

INTERNATIONAL POLITICAL THEORY

**ON RAWLS, DEVELOPMENT AND
GLOBAL JUSTICE**

THE FREEDOM OF PEOPLES

HUW LLOYD WILLIAMS



On Rawls, Development and Global Justice

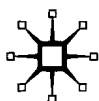
The Freedom of Peoples

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First published 2011 by
PALGRAVE MACMILLAN

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Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

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ISBN 978-0-230-27782-3 hardback

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

10 9 8 7 6 5 4 3 2 1
20 19 18 17 16 15 14 13 12 11

Printed and bound in Great Britain by
CPI Antony Rowe, Chippenham and Eastbourne

To my family

Câr dy gymydog ond cadw dy glawdd.

Love thy neighbour – but maintain your hedge.

Welsh Proverb

Preface

Fairness is an idea not only at the heart of John Rawls' theory of justice. It seems to have infused his scholarship in general. Percy Lehning, in the preface to his recent introduction to Rawls' work (2009), recalls how Rawls' approach to teaching the ideas of others was to present them in their strongest form – and to remain true to what a writer said, rather than presenting what he believed they should have said. I have, as far as possible, pursued my study of *The Law of Peoples* in the same vein. As with Lehning's work, the following book is a result of approaching Rawls' political theory with a Rawlsian spirit, presenting his ideas in what I take to be their strongest form. Whether the conclusions are entirely Rawlsian in nature is for the reader to decide.

HLW

Acknowledgements

This book is largely based on research at the Department of International Politics, Aberystwyth. I have been lucky enough to pursue my own preoccupations over an extended period of time, and in doing so I hope to have produced work that will be of interest to others. If I have succeeded in this regard, a great deal of thanks must go in particular to Toni Erskine and Ian Clark. It has been my great fortune to have worked with them both. I am heavily indebted to them, and – I don't think Ian would begrudge me for saying this – most especially to Toni for her tireless support.

It would be remiss of me not to thank many others at the Department at Aberystwyth for providing an atmosphere so conducive to research. I would especially like to thank Susanna Karlsson for her help, and also Carl Death, not least for sharing my passion for coffee and cake. Others who have made the experience enjoyable and helped in different ways include Gerry Hughes, Richard Jackson, Simona Rentea and Will Bain. Thanks also – or perhaps it would be more apt to say sorry – to Paul, Elaine, Glesni, Donia, Vicky and Nicola. Lastly, I would especially like to mention Milja Kurki, and Chris Brown of the LSE, who have gone beyond the call of duty, not only in the enlightening comments and criticisms they have provided, but also in their subsequent support and encouragement. Given the assistance I have received from many quarters, I am in no doubt that if I have failed in engaging the reader, or have failed to rectify mistakes, the fault is all mine.

There are a number of others I would like to mention for their good will and support. A heartfelt thanks to Alan Owen - it turns out you were right all along! The ESF made available the funding to pursue this project, and afforded the opportunity to simultaneously indulge in some part-time political journalism. As the then Editor of *Barn Magazine*, I have Simon Brooks to thank as the man who made it possible. Others who were crucial to the process, to whom I owe a great debt, are Dylan Phillips and Robert Rhys. *Diolch o galon.*

There are others who have been influential. A special thanks to Catherine Audard at the LSE for introducing me to Rawls and the communitarians, supervising my dissertation, and being kind enough to offer some thoughts on my work when I turned up on her doorstep years later. At York, I would like to thank Susan Mendus for her inspiration, Tim Stanton for his time and patience, and Derek Edyvane for his advice. My time there was pivotal to this project. More recently, I was lucky enough to present papers based on some central arguments in this work, in various conferences. My thanks to Peter Jones for his invitation to the annual political theory workshops in Manchester Metropolitan University, to the Association for Social and Legal

Philosophy for their excellent conference on global justice at Nottingham University, and to Patrick Hayden and colleagues at St Andrews for organizing the stimulating 'Thinking (With)out Borders' conference. I must also thank the two anonymous readers for Palgrave Macmillan who provided some very helpful feedback on the original typescript, likewise the three anonymous referees who commented on a draft article for *Political Studies* that contained some of the arguments presented here. I am also extremely grateful to four academics in the US who were so generous in giving up their time. David Reidy and Richard Aquila were the epitome of American hospitality in welcoming me to Tennessee University, and David's help was both encouraging and entertaining. Kok-Chor Tan proved to be even more obliging and agreeable than I had been led to believe, while I must thank Robert Jackson, both for the coffee and for reminding me that Rawls' world view is not everyone's cup of tea.

