

Expanding Rawls to a Global Scale

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Abstract

In an attempt to apply his Theory of Justice to international politics, John Rawls constructs a schema called *The Law of Peoples*. In it, he enumerates criteria under which a nation might be categorized as a “decent hierarchical people” deserving of non-interference from liberal societies. He also develops additional duties liberal societies have concerning other “burdened states.” These include the giving of resources and technological advice in order for that state to become “well-ordered.” Peter Singer in his book *One World* presents two objections to this global strategy. First, he points out internal inconsistencies between Rawls’s two works *Theory of Justice* and *Law of Peoples*; one supports economic redistribution while the second restricts it seemingly contradictorily. Second, he argues that “well-ordered societies” ought to have a more immediate obligation to those suffering in other societies than the mere structural aid *Law of Peoples* advocates. The purpose of this paper is to respond to Singer’s objections on behalf of the Rawlsian system and in doing so demonstrate areas for improvement.

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1. Expanding Rawls to a Global Scale

In an attempt to apply his *Theory of Justice* to international politics, John Rawls adds *The Law of Peoples*. In it, he enumerates criteria under which a non-liberal nation might be categorized as a “decent hierarchical people” or a “well-ordered” society deserving of non-interference from liberal societies. He also develops additional duties that liberal societies ought to have when interacting with “burdened states.” This “duty to assistance” includes the giving of resources and technological advice in order for those states to become “well-ordered.”

Peter Singer in his book *One World* presents two objections to this global strategy. First, he points out internal inconsistencies between Rawls’s two works *Theory of Justice* and *Law of Peoples*; the first demands that policy-makers disregard social contingencies while the second seems to solidify those contingencies’ deterministic effects on individuals. Second, he argues that “well-ordered societies” ought to have a more immediate obligation to those suffering in other countries than the mere structural aid for which *Law of Peoples* advocates.

The purpose of this paper is to respond to Singer’s objections on behalf of the Rawlsian system and in doing so demonstrate areas for future improvement.

2. Rawlsian Exposition:

In order to effectively approach Rawls’s book *The Law of Peoples*, one must first understand his earlier work *Theory of Justice* because he refers to it frequently. In *TOJ* Rawls begins by describing the ideal situation from which leaders ought to approach policy-making – what he calls the “Original Position.” In this Original Position prior to any pre-conceived societal structures (not including the family), policy-makers consequently find themselves behind what Rawls calls a “Veil of Ignorance.” Behind this Veil, we presume to not know who we are in society – rich or poor, male or female, able-bodied or handicapped, etc.

All of these properties are mere contingencies that would otherwise cloud our ability to create objective rules.¹ Due to this ignorance, we then operate under the assumption that we could find ourselves in any conceivable station of society. Consequently, Rawls asserts that as rational people we would want to make policies that are highly accommodating for *everyone* because we ourselves could theoretically (or literally) be *anyone*.

In response to various rumblings against this theory's lack of appeal to the international scale, Rawls then wrote his book *The Law of Peoples*. In it, he makes various recommendations to liberal societies as to how they ought to conduct themselves in international relations. He begins by establishing the need for liberal societies to "tolerate" non-liberal societies as long as they qualify as "decent" or "well-ordered."² Then he goes on to levy on liberal peoples the duty to assist "burdened societies" so they may be brought into the society of well-ordered peoples. Burdened societies he defines as those with unfavorable conditions, lacking "the human capital and know-how, and, often, the material and technological resources needed to be well-ordered."³ Because inherent obstacles from their geography or political structure prevent them from becoming well-ordered, Rawls reasons that it makes sense to oblige adequately-resourced well-ordered societies to help burdened societies overcome their limitations. For example, imagine a country whose population growth has exceeded their current territory's capacity. In such a place, the people's daily affairs would likely be too monopolized by fighting hunger and other survival necessities to sufficiently invest in the civil society needed to become well-ordered.

