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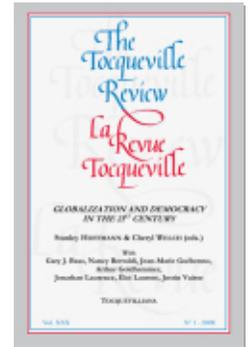
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RAWLS ON INTERNATIONAL JUSTICE

Nancy BERTOLDI

There is no reason to suppose ahead of time that the principles satisfactory for the basic structure hold for all cases... The conditions for the law of nations may require different principles arrived in a somewhat different way.¹

John Rawls, *A Theory of Justice*

A pre-eminent theorist of justice, Rawls takes up global challenges in *The Law of Peoples*. Through its duties of human rights and assistance, the law of peoples can be interpreted to require the eradication of poverty on a global scale.² Once absolute deprivation has been eliminated, however, significant inequalities may still remain among well-ordered peoples in ideal theory. Rawls does not regard this to be a problem. “The Law of Peoples,” he writes, “holds that inequalities are not always unjust, and that when they are, it is because of their unjust effects on the basic structure of a society of peoples.”³ In domestic society, there are “three reasons for being concerned with inequality” and striving to reduce it.⁴ The first reason “is to relieve the suffering and hardships of the poor.”⁵ The second reason “for narrowing the gap between rich and poor within a domestic society is that such a gap often leads to some citizens being stigmatized and treated as inferiors, and that is unjust.”⁶ The third reason “concerns the important role of fairness in the political processes of the basic structure” and the adverse effects inequality may have on it.⁷ These reasons culminate in Rawls’s development of

his two principles of domestic justice, including the famous difference principle that requires inequalities be so arranged as to be to the greatest benefit of the least advantaged.

None of the three reasons apply in the society of peoples as far as Rawls is concerned. While relieving the suffering and hardships of the poor is essential, “this does not require that all persons be equal in wealth.”⁸ While avoiding stigmatization is important for maintaining self-respect, “when the duty of assistance is fulfilled” and all peoples attain well-ordered institutions, “should citizens in one country feel inferior to the citizens of another because of its greater riches,” Rawls insists, “these feelings are unjustified.”⁹ Finally, the political processes of the basic structure of the society of peoples are to be assessed in light of principles that are endorsed in the global original position: “Basic fairness among peoples is given by their being represented equally in the second original position with its veil of ignorance.”¹⁰ Since the substantive content of the law of peoples adopted under conditions of basic fairness would not include principles of global distributive justice according to Rawls, there is no “justifiable reason for any society’s asking for more than is necessary to sustain just institutions, or for further reduction of material inequalities among societies.”¹¹

Many cosmopolitan scholars working on questions of global justice within a Rawlsian framework consider the rejection of a global difference principle to be a grave mistake.¹² If the reasoning for the difference principle is sound in the domestic case, goes the argument, then it must also be sound in the global case. Beitz offers the most powerful statement of this position:

Assuming that Rawls’s arguments for the two principles [of domestic justice] are successful, there is no reason to think that the content of the principles would change as a result of enlarging the scope of the original position so that the principles would apply to the world as a whole. In particular, if the difference principle ... would be chosen in the domestic original position, it would be chosen in the global original position as well.¹³

In sharp contrast with Rawls’s position on global inequality, the suggestion is that the difference principle must apply to the world at large as a principle of global distributive justice.

In what follows, I articulate an intermediate position through the development of an asymmetric account of principles of global

distributive justice. I accept the plausibility of the difference principle for regulating inequality in domestic contexts, but question its applicability on a global scale on the basis of underlying differences in the normative ideals of social cooperation between these two realms. The difference principle is an expression of an ideal of free and equal citizenship that does not hold for all cases. Given the absence of a world state that can provide the basis for global citizenship, the response to inequalities emerging from natural contingencies in the international sphere cannot be expected to be the same as in the domestic case. With Rawls, a resource redistribution principle is not required even in the face of national differences in natural endowments. That does not mean, however, that the duty of assistance exhausts our universe of concern with global inequality. Against Rawls, certain global circumstances and cross-border cooperative practices call for the regulation of the inequalities they generate in light of principles of global distributive justice. The appropriate principles for this task will be substantively different than those that apply in domestic society and they may also be arrived at in a somewhat different way, lying somewhere in between the two extremes of a mere duty of assistance on the one hand and a full global difference principle on the other.¹⁴

RAWLS ON SOCIAL AND GLOBAL INEQUALITY

The natural starting point for the inquiry into global distributive justice is Rawls's elaborate treatment of post-poverty inequality in the context of the basic structure of a closed, self-sufficient political society. "Justice is the first virtue of social institutions," Rawls writes,¹⁵ and the justice of the basic structure of a political society is established by how well it satisfies the following two principles of justice:

- (a) Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and
- (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).¹⁶

Rawls argues that these principles would be selected over alternative principles under fair conditions in an original position and endorsed in reflective equilibrium.¹⁷ As such, they represent the most appropriate basis for organizing the basic structure of a democratic political society understood as a fair system of cooperation between citizens over time.

Together, these two principles specify an ideal of free and equal citizenship. Rawls could not be clearer about that. The whole purpose of his exploration is to ask “which principles are most appropriate for a democratic society that not only professes but wants to take seriously the idea that citizens are free and equal, and tries to realize that idea in its main institutions?”¹⁸ Rawls recognizes that all existing societies entail differences in the life prospects of their citizens that are “affected by such things as their social class of origin, their native endowments, their opportunities for education, and their good or ill fortune over the course of life.”¹⁹ The primary question then becomes: “by what principles are differences of that kind—differences in life prospects—made legitimate and consistent with the idea of free and equal citizenship in society seen as a fair system of cooperation?”²⁰ The two principles of justice supply the answer and provide the basis on which citizens can form their legitimate expectations about how well they will fare in society.

Rawls’s verdict that post-poverty inequalities are morally problematic unless they are regulated by the two principles of justice in the domestic case is starkly opposed to his lack of concern for global inequalities after the duty of assistance has been satisfied. It is instructive to look at what prevents him from concluding, with Beitz, that the difference principle cannot have worldwide application. For Rawls, the appeal of principles of distributive justice is understandable if they are “meant to apply to our current world as it is with its extreme injustices, crippling poverty, and inequalities,” but once we move from the highly nonideal circumstances of the present to an ideal world of well-ordered societies where the duty of assistance has been fulfilled, such principles become highly questionable in light of what he considers to be the unacceptable results of their continued application.²¹ The main problem with such principles, writes Rawls, is that they would lack a target or cut-off point beyond which redistribution would cease.²² This is not a strong enough reason to reject a global difference principle, however, since it

is possible to specify principles of global distributive justice that would have targets and cut-off points. Arguably, the difference principle is one such principle. Furthermore, if it is true that the difference principle applies endlessly with no target and cut-off point, it is not clear how it would survive the same criticism in the domestic case. Assuming that the difference principle is sound for the regulation of inequalities in a domestic scheme of social cooperation, it must at least be possible to consider it as a viable candidate for the regulation of inequalities in a global scheme of social cooperation.

