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Beyond Rawlsian Statism: Thomas Pogge on Global Justice¹

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Abstract

Our duties of justice need not be limited to our fellow citizens. Justice ensures that individuals, regardless of their citizenship, are not deprived of their essential needs and liberties. This is the goal that Pogge aims to achieve in his account of global justice. Pogge criticizes Rawls, for the latter refuses to extend his institutional account of justice to the global realm. Since there is no global basic structure, Rawls thinks that the duties we owe to distant strangers are not the stronger duties of justice but merely assistance duties. Pogge disagrees because the design of the current global order is such that there is an interconnectedness among and between states and international institutions that profoundly impact people's lives across the globe. Thus, the present global order's underlying rules must not favor a group of people over others in arbitrary ways, leading to massive economic deprivations.

Keywords: *global justice, moral cosmopolitanism, Thomas Pogge, John Rawls*

Social justice requires that the design of society's basic structure ought to treat citizens fairly, and their fundamental liberties are secured. However, in today's world characterized by economic globalization, the view that justice works only within a national boundary is challenged. The unequal standards of living between citizens of poor countries and those of affluent countries are

¹ This article is a revision of a chapter of the author's thesis which he defended in 2008 as Erasmus Mundus scholar in Linköping University, Sweden.

morally disturbing, and there must be some way to correct this disparity. Millions of impoverished people in poor countries are deprived of their fundamental needs, such as food, decent shelter, primary health care, and education. This scenario led one prominent political philosopher to remark that "we do not live in a just world."² Indeed, injustice is a reality in the world, and this prompts many political thinkers such as Thomas Pogge to reflect seriously about how justice ought to be applied globally.

This paper will explore Pogge's account of global justice. However, since Pogge's version of global justice is a critical engagement and development of Rawls' idea of social justice as a moral quality of social institutions, the latter's restriction of the scope and applicability of justice in the global realm as embodied particularly in *The Law of Peoples* will first be treated.

Rawls' Model of International Relations

Rawls in his *A Theory of Justice* (TJ) attempts to advance a model of international relations based on his political conception of justice.³ His intention here is to come up with a set of moral norms that will regulate the conduct of nations with one another. To reach this goal, Rawls develops a second original position where the participants are no longer individuals but "representatives of different nations who must choose together the fundamental principles to adjudicate conflicting claims among the states."⁴ The representatives "know that they represent different nations each living under the normal circumstances of human life," but they are unaware of their own society's particular conditions, the role they play within it and how their nation

²Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33 (2005): 113.

³ See John Rawls, *A Theory of Justice*, rev. ed. (New York: Oxford University Press, 1999), 331-335.

⁴ *Ibid.*, 331.

fares with other nations in terms of power standing.⁵ The aim of the second original position is to nullify "the contingencies and biases of historical fate" attached to each nation.⁶ The basic principle consented to by the parties in this contract is the principle of the equality of nations. This fundamental principle implies that each nation is sovereign; that is, each has a right to determine its affairs without foreign intervention. The contract also stipulates that nations have the right to self-defense and form alliances with other nations to safeguard this right and keep treaties consistent with the basic principle that governs their relations.

However, Rawls' full treatment of international relations from a liberal political perspective is found in his book *The Law of Peoples* (LP). In LP, the social contract forged in the international original position is analogous to the domestic social contract. This contract is applied to the "Society of Peoples," where representatives of nations work out the norms and principles that govern their relations. In addition to respecting the sovereignty and equality of nations, observing treaties, upholding the right to self-defense and the duty of non-intervention, which are found in his initial and brief treatment of international relations in TJ, Rawls introduced in LP two other important principles which are honoring basic human rights and assisting other peoples burdened by unfavorable conditions.⁷

In the Society of Peoples, Rawls considers as members not only the so-called liberal peoples but also those whom he calls nonliberal but decent peoples. The inclusion of nonliberal decent peoples in the Society of Peoples can be explained by what Rawls calls "the fact of reasonable pluralism" where, in a well-ordered constitutional democratic society, there is a diversity of

⁵ Ibid., 331-332.

⁶ Ibid., 332.

⁷ John Rawls, *The Law of Peoples with "The Idea of Public Reason Revisited"* (Cambridge, Massachusetts: Harvard University Press, 1999), 11.

"reasonable peoples with different cultures and traditions of thought, both religious and nonreligious."⁸ The fact of reasonable pluralism, which for Rawls is "a basic feature of liberal democracy" and "the normal result of the culture of its free institutions," is a condition where different and conflicting comprehensive doctrines peacefully co-exist.⁹ Their peaceful co-existence is based on the notion of political liberalism - a concept Rawls develops to protect the basic liberties of individuals or groups so as not to reduce the different comprehensive doctrines into one inclusive policy or to favor one of the comprehensive doctrines over another. Despite disagreements in fundamental beliefs, Rawls thinks that individuals or groups can still agree to respect each other's freedom of conscience. Thus for Rawls, consistent with his idea of political liberalism and extending this idea to international relations, any country can be a member of the Society of Peoples provided that it is "ready to recognize certain basic principles of political justice," which "constitute the charter of the Law of Peoples," "as governing [its] conduct."¹⁰

