexing ought to the limit of our capacities; to do so, the modus tollens statement of OIC must specify a limit to our capacities (a point at which we can say a human 'cannot'), and then constrain our obligations according to that limit. Given the aim of the modus tollens statement of the OIC principle, Griffin's interpretation of cannot is unsatisfactory. 'Cannot' may not be interpreted as motivationally arduous, because arduousness does not specify a limit to our capacities; saying something is difficult is not the same thing as saying we have found a limit to our capacities beyond which we must say we cannot. Moreover, failing to specify such a limit shows that Griffin is misusing the OIC principle; if the principle is supposed to constrain our obligations in some way by indexing our obligations to the limit of our capacities, and Griffin fails to provide an appropriate description of that limit, then Griffin cannot use the principle to restrict duty.

So for a modus tollens statement of OIC principle to 'do its job' (i.e. restrict our duties) the 'cannot' involved must signify a limit to our capacities. Any OIC principle that posits a 'cannot' phrased in terms of motivation, arduousness, or reasonableness will be contentious; it can reasonably be asked of that cannot, 'sure it is hard, etc, but is it beyond our capacities?'. I think, then, it is incumbent on an OIC proponent to advance a less contestable account of 'cannot'.

Section 2: A More Uncontentious Can

In Section 1 I problematized the idea that OIC holds as a fundamental principle by arguing that some notions of can are contentious. Nevertheless, one might ask: what

about an OIC principle with a relatively uncontentious notion of can? In Section 2 I will describe one such OIC principle. I will argue that even such an OIC principle runs into difficulties. My findings from this Section will be that an OIC principle should allow for a flexible and partly opaque notion of can.

2.1: Peter Vranas's OIC Principle

Peter Vranas is one OIC proponent who attempts to provide a more acceptable version of the principle³⁸¹. As he defines it, the OIC principle maintains that “by virtue of conceptual necessity, if an agent at a given time has an objective, pro tanto obligation to do something, then the agent at that time has both the ability and the opportunity to do the thing”³⁸². This OIC principle does not interpret ‘cannot’ as arduous. In fact, Vranas is very specific in his interpretation of ‘cannot’, or in his use of ‘can’³⁸³. He “understand(s) the claim that the agent *can* do something as the claim that the agent has both the ability and the opportunity to do the thing”³⁸⁴. Furthermore, according to Vranas, an agent has the ability to do something in the sense of having the “requisite skills, physical capacities, and knowledge”³⁸⁵. Vranas discounts psychological inability as irrelevant to his specification of cannot. He uses the example of an agent who must stick her arm into a cesspool in order to retrieve her wallet³⁸⁶, and argues that it may be the case that she ought to do so even if she is unable, psychologically, to bring herself to do so. Moreover, according to Vranas it may be the case that such an agent ought to stick her hand in the cesspool even if it would be unreasonable to expect her to do so (e.g. she would die by doing so)³⁸⁷. Furthermore, regarding his understanding of

³⁸¹ One of Vranas's explicit aims in ‘I Ought, Therefore I can’ is to defend OIC in the face of putative counterexamples. These counterexamples often turn on a contested conception of can. As Vranas states, “Although proponents of the principle have not remained idle either, to my knowledge no systematic and comprehensive defense of the principle against its opponents has been so far undertaken”. ‘I Ought, Therefore I can’, *Philosophical Studies*. Vol. 136, 2007. pp. 167-216. p. 168.

³⁸² Ibid. p. 171.

³⁸³ I use ‘can’ and ‘cannot’ to reflect the usage of the authors on whom I comment. Nothing significant in the argument hinges on this variation. .

³⁸⁴ Ibid. p. 169.

³⁸⁵ Ibid. p. 169.

³⁸⁶ Ibid. p. 169.

³⁸⁷ Ibid. p. 169.

opportunity, Vranas states an “agent has the *opportunity* to do the thing in the sense of being in the situation which allows her to exercise her ability”³⁸⁸.

Importantly, Vranas indexes his conception of ‘cannot’ to a particular time: “obligations, abilities, and opportunities are indexed to *times*”³⁸⁹. Thus Vranas’s OIC is synchronic³⁹⁰ insofar as it relates “obligations with abilities and opportunities at the *same time*”³⁹¹. He qualifies this synchronicity claim with an example: in the morning you may have an obligation to keep your evening appointment³⁹². In this example the time of the appointment differs from the time to which the obligation, the ability, and the opportunity are indexed, and thus the resulting OIC principle is *in a sense* not synchronic. Nevertheless, the sense of ‘synchronic’ Vranas wants is that which stipulates that the OIC principle “never relates an obligation at a given time with an ability and an opportunity at an earlier or later time”³⁹³. In clarification, given the above example, with respect to the OIC principle, the claim that in the morning you have an obligation to keep your evening appointment is conceptually compatible with the claim that in the afternoon you cannot keep that appointment (i.e. you may have missed your flight)³⁹⁴.

