

Defending the Duty of Assistance?*

I Introduction

Ideas, like any other kind of intervention, can be timely or untimely. Whereas John Rawls's theory of domestic justice appeared at a time of post-war consensus, welfare-state building and egalitarian ambition – albeit short-lived – which seemed to resonate powerfully with his central ideas, his final book, *The Law of Peoples*,¹ appeared to many to be distinctly *untimely*. Characterised as it was by a commitment to the world of autonomous nation-states, or Peoples – indeed affirming the possibility of their autarky – whilst refusing the claims of global distributive justice, it was criticised by many for harking back to a time which had long since passed. It provided, in the words of one trenchant critic, 'rules for a vanished Westphalian world,'² and precious little guidance for our world of ever-accelerating integration and interdependence. It was also taken as a definitive betrayal of those 'more royalist than the king' who had steadily been outlining – despite the absence of encouragement from Rawls himself – what they took to be the implications of his domestic account for achieving a more just global order.³ For whereas the drive to elaborate principles and practices of global distributive justice is continuing apace in the academy, Rawls rejected the very idea of global distributive justice, and recommended instead a 'duty of assistance' towards (bottom of page 461)

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¹ John Rawls (1999) *The Law of Peoples with 'The Idea of Public Reason Revisited.'* Cambridge, Mass.: Harvard University Press. A note on terminology: references to *The Law of Peoples* are references to the book, whereas references to the Law of Peoples are references to the framework of principles that well-ordered Peoples would agree upon to regulate the Society of Peoples. I capitalise Peoples to signify the specific sense in which Rawls uses the term, and, following Rawls's general usage, I distinguish well-ordered 'Peoples' from burdened 'societies.'

² Allen Buchanan (2000) 'Rawls's Law of Peoples: Principles for a Vanished Westphalian World,' *Ethics* 110: 697-721.

³ See for instance Charles Beitz (1979) *Political Theory and International Relations*, Princeton: Princeton University Press; Thomas Pogge (1989) *Realizing Rawls*, Ithaca NY: Cornell University Press. For the phrase 'more royalist than the king,' see Chris Brown (2000) 'John Rawls, "The Law of Peoples," and International Political Theory,' *Ethics and International Affairs* 14(1): 125-132.

societies burdened by unfavourable conditions – a concession that was described by many critics as wholly inadequate to the task of addressing global economic injustice.⁴

Recently, though, some more friendly critics have argued for a reappraisal of *The Law of Peoples*, and its place in Rawls's oeuvre. Introducing a recent collection on the book, Rex Martin and David Reidy argue that 'The early secondary literature was generally quite dismissive and critical of *The Law of Peoples* – but often overly and wrongly so, as even some early critics now admit. The current secondary literature is more balanced, with several strong sympathetic views rising in defense of Rawls.'⁵ Amongst other things, it has been suggested that the work is richer and more cohesive than has often been suggested. And against critics who saw *The Law of Peoples* as an abandonment of at least some of Rawls's earlier normative commitments, it has been argued that its conclusions flow more straightforwardly from Rawls's longstanding concern with legitimacy than has been widely recognised.⁶ The goal of this paper is not to dispute this general reappraisal, or the claim that Rawls's account is both more substantial, and more cohesive with his earlier work, than has sometimes been assumed – both of which claims seem to me to possess a good deal of truth. Our focus is narrower, and it falls on the duty of assistance, and its role in a plausible position on global economic justice. If the reappraisal of *The Law of Peoples* is to be successful, a key development may well be the rehabilitation of the duty of assistance as a worthwhile and demanding duty, capable of demonstrating its superiority over rival positions – foremost amongst them being several well-known defences of global distributive justice. Along precisely these lines, some prominent recent supporters have argued that the duty is 'quite extensive', and that it 'might impose rather exacting demands upon members of the Society of Peoples'⁷; that 'Rawls's duty of assistance is a richer and more demanding requirement of a just global economy than it at first appears',⁸ and that Rawls has formulated 'a stringent duty (shaming the (462)

⁴ See e.g. Thomas Pogge (2004) "'Assisting" the Global Poor', in Deen Chatterjee (ed) *The Ethics of Assistance*, Cambridge: Cambridge University Press, pp. 260-288.

⁵ Rex Martin and David Reidy (2006) 'Introduction: Reading Rawls's *The Law of Peoples*', in Martin and Reidy (eds) *Rawls's Law of Peoples: a Realistic Utopia?* Oxford: Blackwell, pp. 3-18, at p.9.

⁶ David Reidy (2004) 'Rawls on International Justice: a Defense', *Political Theory* 32(3): 291-319.

⁷ Samuel Freeman (2006) 'The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice,' in Ellen Franken Paul and Fred D. Miller (eds) *Justice and Global Politics*, Cambridge: Cambridge University Press, pp. 29-68, at p. 52.

⁸ David Reidy (2007) 'A Just Global Economy: In Defense of Rawls', *Journal of Ethics* 11: 193-236, at 201.

status quo) in a philosophically sound manner that has a genuine chance of persuading policy-makers.⁹ In addition, defenders of Rawls's position on global economic justice have gone on the offensive, arguing that *The Law of Peoples* contains valuable resources for thinking through pressing issues such as trade justice.

This paper seeks to evaluate this more specific attempt at rehabilitation, and particularly to re-examine the material Rawls's account does provide for evaluating global economic injustices. The character of the duty of assistance (DA) is set out in Section II, and the reasons why it is held to be superior to principles of global distributive justice (GDJ) are briefly canvassed. Its three supposed advantages are that the duty of assistance possesses a 'target' and 'cut-off point'; that it is compatible with holding Peoples responsible for their decisions; and that the duty would be more capable of enjoying international legitimacy. Section III examines more closely these three purported advantages; it will be shown that the duty's superiority is in each case far less impressive than has been suggested by both Rawls and some recent defenders of his overall position on global justice. If this is correct, the apparent superiority of DA over GDJ may not be decisive at all, and we should instead judge the two on their more particular merits. Shifting attention to the more positive claims of DA's recent defenders, Section IV considers the ways in which the account developed in *The Law of Peoples* is able to contribute to the theorisation of global economic injustice. Although the account developed there does provide more resources than has sometimes been recognised, the argument will be that as the DA-based account is pushed further on this issue, it becomes still less plausible to claim that it possesses appreciable advantages over GDJ. More pointedly, its supposed advantages turn out to be in tension with each other. As such, if the provision of an adequate position on global economic justice is the goal, the reappraisal of *The Law of Peoples* will ultimately demand a transcendence of at least some of its key elements.

