The Importance of Morally Relevant Facts for a Plausible Theory of Global Justice: A Critical Exploration

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1. Introduction: The Problem of Global Justice – Two Opposed Views

Our world is characterised by extreme material and economic inequalities. In fact, the amount of data that documents these inequalities is so extensive that one has to put some effort into selecting the figures that most clearly point out the degree of these differences.

According to such selected data the most affluent 14.9 percent of the world’s population – who mainly live in North America and Europe – dispose over 79.9 percent of the aggregate global income (see Pogge 2002, 99) while the remaining 85.1 percent of humanity at present have to come to grips with the small rest of the world’s wealth. The distribution of the magnitude of the world’s resources, however, is not a no-growth figure or a zero-sum game. This is illustrated by the fact that the income gap between the fifth of the world’s population that live in the most affluent countries and the fifth in the poorest countries has increased from a 30 to 1 ration in 1960 up to a 74 to 1 ratio in 1997 (see Pogge 2002, 100). While these differences in the distribution of the world’s wealth are staggering it is even more appalling that despite the obviously available amount of resources the disadvantage in the distribution for the poorest people in the world results in the dreadful phenomenon of absolute poverty. Such poverty of an absolute degree has been defined as:

life at the very margin of existence. The absolute poor are severely deprived human beings struggling to survive in a set of squalid and degraded circumstances almost beyond the power of our sophisticated imaginations and privileged circumstances to conceive (Robert McNamara in Singer 1993, 219)

While figures largely remain abstract, with respect to the phenomena of global inequality and absolute poverty there can be made quite illustrative sense of the according data: “almost half of the world’s population of 6 billion people live on less than $2 a day, and 1.2 billion (a fifth of the world’s population) live in absolute poverty on less than $1 a day” (Tan 2004, 20). As a result:

14 percent of the world’s population (826 million) are undernourished, 16 percent (968 million) lack access to safe drinking water, 40 percent (2,400 million) lack access to basic sanitation, and 854 million adults are illiterate. Of all human beings 15 percent (more than 880 million) lack access to health
services, 17 percent (approximately 1,000 million) have no adequate shelter, and 33 percent (2,000 million) no electricity (Pogge 2002, 97).

The most palpable figure, though, consists in the fact that “each year, some 18 million people living below the poverty line die prematurely from poverty-related causes (50,000 people every day)” (Räikkä 2006, 111). All these figures are shocking and compulsory lead to the question: how can it be possible that – given the obviously existing and vast resources on this planet – so many people have to live in absolute poverty and die of it while so few enjoy so much of the world’s wealth: can this be just or fair?

However, it is not only the mere distribution of resources that appears to be morally problematic. There are also many ways in which the affluent people and their societies benefit from and utilise for themselves even the resources that are located and produced in areas that are home to many destitute people. In fact, when looking at how much percent of the aggregate global income are owned by the richest part of humanity it becomes clear that only by means of benefiting from the resources of the poor areas that are called “the developing world” can the affluent societies establish and maintain their degree of affluence since their own territorial resources would not be sufficient for this purpose. Thus it appears that the affluent societies use their economic and political supremacy to import resources from poorer countries at low costs: “yes, the affluent often pay for the resources they use, such as imported crude oil. But these payments go to other affluent people, […] with very little, if anything, trickling down to the global poor” (Pogge 2002, 202).

Furthermore, western-based Private Military Companies (PMCs) like the American Halliburton or MPRI earn money by selling weapons to and providing military training for state and non-state actors in the developing world (see Singer 2001, 202) while other PMCs such as the British Sandline even participated as mercenaries in armed conflicts in poor countries and “are credited, for example, with being or having been determinate actors in wars in Angola, Croatia, Ethiopia-Eritrea, and Sierra Leone” (Singer 2001, 188). Sometimes such companies get paid with ownership rights of a share of the hiring countries resources (see Singer 2001, 211). This constitutes a new form of “imperialism by invitation” (Singer 2001, 207). Thus it is clear that the problem of global inequality comprises dynamic and interfering processes and interactions rather than merely the isolated coexistence of unequally affluent societies.

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1 This is plausible when for instance taking into account that the major part of the centrally important resources oil is located in non-Western countries.
Basically and essentially the problem with regard to global inequality and absolute poverty seems to be that – given the facts that, firstly, nobody can choose where they are born and, secondly, that there exist sufficient resources on this planet so that no human being necessarily has to live in absolute poverty – it is not clear how these conditions and the current distribution of resources can be thought to be fair: the question thus is essentially a problem of justice on a global level. And when taking into account the extent and the consequences of absolute poverty it therefore does not seem to be too bold to contend that the question of a just distribution of resources on a global scale currently poses the (quantitatively) greatest problem for moral and political philosophy as “no one could say that such a situation [of extreme global inequality] is generally acceptable at any level” (Nagel 1991, 171). Consequently, “nothing is more politically important to think about, and act upon, than global poverty relief” (Kuper 2002, 107).

It is the according objective of this thesis to explore and discuss possible ethical basic principles with a view to the determination of a just scheme of distribution of resources on a global level as well as possible obligations for bringing about a suchlike more just world without any existing absolute poverty.

At this the central concern in the course of the argumentation within this thesis will be to make plausible sense of the crucial concepts “global justice” and “justice as equality” which are at the core of numerous ethical discussions about the problems of global inequality and justice. Thus in a first part there will be portrayed the two different theories of John Rawls and Kok-Chor Tan towards these issues since they arrive at somewhat different conclusion regarding the questions of how to conceive and react to these phenomena. A second chapter will then point out that the differences between these two approaches, but also between different moral theories in general, importantly depend on the identification of empirical factors that are deemed to be relevant in the context of a problem area. The third part of this thesis features several ethical approaches of different prominent philosophers with regard to the issues of global inequality and global poverty so as to become clear about what different aspects lie at the core of these issues and what could be required for creating a more just world. The writings of Peter Singer and Thomas Pogge have been selected for the discussion within this thesis because they present some of the most distinguished statements with respect to this problem context while also approaching the issues from different perspectives. The fourth part of this thesis afterwards exhibits Amartya Sen’s and Martha Nussbaum’s “capabilities/freedoms approach” as a theory that seems to be suitable for
making sense of the concepts of justice as equality and global justice while also being able to
give some guidance for how to achieve a more just world. Both Nussbaum and Sen are known
for their expertise in the problem area of global inequality through, for instance, the
publication of their conjoint work *The Quality of Life* (Nussbaum/Sen 1993). Since this paper
is a thesis in the subject of Applied Ethics the last chapter concludes the argumentation by
presenting the economic approaches of two distinguished economists, Jeffrey Sachs and
George DeMartino, who support and built on the conclusions of Nussbaum and Sen in
particular for making practical economic suggestions of how to utilise and realise a plausible
conception of global justice.

The discussion of how to plausibly conceive and resolve the problems of global
inequality and absolute poverty in the context of a meaningful theory of global justice starts
with the work of John Rawls. It has been his *A Theory of Justice* (Rawls 1971) that in the
second half of the 20th century changed the discussion about a just and fair distribution of
resources. But Rawls’ efforts in this theory have been criticised for only dealing with possible
domestic schemes of distribution of resources within singular societies whereas the greatest
differences in the allocation of resources, as explained, occur between different countries in
inter-societal comparisons (see Singer 2004, 176; Pogge 2002, 105). However, in 1999 –
almost 30 years after the first publication of *A Theory of Justice* – Rawls presented his *Law of
Peoples* that has as its objective the formulation of “a particular political conception of right
and justice that applies to the principles and norms of international law and practice” (Rawls
1999, 3). Because of Rawls’ eminence with respect to the topics of justice as fairness and just
schemes of resource distribution his *Law of Peoples* in this thesis figures as a starting point in
the search for a plausible theory of global justice that is capable of taking on and taking a
stance towards the issues of global inequality and absolute poverty.
1.2 John Rawls’ *Law of Peoples*:

*The Law of Peoples* is designed to deal with the problem of the formulation of a theory of international law and practice. However, it turns out that as such *The Law of Peoples* is primarily a theory about political legitimacy on a global scale rather than a treatise on how to deal with global inequality and want (see Rawls 1999, 3). This basic orientation of his work on globalisation and global justice in turn generates certain outcomes that have frequently led to the disappointment and opposition of parts of Rawls’ audience (see Tan 2004, 65). However, when reading or thinking about the conclusions of the *Law of Peoples* it is of paramount importance to keep in mind Rawls’ central concern for writing this book: the legitimacy of international law and interaction and of the coercion needed to enforce it; only with such legitimacy Rawls thinks that the recurrence of the “great evils of human history” (Rawls 1999, 6-7), such as unjust war and oppression, can be avoided. *The Law of Peoples* is thus much more in line with Rawls’ thought in *Political Liberalism* than with his *Theory of Justice*. Consequently, readers whose expectations of *The Law of Peoples* mainly consists in the hope that it would be progressive towards the elimination of arbitrary and underserved poverty and need will naturally feel upset and let down by the 20th century’s greatest champion of “equality as justice”. The issues of global inequality and poverty do merely play a minor role in *The Law of Peoples* since Rawls’ account of global justice does not require global distributive justice or other extensive compensatory obligations for affluent societies. He gives two central arguments for the rather limited demands that he thinks can be justified with respect to the issues of global inequality and absolute poverty:

1. Rawls’ first argument states that, although suffering and poverty befalls most notably human beings, his theory deals with peoples (or societies of peoples) as the basic objects of moral concern and appraisal: the attention of this work lies on “the justice of societies” (Rawls 1999, 119) and not on the “well-being of individuals” (Rawls 1999, 119). It might appear that a more fitting basis for Rawls’ account of just international cooperation would have been the equal consideration of the claims of all individuals. Such, after all, is the general basic assumption of the tradition of philosophical liberalism, the tradition Rawls is thought to belong to, as well. However, Rawls could only set the focus of his theory on the equal considerations of individuals if he also would argue that the underlying values of such a general orientation – the basic liberal values of the equal worth, consideration, rights and opportunities – are acceptable for or justifiable to all people in this world. Such is obviously not the case. Rather there exists the “fact of pluralism” (Rawls 1999, 31) of values and
comprehensive doctrines in all parts of the globe. Thus, since it is Rawls’ aim to find a common ground for an acceptable conception of international law, such “liberal imperialism” in his opinion cannot serve as the basis of his *Law of Peoples*: in many parts of the world individuals do not have liberal rights or enjoy liberal freedoms. Because Rawls does not see a vindication for globally enforcing such liberal rights and freedoms and wants to avoid the possibility of wars he rather tries to find some form of international “overlapping consensus” (Rawls 1999, 32) between liberal peoples and other societies he labels hierarchical “decent societies” (Rawls 1999, 59): such societies – despite being non-liberal – fulfil certain minimum requirements for toleration by the liberal, self-governed peoples². In this way he assures that his *Law of Peoples* on the one hand allows for the accommodation of the plurality of “reasonable comprehensive doctrines” (Rawls 1999, 16). On the other hand the toleration of decent illiberal societies also makes for dealing with the actual fact of existing illiberal societies within international political relations. Thus choosing peoples as the main moral units of his theory is Rawls’ way of dealing with the political realities in this world and an important reason for regarding this *Law of Peoples* as an instance of a “realistic utopia” (Rawls 1999, 6). Peoples, according to Rawls’ approach, are the most logical units to consider since they constitute the socially primary form of human organisation (see Beitz 2000, 678) and the social networks in which human beings live, flourish and suffer. Rawls’ focus on peoples in view of policies and regulations of international law appears to be especially comprehensible when taking into account that the peoples the *Law of Peoples* is designed for have to be understood as groups “united by common sympathies” (Rawls 1999, 24) that maintain their own political states: our whole contemporary international political order and law is based on the concepts of nations that entertain mutual relations, pursue their interests and even can justly wage war on other nations in certain cases. This is exemplified with the composition of organisations like the United Nations Organisation (UN), the World Trade Organisation (WTO), the International Monetary Fund (IMF), the European Union (EU) and the G8. Eventually our whole world is structured along the lines of peoples that maintain their own states and safeguard their territory and interests (see Rawls 1999, 39). In Rawls opinion - in the absence of one unifies global government or an universal acceptance of liberal rights and values - is has to be peoples, which as actors define the world order, that have to be at the basis of his theory on global justice and international law and coercion. But at this Rawls’

² The three conditions Rawls names that define a decent hierarchical society are: they respect basic human rights (a right to life, liberty and formal equality); they must impose *bona fide* legal duties and obligations on all their citizens; they must entertain a legal system which is based on a common idea of justice and allows for a meaningful expression of the citizen’s view (Rawls 1999, 65-67).
definition of the term ‘peoples’ sidesteps many well known problematic issues of domestic politics such as minority groups and their standing in societies or that of peoples which are not - but wish to be - independent as communities. These problems, however, are not in the centre of attention of this thesis. The territory such states control here will be referred to as countries and the shape of a politically united society or people will be called a nation. This importantly means that Rawls’ notion of states in form of democratic governments rather than in the form of an authoritarian ruling elite will be shared in this thesis (see Rawls 1999, 24).

2. Rawls’ second central argument for the merely limited demands with regard to the issues of global inequality and poverty directly concerns the economic aspects of global justice. Here Rawls holds that, contrary to the domestic economic settings of a liberal or decent society, and despite the huge economic inequalities in this world, there cannot be a moral obligation for some form of global economic redistribution. For this distinction between domestic and international distributive justice to be plausible there has to be a correlative difference between these domains. Otherwise Rawls’ argumentation would be inconsistent because he would employ double-standards within his theory. But how is it that intra-national economic inequalities are subject to deliberations of justice and redistribution while the even greater inequalities in resources and opportunities on a global level are not? Again, the key for understanding this feature of The Law of Peoples lies in remembering that it is Rawls’ intention to conceive a legitimate and acceptable conception of international law and justice and not primarily a theory of global economic equality. In other words this is to say that in Rawls’s sense global justice does not itself entail a duty to globally redistribute resources and to try to achieve global economic equality. And in fact, according to The Law of Peoples, the term ‘global justice’ denotes significantly other ultimate goals than global economic equality: as mentioned before the fact of existing reasonable pluralism requires of liberal peoples to tolerate illiberal but decent peoples. In Rawls’ conception of international justice these two types of peoples together make up the ‘Society of Peoples’ which is stable for the right reasons (see Rawls 1999, 12). This is to say that those peoples tolerate each other on the basis that they fulfil Rawls’ three minimum criteria for decency; within the limits of these conditions all members of the Society of Peoples are free to pursue their own conceptions of the good – including their won account of domestic distributive justice.

These arguments of Rawls lead to the following ultimate object of his Law of Peoples: it is meant to provide guidelines for establishing a world in which all peoples peacefully coexist as members of the Society of Peoples. This amounts to saying that in Rawls’ ideal world all societies would have turned into either liberal or decent hierarchical societies (see
Rawls 1999, 105). Put another way this means that it is the overall goal of Rawls’ theory on global justice to point out rules for international relations between peoples that all maintain at least a decent hierarchical domestic political structure – it primarily is a theory of international law. This ultimate goal correspondingly sets limits to the importance and the role that the issues of global inequality and economic justice play within Rawls’ theory. But as mentioned before in his sense global justice in general does not itself entail or require global economic equality or an international redistribution of economic resources.

However, what is required of affluent liberal and decent hierarchical societies according to *The Law of Peoples* is some form of resource transfer which is meant to help fostering the overall aim of establishing an all-encompassing Society of Peoples: Rawls calls this requirement the “duty of assistance” (Rawls 1999, 85). It is part of his way of dealing with the “highly nonideal conditions of our world” (Rawls 1999, 89) and states that affluent members of the Society of Peoples have to supply other peoples that are “burdened by unfavourable conditions” (Rawls 1999, 106) through no fault of their own with enough resources in order to establish at least decent or even liberal basic political institution, to secure human rights, and to meet basic needs (see Rawls 1999, 116). Not only would the fulfilment of this duty elevate burdened societies into the Society of Peoples and in this way help achieving the final goal of *The Law of Peoples*. What is more important for understanding Rawls’ rejection of global distributive justice is his belief that such liberal political institutions also are “all-important” (Rawls 1999, 108) for the economic welfare and conditions of a society. Therefore and in this sense global distributive justice is redundant according to *The Law of Peoples*: to help a society to establish decent political institutions to Rawls is synonymous with helping it to flourish economically. How affluent a society really is instead depends, according to Rawls, on its self-determined choices on what to do with its own means and resources. But because – as a matter of justice – peoples need to be accountable for their autonomous economic decisions: in Rawls’ opinion a general duty of global redistribution entails the dilemma that it does not aim at any ultimate target and does not have a “cut-off point” (Rawls 1999, 106): this is not acceptable since without some form of cut-off point there can be no standard according
to which “choice-sensitivity” regarding the decisions of poor countries could be established. But for Rawls such sensitivity is not only needed to promote responsible choices on the part of the receiving peoples. Furthermore it is also required because in his understanding peoples in general are not interested in accumulating wealth\(^3\). Thus transferring resources to poor societies needs to be conceived as an obligation that has a definite target like the establishment of minimally acceptable domestic political institutions. In Rawls’ opinion it is then within the established decent political structures that the individuals of a people can subsequently pursue their own goals and conceptions of the good.

In order to sum up Rawls’ conception of international law and justice one must emphasise that considerations regarding economic equality and poverty relief only play a role in *The Law of Peoples* in so far as resource transfers are needed to expand the Society of Peoples. This is to say that for Rawls economic global justice consists merely of affluent societies fulfilling their duty of assistance. Also global economic equality itself is no requirement of his account of global justice. Furthermore any decision on the intra-national distribution of assets has to be left up to every people itself: as long as a people has a decent political structure and hence entertains a reasonable kind of comprehensive doctrine the liberal value of tolerance demands to respect such autonomous choice. Otherwise in Rawls’ opinion no form of international law could be legitimate and the paramount reason for conceiving *The Law of Peoples*, the prevention of unjust wars, could not be realised.

Rawls’ *Law of Peoples* as his account of a legitimate conception of international law obviously causes numerous subsequent problems. The ones particularly interesting in the context of this thesis are the questions regarding the plausibility of Rawls’ claims that, firstly, the huge international economic inequalities in this world and all unnecessary suffering are no subjects of justice and instead mainly attributable to the suboptimal political culture and conditions of the poorest societies, that, secondly, international law is largely concerned with the constitutions and relations of states instead of the welfare of individuals and, thirdly, his implicit assumption that the affluent societies did acquire their wealth in such decent manners that their obligations for helping the poorest in this world are terminable to the rather concise and purely instrumental duty of assistance.

\(^3\) According to Rawls the interests that peoples pursue are: protecting their territory, safeguarding the security of its members, preserving just social institutions and maintaining their self-respect (Rawls 1999, 34).
1.3 Kok-Chor Tan’s Cosmopolitanism:

We will come to more extensive and at the same time more plausible conclusions concerning our duties towards the poor and global economic justice, Kok-Chor Tan tells us, once we see that and why we have to change the underlying premises of John Rawls’ account of global justice.

Tan’s conception of global justice is an instance of cosmopolitanism, that is to say, to him the basic units of moral concern are individuals and not peoples or states. He employs this particular focus for his theory because he thinks that, although the chain of causation of the effects of global human interactions is hard to reconstruct, we can easily discern who suffers the consequences of these global activities: in the end it is human individuals who are affected by such interactions and cooperation. This feature on the one hand is the significant characteristic of the cosmopolitan nature of his theory. On the other hand it is the element that contrasts Tan’s account of global justice the most with John Rawls’ liberal nationalism. Tan is in search of principles of global economic justice, not in search of rules for political governance on a global scale because it is at the former that he locates the cause for the vast contemporary global inequality and poverty.