While Rawls's appeal to the lack of targets and cut-off points in rejecting a global difference principle is not convincing, at least on the face of it, his discussion of this topic is nevertheless useful for its role in highlighting the significance of legitimate expectations in a global scheme of cooperation. To illustrate what he considers to be the unacceptable results of lacking targets and cut-off points, Rawls offers two examples involving two well-ordered societies, each of which starts at the same level of wealth and population. In the first example, the first society opts for growth and doubles its wealth over time as a result of adopting policies of industrialization and increased savings, while the second chooses different policies and remains at the same level. In a parallel second example, the first society doubles its wealth over time as a result of adopting policies of population control, while population growth in the second causes its per capita wealth to remain constant.²³ Rawls suggests that in both cases, taxing the first (relatively wealthy) society to transfer funds to the second (relatively poor) society, as he imagines would be required by a principle of global distributive justice, would be unacceptable.

Two things are striking about these illustrations. First, they pertain to the moral significance of different *domestic policies* adopted by well-ordered societies. In both examples, there is no interaction between the societies in question. Rather, the situation is one of equal starting points and unequal ending points that arise from dissimilar domestic choices in the areas of industrial and population policy. Second, the examples underscore the *legitimate expectations* the concerned societies may have *internationally* in light of their relative wealth and poverty as this results from their own choices. Here, Rawls appeals to an important liberal intuition concerning the assessment of the legitimacy of claims that are made on social institutions, namely, the moral distinction between choices and endowments. In most liberal

theories of political justice, assuming that just background conditions prevail, persons are held responsible only for their choices and not for undeserved endowments, which are deemed arbitrary from a moral point of view.²⁴

In the Rawlsian theory of justice, this liberal intuition gets a two-fold expression. First, “we wish to set up the social system so that no one gains or loses from his arbitrary place in the distribution of natural assets or his initial position in society without giving or receiving compensating advantages in return.”²⁵ Accordingly, social institutions are designed in such a way that the rewards of morally arbitrary natural and social contingencies can be enjoyed only in accordance with the principles of justice that regulate the basic structure of these institutions.²⁶ Second, legitimate expectations are established, not on any independent grounds, but rather by the social institutions themselves, whose rules legitimize differences in entitlements (rewards).²⁷ Rawls writes:

Thus when just economic arrangements exist, the claims of individuals are properly settled by reference to the rules and precepts (with their respective weights) which these practices take as relevant. As we have seen, it is incorrect to say that just distributive shares reward individuals according to their moral worth [as perhaps determined by their contributions or virtue]. But what we can say is that, in the traditional phrase, a just scheme gives each person his due: that is, it allots to each what he is entitled to as defined by the scheme itself. The principles of justice for institutions and individuals establish that doing this is fair.²⁸

In just institutions, it is fair to offer different rewards for the different choices that individuals make. At the end of the day, the entitlements of persons depend on the legitimate expectations established by the rules of just institutions. In the event that this leads to differences in wealth, the relatively worse-off person has no legitimate claim against the relatively better-off person. Assuming that fair background conditions obtain and that the institution in question is just, it would be unacceptable to tax the better-off to transfer wealth to the worse-off.

This is exactly the point that Rawls’s two examples illustrate in the law of peoples. It is assumed that just background institutions are in place, understood, by Rawls, in terms of the duty of assistance. To make the point about legitimate expectations even more vivid, the starting points of the two societies are equalized. The final differences

in wealth emerge from the different domestic choices the societies in question make in accordance with the legitimate expectations established by the law of peoples. Surely, Rawls concludes, it would be unacceptable to tax the relatively wealthy society to transfer funds to the relatively poor society in these instances. It is against this background that Rawls's concerns about targets and cut-off points must be understood. The cut-off point here is given by the duty of assistance, which establishes the limits of global distributive obligations on the basis of the domestic choices and legitimate expectations of well-ordered societies in an international scheme of social cooperation.

This formulation of the Rawlsian rejection of principles of global distributive justice is powerful and cannot be easily dismissed. I suggest, however, that the formulation cannot conclusively rule out principles of distributive justice on its own because of two points that Rawls takes for granted in this statement of the problem. The first concerns inequalities in starting points, and the second involves the content of legitimate expectations. More specifically, notice, first, how Rawls controls for inequalities in initial endowments to make the issue of domestic choices and legitimate expectations come alive. The stipulation of equal starting points eliminates any difficulties that may result from initial natural resource inequalities. But surely, this cannot be expected even in an ideal world, requiring a consideration of the problem of contingent endowments. Second, Rawls assumes that the content of legitimate expectations is given by the duty of assistance rather than the difference principle. But the case for this is never made. Taken together, these two points require a revision of Rawls' position on global distributive justice. A plausible case against a global difference principle needs to attend to these complications. After considering the difficulties that unequal endowments and the content of legitimate expectations raise, I contend that the Rawlsian rejection of a global difference principle survives the challenge.

The problem of unequal endowments is not one that is overlooked by Rawls, but it is not one that he deems important. His assessment rests on an empirical observation that is part of his elaboration of the duty of assistance, namely, what he calls the all-importance of political culture. It is proposed that the causes of wealth are located in political culture, broadly understood as a society's traditions and modes of political, social and economic

organization. Once the duty of assistance is fulfilled and well-ordered institutions are attained by formerly burdened societies, the empirical assumption about the all-importance of political culture carries over into ideal theory, with significant ramifications for how to respond to the unequal distribution of natural resources. If what matters for the wealth of nations is their political culture, then the equality in their starting points would not actually be undermined by unequal resource endowments. As Rawls puts it, because “the crucial element in how a country fares is its political culture—its members’ political and civic virtues—and not the level of its resources, the arbitrariness of the distribution of natural resources causes no difficulty.”²⁹

But clearly, this cannot be right. Empirically, natural resource inequalities do matter for the wealth of nations, even if in complicated ways.³⁰ In ideal theory, large resource endowments are highly likely to translate into greater wealth, since peoples are already well-ordered. Rawls is probably correct to think that natural resource inequalities do not interfere with the possibility of attaining well-ordered institutions, but it is a mistake to extend that view to the sources of wealth. This means that the challenge of unequal endowments still remains unanswered, since the all-importance of political culture cannot be invoked to equalize societal starting points, which, in the real world, are simply not equal. The question then becomes, as in the domestic case, how society—in this case, the society of peoples—is to deal with these natural contingencies. Once again, the content of the legitimate expectations specified by the public rules of the basic structure of society is key in determining how these contingencies will be handled.

