

# **RADICAL RAWLSIANISM, COSMOPOLITANISM, AND A GLOBAL FEDERATION OF SOCIETIES**

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## **Justice as Fair Rights**

### **(1) BASIC RIGHTS PRINCIPLE**

- A. Security Rights**
- B. Subsistence Rights**

### **(2) MAXIMUM EQUAL BASIC LIBERTIES PRINCIPLE**

- A. Civil Liberties**
- B. Family Rights**
- C. Civil Rights**

### **(3) FAIR POLITICAL REPRESENTATION PRINCIPLE**

- A. For Societies Having Fulfilled the Preconditions for Full-Fledged Political Democracy** (requires full political rights and their approximately equal worth)
- B. For Societies Not Having Fulfilled the Preconditions for Full-Fledged Political Democracy** (requires at least partial political democracy and/or effective consultation mechanisms that transmit the will of the people to the government)

### **(4) FAIR EQUALITY OF OPPORTUNITY PRINCIPLE** (for educational slots, jobs, careers, etc.) requires

- A. strict laws against overt or intentional discrimination;**
- B. universal access to (approximately) equal high-quality education from an early age; and**
- C. not letting personal connections with candidates unduly influence such decisions.**

### **(5) MODIFIED DIFFERENCE PRINCIPLE** (stating that the only allowable Economic/

**the** **Material Inequalities must be to the greatest economic advantage of the poorest segments of the population**) but that allowable differences are not to exceed levels that will undermine

- (a) the (approximate) equal worth of political and due process liberties or**
- (b) the good of persons' self-respect;**  
and this principle
- (a') applies directly to non-able persons and to able persons not having sufficient opportunities to attain this standard of living by their own efforts, but**

**(b') applies only indirectly to able adults who do have sufficient opportunities to attain this standard of living by their own efforts** (by having background institutions – such as sufficiently high minimum wage laws and fair taxation schemes, as well as universal access to health care and education – that allow them to achieve the specified standard of living by their own efforts).

**(6) SOCIAL AND ECONOMIC DEMOCRACY PRINCIPLE** (e.g. Work Place Democracy) but

- A. this principle does not apply directly to private clubs or associations, small owner-operated or family-operated businesses, or families;
- B. not everyone is guaranteed equal power and authority in the specified large-scale public and quasi- public institution; and
- C. this principle does not automatically entail that all large-scale productive property must be socially owned (that is, state-owned, cooperatives, or community-owned).

## **Radical Rawlsianism**

It is my intention to offer a Radical Rawlsian theory of social justice. A Radical Rawlsian theory, on my conception, is one which (A) accepts a Basic Rights Principle as the most fundamental principle of social justice; (B) guarantees the approximate equal worth of political liberties (by limiting the material resources that can be used by private parties to influence the political process and/or by limiting the differentials of material wealth allowed in society); (C) does not allow differentials in income and wealth to exceed levels which undermine (approximately) equal worth of our political liberties and rights of due process or the good of self-respect; (D) applies (at least) the economic components of the theory – specifically, the subsistence rights component of the Basic Rights Principle as well as the Difference Principle – internationally; and (E) accepts the empirical view that in order for the theory to be genuinely instantiated in any particular society – and in the world as a whole – all social hierarchies based on socio-economic class (or caste); religion; race and/or ethnicity; sex and/or gender; and sexual preference must be abolished. (This is where Rawlsian theory needs to be supplemented by Critical Theory, feminist theory and analysis, race theory and analysis, and multicultural theory and analysis.)

Although Rawls is on record as accepting the first three of these theses, and – until the publication of his *The Law of Peoples* – it seemed as though he had accepted the claim that the principle protecting that people's subsistence rights must be applied internationally, he has never accepted the claim that the Difference Principle must be applied internationally nor that all social hierarchies must be abolished in order for his theory to be genuinely instantiated. Among the philosophers and social theorists who are Rawlsians in a general sense but, I believe, also accept these views (or at least most of them) – and thus are classifiable as Radical Rawlsians – probably includes, besides myself, such philosophers as Kai Nielsen, Charles Beitz, Thomas Pogge, Darrel Moellendorf, and an indefinite, perhaps growing, number of others.

