

Global Justice and Global Ethics

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Abstract

This essay explores the obligations of individuals living in wealthy countries towards those living in poorer ones. The discussion is framed in terms of justice (understood as a moral virtue of institutions, concerning the distribution of rights, responsibilities and benefits) and asks: 1) to what extent do our global social and political institutions distribute wealth and political power in ways that are morally unacceptable? And 2) what are individuals who benefit from global injustice obligated to do to remedy those injustices that exist? The first part of the essay considers the meaning and significance of justice and introduces John Rawls' foundational work in *A Theory of Justice* (1971) and *The Law of Peoples* (1999). The second part of the essay engages with scholarly debate over the content of global justice by considering critical responses to and defenses of *The Law of Peoples*, and argues that the need for principles of justice that tell us what to do given the political and social makeup of the contemporary world requires us to affirm principles of global justice that are less fair to individuals than what *ideally* just arrangements would call for. The third part of the essay examines various policies and institutional arrangements that exist in the world that are problematic according to the principles of justice argued for in the previous section and suggests just ways in which they might be remedied. The conclusion considers the obligations of individuals and, in particular, how those living in wealthy countries are required morally to contribute to remedy global injustice. The essay concludes that our obligations require us to make significantly greater sacrifices for and contributions to the welfare of the world's extreme poor than we currently make.

1. Introduction

In 2010 Americans gave a total of \$290.89 billion in private charity.¹ Giving to charities classified as “international affairs” organizations (those that conduct primarily relief and development overseas and public policy activities pertaining to U.S. foreign policy) increased by 15.3% in real terms from 2009 to 2010. Despite the increase, giving for “international affairs” constituted just 5% of America’s private charitable donations.² In addition, the federal government gave roughly \$37.7 billion in official foreign assistance, equivalent to approximately 5.42% of public spending on social security, which is the largest spending item in the federal budget.³ Although the sheer volume of American charity is encouraging as a sign of the strength of Americans’ desire to help others,⁴ these statistics demonstrate a damning deficiency in our thinking about our global obligations and the priority that we attribute to them.

While some people give to causes merely because they appreciate the products of their donations (for example, some giving to the arts), and others give because they enjoy feeling beneficent, it is probably safe to conjecture that many people give in order to help the less fortunate because they feel obligated to do so on some occasions, or they feel that it would be wrong if they never gave (that is, they feel that they have an imperfect

¹ *Giving USA, a publication of Giving USA Foundation.* (2011). Researched and written by the Center on Philanthropy at Indiana University; Indianapolis.

² *Ibid.* These figures do not tell the entire story, since some funds given to organizations not classified as “International Affairs” organizations might still have been earmarked for use in other countries. Nonetheless, if the argument of this paper is convincing, Americans should be directing the *majority* of their charitable donations to help the poor in other countries, which would almost certainly involve a dramatic change in the way Americans give.

³ “Fiscal Year 2010 U.S. Overseas Loans and Grants.” (2010). Published by USAID: Washington.

⁴ In 2011 the U.S set a record for the highest World Giving Index score ever. *World Giving Index.* (2011). Researched and written by Charities Aid Foundation; Kent (UK).

obligation to give). This essay is an attempt to give a plausible account of why many people (particularly, middle to upper-class Americans and citizens of other wealthy, “developed” nations) should feel that way. More specifically, it is an attempt to give a plausible account of how we (citizens of wealthy nations), as individuals, should think about our obligations to the world’s extreme poor and why we should feel obligated to devote a considerably larger share of our time and resources to helping the extreme poor in other parts of the world than we currently do.

The discussion in this essay is framed in terms of “global justice.” I will try to show how our particular obligations following from global justice should compel us to do more to help the extreme poor. The meaning and significance of “global justice” is the subject of the section to follow. Section two begins with an explanation of the special role of justice and what is distinctive about it. I then elaborate on what makes an issue of justice “global,” and the difference between “global justice” and “international justice.” Section three explains John Rawls’ widely influential conception of justice as he lays it out in *A Theory of Justice* (1971, hereafter TOJ) and compares that conception to his prescriptions for global justice as he describes them in *The Law of Peoples* (1999, hereafter LOP). Section four considers the critical debate that has taken place regarding Rawls’ LOP in order to determine what conclusions about the content of global justice might be drawn from Rawls’ argumentation and the critical responses of other scholars. Section five asks how we should balance any obligations to help out the world’s poor derived in the previous section with our other obligations (to our families, compatriots, etc.), and considers an important challenge to Rawls’ conception of justice in general. Section six highlights some particular policies and practices that need to be reformed or

remedied if we are to meet our global obligations. Finally, in section seven considers what conclusions we can draw about the obligations of individuals to advance global justice from the discussion in the previous sections.

2. What is Global justice?

In TOJ, John Rawls explains that justice is the first virtue of social institutions.⁵ Just as the value of a system of thought depends on whether or not it is true, Rawls argues, so the value of social institutions depends on whether or not they are just. The content of justice takes the form of principles that bear on social institutions by giving acceptable terms for assigning rights and duties in society and for distributing the benefits of social cooperation. If the design of social institutions does not do these things in a just way, it is not merely ideal that it be reformed but can be required legitimately; that is, as Jeffrey Reiman explains, the special role of justice is to say what can be required (potentially by coercion) of social institutions and the individuals that participate in them.⁶

Principles of justice entail specific obligations for individuals. Rawls argues that we have a natural duty to support just institutions and to “further just arrangements not yet established, at least when this can be done without too much cost to ourselves.”⁷ The general duty to support just institutions implies that the actions of individuals are unjust when they undermine the just distributive effects of social institutions. For example, if we

⁵ Rawls, John. (1971). *A Theory of Justice*. Cambridge: Belknap Press. p. 3.

⁶ Reiman, Jeffrey. (2012). *As free and as just as possible: the theory of Marxian Liberalism*. Malden: Wiley-Blackwell, particularly, Chapter 1: Overview of the Argument for Marxian Liberalism.”

⁷ Rawls (1971). p. 115. Natural duties are those that hold between all persons generally, rather than between particular individuals.

take the institution of private property to be a just arrangement, then theft unjustly distorts the effects of the institutional design. Furthermore, we violate this duty when we lobby for or otherwise support the adoption of policies that produce unjust distributive effects.

For the most part, as Americans, our interactions with the world's poorest people take place by means of institutions rather than in person. We might donate money to organizations like Oxfam, that use our donations to benefit the extreme poor, and the politicians that we elect (or that are appointed by our elected governments) often make decisions that affect their lives. However, most of us do not go to very poor countries, spend much time in the places that the extreme poor live, speak with them, or interact with them face-to-face. Nonetheless, because the decisions that our political representatives and we as individuals make have profound implications for the security and wellbeing of persons in all parts of the world, our natural duty to support justice entails certain requirements on our behavior in regards to how we make those decisions. We all participate in a system of global, social institutions (regulated politically by organizations like the UN and WTO and the governments of states individually), about which we can pose questions regarding the distribution of rights, duties and benefits and whether it is just. Questions of this nature are considered matters of *global* justice.

Theories of *global* justice are different from those of *international* justice in that the latter generally take the existence of states as a given, and seek to define the rights of those states and the limitations on their internal and external sovereignty.⁸ A theory of

⁸ Internal sovereignty refers to a government's authority over those who reside within the border over which it presides. External sovereignty refers to a government's authority to represent those living under its internal sovereignty outside of its borders and to make

global justice concerns the design of institutions as they affect all types of actors in the world, from individuals, to corporations, to nations and supranational organizations. In addition to questions about the rights of states, one might ask, as a matter of *global* justice, how responsibility for issues of global importance should be shared among various types of actors and whether much of the traditional sovereignty of states to regulate the behavior of private individuals and organizations should be ceded to supranational organizations. Increasing interest in *global* justice has been driven by increasing permeability of borders (both physically and in terms of channels of communication, via the internet) and the rise of multinational organizations such as corporations and NGOs that require regulation by some body with authority that supersedes the traditional sovereignty of individual states.⁹

Most people, I think, agree with Rawls' statement above, that as individuals we have some sort of obligation to support just policies. Most people also probably think that the foreseeable death of an innocent person from easily preventable causes constitutes a serious moral harm. Under the current global institutional design, 2,000 innocent people die every hour from foreseeable and easily preventable, poverty related causes.¹⁰ As people committed to justice, we have a strong interest in thinking about whether there are feasible, better, alternative institutional designs that would prevent the deaths of many if not most of those people and about what we can and should do to promote those alternative designs. If we determine that the way global institutions currently distribute rights, duties and the benefits of cooperation (for example, perhaps, by allowing state

binding agreements on their behalf. Pogge, Thomas. (2010). *Politics as usual: what lies behind the pro-poor rhetoric*. Cambridge: Polity Press. p. 13-4.

⁹ Pogge (2010). p. 11.

¹⁰ Pogge (2010). p. 9.

governments to use nearly all of the wealth that they accumulate through use and sale of the natural resources that lie within states' borders for the benefit of their own citizenry) is unjust, then our duty to support justice will entail an obligation to take some action to correct the unjust distributive effects of global institutions and if possible and desirable, to change the policies and practices that cause them.

In the sections to follow I will examine various contemporary approaches to articulating what sort of principles describe the design of a just, global institutions. The work of John Rawls in TOJ and LOP will be, as it has been in the field of contemporary political philosophy, central. I will first seek to resolve some theoretical differences between competing theories of global justice, and provide substantive arguments for favoring some principles (namely, certain of those of the LOP, with some modifications) over others. In order to arrive ultimately at some guidelines regarding what it means for an individual in the “developed” world to meet her global obligations, I will seek to answer the questions: what sorts of policies and institutions does global justice require us to work for? How strong is our obligation to advance just policies and institutions where they do not exist, relative to our other obligations? And finally, what specifically should we, as individuals in wealthy nations, do to fulfill our obligations that follow from global justice and why?

3. Rawlsian justice

Rawls' theory of justice draws on the social contract traditions of Hobbes, Locke, Rousseau and Kant, but it is marked by several important features. First, Kant calls his social contract an “idea of reason,” emphasizing that the terms of the agreement by which

free human beings legitimately come under the authority of government are hypothetical and have to be determined by means of analysis alone (by figuring out what individuals who are situated like the parties to the agreement could or would agree to). The process by which individuals come under government does not draw on the *actual* consent of any existing parties.¹¹ Like Kant's, Rawls' social contract is *hypothetical* in this sense.