Tan’s basic fundamental idea is that when it comes to questions of moral consideration and justice, belonging to any specific nation is just as an arbitrary factor from a moral point of view as are factors like gender, religious beliefs and skin-colour. He therefore is extending the list of irrelevant moral factors – a truly liberal idea – about one more criterion: nationality (see Tan 2004, 159). This makes sense in that - although living in a specific nation largely determines the opportunities and chances of every individual in this world - no person deserves to be born in any specific country, either rich or poor. Thus, nationality as a criterion is also part of the “natural lottery” (Rawls 1971, 75) the effects of which John Rawls intended to compensate for with his conception of redistributive justice as fairness. With regards to the effects of arbitrary moral factors Tan thinks that what is needed in order to define a just world order is to employ an impartial perspective with a view to the welfare of the individuals on this planet, not merely with respect to the nations and peoples they happen to live in, since the results of the natural lottery largely and through no fault of their own determine these individuals’ opportunities and faring in life (Tan 2005, 169).

In his approach towards global justice Tan in this sense is much more of a liberal who holds his liberal values to apply universally than Rawls is. Tan’s moral universalism consequently in his theory is the justificatory basis for global distributive justice: he holds
that, contrary to Rawls, even decent people can be tolerated by liberal societies only for instrumental, practical reasons and that an implementation of liberal values and rights cannot be optional for any society if the liberal ideal is to be a consistent one (Tan 2004, 82). Accordingly, in Tan’s opinion and contrary to Rawls’ account, liberal rights in form of human rights are not merely the minimum conditions for acceptance into some Society of Peoples. In Tan’s theory they are rather claim rights of individuals towards their own states, peoples and towards an international institutional structure. Liberal human rights, however, would be nothing more than empty rights if individuals would not have the means and resources to realise them - a thought central to Rawls’ idea of domestic justice as fairness. Hence Tan’s theory of global justice is first and foremost a theory of economic distributive justice which aims at empowering all individuals to realise their liberal claim rights and freedoms (see Tan 2004, 53).

Tan’s reason for locating the global context as the appropriate setting for economic justice (contrary to Rawls’ theory that maintains that economic justice is a matter of domestic policies) is that to him it is here that currently the distribution of resources (which enable individuals to realise their rights and freedoms) is crucially decided on. In order to elaborate on this argument Tan invokes Immanuel Kant’s declaration that “considerations of justice come into being the moment our actions have implications for each other” (Tan 2004, 33). Accordingly the converse notion that states are economically self-sufficient and autonomous regarding the distribution of resources belongs to a bygone era when states were conceived as independent players according to the regulations of the Peace Treaty of Westphalia (see Buchanan 2000, 702). Thus, since nations do economically interact and influence each other and since furthermore these influences do have great effects on the opportunities and welfare of the individuals of the nations involved, it is global distributive justice and the reformation of the “background institutional global context” (Tan 2004, 21) which have to be subject to considerations of justice and which are the primary subject-matters of Tan’s cosmopolitan theory.

Besides the explanation of these empirical connections between the welfare of individuals and the basic global structure Tan also justifies his demand for global distributive justice on a more abstract normative level: he holds that the liberal values of autonomy, self-determination and the pursuit of one’s own conception of the good have to apply to all

4 One can think of the decisive role which the WTO plays in the economic policies of its member states and for the trade agreements between its members (see Singer 2004, 70-75). Another instance is the conditions the World Bank imposes on countries that apply for a loan to it (see Sachs 2005, 81, 82). These constraints in turn greatly affect the economic conditions within a society and the opportunities and welfare of all its individual members.
individuals in this world equally in order not to be inconsistent. That is to say that critics of
global distributive justice who argue that the national self-determination of a society or the
personal partial commitments of individuals would be jeopardised by a resource redistribution on a global scale would have be to considered guilty of employing double
standards regarding their conceptions of domestic and global justice: they refuse to extent the
validity of their claims to all individuals regardless of nationality (see Tan 2004, 102, 154,
200). Therefore, in order for national and private partial commitments to be acceptable these
need to be pursued in a larger context which is itself just according to the impartial view of
justice since this larger context of the basic global structures determines what means each
individual has to pursue their own goods and commitments. More strikingly put: “[the basic
claim of the cosmopolitan is that] we must first determine what “rightly” belongs to whom,
and to do this we must adopt a point of view that is impartial with respect to nationality” (Tan
2004, 160). Justice, according to its very concept, needs to be impartial. Otherwise, as Tan
makes his readers aware by referring to Will Kymlicka, the alternative option does not consist
in an alternative sense of justice. It rather would mean to “propose an alternative to justice”
(Tan 2005, 168) altogether.

But Tan’s cosmopolitan idea of global justice does not stop here. Although, according to Tan
and contrary to Rawls, global distributive justice is required by the results of an impartial
assessment of the present global economic inequality and world order Tan also disagrees with
Rawls about the extent of the ethically required global resource transfers.

While Rawls’ duty of assistance has a definite target and cut-off point for the
aforementioned reasons Tan’s cosmopolitan account entails no comparable limitation. Quite
the contrary: he points out that in his understanding of global justice the resource redistribution needs to be permanent and without a definite point beyond which it ceases (see
Tan 2004, 117). In Tan’s opinion this is essential because of the obvious empirical power
dynamics in global politics and economics: even if a country has managed to meet the basic
needs of its citizens and has established democratic institutions through the help of affluent
countries, its interests might still be endangered by the influence of richer nations because it is
still “relatively weaker” (Tan 2004, 118) than these. According to Tan’s notion the autonomy

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5 As an example of the grave consequences of the biased and disproportionate pursuit of national interests Tan
instances the issue of immigration restrictions (Tan 2004, 123). The refusal to allow for open immigration into a
country, which from an economic, political and sociological point of view seems to be sound, appears more
problematic when one thinks about the boats of African refugees trying to make it across the borders of the
European Union: how dire must their circumstances and how poor their opportunities in their native regions be
for them to take the long odds of attempting the risky and not infrequently deadly passage to economically richer
countries?
of societies depends to a large extent on their bargaining power; their bargaining power in turn depends on the assets and resources it can dispose of. Thus, in order for all countries to be self-determining to the same extent an equal resource distribution per capita on a global scale is required. Since these results are reasonable according to Tan’s notion of the universal liberal values of equality, fairness and autonomy they are required by impartial considerations of justice (see Tan 2005, 170). Consequently, and according to Tan’s cosmopolitan theory, it would be ethically acceptable and even required to strip affluent countries of some of their resources by means of a permanent global redistribution in order to guarantee the equal autonomy of poorer countries and to restore what rightly belongs to them and every individual. Of course this would impose quite extensive demands on the presently affluent societies. However, as Tan reminds his readers by quoting Brian Barry, the demands of justice to not have to produce mutually advantageous outcomes for everyone subject to these demands (see Tan 2004, 58). Thus and since affluent societies – through the composition of and the distribution of power within globally influential institutions – do influence the faring of poorer nations and of the individuals who are part of them it is Tan’s conviction that a just world order centrally requires global distributive justice in the form of some permanent resource redistribution as well as a reform of the basic global institutional background that currently merely operates in favour of the countries which dispose of the greatest bargaining power.
2. The Theoretical Core Problem: The Importance of Morally Relevant Facts

As shown, Rawls’ and Tan’s approaches arrive at rather opposed outcomes with regard to the comprehension of and the solutions for the issues of global inequality and global justice. However, both their approaches contain certain problematic or at least arguable premises and estimations. It is the task of this second chapter to identify and evaluate these in order to question the extremely different outcomes of the two approaches and to comprehend how alternative results with regard to the issues of global inequality and justice might be conceivable.

2.1 Objections to The Law of Peoples:

As pointed out Rawls’ *Law of Peoples* entails numerous arguable assumptions and outcomes. Summarizing these conclusions it has to be said that this work marks a rather narrow approach towards the enormous problems of global inequality and the resulting poverty.

The narrowness of Rawls’ work on global justice is firstly caused by the particular aim of establishing an international order in which rather self-contained and decent hierarchical societies or liberal societies peacefully coexist. It is hence inevitable to question whether to pursue this particular aim can be thought to be enough in order to achieve a globally just world. Especially the involvement of Multi-National Corporations (MNCs), of globally influential institutions such as the World Bank or the IMF, and the aforementioned operations of Private Military Companies illustrate that our contemporary world is characterised by such complex interdependences and interferences on a global scale that it appears arguable whether conceiving an international law that is based on sovereign and internally unitary peoples can be sufficient to deal with the current problems of a globalised and interdependent world. The limitations of *The Law of the Peoples*, accordingly, are based on Rawls’ specific fundamental orientation and aims. This is true in particular of his two fundamental premises of the focus on peoples rather than on individuals and of the exclusive importance of the political culture of a society for its economic condition. To that effect it is especially these two central assumptions which require particular scrutiny since to locate shortcomings in these two propositions also would comprise Rawls’ specified limited results with regards to obligations related to global inequality and extreme poverty. Thus it is indispensable to examine these two pillars of *The Law of Peoples* in turn:
1. The first fundamental assumption of *The Law of Peoples* signifies that it is peoples and the societies of peoples that within the theory need to be regarded as the elemental units of moral appraisal: to assume that individuals with equal rights and standing could serve as the basic moral units of a theory of global justice would simply not match the social and political realities in this world. And hence, since *The Law of Peoples* is primarily a theory about a politically legitimate conception of international law, the assumption of the ubiquitous validity of liberal values and rights could not work in terms of the aim of Rawls’ theory. It can be ascertained, then, that it is Rawls’ sacrifice of the universal pretence of the liberal values and rights for the sake of an accommodation of certain existing non-liberal doctrines in this world and the avoidance of international conflicts which cause the rather limited range of obligations of *The Law of Peoples* with respect to the problems of global inequality and absolute poverty. This conceptual sacrifice might really be able to prevent some conflicts and it might also lead to politically rational terms of international interaction. However, the question from an ethical perspective has to be: is this approach of Rawls an ethically legitimate one as well and does it present a methodologically sound procedure with regards to the logical coherence of the theory? For several reasons demurs seem to be justified.

Methodically Rawls’ postulation of tolerance as a basic requirement of his theory appears to be just that: an *a priori* proposition which he fixes in advance: Rawls utilises an equivalent of his domestic Original Position from *A Theory of Justice* on a global scale in order to determine the principles of *The Law of Peoples* (Rawls 1999, 37) only that in this global Original Position it is the representatives of Peoples and not of a domestic society that must decide on the terms of global interaction and international law. But, as has been correctly pointed out elsewhere, it seems arguable that he can stipulate tolerance to be a basic “pre-theoretical” (Beitz 2000, 681) precondition for the feasibility of this device. Rather tolerance as a value and duty is but one among many elements which would need to be decided upon by the representatives of peoples within the global Original Position. Rawls nonetheless holds tolerance to be a necessary precondition for preventing the great evil of international wars and conflicts. Despite the assumed practical relevance of tolerating decent illiberal peoples and of focusing on societies it must be stressed that, as Tan has pointed out, tolerance has to be understood as having merely instrumental value within Rawls’ theory (Tan 2004, 82). From a normative perspective this is to say that liberal values and rights, despite the problems of the possibility of their universal implementation, have to be taken as the orienting ideals for any logically sound ethical theory of global justice. This is because these values can be thought to be universalisable in contrast to the underlying values of any
alternative comprehensive political doctrine which would state that in general and on the basis of some particulate factors not all individuals deserve equal consideration. Thus, in spite of Rawls’ inclusion of the value of tolerance for decent non-liberal societies in his ideal theory (Rawls 1999, 59), normatively speaking, illiberal doctrines cannot be thought to be equally valid and justified as are liberal values and rights (Tan 2004, 79). This becomes more plausible when looking at the role that human rights play in *The Law of Peoples*: although there is no general unison about the definite content of human rights in current political philosophy it is commonly accepted that human rights present general claim rights of all individuals, regardless of nationality, towards institutions and people that affect them. Human rights thus are an instance for the ubiquitous realisation of liberal ideals. However, in *The Law of Peoples* these kinds of rights do not fulfil this function because of “the dependence of Rawls’ interpretation of the content of the doctrine of human rights on the details of his view about its role in international affairs” (Beitz 2000, 687): as has been explained before, in Rawls’ argumentation the purpose and role of human rights is to (partly) define the minimum conditions for tolerance of decent societies by liberal peoples. Rawls’ account of human rights accordingly also lacks some important claim rights that normally in contemporary political philosophy are thought to be integral parts of the liberal doctrine of human rights: the right of expression and the right of democratic political participation (see Beitz 2000, 684). The merely instrumental role of human rights in *The Law of Peoples* clarifies that from a normative perspective Rawls’ argumentation for the purpose of appeasing some illiberal but decent societies and to forgo international conflicts seems to be implausible. The universal implementation of liberal human rights and the equal consideration of the claims, needs, and suffering of all individuals, though, are basic features and central ambitions of cosmopolitan theories of global justice like Tan’s *Justice without Borders*. Recapitulatory it can be said that from a methodological standpoint *The Law of Peoples* appears to be flawed while from a normative perspective cosmopolitan theories seem to be more ethically and logically consistent.

But what about the practical dimension of Rawls’ focus on peoples instead of on individuals – the dimension why he felt impelled to sacrifice the universal pretence of the liberal ideals and values in the first place? Here it appears that Rawls, by accepting the direction of the present world order on nation states, to a large extent simply takes for granted the current political *status quo* instead of first of all trying to assess the equity and fairness of these general political arrangements (see Beitz 2000, 680). Furthermore, as mentioned before, by focusing on peoples as a whole Rawls dodges important domestic political problems such
as the issue of a possible need for special rights and protection of minorities (see Beitz 2000, 679). But not even the existence of nation states of peoples or the allegiance of individuals to a certain nation state or people\(^6\) present natural facts about this world: the organisational and motivational aspects of a people that maintains its own state are “historically variable” (Beitz 2000, 689). They have indeed altered quite significantly\(^7\) and are in fact subject to continuous changes\(^8\) (see also Tan 2004, 182). Thus for Rawls to hold that peoples have to be the basic units of his moral theory of global justice since they are the (supposedly solid) units which make up the current world order appears to be an insufficient vindication for this decisive feature of *The Law of Peoples* which has that far-reaching ramifications.

2. The second fundamental premise of Rawls’ theory of global justice consists in Rawls’ assumption that it is the political culture of a society that is “all-important” (Rawls 1999, 108) for its economic prosperity or predicament. This supposition does fit well into Rawls’ focus on political legitimacy. However, this premise raises two general objections. First, as Tan rightly points out, theories of global justice especially have to concentrate on issues regarding economic justice since otherwise political rights tend to be unrealisable and merely empty stipulations. The second objection attests that in contemporary political and economic theory it is common sense that societies and states are no isolated entities.

Especially this later objection proves to be a great problem for *The Law of Peoples*. Along the lines of current economic and political theory it also is assumed by most of the writers in the present political philosophy that there exist some basic global institutional structure that has an enormous stake in the economic opportunities and status of any domestic society (Tan 2004, 24; Beitz 2002, 690; Buchanan 2000, 705). If it is assumed, though, that – as Rawls holds – intra-state factors like the political culture of a society are exclusively important for the economic conditions of this society this amounts to “explanatory nationalism” (Tan 2004, 70). The problem with this sort of explanation is that it

leave[s] open important questions, such as why national factors (institutions, officials, policies, culture, natural environment, level of technical and economic development) have these effects rather than others” by ignoring the causal effects of global factors (e.g. trade practices, consumption patterns of affluent

\(^6\) That according to Rawls is not based on an ethnic criterion but on “common sympathies and a desire to be under the same democratic government” (Rawls 1999, 24)

\(^7\) as an example one can name the 39 individual states and the 4 independent cities that formed the German Reich in 1871 and which are still united within today’s Federal Republic of Germany.

\(^8\) here the successive organisational adaptation of the member states of the European Union presents an example.
countries, international law, etc.) on a nation’s domestic policies and their outcomes (Tan 2004, 70).

But even if the disregard of the global institutional background is already ruinous enough for Rawls’ second pillar of *The Law of Peoples*, there exist more problems for this part of his argumentation. For once it does not seem fair to assume that every individual, especially in the undemocratic and poor countries, bears any or even equal responsibility for the dire straits their society is caught up in. Thus holding impoverished individuals in such countries exclusively accountable for their fate may even sound like mockery to some (although this certainly was not Rawls’ intention, also see Tan 2004, 73). What is more is the problem of the consequences of the choices of previous generations and authoritarian ruling classes on the contemporary economic distress of the poorest nations: if these peoples are for instance indebted to other countries because of the loans raised by their former authoritarian rulers it appears to be fair to ascertain that in this case these peoples have been impoverished through no fault of their own rather than that they were responsible for this themselves. Obviously such mistakes of the past are related to the political culture within these countries at that time. But this is something completely different to note as one relevant factor than to say that the oppressed individuals of these societies are responsible for their own circumstances or that they were the only ones involved in the decline of the conditions of their society.

Furthermore the general rejection of global distributive justice, which follows from the problematic “explanatory nationalism” argument, causes difficulties for *The Law of Peoples* on a general abstract and logical level. These difficulties relate back to the first general objection to Rawls’ second fundamental argument of his theory of global justice. This objection states that formal rights need to be complemented by means of subsistence in order not to amount to empty rights. This is to say that even for the permissible pursuit of its national interests a people will require sufficient resources and a fair institutional global setting: as Tan points out national self-determination is possible merely in limited ways if a society has been impoverished by its former rulers, by natural disasters or in some other form. Even if the society now has established democratic political institutions, that does not mean that it can make its voice heard and can attend to its interests within the international economic domain and its agreements that very often only reflect the interests of the affluent countries (Tan 2004, 110). Also it is hard to see how such a people whose interests are disregarded in international affairs and interaction can maintain a proper self-respect: “it is not obvious that the stigma of relative deprivation is less insidious when the range of reference extends beyond a society’s
own boundaries” (Beitz 2000, 693). Rawls’ limited demands of global justice accordingly appear unable to sufficiently answer all these worries regarding the realisation of the values of national self-determination and aiming at internationally preserving a proper self-respect which to him are of great importance for the peaceful coexistence of all peoples. The outcomes of The Law of Peoples with respect to global economic justice, such as the duty of assistance, cannot meet these difficulties because they do not take into account some of the presently most decisive factors for domestic economic conditions and development of societies: the background global institutional structures. These, accordingly, have to be subject to general considerations of justice on a global scale, not merely the political culture of societies.

2.2 Objections to Tan’s Cosmopolitan Conception of Global Justice:

Kok-Chor Tan’s cosmopolitan theory of global justice contains problematic aspects and outcomes as well – despite of, or better: because of, the intuitively appealing universal claim of his individualistic approach on the one hand and his concern about global equality with respect to bargaining power on the other hand. Thereby Tan’s argumentation leads to quite demanding conclusions which would – if they were to be applied in the real world – have to result in dramatic changes within the current world order and consequently would particularly put the presently affluent societies under considerable economic pressure. Hence Tan’s Justice without Borders causes at least one minor and one major worry. The lesser issue namely is that Tan’s demand for the use of impartial considerations of justice might be directed too exclusively towards the international scene: there might be also outcomes of global interactions that have negative effects within rather affluent societies. An impartial assessment of the current state of affluent societies might as well reveal that the results of these political and economic arrangements on individuals within these societies are not exclusively positive or just either. It seems at least arguable that all individuals in rich countries equally profit from the dominance of the current basic social structures or that they all profit from them at all. That is to say that the effects of global interaction and trade also have had negative consequences in the developed countries. It is, for example, not clear that the power of MNCs only benefits or does benefit most of the citizens in affluent societies at all. Rather these benefits often appear to be distributed within a quite limited circle of the rich societies. Tan’s argumentation and focus in Justice without Borders seem to presuppose that so-called neo-liberal agendas, although being highly popular, are per se no solutions for the problems of global inequality. In Justice without Borders, however, Tan picks liberal
nationalists as his main recipients and targets. He maybe should also have taken on neo-liberal thoughts which for instance dominate the operations of MNCs that appear to unjustly and negatively affect both affluent as well as poor individuals in this world. Still, this could merely require an extension of the scope of the impartial considerations of justice. However, if these aspects are assumed to be relevant it should be noted that the task of global justice would become more complicated and extensive than already portrayed in *Justice without Borders*.

