

Chapter 7

Cosmopolitan Idea of Global Distributive Justice

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Although there are different interpretations of cosmopolitanism and different conceptions of cosmopolitan justice,¹ it seems justifiable to assume that the idea of cosmopolitan distributive justice – which some philosophers identify with economic justice – is based on some common characteristics of cosmopolitanism. According to Sebastiano Maffettone, there are mainly three such characteristics: individualism, universalism, and egalitarianism. Cosmopolitanism in its pure form is, firstly, “typically individualist, because it sees the relations between persons on the planet as the very starting point of every inquiry and practice,” and for this reason, “all the relevant relations are so inter-individual ones.”² Secondly, it “is also universalist in the Kantian meaning of the term,” since “its ethical and political norms are valid for all persons ... in the same way.”³ And thirdly, cosmopolitanism is “egalitarian, even if often in a sophisticated way.”⁴ Maffettone stresses that it is egalitarian because “it maintains that all people must be treated equally, like universalism itself requires. It does not maintain however that all people have a right to the same amount of resources. Some inequalities, for example, can be justified within pure cosmopolitanism in the light of a plausible incentive system. To keep the egalitarian assumption, it is here sufficient that these inequalities have effects that can be considered beneficial for everybody.”⁵

¹These differences can be seen, for instance, if we take into consideration three different “cosmopolitan approaches to the problem of global poverty”: utilitarian (Singer), rights-based (Shue), and a duty-based (O’Neill) approach (Tan 2004), 40–53).

²Maffettone 2007.

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*

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These characteristics of cosmopolitanism and particularly its impartial egalitarianism are essential to the great majority of conceptions of cosmopolitan distributive justice as well. On the other hand, precisely these characteristics are the main reason that the cosmopolitan idea of distributive justice is constantly accused of neglecting “the special ties and commitments that ... are associated with nationalism and patriotism.”⁶ Another reason why this idea is a target of severe criticism is the fact that at least some cosmopolitan conceptions of global justice are based on the assumption that some principles of distributive justice “apply between individuals *across* societies and not just within a single society.”⁷

However, the problem of how justice is to be considered at the global level has provoked one of the most controversial discussions in contemporary political and moral philosophy. The main aim of these polemics has been, as Philippe Van Parijs stresses, to find an adequate answer to the question of whether global distributive justice should be understood as social justice in the sense that the principles of justice, accepted at the national level, should be extended to all mankind or, just the opposite, if global justice should be understood as an international justice, which requires the development of the principles that would enable fair interactions between nations and countries, which should be quite different from those principles that allow interindividual equity within nations or nation states.⁸

Looking from the cosmopolitan point of view, principles of global distributive justice should apply equally and impartially to all human beings regardless of their nationality and citizenship.⁹ Among the philosophers who are convinced that the principles of justice accepted at the national level should also be applied to the world as a whole are Charles Beitz and Thomas Pogge. They both argue that such a principle is also the famous John Rawls’s difference principle of justice, which requires social institutions to be arranged in such a way that social and economic inequalities “are to be to the greatest benefit of the least-advantaged members of society.”¹⁰ However, some other political philosophers, for instance, Nagel and, what is indicative, Rawls himself, unequivocally reject such interpretations. Moreover, they claim that global distributive justice is – in the world as it is now – impossible. In their opinion, it is impossible because there is no global justice without either a global people, or global democracy, or a global state, or a global basic

⁶Tan, *Justice without Borders*, IX.

⁷*Ibid.*, 56.

⁸Vandevelde and Van Parijs 2005–2006).

⁹Tan, *Justice without Borders*, 4.

