

# CURRENT CONTROVERSIES IN POLITICAL PHILOSOPHY

*Edited by Thom Brooks*



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Edited by  
Thom Brooks

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# Current Controversies in Political Philosophy

*Current Controversies in Political Philosophy* brings together an international team of leading philosophers to explore and debate four key and dynamic issues in the field in an accessible way.

- Should we all be cosmopolitans? (Gillian Brock and Cara Nine)
- Are rights important? (Rowan Cruft and Sonu Bedi)
- Is sexual objectification wrong and, if so, why? (Lina Papadaki and Scott Anderson)
- What to do about climate change? (Alexa Zellentin and Thom Brooks)

These questions are the focus of intense debate. Preliminary chapter descriptions, bibliographies following each chapter, and annotated guides to supplemental readings help provide clearer and richer snapshots of active controversy for all readers.

**Thom Brooks** is Professor of Law and Government at Durham University, UK and founding editor of the *Journal of Moral Philosophy*. He is the author of *Punishment* (2012) and editor of *The Global Justice Reader* (2008) and *Rawls's Political Liberalism* (co-edited with Martha Nussbaum) (2015).

## **Current Controversies in Philosophy**

In venerable Socratic fashion, philosophy proceeds best through reasoned conversation. *Current Controversies in Philosophy* provides short, accessible volumes that cast a spotlight on ongoing central philosophical conversations. In each book, pairs of experts debate four or five key issues of contemporary concern, setting the stage for students, teachers and researchers to join the discussion. Short chapter descriptions precede each chapter, and an annotated bibliography and study questions conclude each debate. In addition, each volume includes both a general introduction and a supplemental guide to further controversies. Combining timely debates with useful pedagogical aids allows the volumes to serve as clear and detailed snapshots, for all levels of readers, of some of the most exciting work happening in philosophy today.

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This series constitutes a wonderful addition to the literature. The volumes reflect the essentially dialectical nature of philosophy, and are edited by leading figures in the field. They will be an invaluable resource for students and faculty alike.

Duncan Pritchard, *University of Edinburgh*

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INTRODUCTION

# Political Philosophy

## Current Controversies

THOM BROOKS

This volume covers four central controversies in contemporary debates in political philosophy. They are not the only substantial debates, and perhaps no single volume of this size could capture their full range. While this book is not exhaustive, it instead focuses on four significant topics of disagreement concerning global justice, rights, feminism and climate change. Should we be cosmopolitans or statists? Are rights important? What is wrong about objectification and objectifying other people? What to do about climate change? These questions are among some of the more pressing today.<sup>1</sup>

This book has two purposes. The first is to identify some of the major debates by their leading contributors. The book's focus is on understanding controversies in political philosophy through engaging directly with contributors to these debates working at its coalface, representing divergent analyses of what is at issue and how these topics are best approached. The second purpose is to provide readers coming to these debates for the first time with a clearer sense of where the debate is heading and introduce political philosophy through the controversies that concern many of the leading figures working in political philosophy today.

Each controversy is presented through paired chapters. They each approach their topic from different perspectives. The chapters reveal points of consensus and agreement as well as conflict and opposition. Their point is not primarily to create a disagreement with other contributors, but together to demonstrate the contours that debates have taken and provide different snapshots about where they should lead.

The remainder of this introduction presents the topics debated and the contributing chapters. The aim is to provide an overview about the contents of this volume, but also some background to the controversies covered.

## 1. Global Justice: Cosmopolitanism or Statism?

Political philosophy has been subjected to major movements. One is the rise (and rise?) of Rawlsian theories of justice that dominated much of the latter half of the last century.<sup>2</sup> A key debate concerned liberalism versus communitarianism (Avineri & de-Shalit, 1992). The controversy was whether the individual was best understood in a ‘liberal’ and atomistic way sometimes associated with Rawls (and which Rawls was quick to reject!) or a ‘communitarian’ and more social understanding of the self. This debate was a central focal point for several years—as well as most of my graduate school education—before seemingly ending with broad agreement somewhere in between these two positions.