II The Duty of Assistance versus Global Distributive Justice

The duty of assistance is a duty¹⁰ which applies to liberal and decent hierarchical (463)

⁹ Mathias Risse (2005) 'What We Owe the Global Poor,' *Journal of Ethics* 9: 81-117, at 117.

¹⁰ There is some controversy about the specific character of this duty. Kok-Chor Tan and Allen Buchanan both claim it is a humanitarian duty, as opposed to a duty of justice; Kok-Chor Tan (2004) *Justice Without Borders*, Cambridge: Cambridge University Press, p.23. Allen Buchanan, 'Rawls's Law of Peoples,' 710. Risse, Reidy and Freeman on the other hand all consider it a fundamental and firm duty of justice; see Risse, 'What We Owe'; Reidy, 'A Just Global Economy'; and Freeman, 'The Law of Peoples'. It is, according to Freeman, an absolutely fundamental duty in the sense that a would-be liberal society must meet it before securing full economic justice domestically. Samuel Freeman (2006) 'Distributive Justice and the Law of Peoples', in Rex Martin and David Reidy (eds) *Rawls's Law of Peoples: a Realistic Utopia?* Oxford: Blackwell, pp. 243-260, at p. 248. Freeman's point is made by extrapolating the comparison Rawls makes with the just savings principle: since the just savings principle must be satisfied before implementing the difference principle, then so too must the duty of assistance (though Rawls neither confirmed nor denied this explicitly). I leave this question of the status of the duty to one side since it is not crucial to the arguments of this paper.

peoples in their interaction with 'burdened societies.'¹¹ The latter societies may be disadvantaged by a variety of 'unfavourable conditions' preventing a just or decent regime emerging, including a lack of 'material and technological resources,' of 'human capital and know-how,' or of the 'political and cultural traditions' that would enable them to become well-ordered.¹² The *goal* of the duty is the development in those burdened societies of decent social and political institutions; it does *not* aim to address inequalities in wealth amongst societies. For after a society becomes well-ordered 'further assistance is not required, even though the now well-ordered society may still be relatively poor.'¹³ The *means* by which the duty is fulfilled will in large part be through the provision of advice and technical support, though material assistance may be necessary if the burdened society in question proves unable to meet the basic human rights of its members.

The fact that the goal of the duty is to assist the transition to well-orderedness has two significant implications. First, although Rawls argued that the duty of assistance does permit well-ordered Peoples to emphasise the importance of human rights,¹⁴ he maintained that they may not render their help conditional on a transition to liberal democracy on the part of burdened societies. The choice to become a decent hierarchical society (characterised for instance by the securing of basic human rights and presence of a 'consultation hierarchy' for subjects, but not displaying either democratic participation or full liberal rights) is a choice that must be open to the recipient of assistance. Second, Rawls was clear that a People may be well-ordered despite being relatively poor. In all but exceptional cases a People will possess the natural resources to enable the provision of basic human rights to subsistence, given wise management. Indeed, it might be preferable for peoples not to pursue additional wealth: the relentless pursuit of economic (464)

¹¹ Rawls also notes that well-ordered Peoples owe each other mutual assistance in times of famine or drought, with the aim of ensuring that their citizens' basic needs are met; Rawls, *Law of Peoples* p.38. But the duty of assistance is a duty specifically owed by well-ordered Peoples to burdened societies.

¹² Ibid. p.106.

¹³ Ibid. p. 111.

¹⁴ Ibid. p.109.

growth would be better avoided, and, for this reason amongst others, gaps in wealth between rich and poor (well-ordered) Peoples should not concern us.¹⁵ Thus the goal of assisting the move to well-ordered status expresses the goal of the foreign policy of members of the Society of Peoples in both senses: the achievement of well-orderedness means that the formerly burdened society should now be recognised as a legitimate member of the Society of Peoples, whereas the transition to well-orderedness exhausts any claims for international redistribution.¹⁶

By contrast Rawls expressed concern about the idea of global distributive justice. One concern was that whereas the duty of assistance possesses both ‘a target and a cut-off point’ (the achievement of well-ordered status), many principles of distributive justice have limited appeal because they lack either. Indeed many principles of global distributive justice, by contrast, will apply ‘continually’ even once the duty of assistance will have been satisfied.¹⁷ But redistribution between well-ordered Peoples is unnecessary if we can assume – as Rawls assured us that we can – that Peoples are largely responsible for their own level of wealth. As a general claim, therefore, we might say that global distributive justice is incompatible with holding nations responsible for their decisions. A final concern turned on the issue of legitimacy. Rawls suggested that the shared global public political culture, such as it exists, will enable well-ordered Peoples to agree on the relatively ‘thin’ principles of the Law of Peoples, but does not provide the much ‘thicker’ set of ideas necessary to get a conception of distributive justice off the ground.¹⁸ In fact, such ideas might be reasonably rejected by decent hierarchical Peoples, and as such the imposition of global distributive justice would be illegitimate. These three concerns, viewed collectively, have been taken by Rawls’s defenders to demonstrate a clear advantage for DA over its chief rival – (465)

¹⁵ Ibid. pp.106-8.

¹⁶ John Tasioulas suggests that Rawls is wrong to maintain a single standard of well-orderedness for what are in fact two distinct purposes: judging whether foreign intervention is legitimate, and judging whether the duty of assistance has been fully satisfied. Tasioulas argues that Rawls’s definition of well-orderedness, where the subsistence rights of all are met, is appropriate for determining when foreign intervention is no longer legitimate. But we could – and should – maintain a higher standard, involving the achievement of an adequate rather than minimal standard of living for all, as the basis for deciding when the duty of assistance has been satisfied. Thus we might, for Tasioulas, still owe a (non-emergency) duty of assistance to peoples otherwise considered legitimate members of the Society of Peoples. John Tasioulas (2005) ‘Global Justice without End?’ in Christian Barry and Thomas Pogge (eds) *Global Institutions and Responsibilities*, Oxford: Blackwell, pp. 2-28.

¹⁷ Rawls, *Law of Peoples* p.119.

¹⁸ I borrow the metaphor of thick and thin from Michael Walzer, but the metaphor is a useful one in terms of Rawls’s position. Michael Walzer (1994) *Thick and Thin: Moral Argument at Home and Abroad*, Notre Dame: University of Notre Dame Press.

namely principles of GDJ such as a Global Difference Principle. The next section, however, demonstrates that Rawls's duty of assistance does not enjoy the clear advantage in these respects that its supporters have claimed.