So formulated, Vranas’s OIC principle does not rely on any of the implausible conceptions of ‘cannot’ dealt with in the previous section: Vranas does not invoke the motivational states of agents, the reasonableness of actions, the arduousness of actions, etc as constraints on obligation I think one could submit human for Φ , given that human stands for a given agent’s physical capacities, skills, and given a certain occasion. Thus, with respect to Hacking’s definition, Vranas’s conception of ‘can’ could be reformulated as: ‘it is humanly possible for agent A to x if there is nothing of a human sort that absolutely prevents A from x-ing’.

³⁸⁸ Ibid. p. 170.

³⁸⁹ Ibid. p. 171.

³⁹⁰ Meaning presumably ‘occurring at a specific point in time’.

³⁹¹ Ibid. p. 171.

³⁹² Ibid. p. 171.

³⁹³ Ibid. p. 171.

³⁹⁴ Ibid. p. 171.

2.2: A Commentary on Vranas's OIC Principle: Parsimony and Deontology

Much of Vranas's paper (subsequent to his outline of his version of the OIC principle) is composed of replies to putative counterexamples to OIC. One such counterexample is concerned with the idea of becoming unable to fulfil an obligation. It is often said by opponents of OIC that the obligation persists after the inability sets in (a position inconsistent with OIC). One putative counterexample, based on this idea, is that of a man boarding a plane to Seattle at 8:30am and thus becoming unable to keep his promise to marry a woman in Boston at 9am. Vranas wishes to argue that there is a position available to him, which deals with becoming unable to fulfil an obligation, and which is more attractive than claiming the obligation persists after the inability sets in: in effect, Vranas argues that the obligation expires once the inability sets in, and is succeeded by one or more new obligations³⁹⁵. So, in the context of the marriage example, Vranas could say that, after 8:30am, the obligation to marry the woman expires and is succeeded by an obligation to apologise to her instead. In fact, Vranas goes so far as to argue that opponents of OIC must also conclude that the obligation expires, *sooner or later*, and is succeeded by one or more new obligations, so "the bone of contention is not *whether* the original obligation sooner or later expires (surely it does), but is rather *when* it expires"³⁹⁶: According to Vranas, opponents of OIC must agree that the obligation expires after the inability sets in, as opposed to proponents of OIC who can contend that the obligation expires once the inability sets in³⁹⁷.

Contra Vranas, what is at issue between proponents and opponents of OIC is not *whether* or *when* an obligation expires, but *how* or *why* the new obligation is said to obtain. The opponent of OIC may claim that their account has the resources to explain

³⁹⁵ Ibid. p. 176.

³⁹⁶ Ibid. p. 176.

³⁹⁷ Ibid. p. 176.

how and why the new obligation obtains, and that Vranas's account fails to do so in an adequate way.

However, Vranas does have a story to tell about how and why new obligations obtain. In discussing another objection to OIC (that OIC cannot properly account for ascriptions of blameworthiness) he attempts to reconcile OIC with our ideas of blameworthiness by arguing that it is natural to blame a person for the bad consequences of their blameworthy actions. When applied to the example of the man who ditches his fiancé, Vranas's position is:

Why is it *natural to say* that the man is blameworthy *for failing to show up*? I propose the following answer: because the man's failure to show up is a bad consequence of his blameworthy action of boarding the plane, and it is natural to hold people blameworthy for the bad consequences of their blameworthy actions³⁹⁸

On this account then, the man is blameworthy for boarding the plane, as boarding the plane constitutes violating an obligation he knows he still has. Thus, at T-1 (8:30am) the man still has an obligation to attend the wedding, boarding the plane makes this obligation unfulfillable, and so at T the man no longer has an obligation to attend (as per OIC). So, at T the man is not blameworthy for failing to attend the wedding; rather, he is blameworthy for getting on the plane at T-1. Vranas wants to say that at T the man is under no obligation to attend the wedding (as he cannot do so), so if it is natural to hold the man blameworthy for not attending, one does so in virtue of the fact that the man got on the plane at 8:30am and doing so had bad consequences.

There are two objections to Vranas's account of why it is natural to say an obligation to apologize obtains: neither objection provides a 'knock-down' argument against his account, but they do provide a prima facie reason for accepting a different account. First, I can point out that there are other accounts available, which are as (if not more) capable of explaining the phenomenon 'it is natural to say an obligation to apologize obtains', and are more parsimonious than the account posited by Vranas. In effect, one might contend that it is natural to say that an obligation to apologize obtains in virtue of

³⁹⁸ Ibid. p. 179-180.

that fact that the man has failed to fulfil his obligation to show up to his own wedding at 9am. One could then make use of a Bernard Williams type argument using regret to tie the failure of the 9am obligation to a new obligation to apologise.