There also is a more substantial - because normatively more problematic - challenge arising from Tan’s cosmopolitan theory. This consists in the worry that this account of global justice – despite the whole of Tan’s careful systematic analysis and argumentation – might in the end be over-demanding in the sense that they do not promote a plausible notion of global justice or that they are practically unrealisable. In other words it is the problems of the missing cut-off point and target as well as the issue of “choice-sensitivity” regarding the global redistribution of resources that could be taken to lead to counter-intuitive and over-demanding conclusions of Tan’s theory. These worries are not new since such objections already posed serious obstacles to Rawls’ own account of domestic justice in *A Theory of Justice*[^9]. What, it has to be asked, does realistically remain for the pursuit of personal or national commitments if first of all poor countries not only need to be able to establish and maintain a democratic society but also have to become relatively as affluent and influential as the richest societies in the world? Given the number of extremely poor individuals on this planet as well as the degree of their misery it appears that the lion’s share of the wealth and assets of all affluent countries and individuals will be required so as to raise all these extremely poor to the same standard. At least a simple resource transfer from the rich to the poor societies for the reasons just mentioned seems to have to have quite extensive results for the economic conditions of affluent societies. This is to say that it has to be questioned whether the largely free-market based domestic economies would be capable of handling a large drain of resources that would no longer be spent on consumption but on money transfers. However, according to Tan’s cosmopolitan theory it would only be at a point of global equal bargaining power per capita that personal and partial interests and national ambitions would become permissible again. But this might just be the price that must be paid in order to avoid preventable deaths and eradicate extreme poverty in this world. This scenario, though, seems quite demanding and not quite getting at what global justice (for reasons explained later in this thesis) plausibly can be thought to consist of.

[^9]: See for instance Kymlicka 2002, 70-75
Returning to the second part of the major worry regarding Tan’s theory of global distributive justice it must also be asked whether any form of “choice-sensitivity” regarding the redistribution of resources could be maintained if the target of global distributive justice consists in a global equality of bargaining power: some societies might waste resources by pursuing risky or ill-conceived projects and ambitions. Surely this would upset the societies that have to finance these choices. But according to Tan such wastage would in turn not yield a justification for altering the impartially determined aim of equal bargaining powers. Thus the question remains how it could be reasonably determined what the resources are redistributed for and how they should be used in the first place. From the perspective of impartial and ubiquitously applied considerations of justice the danger of an unchecked use of redistributed assets poses a severe problem as well, not only the uneven opportunities of national self-determination of different societies. It seems, however, that for answering this worry a more detailed account of the purposes of and the reasons for global distributive justice would be required or at least some concise theory that in this regard is more detailed than Tan’s Justice without Borders.

2.3 The Identification of Morally Relevant Facts:

It appears that both Rawls’ and Tan’s approaches with respect to the problems of absolute poverty and global justice contain counterintuitive or seemingly over-demanding obligations. But what are the reasons that cause both authors to arrive at such different and rather extreme solutions – Rawls’s one endorsing the perpetuation of the current status quo in the world accompanied by the limited duty of assistance and Tan’s proposal consisting in an extensive rearrangement of the world and the distribution of political and economic power in it?

The explanation and evaluation of these deep going disagreements requires an examination of some of the general structural particularities of normative ethical theory itself: normative ethical theories have the aim to formulate action-guiding principles and to determine binding obligations for the dealing with problematic cases and conflict situations. In order to accomplish these targets every normative ethical theory makes general underlying assumptions about the world and human beings that are highly material to the formulation of the theory’s principles and obligations. The preceding characterisations of Rawls’ and Tan’s approaches have already uncovered some of these authors’ general assumptions of how they see the world with respect to the issues of absolute poverty and global justice. However, more needs to be said about the basic skeletal normative structure of ethical theories in order to
understand how it is possible that both authors – although likewise dealing with the formulation of a conception of justice – can arrive at so different and idiosyncratic interpretations of this idea that they derive such divergent obligations from it.

It holds true for any normative ethical theory that it is based on certain abstract values and ideals that serve as its sources of normative justification. Otherwise an ethical theory could be merely observing moral behaviour (descriptive ethics) or be analysing the grammar and syntax of existing moral language and concepts (meta-ethics).

In order to be able to comment on and to command certain actions regarding any problem area an ethical theory is in need of a normative, judgemental base. The ideals and values such a theory is built upon allow for the formulation of an “ideal theory”, that is to say, a theory which specifies what – in the context of global justice – an ideal and just world would look like. But such an ideal theory obviously cannot be directly applied onto the real existing, non-ideal state of affairs within this world. Rather “a process of transformation is still needed to construct a non-ideal theory – a normative theory for the society [and respectively the world] we live in” (van der Burg 1998, 89). Ideal theory nonetheless retains its important purpose as the normative backbone of the derived non-ideal theory: as a “descriptive ideal theory” it offers “a detailed description of the good society [or world or professionalism] we aspire to” (van der Burg 1998, 90). That is to say that in form of an imaginative ideal, ideal theory defines the final aim that a derived non-ideal theory is supposed to be working towards and for which normative reasoning is done for in the first place – at least indirectly because normative rules always aim at producing certain state of affairs through the dictate or omission of certain actions.

A quite problematic and for the context of this thesis highly relevant aspect of this architecture of ideal ethical theory is the process of transforming ideal into non-ideal theory: the interpretation of the basic underlying ideals of a theory – in the context of this thesis especially the ideals of justice and equality – and the identification of what is appropriately required to realise them is pivotal for the shape and content as well as for the extent and distribution of the obligations which are issued by an normative ethical theory. Rawls’ clearly structured and sectioned Law of Peoples is a palpable example of such a transformation: after presenting his design of an ideal world Rawls develops his non-ideal theory in the second part of The Law of Peoples in order to map out how the “long-term goal [of the establishment of

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10 According to van den Burg and ideal ethical theory also can take the form of an ideal normative theory and there are certain problematic aspects involved in the application of this version of ideal theory but these are not the subject of the discussion of this thesis.
the ideal Society of Peoples] might be achieved” (Rawls 1999, 89) given “the highly nonideal conditions of our world with its great injustices and widespread social evils” (Rawls 1999, 89). The two main topics of Rawls’ non-ideal theory are the necessity of just war and, as pointed out earlier, the assistance of burdened societies. At this his formulation of the “doctrine of just war” (Rawls 1999, 89) constitutes a plausible example of when and how the ideals of justice and equality as manifested in the Society of Peoples need to be defended and fought for: Rawls’ “supreme emergency exemption” (Rawls 1999, 98) and his “principles restricting conduct of war” (Rawls 1999, 94) are described in detail and backed up by historically appropriate instances so as to unambiguously specify when warfare can be considered to be just as a last resort for protecting the ideals safeguarded and guaranteed by *The Law of Peoples*. However, regarding the justification and the design of measures for poverty relief and efforts towards greater economic equality Rawls’ non-ideal theory, as explained, remains much less detailed and trustable.

Against the background of the relation between ideal and non-ideal theory the cause of the unintelligibility of Rawls’ suggestions with regard to poverty relief and his refusal of global economic justice can be attributed to the definition of his basic ideals and the way he wants to actualise his interpretation of equality and justice through the establishment of the Society of Peoples as self-determining and reputable peoples. For this special purpose Rawls, by means of specifying his corresponding obligations and courses of action, takes into account only certain aspects and conditions of the present situation of the world (such as the organisation of individuals into special groups, the plurality of values and the role of the domestic political culture for the economic standing of a society) while omitting others (such as the effects of the current world order and the consequences of different economic and political policies for the well-being of individuals as well as the individual moral interests and importance of every single human being). It is in this way that he arrives at the somewhat limited and seemingly inadequate duty of assistance as his primary instrument for dealing with absolute poverty and global inequality.

However, Tan as well possesses his own interpretation of the ideals of justice and equality and formulates his approach with a view to realise his particular conception of a more just and ideal world, that is to say that Tan has his own ideal theory and process of transforming it into obligations of a derived non-ideal theory. Thus, his versions of equality and justice, which are based on the equal consideration of and respect for every single human being, as shown, eventually prompt him to demand a reconfiguration of the current world order and an equalisation of the relative economic power levels of all societies so as to
guarantee their ability to care for provide for all their members equally. The latter of these postulations, as is known, leads to Tan’s demand for permanent and large-scale resource redistributions. But in the process of deriving these obligations concerning global justice from his own interpretation of the ideals of justice and equality Tan, too, focuses on certain selected features and conditions of the present world (such as the importance of the global institutional background, the need for individual self-determination and national economic sovereignty) while omitting others (such as the economic and social repercussions of large-scale economic global redistributions or possible differences in the effects of such transfers within different societies according to their internal arrangements).

Seen from this perspective of the selection of certain information for the definition and transformation of ideals into non-ideal normative theory it appears that the essential differences in the determination of the obligations regarding global justice that occur between Rawls’ and Tan’s approaches can be traced back to the very differences in this different identification of information. And since “all normative reasoning takes place against a factual background” (Reddy 2005, 120) this insight subsequently leads to the cardinal thesis advanced within this thesis that the often quite diverse outcomes of different normative ethical theories with regard to certain homonymous ideals (and the obligations that are deemed appropriate for realising them) are caused by and dependent upon the discrimination of the facts and empirical actualities that are within a theory are deemed morally relevant for the definition of its ideals and the according teleological obligations.

Morally relevant facts at this are understood as “features of situations which are relevant in our moral involvement with those situations” (van Willigenburg 1998, 42). At this, however, it is important to note that the term “facts” on the one hand is not supposed to refer to state of affairs or objects that are thought to be independently and “intrinsically normative” (Korsgaard 1996, 33). Thus they do not justify some form of “substantive moral realism” (Korsgaard 1996, 35). On the other hand such “facts” are neither merely dependent on the preferences or point of view of a person. This is to say that they do neither justify some notion of moral relativism. Rather the term “morally relevant facts” is supposed to denote empirical factors that derive their importance from their relevance for the notion and comprehension of a value or ideal that is deemed to be decisive or at stake for a normative judgement in the context of a certain problem area. Thus the empirical factor of a lack of own resources can be of no relevance if the person without any resources is the child of a family that is able to care for and educate the child. It becomes relevant, though, as a fact when the focus is on whole
families that lack own resources and cannot care for their members. The term “facts” thus needs to be understood as to not mark solid or relative aspects but rather to denote justifiably relevant and empirically palpable factors within a certain problem context.

This argument is supported by philosophers such as Sanjay Reedy who asserts that “it is of great importance that we seek to identify relevant facts (despite the difficulties involved) as otherwise we will be unable to give practical applications to normative principles” (Reedy 2005, 120). Clearly stated, what this amounts to is the following:

1. The selection of morally relevant factors that “can justifiably be called upon as [reasons] to support a particular moral judgement” (van Willigenburg 1998, 42) are centrally decisive for the interpretation of the underlying ideals and values that a normative ethical theory holds to be crucially important and advances as its core “guideposts”.

2. Furthermore the empirical factors that are thought to be morally relevant within a certain problematic context also govern “the determination of the content and the distribution of obligations” (Reddy 2005, 121).

This finding is not merely a commonplace observation.

On the one hand, when taking a closer look at this statement and its meaning with respect to the conception of ideals and values it implicates that empirical factors and actualities do determine and do alter the interpretation and definition of values and ideals because every definition of an ideal (and a fortiori also of the obligations for how to achieve it) has to refer to some condition or state of affairs the realisation if which would count as the realisation of the ideal. This is tantamount to ascertaining that all abstract and imaginative ideals have to have some point of reference in the real world through which the ideal can acquire an actual meaning and that creates a frame of reference in which an evaluation of directives for achieving the so-defined ideal can take place and that furthermore nothing can be said to be obligatory if it cannot thought to be done due to certain actual given factors within this world. Less technically speaking concerning the conception of ideals this means that in order to know how to treat persons justly it has to be clear with regard to what the treatment of these persons can be just or unjust: the distribution of resources, the ascription of responsibility or that in order to guarantee the self-determination of people one needs to know in what this self-determination manifests itself ideally. Accordingly when trying to determine the content and significance of ideals such as equality and justice there should be detectable
some quasi “objective” criteria that are indispensable for every realistic and meaningful interpretation of these ideals, that is to say that there presumably exist certain empirical conditions and factors that are essential for making sense of an ideal and its actual realisation in this world.

On the other hand, the statement pointed out by the core argument of this thesis with regard to a plausible determination and distribution of moral obligations implies that for instance the ascription of responsibility depends on the empirical causation of the problems a theory deals with. The question at this is what kind of constraints the people, who are involved in a certain problematic context, face when constraints are understood as “facts about the natural or the social world” (Reddy 2005, 120) that they cannot or can hardly change themselves. In what has been discussed so far a dispute over the identification of such constraints was already exemplified by Rawls’ and Tan’s differential opinion about whether or not the political culture of a society is the only factor responsible for the situation of a society. Both philosophers within their argumentation had a point since it seem implausible that only either the domestic political culture or the global factors can be thought to be responsible for the absolute poverty present in some of the societies in this world. However, and this exemplifies the importance of relevant facts, a more detailed analysis of the empirical causes of the dreadful conditions seems necessary since “our judgements and ascriptions of responsibilities may depend on which of these empirical characterisations we accept” (Reddy 2005, 122). Morally relevant facts in form of constraints thus require special attention with respect to the design of obligations in order to bring about any conception of global justice in this world.

However, the determination of facts and actualities that are morally relevant for the definition of a certain ideal (and according appropriate obligations) appears to get the more complicated the more factors and actors are involved in a problematic context. Thus especially the issues of absolute poverty and global inequality seem to be dauntingly complex challenges for ethical theory and the identification and distribution of appropriate moral obligations. At this point, though, it is important to keep in mind that the understanding of the construction of normative ethical theories based on the interrelation of empirical facts and actualities, abstract ideals and moral obligations advocated in this thesis is not the same but rather a complementary notion as compared to other prominent conceptions of moral theories such as Kant’s system of moral ideals and rules that is based on intelligible reason or the utilitarian conception of obligations that are grounded on the maximisation of a certain value like
pleasure and the absence of pain. The conceptual design of normative ideal and non-ideal theory advocated in this thesis thus provides some alternative and complementary tools and options for approaching these complex problem areas. This is to say that the core argument of this thesis suggests the answer that the more complex the problematic issues are the more dependent is a normative ethical theory on an adequate identification of the morally relevant facts because this is the only way to warrant “a realistic assessment of the situation and the larger context we have to deal with” (van der Burg 1998, 93).

Consequently it can be said that – since Rawls’ and Tan’s approaches depend on their special selection of morally relevant factors and features – it should be achievable to design an alternative approach to global justice if only it is possible to identify an alternative set of relevant facts with respect to the causation of global inequality and poverty as well as of a more detailed interpretation of the ideals of justice and equality that are central to all approaches in this problem area. An alternative approach to the two aforementioned ones concerning global justice is apparently required since Rawls’ *Law of Peoples* seems to be unable to be responsive to the extent of real misery and extreme inequality in this world and the determination and distribution of appropriate moral obligations that could lead to an elimination of these issues. Tan’s approach on the other hand apparently features some demands that are so extensive regarding these issues that it appears to be highly unrealistic that his notion of an ideal world will be realised in the ways he proposes because the changes involved would be extremely radical.

For the argumentation within this thesis this means the following: there is the need to identify some conception of global justice that includes plausible empirical relevant factors for its definition – something that can reasonably be thought to be at stake for human beings with respect to global justice like the elimination of the factual causes of absolute poverty or the distribution of means for meeting their characteristic human needs. Such a detailed conception of global justice should in turn be capable of justifying obligations for creating a more just world that are not over-demanding or unrealistic. The problem of the over-demandingness of moral obligations thus in this thesis is not approached from an abstract and theoretical level. Such an analysis would include questions such as whether the notion of justice promoted is “too high a standard” (Singer 1993, 242) or would require “moral saints” (Singer 1993, 244) in order to comply with it. Rather the problem of over-demandingness with respect to duties for achieving a more just world will be tackled in an analytical, empirical way. This appears possible since the great degree of inequalities that give rise to some extensive obligations with regard to global justice were and are created by certain
factors and in certain ways in the first place. As will be clear in the course of this paper it is exactly the removal of these impeding factors and conditions that can help to reduce the degree of inequality in this world. Consequently, it will be argued, the obligations generated by the inequalities in this world can be adjusted and diminished according to these courses of action.

The task for the remaining discussion of this thesis thus is to try to identify alternative or additional conceptions of global justice which can reasonably be thought to be more appropriate and effective while also being more realistic and not excessively demanding. In other words, the conception of global justice aimed at in this thesis should be formulated in the normative space in between the two rather extreme positions of Rawls’ and Tan’s approaches. There surely are even more extreme liberal nationalist and cosmopolitan views than the two already presented in this thesis but since these two have yet been assessed to be too radical or not demanding enough it seems logical to conclude that even more extreme positions are also less desirable and plausible. For the purpose of defining some “intermediate approach” to global justice it will be crucial, as pointed out in the central thesis of this thesis, to identify the appropriate morally relevant facts and factors so as to substantiate and spell out a feasible understanding for the pivotal ideals and values that are held to be at stake with respect to the issues of absolute poverty and global inequality – equality and justice – and to identify relevant existing constraints in these areas that have to be taken into account when designing and distribution appropriate obligations for realising these ideals.
3. Different Normative Approaches with a View to the Problem of Global Justice:

For the purpose of identifying a plausible conception of global justice and of the ideals and obligations that can reasonably be thought to be relevant and appropriate for this ideal it seems advisable to examine the approaches that other distinguished philosophers than Rawls and Tan have developed in order to deal with the issues of absolute poverty and global justice. Thus in this chapter the works of Peter Singer and Thomas Pogge regarding these problems will be surveyed with the aim to determine what their approaches can contribute to the discussion about a plausible theory of global justice that takes into account the appropriate morally relevant factors of the problem area.

3.1 The “Singer Solution to World Poverty“:

The first approach studied in this thesis in view of these tasks is the well-known concept of Peter Singer that has become known as “The Singer Solution to World Poverty” (Singer 2001, 118). Singer has been an early and continuing contributor to the debate on world poverty. His article “Famine, Affluence and Morality” (Singer 1972) dates back as far as 1972 and his essay “Rich and Poor” was included in both editions of his Practical Ethics in 1980 and as an updated version in 1993 (Singer 1993). He also has written another recent book on the issue of global justice, One World, in 2002 (Singer 2004) as well as numerous other related essays and articles. It is thus justified to talk of Singer as one of the major writers on these issues and as well as appropriate to analyse his account of morality with respect to world poverty first when looking for practical solutions in this area.

When examining the Singer Solution to world poverty there are two fundamental features in Singer’s argumentation which naturally define his approach and viewpoints in crucial ways. The first one is that concerning his normative basic orientation Singer is, as is well-known, a preference utilitarian and thus holds that a morally correct course of action has to be determined by asking: “what proposal would lead to the greatest net satisfaction of preferences for all concerned” (Singer 2004, 41) whereas “what is desired or preferred is usually not a sensation but is, rather, a state of affairs” (Sinnott-Armstrong 2006). The satisfaction realistically applicable to the ones concerned by the issues of absolute poverty has to be considered the elimination of this absolute poverty and the related suffering and dying. The second fundamental feature of the Singer Solution is that Singer – like Tan – is a cosmopolitan and argues that “the interests of all persons ought to count equally, and
geographic location and citizenship make no intrinsic difference to the rights and obligations of individuals” (Singer 2002(1), 121). In this way Singer’s cosmopolitan orientation is perfectly in line with his utilitarian normative basis because the universal utilitarian maximisation of Singer’s conception of the good does not stop at national boundaries either.

