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A Global Theory of Justice

*Is Rawls's conception of democracy suitable for
 the global level?*

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1. Introduction

The notion that consent legitimates government, and that the ballot box is the appropriate mechanism whereby the citizen body as a whole periodically confers authority on government to enact the law and regulate economic and social life, become problematic as soon as the nature of a 'relevant community' is contested.¹

Since the end of the 20th century a new political philosophical debate has emerged surrounding the question whether local democracies are able to justly represent their citizens in a world that has become more intensely and extensively connected. David Held, who is recognized as one of the founding fathers of this debate, has argued that states as society has known them traditionally are unable to do justice to the core ideals of democracy. He then continues that a suitable solution would be cosmopolitan democracy, which not only deepens democracy within states but also transcends the boundaries of nations.²

Of course, there are those who disagree with his solution, but his contribution to the debate by recognizing this potential injustice generated by modern globalization has been generally accepted, even by his opponents.³

This debate has been extensive and many different conceptions of global democracy have been offered. Subsequently, many counterarguments for these various theories have been supplied as well. One particular interesting school of thought has considered implementing Rawls's justice as fairness, one of the core theories of modern democracy, at the global level. This thesis will therefore limit itself to the question whether Rawls's conception of democracy is suitable for the global level.

To properly assess whether something is suitable it is first clear to understand what is entailed by the phrase suitable. Suitability, as implemented in this analysis, will

¹ David Held, "The Changing Contours of Political Community: Rethinking Democracy in the Context of Globalisation," *Theoria: A Journal of Social and Political Theory* 94 (1999): 42.

² Held, "The Changing Contours of Political Community," 45.

³ William Kymlicka. *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship* (Oxford: Oxford University Press, 2001), 324. Kok-Chor Tan, *What is This Thing Called Global Justice?* (London: Routledge, 2017), 140.

be understood to have two significant qualities: just cause and justifiable global implementation.

In order for Rawls's democratic theory to suit the global level, it needs to have a just cause. It is important to realise why the creation of a Rawlsian global democracy should be created now and why current national democracies ignore an important injustice.

Furthermore, the global implementation of Rawls's theory needs to be justified. It may be that there is indeed a just cause, but the solution offered by proponents of a global interpretation of Rawls's democratic theory may be morally unacceptable or functionally impossible to implement. There is one key-assumption that one needs to be aware of in order to understand the concept of justifiable global implementation. Namely, this thesis will assume that the implementation of Rawls's theory would be desirable and justifiable for a national level. Hence, the condition of justifiable global implementation will only concern itself with whether the prerequisites that Rawls defines for his conception of democracy can be met in a global context. The specific prerequisites will be clarified in section 4.3.

To understand the method of assessment of both qualities, just cause and justifiable global implementation, this thesis will start by providing an overview of the methodology. Then, it will affirm that there is a just cause, or in other words a global injustice that warrants a solution to which Rawls's global democracy might be one solution. This part will argue that modern globalization has led to a democratic deficit. Gould defined a democratic deficit as "a lack of input and participation, and a correlate lack of accountability, concerning decisions by intergovernmental and other transnational organizations that increasingly affect people's lives."⁴

The next chapter will then explain what Rawls envisioned for a democracy at a national level, which he has called justice as fairness. From this evaluation several essential characteristics of a Rawlsian democracy will be derived. Following this analysis, this thesis will discuss why certain scholars have claimed that the implementation of Rawls's conception of democracy is not morally justifiable at the global level. Firstly, Rawls's own objections will be discussed which are followed by Miller's plea that

⁴ Gould quoted in Tan, *What is This Thing Called Global Justice?*, 134.

citizenship is bound to the national level. The arguments that are considered will specifically focus on the translation from Rawls's domestic theory to a global interpretation, and will not attack the Rawlsian theory on its own. Afterwards, Pogge and Beitz, both proponents of a global application of Rawlsian democracy, will be considered. Ultimately, a balance of the arguments of these scholars will be provided in the conclusion.

The aim of this research is two-fold. Firstly, it aims to get closer to a solution for the global democratic deficit that has emerged from modern globalisation. Even if Rawlsian democracy may not be perfectly suitable to this injustice, an analysis of its strengths and weaknesses can bring society closer to a morally acceptable theory that can eventually eradicate this global injustice, and perhaps others injustices too.

Secondly, this research will attempt to coherently evaluate and compare scholars in the complex and normative discussion surrounding the possibility of a Rawlsian global democracy. What I then primarily wish to achieve, is to provide a concise overview of key-approaches to clarify the existing scholarly debate by systematically structuring and assessing several main arguments surrounding the suitability of a Rawlsian framework in a global context.

2. Overview of Methodology: Normative Approach

To clarify from the beginning this thesis will be taking a normative approach. It is important to keep in mind that a normative theory is not utopian in its nature, and therefore should not be impossible to achieve. Rather, normative theories base themselves on real-world information while aspiring to formulate how the world should be. The core of a normative approach is to provide an aim for individuals, societies or institutions to strive for. This thesis thus takes a normative approach to determine whether Rawls's theory of justice at the global level would be a morally suitable solution to the global injustice of the arisen democratic deficit caused by globalization. In other words, this thesis seeks to establish whether a Rawlsian global theory of justice should be pursued by the world.

As stated in the introduction, this thesis will first show how globalization has led to a democratic deficit in chapter 3. In this same section I will implement a normative method by demonstrating that this is a global injustice that should be solved. Subsequently, I will analyse whether a global Rawlsian approach is suitable solution.

In order to determine this, I will first investigate what Rawls's conception of democracy entails. I will start from Rawls's justice as fairness, as this is a central conception of democracy within the field of political philosophy. Moreover, there has been a vivid scholarly debate about whether this theory could be, and should be, extended to the global level. As I am taking a normative approach, I will not give a mere descriptive account of this theory. Instead, I will consider several political philosophers and their arguments concerning a global application of justice as fairness.

Some believe that the democratic deficit at the global level can be fixed by strengthening democracies within states rather than implementing a global democracy in any shape or form. Whereas others argue that if the appropriate preconditions for democracy are present at the global stage, we ought to implement democracy at this stage as well. I will look at the convincingness and plausibility, the strengths and weaknesses, of their arguments to ultimately establish whether Rawls's conception of justice is suitable for the global level.

3. Identifying Global Injustice

To properly assess whether Rawls's democratic theory is suitable, it is necessary to understand the motivation behind why this debate was first considered. In other words, this section will concern itself with the evaluation of whether implementing Rawlsian democracy at the global level has a just cause.

3.1 The Impact of Modern Globalization

Nye explained that "globalization, defined as networks of interdependence at worldwide distances, is not new. Nor is it just economic."⁵ Although this is true, there has been a remarkable change in the nature of globalization according to Held. Modern globalization "has stretched wider than ever before, and impacts are not contained locally."⁶ What he wants to emphasize with this statement is that on the one hand globalization in contemporary times has caused daily activities of institutions, states, and individuals to be affected by global processes. And, on the other hand, globalization has also made it possible that "the practices and decisions of local groups and or communities can have significant global reverberations."⁷ In other words, Held asserts that globalization has significantly deepened in recent times.

Nye did not just want to inform that globalization has been present for a long time. He also accentuates that globalization ought to be understood to have several dimensions, not just economic. In modern times there have been significant forms of cultural, political and technological globalization.⁸

These different types of globalization come with potential opportunities as well as possible problems. In terms of the globalization of economies, seizing global trading opportunities has meant that the world economy doubled in size between 1990 and 2017 despite the Great Recession according to the World Trade Organization (WTO). They claim this is mostly due to the sharing of technology and trading at a global level.⁹

⁵ Joseph S. Nye Jr., "Globalization's Democratic Deficit: How to Make International Institutions More Accountable," *Foreign Affairs* 80, no. 4 (2001): 2.

⁶ Held, "The Changing Contours of Political Community," 32-33.

⁷ Held, "The Changing Contours of Political Community," 32.

