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Towards Global Justice: Reconciling Rawlsian Liberalism and Cosmopolitanism in an Interconnected World

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**Towards Global Justice:
Reconciling Rawlsian Liberalism and Cosmopolitanism in an Interconnected World**

An Honors Thesis

Presented to
The Faculty of the Department of Philosophy
Bates College
In partial fulfillment of the requirements for the
Degree of Bachelor of Arts

by
Kate Leslie Fetrow
Lewiston, Maine
March 22nd, 2013

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Abstract

In *A Theory of Justice*, John Rawls argues that, in constructing the basic structure of a just society, any social and economic inequalities must be part of a scheme of cooperation that works to the benefit of the least advantaged social class. He calls this principle of distributive justice the difference principle. In *A Law of Peoples*, however, he backs away from this claim, arguing for weaker cosmopolitan duties in constructing an international social order. This thesis does two things. 1.) It explores this tension in Rawls's work, arguing that in order for the *Law of Peoples* to be consistent with *A Theory of Justice*, Rawls must embrace a global difference principle. 2.) It then investigates the implications of this conclusion, arguing that a global difference principle would necessitate robust duties of cosmopolitan aid, but would necessitate neither a world government nor open borders.

Chapter 1: Introduction

Social contract theory has, historically, looked inward, asking how governments and societies ought be structured. As the world becomes ever more interconnected, questions of justice increasingly arise on the international, rather than national, level. These questions of global justice have received philosophical consideration from a variety of schools of thought, including Rawlsian liberalism, cosmopolitanism, and libertarianism. One of the primary accounts of global justice is that offered by John Rawls. However, Rawls's theory of international justice stands in stark contrast with his approach to domestic justice. In the former case, he advocates minimal principles of justice, whereas in the latter he promotes broad egalitarian principles. My project here explores this tension. Moreover, I argue that given the existence and scope of the global basic structure, a Rawlsian account of global justice would converge with a cosmopolitan account and yield principles of strong economic and social welfare rights.

This question is important on both philosophical and empirical levels. Theoretically, I seek to align one of the primary approaches to political theory of international relations with empirical realities of the world. Moreover, questions of international justice affect the lives and livelihoods of billions of people around the world. Creating a consistent and valuable theoretical framework for understanding moral obligations in the international sphere is imperative to

bringing justice to individuals and states across the globe. John Rawls's theory of justice provides one potential source for understanding global justice.

However, Rawls's conception of justice is strikingly different at the domestic level than it is in the international sphere. Unpacking the differences between his two approaches requires discussion of several key terms—justice, the difference principle, and the global basic structure. Understanding these terms is essential to my later discussion of the application of Rawls's domestic conception of justice to the international sphere. How applicable these principles are to the global order, I argue, depends on the nature global basic structure. In order to frame and situate justice in the international context, thus, I first define distributive justice, the difference principle, and global basic structure.

Rawlsian Justice and the Difference Principle

John Rawls writes that “justice is the first virtue of social institutions...laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.”¹ An evaluation of global structures or orders must, therefore, begin and end with an account of justice in a Rawlsian scheme. Rawls's conception of justice is one of fairness. As Freeman explains, justice as fairness is

The name Rawls gives to his conception of justice...The name derives from the idea that fair principles of justice should result from a fair initial choice situation that incorporates all the relevant moral and practical reasons—the fairness of the initial situation is presumed to transfer to the principles chosen therein.²

In other words, justice as fairness is the idea that the principles of justice are those that reasonable people would choose behind a veil of ignorance, that is, without knowing their own unique social position, race, creed, or other distinguishing characteristics. In the domestic case,

¹ Rawls, John. 1971. *A Theory of Justice*. Cambridge: Harvard University Press: 3.

² Freeman, Samuel. 2007. *Rawls*. Oxon: Routledge: 473.

the principles of justice are “the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association.”³ This initial situation, or position, is the hypothetical original position. In the original position, participants are behind a veil of ignorance and are thereby unaware of their particular identities: for example race, gender, or age.⁴ The principles of justice that guide Rawls’s theory derive from this position, and create two principles, at least in the domestic case.

The first principle holds that “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.”⁵ In other words, if a society is just, it must ensure that every person within it has the greatest possible liberty possible without infringing on the liberty of others. Second, “social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged...and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.”⁶ Crucially, the first part of the second principle creates what Rawls calls a difference principle. The difference principle “requires that social and economic institutions be arranged so as to distribute income and wealth, and powers and positions of office so as to maximize the share that goes to the least advantaged members of society.”⁷ The difference principle thus provides a check on the institutions and basic structures of a society: any inequalities in the system must be to the advantage of the least well-off.

The other aspect of Rawlsian justice is the idea of justice as reciprocity. Justice requires reciprocity, which is “a general requirement that each person engaged in cooperation should not

³ Rawls 1971 11

⁴ Ibid. 18

⁵ Ibid. 302

⁶ Ibid. 302

⁷ Freeman 467-468

simply benefit (mutual advantage), but should benefit on terms that are fair.”⁸ In other words, justice as reciprocity requires that the terms of the institutions be such that mutual benefit is not enough: the benefit must be on terms that are fair. This account of justice as requiring reciprocity follows naturally from the idea of justice as fairness. Brian Barry further argues that “justice as reciprocity [is] the idea that benefits should be required, equal value exchanged for equal value.”⁹ For example, if a farmer sells his crop to a merchant, and the merchant pays an unfairly low wage, the fact that both parties benefited (the farmer received money for his crops and the merchant received crops to sell) does not mean that the interaction was just, or allowable under a just system. The exchange must create reciprocal advantage if it is to be fair, and thus just.

Furthermore, Barry highlights the fundamentally institutional nature of this conception of justice. He argues:

Justice as reciprocity ... already presupposes some more fundamental criterion of distribution. Contracts presuppose prior property rights; fair exchange is morally significant only if the parties have a title to what they exchange...and we can talk about cooperation for mutual benefit only if we have some baseline for measuring benefits in the absence of cooperation.¹⁰

Thus, justice as reciprocity, and hence justice as fairness, demand an institutional conception, rather than an interactional conception, meaning that they must be institutionalized and cannot rely exclusively on individual actions to create justice.¹¹ Institutions must establish systems of justice in order for the criterion of reciprocity to be applicable.

⁸ Ibid. 481

⁹ Barry, Brian. 1980. “Do Countries Have Moral Obligations? The Case of World Poverty.” *The Tanner Lectures on Human Rights*. Delivered at Harvard University: 29.

¹⁰ Ibid. 35

¹¹ I borrow the terms institutional and interactional, and their meanings as such, from Pogge, Thomas. 1992. “Cosmopolitanism and Sovereignty.” *Ethics*. Vol. 103 No. 1: 48-73.

The Rawlsian framework of justice, then, is conceived as fairness that derives from the original position, wherein reasonable people under the veil of ignorance select principles of justice for a fair society. Central to this account of justice as fairness is the idea of justice as reciprocity, that justice needs to be an equal exchange, or else it is unfair and thus unjust.

So far, this discussion of justice has been focused on Rawls's conception of domestic justice, of the institutions and principles at play within the boundaries of a state. Indeed, Rawls's focus on justice primarily emphasizes the domestic sphere. In *The Law of Peoples*, he seeks to extend his domestic conception of justice as fairness to the international realm. In determining what justice in an international account would require and entail, he explicitly "duplicates" the features of a just domestic society.¹² Thus, what Rawls sees as essential for justice in the domestic case—fairness, reciprocity—must also exist in the international case, if the international case is to be equally just.

Others have offered corollary definitions of global justice. Thomas Pogge argues that "a plausible conception of global justice must be sensitive to international social and economic inequalities."¹³ Thus, a valid conception of global justice must take into account the differentiated living situations of those who it most intimately affects. Pogge furthers that "a *liberal* conception of justice is defined...as one that...demands that certain rights, liberties, and opportunities be secure for all citizens, gives this demand a high priority vis-à-vis other values and interests, and demands that all citizens should have adequate means to take advantage of their rights, freedoms, and opportunities."¹⁴

¹² Rawls, John. 1999. *The Law of Peoples*. Cambridge: Harvard University Press: 18.

¹³ Pogge, Thomas. 1994. "An Egalitarian Law of Peoples." *Philosophy and Public Affairs*. Vol. 23 (3): 195-224: 196

¹⁴ *Ibid.* 207

In approaching questions of global structures I accept Rawls's claim that justice is the criterion by which a system may be evaluated. In going forward, I take justice to be as Rawls articulates it and as others have expanded it. Justice, then, ought to be understood as the principles for organizing and structuring institutions that actors would choose in an original position wherein their knowledge about their lives and stakes are restricted. The principles they would choose would be principles of fairness and reciprocity that ensure that all members of the contract have their rights maximized as far as is possible without limiting the rights of others, and that any inequalities are to the advantage of the least advantaged, thus preserving the importance of reciprocity in Rawls's idea of justice. I apply this universal account of justice in my discussion of global justice.

Global Basic Structure

The role of justice in the international realm cannot be understood without an understanding of the concept of a global basic structure. The global basic structure, like the basic structure of a domestic society, is fundamentally the background conditions and institutions upon which society is built. I begin with Rawls's conception of the basic structure in a domestic society and its implications and then discuss arguments for the existence of an equivalent global order.

Freeman defines the basic structure of society as, "The design of the basic social and political institutions that structure daily life and individuals' decisions and actions, which distribute fundamental rights and duties and determine the division of advantages of social cooperation."¹⁵ In other words, the basic structure is the institutions that define and constrain our choices in a society. The basic structure provides the 'background justice' necessary for a just

¹⁵ Freeman 464

society. Background justice is “the justice of laws and social and political institutions that provide background conditions and constraints upon people’s decisions and actions.”¹⁶ The basic structure thus must ensure this background justice. Without these initial conditions for justice, no true justice can be achieved. For instance, Rawls contends that contracts entered into without the just background conditions that a just basic structure creates are invalid.¹⁷ Put another way, the basic structure is “the ways in which the major social institutions distribute fundamental rights and duties and determine the divisions of advantages from social cooperation.”¹⁸ Thus, for a system to be just, the basic structure must also be just. The converse, however, is also true: If there is no basic structure, then there can be no social system to be just or unjust. Without a basic structure, there is no system of political and social institutions to be called just or unjust. If there is to be any system at all, there must first be a basic structure.

Rawls also specifies several requirements for an acceptable basic structure. It “must include a family of representative bodies whose role in the hierarchy is to take part in an established procedure of consultation and to look after what the people’s common good idea of justice regards as the important interests of *all* members of the people.”¹⁹ A basic structure, therefore, must consider the interests of every member of that society. Thomas Pogge further clarifies this understanding, providing a definition of a ‘social institution’ which is central to the concept of a basic structure: “Social institutions are a species of social practices and thus are in some ways analogous to games and rituals... So the term *institution* is used here in a sense that—allowing the ... addition of ‘social’—contrasts with its other sense of organization or corporation (as in ‘institution of higher learning’). For this latter sense of *institution*, Rawls uses the term

¹⁶ Ibid. 463-464

¹⁷ Rawls 1971 8

¹⁸ Ibid. 7

¹⁹ Rawls 1999 71. Emphasis added.

association."²⁰ In other words, institutions as conceived in the basic structure are not only political or social structures that create rules, but also the practices and codes—formalized or not—that derive from them.

Despite his rejection of the idea of distributive justice, even Nozick's libertarianism has a conception of a basic structure.²¹ Nozick's basic structure, unlike Rawls's, "consists of certain prohibitions against force and fraud, certain rules of acquisition, transfer, and rectification of holdings, and some basic mechanisms of adjudication and enforcement."²² Even this minimalist account allows for the importance of background conditions that structure interactions and institutions.²³

An understanding of a basic structure of a system is essential to understanding the moral obligations that that system engenders. Responsibility for something is typically understood to be based on causality. That is, I cannot have responsibility for something that I did not, in some way, cause. Thus, the basic structure is essential for determining the rightness of a course of action or institution. As Pogge argues:

Once this focus on a social system's basic structure has been fully understood, it has a strong claim to primacy within moral reflections quite apart from whether one believes in social contracts of free and equal moral personhood. The reason is that we cannot, conceptually or causally, evaluate what we are doing to others without understanding the structure of the ground rules that give meaning to our actions and omissions and determine their (often remote) repercussions.²⁴

This addition is important in considering the existence and implications of a global basic structure. Rawls's discussion of basic structures is limited to the domestic sphere. If a domestic

²⁰ Pogge 1989 21

²¹ Nozick, Robert. 1974. *Anarchy, State and Utopia* New York: Basic Books. 149

²² *Ibid.* 24

²³ See my discussion of the Lockean proviso in Chapter 3

²⁴ *Ibid.* 25

basic structure is the institutions and practices that provide the background justice for a liberal society, then the same principles must apply to the international case as well.

The question of an international global order has two parts. First and foremost, what are the implications of the existence of a global basic structure for necessitating or influencing global justice? Second, and subsidiary to the first is the empirical question of whether or not a global basic structure akin to the domestic case really exists.²⁵ Even if the answer to the latter question is no, the original analysis and discussion on implications of a potential global basic structure will still stand, both in the abstract and because I believe it is beyond contention that the world is ever more interconnected. Thus, even if we do not live in a world with a global basic structure (though I will argue otherwise later), we may eventually get there, at which point an understanding of what kind of structures and institutions are morally required there will be necessary.

Charles Beitz argues for a “global normative order” akin to a global basic structure. He contends that this global normative order is “the body of norms that are more-or-less widely accepted as regulative standards for conduct in various parts of global political space.”²⁶ Human rights, for instance, are part of this global order.²⁷ This is a rather minimal understanding of the role of the global basic structure. By only referencing norms, which do not carry the weight of treaties, laws, or other mechanisms of ratification or codification, the global basic structure is relatively weak.

Rawls takes a stronger stance on the global basic structure, arguing that the Law of Peoples, which exists to ensure global justice, “holds that inequalities are not always unjust, and that when they are, *it is because of their unjust effects on the basic structure of the Society of*

²⁵ I leave this question for chapter three.

²⁶ Beitz, Charles. 2009. *The Idea of Human Rights*. Oxford University Press. Oxford, UK. 209

²⁷ Ibid. 209

*Peoples.*²⁸ In other words, inequalities are such because of their implications for the justice or injustice of the global basic structure. This means that it is to the integrity of the global basic structure that we must appeal when determining the acceptableness of an institution or practice.

If there is a global basic structure, it must be concerned with global justice. A non-moral structure would be, as Pogge argues, wholly insufficient. If a global order is unconcerned with domestic justice:

Since each state is sovereign over its internal affairs, this international order generates no countervailing forces that would resist the degeneration of a national basic structure. Such institutional indifference to the domestic (in)justice of national regimes aggravates the instability of the proposed world order because it undermines the *moral* reasons for unconditional compliance with international laws and treaties.²⁹

According to Pogge, the reason that an international order of any kind is premised upon the strength of its moral claims. If an international order has moral legitimacy, it must ensure justice. Ensuring justice requires both recognition of the existence of a global basic structure, and also steps to ensure its justice. My project here, thus, attempts to reconcile deontological approaches to global justices with the global basic structure.

In chapter two, I offer summarized evaluations of the three primary deontological approaches to international justice: Rawlsian liberalism, cosmopolitanism, and libertarianism. In each account, I articulate the goals and methodology of the approach, and discuss how that approach accounts for global justice. Moreover, I clarify distinctions within the competing accounts, distinguishing, for example, institutional and interactional cosmopolitanism.

In chapter three, I offer analysis of these three approaches in light of the global basic structure. I argue that the deeply interconnected reality of international relations, trade, communication, and culture creates a global basic structure that gives rise to deep institutional

²⁸ Rawls 1999 113. Emphasis added

²⁹ Pogge, Thomas. 1989. *Realizing Rawls*. Cornell University Press: 245

injustices. An account of global justice, I contend, must account for this. Within the Rawlsian framework, then, I hold that given the rise of the global basic structure, Rawls's reasons for rejecting libertarianism in the domestic case are equally valid on the international level, and thus libertarianism cannot provide a just account of global justice in the Rawlsian sense.

Furthermore, I argue that cosmopolitanism and Rawlsian liberalism would converge on an account of global justice that (1) holds states as the actors, (2) develops principles in an international original position, (3) has broad and inclusive principles of membership, (4) promotes a robust notion of human rights that constrains but preserves reasonable cultural pluralism, and (5) advocates egalitarian distributive principles.

In chapter four, I explore implications and objections to the proposal that I make in chapter three. Within the Rawlsian framework, the primary objections stem from the concern that the model that I advocate does not achieve a realistic utopia. The idea of a realistic utopia is the idea that political theory must promote institutions and actions that would be considered reasonable and rational to just constitutional democratic societies. In other words, a political theory satisfies the criterion of a realistic utopia if the theory could be achieved. For Rawls, it is vital not only that a political theory be just *in theory*, but also that just could be implemented *in practice*. The concern that my proposal is not a realistic utopia manifests into an implementation objection and a sustainability objection. The implementation objection holds that the principles of international justice articulated here would never be achieved, because the empirical reality of power in the world would never allow for distributive justice or principles of cooperation that benefit the least well-off. Put another way, the implementation objection holds that those that benefit from the global basic structure's inequalities and injustices are those with power, and thus have no incentive to seek any kind of change to that structure. The sustainability objection

holds that the principles argued for here, even if implemented, would result in unacceptable or impractical outcomes and the international structure created would collapse in on itself. This objection holds that my proposal would necessitate open borders, which would cause separate states to collapse into a world state. Because my theory is built with states as the actors in an international social contract, a collapse of states into a world state would necessarily collapse my argumentation. However, I reject both objections, arguing that neither understand nor meaningfully challenge my proposal.

An additional objection to my argument is that the global basic structure is not comparable to the domestic basic structure, and thus the tension that I demonstrate and seek to resolve between Rawls's domestic and international cases does not exist. If this tension does not exist, then the convergence that I advocate between cosmopolitan and Rawlsian liberal conceptions of global justice likewise cannot exist. However, I contend that, like realistic utopia objections, this objection is ultimately not compelling.

I conclude by drawing implications from my analysis and suggest some next steps in determining and promoting social justice. I make suggestions for theorists in Rawlsian liberal and cosmopolitan camps and argue that further investigation ought be done both in determining policy implications of my theory and in exploring the implications of my argument beyond the scope of poverty and welfare that I am primarily concerned with here.