In contrast to many other writers on the topics of global justice and poverty relief Singer focuses on the morality and the obligations of individuals with regards to these issues. Thus the Singer Solution is an instance of “global ethics” rather than of “global justice” (see Tan 2004, 23). At this it is especially the citizens of affluent countries, who Singer views to be in a prominent position to deliver help to the poorest in this world, whose behaviour receives moral evaluation in his argumentation: “the one central point in all my writing on this topic [poverty relief] has been that the failure of people in the rich nations to make any significant sacrifices in order to assist people who are dying from poverty-related causes is ethically indefensible” (Singer 2002(2), 127). Thus Singer’s solution to world poverty is not primarily concentrated on formulating a conception of international law in form of a law of peoples or nations as is John Rawls’ theory. Neither is it centred on global economic justice as is Tan’s approach. Rather the aim of the Singer Solution is an immediate elimination of global poverty since such poverty relief to him is a crucial part of achieving global justice. In his view this goal should be tackled predominately by individual and private efforts of the people of affluent societies. Poverty relief for Singer requires first and foremost respective individual actions because from his point of view there exists an ethical obligation of rich individuals to help ending poverty-related suffering and dying on this planet – regardless of what has caused this poverty or what can or cannot be done about it else. In this way the Singer Solution significantly differs from Rawls’ or Tan’s approach in that these were concerned rather with institutional aspects with respect to the issues of global justice and poverty relief rather than with the morally correct behaviour of individuals.

In order to be able to explain that the elimination of absolute poverty as a central part of global justice is the mission of every affluent individual Singer at first needs to establish that there indeed exists an obligation for every such individual to fight large scale absolute poverty by making single contributions for the obtainment of this goal. But how does Singer justify such obligations towards a quite daunting task of helping distant strangers and how far do such obligations go in his opinion? In order to clarify this Singer employs an analogy which he presents in his essay “Rich and Poor” (Singer 1993). According to this analogy, not helping the poor equals not assisting a helpless person (one happens to come by) who is in
lethal danger. Verbatim the analogy, that has become famous in connection with multiple issues, reads:

The path from the library at my university to the humanities lecture theatre passes a shallow ornamental pond. Suppose that on my way to give a lecture I notice that a small child has fallen in and is in danger of drowning. Would anyone deny that I ought to wade in and pull the child out? This will mean getting my clothes muddy and either cancelling my lecture or delaying it until I can find something dry to change into; but compared with the avoidable death of a child this insignificant (Singer 1993, 229).

In order to make this analogy work Singer makes some specific assumptions: for one thing the analogy builds on the presupposition that the poverty-related suffering he wants to remedy is inherently bad and needs to be eliminated (Singer 1993, 231). Furthermore this kind of suffering is unnecessary since, according to empirical data presented by Singer, there are enough resources and food on this planet to feed all its residents (Singer 1993, 220) as well as there are feasible options for affluent people to help the poor: the prime solution method he suggests are donations to charitable organisations like Oxfam that in turn have maintain the required networks for delivering the aid to the ones that need it (Singer 2002(2), 128). Also Singer assumes that, according to his utilitarian reasoning, everyone is responsible for all direct or indirect consequences of both their actions and omissions which means that not helping can and in the case of poverty relief does amount to a serious wrongdoing. Finally it is important to note that within the analogy the value of an increase of well-being in form of an elimination of absolute poverty and related suffering are of supreme value and rank above other considerations. Subsequently in Singer’s view it would be just as wrong for an affluent person to refrain from helping to end poverty-related suffering as it would be to not save the child in the pond from drowning. For this conclusion and based on cosmopolitan reasoning it does not matter whether the person close to dying happens to live in ones neighbourhood or at the other side of the world.

In Singer’s view the obligation for affluent people to eliminate global poverty by private efforts is general and limited enough (due to his definition that one does not to have to sacrifice something of equal moral worth) so that it is immune to several objections that can be brought to the fore against certain discrepancies between the analogy example and the real life case of world poverty. One important objection against the drowning-child-analogy that
Singer repudiates is that according to absolute property rights conceptions as for instance advocated by Robert Nozick no one can be forced to cede parts of their possessions to others. But this objection, replies Singer, misses the point of his whole analogy argument: one can insist on owning property without having to deny that one nonetheless should voluntarily help others who are in dire straits (see Singer 1993, 234). An “individualistic theory of property rights” (Singer 1993, 235) that focuses on legal terms poses therefore no dangerous obstacle to his private moral obligation to keep others from starving and suffering. Another possible objection that Singer rebuts is the argument that since affluent people already have to fulfil their commitments towards their own family, their community and – by paying taxes – also towards their country, asking them to help distant strangers would simply unacceptably over-burden them. This objection resembles the arguments of liberal nationalists and Singer, just like Tan, answers it by referring to his cosmopolitan normative premise: “it is difficult to see any sound moral justification for the view that distance, or community membership, makes a crucial difference to our obligations” (Singer 1993, 232). Thus aspects that differ with respect to the drowning-child-analogy and poverty relief like remoteness or the lack of knowledge who it is that is in need of help are of no relevance in Singer’s account. Also because of the limitation of the obligation to help, affluent people do not run the risk of endangering the functioning of their own “recognized system of responsibilities” (Singer 1993, 232) since the rich do not have to sacrifice something of equal moral worth by helping the poor. Another objection to the obligation to privately help ending absolute poverty could be that suchlike efforts are jobs for governments and not for single citizens. However, Singer again affirms that the responsibilities of individuals are independent from governmental or political ones. Additionally, he points out that it is likely that “if no one gives voluntarily for poverty relief, the government will assume that its citizens are not in favour of overseas aid, and will cut its programme accordingly” (Singer 1993, 242). Private donations thus in Singer’s view have the extra benefit that they can stimulate democratic political action into the same direction as well. The last and very serious objection Singer rejects concerns the important condition for every moral theory that it cannot demand what cannot actually accomplished by the ones obliged by the demand. Singer thus tries to debilitate the over-demandingness objection on the abstract and theoretical level that the argumentation of this thesis aims to by-pass. This objection, however, expresses the worry that the obligation to privately aid distant strangers is over-demanding because it demands attempts to achieve a utopian and unrealisable goal: the elimination of absolute global poverty by single private efforts appears to be a really daunting task. Yet, as Singer asserts, helping others through individual donation is technically
absolutely possible for every affluent individual through making donations to charitable aid organisations. Therefore the normative force of his duty to donate to such organisations is not threatened by such worries about whether private donations can end world poverty entirely. Instead by donating money “we can therefore all come closer to the impartial standard” (Singer 1993, 243) proposed by the Singer Solution. Also it must not be thought that the obligation is over-demanding in the sense that affluent people are over-burdened since they cannot pursue any conception of their personal aims because after fulfilling their duty to help the poor they have no means left to do so. This is because, according to Singer’s utilitarian reasoning, “it is wrong to assume that any conception of a private good remains a good life in a world in which buying luxuries for oneself means accepting the continued avoidable suffering of others” (Singer 1993, 244). All these objections, thus, in Singer’s view cannot affect the affluent people’s obligation to provide aid that is created by the existence of absolute poverty since this demand targets the individual morality of affluent individuals: such individuals have a positive duty to the suffering since they can help them without having to sacrifice anything of equal moral significance – regardless of what caused this poverty or which other factors play a role in its continuation.

But just how much aid precisely is required by Singer’s obligation to end poverty? Here Singer provides his readers with a very concrete practical instruction that results from his ideal utilitarian theory: according to his assessment affluent people should donate at least 10 percent of their annual income to organisations such as Oxfam (Singer 1993, 246). He admits that this figure is an arbitrary one. But in order to fully comply with Singer’s obligation affluent people would have to sacrifice everything not required for maintaining a “decent” or “humane” lifestyle for themselves and their family until all unnecessary poverty-related suffering has been remedied by their private donations. He even holds that an affluent person should earn the highest income possible so as to maximise the amount of resources they are able to donate to charitable organisations (see Singer 1993, 223). In this manner the Singer Solution to World Poverty consists in a straightforward transfer of money and resources from the rich to the poor and this on a large scale. Furthermore these details of the Singer Solution clarify that there is no cut-off point at which a person is allowed to stop donating other than the complete elimination of absolute poverty on this planet itself. In more technical terms: the amount of help provided is “assessed iteratively” (Hooker 1999, 180) instead of aggregatively.
Thus according to its author the Singer Solution, for the reasons presented by Singer, cannot be impaired by the extreme character of its demands: the aid required from every individual cannot be limited by the daunting nature of the task itself unless one is equally willing to, for instance, also permit that it is only optional for doctors to help the sick because they can never fully end sicknesses and prevent death entirely or that legal courts are useless because complete justice can never be fully achieved. Correspondingly, Singer argues, that “it is still better to help some people than to help none” (Singer 2002(2), 128). In this way Singer’s obligation is designed to take into account the empirical factor of the motivation of the affluent people who are unlikely to dedicate their whole life and all the resources they can spare to the elimination of absolute poverty. Singer’s proposed figure of 10 percent of the annual income thus is meant to meet possible concerns of the kind that the ideal amount of aid required (everything except the resources necessary for a decent lifestyle) might appear counter-intuitive to some and thus could become counter-productive as well (see Singer 1993, 246).

However, it might seem arguable that a mere transfer of resources from the rich to the poor can entirely end global poverty: as Tan mentioned there are multiple other factors than just the lack of resources that are involved in creating absolute poverty. Singer acknowledges this point when refuting the objection that keeping the poor from dying in the long run will inevitably lead to overpopulations and ever greater suffering and need: he mentions special courses of action that at the same time could help to end suffering and to prevent overpopulation such as contraceptive measures, the improvement of education and the empowerment of women in poor societies (see Singer 1993, 239). Singer thus argues that the worry about causing over-population is no reason not to provide help, “although it should make us think about the kind of aid to give” (Singer 1993, 240). Nevertheless his key method for poverty relief remains donating to Oxfam regardless of whether this is the technically most feasible way of fighting absolute poverty: “until I’m shown how to do that, I’ll settle for making some people better off” (Singer 2002(2), 128). Despite this “factual question” (Singer 2002(1), 122) of what would be the silver bullet to end global poverty Singer wants to base his practical suggestion on the supposedly optimal method (see Singer 2002(1), 123) since this is required by the utilitarian demand to maximise the best outcome.

But is donating to Oxfam really the best way for ending world poverty in a globalised world with the great number of actors and factors that are involved in the process of globalisation? Can the elimination of absolute poverty as an essential part of global justice be achieved by
morally correct private behaviour and efforts alone? What about the basic institutional global background and its influences on the situation of individuals all over the world which Tan thought of as to be the prime target of efforts to come closer to a more just world and to alleviate the lot of the poorest? While such questions clearly were not in the centre of attention within his earlier writings on global ethics, Singer addresses these issues in his recent book *One World* published in 2004. In this work he goes beyond individual morality and analyses how other institutional and global factors seriously disadvantage the poorest people and societies in the world. Furthermore in the centre of its analysis the book features the premise of a globalised and interdependent world which amounts to an acknowledgement on Singer’s part that there are more events than the lack of donations that negatively affect the global poor and which also require a justification for everyone they affect (see Singer 2004, 12).

In *One World* it is Singer’s task to point out very specific instances of institutions and interrelations that have negative effects on a global scale and thus require globally concerted reforms and interventions. In the context of this thesis Singer’s aims in *One World* are of special interest because they are tantamount to detecting relevant factors in form of constraints that are crucial for determining the responsibilities for the causation and perpetuation of absolute poverty and global inequality. Especially detailed is his analysis of the WTO and its practices which currently are publicly perceived as one of the major obstacles for achieving global equality, fair trade global economic justice. Being the major institution for international trade regulations the WTO has often been charged with giving priority to economic considerations over non-profit interests and values, being an undemocratic institution, reducing the sovereignty of its member states, and worsening the situation of the poorest while at the same time making the affluent even better off (Singer 2004, 55). Although Singer finds the latter accusation unverifiable, he holds the first three allegations to be justified: on the one hand the WTO’s internal policies do allow for a boycott of certain products from any country on the basis that either the production process or the product itself is objectionable (the “product/process distinction”). However, this distinction according to Singer’s analysis is interpreted by the WTO in a way which prioritises economic concerns over other aspects as for instance environmental and social issues related to the product’s fabrication or sale (see Singer 2004, 68). The justification given by the WTO for this interpretation of its bylaws is that other than economic reasons for complaints could “open the door to “a flood of protectionist abuses” [of the “product/process distinction”]” (Singer 2004, 62). What is more is that the decision-making process of the WTO according to
its “one country – one vote” rule has to be considered undemocratic since it does not reflect the real population distribution of the world (see Singer 4, 75-77). Lastly, by having new members adjusting their economies corresponding to the WTO’s bylaws any member state would face serious problems if it would try to quit its WTO membership. In this way the WTO diminishes national sovereignty (see Singer 2004, 71-74).

Besides these institutional issues regarding the WTO that have large-scale consequences on a global level Singer also points out other major causes of global inequality and endangerment: it is very often the poorest people and countries that are especially vulnerable to and thus affected by the effects of ecocide and global warming although, as Singer confirms, “as far as the atmosphere is concerned, the developed nations broke it” (Singer 2004, 33). Another crucial global “construction site” according to the author of One World is the UNO and its internal power dynamics which today are still dominated by the outdated composition of the UN’s Security Council that no longer can be considered justified since it merely reflects the distribution of power after the Second World War (see Singer 2004, 144). Also the UN in general requires restructuring, more authorisation and resources in order to become the desperately needed “protector of last resort” (Singer 2004, 149).

These are but some issues within the global institutional and co-operational schemes which Singer targets for alteration and revision. Thus One World makes a move towards addressing issues of global institutional justice rather than individual morality in view of global poverty. Nonetheless in One World, too, Singer concedes that if over-demanding personal moral obligations could “lead to worse consequences than advocating a less demanding morality, then indeed we ought to advocate a less demanding morality” (Singer 2004, 192) and thus tackles the over-demandingness problem on an abstract, theoretical level only. Singer in One World accordingly settles for less than his earlier extreme demands with regard to the elimination of absolute poverty and related suffering: he now advocates a donation figure of a mere 1 percent of affluent individuals’ annual income. Additionally, though, Singer also sets the “task of developing a suitable form of government for that single world” (Singer 2004, 201), a task that requires more than rules for private morality in the face of global poverty.

3.1.1 Shortcomings of the “Singer Solution to World Poverty”:

The Singer Solution to World Poverty has received as much critique as praise. Singer’s fundamental utilitarian attitude of maximising the net satisfaction of preferences in particular
has been the focus of critique (see Tan 2004, 42) as it has been in relation to his writings on other issues such as animal welfare and end-of-life-ethics.

Generally speaking it is due to Singer’s basic normative objective that the demands of his obligation to fight absolute poverty that he directs at the private morality of affluent people are so extensive and incisive as to ultimately demand of them to give up there lifestyle altogether and to earn money predominantly for the sake of donating it to poverty relief efforts. Singer is correct in arguing that his obligation to assist the ones suffering from unnecessary poverty-related causes is not merely reasonable and justifiable on consequentialist moral grounds. This is important to Singer because as he admits “in writing about the obligation to the world’s poorest people, I want to reach people who are not utilitarians, so I don’t rely on utilitarian premises for that argument” (Singer 2002(2), 127). However, where he needs to rely on his utilitarian normative supposition is when it comes to defining the extent of the aid that is demanded by his obligation: without the paramount value of maximising the satisfaction of the preferences of all concerned by absolute poverty, which equals the elimination of thus caused suffering, the obligation could not require sacrifices of affluent people that go as far as to only allow them to secure a “decent” lifestyle while also demanding of them to earn as much as possible for donating this income for ending poverty. Additionally the charitable character of Singer’s obligation as well as the iterative assessment of aid is also merely justifiable on utilitarian grounds; otherwise affluent individuals could be thought to have contributed enough to the fight against absolute poverty once their donations exceed a certain amount of aid which is to say that e.g. some aggregative assessment could also be applied in defining limits of aid that people need to provide.

But since Singer’s moral reasoning is based on preference utilitarianism Andrew Kuper, as one of Singer’s critics, has pointed out that as a result of this basic normative orientation the Singer Solution is a problematically acontextual construct (Kuper 2002, 110). The cardinal argument of this thesis allows making definite sense of this objection: Singer’s normative theory is directed to realise its central value, the maximisation of the net satisfaction of the preferences of the people involved in and affected by the issues of absolute poverty. As was mentioned before it is thus that Singer’s moral theory with regard to these problems has to be understood to constitute an account of global (individual) ethics rather than one of global justice. At this Singer’s approach towards these problems and their causes is somewhat undifferentiated since, as explained, his main objective is that “if it is in our power to prevent something bad from happening [such as absolute poverty and related suffering], without
thereby sacrificing anything of comparable moral importance, we ought morally to do it” (Singer 1972, 407). However, if it can be said that there are more values and ideals at stake with respect to absolute poverty than the satisfaction of preferences – such as the infringement of the regard for equal value and rights to consideration of every individual as identified by Tan (see Tan 2004, 199) then it seems unlikely that Singer can factor in all these challenges into his moral theory by simply extending the scope of the preferences he takes into account in his utilitarian calculations. Thus, with respect to global economic inequality and absolute poverty as concerns of global justice Singer’s account does not contribute any substantially new meanings for a more detailed comprehension of the ideals that were identified by Tan to be at stake with regard to these issues, justice and equality, for the discussion within this thesis. Rather, he abides by his utilitarian premise when determining obligations with a view to the elimination of absolute poverty. Singer does explain, though, in some details how and why important global institutions function as morally relevant constraints for the options of poor countries. But in the context of this thesis Singer’s objective can only be understood as an acontextual solution since the elimination of absolute poverty is but one aspect of a more complex and manifold problem area.

Furthermore also when looking at the configuration of Singer’s obligations for affluent individuals their extent and scope appears to be acontextual: although he points out the globalised character of the contemporary world order in One World, his demands on private morality do not seem to take its systemic imperatives and structural constraints into account. This is to say that Singer seems to be oblivious of all institutional and structural influences that occur on a global level that for instance Tan pointed out (see Tan 2004, 24) when determining his moral obligations: The global basic institutional background and existing political power dynamics can surely be thought to influence the effects that private donations can have on the extent of absolute poverty in this world. Singer on his part does not seem to take enough account of these significant constraints and thus seems to disregards the meaning that such constraints have for the determination of moral obligations as was realised in the cardinal thesis of this thesis. Affluent people might donate as much as they can for the fight against absolute power; if their donations cannot change the empirical and structural root causes of this poverty or by-pass other disrupting forces that would divert the donations from their intended use then it appears that it is futile and unjustifiable to ask such extensive sacrifices or even any suchlike donations of affluent people. This is expressed by Kuper’s
demur that NGOs like Oxfam “can never be the primary agents of justice and aid over the long run” (Kuper 2002, 114).

Singer has replied to this point of critique that it leaves his general justification for an obligation to aid the poor untouched (Singer 2002(1), 123) and this is surely correct in the sense that most affluent individuals are required to do more about fighting absolute poverty than they do at the moment. On the level of individual morality Singer’s arguments thus appear to be important and rather complementary that opposed to the conception of global justice sought-after in this thesis. However, the extent of these individual obligations remains – for the reasons mentioned – problematic. Also, the Singer Solution merely seems to demand donations that would amount to drops into the ocean because he disregards the importance of relevant constraints that are involved in the problem areas of absolute poverty and global inequality. To Singer, however, the problem of which constraints need to be taken into account for realistically and optimally aiding the poor and fight global poverty present a “factual question” (Singer 2002(1), 122) which is difficult to answer because he concedes that it might be the case that “we can’t make deep structural changes” (Singer 2002(2), 128). It is thus consistent with these thoughts that Singer confronts the issues of absolute poverty and global inequality with the conviction that “since there is no consensus about which is the right theory of justice, [donating to Oxfam] still seems a better strategy than relying on one particular theory” (Singer 2002(2), 127).

