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**Duties to Burdened Societies:  
A Challenge to the Rawlsian  
Internationalist Account of Nations' Global  
Responsibilities**

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A thesis submitted for the degree of Doctor in Philosophy

School of Government & International Affairs

Durham University

2016

## **Abstract**

This thesis contributes to the literature on duties of global justice by critically examining the Rawlsian internationalist account of duties of development assistance. Internationalists argue that two distinct spheres of justice exist: The domestic sphere, where demanding, often egalitarian duties, are owed between citizens, and the global sphere where much less demanding duties are owed to non-citizens. Among those, however, is an obligation to help the world's poorest countries, called burdened societies, develop. This thesis argues that even if we accept the internationalist framework as a whole, this duty of development is more demanding than its proponents assume. It does so by, first, examining the normative assumptions behind the duty, namely how basic human rights are understood, at what point countries cease to be burdened, and what role national self-respect and self-reliance play. Second, it questions the role that domestic government institutions play in determining whether or not a country develops. And third, it examines the effect that the history of past injustices, colonial or otherwise, towards the least developed countries has on our present-day duties. In making this argument the thesis does not attempt to provide a single authoritative version of internationalism, but instead acknowledges the breadth of views within the literature.

Although primarily a work of normative political philosophy, this work places a great emphasis on empirical work to illustrate and inform my argument. This takes two forms. First, it undertakes an extensive

review of the development economics literature about the likely positive and negative effects of outside assistance in least developed countries. And second, to test the claim that quality of domestic institutions is the overarching determinant of development, it conducts a statistical analysis of 102 countries using fuzzy set Qualitative Comparative Analysis (fs/QCA).

In doing so, the thesis justifies a thicker and more encompassing duty of development which is nonetheless compatible with internationalist account of global justice. As such, it also provides an outline of how rich, developed states can and ought to act in the present.

# Table of Contents

Statement of Copyright .....	8
Acknowledgements .....	9
Introduction.....	10
0.1 Introduction .....	10
0.2 The central question of the thesis .....	11
0.3 Structure and chapter outline .....	18
Chapter 1 – Literature Review .....	22
1.1 Introduction.....	22
1.2 Rawls and A Theory of Justice.....	23
1.3 <i>The Law of Peoples</i> gets a harsh welcome .....	30
1.4 Others come to Rawls’s defence.....	37
1.5 Other forms of Rawlsian internationalism .....	45
1.6 Duties to burdened societies.....	52
1.7 Conclusion .....	64
Chapter 2 – Methodology.....	67
2.1 Introduction .....	67
2.2 The Anglo-American tradition .....	68
2.3 The purpose and aims of quantitative analysis .....	74
2.4 The institutional thesis .....	77

2.5	The method – fuzzy set Qualitative Comparative Analysis.....	81
2.6	Case and variable selection .....	88
2.7	Conclusion.....	91
Chapter 3 – The Duty of Assistance .....		93
3.1	Introduction .....	93
3.2	Rawls’s duty of development.....	95
3.3	The duty of assistance as human rights.....	100
3.4	Basic needs.....	108
3.5	International human rights treaties .....	115
3.6	Common ownership of the Earth .....	122
3.7	Rights derived from the liberal world order.....	128
3.8	Rights in perpetuity .....	135
3.9	Conclusion .....	139
Chapter 4 – Global and Local Duties in Conflict.....		144
4.1	Introduction .....	144
4.2	Is there a conflict between global and local duties? .....	145
4.3	Dichotomies and oversimplifications.....	149
4.4	Thought experiments .....	157
4.5	Demands of reasonableness .....	164
4.6	The crutch of self-respect.....	168
4.7	Conclusion.....	184
Chapter 5 – The Role of Institutions.....		186
5.1	Introduction .....	186

5.2	Overview – the overarching role of institutions .....	189
5.3	Other possible impediments to growth .....	198
5.4	Variables and case selection.....	206
5.4.1	Variables .....	206
5.4.2	Case selection .....	212
5.5	Fs/QCA – necessary conditions and sufficient pathways .....	215
5.5.1	Univariate analysis.....	216
5.5.2	Set theoretic consistency – outcome necessity .....	220
5.5.3	Set theoretic consistency – outcome sufficiency.....	224
5.6	Discussion .....	228
5.7	Implications for the institutional thesis .....	233
5.8	Conclusion .....	236
Chapter 6 – Our Capacity to Help .....		238
6.1	Introduction .....	238
6.2	The duty of development in context.....	240
6.3	Is aid effective? .....	243
6.4	How institutions play in.....	256
6.5	The duty of development in Ghana .....	262
6.5.1	Governmental capacity.....	268
6.5.2	Health.....	271
6.5.3	Infrastructure and industry .....	273
6.6	Broader lessons for the duty of development.....	275
6.7	Conclusion.....	283



Chapter 7 – Background Conditions, Historic Injustice, and Fairness ...	286
7.1 Introduction.....	286
7.2 Does the global order need to be rectified? .....	289
7.3 The contradiction in the law of peoples.....	297
7.4 A fairness-based reason .....	304
7.5 Historic injustice in acquisition .....	309
7.6 Miller and quasi-cosmopolitanism.....	316
7.7 What would a reasonable starting point look like?.....	329
7.8 Conclusion.....	336
Conclusion .....	337
8.1 Introduction .....	337
8.2 Chapter reviews .....	339
8.3 Research impact and relevance.....	349
8.4 Avenues of further research .....	352
8.5 Conclusion .....	355
Appendix.....	357
Bibliography.....	363

## **Statement of Copyright**

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# Introduction

## 0.1 Introduction

900 million people still live in poverty today. That number has dropped quite a lot from 50 or even 25 years ago, when 37% of the world's population was extremely poor.<sup>1</sup> Although this monumental decline in poverty is a hugely positive step, and one that should be celebrated, the development has largely taken place in Asia and South America, fuelled by the rapid growth of China, Vietnam and (to a lesser extent) India. But elsewhere, especially in sub-Saharan Africa, the same development seems to be lacking. There have been vast improvements in some parts, but on the whole development has been much slower in these countries than in their Asian counterparts. 42.6% of Africans remain poor.<sup>2</sup>

Perhaps it is just a matter of time before the remaining abjectly poor parts of the world catch up. Perhaps global market capitalism will eventually take everyone out of poverty, and what has happened in large parts of Asia in recent decades will eventually happen in the rest of the world, including sub-Saharan Africa. But there are reasons to be sceptical of that claim. If the same global market forces that have caused Asia to rise have failed to do the same for Africa, why should we believe that they will do so in the future? It seems more likely that different problems beset

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<sup>1</sup> World Bank, "Overview," *Poverty*, 2015, <http://www.worldbank.org/en/topic/poverty/overview>. By "today" I mean the most recent numbers available, from 2012.

<sup>2</sup> Ibid.

these countries for whom free market capitalism has seemed to be more snake oil than cure. Maybe a different response is needed to get to that last remaining 900 million poor people in the world.

This thesis is about what that response should be. What are the duties of the wealthiest countries in the world to help those who live in impoverished societies? How far out of our way are we expected to go in fulfilling our duties of global justice? How are these duties limited by empirical constraints and clashing duties of justice to a country's own citizens? If these questions can be answered clearly and coherently, we will have a much better idea of what the world's richest countries ought to do.

## **0.2 The central question of the thesis**

The political map of the world is characterised by sovereign, independent states that control political affairs within their territories. Obviously, they do not wield supreme power – a long list of treaties constrain governments' legal and legitimate courses of action, especially when it comes to human rights and military non-aggression. The consequences of not following established norms of legitimacy can be quite severe. Some countries, moreover, have voluntarily signed away parts of their sovereignty to supranational organisations such as the European Union, or engaged in bilateral or multilateral free trade agreements. Almost all are members of the United Nations and most have joined international organisations such as the World Bank, the International Monetary Fund or the World Health Organization.

Nonetheless, a substantial and powerful argument can be made that the political structure of the world is in itself a form of injustice – that by drawing sharp lines on a map that separate one country from the rest, we prevent people from being able to take part in political decisions that legitimately concern them, and stop them from moving around freely as is their right. We also encourage politicians to think of all politics as national politics even when the decisions have global consequences, and in the process prevent countries from working together to solve problems that are global in nature, and therefore must be solved globally. Moreover, cosmopolitans argue, in a world divided into sovereign states people are encouraged to think of themselves first and foremost as members of a particular, arbitrary, political community instead of seeing themselves as a part of humanity. This, in turn, makes people in the richest parts of the world unable to accept the necessary changes to the global system in order to establish a just world order. This does not necessarily mean that some sort of global governance structure, either in the form of a global state or other kinds of interlocking and overlapping spheres of governance, must be implemented. That is indeed the view of some cosmopolitans. But others accept the role of the state for practical or normative reasons, while nonetheless arguing that they ought to be reformed to live up to the principle of treating each individual as belonging within the same sphere of justice.<sup>3</sup>

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<sup>3</sup> I discuss these objections, in the context of Rawls, in Chapter 1. For good examples of this line of thought, see Luis Cabrera, *Political Theory of Global Justice: A Cosmopolitan Case for the World State* (London: Routledge, 2004) as an example of the former, and Simon Caney, *Justice Beyond Borders* (Oxford: Oxford University Press, 2005); Lea Ypi, “Statist Cosmopolitanism,” *Journal of Political Philosophy* 16, no. 1 (2008): 48–71 as examples of the latter line of thinking.

On the other hand internationalists, also sometimes referred to as statist<sup>4</sup>, argue that the global structure of the world, while not necessarily just as things stand, nonetheless has the potential to be just without the fundamental changes that some cosmopolitans envisage. To them, states are a legitimate part of the system, and we have good reasons to want states to continue to make up the most important part of the international sphere. States, they say, are the framework by which people's rights are guaranteed, and their ability to live and give meaning to their life can be realised. For that same reason, it is right that citizens of a state should be bound together by much closer ties than those which bind together humanity as a whole. Citizens owe each other a duty of justice that is much more demanding than those owed to non-citizens, precisely because it is through the shared legal, cultural and normative framework of the state that they are able to live their lives as free and autonomous individuals.

That does not mean that no duties are owed to foreigners, however. But they are, in broad strokes, limited to duties to prevent absolute poverty, and to ensure basic human rights. They are therefore much less demanding than both those owed to compatriots, and those for which cosmopolitans argue.

This is a fascinating debate, and while there are strong arguments in favour of either standpoint – though I do lean more towards one than the other – this thesis does not take sides in that argument. Instead, I

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<sup>4</sup> I prefer the term “internationalist” to “statist” for two reasons. First, although to many the terms are interchangeable, statist is sometimes used to refer to people who believe that no duties of justice whatsoever exist outside the state, as opposed to internationalists who believe there are some global duties of justice. And second, in popular parlance the term statist is sometimes used as a quasi-derogatory term for someone who thinks that only his or her state's interests are relevant.

approach the subject from a different angle. I keep the central argument of the internationalist account of global justice as read, and instead ask what that means for the duty of development specifically. Therefore, the central research question motivating this thesis is: *If* we assume that duties towards non-compatriots are limited in broadly the way internationalists argue, what does the duty of development actually entail?

This approach might seem unnecessarily conservative to some. Surely, to answer the question of what duties exist within a particular framework, we must first zoom out and ask if the framework itself is just. By asking what is just within a framework without questioning it first, are we not begging the question? Here I would therefore refer to what John Rawls calls “realistic utopia”,<sup>5</sup> the idea that our moral enquiries should be informed by empirical reality and be applicable directly to the world we live in, including the current political reality of the international system. What the proposals outlined here crucially do not require are, first that a cosmopolitan value set supersede national sympathies.<sup>6</sup> And second, that the efforts of different countries be coordinated at a basic level. Nor do the efforts of individual countries to live up to their duties of global justice depend substantially on whether others do the same. The kinds of compliance and coordination issues that often plague solutions to global problems,<sup>7</sup> are therefore not the same foundational stumbling block as they are, for instance, when it comes to establishing global institutions.

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<sup>5</sup> John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999), 7.

<sup>6</sup> Matt Sleat, “The Value of Global Justice: Realism and Moralism,” *Journal of International Political Theory* 12, no. 2 (2016): 175.

<sup>7</sup> Laura Valentini, “Ideal vs. Non-Ideal Theory: A Conceptual Map,” *Philosophy Compass* 7, no. 9 (2012): 654–64.



Moreover, you might reasonably ask, is anything that requires the consent of the powerful really realistic? And of so, is it not better to advocate for a conception of justice whereby the powerful are constrained in their actions? But if the standards by which something is to be judged realistic or feasible is whether it is even remotely likely to happen in the near future, we might as well just pack up and do something other than political philosophy. Change can and does happen, but it is often both slow and unpredictable. The realism of this project should instead be understood as not requiring the fundamental structural changes some cosmopolitans demand. In order to discharge an internationalist duty of justice (both as it is currently understood by many internationalists, and as I argue it should be understood), it is necessary to change the outlook of the leaders of rich, powerful countries. They have to sign up to committing to spending more on foreign development and investment, and to conducting a more collaborative and cooperative foreign policy. These may be very big asks indeed. But a willingness on the part of key actors to change seems to me an essential precondition for any change to happen.

Whatever the normative value of cosmopolitanism over internationalism might be, it therefore seems to me that the internationalist duty maps more closely to what the world actually looks like. This is especially true given the normative importance that most people place on the state as a political entity.<sup>8</sup> For that reason alone, there is value to keeping that particular feature static. A discussion about what is owed to burdened societies on the internationalist account therefore

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<sup>8</sup> Ypi, "Statist Cosmopolitanism," 54.

translates more easily into a claim about what governments should do now, especially compared with non-statist cosmopolitan accounts of justice.

As it happens, I argue throughout this thesis that, even if we accept the basic internationalist framework, the duties towards burdened societies are, in fact, more demanding than internationalists themselves claim. Of course, most of the developed world's attitude towards the global poor is pitiful even by the limited internationalist standards. But I contend that even if states were to fulfil the responsibilities laid out in the existing internationalist literature they would still only be part of the way to treating non-compatriots in least developed countries justly.

As I will make clear through the thesis, internationalism is a broader church than the brief introduction given here is able to convey. Just like cosmopolitanism, internationalism comes in many forms, some of which emphasise the state's duties of global justice more strongly than others. Indeed, an internationalist is not defined by a belief that a particular set of rights and duties are shared by a group of people, either domestically or internationally. Rather, what ultimately separates internationalism from cosmopolitanism, in all their various forms, is the belief that the citizen and non-citizen operate in separate and distinct spheres of justice. In this thesis, therefore, I do not pretend to present a definitive account of what internationalism is. Rather, I engage with a number of different authors who, as will become clear, approach the question of what is owed to non-citizens from very different angles and often disagree with each other. In making my case I engage with the views that tend to be more challenging, or more interesting to question, which in

many cases tend to be the ones where the contrast between the internationalist view and my own is starkest.

This thesis is first and foremost a normative piece of work, but it is one with a heavy empirical bent. The facts on the ground matter to our philosophical convictions, especially when it comes to the question of what duties are owed to people living under conditions of extreme hardship. The normative argument is, as far as possible, built on solid empirical foundations. This is particularly clear in my discussion of what kinds of development it is actually possible for an outside agent to affect – the institutional thesis. The institutional thesis claims that good institutions are the key determinant of development. Because these are extremely hard to influence from the outside, the argument goes, our responsibility to act is therefore diminished accordingly. Rather than conduct an extensive literature review I instead conduct an analysis using fuzzy set Qualitative Comparative Analysis (fs/QCA). As I explain in the methodology chapter, I do this not only to provide a more thorough argument but also to highlight that empirical questions can be effectively and competently grappled with even by people, like myself, from a different background and with limited prior knowledge of the methods involved.<sup>9</sup>

My argument is aimed at citizens, politicians and opinion makers operating in or coming from the rich, developed Western world. I am one of them. Born into a middle class family in one of the richest and most equal societies in the world, I have enjoyed all the benefits that come with

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<sup>9</sup> The thesis's heavy reliance on empirics is hardly revolutionary in the field, however. Rawls's empirical digging in *The Law of Peoples*, is rarely more than surface-deep, and Michael Blake professes not to engage with it all. But others, most notably Mathias Risse whose work the fs/QCA analysis is primarily a retort to, uses empirical studies extensively to inform and bolster his argument, to great effect.

citizenship of the West. Apart from two stints in Tanzania and Nepal, volunteering for ActionAid (a quintessentially middle class thing to do), I am steeped through and through in a Western liberal mode of life. I make no deliberate attempt in this thesis to reflect on my own role as a researcher of that particular background, though I do discuss and aim to call into question the assumption of universality that, as we will see, underpins key parts of the internationalist argument.