Nonliberal societies, according to Rawls, "do not endorse the standard range of liberal democratic rights, like the freedoms of expression and association, religious equality, the right to political participation, and so on," in the sense that individuals within those societies are "not regarded as free and equal citizens, nor as separate individuals deserving equal representation."¹¹ Nonetheless, these societies are accepted as members of the Society of Peoples because they still recognize basic human rights (e.g., right to life and security, and subsistence) and are respectful of other peoples, both of which are considered requirements to the membership of the Society of Peoples.¹² Moreover, Rawls says that liberal peoples must tolerate nonliberal societies since they adhere to the Law of Peoples. What this means is that liberal

⁸ Ibid., 11.

⁹ Ibid., 124.

¹⁰ Ibid., 37.

¹¹ Ibid., 71-75.

¹² Ibid., 64-67.

peoples must "not only refrain from exercising political sanctions military, economic, or diplomatic to make a people change its ways" but also "to recognize these nonliberal societies as equal participating members in good standing of the Society of Peoples."¹³ Thus, the peaceful relations of these two types of groups in the Society of Peoples do not reflect that of a "*modus vivendi*, a stable balance of forces only for the time being."¹⁴

As stated above, liberal societies and nonliberal but decent societies constitute the Society of Peoples. But how does the Society of Peoples deal with "outlaw societies," those that do not subscribe to the Law of Peoples, and with societies burdened by unfavorable conditions, those "whose historical, social, and economic circumstances make their achieving a well-ordered regime, whether liberal or decent, difficult if not impossible?"¹⁵

Rawls says that the Society of Peoples has the right to defend itself from the aggression of outlaw societies. In the exercise of this right, the Society of Peoples (or well-ordered peoples as Rawls describes it) safeguards the basic human rights of its inhabitants and its political institutions. Moreover, well-ordered peoples "cannot justly require its citizens to fight in order to gain economic wealth or to acquire natural resources, much less to win power and empire."¹⁶ Rawls further states that although self-defense is the Society's primary task against the hostility of rogue states, the long-term goal is to make

¹³ Ibid., 59.

¹⁴ Ibid., 45. According to Pogge, the participants in a *modus vivendi* are mainly concerned with their self-interests and care less about the other participants' interests. They only comply with their agreement conditions insofar as their compliance would best serve their respective interests. However, when one participant gains more power and leverage, the stability engendered by the agreement is threatened because that participant will tend to shape the terms of the agreement more in its favor. Pogge concludes that international relations under a *modus vivendi* will likely not be peaceful or just. See Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989), 221.

¹⁵ Ibid., 5.

¹⁶ Ibid., 91.

outlaw societies "eventually to honor the Law of Peoples and to become full members in good standing of the society of well-ordered peoples."¹⁷

As to burdened societies, the Society of Peoples also has the duty to assist them so that eventually, they will also become well-ordered.¹⁸ Wealthy societies "have a duty of assistance towards burdened societies in order to help them achieve the requisite level of economic and social development to become well ordered," that is, help burdened societies meet the basic needs of their citizens and "their collective capacity for sustaining decent institutions."¹⁹ This duty of assistance is consistent with one of the precepts of the Law of Peoples, which is to honor basic human rights, which, among other things, include the right to subsistence, freedom from torture and slavery, and freedom of conscience. However, according to Rawls, this duty of assistance does not entail the application of and the commitment to the principle of distributive justice. Here, Rawls departs from his position on justice in the domestic realm. He thinks that distributive justice, particularly his difference principle, does not apply to the global context.

There are several reasons why Rawls thinks that distributive justice – the redistribution of wealth and resources – does not apply to the global arena. First, there is no existing global basic structure. A basic structure is one which is "more or less self-sufficient," "closed-system" and "self-contained," where members of the society engage in social cooperation for mutual advantage.²⁰ But since no such structure and cooperative scheme exist globally, it is not feasible to apply distributive justice principles in the international realm. Here, Rawls already assumes that the Society of Peoples' member societies is already self-sufficient and organized.

¹⁷ Ibid., 93.

¹⁸ Ibid., 106.

¹⁹ Kok-Chor Tan, *Justice Without Borders: Cosmopolitanism, Nationalism and Patriotism* (Cambridge: Cambridge University Press, 2004), 65.

²⁰ Rawls, *A Theory of Justice*, 4, 7, 401.

Rawls also claims, taking a cue from Kant's *Perpetual Peace* (1795), that to require the existence of a world-state, just to meet the condition that a global basic structure has to be in place for distributive justice to be operative, would either lead to "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."²¹

Second, a country's sovereignty must be respected because "national self-determination matters."²² It is every society's primary responsibility to steer its destiny and establish just institutions. Rawls reasons that:

[I]t is surely a good for individuals and associations to be attached to their particular culture and to take part in its common public and civic life. In this way belonging to a particular society, and being at home in its civic and social world, gains expression and fulfillment. This is no small thing. It argues for preserving significant room for the idea of a people's self-determination and for some kind of loose or confederative form of a Society of Peoples, provided the divisive hostilities of different cultures can be tamed, as it seems they can be, by a society of well-ordered regimes.²³

²¹ Rawls, *The Law of Peoples*, 36.

