

Jocelyne Couture
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COSMOPOLITANISM AND GLOBAL JUSTICE

Sommaire

Nous vivons aujourd'hui dans un monde de plus en plus interconnecté, globalisé, un monde qui ne laisse à aucun de nous le loisir d'ignorer l'état de destitution dans lequel vivent plus des deux tiers des habitants de la planète, un monde qui remet quotidiennement sous nos yeux les monstrueuses disparités dans la répartition de la richesse et des ressources et qui nous rappelle, jour après jour, que la résolution de ces catastrophes globales ne peut être que globale.

Si nul n'est à l'abri de ces constats, l'inconfort moral qu'à juste titre ils provoquent dans les sociétés dites développées, ne doit pas se traduire en un sentiment d'impuissance. C'est du moins ce que pensent les philosophes, politologues, juristes, économistes, historiens et autres spécialistes des sciences sociales qui ont cherché depuis plusieurs années à retracer les conditions qui ont pu favoriser l'apparition des clivages qui marquent le monde actuel, qui ont tenté d'en démonter les rouages et les mécanismes pour enfin, proposer des correctifs susceptibles d'y mettre un terme ou, à tout le moins, de les atténuer.

La contribution des philosophes à ce vaste chantier est loin d'être négligeable. Nombreux sont ceux en effet qui, sous la rubrique « justice globale », ont entrepris de nommer et de débusquer la profonde injustice qui est à la source des inégalités que nous observons maintenant à l'échelle de la planète et de rendre explicites les principes qui actualisent les exigences de la justice telle qu'ils la conçoivent. Inspirées de différentes conceptions de la justice, privilégiant l'une ou l'autre des approches développées par les sciences sociales, alignées sur des objectifs pratiques plus ou moins audacieux, plusieurs théories de la justice globale se font ainsi concurrence dans le domaine de la philosophie morale et politique. Toutes à mon avis ne se valent pas, mais si tant il est vrai que la reconnaissance d'une erreur est le premier pas vers la connaissance, même celles qui souffrent de quelques lacunes devraient retenir notre attention.

Je voudrais parler ici d'une approche qui occupe une place importante parmi les conceptions contemporaines de la justice globale, à savoir l'approche cosmopolitique. C'est une approche qui s'inspire, comme son nom l'indique, de l'ancienne doctrine cosmopolitique habituellement attribuée aux stoïciens, et elle peut adéquatement être caractérisée, selon moi, comme une entreprise visant à traduire cette doctrine en termes d'obligations morales—la philosophie ancienne demeurant réfractaire, on le sait, à la notion d'obligation.

J'ai eu l'occasion de critiquer ce néo-cosmopolitisme sur un point bien précis, à savoir, la propension de ceux qui en sont les artisans, à concevoir la justice globale comme une simple extension à l'échelle de la planète, de la justice domestique, c'est-à-dire de la justice telle qu'elle pourrait s'appliquer au sein d'une société. De mon point de vue, c'est d'abord une erreur méthodologique mais c'est aussi une position inacceptable d'un point de vue normatif.

En effet, si on entend par justice au sein d'une société un ensemble bien défini de normes, de prescriptions et de principes destinés à réaliser une conception —fût-elle idéale de la justice— l'idée d'étendre à l'échelle globale un tel ensemble de normes, prescriptions et principes, côtoie dangereusement à mon avis la réalité d'un autoritarisme moral qu'on peut estimer être incompatible avec la justice. Et c'est un danger auxquels n'ont pas échappé ceux qui, dans le passé, se sont réclamés de la pensée et des idéaux cosmopolitiques, qu'il s'agisse des empereurs romains (e.g. : Marc-Aurèle) proclamant qu'au sein de l'Empire, la loi (la leur) devait être la même pour tous, ou qu'il s'agisse des philosophes qui, comme Kant, ont contemplé les vertus d'un gouvernement mondial ou qui, comme les Lumières, ont développé une conception de l'autorité morale qui permettra par la suite de vanter la mission civilisatrice des empires coloniaux. Dans tous ces cas, l'idéal universaliste du cosmopolitisme se fait complice de l'autoritarisme moral.