### **0.3 Structure and chapter outline**

The argument in this thesis can roughly be divided into three parts. The first part, comprising Chapters 3 and 4, are predominantly normative in nature. They ask how and why the internationalist duty of development is limited in the way it is. The second part, made up of Chapters 5 and 6, is predominantly empirical. It challenges assumptions about what causes development, and how much we, as outsiders, can do to make the kinds of changes necessary for a country to develop. The third and final part consists of Chapter 7, which asks what role historical injustices should play in determining how demanding the duty of development should be.

Chapter 1 begins by providing the necessary context for the argument. It situates the argument in the Rawlsian tradition and lays out its origins from *A Theory of Justice* through to *The Law of Peoples* and beyond. It also introduces the institutional thesis, which will become highly relevant in Chapters 5 and 6.

Chapter 2 discusses the methodology of the thesis, locating the argument in the Rawlsian analytical philosophical tradition, and

underscoring the emphasis on real-life examples to guide our moral reasoning. It also presents and justifies the use of fs/QCA as the analytical method used in Chapter 5.

Chapter 3 opens the central argument by asking what the maximum moral extent of the duty of development is. Internationalists claim that the duty only covers human rights and basic needs, but what do these two things actually mean? I argue that they must mean the inclusion of at least three additional rights: A standard of living adequate for a person's health and well-being, the right to an education, and the right only to be subjected to laws that ensure the rights and freedoms of everyone. I also consider two additional grounds for a duty of development. These are, first, common ownership of the Earth, which I find are implausibly narrow. And second, rights derived from a liberal world order do, like the internationalist approach to human rights, result in a narrow conception of rights. However, it does stand out in one respect: There is a right to live in a democratic state, which I find plausible in principle, even if insisting on its implementation may be risky. Finally, I argue that to secure a right in perpetuity is a more demanding duty than to secure a right here and now, and the duty of development must be sensitive to this fact.

Chapter 4 continues the discussion of the duty of development's normative limits, asking what happens when global duties conflict with other ones. Internationalists assume that the two never clash, but I argue that this rests on a misconception that a country is either completely burdened, or completely well-ordered. They do not acknowledge the possibility that a country may straddle both categories. But in fact, many countries do fall somewhere in-between, and this throws up important

questions. Another misconception concerns the need to preserve the self-respect and self-determination of the target country. Although self-respect is clearly important it is not a uniform measure, and Western conceptions of the value of self-determination are not universal. We should therefore not assume that all countries will value their self-respect in the same way.

Chapter 5 returns to the institutional thesis, and argues that it is misguided. While it is indeed true that institutions play an essential role in determining development, they do so in a very different way than the thesis suggests. Rather than institutions being correlated with development, they are in fact a necessary precondition for it, although they are not sufficient preconditions in themselves. This means that while the duty of development is indeed severely curtailed in countries with poor institutions – because there is very little we can do to help other than through immediate poverty relief – it would be wrong to assume that countries are poor *because* they have bad institutions. In many cases, therefore, the institutional thesis does not apply, and does not diminish the duty of assistance.

Chapter 6 continues the argument by looking more broadly at what wealthy countries can do to aid poorer ones. It finds that while there are many problems with development assistance, the harshest critics are misguided when they argue that it is of no use. In fact, development assistance has been proven to have a small but significant effect, and there are some cases (though by no means all) where scaling up aid levels is likely to bring about good outcomes. As an example, I suggest that Ghana is one of those cases, and suggest some concrete ways that increased aid flows to Ghana could bear fruit.

Finally, Chapter 7 returns to the normative, and asks what the significance of the world's history of colonial violence and subjugation is. I argue that the global order *is* unjust due to its colonial origins, and that there is a duty to atone for it. I then discuss a contradiction in Rawls's argument, that his theory is simultaneously idealistic and applicable to the world as it is now. But peoples in the original position, who are aware of the history of colonialism, would not allow the principles Rawls suggests to go into effect without first addressing that history. One possibility is that they would settle on a temporary extended duty to bring the world up to a level starting point before the regular principles would take effect. I defend this solution as valid whether you believe that the global order is characterised by a liberal or a libertarian conception of justice. Finally, I discuss a duty of imperial repair, posited by Richard Miller, and argue that while the scope of the duty is plausible, the range is too narrow. Given the intractable nature of the legality, legitimacy and practice of colonialism it does not make sense to assign the duty of imperial repair exclusively to the former colonial master. Instead, it must be a shared duty that is owed by all wealthy countries against all former colonies.

# Chapter 1 – Literature Review

## 1.1 Introduction

This thesis is a contribution to the debate between internationalism and cosmopolitanism about what kinds of duties peoples owe to non-compatriots, specifically the duties that are owed to the world's least developed countries, or burdened societies. In doing so, I keep the basic framework of internationalism in place for the sake of the argument, instead asking: If internationalists are right that the duties of a society towards non-members are limited in the way they claim, and that the domestic and the international really do constitute two separate spheres of justice, where does that leave duties towards the world's poorest? It will be my contention throughout the thesis that those duties are, in fact, more demanding than internationalists tend to assume.

But before I can begin that task, it is first necessary to establish where the internationalist argument originates, in order to fully understand its force. This chapter is therefore organised as follows. First, in Section 1.2, I outline the basic tenets of *A Theory of Justice* and discuss the limited attention Rawls gives to the international sphere in this work. I further explore how many prominent critics, including Brian Barry, Charles Beitz and Thomas Pogge elaborate on the international dimension, arguing that Rawls, properly understood, must be a cosmopolitan.

Section 1.3 then outlines the central tenets of *The Law of Peoples*, Rawls's international theory which disappointed cosmopolitan critics by



defending a limited conception of global duties. It also explores important criticisms of Rawlsian internationalism. Section 1.4, by contrast, gives the stage to influential defences of Rawls's theory which, they argue, is both richer and less conservative than its critics imagine.

Next, in Section 1.5 I move the focus away from Rawls directly, and explore in detail several other internationalist approaches, especially those of Michael Blake, Matthias Risse, Thomas Nagel, David Miller and Richard Miller among others. They argue that only the state gives rise to the kinds of egalitarian justice that cosmopolitans believe apply to all of humanity.

Finally, in Section 1.6 I outline specifically what duties we owe towards developing countries. Internationalists argue that while duties to least developed countries do exist as a matter of justice, they are nonetheless limited by a fixed cut-off point. In addition, we have reasons to be concerned with toleration and prudence, which makes the duty harder to fulfil. It is therefore less demanding in practice than in theory. One such concern is the institutional thesis, the idea that what really determines whether a country develops is the quality of its institutions. This section therefore provides a broad overview of the internationalist arguments that the thesis will examine in the coming chapters. Section 1.7 concludes.

## **1.2 Rawls and A Theory of Justice**

When John Rawls published *A Theory of Justice* in 1973, he limited his theory to an idealised domestic society in which people share a common conception of the good. He left speculations about the nature of

international justice to a minimum, not addressing it to any substantial degree until the paper, and later monograph, both entitled *The Law of Peoples*. While in the few times he pointed to the global sphere, his view seemed reasonably close to what was later presented in *The Law of Peoples*,<sup>1</sup> the sheer scarcity of an international dimension to his earlier work left it unclear where Rawls stood on the subject, and how it fitted with his domestic structure. The intervening years therefore saw plenty of speculation about the consequences of Rawls's framework for the international sphere, and not least what Rawls himself thought about global justice.

In *A Theory of Justice*, Rawls set out to create a theory that “generalises and carries to a higher level of abstraction the familiar theory of the social contract found, say, in Locke, Rousseau or Kant,”<sup>2</sup> eliminating from the equation any assumptions about real or imagined historical events, such as the “state of nature”. Instead, he asks us to imagine a state of nature which is purely hypothetical, the “original position”. In it, the representatives of individuals are situated behind a “veil of ignorance”<sup>3</sup> in which they are aware of basic features of the world they will inhabit but know nothing about their own circumstances, since this would enable them to choose policies that favour themselves. This includes their place in society, social status, natural talents and abilities, intelligence and strength, or their particular conception of the good.<sup>4</sup> In preventing them from favouring themselves in their decisions, since they have no way of

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<sup>1</sup> John Rawls, *A Theory of Justice*, revised edition (Oxford: Oxford University Press, 1999), 331–332.

<sup>2</sup> *Ibid.*, 10.

<sup>3</sup> *Ibid.*, 118–123.

<sup>4</sup> *Ibid.*, 11.

knowing which institutions or conceptions of justice will do so, the procedure therefore guarantees that the representatives will choose fair principles of justice. Particularly, Rawls argues, their deliberation will lead to the following principles being agreed to:

First: each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.

Second: social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all.<sup>5</sup>

These principles follow naturally from the restrictions placed on the individuals in the original position. Since they do not know what their position in society will be, they will be concerned with making the worst off in society as well off as possible. Consequently they settle on a highly egalitarian conception of justice, the “difference principle”, or “maximin”, which maximises the welfare of the worst-off members of society. They allow only those inequalities that contribute towards this goal, for instance by creating incentives for hard work and innovation.<sup>6</sup>

*A Theory of Justice* was met not only with widespread praise, but also with affirmations both from admirers and critics of the sheer force of its arguments and lasting impact. “I believe that, as time goes on,” writes

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<sup>5</sup> Ibid., 53.

<sup>6</sup> Ibid., 65–73.

Brian Barry, “A Theory of Justice will stand out with increasing clarity as by far the most significant contribution to political philosophy in this [the 20<sup>th</sup>] century.”<sup>7</sup> Robert Nozick notes that “[p]olitical philosophers now must either work within Rawls’s theory or explain why not.”<sup>8</sup> While the reception has been overwhelmingly positive, some criticisms have been particularly influential. From a libertarian perspective Nozick objects that any redistributive principle of justice is in itself unjust, since it invariably involves taking property away from its rightful owners. Hence the justice of a distribution of goods must be a function of the myriad steps by which it came about, and cannot depend on the end-result of that process.<sup>9</sup> The communitarian critique offered up most prominently by Michael Sandel contends that what Rawls asks us to do, namely to imagine persons with no knowledge of their own individual circumstances, preferences and relationships, is impossible. The resulting person behind the veil of ignorance is neither an agent of construction nor of choice, as Rawls claims, but “less liberated than disempowered,” and “left at sea in the circumstances it was thought to command.”<sup>10</sup> Further, to Michael Walzer legitimate social criticism cannot emanate from a hypothetical state of nature devoid of any cultural particulars, but must always be grounded in real and present persons with specific traditions and cultures.<sup>11</sup>

But another objection, that the original position could, and should, be extended to encompass the whole globe, has been a feature of critiques

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<sup>7</sup> Brian Barry, “John Rawls and the Search for Stability,” *Ethics* 105, no. 4 (1995): 915.

<sup>8</sup> Robert Nozick, *Anarchy, State, and Utopia* (Malden, MA: Blackwell Publishing, 1974), 183.

<sup>9</sup> *Ibid.*, 151–152. See also Chapter 7 of the book.

<sup>10</sup> Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 178.

<sup>11</sup> Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York, NY: Basic Books, 1983), 79–82.

of Rawls since the beginning. In Barry's version the argument goes as follows: Rawls mistakenly assumes that in the original position communities already exist, but the representatives are merely unaware of their features. However, they must also know the basic features of the world we live in, namely that some communities will be rich while others will be poor. But if they do not know which one they are in, the same principles by which they adopt the maximin principle within communities will lead them to demand that their deliberation include everyone in the world. They will not want their own conditions to be determined by the luck-of-the-draw of which community they end up living in.<sup>12</sup> But Rawls is adamant that egalitarian justice takes place between persons bound together by mutual and reciprocal schemes of cooperation of the kind that only apply internally within societies.<sup>13</sup> Why, then, should we expect the representatives behind the veil of ignorance not to restrict their discussion to fellow members of this scheme? Because, counters Charles Beitz, this line of argument is based on an empirical misunderstanding about the international sphere. Rawls seems to think of communities as self-sufficient. While such a world may be a theoretical possibility, however, it has very little in common with our current world order in which global interaction, and in many cases interdependence, is beyond doubt.<sup>14</sup> Many others have made similar arguments, with the emphasis normally placed either on the first objection, that the representatives in the original

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<sup>12</sup> Brian Barry, *The Liberal Theory of Justice* (Oxford: Oxford University Press, 1973), 128–133.

<sup>13</sup> Rawls, *TJ*, 40. This is not simply not one of the principles given to the representatives in the international original position; it is something they themselves would insist on.

<sup>14</sup> Charles R. Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979), 143–153. Also, Part Three (125-176) in general.

position would object to only considering their own society; or the second, that global interaction renders the sharp separation between the domestic and the international untenable.<sup>15</sup>

Interestingly, *A Theory of Justice* seems to simultaneously support the role and shape of the original position for an international conception of justice that Barry and Beitz endorse, and the one Rawls eventually adopts definitively. This is probably down to the fact that Rawls paid so little attention to the issue that for his purposes the discrepancy mattered little to the argument.<sup>16</sup> At one point he presents the global original position as one made up of persons from various societies, deliberating from behind a veil of ignorance that leaves them unaware of their own place within their society, but also of the specific features of it. At another point he thinks of them as representatives of states, concerned with furthering their own rational interests as defined by principles of justice that have already been agreed upon domestically.<sup>17</sup> The latter, as we will see shortly, differs in two important regards from *The Law of Peoples*; here the representatives are states and thus presumably more Westphalian than peoples, and they are guided by rationality rather than reasonableness. Nonetheless it is clearly closest to the version that Rawls eventually settles on.

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<sup>15</sup> See, for instance, Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1989); Andrew Kuper, "Rawlsian Global Justice: Beyond the Law of Peoples to a Cosmopolitan Law of Persons," *Political Theory* 28, no. 5 (2000): 640–74; Luis Cabrera, "Toleration and Tyranny in Rawls's 'Law of Peoples,'" *Polity* 34, no. 2 (2001): 163–79; Kok-Chor Tan, "Liberal Toleration in Rawls's Law of Peoples," *Ethics* 108, no. 2 (1998): 276–95; Simon Caney, "Cosmopolitanism and the Law of Peoples," *The Journal of Political Philosophy* 10, no. 1 (2002): 95–123.

<sup>16</sup> Pogge, *Realizing Rawls*, 242. The section from which the following quotes are taken appear in a section that is not mainly about international justice, further underlining the relative unimportance of the issue in *A Theory of Justice*.

<sup>17</sup> Rawls, *TJ*, 331–332. See also Pogge, *Realizing Rawls*, 242–243.