In speaking of moral conflicts where it is impossible to discharge both obligations, Williams argues that the position which holds that undischarged obligations must be totally rejected on the grounds that it did not actually apply is counterintuitive, as can be seen by examining our moral experience. As he states, “for the fact that it did actually apply is registered by all sorts of facts in our moral experience, including the very important phenomenon of ineliminable agent-regret, regret not just that something happened, but that it was me who made it happen”³⁹⁹. Regret is tied to the failure to fulfil an obligation. Thus, one might say at 9am the man fails to show up for his wedding, and it is natural to say he ought to regret failing his obligation and thus ought to apologise. If no obligation exists, then we cannot fail to fulfil it, and thus we cannot regret that we have so failed. I think it is an interesting question to ask whether we can meaningfully have an obligation to apologise, if we cannot have failed to fulfil the obligation, and thus we cannot regret. It would seem to me that there is some conceptual tie between apology and regret. This explanation of the phenomenon ‘it is natural to say an obligation to apologise obtains’ is more parsimonious than the one offered by Vranas as it does not make use of a failed obligation *and* bad consequences. On the account I have just offered, the bad consequences of the blameworthy action are beside the point insofar as they need not be referred to when explaining why it is natural to say an obligation to apologise obtains⁴⁰⁰.

The second problem with Vranas’s account concerns how such an account would tally with a deontological moral theory. On Vranas’s account one can apologise for boarding the plane (as it is a blameworthy act), and one can apologise for the

³⁹⁹ Williams, Bernard. 1981: *Moral Luck*. Cambridge: Cambridge University Press, 1981. pp. 27-30.

⁴⁰⁰ In order to distinguish my account further, imagine the situation whereby the man’s failure to show up has good consequences (say for example the bride meets the man of her dreams because of the man’s failure to show, and lives happily ever after). On Vranas’s account it would seem that the man no longer has anything to apologise for. On my account the need for apologies is not removed.

consequences of boarding the plane (i.e. one can apologise for not showing up to the wedding because failing to show up is a bad consequence of a blameworthy act). If, like a deontologist, one thinks consequences cannot be the basis for obligation, then one can only apologise for getting on the plane as the move to apologising for failing to show up is blocked in virtue of its reliance on consequentialism. A deontologist can say there is something to apologising for failing to show up at the wedding that is not captured by apologising for boarding the plane. To see this, take the example of Ray, the deontologist, who ought to marry Teresa in Boston at 9am, and boards a plane to Seattle at 8:30 am. Now, imagine Ray rings Teresa and explains to her that while he is sorry that he got on the plane at 8:30am, once he did get on the plane he really didn't have anything to be sorry about any more as he no longer had an obligation to show up for the wedding and he doesn't believe that one must be sorry about the consequences of one's actions.

In response to these objections, Vranas could always reply 'so much the worse for parsimony and deontology'. Nevertheless, both problems do show a *prima facie* reason to prefer an alternative account of OIC. Moreover, there is another reason for preferring an alternative account of OIC to that of Vranas, viz. Vranas's account cannot allow for the idea that we have obligations, which we cannot now perform, and we have no way of knowing how or when we can come to be able to perform such obligations.

2.3: A Commentary on Vranas's OIC Principle: Obligations we Cannot Perform Now

The following objection to Vranas's OIC principle relies on the intuition that, in some cases, the normative can inform the descriptive: our notions about what we ought to do can inform the facts about what we can do. This intuition allows us to make sense of the idea that we have obligations, which we cannot now perform, and we have no way of knowing how or when we can perform them. In order to clarify these ideas I will

make use of five examples: the cosmopolitan example, the student example, the marathon runner example, the example of future generations, and finally the climate change example.

As a first approximation, consider that we have a cosmopolitan obligation to redistribute a large amount of resources, and we cannot perform this obligation, as we do not have institutions in place that would enable us to redistribute. A commitment to the cosmopolitan obligation *includes* a commitment to establish institutions in order to be able to discharge the cosmopolitan obligation. Now, Vranas's OIC principle holds that by virtue of conceptual necessity, if an agent at a given time has an objective, pro tanto obligation to do something, then the agent at that time has both the ability and the opportunity to do the thing. At first glance it may seem that Vranas's account cannot maintain the necessity to institution-build: if the necessity of institution-building is tied to the cosmopolitan obligation, and the obligation ceases to exist (since by OIC we cannot discharge the obligation), then the necessity to institution build also ceases to exist. Nevertheless, Vranas's use of synchronicity may mitigate this worry.

To see this consider the example of the student learning for an exam: the exam is set to take place at $T+5$, and the student sets about learning for the exam at T . Now, a proponent of OIC could argue that at T it makes no sense to say that the student ought to be able to pass the exam, as at T the student does not have the capacity to pass the exam (she has only just commenced studying for it). Nevertheless, it does not follow that the obligation to pass the exam ceases to exist. The obligation to pass the exam is synchronic insofar as it is fixed to capacities at $T+5$, and not at T or $T+6$. Thus, at $T+5$ the student will have studied for the exam, and will then have the capacity to pass the exam; she can therefore be said to have the obligation to pass the exam. Likewise with the cosmopolitan obligation: instead of claiming that we now have a cosmopolitan obligation, which we are not able to discharge (a problematic claim on OIC), a proponent of OIC can claim that we will have a cosmopolitan obligation at some specified time in the future, and in order to discharge that obligation then we

must institution-build now. So, it seems if a proponent of OIC wishes to account for the necessity of actions now that will enable the discharge of future obligations in this way, she will have to have knowledge of two things: when the obligation will obtain, and the necessary and sufficient conditions for meeting this obligation. The remainder of this Section will show that, at least at times, this sort of knowledge is uncertain.