He quickly clarifies, however, that this duty has the exclusive goal of helping burdened societies become well-ordered societies. Therefore, once that goal has been achieved, the duty to assist ends. This clarification distinguishes his "duty to assistance" from a global economic redistribution system because Rawls's chief aim is not perfect economic equality among societies. After all, it is not always the case that burdened societies are poor, nor that well-ordered societies are wealthy. A country's *political culture* rather than their natural resources plays a more key role in determining its orderliness.⁴ Additionally, Rawls says that redistribution policies often lack a defined cut-off point thus plaguing them with ineffectiveness.⁵ So while the duty to assist does require liberal societies to help burdened societies become well-ordered, it does not require complete and endless redistribution.

3. Singerian Criticisms:

Unlike neo-Kantian John Rawls, Peter Singer is what we might call a cosmopolitan thinker. He believes that national borders are arbitrary, incidental delineations between people that create ample harms. Thus he concludes that *anyone* who is able to help alleviate suffering has a moral obligation to do so; geographic or political separation has no moral relevance in such cases.⁶ So while Rawls advocates a society of states, Singer from the get-go prefers a less-divided system.

In his book *One World*, Singer attacks Rawls's *Law of Peoples* head-on with four main objections. Because of length, I will present and respond to two of them. The first accuses Rawls of having unresolvable internal tension between his two primary works regarding social contingencies. The second bemoans that Rawls's obligations for liberal societies do not go far enough. Singer's poignant objections are indubitably well-reasoned. However, I find the first argument ultimately unpersuasive and the second one easily subsumed under Rawls's original schema.

3.1 First Objection: Nationality as a Social Contingency

According to Rawls's *Theory of Justice*, we ought not to make decisions based on any knowledge of our specific social situation. In other words, socially contingent factors of individuals' identities should neither advantage nor disadvantage them.⁷ Singer asserts that one's nationality ought to count as such an avoidance-worthy contingency. Surely the country borders within which one happened to be born qualify as incidental aspects of identity.

However, Singer paraphrases a passage of Rawls's *Law of Peoples* that seemingly contradicts the above value.⁸ The excerpt describes two societies, both of which are justly ordered internally. Sadly, however, their standards of living are not equal—the worst-off in the second society live in better conditions than the worst-off in the first society. Despite this inequality, though, Rawls's system would not necessitate any equalizing action. When considering whether or not to adopt a global redistribution policy, Rawls claims that the *Law of Peoples* would be indifferent when choosing between maintaining the original distribution

and preferring a redistribution that would combat the economic inequality. This is because, in his words, “the final political end of society is to become fully just and stable for the right reasons.”⁹ It is not the goal, in contrast, to guarantee a certain standard of living across the globe, let alone global equality. Singer points out that this indifference, however, means that the *Law of Peoples* is no longer living up to the Veil of Ignorance from the *Theory of Justice*. The Veil says that social contingencies should not play a determinate disadvantageous role in someone’s life. Yet this indifference from the *Law of Peoples* means that a contingency such as nationality would in this case unjustly disadvantage people. Singer declares it an internal inconsistency that the *Law of Peoples* would be “indifferent to the consequences of something as contingent as which side of a national border one happens to live.”¹⁰

3.1.1 response

This first objection critiques Rawls for being unduly indifferent. However, this objection seemingly ignores various pre-emptions that Rawls himself included in the *Law of Peoples*. For instance, in this given hypothetical scenario between two unequal societies, the first assumption is that the economic inequality between them is not contributing to any inequality in their political access or freedom; otherwise, the criterion of “rais[ing] the world’s poor until they are free and equal citizens” among the Society of Peoples would be present and Rawls’s duty of assistance would kick in.¹¹ Thus no obvious harm is occurring as a result of the inequality; one people just happens to have more wealth than the other. Rawls assumes in this scenario that both societies’ worst-off have a high enough standard of living to maintain their political institutions and participate as free and equal members.