To Thomas Pogge, a global redistributive principle follows logically from either reading. Either the individual persons in the original position are concerned with securing the most extensive package of basic social goods possible, regardless of which society they will end up in, or else the representatives of states will be concerned with securing the best basic goods for their least well-off members. Whatever principle for international justice they decide on, they will want to assess their choice in light of each option's ability to minimise violations of the first principle of justice. It is therefore "astonishing that Rawls takes this global session to result in the affirmation of the 'familiar' principles of international law."<sup>18</sup> The parties in the original position, whether individuals or states, will have reasons to reject this proposal in favour of wider-reaching principles that ensure that equal liberties are maintained in the face of the forces of international trade, where inequalities between states are not allowed to reach a level that threatens their commitment to treaties, and with a proper mechanism for adjudicating and enforcing treaties. Without these, even an initially stable global order is vulnerable to non-compliance, compromising its durability.<sup>19</sup>

In most ways Pogge's suggestion falls closely in line with earlier arguments in favour of a globalised original position made up of representatives of individuals, but with one crucial difference. Rather than being an extension of the domestic one, the global version is the *original* original position. Here the question of states, or indeed any form of national subdivisions, is not a given, but is open for deliberation. This,

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<sup>18</sup> Pogge, *Realizing Rawls*, 243–244.

<sup>19</sup> *Ibid.*, 244–245.

Pogge argues, creates a more principled, harmonious and coherent theory than the two-step process Rawls endorses.<sup>20</sup> After all, how is it possible for peoples to even determine how they want their own societies to be organised without knowing what the world as a whole looks like? Once the newly constituted peoples have met and hashed out the rules for the global order, they will surely want to go back and re-negotiate the domestic principles in light of the new information they have gained.

### **1.3 *The Law of Peoples* gets a harsh welcome**

*The Law of Peoples* continues the social contract approach set out by *A Theory of Justice*, and once again the representatives meet behind the veil of ignorance, this time to determine principles for international cooperation. This second original position retains many of the features of the first one: Once again they are unaware of their own key characteristics, such as “the size of the territory, or the population, or the relative strength of the people whose fundamental interests they represent, [...] the extent of their natural resources, or the level of their economic development, or other such information.”<sup>21</sup> Other features, however, are distinctly different. The representatives know that they represent liberal peoples, and that whatever else may be true about them they are capable of constituting themselves as such. Moreover, they know that one of their key interests

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<sup>20</sup> Ibid., 246–249.

<sup>21</sup> Rawls, *LP*, 32–33.



will be to preserve their self-respect as a people, and they will be fully prepared to grant this to others as well.<sup>22</sup>

The principles they decide on will seem familiar to those who follow international politics, since they share a striking resemblance with the principles that underpin international cooperation under the terms set out in the UN Charter.<sup>23</sup> They are:

1. Peoples are free and independent, and their freedom and independence are to be respected by other peoples.
2. Peoples are to observe treaties and undertakings.
3. Peoples are equal and are parties to the agreements that bind them.
4. Peoples are to observe a duty of non-intervention.
5. Peoples have a right of self-defence but no right to instigate war for reasons other than self-defence.
6. Peoples are to honor human rights.
7. Peoples are to observe certain specified restrictions in the conduct of war.
8. Peoples have a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime.<sup>24</sup>

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<sup>22</sup> *Ibid.*, 33–34.

<sup>23</sup> UN General Assembly, “Charter of the United Nations,” 1945, <http://www.un.org/en/charter-united-nations/>.

<sup>24</sup> Rawls, *LP*, 37.

In the original position for domestic society, the representatives get to determine the principles of justice through free deliberation. But here, they “simply reflect on the advantages of these principles of equality among peoples and see no reason to depart from them or to propose alternatives.”<sup>25</sup> The options therefore seem to be set in advance. By whom? That is not immediately clear.

The second major innovation in *The Law of Peoples* compared with *A Theory of Justice* is that this time the original position is not made up of the representatives of individual persons, but those of peoples. Peoples or, more accurately, liberal peoples are distinct from states by virtue of three basic features, none of which are prerequisite to a Westphalian conception of statehood. First, they have a “reasonably just constitutional democratic government that serves their fundamental interests.” Second, citizens must be united by “common sympathies”, and finally, they must have a “moral nature.”<sup>26</sup> Two further distinctions are important, namely that peoples lack traditional, absolute, Westphalian sovereignty, and are motivated by reasonableness instead of rationality.<sup>27</sup> Interestingly, Rawls appears to think that his rejection of Westphalian statism is the real point of contention in his theory, devoting a whole section (§2) to the question of why peoples and not states are represented in the original position. The question of peoples instead of individuals (which, as we will see shortly, has drawn heavy fire from critics) is settled by a single paragraph stating that his “account of the Law of Peoples conceives of liberal democratic

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<sup>25</sup> Ibid., 41.

<sup>26</sup> Ibid., 23.

<sup>27</sup> Ibid., 23–27.

peoples (and decent peoples) as the actors in the Society of Peoples, just as citizens are the actors in domestic society.”<sup>28</sup> End of story.

The initial original position takes place between the representatives of liberal societies. The inclusion of decent peoples is then achieved through a second version of the original position populated only by decent peoples, who will deliberate and acknowledge the same eight principles liberal peoples acknowledge.<sup>29</sup> Why would liberal peoples invite non-liberal peoples into the fold? Because the principle of toleration, intrinsically valuable to liberals, means recognising these societies as equal. An international order in which only liberal peoples were accepted would not show proper respect for other acceptable forms of society. It would therefore, says Rawls, be illiberal to refuse non-liberal societies entry into the society of peoples.<sup>30</sup>

Given the force of objections to Rawls’s scheme for international justice coupled with the relative paucity of detail in his original work, it had largely been expected that he would come to see his initial position as an oversight and come out in favour of the global original position. Many were therefore deeply disappointed by Rawls’s rejection of global egalitarian distributive justice, and his refusal to endorse a global original position made up of individuals. Commenting on earlier drafts of Rawls’s thoughts on international justice, in which he advocates the principles for international cooperation that later appear in *The Law of Peoples*, Pogge admits that he is “at a loss to explain Rawls’s quick endorsement of a

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<sup>28</sup> Ibid., 23.

<sup>29</sup> Ibid., 62–70.

<sup>30</sup> Ibid., 59.

bygone status quo.”<sup>31</sup> In Rawls’s highly progressive endorsement of egalitarian distributive principles for domestic society, his earlier work did after all only “leave aside here the problem of justice between nations” and opened with the assumption of closed societies “as a first approximation” to be expanded upon “as further inquiry requires.”<sup>32</sup> Presumably this would not have required a reworking of the basic principles upon which our conception of justice is founded, or he would have said so explicitly. Kok-Chor Tan, similarly, finds it “disappointing that in his articulation of a law of peoples, Rawls affirms his rejection of an egalitarian international theory.”<sup>33</sup>

Why is Rawls’s rejection of international egalitarianism so problematic? Caney finds several objections to Rawls’s theory, which many others raise as well. First, strongly echoing the pre-*Law of Peoples* extrapolation of Rawlsian international theory from *A Theory of Justice*, he asks why we should care about what peoples would agree to instead of what individuals would.<sup>34</sup> This, says Caney, would permit several policies that individuals in the original position would never consent to, including denial of voting rights, forcible relocation of minorities, or racial discrimination.<sup>35</sup>

Second, Caney charges Rawls with operating within too rigid a theoretical framework, consisting of only two types of well-ordered peoples with no room for distinguishing between peoples that display

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<sup>31</sup> Pogge, *Realizing Rawls*, 246.

<sup>32</sup> John Rawls in ‘The Basic Structure as Subject’, quoted in *Ibid.*, 240.

<sup>33</sup> Kok-Chor Tan, “Reasonable Disagreement and Distributive Justice,” *The Journal of Value Inquiry* 35, no. 4 (2001): 495.

<sup>34</sup> Caney, “Cosmopolitanism and LP,” 100.

<sup>35</sup> *Ibid.*, 101–102.

some but not all features of liberalness, or some but not all features of well-orderedness.<sup>36</sup> The society of peoples must therefore either accept as members peoples who do not fully live up to the requirements for consideration, or condemn as benevolent absolutisms or even outlaw states those that fail in one or a few aspects, but generally secure most rights for their citizens.

Caney further asks if reasonable disagreement is even possible, given that citizens in decent societies are not guaranteed freedom of expression and of the press; why Rawls allows behaviour by decent peoples that would be unacceptable coming from domestic minorities; and whether his concern for toleration goes too far in limiting what peoples can do or say to each other.<sup>37</sup>

Pogge contends that an original position with representatives of states rather than peoples carries an inherent logical contradiction, since on the one hand they are behind the veil of ignorance where they are unaware of the circumstances of their own society and their place within the society of nations, yet at the same time they represent states who make rational choices to protect their own interests. Since both cannot simultaneously be true, Rawls leans more towards the latter.<sup>38</sup> Here we see a tension between peoples as representatives of the individuals within each society, and as actors in their own right. As Andrew Kuper points out, it is not enough that the interests of peoples be considered internally within each domestic society. This is, first, because Rawls's conception of

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<sup>36</sup> Ibid., 105.

<sup>37</sup> Ibid., 105–112.

<sup>38</sup> Thomas Pogge, "An Egalitarian Law of Peoples," *Philosophy & Public Affairs* 23, no. 3 (1994): 205–206.

societies as closed and self-contained is an unsupportable idealisation with little relevance to the real world. And second, because a rational agreement between two parties representing sets of individual interests is not necessarily going to be similar to a rational agreement between the individuals themselves.<sup>39</sup> Hence it is perhaps not surprising that Rawls's wide definition of toleration would require liberal peoples to tolerate child labour, denial of freedom of association, discrimination against minorities, and discriminatory employment practices.<sup>40</sup>

But why, then, would Rawlsian peoples not subscribe to a more fervent international defence of human rights? And, given that they do not, why would they want to defend some human rights internationally at all? Here Rawls seems to argue that intervention is permissible in certain cases because states that violate human rights are "aggressive and dangerous," and that "all peoples are safer if such states change, or are forced to change, their ways."<sup>41</sup> But, objects Beitz, there is not necessarily any reason why states that violate their own citizens' human rights would be expected to be aggressive to other states. And further, even if this was the case you might question whether a statistical likelihood of this being the case would in itself be enough to justify any particular intervention. More to the point, however, the moral status of human rights must surely stand above a strategic interest in global stability.<sup>42</sup>

Moreover, are the first original position in *A Theory of Justice* and the international version in *The Law of Peoples* really analogous in the

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<sup>39</sup> Kuper, "Rawlsian Global Justice," 645–646.

<sup>40</sup> Caney, "Cosmopolitanism and LP," 102.

<sup>41</sup> Rawls, *LP*, 81.

<sup>42</sup> Charles R. Beitz, "Rawls's Law of Peoples," *Ethics* 110, no. 4 (2000): 684–685.

way Rawls claims? The idea behind the first original position is that the just principles for ordering domestic society are those that would be agreed to under specific considerations, meaning under the veil of ignorance. The representatives are free to choose between any conception of justice they wish, although Rawls says that they would in fact choose a particular conception of justice.<sup>43</sup> It is therefore possible to object to his theory on two fronts. You can disagree with the framework of the original position and the veil of ignorance, or you can accept those, but nonetheless contend that the representatives would, in fact, have chosen differently from what Rawls suggests. *The Law of Peoples*, however, is decidedly disanalogous in that you may raise the first objection but the second is moot.<sup>44</sup>

#### **1.4 Others come to Rawls's defence**

Although Rawls's international theory has attracted quite a measure of negative reviews, it has had its proponents as well. Though they may not be as numerous, they have nonetheless increased in numbers since the book was first published. The reason for the late turn partly seems to be, first, that it is a remarkably short book for the amount of ground it seeks to

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<sup>43</sup> Rawls, *TJ*, 52–53.

<sup>44</sup> It is worth noticing that Sandel offers a very different, and potentially important, interpretation. The domestic original position, he argues, is set up so that any agreement reached is fair. This is commonly interpreted to mean that no matter what the representatives agree to, it will be fair given the circumstances under which it has been agreed. But on a more restrictive reading it seems the original position is set up precisely so that only the right principles can be agreed to (Sandel, *Liberalism and the Limits of Justice*, 126–128). The deliberation behind the veil of ignorance, then, is not so much about determining the right principles of justice through a process of deliberation, but of acknowledging independently existing principles (132). Consequently, the difference in the scope of choice between the domestic and international original position is not as great as it would first seem. Both are left only to choose between variations of pre-existing principles.

cover. It therefore almost inevitably short-changes its readers for details. And second, it is not a standalone project but a continuation of earlier works, which may only be fully understood in the right context.<sup>45</sup> Once these things are accounted for, its proponents argue, *The Law of Peoples* stands as a much more complete philosophy than its critics give it credit for.

What, then, is the proper reading of *The Law of Peoples* that enables us to reappraise it as a more powerful and coherent argument? Leif Wenar argues that Rawls's fundamental concern is not with justice, but with legitimacy. The domestic political order gives rise to concerns for justice, which in a liberal society are satisfied by principles similar to those defended in *A Theory of Justice*. Legitimacy, however, is a much lower barrier, and one that is cleared by the eight principles for international cooperation. Beyond the basic universal criteria for legitimacy, legitimate coercion can only take place in accordance with principles that each individual society finds acceptable. In a liberal society there is only one source of generally acceptable ideas for ordering society, namely its public political culture. This yields the familiar principles of domestic justice.<sup>46</sup> But in the international sphere the range of acceptable principles for ordering society is much greater, meaning the same criterion of justice that applies domestically to liberal societies cannot be brought to bear here. Rawls must draw on the existing global political culture, in which the

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<sup>45</sup> Rex Martin and David A. Reidy, "Introduction: Reading Rawls's the Law of Peoples," in *Rawls's Law of Peoples: A Realistic Utopia?*, ed. Rex Martin and David A. Reidy (Malden, MA: Blackwell Publishing, 2006), 6–7.

<sup>46</sup> Leif Wenar, "Why Rawls Is Not a Cosmopolitan Egalitarian," in *Rawls's Law of Peoples: A Realistic Utopia?*, ed. Rex Martin and David A. Reidy (Malden, MA: Blackwell Publishing, 2006), 100–102.



range of principles that will be considered acceptable to all (even if some will think they are insufficient) will be quite limited. Hence the focus on legitimacy instead of justice.<sup>47</sup>

A second clarification of Rawls's theory concerns how he understands the interests of peoples as opposed to individuals in the domestic original position. Persons have fundamentally different interests from peoples, yielding different principles. Persons are primarily concerned with income and wealth, while peoples care about their territorial integrity, safety of their citizens, maintaining just institutions, and protecting and affirming their self-respect as peoples.<sup>48</sup> Because the parties in the international original position have no interest in wealth accumulation they are not unavoidably embedded in a cooperative network with one another in the way domestic individuals are, meaning they are free to reject principles of international cooperation if they wish.<sup>49</sup> This significantly lowers the demands of a just global order. The fact that most states today tend to focus on national wealth accumulation and capital growth, claims Reidy, is beside the point. "The fundamental interests of peoples is not something determined through an empirical survey."<sup>50</sup> It is, then, seemingly a question to be answered through abstract reasoning, grasped from the deepest realms of the mind.

But in arguing that peoples' fundamental interests are not about wealth accumulation, Reidy specifically denies that empirical evidence should play a part in our moral reasoning. It does in fact seem that every

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<sup>47</sup> Ibid., 102–104.

<sup>48</sup> Ibid., 105.

<sup>49</sup> David A. Reidy, "A Just Global Economy: In Defense of Rawls," *The Journal of Ethics* 11 (2007): 211.

<sup>50</sup> Ibid., 210.

liberal democracy is heavily focused on wealth accumulation. You may argue, as Reidy does, that by concluding on this basis that it is a fundamental interest, we would succumb to modern capitalist values.<sup>51</sup> But the nation-state, the idealised basis of much internationalist thought, is only marginally older than capitalism, and the former is treated as intrinsically valuable according to Rawls. In addition, the values of capitalism do seem more or less intractably bound up with the values of liberal democracy. And finally, given the near-ubiquity of this empirically observed desire for increasing wealth, it would seem that the burden of proof is on those who would want to argue that it is *not* a fundamental interest of liberal democracies. As Beitz points out, this interpretation rests on some objectionable assumptions in Rawls's theory. Even if we accept that peoples are predominantly concerned with maintaining their own institutions and assuring independence, it would only be reasonable for them not to be concerned with wealth beyond a certain minimum if they believed that they would not be able to secure the justice of their institutions better if they were wealthier. Moreover, the assumption that the stigma and loss of individual self-respect that comes with relative deprivation is less acute when individuals compare themselves to non-compatriots, seems equally unfounded.<sup>52</sup>

How you interpret a lot of Rawls's law of peoples comes down to whether peoples or individuals are represented in the original position, and what the consequences are. Samuel Freeman argues that the question is a non-starter, because whereas the principles chosen in the domestic

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<sup>51</sup> Ibid., 230–231.

