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EXTRA-NATIONAL OBLIGATIONS
A SURVEY OF MORAL PHILOSOPHY*

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THE PROBLEM

1. The World Bank reports that 1.2 billion humans live on less than one dollar a day. The average income of a person in one of the world's richest twenty countries is 37 times that of person living in one of the poorest. So while much of humanity suffers with the myriad effects of conditions ranging from starvation and disease to illiteracy, a privileged group of persons in certain communities on the globe have, collectively, vastly more than they need to maintain an adequate 'standard of living'.
2. We probably react to these figures with disgust. Whether we are bothered more by the fact of so much suffering or the glaring inequalities which seem to sustain it, it is safe to say that many of us in the privileged communities of the world view this situation as a grave problem. We might even be able to say that most of us would like to do something about global poverty – or have something done.
3. But we would probably not be able to suggest with any certainty the precise nature of any obligations we have, either as moral individuals or as citizens of wealthy states, to correct the situation.
4. The simple reason for this is that our most basic human intuitions – e.g. that suffering is bad – do not usually provide us with solidly reasoned moral theories to back them up and specify our responsibilities. It is only by thinking systematically about such intuitions that we can develop a coherent theory of, to borrow Thomas Scanlon's phrase, *what we owe to each other*. Such a theory, if it were to be of any value for the policy-makers and citizens who are in a position to do something about global poverty, must answer a series of very difficult questions and at times provide hardly intuitive answers.

5. A more complex reason is that the problem of global poverty cannot be resolved by indifference. Even if we were to adopt the philosophical stance that rich countries would do less future harm to poor ones if they severed all ties and allowed the latter group to sort out their problems on their own, a strong case could be made that (i) such a severance is highly improbable given current global trends toward increasing economic and cultural ties, and (ii) that sudden isolation would only increase the desperation of poor people and societies that lack the resources to combat endemic poverty on their own. But regardless of the politics between rich and poor states, the moral challenge of global poverty remains.
6. So our intuitions would seem to suggest the need for a theory of obligations and the economic reality of the current world order will surely not see to it that poverty goes away on its own. Although organisations like the United Nations, the International Monetary Fund, the World Bank, Oxfam, Amnesty International, and the International Red Cross – to name only a few – engage with this issue daily on behalf of people in all the wealthy nations in the world, our specific obligations do not seem to be the clearer for it. Is aid to the starving charity, a voluntary gift? Or is it an obligation, generated by the human rights of the recipient? Are there limits to what we *ought* to give, beyond which we are no longer held morally responsible? Or are individual persons not morally responsible at all, states being the appropriate moral actors for international questions? If so, to what extent may one state interfere in the affairs of another state for the sake of fulfilling humanitarian obligations or human rights?
7. These represent only a few of the difficult questions that confront any person seeking to sort out what we and, by extension, our states, owe to the world's poor. Some may ask why we should even bother pursuing a theory of global justice, given what may seem to be the intractability of the problem and the dim prospects of reaching anything resembling global moral consensus. I would put the question differently: if we cannot develop a theory of global justice which addresses the notion of global redistribution among people or states, are we prepared to abandon any notion of moral responsibility to persons living outside our state or community – even when we represent their only alternative to starvation or illness?
8. Because of the sheer number of potential donors and potential recipients involved in calculations of global distributive plans, individual efforts such as those pursued through charities and international organisations seem to be able to have only a limited effect. The problem in the international sphere is that proposals for redistribution as a component of international theory are quite new. The kind of co-ordinated efforts towards the elimination of poverty and its associated ills that we see on the domestic level in wealthy countries simply cannot be attempted globally without first establishing a sound theoretical basis for such a move.
9. To mention only one of the most obvious obstacles such a theory would have to overcome, there is the problem of states' sovereignty. Inherent in the notion of universal human rights or universal moral duties is a clear challenge to the sovereignty of every state to conform to principles representing a *higher* normative power than its own. Although the United Nations' *Universal Declaration of Human Rights* and many subsequent international human rights declarations have affirmed the existence of such norms in the area of economic and social rights, they fail to bind states to act. Short of coercion, a strong theory of global distributive justice would seem to be the only promising tool for bringing states – and, perhaps, individuals – to honour the obligations they have under these norms.

THE COSMOPOLITAN MOVEMENT

10. In the past thirty years, moral and political philosophers have devoted themselves in increasing numbers to the challenge of systematising answers to the above questions and to the dilemma of

state sovereignty. In fact, it is this problem of systematising or rendering our various obligations logically coherent that has provoked the greatest debates.

11. The notion of distributive justice, put simply, is the systematic attempt to answer (in more or less economic terms) Scanlon's question of what we owe to each other. While general philosophical (if not political) consensus has been achieved on what some of the basic components of this theory are on the domestic level, arguments for the international sphere are new and still developing with remarkable rapidity and variety. To give a simple example to illustrate the general idea, the system of a graduated income tax, in some form or another, has been universally accepted by modern, Western democracies. Richer citizens of the United States or France pay more in income tax than poorer ones. The larger contribution of the rich is then redistributed in society for various purposes. Despite the existence of rich and poor persons in the international sphere, and the acceptance of redistribution by many nations on the domestic level, and the widely held convictions that some global redistribution would help to combat poverty and suffering, we have no global income tax (although the proposal for one will be discussed below). A coherent theory of global distributive justice will ask this question and venture an answer.
12. As the debate over international distributive justice has evolved in the past three decades, two principal moral perspectives dominate. One perspective, known as 'Particularism' or 'Communitarianism', sees inherent and independent value in human communities – which can be defined at various levels, e.g. family, church, city, nation, or state. By stipulating that the community has independent value, Particularists stress that the community is to be valued *in itself*, and not merely as a means to some end. According to this theory, each person's primary responsibility is to fellow members of his or her community. The implications for global distributive justice are serious: since our primary obligations are to our own communities, any international distribution, no matter how great the suffering it would attempt to relieve, must not be given priority.
13. Against this self-styled 'local' perspective other philosophers have argued for 'cosmopolitanism', which, in the language of this debate, "sees individual human beings as the ultimate units of moral concern". That means that in the evaluation of the value of any prospective course of action or set of obligations, the determining factor must be a concern for the wellbeing of individual humans, regardless of their community or state affiliation. Compared to Communitarianism, then, the Cosmopolitan ultimately accords human communities only instrumental status: if the traditions or demands of community run contrary to the interests of individual human-beings, those traditions and demands must be questioned.
14. Cosmopolitan theories represent powerful normative challenges to the current world economic order. The task of this paper is to lay out some of the main currents in cosmopolitan thought on the nature and extent of our obligations towards indigent persons in other countries and communities from our own. In one sense, this topic is rather specific. We will only consider what our obligations are towards people who do not have enough material resources to provide for the basic necessities of life (although the meaning of 'necessary' will figure importantly into our discussion). We will also only concern ourselves with persons living *outside* our own state. This eliminates any detailed discussion of domestic, *intra*-society obligations or international obligations to non-indigent persons and state communities.
15. In another sense, however, our topic is rather daunting. Peter Singer's article "Famine, Affluence, and Morality," published in 1971, is generally regarded as the first important scholarly engagement with the problem of global distributive justice. Since its appearance, numerous theorists, primarily Anglophone but with important exceptions, have taken up the challenge to develop a theory of cosmopolitan morality – one which would be valid for all people, everywhere, regardless of political boundaries. The volume of literature on the subject is vast,

considering the age of the debate, and the work of new theorists is sometimes hard to keep up with. Moreover, a variety of conceptions of justice, priority, sovereignty, international “society,” and reasonable obligations – to name only a few problematic concepts – have emerged even within the cosmopolitan camp. This variety can be somewhat overwhelming, particularly for the non-specialist. Finally, there does not seem to be any published attempts to present each major branch of cosmopolitan thinking, side-by-side, to this date. And given the scope of this paper, we will not be able to treat some of the more prickly and recondite philosophical points raised by cosmopolitan theorists. However, this caveat aside, I hope to present, in broad but clear outline, the principal arguments of a group of theories that, in Thomas Pogge’s words, gesture at “the pre-eminent moral task of our age”.

COSMOPOLITANISM TODAY

16. Without diverting our attention too far towards the historical context of modern cosmopolitan thinking, we might reasonably wonder why Pogge claims that global poverty is the greatest moral challenge to *our* age in particular. Certainly poverty is not a new phenomenon. The income gap between rich and poor has, it is true, roughly doubled over the past twenty to thirty years, indicating a continual worsening of the situation. But human suffering due to lack of needed resources is surely not a uniquely modern moral dilemma such as, say, the threat of nuclear war. What, then, is modern about the cosmopolitan approach to global poverty in particular, and international theory, in general?
17. The concept of universal human equality is not a new one. In fact, “universalist” philosophies first developed among the Greeks and Romans in the context of Alexander the Great’s Hellenisation of the known world and the subsequent Romanization of the Mediterranean. Greek Stoics such as Zeno were responding to profound cultural changes that occurred as a result of political unification and the growth of empire. The small community of the *polis* was no longer the exclusive focus of an individual’s loyalties and sense of identity. As Chris Brown notes, “what is crucial to a cosmopolitan attitude is the refusal to regard existing political structures as the source of ultimate value”.¹ The notion developed that all persons are equal because they are *kosmopolitoi*, or citizens of the world, and this later acquired significant philosophical and political force under the Romans.
18. The natural law tradition, which finds strong roots in the writings of Cicero, posits what seems to be a logical outgrowth of the *kosmopolitan* mentality: if we are all equal citizens of the world, we must all be governed, at some fundamental level, by the same law. Likewise, the Enlightenment project of individualistic egalitarianism, particularly in the writings of Kant, goes a long way towards attempting to reconcile cosmopolitan ideals with the reality of a world composed of sovereign nation states. Kant’s essays *Perpetual Peace* and *A Universal History with a Cosmopolitan Purpose* are crucial documents for understanding the modern roots of cosmopolitan thought. And all this is to say nothing of the undeniable impact of the various religious traditions.
19. Although I have only made the briefest gesture at several currents in the history of Western moral thought, it should be clear that the notion of universal equality is not unique to modern cosmopolitans. What I would like to suggest, however, is that for at least two reasons, cosmopolitan thinking stands to have unprecedented implications for our modern economic order.
20. First, technological advancements have, for the first time in history, made combating global poverty a possibility. It is possible to communicate across national borders, co-ordinate

¹ Chris Brown, *International Relations Theory: New Normative Approaches* (New York: Columbia University Press, 1992), p.24.

international aid efforts and international capital flows, and monitor the extent of need in all parts of the world with relative facility. None of these things would have been possible only several generations ago. No doubt this practical obstacle to goals of universal equality has impacted its treatment by philosophers. Perhaps it could in part explain why the greatest thinkers in the Western philosophical tradition virtually ignore the issue of global inequality, while theorising about domestic inequality has a place in all major systems of justice.

21. Second, persons and states in different parts of the world have taken advantage of new technological advances to build an increasingly complex web of formal relationships – relationships that *at least* render the realisation of our obligations to persons in other parts of the world more feasible. Some of these relationships are built on economic grounds, as with multi-national corporations, organisations such as the World Bank, the IMF, the WTO, and various regional associations, including NAFTA, the EC, and ASEAN. Others have a primarily political, military, or cultural purpose. Among these we may number the United Nations, NATO, and countless cultural organisations which membership in all the nations of the world. From the perspective of most of the philosophers we will consider, the existence of such global ties manifests, in the words of Charles Beitz, “an increasingly complex interdependence”.²
22. The significance of these commercial and institutional relationships is two-fold. One way to view the increased interdependence of communities and individuals throughout the world is as an opportunity. Whatever specific obligations we manage to work out through cosmopolitan theory, the existence of international institutions will help us to at least *attempt* to carry out those obligations. The issue of what role institutions should play in theories of global justice is a contested one, but it is generally acknowledged that without any institutional contacts to a person or group of people in a far-off location, there is only so much we can do.
23. According to some cosmopolitans, the other reason why commercial and institutional relationships are significant is quite the opposite: rather than merely instrumental value as a *means* for implementing our obligations, the existence of institutions, and the global inequalities they perpetuate, *generate* obligations under global justice. Thus, as we will see when considering the theory of Thomas Pogge, the fact that a large American coffee producer purchases coffee beans from Colombian growers at sub-market, and therefore, unfair rates, *creates* a responsibility for the consumers which support the American corporation. Consider the extent of the “complex interdependence” in the world today, and the number of institutions and corporations that are involved in ‘unfair’ dealings with persons in other states. Under a theory such as Pogge’s, all instances of such ‘unfair’ dealings would generate obligations to correct global injustice.
24. While the above discussion is only preliminary, it should suggest the significance of what the cosmopolitan movement represents: a combination of a renewed confidence in the role of global normative ethics with the technological and institutional capacity to accept such theories as potentially realistic instruments of global reform. This is the significance of Pogge’s claim, and this is why these recent developments in moral philosophy should repay further study.
25. Before beginning our discussion of individual cosmopolitan theories, I will suggest a conceptual framework with which we might begin to make some preliminary distinctions between them.
26. Let us begin by reiterating what cosmopolitans have in common. Pogge defines three elements characteristic of every cosmopolitan position.³ These are: *individualism*, *universality*, and *generality*. *Individualism* refers to the affirmation that human beings are the primary focus of moral concern – states, communities, or other groupings of humans can have only derivative importance. *Universality* refers to the Stoic notion that the “status of ultimate unit of concern attaches to *every*

² Charles Beitz, “Social and Cosmopolitan Liberalism,” *International Affairs* 75, 3 (1999), 516.