With regard to global justice, one extremely important difference between Rawls and Radical Rawlsians is that Rawls is a traditionalist when it comes to international relations and global justice and the latter are cosmopolitans. The difference is, first and foremost, that traditionalists take the nation-state as the unit of normative analysis in the international realm whereas cosmopolitans take individual human beings as the unit of normative analysis. Although Rawls never gave up on this thesis it seems to many – including me – that his overall theory is more compatible with the cosmopolitan view of taking the individual as the unit of analysis. After all, when individuals are behind the veil of ignorance in the original position they don't know what nation – or even what type of nation – they will be in. Since Rawls's theory is clearly meant to apply only to recent and contemporary types of (mass) societies, the parties have the general background knowledge that they will live within a nation-state and that this will greatly affect their life prospects. They will also know that many people – though not all – strongly identify with their particular nation-states and that, generally speaking, nation-states strive mightily to install this kind of identity and commitment in its citizens and residents, starting at a very young age. But they will also know that such nationalism and patriotism does not always have happy results: witness the widespread support by German people for Nazi Germany or that of the Japanese for Imperial Japan in the 1930s and 1940s. Or think of all of the wars that have been fought partially because of the ease with which political ruling classes and/or elites can whip up patriotic war fevers among the common people,

whose real interests the wars may not even actually serve. In fact, it is precisely these sorts of causal factors that affect our moral value formation that Rawls's demand for wide reflective equilibrium is supposed to take into account. Whether we ultimately decide that the influences of our early childhood, family life, religious training, and exposure to nationalist ideology (patriotism) are benign or malignant influences on the formation of our moral values and our very identities, we must subject them to serious reflection.

However, the parties in the original position would also know that it is possible for people to identify themselves as citizens of the world (as Albert Einstein and other progressive cosmopolitans have described themselves) rather than to (normatively) primarily identify themselves as members of a particular society or nation-state. They would also know that as social, economic, and political structures and technological innovations bring the people of the world closer, it is probable that more and more individuals will accept their universalist, cosmopolitan identity as their primary identity, thus providing a firmer basis for the evolution of global institutions aimed at achieving global justice. They will know also that the contemporary nation-state system is not the only possible configuration of social, economic, and political institutions and that such institutions as the United Nations (or a successor organization), and the International Criminal Court, may eventually assume some of the functions and responsibilities that are currently the province of nation-states and that other such functions and responsibilities may be taken over by non-governmental organizations (NGOs). Yet others may devolve to local communities. (Perhaps this is partly what Habermas has in mind when he speaks of counter institutions developing to resist the colonization of the "lifeworld" by state bureaucracies and market processes.) Knowledge of these possibilities would surely influence the parties in the original position towards cosmopolitanism and a demand for the international application for the economic components of an adequate theory of social justice (the subsistence rights component of the Basic Rights Principle and the Difference Principle) even in the absence of a world government. Moreover, if they had access to background knowledge that the world's evolution towards a world government would not result in an authoritarian or totalitarian world state then they may well endorse this as well. On the other hand, if they had good reason to believe that a

world government probably wouldn't be democratic and pluralistic they would not endorse it. But, of course, there may be a compromise such as the call for a world wide federation of societies. (Presumably, these questions would actually not be decided in the original position but would be taken up at a later point in Rawls's decision procedure, when more knowledge was available to the parties.)