<sup>52</sup> Beitz, "Rawls's LP," 692–693.

original position regulate interaction between individuals, those in the international original position determine the principles by which states interact. Rawls is not concerned with how individuals in the world interact, but how states, as independent bodies, do so.<sup>53</sup> It therefore follows logically that the representatives must be the peoples that do the interacting, and moreover (and for the same reasons) that individuals must be the relevant voices domestically.

But to others it is a genuine choice on the part of Rawls. Moreover, the consequences for this particular construction on the whole theory are immense. The motivation for the representatives to favour certain policies over others changes drastically depending on what fundamental interests the individuals have, and the range of possible outcomes available for them once they step out from behind the veil of ignorance. For that reason the inclusion of peoples rather than individuals is one that requires a strong defence. Some internationalists insist that they do, in fact, put the interests of individuals first in their theory.<sup>54</sup> But if that is the case, it seems the onus is on them to prove that making peoples the focus of the original position is the best way of doing that.

But you do not need to argue that the results would be the same to believe the inclusion of peoples is nonetheless justified. To Reidy, Rawls “makes agents in the international original position represent peoples because in the real world we live in [...] liberal democratic peoples exist. [...] And a world of only liberal democratic peoples is a world within which all individual persons receive (domestic) justice. International

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<sup>53</sup> Samuel Freeman, *Rawls* (New York, NY: Routledge, 2007), 418–424.

<sup>54</sup> See, for instance, Reidy, “Just Global Economy,” 219.

cooperation, then, both in the real world we live in and in a world within which all individual persons receive (domestic) justice, presupposes independent and largely autonomous political-legal systems.”<sup>55</sup> Of course, it is true that liberal peoples exist (if we are willing to accept some fairly idealised accounts of modern democracies as sufficiently close approximations), as do decent peoples (with similar caveats). But this is a long way from saying that the world contains only these countries. Even if it were true that in a world of only liberal or decent peoples everyone would receive domestic justice, why make this the standard by which to evaluate principles of justice in a world in which this clearly is not the case? This not only pertains to burdened societies and outlaw states which, rightly or wrongly, stand outside the original position, but also, as several cosmopolitans have pointed out,<sup>56</sup> to those societies that are more liberal or decent than not, neither falling completely within or entirely outside of peoples worthy of being included in the law of peoples.

Mitchell Avila acknowledges that this is partly a question of realism, since there is no prospect of the world becoming fully liberal within any reasonable timeframe, if indeed ever.<sup>57</sup> Nonetheless there are solid reasons, nested in liberal thought, for why they must be included. He invites us to imagine a diaspora of a decent people within a liberal society. Given that they live in a liberal country their hierarchical society is politically unreasonable, yet liberals will give them the same rights as any other group, only paying special attention to particularly important rights

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<sup>55</sup> *Ibid.*, 209.

<sup>56</sup> See, for instance, Caney, “Cosmopolitanism and LP,” 100–104; Kuper, “Rawlsian Global Justice,” 643–645.

<sup>57</sup> Mitchell Avila, “Defending a Law of Peoples: Political Liberalism and Decent Peoples,” *The Journal of Ethics* 11, no. 1 (2007): 116.

(say, the rights of women or access to education). The same goes for the international sphere. While the law of peoples pays special attention to principles that are especially important, liberal peoples must expect no more of decent hierarchical peoples than they would of the diaspora within their borders.<sup>58</sup>

Nonetheless, some would object that even if it were individuals in the global original position, Rawls's conclusions would still be defensible. Richard Miller mounts one of the most direct defences of Rawls in this way, arguing that even if the global original position were in fact made up of persons, like cosmopolitans believe it should, those behind the veil of ignorance would insist on a sharp distinction between citizens and others, and would give strong priority to their own.<sup>59</sup> Individuals with the knowledge that different spheres of special relationships exist – family, friendships, cultures, nations – would want to defend these relationships as meaningful in their own right, even without knowing their own place within their community or which community they belong to. “Advancing her fundamental interests in collective self-reliance and civic friendship, someone choosing political principles in the global original position would insist on priority for concern among compatriots, even when foreigners’ opportunities and expectations are less and would be of primary concern if they were compatriots.”<sup>60</sup>

Wenar says, perhaps more plausibly, that a theory of global politics whose primary principles refer to individuals rather than communities is

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<sup>58</sup> Ibid., 108–112.

<sup>59</sup> Richard Miller, “Rawls and Global Justice: A Dispute over a Legacy,” *The Monist* 94, no. 4 (2011): 466.

<sup>60</sup> Ibid., 472.

impossible. The reasoning follows from Kant's assertion that a global government will inevitably end either in anarchy or in tyranny. It therefore follows that there must be territorial powers with means of defending themselves, and if they exist no list of basic rights and liberties can exist that fails to make reference to the individual persons' territorial affiliation and resulting rights and responsibilities.<sup>61</sup> The question, then, is a speculative one, in two ways. First, is Kant's assertion that a stable and liberal world government is impossible correct? That is of course impossible to say for certain, but on balance it seems to me that it is. And second, why does it follow that the rights and responsibilities must necessarily be vested with the state? Both these questions, as well as the one about whether citizens' overarching concern for their compatriots is intrinsic rather than a function of the state system itself, are some of the key questions that divide cosmopolitans and internationalists. It is hardly surprising that critics and defenders of *The Law of Peoples* should come down on different sides.

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<sup>61</sup> Wenar, "Not a Cosmopolitan," 108–109. Cosmopolitans may object that the alternative to the present *status quo* could be one of several overlapping authorities and dispersed authority (see, for instance, Simon Caney, *Justice Beyond Borders* (Oxford: Oxford University Press, 2005)). But Wenar maintains that even in the absence of states the remaining authorities would need armed coercive force to maintain a stable system of property. This, in return, would not be possible unless individuals' rights and responsibilities were specified with reference to *those* institutions. So in Wenar's view it only moves the problem rather than solves it. However, a cosmopolitan might respond that these new authorities are ones that, unlike the current system of sovereign states, would have been agreed to in an original position populated by individuals. The resulting order would therefore be justifiable because it would be rooted in a concern for individuals, even if it assigned different responsibilities to persons based on their specific (territorial or otherwise) affiliations.

## 1.5 Other forms of Rawlsian internationalism

Rawls's domestic theory started with the simplifying assumption of a single, liberal democratic society that was closed, meaning persons only entered by birth and left by death.<sup>62</sup> This left two issues unanswered: First, what rights do immigrants in liberal democratic societies have? And second, by what right is the scope of egalitarian justice limited to the single community? The first is interesting enough, but outside the scope of this thesis. The other was left more or less unanswered in Rawls's international theory. As the above discussion has shown, this is widely regarded as a weak spot in the argument, one that has been justified via additional assumptions about the theory that Rawls himself fails to make explicit. This section looks at answers to this question that does not rely on the particular structure and argument of *The Law of Peoples* while ultimately reaching the same conclusion, that we have special, much more demanding responsibilities towards our compatriots than towards non-compatriots.

Broadly speaking, the unique relationship we have with fellow citizens, which is morally significant in a way that gives rise to especially stringent duties towards each other, can be justified in two different ways. The first, asserted by David Miller and Richard Miller among others, contends that the kinds of relationships we have with fellow co-nationals are intrinsically valuable on a personal level. The second, proponents of

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<sup>62</sup> "I shall be satisfied if it is possible to formulate a reasonable conception of justice for the basic structure of a society conceived for the time being as a closed system isolated from other societies." Rawls, *TJ*, 7. This conceptual simplification restated and clarified in John Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 1993), 12.

which include Thomas Nagel, Andrea Sangiovanni, Michael Blake and Mathias Risse, holds that the ways the state binds its citizens in a system of enforced mutual cooperation means it must justify itself to its citizens in ways that do not apply outside the state.

David Miller argues that some relationships have an intrinsic value that is powerful enough to create special obligations at the national level, applying only to those within the relationship and not to humanity at large. Although the state also has instrumental value – protecting its citizens, upholding laws, and so on – it is its intrinsic value which, as with friendship and family, bind its members together, that create the special responsibilities citizens have towards one another. Just as we have special obligations towards our family and friends through the personally valuable bonds between us, we have special obligations towards co-citizens. This creates inequality between compatriots and foreigners, but just as we allow and encourage favourable treatment of family members over others, this inequality should not be discouraged so long as it does not come at the expense of non-compatriots.<sup>63</sup> Richard Miller, further, argues that it is the individual citizen's personal loyalty to the shared project of the national community that makes the state normatively significant. Because this personal loyalty is intrinsically valuable, any just global order that aims to be truly impartial must allow each individual to pay special attention to the prosperity of their own society.<sup>64</sup> The strength of these arguments largely depends on how apt you believe the comparison between the state

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<sup>63</sup> David Miller, "Reasonable Partiality towards Compatriots," *Ethical Theory and Moral Practice* 8, no. 1–2 (2005): 63–81.

<sup>64</sup> Miller, "Rawls and Global Justice," 471–472.



and the family are, and whether you accept that personal loyalty is itself valuable, without needing any other justification.<sup>65</sup> On the face of it, the family analogy seems far-fetched. Not only are modern states much larger than even the largest families, they also rarely display anything near the same level of homogeneity that a family does, often containing multiple ethnic, religious, linguistic or cultural differences which challenge the assumption of intrinsic loyalty. Of course, that only challenges one specific aspect of the analogy, namely the idea that it is the *feeling* of personal loyalties that is significant. In another, perhaps more plausible, aspect of the analogy, what matters is that, like family, they have been thrust upon you without giving you any say in the matter. Yet you are intractably bound to them. But Caney points out that the analogy ultimately still breaks down because, while the ties that bind families together may be strong, they are not enforceable.<sup>66</sup> A theory that justifies strong, enforceable national priority must therefore be able to explain where that power comes from.

What about the other theory, that it is structure of the state itself and the demands it puts on its members that create the need for egalitarian distributive justice domestically, irrespective of individuals' personal loyalties? Both Nagel and Blake hold that egalitarian distributive justice is necessary in the domestic sphere to justify the coercive nature of the state, with small but significant differences. As far as Nagel is

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<sup>65</sup> For critiques of the comparison between the family and the nation see, for instance, Cabrera, *Political Theory of Global Justice*, 21–26; Arash Abizadeh, "Does Liberal Democracy Presuppose a Cultural Nation? Four Arguments," *American Political Science Review* 96, no. 3 (2002): 498–500. For intrinsic meaningfulness as a moral argument, see Veit Bader, "Reasonable Impartiality and Priority for Compatriots. A Criticism of Liberal Nationalism's Main Flaws," *Ethical Theory and Moral Practice* 8, no. 1–2 (2005): 93.

<sup>66</sup> Caney, *Justice Beyond Borders*, 174.

concerned the state derives its special need for justification from its non-voluntariness. “Without being given a choice, we are assigned a role in the collective life of a particular society. The society makes us responsible for its acts, which are taken in our name and on which, in a democracy, we may even have some influence; and it holds us responsible for obeying its laws and conforming to its norms, thereby supporting the institutions through which advantages and disadvantages are created and distributed.”<sup>67</sup> Within the context of a societal structure it is unreasonable to expect citizens to take part in a collective enterprise that gives rise to significant arbitrary inequalities. The fact that membership of this society is itself arbitrary, then, does not create any special responsibilities towards those born outside of it. Rather, it is the fact that “we are both putative joint authors of the coercively imposed system, and subject to its norms, i.e., expected to accept their authority even when the collective decision diverges from our personal preferences [...] that creates the special presumption against arbitrary inequalities” within the state in which individuals arbitrarily find themselves.<sup>68</sup>

It is therefore the possibility of coercion and the fact of a collective imposed structure on individuals that create the special obligation of equality. Blake, by contrast, focuses on actual coercion, or the threat of coercion. The state, through the threat of punishing individual transgressors against its laws, actively limits people’s freedoms. And contract laws, property enforcement and taxation are all coercive as well,

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<sup>67</sup> Thomas Nagel, “The Problem of Global Justice,” *Philosophy & Public Affairs* 33, no. 2 (2005): 128–129.

<sup>68</sup> *Ibid.*

transferring legal rights from one party to another and threatening potential non-compliers with legal action and imprisonment. The act of upholding the law, then, is “an act of implicit violence,”<sup>69</sup> which requires special justification. Why is this not required internationally, when the international structure is also coercive? Because only the state is simultaneously coercive *and* required for individuals to live full and autonomous lives. Like Rawls, Blake sees involvement in the international sphere as optional. So rather than try to justify the coercion that takes place there, we should aim to eliminate it instead, even if this might require drastic (if largely unspecified) changes to the current system.<sup>70</sup>

But is coercion, or the threat of coercion, really what makes the state normatively significant? Could similar duties of reciprocity apply without the coercive element of the state? Sangiovanni argues that coercion is not necessary. He invites us to imagine a society in which the state’s law enforcement has collapsed for whatever reason. This situation continues for several years, but although crime increases and laws are broken more frequently, society still functions as it did before – it collects taxes, pays out benefits, and draws up contracts. These cannot be enforced, but are generally complied with. In this case the fact that the citizens continue to maintain order out of a common sense of solidarity is enough to require the same justification a normal, coercive state would.<sup>71</sup> You might object that in this case the state would no longer be non-

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<sup>69</sup> Michael Blake, “Distributive Justice, State Coercion, and Autonomy,” *Philosophy & Public Affairs* 30, no. 3 (2001): 279.

<sup>70</sup> *Ibid.*, 277–283; Michael Blake, “Coercion and Egalitarian Justice,” *The Monist* 94, no. 4 (2011): 567–570.

<sup>71</sup> Andrea Sangiovanni, “Global Justice, Reciprocity, and the State,” *Philosophy & Public Affairs* 35, no. 1 (2007): 10.

voluntary. But this is only true, contends Sangiovanni, on a particular, and unreasonable, reading of the word “voluntary” in which anything that is not coercively enforced is voluntary. But in Sangiovanni’s view only things to which we have a reasonable alternative that is not excessively burdensome are truly voluntary. Only the richest members of our imaginary society would in fact be able to leave, as that would mean opting out of the benefits the society provides.<sup>72</sup>

This version of non-voluntariness seems somewhat inadequate, however. You might reasonably ask whether the relationship between the global rich and poor is not also non-voluntary, given that the poor often have no choice but to accept trade relations on the rich’s premises. Sangiovanni’s response is that only the kind of reciprocity that takes place within the state gives rise to egalitarian distributive justice, irrespective of the threat of coercion. As long as he is happy to acknowledge that other institutions than the state, such as the European Union, could in principle create similar demands, there seems to be nothing contradictory in the theory. As it happens, he is, although he maintains they do not at present.<sup>73</sup> But for someone who wants to establish not only that egalitarian justice only exists domestically, but that the state *alone* can give rise to such principles, reciprocity seems insufficient by itself.

Risse therefore suggests that while these three principles – reciprocity, non-voluntariness, and coercion – each constitute an important piece of the puzzle, they are by themselves insufficient to explain what is special about the state. Coercion is not unique to the state,

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<sup>72</sup> Ibid., 11–12.