However, according to the thesis defended in this thesis, with regard to finding a comprehensive theory of global justice Singer in this way puts the cart before the horse: if it is correct that “the identification of certain features of the world as constraints […] plays a critical role in the determination of the content and the distributions of obligations” (Reddy 2005, 121) then Singer – by deciding on the moral obligations of affluent individuals with respect to absolute poverty without taking into account structural imperatives and the power dynamics in this world as he described them himself in One World – has presented an unwarranted and misguided approach for solving the problems of absolute poverty and extreme global economic inequality conceived as issues of global justice. When looking at the efforts that are currently done by the affluent societies in order to fight such poverty and inequality Singer is surely correct in claiming that more and greater efforts are required of the affluent societies. How these endeavours are conceived and distributed directly, though, is not merely a “factual question” but rather decisive for this whole important enterprise.
### 3.2 The „Pogge Solution to World Poverty“: Compensatory Justice:

A somewhat different approach towards the problems of global inequality and absolute poverty is presented by Thomas Pogge in his work *World Poverty and Human Rights* (Pogge 2002) as well as in numerous other articles and essays on these topics. Pogge’s dissertation was supervised by John Rawls. Contrary to his mentor, though, Pogge advocates a cosmopolitan stance with respect to the issues of global justice and the global order. To that effect Pogge has brought to the fore cosmopolitan arguments as early as 1989 in his book *Realizing Rawls* (Pogge 1989) which appeared long before *The Law of Peoples* and Rawls’ preceding essay “The Law of Peoples” from 1993.

Pogge’s approach differs from the others portrayed in this thesis in that to him global economic inequality and poverty relief are not (at least primarily) matters that should be thought about in terms of positive duties of aid, as was plainest endorsed by the Singer Solution to World Poverty. In Pogge’s view these issues rather have to be perceived and treated as cases that concern the compensation for violations of negative and intermediate duties on the part of the relatively affluent people\(^\text{11}\) on this planet:

> My claim is […] that, by shaping and enforcing the social conditions that forseeably and avoidably, cause the monumental suffering of global poverty we [the affluent] are *harming* the global poor – or, to put it more descriptively, we are active participants in the largest, though not gravest, crime against humanity ever committed. (Pogge 2005(1), 93)

Putting it in terms that relate to everyday life this means that the affluent people are seriously and extensively wronging the poorest people in this world by leading unnecessarily superfluous lifestyles and by authorising and accepting that their governments dominate global politics and economics in ways that sustain these kinds of lifestyles. Thus affluent societies in Pogge’s view, too, dispose over much more resources than justly do belong to them which amount to asserting that the current global economic inequality is an unjust state of affairs. To make matters worse for the evaluation of the lifestyles of the rich Pogge also holds that this injustice is especially grave since it is an avoidable wrong which the rich do next to nothing about in order to change it (see Pogge 2005(1), 93). Pogge’s according

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\(^{11}\) The terms affluent people and societies in this thesis are used in the sense that they denote the ones that are relatively better-off and richer than the poor people and societies whose situation is the subject matter of global justice and poverty relief discussed in this thesis.
understand of global inequality and poverty as instances of avoidable harm that is inflicted upon the poor marks a change in perspective within the context of this thesis: he holds, similarly to Tan, that absolute poverty and the related suffering are issues of global justice rather than of global ethics as Singer does. Also Pogge does not think, similarly to Tan and Singer, that a focus on international law could be appropriate for understanding and doing justice to these issues as was proposed by Rawls. But unlike Rawls, Tan and Singer, Pogge considers global justice to be first and foremost about the correction of suffered and still incurred harm and not to be merely a morally required sharing of existing resources.

This is a significant shift in the discussion about world poverty in general. However, within the scope of this thesis it is potentially even more meaningful with regards to the importance of empirical constraints of the social world for determining responsibilities and obligations with respect of global justice. This is the case because, however extensive the demands of global justice might be, if absolute poverty and global economic inequality would have to be understood as presenting constraints for the poor that have been imposed on them by some past or present conduct of the affluent people, then these demands – as measures for correcting these not self-incurred constraints – would command much more normative support as if they were conceived as positive duties.

This statement requires some further explanation and hence what follows is a short digression into the nature of and differences between positive, intermediate and negative moral duties as they are defined by Immanuel Kant and Thomas Pogge. According to Kant’s definition, positive moral duties have to be understood as imperfect duties in the sense that they leave certain latitude regarding their performance (see Kant 1994, 50-51). This means that moral agents do not need to perform them at each and every occasion or to the absolutely maximum extent possible. Positive moral duties are also termed duties of assistance and the stringency of Singer’s duty to donate money to Oxfam explains why Kant thought that positive duties of assistance cannot be conceived as perfect, invariable obligations since this would in his sense threaten the respect due to the possible provider of help. Negative moral duties according to Kant have to be thought of as perfect duties because they are not a matter of choice or degree (see Kant 1994, 48-49). Thus this kind of duties is very similar to juridical duties or the negatively formulated parts of the Ten Commandments: the obligations not to kill or to steal can only be overruled in extreme and very exceptional cases and in general require full compliance of the moral agents and legal persons. As duties of non-interference

12 This is of course different from a utilitarian perspective as seen in Singer’s demands on individual morality.
these obligations thus are normally thought to be much more stringent than positive duties and this feature in turn explains the special normative force of Pogge’s argumentation. Additionally Pogge defines a third kind of moral obligations that he terms “intermediate duties” which include positive as well as negative elements: they require of moral agents to prevent possible future harm to others that could be caused by their own current actions. This is to say that agents should try to not interfere with the prospective situation of others by doing something differently today (see Pogge 2005(1), 93). Thus, Pogge holds that these intermediate duties, which are at the core of his argumentation, are less stringent than negative duties but also that they are more demanding than duties of assistance. These characterisations of all three kinds of moral duties refer to state of affairs in which “what is at stake for all concerned is held constant” (Pogge 2005(1), 94). This limitation is important because Pogge does not want to imply that all negative duties always trump every positive duty and that there can be exceptional or emergency circumstances when aid poses the most urgent obligation as e.g. in a singular case of Singer’s drowning-child-example.

In setting out his understanding of global justice as a matter of compensatory justice Pogge has the intention “to convince the adherents of all the main views now alive in Western political thought” (Pogge 2005(1), 95) with regards to global justice. Methodically he thus pursues an “ecumenical approach” (Pogge 2005(1), 95) in contrast to e.g. Tan’s and Singer’s strictly cosmopolitan outlooks or Rawls’ rather communitarian conception of international justice. If it could be confirmed that Pogge succeeds in pursuing this aim this would mean that his conception of global justice is not dependent on any particular moral theory or premise such as utilitarianism, communitarianism or libertarianism. For that purpose Pogge tries to define minimal conditions for just global interactions and structures which all theorists cannot reasonably reject. As already indicated his minimal standards are general duties of non-interference and intermediate duties. In this way it appears that Pogge’s normative presuppositions are less comprehensive than Tan’s or Singer’s who also assume positive moral obligations in the context of global justice. The idea behind this minimum requirement of compliance with negative and intermediate moral duties is that these, as explained above, can be more precisely defined than positive duties as indicated by the amplitude of different positive duties regarding global inequality so far discussed in this thesis like Rawls’ duty of assistance, Tan’s duty to achieve global economic equality in order to guarantee equal bargaining power and Singer’s obligation to donate as much as possible to charitable organisations which all differ in their stringency and demandingness. In contrast, as Pogge emphasises, all people are categorically obliged to comply with the duties of non-interference
– also in the context of global interactions and regardless of their complexity. This is to say that in Pogge’s perspective less relevant factors have to be taken into account to determine the right moral obligations.

Pogge points out that global inequality and poverty in his view are violations of such minimal standards on the part of the affluent people in this world by explicitly offering three major arguments that all define different notions of harm:

1.) Leading and sustaining luxurious lifestyles in the face of absolute poverty without making any substantial efforts to change this situation is a diachronical form of harm (see Pogge 2005(2), 4) inflicted upon the poor because the enormous global inequalities are partly the results of “a common and violent history” (Pogge 2002, 203). That is to say that today’s poor societies are worse-off than they were at an earlier point of time, in this case the time before the age of European colonialism: “the social starting positions of the worst-off and the better-off have emerged from a single historical process that was pervaded by massive, grievous wrongs” (Pogge 2002, 203).

With this first conception of harm Pogge targets especially supporters of libertarian theories which feature the historical-entitlement idea that attest that everyone is unchangeably entitled to their present possessions of they only have acquired them in legally correct ways or if these have been voluntarily transferred to them by others that acquired them correctly in the first place (see Kymlicka 2002, 112). Because of their absolute conception of property rights libertarians hold that people can only be thought to have negative moral duties of non-interference towards others since they otherwise would be deprived of what (in libertarian terms) rightly belongs to them. However, as Pogge asserts, even on an individualistic-material libertarian basis one has no other choice than to conclude that the ways in which the present inequalities came about developed from a situation in the past at which clearly wrongful instances of acquisition of property took place: the crimes perpetrated by the Europeans during the age of colonialism were so definitively wrong and consequential that in Pogge’s view it cannot be assumed that the deprived societies have had an equal and fair opportunity of development after they had been pillaged by the colonists: “trading people like cattle, destroying their political institutions and cultures, taking their lands and natural resources, and forcing products and customs upon them” (Pogge 2005(2), 2) allow for only one evaluation of the past global history. Furthermore there never was any compensation for these crimes offered from the depredating societies. Pogge emphasises that today’s relatively affluent descendants cannot be held accountable for the wrongs committed by their ancestors.
However, as a matter of fact these descendants still benefit from the institutions, discoveries and developments that were paid for with the booty. Thus, the original and wrongful acquisition poses an instance of violations of negative duties on the part of the colonists and according to Pogge “a morally deeply tarnished history should not be allowed to result in radical inequality” (Pogge 2002, 203).

2.) The preconditions of the origin of the present global inequalities according to Pogge also pose a subjunctive form of harm (see Pogge 2005(2), 4). At this these inequalities are to be understood as a result of an “uncompensated exclusion [of the poor societies] from the use of natural resources” (Pogge 2002, 201). This is to say that the poor today are worse-off than they would have been if they had not been wronged in the past and instead would have been able to advance according to their own choices: “the better-off enjoy significant advantages in the use of a single natural resource base from whose benefits the worse-off are largely, and without compensation, excluded” (Pogge 2002, 202). Pogge employs this second argument in order to appeal to theorists that are no strict libertarians but nonetheless support John Locke’s conception of social justice, which also features in libertarian theories, according to which in a state of nature human beings are entitled to claim a certain share of the world’s resources for themselves so as to avoid the so-called “tragedy of the commons” (Kymlicka 2002, 113). Such an acquisition, though, in Locke’s reasoning can only be considered just if by claiming a share the world’s resources one:

   a) leaves “enough and as good” of it for others, or if

   b) one assures that changes in this social order are of a kind “that all participants could have rationally agreed to” (Pogge 2005(1), 98).

But, as Pogge has no difficulty to explain, the mere extent and quality of the present global poverty and inequality is sufficient proof for concluding that neither of Locke’s conditions of correct acquisition were fulfilled in the historical development of the present world order. There simply are no ways of interpreting the current global distribution of resources and wealth as a natural phenomenon. Rather it is a result of a “thoroughly organised state of civilisation” (Pogge 2005(2), 3). Thus, also according to this second notion of harm there exists a past and present violation of negative duties on the art of the affluent people because these apparently have for long been disposing over far more resources than can reasonably be understood to justly or correctly belong to them – especially given the historical facts of how this distribution came about.
3.) The third kind of harm that Pogge brings to the fore which is inflicted upon the poor by the relatively affluent is the most relevant for his argument of global poverty as a violation of negative duties of non-interference because it presents an actual and continuous form of harm. According to this third notion global inequality and absolute poverty are ramifications of “shared social institutions” (Pogge 2002, 199). This is to say, as Tan also emphasises, that “there is a shared institutional order that is shaped by the better-off and imposed on the worse-off” (Pogge 2002, 199). Pogge judges this order to be harmful to the poor as such since in his view this global institutional structure is not without alternatives while currently it reproduces and sustains global inequality. Furthermore he holds that it is the affluent societies that are actively responsible for this institutionalised form of harm because they do not keep their governments from using, at least in latent ways (see Pogge 2005(3), 23), their military and economic power to impose the structures and policies of global institutions on the weaker poor societies as was explicitly shown by Singer’s analysis of the WTO and the UNO. In this sense these institutional structures present severe and insuperable political and economic constraints for the poor and less powerful nations in this world with a view to their national self-determination and the affluent societies accordingly do bear great responsibility for all negative effects that are inflicted upon the people in the poor societies that are caused by this global institutional background.

By presenting this third notion of harm Pogge targets supporters of the contemporarily prevailing consequentialist and contractualist conceptions of social justice who hold that a economic order is unjust when it […] foreseeably and avoidably gives rise to massive and severe human rights deficits” (see Pogge 2005(2), 4). A quite substantial group of these supporter hold that such a conception of social justice is only valid in the scope of a domestic society, as seen for instance in the case of John Rawls and other liberal nationalists that Tan intends to address primarily with his conception of global justice. Pogge on the other hand, as mentioned earlier, with regards to social justice is a cosmopolitan. Thus his third explanation for why global inequality must be understood as a kind of harm inflicted upon the poor is also in particular meant to refute the basic assumption of these liberal nationalists that global poverty is predominantly caused by local factors, a position Pogge famously has termed “explanatory nationalism” (see Pogge 2002, 143-145).

In order to support his claim against explanatory nationalism and to show in which ways concretely the rich harm the poor by enforcing the current global order as severe constraints to their self-determination on them Pogge points out some global factors relevant for global inequality: one source of injustice lies in the distribution of power within the big
global institutions such as the UN, the WTO, the IMF or the G8. In addition the rich governments enforce certain unfair policies by utilising their dominant position within these institutions as e.g. measures of economic protectionism like special tariffs and subsidies to their own economies, the rigorous protection of intellectual property rights and through allowing for their major contributions to global ecocide which affects poor and destitute societies the most (see Pogge 2005(2), 6, 7). Pogge grants that domestic factors such as civil war, corruption or ill-conceived uses of resources also contribute to the low economic status, otherwise he would himself be guilty of “explanatory globalism” (Satz 2005, 49). However, Pogge in his third explanation of global poverty as a form of harming the poor argues that even most of the gravest local drawbacks to economic prosperity are not unaffected by global factors. In order to substantiate this claim he presents two instances of how the policies of the government of affluent societies present insuperable constraints and reproduce and even boost global inequality and poverty:

a.) the policies of the richest countries include what he calls the “international borrowing privilege” (Pogge 2005(3), 20): this principle allows rulers of poor countries to borrow money from international institutions such as the World Bank regardless of how they came to power which is particularly problematic in the case of cleptocratic dictators. By allowing for this practice the governments of affluent societies harm the poor in the following ways: firstly in this way they enable dictators to acquire the resources they need for staying in power. The virtual purchase of military power in form of being able to hire PMCs, as mentioned in the introduction, provides an actual example of how non-democratic regimes have been able to make use of the money they obtained as a result of this international borrowing privilege. Secondly any possible democratic successor governments are held accountable for the loans these dictators made and thus are indebted and restricted from the very start of their government. Lastly the borrowing privilege also encourages undemocratic forces in poor countries to try to seize power since they have an easy way of securing their rule and a luxurious lifestyle. This policy according to Pogge after the end of the Cold War has even become more incomprehensible since former instrumental reasons like so as to winning new allies – not that this was a justified instrument anyway – are no longer present (see Pogge 2005(3), 31).

b.) Another harmful policy is the “international resource privilege” (Pogge 2005(3), 20): it allows undemocratic rulers of poor countries to legally sell the ownership rights of domestic resources to foreign corporations and enterprises. Besides the obvious
morally alarming nature of such practices the poor are harmed in the following ways by this international policy: firstly, also by this means dictators can get the resources the need for securing their absolute rule. Secondly, this privilege also greatly increases the chances of undemocratic forces to attempt coups. But additionally it also provides incentives for foreign powers and ventures to at least passively support dictators in resource-rich countries since they can profit from such national sell-outs. The international resource privilege thus enables affluent societies not merely passively but also actively to profit from negative local conditions.

All these strong influences of global factors in general and in particular even on local factors involved in the economic and social status and development of poor societies in Pogge’s view only allow for one evaluation: the affluent societies, through their government that dominate the global order, actively and without any compensation harm the poor and impose severe constraints on their capacity to act. Thus the socio-economical current global order does not meet even the minimum requirements of consequentialist or contractualist conceptions of social justice.

Recapitulatory it can be confirmed that all three of Pogge’s arguments for showing that the affluent societies actively harm the world’s poor include different instances of violations of negative duties of non-interference.

However, even if one doubts the accuracy of the first two notions of harm because of their dependencies on interpretations of historical events it is evident for Pogge that no one can deny the third notion of actual and continuous harm since “our global economic order does not even meet the very weak requirements that form the common core of the various broadly consequentialist theories of economic justice defended today” (Pogge 2005(1), 101). Accordingly the current global standard also cannot meet the stronger minimal conditions of contractualist and all other major conceptions of social justice that are accepted in contemporary political philosophy. Therefore Pogge argues that global justice cannot be conceived as a matter of positive duties of assistance if one does not want to be guilty of basing one’s theory on explanatory nationalism. It is because of the facts that the present world order is unfairly dominated by the rich societies and that there are alternatives to these arrangements that the governments violate duties of non-interference in the name of the affluent people who by these means sustain their luxurious lifestyles and do nothing to change the current status quo. But negative and intermediate duties are no matter of choice, they rather form the core of the set of liberal values that itself was one of the domestic reasons that
allowed for the development of economic prosperity in today’s affluent societies. So what can be practically done in Pogge’s opinion to alter the current unjust global order and to thus free the poor of unjust and grave constraints?

One way of taking into account and by-passing the empirical constraints of the current international policies and of altering the present status quo according to Pogge could consist in the establishment of a “Global Resource Dividend”, (GRD Pogge 2002, 196). Such a GRD would practically implement the idea that “those who make more extensive use of our planet’s resources should compensate those who, involuntarily, use very little” (Pogge 2002, 204). In practice this would mean that a concrete fraction of the Gross Global Product, “an initial, maximal figure of 1 percent of the aggregate global income” (Pogge 2002, 205) per year would be collected and redistributed to the poorest countries in the world. In order to gain ample support the GRD according to its author should be easily comprehensible while its bureaucracy and collection costs should be minimised. In order to not pose a very demanding liability to the affluent the GRD should not have an impact on the costs of staple goods in the affluent society. Rather, to kill two birds with one stone, Pogge suggests that it could be imposed on resources whose use has negative consequences for the environment (see Pogge 2002, 206), such as oil, gasoline, coal. Regarding the distribution of the obtained revenue Pogge maintains that this process has to be transparent so as to prevent favouritism. Furthermore disbursement should be dependent on how successfully the resources are used by the recipients and how well they are used for meeting basic needs. In case the recipient governments misuse the GRD revenues, these should be distributed to the poor communities directly by the UN or capable NGOs (see Pogge 2002, 206). The GRD and the distribution at first glance might appear to equal Rawls’ duty of assistance or Tan’s duty to redistribute resources in order to achieve a global equity of bargaining power. However, the GRD gains its normative justification by being a compensatory sanction which is implemented to correct violations of negative and intermediate duties on the parts of the rich. Thus, according to Pogge, it just redistributes what was looted from, as it were, or wrongly acquired on the cost of the poor. These therefore do not have to consider the GRD’s revenues to merely be a form of pittance (see Pogge 2002, 207). The GRD, though, requires the ample support of the affluent societies and their governments as well as the backing by sanctions that can be implemented by an authorised institution which must be a supra-national institution as e.g. the UN (see Räikkä 2006, 114).
The second practical suggestion Pogge makes in order to correct the current unjust status quo is the establishment of a “Democratic Panel” (Pogge 2002, 156) and a correlative “Democratic Fund” (Pogge 2002, 158) which are supposed to ensure that any loans that are obtained by non-democratic rulers need not be repaid by possible democratic successor governments. Thus these devices are meant to counteract the “global borrowing privilege” that, as explained, causes much harm to poor societies. The idea at this is that on the one hand a subjugated society cannot be indebted by its oppressors. On the other hand these two devices should make it considerably more difficult for dictators to obtain any foreign loans since banks that approve such loans would have to fear a bad reputation and also would have to take the risk not to be repaid (see Pogge 2002, 154). These measures additionally also should make it less desirable to seize power in undemocratic ways since possible dictators have to fear global ostracism. Practically a poor county could adopt an according constitutional amendment while the Democratic Panel would have the task to identify undemocratic governments. The Democratic Fund in turn would have the function to provide a reservoir for guaranteeing that the debts of democratic governments of poor countries can be repaid in case of an undemocratic overthrow. It would thus bail for poor democratic governments and strengthen their position by enlarging their options and power. The suggested devices, though, also require strong political as well as financial support of the rich countries that presently are imposing and benefiting form these constraints as well as some possibilities to check on the expenditures of poor democratic governments (see Räikkä 2006, 177).