³ Thomas Pogge, “Cosmopolitanism and Sovereignty,” in *Political Restructuring In Europe*.

human being *equally*,⁴ regardless of gender, class, nationality or any other characteristics. Finally, *generality* implies that each individual must in turn be recognised as the ultimate unit of concern by all other individuals – again, regardless of political, class, or religious affiliations.

27. Given these common elements, we can immediately make the following broad distinction between cosmopolitan positions based on the nature of the obligations they propose. Our responsibility can, generally speaking, be either *negative* or *positive*.
28. By negative responsibility, cosmopolitan theorists usually have the notion of ‘justice as reciprocity’ or the Rawlsian ‘justice as fairness’ in mind and contend that the international sphere represents an example of those circumstances in which such theories of justice would apply. The key point to make here is that terms like reciprocity and fairness are normally used to describe some on-going ‘co-operation’ between two or more parties. Rawls’ use of the idea of justice as fairness for the state was justified by his understanding of the state as a “co-operative scheme for mutual advantage”. Whether such co-operation can be said to exist in the international sphere, and to what extent it submits to talk of justice in international dealings is a key point of contrast between what Charles Beitz calls “social liberalism” and “cosmopolitan liberalism”. As we will see in more detail below when discussing the theory of Beitz and Pogge, arguing that international obligations derive from *negative* responsibility must emphasise the existence of a “co-operative” web of global relationships.
29. An argument for *positive* responsibility, however, may (but does not necessarily have to) reject this characterisation of the international sphere. It may not see current levels of global economic and political interaction as sufficient to generate obligations under justice as reciprocity or justice as fairness. The theory of John Rawls and others takes this position to varying extents.
30. However, what all arguments based on *positive* responsibility do have in common is an appeal to standards of justice which are largely, if not entirely, independent of the nature of the specific relationship between the duty-bearer and the recipient. Into this general category fall the Utilitarianism of Singer, the Neo-Kantianism of Onora O’Neill, and the right-based theory of Henry Shue.
31. While no such artificially comparative categories can ever claim to be full-proof, they do provide the foundation for making preliminary distinctions between these theories. Others have suggested that cosmopolitan theories may be generally described as either *moral* or *institutional*, the essential difference being that whereas institutional proposals have something to say about what kind of global political order would be necessary to accommodate cosmopolitan obligations, moral cosmopolitans remain agnostic. I find this distinction less that useful for two reasons. First, most cosmopolitans at least hint at the general framework their theory would require. Second, most non-specialists approaching this debate are primarily interested in how we should conceive of our responsibilities, and only after considering these arguments will institutional proposals have significance.
32. In attempting to further distinguish between cosmopolitan theories, it might be useful to speak of three basic components of, or steps to, a complete theory of global justice. These components are intended to represent philosophical issues on which one must take a stance before being able to form logically coherent answers to the questions posed earlier. The first component consists in those fundamental principles upon which a theory of justice must be built. In cosmopolitan thought, these principles are represented by a number of traditions in philosophical thought: Utilitarianism, Egalitarianism, Contractualism, Kantianism, and Liberalism – most of which are, to varying extents, overlapping. The second component is a conception of the international sphere. Is there a “society” of states? A world “community” of persons? The

⁴ Thomas Pogge, “Cosmopolitanism and Sovereignty,” p.89.

third component will, based on the positions taken in the first two, gesture towards the practical implications of the theory.

UTILITARIANISM AND PETER SINGER

33. The attractiveness of Utilitarianism is both its apparent simplicity and its appeal to universal human intuition. In its classical form, as expressed by Jeremy Bentham, the “principle of utility” refers to “that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question”.⁵ Bentham also stressed that “security and subsistence” are the “subordinate objects” with which the government must concern itself in order to promote the greatest happiness.⁶ Put simply, the only standard for judging action is the maximisation of human wellbeing, and we act wrongly if we fail to work towards that end.
34. The Utilitarian approach is fully consistent with the basic principles of a cosmopolitan philosophy:
 - *Individualism*: For Utilitarianism, the individual’s pleasure or pain is of ultimate concern, which means that the interests of states and other communities cannot factor into moral judgement.
 - *Universality*: The utility of all individuals is weighed equally, which necessarily renders all borders and political arrangements justifiable only so long as they contribute to human happiness. Likewise, although states have a duty to provide for their own citizen’s happiness, this does not diminish their duty to people in the rest of the world.⁷
 - *Generality*: Utilitarianism binds all persons in the world by the common duty to maximise utility, which eliminates the possibility of giving priority to co-nationals, co-religionists, or members of whichever community we would be inclined to show some preference.
35. Applying these notions to the problem of global poverty in his article “Famine, Affluence, and Morality,” Singer suggests two fundamental propositions. If we accept his propositions, which are intended to be broad enough to illicit universal acceptance, our obligations should be perfectly clear. The choice then is whether to act rightly in accordance with the principle of utility or wrongly in order to serve our own self-interests.
36. Singer’s first proposition appeals directly to human intuition: “suffering and death from lack of food, shelter, and medical care are bad”.⁸ As intended, this would be difficult to refute. He next suggests something “almost as uncontroversial”: that when we are aware of such evils, we should do whatever we can to lessen them “without thereby sacrificing anything morally significant”. A stronger version of the second proposition, the version Singer himself prefers, would endorse sacrifice up to the point of marginal utility. Marginal utility is that point when sacrificing any more would reduce our happiness to the level of the starving person whom we are attempting to save.⁹
37. Here we should note that we are obligated to act regardless of our relationship to the victim – personal ties are morally irrelevant. This is the essence of Utilitarianism’s claim to an impersonal standard of moral judgement. It also represents a good example of a *positive* cosmopolitan responsibility, one that exists regardless of any notion of co-operation or rapport between the

⁵ Jeremy Bentham (1988). *Principles of Morals and Legislation*. Amherst, New York: Prometheus Books, p.2.

⁶ Cited in Charles Jones. (1999), *Global Justice: Defending Cosmopolitanism*, Oxford: Oxford University Press, p.47.

⁷ Chris Brown (1992), *Political Restructuring*, p.43.

⁸ Peter Singer (1972), “Famine, Affluence, and Morality,” *Philosophy and Public Affairs 1*, pp.229-243.

⁹ Or, “anything of comparable moral significance,” Singer (1972), p.249.

donor and the recipient. Singer claims that “if we accept any principle of impartiality, universalisability, equality, or whatever,”¹⁰ distance from or personal relationship to the victim can have no moral significance. While this does not mean that we must avoid or reject personal and community relationships, we cannot favour such persons in our moral duty. However, our obligation to aid victims of starvation in Bengal is contingent upon the principle of utility, which is why Singer emphasises that current technology and global interconnectedness make it just as easy to fulfil our obligations to someone in Bengal as someone in the next local jurisdiction. This point should be remembered, since it implies that in the absence of such facility, our obligations would cease to exist – either because administering aid would be impossible, or because the enormous costs of aid-delivery without modern technology and institutions would outweigh the utility of the intended benefits of the aid. With this example, we are reminded of the ‘double-edged sword’ of utilitarian logic: while all humans are given equal consideration, the value of human life is measured in the aggregate, according to the principle of *overall* utility (the implications of Utilitarianism for the notion of individual rights is discussed below).

38. Singer claims that if either version of his second proposition were to be adopted, “our lives, our society, and our world would be fundamentally changed”.¹¹ No doubt he is correct. This statement encapsulates the logic of Consequentialist reasoning. Given equality and utility as the two pillars of a Utilitarian notion of justice (our first component), Singer’s consequentialism imposes a strong duty upon each individual to contribute to the realisation of justice to his or her *fullest* ability. The goal is *all*, and in this case, the goal amounts to a radical restructuring of our sense of priorities and the global economic order. We might say, then, that cosmopolitanism’s principle of equality is here given form as a universal duty to sacrifice for the maximisation of global happiness.
39. One potential difficulty with Singer’s theory is that the reasonable *limit* of the universal duty to sacrifice is not clearly specified. In fact, it cannot be clearly specified, since full consequentialism, like the stronger version of the second proposition, may demand whatever is necessary, short of self-sacrifice, to increase utility. Although one’s own unhappiness at having to perform such sacrifices is factored into calculations of the total or aggregate happiness, the numbers *do* matter for Utilitarianism. Needless to say, the four billion human beings who survive on less than two dollars a day represent significant numerical weight in calculations of our duties to end global poverty.
40. An example of this difficulty is Singer’s response to the objection that his notion of individual duties is potentially over-demanding. Beyond the somewhat vague language of the second proposition, he provides two criteria with which to determine *how much* one is obligated to give. First, he suggests that the level of one’s contribution should correspond to one’s means.¹² Second, however, he points out that if other people are not giving their share, one could *decrease* suffering even more by giving more generously. Utility would call for such a sacrifice. But in cases where giving is not centrally controlled by a government authority, it is not unreasonable to assume that many people will fail to give their share. If we can assume this from the start, what meaning do suggested contributions have? Our duty, since it is indexed to need, grows when needs go unfulfilled, or as needs grow. It does not seem to be consistent with egalitarianism to allow some sub-set of the population to bear more than their share of the burden. This is a point that Utilitarianism finds hard to answer. Although Singer denies that anyone would be realistically inclined to overburden himself with his obligations, given the quite small rate of current giving, the theoretical problem remains.

¹⁰ Singer (1972), p.250.

¹¹ *Ibid.*, p.249.

¹² Singer (1972) p.251.

41. Singer seems to provide two ways of understanding our utilitarian duties. In the first place, he provides a sketch of what I shall call a ‘utilitarian ethic’. The utilitarian ethic, strictly speaking, is not merely a catalogue of our duties. It could be better described as a mind-set that would predispose us to a more ‘efficient’, less self-interested lifestyle – one that demonstrates continual consciousness of the need to maximise utility. Thus Singer argues that unless we need to buy new clothes to keep us warm, it is our duty to *not* spend our money on clothes, and instead to donate it to famine relief. While “we would not be sacrificing anything significant if we were to continue to wear our old clothes,”¹³ the amount of suffering we could prevent with the money we will have saved *is* significant. This statement can be made independently of any specific circumstances: in general, we must think first of utility, and second of our own needs. Thus the common claim levelled against Utilitarianism – that one would logically have to work full time to maximise utility – here has special resonance. Singer concedes: “Given the present conditions in many parts of the world...it does follow from my argument that we ought, morally, to be working full time to relieve great suffering of the sort that occurs as a result of famine or other disasters”.¹⁴ The greater the perceived suffering, the greater the duty we have to act to reduce it.
42. The second main way in which Singer would have us understand our utilitarian duties seems to gesture at a more realistic conception of what having a duty to the poor means. He suggests, for example, that if everyone were to give five pounds to the Bengal Relief Fund, “there would be enough to provide food, shelter, and medical care to the refugees”.¹⁵ In a later statement of his position, he argues that “for middle-class families, a 10% gift [of their annual incomes] probably does not go beyond the requirements of the weak version of the famine relief argument”.¹⁶ These are concrete examples, and compared to what may have seemed like an unlimited duty to aid, such figures probably seem less demanding. However, it is important to remember that each of these figures is based on Singer’s estimation of world need. An objection might be that such calculations cannot represent the bounds of our duty. If need were discovered to require greater donations, or if fewer people fulfilled their responsibility to contribute, these numbers would have to be recalculated to compensate for the lost utility. Ultimately, we might do better to rely on Singer’s account of utilitarian obligations, rather than holding him to his estimations of what those obligations would translate to in dollars and cents.
43. Thus far we have established that Singer’s utilitarian argument constructs a simple, yet powerful notion of moral duty upon the seemingly incontrovertible foundations of human intuition. One of the greatest challenges faced by such a demanding theory is the extent to which human beings can suppress their self-interest enough to honour their obligations. In the way in which Singer presents these obligations, moral judgement becomes a zero-sum game. Whatever unnecessary spending we do in the face of suffering amounts to moral wrong; likewise, whatever sacrifices we endure, up to the point of marginal utility, may be considered morally obligated and therefore good. Given such a strong theory, we should make at least three observations on the possibility of its realisation.
44. The first point relates to the fact that Singer’s notion of moral obligations is what philosophers call “interactional”. Interactional theories may be contrasted with ‘institutional’ theories because the former are primarily concerned with how individuals should act, whereas the latter see institutions as the primary agents of moral change. As we have seen, Singer’s argument addresses the obligations that each individual in the wealthy part of the world has towards the general population of persons in destitute communities overseas. Even if the Famine Relief organisation is the one to physically administer the food aid purchased with the donor’s

¹³ *Ibid.*, p.253.