NATIONAL RESOURCE DISPARITIES AND GLOBAL REDISTRIBUTION

In considering the challenge raised by national disparities for initial endowments in relation to legitimate expectations, it is useful to revisit Rawls’s discussion of natural talents in light of possible parallels between inequalities of natural talent endowments between persons and inequalities of natural resource endowments between societies. This is precisely the path that Beitz takes to make the case for the global resource redistribution principle that Rawls rejects. The suggestion is that in the global original position behind the veil of ignorance, “[n]ot knowing the resource endowments of their own societies, the parties would agree on a resource redistribution

principle that would give each society a fair chance to develop just political institutions and an economy capable of satisfying its members' basic needs."³¹ For Beitz, this conclusion follows from the premise that the natural distribution of resources is arbitrary from a moral point of view in a way analogous to the natural distribution of talents for individuals.³²

If the only cause for concern about resource inequalities were the achievement of just institutions, then Rawls's invocation of the all-importance of political culture would be plausible, since the best empirical evidence that we have so far seems to suggest that achieving decent institutions and meeting basic needs are primarily matters of political organization, and not natural resource endowments. If by contrast, the issue under consideration involves differences in national wealth stemming from differential natural resource endowments, Beitz's observation about the moral arbitrariness of the distribution of natural resources can be reformulated as a more radical challenge. Unequal natural resource endowments are unproblematic only if the goal is Beitz's initial aim of giving each society "a fair chance to develop just political institutions and an economy capable of satisfying its members' basic needs." In other words, there is no need to discuss Beitz's resource redistribution principle only if we accept in advance that the proper principle of global distributive justice is the duty of assistance. But this begs the question, since it is in light of the search for proper principles that the significance of natural resource inequalities is considered in the first place. As long as the substantive content of what justice requires at the global level is unsettled, the duty of assistance cannot be assumed without due examination.

In this connection, Beitz's analogy between natural talents and natural resource endowments deserves a second look. Beitz suggests that the unequal distribution of natural resources represents a purer case of moral arbitrariness, on the grounds that resources do not suffer from the same kind of vulnerabilities that can be said to characterize Rawls's analysis of natural talents.³³ There are two reasons for this claim. First, "unlike talents, resources are not naturally attached to persons." Second, "resources do not stand in the same relation to personal identity as do talents."³⁴ But this line of reasoning makes sense only when one takes, as Beitz does, individual persons to be the ultimate subjects of the law of peoples. If, by

contrast, the proper subject is the basic structure of a society of peoples, these distinctions lose their force. Natural resources are attached to territory, and once we grant, as Rawls does, that territory is a constitutive element of what makes a people and that there is a role for boundaries in the law of peoples, the relationship between resources and peoples starts to look very much like the relationship between talents and persons.³⁵ Peoples need not justify the possession of resources, despite the fact that they cannot be said to deserve them, because they are already their own; the *prima facie* right to use and control resources is fixed by the geopolitical facts.³⁶ Beyond its role in the definition of peoples, territory is a fundamental component in peoples' identity and proper pride. There is ample conceptual and empirical evidence for this claim: in theory and practice, a republic seems to need a 'homeland'. Since peoples and not persons are the starting point for the law of peoples (even though persons' claims are also incorporated), it would seem that resources are very much like talents indeed, and suffer from the same limitations that the analysis of talents does.

This is not to say that the analogy between talents and resources does not get us anywhere, but simply to emphasize how apt it is. In its light, I explore whether the analogy between resources and talents logically leads to a global difference principle in the same way that it does domestically. Even if the argument for the difference principle should prove tenuous in the domestic case, the reasoning offered here would not be affected, since the question is whether the same principles of justice follow domestically and globally from the similarity in the moral arbitrariness of the distribution of natural talents and natural resources.³⁷ Since persons must not gain or lose from their arbitrary place in the distribution of natural assets without receiving compensation, must we conclude that if the goal of the law of peoples is taken to be fairness rather than mere assistance, its substantive principles ought to incorporate the global analogue of the difference principle? The answer is no, in view of important differences in the characters of domestic and global cooperation.

Beitz himself considers this possibility in relation to two contrasts between domestic and international society: first, the lack of effective decision-making and decision-enforcing institutions, and second, the absence of a sense of community at the international level. He concludes that neither of these two contrasts limits either the

possibility or desirability of a global difference principle. I agree. The contrast I have in mind here is of a different kind. Instead of assessing the relative significance or insignificance of empirical differences in the availability of institutions or community, I emphasize the disparity between two normative visions. I suggest that the differences in the normative ideals underlying domestic and global society are just as pertinent as empirical contrasts between them, if not more so, for thinking through the moral implications of international natural resource inequalities. Rawls's remarks on natural talents illustrate the point well:

The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts.³⁸

The justice of the way that institutions deal with these facts very much depends on the normative ideals that the institutions in question embody. Hence, the question of whether the natural facts of unequal distributions of talents and resources lead to the same substantive principles of justice calls for a closer examination of the respective normative ideals of cooperation associated with domestic and global society.

Rawls relies on a highly robust ideal of domestic cooperation articulated in relation to the value of peoples. The basic structure of political society has a special role not only in establishing the necessary background conditions for the fairness of transactions between its individual members, but also in shaping who those individuals are through its identity-constitutive dimensions.³⁹ "Now everyone recognizes," Rawls writes in describing the identity-shaping force of political society, "that the institutional form of society affects its members and determines in large part the kind of persons they want to be as well as the kind of persons they are."⁴⁰ In other words, political society forms its members' characters and interests, their aims and aspirations, and most importantly for my present purposes, their talents. As Rawls puts it in a remarkable passage which deserves quoting at some length:

Again, we cannot view the talents and abilities of individuals as fixed natural gifts. To be sure, even as realized, there is presumably a significant genetic component. However, these abilities and talents cannot come to fruition apart from social conditions, and as realized they

always take but one of many possible forms. Developed natural capacities are always a selection, a small selection at that, from the possibilities that might have been attained. In addition, an ability is not, for example, a computer in the head with a definite measurable capacity unaffected by social circumstances. Among the elements affecting the realization of natural capacities are social attitudes of encouragement and support and the institutions concerned with their training and use. Thus even a potential ability at any given time is not something unaffected by existing social forms and particular contingencies over the course of life up to that moment. So not only our final ends and hopes for ourselves but also our realized abilities and talents reflect, to a large degree, our personal histories, opportunities, and social position. There is no way of knowing what we might have been had these things been different.⁴¹

The main point of the passage can be restated as follows: given the human sociability at the heart of Rawls's conception of political community, it is impossible to know who we might have been and what our natural talents would have been outside society.