## **Global Justice and the Difference Principle**

Another important dispute between "regular" Rawlsians and Radical Rawlsians is whether the economic components of the theory must be applied internationally (or trans-nationally) rather than only within nations. First, it seems obvious that everyone would want to make sure that they have the opportunity to meet their basic needs and the needs of their families (i.e. to insure that their subsistence rights are met) especially from the point of view of the original position since they wouldn't know whether they lived in a rich or poor country or came from a rich or poor family or had the capability and opportunity to provide for themselves and their families. They also, of course, would want to make sure that their security rights are met; i.e., that they are institutionally protected from murder, torture, rape, brutal assault, etc. But, unfortunately perhaps, it is difficult for people in other countries or international organizations to assure that people's security rights will not be violated within the nations in which those other people live. This is not to say that efforts to protect people's security rights around the world should not be maintained or intensified or that, in extreme cases, the United Nations shouldn't authorize the use of military force to stop ongoing genocides or other Crimes Against Humanity, but it is not easy to assure peoples' security rights around the world in the context of an international system of sovereign states. Certainly, we all probably have an obligation to do our fair share to try to help protect people's security rights such as pressuring our own government to respect them and to, in turn, pressure other governments to do so. and perhaps to support such human rights organizations as Amnesty International or Human Rights Watch.

However, when it comes to assuring peoples' subsistence rights (to have adequate nutrition, potable water, minimally decent housing, etc.) it seems that the international system can help insure this

without unnecessarily intruding into the sovereignty of states or the independence and autonomy of those states' populations. This is not to say that this is an easy task and, perhaps, as I have argued elsewhere, assuring people's right to adequate nutrition has as much or more to do with developing nations having the political will to institute policies of national food self-reliance, but it seems that it can be done without unduly interfering with these nations' sovereignty and autonomy. From the point of view of the international system, fairer trade and aid policies would be a good start in this direction as would the implementation of many of the provisions of the New Economic Order program approved by the United Nations General Assembly back in the 1970s. Other proposals, such as the Tobin Tax, would also be valuable in this regard. (See my essay written for UNESCO's Extreme Poverty as a Human Rights Violation project, "Security and Subsistence Rights as Free Standing, Universal Rights," UNESCO, [http://portal.unesco.org/shs/fr/ev.php URL\\_ID=4420&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/shs/fr/ev.php URL_ID=4420&URL_DO=DO_TOPIC&URL_SECTION=201.html), 2004 as well as my "World Hunger, Moral Theory, and Radical Rawlsianism," Special Issue: "Topics in International Moral Theory," *International Journal of Politics and Ethics* (Vol. 2, no. 4, 2003). Simultaneously published in *Ethical Theory in the Study of International Politics*, Mark Evans, ed., Nova Science Publishers, Inc., 2004.)

But from the perspective of the original position, within which people don't know what country or area of the world they will live in, the parties would not only demand that the subsistence rights be guaranteed by national and international institutions and policies, but would demand that the Difference Principle be applied internationally as well. Why wouldn't they? They are almost all in an interrelated economy at this point in history. There is, of course, much to be said for the view that most nations have a common social and political culture that most members of that society prize and which they want to preserve and pass down to their children and grandchildren. On the other hand, we can not ignore the reality that minority cultures are often oppressed or even forcibly assimilated by a majority culture or a state. Nevertheless, there is usually significant popular support by people within a nation for the Principle of Non-Interference but this doesn't mean that they are committed to complete isolation; especially if their economies are intertwined with the economies of other nations (as virtually all economies are today).

So even if most people wouldn't want to have the internal affairs of their nations dictated by other nations (or even international organizations) most people, from the point of view of the original position, would want to make sure that any economic arrangements with which their nation is involved comply with principles of distributive justice which, on Rawlsian theories, includes the Difference Principle.

Moreover, Rawls's theory of justice is supposed to apply to any groups of people that share common institutions and it is beyond question that almost everyone on the earth at this point in history share in a common world economy. Moreover, Rawls's view seems to be grounded in part in his highly contentious empirical claim that "... the causes of the wealth of a people and the forms it takes lie in their political culture and in the religious, philosophical, and moral traditions that support the basic structure of their political and social traditions that support the basic structure of their political and social institutions, as well as in the industriousness and cooperative talents of its members ...." (Rawls, *The Law of Peoples*, Harvard University Press, 1999, p. 108) When this claim is seen in the light of the geo-historical causes of differential economic development (such as analyzed by Jared Diamond in his *Guns, Germs, and Steel: The Fates of Human Societies*, Jonathan Cape Publishers, 1997) and the many honest analyses of the exploitative relations that have historically existed (and still exist) between the "North" and "South" it is, of course, a gross and (grossly) misleading over simplification that seems to trail at least a whiff of Eurocentrism and possibly even racism.