Second, unlike Locke, who claims that legitimate terms for a social contract follow from what could be agreed to through a process of historical change that played out in an ideal way (starting with perfectly free and equal human beings in a state of nature), Rawls claims that his social contract is *non-historical*. It is intended to model our convictions about justice without reference to what political developments could have taken place over the course of history.¹² Thus for Locke an agreement that takes the form of the social contract as he describes it has to be historically possible (even if it is extremely unlikely), whereas for Rawls it might be the case that historical circumstance will never allow for the conditions of an agreement such as the one he describes.

Finally, Rawls' social contract derives terms that he claims *would* be agreed to under the conditions of the agreement, rather than establishing a procedure wherein any terms are allowable so long as they *could* be agreed to under the given conditions.¹³ A procedure of the latter sort is found in Kant, who claims that a law is just so long as a united will of all of the citizens of the state could possibly consent to it.¹⁴

¹¹ Rawls, John. (2007). *Lectures on the History of Political Philosophy*. Freeman, Samuel (ed.). Cambridge: Belknap Press. p. 15.

¹² Rawls, John. (2007). p. 131.

¹³ Rawls, John. (2007). p. 15.

¹⁴ Rawls, John. (2007). p. 14.

Under Rawls' interpretation, the natural rights of persons¹⁵ entail that principles that guide the design of institutions for a just society must distribute rights, duties and the benefits of cooperation in a way that is acceptable from the standpoint of each individual in society. In order to determine the content of such principles, Rawls argues that we should imagine that parties charged with choosing them are in an "original position of equality" (hereafter, OP).¹⁶ Though the parties to the OP know that they will co-inhabit a particular society, and they know basic facts about human psychology,¹⁷ they are to be deprived of any knowledge of their particular place within the society (their class, race, gender, occupation, personal tastes, etc.) by a "veil of ignorance." In this way, they have a strong incentive to choose principles that do not advantage individuals of any particular social position over others, but rather principles that will be acceptable to all. He labels this conception of justice, "justice as fairness."

The parties to the OP have no way of guaranteeing for themselves that any advantages allowed to particular individuals or groups would accrue to them, nor any way of guaranteeing that any disadvantages would not fall upon them.¹⁸ Rawls thus argues that it is rational for the parties to prefer, as an initial judgment, an equal distribution of liberty, opportunity and wealth. However, if allowing some inequalities makes *everyone* better off, by an absolute measure, it would also be irrational for the

¹⁵ Understood as those entitlements due to each person by virtue of their being persons, the defense of which justifies coercion.

¹⁶ Rawls, (1971). p. 12. More specifically, Rawls argues that this should be the procedure for determining the fundamental principles for the design of a closed, isolated, domestic society. To what extent this procedure might be appropriate for determining principles for the design of other sort of societies (for example, global society), is one of the central questions of this essay.

¹⁷ For example, that each prefers a greater liberty and a greater share of wealth to a lesser one.

¹⁸ Rawls, (1971). p. 150-1.

parties to refuse to allow them. Furthermore, he claims that the parties will take a particularly risk-averse approach to choosing principles; that is, they will not simply allow inequalities and hope that they fall into an advantaged group rather than a disadvantaged one because doing so would be irrational. Rawls offers numerous reasons for the parties' risk-aversion,¹⁹ but the two most frequently referenced invoke the fact that the veil of ignorance provides certain disincentives to risk-taking (explained in the note below), and that choosing a principle that maximizes the absolute level of the worst possible outcome ensures a certain minimum share to each individual, below which they stand to lose far more than they might gain by falling above it.²⁰

Rawls adds that the parties to the OP would not agree to have their liberty restricted unless doing so was a necessary condition for the exercise of greater liberty (for example, they give up the liberty to take material goods from others without permission or justification, since everyone's surrender of that liberty is necessary for anyone to hold and make efficient use of material goods).²¹ He points out that as the level of material

¹⁹ Thomas Pogge identifies six, altogether. For an explanation of each of these, see Pogge, Thomas. (1989). *Realizing Rawls*. Ithaca: Cornell University Press. p. 111-12.

²⁰ First of all, due to the veil of ignorance, the parties to the OP do not know if the individuals they represent are to be risk-averse or inclined to risk. However, even if a representative party knew that she represented someone who was inclined to take risks, she would want to *ensure* that she received adequate wealth and liberty so that she could engage in risk-taking behavior. Altogether, the fundamental importance of the decisions made in the original position make risk-taking irrational, since unlike in other situations in which risk-taking is a possibility, the losses associated with failure cannot be made up for. For more on this, see, Freeman, Samuel. (2012). "Original position." *The Stanford Encyclopedia of Philosophy* (Spring Edition). Edward N. Zalta (ed.).
<<http://plato.stanford.edu/archives/spr2012/entries/original-position/>>.

²¹ Rawls (1971). p. 203. Rawls' conception of liberty, which seems more or less appropriate in this context, takes the form of the following: "this or that person (or persons) is free (or not free) from this or that constraint (or set of constraints) to do (or not to do) so and so." Rawls (1971). p. 202.

wealth increases, the remaining material wants to be satisfied by wealth become less and less urgent relative to the desire to exercise liberty. As wealth increases, the material barriers to the exercise of liberty also decrease, meaning citizens will increasingly demand to be allowed to exercise greater liberties (remembering that, due to the veil of ignorance, they will also prefer an equal distribution of liberty or whatever is being distributed as an initial judgment, though they might agree to such inequalities as improve the absolute level of that which is being distributed for everyone). For these reasons, Rawls argues that beyond a certain minimum level of wealth necessary for the exercise of such liberties as are to be allowed by society, the parties will not sacrifice a greater liberty for a greater level of material wealth.

By the reasoning given above,²² Rawls argues that people would agree to two principles of justice: first, “Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all;”²³ and second, “social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged²⁴ ... (b) attached to offices and positions open to all under conditions of fair equality of opportunity.”²⁵ These principles are further clarified by two priority rules.²⁶ The first states that liberty can only be restricted for the sake of liberty, and only when restricting liberty strengthens the total system of liberty and when any resulting inequalities in liberty are acceptable to the parties with the less

²² Rawls (1971). §26. The above remarks are no doubt too brief of an explanation of the justification of the principles of justice that Rawls derives. A full, comprehensive account would require too great a digression from the project of this paper, but is available in §26 of *A theory of justice*.

²³ Rawls (1971). p. 302. called the “greatest possible liberty.”

²⁴ Rawls (1971). p. 302. called the “difference principle.”

²⁵ Rawls (1971). p. 302. called the “principle of fair equality of opportunity.”

²⁶ Rawls (1971). p. 302.

liberty.²⁷ The second states that the principles of justice take priority over considerations of efficiency (that is, maximizing the aggregate advantages of the whole society) and that inequalities in opportunity must increase the opportunities available to those with the lesser opportunity.²⁸

Rawls does not, however, argue that these two principles (the principle of “greatest possible liberty,” and “the difference principle,” joined with the “principle of fair equality of opportunity,” which Rawls sees as two parts of the same principle) and priority rules describe the content of justice in global society.²⁹ Instead, in the LOP, he argues that a second OP thought experiment should be conducted to determine principles of justice for regulating international law and practice.³⁰ In this second OP, representatives of liberal and decent, hierarchical³¹ “peoples,” rather than individual persons, should be parties to the agreement.³² Societies that are not liberal or decent and hierarchical by definition do not abide by the LOP either because they lack the resources and infrastructure (“burdened societies”) or because they are unwilling (“rogue peoples”).

Liberal “peoples” are understood as having “a reasonably just constitutional democratic government that serves their fundamental interests,”³³ citizens bound by certain ties of common sympathy,³⁴ and “a firm attachment to a political (moral)

²⁷ Rawls (1971). p. 302. Called, “The Priority of Liberty.”

²⁸ Rawls (1971). p. 302. Called, “The Priority of Justice Over Efficiency and Welfare.”

²⁹ Understood as the sphere in which individuals, governments, organizations and institutions living or based in multiple countries, interact.

³⁰ Rawls, John. (1999). *The law of peoples, with “the idea of public reason revisited*. Cambridge; Harvard University Press. p. 3.

³¹ More on the specific use of this term to come.

³² Rawls, John. (1999). §3.

³³ Rawls. *Ibid.* p. 23.

³⁴ Rawls. *Ibid.* p. 23. See Mill, J.S. *Considerations* (1862).

conception of right and justice.”³⁵ Above and beyond that, all peoples are defined as desiring to offer fair terms of cooperation to other peoples and as being willing to abide by such terms when they can be sure that other peoples will as well. These features distinguish them from “states” as they exist and/or are traditionally conceived. Use of the term “peoples” rather than states is thus intended emphasize that to qualify as peoples these collectivities must meet certain moral requirements (in particular, all five of those given above, with certain exceptions to the requirement regarding democratic government given for liberal peoples, which are discussed on p. 14, in the case of decent, hierarchical societies).³⁶

Rawls claims that, in the OP conducted at the level of peoples, representatives of both liberal and decent peoples would affirm eight rules governing norms of international law and justice:

- “1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples.*
- 2. Peoples are to observe treaties and undertakings.*
- 3. Peoples are equal and are parties to agreements that bind them.*
- 4. Peoples are to observe a duty of non-intervention.*
- 5. Peoples have the right of self-defense but no right to instigate war for reasons other than self-defense.*
- 6. Peoples are to honor human rights.*
- 7. Peoples are to observe certain specified restrictions in the conduct of war.*
- 8. Peoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.”³⁷*

In addition to the eight principles, the parties are to decide on guidelines for the design of organizations for coordinating cooperation and standards for guaranteeing fair trade.³⁸

³⁵ Rawls. *Ibid.* p. 24.

³⁶ Rawls. (1999). p. 27.

³⁷ Rawls. (1999). p. 37.

Rawls does not offer specific reasons regarding why the parties would decide on those eight principles and certain organizational guidelines over all feasible alternatives. Instead, he claims that, as in the domestic case, the veil of ignorance gives reasons for a preference for equality in the distribution of rights of peoples as an initial judgment, since the parties have no way to guarantee that any inequalities will benefit them.³⁹ Given their preference for equality and their moral nature (particularly the fact that they embrace either a liberal or decent, hierarchical conception of justice), he claims that they will see no reason to propose alternatives to the eight given principles. They might, however, continue to disagree regarding how to *interpret* the eight principles, in which case the debate will take the form of competing reasons favoring different interpretations and applications, given the conditions of the veil of ignorance.