At least with respect to some obligations, at a given time, it is difficult if not impossible to know the extent of our capacities. In fact, it may be the case that it is only through attempted performance of the obligation that we learn the extent of our capacities. For example, theorists may have said of Philippides, the first marathon runner, that he had no obligation to run the 26 miles to Athens due to considerations of possibility (especially given Philippides had run 280 miles during the preceding days). It was only through exerting himself that Philippides proved the run possible. This example is slightly facetious, in particular given that Phillipides died upon arriving in Athens, but the point remains: it is sometimes not possible to know the limits of our abilities. In other cases it is difficult to know what the necessary and sufficient conditions of being able to discharge an obligation may be. In effect, it may be impossible for us to know what we must do in order to discharge an obligation to future generations.

Consider the example of the obligation that we ought to provide resources for future generations; leave future generations as much and as good in Lockean terms. In the absence of information about the number of people involved in the term 'future generations', and what type of resources they may need, it is difficult, if not impossible, to know what the necessary and sufficient conditions involved in discharging such an obligation might be. It may be the case that future generations will live lives very similar to ours, in which case it may be presumed that they will need similar kinds of resources; or it may be the case that they will live completely different lives (for example, they could live a life which depends on nuclear energy, or thorium etc, rather than carbon-based energy), in which case it cannot be presumed that they will need

similar kinds of resources. In the example at hand, they would need a uranium supply rather than a fossil fuel supply. Answering the question of whether or not we have obligations to future generations is the task of another day. Nevertheless, it is clear that on Vranas's account such an obligation would be problematic. Such an obligation cannot be prefixed to a time (there is much we cannot say about future generations, so we cannot say when any obligation to them would obtain), and we simply do not know what the necessary conditions for meeting such an obligation. Thus, we cannot say we will have such an obligation at some specified time in the future, and in order to discharge that obligation we must do such and such (as we did in the cosmopolitan case).

Now, a proponent of OIC could respond 'so much the worse for obligations to future generations': Such obligations look very vague, and for that reason are not worth considering; and any way what use are they? One can accept that such obligations are vague, insofar their implications are quite opaque; nevertheless, they are not useless. Such obligations put pressure on our capacities. If we agree that we have such obligations, then we can work towards being able to fulfil them. The example of climate change illustrates this; at the moment we are relatively powerless against climate change, yet most people think we have some form of an obligation to mitigate it. Furthermore, it is not known when or how we can meet this obligation. Nevertheless, the very presence of the obligation to minimize such change has already incentivised various innovations (technological, political, etc). This is so even in conditions of uncertainty as to whether we can ever meet the obligation to stop climate change, as well as uncertainty as to the necessary and sufficient conditions for meeting this obligation.

The conclusions from Section 1 and 2 are threefold. First, the OIC principle should not be taken at face value as a fundamental principle, i.e. a principle that always holds and can be appealed to, straightforwardly, in arguments. I conclude this on grounds that the notion of 'cannot' which is presupposed by some OIC principles is

inherently contestable. This is hardly surprising, given the nature of the concept of 'can'. As J. L. Austin as states, "in philosophy it is *can* that we seem so often to uncover, just when we had thought some problem settled, grinning residually up at us like the frog at the bottom of the beer mug"⁴⁰¹. Thus, such OIC proponents who appeal to conceptions of motivation, arduousness, reasonableness, etc. must see that their OIC is a moral principle- a contested principle that is in need of justification itself, before it can be made use of in any argument. Second, even an OIC proponent, such as Peter Vranas, who relies on a relatively uncontentious version of 'can' may run into problems. Thirdly, the discussion of Vranas's version of OIC assumed a notion of our abilities as flexible and partly opaque, insofar as they are open to change and in some cases it is not possible to know their extent. The next Section of this Chapter will describe a conception of OIC that is consistent with this notion of our capacities.

Section 3: Kant and the OIC Principle

There has been a long-standing alignment of the OIC principle and Kant; often the principle is referred to simply as Kant's dictum. Nevertheless, recently there has been a movement to distinguish between the modus tollens and modus ponens statement of the OIC principle and to distance Kant from the modus tollens statement. As Wayne Martin states of the differences between the modus tollens statement of the OIC principle, and the modus ponens variation, "the point is rather that I can use these inferential patterns either to *learn* something about the scope of my duties, or to *learn* something about the scope of my capacities"⁴⁰². The modus ponens statement of the OIC principle is concerned with the second sort of learning. In the last few years certain

⁴⁰¹ Austin, J. L. *Ifs and Cans*, Annual Philosophical Lecture to the British Academy, Oxford, 1956. p. 113.

⁴⁰² Robert Stern, 'Does 'Ought' Imply 'Can'?' p. 60.