²² Cecile Fabre, *Justice in a Changing World* (Cambridge: Polity, 2007), 103.

²³ Rawls, *The Law of Peoples*, 111. David Miller agrees with Rawls but still thinks that states and their citizens have duties of justice towards other states and their members. However, Miller rejects an egalitarian form of global justice because the demands of justice are understood differently in every community, particularly about the group's ascription of meaning and value toward certain goods, the principles of distribution, and the contexts within which this just distribution is applied. As an alternative to global egalitarianism, Miller proposes a conception of global justice that respects "the conditions that are universally necessary for human beings to lead minimally adequate lives," which can be achieved by satisfying three requirements, namely: 1) safeguarding basic human rights worldwide; 2) avoidance of exploitive conduct or practice that takes advantage of vulnerable

Third, Rawls thinks that each society has the potential to become well-ordered, and this does not entirely depend on its wealth or natural resources. For him, a country "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."²⁴ Moreover, "every society has in its population a sufficient array of human capabilities, each in sufficient number, so that the society has enough potential human resources to realize just institutions."²⁵ Rawls' reasoning is premised on his belief that the "political culture, the political virtues and civic society of the country, its member's probity and industriousness, their capacity for innovation, and much else" are telling factors which affect a people's political and economic progress.²⁶ Population policy is also another significant factor. A country "must take care that it does not overburden its lands and economy with a larger population than it can sustain."²⁷ Hence, and this is the fourth reason, it would not be fair to burden rich countries that have "increase[d] their wealth by industrialization or by significantly decreasing their expenditures" to "subsidize for the irresponsible policies of the consumerist and high population country."²⁸

The fifth reason is that, for Rawls, distributive justice "do[es] not have a defined goal, aim or cut-off point, beyond which aid may cease." In contrast, the duty of assistance is only up to a point where burdened societies have attained the economic and social stability sufficient for them to establish

communities or individuals, and 3) respect for collective autonomy or national self-determination. See David Miller, *Citizenship and National Identity* (Cambridge, United Kingdom: Polity Press, 2000), 161-179.

²⁴ Ibid., 106.

²⁵ Ibid. 119.

²⁶ Ibid. 108.

²⁷ Ibid., 108.

²⁸ Veronique Zanetti, "Egalitarian Global Distributive Justice or Minimal Standard? Pogge's Position," in *Real World Justice: Grounds, Principles, Human Rights, and Social Institutions*, eds. Andreas Follesdal and Thomas Pogge (Dordrecht: Springer, 2005), 203; Fabre, *Justice in a Changing World*, 104.

decent institutions.²⁹ Zanetti aptly explains that:

[W]hat disadvantaged societies need, in Rawls's view, is to be assisted at certain points in creating suitable political institutions and thereby joining the international community. Thus the principle of assistance is not intended to decrease differences in gross domestic product between rich and poor countries by adjusting the level of affluence in disadvantaged societies.³⁰

Suppose distributive justice has no target or cut-off point. In that case, the resource-transfer from a wealthy country to a poor one would continue so long as inequalities between them persist, even "after the duty of assistance is fully satisfied" and the poor "domestic society has achieved internally just institutions."³¹ But Rawls finds this unacceptable because justice requires that only inequalities due to a society's undeserved circumstance must be compensated and not those which follow from its collective choices.³² Furthermore, if distributive justice has no cut-off point, then it cultivates "relations of dependency" that weakens a poor country's right to self-determination as well as its potential to become well-ordered.³³

Finally, since well-ordered societies have to assist burdened societies, distributive justice would no longer be necessary and hence superfluous. Tan calls it the "redundancy argument."³⁴ Rawls maintains that the goals distributive justice seeks to accomplish, like "attaining liberal or decent

²⁹ Rawls, *The Law of Peoples*, 106.

³⁰ Zanetti, "Egalitarian Global Distributive Justice or Minimal Standard? Pogge's Position," 203.

³¹ Rawls, *The Law of Peoples*, 117, 120.

³² See Tan, *Justice Without Borders: Cosmopolitanism, Nationalism and Patriotism*, 70.

³³ See Zanetti, "Egalitarian Global Distributive Justice or Minimal Standard? Pogge's Position," 203.

³⁴ Tan, *Justice Without Borders: Cosmopolitanism, Nationalism and Patriotism*, 66.

institutions, securing human rights, and meeting basic needs," are already "covered by the duty of assistance."³⁵ Here he seems to argue that if the need for basic subsistence can be satisfied by the duty of assistance, global redistribution of resources is not morally compelling.