III Assessing the Duty of Assistance

The duty of assistance and the responsibility of Peoples

It has been alleged that a major problem of global distributive justice is that it is incompatible with holding nations, or Peoples, responsible for their choices.¹⁹ But Rawls's approach to global economic justice has at best mixed success itself in this regard. If what is required is a fine-tuned attempt to tailor economic rewards to sensible economic decision-making, then the Law of Peoples fails to provide one. In the case of burdened societies, the Law of Peoples in fact justifies whatever assistance is necessary to enable them to become well-ordered, *regardless* of whether their plight is the result of poor collective decision-making or not. Between well-ordered Peoples, *no* redistribution will be required (save for emergency cases where basic human rights go unprotected), whether such Peoples' economic situation is the result of poor decision-making or not. At best, Rawls's duty specifies the conditions that need to be met for it to be appropriate to hold a society responsible for its choices. But beyond such a baseline, this is emphatically not a responsibility-tracking view in any substantial sense. Rawls offers the view that economic success or failure is often the result of poor decision-making, amongst other things.²⁰ But even if we could be sure that it was not in a given case, no redistribution would be forthcoming (unless, we might assume, another People had committed an injustice that triggered duties of reparation). A baseline of institutional viability has been met and Peoples can morally be held responsible beyond that. But the account is not sensitive to the presence or absence of actual 'outcome responsibility' beyond this baseline.²¹

This point appears to be underappreciated by defenders of Rawls who (466)

¹⁹ See for example David Miller (2007) *National Responsibility and Global Justice*, Oxford: Oxford University Press; see also Rawls, *Law of Peoples* p.117.

²⁰ Rawls, *Law of Peoples* p.109.

²¹ The term 'outcome responsibility' is drawn from David Miller, who views a party as responsible for an outcome when it is the result of his or her own actions, in conditions in which it makes sense to attribute agency. He distinguishes it from 'remedial responsibility', where a party may have a responsibility to help another even though he or she did not contribute to the latter's plight. See Miller, *National Responsibility and Global Justice*, pp. 81-6.

praise the duty of assistance on the basis that it does not punish societies which are suffering 'through no fault of their own,' whereas it *does* withdraw support from those which choose to remain burdened. Indeed the claim that the duty of assistance is compatible with holding Peoples responsible has been made more directly by some of Rawls's defenders than by Rawls himself. According to David Reidy, 'Rawls frames the duty of assistance as he does (by directing it to burdened societies burdened through no fault of their own) so as not to undercut the responsibility of each body politic for its own domestic condition.' A society's responsibility or otherwise for its condition is crucial here, for Reidy adds that 'if that aid...delivers no positive results over the long haul, no further aid is required.'²² But in fact what Rawls does say is directly opposed: that it makes no difference to the duty of assistance what the cause of poverty is. As Rawls puts it,

*The crucial elements that make the difference [to economic success] are the political culture, the political virtues and civic society of the country, its members' probity and industriousness, their capacity for innovation...Crucial also is the country's population policy...But one way or another, the duty of assistance is in no way diminished.*²³

So it is clear that the duty continues to be owed *even if* the reason for a society's burdened status is that its members have been insufficiently industrious, or that its members have been corrupt, or even that it has chosen to pursue an ill-advised population policy. Thus Rawls does not render the duty to burdened societies compatible with holding them outcome-responsible for their economic situations: contra Reidy, it is not argued that the duty will be withdrawn *even if* the sole reason for the burdened society's woes lie with its political policies, for instance. By the same token, no provision is mentioned by Rawls for the withdrawal of the duty of assistance even in cases where political leaders consciously continue disastrous and ill-considered practices. Similarly, the political culture of a society does not disqualify it from receiving aid whether that culture is chosen or unchosen, whether a society shows a determination to reform it or doggedly stands by it. Now Reidy might well be right – though Rawls did not say so explicitly – that the duty should cease to apply in situations where it would do no good, or more harm than good. But this touches indirectly at best on the issue of responsibility for poverty, and could do little to underpin a claim that the duty was appropriately responsibility-sensitive.

An alternative way of glossing the distinction between DA and GDJ is suggested by Kok-Chor Tan.²⁴ On his interpretation, the principles of (467)

²² Reidy, 'A Just Global Economy' 199, fn. 9, also 195, 196.

²³ Rawls, *Law of Peoples* p.108.

²⁴ Kok-Chor Tan (2000) *Toleration, Diversity and Global Justice*, Pennsylvania: Pennsylvania University Press, p. 179.

GDJ that Rawls has in mind are problematic inasmuch as they violate the choice / circumstance distinction beloved of many contemporary liberal egalitarians, by inappropriately taxing good choices of successful Peoples, in a context where an appropriate level of circumstance-insensitivity has already been secured by DA. The relationship between Rawls's project on domestic justice and 'luck egalitarianism' is a topic of much debate, and cannot be settled here. Suffice to say that it is not clear that Rawls is appealing this directly to a choice / circumstance distinction,²⁵ but if he *is*, it remains true that DA responds to it poorly at best, whereas plausible principles of GDJ might be suggested that track the distinction rather better. Cappelen, for instance, sets out a broadly luck-egalitarian account of distributive justice at the global level, whereas unlike Rawls, Knight has suggested that a global luck egalitarian *would* refuse to extend assistance to burdened societies which were burdened as a result of their own choices. We need neither defend or reject such arguments here.²⁶ What is important is this: if, as seems appropriate, we reject thorough-going explanatory nationalism (the view that inequalities are *wholly* the product of domestic factors), as well as explanatory globalism (which sees them as *wholly* explained by global factors), we are left with some kind of 'explanatory pluralism', which holds that inequalities are a complex product of both kinds of factor.²⁷ And if we accept explanatory pluralism, Cappelen's argument that a defensible responsibility-tracking approach to global economic justice will demand continuous material transfers between states (of whatever magnitude) appears sound, for very many inequalities will demand *some degree* of partial correction. If this is true, and if, as David Reidy suggests, it is important that a theory of global (468)

²⁵ Samuel Freeman also considers this unlikely; see 'Law of Peoples', pp.56-7; 'Distributive Justice', p.249.

²⁶ Alexander Cappelen (2005) 'Responsibility and International Distributive Justice', in Andreas Føllesdal and Thomas Pogge (eds) *Real World Justice*, Dordrecht, Netherlands: Springer, pp. 215-228; Carl Knight (2008) 'A Pluralistic Approach to Global Poverty', *Review of International Studies* 34: 713-33. In fact I have suggested reasons elsewhere for scepticism about an exclusively luck egalitarian approach to distributive justice; Chris Armstrong (2006) *Rethinking Equality*, Manchester: Manchester University Press. Some reasons for scepticism about the likely success of a global form of luck egalitarianism in particular are presented in Christian Schemmel (2007) 'On the Usefulness of Luck Egalitarian Arguments for Global Justice', *Global Justice: Theory Practice Rhetoric* 1(1): 54-67.