But Rawls has consistently opposed an international application of the Difference Principle and continued to do so in his last work, *The Law of Peoples*. To understand what he says about this issue in this work one has to first understand the categorization of different types of society he puts forward there. In this work Rawls distinguishes five types of societies: liberal peoples, decent peoples, burdened societies, benevolent absolutisms, and outlaw states. According to Rawls, "Liberal peoples have three basic features: a reasonably just constitutional democratic government that serves their fundamental interests; citizens united by ... 'common sympathies'; and, finally, a moral nature." (John Rawls, *The Law of Peoples*, Harvard University Press, Cambridge, MA, 1999, p. 23) They respect human rights. A decent people – i.e. a decent non-liberal or hierarchical people – does not meet all of the above criteria but

“is not aggressive against other peoples and accepts and follows the Law of Peoples; it honors and respects human rights; and its basic structure contains a decent consultation hierarchy.” (Ibid., p. 5) Burdened societies, while “they are not expansive or aggressive, lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered.” (Ibid., p. 106) However, Rawls adds that “a well-ordered society need not be a wealthy society.” (Ibid., p. 106) Benevolent absolutisms “honor human rights; but, because their members are denied a meaningful role in making political decisions, they are not well-ordered.” (Ibid., p. 5) Outlaw states are either externally aggressive in that they “think a sufficient reason to engage in war is that war advances, or might advance, the regime’s rational (not reasonable) interests” (Ibid., p. 90) or internally aggressive in that they “have a state policy that violates the human rights of certain minorities among them.” (Ibid., p. 90, note 1)

In *The Law of Peoples*, Rawls argues that we can not accept a global egalitarian principle of distributive justice – such as Rawls’s own Difference Principle, as suggested by Charles Beitz and Thomas Pogge – because this would require us to continue transferring wealth from the North to the South even after Rawls’s suggested target or cut-off point is reached: the point at which a burdened society becomes a well-ordered society, “so that the least advantaged ... have sufficient all-purpose means to make intelligent and effective use of their freedoms and to lead reasonable and worthwhile lives.” (John Rawls, *The Law of Peoples*, op. cit., p. 114) “After it is achieved,” Rawls writes, “further assistance is not required, even though the now well-ordered society may still be relatively poor.” (Ibid., p. 111) He writes, further, that once this point is reached “According to the duty of assistance there would be no tax, and that seems right; whereas with a global egalitarian principle without target, there would always be a flow of taxes as long as the wealth of one people was less than that of the other. This seems unacceptable.” (Ibid., p. 117) But if this is a good argument at the international level then why wouldn’t it be a good argument at the domestic level? What’s good for the goose, it would seem, should be good for the gander. On the basis of this argument, it would seem that either Rawls must give up the Difference Principle within particular societies or apply it internationally.

Furthermore, Rawls's supplementary argument for not applying the Difference Principle internationally – that unambitious societies could continue collecting from more ambitious societies simply by virtue of being poorer due to not putting forward effort – can also be applied at the domestic level. But this is not necessarily an argument for rejecting the Difference Principle in either case but, rather, as I have suggested in other writings, an argument for specifying that this principle should be applied only to (A) able-bodied persons who are willing to engage in productive activities of some sort (including child care and elder care and, possibly, even domestic housework) and (B) non-able-bodied (and non-able-minded) persons. Able-bodied persons who are not willing to engage in productive activities – e.g. so-called “surf bums” – should not be able to take advantage of what this principle would otherwise assure them through, for example, a sufficiently high minimum wage and other social benefits. However, it is arguable that such persons should still be covered by the Basic Rights Principle, such that their basic subsistence needs would be assured by means, for example, of the provision of soup kitchens, temporary dormitory-type shelters, and the availability of basic health care.