Pogge's Critique of Rawls' Statist Conception of Social Justice

Pogge challenges Rawls's reluctance to apply distributive principles of justice to the global context. It was discussed above that Rawls confines distributive justice to the domestic realm, particularly to the basic structure of a "more or less self-sufficient," "closed-system" and "self-contained" society, and considers the obligation of well-ordered societies to burdened societies as a mere duty of assistance. Though Pogge disagrees with Rawls's limited account of social justice, he remains indebted to him. Pogge even thinks that this duty of assistance can even be used to support the critique that many affluent countries today failed to help in meeting the subsistence needs of poor societies. He, however, is quick to point out that the most important insight is not that rich countries "are not merely helping too little, but also harming too much: by imposing a global institutional order under which, foreseeably and avoidably, nearly half of humankind continue to live in abject poverty and some 300 million have died from poverty related causes since the end of the Cold War."³⁶

This section discusses Pogge's critique of Rawls' unwillingness to apply distributive justice in the global realm. It explains why Rawls' account is incompatible with the principles of justice he first laid out in TJ, particularly his moral individualism. Afterwards, Pogge's theory of global justice will be

³⁵ Rawls, *The Law of Peoples*, 116.

³⁶ Thomas Pogge, "Do Rawls's Two Theories of Justice Fit Together?" *Rawls's Law of Peoples: A Realistic Utopia?* eds. Rex Martin and David A. Reidy (Oxford: Blackwell, 2006), 223.

examined, which provides a moral explanation to the occurrence of severe worldwide poverty and the possible steps needed to be taken to alleviate, if not eradicate, the dehumanizing conditions of the global poor.

As was already noted, there are differences in Rawls' account of political justice in the domestic and international realms. Pogge particularly points out that Rawls used his "thought experiment of the original position" differently in the international scene as he used it in the domestic realm. There are four differing features. First, "the rational deliberators are conceived as representing *peoples* rather than persons, and the international original position is thus said to model the freedom and equality of *peoples*."³⁷ Here Rawls departs from his moral individualism in TJ where individuals, not states, people, or any collectivity, are considered as the ultimate units of moral concern. It is also not clear, as Pogge observes, what Rawls means by *peoples* as the rational deliberators of the international original position. Does it refer to a group of persons living in a state? Or a nation whose inhabitants live beyond state boundaries like "the Kurds, the Jews, the Chechens, the Maori, the Sami, and hundreds of other traditional and aboriginal nations?"³⁸

Second, in the international original position, the rational deliberators are selectively chosen in the sense that they only come from and represent well-ordered peoples who either belong to a liberal or decent society. Societies that are not well-ordered such as what Rawls calls as outlaw states, "societies burdened by unfavorable conditions," and "benevolent despotisms" are not considered members in the Society of Peoples. Therefore, they are not acknowledged as equals and are "denied equal respect and tolerance."³⁹

³⁷ Ibid., 207.

³⁸ Ibid., 211.

³⁹ Ibid., 207.

Third, Rawls uses a thinner concept of the veil of ignorance because the representatives are aware "whether they are representing a liberal or a decent people; and he therefore conducts his international thought experiment twice to show separately that representatives of liberal peoples and representatives of decent peoples would independently join the same agreement."⁴⁰

Lastly, the deliberators in the Society of Peoples are not "charged with agreeing on a public criterion for the assessment, design, and reform of global institutional order"; instead, they are to decide on what "set of rules of good conduct that cooperating peoples should (expect one another) to obey."⁴¹ So, here, Rawls is not concerned with global distributive justice; rather, his main concern is "to work out the ideals and principles of the *foreign policy* of a reasonably just *liberal* people."⁴²

It was discussed above that Rawls specifically confined his conception of justice to the basic structure of a self-contained domestic society. Because there is no basic structure that is global in scope, Rawls thinks that the extension of distributive justice to the international realm seems improbable. Moreover, according to Rawls, to establish a world-state to satisfy the application requirement of distributive justice will either likely result in world despotism or an empire ripped by continued civil strife. Here Rawls is following Kant's reasoned opinion in *Toward Perpetual Peace*.⁴³ However, Pogge has reservations concerning Rawls' allusion to Kant on the improbability of a world-state for three reasons.

First, Pogge thinks that this appeal to Kant is questionable because Kant,

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Rawls, *The Law of Peoples*, 10.

⁴³ Ibid., 36. Cf. Immanuel Kant, "Toward Perpetual Peace: A Philosophical Sketch" in *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, ed. Pauline Kleingeld, trans. David L. Colclasure (New Haven: Yale University Press, 2006), 91.

though strongly unconvinced by "a universal monarchy achieved by conquest" that may eventually lapse into anarchy, preferred "a plurality of independent states." As Pogge explains, "Kant does not, here or elsewhere, express such reservations about a liberal world republic achieved through a peaceful merger of republics though he realized, of course, that such a transition might well be opposed by existing rulers."⁴⁴

Second, Pogge says that even if Kant presumes that "any world state would invariably lead to despotism or civil strife," it does not follow that "a just world government" is not possible "in the twenty-first century and beyond." This is so because "the last two hundred years have greatly expanded our historical experience relevant to this question," and the triumphs in social and political theory makes plausible the creation of a federalist world-state, as exemplified by the federalist systems of the United States and the European Union. Such a federalist world-state, where there is "a genuine division of powers, even in the vertical dimension, is workable and no obstacle to stability and justice."⁴⁵

Lastly, the infeasibility of a just world-state does not nullify the applicability of Rawls's criterion of social justice globally because this criterion "does not prescribe a specific institutional design"; rather, it is intended to provide a comparable moral assessment of institutional designs to reform them if unjust and to establish new ones if need be. Thus, when this criterion is applied globally, it morally requires the establishment of global institutions that will guarantee fundamental human liberties, fair equality of opportunity, and wealth redistribution worldwide.⁴⁶ As Pogge further explains:

⁴⁴ Pogge, "Do Rawls's Two Theories of Justice Fit Together?," 207.