The second assumption is that the less-well-off society is not a burdened society but a well-ordered society; if it were the former, again, Rawls’s duty of assistance would apply. Because it is the latter, that society has the capacity, according to Rawls, to make enough internal changes for itself to raise the wealth of its constituents. Rawls claims, “there is no society anywhere in the world...with resources so scarce” that it could not, through its being rationally ordered, achieve this goal.¹² And Singer never contests this claim. Furthermore, it is supported by the economic principle of “Competitive Advantage,” that every group of people has the potential to find their niche in the global market. Thus it follows that, if the less-well-off society is well-ordered, and if being well-ordered entails adequate capacity for internal economic growth, then the inequality of this situation is amendable through domestic policies even without international redistribution.

Isn’t that a preferable method of dealing with inequality – self-determination? Would not anyone from the Original Position prefer that, as long as basic needs are met within a country, its wealth status be left up to itself rather than paternalistic entanglements? In contrast with Singer’s objection, this seems perfectly compatible with Rawls’s Veil of Ignorance. While Singer claims that nationalities are somehow biasing our policy, the policy actually upholds a principle that comes from blindness to nationalities because the preference of self-determination would likely be arrived at from the Original Position. Surely even the Weakest Party would prefer internal sufficiency to paternalistic aid.

Now it might be argued that this intuition is not in fact the case. Some might genuinely prefer to receive international support if it meant the standard of living could rise. Besides, internal improvement can take a long time – why wait? While I acknowledge the upshot behind this possible preference, history seems to indicate that such strategies rarely prove sustainable. The best way to ensure long-term stability/prosperity is for change to come from within. Think of how the Soviet Union propped up Cuba financially in the 1980s; once the Soviet Union stopped providing its support, the Cuban economy suffered tremendously. While Soviet aid may have raised the Cuban standard of living for a time, it didn’t last.

Additionally, the more a country relies on external forces for financial help, the more it gives up its autonomy. Take, for example, Jamaica – one of several countries pressured to accept money from the International Monetary Fund in the 1970s. Although itself a well-ordered society, Jamaica took out loans from the IMF in exchange for adherence to stringent conditions, including the not-so-subtle annihilation of their banana industry.¹³ Not only was Jamaica then compelled to give up some of their freedom in economic policy, but it also accrued immense debt, which increased Jamaica’s continued dependence. This seems like a less-than-optimal situation for well-ordered societies, even behind the Veil.

Not only that, but it also seems like an *impossible* situation from behind the Veil, and here’s why. When Rawls gives his two principles of justice, he is very clear about their order of priority – the first must always trump the second. So even when we take Weakest Party considerations into concern, we have to make sure that doing so does not inadvertently curb liberties. As the Jamaica example above demonstrates,

global redistribution runs that risk; it gives the Weakest Party resources, but at the cost of their autonomy. Self-determination, on the other hand, preserves this fundamental aspect of Rawls' justice. So at the very least, Rawls is not inconsistent in his own works.

Furthermore, Singer's objection relies on the assumption that all societies value wealth to the same degree (hence the motivation for equality). However, Rawls properly rejects this assumption by explaining the prevalence of cultural differences. For example, some societies consciously choose to order themselves in such a way that promotes family values at the cost of economic abundance.¹⁴ This reflects their preference of quality time with loved ones over mere monetary rewards. Presumably, such societies would not be discontented with economic inequalities when compared to other societies. Thus this scenario would *not* necessarily entail redistribution just as Rawls attests.

3.2 Second objection: Not Far Enough

Secondly, Singer objects to the scope of Rawls's duties for liberal societies. As I elaborated in the first section of this paper, Rawls's main concern with international intervention is to assist burdened societies until they become well-ordered. This aid mainly manifests itself as cultural change and technological advice.¹⁵ However, Singer wants to extend a liberal society's duty. He criticizes Rawls's strategy for leaving "untouched the plight of individuals who are dying from starvation, malnutrition, or easily preventable diseases *right now*..."¹⁶ If the only aid well-ordered societies give is aimed at long term sustainability, while that may help the targeted people as a whole, in the meantime many individuals will likely perish without more immediate provisions. Thus Singer urges Rawls to give these dire needs further consideration.