The pervasive role of political cooperation in shaping who we are and which of our natural endowments we realize is coupled with Rawls's observation that we received differential rewards for our talents in society in ways that generate serious inequalities:

[T]he basic structure most likely permits significant social and economic inequalities in the life prospects of citizens depending on their social origins, their realized natural endowments, and the chance opportunities and accidents that have shaped their personal history. Such inequalities, we may assume, are inevitable, or else necessary or highly advantageous in maintaining effective social cooperation.⁴²

Since the basic structure shapes our life prospects unequally, what originally was a fact of nature becomes a matter for justice, when we receive differential opportunities to develop what the 'natural lottery' gave and differential rewards on the basis of what we become. "What the theory of justice must regulate," Rawls concludes, "is the inequalities in life prospects between citizens that arise from social starting positions, natural advantages, and historical contingencies."⁴³ It is in the context of the tremendous power of the basic structure to shape life prospects unequally (including its power to shape the development of our talents) that the important intuition that drives the difference principle—namely that the social system is to be set up in such a way that inequalities that emerge from natural asset endowments in the process of social cooperation are to be set up in such a way that inequalities that emerge from natural asset

endowments in process of social cooperation are to be compensated for—becomes fully intelligible.

By contrast, Rawls's ideal of global cooperation is relatively insubstantial. To clarify, this does not mean that the principles of the law of peoples are not demanding, which is not the case. What it does imply is that the role envisioned for the society of peoples in shaping its participants is minimal, in part as a direct result of the robustness of the ideal of domestic cooperation upon which global cooperation rests. The basic structure of the society of peoples establishes the necessary background conditions for the fairness of transactions between peoples. To some extent, international society also shapes its participant peoples, first and foremost by ensuring that the requirements of well-orderedness are incorporated into their identity as peoples, in both their internal and external affairs. But peoples are mostly free to develop themselves as they will in light of their own conceptions of justice. Peoples are also free not to interact with other peoples if they so choose, beyond what is required to secure compliance with the law of peoples and provide a proper response to nonideal conditions involving outlaw states and burdened societies. At the extreme, the law of peoples can be described as a law for well-ordered peoples to be left alone once the minimum requirements are met, and the basic structure of the society of peoples provides the necessary framework for that. Of course, Rawls allows for (and encourages) the possibility that cooperation will go beyond the levels demanded for the maintenance of the system, as his cursory remarks concerning trade and federative associations indicate.⁴⁴ The baseline is one of isolation, however, and even in the event that multiple cooperative schemes bloom, it is always an option for some peoples (and perhaps even a majority of peoples) not to participate.

This normative vision of a global basic structure designed for a world of isolated well-ordered republics gets many different expressions in the law of peoples. First and foremost is Rawls's assumption of a closed, self-sufficient society. The presumption of closure and self-sufficiency is not unique to the law of peoples, but has deep roots in Rawls's theory of domestic justice, where it is adopted as a simplifying normative assumption (and not an empirical claim.) In the elaboration of the law of peoples, this assumption is not much relaxed; the only addition is that now a closed self-sufficient republic exists in the world as one republic among many. In this

move to the global level, the ontological assumptions about the character of the republic remain unchanged, with implications for the depth of global cooperation that will be possible. The substantive content of the law of peoples reflects these assumptions: the world is imagined as comprising numerous closed self-sufficient republics who have minimal interactions with each other, and the principles of the law of peoples secure the continuation of isolation as an option.

A vivid example of the presupposition of isolation is evident in the link Rawls establishes between the law of peoples and natural duties. Originally, Rawls envisions the law of peoples as an extension of the natural duties of individuals to nations.⁴⁵ Accordingly, some of the principles of the law of peoples reflect these origins and translate natural duties into the realm of interactions between peoples. For example, the duties of assistance and human rights are institutional reaffirmations of the natural duties of mutual aid and not harming others.⁴⁶ The comparison is significant because it will be recalled that natural duties, as Rawls understands them, “have no necessary connection with institutions or social practices; their content is not, in general, defined by the rules of these arrangements.”⁴⁷ Natural duties do not presuppose any prior scheme of cooperation in order to apply to a particular instance of interaction: whether we choose to or not, and whether we are bound together in cooperative social arrangements or not, we are under the obligation to uphold our natural duties. Similarly, the principles of the law of peoples that resemble natural duties do not presuppose that the isolated republics in question are participants in schemes of cooperation that go beyond mere system maintenance.⁴⁸ As such, they are particularly well-suited to regulate the minimalist basic structure for the world of isolated republics.

Another illustration comes in the constant analogies Rawls makes between the duty of assistance in the international sphere and the just savings principle in the domestic sphere. Both are principles of transition that aim to establish well-ordered institutions, over time and abroad respectively. Both “are defined by a target beyond which they no longer hold.”⁴⁹ Both share the same aim, namely, “to realize and preserve just (or decent) institutions, and not simply to increase, much less to maximize indefinitely, the average level of wealth, or the wealth of any society or any particular class in society.”⁵⁰ Once the aim of realizing and preserving well-ordered institutions is attained,

there is no further obligation to aid or save as a duty of justice, even though societies may opt to do so. Finally, neither requires much interaction. Against this background, Rawls writes: “the duty of assistance and the duty of just savings express the same basic idea.”⁵¹ If the duty of assistance can be regarded as a principle of just savings directed outwards, the reverse analogy can also be made: the principle of just savings itself can be interpreted as a duty of assistance that applies between generations who share the same domestic institutions over time without any direct contact with each other.

Given this minimalist normative account of global cooperation predicated on the ideal of perfect isolated republics, the society of peoples need not play any role in either shaping the development of natural resources or leading to natural resource-based inequalities in cooperative schemes. The only cooperation that is strictly required by the law of peoples is for the maintenance of the system, in light of the possibility of outlaw states and burdened societies. Since there need not be any cooperation beyond that, the inequalities in the distribution of natural resources remain just a fact, becoming problematic only when they negatively affect a society’s ability to have well-ordered institutions, which is already covered by the duty of assistance. A global difference principle is inappropriate in an autarkic world precisely because it is an autarkic world. It is here that the analogy between talents and resources collapses, making it possible to conclude that no more than the duty of assistance is required in a world of isolated republics in ideal theory, even in the face of natural resource inequalities.