The movement that replaced the liberal versus communitarian debate in political philosophy is work on global justice. However dominant the earlier debate was for political philosophers up until about the mid-1990s, global justice is by far one of the biggest areas of philosophical interest and debate in political philosophy today without question.

Whereas traditionally most theorizing about politics and the state focused (almost) solely on justice *within* a state, global justice literally smashes boundaries to consider justice *between* and *among* states. This gives rise to several major, and sometimes heated, debates, and so the focus for the second half of this book.

The first topic for this book concerns a fundamental controversy at the heart of theories about global justice. This concerns the focus for global justice. There are at least two sides. The first is the *statists*. They argue that borders count when thinking about our obligations, if any, to persons beyond our borders. So when we think about international justice, we should consider it through our bordered communities and how these relate to others.

There is much debate, though, about *which* borders should count. For example, many sympathetic to this perspective are critical about using *political* borders. This is because political borders can be morally arbitrary or even objectionable. Instead, it is claimed that the borders that count are *ethical* borders containing groups. This view was once called *nationalism* because it defended the idea of an ethical nationalism: a morally justifiable group whose membership is intrinsically valuable to them and satisfies other criteria (Miller, 2008). The position of ethical nationalism is that the borders that count are those around citizens belonging to a shared group fulfilling certain moral criteria. The idea is that our belonging to such a group can yield special rights and

obligations among their members that do not extend to non-members. This is not to argue that ethical nationalists deny duties to non-members of their groups, but instead to say that whatever duties we may have to everyone anywhere we can have special duties *in addition* that extend only to co-members of our groups.

While this view of ethical nationalism is careful to argue, strictly speaking, that it concerns shared *national* identities, these national groups share many common features to states. So the perspective of *statists* is similarly that our co-membership of a group can give rise to special duties that we have only to co-members, all things considered.

Statism is important because it claims that not all persons across the globe possess the same rights and duties, as these can differ between states. Nor need this be problematic even where our membership is a product of luck, such as because we happened to be born within a particular community. So duties can differ between people depending on group memberships, and the primary vehicle for thinking about global justice is the state, or ethical collective.

This position is opposed by *cosmopolitanism*. This is a complex and wide grouping bringing together diverse views, but at its heart most cosmopolitans argue for universal duties and obligations. This is usually justified on the grounds that every person is a subject of equal concern and respect. Moreover, our membership in groups can be arbitrary from a moral point of view, such as when we happened to be born in one country instead of another. Cosmopolitans are generally more critical about whether our place of birth and group membership—especially where not a product of our choice and/or where unavailable in equal measure to every person—can give rise to special duties.

Our first debate focuses on this controversy about whether we should side with the statists or the cosmopolitans. Gillian Brock (Chapter 1) is one of the leading cosmopolitan philosophers today, and her work has exercised a profound impact on how many now think about cosmopolitanism (Brock, 2009). She surveys and examines statist and cosmopolitan accounts, drawing together insights from each in a novel and distinctive approach to thinking about global justice. Brock powerfully reveals in a compelling overview that statist and cosmopolitan views are each diverse groupings, admitting of important differences between and among each approach.

This leads Brock to identify five points of debate between each side, and she explores themes emerging from them. For example, one point of potential dispute is whether our compatriots are special and so generate stronger obligations of justice, as statists claim. It's clear that co-membership as fellow citizens in a shared political group *can* be of importance to its members. It is also true that each state recognizes certain duties and obligations arising between the state's citizens that may not arise to others—and so statism may speak to

our practices in this way as well that may be attractive. So should we side with statists against cosmopolitans?

Brock argues from two uncontroversial insights: that our fundamental institutions are important because they influence the future direction of our collective lives, and that we must recognize the moral equality of each human being in what she calls the 'moral equality imperative.' She argues that a commitment to these insights entails minimally that every person should enjoy the prospects for a decent life, including meeting his or her basic needs and adequate protection of basic liberties.

None of this entails that states are unimportant or should not matter. This is because states do, in fact, matter for many people. Our membership in a state can bear positively on our personal well-being. So these attachments can have merit, provided these attachments do not lead us to violate the moral equality imperative by failing to ensure all persons can enjoy the prospects of a decent life. Moreover, effective states can be a wellspring of much good internationally, such as the support for beneficial development.