¹⁰Rawls and Kelly 2001), 42–43.

structure.¹¹ Some among these opponents of global distributive justice think that only humanitarian duties are needed on global level.¹²

If they are right, then those who think that we need also duties of global distributive justice¹³ are wrong and vice versa. Suppose now that we have only humanitarian duties. In this case, the question arises as to whether there are any moral or legal obligations of justice to diminish or, if possible, to abolish injustice at the global level. The answer is affirmative. There are both legal and moral obligations. Legal obligations are usually understood as obligations of the nation states, while moral obligations are duties of individuals and institutions.¹⁴ In the case of extreme inequality and poverty in the world – which are two distinctive sorts of such injustice – the moral obligations toward the poor of the globe, as Maffettone emphasizes, do not “depend directly on the existence of a controversial global basic structure”¹⁵ or, we can add, on a global people, a global democracy, or a global state. He argues that there is universal duty of justice, according to which “we have a duty to protect human dignity in all its forms, regardless of the presence of a real global basic structure.”¹⁶ This duty requires us to “help whoever is in extreme difficulty” regardless of whether or not “we are personally or collectively responsible for his or her hopeless situation.”¹⁷ Understood in such a way, a universal duty of justice – which is a form of positive duty to help – differs considerably from the negative duties not to harm the global poor, advocated by Pogge.¹⁸ Although Pogge does not deny the existence and importance of positive duties of assistance, he argues that negative

¹¹ Critical analysis of this dispute is in Van Parijs (2007, 642–649).

¹² *Ibid.*, 641. They obviously agree with Rawls, who argues that the duty of assistance is sufficient for securing human rights and meeting basic needs in burdened societies. However, “if we accept that rich countries have *only* a duty of humanity to poorer countries, we are also accepting,” says Kok-Chor Tan, “that the *existing* baseline resource and wealth distribution is a just one” (Tan, *Justice without Borders*, 66).

¹³ The difference between duties of global distributive justice and duties of humanity is important: “while duties of humanity aim to redistribute wealth, duties of justice aim to identify what counts as a just distribution in the first place” (*ibid.*, 67).

¹⁴ Cosmopolitans believe that individuals are “the ultimate unit of moral concern” (Tan, *Justice without Borders*, 1), while the so-called statist – such as Nagel and Rawls – think just the opposite, namely, that the fundamental moral units are institutions simply because “the principles of justice apply to institutions and not directly to individuals” (Sebastiano Maffettone, *Un mondo migliore: Giustizia globale tra Leviatano e Cosmopoli* (Roma: Luiss University Press, 2013), 107).

¹⁵ Sebastiano Maffettone, *Un mondo migliore: Giustizia globale tra Leviatano e Cosmopoli*, 116.

¹⁶ *Ibid.* This universal duty – and the correspondent basic socioeconomic right to subsistence – “rest on the characteristic of human vulnerability. They are imposed by the fact that our weakness as human beings requires a necessary support that cannot be deferred” (*ibid.*, 119).

¹⁷ *Ibid.*, 94, 117.

¹⁸ According to Pogge, the notion of “harming the poor” should be “understood as making them worse off than they *should* have been, i.e. how well off they would have been had the international economic order been just. To know what ‘harming’ is, one therefore needs to know what justice requires,” and “not the other way round” (Van Parijs, *International Distributive Justice*, 649).

“moral duties are more stringent than positive ones.”¹⁹ His intention is to show two things: first, that “existing world poverty manifests a violation of our *negative* duties,” that is, “our duties not to harm,”²⁰ and, second, that citizens of rich countries, who “benefit from a system that foreseeably and avoidably causes widespread misery,” are in fact “violating negative duties not to harm the global poor.”²¹ In consequence, they have not only a duty not to harm but also “to compensate for any harm” that they “do cause”²² and “to avert harms that one’s own past conduct may cause in the future.”²³ These duties are, in his opinion, “of a very different nature from a duty to assist.”²⁴ The so-called intermediate duties are different from positive ones because they presuppose that rich countries – and at least indirectly their citizens as well – are responsible for severe global poverty. According to Pogge, they are responsible for harming the global poor by shaping and imposing on poor countries the new unjust global economic order, that is, “the social institutions that produce these deprivations.”²⁵ However, although he is persuaded that negative and intermediate duties are more stringent than positive duties, he does not think that they should replace positive duties. What he claims is that it is not sufficient to appeal only to positive duties if we want to diminish global poverty.