GLOBAL INTERACTION AND FAIRNESS

The law of peoples establishes demanding principles to regulate the society of peoples. Notwithstanding these robust obligations, the ideal of global cooperation upon which the society of peoples rests is relatively thin, as a direct consequence of the thickness of the ideal of domestic cooperation that stems from the primacy of the basic structure of political community. Global cooperation cannot be assumed to be thicker than what is required by system maintenance, but need not remain as thin, either, with important implications for global distributive obligations. To illustrate, what happens to the law of peoples when peoples start to trade extensively? Once the autarkic world that Rawls implicitly presupposes starts to give way to one

characterized by denser cooperative schemes, can it still be said that a global difference principle is inappropriate?

It is precisely the existence of such global flows that leads many of Rawls's cosmopolitan critics to favor a global difference principle for the regulation of global economic exchanges and the system of global cooperation they give rise to. Accordingly, Beitz suggests that global economic interdependence constitutes a global scheme of cooperation and thus mandates, as a matter of justice, a global distribution principle that is similar to the domestic difference principle.⁵² As Scanlon also insists:

[C]onsiderations of justice apply at least wherever there is systematic economic interaction; for wherever there is regularized commerce there is an institution in Rawls' sense, i.e., a public system of rules defining rights and duties etc. Thus the Difference Principle would apply to the world economic system taken as a whole as well as to particular societies within it.⁵³

I prefer the more general term 'interaction' to 'interdependence' because of the specific meaning the latter has acquired in the international relations literature.⁵⁴ Interdependence in the technical sense is not necessary for reopening the question of global distributive justice; rather, any form of systematic interaction should be sufficient. What is at stake here concerns the exact character of such cooperation and what kind of substantive principles must be espoused for its regulation.

I argue that once sustained interaction starts to blur the bounds of strict isolation in the ideal world, global principles of distributive justice become a *sine qua non* component of any reasonable law of peoples. Once interaction is introduced, unequal natural resource endowments assume a renewed moral significance in terms of how they are dealt with institutionally. It is telling in this respect that Rawls's illustrative examples of societies making different choices neutralize the effects of resource inequalities by assuming equal starting points. A third case where the two societies adopt the exact same industrial and population policies but achieve different ending levels of wealth because of the inequalities in their original endowments is never considered. This would not be a problem under the isolation assumption, but once the two societies start trading with each other, it ought to be at least a factor in the evaluation of the fairness of trade practices.

Despite his explicit rejection of principles of global distributive justice, Rawls is aware that the principles of the law of peoples need to be complemented with additional principles of fairness to regulate possible interactions between peoples that go beyond system maintenance.⁵⁵ For example, he specifically mentions that guidelines for entering cooperative organizations and fair trade will be needed. Remarkably, these brief remarks on fair trade call for “a suitably regulated fair background framework” and the correction of unjustified distributive effects of cooperative institutions and practices.⁵⁶ As Rawls phrases it:

Here I assume, as in the domestic case, that, unless fair background conditions exist and are maintained over time from one generation to the next, market transactions will not remain fair, and unjustified inequalities among peoples will gradually develop. These background conditions and all that they involve have a role analogous to that of the basic structure in domestic society.⁵⁷

It is only against this fair background framework that the adoption of a competitive market trading scheme at the global level can be justified, should peoples further deem such a scheme to generally work to everyone’s advantage.

It is clear that once he shifts from a model of ‘isolation’ to a model of ‘interaction’, Rawls himself realizes the need for principles of global distributive justice. The question then becomes not whether the law of peoples should incorporate an account of global distributive justice, but what exactly that account should be. Unfortunately, Rawls’s own formulation does not provide a general conception of fairness in light of which the justice of the background framework of cooperative practices and institutions can be assessed. Cosmopolitan defenses of a global difference principle represent efforts to fill this gap. But is the difference principle fit for the task? This is where I part company with Scanlon and Beitz. Notwithstanding the merits of the difference principle for the regulation of inequalities in the basic structure of domestic society, I argue that it does not provide the most appropriate account of distributive justice for the basic structure of a society of peoples.

This brings me to a crucial normative contrast between domestic and global social cooperation that is perceptively alluded to by Beitz. This is the thought that since global economic interaction is voluntary, societies who choose to participate “might be said to have

accepted the terms of participation offered them, making further moral criticism of those terms otiose.”⁵⁸ Beitz accurately observes here that what looks like a single voluntary transaction is not so voluntary when placed in the context of a system of power, which drastically reduces the options of the less powerful, especially where the costs of withdrawal are very high. He also correctly rejects the view that mere participation is enough to absolve the practice from moral criticism and emphasizes that “one needs to ask by what standards of fairness the international economic order can be assessed.”⁵⁹ I agree with all this. Voluntary transactions take place within larger systems of interaction, which must be scrutinized in light of principles of global distributive justice. It does not follow, however, that a global difference principle is suitable for this purpose. If anything, the higher degree of voluntariness that characterizes global interaction indicates that it might not be. While no transaction is ever fully voluntary, surely some are significantly more so than others, as is the case for cross-border flows.

The task is to articulate a conception of global fairness that takes seriously the normative differences between domestic and global schemes of cooperation. To that end, I begin like Beitz, by pointing out that global economic interaction is not simply a myriad of isolated transactions but occurs in the context of institutions and practices. Hence, it is reasonable to expect that the moral obligations of the participants in global cooperation will resemble obligations of fairness, rather than natural duties. In the context of discussing the obligations of individuals to political society in the domestic case, Rawls describes the principle of fairness as follows:

This principle holds that a person is required to do his part as defined by the rules of an institution when two conditions are met: first, the institution is just (or fair) ...; and second, one has voluntarily accepted the benefits of the arrangement or taken advantage of the opportunities it offers to further one's interests. The main idea is that ... [w]e are not to gain from the cooperative labors of others without doing our fair share. The two principles of justice define what is a fair share in the case of institutions belonging to the basic structure.⁶⁰

Accordingly, in contrast with natural duties, which do not depend on the prior existence of institutions or practices of cooperation for their binding force, obligations of fairness originate from the presence of two factors: first, fair (or just) social arrangements; and second, an (active or passive) act of participation in those

arrangements. For instance, as applied to the obligation of keeping promises, fairness requires fidelity in light of taking part in the practice of promising as defined by a public system of rules (its constitutive conventions) provided that the practice is just.⁶¹ The obligation to observe treaties in the law of peoples is the analogue of the obligation to keep promises in the relations between peoples. The striking thing to notice in this connection is that once social arrangements enter the picture, so do considerations of fairness concerning whether the arrangements in question are just or not.