4. Debating the Law of Peoples

Critics such as Thomas Pogge and Charles Beitz have questioned Rawls' decision to conduct a second OP at the level of peoples. They argue that a single, global OP, in which representatives of all persons in the world are the parties, should be used to give principles for the design of just global institutions. There are two primary reasons that Rawls offers for conducting a second OP at the level of peoples, rather than a single, global OP. Because the procedure that Rawls outlines in TOJ and the principles that he argues for are intended for the design of a just *liberal* society, Rawls concludes that conducting a single, global original position would require that all parties endorse a *liberal* conception of justice. While it is the case that a fully just society requires a liberal,

³⁸ Rawls. (1999). p. 42.

³⁹ Rawls. (1999). p. 41.

democratic constitution, he claims that we cannot conclude that no other society may be *acceptable* as a member of a society of peoples without first asking what is a reasonable law of peoples.⁴⁰ That is, given the global political landscape as we see it (made up of both liberal and non-liberal societies) and the special role of justice in specifying what can be required of governments and individuals by coercion if necessary, we cannot merely assume that liberal societies are justified in employing coercion in order to force non-liberal countries to liberalize, particularly when such coercion as might be necessary would be highly destructive of peace and stability among peoples. Rawls suggests that we can imagine the possibility that there may be some non-liberal societies who meet certain standards that we consider decent, so that principles that could potentially require coercing them to adopt a liberal conception of justice would be less just than some that tolerated them. Rawls calls these non-liberal societies “decent, hierarchical peoples.”

A decent hierarchical people is different from a liberal one in that, though it honors human rights and abides by a reasonable law of peoples, it may restrain certain basic freedoms of some of its citizens to a limited, though unspecified degree. Freedom of conscience might be limited (by, for example, establishing a state religion), certain groups might be allowed to suffer social and economic deprivations and the government need not follow a strictly democratic principle in making public decisions.⁴¹ However, a decent hierarchical society must be characterized by what Rawls calls a “consultation hierarchy.”⁴² This means that all segments of society have some representation within the government, and politicians are required to give satisfactory, public reasons for their

⁴⁰ Rawls. (1999). p. 60.

⁴¹ Rawls (1999). §8.

⁴² Rawls. (1999). §9.

decisions,⁴³ even to segments of society that are considered lower within the consultation hierarchy.

The need to treat decent hierarchical societies as equal members of the society of peoples does not, as some critics have suggested, dissolve merely because they do not embrace a principle of equality internally. Rawls gives the example of the Catholic and Congregational churches: the former is hierarchically organized while the latter is not, but it remains the case that each church should treat the other as an equal in their dealings as collectivities.⁴⁴ Thus the need to tolerate decent hierarchical peoples follows from their being free and equal societies that are not excessively unjust.

The second reason that Rawls offers for a second, international OP is that because the procedure employed in TOJ is intended to derive principles for the design of a single, domestic state, applying the same procedure, principles and argumentation to the case of global justice would necessitate a centralized “world-state” (again, because the role of justice is to establish what can be required, and the institutions that Rawls argues for in order to enact the principles of justice in TOJ involve a relatively strong, unified central government). Instead, the prescriptions of the LOP are designed to avoid such an arrangement. Rawls joins Kant in conjecturing that such a state would either become excessively authoritarian in order to maintain control over its disparate parts or else would be torn apart as smaller political organizations in the world struggled for autonomy.⁴⁵

⁴³ That is, reasons that appeal to beliefs held in common by all members of society.

⁴⁴ Rawls (1999). p. 69.

⁴⁵ Rawls (1999). p. 36.

Notable Criticisms

Both the content of and the procedure followed in the LOP have been sources of considerable scholarly debate, particularly in reference to Rawls' suggested interpretation and application of the eighth law listed above.⁴⁶ Thomas Pogge, for example, has argued that Rawls' justification for placing important limitations on the application of the duty of assistance appeals to false empirical assumptions. Rawls joins historian David Landes in arguing that the primary determinants of the wealth or poverty of a society are the society's political culture and civic virtues.⁴⁷ Rawls imagines two liberal peoples, originally of similar levels of wealth. One people, by nature of superior industriousness or political planning, grows to be wealthier than the other. Because the difference in wealth results from free choices on the part of each political society, Rawls argues that it would be unjust to require the wealthier people to sacrifice some of its wealth for the sake of the less wealthy one. The implication of this is that a duty of assistance that sought continuously to redress the existence of inequality regardless of its cause, without a definite, justified target or cutoff point, would be an unfair imposition on wealthier countries.

Pogge counters that, although the political culture and civic virtue of a society may impact its wealth, international processes significantly affect the relative wealth of peoples and domestic political cultures and civic virtues themselves. Pogge points to institutions such as slavery and colonialism that we recognize today as morally abhorrent,

⁴⁶ Gillian Brock's account of the debate over the LOP in chapter 2 of *Global justice: A cosmopolitan account*, has been particularly instructive, though I depart significantly from her conclusions about the debate. Brock, Gillian. (2009). *Global justice: A cosmopolitan account*. New York; Oxford University Press.

⁴⁷ Rawls (1999). p. 117.

but that have, no doubt, had disastrous impacts on the political cultures and civic virtues of many societies (in addition to contributing to the present distribution of resources directly). Furthermore, Pogge argues that because some societies (by virtue of this morally problematic historical legacy) have been able to amass more wealth, they have enjoyed stronger bargaining power in creating the terms of international economic cooperation. As a result, they have shaped schemes of cooperation in ways that perpetuate and extend their economic advantages.⁴⁸ From this standpoint, transfers of wealth to many less well-off nations are more properly conceived as recompense for a legacy of exploitation than as “assistance.” If the present distribution of wealth follows largely from international arrangements that have been shaped by injustice, and even the political virtues that Rawls cites as the primary determinants of wealth have been distorted by an unjust historical legacy, it is difficult to maintain that individual peoples are entitled to what they have on the basis of their political virtues. Pogge thus finds reasons to reject Rawls’ justification for only a limited duty of assistance with a definite cutoff point, rather than a more extensive global redistributive principle.

Pogge and other critics have also pointed out that it does not make sense for the parties in the international original position to prefer such a limited duty of assistance to a stronger principle for the redistribution of wealth.⁴⁹ In TOJ, Rawls argues that the parties, preferring a greater distributive share of basic goods to a lesser one, would affirm the difference principle out of self-interest, given the conditions of the veil of ignorance.

Gillian Brock alleges that Rawls assumes the parties in the original position are

⁴⁸ Pogge, Thomas. (2003). “Assisting the Global Poor.” In *Global Ethics: Seminal Essays, Volume II*. (2008). Pogge, Thomas and Horton, Keith (eds.). St. Paul: Paragon House.

⁴⁹ Brock (2009). p. 27.

indifferent to the wealth of their peoples beyond what is necessary to establish reasonably just, liberal institutions, and that it is for this reason that they affirm only a limited redistributive principle. It would make more sense, she argues to conclude that the parties to the international OP also prefer a greater share of wealth for their peoples to a lesser one, and would insist on a stronger principle for the redistribution of wealth than Rawls' duty of assistance.⁵⁰

Another commonly voiced criticism that Brock points to is that it is not clear whether peoples, as Rawls defines them, are meant to correspond to the political bodies that exist within the current international borders (that we think of as states).⁵¹ If peoples are defined by certain shared attributes such as language, culture, history or ethnicity then it would be hard to maintain that the contemporary international political landscape is made up of peoples, since there are often numerous such groups within the borders of existent states.

Brock also points out that there are problems with the list of human rights that Rawls endorses in the LOP.⁵² Rather than a full, liberal set of human rights including freedom of speech, democratic political rights and equal freedom of conscience, Rawls sets out as human rights only a “special class of urgent rights,”⁵³ that provide for, for example, persons' freedom from enslavement and security and a liberty of conscience that need not be equal for all. Brock argues that Rawls does not offer sufficient reasons why a liberal people would agree to such a limited set of human rights or why a decent, hierarchical society would affirm such a list of human rights at all.

⁵⁰ Brock. (2009). p. 27-8.

⁵¹ Brock. (2009). 27.

⁵² Brock. (2009). p. 28.

⁵³ Rawls (1999). p. 79.

Andrew Kuper argues that Rawls' accommodation of decent hierarchical societies misunderstands the requirements of liberal toleration. In this way, Kuper claims that the reasons Rawls offers for tolerating decent hierarchical peoples, and therefore for not advocating a single, global original position, are unconvincing.⁵⁴ He explains that a liberal governing structure must be *ethically neutral*, meaning it should not favor a particular comprehensive theory of what constitutes a good life. However, a liberal governing structure should not be *politically neutral*, meaning it must favor a particular political conception that includes a conception of persons as entitled to full, liberal human rights. By taking the pluralism of peoples seriously, Rawls fails to take seriously the pluralism of persons. Thus a paradox results wherein a person with liberal beliefs living in a decent hierarchical society might, on the presumed basis of liberal toleration at the level of peoples, be denied the right to express them, which would constitute a violation of her liberal rights.

Notable Defenses

Samuel Freeman has pointed out that the question at the outset of the LOP is not, "what does global justice require?" but rather the more practical question, "what rules should guide the conduct of a reasonably just, liberal people?"⁵⁵ Because establishing an ideal, fully just global institutional structure may be beyond the scope of what a reasonably just, liberal people can achieve through its foreign policy, much of the

⁵⁴ Kuper, Andrew. (2000). Rawlsian global justice: beyond the law of peoples to a cosmopolitan law of persons." *Political theory*; 28(5), p. 649.

⁵⁵ Freeman, Samuel. "Distributive justice and the law of peoples." In *Rawls's law of peoples: a realistic utopia*. (2006). Martin, Rex & Reidy, David, eds. Malden; Blackwell Publishing. p. 244.

criticism that the LOP does not impose demanding enough requirements in terms of the redistribution of wealth and human rights is misguided. Defenders of the LOP emphasize that its project is less ambitious in that it seeks to establish conditions for a *peaceful* and *stable* world order, as a useful intermediate step to one that is *just*. Within this framework, the test of whether a particular people should be tolerated is not whether it is fully just but whether it is *legitimate*, which is a less stringent standard.⁵⁶

Along the same lines, some defenders of the LOP have argued that the reason for Rawls' abbreviated list of human rights is the practical role that a common conception of human rights plays in legitimating intervention (in particular, military intervention). Representatives of liberal peoples can acknowledge that they would prefer a more extensive list of human rights, but that violating, for example, citizens' rights to elect a representative government does not justify military intervention in the same way that violating their rights to freedom from slavery does.

