



An Egalitarian Law of Peoples

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Expanding on a brief sketch of over twenty years ago, Rawls has recently offered a more detailed extension of his theory of justice to the international domain.¹ Like that first sketch, the “law of peoples” he now proposes has no egalitarian distributive component. In my own extension of Rawls’s framework, I had argued that a criterion of global justice must be sensitive to international social and economic inequalities.² Here I take another look at this issue in light of Rawls’s new and more elaborate deliberations about it.

There are three components of Rawls’s conception of domestic justice that, in his view (LP, p. 51), qualify it for the predicate “egalitarian”:

(1) His first principle of justice requires that institutions maintain the fair value of the political liberties, so that persons similarly motivated and endowed have, irrespective of their economic and social class, roughly equal chances to gain political office and to influence the political decisions that shape their lives (cf. *TJ*, p. 225).

(2) His second principle of justice requires that institutions maintain

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1. John Rawls, “The Law of Peoples,” in *On Human Rights*, ed. Stephen Shute and Susan Hurley (New York: Basic Books, 1993), pp. 41–82, 220–30. Page numbers preceded by “LP” refer to this lecture. The earlier sketch is on pp. 378f of *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971); henceforth *TJ*.

2. See Chapter 6 of *Realizing Rawls* (Ithaca: Cornell University Press 1989); henceforth *RR*.

fair equality of opportunity, so that equally talented and motivated persons have roughly equal chances to obtain a good education and professional position irrespective of their initial social class (cp. *TJ*, pp. 73, 301).

(3) His second principle also requires that, insofar as they generate social or economic inequalities, social institutions must be designed to the maximum benefit of those at the bottom of these inequalities (the difference principle—cf. *TJ*, pp. 76f).

Each of these egalitarian components furnishes separate grounds on which the current basic structure of the United States can be criticized for producing excessive inequalities.

Analogous points can be made about our current world order:

(1) It fails to give members of different peoples roughly equal chances to influence the transnational political decisions that shape their lives.

(2) It fails to give equally talented and motivated persons roughly equal chances to obtain a good education and professional position irrespective of the society into which they were born.

(3) It also generates international social and economic inequalities that are not to the maximum benefit of the world's worst-off persons.

These observations are certainly true. The question is: Do they show faults in the existing global order?

Rawls's law of peoples contains no egalitarian distributive principle of any sort; and he seems then to be committed to the view that none of the three analogous criticisms is valid, even though he explicitly attacks only the analogue to his third egalitarian concern: the proposal of a global difference principle. My own view still is that all three of the analogous egalitarian concerns are valid in a world characterized by the significant political and economic interdependencies that exist today and will in all likelihood persist into the indefinite future. Here I will, however, defend against Rawls a much weaker claim: A plausible conception of global justice must be sensitive to international social and economic inequalities.

My focus on this one disagreement should not obscure the fact that I agree with much in this Amnesty Lecture—both substantively and methodologically. Substantively, I agree with his view that a just world order can contain societies governed by a conception of justice that differs from his own political liberalism by being nonpolitical, nonliberal, or both (LP, pp. 42f, 46); and that a main demand to make upon how their institutions

work domestically is that they secure human rights (LP, pp. 61–63, 68–71). Methodologically, I agree that it is too early to tell how his idea of the original position—initially devised to deal with a closed, self-contained society (*TJ*, pp. 4, 8, 457)—should best be adapted to the complexities of our interdependent world (LP, pp. 50, 65f). Various possibilities should be worked out in some detail. One main strategy is Rawls’s: Apply the two principles to the basic structure of a national society, and then reconvene the parties for a second session to deal with the relations among such societies. Another main strategy is to start with a global original position that deals with the world at large, even asking, as Rawls puts it (somewhat incredulously?), “whether, and in what form, there should be states, or peoples, at all” (LP, p. 50). Variants of this second strategy have been entertained by David Richards, Thomas Scanlon, Brian Barry, Charles Beitz, and myself. I can leave aside this second strategy here, because international egalitarian concerns can easily be accommodated within the first strategy; as we shall see, Rawls simply decides against doing so.

My focus on one disagreement should also not obscure the fact that there are others. Two of these are relevant here. First, I do not believe that the notion of “a people” is clear enough and significant enough in the human world to play the conceptual role and to have the moral significance that Rawls assigns to it. In many parts of the globe, official borders do not correlate with the main characteristics that are normally held to identify a people or a nation—such as a common ethnicity, language, culture, history, tradition. Moreover, whether some group does or does not constitute a people would seem, in important ways, to be a matter of more-or-less rather than either-or. I have suggested that these complexities might be better accommodated by a multilayered institutional scheme in which the powers of sovereignty are vertically dispersed rather than heavily concentrated on the single level of states.³ But I will set aside this topic as well. Let us assume that there really is a clear-cut distinction between peoples and other kinds of groupings, that every person belongs to exactly one people, and that each national territory really does, nearly enough, contain all and only the members of a single people. In this highly idealized case, egalitarian concerns would seem to be least pressing. Hence, if I can make them plausible for this case, they should be plausible for more realistic scenarios as well.

3. “Cosmopolitanism and Sovereignty,” *Ethics* 103 (1992):48–75.

Second, I do not believe that Rawls has an adequate response to the historical arbitrariness of national borders—to the fact that most borders have come about through violence and coercion. He writes:

From the fact that boundaries are historically arbitrary it does not follow that their role in the law of peoples cannot be justified. To wit: that the boundaries between the several states of the United States are historically arbitrary does not argue to the elimination of our federal system, one way or the other. To fix on their arbitrariness is to fix on the wrong thing. The right question concerns the political values served by the several states in a federal system as compared with the values served by a central system. The answer is given by states' function and role: by the political values they serve as subunits, and whether their boundaries can be, or need to be, redrawn, and much else. (LP, p. 223 n16)

Let us suppose that the mere fact of historical arbitrariness is indeed no argument against the status quo, that a forwardlooking justification suffices. What such a justification should be able to justify is threefold: that there should be boundaries at all, that they should be where they are now, and that they should have the institutional significance they currently have. I am not interested in the first two issues: Let there be national borders and let them be just where they are today. The issue I am raising is the third: How can Rawls justify the enormous distributional significance national borders now have, and in a Rawlsian ideal world would continue to have, for determining the life prospects of persons born into different states? How can he justify that boundaries are, and would continue to be, associated with ownership of, full control over, and exclusive entitlement to all benefits from, land, natural resources, and capital stock? It is revealing that, in the midst of discussing national borders, Rawls switches to considering state borders within the U.S., which have virtually no distributional significance. It does not really matter whether one is born in Kansas or in Iowa, and so there is not much to justify, as it were. On the other hand, it matters a great deal whether one is born a Mexican or a U.S. citizen, and so we do need to justify to a Mexican why we should be entitled to life prospects that are so much superior to hers merely because we were born on the other side of some line—a difference that, on the face of it, is no less morally arbitrary than differences in sex, in skin color, or in the affluence of one's parents. Justifying this is more difficult when national borders are

historically arbitrary or, to put it more descriptively, when the present distribution of national territories is indelibly tainted with past unjust conquest, genocide, colonialism, and enslavement. But let me set aside this difficulty as well and focus on moral rather than historical arbitrariness. Let us assume that peoples have come to be matched up with territories in the morally most benign way one can conceive.