⁴⁵ *Ibid.*, 208.

⁴⁶ *Ibid.*

The applicability of this criterion is not refuted, but rather confirmed by Rawls's empirical speculation: If world government would lead to despotism or civil strife, then the public criterion would correctly reject this institutional option for its failure to secure the basic liberties of human beings worldwide. This criterion would then favor another global institutional design perhaps a global federation on the model of the European Union, or a loose league of nations as Kant had described, or Rawls's similar Society of Peoples, or a states system like that existing now.⁴⁷

The existence of a global basic structure seems to Pogge, is not necessary for the distributive principles of justice to operate. It is sufficient that there is an existing interconnection between states, like international trade agreements and diplomatic activities.⁴⁸ Moreover, this interconnection does not have to be cooperative or mutually beneficial to the states themselves. Pogge's position here is similar to that of Charles Beitz. For Beitz, international economic interdependence warrants the application of distributive justice globally because the consequences of such interdependence "produce significant aggregate benefits and costs that would not exist if states were economically autarkic"⁴⁹ Since states are deeply affected by their economic interactions which may lead to an uneven and unfair worldwide distribution of costs and benefits, Beitz argues for an international resource distribution so that no country is disadvantaged by a global economic scheme.

For Tan, however, the Rawlsian view that a global cooperative scheme's prior existence is a necessary condition for justice to operate is a distortion of

⁴⁷ Ibid.

⁴⁸ Pogge, *Realizing Rawls*, 262-263.

⁴⁹ Charles Beitz, *Political Theory and International Relations*, with a new afterword by the author (Princeton, New Jersey: Princeton University Press, 1999), 152.

the meaning and purpose of justice.⁵⁰ This, according to him, puts the cart before the horse because it "inverts the relation between justice and institutions."⁵¹ Justice is supposed to regulate existing institutions and, if necessary, demands the creation of new ones. As Tan further explains,

Justice constrains and informs our institutional arrangements, not the other way around... In a time in which individual's economic decisions and policies are felt worldwide it has become all the more crucial for there to be some governing principles to fairly regulate our basic global structure. The fact of globalization underscores the importance of adopting a justice-based approach to global poverty – the shared global economic space we are all moving towards, like our domestic economic sphere, needs to be regulated by certain distributive principles.⁵²

There is another reason why Pogge thinks that Rawls is adamant in not extending the principles of domestic justice to the global sphere. He says that "Rawls could point out that it would be wrong to impose a global order designed according to a liberal criterion of social justice upon decent peoples who may reject the normative individualism of this criterion as well as its emphasis on basic liberties."⁵³ The rationale behind this is that Rawls needs to accommodate nonliberal decent peoples whom liberal peoples must tolerate and treat as equal members of the Society of Peoples.

⁵⁰ Tan, *Justice without Borders: Cosmopolitanism, Nationalism and Patriotism*, 34.

⁵¹ Ibid.

⁵² Ibid. 34-35.

⁵³ Pogge, "Do Rawls's Two Theories of Justice Fit Together?," 208. "Normative individualism," Pogge defines, "is the view that, in settling moral questions, only the interest of individual human beings should count." Ibid., 224, note 4.

Pogge challenges Rawls' position above regarding the infeasibility of the global application of the principles of justice. He thinks that Rawls fails to explain why this principle of toleration is only applicable to the interaction of peoples in the international realm where the values of those who oppose liberalism (i.e., decent hierarchical societies) are accommodated and not in his domestic theory, particularly to the design of national institutions. Rawls admits that decent hierarchical societies, though they uphold basic human rights, do not treat their members as free and equal citizens. But Pogge contends that this poses a problem to liberal societies. Accommodating and tolerating decent hierarchical societies will jeopardize liberal values "by rejecting normative individualism, by disregarding the basic liberties of persons outside well-ordered societies, by truncating the basic liberties of persons in decent societies, and by tolerating poverty and huge inequalities worldwide."⁵⁴ Pogge is aware that his criticism on this regard can be answered by alluding to Rawls's notion of reasonable pluralism and "political conception of justice" where the principles upon which hospitality shown by liberal societies to decent ones are based depend not on any comprehensive doctrine but on general principles which can be agreed to by people holding different views about the good life. But Pogge challenges this defense. While Rawls' basis for accommodating diverse, comprehensive doctrines in a domestic society is their legitimacy and modifiability (when judicious reason warrants its revision), Pogge thinks, however, that this assertion cannot be used to support the accommodation of decent nonliberal societies because Rawls already deemed these societies "morally inferior" and "hopes that all human beings will eventually live under liberal institutions."⁵⁵

⁵⁴ Ibid., 209.