On the other hand, positive duties to assistance do not presuppose that we have such duties because of our direct or indirect responsibility for global poverty. We have already mentioned that, according to Maffettone, we have to take up our universal duty of justice regardless of whether or not we are personally or collectively

¹⁹ Pogge (2005), 34. The argument that he uses in order to give proof for this assertion is the following: “the duty not to assault people is more stringent than the duty to prevent such assaults by others” (*ibid.*). However, this does not mean that he believes – as some critics have attributed to him – “that *any* negative duty, including the duty to refrain from doing some small harm, is more stringent than *every* positive duty, including the duty to rescue thousands of children” (*ibid.*, 34–35).

²⁰ *Ibid.*

²¹ Pogge (2008), 531.

²² *Ibid.*

²³ Thomas Pogge, “Real World Justice,” 34.

²⁴ Pogge (2008), 531. These duties “do not fit well into the conventional dichotomy of positive and negative duties” because they are at the same time both negative and positive. “They are positive insofar as they require the agent to do something and also negative insofar as this requirement is continuous with the duty to avoid causing harm to others” (Thomas Pogge, “Real World Justice,” 34).

²⁵ Thomas Pogge, “Real World Justice,” 33, 36. However, this does not mean that the existing global economic and institutional order is the only cause of world poverty. He admits that bad national policies, bad social institutions, and corrupt and incompetent leaders are in poor countries causal factors as well. But despite this, the global institutional order is one which “powerfully *shapes* the national regimes especially in poor countries as well as the composition, incentives, and opportunities of their ruling elites. For example, corrupt rule in poor countries is made much more likely by the fact that our global order accords such rulers” (*ibid.*, 49). Another example of the impact of the global institutional order on poor countries: “In the WTO negotiations, the affluent countries insisted on continued and asymmetrical protections of their markets through tariffs, quotas, anti-dumping duties, export credits, and subsidies to domestic producers, greatly impairing the export opportunities of even the very poorest countries” (*ibid.*, 50).

responsible for extreme global poverty. Peter Singer in his famous article “Famine, Affluence, and Morality” – which can be seen as a paradigmatic example of the utilitarian cosmopolitan approach to global justice and inequality – also argues that the well-off people in rich countries have a moral duty to help poor people in poor countries. He interprets this duty as a logical conclusion that follows from the following two premises:

1. “Suffering and death from lack of food, shelter, and medical care are bad.”²⁶
2. “If it is in our power to prevent something very bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it.”²⁷

The conclusion which follows – if we accept both premises and assume that people in rich countries can prevent the “suffering and death from lack of food, shelter, and medical care” in poor countries – therefore, is people in rich countries have a moral obligation to help those in poor countries.

What is important to stress here is that, according to Singer, the application of the second premise does not imply that the moral obligation of rich people depends either on the physical proximity or distance between rich and poor or on the fact that there are many rich people who can help.²⁸

On the one hand, he argues that mere distance in space is in itself irrelevant to the determination of what one ought to do. “If we accept any principle of impartiality, universalizability, equality, or whatever,” says Singer, “we cannot discriminate against someone merely because he is far away from us.”²⁹ This is, in fact, his answer to the following frequently used objection to help poor countries: “suffering outside one’s country just is not something one has a duty to help alleviate, because those suffering belong to a different society, and hence a different moral community. Duties arise between members of single communities, bound by ties of mutual co-operation and reciprocity.”³⁰

²⁶ Singer (2008), 3. However, his argument is also “deliberately vague, since he wants his conclusions to follow logically from a variety of ethical positions—from his own consequentialism, on which we would have a duty to transfer our own resources to the point where marginal utility could not be increased, to a comparatively weaker position which would only entail that we give up wealth until something “of moral importance” needs be sacrificed” (Blake 2013).