¹⁴ *Ibid.*, p.256.

¹⁵ *Ibid.*, p.251.

¹⁶ Peter Singer (1977), “Reconsidering the Famine Relief Argument,” in *Food Policy: The Responsibility of the United States in the Life and Death Choices*, edited by Peter Brown and Henry Shue. New York: The Free Press, p.43

contribution, each donor acts independently by self-regulating his or her level of sacrifice. The interactional approach to global poverty suggests various difficulties. Can we really expect that people will take the initiative to donate portions of their salaries to international charities in adequate numbers to make a difference? And even assuming that a sufficient number of donors stepped forward, who would co-ordinate or regulate the activities of the numerous aid organisations created to transfer the funds to the poor? Moreover, by depending entirely on individuals' initiative, how can the poor rely on a consistent flow of the necessary funds? For the reasons suggested by these questions, it would seem that a more institutionalised approach to international transfers, one which would provide rules, accountability, and a regular source of donations, would lead to a significant increase in utility over Singer's interactional approach.

45. A further consideration is the diminished role that an interactional conception would seem to give to states as agents for global justice and redistribution. Although Singer recognises that "giving privately is not enough" and that states should increase the levels of aid they give to impoverished nations, he does not elaborate on this proposal.¹⁷ This is a pity, because it would be interesting to know whether he would apply the same moral obligations to states. If so, what would it mean for a state to give until it sacrificed something of "comparable moral importance"? If the economic policy of a state were subject to the same scrutiny as the spending habits of Singer's utility-conscious individual, the consequences would indeed be radical. But could the notion of a nation-state even survive the Utilitarian criterion that each state recognise the equality of the interests of all human beings, regardless of national affiliation?
46. The second point to be made regarding the realisation of Singer's theory is its cost to individual donors. Utilitarianism cannot accommodate the notion of inviolable rights. Although it is conceivable that a system of rights would contribute to overall utility (Bentham made this argument), rights, like states, have only derivative value. When rights are seen as no longer contributing to overall utility, they must be questioned. In his work on the subject, Singer does not raise the issue of donors' rights directly. However, built into the stronger version of his second proposition is the notion that the most we should be required to sacrifice is that which would bring us to a level just before marginal utility. But we might reasonably ask, is human flourishing possible at such a level of deprivation? Most of us would respond that it is not, and Singer would agree. His argument is that such deprivation, while highly undesirable (he remarks that he must accustom himself to giving up certain benefits of the consumer society), is justified – indeed, required – if by doing so we prevent the even greater misery of another human being. Of course, this notion is not easy to accept, and other cosmopolitan theories we will consider will hold such levels of sacrifice to be beyond the requirements of justice.
47. A final point regarding the application of Singer's theory of duty relates to how Utilitarianism can cope with unintended consequences. One might argue that although Singer's strong notion of interpersonal obligation may have considerable intuitive appeal as being the 'good' or 'right' thing to do, the theoretical desire to maximise happiness may not be quite so easily translated into practice – especially when 'practice' here refers to the collection, transfer, and administration of billions of dollars in potential aid.
48. For example, if the importation of food aid, while satisfying the short-term food needs of the population, has the long term effect of putting local farmers out of business and therefore crippling local agricultural capacity, how do we decide which action would conduce most to utility? Or, what if, for whatever reasons, only a relatively small percentage of the donated funds reach those in need? What sort of obligations fall on the donor to make up for lost utility? Given Singer's advocacy of unrestricted or "no-strings attached" grants of aid to poor nations, it would seem that once the initial duty of donation has been fulfilled, utility has been satisfied, regardless of the ultimate consequences. But would it not be more consistent with Utilitarianism

¹⁷ Singer (1972), p.258.

if Singer were to argue that the distribution of aid would have to be closely monitored, to ensure that it was having the desired impact on utility?

49. Finally, as one Utilitarian has suggested, what if a better fed population reproduces at a faster rate, only to create greater poverty and starvation in the future? Singer does respond to this last objection. He argues that if some people donating funds to population control programs would better serve the greatest utility, they should do so. However, it seems that the objection one might make to this last question also applies to the others. By assuming the maximising happiness in the case of global poverty more or less translates to donating a portion of your annual salary, Singer does achieve an impersonal foundation for the duty to aid, but with a duty so general and so strong, it is difficult to predict what affect it might have on the actual problem. In other words, although Utilitarianism reinforces our initial intuition to help, it seems to leave many questions unanswered about how we should help, and with what limits.

KANTIANISM, NEO-KANTIANISM, AND ONORA O'NEILL

50. One of Utilitarianism's strongest cosmopolitan opponents is Onora O'Neill. Her theory draws on the moral philosophy of Immanuel Kant, but attempts to extend the Kantian notion of duty to cover a fuller set of positive obligations. She accords no moral significance to the notion of utility, nor does she accept the idea of human 'rights', as such. However, some of the obligations she derives by a revised Kantian notion of duty would support international transfers of wealth from rich individuals and nations to indigent peoples throughout the world. Her theory would also encourage other significant global economic reforms. Before discussing O'Neill's specific propositions, however, we must look to Kant to understand the foundations of her theory.
51. Kant rejected David Hume's contention that all moral judgements are based on feeling as opposed to reason (Recall that human feeling, or happiness, as the basis of judgement is the underlying premise of the Utilitarian position). Rather, Kant grounded his entire moral philosophy on the notion that the universal 'moral law' could only be discovered *through* the use of our capacity to reason. Nature has no order or inherent moral law; human reason, however, is capable of imposing a system of order on Nature. For Kant, the tools with which we can understand nature and the world, and the foundation of the moral law, consist in a series of *a priori* principles – universal, unconditional principles that exist prior to and independent from experience. Obedience to the dictates of the law generated from these principles provides the only basis for moral action. Acting *morally*, for Kant, thus means recognising these principles as necessary rational truths and following the duties they impose on us. Consequences, whether desirable or undesirable, are justified only by the correct motivation of the agent. This approach to moral judgement represents an opposite perspective from Utilitarianism. It is technically known as 'deontological', from the Greek word meaning 'duty'.
52. Since the principles with which we define moral action are logically prior to experience, Kant's system of law can be understood as attempting to separate out action based on empirical considerations or desire from action based solely on a rational conception of duty. Put simply, he makes a distinction between actions based on self-interest (which necessarily involve empirical or consequential considerations), and actions based purely on our comprehension of our duty under the moral law. Only the latter form of action is morally acceptable. A significant consequence of this view is that all other systems of law – local, national, or international – must be assigned a subordinate status.¹⁸ We will return to this point when discussing O'Neill's conception of international society.

¹⁸ Thomas Donaldson. (1992), "Kant's Global Rationalism," in *Traditions of International Ethics*, edited by Terry Nardin and David R. Mapel. Cambridge: Cambridge University Press, p.145.

53. Within the scope of the Kantian moral law, the single most important *a priori* principle, and the key to understanding Kant's theory of obligations, is the categorical imperative. This 'golden-rule' of Kantian ethics unconditionally commands that we act in a certain way. It also represents a kind of fail-safe test to determine the rightness or wrongness of an action. Although the categorical imperative appeared in various different formulations in Kant's writings, it has three main components, two of which are important for us to consider here. First, it enjoins that the maxim or principle behind an action be universalisable. Any action that *could* not be universalised or made into a law binding on all humanity must be rejected. For example, one could not universalise the notion that it is acceptable to lie, since the very concept of lying only has meaning when defined against the accepted practice of telling the truth. If everyone were to lie, lying would cease to have meaning. Second, it commands that individual persons be treated only as ends, *never* as means to an end. This would prohibit the practice of coercion, for example. Using physical or other overwhelming force to obtain a person's compliance is a clear instance of treating an individual as a *means* to an end.
54. Both of these formulations of the categorical imperative suggest the crucial role Kant gave to human freedom in his moral philosophy. Acting only on universalisable principles means acting on the basis of fundamental equality – the same law for all. Kant believed that all humans, as rational, free beings, are equal in nature. This first formulation of the categorical imperative ensures that they are also equal subjects of the moral law. The second formulation ensures that we cannot manipulate the notion of a universalisable principle to impinge upon others' freedom. If we are treating someone as a means to an end – regardless of the nature of that end – we are degrading that person's status as an autonomous, rational being. The centrality of freedom in Kant's thought generally led him to focus on *negative* restrictions on our action. However, part of O'Neill's revision of Kantian moral theory is the reinterpretation of the categorical imperative to generate *positive* duties towards other human beings. We return to this below.
55. One final component of Kantian thought that we must consider is his distinction between *perfect* and *imperfect* obligations. According to Kant, principles that satisfy the categorical imperative become universally binding duties. These duties are considered *perfect* because they can be willed simultaneously by everyone. Therefore they are binding on everyone. It is the universality of these duties, when considered as the injunctions of the supreme moral law, which gives rise to rights. Put another way, if each person is bound by duty to obey a principle of the moral law, then every other person has a *right* to expect the performance of that duty. This system of perfect duties forms the basis of the Kantian notion of justice. However Kant also conceived of obligations that do not correspond to any specific rights. How is this possible? When a particular principle or action is universally *thinkable* or *desirable* but not universally *willable*, it gives rise to an imperfect duty. It cannot pass the first formulation of the categorical imperative, thus it cannot be understood as a universal law, *or* as the source of a specific right. Kant calls these duties of beneficence, and indicates that they belong to the realm of Virtue, not to the realm of Right (*recht*). Nevertheless, these duties are fully obligatory. The difference between a perfect and imperfect obligation lies only in the fact that right-holders may claim or demand the performance of a perfect obligation, whereas acts of beneficence can be neither claimed nor demanded by those seeking to benefit from them.

O'NEILL'S REJECTION OF RIGHT-BASED APPROACHES TO DUTY

56. Although we have made only the briefest sketch of Kantian moral theory, some familiarity with the central concepts and terms is essential for appreciating O'Neill's revisionism. However, we will begin with a point upon which O'Neill and Kant agree. She, like Kant, rejects the notion of claimable *rights* to beneficence, so common in contemporary international politics and moral philosophy. Instead O'Neill proposes an increased awareness of duties – what they are,

specifically, as well as to whom, specifically, they apply. Before considering O'Neill's arguments for a duty-based approach, we would do well to review her critique of the philosophical notion of a 'right'. She makes several interesting arguments against rights, but here we will limit ourselves to considering her primary contention.

57. O'Neill explains that the reason for her rejection of rights theories is the fact that they confound the difference between 'right-action' and 'rights'. For O'Neill and Kant, right-action is any action done in accordance with one's duty. Since there are both perfect and imperfect duties, it follows that both forms of duty represent 'right-action', but only some right-actions can be *claimed* in the name of a right. Again, beneficence, or imperfect duties, do not generate rights and thus cannot be claimed. When speaking of rights, we are more properly speaking *only* of that sub-set of right-actions that are claimable.
58. This distinction is crucial. In order for a right to have any meaning, its fulfilment "has to be allocated to *specific* obligation-bearers".¹⁹ No one can truly claim to have a right without specifying from whom or against whom she claims it. For example, if I claim that I have a right not to be injured, I make this claim against *all* people, everywhere.²⁰ This is a case of what O'Neill calls a *universal* claim, since all people are *obligated* to perform the duty – in this instance, the duty *not* to injure me. But we can also imagine situations in which a right can be claimed against a specific person or group or persons based on prior agreements or personal relationships. This could be the claim that an employee makes on her employer for her pay-check. O'Neill calls this a *specific* claim.
59. The problem is that many human rights, but especially economic and social rights, fall into neither category. They are what O'Neill calls *unallocated*, or lacking specific duty-bearers. These, she argues, tend to "drop out of sight" in rights theories.²¹ The implications of this observation make for a strong critique of rights theory. How can a right be said to exist if we cannot identify who is responsible for guarding or fulfilling it? If person A claims a right not to be injured, yet person B injures A anyway, we know that B has violated A's right to security. However, if person A claims a right not to be malnourished, and person B fails to provide any food, we *cannot* be sure that B has violated A's right to food. Why this uncertainty? Recall the categorical imperative, the source of rights-claims in the Kantian system. O'Neill argues that while the maxim 'I will not injure fellow human beings' passes the test of universalisability, the maxim 'I will ensure that all human beings have enough to eat' clearly does not. No person can have an obligation to provide food for *all* others.²² The maxim, or the action of feeding the hungry, cannot be universalised. Thus there can be no right to food. O'Neill suggests that when rights theories purport to include claims to food and other provisions and services which cannot be universalised, they succeed only in creating 'manifesto rights'.²³ These, she argues, may serve some political purpose, but they do little to help the people who are actually in need.