Chapter 2: Literature Review: Cosmopolitan, Liberal, and Libertarian Approaches to Global Justice

Global justice is a complex topic that attracts philosophers from a variety of schools. Any attempt to understand it, thus, must begin with a discussion of these competing schools of thought. There are three primary deontological approaches to global justice: Rawlsian liberalism, cosmopolitanism, and libertarianism. I will discuss these approaches on a variety of levels, asking (1) How should a just international order be structured and who or what ought be the actors? (2) What is the scope of an international order? (3) What are the potential institutional implications? This discussion clarifies and informs the argumentation and position I take in subsequent chapters.

The discussion of the global basic structure provided in chapter one is important because it frames and informs the three primary theories of a global basic structure I discuss below. Understanding the global basic structure is important because “it has such a profound influence upon who we are and our life prospects, and is necessary for background justice, the basic structure of society is the ‘first subject’ of justice: principles of justice apply directly to structure its basic structure are the political constitution; the legal system of trials, property, and contracts; the system of markets and regulation of economic relations; and the family.¹ Thus, it is with this conception of a global basic structure in mind that I turn now to the discussion of the three primary perspectives on global justice.

¹ Freeman, Samuel. 2007. *Rawls*. Oxon: Routledge 464

In this chapter, I will discuss the three primary accounts of what global justice ought look like: Rawlsian liberalism, cosmopolitanism, libertarianism. In doing so, I seek to demonstrate the strengths and weaknesses of each view, the proposed structure and scope of each view, and roughly sketch the potential implications of each view. I set aside the issue of utilitarianism, as I am primarily concerned here with more Kantian, deontological perspectives on global justice.² Moreover, because my focus is Rawls's conception, my discussion of cosmopolitanism and libertarianism will be relational to Rawlsian liberalism.

Rawlsian Liberalism

John Rawls's *The Law of Peoples* argues for the application of a moderated version of his domestic liberalism in the international sphere. This work encapsulates and creates the liberal conception of global justice. Rawlsian liberalism develops from and is guided by Rawls, though, like any tradition, not all Rawlsian liberals agree with Rawls. As Kantian may embrace Kant's categorical imperative and emphasis on rationality, but reject Kant's argument that one may not lie to a murderer at the door, so too may a Rawlsian liberal accept Rawls's principles but dispute how they are applied. Thus, I distinguish between Rawlsian liberals and Rawls himself.

In its essence, the Law of Peoples that Rawls proposes is the system by which liberal peoples establish and maintain the principle of justice as fairness in the international realm. Like the domestic case, the Law of Peoples is a hypothetical exercise. However, unlike the domestic case, which is a contract between individuals, the Law of Peoples is "determined by a hypothetical contract... among the representatives of different nations. They ... are to be put behind a veil of ignorance regarding facts about themselves and their societies, and come to an

² For a utilitarian account of cosmopolitan moral duties, see: Singer, Peter. 2010. *The Life You Can Save: How to Do Your Part to End World Poverty*. Random House: New York.

agreement upon principles of justice to regulate relations among different societies.”³

Representatives of different groups, rather than the members of the groups themselves, enter into an original position and determine the principles of international justice. Further, “parties in the international original position are motivated only by individual interests, in this case the interests of their individual nation. But their interest is a moral one...maintaining the justice of their own basic structure.”⁴ Thus, the concerns at hand in the international original position are moral concerns, but domestic concerns. The representatives of the different groups are concerned with securing and maintaining justice for their domestic structures, but not ensuring justice for people outside of their group.

Intriguingly, Rawls makes the actors represented by the representatives in the original position peoples, not states. According to Rawls, peoples have three basic features. They have “a reasonably just constitutional democratic government that serves their fundamental interests;” are “united by...common sympathies;” and have “a moral nature.”⁵ Buchanan further clarifies this distinction: “for Rawls, peoples are groups with their own states.”⁶ Thus, we can understand Rawls’s conception of peoples as moral, united in common sympathies, and contained with and fully containing of their own state. This is important in creating a law of peoples, because Rawls argues that “the idea of peoples...enables us to attribute moral motives –an allegiance to the principles of a Law of Peoples, which, for instances, permits wars only of self-defense—to peoples (as actors), which we cannot do for states.”⁷ In the second original position, which

³ Freeman 417-418

⁴ Ibid. 418

⁵ Rawls, John. 1999. *The Law of Peoples*. Cambridge: Harvard University Press. 23.

⁶ Buchanan, Allen. 2000. “Rawls’s Law of Peoples: Rules for a Vanished Westphalian World. *Ethics*.” Vol. 110, No. 4. Pp. 697-721: 698.

⁷ Rawls 1999 17.

constructs the just Law of Peoples, we must have moral actors, because, as in the first original position, “the parties are presumed to be capable of a sense of justice.”⁸

States, on the other hand, “are often seen as rational, anxiously concerned with their power--their capacity (military, economic, diplomatic) to influence other states-- and always guided by their basic interests.”⁹ Rawls understands states as having full sovereignty over their domestic affairs. Unlike peoples, who “must meet certain minimal standards...[of] human rights...in their internal affairs,”¹⁰ Rawls understands states as completely in control of their territory in the full Westphalian sense. In short: the key difference between states and peoples as Rawls understands them is that peoples have moral natures and limited sovereignty, whereas states are amoral, self-interested, and have full domestic sovereignty. Moreover, the salient difference between a ‘people’ and a ‘state’ is that peoples “are politically organized, and their form political organization is that of statehood, even if...they do not have all the traditional powers [of sovereignty] accorded to states.”¹¹

Rawls contends that the representatives of peoples would choose the following principles in order to achieve these goals:

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 the 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.¹²

⁸ Rawls 1971 145.

⁹ Rawls 1999 28.

¹⁰ Buchanan 2000 699.

¹¹ Buchanan 2000 699

¹² Rawls 1999 37

These principles exist to ensure that the rules are “acceptable to reasonable peoples who are thus diverse and it must be fair between them and effective in shaping the larger schemes of their cooperation.”¹³ The value of these rules, and their restrictions, is to ensure reasonable pluralism in a world order, a cornerstone of the Law of Peoples.

Reasonable pluralism is the idea that people can hold different opinions on an issue, and be convinced of the rightness of their position, and still accept that the other position is a valid and acceptable position to take.¹⁴ Rawls emphasizes the importance of reasonable pluralism in his Law of Peoples because he seeks to create a realistic utopia. In order to achieve this, he says we must “take people as they are.”¹⁵ Given the fact of reasonable pluralism—that is, though not all people agree on culture, religion, or morality, the views that they take can tolerate the existence of other views and perspectives—reasonable pluralism must have a central role in an international account.

The value of reasonable pluralism is complicated by the existence of non-liberal peoples. Rawls holds that “a main task in extending the Law of Peoples to nonliberal peoples is to specify how far liberal peoples are to tolerate nonliberal peoples.”¹⁶ By ‘tolerate’, Rawls means “to recognize these nonliberal societies as equal participating members in good standing of the Society of Peoples, with certain rights and obligations, including the duty of civility requiring that they offer other peoples public reasons appropriate to the Society of Peoples for their actions.”¹⁷ A Law of Peoples cannot require that all peoples are liberal, because doing so “would

¹³ Ibid. 12

¹⁴ Ibid. 11

¹⁵ Ibid. 13

¹⁶ Ibid. 59

¹⁷ Ibid. 59

fail to express the toleration for other acceptable ways of ordering society.”¹⁸ Thus, the principle of toleration requires that the law of peoples allow for reasonable pluralism.

There are, however, limits to such pluralism. Rawls contends that, though denying respect and autonomy to other groups requires very important reasons in order to be justifiable, peoples cannot deny their members basic human rights, nor may they “deny their members the right to be consulted or a substantial political role in making decisions.”¹⁹ This is because consultation is necessary for a society to be well-ordered, and only well-ordered societies have the capacity to participate in the Law of Peoples. Rawls defines human rights as a set of “necessary, though not sufficient, standard for the decency of domestic political and social institutions.”²⁰ Thus, human rights are necessary for the following:

1. Their fulfillment is a necessary condition of the decency of a society's political institutions and of its legal order.
2. Their fulfillment is sufficient to exclude justified and forceful intervention by other peoples, for example, by diplomatic and economic sanctions, or in grave cases by military force.
3. They set a limit to the pluralism among peoples.²¹

Human rights, therefore, are understood as the limits on the reasonable pluralism that underscores the law of peoples. The limitations on participation in the Law of Peoples are most directly relevant to the inclusion of decent hierarchical and burdened peoples, outlaw states, and benevolent absolutisms.

Rawls’s stated aim is to “extend the law of peoples to decent societies and to show that they accept the same Law of Peoples that liberal societies do. This shared law describes the kind of Society of Peoples that all liberal and decent societies want, and it expresses the regulative

¹⁸ Ibid. 59

¹⁹ Ibid. 61

²⁰ Ibid. 80

²¹ Ibid. 80

end of their foreign policies.”²² A decent hierarchical society, according to Rawls, fulfills two criteria. First, decent peoples do not have aggressive aims, that is, they do not attempt to invade, colonize, or engage in war with other peoples or states.²³ The second criterion has three components. First, “a decent hierarchical people’s system of law, in accordance with its common good idea of justice...secures for all members of the people what have come to be called human rights.”²⁴ In other words, a decent hierarchical society protects basic human rights. Second, a decent hierarchical society imposes moral duties and obligations on its people.²⁵ It requires its people to fulfill roles within that society according to moral obligations. Moreover, the people in a decent hierarchical society recognize these obligations, rather than acting merely out of fear of punishment.²⁶ Third and finally, “there must be a sincere and not unreasonable belief on the part of judges and other officials who administer the legal system that the law is indeed guided by a common good idea of justice.”²⁷ That is, those that enforce the law must believe they do so in the interest of justice, not merely personal gain.

Decent peoples, furthermore, generally have a “decent consultation hierarchy,” though he holds in reserve the possibility of a decent people that does not have this feature yet still remains decent.²⁸ Importantly, decent peoples are “associationalist in form: ... the members of these societies are viewed in public life as members of different groups, and each group is represented in the legal system by a body in a decent consultation hierarchy.”²⁹ Often, these groups are based on religious ideology and beliefs, wherein certain religious groups or groups delineated by

²² Ibid. 63

²³ Ibid. 63

²⁴ Ibid. 65

²⁵ Ibid. 65-66

²⁶ Ibid. 66

²⁷ Ibid. 66

²⁸ Ibid. 63

²⁹ Ibid. 64

religion are the units of consultation, rather than individual peoples. Thus, consultation happens through groups, not through individuals as it does in liberal societies. The system that this organization structure engenders may not be liberal. For instance, women or minority groups may face social restrictions or be banned from public office. However, because their structure still enables liberal societies to interact with them—they have moral tendencies and a consultation hierarchy, they are sufficiently well-ordered to deserve equal participation in the Law of Peoples.

Outlaw states, by contrast, are regimes that refuse to comply with the principles of a Law of Peoples.³⁰ In other words, they either pursue aggressive policies internationally through waging war or other acts that infringe on liberal states, or violate the human rights of those within their borders. Outlaw states are not just a threat to their own citizens, but also to the Law of Peoples more broadly, because they are “aggressive and dangerous; all people are safer and more secure if such states change, or are forced to change, their ways. Otherwise, they deeply affect the international climate of power and violence.”³¹ Rawls argues that “an outlaw state that violates ... [human] rights is to be condemned and in grave cases may be subjected to forceful sanctions and even to intervention” with the intention of making the society honor human rights and become a full member of the Law of Peoples.³² Thus, liberal and decent peoples “simply do not tolerate outlaw states. This refusal... is a consequence of liberalism and decency.”³³ Rawls’s position on outlaw states both entrenches the importance of human rights in his account, and also defines the limits of tolerance of pluralism: while the non-liberal consultation hierarchies of

³⁰ Ibid. 5

³¹ Ibid. 81

³² Ibid. 81

³³ Ibid. 81

decent peoples are allowable under Rawlsian reasonable pluralism, the absolute disregard for human rights of outlaw societies is not.

Societies burdened by unfavorable conditions, or burdened societies, present yet another facet of Rawls's non-ideal theory. For Rawls, "burdened societies...lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered."³⁴ While the eventual goal of liberal societies ought to be to allow these societies to liberalize, for Rawls, this does not necessitate a distributive principle, because "a society with few natural resources and little wealth can be well-ordered if its political traditions, law, and property and class structure with their underlying religious and moral beliefs and culture are such as to sustain a liberal or decent society."³⁵ Members of a Law of Peoples have a duty of assistance to aid burdened societies, but this duty "may stop once just...basic institutions have been established."³⁶ On Rawls's account, this duty is based not on ideals of justice and reciprocity, but rather on respect for human rights, and the desire to promote rights even outside of liberal societies.

Finally, Rawls briefly mentions benevolent absolutisms, which "honor most human rights, but because they deny their members a meaningful role in making political decision, they are not well-ordered."³⁷ In other words, though benevolent absolutisms are non-aggressive and honor human rights, they are not well-ordered insofar as their citizens have no role in the political process. Thus, are excluded from a Law of Peoples because they are not well-ordered.

³⁴ Ibid. 106

³⁵ Ibid. 106

³⁶ Ibid. 107

³⁷ Ibid. 63

These distinctions between different ‘types’ of peoples and states are structurally important to a Rawlsian liberal account of international justice. They define the limits on participation, and thus the scope, of international justice for Rawls.

Rawls is not the only advocate for Rawlsian liberalism in global justice. Allen Buchanan, for instance, agrees with the core foundations of Rawls’s argument, yet disputes some of Rawls’s conclusions. Buchanan holds that using peoples rather than states “courts confusion: given that the term ‘people’ is often used to refer to ethnic or national groups, including those that lack their own states.”³⁸ States, according to Buchanan, are not the sovereign, Westphalian monoliths that Rawls envisions. Thus, Buchanan does not find “it necessary to reject the term ‘state’ and replace it with the word ‘people’.”³⁹ Buchanan identifies what he terms a “fundamental lack” in *The Law of Peoples*: “the lack of principles of international distributive justice.”⁴⁰ Buchanan holds that essential to an effective law of peoples is an understanding that the global basic structure influences people’s lives similarly to domestic structures. He argues that the global basic structure’s existence is sufficient to merit its regulation by the principles of justice. He thus advocates that participants in the international original position would consider how the global basic structure would affect their group, and “strive to ensure that their societies are not disadvantaged by the global basic structure.”⁴¹ They would thus “avoid principles that might turn out to assign them to an inferior status” in that global basic structure.⁴² Thus, Buchanan argues for a more egalitarian and connected understanding of global justice through the lens of Rawlsian liberalism.

³⁸ Buchanan 2000 699

³⁹ Ibid. 699

⁴⁰ Ibid. 701

⁴¹ Buchanan 2000 708

⁴² Ibid. 708

Similarly, Wilfred Hinsch argues for an egalitarian form of Rawls's law of peoples, proposing amending the law of peoples to include a form of federalism.⁴³ Hinsch's two-tiered federal system would require greater duties of assistance than Rawls's more minimalist proposal, but would maintain separate states (as opposed to a world state).⁴⁴ It would also require "global redistribution in conformity with the Difference Principle."⁴⁵ Because of the interconnected nature of the global basic structure, Hinsch argues, we have an obligation to greater egalitarian principles.⁴⁶

The importance of examining alternative perspectives on Rawlsian liberalism is that it demonstrates that Rawls's Law of Peoples may be used in more egalitarian forms. In other words, simply because Rawls does not include discussion of the global basic structure, or allow for redistributive principles in his international contract does not mean that including them would undermine or flow against his theory overall.

In the next chapter I shall explore this approach further, adding to it the centrality of the global basic structure. Given the global basic structure's similarity in its scope, breadth, and impact to the domestic basic structure, I argue, a Rawlsian liberal account of global justice would converge with a cosmopolitan account in order to stay to stay true to the methodology and mission of Rawlsian liberalism as well as with reality.

Cosmopolitanism

The second main deontological approach to global justice is cosmopolitanism. Cosmopolitanism's central premise is that all persons, regardless of nationality or other

⁴³ Hinsch, Wilfried. 2001. "Global Distributive Justice." *Metaphilosophy* Vol. 32, Issue 1-2: 58-78: 59

⁴⁴ *Ibid.* 65

⁴⁵ *Ibid.* 70

⁴⁶ *Ibid.* 74

distinctions, must be the ultimate unit for moral consideration. There are two sets of distinctions within cosmopolitanism that provide nuance to a cosmopolitan understanding of global justice: moral and legal cosmopolitanism; and institutional and interactional cosmopolitanism.⁴⁷

At its core, cosmopolitanism has three fundamental aspects: individualism, universality, and generality.⁴⁸ Individualism holds that “the ultimate units of concern are human beings, or persons.”⁴⁹ Universality holds that “the status of ultimate unit of concern attaches to every living human equally,” thus not preferring one over another based on membership in some subset such as race, gender, socioeconomic class.⁵⁰ Finally, generality holds that this concern for all persons has “global force,” rather than being limited by nationality or region.⁵¹ Cosmopolitan theorists of global justice, thus, “hold that there is nothing morally special about political boundaries,” and so our moral obligations are neither defined by or end at these boundaries.⁵²

The first important distinction in cosmopolitan theories of global justice is the distinction between moral and legal cosmopolitanism. Legal cosmopolitanism “is committed to a concrete political ideal of a global order under which all persons have equivalent legal rights and duties, that is, are fellow citizens of a universal republic.”⁵³ In other words, legal cosmopolitanism requires strong international institutions that treat all persons equally and justly. Moral cosmopolitanism, by contrast, “holds that all persons stand in certain moral relations to one another: we are required to respect one another’s status as ultimate units of moral concern—a

⁴⁷ I use here Pogge’s distinction between moral and legal, institutional and interactional. However, Charles Beitz uses the term ‘institutional’ as Pogge uses the term ‘legal’ (see Beitz, Charles. 1999. “Social and Cosmopolitan Liberalism,” *International Affairs* 75, pp.125-140). To avoid confusion, I use Pogge’s terms (moral and legal), rather than Beitz’s terms (moral and institutional) in order to allow for less ambiguity in using Pogge’s institutional and interactional distinction.

⁴⁸ Pogge, Thomas. 1992. “Cosmopolitanism and Sovereignty.” *Ethics*. Vol. 103 No. 1: 48-73, 48

⁴⁹ *Ibid.* 48

⁵⁰ *Ibid.* 48

⁵¹ *Ibid.* 49

⁵² Cabrera, Luis. 2005. “The Cosmopolitan Imperative: Global Justice Through Accountable Integration.” *The Journal of Ethics*. Vol 9, No. ½, Current Debates in Global Justice: 171-199,171

⁵³ *Ibid.* 49

requirement that imposes limits...upon our efforts to construct institutional schemes.”⁵⁴ These limits may be different, however, from the strong international institutions required by legal cosmopolitanism. Importantly, “the central idea of moral cosmopolitanism is that every human being has a global stature as an ultimate unity of moral concern.”⁵⁵ Yet, we may simply define moral cosmopolitanism “in terms of human rights,” rather than by institutional mechanisms.⁵⁶ Note that these two views are compatible, not mutually exclusive, and may address different aspects of global justice.