⁵⁵ Ibid., 210.

Pogge's Notion of Cosmopolitan Justice

Pogge advocates moral cosmopolitanism which is based on the fundamental idea that "each person affected by an institutional arrangement should be given equal consideration."⁵⁶ Pogge claims that moral cosmopolitanism exhibits the following essential features: individualism, universality, and generality. Individualism means that persons or human beings are the ultimate units of moral concern. Families, tribes, ethnic, cultural, or religious communities, and nations or states may indirectly become units of moral concern only insofar as individuals or citizens constitute these groups.⁵⁷ Universality implies that the moral concern bestowed on individuals applies to all of them equally and "not merely to some subset, such as men, aristocrats, Aryans, whites or Muslims." This means that individuals are entitled to equal moral worth and consideration irrespective of their class, race, gender, age, or nationality. Lastly, the term generality connotes that the moral status conferred on persons "has global force" and that "persons are ultimate units of concern for everyone not only for their compatriots, fellow religionists, or such like."⁵⁸ To summarize then, moral cosmopolitanism is the view that considers persons as ultimate units of moral concern whose interests should be given equal worth and consideration and whose moral status gives rise to obligations binding to all people in the world.⁵⁹

According to Pogge, national boundaries do not preclude a person from complying with his moral duties to distant strangers. Citizenship or nationality is as morally arbitrary as race, gender, natural endowments, social status, and

⁵⁶ Charles Jones, *Global Justice: Defending Cosmopolitanism* (New York: Oxford University Press, 1999), 15.

⁵⁷ Pogge, *World Poverty and Human Rights*, second edition (Cambridge: Polity, 2008), 175.

⁵⁸ *Ibid.*

⁵⁹ See also Simon Caney, *Justice Beyond Borders: A Global Political Theory* (New York: Oxford University Press, 2005), 4; Jones, *Global Justice: Defending Cosmopolitanism*, 15.

age and so should not be used as criteria in the application of moral duties as well as in the distribution of benefits and burdens in the world.⁶⁰ Pogge's basis for this claim is his moral cosmopolitanism, which propounds the central thesis that "the moral assessment of persons and their conduct, of social rules and state of affairs, must be based on fundamental principles that hold for all persons equally" and that it should not discriminate arbitrarily against particular persons and groups.⁶¹

Pogge is critical of Rawls' theory of international relations in *LP* because Rawls seems to undermine his commitment to moral individualism in *TJ*. Moral individualism, as already defined, is the view that individuals are ultimate units of moral concern. However, instead of taking individuals as the ultimate units of moral concern or "self-originating sources of valid claims" in the international original position, Rawls replaces it with peoples.⁶² In other words, Rawls models his international hypothetical contract according to the equality of peoples and not according to the moral equality of individual persons. However, a commitment to moral individualism requires that the welfare of the worst-off members of the world and not the worst-off members of each society should be the baseline of distributive justice. This means that if there are global inequalities, then the well-being of the worst-off members of the world and not those at the domestic level should be the basis for the justification of such disparities. Otherwise, the worst-off members in rich countries would still be better off than the worst-off members of poor countries. And this does not seem fair from the perspective of moral individualism.

Pogge's brand of moral cosmopolitanism, which he calls intermediate cosmopolitanism, straddles between what is known as weak cosmopolitanism and strong cosmopolitanism. Weak cosmopolitanism is the view that treats

⁶⁰ Pogge, *Realizing Rawls*, 247.

⁶¹ Pogge, *World Poverty and Human Rights*, 108.

⁶² Tan, *Justice Without Borders: Cosmopolitanism, Nationalism and Patriotism*, 9.

individuals as having equal moral worth. It is weak because the equal respect it accords to individuals is attained "by ensuring that individuals are able to live minimally adequate lives."⁶³ Rawls' theory of international relations can be considered a weak form of cosmopolitanism since developed countries' moral obligation towards poor countries is a mere duty of assistance. It must be recalled that for Rawls, a duty of assistance is only up to a certain point where the beneficiary country will be able to attain a threshold level of economic and political development necessary for it to become a well-ordered society. In contrast to weak cosmopolitanism, strong cosmopolitanism still recognizes the equal moral worth of individuals, but this idea of equal moral worth requires "a commitment to some form of global distributive equality, and will aim to regulate inequalities between persons, even above the threshold of minimum adequacy, against some appropriate distributive principle."⁶⁴ Peter Singer's version of cosmopolitanism is considered a form of strong cosmopolitanism. For Singer, wealthy citizens of affluent countries have the moral obligation to extend humanitarian assistance and relief to the global poor if doing so does not entail the sacrifice of "something morally significant" on the part of the rich.⁶⁵ But like other cosmopolitans such as Tan and Caney, Singer downplays the need for a Rawlsian basic structure as a condition for justice.