²⁷ The term 'explanatory nationalism' appears to have been coined by Thomas Pogge, and refers to the idea that the causes of poverty lie solely within the domestic institutions, leadership, or political culture of a country. See Thomas Pogge (2002) *World Poverty and Human Rights*, Cambridge: Polity, p.15. Pogge has in turn been criticised (probably unfairly) for espousing 'explanatory globalism', whereby the causes of poverty are located solely in the nature of global institutions, and in international conventions such as the 'international resource privilege.' By 'explanatory pluralism', I am suggesting an explanation which, I assume uncontroversially, draws on both sets of factors.

justice pays appropriate attention to what we have been calling outcome responsibility, then a tension opens up in the Law of Peoples-based approach. For the goal of appropriately responding to national outcome responsibility may be best served by material transfers without specific target or cut-off point.

Suffice to say then that Reidy's interpretation actually departs from Rawls on several points. Firstly, he claims against Rawls that the DA is only owed to societies burdened through no fault of their own. Secondly, he claims that the duty of assistance will be terminated in cases where the burdened society does not make efforts to transform its practices. This could have tragic consequences for poor individuals in burdened societies, who may not even have been privy to key political decisions. Perhaps because he is aware of the disastrous effects withdrawal could have, Reidy argues that there might still be humanitarian reasons to help 'burdened societies burdened only because of self-inflicted wounds,' but that these reasons will not be reasons of economic justice.²⁸ But this new distinction between a DA conditional on good-conscience moves towards reform, and humanitarian duties which are unconditional, is of Reidy's making, and stands in need of independent argument. Finally, Reidy raises the question of whether 'a well-ordered people may condition its aid to a burdened society on that society adopting certain forms of liberalization and democratization because as an empirical matter such reforms substantially improve the likelihood that the aid given will secure the desired result, namely enduring well-orderedness.'²⁹ But for Rawls that question has been answered decisively in the negative: such a policy would be simply illegitimate.³⁰ The potential for the choice of a decent hierarchical institutional structure must be tolerated, and the duty of assistance must not be used to pull these particular strings.³¹

What the above suggests is that even if we presume for the sake of argument that global distributive justice *is* incompatible with holding societies responsible for their own choices, the contrast with the duty of assistance has been seriously overstated. Rawls does indeed suggest that societies are responsible for their plights, and does regard it as a failing of some principles of GDJ that they show few signs of recognising this supposed fact. But the DA does not track outcome responsibility for a society's wealth either, other than in a fairly trivial way, and principles of global distributive justice which sought to track outcome responsibility for wealth rather better are certainly conceivable. This is a supposed virtue of which defenders of Rawls appear to have made too much: although (469)

²⁸ Reidy, 'A Just Global Economy,' 198, fn.8.

²⁹ Ibid. 201, fn. 14.

³⁰ Cf. Reidy, 'Rawls on International Justice', 312.

³¹ Rawls, *Law of Peoples* p.85.

Rawls might have wanted to dismiss certain principles of GDJ as impracticable or unfair, this does not imply that DA itself tracks responsibility neatly.

The duty of assistance and cut-off points

Rawls claimed in *The Law of Peoples* that a weakness of many principles of global distributive justice was that they lacked a 'cut-off point', and in fact would mandate the continual transfer of resources. Before assessing this claim it is worth noting that the idea of a cut-off point could be taken to mean two things. Firstly, it could mean that there is a *level* of the well-orderedness of institutions after which transfers will become redundant. Secondly, it could mean that there is a *point in time* after which transfers will not be necessary. Generally Rawls seems to mean the first, but his point that GDJ commits us to 'continual' transfers is somewhat ambiguous between the two. In my view, it is not immediately obvious why we should regard it as a virtue of an approach to economic justice that it will apply within a finite time-scale. But assuming we do regard this as a virtue, it is worth noting that the duty of assistance itself may not fare well. Mathias Risse's broadly sympathetic exposition counts the duty to assist in institution-building to be 'transitory',³² but if the analysis above is correct, the duty *will* sanction ongoing transfers in the case of societies that make very slow progress towards well-ordered status, for whatever reason. If we take the cut-off point to play out in terms of a level of well-orderedness of institutions, then it is worth noting that although Rawls did sanction withdrawal of support from societies once they become well-ordered, it is not clear that this is a distinctive virtue of the duty of assistance as opposed to principles of global distributive justice. It clearly is a feature of DA not shared by a Global Difference Principle, or a Global Equality of Opportunity Principle. But there are other conceivable principles of global distributive justice that aim at specific targets, including those which assume a broadly sufficientarian character.³³ Rawls after all suggested that Thomas Pogge's Global Resources Dividend might possess both a target and cut-off point, and hence is relatively immune from this criticism, whereas a Global Difference Principle would not be.³⁴ Other accounts may have different cut-off points, but the virtue

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³² Risse, 'What We Owe,' 95.

³³ Charles Jones (1999) for example, defends an account of global distributive justice which conceives of the goal of distributive duties in terms of the fulfilment of human rights; Charles Jones (1999) *Global Justice: Defending Cosmopolitanism*, Oxford: Oxford University Press.

³⁴ In what sense might the Dividend be said to possess a target or cut-off point? On the one hand the *mechanism* of the Dividend is a tax on natural resource extraction which we can presume would be ongoing. But on the other hand the *goal* of the Dividend, at least as Pogge presents it, would be the eradication of severe poverty, as measured by the World Bank's modest measure. In this latter sense Rawls (*Law of Peoples* p.119) appears to concede that the Dividend might possess a target and cut-off point, if suitably specified. For the details of the Dividend, see Pogge, *World Poverty and Human Rights*.

that DA *has* one is not unique to it.³⁵ On my interpretation, then, DA may lead to continuing duties on well-ordered Peoples, if progress towards well-ordered status is slow – for whatever reason. To be sure, these duties may not at all times require material redistribution, but might sometimes be fulfilled by the provision of advice and support. But the distinction offered by Rawls and his defenders is not between duties which require material support and those which do not (which after all would be question-begging as an objection to GDJ); it is between duties which have a cut-off point and those which do not. On the dimension of time, DA may not enjoy an advantage. If we interpret the cut-off point in terms of a specific threshold of well-orderedness of institutions, for instance, beyond which duties cease to apply, then Rawls’s duty enjoys an advantage over some accounts of GDJ but not others. Although the picture is mixed here, it appears that Rawls – and some recent Rawlsian positions on global justice – have made too much of this supposed advantage.