<sup>73</sup> Ibid., 20–22.

but if non-voluntariness were eliminated the state's coercion would still require special justification. And if reciprocity no longer applied, the state must still be justified so long as leaving it is not a realistic option for most people.<sup>74</sup>

Instead, he proposes a principle he calls “graded internationalism”, as opposed to “ungraded internationalism” which holds that certain principles of justice either hold, or do not hold, within a specific context. Graded internationalism draws on the principles explained above, arguing that any combination of each may hold in different circumstances, to varying degrees. An institution may be non-voluntary and reciprocal, but not coercive, or it may be coercive and reciprocal but voluntary, and so on. Each of these circumstances may hold with varying degrees of strength, each creating particular sets of rights and responsibilities with varying levels of demandingness. Although it is only within the state that all three hold to a high enough degree to require egalitarian principles, it does not follow that no demands of justice can arise elsewhere. As an example, Risse asks us to consider the World Trade Organization (WTO), which is coercive since it regulates some property regimes and can impose sanctions for non-compliance, is non-voluntary because for many poorer members staying out is not a viable option, and is reciprocal because it aims to foster trade relations. All three conditions are present, then, albeit in much less profound and pervasive forms than within the state. To argue that because it is not a state the WTO does not give rise to any principles of

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<sup>74</sup> Mathias Risse, *On Global Justice* (Princeton, NJ: Princeton University Press, 2012), 45–47.

justice is therefore, in Risse's view, implausible.<sup>75</sup> The upshot is that at present the global institutions that exist are not pervasive or coercive enough to warrant strong bonds of obligations between their members. But he does not rule out that they may do so in future, even if we seem to be far away from that point still. If and when that happens, there is nothing in principle to stop the members from making greater justice claims against each other. But, to him, we are not there yet.<sup>76</sup>

## 1.6 Duties to burdened societies

So far, the question of what duties do in fact arise outside of the state, on the internationalist account of justice, has been overlooked. It is time to deal with them now. It will become clear that internationalists seem chiefly concerned with the ways in which responsibilities to non-compatriots are limited, either in terms of their scope or their demandingness, than with how they can be fulfilled under the current global framework or the ways in which the international order needs to change in order to fulfil them.

Out of the eight principles for a law of peoples set out by Rawls only the final one offers any recognition that positive duties exist towards other countries, or to any nation not already in the society of peoples. All other principles are either guided by a *laissez-faire* ethic or concern for proper conduct in voluntary schemes and associations. To recap, the eighth principle reads: "Peoples have a duty to assist other peoples living under

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<sup>75</sup> Ibid., 50.

<sup>76</sup> Ibid., 50–51.

unfavourable conditions that prevent their having a just or decent political and social regime.”<sup>77</sup> These burdened societies are “not expansive or aggressive, [but] lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered.”<sup>78</sup>

The goal of the society of peoples is to eventually bring burdened societies into the fold by assisting them in their development. This, moreover is a *duty* rather than an act of charity.<sup>79</sup> For reasons that will be elaborated on later in the thesis, this duty may be difficult to fulfil in practice. However, Rawls assures us that does not diminish the responsibilities that well-ordered peoples have towards burdened societies under the law of peoples.<sup>80</sup> But are there actually any grounds within Rawls’s theory for making assistance to burdened societies a *duty*? Beitz argues that there is not. The binding international framework of the law of peoples only exists between societies for whom the need for such assistance could not arise in the first place, since they are already well-ordered peoples. To his mind Rawls seems to rely almost exclusively on the idea that the representatives in the original position will want to eventually bring everyone into the society of peoples.<sup>81</sup> But this cannot be the whole story, since benevolent absolutisms, those hierarchical societies that fail the test of decency by not having any means of consultation with their citizens, also stand outside the society of peoples. Yet there is no requirement to bring them into the fold. This despite the fact that it would

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<sup>77</sup> Rawls, *LP*, 37.

<sup>78</sup> *Ibid.*, 106.

<sup>79</sup> *Ibid.* His italics.

<sup>80</sup> *Ibid.*, 108.

<sup>81</sup> Beitz, “Rawls’s LP,” 689.

probably be a lot more straightforward to do so than for burdened societies, since they are essentially only a consultative structure away from being decent peoples. It seems more likely that Rawls would have us leave them alone so long as they do not violate human rights.<sup>82</sup> Indeed, when discussing human rights abuses as a justification for intervening in outlaw states, he is mainly concerned with their outwards aggressiveness, which he claims is naturally correlated with human rights abuses.<sup>83</sup> They pose a risk towards other states, and in the interest of preserving peace and stability in the international system, states are entitled to defend themselves against them. The reasoning, then, is instrumental, and well-ordered peoples' desire to bring outlaw states into the society of peoples is shaped primarily by self-interest.<sup>84</sup> But no corresponding instrumental reason exists for wanting to include burdened societies.<sup>85</sup> So it seems it cannot be true, or at least not straightforwardly true, that the goal is to bring everyone into the society of peoples. This alone, then, cannot justify framing the assistance to burdened societies as a duty.

Risse tries to address these concerns by offering up three specific reasons why the representatives in the original position would in fact endorse duties towards burdened societies. First, there are prudential concerns. Refugee streams and conflicts risk undermining international stability. Second, institutions are so important for development that the

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<sup>82</sup> *Ibid.*, 685.

<sup>83</sup> Rawls, *LP*, 80–81.

<sup>84</sup> Beitz, "Rawls's LP," 685.

<sup>85</sup> If this is in fact the main concern of well-ordered peoples, you might even question whether bringing outlaw states into the fold need necessarily be a long-term goal. If well-ordered states were able to guarantee their safety through perpetual containment (unlikely though that may be), there would be no need to make outlaw states well-ordered.



representatives will demand at least this assistance, in order to ensure that every society is given a chance to develop into a well-ordered one. And third, we must ensure that everyone lives in a society in which it is possible to foster a capacity for a sense of justice and a conception of the good. Anything else would be inconsistent with our own conception of personhood.<sup>86</sup> While the third argument seems the most convincing, it also seems more cosmopolitan than Risse might like to admit. The first is an instrumental reasoning, the flaws of which were spelled out above. The second, Risse admits, holds only if we assume that the original position's representatives do not know whether they will be part of burdened or well-ordered societies.<sup>87</sup> Presumably, if this is the case, the same risk-averseness that gave rise to the difference principle in the domestic case applies here as well. But this is problematic, since in the law of peoples liberal peoples constitute their own original position, as separate from decent peoples, even though they end up affirming the same principles. So it seems to follow logically that, since they find themselves in the original position, the representatives *know* that they will be liberal peoples. Risse's argument therefore seems to constitute a fairly significant jump away from Rawls's own theory.

These issues aside, however, it is quite telling that the discussion in *The Law of Peoples* immediately shifts to the ways in which it is limited, almost completely bypassing the ways in which this duty can be fulfilled. "It does not follow, however, that the only way, or the best way, to carry

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<sup>86</sup> Mathias Risse, "What We Owe to the Global Poor," *The Journal of Ethics* 9, no. 1–2 (2005): 109–110.

<sup>87</sup> *Ibid.*, 109.

out this duty of assistance is by following a principle of distributive justice to regulate economic and social inequalities among societies.”<sup>88</sup> This caveat gives way to the three “guidelines” for the duty of assistance, all of which, under the guise of offering some principles for fulfilling our responsibilities, are in fact more limiting than enabling. The first severs the link between wealth and well-orderedness, holding that well-ordered peoples need not be rich. There is therefore no need for global redistributive principles for justice to hold. The second places the overarching emphasis on political factors, in effect blaming the state of burdened societies on an inadequate social and political culture rather than a dearth of resources. This, accordingly, means that transfers of resources and funds will not be sufficient in itself. The final guideline establishes a limit for when the duty of assistance ends. Once a burdened society is well-ordered enough to become a member of the society of peoples, all assistance may end.<sup>89</sup> In terms of prescriptive policies Rawls is a lot less clear. Protecting human rights and improving the status of women in society seem to be important steps, but this hardly amounts to a proper guideline.<sup>90</sup>

The lack of focus on this issue is nonetheless surprisingly common in the literature. As the following discussion will show, some writers will affirm the idea that we have some duty of assistance towards non-compatriots – but as an aside, and without providing much context or clarification. Take, as a starting point, Nagel, who readily acknowledges

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<sup>88</sup> Rawls, *LP*, 106.

<sup>89</sup> *Ibid.*, 106–112.

<sup>90</sup> *Ibid.*, 109–110.

the problem at hand: “I assume there is some minimal concern we owe to fellow human beings threatened with starvation or severe malnutrition and early death from easily preventable diseases, as all these people in dire poverty are.”<sup>91</sup> We have a moral responsibility to act in the face of such hardship which, it is made clear, stems in no small part from the fact that the burdens imposed by such a duty are statistically somewhat insignificant. This minimal humanitarian concern requires us not only to limit our pursuit of our own ends in ways that leave others free to do the same, but also to relieve the threats they face to their freedom, so long as no morally serious sacrifices take place at our end. Nonetheless, as far as the theoretical framework goes, this is as much as we can hope to get: “To specify it any less vaguely would require a full moral theory, which I will not even attempt to sketch here.”<sup>92</sup> Perhaps this is why he takes great care to follow Hobbes in conceiving of justice as being contingent on the state context.<sup>93</sup>

Blake defends the normative significance of the state at great length, arguing that the coercive force applied against us by the state we belong to creates a special moral concern for inequality that has no equivalent in the international sphere. Although international structures can apply coercive force as well, membership is ultimately voluntary in a way that is not so for the state. Nor does it have the same pervasive influence on our lives. The two therefore do not require the same justification.<sup>94</sup> While to Blake the changes to the current world order will be necessary, he nonetheless believes that there

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<sup>91</sup> Nagel, “Global Justice,” 118.

<sup>92</sup> *Ibid.*, 131.

<sup>93</sup> *Ibid.*, 114.

<sup>94</sup> Blake, “Coercion and Egalitarian Justice.”

are “several reasons why [his] theory of political morality does not commit us to the extreme forms of intervention imagined by its critics.”<sup>95</sup> The reason why he rejects a more expansive theory of global justice is that, although “individuals are indeed the ultimate units of moral value, and they do indeed have rights against us for rectification of the injustice they face at home,”<sup>96</sup> there are strict limits to what may be done to help. First, there are prudential concerns, that in intervening we risk doing more harm than good. This applies both to military and economic intervention. This is partly borne out of the fact that conditions in the country we intervene in are more often than not so different that what works at home will not work there, but also that there may be a strong pushback against the intervention, both from the ruling classes and the citizens of the country. Finally, we as outsiders are likely to overestimate our knowledge about the situation we intervene in.<sup>97</sup> But equally importantly, the liberal principle of toleration creates a strong incentive not to act. Institutions that may seem oppressive and immoral to outsiders may in fact be perceived as free and just by the people who live under them, who understand their cultural and historical context better.<sup>98</sup>

To Richard Miller, what matters, in addition to concerns about toleration, is that those within a society have a sense of shared loyalty to a common project that is intrinsically valuable to them, which he calls “civic friendship”. They therefore ought to do what they can to help enable those in the poorest countries to develop a civic friendship of their own. This creates a basic duty of assistance. But that duty cannot come at the cost of

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<sup>95</sup> Michael Blake, *Justice and Foreign Policy* (Oxford: Oxford University Press, 2013), 50.

<sup>96</sup> *Ibid.*, 50–51.

<sup>97</sup> *Ibid.*, 52–59.

<sup>98</sup> *Ibid.*, 59–67.

failing to help their own needy compatriots. That would be “of a piece with the view that someone properly values friendship in deserting a friend to befriend two friendless people.”<sup>99</sup> The demands of global poverty, then, cannot override concerns for compatriots. But when are concerns for compatriots overridden? And more importantly, whose responsibility is it to make up for the negative consequences of international politics for the domestic poor? R. Miller asks us to imagine a trade deal between the United States on the one hand, and China and Mexico on the other. The deal will accelerate China and Mexico’s escape from poverty, while overall benefitting the United States as well. But it will hurt the American Midwest’s industry quite hard. They would therefore be justified in objecting to the trade deal.<sup>100</sup>

Of course you might ask why, if the trade benefits the United States as a whole, even when accounting for the loss to the Midwest, the responsibility for shouldering the Midwest’s loss should still effectively fall upon the developing countries whose worst off citizens are still likely to be much worse off than the poorest Americans. The Midwest may be justified in objecting to the trade deal, but unless they hold their own government accountable for their loss they will surely be imposing too great a cost on those in the developing countries. The proper response therefore cannot be to cancel the trade deal, but for the American government to spend the extra income to compensate the Midwest through appropriate stimulus measures. In effect, changing circumstances are always going to benefit

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<sup>99</sup> Richard Miller, *Globalizing Justice: The Ethics of Poverty and Power* (Oxford: Oxford University Press, 2010), 46.

<sup>100</sup> *Ibid.*, 75. In fairness, this objection applies only to concerns about serious harm to a portion of the citizenry, not to concerns about diminished benefits from new arrangements.

some while leaving others worse off. The upshot of what Miller is suggesting is therefore to potentially render objectionable any kind of international agreements designed to help developing countries improve the lives of their poorest citizens by giving them better access to global trade markets and improve their competitiveness. The limits for the responsibilities of the global rich towards the global poor therefore seem to be set rather low.

David Miller may object to global egalitarianism but still concedes that “if our vision of a just world includes the idea that each nation should have a fair opportunity to pursue the particular goals that its members value most – the international equivalent of the domestic idea of toleration – then we are bound to be disturbed by inequalities on the current scale.”<sup>101</sup> This sets the bar much lower than global egalitarianism, however, and D. Miller rejects the notion that equality of status between nations is important. The precondition for fair trade, rather, is the absence of serious injustice.<sup>102</sup>

In general, then, the internationalist framework does not take responsibilities to the global poor to be as demanding as cosmopolitans believe they should be. They believe that the duty towards burdened societies is one of bringing them up to a minimally acceptable level, and that once this level has been achieved no further assistance is required. This contrasts with cosmopolitans who see relative distributions of global wealth as important. In this thesis I will not press the claim that duties are limited by such a cut-off point in the abstract. Rather, in Chapters 3 and 4 in particular, I question the limits they have set out.

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<sup>101</sup> David Miller, “Against Global Egalitarianism,” *The Journal of Ethics* 9, no. 1–2 (2005): 75.

<sup>102</sup> *Ibid.*, 75–79.

Where Richard Miller does break from tradition is his treatment of duties of redress, on which he elaborates at great length, and which in specific circumstances have the potential to be more demanding than his internationalism would otherwise give grounds for. Moreover, only some duties to atone for past wrongs can be overwritten by domestic concerns for compatriots, which would normally take precedence. Other responsibilities include compensation for “imperial excess” and for destruction of life and property abroad, regardless of whether the destruction served a just cause or not.<sup>103</sup> This could potentially constitute a significant additional duty on the world’s richest countries, given the history of large-scale imperial expansion and aggression over the past several centuries, which deserves an extensive discussion. I return to this argument in Chapter 7. I will ultimately argue that R. Miller’s framework, while expansive in its scope, does not go far enough in its reach. But it is nonetheless a crucial move towards a slightly more cosmopolitan-flavoured argument.<sup>104</sup>

Perhaps the most important way duties of development are limited is in the role of public institutions in development. It is a general tenet of many internationalists that apart from alleviating absolute poverty, the most important responsibility towards the global poor is helping build viable institutions that enable them to become well-ordered. However, the argument goes, this is an extremely difficult thing to do, and may in fact be impossible in some circumstances. The duty of the developed world to

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<sup>103</sup> Miller, *Globalizing Justice*. In particular, see Chapters 5-7 of the book

<sup>104</sup> See, for instance, Thomas Pogge, “Real World Justice,” *The Journal of Ethics* 9, no. 1–2 (2005): 47–49. As the above discussion has shown, most internationalists would not dispute the claim the global poor are being harmed, but fail to consider it any further.

assist developing countries is therefore severely mitigated, and may, depending on the circumstances, be much less demanding than it otherwise would have been. Rawls, discussing aid to “burdened societies”:

A second guideline for thinking about how to carry out the duty of assistance is to realize that the political culture of a burdened society is all-important; and that, at the same time, there is no recipe, certainly no easy recipe, for well-ordered peoples to help a burdened society to change its political and social culture. I believe that the causes of wealth of a people and the forms it takes lie in their political culture and in the religious, philosophical, and moral traditions that support the basic structure of their political and social institutions, as well as in the industriousness and cooperative talents of its members, all supported by their political virtues.<sup>105</sup>

This is, in essence, what Risse calls the “institutional thesis”, and is a common point of view among internationalists.<sup>106</sup>

*Institutional Thesis:* Growth and prosperity depend on the quality of institutions, such as stable property rights, rule of law, bureaucratic capacity, appropriate regulatory structures

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<sup>105</sup> Rawls, *LP*, 108.