David Reidy, on the other hand, has argued that the list of human rights that Rawls endorses is in fact more expansive than critics imagine.⁵⁷ He points out that Rawls introduces his list of human rights with the phrase, "Among the human rights are..." suggesting that more human rights might be added to the list as necessary.⁵⁸ Furthermore, he points to a footnote in which Rawls seems to include articles 3-18 of the 1948 UN Universal Declaration of human rights among "human rights proper." This would imply,

⁵⁶ Freeman, Samuel. (2006). p. 243.

⁵⁷ Brock (2009). p. 33.

⁵⁸ Reidy, David. "Political authority and human rights." In *Rawls's law of peoples: a realistic utopia*. (2006). Martin, Rex & Reidy, David, eds. Malden; Blackwell Publishing. p. 170.

he claims, the inclusion of rights to “due process and rule of law,” “national identity,” “seeking asylum” and others.⁵⁹

Both Freeman and Rex Martin have emphasized that adherence to the LOP would already require wealthy countries to do significantly more for the benefit of poorer countries than they are currently doing. As Freeman points out, Rawls acknowledges that, “if a global principle of distributive justice for the Law of Peoples is meant to apply to our world as it is with its extreme injustices, crippling poverty and inequalities, its appeal is understandable.”⁶⁰ Rawls even suggests that the duty of assistance (eight law) should correct for any unjust distributive affects of the institutions regulating international trade.⁶¹ The advantage that wealthy nations take of their superior bargaining power in establishing the terms of economic cooperation is unjustified under the LOP, or else legitimates a stronger principle of redistributive justice than the duty of assistance that Rawls describes. Martin argues that even without that acknowledgement, the duty to assist “burdened societies” in developing viable political cultures already would require extensive reform of global economic arrangements to help alleviate poverty in the poorest parts of the world.

Rejoinders and conclusions

What conclusions about the content of global justice can we draw from the debate over the LOP? I argue the following:

⁵⁹ Reidy (2006). p. 170.

⁶⁰ Rawls (1999) p. 117.

⁶¹ Rawls (1999). p. 43.

1) The LOP is not intended to describe a fully, ideally just arrangement, but its form (rather than a global OP) and first seven principles offer actionable prescriptions that speak to the mandatory nature of justice;

2) Objections to Rawls' decision not include a full liberal list of human rights, which are intended to undermine the need to accommodate decent hierarchical societies and, therefore, his decision not to advocate a global OP, are unconvincing; and

3) The duty of assistance (law 8) outlined in the LOP is intended to account for the many global injustices that exist and to require a strong principle of redistribution in the short run to remedy them. However, because the effects of injustice are pervasive, ongoing and not easily quantifiable or remediable, Rawls' argument for only a severely limited, long run duty of assistance is unconvincing and a more extensive principle of redistribution is required.

1) I wish to offer two arguments demonstrating why it does not make sense to think of the LOP as a part of Rawls' broader conception of a fully, ideally just institutional order, rather than guidelines for establishing a *peaceful* and *stable* world order and the most just alternative that is practically actionable:

Argument 1 – The Kantian Interpretation of Justice as Fairness

In TOJ, Rawls offers, "The Kantian interpretation of justice as fairness," in which he claims that, "The principles of justice are also categorical imperatives in Kant's sense. For by a categorical imperative Kant understands a principle of conduct that applies to a person in virtue of his nature as a free and equal rational being."⁶² In the *Groundwork for the metaphysics of morals*, Kant outlines the first iteration of his categorical imperative,

⁶² Rawls (1971). p. 253.

in which he claims that all moral agents should, “act only in accordance with that maxim through which you can at the same time will that it become a universal law.”⁶³ For example, Kant derives a duty to give charity by imagining that an individual wills the maxim, ‘I should not have to give charity out of regard for my own well-being.’⁶⁴ Such an individual would, upon universalizing his maxim, require that no one should give charity to him were he in need of it, thus his regard for his own well-being, according to the universal form of the maxim, could turn out to be harmful to his well-being. When universalized, the maxim that describes his will contradicts itself, thus it cannot be a moral law.

The implication of this, however, is that in order for the original position to maintain its analogy to the categorical imperative, it must consider the standpoints of *all rational agents equally*. If some standpoints are necessarily excluded from the theoretical exercise, then one is not considering whether one’s maxim is *universalizable*. If the LOP is taken as coextensive with the requirements for domestic justice laid out in TOJ as Rawls’ broader, ideal theory of justice, then we know that the standpoints of individuals living in burdened societies and rogue states as individuals will not be taken account of by either OP. By this, I mean the representatives in both OPs, aware that they live in either liberal or decent hierarchical societies (necessarily in liberal societies, in the case of the domestic OP), have less incentive to agree to terms that will be acceptable to individuals living in burdened societies or rogue states (compared to alternative

⁶³ Kant, Immanuel. (1785). *Groundwork of the metaphysics of morals*. Gregor, Mary (trns.). (1997). New York; Cambridge University Press. p. 31.

⁶⁴ Kant (1785). p. 33.

possibilities, such as a global difference principle), since their interests are not represented.

It might be objected that burdened societies and rogue states are by definition not in compliance with the rules of justice, and therefore their standpoints need not be taken account of. This does not follow. In the domestic OP, Rawls argues that the parties know that they *might* represent people who are indisposed to abide by the principles of justice and likely to be criminals, but that they would choose the same principles of justice (including a penal code) nonetheless because it is in their rational interests to do so, given the conditions of the veil of ignorance.⁶⁵ In the LOP, on the other hand, the parties know that they necessarily *will not* represent citizens of burdened societies and rogue states, and there is no guarantee that they would not agree to different principles of justice (such as a global difference principle) if they thought they might.

Furthermore we feel no great need to derive principles of justice that speak to the preferences of criminals because we take those preferences to be unjustified, and we take them to be culpable for their illegal propensities. But it is likely that most citizens of burdened societies and even certain rogue states bear no responsibility for their countries' non-compliance. Failing to represent those individuals does not show them the respect that they are due as rational agents. Thus, adhering to such principles of global justice loses some of the appeal of providing a framework within which the individual might be *autonomous* in the Kantian sense.⁶⁶ This does not necessarily undermine the LOP as a

⁶⁵ Rawls (1971). 575-6.

⁶⁶ For Kant, being autonomous means being according to a rule given by one's nature. Since human nature is to be rational, and the moral law given by the categorical imperative follows from rationality, to act according to the moral law is to act autonomously. (Kant (1785). p. 52-4). To the extent that the original position is an

viable theory of global justice, but suggests that it is less *ideal* than a global OP might be. In argument 2, I show why it is permissible that the LOP does not require fairness to individual persons.

Argument 2 – On the Need for Fairness to Persons

Rawls concedes that the LOP is “fair to peoples and not to individual persons.”⁶⁷

If (as stated in the introduction of TOJ), all *persons* are inviolable on the basis of justice,⁶⁸ then the salient issue in determining whether an arrangement is fully just is whether it is fair to all *persons* involved, particularly if justice is broadly conceived of as fairness, as Rawls claims it is in his theory (since treating a *person* unfairly would not be to treat her as if she were inviolable).

However, under Rawls’ paradigm, one might maintain that a single, global OP would provide terms for a suitable, ideal, fully just, global institutional order. On the other hand, because the special role of justice is to say what can be required of individuals and collectivities, one might not be inclined to describe a single global original position as giving adequate principles of justice if the only apparent means for acting on those principles would require liberal countries and liberal supranational organizations to employ economic and or military coercion to force all non-liberal countries (even those that seem reasonably just in important ways) to liberalize.⁶⁹ For this reason, we need principles of global justice that, while less ideal than terms that might be derived through a global OP, provide binding requirements that can be enforced in a way

analogue of the categorical imperative, abiding by Rawls’ principles of justice provides a useful (though not sufficient) framework for being autonomous.

⁶⁷ Rawls (1999). p. 17.

⁶⁸ Rawls (1971). p. 3.

⁶⁹ Rawls (1999). p.82-3. For the reasons stated above, involving the coercion of non-liberal societies and the impracticality of a world state.

consistent with our moral conviction that the extreme consequences of economic and military coercion require a demanding standard for justification.⁷⁰

Because the principles of justice that Rawls endorses in TOJ describe a liberal conception of justice, the right, democratic means for bringing about the conditions called for by the principles justice are given by the conception of justice itself (i.e. by voting, petitioning, lobbying the government and one's fellow citizens, etc.). Furthermore, institutions through which one might effectively employ these means exist in many domestic countries. However, because there is no single, liberal, global government, the principles endorsed in TOJ are not *sufficient* for global society. There are no evident, just means for bringing about the circumstances called for if they were to be applied. Even if we assumed, for example, that a global OP was appropriate in the long run, we would have to first ask, "how do we justly and effectively establish institutions capable of redistributing resources between persons across the globe according to the difference principle? How do we induce countries that do not want to participate in such institutions to do so?" Rawls sees no acceptable, available way of doing that.

Within the LOP, Rawls labels the portion devoted to explaining by what means countries who are unwilling or unable to comply with the LOP's requirements might be brought into compliance, "non-ideal theory."⁷¹ These prescriptions are only possible because the "ideal" conditions given by the LOP are not too ideal and suggest ways of bringing them about that would be both effective and acceptable. One could thus draw an analogy between the distinction of "non-ideal theory" from the "ideal" prescriptions of

⁷⁰ For more on the role of *justice* and *ideal justice*, again, see Reiman, Jeffrey. (2012), Chpt. 1.

⁷¹ Rawls (1999). p. 5.

the LOP, and the non-ideal nature of the LOP itself compared with ideal conditions of global justice. Bringing about compliance with the LOP in order to establish a peaceful and stable global order would help create conditions under which better practical means for establishing a more ideally just global order would be apparent. The LOP is therefore itself a part of the means to establishing a more ideally just global order.

As explained in section three, Rawls does not believe that a stable world state with a sufficient concentration of powers to enact ideal principles of justice could ever be brought about. It is for this reason that he labels the LOP a “*realistic utopia*”⁷² (implying that theoretically it is less utopian than an *unrealistic* utopia might be). Critics should thus be content that the LOP is intended to provide guidelines for improving the state of global institutional arrangements in a just and feasible manner, rather than an attempt to describe the most fully just state of global institutional arrangements imaginable.