O'NEILL'S NEO-KANTIAN SOLUTION

60. Based on these observations, it should be clear that O'Neill does not see much promise in rights-based theories. Instead, she suggests that issues of global justice would be best addressed in

¹⁹ Onora O'Neill. (1992), "Transnational Justice," In *Political Restructuring in Europe: Ethical Perspectives*, edited by Chris Brown, London: Routledge., p.285.

²⁰ Onora O'Neill (1986), *Faces of Hunger: An Essay on Poverty, Justice, and Development*, London: Allen and Unwin, p.100-101.

²¹ O'Neill (1992), p.286.

²² O'Neill (1986), pp101-102.

²³ O'Neill (1992), p.287.

terms of the “conceptually more basic” language of duty.²⁴ The principal problem confronted by O’Neill’s theory is how to formulate a flexible, yet rationally defensible notion of positive duty on the basis of the Kantian categorical imperative. In order to do this, O’Neill must both reinterpret the Kantian conception of the rational human agent and tease out the full potential of the categorical imperative for grounding positive duties – an approach not taken by Kant himself, who generally focused on negative duties. While O’Neill’s reformulation of Kantian theory on this point is rather technical and complex, we may outline the main assumptions of the argument here.

61. According to O’Neill, Kant fails to consider the full implications of what she terms ‘human finitude’. This charge is at the core of her revision of the Kantian conception of duties. By ‘finitude’, O’Neill refers to the non-ideal, embodied nature of human beings. Although Kant claimed that his categorical imperative represented the ‘supreme principle of action’ for purely rational beings, he acknowledges that it was designed to guide the actions of humans with *limited* rationality.²⁵ O’Neill seeks to ‘humanise’ Kant’s ‘supreme principle’ even further. She argues that duties derived from the categorical imperative must reflect a fuller, more accurate picture of human reality. Depicting humans as finitely rational, while true, simply does not go far enough. Thus to the idea of limited capacity for reason, O’Neill adds the notion of the inherent *physicality* of human beings. In this context, the word ‘physicality’ suggests the problems of human dependence and vulnerability.
62. The problem then, is to apply this re-conceived notion of finitude to the Kantian theory of obligations. How does O’Neill achieve this? In technical terms, Kant derives principles of obligation from the converse of non-universalisable principles. In order to make this concept clear, let us take coercion as an example. Coercion would fail the test of the categorical imperative because it would (i) violate human freedom and autonomy by treating people as a means to an end and (ii) be non-universalisable, since those coerced logically cannot exert coercion themselves.²⁶ Kant argues that since we reject this principle, we may automatically conclude that its converse, the principle of *non-coercion*, is universalisable and therefore *is* a fundamental duty of justice. The same reasoning holds for the principle of deception. By deriving its converse, *non-deception*, we yield a Kantian perfect duty.
63. Given these fundamental principles of the Kantian theory of obligations, O’Neill argues that a mere negative duty to *refrain* from coercion or deception is not enough – it at best only superficially fulfils the demands of justice. Because human beings are not ideal rational agents, their physical needs and vulnerabilities render them more easily coerced. The same holds true for deception. O’Neill claims that whereas ideally rational agents would not be vulnerable to many forms of deception, the ‘limited’ knowledge and perspective of actual human beings leaves them in a far more precarious position.²⁷ The only way to restore justice under such circumstances, she contends, is to “at *least* meet standards of material justice and provide for the basic material needs in whose absence all human beings are overwhelmingly vulnerable to coercion and deception”.²⁸
64. While this conclusion in itself represents a significant expansion of Kantian duties, O’Neill argues that further, more complex obligations to the needy are justified by the Kantian notion of imperfect duties. Specifically, the principles of ‘mutual respect’, ‘help’, and ‘development of talents’ are necessary if the freedom of human beings as autonomous agents is to be maintained.

²⁴ O’Neill (1988), “Hunger, Needs and Rights,” in *Problems in International Justice*, edited by Steven Luper-Foy, Boulder: Westview Press, p.78.

²⁵ O’Neill (1986), p.132.

²⁶ *Ibid.*, p.139.

²⁷ *Ibid.*, p.141.

²⁸ *Ibid.*, p.141.

With such broad and ambitious categories of duty, it is difficult to know precisely what sort of actions O'Neill has in mind. She includes a caveat that the specific content of such duties will depend largely on their application to particular cases. In fact, Charles Jones criticises O'Neill for her lack of details in this area. Surely O'Neill's primary contribution to cosmopolitan theory is her Neo-Kantian, duty-based approach to a theory of obligations. Nevertheless, some thoughts on how her Neo-Kantian argument would apply to the global order are provided below.

GLOBAL IMPLICATIONS

65. O'Neill's theory insists on the need for far-reaching changes in the global political, economic, and social order.²⁹ In the Kantian language of her proposition, global arrangements could *only* be considered just if 'they were *fundamentally* non-coercive and non-deceptive'.³⁰ This is no small task, especially considering that there is no single, global authority that might be in a good position to impose and *enforce* the necessary standards.
66. In consideration of this end, O'Neill undertakes another crucial extension of Kantian philosophy. Whereas 'long traditions in ethics' hold that individual human beings are the only possible agents for ethical action, O'Neill seeks to expand this view.³¹ She notes that being an ethical agent presupposes the capacity to guide action by deliberation. In other words, the agent must have the ability to reason. From this premise she argues that institutions or collectivities, like human beings, possess this ability. Thus the only reason to deny agency to institutions would be if we supposed that 'human agency is quite different from the agency of institutions and collectivities', which we have no justification for assuming. This development has great import for the implications of O'Neill's theory in the international sphere. Being able to apply the same standards of duty to an international corporation, the government of a state, or an individual person enlarges the scope of ethical judgement in international affairs substantially.
67. Despite this expanded pool of agents in international affairs, O'Neill's theory only gestures so far towards practical recommendations for reform. She emphasises the need to challenge and transform 'the basic principles of economic and social structures'.³² She adds that Kantian criteria of obligation can be applied to this end against the current practices of international institutions as well as 'proposed institutions, policies, and acts'.³³ The problem here lies in the extent to which we can reasonably hope to achieve Kantian standards of judgement. O'Neill gives the example of a multi-national corporation which represents (perhaps falsely) its negotiations with a poor country as 'guided by standard and acceptable negotiating practice'. If others, perhaps representatives from the host country, charge foul play, true judgement must rely on determining the maxim upon which the corporation '*actually*' acted in its deliberations. This would seem an especially difficult thing to determine. If moral judgements in international affairs ultimately depend upon making such evaluations, however, it remains unclear who or what would have the authority to do so.
68. O'Neill's more specific statements on global distribution regard the importance of material needs in a global political and economic order. She insists that any just order would have to be designed to meet material needs: 'If material needs are not met, the forms of uncoerced and undeceived choosing are a skimpy and formalistic substitute for fundamentally non-coercive and non-deceptive forms of life'.³⁴ Here O'Neill contrasts the Kantian approach with rights-based

²⁹ O'Neill (1986), p.163.

³⁰ *Ibid.*, p.148.

³¹ *Ibid.*, p.37.

³² *Ibid.*, p.145.

³³ *Ibid.*, p.147.

³⁴ *Ibid.*, p.149.

and utilitarian perspectives. The Kantian would reject the idea of establishing a set of economic rights or calculating ‘aggregate benefit’. Rather, Kantian duty would demand the establishment and maintenance of an organisational scheme for global ‘production and distribution’ that met the needs of the world’s people. What does meeting human needs entail? O’Neill suggests that a variety of ‘arrangements’ would work, but provides three essential features of this institutional order. First, she argues that since humans primarily need goods that must be produced, the production of such goods in sufficient quantity should be ensured. Second, this production would have to be sustained to meet continuing needs. Third, O’Neill says that any just institutional order would provide for those needs that leave people most vulnerable.³⁵

69. While the obligation to establish a just world economic order represents a perfect, universal duty, and therefore a matter of justice, imperfect obligations to help and encourage the development of talents are *imperfect* and therefore *selective* duties. The imperfect duty to respect all other human beings may be similar to Shue’s notion of a duty of *avoidance* (which we consider in the next section). Since it requires only negative or passive action, respect can be accorded universally. However the more ‘positive’ obligations to help and develop talent are restricted by the bounds of ‘human finitude’. In other words, no single agent or collective entity could be held responsible for helping all people or developing all talents – therefore we must choose whom we can help depending on the circumstances. Although some critics may doubt the efficacy of the notion of *imperfect* duties on a global scale, O’Neill views it as an advantage of her theory. When contrasting the benefits of a Utilitarian or rights-based approach to her own Neo-Kantianism, she notes that only her theory can conceive of human needs in terms of justice *and* beneficence.

HENRY SHUE AND RIGHTS-BASED COSMOPOLITANISM

70. Although Henry Shue’s approach to global justice is based upon the notion of universal human rights, his theory undoubtedly incorporates elements of both Singer’s Utilitarianism and O’Neill’s Neo-Kantianism. In fact, given the complexity of his position on the sources of duty, the tentativeness with which he approaches practical policy recommendations, and the limited role he gives to states in protecting the rights of their own citizens, his theory is difficult to label definitively. In the following, we will consider three main aspects of his theory. First: his justification for a rights-based approach to global justice and argument for the notion of basic rights as the foundation of all human rights. Second: his formulation of a three-part system of interdependent duties. Third, we will ask who holds these duties according to Shue and how they can best be implemented in the international sphere.

SHUE’S CONCEPTION OF RIGHTS

71. Talk of rights pervades international discussion of global poverty and economic injustice. R.J. Vincent notes that “If in our search for the most pervasive ethical tradition, we were to take currently popular usage as a guide, then rights would have a strong claim to the prize”. And yet, as O’Neill remarked, ‘it is uphill work to show that there is a universal right to be fed’.³⁶ Shue seems to take both of these considerations into account. He claims that he does not pretend to have a definitive answer to the question. But given trends in international law which reinforce the notion that the language of rights by now dominates most thinking on global justice, the influence of his theory may not suffer for lack of justification. Nevertheless, it is important to consider the limited defence of rights that he does offer. He seems to waver between a modified egalitarian rationale and one based on a revision of Rawlsian ‘justice as fairness’. Both

³⁵ O’Neill (1986), pp.149-150.

³⁶ O’Neill (1992), p.288.

formulations evidence a characteristically cosmopolitan concern for recognising the value and equality of the individual human being.