A partir de ce constat concernant des conceptions dont les limites ont souvent été exposées, voire dénoncées pour la caution qu'elles apportent à des entreprises injustifiables, il m'a semblé important de comprendre comment les théories contemporaines du cosmopolitisme en arrivent à reprendre à leur compte des normes de justice conçues pour s'appliquer au sein d'une société donnée. Quels arguments, quels présupposés, peut-être, à l'œuvre dans leurs conceptions de ce qu'est une obligation morale peuvent les amener à défendre une telle idée.

La réponse à ces questions réside, c'est l'hypothèse que j'aimerais explorer ici, dans la conjonction de trois thèses qui, non seulement font consensus parmi les théoriciens du néo-cosmopolitisme, mais qui sont considérées par eux comme étant les piliers d'une justice cosmopolitique. Si mon analyse est fondée, alors elle ajoute une strate à ma critique du néo-cosmopolitisme. Après avoir dans le passé critiquée cette approche d'un point de vue méthodologique et, puis, du point de vue normatif, il me semble aujourd'hui que son architecture argumentative est défailante et que les arguments sur lesquels elle s'appuie ne sont pas valides du point de vue de la logique.

I would like to address to you this afternoon a subject that I have been interested in for the last few years, namely, global justice. During these years—and no doubt partly due to the changes occurring in the world in which we live, a world that is becoming more and more interconnected, more and more globalized, creating many challenges, problems and also hopes—global justice has attracted the attention of an increasing number of philosophers, and has become itself a new continent of philosophy—a continent, I must say, that philosophers share with political scientists, jurists, economists, historians of ideas and other students of the social sciences. Retrospectively, and maybe unsurprisingly, I have now come to think that one considerable achievement of that multidisciplinary approach to global justice results in a far better understanding of how and to what extent justice could be realized **within** societies. Indeed, requirements of global justice may sometimes limit domestic justice, but they might also shape our conception of what justice could be within a pluralist society.

This afternoon, I want to talk about a province of that 'continent' that is, cosmopolitan justice. Of course, cosmopolitanism is not a recent invention. It is an ancient doctrine, attributed to the Stoics and which, typically for a piece of ancient Greek moral philosophy, does not contain a set of well-defined prescriptions. Probably for that reason, cosmopolitanism has often been seen as "a mere moral posture" or, by less sympathetic readers, as a "trivial" or even as a "simplistic"

doctrine.¹ What about the content of that doctrine? First, it says that all human beings have, at least a presumptive equal moral value. From that, it postulates the existence of a universal moral order including all human beings. And finally, it states that our fundamental and in some sense primitive moral allegiance is for the whole of humanity and not just for any particular group or community to which we are only contingently linked.

Intuitively speaking, all theories of global justice are, in spirit, cosmopolitan. That is, they are concerned with enlarging the moral horizon to a planetary scale, they admit that the scope of rights and duties is not delimited by borders and they aim at stating principles that could apply to the whole of humanity. But not all theories of global justice claim to be cosmopolitan. Those that do so standardly pursue the task of extracting from the cosmopolitan doctrine, the fundamentals for what could become a full-bodied theory of cosmopolitan justice. They set, that is, the basic and distinctive requirement that such a theory will impose on a conception of justice and expect to derive from that a set of well-defined substantive obligations that will form the core of a cosmopolitan justice, a distinctive direction within the domain of global justice.

To refer to that project I shall from now on talk of neo-cosmopolitanism. An expression that is not used, to my knowledge, in the literature, but that could be useful, here, to keep as sharp as possible the distinction between the old (stoic) doctrine of cosmopolitanism and contemporary cosmopolitanism.

In its actual form, neo-cosmopolitanism has been characterized by three theses—theses intended to translate in terms of moral obligations what is seen as being the distinctive features of the cosmopolitan doctrine. [I am following here the specifications made by a self-declared advocate of neo-cosmopolitanism, namely, Thomas Pogge².

The first thesis stipulates that obligations due to the whole humanity have priority over all other moral obligations, namely, obligations that stem from the relations between people in the context of limited social structures.

¹ Max Boehm (1932) was talking of cosmopolitanism as “a trivial doctrine” and still in Gérard Elfstrom (2001) described cosmopolitanism as “a simple if not simplistic doctrine”.

² Pogge, (1992).