My defense, against Rawls, of an egalitarian law of peoples labors then under a self-imposed triple handicap: I accept Rawls's stipulation that global justice is addressed in a second session of the original position, featuring representatives of peoples who take the nation state system as a given; I accept Rawls's fantasy that the world's population neatly divides into peoples cleanly separated by national borders; and I waive any support my egalitarian view could draw from the role that massive past crimes have played in the emergence of current national borders. I make these concessions strictly for the sake of the argument of Sections I–V and otherwise stand by my earlier contrary positions.

I. A GLOBAL RESOURCES TAX

Some of the arguments Rawls advances against incorporating an egalitarian component into the law of peoples are pragmatic, mainly having to do with inadequate administrative capabilities and the dangers of a world government. To make it easier for you to assess these worries, I want to put before you a reasonably clear and specific institutional proposal and thereby give our central disagreement a concrete institutional form. I lack the space, however, to develop and defend a complete criterion of global justice and to show what specific institutional arrangements would be favored by this criterion. I will therefore employ a little shortcut. I will make an institutional proposal that virtually any plausible egalitarian conception of global justice would judge to be at least a step in the right direction. Rawls's law of peoples, by contrast, would not call for such a step. It would permit the step among consenting peoples, but would not view it as required or suggested by justice.

When sketching how a property-owning democracy might satisfy the difference principle, Rawls entertains a proportional income or consumption tax with a fixed exemption. The tax rate and exempt amount are to be set so as maximally to benefit the lowest economic position in the present

and future generations. Focusing on one such (as he says) instrument “frees us from having to consider the difference principle on every question of policy.”⁴

I have proposed a similar instrument to control international inequality: a global resources tax, or GRT.⁵ The basic idea is that, while each people owns and fully controls all resources within its national territory,⁶ it must pay a tax on any resources it chooses to extract. The Saudi people, for example, would not be required to extract crude oil or to allow others to do so. But if they chose to do so nonetheless, they would be required to pay a proportional tax on any crude extracted, whether it be for their own use or for sale abroad. This tax could be extended, along the same lines, to reusable resources: to land used in agriculture and ranching, for example, and, especially, to air and water used for the discharging of pollutants.

The burdens of the GRT would not be borne by the owners of resources alone. The tax would lead to higher prices for crude oil, minerals, and so forth. Therefore, some of the GRT on oil would ultimately fall upon the Japanese (who have no oil of their own, but import a good bit), even while the tax would be actually paid by the peoples who own oil reserves and choose to extract them. This point significantly mitigates the concern that the GRT proposal might be arbitrarily biased against some rich peoples, the resource-rich, and in favor of others. This concern is further mitigated by the GRT's pollution component.

The GRT is then a tax on consumption. But it taxes different kinds of consumption differentially. The cost of gasoline will contain a much higher portion of GRT than the cost of a ticket to an art museum. The tax falls on goods and services roughly in proportion to their resource content: in proportion to how much value each takes from our planet. The GRT can therefore be motivated not only forwardlookingly, in consequentialist and contractualist terms, but also backwardlookingly: as a proviso on unilateral appropriation, which requires compensation to those excluded thereby. Nations (or persons) may appropriate and use resources, but humankind at large still retains a kind of minority stake, which, somewhat like pre-

4. John Rawls, “Justice as Fairness: Revisited, Revised, Recast,” 1992, typescript, p. 136.

5. *RR*, pp. 256n18, 264f. See also “An Institutional Approach to Humanitarian Intervention,” *Public Affairs Quarterly* 6 (1992):89–103, p. 96.

6. This accommodates Rawls's remark that “unless a definite agent is given responsibility for maintaining an asset and bears the loss of not doing so, that asset tends to deteriorate” (*LP*, p. 57).

ferred stock, confers no control but a share of the material benefits. In this picture, my proposal can be presented as a global resources dividend, which operates as a modern Lockean proviso. It differs from Locke's own proviso by giving up the vague and unwieldy⁷ condition of "leaving enough and as good for others": One may use unlimited amounts, but one must share some of the economic benefit. It is nevertheless similar enough to the original so that even such notoriously antiegalitarian thinkers as Locke and Nozick might find it plausible.⁸

National governments would be responsible for paying the GRT, and, with each society free to raise the requisite funds in any way it likes, no new administrative capabilities would need to be developed. Since extraction and pollution activities are relatively easy to quantify, the assurance problem would be manageable and total collection costs could be negligible.

Proceeds from the GRT are to be used toward the emancipation of the present and future global poor: toward assuring that all have access to education, health care, means of production (land) and/or jobs to a sufficient extent to be able to meet their own basic needs with dignity and to represent their rights and interests effectively against the rest of humankind: compatriots and foreigners. In an ideal world of reasonably just and well-ordered societies, GRT payments could be made directly to the governments of the poorest societies, based on their per capita income (converted through purchasing power parities) and population size. These data are readily available and easy to monitor—reliable and comprehensive data are currently being collected by the United Nations, the World Bank, the IMF, and various other organizations.⁹

GRT payments would enable the governments of the poorer peoples to maintain lower tax rates, higher tax exemptions and/or higher domestic spending for education, health care, microloans, infrastructure, etc. than

7. Consider: Must we leave enough and as good for future generations? For how many? Are air and water pollution ruled out entirely because the air and water left behind is not as good?

8. Cf. John Locke, *Second Treatise*, §§27, 33; Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books 1974), pp. 175–77 and Chapter 4.

9. One may think that domestic income distribution should be taken into account as well. Even if two states have the same per capita income, the poor in the one may still be much worse off than the poor in the other. The problem with taking account of this fact is that it may provide a perverse incentive to governments to neglect their domestic poor in order to receive larger GRT payments. This incentive is bad, because governments might act on it, and also because governments might, wrongly, be thought to act or be accused of acting on it (appearance and assurance problems).

would otherwise be possible. Insofar as they would actually do this, the whole GRT scheme would require no central bureaucracy and certainly nothing like a world government, as governments would simply transfer the GRT amounts to one another through some facilitating organization, such as the World Bank, perhaps, or the UN. The differences to traditional development aid are: Payments would be a matter of entitlement rather than charity and—there being no matching of “donors” and recipients—would not be conditional upon rendering political or economic favors to a donor or upon adopting a donor’s favored political or economic institutions.¹⁰ Acceptance of GRT payments would of course be voluntary: A just society may certainly shun greater affluence if it, democratically, chooses to do so.

In a nonideal world like ours, corrupt governments in the poorer states pose a significant problem. Such governments may be inclined, for example, to use GRT funds to underwrite indispensable services while diverting any domestic tax revenue saved to the rulers’ personal use. A government that behaves in this way may be cut off from GRT funds.¹¹ In such cases it may still be possible to administer meaningful development programs through existing UN agencies (World Food Program, WHO, UNICEF, etc.) or through suitable nongovernmental organizations (Oxfam). If GRT funds cannot be used effectively to improve the position of the poor in a particular country, then there is no reason to spend them there. They should rather be spent where they can make more of a difference in reducing poverty and disadvantage.

There are then three possibilities with regard to any country that is poor enough in aggregate to be eligible for GRT funds: Its poorer citizens may benefit through their government, they may benefit from development programs run by some other agency, or they may not benefit at all. Mixtures are, of course, also possible. (A country might receive 60 percent of the GRT funds it is eligible for, one third of this through the government and two thirds of it through other channels.) How are these matters to be decided? And by whom? The decisions are to be made by the facilitating

10. For a detailed account of how the latter feature renders current aid highly inefficient, if not useless, see the cover story “Why Aid Is an Empty Promise,” *The Economist* 331/7862 (May 7, 1994), pp. 13–14, 21–24.