Brock argues that we need not choose statism or cosmopolitanism, but that cosmopolitanism is reconcilable to recognizing special duties to our co-citizens. So, for Brock, the big pressing issue is not which side we should take, but rather how to combine plausible elements from both sides into a coherent and unified account of global justice that is compelling.<sup>3</sup>

In Chapter 2 Cara Nine identifies an undisclosed premise in theories about global justice. The debates largely focus on scope. The scope of global justice is often where the debates between statists and cosmopolitans have tended to focus. Nine argues this perspective rests on a mistake. The error is in thinking that if we know the relevant principles of justice and the scope of justice, then we can work out who is owed what from whom. The problem is it overlooks the issue of which set of goods are the legitimate objects of distribution. Not all kinds of things—like infant children—are distributive goods to be bought and sold. But others are, such as money.

Nine directs our attention to consider different types of distributive goods, such as natural resources and territorial entitlements. Their possession is important not least because exclusive ownership can impact relative global levels of wealth as well as well-being. Where groups exercise their rights to distribute goods like natural resources, the members of other groups do not share the same right to develop and make use of these goods. The resource rights that a state possesses can affect the development of that state. So who owns what matters, and this impacts on who is owed what from whom. If a group lacks a legitimate claim on the resources in its territory, then it does not possess a legitimate claim to their distribution.

This is a problem not only for statist accounts, but also for cosmopolitan accounts. Nine argues that cosmopolitans must justify a *global* claim to

territory. This is because international distributive justice is more than a matter of who gets what, but what can be legitimately distributed at all.

Both Brock and Nine examine the debate between statist and cosmopolitans from very different perspectives that make clear the complexity of the debate, but also where it is heading. Brock's chapter encourages us to move beyond the immediate question about which side we should choose in the debate and transform the discussion into how we can bring together compelling elements from each into a new, coherent account. Nine's chapter also pushes us forward, claiming a central, unnoticed issue is not so much which side to choose but the importance of legitimate ownership of distributional goods for both statist and cosmopolitan accounts.

So the debate between statist and cosmopolitans is more than a question of which side we find most compelling, but maybe also their accommodation within a new framework that can account for the legitimacy of distributional goods.

## 2. Rights: Are *Rights* Important?

Rights. They're not unlike what is sometimes said about democracy: everyone supports it, but there is much disagreement about why it should be endorsed. Similarly, debates about rights tend to focus not on whether we do possess rights but rather *why* we possess rights—and also which rights we have. So while there is agreement about our possessing rights, how they are possessed and which we have are subjects of significant controversy.

The second section of this book considers the topic of rights. The chapters each address the question of whether rights are important—and each provides us with a different perspective on how this might be answered.

Rowan Cruft (Chapter 3) opens this section with an illuminating account of how moral theory meets practice. So what are human rights? One possible response is that they are legal protections identified in locations such as international documents, such as conventions and treaties. Our human rights exist as documented, internationally recognized laws. But then why identify the rights found in international conventions and treaties and not others? In other words, are rights justified by something beyond their recognition in law?

Cruft argues that the human rights identified in international law are *attempts* to realize specific *moral* rights possessed by every human being. One implication of this view is that our attempts to realize our moral rights in international law can be mistaken—and so it is crucial that we close the gap between our moral rights and their embodiment in law. A second implication is that human rights *law* does not animate or define human rights *in itself* as our moral rights. But if this is correct, how do we know which moral rights we have and how should they be understood?

Cruft defends the idea that human rights are justified *individualistically*. We consider what these rights might do for each person individually and independently of whether they might serve others. One way this might be understood is in terms of an individual's interests: we look to whether particular rights serve to protect or secure certain interests of individuals, for example.

This perspective is distinctive for several reasons. First, human rights are sometimes thought to be a subset of rights. To speak of rights is to capture a wide range of kinds of rights, where some may be more fundamental or valuable than others. Rights that have this narrower, more fundamental character are potential candidates for what some might call our human rights. Human rights differ from other kinds of rights in having this fundamental character, but they are also thought to be held universally to serve as human rights: one important test for human rights is whether they are inclusive of all human beings. So human rights are often justified in relation to their universal coverage of all individuals.