72. Shue's first defence of the notion of a right appears in the form of a general affirmation on why the affluent have a duty to assist the poor. He believes one of the 'strongest' arguments available is what he calls the 'degradation principle', which stipulates that 'degrading inequalities ought to be avoided'.³⁷ But is this enough to ground Shue's strong conception of basic rights and corresponding duties? In fact, Shue rejects gross inequality for the same reason that he defends basic rights: acceptance of the former or indifference toward the latter denies the fundamental importance of a human being. He remarks that it would be difficult to ground a rejection of 'degrading inequality' in some more fundamental idea, since such a principle is already 'near the moral rock bottom'.
73. Nevertheless, Shue does offer another, fuller justification, which he deems 'no less fundamental than the first'.³⁸ The essence of his argument here is that 'degradingly extreme inequalities' are unfair. Shue seems to suggest that the existence of such inequalities represents a violation of the notion of justice as reciprocity. The idea that justice consists in reciprocity, or mutual advantage, is an essential element in most theories of justice from Plato to Rawls. Here, Shue emphasises that if advantage is not made truly *mutual*, then injustice, not justice, rules. Naturally the argument turns on how we define the notion of 'mutual' advantage. Shue's definition makes for a radical critique of the institutions of 'society' on the domestic and the international level. He contends that the idea of 'mutual' advantage means the moral validity of property rights in society is wholly contingent upon the due fulfilment of the subsistence rights of all its 'worst-off' members. Unless subsistence duties are met by the affluent, the system of property rights from which they derive their wealth *has no moral foundation*. He goes so far as to say that the 'set of institutions' controlling property interests must 'guarantee' that no single individual will 'degenerate from insufficient consumption'.
74. Shue expresses the justification for this conclusion in two principles. The 'Saint and Heroes Principle' suggests that ordinary human beings cannot be made to submit to overly-demanding rules – ones that 'only a saint or hero could reasonably be expected to obey'. Presumably rules that restrict or deny completely one's access to subsistence goods fall under such a principle. Shue also suggests the 'Priority of Vital Interests over Non-Vital Interests Principle' as the foundation of fairness in society. Unlike Rawls' arguably less-egalitarian Difference Principle, in which improvements in the well-being of the poor depend on the increasing prosperity of the rich, Shue seeks to identify a moral baseline for society. He does that with the Vital Interests Principle. Society (or the relevant institutions), he suggests, must *at least* protect an individual's 'health, physical vitality, physical soundness, [and] life itself'. For Shue, a violation of either of these principles could potentially justify actions against the property system taken by individuals to provide for their basic needs. Such actions may include theft or seizure of common or private property. This mild notion of a kind of 'right to revolution' for the poor is remarkably based on the idea that when the poor refrain from theft or seizure, they are fulfilling their end of an arrangement of 'fair exchange' with the rich. Shue's revisionist idea is that the rich should not take such compliance for granted.
75. These powerful justifications of the notion of rights appear only after Shue has introduced the concept of a 'basic' right. However, when formulating his argument for 'basic' rights, Shue takes as a moral given that 'Everyone has a right to something'.³⁹ Even if we accept this notion, which many of his readers no doubt do, the common belief that rights can and *should* exist does not

³⁷ Henry Shue (1996), *Basic Rights: Subsistence, Affluence, and U. S. Foreign Policy*, Second edition. Princeton: Princeton University Press, p.119.

³⁸ Shue (1996), p.123.

³⁹ Shue (1986), p.31.

necessarily imply any further agreement on the content of those rights. This fact represents a serious normative challenge to the claim that certain rights are fundamental. How can we decide *which* rights are fundamental? In answering this question, Shue's theory seeks to achieve the broadest possible appeal. Rather than tie the fulfilment of rights to some subjective conception of the 'Good' or the dictates of reason, he takes basic human physiological requirements – universally applicable to all human beings -- as his standard of necessity. Thus, those things that are most essential to conduct a life are guaranteed as 'basic'. For Shue, these include security, subsistence, and liberty.

76. Another formulation of Shue's definition of 'basic' rights calls them are 'those rights without which the enjoyment of other rights would be impossible.'⁴⁰ Basic rights are thus not necessarily to be valued *intrinsically*. However, Shue argues that one cannot be said to have a right in the absence of the 'actual enjoyment' of that right. And since the enjoyment of any given right would, according to his argument, be impossible without a prior social guarantee of basic rights, it follows that one cannot be secure in having *any* rights without basic rights. Basic rights are thus 'essential to a normal, healthy life'⁴¹ Given these criteria, one *must* accept that subsistence rights, or guarantees to 'minimal economic security', logically follow as fundamental.
77. It is significant that Shue places such great emphasis on the 'actual enjoyment' of a right as one of its defining features. In this, Shue seems to agree with O'Neill's judgement of the uselessness of 'manifesto rights'. While they may serve some political purpose, they do nothing to advance the interests of the worst off. This feature of Shue's theory has two interesting consequences. First, he describes the project of identifying and implementing 'basic' rights as an 'active alliance with those who would otherwise be helpless against natural and social forces too strong for them'. Aside from representing a fundamentally cosmopolitan approach to human suffering, we should note the similarity between Shue and O'Neill's judgement that the protection of rights cannot end with the sending of a donation. True protection of rights necessarily involves something more akin to an 'alliance', namely, the systematic identification and elimination of threats to those rights. Second, Shue's contention that rights must be *actually* enjoyed in order to count as rights entails the creation and maintenance of social guarantees. What will be the scope of these social guarantees? Domestic? International? And if international, does this presuppose the existence of an 'international society'? In order to answer some of these questions, we must first turn to Shue's analysis of duties.

TYPES OF DUTY

78. Shue is not unaware of the criticisms levelled against rights-based theories for their supposedly diffuse notion of duty. Accordingly, Shue devotes a substantial portion of his theory to the identification and the assignment of duties. Generally speaking, he takes the concept of limited universal duties to follow logically from the notion of universal basic rights. Granting the validity and absolute necessity of basic rights, how can one deny the obligation to ensure that those rights are fulfilled for all? If to some this seems insufficient grounds upon which to base a system of global duties, Shue disagrees. He suggests that 'if duties to avoid depriving people of their last means of subsistence are to be taken seriously, some provision must be made for enforcing this duty on behalf of the rest of humanity upon those who would not otherwise fulfil it'.⁴² Ultimately, Shue seems to derive these duties from the same 'moral rock bottom' which grounds his notion of basic rights.

⁴⁰ *Ibid.*, p.19.

⁴¹ *Ibid.*, p.29.

⁴² Shue (1986), p.56.

79. The theory calls for three types of duty. Shue suggests that ‘all’ basic rights, ‘all’ subsistence rights, and ‘most’ moral rights entail a tri-partite system of duties. Accordingly, each duty of three must be secured in order to say that a basic right is protected.⁴³ The first type of duty (I) is one of *avoidance*. Shue describes this as a universal duty that applies to both individuals and agencies such as states or multi-national corporations. The premise of this duty is *negative* or passive. It demands that we refrain from either directly or indirectly causing the deprivation of any individual’s ‘basic’ rights. The second type of duty (II) is one of *protection*. It involves two components. First (II-i), it requires that the duty to avoid depriving someone of his or her rights be enforced. Second (II-ii), it requires the setting up of institutions that would ‘avoid the creation of strong incentives to violate duty’. The third type of duty (III) Shue labels duty ‘to *aid* the deprived’. This duty in turn has three subdivisions. One must aid (III-i) those persons who are one’s special responsibility, (III-ii), those who are ‘victims of social failures’ in the fulfilment of duties I and II, and finally (III-iii) those who are victims of natural disasters. While this extensive catalogue of duties would seem to suggest virtually unlimited obligations on states and persons, Shue in fact combines an ‘interactional’ and ‘institutional’ approach in his system. For practical purposes, this means that he is willing to excuse states and individuals from specified duties, usually depending on the context. We turn now to precisely how Shue envisions these various duties should be allocated.

WHOSE DUTIES?

80. Shue seems to aim at a system of duty sharing in which he can divide the responsibilities for the protection of basic rights between states, persons, and, in a slightly different category, multi-national corporations. His reasons for this appear to be both practical and political.
81. As we noted above, he considers the ‘passive’ duty of avoidance (I) to be the *least* that any individual or collective entity owes to human beings. These duties are therefore universally binding. This point is significant, especially considering O’Neill’s remark that rights-based approaches simply cannot accommodate the notion that a ‘right to food’ implies a universal duty. Shue contends that much of the work to be done in combating global hunger and poverty can be done by enforcing his universal duty of avoidance. He suggests that the indiscriminate business practices of multi-national corporations, in particular, represent a ‘standard threat’ to impoverished individuals that may account for a substantial portion of their impoverishment: “It is vital to the argument of this book to establish that many people’s lack of the substance of their subsistence rights – of that is, the means of subsistence like food – is a deprivation caused by standard kinds of threats that could be controlled by some combination of the mere restraint of second parties and the maintenance of protective institutions by first and third parties”.⁴⁴
82. If all agents, individual and collective, have the duty to avoid deprivation, duties to protect primarily fall on state and local governments. Shue notes that the design of social institutions to monitor and guard against rights violations is ‘inherent’ in the duty to protect. He recognises that this is traditionally done by state or ‘local’ governments, and seems content to leave it in their hands.⁴⁵ Part of the reason for choosing an institutional over an interactional approach in this case is practical. Shue argues that entrusting individuals with the duty of protection would not be ‘realistic’ and may in fact be ‘too much to ask’, especially in cases where an individual corporation, say, cannot be expected to calculate all the consequences of its business on the local economy.⁴⁶

⁴³ *Ibid.*, p.52.

⁴⁴ *Ibid.*, p.41.

⁴⁵ Shue (1986), p.62.

⁴⁶ *Ibid.*, p.59.

83. Shue devotes the majority of his discussion of duties to the third category of duties to *aid*. The first category of duties to aid depends on the existence of a close personal relationship between the donor and the recipient. As Shue does not see any conflict between this first duty and the subsequent duties that bear on global redistributive justice, we need not discuss it here. Shue proposes that something he calls the ‘Priority Principle’ should govern these latter two categories of duties to aid. This principle provides a kind of moral calculus to determine *how much* each individual is obligated to give. The Priority Principle works by distinguishing several categories of goods, which comprises a mixture of rights and mere preferences. The categories are (i) basic rights, (ii) non-basic rights, (iii) cultural enrichment and (iv) preference satisfaction. Shue stresses that it is ‘most unlikely’ that any single individual would have to sacrifice more than his or her preferences. Nevertheless, there are three types of transfers that the Priority Principle *requires*: (a) Preference satisfaction, (b) cultural enrichment, and (c) non-basic rights of donors must all be sacrificed for the basic rights of recipients. Beyond this, Shue suggests that other, less essential sorts of transfers are also ‘permissible’. These would include donors sacrificing anything other than their basic rights for the preference satisfaction, cultural enrichment, or non-basic rights of less fortunate individuals.
84. An important component of Shue’s theory of duty is his support for coercion. He argues that no one individual should be compelled to sacrifice anything more than ‘preference satisfaction’ until all responsible individuals have fulfilled their share of duty. For this reason, Shue contends that ‘coercion would be justified in bringing about universal compliance with the requirement’ for the fulfilment of basic rights. His justification of coercion is that it may be the only means available to avoid ‘severe inequality’ among donors. He argues that ‘voluntary’ donations would (i) allow certain potential donors to evade their responsibility, thus breeding inequality, and (ii) might result in unstable levels of funding for transfer payments. This latter point is important because of the negative effect that an intermittent flow of funds would have on dependent recipients.⁴⁷ Although Shue does not discuss the merits of the various forms that coercion might take, he does suggest that ‘the performance of these duties ought to be a legal obligation’. He mentions the possibility of a tax in passing. However, he does not seem to support a global fixed tax rate. Rather, it is likely that he would leave this for individual states to decide.
85. Shue does not offer any further policy considerations, with the exception of one. In a footnote to his discussion of coercing individual support, he discusses a ‘general commodity agreement’ that would involve the redistribution of specific *commodities* to poor nations on behalf of rich ones.⁴⁸ He uses this example, however, to illustrate the difficulties in ensuring that fairness is preserved in such schemes. His particular concern with a ‘global commodity agreement’ is that some of the producers of the commodities covered under the agreement would be forced to sell at least some of their goods at lower prices in order to ensure access to poorer nations. This would be unfair for the producers of those commodities. Shue recommends that in such a case, yet another redistributive scheme would have to be implemented to correct the unfairness of the first. This second redistribution would be effected through tax laws in the home country of the corporation, and would direct funds to it from corporations not subject to the agreement.
86. Overall, Shue seems to express some reluctance about making particular policy recommendations. He suggests that the role of philosophers in designing international institutions is a limited one, and that ‘some aspects of institutional design are best understood by, for example, lawyers or economists or historians’.⁴⁹

⁴⁷ *Ibid.*, 118.

⁴⁸ *Ibid.*, note 13, p.213.

⁴⁹ Shue (1986), p.169.