The duty of assistance and legitimacy

The final significant advantage of the Law of Peoples approach, as opposed to the global distributive justice approach, is said to lie with the potential legitimacy of its principles. Rawls suggested that the eight principles of the Law of Peoples already command great respect, in theory if not always in practice: they are ‘familiar and traditional,’ at least between free and democratic Peoples.³⁶ By contrast, a regime of global distributive justice would need to be imposed on non-liberal (decent hierarchical) Peoples which could not reasonably be expected to accept it. Of course, some theorists of justice will simply suggest that questions about the nature of principles of justice are distinct from questions about the likelihood of their acceptance. Nevertheless, *even if* we accept that legitimacy (conceived in terms of something like reasonable acceptability) is a precondition for principles of justice to be valid, it is not clear that (471)

³⁵ Samuel Freeman suggests one possible response to this point, which is to deny that principles such as Pogge’s or Jones’s *are* indeed principles of global distributive justice. Freeman suggests that any duty which seeks to ensure that a People’s ‘basic needs are met’ is not, by definition, a principle of distributive justice, because ‘once satisfied [it] extends no further.’ By contrast a genuine principle of distributive justice must refer the ‘distribution of all wealth within the economic system’; Freeman, ‘Law of Peoples’, p.34. But Freeman does not argue for this distinction at any length, and I am sceptical that it is a compelling one.

³⁶ Rawls, *Law of Peoples* p.37.

the duty of assistance enjoys a categorical advantage over principles of distributive justice in this regard.³⁷ Rawls suggests that the eight principles of the Law of Peoples are drawn ‘from the history and usages of international law and practice,’³⁸ but concedes that this is not so in the case of the duty of assistance.³⁹ In fact, Rawls admits that it is much the most controversial element of the Law of Peoples, and takes us beyond the stock of common ideas shared between contemporary states. As an indicator of this, it was omitted from the first published account,⁴⁰ and Rawls suggested, when he did finally present the idea, that the kind of affinity needed to encourage Peoples to act upon it may not exist at present. To be sure, the principles of the Law of Peoples are intended to be those of a ‘realistic utopia’; they are the result of a reflection on where we might plausibly get to from here, and not simply a description of where we are right now.⁴¹ But this suggests that, if Rawls’s duty of assistance holds an advantage over principles of GDJ, that advantage lies in its feasibility, and not in the degree to which it is already accepted, which is quite a different matter.

By way of defence, we might say that, although the duty of assistance is not widely accepted, it has a greater chance of being accepted, given where we are now, than certain principles of global distributive justice. Most plausibly this might be because, though not yet accepted itself, it is consistent with widely-held convictions or intuitions which are already latent within the global public political culture.⁴² This would be a reasonable (472)

³⁷ Charles Beitz has, importantly, claimed that there is a significant disanalogy in Rawls’s account. On Beitz’s reading, the only evidence Rawls cites to the effect that decent hierarchical societies would not accept (broadly liberal) principles of global distributive justice merely suggests that they would not accept liberal *domestic* principles. But for Beitz they might nevertheless ‘have good reason to accept an egalitarian distributive principle, applied to peoples rather than to individuals, whatever their differences about justice in the domestic case.’ Beitz (1999) ‘International Liberalism and Distributive Justice: A Survey of Recent Thought,’ *World Politics* 51(2): 269-96, at p. 278.

³⁸ *Ibid.* p.57.

³⁹ Tasioulas, ‘Global Justice Without End?’, p.7.

⁴⁰ John Rawls (1993) ‘The Law of Peoples’, in Stephen Shute and Susan Hurley (eds) *On Human Rights: The Oxford Amnesty Lectures 1993*, New York: Basic Books, pp. 41-82.

⁴¹ See e.g. Reidy, ‘Rawls on International Justice,’ 314, n. 9.

⁴² Leif Wenar has provided perhaps the most sensitive and sympathetic account of this concern with legitimacy, in which he emphasises Rawls’s belief in the need for legitimacy in the exercise of *coercive power* in particular. But Wenar’s view on the duty of assistance is somewhat tentative. Whilst he generally argues that the principles of the Law of Peoples are backed up by the global public political culture, such as it exists at present, his only claim about the duty of assistance is the rather weaker one that it ‘orders our intuitions in an area where our judgments [are] much less confident.’ See Wenar (2006) ‘Why Rawls is Not a Cosmopolitan Egalitarian,’ in Rex Martin and David Reidy (eds) *Rawls’s Law of Peoples: a Realistic Utopia?* Oxford: Blackwell, pp. 95-113, at p. 107.

response, but it does shift the goalposts in a small, but nevertheless significant way. For we are now no longer engaged in an uncontroversial exercise of working up ideas that are 'familiar and traditional' at the global level, but instead either providing new arguments for – in some respects – radical changes to the global order, or attempting to demonstrate that it flows unproblematically from widely held intuitions. Here we face a situation where others will claim that these complex intuitions point us in quite different directions: notably, a global egalitarian may place a good deal of weight on the intuition that one's place of birth is 'arbitrary from a moral point of view'; that infants born on opposite sides of the Rio Grande should not face divergent lives of wealth and poverty simply for that reason.⁴³ Hence the ground immediately feels somewhat less secure. Though the duty of assistance might be better placed to secure agreement than some accounts of GDJ – and the devil may reside in the detail of the latter category – Rawls's own concession suggests it cannot be said that its imposition in the here and now would be legitimate by his standards. The advantage over GDJ is far less clear than has sometimes been suggested on this dimension too. As I suggest in the next section, still further pressure is placed on this 'legitimacy constraint' by some of Rawls's recent supporters.

IV Global Economic Justice and the Law of Peoples

The last section established that the supposed advantages of the DA over principles of GDJ are far less obvious than Rawls – and some of its more recent defenders – would apparently have us believe. This was primarily a negative argument – although an important one for the debate about global justice – insofar as it sought to weaken the DA's claim for immunity from the criticisms that Rawls levelled at GDJ. This negative conclusion could be taken in one of two ways: it could be taken to mean that, if we must reject GDJ, then perhaps we should reject DA too. For a defender of global economic justice, that would be an unwelcome conclusion. Alternatively, it could be taken to mean that were we to construct a positive case for global economic justice, we should judge DA, and diverse principles of GDJ, on their individual merits, rather than assuming from the outset a clear advantage for DA. The rest of this paper will address the more 'positive' case of defenders of DA – to wit, their arguments that the account developed in *The Law of Peoples* does provide useful (473)

⁴³ See e.g. Simon Caney (2005) *Justice Beyond Borders: A Global Political Theory*, Oxford: Oxford University Press. For the claim about the Rio Grande, see Joseph Carens (1985) 'Aliens and Citizens: the Case for Open Borders,' *Review of Politics* 49(2): 251-73.

resources for thinking about global economic justice.