Last of all, my greatest thanks go to those who have provided the most basic forms of support, and make me feel the most privileged of persons: my wife, Rhiannon, my brothers, Ceri and Wyn, and, of course, my parents.

Abbreviations

Throughout this book, selected works by John Rawls are abbreviated in the following manner:

- LP** *The Law of Peoples* (Cambridge, MA, London: Harvard University Press, 1999)
- TJ** *A Theory of Justice* [1971] (Revised Edition, Oxford, New York: Oxford University Press, 1999)
- PL** *Political Liberalism* [1993] (Expanded Edition, New York: Columbia University Press, 2005)
- CP** *The Collected Papers*, ed. Samuel Freeman (Cambridge, MA, London: Harvard University Press, 1999)
- JF** *Justice as Fairness* (Cambridge, MA, London: The Belknap Press of Harvard University Press, 2001)

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Introduction

At its most basic level, this book can be read as a discussion of what should be done, and what can be done, about global poverty. It is written on the premise that there exists a world that our own deeds and actions help to shape, and that we should endeavour to think about how they might do so in a more equitable and just fashion. In addressing this problem, I look to a text that was published on the eve of the millennium, by one of the twentieth century's most well-renowned academics. John Rawls, the political philosopher, published his mature work on international justice, *The Law of Peoples (LP)*, in 1999. Its pages detail a vision of a tempered, realistic utopia, motivated by the idea that 'the great evils of human history' (*LP*: 6–7) can be overcome through human endeavour. Many interconnected problems are addressed by Rawls, but it is through the lens of global poverty that I approach his international theory. My aspirations for my own work is that it does justice to the potential of *LP*, while suggesting how it might be elaborated, in order to present a persuasive approach for alleviating one of the greatest concerns of our time.

Rawls' Law of Peoples

For those inclined towards more idealistic and utopian visions of the international realm, thinkers such as Peter Singer (1972), Charles Beitz (1999) and Thomas Pogge (2008) have all provided perspectives that serve as a normative grounding for such beliefs. Given Rawls' stature, and the influence of his work, it is inevitable that *LP* has risen to prominence in discussions on 'international' and 'global justice'.¹ Broadly recognized as renewing the field of political philosophy in the Anglo-American academy, Rawls became the dominant voice with the publication of *A Theory of Justice (TJ)* in 1971. Although he provides a brief sketch of his position on international justice in this original text, it was over a quarter of a century later that he presented his definitive work on the subject. *LP* has provoked much discussion, not

least because, in transposing his perspective from the domestic to the international, it seems that Rawls sacrifices the more radical liberal egalitarian agenda of his original domestic theory of justice. It has even been suggested that, as progressive as his domestic ideas are, his international thought is so entrenched in the status quo that it has little if any relevance for those who wish to see a reformed global order.

In this work I refute this perspective. As the departure point, I take a view that defends Rawls' Law of Peoples, and build on a growing literature to provide a more balanced account of his ideas, which behoves those of us with idealistic leanings to take his international thought seriously. The view taken is that he has something valuable and original to say about the problems of the international realm, and that it is a worthwhile endeavour to interpret and elaborate upon the fundamentals he proposes.

