

# Globalization and Global Justice in Review\*

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## Abstract

Globalization connects everyone, from the world's poorest slum dweller to the richest billionaire. *Globalization and Global Justice* starts by giving a new argument for the conclusion that coercive international institutions—whose subjects who are likely to face sanctions for violation of their rules— must ensure that everyone they coerce secures basic necessities like food, water and medicines. It then suggests that it is possible for coercive institutions to fulfill their obligations by, for instance, providing international aid and making free trade fair. This overview sketches the argument in the book's first half, as which is the focus of the papers in the symposium.

**Keywords:** Globalization, global justice, legitimate coercion, autonomy.

## 1. INTRODUCTION

Globalization connects everyone, from the world's poorest slum dweller to the richest billionaire. US subsidies for ethanol contributed to a world food crisis in 2008 that caused Haiti's government to fall. The subsequent US financial crisis precipitated the European sovereign debt crisis and a global recession felt in even the poorest countries. Today, however, anti-globalization protests pale in comparison to the new protests against economic inequality and oppression that gave rise to the Arab Spring. But many of the new protests, from the US occupy movement to those in Tahrir Square, also focused on what are now—truly global— economic structures' impacts on individuals' ability to meet their basic needs.

The first half of *Globalization and Global Justice (GGJ)* gives a new argument for the conclusion that coercive international institutions—whose subjects who are likely to face sanctions for violation their rules— must ensure that everyone they coerce secures basic necessities like food, water, medicine.

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Otherwise, the book suggests, these people will not secure sufficient autonomy, which will be defined below to include the basic reasoning and planning capacities necessary to consent, or object, to coercion. The book's second half suggests that it is possible for coercive institutions to fulfill their obligations by, for instance, providing international aid and making free trade fair. It concludes with a new proposal for Fair Trade in pharmaceutical and biotechnology to help people secure access to essential medicines. Because the papers in this symposium focus on the argument in *GGJ*'s first half, however, this overview will do so as well. This *Autonomy Argument* proceeds, roughly, as follows:

- 1) Coercive institutions must be legitimate (i.e. justified in exercising coercive force).
- 2) For a coercive institution to be legitimate it must ensure that its subjects secure sufficient autonomy to autonomously consent to, or dissent from, its rules (henceforth *sufficient autonomy*).
- 3) Everyone, to secure this autonomy, must secure some food and water, and most require some shelter, education, health care, social support, and emotional goods.
- 4) There are many coercive international institutions (that may amount to a coercive international institutional system).
- 5) So, these institutions must ensure that their subjects secure food, water, and whatever else they need for sufficient autonomy.

This argument is intended to address liberals deeply concerned about individual freedom. *GGJ* does not provide an account of individual responsibility for bringing about the requisite institutional change. Nor does it address tradeoffs between fulfilling the condition for legitimacy it defends and other things that matter.<sup>1</sup> Nevertheless, the book attempts to provide reasons for liberals of all sorts—as long as they are deeply concerned about coercion—to accept the *Autonomy Argument*'s conclusion.

Although there are many other good arguments for aiding the global poor, the book attempts to address two kinds of skeptics: Libertarians and statist. Libertarians do not think there are any obligations of global justice or legitimacy to provide aid.<sup>2</sup> They are, however, deeply concerned about coercion and think no one should have to sacrifice their freedom for others. *GGJ* argues that it is precisely because no one should have to sacrifice their freedom for others that there are significant obligations to the global poor.<sup>3</sup> It suggests that if, as many have argued, libertarians should be actual consent theorists, libertarianism entails that people must secure the autonomy they need to consent to coercive rule. So, if the *Autonomy Argument* goes through,

1. I discuss some such tradeoffs elsewhere (Hassoun 2008) and in this journal.
2. I use the term "libertarian" throughout to refer only to right-libertarians.
3. I discuss elsewhere the relevant sense in which this is true (Hassoun 2014).

libertarians should agree that coercive institutions must ensure that their subjects secure food, water, and whatever else they need for this autonomy.