3.2.1 Problems with the “Pogge Solution to World Poverty”:

Pogge’s main thesis that the affluent people violate their negative and intermediate duties towards the poor societies by actively contributing to and sustaining global inequality and absolute poverty has been criticised especially on three levels:

Firstly, critiques have argued that on an empirical level the validity of the evidence presented by Pogge for the causal contribution of the rich to absolute poverty is merely speculative. Especially his two first notion of harm are dependent on conclusions drawn from historical events that partly can be interpreted differently\(^\text{13}\). But also regarding his decisive third notion

\(^{13}\) Regarding the origin of the present extremely uneven distribution of economic wealth in this world Jeffrey Sachs for instance holds that „the key fact of modern times is not the transfer of income from one region to
of harm Pogge himself admits that the influence of the global order on local economies and development and *vice versa* are very complex and that it is consequently notoriously difficult to determine definite causes of events since both factors interact “multiplicatively” and not “additively” (Pogge 2005(1), 103). Debra Satz therefore has argued against Pogge that we lack reliable models that “connect together a country’s level of GDP, domestic institutions, and global environment” (Satz 2005, 49). Thus, she concludes, “there is no fixed recipe (such as, for example, reforming the international terms of trade) that will assure poverty reduction” (Satz 2005, 49). Critics like Satz are not in favour of imposing extensive moral and economic obligations on affluent people as suggested by Pogge, Tan or even Singer in a situation of “empirical uncertainty” where there is no clear difference between facts of “correlation and causation”(Satz 2005, 50). According to this first focal point of critique more precise and detailed analysis and empirical evidence would be required for the causal contribution thesis before strong demands can be imposed on the affluent societies based on this thesis.

However, it has to be asked what additional empirical evidence other than already presented by Pogge, Singer and Tan should be required in order to accept that the current global order, dominated by the rich societies and their leaders, obviously to a large extent disadvantages the poorest societies and people. They might not be the only causes, but they surely are important contributing causes of absolute poverty in this world. Pogge’s first two notions of harm might indeed be arguable since they depend on the interpretation of historical events. Nonetheless, when looking at the current global order with its obvious and unfair distribution of power it must be questioned whether people who still doubt the stunning impact of global factors on the local economic status of poor societies and thus still stick with some kind of explanatory nationalism do not at the same time maintain some latent form of racism: after all, if local factors are taken to be decisive for the economic standing of a poor society regardless of all influences from the outside, then this must be because it is thought that the poor people either do not poses the intelligence to use their means appropriately or that they are bad and corrupt human beings to live in such dire straits.

Against the background of the cardinal thesis of this thesis, though, it can be established that Pogge has produces evidence for the conclusion that the global institutional framework and its prevailing global policies present evident constraints that have to be considered to be relevant factors that provide reasons “for a particular judgement on the moral rightness of actions and policies” (van Willigenburg 1998, 42), that is to say: reasons for the evaluation that the affluent societies are responsible for the creation and perpetuation of another, by force or otherwise, but rather the overall *increase* in world income, but at a different rate I different regions” (Sachs 2005, 31).
in institutional and procedural constraints that are harmfully imposed on the poor and benefit the affluent. Thus these empirically verifiable and morally relevant factors justify demands that oblige the affluent to compensate for and correct these unjust and arbitrary conditions. In this way Pogge has managed to spell-out in more detail what the realisation of the ideal of justice partly consists of and encompasses: the correction of social arrangements that arbitrarily benefit some while unjustly disadvantaging others and to which there would exists feasible alternatives.

The second strand of critics of Pogge’s conception of global justice focuses on the general philosophical level of his argumentation. Here it has been doubted whether the blame for world poverty can as directly be placed on the affluent people as Pogge suggests. That is to say that it can be considered arguable whether the public in affluent countries could really influence world politics in ways that would reduce absolute poverty. Technically Pogge surely is correct in claiming that the affluent people indirectly are involved in the continuation of the current status quo because they democratically elect their leaders and opt for proposed political agendas. However, to some critics it remains unclear “what counts as support for unjust global institutions” (Satz 2005, 51): small affluent states like New Zealand, Luxemburg or Iceland do not seem to have such a great influence on the business of the IMF, the WTO or the UN as do the greater economic powers like e.g. the United States, England or Germany. The small countries are not even members of the G8. Furthermore institutions like the IMF but also democratic governments as such are often largely sheltered from the public and thus many affluent people hardly know what work precisely is done in these institutions and in their name. This argument however, is not directed towards the demands of global justice that appear justified by Pogge’s account. Rather they point at additional weaknesses in the political structures and establishment of the affluent societies themselves.

The last strand of criticism regarding Pogge’s compensatory global justice concerns the motivational aspects of his practical suggestions: these are dependent on the ample support of affluent societies and their public opinion: neither the GRD nor the Democratic Fund could be established without such support. Thus Pogge has advocates certain features of these devices such as the modesty of their demands. However, he also has pointed out that most affluent citizens, when faced with the problems of world poverty, entertain a “self-satisfied detachment” (Pogge 2005(3), 18) and always find reasons for convincing themselves that they are not “themselves as connected to, let alone responsible for, massive global poverty” (Pogge
2005(3), 18,19). Yet it needs to be questioned whether Pogge’s illustrative and clarifying but complex theoretical analysis of the present world order will appeal to most affluent citizens. Additionally, even if great parts of the affluent public would become convinced of Pogge’s arguments and support measures to reduce and end absolute poverty it is not self-evident that their democratic leaders will implement their wishes without hesitation or antagonism since they have whole countries to run (see Räikkä 2005, 114).

In light of the central analytical objective of this thesis greatest problem with Pogge’s account of compensatory global justice, though, consists of the fact that he does not present a detailed account of what obligations of global justice are required for in the first place. In order to acquire a plausible meaning the ideal of equality – that is demanded by Tan and Pogge as a sine qua non for global justice – needs further explanation.

3.3 Synopsis: Global Justice as Equality, but Equality of what?

Having studied the approaches of Rawls, Tan, Singer and Pogge with regards to their views on global justice it appears that out of these argumentations there arise two major options which, as complementary methods, seem to be suitable for working towards a world that is more just in that it contains a greater deal of equality.

1. The first of these options consists in reforming the basic global institutional settings by altering the central global organisations as for instance proposed in the different approaches presented in this thesis: the UN should become more democratic (Singer 2004, 145), the WTO should give greater weight to non-profit aspects of trade (Singer 2004, 70; Tan 2004, 25), the IMF’s structure and policies should become more transparent (Tan 2004, 27), and the World Bank should review its borrowing policies to non-democratic countries as well as the terms for giving away loans for poor countries in general while the dominant conception of international law should no longer allow for practices like the international resource privilege identified by Pogge (see Pogge 2005(3), 20).

2. The second and complementary method comprises some form of redistribution of resources from the affluent to the poor societies in order to help eliminating absolute poverty and to achieve greater equality in this world (Rawls 1999, 106; Tan 2004, 122; Singer 2004, 193; Pogge 2002, 205).
While there appears to be strong evidence and support for working on the first option, the second one, as explained, is far more contended regarding its justification and especially its extent.

Both methods, though, are justified on the grounds of considerations of impartial justice: the current partitioning of the world into nation states and the corresponding preferential treatment of co-nationals has to be considered a historically contingent and non-durable social arrangement as is apparent from the social evolution of humankind: in the ancient Athenian polis only the male adult population of the polis counted as fully and equally entitled members of society while in the ancient Roman Empire full rights and entitlements were reserved for Roman citizens regardless of origin. The history of the Jewish people throughout the Middle Ages and up to modernity until the end of the Second World War is characterised by frequent instances of disenfranchisement and discrimination against the members of this people which culminated in the Holocaust. Along such lines also today there exists a widespread discrimination that is taken for granted by most people: the passport of a non-Western country for its holder often is equivalent to an exclusion from the opportunities and amenities that are available to most of the inhabitants of Western societies.

However, if the ideas and insights gained in the period of European Enlightenment are supposed to be valid and to be taken seriously then Tan’s cosmopolitan basic claim that to exclude the majority of the world’s population from the available wealth in this world and from fundamental achievements of the social evolution “is not to propose an alternative to the cosmopolitan account of global justice but to propose an alternative to global justice” (Tan 2004, 199). No missing global umbrella organisation (see Wenar 2006, 103), not the sociological primacy of the current establishment of nation states (see Beitz 2000, 678), nor an aim like preserving international peace (see Rawls 1999, 120), not the practical difficulties and inconveniences connected to redistributing a part of the world’s resources to the poorest nations and people (see Satz 2005, 53, 54) can justify a position that practically would result in some people being entitled to less and having less opportunities than others so that these others can have more amenities, luxury and opportunities for themselves. In this regard Tan’s global egalitarian claim seems only contestable at the price of sliding back into long invalidated doctrines of racism or other form of discrimination based on morally contingent factors.

Likewise Singer’s utilitarian definition of private moral duties may be questionable with respect to its excessive extents but he has nonetheless plausibly pointed out that every
person has *some* duties to help others in extreme distress if they can do so at little cost for themselves and that today’s affluent people to a large extent do not come close to fulfil their duties of assistance – regardless of how minimal these can justly be thought to be according to most plausible conceptions of justice and morality. Other philosophers outside of the scope of this thesis also agree with this conclusion, such as Thomas Nagel who holds that “We would have to move a considerable distance towards improvement in the conditions of most human lives before the claims of the better off presented a serious challenge to the pursuit of further equality at their expense” (Nagel 1991, 19).

Pogge additionally has shown that the affluent societies do unjustly benefit from the uneven power dynamics in the global interactions that they hold up and which in turn pose almost insuperable constraints to the poor and less powerful societies. Working towards global justice to him therefore is not merely an enterprise of good will but has to be considered the rectification of unjust and inappropriate current settings and privileges.

Even Rawls’ duty of assistance, embedded in a limited theory of international law rather than in one of global justice, would require of today’s affluent societies to do much more to eliminate absolute poverty than they currently are doing in order to comply with Rawls’ obligation to help burdened societies to establish at least decent domestic political structures. According to the arguments of all approaches discussed in this thesis so far there are then diverse but conclusive and positive reasons to support the two complementary options for working towards the elimination of absolute poverty and for promoting greater global equality in order to create a more just world. What is still less clear is the extent and the shape of these measures.

This lack of definition is caused by the fact that none of the approaches discussed so far have offered a detailed and comprehensive account of what elements a plausible understanding of the ideals of justice and equality would have to contain. Accordingly they also have not pointed out which factors would be morally relevant for the realisation of these ideals. Pogge indeed has shown that one aspect of global justice is the correction of unfair and unequally arranged distributions of power but it seems implausible to hold that the ideal of justice would be served if only all suchlike injustices were corrected. But so far the ideals of justice and equality do not have enough content and meaning. Accordingly they are yet too indeterminate for determining effective ways of how to realise it – that is to say: to definitely determine what acceptable and fair obligations and changes with respect to working towards a more just world would have to look like.
Accordingly Singer, who does not have a detailed definition of justice but focuses on the maximisation of the net satisfaction of preferences, doubts there presently exists enough empirical evidence for the “factual question” (Singer 2002(2), 127) of what is the royal road for eliminating absolute poverty that also could provide some ideas for formulating a coherent theory of global justice. Such an adequate underlying comprehensive theory of global justice that would be based on empirical facts of how to eliminate absolute poverty and to achieve greater global justice is quite unachievable, Satz argues, since the complexity of global and local interactions renders it almost impossible to distinguish between the “correlation and causation” (Satz 2002, 50) of different factors involved in creating and pertaining absolute poverty, that is to say that there are not sufficient clearly identified morally relevant empirical facts that a theory of global justice could work take into account. What would be needed for such a comprehensive basic theory of global poverty as part of striving for global justice, Kuper says, is “a structure sensitive approach to development” (Kuper 2002, 113) in order “to carefully consider the direct and indirect, cumulative and complex effects of multiple human interaction” (Kuper 2002, 112). This is to say what is needed are definite and morally relevant factual criteria for the interpretation and definition of the ideal of justice in order to determine ways to bring it about. Merely asserting that the affluent have duties to poor that include a redistribution of their resources to the poor will not by itself suffice to eliminate absolute poverty and to bring about a more just global world because, as Christine Sypnowich summarises, “we cannot remedy global inequality just by throwing money at the problem” (Sypnowich 2005, 70) since this appears unwarranted by itself to lead to a world that is more just in some relevant way. Rather it first of all needs to be clear what exactly is strived for when demanding a more just world.

However, most proponents of global justice that have had their say throughout this thesis have identified one ideal to constitute an integral part of any plausible notion and account of justice: the ideal of equality. Tan (see Tan 2004, 7, 53), and Pogge (see Pogge 2002, 94) in particular, as was explained, by arguing for a cosmopolitan fundament as the basis for decision-making for realising a more just world, built upon Rawls’ definition of justice as equality in A Theory of Justice (see Rawls 1971, 19 and Kymlicka 2002, 64). What is required, consequently, at this point of the thesis is an account that points out in a detailed way what is meant when talking about global justice as equality in form of a world that is characterised by a greater degree of equality: it needs to be clear what the core ideals and values of a plausible theory of global justice aspire to and, in particular: the equity of what is meant when demanding global justice as equality.
For this purpose it is helpful to bring to mind the different categories that every normative ethical theory incorporates since it is these components that contain a normative theory’s answers to the questions of the content of its ideals and the obligations derived from them: according to Philip Pettit every moral theory must answer the question of the right and the question of the good (see Pettit 1991, 230) which in turn constitutes two of its central categories: the right (correct actions and obligations) and the good (values and ideals). At this, answering the question of the good often has taken a back seat in contemporary political and moral philosophy since this question of the good nowadays largely is identified with issues as for instance what private aims a person wants to pursue in life, what beliefs a person holds to be true and what commitments a person is willing to take. The liberal ideas of personal freedom as well as the negative historic examples of political, religious and social paternalism and oppression provide ample justification for the reluctance within ethical theory to try to define people’s conceptions of the good. The downside of this conventional notion of the good is that it appears to be very difficult to formulate and agree on some universally valid an common ideals and material values that are relevant for every human being and that could figure as the basis for a comprehensive theory of global justice. Likewise the authors of the approaches discussed so far, and this poses the problem mentioned above, do not or not satisfactory explain what they intend to achieve equality of. All authors mentioned in this thesis indeed want to achieve equality of something: equality of the interests of people (see Buchanan 2000, 714), of equal bargaining power (see Tan 2004, 117), of the net satisfaction of preferences (see Singer 2004, 41) or of the possibility to take advantage of one’s just entitlements or to be compensated for being excluded from one’s just entitlements (see Pogge 2005(1), 99). They lack, though, some common, quasi objective criteria that everybody could agree on to form the normative base of a general theory of global justice.

However, it has to be asked whether the realisation of the aspects that every single author presents – even in their combination – would exhaustively represent what can be plausibly understood to be meant by the ideal global justice as equality.

When generally thinking about global justice it is most likely not the equal opportunity for all people to dispose of the same amount and kind of amenities and luxuries that the people in the Western world do have at their disposal that one generally thinks of14. Such opportunities are characteristic of a very specific conception of the good that first occurred in Western free-market-based societies and they might not be appreciated everywhere (and

14 Such as possessing two cars, two TVs or to be able to play golf or to eat out at a fast food restaurant
against some of which it might be argued that they are not even desirable or beneficial for the Westerners themselves) and thus do not present morally relevant criteria of equality. Rather the real matters regarding global justice as equality seem to be the provision of basic opportunities and the elimination of absolute poverty and its degrading consequences which require keeping people from starving, to make sure they have adequate shelter, access to clean water, live in peace, can get education, are not threatened by the consequences of ecocide and have a way of earning an honest income. Thus, generally speaking the question of global justice as equality at its core has to aim at a certain “quality of life” for all people in the sense that everyone should dispose over a minimum standard of the (material and immaterial) requirements for a “decent” quality of life and it is the criteria for such “decency” that need to be in the focus of justice as equality.

Fortunately all human being as living creatures exhibit some general common features in whose regard they do not completely differ. It is these common human features of human beings that seem to be able to provide a promising universal and empirical ground for determining what elements a positive quality of life must not lack and that considerations of global justice as equality have to focus on. In other words: these common features can help to formulate quasi universal criteria and morally relevant factors for the definition and realisation of the ideal of justice as equality. In the argumentation of this thesis they thus make up another category of the proposed normative theory of global justice. This third category that encompasses the common human features and that what is required for their development and maintenance in this thesis is termed “the needed” in contrast to “the good” and “the right” that, as explained form the other two necessary categories of any ethical theory. The term “the needed” is introduced into the discussion within this thesis so as to provide some distinct description of what a good quality of life, which is required for the development and maintenance of the common human characteristics, must include. Often the term “the good” in form of common or public goods is used to denote similar criteria but by attributing a distinct name to this category discussing its content and implications is supposed to become easier and better definable. According to the argumentation of this thesis a definition of “the needed” as a third category besides “the good” and “the right” is thus required for a plausible conception of global justice since only this third category can provide a quasi-universal ground for defining a notion of equality that a theory of justice has to strive for. One prominent and in the context of this thesis highly relevant theoretical conception of “the needed” is presented in Martha Nussbaum’s and Amartya Sen’s “capability approach”.
4. **Nussbaum’s and Sen’s “Capabilities Approach”: Capabilities Equality**

Nussbaum and Sen arrived at their version of the capabilities approach from different points of departure. While Nussbaum developed her concept of human capabilities from an Aristotelian, philosophical background, Sen’s version originated from an economic background in which, according to his conception, “the use of the notion of capability is to indicate a space in which comparisons of quality of life (or, as he sometimes says, standard of living) are most fruitfully made” (Nussbaum 2000, 12). Both authors worked together at the “World Institute for Development Economics Research” in 1986. This collaboration resulted in the conjointly published work “The Quality of Life” (Nussbaum/Sen 1993). Although both emphasise different aspects and work out distinct results of the capabilities approach they both share the common basis of this theoretical concept (see Nussbaum 2000, 12). Since Nussbaum has been more active in her writing regarding the philosophical details of “the needed” (see Nussbaum 2000, 13) it will be predominantly her work which is used to explain this crucial concept within this thesis.

In Nussbaum’s view the capabilities approach presents an essential concept for dealing with the problems of global inequality and absolute poverty because in order to detect relevant factors for “measuring” and reducing these issues comparisons between the lives of people in all different parts of the world are necessary. However, as Nussbaum and Sen both point out, the standard economic approaches that are employed to quantify social and economic inequalities all are inadequate for this task because they miss out on the factors that are really essential for assessing the differences if the quality of life of human beings (see Nussbaum 2002, 59 and Sen 1999, 62, 65, 66). This is the case since these controversial methods, by employing the criteria they do, lack an adequate “informational basis” (Sen 1999, 56) for detecting differences in the quality of life of people, that is to say that they lack the “information that is needed for making judgements using that approach and – no less important – the information that is “excluded” from a direct evaluative role in that approach” (Sen 1999, 56). In other words the standard approaches to inter-culturally evaluate differences in the quality of life lack the ability to adequately identify “morally relevant facts [as] features [within the situations of absolute poverty and global inequality] which are relevant in our moral involvement with [these] situations” (van Willigenburg 1998, 42): thus these methods do not supply sufficient empirical factors that can help to make concrete sense of the value of a good quality of life so that appropriate measures to bring such a quality about
could be determined. The three thus deficient conventional approaches pointed out by Nussbaum are:

1. The GNP per capita approach: this method interprets the quality of life of the people living in a certain society according to the society’s GNP figure divided by the number of its members. Accordingly the maximisation of this figure logically is the main objective of this method since it stands for economic growth and the quality of life. In this way the GNP per capita figure forms the “basis for cross-cultural comparisons” (Nussbaum 2000, 60). But according to Nussbaum the GNP per capita method is seriously flawed because “it does not even ask about the distribution of wealth and income” (Nussbaum 2000, 60), an aspect that many theorists of liberal nationalism who argue along the lines of Rawls perceive as an intra-national business that does not allow for much external assessment or critique. Furthermore this method also fails to take into account morally relevant information about non-economic factors that are crucially influence the quality of life of human beings such as life expectancy, political liberties and social opportunities (see Nussbaum 2000, 61). Thus this first conventional approach which simply aggregates economic figures is too crude and uninformative in order to be an adequate tool for allowing for statements and comparisons regarding the quality of life and the demands of global justice.