The second thesis asserts that the primary object of cosmopolitan justice is the individual irrespectively of the group or the collectivity to which she belongs.

The third thesis states that cosmopolitanism is egalitarianism.

My concern here is not to assess whether or not these three theses faithfully translate the cosmopolitan doctrine, but to see rather if neo-cosmopolitanism, as characterized by these three theses, offers a point of view on global justice that is both coherent and normatively acceptable. My answer to this question is negative and to show why it is, I shall now examine each of these theses.

I- Obligations due to the whole of humanity have priority over all other moral obligations

The first thesis is intended to give substance to the idea that our fundamental (primitive) moral allegiance is for the whole of humanity and not for the narrower groups to which we contingently belong—groups such as nations, friends, colleagues, associations, family.³ From that conception of moral allegiance, it should follow, according to the neo-cosmopolitans, that our moral obligations toward the whole of humanity have priority over other moral obligations.

[One should first notice here how neo-cosmopolitan goes from a statement about moral allegiance and the sources of morality to a thesis about the object and the relative importance of moral obligations. A similar step toward a characterization of moral obligation is also to be observed in the two other theses and it is of course the way neo-cosmopolitanism intends to give a prescriptive content to the cosmopolitan doctrine.]

How are we going to understand the priority principle stated here? Does it mean that we are morally required to abandon our family and to look instead after the whole of humanity? Of course not. First, it is obvious that obligations that we hold to the whole of humanity we also hold to our compatriots, friends and family. Second, the priority principle does not have as a consequence to systematically minimize the moral importance of these latter obligations; it rather

³ Nussbaum (1996) finds support for that idea in the fact, according to her, that « [children interactions] are mediated by needs that are in some form common, and that form [sic] the basis for later recognition of the common ». p.142

states that in case of conflict between our obligations one should give priority to obligations that we hold to the whole of humanity. But how could there be a conflict between these obligations? The answer to that question depends entirely on what neo-cosmopolitans want to say about the content of our various obligations.

Some neo-cosmopolitans make a content-based distinction between cosmopolitan and associative obligations. Cosmopolitan obligations are obligations we hold to the whole of humanity including to our fellow citizens, friends and members of our family. Associative obligations, on the other hand, are obligations we hold only to our fellow citizens, friends or members of our family. Obligations of justice within a society, for instance, will be described as associative obligations. For the neo-cosmopolitans who make such a distinction, the priority principle means that cosmopolitan obligations take precedence over associative obligations when a conflict occurs between them.

For other—the vast majority of neo-cosmopolitans—there is no such distinction; whatever our moral obligations are, they should apply identically to everyone worldwide. That is to say, the content of moral obligations remains the same whoever they apply to. The conflictual situation that the priority principle is intended to resolve arises when it becomes impossible to **equally** fulfill the same obligation for the members of a particular group and for the rest of the humanity. When this happens, the priority principle asserts that one should compromise the benefit a particular group derive from that obligation and seek instead the aggregated advantage that all human beings could derive from it.

I shall illustrate this with an example.

Let's take as an example states' policies restricting immigration. From the point of view of global justice, there are good reasons to worry about this. Although it is not so easy to tell exactly why these policies are unjust and what countries should do in that matter. For a vast majority of neo-cosmopolitans—the answer is clear. Policies restricting immigration cannot be morally justified; they are unjust because they violate the priority principle. Such policies, whatever the way they are defended by governments, in fact allow their citizens to enjoy a quality of life that they deny to immigration seekers. According to these neo-cosmopolitans, if a government has the duty to secure well being to its citizens it also has the duty to look after the

well-being of everyone who wants to become a citizen in that country. If there is a conflict between these obligations, that is, if opening the borders to the would-be immigrants is likely to affect negatively the quality of life of the actual citizens, then the priority principle states that, even so, the borders should be opened. Between maximizing the well being of the better off—the citizens—and maximizing the well being of the worse-off—the would-be immigrants—we should do the latter. This illustrates the view according to which all-moral obligations—whatever their object happens to be, have the same content.