It has in the past been argued that DA is simply inadequate to the task of criticising, and addressing, global economic injustices. For Pogge, Rawls's approach misleads us by presenting the moral issue as one of assistance to the poor rather than, more appositely, the imposition upon the poor of an unjust global institutional order.⁴⁴ Framing the duty as one of assistance draws our attention away from the extent to which wealthy Peoples are complicit in sustaining such an unjust order, and suggests, wrongly, that our only global duties are more or less humanitarian in character. Kok-Chor Tan agrees that Rawls's framework deflects attention from underlying (and unjust) features of the contemporary world. For Tan the duty of assistance suggests, untenably, that 'the baseline resource and wealth distribution is a just one, that the global basic institutions organized around and legitimizing the prevailing allocation of wealth is a just one.'⁴⁵

The account developed in *The Law of Peoples* professes itself untroubled by these criticisms. The position is that once societies are well-ordered, there is no further reason for international redistribution, except in cases of emergencies. Well-ordered Peoples will all, barring exceptional cases, command a level of natural resources that will allow them, with wise management, to meet the basic human rights of all of their members. Serious poverty is eradicated once societies meet the basic subsistence rights of their members and as such, once all societies become well-ordered there is no serious poverty. It is to be expected that inequalities will characterise the Society of Peoples, since diverse Peoples have different values and cultures, varying levels of industriousness, and different degrees of the 'cooperative virtues.' But the Law of Peoples makes no demand that well-ordered Peoples act to reduce the inequalities that arise between them. The worst off citizen of the poorest well-ordered People may be much worse off than the worst off within the richest People, but the Law of Peoples is 'indifferent' to this fact.⁴⁶ So there is no reason for concern about inequalities of wealth, since all well-ordered Peoples have enough to subsist, and can choose to become more or less wealthy through their actions and industry. If they still desire more wealth, Rawls suggests, they can simply borrow on international markets.⁴⁷

Not all of Rawls's erstwhile supporters are content with his claim that global inequalities need not trouble us, morally speaking. Risse, for instance, (474)

⁴⁴ Thomas Pogge (2001) 'Critical Study: Rawls on International Justice,' *The Philosophical Quarterly* 51: 246-253, at 253.

⁴⁵ Tan, *Toleration, Diversity* p.176.

⁴⁶ Rawls, *Law of Peoples* p.120.

⁴⁷ *Ibid.* p.114.

believes the claim that well-ordered Peoples will not reasonably care about the level of their own wealth, beyond a basic minimum, is a false one.⁴⁸ But even if we accept Rawls's account of the (limited) significance of levels of wealth, global inequalities might be problematic. Rawls suggests that when surveying *domestic* inequalities, there are three reasons why we might object to them.⁴⁹ The first is that we might be concerned about the deprivation involved. At the domestic level, the difference principle tackles this problem of deprivation, and Rawls suggests that at the international level the duty of assistance has the same effect.⁵⁰ The second reason is that there might be damage to self-respect (there is much to be said on this at the global level, but it will be left aside for our present purposes). Thirdly, the fairness of the basic structure of the Society of Peoples might be jeopardised through the ability of more powerful actors to set the terms of cooperation to suit themselves. This last possibility alone is a genuine concern for Rawls, and as a result Peoples should set up 'cooperative organizations...and agree to standards of fairness for trade...Should these cooperative organizations have unjustified distributive effects, these would have to be corrected in the basic structure of the Society of Peoples.'⁵¹ Rawls argues that well-ordered Peoples should set up a kind of world bank, and also ensure that world trade is free, fair, and non-exploitative.⁵²

The precise institutional implications of these suggestive comments have been the subject of varying interpretations. Freeman considers them to defuse Pogge's charge that Rawls neglects the injustice of global trade practices, and suggests that powerful states' abuse of superior bargaining power to set the terms of economic cooperation to suit their own ends will also be tackled within the Society of Peoples.⁵³ Reidy argues that 'No well-ordered people...is to use its economic power within trade relations of the international institutions governing them to undermine the well-orderedness or political autonomy of any other people.'⁵⁴ More to the point well-ordered Peoples are duty-bound to ensure that world trade is so organised as to help, and certainly not to hinder, the transition of burdened societies to well-ordered status. In that sense they (475)

⁴⁸ Risse, 'What We Owe', pp. 98-9.

⁴⁹ Strictly speaking, these do not in fact exhaust the reasons a Rawlsian might give for objecting to inequalities at the domestic level. Inequalities might additionally be objectionable when they undermine fair equality of opportunity, or when they disrupt the fair value of the political liberties. It remains possible, then, that there might be further Rawlsian arguments in favour of greater global equality than Rawls himself considered.

⁵⁰ Rawls, *Law of Peoples*, p.114.

⁵¹ *Ibid.* p.115.

⁵² Freeman, 'Distributive Justice', p.250.

⁵³ Freeman, 'The Law of Peoples'; cf. Tasioulas, 'Global Justice Without End,' p.11.

⁵⁴ Reidy, 'A Just Global Economy,' 203.

should view trade relations as a part of their 'overall aid package.'⁵⁵ There are two things to be said here. One is that textual evidence for Reidy's specific arguments here does not seem to be available. But the present argument concerns itself with the adequacy of the account, and not Rawls's authorial intentions: the second and more important point, then, is that Reidy's formulation still leaves open various nefarious possibilities. For instance, if a group of well-ordered Peoples excludes another group of well-ordered Peoples from fair and equal participation in a trading pattern, though in doing so their standard of living remains just sufficient for us to correctly view them as well-ordered, is there a moral objection here? Similarly, if well-ordered Peoples assist a burdened society to become well-ordered, but still refuse to extend equal terms of cooperation to it, could there be an objection to this within the framework of the Law of Peoples? Both are distinct possibilities (and though not directly parallel, arguably the experience of recent rounds of world trade talks have exhibited a rather similar brand of injustice).