11. For a contrary conception, see Brian Barry, “Humanity and Justice in Global Perspective,” in NOMOS XXIV, *Ethics, Economics, and the Law*, ed. J. R. Pennock and J. W. Chapman (New York: New York Univ. Press, 1982), pp. 219–52. Barry holds that the governments of poor societies should receive funds regardless of their domestic policies.

organization, but pursuant to clear and straightforward general rules. These rules are to be designed, and possibly revised, by an international group of economists and international lawyers. Its task is to devise the rules so that the entire GRT scheme has the maximum possible positive impact on the world's poorest persons—the poorest quintile, say—in the long run. The qualification “in the long run” indicates that incentive effects must be taken into account. Governments and also the wealthier strata of a people stand to gain from GRT spending in various ways (“trickle-up”) and therefore have an incentive to ensure that GRT funds are not cut off. The rules should be designed to take advantage of this incentive. They must make it clear to members of the political and economic elite of GRT-eligible countries that, if they want their society to receive GRT funds, they must cooperate in making these funds effective toward enhancing the opportunities and the standard of living of the domestic poor.¹²

Specifying how GRT funds should best be raised poses some complex problems, among them the following four: First, setting tax rates too high may significantly dampen economic activity—in extreme cases so much that revenues overall would decline. It must be noted, however, that the funds raised through the GRT scheme do not disappear: They are spent by, and for the benefit of, the global poor and thereby generate effective market demand that spurs economic activity. Second, imposing any GRT on land use for cultivation of basic commodities (grains, beans, cotton, etc.) might increase their prices and thereby have a deleterious effect on the position of the globally worst-off. Hence it may make sense to confine any GRT on land to land used in other ways (e.g. to raise cattle or to grow tobacco, coffee, cocoa, or flowers). Third, the setting of tax rates should also take into account the interests of the future globally worst-off. The GRT should target the extraction of nonrenewable resources liable to run out within a few decades in preference to that of resources of which we have an abundant supply; it should target the discharging of pollutants that will persist for centuries in preference to the discharging of pollutants that decay more quickly. Finally, while designing the GRT is inevitably difficult and complicated, the tax itself should be easy to understand and to apply. It should, for example, be based on resources and pollutants whose extraction or dis-

12. In some GRT-eligible countries there may well be factions of the ruling elite for whom these incentives would be outweighed by their interest in keeping the poor uneducated, impotent, and dependent. Still, the incentives will shift the balance of forces in the direction of reform.

charge is reasonably easy to monitor or estimate, in order to ensure that every people is paying its fair share and also to assure every people that this is so.

The general point behind these brief remarks is that GRT liabilities should be targeted so as to optimize their collateral effects. What is perhaps surprising is that these effects may on the whole be positive, on account of the GRT's considerable benefits for environmental protection and conservation. These benefits are hard to secure in a less concerted way because of familiar collective-action problems ("tragedy of the commons").

What about the overall magnitude of the GRT? In light of today's vast global social and economic inequalities, one may think that a massive GRT scheme would be necessary to support global background justice. But I do not think this is so. Current inequalities are the cumulative result of decades and centuries in which the more-developed peoples used their advantages in capital and knowledge to expand these advantages ever further. They show the power of long-term compounding rather than overwhelmingly powerful centrifugal tendencies of our global market system. Even a rather small GRT may then be sufficient continuously to balance these ordinary centrifugal tendencies of market systems enough to prevent the development of excessive inequalities and to maintain in equilibrium a rough global distributional profile that preserves global background justice.

I cannot here work through all the complexities involved in determining the appropriate magnitude of the GRT scheme. To achieve some concreteness nevertheless, let us, somewhat arbitrarily, settle for a GRT of up to 1 percent of world product—less than 1 percent if a smaller amount would better advance the interests of the globally worst-off in the long run. Almost any egalitarian conception of global justice would probably recognize this proposal as an improvement over the status quo. A 1 percent GRT would currently raise revenues of roughly \$270 billion per annum. This amount is quite large relative to the total income of the world's poorest one billion persons and, if well targeted and effectively spent, would make a phenomenal difference to them even within a few years. On the other hand, the amount is rather small for the rest of us: not only less than the annual defense budget of the U.S. alone, but also a good bit less than the market price of the current annual crude oil production, which is in the neighborhood of \$400 billion (ca. 60 million barrels per day at about \$18 per barrel). Thus the entire revenue target could be raised by taxing a small number of

resource uses—ones whose discouragement seems especially desirable for the sake of future generations. A \$2-per-barrel GRT on crude oil extraction, for example, would raise about one sixth of the overall revenue target—while increasing the price of petroleum products by about 5¢ a gallon. It would have some substitution effects, welcome in terms of conservation and environmental protection; and, if it had any dampening effect on overall economic activity at all, this effect would be quite slight.

Having tried to show that introducing a 1 percent GRT would be an instantly feasible and morally attractive institutional reform of the existing global order,¹³ let me now focus on its plausibility as a piece of ideal theory. To do this, we append my GRT proposal to Rawls's law of peoples.¹⁴ The resulting alternative to Rawls is not my considered position on global justice. Its point is rather to allow us to focus sharply on the topic of international inequality. Egalitarian concerns will be vindicated, if it can be shown that the amended law of peoples is morally more plausible than Rawls's original—and especially so, if this can be shown on Rawlsian grounds.

II. RAWLS'S POSITION ON INTERNATIONAL DISTRIBUTIVE JUSTICE

In his initial sketch, Rawls's brief discussion of international justice was characterized by a tension between three views:

(1) He speaks of the second session of the original position as featuring *persons* from the various societies who make a rational choice of principles so as best to protect their interests while “they know nothing about the particular circumstances of their own society, its power and strength in

13. This is a bit of an exaggeration: I have not yet given you any reason not to dismiss my GRT proposal as unfeasible in the political sense. This I hope to do in the final section.

14. Rawls characterizes this law of peoples by the following list of principles (LP, p. 55): “(1) Peoples (as organized by their government) are free and independent and their freedom and independence is to be respected by other peoples. (2) Peoples are equal and parties to their own agreements. (3) Peoples have the right of self-defense but no right to war. (4) Peoples are to observe a duty of nonintervention. (5) Peoples are to observe treaties and undertakings. (6) Peoples are to observe certain specified restrictions on the conduct of war (assumed to be in self-defense). (7) Peoples are to honor human rights.” Though this list is not meant to be complete (*ibid.*), the complete list would not contain an egalitarian distributive principle (LP, pp. 75f). Throughout Rawls makes no attempt to show that representatives of peoples would, in his second session of the original position, adopt these principles. The presentation is far less rigorous than the one he had offered in support of his two principles of domestic justice. My response in this essay is then not so much a critique of Rawls as a detailed and, I hope, constructive invitation to defend his conclusions.

comparison with other nations, *nor do they know their place in their own society*" (*TJ*, p. 378, my emphasis). I called this reading R_1 (*RR*, pp. 242ff).