Statists often hold that, because states exercise coercion, to be legitimate, they must fulfill significant obligations of global legitimacy or justice. *GGJ* argues that many international institutions also exercise coercion. So, statists should agree that these institutions also have these obligations. What follows recaps the basic line of thought supporting each premise of the Autonomy Argument. In particular, this summary focuses on a line of argument for the second premise, which is most relevant when addressing libertarians. I suspect that this premise is the most controversial—and potentially important—aspect of the argument. In the book, I distinguish between the defense of the argument by appeal to libertarian principles (the topic of Chapter 3) and the more general defense (discussed in Chapter 2) by renaming the Autonomy Argument the *Legitimacy Argument*. Here, however, I will not make much of the distinction and simply highlight some of the argumentative moves intended to address libertarians.

## 2. THE FIRST PREMISE

*GGJ* defines institutional legitimacy in this way: A coercive institution is legitimate only if it has the right to use coercive force.<sup>4</sup> *Legitimacy*, then, is a “justification” right to rule through force (Landenson 1980). Having a justification right is having a moral permission to make coercive rules and give coercive commands. Legitimacy, in this sense, must be distinguished from justified authority (Christiano 2004). A coercive institution has justified authority if and only if it is legitimate and individuals have a moral duty to comply with its rules (Buchanan 2004: 237). Some rights may carry with them correlative duties (Simmons 1979). *GGJ*’s argument does not rely on it being the case, however, that whenever coercive institutions have a right to rule through force, their subjects are obligated to obey their dictates (though this may be so).

According to the first premise of the Autonomy Argument, any coercive institution must be legitimate. Although this point is relatively uncontroversial, here is an argument in its defense that is intended to appeal to liberals

4. Legitimacy, as the book uses the term, comes in degrees. Some people believe legitimacy is an all or none affair. This is not a substantive disagreement. Those who hold a binary theory of legitimacy can specify that an institution is legitimate in the binary sense if it surpasses a threshold of legitimacy in the degree sense. However, the degree conception allows for different thresholds to be specified for different purposes. For the purpose of the Autonomy Argument, one need only suppose that imperfectly legitimate institutions must be reformed. I owe thanks to Allen Buchanan for discussion on this point.

deeply concerned about coercion. Following John Locke, one may hold that each person has a natural right to freedom and so, rights-respecting people cannot be subject to others' commands without justification (Locke 1690). H.L.A. Hart provides one way of defending a natural right to freedom. Hart argues that if there are any natural rights, there is a natural right to freedom (Hart 1955). Alternately, one might try to ground the concern for freedom in a concern for individuals' interests or autonomy. But, since the Autonomy Argument is not intended to address skeptics about the importance of freedom, *GGJ* does not examine the alternatives at great length.

### 3. THE SECOND PREMISE

According to the second premise of the Autonomy Argument, to be legitimate, coercive institutions must ensure subjects secure sufficient autonomy. Consider what this means.

First, people are subject to a coercive institution when the rules of the institution apply to them and to secure *sufficient autonomy*, people must be able to reason about, make, and carry out some significant plans on the basis of their desires, beliefs, values, and goals (henceforth *commitments*). More precisely, people must be able to reason about, make, and carry out the plans necessary to consent or object to the coercive institutions to which they are subject. To secure sufficient autonomy people need not be perfectly autonomous. People need only possess a few *conditions* for autonomy. The book appeals to these conditions for autonomy to secure broad agreement on the Autonomy Argument's second premise. At least it is not plausible to reject this premise because the conditions for autonomy it relies upon are too demanding. Those who accept fuller (e.g. Kantian) conceptions of autonomy might run a similar argument for more significant obligations to the global poor.