3.2.1 response

Singer's second objection certainly seems from the outset more persuasive than the first. He does an excellent job at pointing out the tremendous cost of waiting to give aid. And if this were in fact entailed by Rawls's schema, I think Singer's objection would certainly win the day. However, it does not seem to come from any inherent flaw in *Law of Peoples*. In fact, it presupposes a false dichotomy. Nothing in Rawls's *Law of Peoples* precludes immediate humanitarian assistance; one might even argue that his description of burdened societies as specifically lacking in "material and technological resources" would even *imply* support along those lines when relevant. After all, if Rawls's goals are long-term sustainability, immediate humanitarianism may be necessary toward that aim anyway; for example, a people cannot maintain its political institutions if its constituents are too impoverished to hold office. Surely in such cases Rawls would agree to more immediate forms of aid as part of his original duty to liberal societies. Thus Singer's criticism would seem not to apply.

Now, Singer may respond with a critique of Rawls's more general tone. Even if this immediate aid can be added, he may emphasize that "it fails to receive the emphasis that it deserves" in *Law of Peoples*.¹⁷ However, this is a much weaker concern that does not ultimately endanger the original view. Yes, perhaps given the current geo-political backdrop full of countries in need, Rawls should have written more empathetically. But similar to Susan Okin's laments that Rawls used exclusively male pronouns in his work,¹⁸ such a concern could be easily rectified. Future Rawlsian scholars could expand on his work and include greater detail of proper immediate humanitarian aid. Furthermore, there is no reason to assume that such an addition would prove inconsistent with his current writings; again, such aid seems logically related. So in conclusion, while Singer's concerns reflect admirable empathy, such empathy can be accounted for without compromising the entirety of the *Law of Peoples*.

4. Concluding Thoughts

With the rise of globalization, it is common to find one's traditional views regarding national sovereignty challenged. 19th Century isolationism no longer seems like an appealing option within today's global community. For this reason, cosmopolitan thinkers like Singer have gained much traction for their views. However, as I hope I have demonstrated with this paper, one need not abandon a more traditional Society of Peoples schema in the face of current events. Rawls's *Law of Peoples* remains a viable international

relations strategy. It does not fall prey to the criticisms of internal inconsistency, nor does it preclude flexibility in how we go about distributing humanitarian aid.

As the argument progresses, I advocate that the next steps taken should continue a more detailed elaboration of what Rawls's duty to assistance can look like, specifically in a U.S. context. Can Rawls justify us having an obligation to sending medical assistance to societies plighted by Ebola, for example? Does ISIS pose enough of a threat to Iraq and Syria to qualify them as burdened societies? What might be the proper role of liberal societies be toward refugees seeking asylum within their borders? These questions of application promise a rich future discourse.

5. Endnotes

1 Rawls, John. "Theory of Justice." *Normative Ethics*. Harcourt Brace Jovanovich; San Diego. 1987. pp. 457-459.

2 Rawls, John. *The Law of Peoples*. Harvard University Press; Massachusetts. 1999. p. 59.

3 Ibid, p. 106.

4 Ibid.

5 Ibid.

6 Singer, Peter. 'Famine, Affluence, and Morality.' *Philosophy and Public Affairs*. Princeton University Press; Princeton. 1972. pp. 229-243.

7 *Law of Peoples*, p. 12.

8 Ibid, p. 119

9 Ibid

10 Singer, Peter. *One World*. Yale University Press; New Haven. 2002. p. 177.

11 *Law of Peoples*, p. 119.

12 Ibid, pp. 76-77.

13 *Life & Debt*. By Stephanie Black. Blaq out, 2007.

14 Ibid, p. 106.

15 *Law of Peoples*, pp. 106; 108.

16 *One World*, p. 179.

17 *One World*, p. 179.

18 Okin, Susan Moller. "Justice and Gender." *Philosophy and Public Affairs*. Princeton University Press; Princeton. 1987. p. 45.