⁸ Carol C. Gould, *Globalizing Democracy and Human Rights* (Cambridge: Cambridge University Press, 2004), 160-161.

⁹ Marc Bacchetta et al., *World Trade Report 2017: Trade, technology and jobs*. (Geneva: World Trade Organization, 2017), 14.

However, this economic globalization has also had negative consequences. In 2007 the housing market in the United States had collapsed, which ultimately led to the recent extensive global financial crisis.¹⁰ For other issues, such as world poverty, it has not been clear whether the globalization of economies has been more positive or detrimental to finding a solution.¹¹

As stated before, globalization is not merely an economic process, hence its opportunities and issues should also not be thought of as solely economic. To illustrate, the European Union (EU) and the United Nations (UN) both aspire to facilitate easier and better communication and cooperation between states, although to very different extents. Yet, globalization may have negative effects too. For example, some have found that globalization has promoted deforestation especially in tropical forests, which exacerbates global climate change.¹²

It is important to keep in mind that not all of these various opportunities and problems are new. However, globalization has deepened them and increased their scope, as has been the case with trade. To a certain extent this then entails that topics that used to be solved within a community or state, are no longer confined within such borders and need to be discussed globally. Yet, at this global level one faces a global democratic deficit.

3.2 Two Types of Global Democratic Deficit

In chapter 1 the concept of a democratic deficit was explained as a lack of input and participation, and a lack of accountability concerning certain issues. There are two different kinds of democratic deficit that may exist globally.

Firstly, there are certain global issues that may not be recognized or addressed at all by global leaders and institutions collectively. To illustrate, some could argue that the United States' withdrawal from the Paris agreement could be classified as such a democratic deficit. This decision does not only limit participation by American citizens,

¹⁰ Steven Kamin, and Laurie Pounder DeMarco, "How did a domestic housing slump turn into a global financial crisis?" *Journal of International Money and Finance* 31, (2012): 11.

¹¹ Hardy Loh Rahim et al., "Globalization and its Effect on World Poverty and Inequality." *Global Journal of Management and Business* 1, no. 2 (2014): 9.

¹² Andrea Maneschi, "Globalization and Climate Change," in *Global Phenomena and Social Sciences: An Interdisciplinary and Comparative Approach*, eds. Jean-Sylvestre Bergé, Sophia Harnay, Ulrike Mayrhofer, and Lionel Obadia (Switzerland: Springer International Publishing, 2018): 54.

but also reduces the capacity of other states to succeed in obtaining their objectives stated by the agreement.¹³

However, nowadays, in many cases the issue is not that a global problem or opportunity is overlooked collectively. Rather, the second type of democratic deficit entails that institutions that are in place to deal with global matters are themselves undemocratic because they do not allow enough input and participation, and lack accountability. For example, the EU has often been accused of this vice. One possible charge is that the only directly elected body within the EU, the European Parliament, is unable to determine European legislation as only the European Commission is allowed to initiate legislation.¹⁴ Another institution that faces criticism regularly is the WTO. They are not bound to consider the opinion of peoples and consumers. For instance, the European Communities (EC), a trade organization, suffers trade sanctions set by the WTO because they refuse to lift a ban on hormone-treated meat. It would likely be against the public will of European consumers to eat this type of meat, hence the EC has opted to accept the sanctions instead.¹⁵

3.3 Global Democratic Deficit and Global Injustice

The global democratic deficit can be considered a global injustice, because it does not take into account the opinions and concerns of people, which in turn breaches human autonomy. This one injustice that philosophers such as Thomas Pogge and Charles Beitz might aspire to combat by implementing democracy at the global level.

However, one might counter that citizens have not fully lost their representation as supranational agencies are constituted by voluntary member-states. Indirectly, citizens of democratic states have maintained their representation, and thus their autonomy, even as modern globalization has generated new opportunities and issues, and, to some extent, moved regional topics to a global scope.¹⁶

According to Gould this type of democracy does not exist. Firstly, citizens do not often have the possibility to reflect on whether they would want to be part of a specific

¹³ Benjamin Sanderson, and Reto Knutti, "Delays in US mitigation could rule out Paris targets," *Nature Climate Change* 7, (2017): 92.

¹⁴ "Legislative Powers," Powers and procedures, European Parliament, accessed May 29, 2020, <https://www.europarl.europa.eu/about-parliament/en/powers-and-procedures/legislative-powers>

¹⁵ Sarah Joseph, *Blame it on the WTO?: A Human Rights Critique* (Oxford: Oxford University Press, 2011), 58.

¹⁶ Gould, *Globalizing Democracy and Human Rights*, 163.

supranational organisation. Secondly, citizens are generally not privy to, or educated enough to understand, the matters where such organisations decide on. And thirdly, supranational organisations do not usually give full representation to all states who are affected, as is the case in the United Nations with the general assembly being less important than the G7.¹⁷

Thus, Gould and various other scholars have concluded that globalization has led to a currently present global democratic deficit.

3.4 Global Democracy – A Rawlsian Perspective as an Answer?

In light of this ongoing discussion I will, based on the arguments presented so far, agree that modern globalization has indeed led to a democratic deficit. To succinctly summarise, proponents of a global implementation of Rawls's democratic theory have a just cause. Perhaps there are more just causes, or perhaps this just cause will not stand indefinitely. Yet, for now, it is reasonable to assume there is a just cause based on a democratic deficit which is reason enough to continue this research.

However, providing a just cause does not immediately make a solution morally acceptable, the answer itself should be morally justifiable as well. In order to start the investigation of whether the condition of justifiable global implementation of Rawlsian democracy can be met, it must first be clarified what Rawls's theory entails. Then, it is necessary to analyse what prerequisites are imperative for a global Rawlsian democracy in order to fully understand what is needed for a just global implementation.

¹⁷ Gould, *Globalizing Democracy and Human Rights*, 163-164.

4. Rawls and Justice as Fairness

4.1 Rawls's Democratic Theory as a Starting Point

It is imperative to get a better understanding of Rawls's theory of democracy for the remainder of this analysis, but first this section will provide some clarification as to why Rawls's theory has been chosen over other democratic theories. The primary reason is that John Rawls's democratic theory has been considered the "most important work in political philosophy and perhaps even in moral philosophy since the end of World War II, and many think the most important work in political philosophy since the writings of John Stuart Mill."¹⁸

Freeman explains Rawls's significance as a result of his counteraction against the school of utilitarianism, started by Mill, that dominated the field of political philosophy. Utilitarians have aspired to find a method that would maximize total utility for a society.¹⁹ As Rawls explained "the striking feature of the utilitarian view of justice is that it does not matter how this sum of satisfactions is distributed among individuals."²⁰ According to utilitarianism, a society could be justified in actively harming some individuals if this would lead to a higher overall satisfaction for the entire society. In other words, utilitarianism could lead to a tyranny of the majority and complete disregard of human rights.²¹

Rawls on the other hand tried to derive justice principles for a society based on social contract theory with a heavy emphasis on individual rights, almost Kantian in nature.²² He believed that it is not merely the total utility, or satisfaction, that should be considered in order to determine whether a society is acting justly, but also how this utility is distributed. Furthermore, there should be basic rights for individuals that cannot be breached, even if it would mean larger overall satisfaction.

¹⁸ Burton Dreben, "On Rawls and Political Liberalism," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2002), 316.

¹⁹ Samuel Freeman, "Introduction: John Rawls – An Overview," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2002), 1.

²⁰ John Rawls, *A Theory of Justice* (Harvard: Harvard University Press, 1971), 26.

²¹ Rawls, *A Theory of Justice*, 26.

²² Freeman, "Introduction: John Rawls – An Overview," 1.

This different approach has gained increasing influence across the world and has, at the same time, led to many arguments against his interpretation. According to Freeman Rawls's primary work, *A Theory of Justice*, had been translated into twenty-seven languages in 2002 and only ten years after its initial publication more than 2500 articles were written on Rawls's ideas.²³ Thus, because of Rawls's attention to distribution and basic human rights, this thesis has chosen to analyse whether this leading argument can be suitably extended to the global level.