<sup>106</sup> In addition to Rawls and Risse, other internationalists who reference the institutional thesis approvingly include David Miller, “Collective Responsibility and International Inequality in The Law of Peoples,” in *Rawls’s Law of Peoples: A Realistic Utopia?*, ed. Rex Martin and David A. Reidy (Malden, MA: Blackwell Publishing, 2006), 194–195; Wenar, “Not a Cosmopolitan,” 96.



to curtail at least the worst forms of fraud, anti-competitive behavior, and graft, quality and independence of courts, but also cohesiveness of society, existence of trust and social cooperation, and thus overall quality of civil society.<sup>107</sup>

Risse mainly contrasts his view with the “geography thesis”, which says that prosperity is a question of features such as location, climate and natural resources. The effects of these are mainly channelled through the quality of institutions.<sup>108</sup>

Rawls is not a fan of the geography thesis either:

I would further conjecture that there is no society anywhere in the world [...] with resources so scarce that it could not, were it reasonably and rationally organized and governed, become well-ordered. Historical examples seem to indicate that resource-poor countries may do very well (e.g., Japan), which resource-rich countries may have serious difficulties (e.g., Argentina). The crucial elements that make the difference are the political culture, the political virtues and civic society of the country, its members’ probity and industriousness, their capacity for innovation, and much else.<sup>109</sup>

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<sup>107</sup> Mathias Risse, “How Does the Global Order Harm the Poor?,” *Philosophy & Public Affairs* 33, no. 4 (2005): 355. His italics.

<sup>108</sup> Ibid., 356.

<sup>109</sup> Rawls, *LP*, 108.

Coming chapters will argue that the influence of institutions is a lot less straightforward. Risse's qualifier that other factors are only important insofar as they influence institutions is in fact highly significant, warranting a much more thorough discussion than the few lines he gives it. In Chapters 5 and 6 I challenge the assumption that, because institutions are so pervasive in their importance to development, there is relatively little that can actually be done to carry out the duty of development in many cases. First, I question the fundamental assumption of the institutional thesis in Chapter 5, and next, in Chapter 6, I outline how our ability to provide assistance and affect positive change may in many cases be quite significant.

## **1.7 Conclusion**

This chapter traced the development of Rawlsian internationalist theory from the publication of *A Theory of Justice* in 1971 up until today, focusing especially on the ways the Rawlsian framework has been expanded to cover international justice, or been defended against attempts to do so. It situated *The Law of Peoples* in the internationalist versus cosmopolitan debate, and discussed the ways the theory has been criticised and defended since it came out. While critics charged it with being far too conservative and permissive of unacceptable practices, defenders argued that it was a much richer work than the critics assumed. In Section 1.5 I discussed internationalists' reasons for affirming the normative importance of the state and limiting egalitarian duties of justice to the state, affirming a much more limited list of rights and duties

internationally. Section 1.6 then outlined the duty of development in broad terms, and introduced the institutional thesis, which will become particularly relevant in Chapter 5.

The literature thus still leaves several questions open. Specifically, having established that internationalists affirm that we have duties towards the developing world which are limited in specific ways on the one hand, yet are duties of justice on the other, it is still left up in the air what those duties specifically entail. The internationalists' central claim is that the scope of global responsibilities is not only limited in terms of its theoretical boundaries, but also by the empirical claim that in the absence of a clear understanding of what is needed and how to implement the necessary actions, our ability to affect positive change is limited. With regards to the first part, the question is therefore how to move beyond basic philosophical statements to quantifiable measures of terms such as poverty, poverty reduction, and assistance in development that are in agreement with internationalist principles, and how to deal with competing claims for justice, both domestic and international. These questions will be tackled in Chapters 3 and 4.

With regards to the second part of the internationalists' claim, concerning the empirical claim, the question is whether the assumption that our knowledge is limited is a reasonable one. This entails several basic considerations. What do we currently know about how developed nations are able to positively affect development, in the areas that are particularly important to the internationalist duty? Is the institutional thesis a reasonable one, or are the causes of growth and development more varied than its proponents assume? Moreover, what about our ability to provide

effective assistance in general, and avoiding the many pitfalls of development? That is the focus of Chapters 5 and 6, the first of which explores the institutional thesis, and the second of which looks at development assistance more generally. Finally, the last chapter returns to the question of historic injustice and explores its role in a theory of international justice.

Answering these questions will present the internationalist theory of global responsibilities much more clearly, enabling us to give it a more thorough evaluation. But I will argue throughout that these questions cannot be answered satisfactorily, and in a manner coherent and consistent with the internationalist theory in general, without acknowledging that the full extent of internationalist duties towards non-compatriots in the developing world are greater, and potentially much more demanding on the part of the global rich, than its proponents currently assume.

## **Chapter 2 – Methodology**

### **2.1 Introduction**

Having placed the argument of the thesis in its proper context in Chapter 1, some housekeeping is in order before the argument can begin properly. This chapter therefore sets out the methodology that underpins the thesis, both in general and with regard to the quantitative analysis to be done in Chapter 5, challenging the institutional thesis.

Section 2.2 situates the work in the Anglo-American analytical tradition, with its emphasis on the role of intuition and of reflective equilibrium. Moreover, the section discusses the role of empirical evidence in political philosophy, arguing that philosophers should pay close attention to facts and real-life examples over self-contained models and thought experiments.

The bulk of the chapter then defends my approach to quantitative analysis. First, in Section 2.3, I discuss the purpose and aims of quantitative analysis, justifying its inclusion in the thesis in part to highlight that philosophers need not solely defer to outside experts when it comes to empirics, and that there are significant methodological advantages to taking on the task yourself. Section 2.4 provides a brief introduction to the criticisms of the studies used to justify the institutional thesis, while 2.5 lays out fuzzy-set Qualitative Comparative Analysis (fs/QCA), and describes its purpose and method in detail. Finally, Section 2.6 lays out the method and logic behind the case and variable selection,

especially highlighting the crucial role that the researcher's own discretion plays. Section 2.7 concludes.

## **2.2 The Anglo-American tradition**

It is clear from the lack of publications on the topic that there is no formal, clearly outlined and theorised method, structure and logic to the Rawlsian methodology in the Anglo-American tradition. Only a very small number of articles, chapters and books have been devoted to laying out, discussing and critiquing the methods that underpin most modern political philosophy.<sup>1</sup> This methodology is characterised by the eschewal of formal logic, by appeal to intuition, and by “reflective equilibrium”.

Rawls says that a theory cannot be established using only abstract reasoning and first order principles:

The analysis of moral concepts and the a priori, however traditionally understood, is too slender a basis. Moral theory must be free to use contingent assumptions and general facts as it pleases. There is no other way to give an account of our considered judgments in reflective equilibrium. This is the

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<sup>1</sup> Wayne Norman shows how this method underlines the contributions to most major publications, including *Ethics, Philosophy & Public Affairs* and *Journal of Applied Philosophy*, to name just a few. Wayne Norman, “Inevitable and Unacceptable? Methodological Rawlsianism in Anglo-American Political Philosophy,” *Political Studies* 46, no. 2 (1998): 277. For more recent examples of contributions to Rawlsian methodology, see Valentini, “Ideal vs. Non-Ideal Theory”; Lea Ypi, “On the Confusion between Ideal and Non-Ideal in Recent Debates on Global Justice,” *Political Studies* 58, no. 3 (2010): 536–55.

conception of the subject adopted by most classical British writers through Sidgwick. I see no reason to depart from it.<sup>2</sup>

As moral thinkers, we have reached reflective equilibrium when we have settled on a coherent package of principles that we find helps us reach morally acceptable conclusions across a wide range of issues. Says Barry, discussing Rawls specifically: “We are to go to and fro, sometimes changing the description of the original position until it yields principles we are prepared to accept, and sometimes bringing our particular judgments into line with the principles we have derived.”<sup>3</sup> Nonetheless, he argues, Rawls does not actually do this, at least not in *A Theory of Justice*, where he never appeals to intuition unguided by prior principles.<sup>4</sup>

To ask that reflective equilibrium provide an answer to all moral conundrums we might face would nonetheless be to set the bar too high. Nor, as Norman says, is it a question of settling on principles as soon as possible. Otherwise reflective equilibrium gives the upper hand to extremists or people pushing simplistic moral principles over those with more nuanced views.<sup>5</sup>

The Rawlsian method is a step up from, but equally unable to make do without, intuition. Barry sums up the intuitionist aspect of the methodology that underpins this thesis:

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<sup>2</sup> Rawls, *TJ*, 44–45.

<sup>3</sup> Brian Barry, *Theories of Justice* (London: Harvester-Wheatsheaf, 1989), 281.

<sup>4</sup> *Ibid.*

<sup>5</sup> Norman, “Inevitable and Unacceptable?,” 289.

We start from some principle that is assumed to be correct at any rate over a central range of cases, and then we try it out on other cases that are in some way more problematic. If we do not like the implications of the principle as originally stated when it is extended to these cases, we do not simply abandon it but seek to reformulate it so that it will accommodate the new judgments we are inclined to make.<sup>6</sup>

On its own, Will Kymlicka says, intuitionism is “an incoherent jumble of ideas and principles [...] which is little more than a series of anecdotes based on particular intuitions about particular issues.”<sup>7</sup> But what choice do we have? After all, Rawls’s original position can be shaped to yield all manner of principles, including the utilitarian ones he specifically argues against, depending on what assumptions are made about it. How do we know which principles to use? Here, Rawls can only ask us to consider what principles seem intuitively right, and model the original position in the corresponding way.<sup>8</sup>

To Rawls, the best starting point is to argue from commonly shared premises, but some of the criticism of his work on global justice comes down to disagreement about what these are. A key issue, then, is what Rawls and internationalists take to be the basic structure of society, and therefore the proper scope of justice. As Kymlicka points out, Rawls simply takes for granted a world of closed, independent, democratic states with

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<sup>6</sup> Barry, *Theories of Justice*, 283.

<sup>7</sup> Will Kymlicka, *Contemporary Political Philosophy: An Introduction*, second edition (Oxford: Oxford University Press, 2002), 53.

<sup>8</sup> Rawls, *TJ*, 18.



their own schemes of justice, and assumes that the goal of justice in the international sphere is simply to find out how these communities should interact.<sup>9</sup>

Nonetheless, this project derives its originality in part from sharing the state-based starting premise of Rawlsian internationalism whilst simultaneously criticising it. On the one hand, it is my goal to point out the shortcomings of the state-based approach, and especially of the sharp dichotomy between the domestic and the international. But, on the other, it is to offer up an internal critique of internationalism, one that proceeds from the tenets of the theory and argues that, *given those tenets*, the duties of states towards the global poor are different from what they are generally assumed to be.

In one sense, then, there is a contradiction inherent in this project that will need to be defended over the course of the thesis. But in another sense there is not, as the goal is to persuade, not to prove. Whether or not the basic tenets of internationalism are in fact true is a question which, though important, lies far beyond the scope of this project. But by holding those ideals fixed it is able to provide a different and, hopefully, more convincing argument aimed specifically at those who subscribe to them.

Much, as we will see throughout the thesis, relies on facts; about the state of the world, about the way that the developed and the developing world interact, and in what ways it is possible to affect change in developing countries. The argument, in short, is that the same underlying principles that internationalists currently affirm, coupled with a

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<sup>9</sup> Kymlicka, *Contemporary Political Philosophy*, 254.

reassessment of empirical facts, should yield a different set of global responsibilities than the ones they currently subscribe to. The project more or less subscribes to Jerry Cohen's view that normative principles are not grounded in facts but in underlying, fact-insensitive principles,<sup>10</sup> though it is not something I will go into any further.

This thesis will therefore make heavy use of examples drawn from the real world, attempting to critique the moral arguments of others or to advance my own arguments using issues of the sort that currently impact those who live in developing countries and feel the effects of the current *modus operandi* of the international political and economic system.

This may seem a trivial point at first, but not when we consider how widespread the use of hypothetical examples is in the field; nor in light of the tendency of many Anglo-American political theorists to downplay the value of empirical studies in favour of a normative debate largely decoupled from facts about the world.<sup>11</sup> This characterisation, of course, does not apply to all analytical philosophers, and some do indeed make extensive use of economic, historical, geographic and sociological literature to inform their philosophical work. Nonetheless, they are still far from as widespread as, in my opinion, they ought to be. Here I will name just a few prominent examples. Rawls, in discussing decent hierarchical peoples invokes the fictional country of Kazanistan, rather than any

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<sup>10</sup> Gerald A. Cohen, "Facts and Principles," *Philosophy & Public Affairs* 31, no. 3 (2003): 211–45. This view, Cohen argues, contrasts with Rawls's position that first principles of justice are a response to facts about the human condition (235–236). It seems to me that Cohen wins the argument, but it makes little difference to Rawls's overall theory.

<sup>11</sup> Thomas Schramme, "On the Relationship between Political Philosophy and Empirical Sciences," *Analyse & Kritik* 30, no. 2 (2008): 614–615.

country in the Muslim world he has in mind.<sup>12</sup> Nozick, similarly, extrapolates from stylised thought experiments to refute key points in Rawls's argument.<sup>13</sup> And Blake uses the examples of two fictional countries, Borduria and Syldavia, to show how a country can reasonably reject claims of redistribution from another, poorer country, even if they are engaged in a trade relationship with each other.<sup>14</sup>

By their very nature, however, these arguments are not convincing. As Michael Freedman says, political thinking must relate directly to politics as it takes place in the real world. In particular, there is no escaping the way power relations play a role in all other aspects of interaction at any level.<sup>15</sup> A level of abstraction is allowed, but stray too far from reality and you risk losing relevance outside of the narrow confines of political philosophy proper.<sup>16</sup> Where does that leave the hypothetical examples? For instance, Rawls is explicit that his law of peoples does not presuppose that any decent hierarchical peoples actually exist, any more than truly liberal peoples do.<sup>17</sup> But while many countries at least nominally hold up Rawls's description of a liberal democracy as a goal to aspire to, it is less clear that this is the case for decent hierarchical peoples. By using a fictionalised example of a decent people rather than asking to what extent and in what

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<sup>12</sup> Rawls, *LP*, 75–78.

<sup>13</sup> Nozick, *Anarchy, State, and Utopia*. Examples include a thought experiment concerning the famous basketball player Wilt Chamberlain, designed to show that end-distributional principles and personal liberty are at odds (161–163). Another concerns four men who want to marry the same woman, showing that whichever she chooses, the other three have no claim to compensation (269). This and other short thought experiments supposedly show that being affected by another person's action does not give you a claim over that decision.

<sup>14</sup> Blake, "Distributive Justice," 290–294.

<sup>15</sup> Michael Freedman, "What Should the 'Political' in Political Theory Explore?," *Journal of Political Philosophy* 13, no. 2 (2005): 115–116.

<sup>16</sup> *Ibid.*, 120.