CHARLES BEITZ: A CONTRACTARIAN APPROACH

87. One of the central problems of global justice is the justification of impartiality. Each of the theorists we have considered grapples with this issue. Singer asked us to view our duties to people in Bengal *impartially* by appealing to our intuitive human desire to minimise suffering (or maximise happiness). O'Neill justified the *impartial* fulfilment of our duties to indigent and starving persons by invoking Kantian rationality. Shue enjoined us to *impartially* respect and protect the rights of the 'weak' based in part on an intuitive aversion to 'degrading inequalities'. Thus although 'impartiality' is a characteristically cosmopolitan value, cosmopolitans evidently lead us to the impartial perspective by different paths. Charles Beitz chooses yet another route.
88. A general way in which his approach differs from the preceding theorists is in his appeal to *positive* responsibility as the basis for duties of global justice. The duties outlined by Singer, O'Neill, and Shue are not *owed* – they are *obligatory*. By this I mean that none of these theorists assume that a formal or informal relationship or shared co-operative scheme are *necessary* to justify a duty (Although Shue considers this idea by deriving the notion of rights from the idea of justice as reciprocity, this derivation does not appear to be essential to his overall justification of duties).
89. Beitz, on the other hand, does find some form of relationship – in this case, a world *society* of persons – to be necessary for the grounding of global duties. He approaches the issue of global poverty from a Contractarian perspective. The key feature of all contractarian theories is the notion of the social contract, the source of society's fundamental principles of justice. The significance of Beitz' theory rests in his unprecedented use of 'contract theory' to propose the notion of a universal *society* of human beings, which, he argues, has important implications for a theory of global distributive justice. The word *society* here is used in its formal sense: Beitz is able to claim that certain fundamental principles of justice must be globally applicable precisely *because* he posits the existence of a borderless society of persons. This redefinition of the international sphere as an international society is Beitz' path to the grounding of impartial global duties.
90. Beitz considers himself a 'moral cosmopolitan', which, among other things, means that he chooses to remain 'agnostic' regarding the particular kind of political institutions that cosmopolitanism would require if put into practice.⁵⁰ Although he has made certain practical recommendations about the implications of his theory, they are relatively few. Thus the majority of our discussion of Beitz will focus on two concepts in his work: first, his justification for the existence of an international society, which is based (a) on empirical considerations, and (b) on a Kantian-Rawlsian reinterpretation of the second original position. Second, we will outline the primary implication of a global society, which Beitz suggests is the globalised version of the Rawlsian difference principle (we define the difference principle below). Finally, we will turn to Beitz' sketch of how to apply parts of his theory to the real world.

RAWLSIAN BACKGROUND

91. Since Beitz' international theory largely represents a reaction to, and extension of, the theory of John Rawls, a very brief review of some key features of Rawls' philosophy is in order. First we must attempt to sketch Rawls' notion of (i) society, (ii) the original position, (iii) the veil of ignorance, and (iv) the Difference Principle.

⁵⁰ Beitz (1992), "Cosmopolitan Liberalism and the States System," in *Political Restructuring in Europe: Ethical Perspectives*, edited by Chris Brown. London: Routledge. pp.122-126.

92. Rawls posits a group of individuals who pre-exist society and come together to reap the benefits of co-operation, which would afford them greater possibilities of securing what he calls ‘primary goods’ than would be available to them in isolation. Based on this hypothetical situation, Rawls defines the term ‘society’ as a ‘co-operative venture for mutual advantage’. Here Rawls is very much in line with the Contractarian tradition, since the notion of equal parties to a contract is in part precisely intended to justify the ideal of mutual advantage.
93. But any co-operative venture must be governed by rules, and this society is no exception. Rawls accordingly suggests another thought experiment, which he calls the ‘original position’. The original position is a hypothetical *choice situation* in which the ‘rational representatives of free and equal citizens’ meet to decide upon the principles that will govern the distribution of ‘primary goods’ within their society. These are the principles of justice that regulate their co-operative enterprise.
94. In order to ensure the fairness of the outcome, the parties to the original position are made to wear what Rawls terms a ‘veil of ignorance’. The ‘veil of ignorance’ deprives each representative of any knowledge of her own personal circumstances, disposition, or characteristics that might prejudice her choice for principles of justice. In this way, for example, a rich woman cannot know that she is rich; otherwise she might aim to choose principles that favour lower taxes in exchange for less welfare funding. The goal is to select principles of justice under conditions of the greatest possible fairness – so that the representatives can make as close to a purely rational decision as possible.
95. One of the primary functions of the original position is to establish the principles according to which benefits from the co-operative scheme will be divided and shared. These are known as distributive principles. We can imagine many different principles that could serve this purpose. For example, the contractors could choose a principle that seeks to preserve as much liberty as possible by endorsing a distribution where, as long as goods are procured fairly, each is allowed to keep whatever she may earn – in full. Or, we can imagine another group of contractors who, seeking to preserve as much equality as possible, will divide society’s goods equally, reflecting the idea that each person is *entitled* to an equal share of society’s wealth. Rawls argues that his contractors will opt for a middle route. The contractors will aim for a strategy that minimises losses and maximises gains. The ‘mini-max’ strategy, or ‘difference principle’, is the result. Although we will discuss the difference principle in greater detail below, the fundamental idea is the following: inequalities in society are justified *only* as long as they work to the greatest benefit of the least advantaged. While this does not establish a ‘base-line’ as in Shue’s theory, it does justify income redistribution within society.
96. Although we cannot engage in any extended discussion here, we must review, in outline, how Rawls applies these concepts to the international realm. It should be noted that Rawls received some criticism for the less than full treatment of international justice that he offered in *A Theory of Justice*. He has since elaborated and slightly broadened his view in *The Law of Peoples*. However, since Beitz’ theory was formulated in response to Rawls’ earlier statements on international justice, we will mostly limit ourselves to considering the earlier position.⁵¹
97. There are three aspects of Rawls’ argument relevant for our discussion. First, the second original position is only needed as a preventative measure, for reasons of security. The international sphere is characterised by instability because it lacks a higher coercive authority. There are a limited number of rules in force. It would therefore be in the interests of each state to settle upon a series of essentially negative, shared obligations. Most of these would consist in accepted

⁵¹ Thus throughout I use the word ‘state’ to describe the parties to the second original position, even though Rawls has since changed his mind on the terminology. He now uses the word ‘people’ to describe the groupings that, it must be admitted, strongly resemble nation-states.

customary international legal principles. The aim of these obligations would be to secure a greater degree of peace between nations – not a greater degree of *intercourse* among nations. Second, Rawls argued (he has since revised his position) that the parties to this original position would be ‘more or less’ self-sufficient states. Beitz speculates that Rawls could not have meant fully self-sufficient.⁵² At most, the states are assumed to have very little trade or economic contact with other states. This notion of self-sufficiency will form the core of Beitz’ critique. Third, the states do not choose the same set of principles of justice that were chosen by the individual contractors in the domestic original position. There, the two fundamental principles of justice were (i) the maximum liberties principle (according to which the contractors preserved the greatest amount of liberty for each individual as was consistent with the preservation of the liberties of all other peoples) and (ii) the difference principle, which we have already encountered. In the second original position, states choose the principle of equality. Why this difference? Since states are assumed to be self-sufficient, ‘their attention is turned inward, not outward’.⁵³ This means that since states have no need for further external ties, they would not voluntarily create any in the original position. To generalise, then: Rawls conceives of the international sphere as a notion foreign to, and quite distinct from, domestic society. States have everything they need to support their institutions and survive; therefore they have no interest in anything more than principles to assure their continued safety.

BEITZ’ CRITIQUE OF RAWLS

98. Beitz’ theory of international society is based upon a revision of Rawls. Beitz aims to show that a logical extension of Rawlsian theory to cover global justice is possible – indeed, necessary. If one accepts the Rawlsian theory of domestic society, argues Beitz, then given certain empirical facts, one must also accept a revised Rawlsian view of international society. This revised view includes specific provisions for international distributive justice. In one sense, Beitz’ argument represents the most restricted we have considered thus far. Here he does not appeal to standards such as universal reason or human intuition, but to the technical criteria necessary for a ‘society’ to be said to exist. He is able to focus his argument in this way because he *assumes* the Rawlsian model of rights and duties within society. He seeks to apply, not necessarily justify, the fundamental principles of Rawlsian liberalism. Whereas all of the theorists we have considered to this point have attempted to formulate a conception of duty and universalise it (for application to *all* the needy, everywhere), Beitz takes up the problem of the international sphere and attempts to domesticate it – that is, to bring it within the reach of the well-established Rawlsian theory of domestic social obligations. Therefore, once the whole world is understood as one society, Beitz simply applies Rawls’ theory of obligations, which he does not necessarily challenge or defend. Having briefly placed his position with regard to Rawls in context, we turn to his critique.
99. The problem with the international original position as framed by Rawls, argues Beitz, is the fact that the contractors fail to consider any principle for the equitable distribution of resources. Recall that establishing such a principle (the difference principle) was an essential feature of the first original position. Since the states present at the international original position, like their domestic counterparts, are presumed to be rationally interested in their self-preservation, what reason could they have to omit such a provision? Even if we suppose that the states are self-sufficient when entering the original position, argues Beitz, we must assume that they ‘would know that natural resources are distributed unevenly over the earth’s surface’.⁵⁴ This information could not be hidden from them by the veil of ignorance.

⁵² Beitz (1999). *Political Theory and International Relations*. With a new Afterword. Princeton: Princeton University Press, p.133.

⁵³ *Ibid*, p.136.

⁵⁴ Beitz (1999), p.137.

100. Since the veil of ignorance prevents the state representatives to the second original position from knowing their nationality and the extent of the resource endowments of their state (among other things), Beitz suggests that they would naturally desire some form of principle to govern the equitable distribution of natural resources.⁵⁵ How would they rationalise this? Beitz contends that natural resources would be seen by the international parties to the original position in the same way that natural talents are viewed by the domestic contractors – *morally arbitrary*. Put differently, the allocation of inborn talents would appear just as random and beyond the control of the contractors as the location of natural resources in the earth or under the sea. The difference is, Beitz contends, that resources are significantly more arbitrary than talents, and the contractors would recognise this. They would not accord exclusive, *prima facie* rights to the resources that one just happens to find under one’s feet. Beitz bases this assertion on the notion that ‘personal liberty’ does not protect the appropriation and exploitation of natural resources in the same way it protects the right of the individual to develop her special talents.⁵⁶ Or, in practical terms, a person is unlikely to take personal pride in the coal deposit on her property, whereas she might in her ability to play the *Appassionata*.⁵⁷ Ultimately Beitz concludes that the state contractors would agree that each party has a *prima facie* right to a *share* of the total available resources. Whether the shares would be equal, indexed to population, or indexed to some other feature of the society, Beitz does not say. He does, however, suggest the difference principle as one way to deal with the resource issue.

THE CONCEPT OF AN INTERNATIONAL SOCIETY

101. The foundation for Beitz’ re-conception of the international sphere rests in his re-definition of the idea of ‘society’. Whereas Rawls defines society as a ‘co-operative scheme for mutual advantage’, Beitz feels this is too restrictive. Surely there have been examples of societies throughout history that could be defined as ‘co-operative schemes’ and yet failed to measure up to the ideal of ‘mutual advantage’. Beitz cites the Greek *polis* as an example of a society that consisted mostly of slaves who were permitted no part in the enjoyment of ‘mutual advantages’. Thus he suggests a more accurate and realistic definition for ‘society’: ‘...the requirements of justice apply to institutions and practices (whether or not they are genuinely co-operative) in which social activity produces relative or absolute benefits or burdens that would not exist if the social activity did not take place’.⁵⁸ Compared to Rawls’ formulation, we will immediately note that the notion of ‘mutual advantage’ and co-operation have been respectively eliminated and de-emphasised. Beitz clearly shifts the focus to the *effect* (negative or positive) that the activity has on those concerned. His motivation is practical. It is his conviction, as we shall see momentarily, that the international sphere possesses the characteristics essential to being considered a ‘society’. And yet the more narrowly worded definition of society, as ‘a co-operative scheme for mutual advantage’, seems a less-than-perfect fit when applied to the concept of a borderless, global community – and to some contemporary domestic communities.

102. Much hinges on this definition. As we noted above, principles of justice that determine a ‘fair’ distribution of benefits and burdens may *only* be applied where ‘social co-operation’ exists.⁵⁹ Distinct schemes of social co-operation, say, across national boundaries, *cannot* be ‘regulated by principles of social justice’.⁶⁰ Beitz’ response to these notions is to prove the existence of extensive transnational social co-operation in the world. This argument offered in favour of an *interdependent* world may be divided into two parts. First, Beitz offers some general statements on

⁵⁵ *Ibid.*, p.141.

⁵⁶ *Ibid.*, p.140.

⁵⁷ *Ibid.*, p.139.

⁵⁸ Beitz (1999), p.131.

⁵⁹ *Ibid.*, p.131.

⁶⁰ *Ibid.*, p.132.

the extent of economic interdependence. Second, he provides four examples of how the global economic order is responsible for the allocation of benefits and burdens.