Furthermore it cannot be objected (as Brock attempts) that the LOP is impractical because peoples, as Rawls defines them, do not exist. The suggestion that Rawls’ conception of “peoples” could not possibly correspond to existent states focuses on the wrong attributes of peoples. Rawls draws on John Stuart Mill’s conception of “common sympathies,” as one aspect of peoples. Whereas critics such as Brock have been quick to point out that linguistic, ethnic, racial and religious communities do not often adhere strictly to state borders, Mill identifies these features as merely useful to, though not constitutive of “common sympathies.”⁷³ Among the constitutive elements, Mill lists, “collective pride and humiliation, pleasure and regret, connected with the same incidents

⁷² Rawls (1999). p. 7.

⁷³ Rawls (1999). p.23n.

in the past.”⁷⁴ Though it would be impossible to offer definitive, empirical evidence that all individuals in every part of the world feel these things in common with their co-nationals, it is far easier to show that these sentiments exist in some capacity within state borders compared to the common attributes listed above.⁷⁵

2) The argument that Rawls is wrong not to insist on full liberal rights for individuals, wrong to tolerate decent hierarchical societies and thus wrong not to advocate a global OP draws on easily resolvable differences between Rawls’ theory and the comments of his critics. In reference to the debate over Rawls’ list of human rights, Brock offers several reasons for concluding the debate in favor of Rawls’ critics. She argues first that either Reidy is right, that Rawls intends to endorse a more expansive list of liberal human rights, which then does not serve primarily the function of legitimating intervention, or that Freeman is right and the list is short because of this function; but it cannot be both ways.⁷⁶ Furthermore, she points out that human rights serve other purposes that might require the list to be more extensive including, (citing James Nickles, who lists, among other functions) providing, “standards for education about good governance...guides to suitable content for bills of rights at the national level...[and] guides to domestic aspirations, reform and criticism.”⁷⁷ She points out that governments can, in response to violations of those human rights reserved for a more extensive list, express their disapproval through diplomatic actions and resolutions without practicing coercion.

⁷⁴ Rawls (1999). p.23n.

⁷⁵ The great attention given to, for example, international athletics competitions such as the soccer World Cup (and qualifiers) is, I think, one example, even if it does not offer definitive, categorical proof.

⁷⁶ Brock (2009). p. 38.

⁷⁷ Brock (2009). p. 39.

First of all, the reason for Rawls' ambiguity regarding the extensiveness of the list of human rights that he endorses might very well be the multiple functions of human rights. In the note in which Rawls seems to endorse articles 3-18 of the UDHR, he adds the qualifier that they are acceptable, "pending certain questions of interpretation."⁷⁸ The terms in which Reidy describes those rights are not citations of the articles themselves, but reflect his own (potentially problematic) interpretations and not necessarily Rawls'. There is no reason to think that Rawls did not intend, under his interpretation of those articles, to include all of them under a less extensive list of human rights, the violation of which justifies intervention. Thus, both Reidy and Freeman can be right, that Rawls intended to leave open his list of human rights and that full liberal rights are not included because one important role that human rights serve is to justify intervention.

Furthermore, it is perfectly conceivable that one could identify both 'thin' and 'thick' lists of human rights, the first of which serves the function of justifying intervention, and the second of which serves those other functions that Nickles describes. The conflict about how extensive the list of human rights should be is merely semantic, since there is no need to maintain a single list to serve all of those functions, under the designation "human rights." Rawls could maintain that liberal peoples should engage in such diplomatic castigation as Nickles suggests in response to violations of rights that fall only under the "thick" list⁷⁹ and that violations of rights reserved for the "thin" list (that he gives explicitly) justify intervention.

⁷⁸ Rawls (1999). p. 80n.

⁷⁹ Though it is more likely that he would argue reasonably that the equality of peoples and the need to tolerate decent, hierarchical societies would prohibit excessively aggressive diplomacy as destructive of cooperation, peace and stability

3) The reasons Rawls offers for rejecting an extensive principle of redistribution without a definite cutoff point are unconvincing. As noted above, Rawls' defenders pointed to the fact that the duty of assistance is intended to correct for the distributive effects of unfair agreements.⁸⁰ However, to claim that peoples can merely make recompense for the legacy of any past injustices and offer fair terms of economic cooperation without any continuous redistribution of resources begs the question of what constitutes adequate recompense for past injustice and fair terms of economic cooperation.

First, Rawls claims that political culture and civic virtue are the primary determinants of wealth for a people. If Pogge is right, however, that past injustices have had a distorting affects on those things in many countries around the world, how are we to say when adequate recompense for those injustices has been made? We will never know what the political cultures and civic virtues of those countries would be like, or how much wealth they would have, if not for injustices committed. Furthermore, if Pogge is right that wealthier countries have used their superior political power following from their wealth to craft terms of cooperation that advantage them at the detriment of poorer countries, we will never be able to say how much of their present wealth the wealthy countries are entitled to on the basis of their political cultures and civic virtues. From this it follows that we cannot look to political culture and civic virtue alone to determine how much wealth a country has or should have.

Second, establishing fair terms of economic cooperation is not necessarily a simple matter of correcting current certain practices without redistributing resources

⁸⁰ Rawls (1999). p. 43.

directly. For example, suppose firms in wealthy countries hire employees at factories in poorer ones for very low wages and require them to work long hours, while extracting much more value from the things that they produce. Assuming that the workers accept those conditions only because they have no other acceptable employment options, we would think that they are taken advantage of and that the terms of cooperation are unfair (the precise meaning of ‘taking advantage’ is taken up in section five, pages 35-7 and further refined in section six, pages 41-2). However, suppose that the firm has to extract a high margin of value from the products of their foreign laborers to remain competitive. If they could not offer the foreign laborers only a low wage and long hours, they would not employ them at all, and no one would receive the benefits of cooperation. We might wish that the workers were not exploited, but the appropriate response would not be to put an end to exploitative hiring practices. We might, however, require the governments of the countries in which the firms reside to diffuse the costs of compensating exploited laborers across their economies by taxing their citizens and corporations (who benefit from the cheap goods and cheap labor provided by foreign laborers) and making payments to the governments of poor countries, to be used to contribute to the welfare of the poor labor force. This example illustrates that economic interdependence in the world today is such that fair terms of cooperation may necessarily involve continuous redistribution of resources.

Third, Rawls argues that it is not necessary to redistribute wealth to correct for the arbitrary distribution of natural resources. He claims that the distribution of resources does not have a significant effect on the overall wealth of a society, based on the fact that some resource poor countries have become very wealthy and some resource rich ones

very poor.⁸¹ But the fact that some resource rich countries have squandered their good luck and some resource poor ones overcome their bad luck does not at all suggest that the distribution of resources does not grant some countries an undeserved boon and impose on other an undeserved hardship. This is especially true since countries are typically allowed to use or sell the natural resources that fall within their borders and accrue all of the benefits of the use or sale of resources to themselves. There is thus no good reason for thinking that the parties in the second OP would not insist on a redistribution of wealth to correct for the arbitrary distribution of natural resources.

Finally, Rawls draws from the judgment that political culture and civic virtue are the primary determinants of wealth that each country is morally entitled to what it has (once recompense for injustice has been made and fair terms of economic cooperation established).⁸² Even if we leave aside the arguments suggesting that adequate recompense for past injustices and fair terms of economic cooperation would require a continuous principle of redistribution of wealth, Rawls' reasons for limiting redistribution in this way are unjustified. In TOJ, he points out that no principle that uses moral desert as a means of determining what people are entitled to would be chosen in the original position, and the principles of justice that he derives make no mention of moral desert.⁸³ The parties in the domestic OP choose the difference principle because it represents the most desirable outcome from the standpoint of an individual behind the veil of ignorance. There is no reason to think that a society that attempted to distribute primary social goods on the

⁸¹ Rawls (1999). p. 108.

⁸² This conclusion follows from his pronouncement that it would be unacceptable if resources were redistributed continuously, since they distribution of resources follows from the free choices of peoples. Rawls (1999). p. 117.

⁸³ Rawls (1971). p. 310-11. §48 generally takes up this point.

basis of moral desert (understood as virtue for which the individual can claim responsibility) would produce as desirable of results as the difference principle would.

In the LOP Rawls considers three reasons why people in the domestic OP prefer an equal distribution of wealth and claims that they do not apply to the OP at the level of peoples. He claims first, that an equal distribution of resources is not necessary for peoples to ensure that they are free from dire poverty and able to exercise their political liberties because the limited duty of assistance meets those criteria. He argues second, that in domestic society an equal distribution of resources is useful to protect the self-respect of citizens who might be less well off. However, in the society of peoples, each people decides how much it values wealth for itself, thus it is not necessarily true that citizens of less wealthy peoples will lose self-respect. Third, he argues that an equal distribution of resources protects the fairness of the political process in domestic society (so that individuals do not use great sums of money to gain undue favor for certain parties or causes) and ensures fair equality of opportunity. In the second OP, Rawls claims that the veil of ignorance provides for these conditions, since the parties decide on some guidelines for political cooperation directly.

These arguments (if they are convincing) suggest that the parties to the OP at the level of peoples have less compelling reasons for demanding a principle of redistribution that aims for relative equality. It remains the case, however, as in the domestic OP, that it is rational for the parties to prefer as large a share of wealth as they can obtain in crafting the terms of cooperation. They will not in any way be harmed if they receive a larger share than they require, since they can simply dispense of any excess wealth, but they will view it as harmful if they receive less wealth than they would like. This fact suggests

that the representatives of peoples would agree to some principle of redistribution along the lines of the difference principle. Furthermore, Rawls provides *no* reasons for thinking that the parties to the OP at the level of peoples would agree to a distribution of resources based on moral desert (such as the one he argues for, modified only by the limited duty of assistance). For all of the above reasons, it is clear that global justice requires at least a moderately strong principle for the redistribution of wealth. In the section to follow, I consider the objection that the need to act on more demanding political duties between compatriots and their domestic government presents a legitimate obstacle to significant redistribution of wealth globally.

5. Balancing our obligations – partiality and citizenship

Richard Miller argues that domestic governments and their citizens have special obligations and responsibilities towards one another that ordinarily take priority over obligations towards people in other parts of the world. For Miller, individuals develop specific obligations to one another by nature of their interactions.⁸⁴ In our associations we have an obligation to treat all as deserving of respect, but we will generate stronger obligations to those with whom we cooperate in ventures that are more important to our well being and fulfillment. He argues that the services and meaning provided through, for example, family associations, are more fundamental to the overall quality of our lives than those gained by association with one's colleagues at a university, and it is for this reason that the former usually generates more demanding obligations than the latter.⁸⁵

⁸⁴ Miller, Richard. (2010). *Globalizing justice: the ethics of poverty and power*. New York: Oxford University Press. p. 42-3.