To be sure there are arguments available to the defender of Rawls here; at least two such arguments have been made which suggest that, in one way another, we might expect inequalities in the Society of Peoples to be constrained. The first argument suggests that relations of exploitation would violate the principles of the Law of Peoples – and would therefore be absent from a just Society of Peoples. Thus John Tasioulas states that 'relations of domination and exploitation would be subversive of [Peoples'] freedom and independence, thereby violating the first principle of the Law of Peoples.'⁵⁶ Second, Chris Brown suggests that in a just Society of Peoples – given that many of these Peoples will be somewhat social-democratic in orientation – perhaps 'there is every chance that the external obstacles to economic development would be removed [by wealthier liberal Peoples], or at least be of much less significance than they currently are.' In this sense the internal dispositions of liberal peoples might be expected to lead them to moderate international inequalities. But this probabilistic argument is an insecure foundation on which to support Rawls's position, and Brown suggests that Rawls would be on shaky ground here.⁵⁷ The first argument presents a more fundamental response, in the sense that it identifies an unequivocal argument against at least some international inequalities. But it will only condemn inequalities that directly threaten independence and by extension, short of threatening independence, the perpetuation of disadvantage (by omission or commission) will not be touched by this argument. Thus (476)

⁵⁵ Ibid. 202.

⁵⁶ Tasioulas, 'Global Justice Without End?', p.11.

⁵⁷ Chris Brown (2002) 'The Construction of a "Realistic Utopia": John Rawls and International Political Theory, *Review of International Studies* 28: 5-21, at 15-6.

Tasioulas does (seem to) concede the 'residual moral hazard' that 'these highly general principles leave considerable scope for some societies, even in a Society of Peoples, to take unfair advantage of their weaker consociates.'⁵⁸

What is more clear is that the position on economic justice developed in *The Law of Peoples* is hampered in its response to this kind of issue in at least two ways. First, the account assumes that participation in global trade (or borrowing on the global markets) is purely voluntary, and hence the impetus to avoid inequalities within it is therefore diminished. It has been argued by many recent critics that the World Trade Organization, for instance, as an institution membership of which can justifiably be seen as involuntary but which nevertheless has important distributional effects, triggers duties of global distributive justice.⁵⁹ But the account under review sees participation in global trade as voluntary (given that societies can become, and remain, well-ordered simply by wisely employing the natural resources at their disposal). The language of distributive justice is therefore out of place, given that abstention from international cooperation is a 'real possibility for each party to it.'⁶⁰ Reidy accordingly claims that a defensible account of economic justice 'will look quite different if we keep in mind that peoples need not cooperate to secure their moral status as peoples.'⁶¹ It is not clear yet precisely in which ways it will be different, but it is presumably partly for this reason that Reidy suggests that principles of distributive justice are the wrong solution to trade injustice, although considerations of 'transactional justice' might still apply. The inequalities we're concerned about are 'essentially transactional and contextually specific rather than systemic or distributive.'⁶² Second, Rawls's account is hamstrung by its refusal (for reasons of legitimacy) to show any 'concern for individuals' economic interests. They are not the sort of rules that could, for instance, help Indonesian factory workers in a labor dispute with a multinational corporation; or help the victims of a Bhopal industrial accident'⁶³ – that is, presumably, unless basic human rights are under threat. The global public political culture adumbrates the view that Peoples are to be seen as free and equal (477)

⁵⁸ Tasioulas, 'Global Justice Without End?', p.11.

⁵⁹ See e.g. Joshua Cohen and Charles Sabel (2006) 'Extra Rempublicam Nulla Justitia?', *Philosophy and Public Affairs* 34: 147-75. Note that in describing membership of the WTO as involuntary, Cohen and Sabel are referring not to the presence of coercion, but to the absence of reasonable alternatives; such a definition will obviously be contested.

⁶⁰ Reidy, 'Rawls on International Justice,' 303.

⁶¹ Ibid. 299.

⁶² Reidy, 'A Just Global Economy,' 231.

⁶³ Leif Wenar (2001) 'Contractualism and Global Economic Justice', *Metaphilosophy* 32 (1/2): 79-94, at 90.

but it simply does not extend as far as the principle that individual citizens 'ought to relate fairly to one another as free and equal.'⁶⁴ But this may prove to be a requirement of any genuinely satisfactory account of trade justice.

In addition to the case of trade justice, it is worth emphasising that the growing wealth of some Peoples (which the account has no principled objection to) may actually make it *more difficult* for poorer Peoples to meet their own aspirations. For instance if well-ordered Peoples are well integrated into the global economy, and as such purchase not just luxuries but many basic goods from overseas, then increasing purchasing-power on behalf of wealthy Peoples will make it more expensive for poorer, but well-ordered Peoples to meet the cost of running decent social institutions. Increased demand will simply drive prices up, at least to some degree (as has been apparent recently in the markets both for oil and for various basic foodstuffs, especially given widespread diversion of crops into ethanol production). The account developed in *The Law of Peoples* doesn't entertain this as a concern: for better or for worse, Rawls suggests that the possibility of autarky is always open to Peoples, and hence once again the vulnerability of poorer well-ordered societies to these rising costs are a consequence of their voluntary choice to integrate into the global economy.

But in fact we need not assume such integration for the problem of richer societies driving up costs to take effect. All we need assume is that borders between societies are not wholly closed. Thus what if, for example, poorer societies find it next to impossible to hold on to teachers or health-care workers who wish to work in the territories of richer Peoples, which are offering far higher wages? In the contemporary world this is a massive problem with regards to healthcare provision, given that for instance many African societies have health-care systems on the brink of collapse because of the uncompensated employment of qualified workers by wealthier societies such as the United Kingdom.⁶⁵ It is not clear how the approach developed within *The Law of Peoples* can respond to issues such as these. Rawls simply assumes that migration between well-ordered Peoples will diminish, since the primary cause of migration is the failure of burdened societies to meet basic human rights. But this is (478)

⁶⁴ Ibid. 87; see also Reidy, 'Rawls on International Justice,' 310.

⁶⁵ It is clear that the drain on trained employees that I am discussing will be offset to some extent by remittances sent by those employees to their home countries. But I am assuming that these will not fully ameliorate the situation well-ordered societies find themselves in; the keenness of African leaders to curb the flow presumably provides at least indirect evidence for this. For some useful facts and figures, see Paul Clark, James Stewart and Darlene Clark (2006) 'The Globalization of the Labour Market for Health-Care Professionals,' *International Labour Review* 145 (1/2): 37-64.

not a particularly useful contribution to the case at hand, because it is wholly conceivable that the kind of migration I have been discussing will continue between well-ordered but otherwise highly unequal societies. If this example is pertinent, then *even if* societies become self-determining in the way Rawls suggests they can, global inequality may still have pernicious effects on their ability to run effective institutions (unless they restrict exit for their members in what might be an illegitimate fashion). Of course various solutions to this problem might be suggested, and the most promising ones may well involve richer Peoples desisting from 'poaching' trained staff, or else compensating 'sending' Peoples for the lost costs of training. But we cannot simply assume that richer well-ordered Peoples will voluntarily police themselves in this way; the stability of the Society of Peoples would seem instead to require some guarantees of compliance, which may in turn demand the development of dedicated international institutions. Moreover, in designing such institutions what is arguably needed from the Law of Peoples is a more developed account of exploitation at the global level. But this might take us closer to the terrain of distributive justice.