103. International economic interdependence can be measured in at least two ways, according to Beitz. First, one can observe that the overall volume of transactions that cross borders on a daily basis is prodigious and continually increasing. He includes ‘communications, travel, trade, aid, and foreign investment’ in this category.⁶¹ Second, Beitz remarks on the new mobility of capital: ‘Capital surpluses are not confined to reinvestment in the societies where they are produced, but instead are reinvested wherever conditions promise the highest yield without unacceptable risks’. He also cites the growth of an international market for goods and multi-national corporations as two indicators of an ever-developing trend.
104. Beitz also seeks to emphasise the costs of the new world economic order, measured in terms of burdens suffered and benefits received. He does this in four points, two of which suggest that the new economic interdependence translates for many poor nations into an exaggeration of already existing economic and political inequalities. Since this is a familiar notion in contemporary international politics, we will not rehearse his arguments here.⁶² However, we should look briefly at the other two points made by Beitz, namely, that (i) external influences, such as multi-national corporations and other states, often have severe and lasting effects on poorer nations; and (2), that poorer nations are also subjected to the influence of a host of new international institutions. First, he analyses how domestic governments are often at a loss to direct their own economies because of happenings in the global market, e.g. price inflation. He suggests that greater involvement of a developing nation in the global market often comes at the cost of a further stratification of domestic society based on the rise of a connected, elite class and the government’s continual neglect of effective welfare policies. Second, Beitz suggests that the poorer nations often fund themselves at the mercy of a new class of international organisations such as ‘financial and monetary institutions’ that can potentially disrupt the local economy. These considerations taken together, Beitz claims that ‘international interdependence involves a complex and substantial pattern of social interaction, which produces benefits and burdens that would not exist if national economies were autarkic’.⁶³
105. The above reviews Beitz’ argument that, if we conceive of a society in the ‘right’ way, as a more or less co-operative scheme involving shared benefits and burdens, then the world today represents a universal cosmopolitan society. And as with any society, we have a duty to establish principles of social justice for it. These principles will necessarily involve some form of redistribution, although it need not take the form of the difference principle. However, what if we do not accept the notion that the types of economic interdependence suggested by Beitz fulfil the necessary requirements for a society? What if we challenge the validity or Beitz’ reading of the empirical evidence in a primarily empirically-based argument? In fact, many critics responded to Beitz in precisely this way, which is why he later developed an alternative ‘route’ to arrive at the same conclusion. This second route is not based upon empirical considerations such as world financial transactions or the powers of institutions. It therefore bypasses Rawls’ definition of a ‘society’ and the notion of mutual advantage. In short, it obviates the need for most of Beitz’ original argument. How is this possible? In this second argument, Beitz proposes that we re-conceive of human nature and human capacities along Kantian-Rawlsian lines. Briefly put, the original position requires that each participant be a ‘moral person’. This refers to the possession of the two ‘essential powers of moral personality’: the capacity for a sense of justice and the capacity to ‘form, revise, and pursue a conception of the good’.⁶⁴ Since, Beitz argues, human beings universally possess these qualities, the second original position can accommodate the

⁶¹ *Ibid.*, p.144.

⁶² cf. Beitz (1999), p.147.

⁶³ Beitz (1999), p.149.

⁶⁴ Beitz (1992), p.595.

whole world. And the parties to this cosmopolitan conference will not represent states, but individual persons. Thus this second argument brings us to precisely the same point as the first. However, let us consider for a moment if Beitz had only attempted the second ‘moral persons’ argument – in the absence of any empirical data on the development of a world community. Would the ‘moral persons’ original position convince? It seems doubtful. Thus, although we may not find either argument wholly satisfactory on its own, they do appear to reinforce Beitz’ case for a cosmopolitan conception of duty – when placed side-by-side.

THE GLOBAL DIFFERENCE PRINCIPLE AND OTHER POLICY IMPLICATIONS

106. Regardless of which Beitzian argument we chose to get here, we have arrived at a global original position. Will the fundamental principles of Rawlsian justice – the principle of the maximisation of liberties and the difference principle – apply to the global contractors? Beitz contends that ‘assuming...Rawls’ arguments for the two principles are successful’, the scope of the original position should not affect their content.⁶⁵ This reasoning leads Beitz to explore some of the implications that a global difference principle might have. He observes, first, that ‘it seems obvious’ that the difference principle will apply not to states or nations, but to ‘the globally least advantaged person (or group of persons)’.⁶⁶ Since, as Beitz himself remarks, the ‘globally least advantaged’ does not by any means have to correspond to the geographical boundaries of a state, it cannot be assumed that any international resource transfers would *necessarily* occur between states. Unfortunately Beitz does not here speculate on what sort of new political or financial structures would have to be created among targeted aid-recipient ‘groups’ in order to accommodate the receipt and administration of international transfer payments. Yet another implication of this observation is the potentially corrosive effect the growth of the necessary international institutions would have on the sovereignty of recipient states. Beitz’ position here is unequivocal. Sovereignty and all other particularist notions can often be positive agents of change, but can never justify their continued existence in anything but derivative terms: since human beings are the ‘ultimate units of moral concern’, sovereignty must always be sacrificed for the sake of human well-being.

107. Second, Beitz suggests that ‘the view of aid as charity must be given up’.⁶⁷ He remarks that in the absence of coercive global institutions, ‘capable of co-ordinating and enforcing redistributive policies’, those who evade their duty to aid will enjoy unfair advantages. Accordingly, he proposes the co-ordination of redistribution efforts among various ‘international actors’, comprising states and international organisations. However, it is important to note Beitz’ unconventional definition of ‘aid’ in this context. He intends aid programs to include the reform of trade law, ‘special drawing rights’ for poorer countries in the IMF, and *not*, surprisingly, ‘direct transfer payments to poor countries’. He seems to rule such programs out, suggesting that the latter method of redistribution would be ‘politically impossible at present’.⁶⁸ Moreover, while Beitz suggests that rich states have no ‘rights’ to their GNP until their duties are fulfilled to needy nations, he also contends that ‘an international difference principle can only command redistribution of the benefits derived from international social co-operation or economic interaction’. He adds that ‘it cannot touch the benefits of domestic co-operation’.⁶⁹ How these two statements might be construed to be consistent is difficult to determine.

⁶⁵ Beitz (1999), p.151.

⁶⁶ *Ibid.*, p.152.

⁶⁷ *Ibid.*, p.162.

⁶⁸ *Ibid.*, p.175.

⁶⁹ *Ibid.*, p.165.

THOMAS POGGE AND COSMOPOLITAN ALTERNATIVES

108. The philosophy of Thomas Pogge stands slightly apart from the other theories we have considered. We can suggest at least two reasons why. First, unlike the other philosophers presented here, he thoroughly engages the practical implications of his theory; one example is his Global Resource Dividend, a global redistributive tax on the use and extraction of natural resources. We will return to this and his other statements on policy in some detail. Second, his theory generally seems less tied to – which is not to say less indebted to – specific movements or thinkers within the tradition. While the influence of certain Rawlsian ideas is plain, he also fundamentally revises Rawls in various ways. The revisions he does make go beyond the Neo-Kantianism of O’Neill or the Global Rawlsianism of Beitz. More generally, his work might be described as an attempt to render the notions of ‘obligation’ and ‘rights’ – the tools of moral judgement – more responsive to what he believes are fundamental characteristics of human beings – their diversity and autonomy. In this way, his view at once diverges both from the somewhat ‘blunter’ moral instrument of Singer’s utility principle and the substantially vaguer notion of imperfect duties of beneficence proposed by O’Neill. Moreover, his list of ‘basic’ rights is ampler than Shue’s, and his proposals for their realisation involve more complex considerations. It does seem that, in Beitz, Pogge’s theory finds some common ground. Both place a similar emphasis on the role of institutions as a principal source and potential remedy of global injustice.
109. There are three main categories of Pogge’s thought that are essential to a basic appreciation of his theory of global justice. First, we will consider Pogge’s theory of obligations. Echoing O’Neill, he contends that the consistent lack of specificity regarding *who* precisely bears *which* duties is inherent in theories employing notions of *positive* responsibility. Second, we will examine Pogge’s revisionist theory of rights. Third, the empirically based argument for the existence of global interdependence, the source of global duties, will be briefly sketched. And finally, we will turn to the recommendations Pogge makes for potential global political and economic reforms based on his theory.

POGGE’S THEORY OF OBLIGATIONS

110. Pogge views global obligations as *negative*. Except for Beitz, all of the other theorists we have considered have taken a *positive* approach to duty. They appeal to *impersonal* standards such as that suffering is ‘bad’, that human reason mandates that the maxim of our will be universalisable, or that certain rights are simply ‘basic’. These standards impose a duty to act according to a certain principle. Pogge concedes that such standards may be ‘broadly applicable’,⁷⁰ but fears that they may lead to an unproductive attitude towards duty. He suggests that people who adopt the positive perspective often feel ‘entitled’ to carry out their obligation to aid however they may choose, perhaps by favouring local concerns against the needs of starving people on the other side of the world. On the other hand, having a negative responsibility for some given outcome is to say that my action *at least* contributed to the outcome. If I know which persons were affected by my action, my obligations are unambiguously held towards *those* individuals. Pogge suggests that this is a stronger way to express the notion of duty – one that might have a greater impact for questions of global justice.
111. However, this notion of negative responsibility must be understood within the context of Pogge’s *institutional* approach to cosmopolitan morality. Institutional cosmopolitanism differs from the *interactional* variety endorsed by Singer. Whereas the interactional view judges the actions of individual persons or groups, the institutional view regards ‘institutional schemes’ as the primary moral agents in society. Individuals bear responsibility for the conduct of these

⁷⁰ Thomas Pogge (1999), “A Global Resource Divided,” p.2 www.tf.uio.no/etik/artikler/globalresources.htm

institutions, but are not themselves moral agents. In practice, this means that citizens in a democratic society should attempt to reform any unjust institutions they come across. Acting in this way constitutes an appropriate expression of an individual's 'moral agency' within an 'institutional scheme'. While some may see this as too limiting, Pogge sees the co-ordinated efforts of global institutions as a more promising route to securing the performance of global duties to the poor.

112. Pogge readily admits that his approach has certain 'straightforward limitations',⁷¹ however. He has described one such limitation as the 'Venus principle': 'Suppose we discovered persons on Venus who are very badly and much worse off than we are, and suppose we could help them without great cost to ourselves'.⁷² What are we morally obligated to do in such a case? Pogge assumes that we have no contact with the people living on Venus, and therefore no shared social institutions. In such circumstances, we have no obligation to help; and the failure to help cannot be considered morally wrong. The 'limitation' to which Pogge alludes is presumably the application of the Venus principle to the planet Earth. According to this principle, we would do no moral wrong by ignoring millions of starving persons in country X, as long as we had no institutional contact with the country or people of X. In Pogge's words, 'the global moral force of human rights is activated only through the emergence of a global scheme of social institutions'.⁷³ Put differently, Pogge's theory does not envision independent contributions to famine relief funds as a moral duty; if the institutions are lacking, the rich nations are off the hook. According to Pogge, however, we need not worry about the unsavoury logic of this principle, since 'all human beings are now participants in a single, global, institutional scheme'.⁷⁴ What evidence do we have for the existence of such a community? Pogge here makes an argument similar to Beitz' empirical account of the international 'society'. Since we have already reviewed Beitz' approach, we need not rehearse Pogge's argument here. In general, Pogge cites the pervasive influence of international institutions and organisations, the globalised market, and a long tradition in international law and diplomacy as some of the defining elements of our single, global 'scheme'. But more importantly for our purposes, Pogge claims that the actions of affluent nations and corporations so influence the circumstances of the poor that they 'must exist under a scheme of social institutions',⁷⁵

113. According to Pogge's argument, participation in this global 'scheme' alters our moral relationship to the rest of humanity. This point is central to his theory of obligations. Even in the absence of social institutions, we all have a negative duty to refrain from imposing 'unjust institutional schemes' on any other human being. But when we participate in a common 'scheme', Pogge claims that our negative duties can no longer be limited to mere 'forbearance'. Citizens must play an active role in defending human rights within the context of their social 'scheme'. The mere existence of a 'scheme' on a global scale, then, 'triggers our [negative] duty to promote feasible reforms...that would enhance the fulfilment of human rights'.⁷⁶ In the event that these institutions prove ineffective or corrupt, we are held to be responsible because of our own, personal role in its 'unjust perpetuation'.⁷⁷ Thus although Pogge avoids invoking any notion of positive responsibility, he nevertheless succeeds in imposing a universal positive duty to set up and maintain that particular 'institutional scheme' which would best protect human rights.

⁷¹ Thomas Pogge (1992), "Cosmopolitanism and Sovereignty," in *Political Restructuring in Europe: Ethical Perspectives*, edited by Chris Brown. London: Routledge. p.91.

⁷² Pogge (1999), p.2-3.

⁷³ Pogge (1992), p.91.

⁷⁴ *Ibid.*, p.92.

⁷⁵ Pogge (1999), p.3.

⁷⁶ Pogge (1992), p.93.

⁷⁷ Pogge (1999), p.2.