2. The Average Utility approach: this method consists in looking at the average utility of a population “as measured by the expression of satisfaction” (Nussbaum 2000, 61). However, being an aggregative method that aims at maximising some form of utility the Average Utility approach is subject to the familiar objections to utilitarian calculations such as the use of cross-value aggregations and the lack of distributional aggregation. Thus this second procedure appears to be insufficient in similar ways as the GNP per capita method.

3. The third conventional approach mentioned by Nussbaum is the liberal Primary Goods approach exemplified by Rawls’ *Theory of Justice*. According to Nussbaum this method is more attractive than the other two because by providing a whole range of different but morally definitely relevant criteria for measuring the quality of life (like liberties, opportunities and economic means in form of primary goods) Rawls’ method takes into account much more information that has to be considered relevant for cross-cultural comparisons of the lives of people (see Nussbaum 2000, 67). However, also Rawls’ method has become the subject of some general criticisms which point out that this procedure is not “endowment-sensitive” (Kymlicka 2002, 70) enough since it does
not take into account variations in the individual needs of human beings for primary goods such as the increased need of a disabled person for some or different primary goods. It also has been argued elsewhere that some handicapped persons can never really be fully compensated for their individual disadvantages (see van Donselaar 1998, 330). Furthermore, as Nussbaum points out, Rawls’ theory is not flexible enough regarding the different social contexts people live in (see Nussbaum 2000, 69) who – depending on the culture and society they live in – might require different resources even for a socially acceptable minimum (see Sen 1999, 89, 90). This is to say that cultural contextual sensitivity is needed in order to determine the necessary distribution of primary goods since every culture contains its own account of values, hierarchies and customs. But in Nussbaum’s view Rawls on his part avoids the cultural diversity problem by mainly focussing on the economic resource distribution although, as explained and acknowledged by Rawls, there are far more non-economic factors and goods that are morally relevant since they are equally important for the quality of life people are experiencing. Thus Rawls in this way ignores his own crucial insights (see Nussbaum 2000, 69) and this creates a “great uncertainty about the effects of such [primary goods-based] redistributions” (Spynowitch 2005, 60). Therefore also Rawls’ initially promising approach has to be dismissed as not informative and socially contextual enough for determining the differences in and the minimum level required of the quality of life of different people.

Nussbaum and Sen present their own concept of capabilities as an alternative and much more flexible way of evaluating the quality of life across different countries and cultures in that it “directs us to examine real lives in their material and social settings” (Nussbaum 2000, 71), thereby taking into account what could be equally important in the lives of all human beings. The distribution of the basics for these universally important resources thus has to be considered a matter of justice. At this the capabilities approach addresses the problems of how to determine in which ways a human life can be good and what justice impartially requires to justly belong to everyone in a much different way than the aforementioned standard methods:

We ask: Is the person capable of this, or not? We ask not only about a person’s satisfaction with what she does, but about what she does, and what she is in a position to do (what her opportunities and liberties are). And we ask not just about the resources that are sitting around, but about how these do or
do not go to work, enabling [a human being] to function in a fully human way (Nussbaum 2000, 71).

In this way Nussbaum uses the central human capabilities as universal criteria for the value of a good life and declares their presence in human beings and the provision of all means required for developing them to be a “necessary condition of justice for [any] public political arrangement” (Nussbaum 2000, 71). The mere possession of material resources in her view can therefore not be regarded as a sufficient condition of justice or of just socio-economic regulations. The capabilities approach, on the other hand, can provide empirical standards and morally relevant factors for considerations of justice and answer the question of “equality of what?” because it “has a breadth and sensitivity that gives it a very extensive reach, allowing evaluative attention to be paid to a variety of important concerns, some of which are ignored, one way or another, in the alternative approaches” (Sen 1999, 86).

This also means that Nussbaum’s and Sen’s approach provides the grounds for a complete moral theory since it firstly includes a theory of the right by being a truly egalitarian and cosmopolitan approach that takes a stance regarding the question of what justly belongs to each person and what amount of assistance is due to every person by defining a “social minimum” (Nussbaum 2000, 75) which is required for developing the characteristic human capabilities.

The approach secondly answers the question of the good in that it – while providing universal morally relevant criteria for a good quality of life – leaves latitude and choice for cultural variations of the realisation of its criteria. Nussbaum expresses this element of choice regarding the individual and cultural definitions of the good by emphasising that the capabilities approach focuses on the requirements for developing the characteristic human capabilities and does not demand the actual realisation and exercise of all these capabilities into actual human functioning (see Nussbaum 2000, 86-89). Thus the approach can avoid the pitfalls of threatening cultural diversity, of fostering value-imperialism or of being overly paternalistic (see Nussbaum 2000, 41-59). It also can avoid the charge of committing a naturalistic fallacy since the approach does not derive an “ought” from an “is”. Rather the capabilities identified by Nussbaum present empirical factors for the realisation of the ideal of a good quality of life. It is this good quality of life with regard to which people can be thought to be morally equally entitled and Nussbaum thus has provided an empirical frame of reference for talking about the ideals of equality and a good life in the context of global
justice. This is, however, something very different from claiming that a certain state of affairs without any evaluation is declared to be a morally correct one. In fact, if this would be the case with Nussbaum’s criteria for a good life then there no longer would be the need for a theory of global justice since every human being would be able to realise any of their characteristic human capabilities at will – this is the normative ideal that Nussbaum, Sen and the approach towards a more just world proposed in this thesis are aspiring to and why there exists the ambition to formulate obligations with respect to global justice in the first place.

Lastly the capabilities approach provides at its core answers to the question of “the needed”: it specifies a list of central human capabilities that serve as the morally relevant factors which can be measured according to empirical facts and minimum criteria for the presence of the human form of life. Thus they can be used as the criteria for evaluating differences in the quality of life. Accordingly, as explained, the provision of the means for developing these capabilities also define the empirical standards for considerations of justice regarding the design of institutions, political and economic arrangements and individual obligations towards others (and possibly oneself). It is in this way that “a focus on capabilities, […] adds an important clarification to the idea of human rights15: for it informs us that our goal is not merely “negative liberty” or absence of interfering state action – […] – but, instead, the full ability of people to be and to choose these very important things” (Nussbaum 2005, 211). This list of capabilities, as Nussbaum defines it, features the following capabilities or competences (see Nussbaum 2000, 78-80):

1. Life (being able to live to the end of a human life of normal length)
2. Bodily Health (includes reproductive health)
3. Bodily Integrity (including having opportunities for sexual satisfaction and for choice in matters of reproduction)
4. “Senses, Imagination and Thought. Being able to use the senses, to imagine, think, and reason – and to do these things in a “truly human” way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing self-expressive works and events of one’s own choice, religious, literary, musical, and so forth. Being able to use one’s mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to search for the

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15 that were mentioned earlier and were found to be not determinate enough because of a lack of an identification of morally relevant factors for lending meaning to these concepts
ultimate meaning of life in one’s own way. Being able to have pleasurable experiences, and to avoid non-necessary pain” (Nussbaum 2000, 78, 79).

5. “Emotions. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one’s emotional development blighted by overwhelming fear and anxiety, or by traumatic events of abuse or neglect (supporting this capability means supporting forms of human association that can be shown to be crucial in their development)” (Nussbaum 2000, 79).

6. Practical Reason (includes liberties of conscience)

7. Affiliation (social interaction as well as “having the social basis of self-respect and non-humiliation” (Nussbaum 2000, 79))

8. Other species (interaction with nature)

9. Play

10. Control over one’s environment (political and material)

This list is importantly an open and preliminary one. Nonetheless it also can be illuminating to compare this list with the effects of absolute poverty that were mentioned in the introduction of this thesis so as to realise how feasible it is for explaining how human beings really are affected by this phenomenon. In Nussbaum’s own opinion two of the identified capabilities are of constitutive importance since they are constitutive of all the other mentioned capabilities: the competences of practical reasoning and affiliation/sociability.

The thus defined category of “the needed” in turn play a central role in the discussion of global justice in this thesis because “what governments can aim to deliver is the social basis of these capabilities” (Nussbaum 2000, 81). That is to say that the list of capabilities within this discussion provides the morally relevant factors that give meaning to the ideals of a good quality of life and equality and thus present universal criteria at which every government can and should orient their policies. Global justice, according to the capabilities approach, thus requires that every human being is provided with the social and material resources and opportunities necessary for fully developing the characteristic human competences. At this it is important to note that the justification of the capabilities approach in providing the standards of justice in the view of its authors is based on the normative force of the central human competences themselves and their claim to be realised in order to be able to lead a decent human life (see Nussbaum 2000, 74). This normative force in turn also is the
source of normativity for the moral relevance of the capabilities as criteria. However, the capabilities approach as presented by Nussbaum has to be understood as a guide towards global justice. It does not explain what the political and economic arrangements would have to look like in order to be just and to fulfil the “social minimum” requirement for fairly distributing the resources needed to establish the basics for the development of the characteristic human capabilities. But “all capabilities have an economic aspect: even the freedom of speech requires education, adequate nutrition etc.” (Nussbaum 2005, 211). Formulating a practical agenda for achieving global justice therefore, as Nussbaum notes, also “requires us to answer economic questions that are not in the province of my inquiry” (Nussbaum 2000, 75).

4.1: Sen’s Solution: The Interconnectedness of Human Capabilities and Freedoms:

The economic implications of the capabilities approach rather come under the domain of Amartya Sen who is a Nobel-Prize winner in economics. Thus the discussion of this thesis now turns to his views on human capabilities and global justice as he has presented them in Development as Freedom (Sen 1999) as well as in numerous other works. In Sen’s version of the capabilities approach these central human competences are interpreted as different kinds of freedom:

a person’s “capability” refers to the alternative combinations of functionings that are feasible to achieve. Capability is thus a kind of freedom: the substantive freedom to achieve alternative functioning combinations (or, less formally put, the freedom to achieve various lifestyles) (Sen 1999, 75).

Thus it is obvious that also in Sen’s reasoning there is a strong integration of the concepts of justice, freedom (capabilities) and “the needed”. The virtue of Sen’s approach, though, consists in his explanation of the connectivity of all these concepts by means of employing empirical studies. Thus he provides scientific proof for the importance of the empirical factors that have been identified as morally relevant for the meaningfulness and the content of the ideals of equality and quality of life that are central to the discussion of global justice in this thesis. The insight of Sen which is most conducive for the argumentation of this thesis is the realisation that the different capabilities are interconnected and do affect each other (see Sen
This means in other words that the capabilities are characteristic of and indispensable for the human form of life. Their realisation is most likely to exhibit a special momentum by positively affecting and in turn depending on each other. Sen explains this special feature of human freedoms and capabilities by pointing out the two major roles of these freedoms:

1. they have *intrinsic value* in that they play a constitutive role in the lives and for the quality of life of human beings: central or substantive freedoms and capabilities make up the empirical factors that form the content of the ideal of a good quality of life. They also constitute what characterises human life and what education, public policies, training and welfare provisions ideally aim at because people are by these means enabled to develop themselves further and to realise their own conceptions of the good (see Sen 1999, 36). Thus “freedom” in Sen’s understanding not merely defines a formal right, e.g. the freedom of expression, but rather capabilities like the abilities to talk, read, conceptualise and interact with others.

2. human freedoms have an *instrumental value* in that “the effectiveness of freedom as an instrument lies in the fact that different kinds of freedom interrelate with each other, and freedoms of one type may greatly help in advancing freedom of other types” (Sen 1999, 37).

These two roles of human freedoms also partly explain why “throwing money at the problem” (Sypnowitch 2005, 70) of absolute poverty and inequality cannot be considered an adequate solution: the betterment and empowerment of the poor has to happen along the lines of the dynamics of human freedoms and it appears implausible to think that material resources are the only relevant factors that exclusively can promote or guarantee the advancement of all crucial types of freedom.

However, Sen’s understanding of human freedoms is particularly fruitful for the discussion of how to achieve global justice by identifying morally relevant factors for a plausible definition of the according ideals because it clarifies that certain human characteristics not only can but rather have to be taken into account when trying to achieve both objectives. Eliminating absolute poverty and promoting global justice in the language of Sen’s approach have to be understood in terms of how human development works because they both amount to human development. That is to say that, according to Sen, human

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16 And also Nussbaum 2000, 81, but Nussbaum does not elaborate on this conclusion very much at this point.
development is “(1) the primary end and (2) the principal means” (Sen 1999, 36) of global justice. And this amounts to nothing less than support for the two central arguments of this thesis, that morally relevant facts in form of empirical factors (the substantial human freedoms and respectively their interconnectedness) are decisive for the definition of normative ideals (freedoms as ends) as well as for the determination of obligations for how to realise these ideals (the interconnectedness of freedoms as means).

Consequently the linkages that exist between the different types of freedom “are particularly important to seize in considering development policies” (Sen 1999, 40) which is to say that these links themselves constitute morally highly relevant factors for the determination of obligations with a view to achieving the ideals of global justice. Absolute poverty and global inequality against the background of Sen’s capability approach are nothing else than capabilities and freedom deprivations (see Sen 1999, 109). This perspective allows for conceiving the problems of global justice and the realisation of demands of ideal theory because it serves two functions:

1. Being a version of the capability approach Sen’s perspective can answer the question of “equality of what?” with regards to global justice and define criteria and morally relevant factors for the definition of crucial ideals like equality and quality of life. These definitions in turn allow for identifying an appropriate and just distribution of generally indispensable material and non-material resources that are required for realising these ideals.

2. More importantly for this thesis, though, Sen’s perspective appears to allow for a limitation of the form and extent of the demands for realising these ideals with regards to global justice as equality. At this it is the central argument of this thesis that, by employing the interconnectedness-view of Sen, it can reasonably be argued that the obligations imposed on the affluent societies do not necessary need to be excessively demanding and unlimited: with his approach Sen has made the problems of absolute poverty and the reasons and repercussions of global inequality comprehensible and treatable. Thus by employing Sen’s account it is possible to formulate an intermediate approach to global justice that contains less extreme demands than for instance Tan’s and Singer’s approaches do. This last point requires further explanation.

Sen’s view of human development as constituted by interrelated and interdependent kinds of freedom is highly relevant for the definition of the obligations of affluent people since the
amount of resources required for the goal of human development could be limited: this seems to be possible since the resources spent on the promotion of one specific capability and freedom, as will be explained below, is likely to have positive effects on other freedoms and competences as well. Thus, in a very economical sense, there is the possibility of making manifold use of one and the same amount of resources spent. In order to make this claim more plausible it is helpful to look at Sen’s own description of crucial human freedoms and their interrelatedness. Sen identifies five distinct substantial kinds of freedom:

1. political freedoms
2. economic freedoms such as the freedom to exchange, the right to land ownership and the freedom of employment (see Sen 1999, 113)
3. social opportunities that “refer to the arrangements that society makes for education, health care and so on, which influence the individual’s substantive freedom to live better” (Sen 1999, 39)
4. Transparency guarantees that denote “the freedom to deal with one another under guarantees of disclosure und lucidity” (Sen 1999, 39)
5. Protective Security which includes “fixed institutional arrangements such as unemployed benefits and statutory income supplements to the indigent as well as ad hoc arrangements such as famine relief or emergency public employment to generate income for destitutes” (Sen 1999, 40).

Every single one of these kinds of freedom itself is not likely to lead to good results on its own. Rather it is the connection and interaction of all these freedoms that enables human beings to enjoy a good quality of life and to have the opportunities necessary for pursuing their individual conceptions of the good. Accordingly it should be central to the agenda of any plausible conception of global justice to include the ubiquitous existence of these freedoms as its general goals.

In human development economic development plays a crucial role since the economic growth thus generated can be used to promote the preconditions for the development of other freedoms (see Sen 1999, 48). However, also the important economic capabilities are dependent upon, because connected with, other kinds of freedom such as the political and social freedoms. It is in particular Sen’s merit to have disclosed these interconnectivity and interdependency by employing empirical studies as practical examples.
The study that won him the Nobel Prize in economics for instance explained the causation of famines on the basis of his understanding of human freedoms and development. According to Sen’s thesis famines are caused largely by bad political governance rather than by food shortages. This is because “famines occur even without any decline in food production or availability” (Sen 1999, 165). It is rather the distribution of the available food resources that malfunctions because people are impaired in the exercise of their political and economic freedoms. According to Sen famines in the past mostly occurred in occupied societies like in the case of British-ruled India in 1943 (see Sen 1999, 174) or in the case of the Irish famine in the 1840ies (see Sen 1999, 173). In these cases the occupied population obviously was not able to exercise their political and economic freedoms and the occupying force did not feel politically or socially responsible for the well-being of the occupied population. Another famine-triggerring example of miss-government that Sen points out occurs in war-stricken societies as happened during the 30-years war in middle Europe in the 17th century or in Ethiopia in 1973 (see Sen 172). Often the solution to and the prevention of these famines lie in the political and correlated economic empowerment of the starving people: a democratic government has much more incentives and through a freely operating media has much more relevant information for preventing or dealing with famines than foreign or authoritarian ruler do (see Sen 1999, 179, 181). Sen’s explanation of the terrible phenomenon of famines thus clarifies how and that great global inequalities and a negative quality of life have to be conceived as instances of multiple capacity and freedom deprivations. However, it is important to keep in mind that what at first glance might appear to be caused by bad domestic government after closer inspection turns out to be related to many and importantly global factors as well – as was explained by Tan and Pogge. The solution to these kinds of poverty and deprivations has to be understood to lie in the empowerment of people and the promotion of different freedoms of the poor which would enable them to care for themselves.

Another (but rather positive) example for the interrelatedness of human freedoms that Sen presents is the case of China’s preparedness for free-market developments at the beginning of the 1980ies on the basis of its basic health care system that was introduced by the authoritarian Communist rulers (see Sen 1999, 42). With respect to its economic development China has been even more successful than more democratic, but socially less-developed countries like parts of India. Thus the example of China’s economic development poses an instance of how economic growth crucially depends on a correlated positive underlying social infrastructure and standard of a society: “from the standpoint of social
preparation, China is a great deal ahead of India in being able to make use of the market economy. While pre-reform China was deeply sceptical of markets, it was not sceptical of basic education and widely shared health care” (Sen 1999, 42). Thus “social backwardness” (Sen 1999, 42) in form of the non-development of social freedoms is likely to result in economic disadvantages and stagnation as well. A non-democratic country like China, on the other hand, according to Sen faces different and more serious threats to its economic prosperity than more democratic societies because of the lack of political freedoms of its citizens (see Sen 1999, 43).