We therefore have two examples which might trouble the contemporary defender of *The Law of Peoples*. The first concerns the possibility that serious inequalities might arise which do not threaten the independent existence of well-ordered Peoples, but which might still trouble us morally. The nature of Rawls's response to such inequalities is not clear, and his assertion that these can be avoided by such Peoples withdrawing from the global economy has not convinced many. The second example, which is less familiar, is even more troubling, because it suggests that inequalities might be morally troubling even if we grant the assumption that Peoples might become self-sufficient. For unless we grant a right to restrict emigration, inequalities between quite independent Peoples might still lead to unpalatable outcomes. The general suspicion we have been cultivating is that inequalities between Peoples – and individuals – might be troubling even if they do not directly threaten the autonomy of individuals Peoples. In the case of the migration of skilled workers discussed above, inequalities between Peoples might make it very much more costly for some Peoples to remain well-ordered even in cases where they remain able to do so at some expense to themselves; I have suggested that this is a morally objectionable situation which the approach taken in the Law of Peoples provides us with little or no guidance on how to approach. The concern for the continued *existence* of collective autonomy does not, on my account, exhaust our concerns about global economic justice; the *costs* of autonomy may fall under the purview of moral appraisal too.

Perhaps as a result, one of the staunchest defenders of Rawls introduces a conditional defence of a short-term 'correction' of current economic (479)

inequalities. Samuel Freeman argues that whereas Rawls clearly rules out principles of GDJ such as the Global Difference Principle, he does not *have to* rule out all forms of global distributive principle. Freeman claims that, in the non-ideal world, Rawls 'could have' supported some kind of global distributive principle (if not the difference principle) in order to establish a well-ordered Society of Peoples.⁶⁶ This would be a principle of transition, or a 'special remedy'⁶⁷ for widespread economic inequalities, and would need to have a cut-off point.⁶⁸ But the point is that it is far from clear whether Rawls *could* consistently have argued for such a principle if he also wanted to hold on to his argument about the connection between justice and legitimacy. As we move towards the language of GDJ, where our considered judgements are 'more tentative and much less secure,'⁶⁹ we move further away from the supposed ecumenical advantages of the erstwhile principles of the Law of Peoples. The more contemporary defenders of the approach taken in *The Law of Peoples* augment its position on global economic justice – which is an admirable goal in itself – the further they move from the safe terrain of existing agreement. It appears that Rawls recognised that his non-bolstered duty of assistance was already beyond what would be immediately acceptable. The version defended by Freeman move us even further beyond this. But if this is the case, one of the chief advantages supposed to be enjoyed by Rawls's position over GDJ turns out not to be such a clear advantage after all.

V Conclusions

As noted at the outset, though embattled, Rawls's approach to global economic justice developed in *The Law of Peoples* is not without its supporters. This paper examined some recent defences, which are both negative and positive in character. The negative arguments claim that DA enjoys clear advantages over accounts of GDJ. But it has been demonstrated that this is not the case, especially if we acknowledge the diversity of accounts of GDJ. The positive arguments claim that the approach developed in *The Law of Peoples* has more to contribute to the theorisation of global economic justice than has been commonly recognised. The general approach taken by this paper has been that drawing out the implications of *The Law of Peoples* for issues of global economic justice is a commendable exercise, but not a straightforward one. Examining specific issues of (480)

⁶⁶ Freeman, 'Distributive Justice,' p.251.

⁶⁷ Freeman, 'Law of Peoples,' p.33.

⁶⁸ Samuel Freeman (2007) *Rawls*, London: Routledge, pp.452-3.

⁶⁹ Freeman, 'Law of Peoples,' p.43.

economic justice gives us pause for thought on the relationship between the various virtues which Rawls's approach is held to possess. For although there *are* resources within the account that are capable of contributing to thinking about the issues that have been canvassed, the further the account is developed along these lines, the less its supposed ecumenical advantage over GDJ is evident.

Defenders of GDJ can take some encouragement from these arguments, for it has been shown that the concerns about cut-off points and about responsibility do not represent decisive objections to GDJ - at least not in all its forms. A concern for the legitimacy of principles of economic justice may well be a concern (depending on our view of the relation between justice and political disagreement), but it is a concern with regards to which the position outlined in *The Law of Peoples* does not itself enjoy any categorical advantage. For supporters of *The Law of Peoples* the implications of my argument are less cheering. To bring our arguments together, we can say the following. If (and this is a large if) we consider it a virtue of an account of global justice that it sanctions only duties which can be satisfied at a specific point, and within a specific time-scale, then Rawls's account enjoys a partial advantage over some accounts of global distributive justice, and no advantage over others. Here, it appears, we must judge each contender on its merits, or perhaps on its ability to bring together in a satisfactory fashion our considered judgements on global economic justice. If we regard it as a virtue of an account of global justice that it responds appropriately to communities' responsibility for the nature of collective decisions and common institutions - and this formulation already skirts very quickly over some hugely complex and controversial issues - then Rawls's account has a very limited kind of virtue. For it suggests a duty towards burdened societies that does *not* take into account, in the way some of its defenders suggest, these societies' degree of responsibility for their plight. And it does not seek to ameliorate, beyond this point, inequalities for which societies may nevertheless be not (or not wholly) responsible. If we take it as a virtue of an approach to global justice that it tracks responsibility more finely, we may be led to a quite different account, and perhaps a fine-tuned account of global distributive justice involving continual transfers. Finally, if we take it as a virtue of an account of global justice that it draws only upon those ideas that are already widely accepted in international society - and hence already acceptable to all reasonable societies individually - then Rawls already recognises that his account of global economic justice over-extends itself. It takes us beyond currently accepted ideas, onto far rockier terrain. It appears, then, that we must either reject any such attempt, or accept that we need to provide compelling, but perhaps *novel* (and hence not presently (481)

widely accepted) arguments to give coherence to our intuitions about a rapidly changing world, and the position of the rich and powerful within it. It will already be evident from this short summary that satisfying each of these apparent virtues simultaneously may not be possible. If this is correct, we may be entering a period not of simple rehabilitation at all, but rather a period where supporters of Rawls's *The Law of Peoples* need to choose between major constituent elements of his approach. (482)