POGGE'S THEORY OF RIGHTS

114. Given that Pogge's notion of duty is negative, most of the normative content for his system of global morality must derive from a theory of rights. In the search for a global, universal criterion of justice, Pogge remarks that 'human rights are most likely to be equal to this task'.⁷⁸ This notion fits well within Pogge's broader view of international society. He suggests that the current world order reflects what he calls a *modus vivendi* model of international relations.⁷⁹ This term refers to any situation in which the parties to a social contract or agreement are exclusively motivated by self-interest, not having any concern for the interests of the other parties to the arrangement. With self-interest as the only common thread holding such a union together, insecurity and distrust are unavoidable. Pogge argues that the world must escape this situation and find an acceptable basic structure for international society. Until international institutions, like their domestic counterparts, can be grounded in certain fundamental – but not necessary *ultimate* – values, their efficacy and influence will be decisively limited. As a first step in the right direction, Pogge proposes something he calls the 'value-overlap' model of international relations. In this model, the institutional scheme created under the common authority of the various participating states is founded around the joint recognition of certain basic values. Again, these values need not – and most likely will not – represent the 'ultimate' or highest values of the contracting communities. Rather, they represent the lowest common moral denominator. Human rights theory is well suited to make such an attempt: its chief aspiration is articulate a set of universal normative principles.
115. In Pogge's theory, the notion of human rights is connected to the so-called 'core criterion of universal justice'. Pogge suggests that the level of institutional 'interconnectedness' in the world today, together with the impact of institutions on the lives of the least-well off, suggest the need for a universal criterion with which to 'assess together all social institutions of diverse scope whose interplay shapes the living conditions of individual persons'.⁸⁰ In other words, duty demands us to evaluate our institutions. But before we can hope to judge whether or not global institutions meet the requirements of 'social justice', we must come up with a universally acceptable standard of moral judgement. The question then becomes, on what do we base this standard? Pogge's suggestion is that we ground this standard in a limited, but essential account of human 'flourishing', which he defines as an "all-in" assessment of the quality of human lives'. Needless to say, this is a difficult and controversial task, since some of us might doubt that a *single* account of those elements that render a human life at least minimally 'good' could ever hope to be accurate for *all* people. But it is a crucial element in his theory. Pogge appears to be seeking a definition of the basic human 'good' that is more responsive to the diversity of individual needs. Some definitions of the 'good' may arguably be seen as *too* general. That is, they may be so general that they are unable to take account of the diversity of human needs and goals. The principle of utility may be open to this difficulty. However, at the same time, other highly specific notions of the minimal 'good', such as Shue's 'basic rights', may be too limited in their scope. In order to understand Pogge's thinking on this point, we will consider (i) what Pogge deems to be a necessary limitation on any serious account of human flourishing, and (ii) how the notion of human flourishing relates to an institutional understanding of human rights.
116. Although Pogge considers various ways in which the notion of human 'flourishing' is difficult to define, we will only briefly consider one here: the problem of autonomy. He notes that the autonomy of 'adult persons ought to be respected'.⁸¹ Applied to the concept of human 'flourishing', he argues, this means that we should respect each individual's own personal

⁷⁸ Thomas Pogge (1999), "Human Flourishing and Universal Justice," *Social Philosophy and Policy*, p.351

⁷⁹ Thomas Pogge, "Moral Progress," in *Problems of International Justice*, edited by Steven Luper-Foy. Boulder: Westview Press, p.287.

⁸⁰ Pogge (1999b), p.339.

⁸¹ Pogge (1999b), p.336.

understanding of how the good should best be pursued *for her*. In Pogge's words, 'One is respecting another's autonomy insofar as one takes her flourishing to consist in whatever *she* takes it to consist in'. How does this relate to Pogge's theory of global justice? The emphasis here is on the freedom of the individual to choose to pursue *her* aims. This focus on autonomy and freedom guides Pogge's theory as a whole. One way in which we can understand the choice between an institutional cosmopolitan perspective and the non-institutional cosmopolitanism of the preceding theorists is as follows. The institutional variety, generally speaking, would force *societies* to be accountable agents for change *through* their 'institutional scheme', thus leaving individuals free from direct proscriptions on *how* they should act and towards *whom*. The quasi-positive responsibility that individuals do assume under Pogge's theory – namely, to work for more just institutions – appears to give them significant freedom in the exercise of their duty.

117. We can appreciate the importance of a respect for autonomy in Pogge's theory by considering his account of how human 'flourishing' can be best achieved through his own institutional cosmopolitanism. Pogge suggests that 'respect of autonomy' should not only be accorded to persons, but to societies and cultures as well.⁸² While such groups will naturally be held accountable to the 'universal core criterion of justice', Pogge does foresee a diversity of national institutions and 'ways of life'. The 'core criterion', in turn, must be defined with the respect of human autonomy in mind. This calls for a 'thin' version of the criterion – one that is primarily formulated 'in terms of (unspecific) 'means' to, rather than components of, human flourishing'. With this in mind, Pogge proposes a list of essential 'means' to human flourishing: 'nutrition, clothing, shelter, and certain basic freedom, as well as social interaction, education, and participation'.⁸³ The question remains, though: How does an institutional perspective offer a more secure guarantee to these basic means to flourishing? Pogge underscores the need for society to analyse the relationship between the level of human flourishing and the *institutions* in place in that society. By this Pogge means something quite specific. On the institutional view, human rights as such are satisfied or fulfilled when there exists, through society's institutions, 'secure access' to those rights. Put simply, the institutional view guarantees that institutions will protect human rights; it does *not* guarantee the substance of the rights themselves. Pogge explains the relationship between institutions and individual agents by redefining a human rights as 'a moral claim *on* social institutions and therefore a moral claim *against* all those who participate in the coercive upholding of such institutions'.⁸⁴

POGGE'S RECOMMENDATIONS FOR ACTION

118. Pogge has not a few suggestions as to how his theory might be at least partially realised in a non-ideal world, but we will focus on the policy recommendation that he has developed and promoted most extensively, his 'Global Resources Dividend' argument. In this proposal he proposes a global redistributive resource tax for the aid of the poor.
119. The Global Resources Dividend (GRD) proposal is unique among plans for international redistribution. Although it is ambitious – Pogge would impose a resource tax of roughly 1% for the beginning stages of the plan – it is also straightforward and, according to Pogge, 'practicable'. The proposal is as follows: 'Those who make more extensive use of the resources of our planet (these coincide roughly with the affluent), should compensate those who, involuntarily, use very little'.⁸⁵ This compensation would take the form of a stake in the world's natural resources – not a stake that may be cashed in, but, on Pogge's analogy, something like shares in a preferred stock. This is where the notion of a Global Resource *Dividend* comes from. To give a simple

⁸² *Ibid.*, p. 339.

⁸³ *Ibid.*, p.342.

⁸⁴ *Ibid.*, p.353.

⁸⁵ Pogge (1999), p.8.

illustration, Pogge describes how the oil industry would be affected. By imposing a two-dollar per barrel tax on crude oil, the price of gasoline would be raised by five cents. But the annual expected revenue from the tax would be fifty billion dollars, or one-sixth of the targeted *total* funding for an entire year. Considering that the poor are 'being impoverished and starved by our common institutional arrangements',⁸⁶ Pogge repeatedly argues, we are bound by duty to bear relatively minor burdens such as these.

120. Pogge insists that, for the purposes of this plan, he both accepts the state system and would allow states to retain control of the natural resources in their territory. However, states would not have an *absolute* right to their resources. The states' sovereignty over their resources would be limited by the imposition of a fixed tax rate on various commodities. Since the tax applies only to resources being used, resources that are left undisturbed are not taxed. The states would also have the liberty to choose the methods by which the funds for the tax would be collected domestically. This decentralisation of the collection process would, according to Pogge, eliminate the need for an elaborate bureaucracy.⁸⁷ Ideally, the funds could even be directly transferred from the donor state to the recipient state. Even what seems to be the most practically difficult part of the proposal, which involves the calculation of the level of GRD funding that each country should receive (based on per capita income, population statistics, and past performance with funds), could be handled by an already-existing institutions such as the United Nations, the World Bank, or the IMF. On this point, Pogge notes that using an international institution such as the World Bank to transfer funds from donor states to recipient states would eliminate the possibility of donors demanding political favours in exchange for aid dollars. Since foreign aid has often been associated with such problems, Pogge suggests this improvement in itself as significant.⁸⁸

121. However, he does acknowledge that the disbursement and administration of funds in the recipient nation could entail more difficulties than the collection procedure. Pogge's plan calls for a direct transfer of the international funds to either the government of the recipient nation, or to private or public organisations based in the recipient nation. In the event that the national government receive the power to administer the funds, it would have ample discretionary power in spending them. This means that governments would be in a position to make truly critical decisions on where and how to allocate the aid; no fraction thereof is specifically ear-marked for the nation's poor. Pogge optimistically states that 'those funds would enable these government to eradicate poverty in their territories in whatever way is most effective'.⁸⁹ He suggests that the sums could go to 'maintaining lower (including negative) tax rates, higher tax exemptions and/or higher domestic spending for education, health care, micro-loans, infrastructure, land reform, etc'.⁹⁰ In order to avoid corruption and theft of the funds by local political elites, Pogge envisions two types of 'incentive' which might be offered. The first assumes that local elites are already benefiting from the influx of foreign funds, and would simply make it clear that GRD funding will cease if no enhancement of the 'circumstances and opportunities' of the least-well-off is registered. The second incentive is more proactive. The more effective a country has been at 'eradicating domestic poverty', the more GRD funding it would receive. Further, if the government has shown itself to be particularly instrumental in decreasing domestic poverty, a greater share of the funding should be held by the government. In the event that a government is found to be corrupt, Pogge argues that there may be other ways to spend the money in the recipient country to benefit the poor. Here he suggests the possible role international aid

⁸⁶ *Ibid.*

⁸⁷ Pogge, "An Egalitarian Law of Peoples," p.201.

⁸⁸ Pogge, "An Egalitarian Law of Peoples," p.201.

⁸⁹ Pogge (1999), p.11.

⁹⁰ *Ibid.*

organisations might be able to play.⁹¹ If all options are exhausted and the funds are still not reaching those who need them, Pogge recommends that they be spent elsewhere.

CONCLUDING REMARKS

122. These remarks will be brief, since it is my hope that my presentation of these five theorists has rendered their positions adequately clear. I also tried to add in my observations and those of other authors when useful.
123. What I would like to comment on, however, is Henry Shue's notion of a 'moral rock bottom', because I believe that phrase captures something fundamentally true about this debate. On the one hand, we have what seems to be the truth of the matter: that beyond a certain point in this debate, certain assumptions are required. Thus if we do not agree with Singer when he states that suffering is bad, or when he argues that we should do what we can to prevent suffering, we simply cannot hope to make any further progress.
124. However, I do not believe that most people – that even a small fraction of most human beings – would truly disagree with Singer's statements. I believe that the problem arises after this point of agreement, when people must ask themselves how much a given theory will require *of them*. This is not because they are selfish, or uncaring, or hard-hearted, either. It is a natural response.
125. But if we do understand that this is a natural human response, then I believe the philosophers would do best to address it as such. In my opinion, arguments from a position of negative responsibility do a better job of taking a 'human' response into account. Pogge does the most successful job of addressing practical concerns. Part of his success is his emphasis on producing real, well-thought-out policy recommendations. It is difficult to understand why philosophers working on this problem would be content to remain vague about the practical import of their theory. That would seem to be the whole point.

* One of the greatest challenges in attempting to introduce such a vibrant field of thought is reconciling yourself to how little space you have, compared to what could be said. My methodology here was simple. In order to provide as non-technical and accessible an introduction to what can very often be a highly technical and difficult field, I chose to focus on five authors – arguably the five most influential authors to have written from the cosmopolitan perspective in the past thirty years. This approach, I believe, has one big advantage. These authors' views span the gamut for modern cosmopolitanism. Learning their arguments means learning the arguments that have dominated the debate in the past thirty years. Even so, I would have especially liked to include an entire section on Amartya Sen's notion of 'capabilities' and human 'functionings' and Martha Nussbaum's Essentialism. They represent a perspective on human needs that only Thomas Pogge seems to approach in his notion of 'human flourishings'. The problem is that Sen criticises what he calls 'grand universalism' (read 'cosmopolitanism') in favour of an alternative view – 'plural affiliation'. John Rawls' *The Law of Peoples* also falls into this category of not-quite-cosmopolitan, although I was able to work in a bit in the section on Charles Beitz. By its very title Rawls' book trumpets his rejection of the cosmopolitan view. Nevertheless, his own idea of a 'Duty of Assistance', however much criticised for 'not going far enough', would represent a dramatic improvement over contemporary international policy if it were ever to be realised. Other authors who have interesting things to say, but would have brought me beyond the limited scope of the paper, include G.A. Cohen, Thomas Nagel, Brian Barry, Derek Parfit, Simon Caney, Hillel Steiner, Thomas Scanlon, R.J. Vincent – just to name a few.

⁹¹ *Ibid.*, p.11.