(2) On the same page, Rawls also speaks of this second session as featuring "representatives of *states* [who are] to make a rational choice to protect their interests" (*TJ*, p. 378, my emphasis). Here, "the national interest of a just state is defined by the principles of justice that have already been acknowledged. Therefore such a nation will aim above all to maintain and to preserve its just institutions and the conditions that make them possible" (*TJ*, p. 379). I called this reading R_2 (*RR*, pp. 243ff).

(3) Rawls also wanted to endorse the traditional (pre-World War II) principles of international law as outlined by James Brierly.

I have tried to show (*RR*, §21) that no two of these views are compatible.

Rawls has now fully resolved the tension by clearly and consistently endorsing the second view, R_2 —without, however, offering any reasons for favoring it over R_1 . He stipulates that the parties "are representatives of peoples" (*LP*, p. 48) and "subject to a veil of ignorance: They do not know, for example, the size of the territory, or the population, or the relative strength of the people whose fundamental interests they represent. Although they know that reasonably favorable conditions obtain that make democracy possible, they do not know the extent of their natural resources, or level of their economic development, or other such related information" (*LP*, p. 54).

And what are those fundamental interests of a people? As in his initial account of R_2 , Rawls takes each people to have only one such fundamental interest: that its domestic institutions satisfy its conception of justice (*LP*, pp. 54, 64). And while the parties to the first session of the original position do not know the particular conceptions of the good of the persons they represent, Rawls assumes, without justifying the disanalogy, that each party to the second session does know what conception of domestic justice "her" people subscribes to. It would seem that the various delegates would then favor different versions of the law of peoples, each one especially hospitable to a particular conception of domestic justice.¹⁵ Rawls claims, however, that within a certain range of conceptions of domestic justice the

15. I say that any global (session of the) original position features *delegates* rather than parties or representatives. This is my expression, not Rawls's. Its sole purpose is to make more perspicuous that the reference is to deliberators about global rather than domestic institutions.

interests of peoples regarding the law of peoples coincide: Delegates of peoples whose conception of domestic justice is either *liberal* or *hierarchical* would all favor exactly the same law of peoples (LP, p. 60). This is then the law of peoples that we, as members of a society with a liberal conception of justice, should endorse: It is hospitable to liberal regimes and to the more palatable nonliberal regimes as well. The regimes it does not accommodate are “outlaw regimes” of various sorts or else committed to an expansionist foreign policy (LP, pp. 72f). Rawls’s law of peoples cannot be justified to them as being (behind the veil of ignorance) in their interest as well. But this fact cannot count against it from our point of view—which, after all, is the one to which we seek to give systematic expression.

Given this structure of his account, Rawls decides to run the second session twice: Once to show that delegates of peoples with any liberal conception of domestic justice would favor his law of peoples and then to show that delegates of peoples with any hierarchical conception of domestic justice would do so as well.¹⁶ He does not actually perform either of these two runs in any detail, and I am quite unclear as to how the second is supposed to go.

In the next two sections, I shall focus exclusively on the liberal run, in which “the parties deliberate among available principles for the law of peoples by reference to the fundamental interests of democratic societies in accordance with, or as presupposed by, the liberal principles of domestic justice” (LP, p. 54). A *liberal* conception of justice is defined (LP, p. 51) as one that

- demands that certain rights, liberties, and opportunities be secure for all citizens
- gives this demand a high priority vis-à-vis other values and interests, and
- demands that all citizens should have adequate means to take advantage of their rights, freedoms, and opportunities.

Liberal conceptions of justice may differ from Rawls’s by being comprehensive rather than political, for example, or by lacking some or all of the three egalitarian components he incorporates.

16. See LP, pp. 52 and 60 for Rawls’s distinction of these two steps, as he calls them, of his account of international ideal theory.

Rawls makes each delegate assume that her people is interested exclusively in being constituted as a just liberal society and he asserts that delegates with this sole interest would adopt his law of peoples, which lacks any egalitarian component. I will now argue against his stipulation that the delegates have only this one interest (Section III) and then against his claim that delegates with this sole interest would adopt his law of peoples (Section IV). If only one of my two arguments succeeds, Rawls's account is in trouble.

III. AGAINST RAWLS'S STIPULATION

An obvious alternative to the stipulation is this: Each delegate assumes that her people has an ultimate interest not only in the justice of its domestic institutions, but also in the well-being of its members (beyond the minimum necessary for just domestic institutions). Each delegate assumes, that is, that her people would, other things equal, prefer to have a higher rather than a lower average standard of living.¹⁷

Delegates so described would favor the GRT amendment. This is clearly true if, like the parties to the domestic session, they deliberate according to the maximin rule. But it is also true if they focus on average expectations: The GRT amendment would benefit all peoples by reducing pollution and environmental degradation. It is unclear whether it would have a positive or negative effect on per capita income for the world at large. But it would keep national per capita incomes closer together and thereby, given the decreasing marginal significance of income for well-being, raise the average standard of living as anticipated in the original position. An increase in national per capita income at the bottom matters more than an equal decrease in national per capita income at the top—in terms of a people's ability to structure its social world and national territory in accordance with its collective values and preferences, for example, and also in terms of its members' quality of life.

We need not stipulate that a people's interest in well-being is strong relative to its interest in domestic justice. For suppose we have each delegate assume that her people's interest in well-being is very slight and subordinate to the interest in domestic justice. Then the delegate will care

17. Rawls makes the analogous stipulation for the domestic session of the original position, remarking that it cannot hurt a person to have greater means at her disposal: One can always give them away or forego their use (*TJ*, pp. 142f).

relatively little about what her people would gain through the amendment in case it would otherwise be poorer. But then she will also care little about what it would lose through the amendment in case it would otherwise be more affluent. She would care little both ways, and therefore would still have reason to adopt the amendment if, as I have argued, the gains outweigh the losses.

I conclude that, if a delegate assumes her people to have an interest in well-being, and be it ever so slight, then she will favor my amendment—regardless of whether she seeks to maximize her people’s average or worst-case expectations. Rawls must therefore posit the opposite: Each delegate assumes that her people has no interest at all in its standard of living (beyond its interest in the minimum necessary for just domestic institutions). This is, of course, precisely what his stipulation entails. But why should we find this stipulation plausible once we see what it excludes?

There are several reasons to find it *implausible*. There are, for one thing, variants of liberalism that—unlike Rawls’s own—are committed to continued economic growth and progress; and a people committed to one of them should be presumed to want to avoid economic stagnation and decline. There are also cosmopolitan variants of liberalism which extend the egalitarian concerns that Rawls confines to the domestic case to all human beings worldwide; and a people committed to one of them should be presumed to want to avoid relative deprivation for itself as well as for others.

The stipulation also has implausible side effects. In explicating the outcome of the liberal run of his second session, Rawls writes: “There should be certain provisions for mutual assistance between peoples in times of famine and drought and, were it feasible, as it should be, provisions for ensuring that in all reasonably developed liberal societies people’s basic needs are met” (LP, p. 56). Does he really mean what this sentence suggests: that provisions are called for to meet basic needs only in reasonably developed societies? His account may well leave him no other choice. In his second session, each delegate cares solely about her people’s achieving domestic justice. However, helping a people meet their basic needs may not enable them to achieve domestic justice, if their society is still quite undeveloped. Hence aid to members of such societies is not a requirement of global justice on Rawls’s stipulation. His law of peoples requires basic food aid, say, only to peoples who but for their poverty would be able to maintain just domestic institutions.