Cruft approaches this from a different angle. What counts is how a potential human right serves each individual taken individually. But can such a narrow approach provide us with a general theory of rights covering all human beings? He argues that it can because it avoids the potential problems associated with trying to locate a particular substantive value that all human rights must serve in order to count as a human right. His individualistic justificatory route is not this substantive value either: Cruft's claim is that it is *one* defining feature of human rights and so there can be other features not explored here.

There is a venerable tradition in philosophy of searching for Holy Grails of different sorts, as attempts to identify one single source from which all else flows. Philosophers such as Thomas Hobbes and John Locke each argued for the idea of natural rights belonging to every individual. Natural rights are 'natural' because they are an essential part of us, not unlike our DNA. Hobbes and Locke disagreed about which natural rights we had, but both argued they were discoverable through the use of reason. This is because they claimed God is the creator and author of our natural rights: since God is perfect reason, it is thought natural rights are discoverable even through more limited human reason. But what makes natural rights truly distinctive is their sharing in a divine character insofar as they are given to each of us by God according to this perspective. So natural rights do not merely exist, but they are morally good.

Much has changed in philosophy since the time of Hobbes and Locke several hundred years ago, but the appeal of human rights as characterized by their *moral* importance remains attractive to many today. For example, Ronald Dworkin (1977) famously argues in his landmark *Taking Rights Seriously* that rights are 'trumps': rights cannot be disregarded by utilitarian or wealth-maximizing reasons. Rights 'trump' these factors.

So are rights *important*? The perspectives of Cruft, Dworkin, Locke and others provide different ways of answering in the affirmative. We may disagree about *why* rights are important—or even which we possess—but not *that* they are important.

But are they? Chapter 4 by Sonu Bedi challenges the conventional wisdom about rights. He argues that rights need not be essential features of our political and legal deliberations. Bedi defends this view by considering a particular case study: is the right to privacy necessary to striking down legal regulations of consensual sexual activity? Bedi argues correctly that we might normally expect the answer to be yes. One reason for this is that it is difficult to view any liberal democracy lacking such a right.

Bedi develops a powerful case for the view that we do not need a right to privacy to strike down laws and policies regulating consensual sexual activity. This case defends a commitment to anti-perfectionism. The idea is that a right to privacy is crucial if we only thought it possible to overturn laws because they violate certain interests even if such laws were popular. As Dworkin argues: our right is a trump in situations like that.

But another way to approach this issue is to say such laws should not be permitted because they invoke particular conceptions of the good life that find some kinds of sexual activity more valuable than others. Anti-perfectionism rejects the claim that any particular way of life is intrinsically better than others, and if we find anti-perfectionism persuasive, it provides a distinctively different way to secure similar goals—such as striking down laws against consensual sexual activity—and for different reasons than rights-based approaches. This leads Bedi to argue that we therefore don't need a right to privacy because it is obsolete. Bedi's case is made with reference to US and Canadian constitutional law regarding privacy rights. It serves as an indication for how we might proceed to argue in other areas that anti-perfectionism can yield the kinds of outcomes we might want, but without the need to provide ever longer lists of possibly relevant rights to apply in new cases.

So are rights important? Our answer may depend on what we mean by rights and critically examining the functions they might serve (Wenar, 2005). Cruft and Bedi occupy different sides of this contemporary debate, and each defends a compelling account about which side we should endorse.

### 3. Feminism: What Is *Wrong* About Objectification?

Feminism has travelled—and unquestionably in my view—to the very heart of mainstream philosophical discussions today. Feminist philosophy is not one approach or set of approaches, but a large tent encompassing a diversity of different perspectives that its critics often overlook.

Feminism has many meanings, although one common meaning is a focus on gender inequality and its effects of power differences. Consider the topic of prostitution. One form of feminist analysis focuses on the gender inequality found in the practice of prostitution, such as the far greater likelihood that prostitution in practice is about men paying women for sex. There can also be issues concerning the lack of consent to sexual activities, abuse and health risks associated with some practices of prostitution. The question is whether prostitution can be justifiable in light of this context.