Therefore, I aim at an account of Rawls' work that is more than simply a response to the original criticism that he has reneged on his egalitarian commitments. I look to elaborate and provide a lengthy interpretation of his notion of 'the duty of assistance'. This principle of international justice is aimed at improving the conditions of what he terms 'burdened societies': those political communities for whom endemic poverty is likely to be a reality. As with other aspects of his international thought, the debate has moved beyond the straightforward dismissal of this principle, and given that some have argued for its far-reaching potential, the ground is prepared for a detailed discussion. I aim to show that rather than being an ineffectual antidote to 'libertarian rule-making' (Pogge 2001: 250), the duty of assistance can be constructed as a robust principle, which is the foundation for a sophisticated and normatively powerful approach to the problems of the distant needy.²

The argument

The task of demonstrating that Rawls' Law of Peoples provides a worthy response to the problem of global poverty brings together several interconnected themes. I break down the argument into three main parts. The first will cast a critical eye both on the text itself and its critics; it will be argued that Rawls' perspective is consistent with his domestic ideas, and the accusation that he has made a libertarian turn³ is unfounded. The second, constructive part, will attempt to elaborate the duty of assistance in a manner that presents it as a robust and far-reaching principle. The final part will be evaluative, reflecting on how the progressive ideas that this duty espouses sit with the general aims of his international theory, and to what extent his Law of Peoples represents a coherent vision.

The initial argument responds to some of Rawls most influential critics – the majority of whom can be categorized as liberal cosmopolitans. These theorists, represented by figures such as Beitz and Pogge, believe 'the referent object of justice is humanity taken as a whole ... and it is by no

means to be taken for granted that their interests are best served by the normative principles that underlie interstate relations' (Brown 2006: 621). Some claim that the duty of assistance is inconsistent with Rawls' more radical domestic principles, and that he is therefore guilty of adopting conflicting philosophical positions. In order to demonstrate that this duty is consistent with his earlier work, it will be necessary to turn back to some of his central ideas in *TJ* – especially his concept of equality and his version of egalitarianism. However, in arguing that the duty of assistance is a suitable response, given Rawls' theoretical perspective, I acknowledge the lack of a persuasive development of this principle.

This leaves us with certain questions regarding its specific form and content. The more ambitious aspect of the work, therefore, is my effort to build up a robust vision of the duty of assistance. Given the brevity of *LP*, it is inevitable that any attempt at understanding its implications involves a certain amount of elaboration, but I endeavour to do so here in a spirit that is consistent with Rawls' own approach. I aim to demonstrate that the duty of assistance can meet the 'cosmopolitan challenge', by providing progressive answers to the problems of global poverty from more conservative premises than thinkers such as Beitz.

I substantiate the claim that the duty of assistance is a progressive and robust principle of international justice in Part II of the book. This requires elaboration on two key aspects: its justification, and most significantly, the extent of its measures. To demonstrate that a coherent justification for the duty can be offered, and that it lays the foundation for extensive and far-reaching remedial measures, I employ the capability perspective as developed initially by Amartya Sen, and later Martha Nussbaum. I utilize their ideas on individuals to inform our understanding of the duty of assistance.

The basic premise for this move is that the perspectives of both thinkers provide illumination in regard to Rawls' domestic approach, and may therefore provide some critical insight into his international theory. I illustrate how Nussbaum's critique of Rawls' social contract perspective informs the terms of the duty's justification. Sen's critique, and the accompanying capability approach, clarifies the egalitarian aspect of Rawls' domestic perspective. Applied to the international realm, it helps to clarify the extent of the duty and expound its aims in more detail. I argue that, in essence, the duty of assistance is aimed at building the capability of burdened societies. It holds that there is a normative duty to ensure that these societies build up a minimal capability, which should qualify them for membership of the 'Society of Peoples' (Rawls' idealized version of International Society, based on mutual respect and equality between well-ordered members). This 'sufficientist' approach is not so radical as to demand a comparable distribution of capabilities between peoples,⁴ but it is nevertheless a far-reaching proposal. Indeed, it will be argued that elaborating the duty of assistance – with the aid of Sen's capability perspective – buttresses Rawls'

approach against some more recent criticisms of *LP*. These are presented by Sen himself, in the context of a broader analysis of Rawlsian political theory, which will be given due consideration alongside the cosmopolitan critique.