Pogge rejects strong cosmopolitanism because it does not delineate what moral obligation we owe to compatriots and foreigners, respectively. This view does not recognize a person's special ties and relationships with his compatriots. Pogge also rejects weak cosmopolitanism because it heavily favors a person's special obligations to his fellow nationals at the expense of

⁶³ Ibid., 11.

⁶⁴ Ibid.

⁶⁵ Peter Singer, "Famine, Affluence and Morality" in Peter Singer, *Writings on an Ethical Life* (New York: The Ecco Press, 2000.), 107. See also Singer, *One World: The Ethics of Globalization*, second edition (New Haven and London: Yale University Press, 2002).

foreigners. However, he does not discount the fact that a person's unique associative relations with fellow citizens give him more reason and motivation to help. This is analogous to saying that one has more significant moral reason to help one's child than another's.

To avoid the pitfalls of these two versions of cosmopolitanism, Pogge introduces the notions of negative duty and positive duty. In negative duty, we are not to cause harm to another person (e.g., torture and murder), whether the person is a compatriot or a foreigner. But concerning positive duty (e.g., charity), we have a stronger obligation to someone with whom we have a special relationship than an outsider or foreigner. To illustrate this, consider, for example, a poor country X whose citizens suffer from extreme poverty. Consider further that there are also poor citizens in other countries. Under negative duty, Country X ought not to subject both its citizens and foreigners to harm. It has an obligation not to impose unjust institutions that would curtail its citizens' freedoms and deprive them of their basic subsistence by condoning, for instance, torture and collecting unreasonably high taxes. As to its treatment of foreigners, country X has an obligation not to support, impose and perpetuate unjust global structures that avoidably and foreseeably result to severe poverty elsewhere in the world, by tolerating, for example, unfair trade and giving loans to countries run by corrupt leaders through the mechanism of international borrowing privileges.

But concerning the positive duty to help, country X has a stronger obligation to give aid to its impoverished citizens to alleviate their poverty compared to the responsibility it has to lessen the poverty of poor foreign nationals. It must secure first the basic needs of its people before foreigners; otherwise, it is like feeding other children first when one's child is starving. So, the drawbacks of both strong cosmopolitanism and weak cosmopolitanism could be avoided if it is to be argued that though both views differ in their treatment of compatriots and foreigners in terms of positive duty, they cannot deny that both must uphold the negative duty not to harm them.

Pogge's point is that "special relationships can increase what we owe our associates, but they cannot decrease what we owe everyone else."⁶⁶ Giving priority to treating one's "near and dear" is being limited by the minimum standards of justice and fairness.⁶⁷ Applying his point globally, Pogge says that "by living together in a political community," fellow nationals "increase what they owe one another," but it does not "decrease what they owe to foreigners." "If intermediate cosmopolitanism is correct," he continues, "then, though we owe foreigners less than compatriots, we owe them something. We owe them various negative duties, undiluted. One of these is the fundamental negative duty not to impose an unjust global institutional order upon them."⁶⁸ The fulfillment of this duty is not so burdensome to affluent countries and its people. "Yet it would prevent a few million child deaths annually from poverty related causes and much other suffering besides."⁶⁹

Pogge distinguishes between an interactional approach and an institutional approach to justice.⁷⁰ In the interactional approach, the agents are individuals, groups, collectivities, and corporations. These agents' responsibility largely depends on the causal relation and relevance of their actions to other people. In the institutional approach, the agents are states or social organizations. Pogge agrees with Rawls concerning the institutional approach to justice. The institutional approach to justice means that justice is primarily meant to evaluate the morality of social and political institutions. This is so because these institutions exert a strong influence on people's lives in the sense that they play a significant role in the distribution of benefits, roles, and

⁶⁶ Thomas Pogge, "Cosmopolitanism: A Debate" (with David Miller). *Critical Review of International Social and Political Philosophy* 5.3 (2003): 90-91.

⁶⁷ Pogge, *World Poverty and Human Rights*, 16.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ See Andreas Follesdal and Thomas Pogge, "Introduction." in *Real World Justice: Grounds, Principles, Human Rights, and Social Institutions*, edited by Andreas Follesdal and Thomas Pogge (Dordrecht: Springer, 2005), 2-3.

burden to these individuals. But unlike Rawls, Pogge refuses to confine this approach to the domestic level. As already mentioned, though there is no existing world sovereign state that meets the requirement of Rawls's notion of social justice, Pogge thinks that this is not a necessary condition for applying justice to the world as a whole. He thinks that in today's highly globalized world, there is an existing economic interdependence that affects people's lives, especially those lives in poor countries that warrant the application of justice.⁷¹ There are international institutional schemes that set the terms of economic trade between countries [such as World Trade Organizations (WTO)], oversee and manage the stability of political international relations [such as North Atlantic Treaty Organization (NATO), United Nations (UN), Group 7 (G7)], control the markets in many countries [such as Multi-National Corporations (MNC's)] and run international finance [such as World Bank (WB) and International Monetary Fund (IMF)]. Coupled with these global institutions' influence is the regrettable reality of avoidable and foreseeable extreme poverty suffered by many people in poor countries. This scenario necessitates these global institutions' moral assessment so that better alternatives can be found, which eradicates, if not at least reduces, extreme poverty in the world.