The second important distinction is between institutional and interactional cosmopolitanism. Institutional cosmopolitanism “postulates certain fundamental principles of justice [that]...apply to institutional schemes and are thus second-order principles: standards for assessing the ground rules and practices that regulate human interaction.”⁵⁷ In other words, institutional cosmopolitanism deals with the background structure and institutions that guide and shape human interactions, rather than with the character of those institutions themselves. It provides a mechanism to evaluate or create this basic structure such that each person is treated fairly and justly. Interactional cosmopolitanism, on the other hand, “postulates certain fundamental principles of justice...[that] apply directly to the conduct of persons and groups.”⁵⁸ A useful way in which to consider the difference between institutional and interactional cosmopolitanism is that institutional cosmopolitanism operates on the macro level, analyzing institutions. On this perspective, human rights “impose constraints on shared practices.”⁵⁹

⁵⁴ Ibid. 49

⁵⁵ Ibid. 49

⁵⁶ Ibid. 49

⁵⁷ Ibid. 50

⁵⁸ Ibid. 50

⁵⁹ Ibid. 50-51

Conversely, interactional cosmopolitanism operates on the micro level, wherein human rights constrain conduct and specific individual actions.⁶⁰

Most relevant to the discussion of global justice is institutional cosmopolitanism. Given the essential nature of the basic structure described above, an account of global justice must meaningfully deal with the institutions that create this structure. Thus, henceforth, when I refer to cosmopolitanism, I refer to institutional cosmopolitanism.

Moral institutional cosmopolitanism holds that because human rights exist within the context of a global basic structure that affects and is affected by every person, violations of rights are “everyone’s concern.”⁶¹ In other words, “institutional interconnections...render obsolete the idea that countries can peacefully agree to disagree about justice, each committing itself to a conception of justice appropriate to its history, culture, population size and density, natural environment, geopolitical context, and stage of development.”⁶² Even with reasonable pluralism, there must be a universal conception of justice for the global basic structure, because global institutions “can at any time only be structured in one way.”⁶³ Further, institutions cannot be assessed for their justice individually, because of the interconnectedness of the network of justice (or injustice) that they create. It is the overall system and structure that must be evaluated.⁶⁴ Moreover, claims about the justice or injustice of system and its institutions must “be based on an impartial consideration of the claims of each person who would be affected” by those institutions or structure.”⁶⁵

⁶⁰ Ibid. 50

⁶¹ Ibid. 51

⁶² Pogge, Thomas. 2008. *World Poverty and Human Rights*. Cambridge, UK: Polity Press: 39

⁶³ Ibid. 39

⁶⁴ Ibid. 38

⁶⁵ Beitz 1999 319

And yet cosmopolitan theorists differ on their approach to global justice. Some, such as Luis Cabrera, embrace a world government, arguing for an integrated world system both socially and economically.⁶⁶ Cabrera, however, is in the minority among cosmopolitans. Even Brian Barry, who advocates a form of international federalism akin to the existing European Union, shies away from embracing a world without borders.⁶⁷ Instead, cosmopolitans tend towards different levels of regulations between nations, embracing the pragmatic benefits to individuals of a localized government that can best understand and respond to their individual cultural needs. Moreover, “the world government approach reflects “the dogma of absolute sovereignty,” which cosmopolitans seek to avoid, because of the human rights abuses it engenders.⁶⁸ The fact of states, however, does not lend them moral weight as it does in Rawlsian liberalism. Instead, institutions like states derive their legitimacy from their ability to support human rights and increase general human welfare.⁶⁹ Thus, implications of a cosmopolitan perspective tend towards cosmopolitan liberalism.

Cosmopolitan liberalism adopts the hypothetical contract of Rawlsian liberalism, with the difference that the actors in the international original position are individuals, rather than peoples (or states). Cosmopolitans agree that the principles that individuals would pick egalitarian principles of economic redistribution. Pogge calls for a global resource tax that taxes consumption and uses the funds raised to aid those least well-off.⁷⁰ Beitz calls for distributive justice and duties of assistance to ensure reciprocity.⁷¹ Barry contends that individuals in a global original position would choose principles that include equal rights to natural resources, taxes on

⁶⁶ Cabrera 192

⁶⁷ Barry, Brian. 1980. “Do Countries Have Moral Obligations? The Case of World Poverty.” *The Tanner Lectures on Human Rights*. Delivered at Harvard University. 38

⁶⁸ Pogge 1989 216

⁶⁹ Beitz 2000 675

⁷⁰ Pogge 1994 199-205

⁷¹ Beitz 1999 523

resource extraction, and international income tax on gross domestic product.⁷² What cosmopolitans do agree upon, however, is that global justice requires *economic*, rather than merely *social* reciprocity and justice.

Cosmopolitanism is an umbrella term for several forms of the theory. The implications of the different branches of the theory, while varied in their particulars, are all built around the essential nature of the individual as a moral actor. Thus, a cosmopolitan approach to global justice calls for redistribution and other economic measures to create basic structural equality in the global basic structure in order to promote the rights of individual persons.

In the next chapter, I draw upon this discussion of cosmopolitanism in order to develop a coherent approach to international justice given agreement between cosmopolitanism and Rawlsian liberalism in the context of the global basic structure.

Libertarianism

The third and final deontological approach to global justice is libertarianism. If Rawlsian liberalism sits in the middle, with cosmopolitanism pulling towards greater egalitarianism, libertarianism pulls the other direction, arguing for less governmental reach and thus greater liberty. Libertarianism holds that persons are autonomous agents who own themselves and can acquire property rights. The government (or an international structure) commits an injustice when it limits or restricts these property rights. There are three principle branches of libertarianism: Nozick's entitlement theory, mutual advantage theory, and libertarianism as liberty.

Robert Nozick argues that "individuals have rights, and there are things no person or group may do to them (without violating their rights)."⁷³ Thus, institutional intervention on

⁷² Barry 1980 38-39

persons must be minimal. “For Nozick, social justice requires that governments interfere as little as possible with private arrangements, and devote themselves instead to protecting such arrangements.”⁷⁴ In other words, government’s function is to allow people to enter into free agreements with others, providing only minimal protection or limitations on the content or form of such agreements. Thus, Nozick holds that “the minimal state is the most extensive state that can be justified. Any state more extensive violates people’s rights.”⁷⁵ A minimal state (or its international equivalent) must therefore be narrow, restricted, and very limited. Further, Nozick argues that “there is no *central* distribution, no person or group entitled to control all the resources, jointly deciding how they are to be doled out.”⁷⁶ In other words, because people are equal, no one person or group has the right to determine which persons get which goods. Allowing a larger government would thus violate rights of individuals.

On a libertarian perspective, there is no basic structure of either a domestic society or of the international community in the full sense that Rawlsian liberals and cosmopolitans contend. Instead, any institutions or norms are “the product of many individual decisions which the different individuals are entitled to make.”⁷⁷ It is not, as perceived by Rawlsian liberals and cosmopolitans, the result of a network of interlocking institutions and practices, but rather a collection of individual choices operating independently. In this framework, regulative control of the basic structure is unnecessary and infringes upon the rights of individuals.

One of the primary implications of the libertarian stance on the basic structure is that libertarians reject (nearly) any form of distributive justice advocated by Rawlsian or

⁷³ Nozick, Robert. 1974. *Anarchy, State and Utopia* New York: Basic Books. ix

⁷⁴ Chander, Anupam and Sunder, Madhavi. 2007. “Is Nozick Kicking Rawls’s Ass? Intellectual Property and Social Justice.” *UC Davis Law Review* Vol. 40: 563-579: 567

⁷⁵ Nozick 1974 149

⁷⁶ *Ibid.* 149

⁷⁷ *Ibid.* 150

cosmopolitan liberals. In fact, “Robert Nozick stands as one of the foremost intellectual antagonists to claims for distributive justice”⁷⁸ For Nozick, Rawls’s retributive principle in the domestic case is flawed because: “(1) Rawlsian redistribution (or other coercive government interventions in market exchanged) is incompatible with recognizing people as self-owners. Only unrestricted capitalism recognizes self-ownership. (2) Recognizing people as self-owners is crucial to treating people as equals.”⁷⁹ In other words, when government structures take legitimately earned property away from individuals, they deny the right to self-ownership of individuals, an inexcusable violation of liberty.

Instead of redistributive justice, Nozick proposes a three part entitlement theory. In a just world, all holdings would follow the following principles: First, “a person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.”⁸⁰ In other words, as long as the property was acquired legitimately (not, for instance, stolen), the possessor has a right to it. Second, “a person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.”⁸¹ Hence, the person who holds something has the right to dispose of it as he or she will. Finally, “no one is entitled to a holding except by (repeated) applications of [the first two principles].”⁸² Thus, governmental bodies are not entitled to involvement and distribution of property, because doing is a violation of the rights of those who had the property before it was redistributed. Further, “Nozick believes that self-ownership inevitably leads to unrestricted

⁷⁸ Chander and Sunder 2007 564

⁷⁹ Kymlicka, Will. 1990. *Contemporary Political Philosophy, An Introduction*. Oxford: Oxford University Press.106

⁸⁰ Nozick 1974 151

⁸¹ *Ibid.* 151

⁸² Nozick 1974 151

property-rights.”⁸³ Governments ought not limit or restrict property rights, therefore, either at the domestic or global level. Thus, he argues, “the choice of economic regime should be decided...by the consent of self-owning people...self-owning people would all choose a libertarian regime, if it were up to them.”⁸⁴ He accepts, thus, the mechanism for determining social cooperation. Where he differs, then, is on the implications, rather than the structure or framework of the question.

Nozick offers an influential and important perspective on libertarianism, yet his is not the only perspective. While Nozick’s is most directly in contrast to Rawlsian libertarianism, and thus most relevant to my discussion, I will briefly explain the other two main branches of libertarianism in order to provide nuance and accuracy to my discussion.

The second principle form of libertarianism is mutual advantage theory. Like Nozick’s entitlement theory, “mutual advantage theorists...use a contract device, but for opposite reasons [than Rawls]. For them, there are no natural duties or self-originating moral claims. There is no moral equality underneath out natural physical inequality.”⁸⁵ The social contract is merely a useful device insofar as it benefits everyone. Because all participants benefit, the contract is formed. There is, however, no moral underpinning to the contract. This is in stark opposition to Rawlsian liberalism. Rawls argues that contracts are unjustified if one participant stands to benefit disproportionately, because this type of contract is coercive and does not adhere to the principle of fairness. By contrast, mutual advantage libertarianism holds that all types of contracts are allowable if both parties stand to benefit—regardless of the relative distribution of those benefits. Mutual advantage theory is also fundamentally different from Nozick’s Lockean

⁸³ Kymlicka 1990 118

⁸⁴ Ibid. 119

⁸⁵ Ibid. 126. See Buchanan, J. 1975. *The Limits of Liberty: Between Anarchy and Leviathan*. Chicago: University of Chicago Press.

libertarianism. Indeed, like Rawls, Nozick argues that his entitlement theory also has Kantian foundations because it treats each person as end and not a mere means. However, like entitlement theory, mutual advantage libertarianism rejects the essential nature of the basic structure in determining the background conditions that determine the justice or injustice of specific actions.

The third and final branch of libertarianism is libertarianism as liberty. This understanding of liberty holds that liberty is the highest value of justice, and that the only way for a governmental structure to respect that is to allow for free markets and extremely limited government involvement in individual decision-making.⁸⁶ This argument has three parts. First, it holds that “an unrestricted market involves more freedom.”⁸⁷ Freedom, or liberty, must be the highest priority of justice because it respects individuals’ right to autonomy and free choice. Thus, a free market and corollary minimal government obligation is morally obligatory.⁸⁸

These three branches of libertarianism have much in common: they all reject proposals of distributive justice proposed by cosmopolitans and Rawlsian liberals. Instead, they argue that a property holder has an absolute right to his or her property. Further, they reject the importance of a basic structure—domestic or international—in determining background conditions for justice. While they agree with liberals in that the mechanism for determining a government structure is contractual, libertarians contend that self-owning individuals would choose principles of minimalist governance. In addressing global justice, thus, libertarians advocate no international structures or other norms for affecting the global basic structure, insofar as they deny its importance, and the legitimacy of attempts to regulate it.

⁸⁶ Ibid. 133

⁸⁷ Ibid. 133

⁸⁸ Ibid. 133

In the following chapters, I focus primarily on Nozick's conception of libertarianism, because it is the most prevalent branches of the theory and most directly and explicitly clashes with cosmopolitan and Rawlsian liberal accounts of justice. In the next chapter, I will explain Rawls's rejection of libertarianism in the domestic case and argue that his acceptance of libertarian principles in the international case is both inconsistent with his domestic theory of justice and unsustainably asymmetrical. I hold that Rawls's reasons for rejecting libertarianism in the domestic case are sound and ought to be applied to the international realm.

Conclusion

Determining the best way to approach the problem of global justice requires a complete and nuanced understanding of the concepts, terms, and approaches in the field. Justice understood in terms of fairness and reciprocity on the global level requires acknowledgment of the existence and importance of the global basic structure, a network of institutions, practices, and norms that guide and shape social, political, and economic processes around the globe. The three primary approaches to solving this problem are Rawlsian liberalism, cosmopolitanism, and libertarianism. Rawlsian liberalism holds principally that representatives of peoples in a hypothetical international original position would select principles that balance the value and importance of human rights with principles of toleration of reasonable pluralism. Cosmopolitanism differs from Rawlsian liberalism in that the ultimate units of moral concern, and thus the actors in the original position must be individuals, and that they would choose more egalitarian principles of mutual cooperation. Conversely, libertarians hold that the principles that would arise out of any type of social contract would be principles of minimalist government involvement.

Importantly, Rawlsian liberalism and cosmopolitanism agree on the essential nature of the basic structure, while libertarians reject distributive justice at both a domestic and international level based on the belief in individual right to ownership and autonomy. Moreover, all three approaches agree on the mechanism of a contract, though they come to it from different perspectives, as well as the centrality of justice in determining the right framework for a global society. I accept these points of (relative) agreement: the mechanism of the contract, the centrality of justice, and the importance of the global basic structure. In going forward, thus, I ask: given the nature of justice and the (empirical or theoretical) nature of the global basic structure, what principles of mutual cooperation best promote institutional justice on the global level?

Chapter 3: A Just Global Basic Structure: Rawlsian Liberalism with a Cosmopolitan Purpose

Just as justice in a domestic society requires the consideration and regulation of the domestic basic structure, so too does justice on the international level require dealing with the reality of a global basic structure. And there is a global basic structure. From buying groceries to investing in growing international markets, the lives of individuals as well as the actions of governments are deeply and increasingly tied to global networks that rest upon this basic structure. Moreover, the existence of the global basic structure is “documented in a vast and growing interdisciplinary literature that goes under various headings: globalization, structural dependency, and theory of underdevelopment.”¹ Its existence is recognized in the creation of bodies like the United Nations, NAFTA, and NATO. It is entrenched by international treaties like the United Nations Declaration of Human Rights, which holds that “everyone is entitled to a social *and international* in order in which the rights and freedoms set forth in this Declaration can be fully realized.”² The global basic structure is important for two primary reasons. First, it directly impacts opportunities, resources, and abilities of individuals and states. Second, it influences the domestic basic structure, further limiting and defining options and abilities of domestic parties.

The global basic structure has a direct impact on the opportunities of individuals and states. Trade agreements and tariffs, for example, are all built in the context of the global basic

¹Buchanan, Allen. 2000. “Rawls’s Law of Peoples: Rules for a Vanished Westphalian World.” *Ethics*. Vol. 11, No. 4. 697-721: 706

² Pogge, Thomas. 1992. “Cosmopolitanism and Sovereignty.” *Ethics*. Vol. 103 No. 1: 48-73: 55. Emphasis added.

structure. International watchdog groups limit the actions of governmental agencies by publicizing and denouncing human rights abuses. The internet's ability to facilitate communications around the world instantaneously has dramatically influenced global culture and discourse, thereby affecting not just opportunities but cultures, identities, and characters as well. We live in a deeply and increasingly interconnected world. Any account of global justice must thus take this into account, for, as Buchanan argues, "there is simply no reason to believe that a global basic structure that is not regulated by principles of justice will happen to ensure that every well-governed society will be so distributionally autonomous as to be able to see that ... standards [of justice are] met for all its citizens."³ Just as we regulate the basic structures of domestic society in order to ensure fair background conditions, we must similarly regulate the global basic structure.

Moreover, the global basic structure affects the domestic basic structure, both directly and indirectly influencing opportunities. This happens in two ways. First, a state that has its economic growth opportunities benefited by the global basic structure, like the United States or Europe, reaps social and political benefits as well. Conversely, a state that is systematically harmed by the global basic structure stands to suffer not only economically but also politically and socially. For instance, "the probability that democracy survives increases monotonically with per capita income...No democracy ever fell in a country with a per capita income higher than that of Argentina in 1975, \$6,055."⁴ In other words, when economic opportunities are limited by the global basic structure, the just political structure of democracy is unlikely to obtain. Political and social stability, including Rawls's "stability for the right reasons," is

³ Buchanan 2000 717

⁴ Maravall Przeworski. 2003. *Democracy and the Rule of Law*. Cambridge: Cambridge University Press. 115

dependent upon a fair and just global basic structure.⁵ Second, political and social elements of the global basic structure influence the opportunities of states, peoples, and individuals. Consider trade, wherein pressure for free trade which benefits the consumers (generally in the powerful West) puts pressure on developing nations in regions like Southeast Asia to maintain low or no minimum wage laws or workplace safety regulations in order to attract business. Even more perniciously, “relative poverty breeds corruptibility and corruption.”⁶ In other words, poor governments “are actively being corrupted, continually and very significantly, by private and official agents from vastly more wealthy societies.”⁷ Thus, the global basic structure has indirect effects on domestic societies, as well as direct effects.