With Sen's insights on capability in hand, I elaborate the duty of assistance by developing a conceptual groundwork based on Gerald MacCallum's concept of freedom. Here I follow in the footsteps of Robert Jackson, and his application of Isaiah Berlin's two concepts of liberty to states. I argue that employing MacCallum's single concept to burdened societies provides us with a straightforward and lucid way to think about the duty of assistance: as a commitment to surmounting the obstacles to building state capability, or realizing 'the freedom of peoples'. I believe that this normative perspective on assistance offers insight into the issues of international justice and the idea of state capability. Presenting the duty of assistance as a robust, capability-building principle brings into sharp relief questions surrounding Rawls' perspective and the project of state-building, and development in general: What should be its target? In whose name is it being pursued? On what basis is it justified? How should it be administered? And so forth. These are dialogues to which I believe Rawls' work can contribute.

Some of these questions will have particular resonance in the third part of the book, where I consider a robust duty of assistance in the broader context of Rawls' Law of Peoples. A wider view of his work is taken in order to assess how such a far-reaching principle, demanding the freedom of peoples, might cohere with his other ideas and principles. The demands of the duty of assistance, fully realized, are so far-reaching that there may be tensions with the more liberal, laissez-faire attitude he seems to espouse. The key problem to emerge is whether or not the assistance advocated by this duty is consistent with the normative case Rawls makes for the toleration of 'nonliberal' societies. He places great emphasis on the idea that a just international society is a tolerant one, which does not pursue aggressive liberalization, and that liberal peoples' foreign policy should not be paternalistic. With the development of the duty of assistance, we are in a position both to ask whether it coheres with Rawls' other values, and whether in a broader sense it is just and viable to pursue the freedom of peoples.

Aims

We can sum up, therefore, the hopes and aspirations of this work. The intention is not to provide an exhaustive appreciation of *LP*, but to concentrate on the aspect that is analogous to (but not the same as) distributive justice in the domestic context. In so doing, I subscribe to the view that Rawls has something worthwhile to tell us about international justice and the problem of global poverty. I investigate the extent to which we can develop his concept of the duty of assistance, defending the claim that his work on the international remains consistent (if not entirely analogous) with his

domestic theory, and that he remains a progressive and egalitarian thinker. The duty of assistance meets the cosmopolitan challenge and generates far-reaching principles that can rival their theories.

A response to Sen's recent critique is also prescient – given the role his work is likely to play in future debates in the fields of political theory and global justice. In broad terms, he claims that Rawlsian theorizing is prone to over-abstraction and incompatible with thinking about justice on an international scale. My own contribution is to suggest that if we take *LP* seriously and realize its potential, and consider it as an essential part of Rawls' oeuvre, then some of Sen's key claims are a little premature. In the international context, at least, Rawls' perspective enjoins us to make practical and incremental improvements towards making the world a less unjust place.

In terms of its contribution beyond Rawlsian scholarship, the aims are a little broader. I believe that presenting Rawls' duty of assistance as a principle advocating capability-building not only provides the opportunity to build up a clearer, more concise vision of how the principle can be conceptualized and put into practice. Once we view state-building as a prescriptive project of realizing the freedom of peoples, it forces us to ask questions of Rawls' perspective, and of those thinkers more specifically concerned with the subject.

I argue that one advantage such a normative perspective has is that it affords a broad appreciation of what is entailed in building up state capability, as it obliges us to consider as many obstacles to freedom as possible. Whereas those who are engaged in explanatory theory will, by design, give precedence to the particular phenomenon they study, I suggest a normative viewpoint grounded in Rawls' philosophy emphasizes multi-causal explanations and can maintain all levels of analysis in view. Employing such a value-laden term as 'the freedom of peoples' also forces us to reflect on the beliefs and practices that assistance espouses. Can we really talk of promoting the freedom of burdened societies or weak states without falling foul of the paternalism and ethnocentricity that Rawls warns us against?

In his domestic theory, Rawls is broadly regarded as trying to reconcile claims of liberty and equality with his difference principle. I present his duty of assistance as an effort to reconcile arguments about the causal significance of domestic and systemic influences on state-building, and an attempt to steer a course between development and paternalism.

Structure

The book is presented in three parts. The first is critical, assessing the cosmopolitan critique of *LP* and the response of others, in particular with regard to the issue of redistribution. In Chapter 1 a brief exegesis of the relevant parts of the text is provided, and the cosmopolitan criticisms are considered. Chapter 2 looks at some defences of Rawls' position and his original understanding of equality in *TJ*, in order to draw out the ideas at work