Second, what is necessary to *ensure* that people secure sufficient autonomy will vary with the case. Coercive institutions must do whatever is necessary (and permissible), to ensure that their subjects *become and remain autonomous until and unless they autonomously relinquish their ability to do so*. What is necessary depends on how close one is to being able to secure such autonomy and what resources one already has. In cold climates, for instance, one may need to secure heat. In the tropics, heat is usually unnecessary. Some will be able to secure sufficient autonomy as long as they are free from interference. Others, however, need assistance to secure sufficient autonomy. The coercive institutions to which these people are subject may have to provide this assistance. If, for instance, a person is in a coma from which she could recover with proper medical care and she is not receiving such care from friends, family, or benefactors, then the coercive

institutions to which she is subject must provide it. These institutions have a responsibility of last resort. An institution does not lose legitimacy if it does not help someone secure sufficient autonomy and this person does not have the potential to secure such autonomy. When they are very young, children are not able to secure any autonomy at all. Most children who receive proper care will be able to secure sufficient autonomy as they get older. If no one else does so, a legitimate coercive institution must help these children secure such autonomy once they are old enough.

It is possible to defend the condition for legitimacy in the Autonomy Argument's second premise in two steps. What follows will argue, first, that coercive institutions can only be legitimate if as many of their subjects as possible secure sufficient autonomy. Second, it will argue that such institutions must do what they can to ensure subjects secure this much autonomy. It is possible to defend the first claim by appeal to the nature of liberalism (leaving the possibility constraint implicit where its importance is minor). The second claim follows from the first and some observations about the nature of ensuring and coercive institutions.

### 3.1. *The First Point Necessary for Establishing the Enabling Condition*

At the heart of liberalism is the concern for individual freedom. Recently liberals have focused primarily on arguing that coercive institutions must be decent, if not fully just (Rawls 1993; Pogge 1989). An equally powerful strand in liberal thought, however, expresses the idea that the *actual* relationship between the rulers and *each ruled person* must be voluntary in some way.

Liberals deeply concerned about individual freedom disagree about what makes the relationship between the rulers and the ruled voluntary. They all agree, however, that this relationship can only be voluntary if the ruled possess at least some freedom. This freedom is not constituted by the social order and it is compatible with significant constraints on social life (Waldron 1987: 133). The key idea is that subjects must be free to determine their actions and shape the nature of their relationship with the coercive institutions to which they are subject (Waldron 1987: 132). Although individuals may not have a choice of whether or not they are subject to a coercive institution, subjects must be able to exercise some control over the way they react to their subjection. Subjects should get to decide whether or not to abide by, dissent from, or consent to coercive institution for themselves (Waldron 1987: 146). Political liberals almost unanimously agree, for instance, that people have a right to dissent from the rule of the coercive institutions to which they are subject by conscientious objection, non-violent protest, passive resistance, and so forth.

To consent to, or dissent from, coercive institutions in these ways, people must be able to reason about, make, and carry out some significant plans in light of their beliefs, desires, values, and goals; they must be able to secure sufficient autonomy.<sup>5</sup> (Recall that the conditions for sufficient autonomy are quite minimal - people secure sufficient autonomy when they secure basic reasoning and planning capacities). So liberals implicitly accept the first claim embodied in the enabling condition for legitimacy; those living under coercive institutions must be able to secure sufficient autonomy for the coercive institutions to which they are subject to be legitimate. Will Kymlicka puts the point this way: “liberalism is committed to (and perhaps even defined by) the view that individuals should have the freedom and capacity to question and possibly revise the traditional practices of their community, should they come to see them as no longer worthy of their allegiance” (Kymlicka 1992). The book explains, at some length, why liberals of many persuasions should accept the first part of the second premise of the Autonomy Argument; for coercive institutions to be legitimate, their subjects must secure sufficient autonomy.