One might argue that even though the world is increasingly interconnected, the global basic structure is still less pervasive and powerful than domestic structures, and thus does not need the type of regulation that domestic societies require in order to be just. This counterargument is flawed for two reasons.⁸ First, as Charles Beitz notes: “the claim that a society’s domestic and political character is a more important determinant of individual well-being than its international economic position presupposes a capacity to distinguish between domestic and international influences which may be impossible to sustain.”⁹ In other words, because of the interconnected nature of the domestic and global basic structures, whether or not the ultimate cause of a limitation or opportunity is domestic or global is impossible to determine in many cases. Regardless, however, the reality of the increasingly interconnected nature of the global community is sufficient reason to support a theory of international justice that accounts

⁵ See Rawls, John. 1999. *The Law of Peoples*. Cambridge: Harvard University Press.12

⁶ Pogge, Thomas. 1994. “An Egalitarian Law of Peoples.” *Philosophy and Public Affairs*. Vol. 23 (3): 195-224: 213

⁷ Ibid. 214.

⁸ I take up this counterargument in more detail in Chapter 4. See “The Interconnectivity Objection”

⁹ Beitz, Charles. 1999. “Social and Cosmopolitan Liberalism.” *International Affairs*. Vol. 75, No. 3: 515-529: 525

for a global basic structure. Moreover, the arguments for the existence and influence of the global basic structure are even stronger now, in 2013 than they were when Pogge or Beitz argued for recognition of the global basic structure in the 1990s. The rise of the internet age has accelerated the interconnectedness of information networks, trade networks, and political alliances. Furthermore, as global climate concerns threaten all states, the global community is even further incentivized to work together to solve problems that belong not to an individual society, but to the world at large. Global climate change has international causes and thus requires international solutions. My argument holds, therefore, because even if I am wrong about the current existence of the global basic structure, the trajectory of the global community is increasingly interconnected, and this interconnectedness must be accounted for.

Given the existence of a global basic structure, the questions of distributive justice that arise in the domestic case because of the domestic basic structure must arise in the international case. As Buchanan argues, if there is a global basic structure...then surely it is a subject of justice and a very important one.”¹⁰ Thus, schemes of international justice must begin by recognizing the centrality of the global basic structure.

It is worth, at this point, noting three important facts about the global basic structure. First, the justice of the global basic structure is prior to social and economic arrangements. A just global basic structure consists primarily of preventing unjust distributions from occurring, rather than primarily correcting or compensating for unjust distributions. As Pogge argues:

We should aim for a set of...ground rules under which each participant would be able to meet her basic social and economic needs...[These] ground rules...are prior to both production and distribution and therefore involve neither the idea of an already existing pool of stuff to be doled out nor the idea of already owned resources to be redistributed.¹¹

¹⁰ Buchanan 2000 705

¹¹ Pogge, Thomas. 1992. “Cosmopolitanism and Sovereignty.” *Ethics*. Vol. 103 No. 1: 48-73: 56

A just global basic structure, then, must be established and maintained by institutions and norms that preexist other contractual agreements, economic exchanges, or political treaties. Liberals agree on this score. As Pogge notes, "when Rawls claims that economic inequalities prevailing in developed Western societies are unjust, he is not envisioning that...wealth is to be transferred or redistributed to the poor. Rather, the point is to change the economic institutions that govern the distribution of resources (and give rise to excessive inequalities) in the first place."¹²

Secondly, the global basic structure is multifaceted and multidimensional. Just regulation of the global basic structure would require regulation of different aspects of social and economic life. For example, regulatory bodies must monitor, among other things, human rights, trade agreements, environmental protections, and telecommunications. While the guiding principles behind these disparate aspects of life are unified, the manifestations of these principles will vary depending on the realm in which they operate. Thus, in considering the global basic structure, it is important to remember that it is complicated and multifaceted. The plurality of spheres on which it operates create different requirements and different structures within the umbrella of the broad global basic structure.

Third and finally, moral obligations that arise in a global basic structure are not based on duties of beneficence or charity, but based on common cause. By perpetuating a system that advantages some at the expense of others, we contribute to the inequalities and injustices in the global basic structure. Rectifying them, thus, is not charity, but a moral obligation based on duties of justice and reciprocity. Hence, "we are asked to be concerned about human rights violations not simply insofar as they exist at all, but only insofar as they are produced by social institutions in which we are significant participants."¹³

¹² Pogge, Thomas. 1989. *Realizing Rawls*. Cornell University Press. 27

¹³ Pogge 1992 52

Of the three approaches discussed in the previous chapter—Rawlsian liberalism, cosmopolitanism, and libertarianism—only two capture the existence and significance of the global basic structure. Rawlsian liberalism and cosmopolitanism both understand the essential nature of a basic structure. Libertarianism, on the other hand, fails to appreciate the moral significance of the basic structure, so it cannot be the best way to understand and explicate our obligations. Libertarians assume that our actions are uniquely our own; no external structures have influence enough over them to mitigate our ownership of ourselves. Yet given the basic structure, this is simply not true. Actions of individuals and governments are limited by the basic structure. A child born in Somalia has vastly different chances than a child born in the United States, because of political, economic, and social factors that have led to advantages or disadvantages systematically enforced by the global basic structure. Even if Nozick is correct that an individual may own his or her entire self, including labors and rewards of that labor, this is still clearly not true for states. As Beitz contends, “we hold individual persons responsible for the consequences of their own decisions because persons have the capacity for identity over time—the person who made a decision at one time and who suffers the consequences at a later time is *the same person*. But societies are unlike individual persons in this regard.”¹⁴ In other words, even if Nozick’s hard-line individualism applies for individual actions, state actions cannot be held to the same account, because those who passed policies and those who reap the rewards or benefits of those policies are not the same. Because libertarianism fails to account for the centrality of the global basic structure in an account of global justice, it is not an adequate mechanism to determine justice.

¹⁴ Beitz 1999 528

In *A Theory of Justice*, Rawls explicitly rejects libertarian arguments. Rawls argues that libertarianism is illiberal and therefore unacceptable.¹⁵ All people are “free and equal” and a just government must “maintain the conditions for realizing this ideal of persons.”¹⁶ In constructing an understanding of justice in the international sphere, thus, I take Rawls’s criticism of libertarianism on face, in addition to the arguments presented above. Thus, in determining a construction of global justice that is consistent with Rawlsian basic principles, I set aside libertarianism as incapable of dealing with the reality of the global basic structure.

Cosmopolitanism and Rawlsian liberalism both have the capacity to consider the essentialness of the global basic structure. Both account for the reality that shapes and defines global justice, and both seek justice through the lens of justice-as-fairness that extends across borders and continents. Rawlsian liberalism and cosmopolitanism both understand the essential nature of a basic structure. For instance, Rawls’s domestic case forbids contracts made under the context of a coercive basic structure.¹⁷ Similarly, cosmopolitans seek to unite the world’s moral duties precisely because of the pervasive and influencing nature of the global basic structure. Both of these frameworks are consistent with the framework that Rawls provides in *A Theory of Justice* designed to promote justice as fairness. I argue that the best account of global justice can be reached by achieving a convergence of cosmopolitanism and Rawlsian liberalism. Through this overlapping consensus, international moral obligations can be understood.

There are three questions to be asked in developing and understanding this overlapping consensus. The first is who are the actors? That is, who gets to decide and agree upon a global basic structure? On this point, cosmopolitans and Rawlsian liberals disagree. The second question is what is the structure? That is, how would the actors develop the principles of

¹⁵ Freeman, Samuel. 2007. *Rawls*. Oxon: Routledge: 51

¹⁶ Rawls, John. 1971. *A Theory of Justice*. Cambridge: Harvard University Press: 8

¹⁷ Ibid.

international cooperation and global justice? Third and finally, what are the principles? What principles, rules, limitations, and guidelines would be established by these actors in this structure? In this final and most essential question, I argue that cosmopolitans and Rawlsian liberals would converge and agree.

Actors

There are three potential answers to the question of who the actors might be: individuals, peoples, and states. Cosmopolitans tend to favor individuals insofar as, for cosmopolitans, individuals are the ultimate moral unit, the actors to which the benefits of a system of international system must accrue. Thus, it makes sense for the moral actors to be individuals.

However, holding that the actor in an international cooperation scheme must be the individual does not follow from the belief that individuals ought be the unit of moral worth. Even if individuals are the only morally valuable entity, the institutions may be constructed around different actors. On this account, “there is no inconsistency in holding both that the ultimate appeal in questions of international justice is to the other interests of individual persons and that, for political...reasons, we must regard a decentralized world order [the existence of states] and work for reforms within its basic structure.”¹⁸ There is a distinction between the moral agent—she who the international scheme must protect and whose interests ought be advanced—and the moral actor—she who directly constructs, regulates, and maintains the international scheme. It is not necessary to the cosmopolitan account, thus, that individuals be the actors.

¹⁸ Beitz 1999 681

Thus, some cosmopolitans “make countries, rather than individuals the units.”¹⁹ The reason for this is that individuals are in inefficient and impractical mechanism for constructing an international order to regulate the global basic structure. Barry compares the use of states in constructing an international order to the use of families in the domestic case, arguing that even in a domestic society “we do not really think of the distribution...as a distribution among individuals but among families.”²⁰ The system of cooperation at the domestic level is among families, much as, Barry contends, a successful international contract would be between states.²¹ By distinguishing between moral actors and agents, this distinction is not only possible, but preferable. Beitz, too, supports this view of cosmopolitanism, arguing that we “conceive of the international community as a society of (domestic-level) societies characterized by division of labor: domestic societies are responsible for the well-being of their people.”²² Cosmopolitans, therefore, may embrace a system of international cooperation that uses states as actors, while maintaining their ethical emphasis on rights and liberties of individuals.

Cosmopolitans are incentivized to place this emphasis on states because of the pragmatic benefits of doing so. States are beneficial from two perspectives: implementation and maintenance. States are the most prevalent actors in the current international system. Thus, implementing a system of international cooperation is aided by the utilization of the system of states already in place. In other words, because states are the dominant actors in the existing global basic structure, as well as schemes of international cooperation already in place, the use of states as actors makes pragmatic sense in the transition from the current system to a system that

¹⁹ Barry, Brian. 1980. “Do Countries Have Moral Obligations? The Case of World Poverty.” *The Tanner Lectures on Human Rights*. Delivered at Harvard University. 40

²⁰ Barry 1980 41.

²¹ For a feminist critique of Rawls’s use of family units in the domestic case, see: Okin, Susan Moller. *Justice, Gender, and the Family*. Princeton: Princeton University Press, 1989.

²² Beitz 2000 677

would create and propagate a just global basic structure. Second, using states aids cosmopolitan goals of maintenance of a just system of social cooperation on the global level. Tan argues that it is “within the context of a national culture that the core liberal values of individual autonomy and self-identity, social justice, and democracy are best realized.”²³ States, thus, are useful in that they demarcate and preserve cultural identities and value systems that promote well-being. Furthermore, states are uniquely able to understand the culture-specific needs of their citizens, and create domestic structures accordingly. This is important because it helps promote reasonable pluralism in the international contract. Pogge contends that “attaining a world of peace and justice requires widespread acceptance of international pluralism.”²⁴ The use of states as actors is essential to maintaining this reasonable pluralism, because it creates units of autonomy within the international cooperative scheme. A world state, for instance, cannot accommodate the same level of reasonable pluralism insofar as it would, as an international contract does, have only one set of rules and codes at any given time. Its unity is its weakness: without room for variation, there is no room for pluralism. The use of states solves this problem, because each state can, within the limits of *reasonable* pluralism, as discussed later, allow for variety of cultural ideas, norms, etiquettes, and other values. While institutions of international justice may distribute sovereignty vertically, the basic unit of states remains. In other words, the ultimate structure for regulating the global basic structure would more closely resemble the European Union—wherein individual sovereign states act in coordinated patterns to ensure mutual benefit—than the United States—wherein states are not truly sovereign and are governed by a large federal government. The value of states is in their specific abilities and knowledge

²³ Tan, Kok-chan. 2002. “Liberal Nationalism and Cosmopolitan Justice.” *Ethical Theory and Moral Practice*. Vol. 5, No. 4: 431-461: 436

²⁴ Pogge 1989 31

regarding their specific populations. Diffuse sovereignty, then, is important in maintaining the value of these institutions.

Rawlsian liberals are divided over the appropriate actor for an international contract. However, they uniformly agree that a world government is not a valuable method for international cooperation because “we do not need to entertain communitarian fantasies of culturally and normatively perfectly homogeneous political societies in order to realize that in political units smaller than the global community it will be easier to find a reasoned consensus on more specific principles of justice...than on a global scale.”²⁵ Put another way, “a world government...would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy.”²⁶ However, while Rawlsian liberals agree that there must be some smaller unit of agency than a world government, there is disagreement about what such units ought be. Most liberals from the Rawlsian traditions embrace the use of states as actors. Rawls himself, however, advocates peoples as the actors. I contend that Rawls’s reliance on peoples instead of states is confusing and unnecessary. Instead, I agree with Hinsch and Buchanan that a liberal approach is best served by the use of states as the actors.

Rawls argues that:

The term ‘peoples,’... is meant to emphasize these singular features of peoples as distinct from states, as traditionally conceived, and to highlight their moral character and the reasonably just, or decent, nature of their regimes. It is significant that peoples’ rights and duties in regard to their so-called sovereignty derive from the Law of Peoples itself, to which they would agree along with other peoples in suitable circumstances. As just or decent peoples, the reasons for their conduct accord with the corresponding principles. They are not moved solely by their prudent or rational pursuit interests, the so-called reasons of state.²⁷

²⁵ Hinsch, Wilfried. 2001. “Global Distributive Justice.” *Metaphilosophy* Vol. 32, Issue 1-2: 58-78: 62

²⁶ Rawls 1999 36

²⁷ Rawls 1999 27.

Rawls's use of 'peoples', thus, is meant to emphasize ethical characteristic over the traditionally non-moral, Westphalian understandings of states. Peoples, on the other hand have "a reasonably just constitutional democratic government that serves their fundamental interests;" are "united by...common sympathies;" and have "a moral nature".²⁸ Buchanan further clarifies this distinction: "for Rawls, peoples are groups with their own states."²⁹ Thus, we can understand Rawls's conception of peoples as moral, united in common sympathies, and contained with and fully containing of their own state.

Yet this distinction in Rawls is unnecessary. As Buchanan argues, "Rawls courts confusion: given that the term 'people' is often used to refer to ethnic or national groups, including those that lack their own states."³⁰ In other words, because 'peoples' often means interstate groups, such as certain Amazonian tribes or the Roma people in Europe, as well as groups within a state, such as the Catalan people in Spain, Rawls's definition is counter-intuitive and not helpful. Rawls makes the distinction between people and state because he wants to hold the actors in his Law of Peoples to an ethical standard, to duties and obligations that derive from the Law of Peoples. While this is a noble goal, and, indeed, imperative to any international scheme, the use of peoples does not advance this aim. I agree with Pogge when he argues that he "do[es] not believe that the notion of 'a people' is clear enough and significant enough in the human world to play the conceptual role and to have the moral significance that Rawls assigns to it."³¹ The term peoples, then, breeds confusion, not clarity.

Rawls's greatest concern with the use of states as the actors is that states are unable to be held to ethical standards. Yet this is not necessary either empirically or philosophically.

²⁸ Rawls 1999 23.

²⁹ Buchanan 2000 698.

³⁰ Ibid. 699

³¹ Pogge 1994 197

Empirically, states ratify declarations of human rights, children's rights, and women's rights, they join together into governance bodies like the United Nations to promote welfare and rights, even limitedly, around the world. Many states even donate some of their wealth to other states in need.³² These empirical realities demonstrate that states can be moral actors, even in the status quo. Furthermore, there is nothing philosophically inconsistent with holding states to moral standards. States are, as cosmopolitans emphasize, ultimately comprised of and answerable to individuals, which can be held to moral standards. States, being the amalgamations of these liberal peoples, can thus be held to moral standards on a theoretical level. In other words, because states are actors comprised of moral agents, they can be held to moral standards. Rawls's insistence on the use of peoples, therefore, is unnecessary. As Buchanan articulates, this insistence is based on an outdated understanding of how state interactions work. The emphasis on peoples is merely "rules for a vanished Westphalian world," rather than grounded in the empirical reality of the world.³³

On the question of who ought be the actor in an international cooperation scheme to regulate the global basic structure, thus, cosmopolitans and liberal converge: states. As Beitz, a cosmopolitan, contends, "states should count for something in moral reasoning because states are the most effective political mechanism for protecting human rights, which are themselves pre-eminently cosmopolitan values."³⁴ Thus, states ought to be the actor for constructing and understanding a just international cooperation scheme because, given the existing structure that a more just system of cooperation would arise from. Tan expresses this idea when he argues "a

³² OCED, "Development aid rose in 2009 and most donors will meet 2010 aid targets." Accessed March 3, 2013. <http://www.oecd.org/investment/stats/developmentaidrosein2009andmostdonorswillmeet2010aidtargets.htm>.

³³ Buchanan 2000

³⁴ Beitz 1999 529

truly liberal nationalism...must also be a *cosmopolitan nationalism* in the sense that it has to cohere with the quintessential cosmopolitan principles of normative individualism and ethical universalism.”³⁵ Furthermore, because of states’ ability to maintain reasonable pluralism within a scheme of international cooperation, they are uniquely valuable. Rawls’s argument for peoples unnecessarily convolutes discourse without providing meaningful distinction from states. Thus, as Hinsch argues, a system of states is preferable to alternatives because they are “internally regulated by domestic conceptions of justice...[and] would be able to realize locally a degree of positive autonomy...that no system with only global principles of justice could possibly achieve.”³⁶ States, therefore, are the best actors for social cooperation.

The second question to be asked is what structure would a social international cooperative scheme take. In this, like in actors, I argue that cosmopolitans and Rawlsian liberals should converge.

Structure

Rawlsian liberals and cosmopolitans fundamentally agree on the structure that a scheme of international cooperation would take. Both camps argue that the most successful scheme would be modeled on a social contract designing and maintaining the global basic structure. In this sense, they are all Rawlsian, seeking to apply the principles of justice that Rawls articulates in *A Theory of Justice* for the domestic case in some sense to the international community. The value of an international social contract is that it “focuses on the fundamental 'rules of the game' and not on what rules players are morally free or constrained to make within a particular game in

³⁵ Tan 446

³⁶ Hinsch 2001 62

progress.”³⁷ That is, it is valuable insofar as it does not require absolute justice in every single human interaction—an impossible goal—but rather seeks to create a just global basic structure upon which just interactions can occur. As discussed above, without such justice in the background conditions, institutions and interactions cannot be fair, and hence not just.