<sup>17</sup> Rawls, *LP*, 75.

ways current candidates live up to the ideal, he conveniently bypasses the question of whether such societies can even exist in the first place. In a similar way it may be true in and of itself that Blake's logic holds true within the tight confines of his imagined universe. But it is not able to offer much guidance in the real world, where cross-border trade rarely, if ever, happens without the bugbears of power relations, messy shared histories, and the effects of third-party contingencies rearing their ugly heads.

To provide a clear and convincing argument, then, this sort of lazy shortcut will not do. As Barry says, we must try our convictions out on "problematic" cases, ones that push our intuitions out of their comfort zone, if we are to achieve a reasonably stable reflective equilibrium. The goal of this thesis, then, is to test the internationalist conception of global justice on the real world. When Kazanistan and Syldavia are replaced with, say, Kenya and Saudi Arabia, the threshold for what counts as a complete theory goes up.

### **2.3 The purpose and aims of quantitative analysis**

As I made clear in the introduction, one of the three core aims of this thesis is to refute the central claim of the institutional thesis, namely that the primary cause of development is the quality of institutions. But while this aim could perhaps have been achieved in an extended literature review, if less thoroughly and (I suspect) persuasively, my argument has a second, equally important purpose: To show that engaging actively with these issues on an empirical level lies comfortably within the remit of anyone who deals with them on a philosophical one. Political philosophers

need not solely defer to others' expertise when it comes to empirical claims of what works in development. Doing so creates at least two important methodological issues. First, selection bias: How is a political philosopher supposed to know whether the argument she pursues is down to a rational weighing of the relative merits of each side, or if she is picking the argument that corresponds with her already held convictions?<sup>18</sup> And second, there is a risk that political philosophers make a mistake similar to that of many economists, namely to assume idealised conditions and proceed as if these conditions were actually representative of the real world.<sup>19</sup>

Take as an example Rawls's own discussion of the institutional thesis. It is a very short section, the basis of the claim being laid out in a single page.<sup>20</sup> The central tenet that "the political culture of a burdened society is all-important; and that, at the same time, there is no recipe, certainly no easy recipe, for well-ordered peoples to help a burdened society to change its political and social culture," does not contain a single reference to any empirical evidence supporting it. Later on he argues that the importance of human rights is underscored by Amartya Sen's *Poverty and Famines*.<sup>21</sup> This is telling on two fronts. First, Sen is a renowned development economist, but also a highly respected philosopher who has commented extensively on Rawls's work. Rawls would therefore quite

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<sup>18</sup> On the problem of selection bias in political science in general, see for instance Ian S. Lustick, "History, Historiography, and Political Science: Multiple Historical Records and the Problem of Selection Bias," *American Political Science Review* 90, no. 3 (1996): 605–18.

<sup>19</sup> Avner de Shalit, "Political Philosophy and Empirical Political Science: From Foes to Friends?," *European Political Science* 8, no. 1 (2009): 43.

<sup>20</sup> Rawls, *LP*, 108.

<sup>21</sup> Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford: Oxford University Press, 1981).

possibly have been familiar with the basic argument of *Poverty and Famines* without needing to delve into the development literature. And second, Sen and Rawls are, ultimately, arguing different things. Reading Sen's monograph it seems that Rawls's claim that his "insistence on human rights is supported by Amartya Sen's work on famines"<sup>22</sup> is somewhat weak. Human rights do not feature in the subject index,<sup>23</sup> and although his reflection that "[s]tarvation deaths can reflect legality with a vengeance"<sup>24</sup> lends some support to the importance of institutions, his focus is elsewhere. The central argument is against an economic argument, food-availability decline (FAD), which suggests that the cause of famines is a slump in food production. Sen sets out to prove that famines can happen when food production is still high, and in this particular work his policy prescriptions only touch on human rights issues indirectly and sporadically.

Risse conducts a considerably more extensive literature review prior to defending his institutional thesis.<sup>25</sup> Nonetheless, the methodology of this literature review definitely highlights some issues, including citing Landes's *The Wealth and Poverty of Nations* as an argument in favour of the institutional thesis.<sup>26</sup> Landes, in fact, argues that culture is essential.<sup>27</sup> Whether culture and institutions are in fact two sides of the same coin is a heated topic of debate. As Chapter 5 will make clear, this issue highlights one of the methodological problems with many studies of the effects of

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<sup>22</sup> Rawls, *LP*, 109.

<sup>23</sup> Sen, *Poverty and Famines*, 250–251.

<sup>24</sup> *Ibid.*, 166.

<sup>25</sup> Risse, "What We Owe to the Global Poor," 84–92.

<sup>26</sup> *Ibid.*, 85, fn. 8.

<sup>27</sup> David S. Landes, *The Wealth and Poverty of Nations: Why Some Are So Rich and Some So Poor* (New York, NY: W.W. Norton & Company, 1998).

institutions. Further, some of the regression analyses cited, including Acemoglu, Johnson and Robinson,<sup>28</sup> have been heavily criticised for their lack of methodological thoroughness.

Based on this, Risse says that institutions “trump anything else.”<sup>29</sup> This, he points out, is a bold statement to make, especially considering its importance regarding the responsibilities of the developed world towards those countries suffering from poor institutional quality. Moreover, as the discussion of fs/QCA will make clear, it is a claim that is vulnerable to attacks from several fronts.

## **2.4 The institutional thesis**

While Chapter 5 will offer a much more comprehensive review of the institutional thesis – including the methodological and epistemological assumptions that underpin it, and criticisms of the theory – it is nonetheless worthwhile briefly sketching them here.

In recent years a host of authors have purported to show a link between the quality of institutions and the long-term growth rates of developing countries, much of which claims to demonstrate a clear empirical link between the two. They do not just stop here, though. Many argue further that once institutional quality is accounted for, all other factors, including geography and culture, cease to have any significant explanatory power. Good institutions, they say, are the primary reason

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<sup>28</sup> Daron Acemoglu, Simon Johnson, and James A. Robinson, “The Colonial Origins of Comparative Development: An Empirical Investigation,” *American Economic Review* 91, no. 5 (2001): 1369–1401.

<sup>29</sup> Risse, “How Does the Global Order Harm the Poor?,” 356.

countries develop.<sup>30</sup> This literature is, for the most part, deeply mired in traditional econometrics, including regression analyses to control for the effects of independent variables on the outcome.<sup>31</sup>

But this approach, argues Sebastian Dellepiane-Avellaneda, can be criticised on several fronts. First, certain variables are routinely omitted. These include geographic and historical differences, legal traditions and ethnic makeup, making the analysis biased towards the remaining factors. And second, they often fail to properly acknowledge the difficulties in dealing with causality. Do good institutions cause development, or does development cause good institutions? A variable-centred approach does not seem ideal for answering this question.<sup>32</sup>

Of course, “institutions” is a broad term, and the exact meaning of institutions in this context requires a little unpacking. As I will make clear in Chapter 5, it is possible to describe many diverse formal or informal arrangements, from the courts all the way down to social conventions governing handshakes, as belonging under the umbrella of institutions. Yet in my critique of the institutional thesis I rely on a narrow definition of institutions, one that includes only formal government structures. This requires some justification.

When Rawls suggests that resource-poor countries may, nonetheless become rich, it is due to the country’s “political culture, the political

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<sup>30</sup> For an excellent overview of the literature, see Sebastian Dellepiane-Avellaneda, “Review Article: Good Governance, Institutions and Economic Development: Beyond the Conventional Wisdom,” *British Journal of Political Science* 40, no. 1 (2010): 195–224.

<sup>31</sup> Dani Rodrik, “Introduction: What Do We Learn from Country Narratives?,” in *In Search of Prosperity: Analytic Narratives for Economic Growth*, ed. Dani Rodrik (Princeton, NJ: Princeton University Press, 2003), 1.

<sup>32</sup> Dellepiane-Avellaneda, “Good Governance, Institutions and Economic Development,” 201–202.



virtues and civic society of the country, its members' probity and industriousness, and much else."<sup>33</sup>

Rawls never wrote anything about institutions and their importance to development in any greater detail than what is found in *The Law of Peoples*. Rather, the task of creating an empirical and falsifiable hypothesis has later been taken up by Risse. He resolves the argument between different conceptions of institutions in favour of a narrow reading. To him, institutions mean

stable property rights, the rule of law, bureaucratic capacity, the existence of appropriate regulatory structures to curtail fraud, anticompetitive behaviour, graft, and the quality and independence of courts, but also the cohesiveness of society, the existence of trusts and social cooperation, and thus the overall quality of civil society.<sup>34</sup>

While this list does indeed seem quite expansive, the entries become more vague once it moves outside of what formal government structures can provide. Moreover, to prove the importance of institutions he relies on a particular set of sources based on a narrow understanding of institutions as a set of formal constraints on government. To make his argument he relies in particular on Acemoglu, Johnson and Robinson,<sup>35</sup> and Dani

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<sup>33</sup> Rawls, *LP*, 108.

<sup>34</sup> Risse, *On Global Justice*, 66.

<sup>35</sup> See, for instance, Acemoglu, Johnson, and Robinson, "The Colonial Origins of Comparative Development," 1396. This study aims to establish whether there is a relationship between health environment and growth. The authors find that there is not. They do so by comparing only two variables, per capita GDP and the prevalence of deaths

Rodrik who, as we will see in Chapter 5, understand institutions in such a way. It therefore seems to follow that the institutional thesis as Risse presents either should be understood to argue that institutions in the narrow sense are what matters, for the purposes of making empirical claims about what matters in development, or that the institutional thesis is largely meaningless as an empirical claim. I have taken the more generous former interpretation.

I have chosen the method sketched below to acknowledge the intractable nature of cases, where variables exist and operate within a specific context. It is, however, important to keep the limited goal of this exercise in mind. Many of the problems with traditional methods in economics outlined above are not a question of bad scholarship, but rather a necessary result of the limitations that the available methods place upon the researchers. Proving causality, for instance, is a huge undertaking, as it requires repeating the exercise across several points in time. In many cases, the researcher will be limited by availability of data, or the data not being comparable across time.<sup>36</sup> It therefore is not my intention to prove any irrefutable points about what works in development. The point, simply, is to show that there are compelling reasons to doubt that the institutional thesis is correct. If institutional quality is not the only

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brought about by yellow fever. According to one review the methodological issues with this study, the results of which have been reproduced in at least 20 peer-reviewed papers, include taking death rates from countries other than the ones they are supposed to represent, basing estimates on numbers too low to be statistically significant, and lacking sound justifications for their case selection. It also suggests that once these issues are properly controlled for, the correlation between settler mortality and development is no longer statistically significant. David Y. Albouy, "The Colonial Origins of Comparative Development: An Empirical Investigation: Comment," *American Economic Review* 102, no. 6 (2012): 3059–76.

<sup>36</sup> Indeed, it was lack of available data that did for my original intention of repeating my fs/QCA study over several points in time.

significant factor that influences the ability of burdened societies to become well-ordered, but other things play an important role as well, this significantly changes the internationalist duty of development. This is especially true if those things carry fewer political risks than institution-building does.

## **2.5 The method – fuzzy set Qualitative Comparative Analysis**

The method outlined here is by no means the only suitable one for assessing the institutional thesis. Nor do I claim that it is the most sophisticated method. As the literature review in Chapter 5 will make clear, plenty of excellent work is being done in development economics, using the traditional tools of their trade, to examine what works in development whilst acknowledging and taking into account the complex, multivariate nature of the issue. But recall that the goal is also to show that these questions are not outside the remit of political philosophers. Answering them for ourselves may, however, require different tools.

Economics, as a discipline, loves complex maths. Whether or not the use of complex and elaborate mathematical formulae contributes to our understanding of the world over and above the use of simpler models, and whether they help or hinder statistical soundness and accuracy, is a serious topic of debate within the field.<sup>37</sup> But what is clear is that to a layperson many economics papers, whether they use maths as a tool for

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<sup>37</sup> See, for instance, Paul M. Romer, “Mathiness in the Theory of Economic Growth,” *American Economic Review* 105, no. 5 (2015): 89–93. Romer’s theory of Mathiness was a hot discussion point among economists active on social media, e.g. Paul Krugman, “Freshwater’s Wrong Turn (Wonkish),” blog, *New York Times*, (August 2, 2015), <http://krugman.blogs.nytimes.com/2015/08/02/freshwaters-wrong-turn-wonkish/>.

rigorous analysis or obfuscation, could just as well have been written in a foreign language. So full of numbers, brackets and Greek letters are they that many of us have resorted to reading the introduction and taking a stab at the research design before giving up and skipping straight to the findings and conclusion.

The method I am proposing, however, makes use of techniques that are already a staple of political philosophy, namely inferences from logic and the use of intuition. To gage the significance of institutions over other causal variables I use fs/QCA, a method developed in the 1980s by the American sociologist and political scientist Charles Ragin. Whilst relatively uncommon in traditional economics the method has found more favour in disciplines that deal with questions of development from a different angle, including politics and sociology. QCA is an explorative method based on Boolean algebra using logic and sets rather than regressions and independent variables, in order to capture the relationship between cases without losing sight of the complex interdependence of the variables involved.<sup>38</sup> Focusing on cases instead of variables, it asks if certain combinations of variables go together in ways that are consistent and logically significant. A broad list of factors are tested for simultaneously, including underlying, structural factors as well as more immediate factors.

Using QCA over more traditional methods, then, conveys some clear advantages. By treating variables within the context of their cases, it is

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<sup>38</sup> Charles C. Ragin, “The Logic of Qualitative Comparative Analysis,” *International Review of Social History* 43, no. supplement (1998): 106–107.

able to deal with complexity in a way that normally eludes regressions.<sup>39</sup> Another key issue is that traditional methods are, more often than not, designed with large-*n* studies in mind, which makes little sense in some fields where medium-*n* cases are more common.<sup>40</sup> Moreover according to Ragin, it lies at a middle distance between qualitative and quantitative methods, recognising that “because almost all social science theory is verbal in nature, it, too, is fundamentally about sets and set relations.”<sup>41</sup> A claim, like the one discussed in here and in Chapter 5, that there is a direct link between institutions and development and that therefore developed countries are those with strong institutions, is also a claim that the set of developed countries constitute a subset of countries with strong institutions. Claiming, further, that strong institutions are the only significant explanatory variable, means arguing that the set of countries with strong institutions both wholly contains and is wholly contained within the set of developed countries.

The claim would therefore be proven wrong under either of these two conditions: The existence of a subset of developed countries without strong institutions, proving that institutions are at best sufficient for causing development, but not essential. Or the existence of a subset of countries with strong institutions that are not developed, proving that institutions may be a necessary condition, but are not sufficient without factoring in additional explanatory variables.

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<sup>39</sup> David Byrne and Emma Uprichard, “Useful Complex Causality,” in *The Oxford Handbook of Philosophy of Social Science*, ed. Harold Kincaid (Oxford: Oxford University Press, 2012), 109.

<sup>40</sup> Charles C. Ragin, *Redesigning Social Enquiry: Fuzzy Sets and Beyond* (Chicago, IL: University of Chicago Press, 2008), 1.

<sup>41</sup> *Ibid.*, 1–2.

This study will use fs/QCA to overcome an important limitation on basic QCA for the purpose of the analysis, namely the sharp dichotomy between membership and non-membership of a particular set. In many situations it makes little sense to talk about cases simply being members or non-members of a set. Rather, cases are members to varying degrees, more in than out, or more out than in, but neither fully one nor the other. For instance, countries exist on different levels of development, and, as I argue in Chapter 4, our appropriate moral response will depend not only on whether they fall within the description of “burdened societies”, but the extent to which they do so.

Fs/QCA allows us to code cases as being partial members of a particular set or variable, ranging from 1.0 (full member) to 0.0 (not at all a member). For instance, a country’s degree of development could be categorised in intervals ranging from 1.0 (fully developed), 0.8 (mostly developed), and 0.6, 0.4, 0.2 to 0.0 (fully undeveloped). It may be developed or undeveloped to varying degrees, and simply labelling a country as one or the other depending on whether it clears a particular threshold would not tell us a lot about its situation. Instead a case’s membership status within a set is more fine-grained. It would be a serious mistake, however, to label the highest scoring case 1.0, and the lowest 0.0. Instead, three points must be defined: The point of inclusion, where full membership sets in; the point of exclusion, where a case is definitely not a member of a set; and the point of maximum ambiguity, where the case is as much in as out of a set.<sup>42</sup>

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<sup>42</sup> Ibid., 33.