There are limitations, though, to a "wholly institutional approach to justice."⁷² One of the limitations of this approach, according to Simon Caney, is its failure to give an account of one's responsibility to persons who do not belong to an institutional scheme. Pogge maintains that persons have a negative duty not to impose, participate, and profit from social and political institutions that impoverishes others. This duty then arises as a consequence of an individual's membership in an institution. Institutional membership is morally relevant because it obliges a person to perform his "negative duty not to participate in any unjust social order."⁷³ However, according to Caney, this

⁷¹ See Pogge, *World Poverty and Human Rights*, 18-19, 39.

⁷² See Caney, *Justice Beyond Borders: A Global Political Theory*, 281-286.

⁷³ *Ibid.*, 113.

negative duty not to participate in an unjust social structure "does not entail that these are the only duties of justice that one has," and this also does not imply that one has no positive duties "to all persons one can affect regardless of whether one has causal links with them."⁷⁴ Moreover, the institutional approach cannot offer people adequate protection from deprivations where such deprivations are due, for example, to other variables such as "a lack of natural resources or disease or isolation" and not to one's failure to perform the negative duty not to support an unjust social order.⁷⁵ As Caney further explains:

To restrict our duties of justice to the negative duty of our not imposing unjust global economic frameworks on others, as Pogge suggests, would then allow there to be poverty, malnutrition, and misery stemming from these other variables. It would also mean that we have no duty of justice to assist those whose deprivation stems not from our imposition on them of an unfair global economic system but from the oppression and injustice of their own government.⁷⁶

So, for Caney, institutional membership is not necessary in order for there to have a duty of justice, whether that duty is negative or positive. There are other compelling reasons, such as respect for human dignity, natural rights, and shared humanity, which generate obligations of justice. To restrict the scope and application of justice to group membership while at the same time upholding the view that the principles of justice are derived from morally relevant attributes such as the "capacity of forming, revising, and pursuing conceptions of the good and having a sense of justice" which every individual possesses is self-defeating and commits the "fallacy of restricted

⁷⁴ Ibid., 113-114.

⁷⁵ Ibid. 114.

⁷⁶ Ibid.

universalism."⁷⁷ But Pogge's view can still be endorsed by advancing two defenses. First, relations within an institutional scheme can strengthen or reinforce the demands of justice, which are otherwise difficult to command compliance outside of a shared political structure. There are also obligations that arise from certain transactional relations such as contracts and promises, the fulfillment of which is a requirement of justice. Second, shared political membership can also generate special obligations between and among individuals because they tend to see, by virtue of their common ties and the value they ascribe to it, other members' needs, interests, and aspirations as theirs, which give them reasons for resolute action for the benefit of their affiliates.⁷⁸ Hence, it is still possible to accept Pogge's view without denying the central role Caney accords to the non-institutional grounds of justice.

Towards A Just Global Order

Pogge's approach to global justice is significant because it emphasizes the negative duty not to harm the global poor. His central thesis is that many affluent citizens in the different countries of the world have a stringent duty of justice towards the global poor because they have violated their negative duty not to support the imposition of an unjust global institutional structure that foreseeably and avoidably deprive many citizens of poor countries of their basic socio-economic human rights. Pogge, who comes from a liberal egalitarian background, extends egalitarian principles to the global realm. As a proponent of moral cosmopolitanism, he views all human beings as moral equals, regardless of their nationality, citizenship, race, gender, social status, and age. For him, the moral equality of human beings necessarily implies that each person's interests must be given equal concern and consideration. But

⁷⁷ Ibid., 115-116.

⁷⁸ See Mathias Risse, *Global Political Philosophy* (New York: Palgrave Macmillan, 2012), 100-102.

widespread poverty in the world today appears to be incoherent with the basic tenets of moral cosmopolitanism. It deprives many people of their necessities to live worthwhile and flourishing lives. This deprivation shows that these people's interests are not treated with equal concern and consideration. Because this is so, there is then a moral imperative to overcome poverty to enhance these people's prospects to lead worthwhile lives.

Like Rawls, Pogge is concerned with the moral assessment of social institutions based on and guided by sound principles of justice. He thinks that these social institutions profoundly influence the way individuals pursue their life. Unlike Rawls, however, Pogge believes that these social institutions' impact affects not only its members but non-members as well. This explains why a conception of justice is critical because it underlies the proper design and framing of social and economic institutions. A conception of justice also sets moral limits to the way individuals treat and deal with each other. As Pogge explains:

A conception of justice may affect what we ought to do in at least three ways: we ought to help reform existing social institutions so as to render them more just; we ought to mitigate and alleviate the plight of those deprived and disadvantage by existing unjust institutions; and we ought to accept certain constraints upon our conduct and policies that anticipate the ideal of just ground rules towards which we are striving.⁷⁹

⁷⁹ Pogge, *Realizing Rawls*, 8.

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