What would such an international social contract look like? That is, what structure would it take? Rawls approaches this question as an extension of his domestic case: “apply the two principles to the basic structure of a national society, and then reconvene the parties for a second session to deal with the relations among such societies.”³⁸ This reconvening would be done through representatives of individual societies behind a veil of ignorance. Similar to the domestic case, representatives of societies “know nothing about the particular circumstances of their own society, its power and strength in comparison with other nations, nor do they know their place in their own society.”³⁹ This two-fold level of blindness is important. First, the representatives do not know the particulars of their own society. They do not know if they are economic superpowers, or developing nations dependent upon the aid of other states. They do not know if they have vast mineral or oil deposits, seaports, or industrialized power grids. They are ignorant both of the domestic particulars of their own society as well how those particulars compare to and relate to the particulars of other societies. This is important because it creates conditions under which, as in the domestic case, considerations of economic inequalities might arise. Second, the representatives of states are unaware of their own place in society. This is important because it incentivizes consideration not just of the elite or ruling class, but of greater social considerations in constructing rules of egalitarian social interaction. Put together, this

³⁷ Pogge 1989 26

³⁸ Pogge 1994 197

³⁹ Rawls 1971 378

two-fold veil of ignorance ensures, as Buchanan argues, “parties representing peoples strive to ensure that their societies are not disadvantaged by the global basic structure.”⁴⁰

One point of disagreement between Rawlsian liberals and cosmopolitans is what considerations delegates in this position would bring to the structure of an international contract. Rawls assumes that delegates are uniquely concerned with being a just liberal society, rather than with considerations of egalitarianism.⁴¹ Cosmopolitans, on the other hand, hold that “each delegate assumes that her people has an ultimate interest not only in the justice of its domestic institutions, but also in the well-being of its members.”⁴² Put another way, “because the parties in the domestic original position are represented as ‘free and equal’, they will avoid principles that might turn out to assign them to an inferior status.”⁴³ On this account, representatives of states enter into a second, international original position and select principles that promote the well-being of their citizens and society. These representatives are concerned not with merely being “constituted as a just liberal society,” but also broader egalitarian principles.⁴⁴

However, Rawls’s initial rejection of an egalitarian conception of global justice only makes sense without an understanding of the global basic structure’s importance. Modern Rawlsian liberals such as Allen Buchanan and Wilfried Hinsch who take the global basic structure into account endorse a much more egalitarian structure with broader considerations for the international social contract. Rawls’s insistence that representatives would only be interested in a very narrow set of considerations is based on Rawls’s failure to adequately appreciate the significance of the global basic structure. In other words, “Rawls simply assumes that it is only ‘the basic structure of *their* society’ that is relevant to whether a people prospers or

⁴⁰ Buchanan 2000 708

⁴¹ Rawls 1999 86

⁴² Pogge 1994 208

⁴³ Buchanan 2000 708

⁴⁴ Pogge 1994 208

not.”⁴⁵ However, because “like a domestic global structure, the global basic structure in part determines the prospects [of states]...It is therefore unjustifiable to ignore the global basic structure in a moral theory of international law.”⁴⁶ Since representatives of states would want to ensure that their people have the ability to be liberal, they would necessarily be concerned with the global basic structure, because of the effect that it has on domestic opportunities as described above. Thus, a Rawlsian liberal interpretation must consider not merely in maintaining a particular conception of domestic justice. For Rawls, thus, in order for principles to “satisfy the criterion of reciprocity, since this criterion holds at both [the domestic and international] levels,” broader egalitarian concerns must be considered.⁴⁷ Thus, the structure of a global moral order would include egalitarian considerations.

Thus, cosmopolitans and Rawlsian liberals should converge, given the importance of the global basic structure. The structure of global cooperation takes representatives of states, who neither know their own position in society, nor their society’s position in relation to other societies, who are concerned with both their state’s ability to address fundamental questions of domestic justice, and also considerations of economic equality between states, given the pervasive influence of the global basic structures. The principles of social cooperation, therefore, derive from this basis, and must reflect both concerns for preserving state conceptions of justice and broader inter-state concerns of social and economic justice.

General Principles

Thus far, I have demonstrated that, given the existence and importance of the global basic structure, cosmopolitanism and Rawlsian liberalism have the capacity to incorporate an

⁴⁵ Buchanan 2000 705 quoting Rawls 1971 7. Emphasis added

⁴⁶ Ibid 706

⁴⁷ Rawls 1999 41

understanding of the reality of our interconnected world, and accept the implications of this pervasive global basic structure on a system of global justice as fairness. Further, I have demonstrated that both cosmopolitans and Rawlsian liberals should prefer a social contract between representatives of states in an original position in order to promote rights and wellbeing while still pragmatically promoting reasonable pluralism. The next question, thus, is what general principles would derive from such a structure. In this section, I explore the general principles, arguing that cosmopolitans and Rawlsian liberals would agree to principles of distributive justice given the existence of the global basic structure. In the next chapter, I explore these general principles in more detail, explaining several more pragmatic implications of the general, ideal theory I put forth here.

In determining principles of a cooperative international scheme, justice must be at the forefront. Inequalities must be justifiable and reasonable based on principles of justice. Put another way, “we [Americans]...need to justify to a Mexican why we should be entitled to life prospects that are so much superior to hers merely because we were born on the other side of some line—a difference that, on the face of it, is not less morally arbitrary than differences in sex, in skin color, or in the affluence of one’s parents.”⁴⁸

There are three primary questions in determining what broad principles would promote global justice at the intersection of Rawlsian liberal and cosmopolitan views:

- 1.) What are the principles of membership?
- 2.) What are the principles that limit state actions?
- 3.) What are the principles that guide resource distribution?

The first question asks if only liberal states, in the Rawlsian sense, can be included, or if other types of states such as decent hierarchical, outlaw, or burdened may or even must be included.

⁴⁸ Pogge 1994 198

The second question asks about the limits of reasonable pluralism in a system of global justice and determines the role of human rights in international justice. The third question asks what obligations of distribution and resource management global justice requires, that is, whether vast economic or social inequalities can be tolerated, and to what extent, in a just global contract.

Principles of Membership

The first question is: what principles of membership limit or expand the bounds of global justice? What types of states ought, or must be included? I accept Rawls's categories of states: liberal, decent, burdened, outlaw, and benevolent absolutisms. Though for Rawls both 'liberal' and 'decent' are properly attributed to peoples not states, I, for the reasons articulated above, apply these labels to states. A liberal state, like a liberal people, has legitimate liberal constitutions, common sympathies, and moral nature.⁴⁹ It is clear from a cosmopolitan perspective that burdened societies ought be included. Further, I argue that once a Rawlsian liberal account considers the global basic structure, it must likewise naturally include burdened states within the international contract.

A cosmopolitan's purpose for including burdened states in the international structure of justice is clear: if individuals are the units of moral worth, then the fact that they are born in burdened societies rather than liberal or decent ones is irrelevant to our egalitarian duties to them. The international social contract must include them, therefore, because of the nature of the egalitarian duties that the contract seeks to protect. Moreover, if an international original position is to encompass human rights, it must, by necessity, be universal. As Bietz explains, "the exclusion of outlaw (and other) societies from the international original position means that no argument for human rights, made from the point of view of the original position, could

⁴⁹ Rawls 1999 23

establish that human rights have the kind of universality that is usually presumed.”⁵⁰ In other words, in order for the rights articulated by the international contract to be universal, membership in the contract must likewise be universal. Because cosmopolitans care about the rights and welfare of every individual, cosmopolitans hold that concern for the subjects of non-liberal peoples necessitates their inclusion in the international social contract. This means that non-liberal peoples must be included. Thirdly, given that the global basic structure affects all societies, a system of international justice that regulates it must consider and take into account all affected parties, including and even particularly burdened societies who most directly suffer as a result of any injustices and inequalities in the global basic structure.

This last point is also key for a Rawlsian perspective. I argue that a Rawlsian liberal account must include not only liberal and decent societies, but also burdened states, outlaw states, and benevolent absolutisms because of the global basic structure. Rawls explicitly advocates a minimal duty to aid for burdened states, with the aim of bringing burdened societies into the international community more fully.⁵¹ This implies that Rawls should want burdened societies included in the international contract, because the best chance of promoting human rights and political justice and stability can occur within the context of the international contract’s regulatory powers. Similarly, Rawlsian liberals should advocate that outlaw states ought not be tolerated in their outlaw form, and be forced towards liberal or at least decent structures in order to be included.⁵² Because Rawlsian liberals are concerned with the integrity of the state, they should include non-liberal states. Thus, like cosmopolitans, Rawlsian liberals ought advocate a broad understanding of what kinds of states ought be members of an international contract.

⁵⁰ Bietz 2000 686

⁵¹ Rawls 1999 106

⁵² Rawls 1999 81

Furthermore, from an original position, representatives of outlaw and other nonliberal states would not know the structure of their society, and thus would not know they were nonliberal. Given this limitations, representatives of all states would want to be included within the international contract, because of the pervasive power of the global basic structure. In other words, because the global basic structure has such a pervasive influence on a domestic society's economic, social, and political opportunities, it is in the best interest of all states to participate in order to promote their own state interest. In self-interest, then, nonliberal states would seek to be included in the global basic structure.

Moreover, it is structurally possible to include non-liberal peoples in the international contract, because, as Buchanan explains:

Regardless of whether one represents a people whose internal conception of justice is egalitarian or hierarchical, one's commitment to protecting both the capacity of one's society to implement its conception of justice and one's commitment to securing equal status in the international community for one's society require the choice of principles of justice for the global basic structure.⁵³

In other words, because all states want to advance themselves and their interests, they need not be liberal in order to choose just principles in guiding their interactions with other states. Thus, "representatives of inegalitarian societies would choose principles for the law of peoples that express the equality of peoples."⁵⁴ It is thus structurally possible, as well as philosophically necessary, to include nonliberal peoples in an international contract of global justice.

However, it is important to note that not all states need be included in regulatory and governing institutions of international justice simply because they are part of the original social contract. While outlaw states and illiberal states have incentives to participate in the original

⁵³ Buchanan 2000 709

⁵⁴ Bietz 2000 712

position and to craft just policies, these incentives are premised upon their position behind the veil of ignorance. Illiberal and outlaw states are not appropriate actors for designing the institutions that realize the principles of global justice outside of the original position. Certain limits, thus, may be imposed on standing as full and equal members of the international community that require that outlaw states and illiberal states liberalize and accept certain norms, such as human rights, in order to participate fully. These limits also regulate and restrict the actions of states of all types may take against their own people. Below, I explore what these limits might entail.

Principles of Limits

Of course, including such a variety of types of states who have differing conceptions of human rights, or perhaps do not even acknowledge human rights, raises questions for reasonable pluralism. Thus, the second question in determining the principles that derive from an international social contract is: What are the limits of reasonable pluralism in a system of global justice? I contend that both cosmopolitans and Rawlsian liberals would agree that reasonable pluralism within the bounds of human rights must be not only tolerated, but accepted and even encouraged.

Rawls argues that “reasonable pluralism is not to be regretted...[because] given the socially feasible alternatives, the existence of pluralism allows a society of greater political justice and liberty.”⁵⁵ Reasonable pluralism allows for societies to pursue different conceptions of justice within their societies, while agreeing to principles of justice that guide their international cooperation. As Rawls argues, “the existence of pluralism allows a society of

⁵⁵ Rawls 1999 12

greater political justice and liberty.”⁵⁶ Importantly, however, the doctrines allowed by a *reasonable* pluralism must be such that each must still see the others as viable and sensible alternatives to their own perspectives.⁵⁷ Pluralism, thus, is central to a Rawlsian account.

Cosmopolitans, too, embrace reasonable pluralism in an international contract. Pogge argues that “institutional moral cosmopolitanism is committed to the freedom of individual persons and therefore envisions a pluralist global order.”⁵⁸ In other words, because cosmopolitans embrace the individual as the ultimate moral unit, and pluralism is the result of free choices of individuals and the communities they create, a system of international justice must allow for reasonable pluralism.

However, both accounts agree that human rights “set limit to the pluralism among peoples.”⁵⁹ Pogge holds that:

We should conceive human rights primarily as claims on coercive social institutions and secondarily as claims against those who uphold such institutions. Such an institutional understanding goes beyond an interactional one, which presents human rights as placing the treatment of human of human beings under certain constraints that do not presuppose the existence of social institutions.⁶⁰

Like the distinction between interaction and institutional cosmopolitanism⁶¹, this conception of human rights emphasizes the relation of institutions to rights, rather than specific, individual actions. Put another way, “human rights are primarily supposed to govern how all of us together ought to design the basic rules of our common life.”⁶² They are central to the cosmopolitan account of global justice because they protect the individuals that are at the heart of the

⁵⁶ Ibid.

⁵⁷ Ibid. 29

⁵⁸ Pogge 2008 199

⁵⁹ Rawls 1999 80

⁶⁰ Pogge 2008 51

⁶¹ See Literature Review

⁶² Pogge 2008 53

cosmopolitan account. Pogge subscribes to a broad account of human rights such as outlined in the United Nation's Universal Declaration of Human Rights.⁶³ This includes "secure access to minimally adequate shares of basic freedoms and participation, of food, drink, clothing, shelter, education, and health care."⁶⁴ Human rights therefore provide limits to pluralism insofar as pluralism is only 'reasonable' and therefore allowable when it is within the confines of human rights. This is a narrow interpretation of pluralism but, as Pogge contends, human rights must be the ultimate goal. Pluralism is a value in that it helps advance that goal. When it is instead in opposition to human rights, pluralism, not rights, must be set aside.

Human rights are also central to a Rawlsian liberal account. However, in contrast to the expansive cosmopolitan view of rights, Rawls's view of rights is restricted to "a special class of urgent rights, such as freedom from slavery and serfdom, liberty (but not equal liberty) of conscience, and security of ethnic groups from mass murder and genocide."⁶⁵ This is importantly different from a cosmopolitan account because of the notable absence of any mention of economic or social rights. However, simply because the definition of human rights is narrower does not mean that the Rawlsian account values them any less. Rawls writes that fulfillment of human rights "is a necessary condition of the decency of a society's political institutions and of its legal order."⁶⁶ Because Rawls's definition of human rights is narrow, therefore, the Rawlsian approach to the constraints on reasonable pluralism is very different than the cosmopolitan approach.

However, Rawls's minimal approach to human rights exists without consideration of the global basic structure. If there were no global basic structure, this narrowness would make

⁶³ Ibid. 65; The United Nations "The United Nations Declaration of Human Rights." Accessed March 3, 2013. <http://www.un.org/en/documents/udhr/index.shtml>.

⁶⁴ Pogge 2008 57

⁶⁵ Rawls 1999 79

⁶⁶ Ibid. 80

sense: if the international structure has no influence over economic or social circumstance, then requiring the international contract's structure to account for social and economic rights is both impossible and fruitless. However, the global basic structure does exist, and it does have serious and lasting consequences on social and economic orders. Because of this, representatives of states in the international social contract would want to consider their society's economic and social abilities and opportunities. They would want to ensure their access to these things by articulating broader rights than the ones that Rawls explicitly mentions, even if that meant limiting their rights to pluralism. In other words, the global basic structure has a profound impact on the opportunities and abilities of domestic societies, both directly and by influencing the domestic basic structure.⁶⁷ Because of this, the rights that representatives would articulate in an international original position on a Rawlsian liberal account would converge with cosmopolitan account of rights: broader, more inclusive, and more egalitarian. Reasonable pluralism, therefore, is limited by egalitarian rights that include social and economic rights, in addition to Rawls's class of 'urgent' rights.

While the specific content of a doctrine of human rights is beyond my scope, the framework for evaluating whether a claim constitutes a right derives from the international original position. Charles Beitz compellingly proposes that human rights would be the result of an overlapping consensus whose boundaries are set not by "the philosophical or moral beliefs that actually prevail in the world's major cultures...but rather by the best available elaboration of the basic normative materials of these cultures for the circumstances of modern life."⁶⁸ In other words, the consensus that forms the foundation for a doctrine of human rights is premised upon hypothetical agreement, not actual agreement. Though Beitz does not make this point explicitly,

⁶⁷ Przeworski 115

⁶⁸ Beitz 2009 88.

the implication of this is that a doctrine of human rights must derive from the international original position. Therefore, in the original position, human rights claims are to be considered according to the three principles described above.

Again, it is beyond my scope here to consider in too great of depth what claims could properly be considered ‘rights’. However, I want to indicate a preliminary discussion of what types of claims might be included. Beitz advances one schema that is valuable for this purpose.

He proposes that a justified claim for human rights would have three parts:

1. That the interest that would be protected by the right is sufficiently important when reasonably regarded from the perspective of those protected that it would be reasonable to consider its protection to be a priority.
2. That it would be advantageous to protect the underlying interest by means of legal or policy instruments available to the state.
3. That in the central range of cases in which a state might fail to provide the protection, the failure would be a suitable object of international concern.⁶⁹

The first principle serves to demonstrate that the claim, when deprived, constitutes a negative impact on one’s life. This can occur in a number of ways. The claim may be, for instance, “sufficiently generic that it would be reasonable to expect anyone to recognize their importance (e.g. the interests in physical security and adequate nutrition).”⁷⁰ Interesting, these rights are prior to Rawls’s urgent rights. Bodily integrity, preserved by access to nutrition and physical security, is a necessary precondition to liberty of conscious or freedom from serfdom. While Rawls’s claim that the security of minority groups from genocide is an urgent right, it is merely an aspect of a broader conception of a right to physical safety. Put another way, human rights must be universal, and, as such, a right to physical security cannot just apply to minority groups, but must apply to all individuals. Other forms of human rights, Beitz contends, are abstracted to a level where (nearly) everyone would agree to them, such as freedom to follow one’s religion,

⁶⁹ Ibid 137.

⁷⁰ Ibid. 137-138.

or derived from other interests, such as a right to vote may be derived from a right to political participation.⁷¹ The common feature that underlies these different justifications for human rights is “that the importance of the interest, seen from the standpoint of the reasonable beneficiary, should be intelligible to reasonable persons who might be called upon to protect it.”⁷² This conception of human rights, so understood, is best articulated and justified in the international original position, because it requires that a rights claim be intelligible without reference to self-interest.

There is much disagreement about the content of a doctrine of human rights. While some, like Pogge, advocate a very broad interpretation of human rights akin to those delineated in the United Nations Declaration of Human Rights, this expansive conception is widely disputed. However, as long as we accept that there ought be at least *some* conception of human rights, it seems quite clear that the most foundational necessities to human existence would be protected under this conception of human rights. Adequate food, water, healthcare, or shelter is a precursor to what might be considered ‘higher-level’ rights. Put another way, I cannot meaningfully pursue my religion, participate in the political process, or pursue my conception of the good life if I am fully occupied by trying to survive. As Henry Shue argues, “No one can fully, if at all, enjoy any right that is supposedly protected by society if he or she lacks the essentials for a reasonably healthy and active life.”⁷³ What higher-level rights might also be included in a doctrine of human rights established by the international original position I set aside here, suffice to say that if a claim is to be considered a right, it must satisfy the criteria here established. That is, a right must be recognized as such by participants in the international social

⁷¹ Ibid. 138

⁷² Ibid.