Now it would be outrageous to suggest that Rawls deems it a matter of

moral indifference whether members of undeveloped societies are starving or not. But, given his stipulation, he would have to say that such aid is an ethical duty, which we might discharge individually, or collectively through our government. International *justice* requires institutions designed to meet basic needs in societies where this contributes to domestic justice, but not in societies where it does not. Yet this looks counterintuitive: Why, after all, do liberals want the law of peoples to be supportive of the internal justice of all societies, if not for the sake of the persons living in them? And if our concern for the domestic justice of societies is ultimately a concern for their individual members, then why should we focus so narrowly on how well a law of peoples accommodates their interest in living under just domestic institutions and not also, more broadly, on how well it accommodates their underlying and indisputable interest in secure access to food, clothing, shelter, education, and health care, even where a reasonably developed liberal society is still out of the question?

The danger here is not merely moral implausibility, but also philosophical incoherence between Rawls's conceptions of domestic and of global justice. According to the latter, a just domestic regime is an end in itself. According to the former, however, it is not an end in itself, but rather something we ought to realize for the sake of individual human persons, who are the ultimate units of moral concern. Our natural duty to create and uphold just domestic institutions is a duty owed to them (*TJ*, p. 115). Their well-being is the *point* of social institutions and therefore, through the first session of the original position, gives content to Rawls's conception of domestic justice.

The incoherence might be displayed as follows. Suppose the parties to the first, domestic session knew that the persons they represent are the members of one society among a plurality of interdependent societies; and suppose they also knew that a delegate will represent this society in a subsequent international session, in which a law of peoples is to be adopted. How would they describe to this delegate the fundamental interests of their society? Of course they would want her to push for a law of peoples that is supportive of the kind of national institutions favored by the two principles of justice which, according to Rawls, they have adopted for the domestic case. But their concern for such domestic institutions is derivative on their concern for the higher-order interests of the individual human persons they themselves represent in the domestic original position. Therefore, they would want the delegate to push for the law of peoples

that best accommodates, on the whole, those higher-order interests of individuals.¹⁸ They would want her to consider not only how alternative proposals for a law of peoples would affect their clients' prospects to live under just domestic institutions, but also how these proposals would affect their clients' life prospects in other ways—for example through the affluence of their society. This point, by the way, strongly suggests that those committed to a Rawlsian (or, indeed, any other liberal) conception of domestic justice should want the delegates to any global original position to be conceived as representatives of persons rather than peoples.

I suspect that Rawls wants his second session of the original position to be informed by the interests of peoples, conceived as irreducible to the interests of persons, because the latter would inject an individualistic element that he deems unacceptable to hierarchical societies. The problem he sees is real enough, but his solution accommodates the hierarchicals at the expense of not being able to accommodate the liberals. I will return to this point in Section V.

IV. AGAINST RAWLS'S REASONING

The foregoing arguments notwithstanding, let us now allow the stipulation. Let us assume that each people really does have only the one interest in the justice of its own domestic institutions, and that its delegate to the second session of the original position is instructed accordingly. Would such delegates prefer Rawls's law of peoples over my more egalitarian alternative? The answer, clearly, is NO: They would at most be indifferent between the two proposals. I don't know why Rawls thinks otherwise. But he may have been misled by an unrecognized presumption that a *laissez-faire* global economic order is the natural or neutral benchmark which the delegates would endorse unless they have definite reasons to depart from it.

This presumption would explain his discussion of a global difference principle, which is peculiar in two respects. First, Rawls considers such a principle only in regard to one part of nonideal theory: coping with unfavorable conditions (LP, p. 75), although it has generally, if not always, been proposed as an analogue to the domestic difference principle, which is

18. For Rawls's account of the three higher-order interests of the persons whom the parties to the first, domestic session represent, see his *Political Liberalism* (New York: Columbia Univ. Press 1993), pp. 74f, 106.

used primarily to design the ideal basic structure.¹⁹ Second, the tenor of his remarks throughout is that a global difference principle is too strong for the international case, that it demands too much from hierarchical societies (e.g., LP, p. 75). This suggests a view of the difference principle as a principle of *redistribution*, which takes from some to give to others: The more it redistributes, the more demanding is the principle. But this view of the difference principle loses an insight that is crucial to understanding Rawls's own, domestic difference principle: There is no prior distribution, no natural baseline or neutral way of arranging the economy, relative to which the difference principle could be seen to make *redistributive* modifications. Rather, there are countless ways of designing economic institutions, none initially privileged, of which one and only one will be implemented. The difference principle selects the scheme that ought to be chosen. The selected economic ground rules, whatever their content, do not *redistribute*, but rather govern how economic benefits and burdens get distributed in the first place.

This point is crucial for Rawls's reply to Nozick's critique. Nozick wants to make it appear that *laissez-faire* institutions are natural and define the baseline distribution which Rawls then seeks to revise *ex post* through redistributive transfers. Nozick views the first option as natural and the second as making great demands upon the diligent and the gifted. He allows that, with unanimous consent, people can make the switch to the second scheme; but, if some object, we must stick to the first.²⁰ Rawls can respond that a libertarian basic structure and his own more egalitarian liberal-democratic alternative are options on the same footing: the second is, in a sense, demanding on the gifted, if they would do better under the first—but then the first is, in the same sense and symmetrically, demanding on the less gifted, who would do much better under the second scheme.

In his discussion of the global difference principle, Rawls's presentation of the issue is the analogue to Nozick's in the domestic case. It is somehow natural or neutral to arrange the world economy so that each society has absolute control over, and unlimited ownership of, all natural resources within its territory. Any departures from this baseline, such as my GRT proposal, are demanding and, it turns out, too demanding on some soci-

19. In the penultimate draft of "The Law of Peoples," Rawls did argue also against the global difference principle as a proposal for ideal theory, but he has deleted those arguments.

20. See *Anarchy, State, and Utopia*, pp. 167–74, 198–204, 280–92.

eties. I want to give the analogue to the Rawlsian domestic response: Yes, egalitarian institutions are demanding upon naturally and historically favored societies, as they would do better in a scheme with unlimited ownership rights. But then, symmetrically, a scheme with unlimited ownership rights is at least equally demanding upon naturally and historically disfavored societies, since they and their members would do much better under a more egalitarian global basic structure.

I have argued that Rawls has given no reason why the delegates—even if each of them cares solely about her people’s prospects to live under just domestic institutions—should prefer his inegalitarian law of peoples over more egalitarian alternatives. Might they have a reason for the opposite preference? I believe that they do. In a world with large international inequalities, the domestic institutions of the poorer societies are vulnerable to being corrupted by powerful political and economic interests abroad. This is something we see all around us: politicians and business people from the rich nations self-servingly manipulating and interfering with the internal political, judicial, and economic processes of third-world societies.