However, the most important example that Sen offers in order to substantiate his interconnectedness-argument is the need for the development of women’s agency especially in the poorest countries. It is the most significant one because “the role of women’s active agency seriously afflicts the lives of all people – men as well as women, children as well as adults” (Sen 1999, 191). The suppression of women expresses itself in many ways from which the “missing women” (Sen 1999, 104) problem as a result of sex bias and “excess mortality and artificially lower survival rates of women in many parts of the world” (Sen 1999, 104) is but one recently made public phenomenon. But political, educational and economic disenfranchisement of women not only harms the affected women directly: they form a large part of the population that have no or less knowledge about or say in many important social matters. Thus their disenfranchisement negatively affects every society as a whole. Sen therefore holds that “nothing, arguably, is as important as an adequate political, economic and social participation and leadership of women” (Sen 1999, 203). If women’s development would be advanced by providing them with education as well as economic and political rights women would become more independent and would have greater security (see Sen 1999, 201). This would in turn result in, and here Sen can as well resort to empirical studies, considerably lower fertility rates since women would have the knowledge and opportunity to have a say in family-planning matters (see Sen 1999, 195). Singer already had pointed out that special ways of using the foreign aid money could lead to a slowing down of the population explosion (see Singer 1993, 239). Sen goes even further by claiming that “among the variables included in the analysis [...] the only ones that have a statistically significant effect on fertility are female literacy and female labor force participation” (Sen 1999, 198). Other efforts such as a coercive and restrictive family policy like the Chinese one-child-rule on the other hand have turned out to be unsuccessful (see Sen 1999, 213). Furthermore Sen favours the hypothesis that a better education and a greater social and political participation of women will also lead to less violent societies since “the fact that
most of the violent crimes in the world are committed by men is well recognized” (Sen 1999, 2000). Thus for Sen it is obvious that the promotion of women’s agency is the “crucial aspect of “development as freedom”’” (Sen 1999, 203) since they present the most deprived and constricted group of human beings. Their abilities and skills currently lie largely idle in many poor societies. The interrelatedness of their capabilities thus could be stimulated so as to constitute a main element in the fight against absolute poverty and the creation of a more just and equal world.

Consequently only the development of all complementary freedoms can guarantee a stable and permanent increase in economic prosperity as well as the quality of life. This is to say that it can be assumed that investments of resources in the basic structures that promote the central human freedoms will have not merely an additive, but rather a multiplying effect: once poor people are enabled to care for themselves and make efforts to better their situation themselves, the will produce greater prosperity and a better quality of life on their own. They become participants in the economic and trade relations and cease to be mere recipients of humanitarian aid. Efforts of redistributing resources thus can be expected to not merely be part of a zero-sum situation but rather to trigger some momentum that is driven by the concurrence of different human freedoms. According to Sen, it is therefore important “to see people – even beneficiaries – as agents rather than as motionless patients. The objects of “targeting” [of aid in form of resources] are active themselves, and their activities can make the targeting-achievements quite different from targeting-attempts” (Sen 1999, 137). The approach proposed by Sen and Nussbaum that is focused on the category of “the needed” thus marks an intermediate approach towards duties with regard to global justice in that is requires (at least qualitatively) much more than Rawls’ duty of assistance while also not being as demanding as Tan’s argument of the permanent resource redistribution or even Singer’s obligation to donate as much as possible.

At this Nussbaum favours a distribution model that similar to Rawls’ Difference Principle (see Rawls 1971, 302-303) takes into account that “fully human life requires many things from the world: adequate nutrition, education of the faculties, protection of bodily integrity, liberty of speech and religious self-expression – and so forth. If this is so, then we all have entitlements based on justice to a minimum of each of these central goods” (Nussbaum 2005, 210). Only such a Difference Principle should be taking into account that “only a broad concern for functioning and capability can do justice to the complex interrelationships between human striving and its material and social context” (Nussbaum 2000, 70).
5. Practical Proposals for Utilising Interconnected Freedoms for Promoting Global Justice:

The suggested intermediate approach that is based on Sen’s and Nussbaum’s capabilities approach as the factual basis for a theory of global justice can be supported by presenting two suggestions from distinguished economists for how to realise efforts to achieve greater global justice as equality. The presentation of these two practical economic models constitutes the last part of this thesis in Applied Ethics.

The authors of the approaches that have been discussed have made several suggestions for how to work towards a more just world. Pogge in particular has mentioned a practical method for how to raise resources for poverty relief and the development of poor countries by presenting his Global Resource Dividend (GRD). However, for the reasons explained previously, his justification for the collection of the GRD lies in the correction of harm that has been and is inflicted upon the poor, not in the promotion of human freedoms. Pogge’s account of compensatory justice accordingly does not entail a detailed program for what the resources raised by the GRD should ultimately be used for other than “that all human beings can meet their own basic needs with dignity” (Pogge 2002, 206). Accordingly he also has not identified the different substantial human freedoms and their interrelatedness to be relevant factors for the determination and the extent of moral obligations of his account of compensatory global justice. But there are other practical proposals for how to fight absolute poverty and promote the development of human freedoms with a view to create a more just world. The two economic models presented here are thought to be in accordance with Nussbaum’s list of essential human capabilities and Sen’s interconnectedness-argument. Thus the first approach of Jeffrey Sachs is supposed to be able to confirm that an utilisation of the interrelatedness of central human freedoms for limiting the demands of global justice is possible from an economic standpoint, as well. George DeMartino’s economic model then is to demonstrate how a direct stimulation of the development of human capabilities could lead to a more just and equal world.
Jeffrey Sachs’ in his work *The End of Poverty* (Sachs 2005) – from a strictly economic perspective – points out some important reasons for how the interrelatedness of different substantial human capability can be economically harnessed in order to eliminate global poverty. More importantly, though, in this way he also explains why the demands that such solutions would impose on the affluent would be smaller than estimated at first glance when contemplating the extent of global inequality.

First of all, as a general premise Sachs importantly concurs that both major options that where mentioned in this thesis for working towards a more just and equal world have to be pursued since in his economic perspective they constitute two essential complementary means of one and the same approach towards global justice as equality: “poor countries will need “trade plus aid”, since trade reforms alone are not nearly powerful enough to enable the poorest countries to escape from extreme poverty” (Sachs 2005, 281). A resource redistribution of some form is required since “by the time a society has fallen into deep crisis, it almost always needs some external help to get back on track” (Sachs 2005, 130).

Form his economic standpoint Sachs identifies eight major problematic areas that cause economic stagnation and decline which mirror the importance of the substantial human freedoms named by Sen which in one way or the other infringed by the deficits in these areas (Sachs 2005, 56-66):

1. The Poverty Trap: human beings are deprived of economic freedoms because they lack capital and natural resources have been depleted.
2. Physical Geography: the geographical characteristics of a region or country, such as arid environment, mountains, lack of cost-lines or rivers make it difficult for people to develop a running economy or they might be cut off from markets and possibilities of trade.
3. Fiscal Trap: the government of a society may be impoverished or corrupt which undermines the existence or efficacy of the people’s political freedoms and securities without which no free economy can exist.
4. Governance Failures: lack of peace or public provisions such as education and health care leave a population unable to prosper economically.
5. Cultural Barriers: discriminating values might cause high fertility rates or might exclude parts of the population from economic participation.
6. Geopolitics: trade barriers and the power dynamics of the basic global institutions can limit people’s economic choices and options

7. Lack of Innovation: shortcomings in the education of people lead to lesser knowledge and eventually to a lesser technological level of the society so that foreign investors see no chance to get their investments in a country reimbursed.

8. The Demographic Trap: high fertility rates weaken the position of women in a society and result in evermore human beings that need resources for staying alive and thus diminish the resources available for the development of many kinds of freedoms.

These eight problem areas in turn can be grouped into two categories that are involved in the creation and continuation of absolute poverty: the geographical factors of a territory and socio-political arrangements of a society.

While problem area two makes up the first category, the other problem areas are related to the latter category which stands for the importance of the promotion and development of central human capabilities and the reform of global institutions. Sachs’ analysis is therefore compatible with the results of Sen’s thesis of the relevance and interrelatedness of substantial human freedoms. This becomes even more obvious when taking into account Sachs’ assessment that “recent statistical studies have shown that differences in economic growth rates across countries depend on a multiplicity of features: initial incomes, education levels, fertility rates, climate, trade policy, disease, proximity to markets, and the quality of economic institutions, just to name a few of the relevant variables” (Sachs 2005, 322). Although in this connection Sachs also includes geographic aspects it is clear that the focus of development and poverty relief policies have to primarily lie on the socio-political arrangements (while taking into account the geographical characteristics of a society’s territory).

Eliminating absolute poverty and thus creating a more just world by focussing on the crucially relevant development of human freedoms on the basis of merely moderate obligations for affluent societies according to Sachs is possible because “the rich world today is so vastly rich” (Sachs 2005, 289) and since “our tools are more powerful than ever” (Sachs 2005, 289). Thus he exemplarily points out five chief methods for ending absolute poverty in Sub-Saharan Africa that mirror Sen’s suggestions for promoting substantial human freedoms as the crucially relevant means and ends of efforts of global justice (Sachs 2005, 232-234):
1. Agricultural Inputs: using fertilisers, improved seeds, water harvesting and green manures in order to equip people with better tools and knowledge to provide their own food.
2. Investments in Basic Health
3. Investments in Education
4. Power, Transport, and Communication Services: providing people with today’s basic tools to successfully participate in a far-reaching economy
5. Safe Drinking Water and Sanitation

At this, as Sachs consistently with the core argument of this thesis points out, the resources required from the affluent societies for serving global justice (by making it possible for every human being to develop their characteristic human capabilities) can be kept moderately since “the rich countries do not have to invest enough in the poorest countries to make them rich; they need to invest enough so that these countries can get their foot on the ladder [of development]. After that, the tremendous dynamism of self-sustaining economic growth can take hold” (Sachs 2005, 73). This is possible because “all good things tend to move together at each rung: higher capital stock, greater specification, more advanced technology, and lower fertility” (Sachs 2005, 73). The crucial relevance of the factors of substantial freedoms and their interrelatedness for the definition of the ideals and the obligations/tools of global justice thus are expressed and mirrored in Sachs’ economic analysis of how to eliminate absolute poverty.

5.2 George DeMartino: The Politics of Capabilities Equality

Other proposals not only confirm the interconnectivity of substantial human freedoms but directly aim at stimulating their development through economic actions.

The economist George DeMartino in his work *Global Economy, Global Justice* (DeMartino 2000) has presented some suchlike detailed practices that pose an intermediate approach towards a more just world which goes beyond a basic duty of assistance in Rawls’ sense and is not as demanding as Tan’s demand for an equalisation of national economic bargaining powers. For this purpose DeMartino fundamentally endorses the central human freedoms and capabilities specified in the category of “the needed” as the crucially relevant criteria for global justice: “A global policy regime is just to the degree that it promotes the
harmonisation of capabilities to achieve functionings at a level that is sufficient, universally attainable and sustainable” (DeMartino 2000, 217).

His proposals are, as he emphasises, “to be taken seriously but not literally” (DeMartino 2000, 218) since he is aware that every suggested practical methods have to be flexible and adjustable to the actual possibilities of implementation in the real world. Nonetheless he conceives his “global economic policies for the year 2025” (DeMartino 2000, 218) as “medium-range targets to which we might aspire as we remake global policy regimes in pursuit of economic justice” (DeMartino 2000, 219). DeMartino’s main reform proposal regards the current global trading regime. His aim is to modify this so as to have it not merely aiming at economic growth but rather to equally work towards greater “capabilities equality” (DeMartino 2000, 208) on a global scale. For accomplishing this goal there must be created “incentives for countries to take steps to promote capabilities equality domestically” (DeMartino 2000, 219) by means of “penalising countries for pursuing strategies to enhance export performance that are capabilities-reducing for those with meagre capabilities sets” (DeMartino 2000, 219). Obviously this would require a concerted effort of all countries since non-complying states outside such a reformed global trade regime would function as harbours for companies that would want to escape the new trade regulations.

DeMartino’s very own development for creating a new, capabilities-development focussed trade regime is the “Social-Index Tariff Structure” (SITS) (DeMartino 2000, 219). The implementation of such socially-oriented tariffs “would remove critical aspects of social life from the sway of competition,” (DeMartino 2000, 220). The logic behind the establishment of this new tariff structure is that in this way “countries would be rewarded in global markets for making improvements in the conditions of social life measured and codified in the index” (DeMartino 200, 220) and no longer be disadvantaged in the global economic competition for taking into account other factors that low production costs and non-economic commitments as it is currently the case. In this way “the SITS regime turns the incentive structure of global neoliberalism at its head by rewarding these strategies that promote capabilities equality, and by punishing those that undermine it” (DeMartino 2000, 224). Thus DeMartino’s SITS proposal “reflects political and normative as well as economic factors and judgements” (DeMartino 2000, 226) that have been identified in the course of this thesis: the important factors of human capabilities serve as criteria for global justice as well as the guidelines for designing according obligations in form of new global economic policy directives.
Concretely DeMartino’s proposal would work as follows: “under the SITS regime, each country would be assigned an index number reflecting both the average level of the capabilities of its citizens relative to its means, and to the degree to which these capabilities are distributed equally” (DeMartino 2000, 220). Countries thus would be divided into, for instance, five different index groups according to their likewise levels of performance. Countries that are in a lower index group would then have to pay a special social tariff of for instance five percent per index band (see DeMartino 2000, 224) on their exports when trading with a country that is ranked in a higher index group. Correspondingly a country that is in index group number four will have to pay an extra tariff of ten percent on its exports when trading with a country that assigned to index group two.

The crucial factor of this SITS regime is of course the selection of the criteria for the allocation of countries into the different groups. It is with respect to the selection of these criteria that the substantial human capabilities and freedoms can play their important role as morally relevant facts in the striving for a more just world. This is the case because the criteria for the allocation of countries in DeMartino’s SITS regime are depended on their promotion of these human capabilities. Thus in DeMartino’s view some measurement like the UN’s Human Development Index (HDI), that was designed also with the help of Amartya Sen (see DeMartino 2000, 220), would be appropriate to serve as a list of criteria for the differentiation and categorisation of the performance of countries. This would be possible because the HDI comprises several indicators that “make it possible to capture better the complexity of human life – the many concerns that people have and the many cultural, economic, social and political differences in people’s lives throughout the world” (cited from the UN Development Programme in DeMartino 2000, 220). As such a HDI, which is open for revision and adjusted for the purposes of the SITS, could include the following criteria (DeMartino 2000, 220-223):

1. Welfare: the per capita income of a country
2. Life Expectancy: provides information about the availability of nutrition, shelter and health care

where index group one displays the best performance with respect to the degree and equality in distribution of capabilities among a country’s citizens.

whereas it is important to note that „in a fully elaborated SITS regime, an increase in per capita income should have a lesser effect than other terms on a county’s ranking, given that the purpose of the SITS regime is not to reward high income per se but to reward improvements in and equality of human capabilities“ (DeMartino 2000, 227)
3. Educational Attainment: “generated by combining a country’s adult literacy rate with educational enrolment data” (DeMartino 2000, 221)

4. Gender-Equality Coefficient: determined according to “the disparity in achievement between women and men” (DeMartino 2000, 222)

5. Income Equality Coefficient: consists of “the ratio of income of the poorest 40 per cent of the population to the income if the ratio of the richest 20 per cent” (DeMartino 2000, 222)

6. a coefficient dealing with the differences in the flow of wages, profit, interests in order to “discourage governments from suppressing wages to attract Foreign Direct Investment or to achieve good export performance, and to discourage firms from pitting workers across the globe against each other for employment and income” (DeMartino 2000, 223).

Obviously this list is a preliminary one. However, it nonetheless shows the role and importance that the development of freedoms and capabilities can and should play for assessing regional levels and working towards global justice. Also in this way the index supplies additional and palpable meaning to Sen’s notion of freedoms as the principal ends and means of human development and global justice. It also should be noted that DeMartino acknowledges that a new institution for imposing and policing this SITS regime would be required (DeMartino 2000, 220).

However, there is one crucial amendment to the SITS as it has been presented so far that needs to be part of its implementation because it otherwise would work in counterproductive and counterintuitive ways: the poorest countries in the lowest index groups obviously would face the most severe extra tariffs on their exports. This would per se only diminish their ability to promote the capabilities development of and equality among their citizens. Thus DeMartino therefore suggests that “the SITS resources could serve as a substantial new resource of development funds that could be collected by an international agency and used for human and social development projects in those countries with low performance that are engaged in efforts to promote human development” (DeMartino 2000, 227). This is especially important from the normative perspective advocated in this thesis as “for the SITS to be ethically viable, the net flow of tariff-generated resources to the South must be positive and significant” (DeMartino 2000, 227). The advantage of at first charging poor countries with extra tariffs and then providing them with new resources for special
projects would be that by these means a certain “choice-sensitivity” could be guaranteed and that in this way it is primarily the advancement of human capabilities that would be rewarded.

Finally, according to DeMartino’s model, a charter of social minima of capabilities’ levels and distribution would function as a measurement for the definition of special thresholds above which a coefficient of the HDI would become irrelevant: when exceeding such a threshold a country has reached an acceptable level of capabilities equality and justice in the regarding respect so that this criterion can be thought to be fulfilled and taken out of the index calculation. Thus “ideally, over an extended period we might hope that the SITS regime would become obsolete, as countries converged on a level of capabilities that is sufficient, universally attainable and sustainable. By then, after all, it would have achieved its purpose” (DeMartino 2000, 229): creating a more just world that exhibits greater degrees of equality with respect to vital and cardinal aspects of the human form of life.
6. Conclusion:

In this thesis it was exposed that the empirical factors that we deem to be relevant within a certain problematic context which requires ethical evaluation and guidance are decisive for our conception of the ideals that figure in and are at stake within such a context as well as for our definition of the obligations that are supposed to be effective towards realising these ideals.

In the large context of global inequality our understanding of justice thus depends on the selection of the appropriate factors as criteria for global justice. As has been pointed out justice, in the domestic as well as in the global domain, is essentially thought of as some form of equality. Thus it is paramount to identify relevant and universally applicable criteria of equality in order to make sense of and to aspire towards the ideal of justice. In this thesis it has been the list of capabilities and substantial freedoms whose possible realisations were selected as objective criteria for global justice. These capabilities and freedoms also allowed for the speculation that an intermediate approach regarding the affluent societies’ obligations towards the poor and the realisation of global justice might be justifiable and feasible because of the morally relevant feature of the interdependency and interrelatedness of these freedoms and capabilities. Other approaches that do not take these features into account consequently arrive at different – and according to the argumentation in this thesis less plausible because extremely demanding or insubstantial – definitions of the ideal of and the obligations with regards to global justice.

As was pointed out in the last part of this thesis the ethical considerations with regard to the importance of “the needed” find support and confirmation in the analysis of highly esteemed economists: there exist, at least theoretically, economic solutions and answers that take into account and built their policies upon the results of the philosophical capabilities approach. Of course these theoretical solutions would have to be adjusted and reshaped according to the real world conditions. Nonetheless it appears to be possible to practically implement and transfer the outcomes of abstract and ideal ethical theory into non-ideal, real world policies and solutions.

However, it is important to note that one essential aspect of the debate about global justice could not be discussed within the limits of this thesis. As Juha Räikkä has pointed out with respect to Pogge’s GRD and Democratic Fund these proposals “all must gain considerable international support and political willingness, which they will not easily obtain” (Räikkä
2006, 117). This is equally true of DeMartino’s SITS construct. Thus the question of motivation for supporting all suchlike efforts towards global justice remains a huge problem. Otherwise peoples and countries would at least try to really implement some of the most promising proposals that have been made in this direction. Sachs names some possible motives for the powerful and affluent societies to work towards a more just world such as considerations of justice, national security reasons, future economic benefits that might be gained from the emergence of new markets in today’s poor societies, and religious precepts (see Sachs 2005, 341). This numeration of possible incentives, though, by no means sufficiently explains how whole societies can be motivated to engage in efforts towards realising the ideals of global justice or why they currently do nothing much of that sort. Obviously the problem of an underdeveloped “capacity of human beings to place an impartial regard for humanity ahead of their more particular ethnic identities as a principle of moral motivation” (Nagel 1991, 177) remains arguably the most impeding obstacles with respect to realising a more just world. However, the task of this thesis was to show that such would be technically possible as well as obligatory from a normative ethical standpoint.
7. Bibliography:


**Internet Sources:**