Consider, here, just why libertarians, in particular, should endorse the first part of the second premise of the Autonomy Argument. There is a well-known argument in the literature for the conclusion that libertarians should be actual consent theorists. Very roughly, on the relevant version of actual consent theory, coercive institutions must, insofar as possible, secure their rights-respecting subjects’ consent until, and unless, they give up the right to consent. Any agent, or institution, may be justified in coercing those who violate others’ rights. To use an example from John Simmons, even “the Third Reich was justified in prohibiting rape and punishing rapists” (Simmons 1999). But coercive institutions usually do more than this. When they create norms, rules, and procedures governing the use of force, for instance, they prevent people from defending their own rights. This is clearly the case for (even libertarian) states, which claim a monopoly on coercive force within a territory traditionally defined. Since libertarians hold that everyone has a basic right to defend their rights, consent is required for such coercion. Assuming this argument goes through, *GGJ* notes that, in order to actually consent, people must be able to do so. This requires at least basic reasoning and planning capacities sufficient to autonomously consent (i.e. sufficient autonomy).

5. Recall that this just presupposes some minimal conditions for full autonomy—one need not have coherently structured values e.g. to have the basic reasoning and planning capacities at issue.

### 3.2. *The Second Point Necessary for Establishing the Enabling Condition*

Why must coercive institutions do what they can to ensure subjects sufficient autonomy? The preceding argument entails that when coercive institutions subject people who cannot secure sufficient autonomy to coercive rules and do not do what they can to ensure subjects secure this autonomy, they are illegitimate. This is because coercive institutions are not justified in exercising rights-constraining coercive force over rights-respecting people who could, but have not, secured sufficient autonomy. Yet coercive institutions exercise such force. If coercive institutions continue to exercise coercive force, legitimacy requires that they do what they can to ensure subjects secure sufficient autonomy. Coercive institutions do continue to exercise this force (insofar as they remain coercive institutions). So, they must do what they can to ensure subjects secure sufficient autonomy.

There are a few caveats to this conclusion. Others may have primary responsibility for enabling those subject to coercive institutions to secure sufficient autonomy. Moreover, if people secure this autonomy on their own, with the help of friends and/or benefactors, or give up their right to do so, the coercive institutions to which they are subject need not do a thing. These coercive institutions must generally step into the breach, however, if help is required. It is only if they do this that as many of their subjects as possible will secure sufficient autonomy. There may also be other conditions for institutional legitimacy. Coercive institutions may even be justified in doing other things before enabling their subjects to secure sufficient autonomy.

## 4. THE THIRD PREMISE

The third premise of the Autonomy Argument is this: Most people must at least be able to secure some minimal amount of food, water, shelter, education, health care, social and emotional goods to secure sufficient autonomy. Recall that, to secure the sort of autonomy at issue, people must at least be able to reason about, make, and carry out some significant plans on the basis of their commitments.

Even without explaining this condition for autonomy in any detail, it should be clear that those who lack basic food, water, shelter, education and health care are likely to suffer from autonomy undermining disabilities. Malnutrition inhibits one's immune system's ability to fight infection and poor nutrition is linked to many non-infectious illnesses.<sup>6</sup> Similarly, if

6. Scurvy results from a lack of vitamin C, beri-beri from a lack of thiamine, pellagra from niacin deficiency, and macrocytic and microcytic anemia from folic acid and iron deficiencies, for instance. There is also a lot of evidence that decent nourishment is important for good

people lack adequate shelter, they may be exposed to environmental hazards including disasters, pollutants, parasites, and bacteria and acquire diseases, like dysentery, tetanus, typhoid, cholera, or hepatitis from flood water or unsanitary living conditions (Red Cross 2007). Those without basic health care, food or water are at risk of diseases causing disabilities or premature death (*ibid.*) incompatible with securing sufficient autonomy.