Kantians have argued that it is unlikely Kant was proposing a modus tollens statement of OIC, it is more likely rather that Kant was arguing for a modus ponens statement of this principle. As Stern states, “whereas the strong conception (the modus tollens statement) argues from what we can do to what we ought to do, Kant’s weaker conception of ‘ought implies can’ argues from what we ought to do to what we can do, and so is used to provide his ethical argument for freedom and the existence of God”⁴⁰³. Jens Timmermann says of Kant’s OIC principle that “Du kannst, denn Du sollst”, which grows out of the doctrine of the Fact of Reason in the *Second Critique* and presupposes that we have an obligation and then concludes that it is- primarily metaphysically- possible for us to fulfil it, i.e. that we are free⁴⁰⁴. Similarly, in a footnote Byrd and Hruschka note that Schiller reformulates Kant’s ‘ought implies can’ to ‘Du Kannst, denn Du sollst’, meaning ‘you can cause you ought’⁴⁰⁵. As Wayne Martin puts it “Kant’s primary use of the principle involves a case where one is certain of one’s obligations or duties and then uses the OIC principle to gain a new sense for the possibilities that must in principle be open”. In Section 3 I will add to this revisionist Kantian literature. I will not diverge from Stern’s conclusions. Nevertheless, where Stern’s methodology was to examine certain Kantian passages wherein reference is made to OIC, I will use arguments and conclusions from previous Chapters in this thesis to highlight elements of Kant’s philosophy that, while they do not make reference to something like an OIC principle, are consistent with and may add further justification to Stern’s refined Kantian OIC principle. I will first argue that Kant’s position on the use of empirical conjecture in grounding ought is inconsistent with the modus tollens statement of the OIC principle. I will then argue that Kant’s ‘fact of reason’ arguments are consistent with the modus ponens statement of the OIC principle.

⁴⁰³ Ibid. Brackets mine. p. 60.

⁴⁰⁴ Timmermann, Jens. In private email wherein he translated work from *ollen und Können*. “Du kannst, denn du sollst” und “Sollen impliziert Können” im Vergleich’, *Philosophiegeschichte und logische Analyse/Logical Analysis and the History of Philosophy*, Vol. 6, 2003. pp. 113–122

⁴⁰⁵ Note that Byrd and Hruschka do not have a modus ponens interpretation of Kant’s OICP. They mention Schiller’s ‘reformulation’ of the Kantian principle. Sharon Byrd and Joachim Hruschka, *Kant’s Doctrine of Right: A Commentary*. Cambridge: Cambridge University Press, 2010. Appendix 1.

3.1: Kant and Empirical Conjecture

In this Section of this Chapter I will repeat some elements of my interpretation of Kant, and build on them to come to highlight their inconsistency with the modus tollens statement of the OIC principle.

Given the task of searching for the grounds of obligation or 'ought', one must start somewhere: according to Kant we must begin such a task by looking to common cognition⁴⁰⁶. Kant chooses common cognition as the starting point because he believes that morality is not extraneous to human understanding, and thus must be discovered by the philosopher and taught to the public: indeed, common human intellect is fully capable of understanding morality. As he states, "in moral matters human reason can easily be brought to a high degree of correctness and accomplishment, even in the most common understanding"⁴⁰⁷. Nevertheless common cognition is easily led astray, as the imperatives of morality can be countered by the inclinations and needs⁴⁰⁸: "there is something splendid about innocence; but what is bad about it, in turn, is that it cannot protect itself very well and is easily seduced"⁴⁰⁹. Thus, according to Kant, finding the grounds for ought, or "investigating the source of the practical basic principles"⁴¹⁰, is vitally important for moral philosophy because "morals themselves remain subject to all sorts of corruption as long as we are without that clue and supreme norm by which to appraise them correctly"⁴¹¹. So, one of the philosopher's tasks is to clarify the principles of morality found in common cognition; to clear away

⁴⁰⁷ Kant, Immanuel. *Groundwork*. 4:392.

⁴⁰⁸ As Kant states, "the human being feels within himself a powerful counterweight to all the commands of duty, which reason represents to him as so deserving of the highest respect- the counterweight of his needs and inclinations, the entire satisfaction of which he sums up under the name happiness".

⁴⁰⁹ *Ibid.* 4:405.

⁴¹⁰ *Ibid.* 4:390.

⁴¹¹ *Ibid.* 4:390.

the debris in common cognition, and to present human understanding with its very own principles.

As I have shown in other Chapters in this thesis, the debris in common cognition that may pervert human understanding from knowledge of its own principle, and of which Kant argues moral philosophy should be “carefully cleansed”, is empirical conjecture. That is, there is *no* role for empirical conjecture in grounding ought; or has Kant put it in a quote that should now be very familiar:

Empirical Principles are not at all fit to be the ground of moral laws. For, the universality with which these are to hold for all rational beings without distinction- the unconditional practical necessity which is thereby imposed upon them- comes to nothing if their ground is taken from the *special constitution of human nature* or the contingent circumstances in which it is placed⁴¹²

Thus, a pure moral philosophy is needed: a philosophy is pure insofar as it “sets forth its teachings simply from a priori principles”⁴¹³. In this context, ‘a priori’ refers to the idea that a pure philosophy must be grounded on principles that are not dependent on specific facts or empirical knowledge, including empirical facts about human beings (or in Kant’s terminology anthropological facts). So, as Kant argues in the Preface of the *Groundwork*, “it is of the utmost necessity to work out for once a pure moral philosophy, completely cleansed of everything that may be only empirical and that belongs to anthropology”⁴¹⁴. Thus, in looking for the grounds of ‘ought’ we must look not to empirical conjecture; we must not look to facts about ourselves as human beings, or the world in which we live. Rather, we must theorize from common cognition to that a priori principle which informs moral necessitation.