²⁷ Singer, “Famine, Affluence, and Morality,” 3. By saying that “without thereby sacrificing anything of comparable moral importance” Singer means “without causing anything else comparably bad to happen, or doing something that is wrong in itself, or failing to promote some moral good, comparable in significance to the bad thing that we can prevent” (*ibid.*, 3). Singer gives an explanation on how to understand the second premise in the following way: “If I am walking past a shallow pond and see a child drowning in it, I ought to wade in and pull the child out. This will mean getting my clothes muddy, but this is insignificant, while the death of the child would presumably be a very bad thing” (*ibid.*, 3).

²⁸ *Ibid.*, 4–5.

²⁹ *Ibid.*, 4.

³⁰ This objection is presented and critically discussed in Dower (2000, 279).

On the other hand, he refuses the view that numbers diminish moral obligation. In his opinion, “it does not matter morally to the question, what you ought to do, how many people could help the situation.”³¹ In addition, it seems that he also thinks – like Maffettone, but opposite to Pogge – “that the causes of poverty are irrelevant to our moral obligations to the world’s poor.”³² This obligation to help those in poor countries is understood as a strict moral duty. This means that such help should not be considered as an act of charity or what “philosophers and theologians have called ‘supererogatory’ – an act that it would be good to do, but not wrong not to do.”³³ Charity is not an obligation. It is “something that we are free to do or to omit.”³⁴ As such, charity is not a satisfactory solution of the problem of global poverty.³⁵ The claim that we have a duty to help others is therefore much more demanding than our moral obligations are usually understood. The usual interpretation of one’s strict duty is not to harm others. But helping others is morally optional.³⁶ Such an interpretation of our duties is – as we have already seen – acceptable neither for Pogge nor for Maffettone. Although it is true that Pogge prefers

³¹ Singer, “Famine, Affluence, and Morality,” 5.

³² Miller (2007), 237, n. 8. David Miller argues that Singer’s drowning child example is “a very bad analogy for thinking about responsibility for global poverty” since he “asks no questions about outcome responsibility for global poverty: he does not ask why so many are poor, whether responsibility lies with rich nations, with the governments of poor nations, etc. – he treats poverty as if it were a natural phenomenon like earthquake” (*ibid.*, 234–237). But even if this critic is correct, it is at the same time irrelevant to such conceptions of positive duty to help as are conceived and defended by Singer and Maffettone. These duties require us to help whoever is suffering from extreme poverty, regardless of who is responsible for global poverty.

³³ Singer, “Famine, Affluence, and Morality,” 7. “Supererogation” is a term which means “paying out more than is due (*super-erogare*),” and it is used as a name “of actions that go beyond the call of duty.”

³⁴ Onora O’Neill, “Rights, Obligations, and World Hunger,” in Pogge, Horton, *Global Ethics*, 148. Charity lies beyond one’s duty. It is not required by justice: giving what is owed to one as his right. For this reason, it is not the fulfillment of a duty for others’ rights.

³⁵ According to Thomas Nagel, charity – which is still the mechanism that is the most frequently used in order to help those who are in extreme difficulty – is not enough “because of limits on what it can achieve.” In addition, charity is for him problematic in the context of global poverty “because of what it presupposes” as a condition of its successful functioning: “it is not threatening for those asked to give.” There are two reasons for this. “First, it is left to them to determine when the sacrifice they are making for others has reached a point at which any further sacrifice would be supererogatory. Second, it does not question their basic entitlement to what they are asked to donate. The legitimacy of their ownership, and of the processes by which it came about, is not challenged. It is merely urgent that, because of the severe need of others, those who are well off should voluntarily part with some of the wealth to which they are morally quite entitled. For this reason people are especially happy to donate help to the victims” of natural catastrophes (Nagel 2008), 52–53). Looking from this perspective, we can see that the difference between charity and intermediate duties, defended by Pogge, is not only in the fact that charity is voluntary while intermediate duties are obligatory for rich states and their citizens but rather in that what they presuppose. Charity presupposes that the rich states and their citizens are simply generous and, of course, innocent regarding global poverty, while intermediate duties presuppose just the opposite, namely, that they are both directly and indirectly responsible for severe global poverty.