### **Toward a Global Federation of Societies**

In the end analysis, in order to meet these principles of justice it seems to me that we should aim at a global federation of societies that fall within the spectrum of egalitarian social-democratic capitalist societies (such as exist in the Scandinavian countries and the Netherlands, among economically well-developed societies and in Costa Rica, Sri Lanka, and the Indian province of Kerala, among developing societies) and democratic (probably market) socialist societies (such as seemed to be beginning to evolve in the former Yugoslavia before internecine, sectarian war devastated it in the 1990s, and which now may be beginning to evolve in China and Cuba, for example). This may be the only way to insure that the principles of social justice discussed above are met both within societies and internationally.

But in the meanwhile we should attempt to solve some of the major global problems by undertaking the following measures.

1. Policies, programs, and institutions aimed at reducing inequalities both within and between societies (and eliminating extreme poverty) must be implemented with the goal of every able-bodied (and able-minded) person having the opportunity to earn a minimally decent living and every person who is not able-bodied (or able-minded) being provided at least a minimally decent life.
2. With regard to the Third World:
  - a. Third World debt relief and a restructuring of the international economic order (IMF, World Bank, WTO, NAFTA, etc.) to be more equitable towards Third World nations, including the elimination or austerity or “structural readjustment” programs as a condition for receiving international loans, aid, etc.
  - b. Payment of a living wage to all workers – i.e. a wage not only sufficient to meet the minimum needs of the individual worker but of his or her family as well. And, conjointly, the abolition of child labor – at least with regard to young children – and the establishment of school systems to educate these children.
  - c. Land reform to give land to small farmers, either individually or in cooperatives.
  - d. Third World countries to implement the policy of national food self-reliance, which has two prongs:
    - i. cultivating enough of its own arable land to raise sufficient staple crops to insure that its population can be (at least) minimally well-fed,
    - ii. establishing some kind of food entitlement system to make sure that everyone in their societies has access to minimally adequate nutrition. (See Rodney G. Peffer, “World Hunger, Moral Theory, and Radical Rawlsianism.)
  - e. Wealthy nations to reach the .8% level of GNP for developmental aid to the Third World (per U.N. agreements)
  - f. Institution of the Tobin Tax; i.e. a .5% tax on international currency transactions above

\$10,000 per day, the proceeds – estimated at about \$300 billion per year – to be put in an international fund for Third World development. This would also help stabilize currencies, which would be a major benefit to Third World countries.

- g. Implementation of an egalitarian carbon-credit (or carbon- rights) scheme which would, in give the Third World nations a resource – namely, their excess greenhouse gas emission rights – to trade to First World countries for approved technologies and other forms of aid in the areas of the environment (conservation and green technologies), infrastructure, healthcare, family planning, education, telecommunications, etc. that would improve the condition of both their populations and the environment. (See Rodney G. Peffer, “World Justice, Carbon Credit Schemes, and Planetary Management Authorities,” 192988)
- h. The Political Sovereignty and Territorial Integrity of countries (states) must not be forcefully interfered with except for purposes of stopping ongoing, massive, systematic violations of a population's Basic – i.e. Subsistence and Security – Rights. First World countries must not interfere with measures taken by Third World countries aimed at providing for their population's subsistence rights. No other countries have a right to overthrow regimes that are striving to ensure people's subsistence rights (and give them an opportunity to achieve a minimally decent life) and which do not systematically violate security rights. (For example, the U.S. Does not have the right to try to overthrow or undermine the Cuban government and the socialist economy it has created.) So-called “humanitarian” military interventions must be strictly limited to ending ongoing genocides, mass rape campaigns, etc. and, except in situations of extreme emergency, must be
- i. Restructuring the United Nations to distribute power more equally between nations by, for example, making Japan, Germany, India, and Brazil permanent members of the Security Council and instead of letting any of its members have veto power, requiring a 2/3 vote on important issues with weighted voting in the council (e.g. 5 votes for the current five members of the council, 3 for the newly added permanent members, and 1 vote for the

other members of the council elected for two years and equally distributed between Europe, the Western Hemisphere, Asia, and Africa). Also, implementing Jurgen Habermas's suggestion that the current U.N. General Assembly be kept as a "Senate" and a second, larger chamber be added which is elected in accord with population (like the U.S. House of Representatives).