Given the above comments by Kant on empirical conjecture, it would be strange to say that it is a Kantian claim that morality is to be constrained by facts about what a human being cannot do. Nevertheless, as I have noted earlier, it is important to remember that empiricist knowledge does have some role in Kantian ethics: For one thing, moral philosophy is dependent on the empirical world. All philosophy is based on

⁴¹² Ibid. 4:442.

⁴¹³ Ibid. 4:388.

⁴¹⁴ Ibid. 4:389.

experience⁴¹⁵, as there is no where else to start. Similarly, once the grounds of ought have been ascertained, empirical conjecture is useful to moral agents insofar as it aids them to judge in what particular circumstances an obligation is due, and helps them discharge their obligations⁴¹⁶.

Kant is here driving a wedge between the ground and scope of morality and its application. For Kant, the existence and scope of an obligation is a different matter from its ability to be acknowledged or discharged: one may justifiably use empirical conjecture in deciding upon the application of a moral obligation, but empirical conjecture may not be used in coming to know the grounds of such an obligation. This wedge has interesting implications for the OIC principle: facts about what we cannot do (i.e. anthropological facts) have no role in grounding obligation, but they may have a role in deciding upon the application of an obligation. That we are obligated is a different matter to acknowledging and discharging that obligation; and empirical conjecture may not be used in grounding an obligation, but it may be used in coming to acknowledge the obligation and in motivating compliance with it.

3.2: Kant and the Fact of Reason

Much commentary has been written on the progress of Kant's views between the *Groundwork* and the *Second Critique*. In the *Groundwork* Kant seems to provide an argument from freedom to morality coupled with a deductive argument for freedom, while in the *Second Critique* Kant seems to provide an argument from morality to freedom coupled with a reliance on morality as a fact of reason. I will follow Karl Ameriks' interpretation of the change that occurred in Kant's arguments, between the

⁴¹⁵ As Kant states "all philosophy as it is based on grounds of experience can be called *empirical*" 4:388.

⁴¹⁶ As I have shown in an earlier Chapter in this thesis, Kant states, moral laws given to agents a priori "no doubt still require a judgment sharpened by experience, partly to distinguish in what cases they are applicable and partly to provide them with access to the will of the human being and efficacy for his fulfillment of them".

Groundwork and the *Second Critique*; such an interpretation is consistent with my earlier interpretation of freedom. According to Ameriks:

Kant is openly retreating from a strategy that he knew quite well, that is to say, away from any argument that would give even the appearance of a 'strong' or foundational deduction of freedom that could be meant to refute even sceptics about morality. He is explicitly falling back on a modest or 'coherentist' argument that relies on the 'fact' of what is already found in what is supposed to be our common moral reason⁴¹⁷

Thus, Kant reversed his position on freedom and morality: instead of holding that freedom implies morality and a deductive argument is available for the existence of freedom, Kant came to believe that morality implied freedom insofar as the reality of moral experience implies that we experience ourselves as free.

According to Kant, consciousness of the moral law is a 'fact of reason'. That means that consciousness of the moral law is primitive, and we cannot infer the moral law from something else:

Consciousness of this fundamental law may be called a fact of reason because one cannot reason it out from antecedent data of reason, for example, from consciousness of freedom (since this is not antecedently given to us) and because it instead forces itself upon us of itself as a synthetic a priori proposition that is not based on any intuition, either pure or empirical⁴¹⁸

Furthermore, the fact is a fact of *reason* insofar as it pertains to our character as reasoning beings. It must be noted here that this fact is not like the anthropological facts mentioned earlier. Even though this fact is a fact pertaining to our character as reasoning beings, this does not mean that the moral law as a fact of reason is a contingent fact indexed to human nature. As Kant remarks, the moral law as a fact of reason is "not limited to human beings only but applies to all finite beings that have reason and will and even includes the infinite being as the supreme intelligence"⁴¹⁹. Thus, the consciousness of this fact is not contingent upon human nature, but upon reasoning nature as such. Moreover, for Kant, it is consciousness of the moral law that

⁴¹⁷ Ameriks, Karl. *Kant and the Fate of Autonomy*. p. 71

⁴¹⁸ Kant, Immanuel. *Critique of Practical Reason*. Edited by Mary Gregor. Cambridge: Cambridge University Press, 1997. 5:31.

⁴¹⁹ *Ibid.* 5:32.

implies a consciousness of freedom. That is, moral experience shows to us that we are free:

Ask him whether, if his prince demanded, on pain of the same immediate execution, that he give false testimony against an honorable man whom the prince would like to destroy under a plausible pretext, he would consider it possible to overcome his love of life, however great it may be. He would perhaps not venture to assert whether he would do it or not, but he must admit without hesitation that it would be possible for him. He judges, therefore, that he can do something because he is aware that he ought to do it and cognizes freedom within him, which, without the moral law, would have remained unknown to him⁴²⁰

Kant's arguments concerning the relation between freedom and morality are pertinent to the OIC principle. Basically, if freedom is necessary and sufficient for morality and an argument for the existence of freedom is available, then one can justifiably constrain morality in certain circumstances by positing that in those circumstances we are not free. Alternatively, if one takes morality to imply freedom, insofar as our experience of morality implies that we are free, and if we experience that we ought to do such and such, then it must be the case that we think of ourselves as free to do such and such.