⁷³ Shue, Henry. 1996. *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Second Edition). Princeton: Princeton University Press. 24

contract. Furthermore, as any claim of ‘right’ is considered, its corollary effect on pluralism must likewise be considered. These two considerations, taken together, provide the limits both for each other and for global justice.

Principles of Distribution

The final structural question asks what obligations of distribution and resource management global justice requires, that is, whether vast economic or social inequalities can be tolerated, and to what extent, in a just global contract. I call this question a question of principles of distribution. There are two potential broad principles of distribution that I will consider in contrasting Rawlsian and cosmopolitan accounts of global justice: a minimal standard akin to Rawls’s duty of assistance or the broader standard of Rawls’s domestic difference principle.⁷⁴ Cosmopolitans embrace the second approach. I argue that, though Rawls explicitly embraces the first approach, Rawlsian liberalism must embrace the second approach when the global basic structure is taken into account. Given the centrality of the global basic structure, and the implications of the global basic structure on understandings of human rights, it is clear that there must be substantial principles of economic aid and distributive shares in some sense. Because a global basic structure results in economic advantages to some states and disadvantages to others, a just structure must distribute inequalities justly.

⁷⁴ There are other approaches to distributive justice such as a decent minimum principle, prioritarianism, or social opportunity standard. However, given the contrast in Rawlsian accounts is between the difference principle account in the domestic case and the minimal standard in the international one, I set aside these other possibilities as external to the Rawlsian discourse I pursue here. For more information on these three alternative standards, see, respectively: Buchanan, Allen E. 1984. “The Right to a Decent Minimum of Health Care” *Philosophy & Public Affairs*. Vol. 13, No. 155-78; Arneson, Richard J. 1999. “Egalitarianism and Responsibility.” *The Journal of Ethics*, Vol. 3, No. 3 225-247; Daniels, N. 1990 “Equality of What: welfare, resources, or capabilities?” *Philosophy and Phenomenological Research* 50 (Supplement). 273-296.

In the domestic case, Rawls argues compellingly for a democratic interpretation of justice that “is arrived at by combining the principle of fair equality of opportunity with the difference principle... The intuitive idea is that the social order is not to establish and secure the more attractive prospects of those better off unless doing so is to the advantage of those less fortunate.”⁷⁵ In other words, in the domestic case, Rawls advocates the combination of fair equality of opportunity, which holds that “each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.”⁷⁶ Thus, a basic structure must be such that all persons have access to basic liberties, which, according to Rawls, include “rights and liberties, powers and opportunities, income and wealth.”⁷⁷ Yet Rawls acknowledges that this is not sufficient, by itself, to ensure a justice society. After all, we are all born subject to natural and social lotteries, which have implications for our outcomes. For example, if I am born with a low IQ, or handicapped, my potential is different from someone not so afflicted. Similarly, if I am born to a wealthy family able to afford to send me to the best schools, I am better situated than if I am born to a poor family who cannot afford these advantages. Rawls argues that these lotteries are equally arbitrary. That is, I can no more help the social situation to which I am born than I can help my natural features. Thus, if I accept that unequal, or at least dissimilar, results based on one type of lottery are unjust, I must equally accept that the other is unjust. In other words, if I accept that different life prospects based on immutable characteristics like race or gender are unjust, I must similarly accept that different life prospects based on familial wealth are unjust, and vice versa.⁷⁸ Thus, Rawls holds in the domestic case that “it seems to be one of the fixed points of our considered judgments that no one deserves his place in

⁷⁵ Rawls 1971 71

⁷⁶ Ibid. 60

⁷⁷ Ibid. 62

⁷⁸ Ibid. 12

the distribution of native endowments, any more than one deserves one's initial starting place in society."⁷⁹

The difference principle follows from this because it constructs a society wherein "gains are not made at others' expense..."⁸⁰ In other words, the difference principle serves to mitigate the injustices of the natural and social lottery because "those who have been favored by nature... may gain from their good fortune only on terms that improve the situation of those who have lost out. The naturally advantaged are not to gain merely because they are more gifted..."⁸¹ Thus, within the context of the domestic sphere, sheer luck is not a justified or justifiable reason to allow for inequalities.

Rawls's emphasis on regulating the social structure in order to advance a society that is not only efficient but also just leads to his rejection a system of natural liberty. He argues:

In the system of natural liberty the distribution is regulated by the arrangements implicit in the conception of careers open to talents. These arrangements presuppose a background of equal liberty.... They require a formal equality of opportunity in that all have at least the same level rights of access to all advantaged social positions. But since there is no effort to preserve an equality, or similarity, of social conditions, except insofar as this is necessary to preserve the requisite background institutions, the initial distribution of assets for any period of time is strongly influenced by natural and social contingencies... the most obvious injustice of the system of natural liberty is that it permits distributive shares to be improperly influenced by... factors so arbitrary from a moral point of view.⁸²

Importantly, in this conception Rawls emphasizes that it is the basic structure—society's influence on the individual's choices—that render the system of natural liberty unjust. In other words, what makes this potential system unfair is that it does not account for the influence that society has on one's choices. Therefore, one's options and potentials are not entirely one's own,

⁷⁹ Ibid. 104

⁸⁰ Freeman 189

⁸¹ Rawls 1971 101

⁸² Ibid. 72

they are shaped and limited by the basic structure. Regulation of the basic structure in the form of the principle of fair equality of opportunity and the difference principle is therefore necessary.

Central to Rawls's domestic theory, therefore, is that:

The assertion that a man deserves the superior character that enables him to make the effort to cultivate his abilities is equally problematic; for his character depends in large part upon fortunate family and social circumstances for which he can claim no credit.... Thus the more advantaged representative man cannot say that he deserves and therefore has a right to a scheme of cooperation in which he is permitted to acquire benefits in ways that do not contribute to the welfare of others... From the standpoint of common sense, then, the difference principle appears to be acceptable both to the more advantaged and to the less advantaged individual.⁸³

Rawls's defense of the difference principle, which maximizes the distributive share of the least well-off, is one of the most important and influential elements of his theory of (domestic) justice.

However, Rawls explicitly rejects the difference principle in the international case in favor of a minimal standard he calls the duty of assistance. He holds that "the levels of wealth and welfare among societies may vary, and presumably do so; but adjusting those levels is not the object of the duty of assistance. Only burdened societies need help."⁸⁴ In other words, the only requirement in a just international social contract is minimal duties to burdened societies to allow them to establish a liberal or decent political culture. He believes that "political culture of a burdened society is all-important," and that is disassociated from economic prosperity.⁸⁵

Because political culture is the only "crucial element in how a country fares... and not the level of its resources, the arbitrariness of the distribution of natural resources causes no difficulty."⁸⁶

Beitz expands on this idea, arguing that, because "the parties to the international original position would know that natural resources are distributed unevenly over the Earth's surface... the parties

⁸³ Rawls 1971 104

⁸⁴ Rawls 1999 116

⁸⁵ Rawls 1999 108

⁸⁶ Rawls 1999 117

would view the distribution of resources much as Rawls says the parties to the domestic original position...view the distribution of natural talents.”⁸⁷ Thus, Rawls concludes, the distributive principles chosen by the representatives in the international original position would be the minimalistic duty to assist burdened societies, rather than more egalitarian duties.

However, even if it were true that a society could be liberal, successful, and just with essentially no resources, the fact that the people within that society are poorer, and thus have fewer opportunities, less access to healthcare, adequate nutrition, clean water, or education renders such inequalities unjust. Moreover, if these inequalities derive from an unjust global basic structure, differences in outcomes are not Rawls claims, ‘arbitrary’. Rather, it is the result of systematic injustices in the international system. Whether a state has access to resources or not is not the only nor even the main reason for a country’s economic success. This has been demonstrated through research in fields such as economic development literature and resource curse theory.⁸⁸ Wealth and income are important in assuring welfare and access to political, economic, and social opportunities. As Hinsch explains, “income and wealth are all-purpose means that have instrumental value for individuals irrespective of their more comprehensive conceptions of life in all sorts of social environments.”⁸⁹ In other words, without access to a certain amount of economic resources, none of the rights that Rawlsian liberalism wants to protect can be preserved or promoted. Put another way:

Being well-governed does not ensure that a society will be able to provide a decent and worthwhile life for all members nor that its distinctive conception of

⁸⁷ Beitz 1979 137

⁸⁸ See Auty, R. M. 1995. “Industrial Policy, Secular Maturation, and Postwar Economic Growth in Brazil: The Resource Curse Thesis.” *Economic Geography*. Vol. 71, No. 3. 257-272; Dunning, Thad. 2005. “Resource Dependence, Economic Performance, and Political Stability.” *The Journal of Conflict Resolution*. Vol. 49, No. 4, Paradigm in Distress? Primary Commodities and Civil War.451-482. .

⁸⁹ Hinsch 62

justice or the good can be adequately implemented. A well-governed society might be seriously disadvantaged by the global basic structure...⁹⁰

Thus, economic considerations and justice must be considered not only to promote political justice, but also intrinsically because of the effects that the global basic structure has on economic opportunities, or the lack thereof, of some states. Moreover, because as Rawls himself admits, human rights include “the means of subsistence.”⁹¹ Because the global basic structure can have a negative impact on these means of subsistence, it must therefore regulate it not only in cases of burdened societies, but wherever it causes injustices.

Note that in the domestic case Rawls calls it “fixed” that the particular circumstances of one’s family is insufficient justification for rejecting the difference principle.⁹² Yet as I have already argued, the state into which one is born is just as important as one’s family. If I am female born into a culture which does not allow women to attend school, my options are limited by that society. If I am born into a state wherein I do not have access to healthcare, clean water, or a secure food supply, my options are incredibly affected. Just as in the domestic case one’s family is both morally arbitrary and incredibly influential to one’s opportunities for success, so too is one’s state. For Rawls to ignore the centrality of the state in determining one’s outcomes grievously undermines his account of international justice, because it treats kinds that are alike in this regard—states and families—as unlike. This comparison between states and families provides further reason for Rawls’s difference principle to be applied on the international level in order for his theories of justice to be internally consistent.

In defense of his minimalist duty of assistance, Rawls gives two cases that he believes demonstrate that a more egalitarian distributive principle would be unjust. The first is of two

⁹⁰ Buchanan 2000 705

⁹¹ Rawls 1999 65

⁹² Rawls 1971 104

countries of equal wealth, one of which industrializes and prospers, the other which does not.⁹³ According to Rawls, asking the country that succeeded to continually flow taxes to the less successful country is “unacceptable.”⁹⁴ Similarly, if a country provides “elements of equal justice for women” and benefits as a result, and another does not, the first should not be required to aid the second.⁹⁵

The problem with these examples is that they presume that states operate in a vacuum, that their successes are entirely determined by their own actions. However, given the global basic structure, this is untrue. The industrial society’s ability to sell its produce, for example, is dependent upon the international community being willing to purchase its products, or upon parts and equipment produced in other countries being available. At a very basic level, then, a state’s economic success is not the result of simply its own efforts, but dependent upon the global basic structure.

Moreover, as Barry points out, “there is no country that is well off by world standards...in which the current generation can claim all the credit for their prosperity.”⁹⁶ In other words, “saying ‘we deserve it because we worked for it’ is never strictly true, unless the ‘we’ is tacitly extended back to earlier generations.”⁹⁷ Thus, even if Rawls is correct that the success of these states is uniquely dependent upon their domestic policies, the particular individuals who institute a policy are typically not those who reap the benefits. Similarly, a country that is not well-off (the second countries in each of Rawls’s scenarios) is poorly off not only through its own actions, but the construct of the global basic structure.

⁹³ Rawls 1999 117

⁹⁴ Ibid.

⁹⁵ Ibid. 117-118

⁹⁶ Barry 1980 37

⁹⁷ Ibid. 37

Rawls's reasons for advocating a minimal principle of distribution, therefore, are rendered unreasonable given the existence of a global basic structure. Rawls's failure to include egalitarian distributive principles is based on the fact that he ignores the global basic structure. The alternative is that which Rawls himself proposes in the domestic case: the broader standard of distributive obligations that Rawls calls the difference principle. Indeed, Rawlsian liberals who accept and embrace the global basic structure similarly embrace principles of justice akin to Rawls's domestic case. For example, Barry argues, "if Rawls's arguments for the difference principle...are valid at all, then it would seem that we can argue immediately that they should be applied globally."⁹⁸ Thus, the global basic structure, like the domestic basic structure, has the potential to:

(1) [fail] to give members of different peoples roughly equal chances to influence the transnational political decisions that shape their lives. (2) ...[fail] to give [the] equally talented and motivated ... roughly equal chances ... (3) [and generate] international social and economic inequalities that are not to the maximum benefit of the world's worst-off...⁹⁹

In other words, because the global basic structure has the power to create economic inequalities analogous to the inequalities caused by the basic structure in the domestic case, Rawlsian liberal must embrace egalitarian principles of distribution like the difference principle that they embrace in the domestic case both in order to be consistent with their own philosophical stance, and also to have a chance of achieving the aims of their political theory, which are, as Rawls holds, to extend justice as fairness to international law.¹⁰⁰ Therefore, as Pogge argues, "Those who are really committed to a liberal conception of justice will envision a law of peoples which demands

⁹⁸ Ibid. 34

⁹⁹ Pogge 1994 196

¹⁰⁰ Rawls 1999 4

that persons everywhere enjoy the protection of the full list of human rights as well as adequate opportunities and material means that are not radically unequal.”¹⁰¹

Rawlsian liberal advocacy of egalitarian principles of distribution further makes sense given the discussion of liberal human rights I discuss above. Recall that, given the influence of the global basic structure, representatives of states would choose principles of rights that consider their society’s economic status comparative to other states. Thus, the conception of human rights that would be articulated by the representatives of states in the international original position necessitates egalitarian principles of redistribution. In other words, because representatives behind the veil of ignorance would not know if their society would be greatly advantaged or disadvantaged economically by the original position, they would select principles of distribution that would protect the least well-off states in order to promote their own society’s economic status.

Cosmopolitans naturally embrace these broader egalitarian principles of distribution. Because cosmopolitans value the welfare of the individual, massive economic inequalities, and the suffering that arises from them, are unacceptable. Put another way, the centrality of the concern for welfare and human rights in a cosmopolitan account means that dramatic economic inequalities that derive from and are sustained by the global basic structure which cosmopolitans (and Rawlsian liberals) seek to regulate means that the principle of distribution that would derive from an international social contract would be broad egalitarian principles, rather than narrow principles.

Interestingly, the difference principle can also be reached through a libertarian perspective, even though libertarians like Nozick actively and emphatically reject it. Nozick’s own theory can create a difference principle through Nozick’s use of the Lockean proviso.

¹⁰¹ Pogge 1994 215

According to Locke, appropriation of raw materials is acceptable when “enough and as good” is left for others.¹⁰² In other words, principles of distribution are just when they are “consistent with the equality of other individuals,” and do not make them worse-off.¹⁰³ Nozick offers an interpretation of the Lockean proviso that creates limits on actions as limiting others’ rights. According to Nozick, to worsen the condition of others has two features. First, he “defines ‘worse-off’ in terms of material welfare...[second] it defines pre-appropriation common usage as the standard of comparison.”¹⁰⁴ However, as Kymlicka points out, Nozick compares only two possibilities: a Lockean state of nature, and a libertarian capitalism where one may sell their labor or starve. But “these are not the only two options that are relevant to judgments about the legitimacy of appropriation. It is absurd to say that a person who starves to death is not made worse off by Nozick’s system of appropriation when there are other systems in which that person would not have died.”¹⁰⁵ Nozick, therefore, must deal with these possibilities, and compare a libertarian model of just appropriations to other alternatives, not merely to a state of nature. Yet, as Kymlicka notes, even though everyone might be better off in a different scheme, not everyone can be entitled to a world “maximally adapted to their best interest.”¹⁰⁶ Therefore, a middle ground must be achieved that benefits all. John Arthur argues that the only distribution that makes sense, given this proviso, then, is that each person “is as entitled to the resources as anybody else.”¹⁰⁷ Therefore, any inequalities in the system that must seek to promote this equal

¹⁰² Kymlicka, Will. 1990. *Contemporary Political Philosophy, An Introduction*. Oxford: Oxford University Press. 110

¹⁰³ Ibid.

¹⁰⁴ Ibid. 112.

¹⁰⁵ Ibid. 116

¹⁰⁶ Ibid.

¹⁰⁷ Arthur, J. 1987. ‘Resource Acquisition and Harm.’ *Canadian Journal of Philosophy*. 15/3:337-47: 344.

entitlement, and therefore any inequalities must go to the benefit of the least well-off.¹⁰⁸ Given the Lockean proviso, therefore, the difference principle is derivable even from a libertarian perspective. This is significant because it demonstrates that the convergence of Rawlsian liberal and cosmopolitan approaches on the difference principle is not the only way to derive this principle. The fact that the primary opponent of my proposal within the framework of justice could also derive the principles I propose here further indicates that the convergence that I demonstrate is a reasonable and, indeed, necessary extension of the role and scope of justice.

How the principles I describe would manifest varies slightly between theorists, but the core principle of broad egalitarian distribution remains the same. For example, Pogge calls for a global resource tax that taxes consumption and uses the funds raised to aid those least well-off.¹⁰⁹ Similarly, Beitz calls for distributive justice and duties of assistance to ensure reciprocity.¹¹⁰ Barry contends that individuals in a global original position would choose principles that include equal rights to natural resources, taxes on resource extraction, and international income tax on gross domestic product.¹¹¹ Despite these differences in application, the general principle of egalitarian distributive principles remains unchanged. The reasons for variations of application are primarily empirical. Cosmopolitans agree that the application of these general principles must be pragmatic. As Barry notes, “a transfer which increases resources (either of an individual or a collectivity) but which does not relieve suffering of some person or persons has not achieved its end.”¹¹² Thus, the variations between cosmopolitan accounts of global justice reflect empirical disagreements, rather than theoretical ones. Moreover, these empirical differences

¹⁰⁸ Cohen, G.A. 1986. “Self-Ownership, World-Ownership and Equality,” in F. Lucash (ed.), *Justice and Equality Here and Now*. Ithaca: Cornell University Press. 133-134.

¹⁰⁹ Pogge 1994 199-205

¹¹⁰ Beitz 1999 523

¹¹¹ Barry 1980 38-39

¹¹² Ibid. 41

make sense in the context of a rapidly changing world. Barry, writing in 1980, would naturally have different recommendations than would Pogge writing in 2008, as nearly thirty years had elapsed between the two writings. On the general principles, however, cosmopolitans agree.