4.2 Justice as Fairness

Rawls starts his argument by stating that the first virtue of institutions is justice. If laws and social institutions are very efficient, but are unjust then they must be reformed or abolished.²⁴ In democracies, a variety of comprehensive doctrines are present and this diversity is tolerated. Each reasonable citizen has their own view about what is right and wrong, their own comprehensive doctrine that can reasonably guide one to lead a good life. Nevertheless, for social cooperation between society's members one conception of justice needs to be created.²⁵ It would be unfair to impose one comprehensive doctrine on everyone in society, as there are multiple reasonable ways to lead a good life. Justice as fairness sketches an answer to this problem that does not just allow the majority to rule, but rather it provides a solution that caters to everyone's needs regardless of their respective positions in society.

Rawls states that a democratic society needs a just basic structure for society which encompasses "society's main political, social, and economic institutions, and how they fit together into one unified system of social cooperation."²⁶ To create a just basic structure, society first needs to create a political conception of justice.²⁷ A political conception, because it must allow for a diversity of comprehensive doctrines and a plurality of conflicting, and indeed incommensurable, conceptions of the good affirmed by the members of existing democracies. This conception must be freestanding from specific comprehensive doctrines and should be a result of a society's overlapping consensus. In

²³ Freeman, "Introduction," 1.

²⁴ John Rawls, *A Theory of Justice*, 3.

²⁵ Rawls, *A Theory of Justice*, 4.

²⁶ John Rawls, "Justice as Fairness: Political not Metaphysical," *Philosophy & Public Affairs* 14, no. 3 (1985): 224-225.

²⁷ Rawls, *A Theory of Justice*, 7.

a democracy it is unacceptable to prescribe one encompassing moral conception for everyone. Hence, there needs to be a moral conception for the political that allows for diversity which Rawls has defined as justice as fairness.²⁸

“Justice as fairness starts from the idea that society is to be conceived as a fair system of cooperation and so it adopts the conception of the person to go with this idea.”²⁹ People want to, and are able to cooperate.

All people in a society, the citizens, are understood to be free and equal. They are free because of their two moral powers, and the powers of reason, thought and judgement connected with those powers. The two moral powers are the capacity for a sense of justice and the capacity for a conception of the good.³⁰

The capacity for a sense of justice is the capacity to understand, to apply and to act from the political conception of justice which characterizes the fair terms of social cooperation. This has also been referred to as the capacity to be reasonable. The capacity for a conception of the good is the capacity to form, to revise and rationally to pursue a conception of one’s rational advantage or good, to understand what is valuable in human life and to acquire more of it. This has also been referred to as the capacity to be rational.³¹

In short, free people are reasonable and rational or, in other words, have the two moral powers. People are furthermore equal since all people in society are fully cooperating in society and have the same two moral powers. Of course these people do not have to be directly involved in the political process at all times, they may be represented by other parties at times.

Now that it is clear who are concerned with creating justice, and that what they seek to create is a political conception of justice, it is necessary to understand how a political conception of justice can be legitimized. Rawls states that, drawing on social contract theory, “the fair terms of social cooperation are conceived as agreed to by those engaged in it, that is, by free and equal persons as citizens who are born into the society in which

²⁸ Rawls, *A Theory of Justice*, 11.

²⁹ Rawls, “Justice as Fairness,” 233.

³⁰ Rawls, “Justice as Fairness,” 233.

³¹ Rawls, “Justice as Fairness,” 233.

they lead their lives.”³² However, their agreement must be entered into under appropriate conditions, as any other valid agreement.³³

According to Rawls it must be ensured that there are no differences in bargaining power as a result of social, historical and natural tendencies.³⁴ To eliminate these differences Rawls proposes to make use of a hypothetical original position, in which the parties have no knowledge of their own social position.³⁵ They do this by making use of the thought-experimental veil of ignorance.³⁶

Behind this veil the participating parties firstly do not know their own personal position in society. They do not know their fortune, appearance, intelligence, strength etc. Furthermore, they do not know the particular circumstances of their society. “That is, they do not know its economic or political situation, or the level of civilization and culture it has been able to achieve.”³⁷ In other words, any characteristic that is arbitrary from a moral point of view because one was born in a certain situation that they have not specifically earned, must be forgotten behind the veil of ignorance.

The parties of course must retain some knowledge to create a basic structure. Firstly, they know general facts, scientific conclusions that are uncontroversial.³⁸ They furthermore understand that they live in a world where primary sources are moderately scarce. There is enough to go around, yet there is not enough so all can gain all they wish.³⁹ Finally, they know that people have different conceptions of the good. Simultaneously they understand that all wish to acquire more primary goods for themselves.⁴⁰

In essence, there are five primary goods. Citizens want basic rights and liberties, freedom of movement and free choice among a wide range of occupations, access to powers of offices and positions of responsibility, more income and wealth, and finally the social bases of self-respect for a valuable life.⁴¹

³² Rawls, “Justice as Fairness,” 235.

³³ Rawls, “Justice as Fairness,” 235.

³⁴ Rawls, “Justice as Fairness,” 236.

³⁵ Rawls, *A Theory of Justice*, 12.

³⁶ Rawls, “Justice as Fairness,” 235-236.

³⁷ Rawls, *A Theory of Justice*, 137.

³⁸ Rawls, *A Theory of Justice*, 137-138.

³⁹ Rawls, *A Theory of Justice*, 128.

⁴⁰ Rawls, *A Theory of Justice*, 142.

⁴¹ John Rawls, *Justice as Fairness: A Restatement* (Harvard: Harvard University Press, 2001), 58-59.

Important to know is that members of society do not particularly care about how much others acquire, they are incapable of envy.⁴² In short, behind the veil of ignorance citizens are what Rawls calls reasonable, rational and mutually disinterested.⁴³

With this knowledge the parties try to create a legitimate system in which they would feel justice was achieved no matter their position in life, and will according to Rawls arrive at the following two principles:

- I. Each person has an equal right to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with a similar scheme for all.
- II. Social and economic inequalities are to satisfy two conditions:
 - a) first, they must be attached to offices and positions open to all under conditions of fair equality of opportunity;
 - b) and second, they must be to the greatest benefit of the least advantaged members of society.⁴⁴

First of all, the primary good of basic rights and liberties is secured for all. Secondly, if there are social and economic inequalities, any individual regardless of their position can climb the ladder because of equality of opportunity. Finally, the basic structure will ensure that if they have social and economic inequalities, it will be to the greatest benefit of the least advantaged in society. This would help lesser advantaged citizens to gain more primary goods relatively faster. This final condition to the second principle is known as the difference principle.⁴⁵ These principles will be chosen, not because the parties are risk averse, but rather because it promotes better social cooperation. The difference principle promotes mutual trust, and economic reciprocity that further helps social cooperation which is beneficial for all citizens.⁴⁶

4.3 Synopsis: Prerequisites for Democracy

Justice as fairness aims to find a political conception of justice that works for a liberal democratic society with a plurality of comprehensive doctrines. It does so by assuming

⁴² Rawls, *A Theory of Justice*, 143-144.

⁴³ Rawls, *A Theory of Justice*, 13.

⁴⁴ Rawls, "Justice as Fairness," 227.

⁴⁵ Rawls, *A Theory of Justice*, 124.

⁴⁶ Rawls, *Justice as Fairness*, 95-96.

that all citizens are free and equal, reasonable and rational, and active in society. Because of these characteristics, citizens need to all reasonably agree with a political conception of justice, that can be derived via social contract theory.

Before the representatives of the citizens can start bargaining for a social contract, they need to be placed in the original position to account for all bargaining power that is achieved from morally arbitrary characteristics, such as income, gender or generation. They are still able to come to an agreement, because they still have access to general facts, reasonableness, rationality, and the knowledge that all people want to acquire more primary goods. Ultimately, they will decide on the two principles discussed, because they further promote social cooperation, which is beneficial for all.