³⁶ Singer, “Famine, Affluence, and Morality,” 6–9.

negative and intermediate duties, he does not claim that positive duties to help are morally optional. Maffettone is in this regard even much more unambiguous. His universal duty of justice is a strict positive duty. It is a duty to protect everybody's human dignity in all its forms. In order to protect it, we must make sure that a few fundamental basic rights – such as socioeconomic human rights to subsistence, health, and a minimum education – are guaranteed.³⁷

Therefore, in addition to this moral duty of individuals, there is, as we have already mentioned, the legal obligation of nation states as well. This obligation corresponds to the right to an adequate standard of living, which is recognized as a human right in the *Universal Declaration of Human Rights* and in the *International Covenant on Economic, Social, and Cultural Rights*³⁸ and also as “a fundamental right of everyone to be free from hunger.”³⁹ In addition, nation states have the same legal obligations also concerning the right to education,⁴⁰ protected by the same (and some other) international documents of human rights. This means that all national states must be organized so that all of their citizens can fulfill this right. If they do not organize themselves in such a way, then they violate not only the right of their citizens but also the previously mentioned “negative duty of justice, namely, the duty not to impose unjust social institutions on its members.”⁴¹

However, in many poor countries, their citizens cannot enjoy even a few basic human rights, including the right to elementary education,⁴² although these states have the legal obligations to guarantee these human rights. Since they are universal rights, every human being has them. Despite this, many people – especially in very poor countries – have no opportunity at all for fulfilling them. The problem is that human rights, as Habermas emphasizes, have at the same time moral content and “the form of legal rights. Like moral norms, they refer to every” human being, “but as legal norms they protect individual persons only insofar as the latter belong to a particular legal community – normally the citizens of a nation state. Thus, a peculiar tension arises between the universal meaning of human rights and the local conditions of their realizations: they should have unlimited validity for all persons,”⁴³ but

³⁷ Sebastiano Maffettone, *Un mondo migliore: Giustizia globale tra Leviatano e Cosmopoli*, 116.

³⁸ Article 25 of the UNDHR states: “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services” In Article 11.1 of the ICESCR, it is stated: “The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.”

³⁹ ICESCR, Article 11.2.

⁴⁰ I have discussed some problems regarding the fulfillment of the universal right to education in a similar context elsewhere (Kodelja (2013), 15–23).

⁴¹ Pogge (2001), 187.

⁴² It seems that poverty and absence of education are caught in a vicious circle: poverty causes lack of education, and in turn, lack of education causes poverty.

⁴³ Habermas (2001), 118.

until now, this ideal has not yet been achieved. At the moment it is still so that nobody can attain the “effective enjoyment of human rights immediately, as a world citizen,” because an “actually institutionalized cosmopolitan legal order” has not yet been established, although “Article 28 of the United Nations *Declaration of Human Rights* refers to a global order ‘in which the rights and freedoms set in this Declaration can be fully realized’.”⁴⁴

Therefore, at the international or global level, there are no appropriate mechanisms in place to enable effective action in cases where countries do not fulfill their duties and thus violate this important human right. In such cases, according to Onora O’Neill, the role of the state should be assumed or at least supplemented by international institutions, transnational corporations, and nongovernmental organizations.⁴⁵ Nevertheless, even in this case, we are not absolved from the previously discussed negative and positive duties, that is, from our moral obligation not to harm others and to help them.

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⁴⁴ *Ibid.*, 118–119.

⁴⁵ O’Neill (2001), 180–195.