Rawls is presumably aware of this phenomenon, but he fails to see its roots in gross international inequality: In poorer societies, he writes, “the problem is commonly the nature of the public political culture and the religious and philosophical traditions that underlie its institutions. The great social evils in poorer societies are likely to be oppressive government and corrupt elites” (LP, p. 77). Now Rawls is surely right that many poor countries have corrupt institutions and ruling elites, which do not serve the interests of the people and contribute to their poverty. But the inverse is certainly true as well: Relative poverty breeds corruptibility and corruption. Powerful foreign governments support their favorite faction of the local elite and often manage to keep or install it in power—through financial and organizational help for winning elections, if possible, or through support for security forces, coups d’état, or “revolutions” otherwise. Third-world politicians are bribed or pressured by firms from the rich societies to cater to their sex tourism business, to accept their hazardous wastes and industrial facilities, and to buy useless products at government expense. Agribusinesses, promising foreign exchange earnings that can be used for luxury imports, manage to get land use converted from staple foods to export crops: Wealthy foreigners get coffee and flowers year-round, while many locals cannot afford the higher prices for basic foodstuffs. Examples could be multiplied; but I think it is indisputable that the oppression and

corruption in the poorer countries, which Rawls rightly deplores, is by no means entirely homegrown. So it is true, but not the whole truth, that governments and institutions of poor countries are often corrupt: They are actively being corrupted, continually and very significantly, by private and official agents from vastly more wealthy societies. It is entirely unrealistic to expect that such foreign-sponsored corruption can be eradicated without reducing the enormous differentials in per capita GNP.

So long as the delegates to Rawls's second session are merely presumed to know that large international inequalities *may* have a negative impact upon the domestic justice of the poorer societies, they have a tie-breaking reason to favor a more egalitarian law of peoples over Rawls's.²¹

V. ANOTHER WAY OF UNDERSTANDING RAWLS'S LIBERAL DELEGATES

If only one of my two arguments is sound, then delegates of liberal societies would prefer a more egalitarian law of peoples over Rawls's inegalitarian alternative. I suppose Rawls would regret this fact, if it destroys the desired coincidence between the law of peoples adopted by delegates of liberal societies (at step 1 of his second session) and the law of peoples adopted by delegates of hierarchical societies (at step 2). But this coincidence fails, in any case, on account of human rights.

Rawls claims that both sets of delegates would adopt precisely the same law of peoples (LP, p. 60), which includes a list of human rights (LP, pp. 62f, 68, 70) featuring minimum rights to life (means of subsistence and security), to liberty (freedom from slavery, serfdom, and forced occupations), to personal property, to "a measure" (LP, p. 63) of liberty of conscience and freedom of thought and "a certain" (LP, p. 68) freedom of association (compatible with an established religion), to emigration, and to the rule of law and formal equality as expressed by the rules of natural justice (for example that similar cases be treated similarly). He gives no reason, and I can see none, historical or philosophical, for believing that

21. While the delegates to an R_2 -type second session would view my modification as an improvement, they would presumably like even better the addition of a more statist egalitarian component, such as Brian Barry's proposal cited in note 11. This does not worry me, because it was only for the sake of the argument that I have here accepted Rawls's R_2 set-up, which treats peoples, not persons, as ultimate units of moral concern. I am confident that a more plausible construal of a global original position—G, for example, as defended in *RR* §§22–23—would support something very much like the GRT as an essential part of a fully just law of peoples.

hierarchical societies, as such, would incorporate these human rights into their favored law of peoples. Perhaps many such societies can honor these rights while retaining their hierarchical, nonliberal character, as Rawls suggests (LP, p. 70); but this hardly shows that they would choose to be bound by them. Human rights are not essential to hierarchical societies, as they are essential to liberal ones.

Not only is it highly doubtful that delegates of hierarchical societies would choose to commit themselves to so much; it is also quite unclear why delegates of liberal societies would not want to incorporate more than Rawls's list, which specifically excludes freedom of speech (LP, p. 62), democratic political rights (LP, pp. 62, 69f), and equal liberty of conscience and freedom of thought (LP, pp. 63, 65).

Rawls's quest for a "politically neutral" (LP, p. 69) law of peoples—one that liberals and hierarchical societies would independently favor on the basis of their respective values and interests—thus holds little promise: Those who are really committed to a liberal conception of justice will envision a law of peoples which demands that persons everywhere enjoy the protection of the full list of human rights as well as adequate opportunities and material means that are not radically unequal. The friends of hierarchical societies will prefer a world order that is much less protective of the basic interests of persons as individuals. The former will want the interests of persons to be represented in the second session of the original position. The latter will care only about the interests of peoples.

Occasionally, Rawls suggests a different picture, which jettisons the claim to political neutrality. On this picture, the law of peoples he proposes is not what liberals would ideally want, but rather is affected by the existence of hierarchical societies. The alleged coincidence of the results of the two runs of the second session is then not luck, but design. It comes about because good liberals seek to accommodate hierarchical societies by adjusting their ideal of global justice so as to "express liberalism's own principle of toleration for other reasonable ways of ordering society" (LP, p. 43).²² Just as Rawls himself may be expressing this desire by conceiving the second session of the original position in nonindividualistic terms, he may conceive of his liberal delegates as having a similar desire to adopt a law of peoples acceptable to hierarchical societies. This could explain their—

22. Another, related reason might be, as Rawls remarks in another context, that "all principles and standards proposed for the law of peoples must, to be feasible, prove acceptable to the considered and reflective public opinion of peoples and their governments" (LP, p. 50).

otherwise incredible—decisions against certain human rights (precisely those most offensive to the hierarchicals) and against any egalitarian principle.

This picture is not at all that of a negotiated compromise in which the liberal delegates agree to surrender their egalitarian concerns and some human rights in exchange for the hierarchical delegates accepting the remainder. Such a bargaining model is quite un-Rawlsian and also does not fit with his account, on which the two groups of delegates deliberate in mutual isolation. The toleration model is more noble than this: The liberal delegates, informed that their societies share a world with many hierarchical societies, seek to design a law of peoples that hierarchical societies, on the basis of their values and interests as such, can reasonably accept. Yet, for all its nobility, the toleration model has a drawback that the bargaining model avoids: It is rather one-sided. The hierarchicals, unencumbered by any principle of toleration, get their favorite law of peoples, while the liberals, “to express liberalism’s own principle of toleration,” surrender their egalitarian concerns and some important human rights.²³ This fits the witty definition of a liberal as someone who will not take her own side in any disagreement.

What goes wrong here is that Rawls, insofar as he is committed to this picture, does not clearly distinguish two views, and hence is prone to accept the second with the first:

(1) Liberalism involves a commitment to tolerance and diversity that extends beyond the family of liberal conceptions: A liberal world order will therefore leave room for certain kinds of nonliberal national regimes.

(2) Liberalism involves a commitment to tolerance and diversity that extends beyond the family of liberal conceptions: It would thus be illiberal to impose a liberal global order on a world that contains many peoples who do not share our liberal values.

By acknowledging (1), we are not compromising our liberal convictions. To the contrary: We would be compromising our liberal convictions if we did not envision a liberal world order in this way. A world order would not be genuinely liberal if it did not leave room for certain nonliberal national regimes. Those who acknowledge (2), by contrast, *are* compromising their

23. And probably some additional human rights as well, if I was right to argue that the hierarchical delegates would not adopt even the truncated list that Rawls incorporates into his law of peoples.

liberal convictions for the sake of accommodating those who do not share them. Liberals should then accept (1) and reject (2).

This reasoning is the analogue to what Rawls himself would say about the domestic case. Consider:

(1') A liberal society must leave room for certain nonliberal communities and lifestyles.

(2') It would be illiberal to impose liberal institutions on a society that contains many persons who do not share our liberal values.