Thus, Kant provides a modest account of freedom: one that is inferred from what we take to be a fact about moral experience. Our experience of ought shows us that we think of ourselves as free. As Robert Stern puts it, "for what Kant is focused on here (in the passages Stern cites) is not the moral law *as such* (so to speak), but how the moral law relates to us, as something that commands *us*, that tells *us* what to do unconditionally, that has certain *authority over us*"⁴²¹. The way in which we experience ought, as prescribing something we must follow, shows that we think ourselves capable of acting accordingly. So, the very term 'ought' contains the term 'can', or 'ought implies can'. The term 'ought' implies that we are free in order to act on the prescription. Thus, as Stern puts it "on this view, the moral law engages with us (tells us what to do) because it fits with our capacities"⁴²².

⁴²⁰ Ibid. 5:30.

⁴²¹ Robert Stern. 'Does 'Ought' Imply 'Can'?. p. 56.

⁴²² Ibid. p. 58.

3.3: The Distinctiveness of a Kantian OIC Principle

The distinctiveness of this Kantian approach lies in the fact that it does not constrain our obligations according to some notion of what we cannot do. Rather, a Kantian OIC principle uses a notion of ought to inform us of what our capacities are. It may be argued that the modus ponens statement of the OIC principle cannot be distinguished from a modus tollens statement of that principle, as both statements are logically equivalent. One could argue, if it is true that ought implies can, then a statement of that principle that uses facts about what we can do in order to identify what we ought to do and a statement that uses a conception of ought to identify what we can do, say the same thing from a logical point of view. If this were the case, then questions arise concerning the plausibility of my attempt to offer a Kantian modus ponens statement of the OIC principle, while blocking a Kantian modus tollens statement. Nevertheless, there is a way to answer these questions. For Kant, moral knowledge is privileged over empirical knowledge insofar as we can have a warrant to believe how we ought to act in a way we cannot have with respect to whether we really are free. On this account then we cannot, independently of a moral argument, use empirical knowledge to deduce that we really are free (or that we really are unfree), because as humans we are epistemically constrained in certain ways. Thus, we can have a warrant to say that if we ought to do X then we can do X, while we do not have a warrant to say if we cannot do X we have no obligation to do X. Thus, the modus ponens and modus tollens differentiation is useful in order to arrive at a Kantian conception of OIC. The distinction between this conception of OIC and the others discussed (Vranas and Griffin) can be couched in terms of empiricism versus an aprioristic account. That is, the Kantian account favours an a priori approach to deducing that we are free (though

a fact of reason argument as shown above), while the other approach uses empirical knowledge to ascertain what we can and cannot accomplish.

So far, I have shown how certain elements of my interpretation of Kantian moral theory, put forward here and in earlier Chapters in this thesis, can provide an alternative way of looking at the OIC principle. It may be asked at this point, what does this mean for cosmopolitanism? Skeptics of cosmopolitanism often draw on the idea that we cannot be cosmopolitan, and therefore we do not have cosmopolitan obligations. In a recent book on Cosmopolitanism, Gillian Brock termed these sorts of objectors 'feasibility sceptics'. According to Brock, there exist many feasibility objections to cosmopolitanism⁴²³. Nevertheless, she argues, there are four main types of feasibility objection; first, goal orientated objection (are the goals of cosmopolitanism feasible?), second, objections based on how we can transition to these goals, third, objections referring to whether we can measure this progress, and finally objections based on scepticism over whether it is possible to motivate people to work towards these goals⁴²⁴. My aim, in this Chapter, was to use my interpretation of Kant to arm myself with a reply to these sorts of objections. My reply is, we should not allow these sorts of considerations to constrain our cosmopolitan obligations, and that there are arguments available to the Kantian when 'feasibility sceptics' use the OIC principle and these feasibility considerations to object to cosmopolitanism; first, the OIC principle cannot be used as fundamental principle in any argument; second, a modus tollens statement of the OIC principle runs into problems with respect the idea of 'cannot' it invokes and thus it is questionable whether it ought to be invoked by the feasibility sceptic against cosmopolitanism; and third, a Kantian modus ponens statement of the OIC principle is an attractive alternative but this OIC principle will not give the 'feasibility sceptic' the grounds to object to cosmopolitanism. This Kantian principle is fully consistent with the idea that we can have obligations that we cannot now perform,

⁴²³ Brock mentions 8 different objections, but her list is not exhaustive. Brock, Gillian. *Global Justice: A Cosmopolitan Account*. Oxford: Oxford University Press, 2009. p. 325

⁴²⁴ Ibid. p. 326.

even in the case that our limited knowledge dictates that we can never be sure that we will be able to perform these obligations. Thus, the feasibility sceptic cannot use the OIC principle as grounds of objection to cosmopolitanism.