Thus, cosmopolitans and Rawlsian liberals should converge on the principles of distribution that would derive from an international social contract of representatives of states. Once the importance of the global basic structure is considered, the Rawlsian adherence to a minimal distributive scheme crumbles, and Rawlsian liberals should converge on a global difference principle.

Conclusion

The global basic structure's profound and broad-reaching impact on both domestic basic structures and the access of societies to opportunities and advancement has implications for the supposed tensions and conflicts between cosmopolitanism and liberalism. In addition, it renders inapplicable libertarianism for a scheme of international justice because libertarianism cannot account for the global basic structure.

Though cosmopolitans and Rawlsian liberals approach the question of global justice from different perspectives, they ultimately converge on the actors, structure, and even principles of global justice. As Tan puts it, "once the goals and content of cosmopolitanism global justice, on the one hand, and the parameters of *liberal* nationalism, on the other, are properly defined and identified, the perceived conflict between [liberalism]...and cosmopolitanism disappears."¹¹³ Thus, an account of global justice that is cognizant of the influence and scope of the global basic structure would consist of representatives of states who, in an international original position, select broad principles of membership, human rights, and distribution for the international order.

¹¹³ Tan 433

Chapter 4: Towards a Realistic Utopia: Implications and Results

I have advanced an account of global justice in the context of cosmopolitan and Rawlsian liberal frameworks that considers both theoretical understandings of the actors, structures, and principles that would derive from an international social contract as well as the empirical realities of our increasingly interconnected and interdependent world. However, even within the contractarian framework through which I work, my approach is not without objections. At the heart of the objections I propose here is the question of whether the approach I advocate advances a truly *realistic* utopia. This is at the heart of a Rawlsian approach, for in *The Law of Peoples*, Rawls “begin[s] and end[s] with the idea of a realistic utopia.”¹ This questions manifests in two primary objections:

- 1.) Is implementation of the principles I have proposed here possible?
- 2.) Are the principles that I propose sustainable?

The implementation objection argues that the principles of international justice articulated here would never be achieved, because the empirical reality of power in the world would never allow for distributive justice or principles of cooperation that benefited the least well-off. The sustainability objection holds that the principles argued for here, even if implemented, would result in unacceptable or impractical outcomes and would collapse in on themselves.

A second type of objection rejects the centrality of the global basic structure. This objection, called the interconnectivity objection, holds that despite increasing connectedness, the

¹ Rawls, John. 1999. *The Law of Peoples*. Harvard University Press. Cambridge, Massachusetts.6

world is still not so interconnected that parallels may be drawn between the domestic basic structure, which clearly influences people's potential outcomes, and the global basic structure.

The Implementation Objection

The implementation objection goes as follows: given the power structure in the status quo, wealthy states would never allow the scheme of international justice I propose here to be implemented. Thus, my proposal is insufficient to create a realistic utopia, and the principles I argue for are non-Rawlsian, because Rawls emphasizes the value of a realistic utopia. As I demonstrate below, this argument is flawed because it is unduly pessimistic about the trajectory of international relations.

Central to Rawls's political philosophy is that he seeks to describe and advocate a realistic utopia. According to Rawls:

Political philosophy is realistically utopian when it extends what are ordinarily thought of as the limits of practical political possibility. Our hope for the future of our society rests on the belief that the nature of the social world allows reasonably just constitutional democratic societies existing as members of the Society of Peoples...The idea of this society is realistically utopian in that it depicts an achievable social world that combines political right and justice for all.²

In other words, a political philosophy may be considered realistic if it does not require actions or institutions that go beyond what would be considered reasonable and rational to just constitutional democratic societies. This view is deeply tied to the conception of political liberalism. Political liberalism is:

A form of liberalism that assumes (reasonable) pluralism of moral, philosophical and religious views, and which seeks general agreement among citizens on a liberal political conception of justice that can serve as a public basis of justification among them. It is Rawls's attempt in his later works to show that a just society is realistically possible in which reasonable citizens all accept a liberal

² Ibid. 1999 6

conception of justice on the basis of moral values implicit in democratic culture, even though they affirm many different ‘comprehensive’ doctrines.³

In other words, political liberalism attempts to reach agreement between different conceptions and approaches, limited by reasonable pluralism and human rights, rather than attempting to impose a world view on participants. Both Rawlsian liberalism and cosmopolitanism are branches of political liberalism. According to Rawls, this approach is most likely to be implemented and achieve its goals, because it appeals to reality. Political liberalism, thus, “does not assume the validity of individualist views of the good life...the idea is that...the individualist treatment of persons as separate from the substantial ideas they may share with others.”⁴

In the context of political liberalism, an international social contract such as I have proposed here is realistic if can be “regarded as an achievable ideal given the permanent conditions of human nature, including burdens of judgment.”⁵ If my proposal does not achieve this, then it is not a proposal towards a realistic utopia, and thus cannot be consistent with the goals of Rawlsianism or cosmopolitanism. Thus, the primary objection to my proposal is that it is not consistent with a realistic utopia.

The first form of the implementation argument is that wealthy states would never agree to terms that disfavor them more than the existing global basic structure does, even if these terms are generally more just. An objector in this vein would argue that wealthy states, who hold power in the status quo, would never accept the idea that they must distribute their resources or the benefits they reap from the global basic structure to worse-off countries. Furthermore, this objection posits that it is impossible to successfully and meaningfully challenge the power of state sovereignty, and, insofar as my proposal requires international institutions to enforce global

³ Freeman, Samuel. 2007. *Rawls*. Oxon: Routledge. 477

⁴ Larmore, Charles. *The Morals of Modernity*. Cambridge: Cambridge University Press (1996). 144

⁵ Freeman 480

justice, the state would be undermined by my proposal. Therefore, the wealthy and powerful states that are benefited by the unjust status quo would never accept a policy, even a just one, that in implementation resulted in a net harm to them. On this account, the very existence of the unjust global basic structure demonstrates that there is no political willpower to modify the power of wealthy states or the high standards of living in wealthy states so that other states' situations may improve. States pursue policies of self-interest, even when doing so massively violates the rights of others. Consider, for example, wars of aggression such as the invasion of Europe by Germany in World War II, or colonization, which directly prioritized the rights of wealthy European states over the rights of other states. Given these historical, empirical realities, asking states to be concerned with the rights of other states, and to allow for the interests of the least well-off states to be prioritized is, according to this objection, impractical. Thus, my proposal does not successfully merge a cosmopolitan and Rawlsian liberal account, because it fails to promote a realistic utopia.

The flaw in this objection is that it is unduly pessimistic about the trajectory of international relations. As Louis Henkin observes, "almost all nations observe almost all principles of international law and almost all of their obligations almost all of the time."⁶ International law is generally non-binding, with little to nothing in the way of enforcement mechanisms, yet the vast majority of states still adhere to it. The majority of empirical work regarding international relations has confirmed this.⁷ Rogue states are few and far between, and even rogue states often cooperate on some international issues.⁸ Thus, "to deny that international

⁶ Henkin, Louis. 1979. *How Nations Behave*. New York: Columbia University Press. 47.
Koh, Harold Hongju. 1997. "Why Do Nations Obey International Law?" *The Yale Law Journal*, Vol. 106, No. 8, Symposium: Group Conflict and the Constitution: Race, Sexuality, and Religion. 2599-2659: 2599.

⁸ *Ibid.* 2603.

law exists as a system of binding legal rules flies in the face of all the evidence."⁹ Furthermore, this is not a new phenomenon: historically, allies in Europe would assist each other in times of war, even when doing so was not directly advantageous to the assisting country.

The fact that states generally adhere to international law is important in that it demonstrates that states are willing to act in ways that, while not directly benefiting them, nevertheless serve the justice of the international community. The implementation objection rests on the premise that states' self-interest dictates their external interest, and that, for wealthy states, the unjust distributions in the global basic structure are to their advantage. However, in light of the empirical consensus that, in fact, states are not exclusively motivated to ruthlessly pursue self-interest at the expense of others, this premise, and the objection that stems from it, cannot be sustained.

Furthermore, the trajectory of the international community is increasingly towards recognizing and enforcing rights of people in all states, not merely within one's own borders. Starting with the United Nations and the Nuremburg Trials that emerged from the desolation of World War Two, the international community has moved increasingly towards mutual cooperation and consensus on issues such as human rights and peace and security. Since its inception, the United Nations has ratified hundreds of treaties, including fifty-three treaties in the twenty-first century alone.¹⁰ Many of these treaties have widespread acceptance and ratification. The Convention of the Rights of the Child, for instance, has one hundred and forty signatory states, including such disparate societies as Afghanistan, Kirgizstan, and Zimbabwe, as well as

⁹ Ibid.

¹⁰ The United Nations. "Declarations and Conventions Contained in GA [General Assembly] Resolutions." Accessed March 7, 2013. http://www.un.org/documents/instruments/docs_en.asp#top

wealthy states such as France, Germany, Japan, the United Kingdom, and the United States.¹¹ In other words, a broad and disparate group of states, including wealthy countries, has agreed to adhere to international principles of human rights, even though it results in a potential loss of sovereignty and does not have any immediate benefits for the state. Thus, the notion that my proposal is not viable is not true insofar as the empirical premises it rests on are false. The trajectory of international relations is increasingly towards stronger international institutions and interconnectedness, as demonstrated by the rise of the United Nations.

The European Union, NAFTA, OPEC, ASEAN (Association of Southeast Asian Nations) and the FTAA (Free Trade Agreement of the Americas) are all further demonstrations that the empirical basis for rejecting my proposal are not, on face, persuasive. The rise of international cooperation has touched every corner of the globe and dramatically influenced and shaped state policy. Insofar as the trajectory of international relations has been towards increased cooperation and agreement, even at the expense of direct self-interest, the policy I propose does not violate the criteria of a realistic utopia.

A second variation of the implementation objection is that the policy I have proposed is an imposition of western values that unduly prioritizes individual rights over group rights, thereby alienating non-western cultures. Thus, non-western cultures would not benefit from the social contract because joining the international social contract would necessitate a loss of culture for them. Thus, insofar as only Western states would agree to participate, the international social contract could never successfully and universally be implemented. There are two responses to this objection. First, the structure of the international social contract is

¹¹“United Nations Treaty Collection.” The United Nations. Accessed March 7, 2013. http://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-11&chapter=4&lang=en

created by representatives of all states, not just Western states. Second and most importantly, reasonable pluralism within the international contract promotes and preserves cultural diversity.

First, the international contract that I propose here is the agreement that would be reached by every state situated behind a veil of ignorance. That is, the representative of a communitarian society like Japan would have no knowledge of the individualistic or communitarian aspects of their country, just as the representative of an individualistic society like the United States would be unaware of their individualistic tendencies. Thus, the principles that would derive from this position would both preserve individual rights as well as allowing for group rights. In this way, the communitarian concerns of non-Western societies would not be realized, because the structure that creates the principles already accounts for variations in perspective.

Second, reasonable pluralism is built into the structure of the international social contract. While human rights limitations prevent extremity in cultural difference—it would prevent, for example, a state from preventing women from accessing equivalent education as their male counterparts—pluralism preserves and protects variations in culture. Furthermore, the conception of human rights is designed by the international original position to allow for pluralism, thus the institutions created represent a consensus by many cultures, not an imposition of European values. While it is true that human rights limits pluralism's bound, the representatives in the hypothetical original position would be unaware of the cultural norms, and thus the principles that would derive would be based on consensus and agreement, rather than alienation. Thus, this second implementation concern is unjustified.

The Sustainability Objection

The second principle objection within the framework of political liberalism is the sustainability objection. The sustainability objection posits that even if an international social contract were implemented, it would fall apart. That is, even if implemented, it could not be maintained. According to this objection, the principles I have proposed here are self contradictory insofar as the principles derived from the international social contract would necessitate open borders which would collapse the system of states this model requires into a world state.

Seyla Benhabib, a cosmopolitan, has argued that "the status of alienage ought not to denude one of fundamental rights."¹² In other words, human rights ought not be premised upon the membership in one state or another. Further, Benhabib contends that "to view political society as a 'complete and closed social system' is incompatible with other premises of Rawlsian liberalism."¹³ Instead, representatives of states would choose principles that allowed for freedom of movement across borders, so-called 'open borders,' because in an original position, representatives would seek to ensure maximum rights for their citizens, even if those maximum rights occurred in another state. Thus, in the original position, representatives would pick a principle of open borders. The result would be an international society of societies which are "overlapping, and fluid entities, whose boundaries are permeable and porous, [where] whole moral visions travel across borders, are assimilated into other contexts, are then reexported back into the home country, and so on."¹⁴ Furthermore, in order to establish a principle of fair equality of opportunity, furthermore, open borders would be necessary. If my nationality limits my

¹² Benhabib, Seyla. 2004. *The Rights of Others: Aliens, Residents and Citizens*. Cambridge University Press. Cambridge. 3.

¹³ *Ibid.* 85.

¹⁴ *Ibid.* 87

options because better opportunities are available to citizens of another state, then fair equality of opportunity is violated. Thus, instead of a collection of states that come together to regulate the global basic structure, the principle of open borders that would be necessitated by the structure of the original position would create a free-flowing, shifting hodge-podge of communities and identities that would be completely unregulated by state borders. States, thus, would be inefficient actors for regulating the basic structure of smaller areas, and a world state would be necessitated. If a world state was necessitated, the convergence that I hold should occur between Rawlsian liberals and cosmopolitans would collapse, as Rawlsian liberals explicitly reject a world state, and the proposal I make would collapse.

The flaw in this objection is twofold: first, representatives of states would not choose a principle of open borders, and secondly, a principle of open borders, even if it were a necessity of the structure I create, would not cause the structures I endorse to crumble.

First, representatives would not choose a principle of open borders. Representatives of states are concerned not only with the rights of their people, but also with the institutional legitimacy and strength of that state. A principle of open borders uniquely challenges the institutional strength, and, indeed, existence, of the state. The massive migrations that Benhabib envisions would decimate the population size, institutions, and economic abilities of the countries whose populations emigrated, while the cultural integrity, social and economic institutions, and governing capacities of the countries that received the immigrants would be compromised. Thus, on an institutional level, representatives of states in the original position would be disincentivized from creating a principle of open borders, because doing so would actively destabilize political, economic, and social institutions of both countries involved. Immigration, then, is unlike other issues where one state stands to benefit from a policy while the

other stands to lose. In the case of immigration, both types of states stand to lose on institutional ground.

The objector may still reply that human rights must trump these institutional concerns: if people stand to have a better life, they ought be allowed to emigrate as they see fit, regardless of the cost to institutions that such migrations might engender. This response fails for two reasons. First, the principles of justice that derive from the convergence of cosmopolitan and Rawlsian liberal approaches that I describe in the previous chapter would ensure a different principle between states, which would serve to reduce inequalities and create opportunities and justice in all states. Thus, any injustices that give rise to massive inequalities that would create the conditions for massive migrations would not be created under the principles of justice I propose. In other words, if the difference principle is satisfied, there will not be any demand for massive migrations. A need for open borders is evidence of an unjust global order, and cannot rightfully be applied to the principles of global justice I have argue for here. Furthermore, the injustices and suffering caused by the collapse of states as a result of massive migrations would exacerbate, rather than solve the human rights harms in the status quo. Thus, even if human rights abuses are not solved in the short term, the proposal of open borders, far from alleviating these concerns, would exacerbate them.

There is another option for what would happen if my proposal and open borders were simultaneously implanted. It is, I think, a more realistic possibility, though still insufficient to require open borders. In a world in which the principles of justice I argue for were applied, there would be relative justice across the globe. There would be no need for massive migrations, because such migrations are generally the results of vast and unjust economic inequalities (such as the case of the United States and Mexico), or other social and political disturbances, such as

war, which is itself often the result of an unjust basic structure. In a world regulated by these principles here, these phenomena would, theoretically, not occur. Moreover, in cases of famine, drought, or other natural disasters, duties of assistance, part of the difference principle, would prevent the need for massive relocations until such time as the disaster had passed. Thus, the impetus for migration across open borders would be based on family location, job opportunities, or other personal reasons. The justice-based reasons for allowing open borders seem not to apply in this case: the right is not to have equal opportunity in *every* country; rather, it is to have justice in *your* country. Other considerations, then, may apply. In this case, reasonable pluralism is appropriately allowable. A state's desire to maintain its culture, history, and traditions can take precedent here, because rights are not being violated. Therefore, because open borders are not justified on a human rights ground, reasonable pluralism allows that states be able to choose who and how many immigrants they are willing to accept.

The second objection that rises from the sustainability objection is that the international institutions that would be necessary to enforce the principles that derive from the international social contract would be so onerous that they would collapse, either due to corruption, disparate power allocation, or a variety of other factors. The institutions would be simply too large, too complex, and would collapse. The flaw in this second objection, however, is that it is not a necessary condition of the model I have proposed. It is, in short, an empirical, rather than theoretical question. Moreover, empirically, international institutions do exist and have not collapsed under their own weight. The sustainability objection, thus, is no more compelling in this formulation than it is in regards to immigration.

Within a liberal, realist framework, neither of the questions that arise are, ultimately, compelling reasons to disavow the argument that I make here. Thus, within the context of

Rawlsian liberalism, my proposal stands. Other objections from beyond the liberal camp, such as objections from utilitarians such as Peter Singer might provide compelling counterarguments to my arguments here. However, in the scope of my project, I set these objections aside, and argue that within the context of Rawlsian social contract theory, my proposal holds.

The Interconnectivity Objection

The second branch of objection within the Rawlsian liberal framework is that the global basic structure is not analogous to the domestic basic structure. If the global basic structure does not have an impact on the chances, potential outcomes, and options available to people living across the world, then my argument cannot hold. The tension that exists within Rawls's conception of justice in the domestic and international case is predicated on the idea that he is treating like kinds in unlike ways. That is, because the global basic structure has an equivalent impact on peoples' lives as the domestic basic structure, the institutions and norms that regulate them must be similar in kind. This idea underlies my argument that Rawlsian liberal and cosmopolitan approaches to global justice would converge. If the global basic structure is, in fact, not as deeply pervasive as I hold, then my argument cannot stand.

It is beyond doubt that the world is deeply and increasingly interconnected. However, the extent to which this is true may be disputed. The scope of the global basic structure is fundamentally an empirical question. The interconnectivity objection holds, thus, that while an increase in international law or other explicitly international institutions or norms may be occurring, domestic structures still have purely domestic implications. Thus, states cannot be held responsible to others for their actions, because the ramifications of domestic policies are entirely domestic.

