

STUDIES IN GLOBAL JUSTICE AND HUMAN RIGHTS



INSTITUTIONS IN GLOBAL DISTRIBUTIVE JUSTICE

András Miklós

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For my parents

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Chapter 1

INTRODUCTION

Global justice is a relatively new topic in the history of political philosophy. A little over a decade ago, when I started working on problems of global justice, there were very few books available in this field, written by only a handful of theorists who were interested in this then marginal topic.¹ Most works written on justice in political philosophy focused on domestic issues, namely how the state should treat its citizens. Recently, however, there has been an explosion of interest in questions related to global justice, with an increase in the number of scholarly works to match. This attention is fully justified, given the extreme level of global poverty and the vast inequalities between peoples living in the most affluent and in the poorest countries. We must ask what the responsibilities of wealthier societies are. Do they have any duty of justice to contribute to eradicating global poverty and reducing inequalities? If they do, what are its grounds? Can we apply globally the principles of justice we accept for the domestic domain? I seek to approach and answer these questions by discussing whether there are obligations of distributive justice that apply at the global level.

I should emphasise that this book is about global *distributive* justice, and it refers only occasionally to other international areas to which the concept of justice can be applied. Even though the concept of justice is used in a large and growing literature as well as in public discourse to evaluate a broad range of subjects both domestically and in the global domain, including justifications of warfare and standards for the conduct of war as well as civil and political liberties individuals are entitled to, my concern in this book is narrower. I am interested in what we can say about justice as it concerns the distribution of socio-economic goods at the global level. In particular, distributive justice concerns particularly stringent claims people have over relative or absolute shares of

things that are generally regarded valuable, such as the distribution of rights to income and wealth. The stringency of claims under justice can also be expressed by saying that people are entitled to their distributive shares, rather than being mere recipients of duties of beneficence, charity or humanity.

The book remains within the framework of liberal egalitarianism in distributive justice. It assumes that egalitarian requirements of distributive justice are part of an attractive position about domestic justice. It interprets egalitarianism in a broad sense: for our purposes egalitarianism requires the reduction of socio-economic inequalities. It need not require a complete equality of outcomes, however. For instance, the requirement to give priority to benefiting the worst-off members of society counts as an egalitarian requirement in this sense, even though it is compatible with sizeable social inequalities. Nor do I assume in this book that egalitarian policies should be pursued for the sake of equality as a value in itself. They might be justified by other considerations.

1.1 SOME BACKGROUND FACTS

There are well over two billion people in this world who live below \$2 per day.² Some 1.29 billion people – close to one-fifth of the world's population – subsisted below the World Bank's official \$1.25-a-day poverty line in 2008, which is considered the 'income or expenditure level below which a minimum, nutritionally adequate diet plus essential non-food requirements are not affordable' (Ravallion 2012; Pogge 2001a: 7). This poverty has dire consequences. Worldwide, the number of chronically undernourished people is around 800 million (UNDP 2004). Poverty-related causes, such as hunger and preventable diseases, result in around eighteen million deaths a year, accounting for roughly one-third of all human deaths (WHO 2004). More than ten million children, or 19 per cent of all human beings born into our world, die each year due to poverty-related causes (UNICEF 2005).

Beyond absolute levels of deprivation, the extent of global inequalities among the least-developed and wealthier countries is also striking. The poorest 44 per cent of the world's population consume only 1.3 per cent of the global output whereas the high-income countries, accounting for 15 per cent of the global population, consume about 81 per cent of it – a ratio of 62 to 1 (Pogge 2005b: 57).³ Socio-economic inequalities have a profound impact on the lives of the poor. Life expectancy

in Zimbabwe or Swaziland is about half that in Japan. Women giving birth in sub-Saharan Africa have about a seventy times higher chance to die in labour than their counterparts in a developed country (WHO 2007). The most striking inequality concerns the prospects faced by children under the age of five in the poorest and the wealthiest countries. If born in one of the least-developed countries, one is much more likely to die before reaching the age of five than someone born in one of the developed countries. For example, a child born in Mali has a sixty times higher chance of dying before the age of five than a child born in Norway (World Bank 2011). Moreover, according to some estimates, global trends also indicate a growth of inequality among wealthier and poorer parts of the world. These estimates show that the income gap between the poorest 20 per cent and the richest 20 per cent of the population rose from 1 to 30 in 1960 to 1 to 74 in 1997 (Pogge 2002: 100).⁴

1.2 UNIVERSAL MORAL DUTIES AND PARTICULARISTIC DISTRIBUTIVE REQUIREMENTS

When confronted with these extreme levels of poverty and inequality, we are compelled to think that better-off people have some obligations to help people who are much worse off, whether or not they are citizens of the same country. We recognise certain responsibilities that we have towards each of our fellow human beings. It is rarely contested that we have to avoid causing wrongful harm to others or that we should provide limited forms of assistance in certain contexts. For example, in the face of early deaths due to starvation or easily preventable diseases, it is arguable that inhabitants of affluent countries have a duty to provide humanitarian assistance to the desperately poor, especially when the costs of doing so are not too high. These responsibilities to our fellow humans are explained by the ideas, which seem natural for most people living in liberal democracies, that all human lives are of equal worth, or that all humans have certain basic rights.

Do we have obligations of justice to the global poor, though? Are dramatic global inequalities in life prospects also unjust, in addition to giving us humanitarian reasons to reduce suffering and prevent easily preventable deaths? There is a powerful intuition that supports an affirmative answer. Surely, the life of a newborn in Mali is no less valuable than the life of a newborn in Norway. It seems grossly unfair that the sheer accident of having been born in one country rather than in

another can make such a huge difference to what one can expect in life. If we can do something to reduce these inequalities in life prospects, justice requires that we should do so. It seems that the assumption that the well-being of everybody matters equally will ultimately require that principles of justice have uninhibited global application.