If this theory is then to be implemented at the global level, several prerequisites need to be translated for global usage. Firstly, it needs to be established if social cooperation is preferable at the global level. Secondly, if cooperation is preferable, at least to some extent, it needs to be assessed if there are any insurmountable differences between a domestic and global context. Thirdly, it is important to realize who the citizens are at the global level and whether they have the same capacity to be free and equal, reasonable and rational, and to be socially active. Finally, it is necessary to analyse whether states may have special rights which could mean that a global democratic interpretation may be immoral.

These four prerequisites thus need to be met in order to satisfy the requirement of justifiable global implementation.

5. Critics of Global Democracy

As stated in the introduction this section will not look at general arguments against Rawls's justice as fairness, rather it will provide an analysis of the arguments against a translation of justice as fairness to the global level. Firstly, Rawls's objection against global Rawlsian democracy will be analysed, and then Miller's concept of bounded citizenship will be interpreted and evaluated in order to assess why the implementation of justice as fairness at the global level could turn out to be not justifiable as a solution to the problem of a global democratic deficit.

5.1 Rawls's Objections: The Law of Peoples

In *The Law of Peoples* Rawls notably protests the extension of justice as fairness to the global level.⁴⁷ Rawls's position greatly disappointed and stunned many global egalitarians firstly because Rawls iterated that not individuals, but peoples should be represented on the global level. Moreover, the principles Rawls believed would be appropriate for the global level bore little resemblance to the principles derived in justice as fairness.⁴⁸ Instead they seemed "familiar and largely traditional principles ... from the history and usages of international law and practice."⁴⁹

Rawls believes several principles will be established via a global original position in which peoples are represented as opposed to individuals which he refers to as the law of peoples.⁵⁰ However, there is no principle that would require redistribution of resources or wealth aside from aiding peoples that live under "unfavourable conditions that prevent their having a just or decent political and social regime."⁵¹ As soon as conditions exist that can allow a decent political and social regime, aid should be stopped since "the causes of the wealth of a people and the forms it takes lie in their political culture and in the religious, philosophical, and moral traditions."⁵² He clarifies this by presenting a situation in which two societies were initially equally well-off. One of the countries decides to

⁴⁷ Tan, *What is This Thing Called Global Justice?*, 41.

⁴⁸ Leif Wenar, "Why Rawls is not a Cosmopolitan Egalitarian," in *Rawls's Law of Peoples: A Realistic Utopia?*, eds. Rex Martin and David A. Reidy (United States: Wiley-Blackwell, 2006): 97.

⁴⁹ John Rawls, *The Laws of Peoples: with The Idea of Public Reason revisited* (Cambridge, Mass.: Harvard University Press, 1999), 57.

⁵⁰ John Rawls, "The Law of Peoples," *Critical Inquiry* 20, no. 1 (1993): 46.

⁵¹ Rawls, *The Law of Peoples*, 37.

⁵² Rawls quoted in Brock, *Global Justice*, 24.

industrialize and save, whereas the other society prefers a more leisurely-based economy. It would not be fair to force the first society to redistribute resources with the second society after several decades.⁵³

Rawls's argument assumes that peoples succeed based solely on their own self-determination. This could be true only if firstly the initial distribution had been fair, and secondly if no other external factors have influenced a society's political, economic and social success significantly afterwards. In chapter 3, it has been demonstrated that at least in recent years modern globalization has been an influential external factor, so already this assumption seems to be flawed.⁵⁴

Wenar offers a slightly more sturdy defence than Rawls himself why Rawls would consider justice as fairness to be unsuitable for the global level. His first argument is that Rawls strived to determine how global coercion can be legitimized, not justified. Where legitimacy in a domestic society could be found by looking at the basic structure, Wenar states that the existing global basic structure must be considered for legitimizing current global coercion.⁵⁵ Furthermore, the number of comprehensive doctrines would be even greater globally than domestically.⁵⁶ This entails that instead of looking at individual people, Rawls would consider peoples for practical reasons.⁵⁷

Subsequently, Wenar argues that Rawls believed peoples have different interests than individuals. Peoples in the law of peoples do not want more wealth, because they have no vision of the good life. Instead, they have interests only in maintaining territorial integrity and securing the safety of society and self-respect as a people. This would mean that although peoples recognize each other to be free and equal, the principles presented in justice as fairness would not be created.⁵⁸

If Rawls has indeed been arguing for global legitimacy as opposed to global justice, it may make more sense why he has preferred a theory of peoples due to practical considerations. Yet, this would not mean that a possible theory of global justice would make the same choices. Rather, individuals could still be chosen as the only right starting point for a global theory of justice. If, however, peoples were still preferred, it is rather

⁵³ Rawls, *The Law of Peoples*, 117.

⁵⁴ Gillian Brock, *Global Justice: A Cosmopolitan Account* (Oxford: Oxford University Press, 2009), 25-26.

⁵⁵ Wenar, "Why Rawls is not a Cosmopolitan Egalitarian," 102.

⁵⁶ Rawls, *The Law of Peoples*, 18.

⁵⁷ Wenar, "Why Rawls is not a Cosmopolitan Egalitarian," 102.

⁵⁸ Wenar, "Why Rawls is not a Cosmopolitan Egalitarian," 105.

doubtful whether peoples as a concept only care about the safety of society and self-respect as a people, and not for example about wealth which would mean that even then justice as fairness should be acceptable.

Hence, both the legitimacy argument and Rawls's own defence have not clarified why justice as fairness may be inappropriate. However, Tan clarifies that if one was to look at the indirect reasons for egalitarianism Rawls has more arguments to justify the discrepancy between his two theories.⁵⁹

The first indirect reason why economic equality is considered important in the domestic context is that there should be some methods in place that prevent poverty. This has been mitigated by the global duty of assistance, and therefore the global level does not require egalitarianism. The underlying assumption according to Tan is that within a domestic context, because of a heavily intertwined market, "unmitigated inequality can result in the impoverishment of some."⁶⁰ Tan doubts that domestic markets are more entwined than the global market, and as has been argued in chapter 3 I must agree.⁶¹

Another indirect reason why egalitarianism should not be implemented globally, has to do with the fact that global inequality does not corrode the basis of self-respect of citizens as opposed to domestic inequality.⁶² This assertion is doubtful. Firstly one might claim that globalization has led to inequality within countries because of technology and to some extent international trade.⁶³ This would entail that even if global inequality does not corrode self-respect, inequality within countries has risen as a result of modern globalization. However, Rawls would then counter that the basic structure should redistribute wealth to mitigate this effect within countries. Therefore, it is important to also realize that global inequality might directly lead to a corrosion of the basis of self-respect. Tan states that perhaps that "telecommunication, the internet, the global reach of the arts and culture etc. make it more likely that inter-state or cross-border comparisons will matter more and more to persons."⁶⁴

⁵⁹ Tan, *What is This Thing Called Global Justice?*, 42.

⁶⁰ Tan, *What is This Thing Called Global Justice?*, 42.

⁶¹ Tan, *What is This Thing Called Global Justice?*, 43.

⁶² Tan, *What is This Thing Called Global Justice?*, 43.

⁶³ Florence Jaumotte, Subir Lall and Chris Papageorgiou, *Rising Income Inequality : Technology, or Trade and Financial Globalization?* (Washington D.C.: International Monetary Fund, 2008): 4-5.

⁶⁴ Tan, *What is This Thing Called Global Justice?*, 43.

Rawls's third indirect reason for egalitarianism in the domestic sphere is that too much inequality can lead to unfair political processes, as rich individuals have more power to buy themselves positions.⁶⁵ One can argue that this is already occurring at the global level as well. To illustrate, the number of votes of a country in the International Monetary Fund depends on their contribution to the organization.⁶⁶

Finally, Rawls seems to imply that reciprocity between citizens within a society is inherently different from reciprocity between individuals globally. Rawls unfortunately does not elaborate on his reasons why he holds this to be true.⁶⁷ This argument has been taken up by Miller and will be discussed in more detail next to properly evaluate this claim.