⁸⁵ Miller. (2010). p. 46.

However, Miller claims that the actions of the governments of wealthy countries in the world today have had such profound negative impacts on the lives of citizens of poorer countries that, “Standard assumptions of priority for compatriots’ needs are overridden by transnational ties.”⁸⁶ Before I look at what policies wealthy governments have put in place that make this so (in section six), I wish to examine how Miller explains the claim that obligations to co-nationals are typically stronger than those to citizens of other countries and why the typical order of priority should be reversed for those living in wealthy countries today. In so doing I examine a powerful objection that Miller levels against Rawls’ OP procedure in general.

Miller argues that cooperation with our co-nationals is typically more meaningful and important cooperation than exists across national borders. For example, he notes, “International commerce can be extremely important, but even in countries in which it is, local economic relations have primary importance, since they are the basis of making good use of international opportunities.”⁸⁷ Additionally, he argues that fulfillment through participation in a nationality is one way that individuals pursue lasting meaning in their lives. He claims, “Co-participation in an ongoing project of cultivating a shared way of life inherited from past generations and passing it along to generations to come is worthy of a central place in someone’s personal goods.”⁸⁸

For Miller, the mere fact that individuals and states cooperate and are interdependent economically across borders does not necessarily generate extensive obligations between economic partners, along the lines of the LOP. He acknowledges that

⁸⁶ Miller (2010). p. 210.

⁸⁷ Miller (2010). p. 46.

⁸⁸ Miller. (2010). p. 37.

there is a duty to distribute the benefits of cooperation in a fair, impartial way and not to exploit or take excessive advantage of others. Taking advantage occurs whenever one party employs force or deception in crafting the terms of an agreement, one party does not benefit from the agreement or one party ends up badly.⁸⁹ He holds, however, that the existence of some limited form of cooperation does not imply a responsibility to cooperate in more comprehensive ways, particularly if such comprehensive cooperation imposes limitations on what individuals can do to act on their obligations towards those with whom they already cooperate in more important ways. There is, for Miller no need to enter into the OP procedure to determine how societies should cooperate. It is sufficient that each party seek not to take advantage of other parties in their existing cooperative ventures.

Miller claims that it is *only* because wealthy countries *have* frequently taken advantage of poor countries in crafting the terms of economic cooperation, that they have significant unmet responsibilities to help the citizens of those countries.⁹⁰ Our representative government's have chosen certain terms of international economic cooperation. Those terms include, for example, some provisions for free trade that limit tariffs and subsidies, but do not include extensive redistribution of wealth. Poor countries tend to fare very badly due to these terms, whereas wealthy countries benefit extensively. We can easily imagine different terms of economic cooperation whereby poor countries would not fare badly, although wealthy countries might not benefit as much. Why, then, do poor countries accept the terms as they are? It is clear that they do so out of necessity,

⁸⁹ Miller. (2010). p. 62.

⁹⁰ Miller. (2010). p. 62.

because otherwise they would not have access to sufficient wealth for most of their citizens to acquire basic necessary goods; they are thus coerced into accepting them.

What makes the important difference between certain instances of acceptable and unacceptable coercion in the economic system is the presence of viable alternative options that enable parties to negotiate terms of cooperation that do not allow them to be taken advantage of. Miller states, “A person takes advantage of someone if he derives a benefit from her difficulty in advancing her interests... [and] shows inadequate regard for the equal moral importance of her interests and her capacity for choice.”⁹¹ Angola, for example, cannot refuse the terms of trade offered by membership in the WTO and expect to find other trading partners that will enable them to gain access to sufficient capital and goods to support its population. Those who benefit from Angola’s membership in the WTO, might take advantage of Angola’s weak bargaining power to force it to accept terms of trade that it otherwise would not accept. Angola has no other means of advancing its interests. On the other hand, whereas the U.S. will necessarily have to find some trading partners (and is in that way coerced), it can threaten to withhold access to its massive markets to certain countries and still expect that other countries will be willing to engage in trade. Thus the U.S. is likely not taken advantage of in the terms of international economic cooperation.

In claiming that limited forms of cooperation do not imply any obligation to more extensive cooperation, and thus that it is *only* because of incidents of exploitation that a significant redistribution of resources is due, Miller argues that Rawls’ OP procedure generates obligations that are too demanding. In Miller’s view, all that is necessary to

⁹¹Miller. (2010). p. 60.

show adequate respect for all persons is that one, “commit oneself to principles of moral obligation that are the same as those incumbent on others.”⁹² From this, Miller extrapolates that, when considering whether one is bound by particular principle of obligation, one need only imagine the likely costs and benefits that would follow if everyone else shared a commitment to that principle, and determine whether they are acceptable in light of one’s goals and resources. Miller does not require that one ask, above and beyond that, whether a commitment to the principle would also be acceptable to all others, in light of their goals and resources.

I argue that Miller’s procedure for deciding on moral principles does not show equal respect for everyone. Miller claims that the individual who follows this procedure is not guilty of condescension towards others because she does not presume a higher moral standard for herself than for others.⁹³ But there are other condescending claims implicit in the application of Miller’s procedure. The individual who applies Miller’s procedure can be understood as pronouncing to all other individuals: “my will alone is capable of creating moral obligations for all of us. I know what principles are right for everyone. Your wills are insufficient for determining whether a moral principle is right or not. Only my goals are worthy of contributing to the content of moral principles and your goals are morally inconsequential.” It makes no difference that the individual acknowledges that all other individuals maintain the same orientation towards her. To the extent that she views the moral principles that she derives through the procedure as good rules for her, she views them as good rules for everyone to follow. Showing equal respect for all involves treating others as competent moral individuals, capable of generating for

⁹² Miller. (2010). p. 26.

⁹³ Miller (2010). p. 26.

themselves such principles as can be required of them. This claim is borne out by Kant's explanation of the second iteration of the categorical imperative, in which he claims that we should treat, "the will of every rational being as a will giving universal law."⁹⁴ For Kant, the ability to generate binding, universal laws is the ground on which each person is due equal respect in the first place.

Moreover, as I have argued elsewhere in this paper, principles of justice are meant to tell us what we can legitimately require of others. The individual does not view herself as bound by any obligation that she would not choose. Because she does not ask if other would choose the obligations that she chooses for herself, she cannot view others as bound by the same obligations that bind her. If Miller's procedure is only intended for an individual to determine whether or not a particular principle of obligation is too demanding for her, then Miller's principles of justice will not tell us what we can require of others. If, on the other hand, we interpret Miller's claim as stating that each individual can be required to act on principles of obligation that would likely be in her interests if shared by all (in light of her concerns and resources), then his procedure will definitely not generate any applicable, binding principles of justice. We would have to know what principles of obligation met those conditions in light of the preferences and resources of each individual to determine what justice required of each individually.

For these reasons I reject Miller's assertion that the existence of limited international cooperation does not imply an obligation to more extensive cooperation, defined by the terms of the OP at the level of peoples. The requirement of equal respect for all means that the principles of justice do follow from terms that it would be

⁹⁴ Kant (1785). p. 39.

reasonable for all parties under conditions of equality. These principles can require more extensive cooperation than exists when it is in the interests of the worse off parties. As Thomas Nagel explains, it may be reasonable (and acceptable under the conditions of the OP, given the veil of ignorance) to ask more well off parties to make certain sacrifices to improve the conditions of less well off parties, but it is always unreasonable to ask less well off parties to make sacrifices to improve the conditions of more well off parties.⁹⁵ When poorer countries are required to accept terms that do not include more extensive cooperation despite the fact that more extensive cooperation would be in their interests, they sacrifice their welfare for the welfare of the more well off.

Nonetheless, the reasons that Miller does offer for prioritizing our obligations to the world's poor speak to a duty not to exploit that is common to the LOP (since the parties in the OP at the level of peoples agree to standards for fair economic cooperation). The need to rectify past and present instances of exploitation and establish fair terms of cooperation (discussed in section four, pages 30-34) suggest that we should reform our global institutions in order to improve the situation of the world's extreme poor. In the section to follow, I examine various policies and practices that require reform or remediation through monetary recompense and suggest certain easily adoptable practices that would allow for a more equitable distribution of wealth and improve the welfare of the world's extreme poor.

⁹⁵ Nagel, Thomas. (1991). *Equality and partiality*. New York: Oxford University Press. p. 79.

6. Policy implications of global justice

Thomas Pogge has done extensive work detailing particular unjust practices on the part of wealthy countries and specific actions that should be taken to remedy existing injustices.⁹⁶ Three practices that governments of many wealthy nations regularly engage in that reflect unfair terms of cooperation are what Pogge calls the “resource,” “borrowing” and “arms” privileges.⁹⁷ Governments of wealthy countries often treat as legitimate governments of poorer countries that do not properly represent the interests of their citizens and/or do not honor fundamental human rights. They allow those corrupt governments to sell their countries’ natural resources (resource privilege) and borrow money (borrowing privilege) on behalf of their countries without using the financial resources that they receive for the benefit of their citizens, or in a manner of which their citizens approve.⁹⁸ They also allow them to use state funds to purchase arms (arms privilege) that are used to maintain their coercive control over their citizens.

These practices harm citizens of poorer countries by allowing their leaders to dispense of resources that should be used for their benefit, gain and maintain illegitimate political control over their countries and accumulate debt that a) must be serviced with public funds, taking away from those that might be used to contribute to their welfare and b) would likely have to be paid off by any succeeding, legitimate government. It also provides inducements for corrupt individuals who wish to gain political power in order to

⁹⁶ Whatever the theoretical differences between Pogge’s conception of global justice and the LOP, I believe it will become clear that the content of many of his recommendations fit well with the conclusions about global justice reached in this essay.

⁹⁷ Pogge (2010). p. 18. These practices are problems of justice in that the global institutional order allows governments of wealthy countries to engage in them without penalty. The solution to these problems is thus to enact some binding framework at the supranational level that prevents them.

⁹⁸ Pogge. (2010). p. 18.

benefit themselves financially to attempt to do so, and inducements for those in power to become corrupt.