There are two feminist perspectives that appear to have the most influence, generally speaking. The first is *liberal* feminism, defended by Martha Nussbaum and Susan Moller Okin. They focus on the protection of equality and individual rights. Generally speaking, prostitution may run into problems as a practice, but these problems need not lead us to ban prostitution under any circumstance. Instead, liberal feminists might claim that prostitution can become justified where equality between genders is respected, such as where women can enjoy the same opportunities as men, and where individual rights are secured. An example of the latter is support for reforms that protect individuals engaged in sex work from non-consensual activities and abuse and provide protection from health risks. Perhaps how prostitution is practiced in many places is problematic, but it is not an essentially problematic practice that feminists must reject (Nussbaum, 1999, pp. 276–98). Instead, if liberal protections are in place, it can become justifiable and so not be banned.

The second feminist perspective is *radical* feminism, exemplified in the work of Andrea Dworkin and Catharine MacKinnon. This notion of feminism as radical is not a term of abuse, but held as a badge of honor by philosophers identifying with this general perspective. The radical feminist perspective on prostitution is generally that it is a practice that should be banned. This is because they reject the claim that if prostitution was provided with liberal protections, it would no longer be problematic. Radical feminists make this point because they argue that better working conditions would not fundamentally change prostitution as a form of market exchange where mostly men are the buyers and women are the sellers. Of course, there are some women who pay men for sex. But this does not change the fact that prostitution remains an institution of male domination over women. Or so the argument generally goes.

Prostitution is one of many deep debates between liberal feminists and radical feminists—and by no means the only one! We find similar divisions on other topics, including pornography.

One issue that arises more frequently now is *objectification*—in this context, specifically the objectification of women. What does it mean to objectify others? Why is this wrong, if at all? Our third debate focuses on this debate within feminist philosophy (or should I say philosophies?) concerning the wrongness of objectification and what kind of problem it is. This is not only a living



controversy among philosophers generally, but also an important debate among feminist philosophers.

In Chapter 5 Lina Papadaki argues that the reason for disagreement about what kind of problem objectification poses is because it has been defined in different ways, leading to divergent conclusions. She surveys the most influential accounts of objectification to examine critically the different definitions that have been defended. Some feminists, such as more radical voices like Dworkin and MacKinnon, understand the wrongness of objectification to lie in the dehumanization of women, where they are reduced to things to be used by men, not unlike any everyday object. People should not be used in this way—and this perspective appeals to Immanuel Kant's deontological argument that people should always be treated as ends in themselves and never as a means to some other end. If we fail to do so, then we fail to respect the basic equality of persons in seeing some as more valuable or important than others, and so undermining equality.

One example is pornography. For Dworkin and MacKinnon, most pornography constructs women's objectification by defining who they can be and how they can be used sexually. If we are to end women's objectification and second-class treatment, then banning pornography becomes an important part of its realization. But the question remains whether banning pornography would lead to the material benefits claimed and eliminate gender inequality.

Papadaki next considers an opposing perspective by liberal feminists, such as Martha Nussbaum. Papadaki argues that Nussbaum rejects the idea that all objectification of others is always problematic. Where there is equality and liberal protections, such as consent and equal liberties, then objectification can and should be welcomed as an integral part of a loving relationship. Objectification is a problem where we reduce others to objects through denying their autonomy and subjectively as well as treating others like an object owned, among other conditions. People can be objectified without reducing them to mere objects.

So what to think? We see the radical feminists and liberal feminists occupy different positions on this important issue. Papadaki argues we can take elements from each side and claim that objectification is a negative phenomenon, but not one that necessarily damages the humanity of any objectified individuals.

In Chapter 6, Scott Anderson provides a 21st-century reassessment of objectification to better understand why it is problematic. Both Anderson and Papadaki engage with radical feminists and neither fall squarely in the radical or liberal feminist camps. However, Anderson is more sympathetic to radical feminism, and he reveals how we might accept their perspective about objectification without rejecting many of the desires and activities that many people find unproblematic and potentially valuable.