Conclusion

My aim, in this Chapter, was to discuss 'Ought implies Can'. I wished to formulate a reply to 'feasibility sceptics', who would use 'feasibility constraints' together with an OIC principle to object to cosmopolitanism. My first response to this was to argue against the use of an OIC principle as a fundamental principle. Thus, any use of the OIC principle by these sceptics cannot be seen as a straightforward endeavour: they must explain and justify their OIC principle. Furthermore, I gave reasons why a modus tollens use of the OIC principle is problematic. Finally, I showed that a Kantian conception of OIC is available to cosmopolitans, and is consistent with the idea that we can have obligations that we cannot now, and cannot know when we may, discharge. This Chapter is continuous with the rest of the work done in this thesis, as it my interpretation of Kantian moral theory, as delineated in Part 2, to reply to an objection to cosmopolitanism. As such then, one implication of proposed cosmopolitanism is that it is consistent with an OIC principle that may be used to combat 'feasibility sceptics'.

The Kantian approach I have offered will not be liable to the sorts of objections that I raised against modus tollens statements of the OIC principle. Firstly, the Kantian approach will not use a description of 'cannot', based on motivations, arduousness, reasonableness, etc, to constrain our obligations; in fact, the Kantian approach will not use any conception of 'cannot' to constrain our obligations. Thus, one cannot object to a Kantian OIC principle on the grounds that it relies on a problematic concept of 'cannot'. Secondly, the Kantian approach can easily account for the emergence of new obligations (in a way that is problematic on Peter Vranas's OIC principle): as a Kantian OIC principle is consistent with the idea that once one becomes aware of an obligation

(for example an obligation to combat climate change) then it becomes incumbent on one to find means of discharging that obligation (for example through technological advancement), and furthermore on the Kantian scheme such advancement is theoretically possible. Moreover, on the Kantian approach, if we ought to do X, and we fail to do X, then we have committed a moral mistake for which we are culpable. Such an account is both continuous with deontology and more parsimonious than that offered by Vranas. Finally, the Kantian account is consistent with the idea that we can have obligations that we cannot perform now. As such then, the Kantian account may be seen as very attractive from a cosmopolitan perspective.

Conclusion

My aim in this thesis has been to diagnose a problematic theme in contemporary cosmopolitanism, and to utilize a certain interpretation of Kantian moral theory in order to show a new direction that cosmopolitanism could take. I have argued that this new direction would avoid the problems I associated with this theme. To that end, this thesis has had a three-part structure. In the first Part of this thesis I was concerned with contemporary cosmopolitanism. In Chapter 1 I described the sort of cosmopolitanism I would be concerned with for the remainder of my thesis: cosmopolitanism about justice. Furthermore, I introduced my argument that there is a theme in contemporary cosmopolitanism to place empirical considerations at the core of cosmopolitan theory; I termed this the pragmatic turn. In Chapter 2 I discussed specific cosmopolitanisms; namely those of Charles Beitz, Thomas Pogge, and Simon Caney. I utilized Caney's arbitrariness objection to the cosmopolitanisms of Beitz and Pogge, but I also rejected Caney's cosmopolitanism, and argued for a middle way between Caney and the other two cosmopolitans. In Chapter 3 I engaged with constructivism. I argued that both Pogge and Beitz can be seen as constructivists. Furthermore, I began to distance myself from the cosmopolitanism of Onora O'Neill by rejecting her constructivism. As I hope to have made clear, I am very sympathetic to the Kantian cosmopolitanism of Onora O'Neill. Nevertheless, my approach is distinct from hers. It is only after Part 2 of this thesis that the distinctions between my account and O'Neill's have been made clear. Thus, Chapter 3 marks my departure into Kantian exegesis. In Part 2, then, I was concerned with describing and arguing for my interpretation of Kant. My interpretative concerns are with Kant's moral theory, thus in Chapter 4 I discussed the metaethical status of a Kantian idea of 'Ought'; discussing the status of 'Ought' here is integral to forming my interpretation of finitude and freedom, and also integral to my aims to

distance myself from O'Neill's constructivist interpretation of Kant. My interpretation of 'Ought' (and also finitude and freedom) is modestly metaphysical. There have been strong movements within political theory to jettison metaphysics. In Chapter 5 I confronted the Rawlsian objection to the use of metaphysics in political theory. I argued that one can agree with certain elements of Rawls' arguments, while still maintaining that using metaphysics in political theory is justified. In Chapter 6 I described my modestly metaphysical interpretation of the Kantian concepts of finitude and freedom. These concepts make up my preferred concept of connectedness. Thus in Part 3, I described the implications of positing such a concept of connectedness in the context of cosmopolitanism. In Chapter 7 I briefly outlined what a cosmopolitanism with my preferred concept of connectedness might look like, and I showed how this cosmopolitanism would be an improvement over the cosmopolitanisms discussed in Part 1 of this thesis. Finally, I brought this thesis to a close by showing how my interpretation of Kant allows me to postulate an OIC principle that is consistent with cosmopolitan obligations in Chapter 8.

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