However, this argument is empirically falsified. Both in a variety of academic literature as well as public discourse accept the existence and pervasive nature of the global basic structure as a given. Discussions of globalization, transnational identities, and international movements all accept and provide support for claims of global interconnectivity and the existences of a global basic structure. I provide examples from a variety of academic fields and geographic regions here to further demonstrate that the global basic structure does exist in the pervasive and widespread form that I advocate in chapter three.

One clear example of the interconnected nature of the world is the relationship between domestic agricultural policy and international welfare. As far back as 1992, Giovanni Anania, Mary Bohman and Colin A. Carter have argued that wheat subsidies in the United States, which were established in order to help American farmers, have had effects not only on American wheat prices and production, but on global welfare.¹⁵ Similarly, the United States maintains heavy subsidies for other crops, like cotton, which cover as much as 80% of the cost of cotton production.¹⁶ Unlike the United States, however, “developing countries cannot afford to subsidize their farmers as generously.”¹⁷ Therefore, farmers in these developing countries cannot afford to compete with their American counterparts, because of the institutional and structural advantage of American cotton growers. This means that cotton farmers in areas like Western Africa are unable to use cotton to create profits that would allow them to better their welfare and improve their own basic structure. Moreover, this institutional advantage for American cotton

¹⁵ Anania, Giovanni; Bohman, Mary; Carter, Colin A. 1992. “United States Export Subsidies in Wheat: Strategic Trade Policy or Expensive Beggar-Thy-Neighbor Tactic?” *American Journal of Agricultural Economics*. Vol. 74, No. 3 (Aug., 1992). 534-545

¹⁶ Heinisch, Elinor Lynn. 2006. “West Africa versus the United States on Cotton Subsidies: How, Why and What Next?” *The Journal of Modern African Studies*. Vol. 44, No. 2. 251-274: 252

¹⁷ *Ibid.*

producers exists even in spite of dramatically lower cost of living and production costs in countries like Burkina Faso, Mali, Malawi, and Benin.¹⁸

The flip side of this is also true. In Bolivia, for instance, quinoa has been a staple grain for millennia. However, as Bolivia has expanded its trade connections, quinoa has grown popular in western liberal democracies.¹⁹ This has caused quinoa prices to skyrocket in Bolivia, meaning that those that have traditionally been able to afford quinoa can no longer afford to do so, and instead are forced to purchase less expensive staple foods like wheat or corn—often produced in the United States by the same subsidies that reduce welfare in Western Africa.²⁰ Agriculture, thus, is one area where it is clear that the interconnected nature of the world means that domestic basic structures are not separate. However, agriculture is not the only economic area that demonstrates the existence of the global basic structure. The disparity in wealth between the global rich and the global poor is deeply created, sustained, and exacerbated by the global basic structure.²¹ This interconnectivity necessitates consideration of the global basic structure in determining principles of global justice, particularly in regards to economic distribution.

Another area where it is clear that the world's interconnectivity has serious and lasting effects is law. International law is increasingly defined and understood, in part because of the connectivity of other aspects of the basic structure. As one legal scholar argues, "law is heavily implicated in the process of globalization."²² An ever-growing list of treaties, international

¹⁸ Beaubien, Jason. 2006. "U.S., European Subsidies Undercut African Farmers." *NPR*. October 13, 2006. <http://www.npr.org/templates/story/story.php?storyId=6256274>

¹⁹ Romero, Simon. 2011. "Quinoa's Global Success Creates Quandary at Home." *New York Times*. March 12, 2011. http://www.nytimes.com/2011/03/20/world/americas/20bolivia.html?_r=0

²⁰ *Ibid.*

²¹ Amin, Ash. 2004. "Regulating Economic Globalization." *Transactions of the Institute of British Geographers, New Series*. Vol. 29, No. 2, Geography: Making a Difference in a Globalizing World. 217-233.

²² Halliday, Terrance C.; Osinsky, Pavel. 2006. "Globalization of Law." *Annual Review of Sociology*, Vol. 32. 447-470.

bodies, trade-agreements, international justice systems, and international copyright law restrict the possibilities of countries, corporations, organizations, and individuals.²³ These international institutions, structures, and agreements are perhaps the clearest examples of the existence of the global basic structure. They demonstrate that a series of explicit regulations and institutions both construct and regulate at least to some extent a basic structure that affects individuals and states.

Domestic political decisions are likewise affected by the global basic structure. Theories of international movements present compelling arguments for the global basic structure. Many social movement theorists, for example, contend that by reaching out to advocates in other states, advocacy can create a ‘boomerang’ effect which amplifies their voice and power in achieving their policy aims. This creates pressure on international bodies, through which groups can influence national governments through the pressure imposed by the institutions of the global basic structure.²⁴ If activists can harness the power of the global basic structure, it must, by necessity, both exist, and be powerful enough to influence individual states.

Other aspects of culture are similarly formed by and limited by the global basic structure. Modern technology has rendered light-speed transmission of information, art, ideas, news, and other media to distant corners of the planet mundane. No sooner than an event happens than it is filmed, photographed, uploaded, and shared with followers around the world. Ideas bounce from China to South Africa to Argentina to Poland in a blink. Culture—food, music, dance, fashion, and a myriad of other norms—has never been so international, nor so formed, unchecked, by the international community. Culture, thus, like economic, politics, or law, is deeply and pervasively influenced by the existence and strength of the global basic structure.

²³ The United Nations. “International Law” <http://www.un.org/en/law/index.shtml>

²⁴ Keck, Margaret E, Cathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Cornell: Cornell University Press. 36.

This discussion of instances of the global basic structure is far from exhaustive. What it does serve to demonstrate, however, is that the global basic structure (1) exists, (2) is pervasive, and (3) seriously impacts individuals' and states' opportunities and outcomes, just as the basic structure in a domestic society does. Thus, the tension that I identify between Rawls's domestic and international cases stands, and my argument likewise stands. Like the implementation and sustainability objections, then, the interconnectivity objection is ultimately not compelling.

Chapter 5: Concluding Remarks

Global justice has long been a concern of philosophers and policy makers alike. Creating and promoting institutions and norms that enhance global justice is the center of heated debate on which the welfare and even lives of billions of people hang. Though the discussion of justice that I provide here is by no means complete, my results have implications for philosophical consideration of the issue as well as political and legal considerations.

First, my results have implications for theorists of global justice. Rawlsian liberals must consider more seriously the implications of the reality of a global basic structure for their theory. If the argument that I make here holds, the existence and pervasiveness of the global basic structure render the differences in Rawls's account of domestic versus international justice unsustainable and problematic. Recognizing the existence of the global basic structure requires a serious reevaluation of the Rawlsian liberal framework for international justice. Moreover, it means that the egalitarian principles of justice that Rawls advocates ought be applied in the international case in addition to the domestic case. Furthermore, accepting the empirical truth of the global basic structure has implications for the structure of the global social contract insofar as Rawlsian liberalism seeks to promote a realistic utopia. Recognition of the global basic structure necessitates the use of states as actors, as well as broad principles of inclusion and membership. These reevaluations of Rawls's *The Law of Peoples* and its successors ultimately require that Rawlsian liberalism converge on cosmopolitanism.

Additionally, the global basic structure means that Rawlsian rejection of libertarian entitlement theory as an adequate mechanism to ensure social justice on the international level. Rawls's attempt to distinguish the domestic case from the international case rests on the idea that there are background conditions that meaningfully shape and limit one's choices and options only in the domestic case. Put another way, a basic structure only exists at the domestic level, not the international one. However, as I have demonstrated, this is empirically and demonstrably incorrect. Because the global basic structure has just as much, perhaps even more, impact on the scope of available choices, the arguments that seek to distinguish the domestic from the international case crumble. Rawls's critique of libertarianism is thus equally compelling at the international level as it is on the domestic one. Because libertarianism ignores the basic structure, it falsely assumes that our actions are fully our own, and our successes and failures are ours to celebrate or bear equally alone. However, given the global basic structure, external factors affect our outcomes, and thus regulation of the basic structure is necessary to ensure justice.

Furthermore, my results have implications for cosmopolitans, as well. Recognizing the existence and influence of the global basic structure supports my claim that cosmopolitans should recognize the value of states and use them as the primary actor in an international social contract, despite cosmopolitans' ultimate concern for the individual, because of the pragmatic benefits to individual welfare that derive from states as actors. Furthermore, it emphasizes institutional cosmopolitanism, rather than interactional cosmopolitanism. This means that cosmopolitans ought be concerned with structures and institutions rather than individual actions. These considerations drive cosmopolitanism further towards Rawlsian liberalism into a convergence of the two theoretical branches.

Discussion of the nature, scope, and basis for global justice is important on a pragmatic as well as philosophical level. Questions of global justice occur not only in academia, but in governance and legal circles as well. Global justice is the center of debates around many topics, including the environment, intellectual property, war, and human rights. My project here has not proposed or advocated for particular policies, mechanisms for implementation, or guidelines for enforcement. Further work must be done to determine how the theoretical framework I propose here might be implemented into specific policies that most effectively promote global justice. My suggestion that the global basic structure is pluralistic provides a useful mechanism for beginning to think about how issues like the environment, war, intellectual property, or immigration might be addressed. Put another way, when we think about the global basic structure as multifaceted, solutions to different problems may have different institutional solutions. The global basic structure is complex, and the system that addresses it might be equivalently complex. Determining how this complex structure would be organized requires further investigation and analysis.

Although here I focus primarily on urgent issues like poverty and welfare, the implications of my argument go far beyond that. A useful next step in the debate over how best to create a just global basic structure would be to consider issues such as regulation of multinational corporations, green cards and work visas, and trade.¹ The global basic structure has serious implications for these issues as well as for the welfare concerns that I primarily discuss here.

Furthermore, the analysis here does not discuss at length what the content of a doctrine of human rights would entail beyond the scope of welfare rights. The principles and guidelines that

¹ See James, Aaron. 2012. *Fairness in Practice: A Social Contract for a Global Economy* (Oxford Political Philosophy). Oxford: Oxford University Press.

I established in chapter four law foundations for this exploration, but further work must be done to fully conceptualize what a doctrine of human rights would entail on my account of global justice.

By coming to terms with the reality of our increasingly interconnected world, theories of global justice are able to better able to provide accounts for a realistic utopia. It requires Rawlsian liberals and cosmopolitans to converge on an account of justice that advocates egalitarian principles and human rights. Further discussion might focus on the implications of these principles for other aspects of the global basic structure, or explore what policies and institutions might best promote the principles that I advance here. In our interconnected and interdependent world, answering the question of how to promote global justice has never been so urgent.

Bibliography

1. Amin, Ash. 2004. "Regulating Economic Globalization." *Transactions of the Institute of British Geographers, New Series*. Vol. 29, No. 2, Geography: Making a Difference in a Globalizing World. 217-233.
2. Anania, Giovanni; Bohman, Mary; Carter, Colin A. 1992. "United States Export Subsidies in Wheat: Strategic Trade Policy or Expensive Beggar-Thy-Neighbor Tactic?" *American Journal of Agricultural Economics*. Vol. 74, No. 3 (Aug., 1992).
3. Arneson, Richard J. 1999. "Egalitarianism and Responsibility." *The Journal of Ethics*, Vol. 3, No. 3 225-247
4. Arthur, J. 1987. 'Resource Acquisition and Harm.' *Canadian Journal of Philosophy*. 15/3:337-47.
5. Auty, R. M. 1995. "Industrial Policy, Secular Maturation, and Postwar Economic Growth in Brazil: The Resource Curse Thesis." *Economic Geography*. Vol. 71, No. 3. 257-272
6. Barry, Brian. 1980. "Do Countries Have Moral Obligations? The Case of World Poverty." *The Tanner Lectures on Human Rights*. Delivered at Harvard University.
7. Beaubien, Jason. 2006. "U.S., European Subsidies Undercut African Farmers." *NPR*. October 13, 2006. <http://www.npr.org/templates/story/story.php?storyId=6256274>
8. Beitz, Charles. [1979] 1999. *Political Theory and International Relations*. Revised Edition. Princeton University Press. Princeton, NJ.
9. Beitz, Charles. 1999. "Social and Cosmopolitan Liberalism." *International Affairs*. Vol. 75, No. 3: 515-529
10. Beitz, Charles. 2000. "Rawls's Law of Peoples" *Ethics*. 110 (4) (July): 669-696.
11. Beitz, Charles. 2009. *The Idea of Human Rights*. Oxford University Press. Oxford, UK.
12. Benhabib, Seyla. 2004. *The Rights of Others: Aliens, Residents and Citizens*. Cambridge: Cambridge University Press.
13. Benhabib, Seyla. 2009. "Claiming Rights Across Borders: International Human Rights and Democratic Sovereignty." *American Political Science Review*. 103, 691-704.
14. Buchanan, Allen E. 1984. "The Right to a Decent Minimum of Health Care" *Philosophy & Public Affairs*. Vol. 13, No. 155-78
15. Buchanan, Allen. 2000. "Rawls's Law of Peoples: Rules for a Vanished Westphalian World." *Ethics*. Vol. 11, No. 4. 697-721.
16. Buchanan, J. 1975. *The Limits of Liberty: Between Anarchy and Leviathan*. Chicago: University of Chicago Press.

17. Cabrera, Luis. 2005. "The Cosmopolitan Imperative: Global Justice Through Accountable Integration." *The Journal of Ethics*. Vol 9, No. ½, Current Debates in Global Justice: 171-199
18. Chander, Anupam and Sunder, Madhavi. 2007. "Is Nozick Kicking Rawls's Ass? Intellectual Property and Social Justice." *UC Davis Law Review* Vol. 40: 563-579.
19. Cohen, G.A. 1986. "Self-Ownership, World-Ownership and Equality," in F. Lucash (ed.), *Justice and Equality Here and Now*. Ithaca: Cornell University Press. 133-134.
20. Daniels, N. 1990. "Equality of What: welfare, resources, or capabilities?" *Philosophy and Phenomenological Research* 50 (Supplement). 273-296.
21. Dunning, Thad. 2005. "Resource Dependence, Economic Performance, and Political Stability." *The Journal of Conflict Resolution*. Vol. 49, No. 4, Paradigm in Distress? Primary Commodities and Civil War.451-482.
22. Freeman, Samuel. 2007. *Rawls*. Oxon: Routledge.
23. Halliday, Terrance C.; Osinsky, Pavel. 2006. "Globalization of Law." *Annual Review of Sociology*, Vol. 32. 447-470.
24. Heinisch, Elinor Lynn. 2006. "West Africa versus the United States on Cotton Subsidies: How, Why and What Next?" *The Journal of Modern African Studies*. Vol. 44, No. 2. 251-274.
25. Henkin, Louis. 1979. *How Nations Behave*. New York: Columbia University Press.
26. Hinsch, Wilfried. 2001. "Global Distributive Justice." *Metaphilosophy* Vol. 32, Issue 1-2: 58-78.
27. Keck, Margaret E, Cathryn Sikkink. 1998. *Activists Beyond Borders: Advocacy Networks in International Politics*. Cornell: Cornell University Press. 36.
28. Koh, Harold Hongju. 1997. "Why Do Nations Obey International Law?" *The Yale Law Journal*, Vol. 106, No. 8, Symposium: Group Conflict and the Constitution: Race, Sexuality, and Religion. 2599-2659.
29. Kymlicka, Will. 1990. *Contemporary Political Philosophy, An Introduction*. Oxford: Oxford University Press.
30. Kymlicka, Will. 1995. *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford: Oxford University Press.
31. James, Aaron. 2012. *Fairness in Practice: A Social Contract for a Global Economy (Oxford Political Philosophy)*. Oxford: Oxford University Press.
32. Larmore, Charles. 1996. *The Morals of Modernity*. Cambridge: Cambridge University Press.
33. Linklater, Andrew. 1996. "Citizenship and Sovereignty in the Post-Westphalian State." *European Journal of International Relations*. Vol. 2(1): 77-103.
34. Lyons, David. 1972. "Rawls Versus Utilitarianism." *The Journal of Philosophy*. Vol. 69, No. 18: 535-545.
35. Maravall Przeworski. 2003. *Democracy and the Rule of Law*. Cambridge: Cambridge University Press.

36. Nozick, Robert. 1974. *Anarchy, State and Utopia* New York: Basic Books.
37. OCED, "Development aid rose in 2009 and most donors will meet 2010 aid targets." Accessed March 3, 2013.
<http://www.oecd.org/investment/stats/developmentaidrosein2009andmostdonorswillmeet2010aidtargets.htm>.
38. Okin, Susan Moller. 1989. *Justice, Gender, and the Family*. Princeton: Princeton University Press.
39. Pogge, Thomas. 1989. *Realizing Rawls*. Cornell University Press.
40. Pogge, Thomas. 1992. "Cosmopolitanism and Sovereignty." *Ethics*. Vol. 103 No. 1: 48-73
41. Pogge, Thomas. 1994. "An Egalitarian Law of Peoples." *Philosophy and Public Affairs*. Vol. 23 (3): 195-224.
42. Pogge, Thomas. 2001. "Priorities of Global Justice." *Metaphilosophy* Vol 31, No. ½: 6-24.
43. Pogge, Thomas. 2008. *World Poverty and Human Rights*. Cambridge, UK: Polity Press.
44. Rawls, John. 1971. *A Theory of Justice*. Cambridge: Harvard University Press.
45. Rawls, John. 1999. *The Law of Peoples*. Cambridge: Harvard University Press.
46. Rawls, John. 1999. *The Law of Peoples*. Harvard University Press. Cambridge, Massachusetts.
47. Romero, Simon. 2011. "Quinoa's Global Success Creates Quandary at Home." *New York Times*. March 12, 2011.
http://www.nytimes.com/2011/03/20/world/americas/20bolivia.html?_r=0
48. Shue, Henry. 1996. *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (Second Edition). Princeton: Princeton University Press. 24
49. Singer, Peter. 2010. *The Life You Can Save: How to Do Your Part to End World Poverty*. Random House: New York.
50. Tan, Kok-chan. 2002. "Liberal Nationalism and Cosmopolitan Justice." *Ethical Theory and Moral Practice*. Vol. 5, No. 4: 431-461.
51. The United Nations "The United Nations Declaration of Human Rights." Accessed March 3, 2013. <http://www.un.org/en/documents/udhr/index.shtml>.
52. The United Nations. "International Law." <http://www.un.org/en/law/index.shtml>
53. The United Nations. "United Nations Treaty Collection." Accessed March 7, 2013.
http://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-11&chapter=4&lang=en
54. The United Nations. 2013. "Declarations and Conventions Contained in GA [General Assembly] Resolutions." Accessed March 7, 2013.
http://www.un.org/documents/instruments/docs_en.asp#top