This brief discussion of obligations of fairness suggests that the obligations of participants in global trade will be determined by two factors: first, the existence of just trading practices and institutions; and second, active or passive participation in trading arrangements. Clearly, then, we need to ask whether the practices and institutions of global economic interaction are just before we can assess the moral obligations of the participants. To answer this question, I turn to Rawls's general account of justice for practices, which has two advantages over the difference principle for conceptualizing the fairness of global practices. First, it is not developed strictly for the specific subject of the basic structure of and applies generally to practices. Second, it operates with a broader understanding of who the cooperating persons are in the general conception. As Rawls clarifies:

A word about the term 'person.' This expression is to be construed variously depending on the circumstances. On some occasions it will mean human individuals, but in others it may refer to nations, provinces, business firms, churches, teams, and so on. The principles of justice apply to conflicting claims made by persons of all of these separate kinds.⁶²

In the general conception of justice, the term 'person' is not limited to either individual citizens (as in the basic structure of domestic society) or peoples (as in the law of peoples). For that reason, the breadth of the general account makes it especially well-suited to the regulation of the complex interactions that occur in the context of a global economy.

The distinction between justice and fairness is important here. Despite the common tendency to think that these concepts are the same, Rawls distinguishes them as two separate applications of the master concept of reciprocity:

Justice and fairness are, indeed, different concepts, but they share a fundamental element in common, which I shall call the concept of reciprocity. They represent this concept as applied to two distinct cases: very roughly, justice to a practice in which there is no option whether to engage in it or not, and one must play; fairness to a practice in which there is such an option, and one may decline the invitation.⁶³

The key to distinguishing between justice and fairness is the voluntariness dimension. When persons have a choice as to whether to participate in the practice or not, fairness properly applies, as in “fair games, *fair trade*, and fair procedures of collective bargaining.”⁶⁴ By contrast, when there is no such choice, justice is the appropriate concept:

[Justice] applies to those institutions which are either so pervasive that people find themselves enmeshed in them and are made to conduct their affairs as they specify, as with systems of property and forms of government; or to those practices which, while limited to certain segments of society, nevertheless give no option to those caught in them, such as slavery and serfdom, and exclusion from the franchise and subjection to special forms of taxation.⁶⁵

Given the generally voluntary nature of participation in the global economy, the appropriate concept for global interaction seems to be fairness for the most part. It is possible, however, to think of historical instances where justice would be more pertinent, as in the old systems of formal imperialism or the global slave trade. Global systems of property, as opposed to global practices of trade, are also eligible candidates. Any practice that is so pervasive that it forces persons to conduct their affairs in accordance with its specifications would qualify as a proper subject for justice. Some such practices involve forms of coordination that would already be ruled out by the law of peoples, at least as far as interactions between peoples are concerned. Given that the global economy involves much more than relations between peoples, however, and that the possibilities for pervasive practices are always there, the meaning of both fairness and justice need to be fleshed out for the law of peoples.

Fundamental to both fairness and justice is the notion of reciprocity. At the heart of reciprocity is the requirement of mutual acknowledgement of the principles of the practice by all who participate, as the general formulation of the concept makes clear:

The principle of reciprocity requires of a practice that it satisfy those principles which the persons who participate in it could reasonably

propose for mutual acceptance under the circumstances and conditions of the hypothetical account. ... A practice will strike the parties as conforming to the notion of reciprocity if none feels that, by participating in it, he or any of the others are taken advantage of or forced to give in to claims which they do not accept as legitimate.⁶⁶

To put the point more generally, the implication of reciprocity for all practices is that their fairness (or justice) is to be judged in light of principles that all participants in the practice could reasonably be expected to endorse.

What does this conception of reciprocity imply for the obligations of the participants in a practice? If a practice is fair in light of the principle of reciprocity, the participants in it have a duty to comply with its rules. As Rawls puts it:

Now if the participants in a practice acknowledge that it satisfies the principle of reciprocity, and so accept its rules as just or fair (as the case requires), then, from the standpoint of justice, they have no complaint to lodge against it. Moreover, their engaging in it gives rise to a *prima facie* duty (and a corresponding *prima facie* right) of the parties to each other to act in accordance with the practice when it falls upon them to comply.⁶⁷

This, I propose, is the general framework within which the fairness and justice of the practices and institutions of the world economy should be evaluated. In its more concrete application to fairness, the general framework implies that participants can have no legitimate complaints against a practice which is acknowledged to satisfy the principle of reciprocity. This is what Rawls calls the duty of fair play.⁶⁸

How does the account of justice differ from that of fairness? Because justice applies to pervasive practices that are not voluntary, the requirements of reciprocity are stricter. Generally speaking, Rawls understands justice in the usual sense “in which it means essentially the elimination of arbitrary distinctions and the establishment, within the structure of a practice of a proper share, balance, or equilibrium between competing claims.”⁶⁹ The provision of a complete conception of justice calls for a more concrete specification of the meanings of ‘arbitrary’ and ‘proper’. Associated principles of justice are needed for the formulation of “restrictions as to how practices may define positions and offices, and assign thereto powers and liabilities, rights and duties.”⁷⁰ To that end, Rawls proposes two

principles that “are typical of a family of principles which are normally associated with the concept of justice” understood in its usual sense.⁷¹ These principles are the following:

First, each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all; and second, inequalities are arbitrary unless it is reasonable to expect that they will work out to everyone’s advantage, and provided that the positions and offices to which they attach, or from which they may be gained are open to all.⁷²

These principles are appropriate for all persons engaging in any form of global economic interaction that leave at least some participants no choice with respect to whether to engage in the cooperative practice or not. Since we are within the parameters of the general account, persons could refer to individual persons, secondary associations, business firms, provinces, regions, peoples, or international organizations, as the case may be. Furthermore, the two sides of the cooperative relationship need not even be identical persons. To give an example, the two principles apply with equal force to a cooperative relationship between a government and a multinational corporation. All parties who partake in non-voluntary global practices should be bound by the global principles of justice stipulated by the general conception.