5.2 Miller and the Idea of Bounded Citizenship

Miller regards citizenship to be feasible only when it is bound to national political, or even smaller, communities.⁶⁸ Cosmopolitans, in his opinion, are excessively optimistic about the possibility of supranational citizenship. Moreover, Miller is convinced that there is more potential for domestic citizenship than many cosmopolitans acknowledge.⁶⁹ Thus, he would conclude, like Rawls has tried to previously, that justice as fairness would not be suitable for the global level due to the inadequacy of global citizenship. This section will clarify the central argument, and will subsequently assess whether Miller is correct in completely dismissing the notion of a global conception of Rawls's democratic theory.

Citizenship, as it is commonly understood according to Miller, is highly demanding as it requires both sufficient motivation and responsibility from individuals. Responsibility within citizens can, however, only occur when they perceive others within the community to be similarly responsible, which entails many do not seek selfish gain. In other words, the concept of reciprocity is crucial for well-functioning citizenship.⁷⁰ The first thing

⁶⁵ Tan, *What is This Thing Called Global Justice?*, 43.

⁶⁶ "IMF Members' Quotas and Voting Power, and IMF Board of Governors," International Monetary Fund, last updated April 25, 2020, <https://www.imf.org/external/np/sec/memdir/members.aspx>

⁶⁷ Tan, *What is This Thing Called Global Justice?*, 44.

⁶⁸ David Miller, *Citizenship and National Identity* (Cambridge: Polity Press, 2000), 81.

⁶⁹ Helder de Schutter and Ronald Tinnevelt. "Global justice as justice for a world of largely independent nations? From dualism to a multi-level ethical position." *Critical Review of International Social and Political Philosophy* 11, no. 4 (2008): 522.

⁷⁰ Miller, *Citizenship and National Identity*, 83-85.

cosmopolitans thus tend to neglect is the limited scope of reciprocity as an empirical condition of genuine citizenship.⁷¹ After all, reciprocity is linked to trust developed as a result of repeated relatively positive interaction between people which has so far only developed in bounded citizenship, no mutual trust is present at the global level.⁷²

The second problem that emerges from extending citizenship to a global context is the issue of defining the relevant constituency if an issue appears that needs supranational addressing. Several cosmopolitans have stated that all who are affected should be allowed to partake, yet this requires some prior agreement on when certain parties can legitimately make a claim of being affected. Furthermore, if a constituency could be determined, this would likely be different each time due to different issues being discussed. Miller asserts that this means that the parties present in the first round would have no reason to believe they would encounter the others again, and hence will not demonstrate reciprocity.⁷³

The final problem with global citizenship, as cosmopolitans envision it to be, is that, according to Miller, the strong form of cosmopolitanism, and hence global citizenship, “only makes sense in combination with a political demand for global government.”⁷⁴ Miller does not refer to a world government in its most literal sense, but even if it were to take a more modest form such as a system of international law it would be exceedingly difficult to find a single authority that could democratically lead different societies with their various cultural differences that does not nullify them.⁷⁵

Next to explaining why global citizenship should not be seriously considered, Miller asserts that nationalism, and hence domestic citizenship, has moral merit on its own. Firstly, nationality is essential to one’s identity, their vision of the self. Furthermore, as stated before, individuals have special ethical obligations towards fellow-nationals. And lastly, “people who form a national community in a particular territory have a good claim to political self-determination; there ought to be put in place an institutional structure that enables them to decide collectively matters that concern primarily their

⁷¹ David Miller, *On Nationality* (New York: Oxford University Press, 1995), 96-98.

⁷² Miller, *Citizenship and National Identity*, 88, 95.

⁷³ Miller, *Citizenship and National Identity*, 94-95.

⁷⁴ David Miller, “Cosmopolitanism: a critique.” *Critical Review of International Social and Political Philosophy* 5, no. 3 (2002): 84.

⁷⁵ David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 26.

own community.”⁷⁶ This reasoning seems to imply that cosmopolitans are dismissive of nationalism as virtue to some.⁷⁷

Let us now turn towards an assessment of Miller’s argumentation. First of all, Miller ought to be commended for being able to explain why he believes citizenship is inherently bound to a national political community, and why this has its own merits. He has forced cosmopolitans to carefully consider the implementation of any type of global democracy by showing that a translation may not be justifiable even if a just cause is present because global citizenship would not work effectively. However, there are also some criticisms that may be found.

Essentially, Miller has claimed that there are several prerequisites ignored by cosmopolitans that form genuine citizenship and subsequently morally acceptable democracy, which Miller considers to be deliberative democracy. De Schutter and Tinnevelt argue that it is false to presuppose that his perception of citizenship “appropriate as a guideline for *all* levels of political decision-making.” Global citizenship will not necessarily replace national citizenship, but rather it will supplement it. This fact, combined with the realization that global institutions will likely have limited power next to national communities, would mean that a less demanding base of legitimacy, and hence citizenship, would suffice.⁷⁸

The first part of the second problem that Miller identifies, defining the relevant constituency, is in my opinion more practical than normative in nature. Indeed, it is necessary to identify accurately which parties are part of the constituency. However, as Beitz has noted, the goal of political philosophy is to identify an aim for society to strive for. Furthermore, it is impossible in the real world to have perfect information which entails that the perfect constituency will never be found. Yet, even if the second-best or third-best formation is assembled, it is still better than doing nothing.⁷⁹

With regards to the second part of the second problem, claiming the impossibility of true reciprocity, I believe reciprocity may become more present globally as more issues

⁷⁶ Miller, *Citizenship and National Identity*, 27.

⁷⁷ De Schutter, and Tinnevelt “Global justice as justice for a world of largely independent nations?” 522.

⁷⁸ De Schutter, and Tinnevelt “Global justice as justice for a world of largely independent nations?” 524-525.

⁷⁹ Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1979), 170-173.

also need more continued global responses. Miller would be right if parties would never encounter one another again, yet issues like climate change require continued cooperation which could eventually lead to naturally formed reciprocity. Furthermore, as globalization is taking place, it is highly likely that representatives would encounter one another more often on different topics.

De Schutter and Tinnevelt argue that for some cultural identities, some form of supranational leading such as the European Union has had positive effects in doing justice to their cultural identities.⁸⁰ I believe that this may be true in some cases, but also false in others. A more powerful answer to Miller's inquiry is inherent in Rawls's justice as fairness, namely that one ought to find a political conception of justice to preserve plurality of comprehensive doctrines, or in this case cultural identities.

Finally, I must contend that Miller is correct in stating that national citizenship has its virtues. For national problems, a national response created by deliberative democracy is highly likely to be the correct response. This, however, does not exclude global citizenship from being a good response for global issues. States do indeed have a right to political self-determination as long as they adhere to basic human rights and do not affect other peoples. Tan interestingly notes that Miller should even be enthusiastic about cosmopolitanism, as a global basic structure could restore more political autonomy than is present now due to globalization.⁸¹

5.3 Convincing Criticisms?

This chapter has considered two notable criticisms of a global application of justice as fairness. Rawls himself has not been able to convincingly explain why justice as fairness should not be extended for a global theory of justice and instead the law of peoples should be preferred. Yet, Wenar requests more consideration because Rawls was not aspiring to create a theory of justice within a global context, rather he was attempting to legitimize global coercion and needed to concern himself with practical matters to apply to the current world. This assertion would entail that if Rawls was merely talking about legitimacy, a theory of justice may disregard his assumptions about peoples being the locus instead of individuals, and about peoples having no material interests. Tan shows a

⁸⁰ De Schutter, and Tinnevelt "Global justice as justice for a world of largely independent nations?" 528.

⁸¹ Kok-Chor Tan, "National responsibility, reparations and distributive justice," *Critical Review of International Social and Political Philosophy* 11, no. 4 (2008): 449.

more interesting approach in which he clarifies that Rawls thought justice as fairness was only approved in a domestic setting because of indirect reasons. At the same time, Tan demonstrates that there is good reason to believe many of these indirect reasons may have appeared in recent years.