On the other hand, many of us also think that we have particular duties to people with whom we stand in significant special relationships. We may have special responsibilities to friends or to members of our family which we think we do not owe to people in general. Similarly, many people take it for granted that the boundaries of their national political community carry moral weight, and that we have particular duties to our fellow citizens which we do not have to others.

There is a tension between according equal moral worth to all humans and acknowledging special responsibilities to our compatriots. One unwelcome result of this tension is that not only does the nation-state remain the basic unit of world politics but it is also all too often an unquestioned assumption in many theories of justice. Until very recently, much of political philosophy assumed that requirements of distributive justice hold among fellow citizens only but there are no such requirements at the global level. States were seen as the domain of distributive justice.

1.3 THE FOCUS ON INSTITUTIONS

To tackle this tension between the universalistic and particularistic strains within moral thought, I examine in this book whether special relationships matter for justice. In particular, I focus on the role that common institutions play in our thinking about justice. I will show that different understandings of the normative significance of institutions drive much of the current disagreement about whether or not requirements of justice have a global scope. Although the term 'institution' in a narrower sense can refer to organisations and collective bodies, my usage is broader than this. I follow John Rawls in regarding an institution as a public system of rules which defines positions together with their rights and duties (Rawls 1999a: 47–8, 55). Institutions thus understood include organisations – such as business firms or universities – but they also include systems of organisations – such as political systems and capitalist economies – and other institutions that do not involve organisations – such as simple barter economies

(S. Miller 2010). The institutions that are at the focus of this book have a number of further characteristics. First, they involve roles together with rights and duties attached to them. Second, I take an institution to be existing when a number of people regularly and knowingly follow its rules. Rather than considering institutions as abstract objects, that is, possible forms of conduct expressed by systems of rules, the book focuses on institutions as actual practices, that is, the way these rules are realised in the actions of persons. Viewed this way, institutions are constituted by the conduct of individuals upholding them. Third, many, though not all, institutions I am concerned with include formal sanctions to enforce their rules. The most important examples include legal and political systems, and economic institutions.

With this characterisation in mind, I analyse the roles that social, economic and political institutions play in conditioning the justification, the scope and the content of principles of justice. More specifically, I describe two different normative functions institutions have in theories of justice. First, I critically evaluate a number of positions about the role of institutions in generating requirements of distributive justice, and consider their implications for the scope of justice. Second, I develop a theory about the role political and economic institutions play in determining the content of requirements of distributive justice, and show how they can affect the scope of application of these requirements.

A number of distinctions will be important for the argument in this book. In particular, I will discuss three different aspects of theories of justice. The first aspect concerns the *scope* of justice, that is, the question 'what is the range of persons who have responsibilities to each other arising from considerations of justice?'⁵ There are two contrasting positions to distinguish: cosmopolitanism and statism.⁶ Cosmopolitans hold that the scope of distributive justice is global.⁷ There are principles of distributive justice that include every human being within their scope. By contrast, statist argue that the scope of distributive justice is limited to a narrower range of persons such as citizens of the same state.⁸ They deny that we have obligations of justice to foreigners though they allow for other sorts of obligation to them. Statists typically maintain that citizens of developed countries have several important but limited moral obligations to foreigners: they are required to respect the basic human rights of people in less-developed countries, to avoid causing undue harm to them, to provide humanitarian assistance to alleviate poverty and suffering, and to rescue the poorest from hunger-related death.

Contrary to what cosmopolitans claim, however, citizens of affluent countries do not have obligations of distributive justice to people in other countries. It is useful to distinguish further two cosmopolitan positions according to how they view domestic requirements of justice in comparison with global requirements. One cosmopolitan position – what Simon Caney calls ‘ambitious cosmopolitanism’ – holds that the requirements of justice we owe to our compatriots are the same as the requirements we owe to foreigners (Caney 2005: 105). The second – moderate – cosmopolitan position grants that we have obligations of justice to compatriots and to foreigners but maintains that the former demand considerably more than the latter. The book thus distinguishes three positions with regard to the question ‘how do our distributive obligations to compatriots compare to our obligations to foreigners?’, two of which are cosmopolitan, one statist.

The second distinction concerns what we might call the *ground* of justice, describing morally relevant features necessary to give rise to requirements of justice. In particular, I will distinguish between two contrasting views about the role special relations play in generating requirements of justice. Relational conceptions of justice hold that individuals’ standing in a specific practice-mediated relation is a necessary condition for requirements of distributive justice to exist among them.⁹ The relevant practices are forms of public rule-governed behaviour, with typical examples of a special relation being institutions that regulate social and economic relations among persons.¹⁰ Think about the legal system and other economic and social institutions that circumscribe property and structure the economy. These institutions have been regarded as necessary for the existence of justice relation for a number of reasons: because they have a profound and pervasive effect on the lives of their subjects; because they employ coercive force against their subjects; or because they authoritatively govern cooperative schemes among their participants.¹¹ Relational theories regard these relations as playing a *foundational* role in grounding requirements of justice. By contrast, non-relational views deny this and claim that at least some demands of justice can emerge even in the absence of practice-mediated relations. Political or economic institutions do not ground all requirements of justice.

It is useful to approach the problem of the scope of justice by discussing the ground of justice because the two are related. In the current literature, much of the disagreement between cosmopolitans and statist