Kok-Chor Tan challenged this way of reasoning.⁴ He takes as an example the case of the Bhutan, a small country of southern Asia. In the 1980s, the Bhutan government decided to close its borders, arguing that 40% of its population was made up of illegal immigrants from Nepal, which is overpopulated and a poor country compared to Bhutan. Is this a violation of the priority principle? Tan first points out that some very particular issues were at stake in Bhutan. The authorities of the country argued that their national culture and social peace were threatened by the massive migration of people speaking a different language, and having different practices and ways of life. These worries, Tan maintains, were not unjustified. In Sikkim, another country in the same general area, the Nepalese immigrants had become the majority. In 1975, they overthrew the monarchy and voted for the annexation of Sikkim to India. Sikkim is now an Indian province and the majority language is Nepalese.

Tan is a neo-cosmopolitan and he certainly accepts the priority principle; he also recognizes that the Bhutan had moral obligations to the immigrant seekers—cosmopolitan obligations. But he also recognizes the existence of associative obligations, different in their content from cosmopolitan obligations, such as protecting a common culture and social cohesion. According to him, in the case of Bhutan there was no conflict between these two kinds of obligations and therefore, no use for the priority principle. According to Tan, the decision to close the borders would have been entirely justified, from a cosmopolitan point of view, if the Bhutan had also satisfied its cosmopolitan obligations—which it had the means to do, by taking concrete and effective measures to improve the situation of the Nepalese, in their own country.

Two remarks about Tan's reasoning.

⁴ Tan (2000), p. 151-153.

- 1) Tan's analysis of the case of Bhutan, suggests that real conflicts between fulfilling obligations owed to the compatriots and obligations to the rest of humanity—that is, cases where there is in practice no way to simultaneously satisfy both types of obligations-- are probably rare, and so are the occasions to appeal to the priority principle. This raises a doubt about whether that first thesis can succeed in making of neo-cosmopolitanism a specific moral point of view different, for instance, from the one that could stem from a contractualist or utilitarian conception of global justice.
- 2) The content-based distinction between cosmopolitan and associative obligations is not obviously compatible with the egalitarianism that neo-cosmopolitans claim to endorse. As soon as we endorse specific associative obligations we also endorse that people belonging to some particular group are deriving some special benefits from it; benefits that they have no moral obligation to provide or to claim for the rest of the world. This certainly departs from radical egalitarianism and even if it allows for a certain degree of equality, it could also tolerate inequality of treatment according to group membership.

This, I submit, is what most neo-cosmopolitans want to avoid, and one way to avoid it, is to claim that all our moral obligations have the same content. Being identical in their content, these obligations are assumed to guarantee equality of treatment for all human beings. I will come back later on that relation between identity and equality. What I want to underline now is that that first thesis of neo-cosmopolitanism without explicitly referring to equality, in effect structures, indirectly but resolutely, the particular requirement of equality that can be associated to neo-cosmopolitanism. The second thesis, as we shall see now, does it too.

II- The ultimate concern of cosmopolitan justice is the individual irrespective of the group to which he belongs.

This second thesis associated with neo-cosmopolitanism is often considered as its central and most important component. It intends to express in terms of obligations the cosmopolitan idea according to which the moral value of people is independent of the place in the world where they live or from where they are coming, of their social and economic condition and, more

generally, of their cultural, religious or national belonging. In the cosmopolitan doctrine, that idea is taken to assert the moral equality of persons. But the neo-cosmopolitan's translation of that idea brings in addition a commitment to moral individualism.

This second thesis has at least two formulations that are not equivalent, but are often seen as the two faces of the same coin. The first one is positive and asserts that the **primary** object of our moral concern should be individuals; the focus here, being put on the word "primary" which suggests that there might exist secondary objects. Brian Barry seems to adopt that position. He wrote:

Moral cosmopolitanism is, in essence, an individualistic doctrine in that it focuses on how individuals fare. This does not mean that it slights the importance of families, communities, and countries. But it treats their value as derivative: they are of value to exactly the extent that they contribute to the welfare of individuals (both those within the group and those outside it, weighting their interests equally) ⁵

The second formulation is negative and entirely denies the moral relevance of groups. Martha Nussbaum, for instance wrote:

"To count people as equal is to treat nationality, ethnicity, religion, class, race and gender as 'morally irrelevant' – as irrelevant to that equal standing".⁶

Let's examine more closely these two formulations.