Miller takes up the task to explain why genuine citizenship is not possible in a global context, and hence why justice as fairness would not be suitable. Most of his argument is built on the conception that reciprocity is not present globally, and hence global democracy could not function properly. Miller may have a too demanding view of global democracy, and there may further be reason that reciprocity may occur more often as the years progress. However, Miller is correct in stating that national citizenship ought not to be overlooked and has virtues on its own. This would entail that a global democracy shaped by justice as fairness should limit itself in creating a myriad of institutions from the just basic structure and keep in mind that more local communities are relevant for a wide variety of issues.

For now, there do not seem to be any immediate reasons as to why global justice as fairness should not be accepted, as long as it is realized that a Rawlsian approach may not be justifiable to all types of issues. The next chapter will look at arguments demonstrating why it is critical to implement justice as fairness, and not merely why it may be possible.

6. Proponents of Global Democracy

6.1 Cosmopolitanism

Proponents of global implementation of justice as fairness are part of a philosophical school called cosmopolitanism. “The root idea of cosmopolitanism is the idea that each individual is a citizen of the world, and owes allegiance, as Martha Nussbaum has put it, ‘to the worldwide community of human beings.’”⁸² In other words, all persons in the world are entitled to equal respect. Yet, this notion seems to be so rudimentary that almost anyone could be classified to be cosmopolitan.⁸³ The ambiguity of this definition can be explained by the fact that cosmopolitanism has been applied to many different dimensions.⁸⁴

The concept becomes clearer if it is placed in the specific debate of this thesis: whether Rawlsian democracy or justice should be implemented globally. Scheffler explained that “for the cosmopolitan about justice, the idea of world citizenship means that the norms of justice must ultimately be seen as governing the relations of all human beings to each other, and not merely as applying within individual societies or bounded groups of other kinds.”⁸⁵ Since all human beings are capable of being rational and reasonable, regardless of culture or society, justice should not be limited by such boundaries. Ultimately, the main concern is to protect human rights of all individuals. Sometimes, this may be best done within states, and sometimes it may not. The point is that cosmopolitans do not believe that the sovereign state is a right on its own. States would only be relevant if human rights of all individuals are best served by the concept.⁸⁶

As will be discussed in this chapter both Pogge and Beitz argue that if we take Rawls’s justice as fairness to be the right for a local context, it should be extended globally beyond the borders of nation-states. Furthermore, it would be preferable that a global Rawlsian contract would be formed between individuals rather than states or peoples.

⁸² Martha Nussbaum quoted in Samuel Scheffler, “Conceptions of Cosmopolitanism,” *Utilitas* 11, no. 3 (1999): 258.

⁸³ Tan, *What is This Thing Called Global Justice?*, 57.

⁸⁴ Zlatko Skrbis, and Ian Woodward, *Cosmopolitanism: Uses of the Idea* (London: SAGE Publications Ltd, 2013), 2.

⁸⁵ Scheffler, “Conceptions of Cosmopolitanism,” 258.

⁸⁶ Tan, *What is This Thing Called Global Justice?*, 76.

6.2 Pogge: Realizing Rawls

Thomas Pogge has argued extensively that the world, in particular rich western countries, are actively harming the poor by condoning and continuing the usage of the current global institutional system which severely disadvantages the poor.⁸⁷ This line of argumentation has been under close scrutiny. Some claim that institutions are not as instrumental to world poverty, whereas others have difficulty with his assertion that alleviating poverty is a negative duty.⁸⁸ Although Pogge has presented a very interesting approach towards determining a moral duty to eradicate poverty, this will not be the topic of this section. Instead, this section will focus on why Pogge is convinced that Rawls's justice as fairness is appropriate for a global context and how it should be implemented to do full justice to the theory.

Pogge has identified at least two just causes that may warrant global democracy. Firstly, as has been described, Pogge believes the current global institutions are actively harming the poor, and Rawls's conception of democracy may create a just alternative instead.⁸⁹ Secondly, he has argued that the current modus vivendi in international relations will not lead to long-lasting peace, and should therefore be replaced. The participants in a modus vivendi are primarily motivated by their own interests and come to an agreement because some international cooperation is beneficial. This could prevent an all-out war because states can enter an agreement even if they do not trust one another, yet in order to ensure this the agreement needs to be constantly adjusted. This constant shifting of an international basic structure and the lack of values present in the agreements ensure that no permanent peace-facilitating basic structure can be presented. Hence, Rawls's justice as fairness would remedy this issue as well.⁹⁰

In order to determine whether these just causes are reason enough to start thinking of global democracy as a solution requires more empirical research which will not be provided in this thesis. At least in the case of poverty, the investigation of underlying factors is still going on which means that the answers are still speculative.⁹¹ In

⁸⁷ Thomas Pogge, "Priorities of Global Justice," *Metaphilosophy* 32, no. 1/2 (2001): 22.

⁸⁸ Alison Jagger, "Introduction," in *Thomas Pogge and His Critics*, ed. Alison M. Jagger (Cambridge: Polity Press, 2010), 7-9.

⁸⁹ Pogge, "Priorities of Global Justice," 6.

⁹⁰ Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989), 218-220.

⁹¹ Joshua Cohen, "Philosophy, Social Science, Global Poverty," in *Thomas Pogge and His Critics*, ed. Alison M. Jagger (Cambridge: Polity Press, 2010): 18-19.

the third chapter, the democratic deficit had already been mentioned as a just cause that would warrant a solution. If world poverty and the modus vivendi can present more reasons to consider a rethinking of the global political stage, this would strengthen my argument further and would be interesting for prospective investigation. For now, however, it is sufficient to have one proven just cause to continue the debate on global justifiable implementation.

Pogge provides two main grounds that explain why pluralism, as explained by Rawls's democratic theory, is suitable in a global context. The first ground is realism. If the world is to embrace durable peace, the acceptance of plurality of different moral doctrines is required at least if "the more violent avenues of progress are morally excluded."⁹² It will appeal to those who are averse to war and also to those who are willing to revise their ideal global just order that will only exist on paper in a violent and unjust world. A system based on political values will ensure a system in which peoples are secure of the survival of their communities' values.⁹³

Secondly, pluralism is robustly plausible. Pluralism would accommodate those who realize they cannot establish superiority of their views and those who doubt a definite truth regarding society's organization can ever be found. It works for those who believe the social world should contain a variety of national organizations and those who believe each national community should be left free to work out its own constitutions. Furthermore, it appeals to those who believe different institutional ideals may be appropriate to societies that differ in development and natural development.⁹⁴

Some may not believe that genuine cooperation between communities is realistic or that enough people would be reasonable. Rawls has argued that people in his theory should be reasonable yet plausible, yet this may never be the case. If this assertion is true, the search for a just global structure, or any structure for that matter, is futile. Assuming that people are generally reasonable, as cooperation between individuals has manifested, one is likely to agree that pluralism compared to a comprehensive doctrine is relatively more realistic and plausible.

⁹² Pogge, *Realizing Rawls*, 230.

⁹³ Pogge, *Realizing Rawls*, 231.

⁹⁴ Pogge, *Realizing Rawls*, 232.

Another criticism that Pogge may face is that pluralism is too permissive. It could condone slavery, colonialism or apartheid. Pogge answers that of course there are limitations to pluralism. The point is that reasonable people should accept that they can reasonably disagree and still cooperate in a peaceful and just manner.⁹⁵

Now that it is clear that justice as fairness as a political pluralist conception has been deemed relatively realistic and plausible, a clarification whether states or individuals should be preferred in the global original position is required. Pogge believes that representation via states is not morally acceptable.

Firstly, the definition of a people is not clear enough which would entail that representation of peoples would be flawed as well.⁹⁶ And secondly, borders are historically arbitrary and are the way they are because of violence and conflict. “How can the enormous distributional significance national borders now have [be justified] for determining the life prospects of persons born into different states?”⁹⁷ In fact, “nationality is just one further deep contingency (like genetic endowment, race, gender, and social class), one more potential basis of institutional inequalities that are inescapable and present from birth.”⁹⁸ If one is to stay true to Rawls’s justice as fairness, one must also forget nationality behind the veil of ignorance.