Allowing these privileges improves the welfare of individuals in wealthy countries⁹⁹ whereas they cause considerable harm to poor countries. The fact that the citizens of poor countries might be better off now than they would be if the governments of wealthy nations refused to deal with their corrupt leaders does not imply that they are not still taken advantage of or exploited. We are not, for example, inclined to think that an individual who is forced to pay \$1,000 for a bottle of water during a severe water shortage is not taken advantage of, though he may be better off with the purchase of water than without it.¹⁰⁰

The resource, borrowing and arms privileges clearly violate law 3 of the LOP: “Peoples are equal and are parties to agreements that bind them.”¹⁰¹ Since the individuals who make up such corrupt governments do not adequately represent the people over which they preside, the people cannot be said to be party to any agreements into which those individuals enter on their behalf. In order to prevent harms following from the three privileges, international institutions such as the UN might establish standards for legitimacy (perhaps, along the lines of those that qualify a society as decent in the LOP) as preconditions for certain types of economic cooperation. Of course this would first

⁹⁹ In general, the three privileges can accomplish this in three ways: first, by giving wealthy countries access to scarce resources, often at lower prices than they would be able to attain them elsewhere; second, by making poorer countries politically and economically indebted to them, so that their indebtedness can be exploited for geopolitical favors and to gain increased traction in negotiating terms of economic cooperation; and third, by supporting regimes that are hospitable to the interests of wealthy countries, if not to those of their own citizens.

¹⁰⁰ Miller (2010). p. 61.

¹⁰¹ Rawls (1999). p. 37.

require that most member nations of the UN undertake extensive reforms so as to fit the criteria themselves. Governments of wealthy countries could also practice debt forgiveness for legitimate governments that take the place of illegitimate ones.

To these practices, Miller adds several common behaviors that American firms and the American government in particular engage in that produce unjust outcomes. American firms exploit laborers in developing countries by extracting excessively great value from their work compared to the wages and conditions that the firms offer.¹⁰² For example, he cites a World Bank study that shows that in order to generate one dollar of value from a product, American manufacturing firms pay an average wage of \$.36 to American employees. However, employees in other, poorer, countries receive significantly less for each dollar of value created: just \$.19 in Thailand, \$.23 in the Philippines, \$.25 in China, \$.27 in Malaysia and \$.29 in Mexico, despite the fact that manufacturing firms tend to export more labor intensive work to those countries.¹⁰³ The fact that wages are less in these countries than in the U.S. is not necessarily problematic, since costs of living differ across the countries. What is objectionable about American manufacturing firms' foreign hiring practices is that the firms are able to increase their profit margins, while many of their foreign laborers accept that they must work long hours under poor conditions carrying out, "drudgery or penury that are not fully worthy of human dignity."¹⁰⁴ As noted above, that both the foreign laborers and firms are better off with these arrangements than they would be without them does not imply that the

¹⁰² Recall that under Miller's definition of 'taking advantage,' the agreement is unfair so long as one party 'does badly,' even if that party is better off than it would be without the agreement.

¹⁰³ Miller (2010). p. 64.

¹⁰⁴ Miller (2010) p. 65.

arrangements are justified. The laborers fare badly through the arrangements, which is sufficient to distinguish them as unjust.

Additionally, Miller argues that America abuses its international diplomatic power to create terms of cooperation that favor its interests to the detriment of others. For example, because the U.S. government controls access to a large and important market, it has been able to use the threat of non-cooperation to bully other countries into accepting trade liberalization while maintaining many of its protectionist policies.¹⁰⁵ The parties to the OP at the level of peoples decide on standards of fair trade and, given the veil of ignorance, they will not allow countries with large populations the advantage of using control of their markets to distort the terms of trade agreements. Relatively high domestic subsidies in fields such as agriculture allow American farmers to sell crops at prices that farmers in developing countries cannot match, resulting in, for example losses of \$300 million between 1998 and 2001 for African producers of cotton.¹⁰⁶ Chan and Phillips (2001) found that, in reference to U.S. and EU subsidization of dairy exports, “facts show that level of export subsidy provided by developed countries which as in North America and members of EEC are so high that they cause serious trade distortions.”¹⁰⁷ Miller also notes that in 2000, trade barriers faced by “developing” countries trying to export goods were on average three times as high as those faced by “developed” ones.¹⁰⁸

America has several means of promoting its interests to the detriment of other countries. Miller argues that the dollar was chosen as a currency of international

¹⁰⁵ Miller. (2010). p. 70.

¹⁰⁶ Miller, (2010). p. 78.

¹⁰⁷ Chand, Ramesh and Linu Mathew Phillip. “Subsidies and Support in Agriculture: Is WTO Providing Level Playing Field?” *Economic and Political Weekly*; 36(32) p. 3016.

¹⁰⁸ Miller (2010). p. 78.

exchange because of the relative stability of American markets.¹⁰⁹ However, because of the global role of the dollar, America enjoys inordinate power over global economic welfare. In late 70s and 80s, American tightening of interest rates to curb inflation led to a 9% decrease in “developing” countries’ share of global trade, and particularly slowed growth in Latin America.¹¹⁰

Finally, America has not been hesitant to use its military power to support its interests and maintain a credible threat that those who do not comply with American interests are liable to face violent retribution. Whether America’s direct and indirect (through allies and non-governmental groups) military interventions in Iraq, Afghanistan, Nicaragua, Guatemala and elsewhere were justified under the LOP’s proscription of any war not necessary for self-defense is, I think, best explained in the words of Jurgen Habermas, who asserts that, “For a preventive attack there is no retroactive justification: No one may go to war on a suspicion.”¹¹¹ (That is not to say that preventative war is never justified, but that a certain standard of evidence must be provided to justify preemptive military action. Habermas claims that that standard was not met before, for example, the 2003 U.S. invasion of Iraq). It is not even necessary that America exercise economic or military threats directly. There is an ever-present threat that opposing U.S. interests will bring retribution, which is sufficient to allow the U.S. to craft unfair terms of cooperation.

To remedy the abuse of power, more clearly framed, binding requirements that demand passing a multinational resolution to justify extensive military activity might be

¹⁰⁹ Miller (2010). p. 121.

¹¹⁰ Miller (2010). p. 122.

¹¹¹ Habermas, Jurgen and Mendieta, Eduardo. (2004). “America and the world: a conversation with Jurgen Habermas. *Logos*, 3(3).

useful. Furthermore, if we are serious about achieving fair terms of international economic cooperation, some modification of international tariffs and agreements regarding permissible levels of domestic subsidies is surely in order. Some binding, international standards for labor conditions may very well be useful. However, intervening in economic markets is very frequently a tricky ordeal, and even our most well-intentioned actions can have negative results. If a firm decides to cease employing laborers in poor countries to avoid exploiting them, those people may likely have to resort to even less desirable employment options. Scholars have suggested that in some instances, even private and public aid and fair trade can have a negative impact on development and wellbeing in poor countries.¹¹² That is not to say that we should not endeavor to improve the fairness of international economic agreements and contribute to the well being of the world's extreme poor through aid, but we should carefully research the potential effects of our well intended actions before we undertake them. With the quality and quantity of information now available regarding the effects of aid, fair trade and frameworks of economic cooperation, we would be acting negligently if we merely sought to cut out the sources of economic inequalities or throw money at problems without considering the likely impacts. Thomas Pogge's Global Resource Dividend (GRD) offers a useful example of a well-reasoned policy suggestion that could help those in the wealthy countries to meet their obligations to the global poor.

¹¹² In reference to public and private aid see, for example, Moyo, Dambisa. (2009). *Dead aid: why aid is not working and how there is a better way for Africa*. New York; Farrar, Straus and Giroux (especially chapter 4). In reference to fair trade see, for example, Berndt, Colleen. (2007). "Is fair trade in coffee production fair and useful? Evidence from Costa Rica and Guatemala and implications for policy." Published by the Mercatus Center at George Mason University.

Pogge suggests imposing a low tax (probably around 1%) on governments on the value of natural resources extracted or collected for use or sale.¹¹³ The funds collected through this tax would be used to improve the minimum standard of living of the world's poorest people (the tax would also serve the end of acting as a small deterrent against pollution through the overconsumption of resources). Pogge allows that special allowances and exemptions would be made for resources used in the production of basic necessities. Furthermore, he reasons that although the tax will be levied on the government extracting or collecting the resources, the tax would be reflected in the market price of those resources, meaning the resource consumer would bear the additional cost. In this way the greatest consumers of resources (far and away wealthy nations) will be the greatest contributors to the fund, while all of the benefits will accrue to the world's poor.¹¹⁴ Through Pogge's GRD, wealthy nations would be required to make a modest, though meaningful contribution to the welfare of poor nations as means of redistributing wealth for the reasons outlined in section four.

Rethinking the way we measure and commit ourselves to fighting poverty might be one of the most useful actions we can take at the institutional level. Thomas Pogge has built a convincing case that our present commitments to fighting extreme poverty are widely viewed as more demanding than they are in fact.¹¹⁵ He points out, for example, that the drafters of the UN Millennium Development Goals (MDGs) in 2000 sought deliberately to dilute the more demanding, meaningful commitments made four years before at the World Food Summit in Rome. Whereas 186 governments at that meeting

¹¹³ Pogge, Thomas. "A global resources dividend." In *Ethics of consumption*. (1999). Crocker, David and Linden, Toby, eds. Totowa; Roman and Littlefield. p. 510.

¹¹⁴ Pogge (1999). p. 513.

¹¹⁵ Pogge. (2010). p. 57.

pledged to cut in half the *number* of people in the world suffering from malnutrition (in 1996), when the MDGs were developed in 2000 (intended to supersede the requirements of the commitment made in Rome) the framers decided that the *percentage* of people suffering from hunger and extreme poverty in 2000 should be halved.¹¹⁶ Because world population is growing, the total *number* of people allowed to remain in poverty would be greater under the MDG arrangement than the original Rome Declaration.

Suppose, for example, there are 6 billion people in the world, one-third of which (2 billion) are poor.¹¹⁷ If we reduce the number of poor by 50% over x amount of time, there will be 1 billion poor when the goal is reached, regardless of how world population changes. If we reduce the percentage of world population who are poor by 50% over x amount of time, then by the time the goal is met, one-sixth of the world population will be poor. Assuming world population grows to 7 billion during that time, this would leave 1.17 billion people in extreme poverty rather than 1 billion. Committing to halve the *propotion* of people living in poverty rather than the *number* therefore reduces the number of people freed from poverty and increases the number of people allowed to remain in poverty.