At first sight, Barry seems to admit a distinction between associative and cosmopolitan obligations. Since groups could have a derivative value, we might think that that value is realized through the obligation that the members of groups owe to each other. Barry even seems to admit that we might have obligations towards groups that we don't belong to: other families, other communities, foreign countries or nations. Some of these obligations could very well be cosmopolitan obligations.

⁵ Barry (1998), p. 153

⁶ Nussbaum (1996), p. 97-98

But we should pay attention to the last sentence of the passage I just quoted: a group has a derivative value, says Barry, if it “contributes to the welfare of individuals (both those within the group and those outside it, weighing their interests equally)”. Those within plus those outside means **all** individuals in the world. If it is really what Barry wants to say, then all our obligations apply to everyone—and to everyone equally. There are no special obligations due to the members of a particular group—obligations that would make it possible for that group to deliver some particular good to its members. The group should deliver only what is good for everyone in the world. That, and not the good of our fellow members, is ultimately what justify our obligations toward them. *A fortiori*, there is no obligation owed to groups as such in virtue of the fact that they deliver some good to their members.

The only distinction Barry will admit between obligations is between instrumental versus non-instrumental obligations and that distinction is itself based on the distinction between derivative and intrinsic values. Which means that all our obligations whatever the object they happen to have, ultimately have the same content, that is, to **equally** fulfill the interests that are intrinsic values for the individual members of humanity.

I think it is possible to understand from that, why neo-cosmopolitans think that the positive and the negative version of that second thesis come to the same thing. Moral individualism, when coupled with egalitarianism, obliterates the distinctive moral relevance of human groups and societies. That is exactly what Barry is doing when he says first, that groups have only a derivative value and second, that groups can have such value only in so far as they contribute to the well being of all individuals in the world.

Saying the latter supposes of course that there exists a universal conception of individual well-being. That is, a conception that would be independent of the social factors that deeply shape the interests, the conceptions of the good and even the needs of individuals. Here, what one should fear is, first, essentialism—well-being defined in terms of some properties of “human nature” —and second, a non contextual characterization of the obligations of global justice—obligations that are supposed to fulfill equally the needs and interests of people who nonetheless differ in their cultures, traditions, and often in their conceptions of society and of human flourishing.

On the whole, that second thesis, it seems to me, cannot be supported by strong intuitions concerning the nature and the scope of moral obligations.

III—Cosmopolitanism as Egalitarianism

I mentioned before that the neo-cosmopolitan requirement of equality was structured—indirectly—by the interpretation that neo-cosmopolitans give to the first two theses. What is then, the notion of equality that emerge from the previous discussion?

I mentioned that the first thesis, when interpreted in the light of a distinction between cosmopolitan and associative obligations, was not obviously compatible with a radical egalitarianism. But, as I also remarked, this is not to say that it supports an anti-egalitarian conception. Apart from that interpretation of the first thesis we have seen that normative equality—the demand that people should be equally treated as distinct from the claim that people are morally equal—tends to be conflated with the idea that we have, toward everybody, the same obligations. That is what the first thesis does when it takes moral obligations, whatever their object, as having the same content, and it is what the second thesis does too; because it claims that all obligations should be understood as realizing a universal conception of well-being for all, it results that we have, toward everybody, the same obligations.

Are neo-cosmopolitans confusing equality with identity of treatment? It might be so. But they could also claim—with more or less success—that identity of treatment is a consequence of what I just called normative equality. In effect, one could recognize in the reasoning that lead to the idea that everybody has toward everybody else the same obligations, something like a preconception of equality—not a definite theory or conception of equality—but a preconception that shows in a comparative assessment of what is morally owed to persons, and that shapes the very notion of moral obligation. We saw that when the priority principle, applied to questions of immigration, is seen as a way of reducing the inequalities between the better off and the less well off of the world. That reasoning was based on the normative idea that people should be treated as equals and it ended up with the conclusion that in order to be treated as equals, people should be treated alike. Hence the idea that everybody has, toward everybody else, the same obligations. I am not saying that I want to defend this pattern of reasoning.

The interpretation of the second thesis, by Barry and Nussbaum, reveals a similar pattern. The diminishing moral relevance of groups obviously stems from the idea that people can be advantaged or disadvantaged by the very fact that they belong to a particular group. From the point of view of justice, this is arbitrary—unjustified. Starting from these comparative notions of being advantaged or disadvantaged, neo-cosmopolitans end up with the idea that in order to avoid either, all moral obligations have to benefit everybody in the same way.