Less obviously, those without basic education, emotional and social goods may suffer from autonomy undermining disabilities (Woolcock 2001; Doyle 2002). Basic education, emotional and social goods are often necessary for securing decent living conditions, health care, livelihood opportunities, and earning power (Marmot 2004). Those who lack (formal or informal) elementary education may not develop, or maintain, the reasoning and planning skills they need to secure sufficient autonomy.<sup>7</sup> Those who lack basic emotional and social goods, like self-esteem, are at high risk for mental and physical illness, suicide, and early death from other causes (Cullen and Whiteford 2001; Brock 1999; Hudson 2005; Woolcock 2001). “Fear, insecurity, dependency, depression, anxiety, intranquility, shame, hopelessness, isolation and powerlessness... such experiential elements of a bad life... [often impact] ... agency” (Brock 1999: 195). It is true that some people are able to secure sufficient autonomy without being able to obtain even minimal education or social or emotional goods. But, this kind of severe deprivation will undermine most people’s ability to secure sufficient autonomy.

## 5. THE FOURTH PREMISE

Before arguing that there are many coercive international institutions, *GGJ* sketches a conception of coercion. It explains that an institution is *coercive* when individuals, or groups, violating its dictates are likely to face sanctions for the violation. A *sanction* is a punishment or penalty. Coercion usually creates conditions under which the coerced have no good alternative except to do what their coercer wants them to do. This is usually explained by the fact that the coerced are threatened by sanctions. Depending on the kind and amount of coercion and so forth, coercion may or may not undermine autonomy to any significant degree. Usually, it engages the will of the

cognitive functioning. Children’s mental functioning can even be impaired if their mothers do not receive proper nourishment during pregnancy. Keratomalacia which results from vitamin A deficiency, kwashiorkor which results from protein deficiency, and iodine deficiencies can all lead to severe disabilities and death. See Leathers and Foster 2004.

7. Stress may contribute to a host of autonomy-undermining mental disorders. Stress can, for instance, cause panic attacks and depression. Psychological disorders can reduce the ability of one’s immune system to fight infection. See Beaton 2003. The causal evidence suggests that perception of low social standing may increase stress which reduces immune functioning and can harm health in other ways as well.

coerced. Still, people can be coerced into doing what they would otherwise do freely. Furthermore, institutions can be coercive even if they do not coerce anyone into doing anything. If, for instance, a state only creates just laws and everyone willingly obeys, it may still be coercive. The state is subjecting people to coercive laws, though it never has to sanction anyone for disobedience.

*GGJ* notes that the preceding analysis leaves a lot open. Much hangs on what counts as a violation, a punishment or penalty, and a good alternative (Anderson 2006). Some hold that only threats can be coercive while others say sanctions can include withholding an offered good. There is also disagreement about the appropriate baseline relative to which something counts as a sanction. It is not clear, for instance, whether one can be sanctioned in ways that do not violate rights.

The book allows that some international institutions are not coercive. Non-binding treaties like the *Declaration on the Rights of Disabled Persons* are not coercive. Nor are non-governmental organizations that offer only voluntary programs, normally, coercive.

*GGJ* argues, however, that there are many coercive international institutions. It does so by providing examples that should appeal to those with widely divergent accounts of coercion. Many international institutions' dictates are binding and non-voluntary.

(Since libertarians tend to think there is a lot of coercion in international affairs, what follows will not focus on addressing libertarians, in particular, though the book provides additional examples that are intended primarily to address libertarians.)

There are many ways the international institutions governing trade exercise indirect coercion. Institutions like the World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA) impose sanctions on countries that violate property rights or the rules of the market. States enforce these sanctions. The NAFTA sanctioned Mexico for prohibiting Metalclad from operating a toxic waste dump in San Luis Potosi, for instance. Mexico had to pay Metalclad 16 million US dollars in damages (Wallach 2005). The WTO found the US guilty of violating its rules with the Byrd amendment. It allowed prosecuting countries to impose import duties on the US until the US repealed the act (European Union, 2005). Recently, the WTO sanctioned the European Union (EU) by allowing the US to impose tariffs on EU goods because the EU had used import licensing requirements to support Caribbean banana producers (British Broadcasting Company 1999). In many cases, laws passed by states as a result of WTO rulings eventually coerce businesses and individuals into abiding by the rulings.