Two clarifications concerning the general moral framework are called for here. In the case of general justice, assuming that the first principle (equal liberty) obtains, the second principle holds that non-voluntary practices are fair when the inequalities they authorize are reasonably expected to be to everyone’s advantage and are attached to positions open to all. This formulation is less egalitarian than the difference principle in that it assesses the common good from the point of view of everyone’s advantage in ways reminiscent of Pareto optimality, rather than that from the point of view of the least-advantaged. This is as it should be given the significant normative contrast between domestic and global social cooperation. General fairness is weaker still in that it generally refers to the principle of reciprocity with its emphasis on mutual acknowledgement. The specific content of reciprocity is to be further fleshed out in the context of particular practices with reference to their specific rules. The *relative* weakness of the general conceptions of justice and fairness does not imply weakness per se, however. Even fairness rules

out a lot. To illustrate, if it can be shown that a practice systematically disadvantages some of its participants and forces them to give in to rules they do not consider legitimate, as has been suggested of the new dispute resolution mechanism of the World Trade Organization, then that practice fails to pass the test.⁷³

A second issue that needs to be clarified is that of legitimate complaints. The duty of fair play stipulates that when a practice is mutually acknowledged to be just (or fair), its participants have a duty to do their part as specified by the rules of the practice and can have no legitimate grounds for complaint when they receive unequal shares. Now, in the case of nonvoluntary practices, the two principles of justice of the general conception specify what it takes for a practice to be mutually acknowledged to be just. Accordingly, participants can challenge the justice of a practice that does not satisfy the second principle—for example, when inequalities sanctioned by the practice are not to everyone's advantage. It is important to be very clear about what that means. It is not that any particular participant who is disadvantaged by the inequality of a particular outcome in a particular transaction can bring a legitimate complaint. Rawls's discussion of the business world illustrates the point well. It is true that very often the fates of particular entrepreneurs are determined not by their desert but by chance and unforeseeable events. The undeserved unequal fate of a particular entrepreneur, however, is not unjust as such. This is because such outcomes are sanctioned by the rules of the capitalist game. If one wants to challenge capitalism, one must do so not from the point of view of the particular entrepreneur, but from "the standpoint of the representative entrepreneur and his legitimate expectations in the system as a working institution."⁷⁴ Of course, the fates of particular entrepreneurs are important in that they tell us about the position of the representative entrepreneur in the system, but they cannot constitute a legitimate challenge to the system in themselves, unless they are formulated in the language of a general objection. In other words, "since the principles apply to the form and structure of practices as such, and not to particular transactions, the conception of justice they express requires one to appraise a practice from a general point of view, and thus from that of the representative man holding the various offices and positions defined by it."⁷⁵

I argue that the principle of reciprocity and the general conceptions of justice and fairness that can be derived from it must

have a prominent place in the law of peoples. In other words, the law of peoples cannot be complete without an account of global distributive justice. With Rawls, it may be true that no more than the duty of assistance is needed in an ideal world of isolated republics. Against Rawls, principles of global distributive justice have to be adopted once global interaction enters the picture. Asserting the necessity of such global principles, however, is not tantamount to defending a domestic difference principle writ large. I suspect that this immediate equation of global justice with a global difference principle is the primary reason for Rawls's refusal to accept global principles of distributive justice. I agree with Rawls's rejection of a global difference principle for reasons related to differences in the normative ideals underlying domestic and global cooperation. Global justice is not a matter of all or nothing, however, since a whole range of possibilities between the duty of assistance and the difference principle remain unexplored.

I support one such intermediate possibility—the principle of reciprocity with its associated general conceptions of justice and fairness—as particularly appropriate for thinking about global justice. Further, I presume that Rawls would have no quarrel with the general account of global distributive justice that I propose. This is because he himself envisions the move from a world of isolation to one of interaction in the examples he gives of forms of global cooperative practices that may be called for and his emphasis on the importance of background fairness on such occasions. At a deeper level, all of the principles of the law of peoples derive their objectivity and universal moral reach from satisfying the criterion of reciprocity.⁷⁶ I cannot see any reason within the Rawlsian framework for limiting the application of the principle of reciprocity to the political relations between peoples without giving any consideration to the economic interactions that characterize the global context. Consequently, I claim that incorporating the general conceptions of justice and fairness which are nothing more than detailed renditions of the principle of reciprocity into the law of peoples would be in line with the spirit of the Rawlsian project, and would provide a more accurate reflection of the perennial human condition of global interaction.

CONCLUSION

In addressing the problem of global inequality, it is useful to clearly distinguish between absolute poverty and *relative* poverty. Absolute poverty involves the unmet basic needs of persons whereas relative poverty refers to inequalities that remain in an ideal world even after poverty has been eliminated. Rawls articulates strong obligations for the eradication of absolute poverty on a global scale in terms of the twin duties of human rights and assistance, but remains indifferent to the problem of relative poverty in global settings in sharp contrast to his deep concern with it in the context of domestic societies. The reason for this differential treatment lies in the different normative ideals that inform the main features of fair cooperation in the two cases. The difference principle is articulated as an expression of the idea of free and equal citizenship at home. Given the lack of global citizenship, the difference principle cannot extend globally. Once it is recognized, however, that persons, corporate entities, and peoples will interact in the world in the context of global cooperative practices, the inequalities that emerge from the institutions regulating these practices have to be assessed in light of the general conceptions of fairness and justice.

In conclusion, these principles are very likely to be endorsed in a global reflective equilibrium, on the basis of how well they mesh with the substantive content of ideas embedded in an international society that seeks not only peace but also justice. The calls for a new international economic order (NIEO) that were prominent in the 1970s present a very good illustration. The most important demands of poorer countries in NIEO negotiations included requests for official development assistance targets at a minimum of 0.7% of GNP, debt relief, sovereign control of national natural resources, better regulation of the activities of multinational corporations, a commitment to using the world's commons in a way that can advance everyone's benefit (especially when poorer countries lack the technological abilities to make use of the commons), fair incorporation into international institutions, and fairer prices for commodity exports.⁷⁷ Notice how this combination of demands reflects a mix of the duty of assistance with some version of the general conception of fairness. It is striking that a global difference principle was never requested by the poor, but neither was the duty of assistance the end of the story as the emphasis on fairness in

interactions emanating from global cooperative practices highlights. From a moral point of view, the requested official development assistance targets are far too modest, especially in light of the firm obligation to work towards the eradication of poverty, but nevertheless represent the right spirit, especially since throwing funds may not necessarily be the best way of fighting poverty in practice.

From the point of view of the asymmetric obligations I have articulated, the 1970s had it exactly right about what global justice requires. It is striking how well these demands fit with the core elements of an expanded law of peoples. Let me add that the last two decades represent major regress from the standpoint of justice. The reason for this is the discursive changes witnessed in the 1980s and 1990s, with the focus shifting from international structures to the domestic sources of wealth and poverty almost exclusively. The new orthodoxy looks at bad governance as the major culprit at the total expense of international responsibility. This is unacceptable from a moral point of view. I do not want to suggest that bad governance does not have a role in causing absolute or relative poverty. After all, this is what Rawls's insistence on the all-importance of political culture underscores especially in relation to the attainment of well-ordered institutions.