Reasoning in that way, neo-cosmopolitans could think that their egalitarian stance is built in their very notion of what counts as a moral obligation, and that the idea that our obligations are the same for all adequately carry the requirement of equal treatment for all.

However, the comparative mode of reasoning—comparing the better off and the less well-off and trying to equalize their condition—can have perverse side effects on what the **substantive** obligations of global justice can be. Egalitarians usually don't suggest that realizing equality consists in depriving the better off to the point where they would be made equal in well being to the less well off. They don't want to level down; they want to level up. So the standard for substantive global obligations of justice should aim at achieving for all the level of well being reached by the better off. Neo-cosmopolitans are very well aware that in real life, the better off are made so by virtue of the kind society in which they live. So global justice, they think, will obtain if we can extend to all the rules and patterns of interaction that prevail in the society which produces the greatest well being for its members. There lies the substantive content of global obligations, they think. The problem with neo-cosmopolitans is that they seem to believe that the society that best delivers well-being to its members is the society they in which they live—or the one they imagine for themselves.

This is implicit when Thomas Pogge, for instance, says that it will be arbitrary to treat differently people that we otherwise consider to have an equal moral value.⁷ Pogge is not arguing here that we—North American and other citizens of the geo-political North—should adopt in relating to our fellow citizens, the moral code of the fundamentalist Taliban, although that will be a way to achieve treating in a similar fashion, people that we otherwise consider as equal. Pogge is instead arguing for the coherence of **our** moral beliefs; our moral beliefs as expressed in an

⁷ Pogge (2002)

ideal conception of justice for our society. And not to extend that conception to everybody in the world, he maintains, would be “arbitrary”.

A similar move is made very explicit when Charles Beitz or Brian Barry—both neo-cosmopolitans—claim that what we consider as being just and good for us, cosmopolitan justice requires that we provide to all.⁸

Well, in his time, Kant—an early neo-cosmopolitan—argued that since all human beings are moral equals, justice requires that we extend to the whole of humanity, nothing less than the European civilization. But at least Kant was worried that that idea would comfort imperialism and colonialism.

What the neo-cosmopolitan seem to miss here is the fact that what is, according to them, “just and good for us”, will be the result of our associative obligations as they are imbedded in the basic institutions of our society. Could it be the case that justice requires us to impose these very institutions on all societies in the world? Is that what Barry has in mind when he says that a particular group should contribute to the well being of everyone in the world? When neo-cosmopolitans say that particular groups have, by themselves, no moral relevance are they saying that we can just go on universalizing our own values and our own conceptions of the good and set moral obligations for any group whatsoever? And claim, then, that these obligations are therefore decontextualized? Is that the recipe to give priority to our global obligations and to arrive to equality?

I think that these ways of reasoning are not sound or even logically valid and that their conclusions are morally unacceptable.

I want in closing, to describe by contrast, another way of conceiving of global justice.

John Rawls, who devoted most of his intellectual life to the elaboration of a theory of domestic justice—that is, justice within a society—published in 1999 his first book on global justice.⁹ That contribution, and the precisions he later added to it, were widely criticized, namely

⁸ Beitz (1983), Barry (1998).

⁹ Rawls (1999)

by philosophers that were, until then, his most faithful followers. How was Rawls reproached? To say it briefly, he was criticized for not extending to the global scale his theory of domestic justice. He was reproached for weakening political liberalism—his theory of domestic justice—by including in the scope of global justice non-liberal societies, abandoning then, for global justice, the obligation for these societies to respect the full range of individual rights and liberties. He was reproached for not applying at the global scale, the difference principle, a principle which could have contributed to bring some measure of economic equality to global justice, but which also carried a conception of primary goods that is, of those goods that everyone in a liberal society consider, according to Rawls, to be essential for the maximal realization of their life plan. He was also reproached for reducing global justice to a conception of international relations—a conception, moreover, that was considered as outdated (“Westphalian”) and pointless. The reason for that last criticism was that Rawls has made the “mistake” of claiming that peoples—rather than individuals—are the primary objects of global justice. To sum up, Rawls was criticized for not being a neo-cosmopolitan.