Increases in the number of poor due to population growth have to be made up for under *both* commitments. However, the original commitment in the Rome Declaration would have required that the *number* of people allowed to remain in poverty by 2015 would have been 828 million.¹¹⁸ With adoption of the MDG's, the number of people allowed to remain in extreme poverty was raised to 993 million, meaning the

¹¹⁶ Pogge (2010). p. 58.

¹¹⁷ These numbers have been rounded off for the sake of illustration. The accurate figures are given in the paragraph below.

¹¹⁸ Pogge (2010). p. 61.

international community would be responsible for freeing 165 million *less* people from poverty by 2015. In fairness, reducing the proportion of the world population suffering from extreme poverty in 2000 by 50% would have imposed a more demanding standard than an equivalent reduction in the proportion of the world's population suffering from extreme poverty in 1996. But the UN did not stick to that baseline.

After the UN adopted the MDGs they underwent further revision. The framers decided to express those suffering from extreme poverty as a percentage of the population of the “developing” world. Because population in “developing” countries is growing faster than in the world generally, a 50% reduction in the percentage of people in the “developing” suffering from extreme poverty would allow an even greater *number* of people to remain in poverty by the time the goals are reached. Finally, the framers decided to backdate the baseline for measuring the reduction in poverty to 1990. This allowed a longer period of population growth between the baseline and the achievement date, further increasing the *number* of people allowed to remain in extreme poverty. After these two further revisions, what had been a commitment in the Rome Declaration to reduce the *number* of people living in extreme poverty in 1996 by 50%, leaving 828 million people in extreme poverty by 2015, became a commitment to reduce the *number* of people living in extreme poverty in 1990 by only 27%, leaving 1.324 billion people in extreme poverty).¹¹⁹ This means that at the time they were finally established, the framers knew that the MDG's would require them to free 496 million less people from poverty than the Rome Declaration would have.¹²⁰

¹¹⁹ Pogge (2010). p. 61.

¹²⁰ It also cannot be objected that the MDG requirements increase the number of people that would be freed from poverty by comparing the adopted baseline to the adopted goal.

The MDG commitments are, of course, better than alternative commitments that the UN could have drawn up using other baselines and statistical measures and are certainly better than no commitment at all. It is good that these somewhat binding requirements have motivated many individuals, organizations and states to make meaningful contributions to the well being of the extreme poor. The UN recently announced that estimates show the MDG target of reducing the proportion of the population of the developing world living below \$1.25 PPP was likely achieved in 2010.¹²¹ Furthermore, in 2010, the extreme poverty rate in Africa fell below 50% for the first time since 1981.¹²² However, it is indisputable that the drafting of the MDG's in place of the Rome Declaration diluted a more extensive political commitment that might have led the governments of wealthy nations to do even more to contribute to the well being of the extreme poor. If the argument of this essay is correct, we would have been better off under the poverty reducing commitments of the Rome Declaration, and should seek to undertake a more extensive commitment than that to which we are currently bound under the MDG's.

The way our international institutions measure poverty imposes an additional barrier to progress in poverty alleviation. The World Bank has set the international poverty line (IPL) at the purchasing power parity (PPP) of \$1.25. This means that an individual is considered poor if she does not have enough resources to purchase the amount of goods that one could obtain with \$1.25 per day in the U.S. This should seem

Even by such a comparison, both versions of the MDG requirements were less demanding than the Rome Declaration requirement. Pogge (2010). p. 61.

¹²¹ (March 8, 2012). "Concerted Global Efforts Have Led to Great Strides Against Poverty – Ban." *UN News Centre*.

¹²² Gerson, Michael. (March 19, 2012). "A Welcome Piece of Good Economic News." *Washington Post*.

suspicious immediately, since any American could tell you that there is nowhere in the United States where one can gain access to adequate nutrition, clothing, shelter and healthcare (to say nothing of the needs of dependents) with only \$1.25 per day.

Because the \$1.25 IPL refers to the equivalent purchasing power of \$1.25 in the U.S. and not to \$1.25 worth of foreign currency in terms of real exchange rates, we can conclude that if \$1.25 is not enough to buy basic goods in the U.S., the equivalent purchasing power in other countries is also below the cost of basic goods. This means the IPL has been set unrealistically low. The World Bank justifies the \$1.25 IPL by claiming that it is the mean of the domestic poverty lines set by the governments of the 15 poorest countries in the world. However, because the World Bank participates extensively in setting those domestic poverty lines, that justification demonstrates nothing but the World Bank's consistency.¹²³

Finally, the precise \$1.25 (PPP) IPL gives international institutions and other organizations using the IPL to measure poverty incentives to target programs to increase the daily income of those just below the IPL to just above it, without producing significant structural shifts in the numbers of people who fall into the lower class generally (i.e. without significantly affecting the distribution of wealth in global society). Pogge shows that this is, in fact, what is happening. Given the \$1.25 IPL, by 2005 such progress had been made so that the UN was 40% ahead of the pace (in terms of the rate of reduction of the percentage of people living below the IPL) needed to achieve the MDG by 2015.¹²⁴ Had the IPL been set at \$2.00, however, the UN would have been 59% behind the pace needed to achieve the goal. This is not an insubstantial change in the IPL,

¹²³ Pogge. (2010). p. 66.

¹²⁴ Pogge (2010). p. 64.

but it is a realistic one. Pogge provides evidence that the cost of adequate nutrition alone in the U.S. averaged between \$3.59 and \$4.97 per person, per day.¹²⁵ Furthermore, the percentage of people living below \$2.50 PPP per day in 2005 was in fact greater than it had been at the starting point for the MDGs!¹²⁶ This means that if the IPL had been set at \$2.50 PPP, which, though considerably higher than the actual \$1.25 PPP IPL, would still be less than the daily cost of nutrition alone (in the U.S. and in terms of comparable purchasing power in all other countries), we would in fact be moving further from the goal.

International institutions, private organizations and state governments have often undertaken well-intended programs and have made considerable accomplishments in the course of their poverty alleviation efforts. However, we can do better for the world's poor by giving additional thought to the ways in which we measure and combat poverty. The exaggeration of "commitments" and "progress" made towards improving the situations of the world's poorest people, even when unintentional, may serve to quell and deflect objections to the present institutional order by frustrated inhabitants of poor countries and conscientious inhabitants of wealthy ones. As Pogge argues, if we are to meet our obligations to the extreme poor, our international institutions need to develop more realistic indices for measuring increases and decreases in systemic poverty.

7. Conclusion – meeting our global obligations

In section four it was shown that the need to remedy past injustices and establish fair terms of economic cooperation provide compelling reasons for redistributing wealth

¹²⁵ Pogge (2010). p. 67.

¹²⁶ Pogge (2010). p. 63-66.

significantly around the world. Even according to Richard Miller's account, which is sympathetic to the idea of national partiality, there seem to be good reasons for prioritizing our obligations to the world's poor over those to our poor compatriots. Finally, in section six, it was shown that the resource, borrowing and arms privileges, exploitative hiring practices and imbalances in the way that countries negotiate trade agreements all require remediation or compensation. Pogge's GRD and recommendations for improving the practices through which we seek to alleviate poverty both offer easily adoptable means for improving the situations of the world's extreme poor.

How should we, then, as individuals, contribute to efforts to improve the justice of the global institutional design? It is clear that some people are not doing their part to support the advancement of global justice, while we may think some people are doing even more than is required of them. Unfortunately, Rawls says relatively little about the individual's duty to advance just policies where they do not exist. He offers only, as cited in section two, that we are required to, "further just arrangements not yet established, at least when this can be done without too much cost to ourselves."¹²⁷ It is particularly difficult to say how much one should contribute to the collective goal of promoting justice. It is not necessarily the case that what one should give up is proportional to what one would have under an ideally just institutional design; that is, it does not follow that we should merely give up everything we would not have if more ideally just arrangements existed. If institutions were more just, it is likely that there would be certain protections afforded to individuals (for example, more affordable health care and education) and opportunities for pursuing meaning (through the solidarity of a reasonably

¹²⁷ Rawls (1971). p. 115.

just, stable community) that are not present under the status quo. Some additional share of resources may be necessary to individuals, due to absence of those protections and opportunities, that could legitimately be taken from them under a more just institutional design.

Peter Singer has done extensive work attempting to detail a principle for determining how much individuals in wealthy countries should give to improve the situation of those living in extreme poverty. While theoretically he prefers a principle requiring individuals to give up everything not of comparable moral worth to that which could be preserved by their giving¹²⁸ (a standard more demanding than making sacrifices only when it is not ‘too costly’), in his more concrete, public advocacy he has offered a considerably less demanding standard. This standard requires one to give a percentage of one’s income, increasing as income increases. For example, an individual earning less than \$105,000 per year would be required to give 1% of her income, hopefully moving towards 5% the closer her income is to \$105,000.¹²⁹

Depending on one’s financial commitments, one might judge that Singer’s relaxed standard is not too costly to meet. It represents a relatively widely known principle that may also be useful in encouraging individuals to begin thinking about and attempting to meet their obligations to the global poor. While an appeal to intuition in determining how much one should give (perhaps beyond Singer’s relaxed standard) to help the global poor would no doubt be unsatisfactory and somewhat arbitrary, one might

¹²⁸ Singer, Peter. “Famine, affluence and morality.” In *Global ethics: seminal essays* (volume II). (2008). Pogge, Thomas and Horton, Keith (eds.). St. Paul; Paragon House. p. 10.

¹²⁹ For more information on this standard, see <http://www.thelifeyoucansave.com/home>

be able to decide upon a reasonable standard combined with the proper guiding understandings.

First, one should acknowledge that because long-term solutions to global injustice are institutional in nature, advocacy is an important part of meeting our global obligations. Whether that means devoting some of one's time to participate in rallies, petitioning one's government, giving to organizations that lobby for more just international policies, engaging in thoughtful discussions with one's peers about our global obligations or some combination of some or all of those, is up to the individual to decide. Second, one should take responsibility for the effects of one's actions that are intended to help the world's poor, and make due effort research their impacts. Recent books such as Dean Karlan and Jacob Appel's widely acclaimed *More than Good Intentions*¹³⁰ provide realistic and useful evaluations of different types of aid and development activities and offer good starting points. Though these two guidelines are of little use for determining to what extent one should give of one's time and resources, if they are widely followed in good faith, modest contributions can produce impactful results and improve the justice of our global institutions.

¹³⁰ Karlan, Dean & Appel, Jacob. (2011). *More than good intentions: how a new economics is helping to solve global poverty*. New York: Penguin Group

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