One argument against this position is that, for practical matters and to work with our current world, states should be preferred.⁹⁹ However, this investigation is not trying to find the most practical solution, rather a morally acceptable solution. Since a global original position with individuals is not impossible, I shall for now prefer it over a state-oriented basic structure.

The global original position should not just include individuals, it should further take place before any domestic original position takes place according to Pogge. If individuals would first apply the principles of justice of fairness domestically, they would come to regret their choices as soon as they step into a global original position. The richest society

⁹⁵ Pogge, *Realizing Rawls*, 232.

⁹⁶ Thomas Pogge, “An Egalitarian Law of Peoples,” *Philosophy & Public Affairs* 23, no. 3 (1994): 197.

⁹⁷ Pogge, “An Egalitarian Law of Peoples,” 198.

⁹⁸ Pogge, *Realizing Rawls*, 247.

⁹⁹ Wenar, “Why Rawls is not a Cosmopolitan Egalitarian,” 102.

would help their national least advantaged instead of helping the least advantaged of the least advantaged society. This would be considered unfair by the representatives behind the global veil of ignorance. Hence it would make more sense to first apply a global basic structure, and only then start thinking of the domestic basic structure behind this background.¹⁰⁰

Furthermore in a globally interdependent world the distinction between the domestic and the global level may not be as stark as is sometimes assumed. If a global original position is assumed it can then determine to what extent national communities are the primary locus of many issues according to Pogge.¹⁰¹

Among the Rawlsian cosmopolitans this primacy of a global original position and individuals as opposed to peoples has been generally accepted judging from the lack of criticisms on this specific part of his analysis. At least Pogge seems to believe this is the case as he claims that philosophers such as David Richards, Thomas Scanlon, Brian Barry, and Charles Beitz have adopted similar strategies in globalizing justice as fairness.¹⁰² The next section will consider the argument of Beitz in more detail.

6.3 Beitz's argument of International Distributive Justice

In chapter 3 I have discussed modern globalization and its impacts. I have argued that the world has become more interconnected and as a result more issues require global attention. This subsequently causes a democratic deficit, given that citizens cannot provide input on certain issues. Although I believe this analysis to be fairly accurate in terms of reality, some may still argue that modern globalization has not caused countries, or peoples, to affect each other significantly. Charles Beitz has demonstrated that even if there is no globalization, in other words that countries are more or less self-sufficient, still a global application of justice as fairness is suitable for the global level.¹⁰³

As has been discussed in the section concerning the law of peoples, one may claim that a global application of justice would not be fair between peoples if a people is fully responsible for its own development, as Rawls himself assumed. In a world full of self-

¹⁰⁰ Pogge, *Realizing Rawls*, 254.

¹⁰¹ Pogge, *Realizing Rawls*, 257-258.

¹⁰² Pogge, "An Egalitarian Law of Peoples," 197.

¹⁰³ Charles Beitz, "Justice and International Relations," *Philosophy & Public Affairs* 4, no. 4 (1975): 361.

sufficient states, Beitz claims that there would still be need for justice as fairness because of the morally arbitrary distribution of natural resources.¹⁰⁴

The two elements that prompt the material progress of people are human cooperative activity and “what Sidgwick called the utilities derived from any portion of the earth's surface;” the human and natural element.¹⁰⁵ The different peoples would know that natural resources are distributed unevenly over the earth's surface.¹⁰⁶ One may then conclude that justice as fairness could be applied to redistribute natural resources.

However, Pogge reasons that these resources would not need to be distributed according to justice as fairness because they are similar to talents. Rawls's theory allows people to use individual talents without further redistribution of profits because although they may be thought of as morally arbitrary, they are inherently tied to an individual.¹⁰⁷ They have always been one's own and may be tied to one's identity.¹⁰⁸

Beitz responds that “like talents, resource endowments are arbitrary in the sense that they are not deserved. But unlike talents, resources are not naturally attached to persons.”¹⁰⁹ Rather, natural resources belong to the ones who have first discovered them and placed a claim on the land.¹¹⁰ Likewise, the argument of identity can be rebutted. Talents are part of one's identity, they can never be detached from an individual. However, a resource, no matter how much it becomes part of one's identity, had to be appropriated first.¹¹¹

The parties in the global original position would thus recognize that resources are unevenly distributed and morally arbitrary, that resources are an important prerequisite for domestic advancement, and that resources are scarce in the real world. Ultimately, this would mean that the representatives would at least convene to redistribute natural resources no matter the extent of global interdependence.¹¹²

¹⁰⁴ Beitz, “Justice and International Relations,” 366.

¹⁰⁵ Beitz, *Political Theory and International Relations*, 137.

¹⁰⁶ Beitz, *Political Theory and International Relations*, 137.

¹⁰⁷ Pogge, *Realizing Rawls*, 251-252.

¹⁰⁸ Beitz, *Political Theory and International Relations*, 138-139.

¹⁰⁹ Beitz, *Political Theory and International Relations*, 139.

¹¹⁰ Beitz, *Political Theory and International Relations*, 139.

¹¹¹ Beitz, *Political Theory and International Relations*, 140.

¹¹² Beitz, *Political Theory and International Relations*, 141-142.

Next, Beitz argues that states in the current world are not self-sufficient, but interdependent on one another. In other words, the world is partaking in social cooperation.¹¹³ Rawls argued that because of social cooperation for mutual advantage between individuals a political conception of justice needed to be created to facilitate this process.¹¹⁴ Beitz asserts that in any system where complex social cooperation is taking place, a just basic structure needs to be in place to assist collaboration, whether this is for mutual advantage or not.¹¹⁵ Hence, in the current globalized world a global political conception for justice is paramount.¹¹⁶

In this global application of justice as fairness people should be concerned due to the moral arbitrariness of nationalities. However, if states are in a more appropriate position to carry out global whatever policies are required, we may accept that this second-best option could be chosen in a non-ideal world.¹¹⁷

Beitz then considers several counter-arguments against a global interpretation of justice as fairness that broadly fall into two categories: contrasts between the domestic and the international, and the rights of states.

A first difference between the domestic and the global context is that there are too many things absent globally. There are no authoritative institutions nor is there a global sense of community.¹¹⁸ Beitz responds that even if it is not here yet, it does not mean it will not exist eventually. As long as global justice as fairness is possible, the idea should be entertained. In my opinion, this global sense of communication is perhaps already starting to manifest in recent years, and the original position is used to create such authoritative institutions in the first place.

Secondly, authoritative institutions would be too oppressive and hence not desirable.¹¹⁹ As Tan and Pogge have argued this need not be the case. A global basic

¹¹³ Beitz, *Political Theory and International Relations*, 143-144.

¹¹⁴ Rawls, *A Theory of Justice*, 7.

¹¹⁵ Beitz, *Political Theory and International Relations*, 131.

¹¹⁶ Beitz, *Political Theory and International Relations*, 151-152.

¹¹⁷ Beitz, *Political Theory and International Relations*, 152-153.

¹¹⁸ Beitz, *Political Theory and International Relations*, 155-156.

¹¹⁹ Beitz, *Political Theory and International Relations*, 157.

structure could even guarantee the protection of communal values due to its pluralistic character.¹²⁰ Beitz holds a similar view to these scholars and also rejects this objection.¹²¹

Finally, some may argue that participation in the global community is voluntary. If it is voluntary then individuals or states have the option to also not participate, which is not possible in a domestic context. Beitz answers that relationships may already be considered unjust or nonvoluntary if one party has relatively more bargaining power, and this is definitely present in the current world.¹²²

One often entertained argument considering the aforementioned category of the rights of states is that the nation remains the primary locus of one's identity, and that therefore people may contribute more to their nation.¹²³ According to Beitz this is not an objection at all, differential rates are acceptable as long as distributive inequalities that arise are to the greatest benefit of the least advantaged.¹²⁴

A second argument is that the initial distribution was in fact just, and therefore nations are in their rights to use their resources as they see fit. Beitz has already proven that this cannot be true due to the morally arbitrary character of natural resources.¹²⁵ Furthermore, due to complex social cooperation some sort of regulations need to be considered to facilitate cooperation.