A central requirement of global justice, according to Rawls, is what he calls the “duty of assistance”. Liberal societies, he says, have a duty to assist non-liberal, but still decent, peoples in the process of acquiring or consolidating institutions that are just according to their own parameters of justice.¹⁰ An idea of Rawls, that he also expressed for domestic justice, is that just institutions frame the relations between the citizens —one can say, in a terminology that is not used by Rawls, institutions frame the associative obligations within a society. And for Rawls the content of these obligations depends on the distinctive conception of justice that obtains in a given society.

I think the duty of assistance is an appropriate principle of global justice. It is a second-order principle, one which doesn't aim at spelling out what justice should be for other societies, but one which aims instead at creating the conditions in which peoples could themselves set the terms of justice as it is going to apply to them.

¹⁰ Rawls characterizes non-liberal and decent peoples as peoples who respect some, but not the full range of liberal rights and freedoms, that are not deliberative or representative democracies but consultative hierarchies, that don't wage wars of aggression, and are not expansionists.

It is also a good principle of global justice to the extent that it tells something about the relations that should exist between peoples in a just world. The key word here is ‘respect’: the respect—equal respect—due to peoples in their capacity of, and their right to, self-determination. The duty of assistance is an egalitarian principle, not in the sense where it commands, economic equality between peoples and certainly not in the sense it requires all to be governed by the same principles of justice, but in the sense it requires political equality for decent and liberal peoples: no such peoples are allowed to impose their views to other peoples, to dominate, to control, to regulate, to manipulate or in some way to threaten the sovereignty of other peoples. That is what political equality means.

Many of those who criticize Rawls’s conception of global justice think that in that domain, liberal and developed countries have more pressing duties, such as to reduce the huge economic inequalities between the developed and underdeveloped countries, to provide for schools and health care, and to equip these countries with technologies and knowledge that could put them on the path of industrialization, development and efficiency. I shall make two short remarks on that subject.

The first one is about what it means to help peoples to acquire or to consolidate just institutions. Those who criticize Rawls’ theory for not being generous enough on external aid, seldom reflect that the creation and the functioning (consolidation) of the basic institutions, as recommended by the duty of assistance, cannot be achieved in a society that lacks the resources for doing so. Economic resources, human resources: resources that will secure the social conditions of stability for the institutions, and that could involve a certain degree of equality among the population, including equal access to housing, schools, health care and so on. I take it that when Rawls is talking about helping peoples to acquire just institutions, he consistently means that we should help the peoples who lack some, or all of these resources, to acquire them. Assisting peoples in the creation and the securing of just institutions is not an abstract matter; it doesn’t amount to giving them just moral or diplomatic support, as some critics of Rawls seem to believe. It requires concrete, and sometimes much more considerable aid that what is demanded by some other theories of global justice.

The second thing I want to say is about development. For Rawls the degree of development and the form that it should take are matters that peoples should decide by

themselves and for themselves. In the concrete, this means that it is not the business of a theory of justice, or for that matter of a theory of development to propose models of economic or social development. The recent history of international aid is strewn with exported models and conceptions of development that fail to benefit local populations. What is taken to benefit them, often being, in fact if not in intention, the instrument of domination of poor countries by the self-called “developed countries”? Rawls is consistent on that point. The aim of global justice is to help peoples to acquire the tools that will allow them to escape domination whether it comes from outside or from inside or from both. And the role of global justice is not to realize economic equality between peoples but to realize their political equality. He is consistent and he is also, I think, right. When we think of the effects that a pattern of development could have on work organization, on social relations, on the status of people linked to their role in production, on the relations within families, I think we should agree with Rawls that these are matters to be decided by peoples and for them only.

The idea that “what we consider to be just and good for us, justice requires us to provide for everybody” is probably a well-intentioned and generous idea. Rawls reminds us that what is good for us is not necessarily considered by everybody as being good for them. But Rawls also reminds us that there is something that is good for all, including for us; that is, the capacity for peoples to decide for and by themselves. That is not a relativist stance; it is a historicist, contextualist stance which, I believe, should be welcomed when we are thinking of global justice and of justice between peoples.

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