Rawls would clearly accept (1') and reject (2'). He could give the following rationale for this: While our society can contain many different kinds of communities, associations, and conceptions of the good, some liberal in character and others not, it can be structured or organized in only one way. If my neighbor wants to be a Catholic and I an atheist, we can both have our way, can both lead the life each deems best. But if my neighbor wants the U.S. to be organized like the Catholic Church and I want it to be a liberal state, we can *not* both have our way. There is no room for accommodation here, and, if I really believe in egalitarian liberal principles, I should politically support them and the institutions they favor against their opponents. These institutions will not vary with the shifting political strength of groups advocating various religious, moral, or philosophical doctrines.²⁴

My rationale is the analogue to this: While the world can contain societies that are structured in a variety of ways, some liberal and some not, it cannot itself be structured in a variety of ways. If the Algerians want their society to be organized as a religious state consistent with a just global order and we want ours to be a liberal democracy, we can both have our way. But if the Algerians want the world to be organized according to the Koran, and we want it to accord with liberal principles, then we can *not* both have our way. There is no room for accommodation here, and, if we really believe in egalitarian liberal principles—in every person's equal claim to freedom and dignity—then we should politically support these principles, and the global institutions they favor, against their opponents. These institutions

24. In supporting his view that our conception of justice should not, in the manner of (2'), be sensitive to what competing views happen to be prevalent among our compatriots, Rawls also stresses that such sensitivity would render this conception "political in the wrong way," thus leading to some of the problems associated with institutions that reflect a *modus vivendi*. (See *Political Liberalism*, Lecture IV, esp. pp. 141–48.) This concern, too, has an analogue on the global plane (see *RR*, Chapter 5).

will not vary with the shifting political strength of states committed to various conceptions of domestic justice.

I conclude that Rawls has failed to show that the law of peoples liberals would favor and the law of peoples favored by hierarchicals either coincide by sheer luck or can be made to coincide by morally plausible design. We should then work toward a global order that—though tolerant of certain nonliberal regimes, just as a liberal society is tolerant of certain nonliberal sects and movements—is itself decidedly liberal in character, for example by conceiving of individual persons and of them alone as ultimate units of equal moral concern. This quest will put us at odds with many hierarchical societies whose ideal of a fully just world order will be different from ours.

It may seem then that my more assertive liberalism will lead to greater international conflict. And this may well be so in the area of human rights. But it may not be so in the area here at issue: international inequality. Rawls rejects all egalitarian distributive principles of international justice on the ground (among others) that they are inseparable from liberal values and therefore unacceptable to hierarchical societies (LP, p. 75).²⁵ But in the real world, the chief opponents of proposals along the lines of my GRT are the affluent liberal societies. We are, after all, also the wealthy ones and account for a vastly disproportionate share of global resource depletion and pollution. If we submitted the GRT proposal to the rest of the world, I believe it would be accepted by most societies with some enthusiasm.²⁶

Given that institutional progress is politically possible, it would be perverse to oppose it by saying to the rest of the world: “We care deeply about equality, and we would very much like it to be the case that you are not so much worse off than we are. But, unfortunately, we do not believe that you ultimately care about equality the way we do. Therefore we feel entitled to refuse any global institutional reforms that would lead to greater international equality.” One reason this would be perverse is that those touting hierarchical values and those suffering most from global inequality are rarely the same. Those whose lot a GRT would do most to improve—poor women and rural laborers in the third world, for example—rarely give the

25. I believe, to the contrary, that rather a lot could be said to support the GRT scheme in terms of nonliberal values prevalent in many hierarchical societies today, though I cannot undertake this task here.

26. Witness the debates during the 1970s, in UNCTAD and the General Assembly of the United Nations, about a new international economic order.

hierarchical values of their rulers and oppressors their considered and reflective endorsement.²⁷

VI. THE PROBLEM OF STABILITY

Delegates of liberal societies might *prefer* an egalitarian law of peoples and yet *adopt* Rawls's inegalitarian alternative.²⁸ For they might believe that a scheme like the GRT would simply not work: The moral motives ("sense of justice") that a just world order would engender in peoples and their governments would not be strong enough to ensure compliance. There would always be some wealthy peoples refusing to pay their fair share, and this in turn would undermine others' willingness to participate. In short: The GRT scheme is practicable only if backed by sanctions.²⁹ And sanctions presuppose a world government, which the delegates have abundant reasons to reject.

In response, I accept the claim that the GRT scheme would have to be backed by sanctions. But sanctions do not require a world government. They could work as follows: Once the agency facilitating the flow of GRT payments reports that a country has not met its obligations under the scheme, all other countries are required to impose duties on imports from, and perhaps also similar levies on exports to, this country to raise funds equivalent to its GRT obligations plus the cost of these enforcement measures. Such decentralized sanctions stand a very good chance of discouraging *small-scale* defections. Our world is now, and is likely to remain, highly interdependent economically; most countries export and import between 10 percent and 50 percent of their gross domestic product. None of them would benefit from shutting down foreign trade for the sake of avoiding a GRT obligation of around 1 percent of GDP. And each would have reasons to meet its GRT obligation voluntarily: to retain full control

27. Should I apologize for my liberal bias here, for being concerned with endorsement by individual persons rather than by whole peoples (as expressed, presumably, by their governments and "elites")?

28. The problem I try to deal with in this final section is not one raised by Rawls, who holds that the delegates would even *prefer* his law of peoples. So nothing I say in response to the problem is meant to be critical of him.

29. One might justify including this claim among the general knowledge available to the delegates by pointing to how lax many states have been about paying their much smaller membership dues to the UN.

over how the funds are raised, to avoid paying for enforcement measures in addition, and to avoid the negative publicity associated with noncompliance.

This leaves the problem of *large-scale* defections, and the related problem of getting most of the more affluent societies to agree to something like the GRT scheme in the first place. This scheme could not work in our world without the willing cooperation of most of the wealthier countries. You may be tempted to look at the world as it is and conclude that the hope for such willing cooperation is not realistic. So you would have the delegates to any global original position choose Rawls's law of peoples after all. And you might then give the following speech to the global poor: "We care deeply about equality, and we would very much like it to be the case that you are not so much worse off than we are. But, unfortunately, it is not realistic to expect that we would actually comply with more egalitarian global institutions. Since no one would benefit from a futile attempt to maintain impracticable institutions, we should all just rest content with the global inequalities of the status quo."

This little speech is not quite as nefarious as I have made it sound, because the "we" in the first sentence denotes a significantly smaller group than the "we" in the second, which refers to the entire population of the first world. Still, if it is true that reflection on our (wide sense) liberal values would support a preference for more egalitarian global economic institutions, then we (narrow sense) should at least try to stimulate such reflection in our compatriots before declaring such institutions to be impracticable. We should seek to make it become widely recognized among citizens of the developed West that such institutions are required by justice. I have already suggested one reason for believing that this may be a feasible undertaking—a scheme like the GRT can be justified by appeal to different (and perhaps incompatible) values prominent in Western moral thought:

(a) It can be supported by libertarian arguments as a global resources dividend that satisfies a modern Lockean proviso on unilateral appropriation (cf. pp. 200f, above).³⁰

30. Cp. the far more radical idea that on a Lockean account "each individual has a right to an equal share of the basic nonhuman means of production" (i.e., means of production other than labor which are not themselves produced: resources in the sense of my GRT), as presented in Hillel Steiner, "The Natural Right to the Means of Production," *Philosophical Quarterly* 27 (1977):41–49, p. 49; and further developed in G. A. Cohen, "Self-Ownership, World Ownership, and Equality: Part II," *Social Philosophy and Policy* 3 (1986):77–96, pp. 87–95.