Finally, and what Beitz believes to be the most plausible, is that a state may retain more than its share because the state has a primary duty towards its citizens, or citizens to citizens from the same nationality.¹²⁶ As explained in the chapter 5 Miller believes this to be true due to the concept of reciprocity.¹²⁷ However, feeling more connection to someone who has the same nationality because of psychological factors does not create extra moral duties and rights even if they are widely felt. Some may then argue that national duties are stronger than human duties because there is only a limited number

¹²⁰ Tan, "National responsibility, reparations and distributive justice," 449. Pogge, *Realizing Rawls*, 232.

¹²¹ Beitz, *Political Theory and International Relations*, 157.

¹²² Beitz, *Political Theory and International Relations*, 160-161.

¹²³ David Miller, "Defending Political Autonomy: A Discussion of Charles Beitz," *Review of International Studies* 31, no. 2 (2005): 387.

¹²⁴ Beitz, *Political Theory and International Relations*, 161-162.

¹²⁵ Beitz, *Political Theory and International Relations*, 162-163.

¹²⁶ Beitz, *Political Theory and International Relations*, 163.

¹²⁷ Miller, *On Nationality*, 96-98.

one can feel connected to. However, Beitz then replies that current national communities would also be too large to fall into this category.¹²⁸

None of the counterarguments presented here against a global application of justice as fairness paraphrased and answered by Beitz then seem to add weight to the previous arguments of Rawls and Miller in my opinion.

6.4 Convincing Claims?

In his various works Pogge has attempted to define at least two just causes. These two causes may strengthen the need for a global structure of justice, yet they both require more empirical research beyond the scope of this thesis. Pogge has reasonably succeeded in proving that a political conception accepting a plurality of values is realistic and plausible compared to one moral doctrine. He has also been convincing that the individual should be preferred to be represented in the global position due to the vagueness and arbitrariness of peoples and national boundaries. Lastly, Pogge has tried to explain that a global Rawlsian framework should only be accepted if the global original position is determined before the domestic. This final assertion seems sound to me for now, despite, or maybe because of, the absence of a philosophical debate.

During the entire thesis I presupposed, with good reasons, that globalization had led to an unjust democratic deficit. However, to test the strength of this thesis it was necessary to investigate whether there would still be a just cause for global distributive justice even if none of Pogge's and my just causes turned out to be present. Beitz proved that due to the moral arbitrariness of natural resources, there has always been a reason for a global Rawlsian democratic theory. Furthermore, he considered some more counterarguments against this global extension that had not been covered by Rawls and Miller in chapter 5. These (partially) new arguments were also unable to explain why Rawls's conception of global democracy would be unjustifiable to implement globally.

¹²⁸ Beitz, *Political Theory and International Relations*, 164-165.

7. Conclusion

Before I provide a final balance, I would like to give one small piece of advice concerning our less than ideal world that we are living in inspired by Beitz. Finally, I will draw a conclusion regarding the suitability of a global Rawlsian approach.

7.1 Non-Ideal Considerations

A philosophical debate always remains open to new interpretations, criticisms, and new responses to criticisms. However, if one wishes to eradicate injustices, action outside of an idealistic debate is required at some point. How this would work is not the task of philosophy and requires different empirical research. Yet, philosophy sets a goal that will motivate more knowledgeable professionals, and ultimately society, into action.¹²⁹

This action may not work as perfectly as has been imagined in theories. This can firstly be the case because philosophers mostly intend to solve one specific issue. Which injustice would be prioritized? Secondly, an ideal original position may not always manifest. We may have to accept states instead of individuals or the least-advantaged cannot be identified. Still, Beitz urges us not to lose hope. Helping some less-advantaged people is, at least in my opinion, already better than doing nothing at all.¹³⁰

7.2 Suitable: Just Cause and Justifiable Global Implementation?

This analysis has aspired to investigate whether Rawls's conception of democracy is suitable for the global level. In order to determine its suitability I have established that firstly there needs to be just cause for even considering a global democratic framework and secondly that Rawls's interpretation should be justifiably implemented globally. In other words there needs to be a global injustice, and a solution that may be able to solve this issue while being morally acceptable on a global level too.

I will first focus on the question whether a just cause, or a global injustice can be identified. In the third chapter I argued that modern globalization has led to global issues that cannot be answered just within states which has constituted a global democratic deficit as a

¹²⁹ Beitz, *Political Theory and International Relations*, 170.

¹³⁰ Beitz, *Political Theory and International Relations*, 171-172.

consequence. This, in my opinion demonstrates just cause enough to consider thinking about a global solution.

Interestingly, Pogge has identified at least two other possible causes. Firstly, he believes world poverty is caused and perpetuated by the current global institutions. Secondly, Pogge has aspired to demonstrate in his work that the current way of international relations, the so-called *modus vivendi*, will never lead to long-lasting peace. Both issues could be faced with a global Rawlsian democratic theory. Although these two global injustices are highly interesting and may be very valuable to the debate by strengthening the claim to a just cause, it would require more empirical research to be certain. This has been beyond the scope of this thesis as the injustice of a global democratic deficit has constituted reason enough to consider whether the implementation of a global application of Rawls's democratic conception can be justified.

However, some people may disagree because they believe the world has not been affected by globalization to a significant extent or because an ideal world would have no far-reaching cooperation between states or individuals. This would not only entail that there is no democratic deficit, but it would also render Pogge's injustices as imaginative.

Beitz has answered that even if almost no global interaction is present or desirable, Rawls's democratic conception may be a solution to the unfairness of morally arbitrary natural resources. Certain societies are less advantaged than others due to a lack of fertility or water for agriculture, or oil for industrialization. Some global cooperation to fairly redistribute this is therefore necessary.

Now that it has been established that there is a just cause, it is time to consider whether Rawls's conception of democracy can be justifiably implemented in a global context. In chapter four I posed four different considerations that needed to be analysed to determine the condition of justifiable global implementation.

Firstly, it is necessary to establish if social cooperation is preferable in a global context. The short answer is that the philosophers discussed in this thesis all seem to agree that international cooperation is desirable. Beitz and Pogge are cosmopolitans and Miller does not disagree as long as the concept of a nation is appropriately appreciated. Finally, Rawls recognized that there are many different peoples and some cooperation is necessary which is why he created the law of peoples.

Secondly, in order for a global interpretation of justice as fairness to be justifiably implemented there must not be insurmountable differences between the domestic and the global plane. Rawls has not been able to convincingly argue why there is such a significant difference according to him. Beitz has also demonstrated several other counterarguments which he consequently rebutted effectively. This would lead one to believe, at least considering the philosophers in this thesis, that there is no invincible chasm. The only argument that may come close leads directly to the following requirement.

Thirdly, who are the parties in the global original position and can they be expected to function in a similar fashion to domestic citizenship? Pogge and Beitz have argued that individuals and not peoples should be represented in this original position. Miller then argues that any implementation of global Rawlsianism is still unjustified since true citizenship is inconceivable globally because of a lack of reciprocity. However, some have argued that citizenship need not be as demanding globally. I believe that perhaps global reciprocity is slowly starting to emerge, and may be present in the future. In the end, Beitz concludes that even if we feel a special connection it does not mean that we ought to attach special moral weight to these psychological feelings, even if they are widely felt. Thus, citizenship is also not prohibiting global justices as fairness.

Finally, states may have special rights which could mean that a global democratic interpretation may be immoral. Once again Beitz has demonstrated that arguments of this nature will not hold up either.

To conclude, with the philosophers and their arguments presented here, I am compelled to believe that there is good reason to consider Rawls's conception of democracy to be reasonably suitable for the global level. This debate may still continue as new arguments are presented and evaluated in the coming years. However, a global Rawlsian framework seems more suitable than perhaps some imagined in solving at least one, and perhaps many other, global injustices.

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