The United Nations (UN) also exercises indirect coercion. The UN Security Council imposes economic sanctions, air traffic controls, and arms embargos on countries, and groups within countries, that threaten

international security. The UN has, for instance, sanctioned Rhodesia, Iraq, South Africa, Serbia, Montenegro, Yugoslavia, Somalia, Libya, Haiti, Sudan, Rwanda, Sierra Leon, Ethiopia, Eritrea, and groups within Cambodia, Angola, and Afghanistan (Roberts 2001). The UN Security Council also authorizes the use of force against countries threatening international peace. When Iraq invaded Kuwait the UN authorized the use of force to stop the invasion. The UN-mandated International Security Assistance Force of about 30,000 troops was involved in military action in Afghanistan from 2001 until 2014 (United Nations 2003).

Moreover, many countries' participation in international institutions is not voluntary. Countries often pay significant penalties if they do not abide by WTO, UN, World Bank or International Monetary Fund (IMF) rules. Sometimes countries do not have other good options and so are not free to resist these organization's conditions. Highly indebted poor countries facing default, for instance, may have to abide by IMF conditionality. Furthermore, some argue that international institutions bear responsibility for poor countries' having no reasonable option but to abide by their rules by having contributed to their impoverishment.<sup>8</sup> At least in such cases, international institutions are indirectly coercing individuals in the way that a man with a gun indirectly coerces someone if he forces another person to threaten the first.<sup>9</sup>

Many international institutions also exercise direct coercion. UN peacekeeping forces exercise direct coercion by, for instance, taking over territory, patrolling borders, and creating safe havens for refugees. Those who attempt to wrest control from the UN, or enter its protectorates or safe zones without permission, face sanctions for the violation. Peacekeeping forces have been deployed in places as diverse as Congo, Iran, Lebanon, Sinai, Yemen, the Golan Heights and Cyprus. Between 1988 and 1999 alone, the UN initiated forty peacekeeping missions (Roberts 2001).

Other international institutions also coerce individuals directly, sometimes in ways that violate rights. Consider, for instance, what happened as the humanitarian crisis in the Balkans developed. The UN imposed an arms embargo against the former Yugoslavia, a flight ban over Bosnia and Herzegovina, and economic sanctions against Montenegro and Serbia. NATO enforced these measures. In 1999, when the UN peacekeeping force failed to prevent the Srebrenica massacre, NATO bombed Bosnia. NATO then enforced the Bosnia-Herzegovina peace agreement under the auspices

8. This condition may not be necessary for coercion. For discussion see Nozick 1969; Zimmerman 1981; Gorr 1986; McGregor 1998/89; Held 1972; Van De Veer 1979.

9. Even if individuals' states have other options and are thus partly responsible for coercing their people, international institutions may still be acting wrongly. Knowing how states are likely to act, it may not be acceptable for these institutions to act in the ways that they do. But this paper sets this point aside.

of a UN protectorate and brought individuals accused of war crimes to The Hague. It thereby directly coerced, and enabled the court to coerce, individuals. Eventually, NATO ceded command in Bosnia to the EU, which deployed its own troops (NATO 2007).

## 6. CONCLUSION

Many people resist the idea that there are any obligations of justice to the global poor. If the Autonomy Argument goes through, these people are mistaken. Legitimacy requires that coercive institutions do what they can to ensure that all of their subjects with the potential to secure sufficient autonomy secure adequate food, water, shelter, education, health care, social and emotional goods. The second half of *GGJ* argues that there are many things we can do to help people secure what they need for sufficient autonomy. So, the book concludes, in a world where 18 million people die annually of easily preventable poverty-related causes, there are many things we can and must do to ensure that everyone secures what they need.<sup>10</sup>

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10. See World Health Organization 2004. Although the Autonomy Argument does not establish this conclusion, coercive institutions must also allow individuals to meet their basic needs in a decent, legitimate way. No one should have to scavenge under burning heaps of garbage to survive.

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