(b) It can be supported as a general way of mitigating the effects of grievous historical wrongs (see pp. 198f, above) that cannot be mitigated in any more specific fashion.³¹

(c) It is also supported by forwardlooking considerations as exemplified in the hypothetical-contract (Rawls) and consequentialist traditions.

These rationales are not unassailable. For one thing, they all hinge upon empirical facts of interdependence:

(a) Peoples must share the same planet with its limited resources.

(b) The common history that has produced peoples and national territories as they now exist and will continue to exist in the foreseeable future is replete with massive wrongs and injustices.

(c) Existing peoples interact within a single global framework of political and economic institutions which tends to produce and reproduce rather stable patterns of inequalities and deprivations.

To undermine those rationales and the moral conclusion they support, first-worlders often downplay these interdependencies and think of real societies as “self-sufficient” (*TJ*, p. 4), “closed,” “isolated” (*TJ*, p. 8), and “self-contained” (*TJ*, p. 457).³² Like the closely related notion that the causes of third-world poverty are indigenous (cf. pp. 213f above), this fiction is a severe distortion of the truth—most clearly in the especially relevant case of today’s most unfortunate societies, which are still reeling from the effects of slavery and colonial oppression and exploitation and are also highly vulnerable to global market forces and destabilization from abroad.

The three rationales are also frequently confronted with notions of national partiality: It is perfectly permissible for us and our government, in a spirit of patriotic fellow-feeling, to concentrate on promoting the interests of our own society and compatriots, even if foreigners are much worse off. I need not deny this claim, only to qualify it: Partiality is legitimate only in the context of a *fair* competition. This idea is familiar and widely accepted in the domestic case: It is perfectly all right for persons to concentrate on promoting the interests of themselves and their relatives, provided they do

31. Nozick entertains this backwardlooking rationale for the difference principle: If we cannot disentangle and surgically neutralize the effects of past wrongs, then implementing Rawls’s difference principle may be the best way of satisfying Nozick’s principle of rectification at least approximately. See *Anarchy, State, and Utopia*, p. 231.

32. Rawls describes societies in this way only for purposes of a “first approximation.” See *Political Liberalism*, p. 272.

so on a “level playing field” whose substantive fairness is continually preserved. Partiality toward one’s family is decidedly not acceptable when we, *qua* citizens, face political decisions in which that level playing field itself is at stake. It would be morally wrong, for example, even (or perhaps especially) if one’s children are white boys, to use one’s political influence to oppose equal access to higher education for women or blacks. Most citizens in the developed West understand and accept this point without question. It should not be all that hard to make them understand that for closely analogous reasons national partiality is morally acceptable only on condition that the fairness of international competition is continually preserved, and that it is morally wrong in just the same way for the rich Western states to use their vastly superior bargaining power to impose upon the poor societies a global economic order that tends to perpetuate and perhaps aggravate their inferiority.³³

If the three rationales can be properly developed and defended against these and other challenges, a moral commitment to something like the GRT scheme may gradually emerge and become widespread in the developed West. Even if this were to occur, however, there would still be the further question whether our governments could be moved to introduce and comply with such institutions. I think that an affirmative answer to this question can be supported by some historical evidence. Perhaps the most dramatic such evidence is provided by the suppression of the slave trade in the nineteenth century. Great Britain was in the forefront of these efforts, actively enforcing a ban on the entire maritime slave trade irrespective of a vessel’s ownership, registration, port of origin, or destination. Britain bore the entire cost of its enforcement efforts and could not hope to gain significant benefits from it—in fact, Britain bore additional opportunity costs in the form of lost trade, especially with Latin America. States do sometimes act for moral reasons.³⁴

It should also be said that institutional reforms establishing a GRT need not go against the national interest of the developed states. I have already

33. For a different argument, to the effect that unqualified partiality constitutes a loophole, see my “Loopholes in Moralities,” *Journal of Philosophy* 89 (1992):79–98, pp. 84–98.

34. I owe this example to W. Ben Hunt. Obviously, much more could and should be said about the various similarities and dissimilarities between this nineteenth-century case and our current global situation. I mention the case here mainly as a preliminary, but I think powerful, empirical obstacle to the claim that governments never act contrary to what they take to be in their own, or their society’s, best interest. There are, I believe, many other less dramatic, but also more recent, counterexamples to this claim.

said that the GRT would slow pollution and resource depletion and thereby benefit all peoples in the long run. Let me now add that the fiction of mutual independence, and the cult of state sovereignty associated with it, have become highly dangerous in the modern world. Technological progress offers rapidly expanding possibilities of major devastations, of which those associated with nuclear, chemical, or biological weapons and accidents are only the most dramatic and the most obvious. If responsibility for guarding against such possibilities remains territorially divided over some two hundred national governments, the chances of avoiding them in the long run are slim. No state or group of states can protect itself against all externally induced gradual or catastrophic deteriorations of its environment. The present geopolitical constellation offers a unique opportunity for bringing the more dangerous technologies under central international control. If the most powerful states were to try to mandate such control unilaterally, they would likely encounter determined resistance and would have to resort to force. It would seem more promising to pursue the same goal in a multilateral fashion, by relaxing the idea of state sovereignty in a more balanced way: We, the first world, give up the notion that all our great affluence is ours alone, fit to be brought to bear in our bargaining with the rest of the world so as to entrench and expand our advantage. They, the rest, give up the notion that each society has a sovereign right to develop and control by itself all the technological capacities we already possess.

This scenario shows another reason for believing that it may be possible for a commitment to the GRT scheme to become and remain widespread among our compatriots in the first world: We, too, like the global poor, have a strong interest in a gradual erosion of the doctrine of absolute state sovereignty through a strengthening concern for the welfare of humankind at large,³⁵ though our interest is a more long-term one than theirs. It may seem that a commitment motivated along these lines would be excessively prudential. But then our concern to protect our environment is not merely prudential, but also moral: We do care about the victims of Bhopal and Chernobyl, as well as about future generations. And once the new institutions begin to take hold and to draw the members of different societies closer together, the commitment would in any case tend gradually to assume a more moral character.

35. Note the success of recent programs under which third-world governments are forgiven some of their foreign debts in exchange for their undertaking certain environmental initiatives in their territory.

I conclude that there is no convincing reason to believe that a widespread moral commitment on the part of the more affluent peoples and governments to a scheme like the GRT could not be sustained in the world as we know it. Delegates of liberal societies as Rawls conceives them would therefore not merely *prefer*, but would *choose*, my more egalitarian law of peoples over his inegalitarian alternative. In doing so, they would also envision a more democratic world order, a greater role for central organizations, and, in this sense, more world government than we have at present—though nothing like *a* world government on the model of current national governments.

“The politician,” Rawls writes, “looks to the next election, the statesman to the next generation, and philosophy to the indefinite future.”³⁶ Our task as philosophers requires that we try to imagine new, better political structures and different, better moral sentiments. Yes, we must be realistic, but not to the point of presenting to the parties in the original position the essentials of the status quo as unalterable facts.

36. “The Idea of an Overlapping Consensus,” *Oxford Journal of Legal Studies* 7 (1987): 1–25, p. 24.