What I emphasize is a different point, namely that international inequalities of wealth are also a global moral problem that establish global responsibilities for their reduction, along the lines suggested by the general principles of justice and fairness the Rawlsian framework makes available. This asymmetrical account of obligation, I argue, offers a firmer basis for an international society committed to fairness in the pursuit of prosperity than either Rawls's own minimalistic account that limits itself to basic assistance or the cosmopolitan maximalistic account that extends the domestic difference principle to the global arena.

ABBREVIATIONS IN NOTES

The works of John Rawls are cited by using the following abbreviations:

- PL: Rawls, John. 1996. *Political Liberalism*. New York: Columbia University Press.
TJ: Rawls, John. 1999a. *A Theory of Justice*. Cambridge: Harvard University Press.
CP: Rawls, John. 1999b. *Collected Papers*. Cambridge: Harvard University Press.
LP: Rawls, John. 1999c. *The Law of Peoples*. Cambridge: Harvard University Press.
JF: Rawls, John. 2001. *Justice As Fairness: A Restatement*. Cambridge: Harvard University Press.

NOTES

- [1] TJ 7.
[2] Kokaz 2007.
[3] LP 113.
[4] LP 114.
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*
[9] *Ibid.*
[10] LP 115.
[11] LP 119.
[12] The following is a sample of works that have specifically expressed concern with Rawls's rejection of a global difference principle: Ackerman 1994, Barry 1975, Beitz 1979, Beitz 1983, Beitz 1985, Beitz 1994, Beitz 1999, Beitz 2000, Beitz 2001, Brown 1992, Brown 2002a, Brown 2002b, Buchanan 2000, Caney 2001, Hinsch 2001, Hoffmann 1998, Moellendorf 2002, Pogge 1989, Pogge 2001, Pogge 2002, Rääkkä 1995, Scanlon 1975, Tan 2001.
[13] Beitz 1979, 151.
[14] This can be seen as an indirect response to Pogge's unjustified asymmetry charge. Pogge 2002, ch. 4.
[15] TJ 3.
[16] JF 42-43.
[17] JF 79-80, 42, 66, 134.
[18] JF 39
[19] JF 40.
[20] *Ibid.*
[21] LP 117.
[22] LP 106, 117.

- [23] The population policy Rawls has in mind here does not involve coercive measures for population ‘control’, but rather entails population ‘management’ through the ensured provision of equal justice for women.
- [24] Dworkin’s attempt to combine social compensation for undeserved endowments with responsibility for choices offers a leading example of the distinction. To balance these twin goals within a liberal framework that prioritizes equal citizenship rights, Dworkin invokes a hypothetical market involving an auction and an insurance scheme. The ambition-sensitive auction, where each individual starts with equal purchasing power, but walks out with a bundle of goods that is most suitable to her ambitions and tastes, is supplemented by an endowment-insensitive insurance scheme designed to compensate for inequalities in natural assets resulting from brute luck. Dworkin 1977, Dworkin 1981a, Dworkin 1981b. Sen’s differentiation between achievements and capabilities, and his insistence on securing equal capabilities (but not achieved functionings) for all persons participating in social arrangements in light of a liberal ideal of freedom, offers another good illustration. Sen 1992, ch. 2-3. Even though Rawls, Dworkin, and Sen disagree about the precise conceptualization of the relationship between choices and endowments, they all agree about the importance of free choice, as well as the relevance for social justice of the distinction. For a useful overview, see Kymlicka 1990, ch. 3.
- [25] TJ 87.
- [26] *Ibid.*
- [27] TJ 88.
- [28] TJ 275-276. Brackets original.
- [29] LP 117.
- [30] In practice, natural resources can be a blessing as well as a curse. See United Nations Millennium Project 2005.
- [31] Beitz 1979, 141.
- [32] *Ibid.*, 138, 140.
- [33] *Ibid.*, 140.
- [34] *Ibid.*, 139.
- [35] LP 8, 38-39. Ideal theory must allow for legitimate border changes, as I argue elsewhere.
- [36] My wording is directly adapted from Beitz’s discussion of talents, where he writes: “A person need not justify the possession of talents, despite the fact that one cannot be said to deserve them, because they are already one’s own; the *prima facie* right to use and control talents is fixed by natural fact.” Beitz 1979, 138.
- [37] It could be objected that there is no reason to consider a global difference principle, if the difference principle fails in the domestic case as some have suggested. I am persuaded by Rawls’s domestic defense of the difference principle, but this is not a line of argumentation I take up here. Instead, I focus on a different question. I assume that the difference principle is sound domestically and ask whether this in itself is an adequate reason to extend it globally.
- [38] TJ 87.

- [39] PL, 269.
- [40] *Ibid.*
- [41] PL 270-271.
- [42] PL 270.
- [43] PL 271.
- [44] LP 42-43, 70.
- [45] TJ 99.
- [46] Kokaz 2007.
- [47] TJ 98.
- [48] LP 37. See also Rawls's discussion of natural duties at TJ 94, 98.
- [49] LP 118.
- [50] LP 107.
- [51] *Ibid.*
- [52] Beitz 1979, 144, 151-153. Two additional points are worth noting. First, Beitz has revised his position in his later works, declaring that a system of cooperation is not a prerequisite for global justice. As Beitz puts it, the argument for global distributive justice "need not depend on any claim about the existence or intensity of international social cooperation. Of course, the construction would be pointless if there were no feasible scheme of institutions to which the principles of justice could apply. But a *feasibility* condition is different from an *existence* condition, which I had earlier thought was necessary." Beitz 1983, 595. Second, what Beitz calls the feasibility condition is a subject of intense disagreement. For Barry's rejection of the claim that international interaction constitutes a scheme of cooperation, see Barry 1982. For Beitz's response see Beitz 1999, 200-204.
- [53] Scanlon 1975, 202.
- [54] Keohane 1989.
- [55] LP 42.
- [56] LP 42-43.
- [57] LP 43 fn. 52.
- [58] Beitz 1979, 160.
- [59] *Ibid.*, 161.
- [60] TJ 96.
- [61] TJ 303-304.
- [62] CP 193-194.
- [63] CP 190.
- [64] CP 209. Emphasis mine.
- [65] *Ibid.*
- [66] CP 208.
- [67] CP 209.
- [68] CP 209-213.
- [69] CP 191.
- [70] *Ibid.*
- [71] *Ibid.*
- [72] CP 193.
- [73] Toye 2003.
- [74] CP 197.

[75] CP 197.

[76] LP, 7, 14, 35, 57, 121.

[77] Cohn 2000, Hart 1983, Krasner 1985, Williams 1994.

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