Therefore all data in the fs/QCA analysis are calibrated. The highest possible score is always 1.0 and the lowest is always 0.0, and scores in-between may either fall on a sliding scale or on certain markers, for instance 0.2, 0.4, and so on. Crucially, 1.0 does not equal the highest score in the original data set, nor 0.0 the lowest. Rather, 1.0 represents the lowest point at which a case is fully in, and 0.0 the highest point at which it is fully out.<sup>43</sup> In my study I use a six point scale in increments of 0.2.

In fs/QCA we check for relations between sets by asking whether the scores for a particular set are consistently higher or equal to, or consistently lower or equal to, the scores for the outcome set, which is the specific relation you want to test for. To check for the effect of multiple sets on an outcome, set intersection or set inversion is used, which can be thought of as negation or addition. When the hypothesis is that two (or more) conditions must necessarily be present for a set to have an impact on the outcome, set intersection replaces the aggregate of the scores in the sets with the lower of them. For instance, if one is 1.0 and the other is 0.6, the combined score is 0.6. Conversely, when the hypothesis is that only one of two (or more) conditions need to be present, set inversion does the opposite. Now, the aggregate of the scores is replaced with the higher of the two. So if one is 0.2 and the other is 0.8 they combine to 0.8.<sup>44</sup> In this way it is possible to test for the effects of multiple variables at once.

A key difference of fs/QCA compared to regressions is that it separates the relation between an independent and outcome variable into necessity, sufficiency and coverage. In this study I test for necessity and

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<sup>43</sup> Ibid., 31.

<sup>44</sup> Ibid., 36–41.

coverage, which measures the extent to which the outcome can be explained solely by that variable. I do not test directly for sufficiency, however, as the coverage effectively measures sufficiency among those factors that have already been found to be necessary. Given that the institutional thesis posits necessity and sufficiency simultaneously, therefore, nothing would be gained from measuring sufficiency independently. Here I will go through the logic behind each of these steps, as well as the final one, the truth table.

*Necessity* is when the causal variable must be present in most or all cases in order for the outcome variable to show. In simple terms it means that if a causal variable is necessary, the outcome variable will never display a higher value than the causal one, as the causal variable in effect puts an upper limit on the outcome. The outcome value may be lower, as the causal variable does not guarantee the outcome. But the absence of the causal variable does in most cases guarantee the absence of the outcome.

We can calculate the necessity of a variable using the following formula:  $(X_i \geq Y_i) = \sum[\min(X_i, Y_i)] / \sum(Y_i)$ .<sup>45</sup> X here refers to the causal variable, while Y is the outcome. For a single case, if X is lower than or equal to Y, necessity has been shown. For several cases, by contrast, the formula calculates the consistency of necessity, i.e. how often a case suggests that the causal variable is necessary.  $\sum$  here means the sum of the values in the bracket. We therefore take the sum of whichever of the Y or X value that happens to be lowest in each case, and divide that number by the total sum of the Y values.

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<sup>45</sup> Ibid., 53.



Next, *coverage* considers to what extent those causal variables that have been found to be necessary explain the outcome on their own. We find the coverage by measuring the extent to which the causal variable is equal to or lower than the outcome:  $(X_i \leq Y_i) = \sum[\min(X_i, Y_i)] / \sum(X_i)$ .<sup>46</sup> Again, X is the causal variable and Y is the outcome variable. We calculate the sum of whichever of the X or Y values is highest for each case, divided by the total sum of X values. One should not normally expect complete, or even near-complete coverage. Near-complete coverage could either mean that the causal variable is of singular importance to the outcome, which is quite rare, or it could mean that the causal variable is rather trivial.<sup>47</sup>

The *truth table* is the final step of the analysis. It tests whether any *combination* of causal variables is sufficient to explain the outcome. In other words, is there a pathway of factors which, by itself, is able to guarantee the outcome? The truth table lists all the possible combinations of causal variables to which a minimum number of cases affirm the outcome. In this case the threshold is at least four cases. Hence, those combinations of variables to which there are three or fewer cases are discarded as logical remainders. The number of possible combinations of causal variables is expressed by the formula  $2^k$ , where k is the total number of logically possible combinations. As such, a study with a single causal variable has two logically possible combination (the causal variable is either present or not), one with two variables has 4 combinations, and one with 10 variables has 1,024 possible combinations. As it happens the study in Chapter 5 makes use of five causal variables, meaning that there are 32

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<sup>46</sup> Ibid., 61.

<sup>47</sup> Ibid., 55.

possible logical combinations. Even in fs/QCA, the nature of the truth is such that all variables must be dichotomised. For this step, therefore, the values in the fuzzy set scores are recalibrated so that anything that scores below 0.5 is scored at 0, and everything above 0.5 becomes 1.<sup>48</sup> The truth table then lists those causal pathways for which there are corresponding cases.

In analysing the truth table it is possible, through the process of logical minimisation, to establish if a causal variable is irrelevant to the analysis. Logical minimisation means that if two logical pathways to the same outcome are identical, except that one of the causal variables is present in one pathway but not in the other, we can consider it redundant to the analysis – the same outcome seems to be present whether the causal variable is present or not.<sup>49</sup> It can then safely be assumed that this variable does not contribute to the outcome in any meaningful way.

## **2.6 Case and variable selection**

Fs/QCA is particularly appropriate for medium-*n* studies with a relatively limited number of cases. As I will elaborate on in Chapter 5, the study will analyse 102 cases in Africa, Latin America and Asia, with numbers primarily taken from 2010. The choice of 2010 as a base point is exclusively a result of practical considerations. Some of the key causal variables explored are only updated once every five years, every whole and

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<sup>48</sup> Carsten Q. Schneider and Claudius Wagemann, *Set-Theoretic Methods for the Social Sciences: A Guide to Qualitative Comparative Analysis* (Cambridge: Cambridge University Press, 2012), 96–97.

<sup>49</sup> *Ibid.*, 186–188.

half decade. As the fs/QCA study was primarily undertaken in 2014, 2010 represented the most recent available data. For data that is updated more frequently I keep 2010 as the reference point whenever possible, for the sake of consistency. While I discuss the case selection in more specific detail in the chapter, here I want to add that in fs/QCA the case selection, as with the calibration, is a matter of discretion on the part of the researcher. The cases cannot be chosen at random, nor do they need to encompass (in my case) every country in the world.<sup>50</sup> The cases must bear a relation to the topic, and there must be a reason why this particular case has been chosen. While some cases have been left out for more trivial reasons (such as insufficient data), this consideration has led to the exclusion of some cases. As I will explain in more detail in Chapter 5, I have limited the study to those countries that were either colonies of European powers or otherwise closely influenced by them, but where the settlers did not displace the indigenous population. The two main categories of countries excluded are therefore countries in Europe, the former Soviet bloc, and countries such as Australia, USA and Argentina, which are predominately populated by descendants of colonial settlers or European immigrants.

The variable selection is similarly an exercise in judgment. While it is important to make sure that the chosen variables cover a broad array of likely factors, grounded in an extensive review of the subject, the fact that the number of logically possible pathways increases exponentially means that there is value to keeping the number of variables limited. This is

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<sup>50</sup> Ibid., 293.

particularly important with regards to the truth table. Recall that a study with five causal variables yields 32 theoretically possible combinations. Adding just two more causal variables would yield 102 possible combinations, more than the number of cases. In this case, it would be difficult to know if the fact that a pathway has no cases is significant, or just statistical noise. One possible solution, allowing a study to use many more causal variables, would be to create a two-stage analysis that divides the variables into “remote” and “proximate” causes. The remote conditions are tested for first, determining the “outcome-enabling” conditions. Only those conditions that are deemed relevant are subjected to an analysis of “proximate causes” to determine more precisely the link between the causal variables and the outcome.<sup>51</sup> That way, for instance, a study with 10 causal variables that would have had 1,024 possible combinations ( $2^{10}$ ) can be reduced to 64 combinations ( $2^5 + 2^5$ ). Undoubtedly a two-stage process would have been extremely interesting for this study, but there are also issues of time, feasibility and study demarcation to contend with. For this thesis I have therefore opted for the more practical one-stage process with five causal variables.

The variables are, again, chosen according to the researcher’s judgment. The starting point for choosing the variables is a literature review that suggests which variables might be more relevant than others, but it is nonetheless a reiterative process.<sup>52</sup> Given the need to calibrate, the researcher needs a good understanding of how and why the variable might be important. My five causal variables are malaria prevalence, ethnic

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<sup>51</sup> Ibid., 254–255.

<sup>52</sup> Ibid., 293.

fractionalisation, average years of schooling, life expectancy, and institutional quality, against the outcome variable of GNI per capita. I will explain and justify these choices in Chapter 5. The list is by no means final or conclusive. As Ragin points out, choosing the relevant variables is a reiterative process whereby variables are dropped or modified while others are added as new information about the associations between them is discovered. Some may turn out to have been less relevant than originally thought, whilst others may turn out to show unexpected results in specific cases, leading the researcher to either redefine the variable or include additional ones to explain the discrepancy.<sup>53</sup> The process of toggling input and output back and forth repeats behind the scenes. What is presented in this thesis is, of course, the final result.<sup>54</sup>

## **2.7 Conclusion**

This chapter has outlined the methodology behind the thesis, finally leaving us ready to move on with my argument. First, I located the main philosophical argument in the Anglo-American tradition, strongly influenced by what Rawls calls reflective equilibrium. The section also emphasised why I place an importance on examples from the real world over stylised thought experiments, long a staple in political philosophy.

Next, I outlined the methodology and method behind fuzzy set Qualitative Comparative Analysis, which is the main tool of analysis in

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<sup>53</sup> Ragin, “The Logic of QCA,” 122.

<sup>54</sup> According to (urban) legend, Otto von Bismarck once claimed that politics is like sausages: It is better if the people do not know how they are made. When it comes to the messy business of deciding the variables and testing the calibrations, I have taken the same approach.

countering the claim, presented in the literature review, that institutions are of overarching importance to the duty of development. First, in Section 2.3, I made the case that philosophers need not solely defer to economists and other users (and occasional abusers) of heavy maths, but that the tools for answering the empirical questions that underpin your theories are in fact available to everyone. After briefly outlining some criticisms of the logic underpinning the institutional thesis in Section 2.4, the remaining two sections outlined the method, establishing necessary conditions and coverage, and briefly sketched the case and variable selection, which will be outlined in detail in Chapter 5.

## Chapter 3 – The Duty of Assistance

### 3.1 Introduction

Having established why internationalists believe that duties towards non-compatriots are limited in roughly the way they are outlined in *The Law of Peoples* in the literature review, the next question is what that duty actually entails. From simply saying that there is a duty of development assistance, this chapter aims to put some meat on the bones, and find out in more detail what it means to be developed in the relevant way – that is, a well-ordered society or one where citizens are able to lead decent lives; and what kinds of outcomes the rich developed societies have a responsibility, if possible, to bring about.

First, a little road-mapping is in order. This chapter looks at the maximum *theoretical* extent of the duty of development. Therefore other considerations that might limit our global responsibilities are put to one side here. They will be discussed extensively in the next chapters. These include feasibility, whether we are actually in a position to help, or whether the situation is too intractable or by its very nature requires domestic solutions. I also exclude limitations brought about by concerns and respect for the target country's sovereignty, as well as competing duties towards compatriots. They will become relevant in Chapter 4. Institutions being of primary importance is a particularly crucial practical limitation; it is therefore discussed extensively in Chapters 5 and 6, and left aside here. Finally, the history of the relationships between the

countries in question is not important for the moment, hence the focus on the *theoretical* extent. In the world we share, no inter-societal relation exists in a vacuum. The many questions of justice that arise from our shared history of colonialism, exploitation, use of resources, dominance of the international system, and past interference in domestic politics, will be addressed in Chapter 7. What is left is the theoretical question of what the duty of development assistance *would* be in the absence of these mitigating or aggravating factors. This chapter alone therefore does not tell us what the duty is in the real world, though it is a necessary starting point for answering that question.

The chapter proceeds like this: First I discuss Rawls's duty of development and the various interpretations of his principles. Depending on how you read key sections, Rawls's duty is either very demanding, more so than many realise, or not concerned with the wellbeing of individuals. In Section 3.3 I look at duties of assistance grounded in human rights, which seek to limit the scope of human rights to what is needed for a minimally decent life. Section 3.4 proceeds to explore what basic needs must be met, particularly through a discussion of Henry Shue, Thomas Pogge, Amartya Sen and Martha Nussbaum. I argue that the concept of basic needs is necessarily broader than the preceding section would suggest. In 3.5 I discuss existing international human rights treaties, finding that current international law already lends support to a broader conception of human rights than some internationalists claim is the maximum conception that can garner universal acceptance.

The next sections then change track, exploring ways of grounding international duties that do not derive from human rights. First, in 3.6, I



consider Mathias Risse’s idea of common ownership of the Earth, and his idea of access to water as a human right. I argue that it seems implausible that common ownership is able to do the kind of work it is supposed to – indeed, I am sceptical that it can even secure a right to something as basic as water. 3.7 discusses rights derived from liberal principles, particularly as advocated by Michael Blake. These give *prima facie* reasons to value democratisation. 3.8 asks in what way securing rights in perpetuity is different, and more demanding, than simply securing rights. Finally, 3.9 sums up the argument and concludes.

### **3.2 Rawls’s duty of development**

Rawls argues that it is a duty of reasonably well-ordered peoples to bring burdened societies (and, at least in principle, outlaw states) into the society of peoples.<sup>1</sup> We will leave benevolent absolutist societies aside here, as they constitute a separate case with separate duties. We have a duty to help burdened societies develop to the point where they are no longer burdened, and no further assistance is required. “[T]he aim is to realize and preserve just (or decent) institutions, and not simply to increase, much less to maximize indefinitely, the average level of wealth, or the wealth of any society or any particular class in society.”<sup>2</sup> There is no corresponding duty for outlaw states. Rawls is never explicit as to why that is, given that their citizens presumably also have a right to the things described below. Perhaps he considers the task impossible, and outlaw

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<sup>1</sup> Rawls, *LP*, 106.

<sup>2</sup> *Ibid.*, 107.

states must first graduate to the status of burdened societies before any duty of development kicks in.<sup>3</sup> It sounds like a dubious proposition that the two are completely separate categories. Here I will put outlaw states to the side, however. The task of helping burdened societies is a daunting enough challenge already.

There is a duty to assist burdened societies up until the point where they become full members of the society of peoples. But where exactly is the cut-off point? There is no straightforward answer since Rawls makes two different claims about them, the first broadly institutional and the second focusing on the individual. In the first instance, “the aim is to help burdened societies to be able to manage their own affairs reasonably and rationally and eventually to become members of the Society of well-ordered Peoples.”<sup>4</sup> In the second, “I do accept Beitz’s and Pogge’s goals of attaining liberal or decent institutions, securing human rights, and meeting basic needs. These I believe are covered by the duty of assistance discussed in the preceding sections.”<sup>5</sup> Whether human rights and basic needs for individuals really *are* guaranteed through managing your own affairs as a reasonable and rational society is a different matter entirely. The individual-centred duty is later padded out and, seemingly, expanded. Now, “it seeks to raise the world’s poor until they are either free and equal

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<sup>3</sup> Rawls, *LP*. He says of the society of peoples that it is their “long-run aim to bring all societies eventually to honor the Law of Peoples and become full members in good standing of the society of well-ordered peoples” (93). Later he claims of development assistance that “[o]nly burdened societies need help” (106).

<sup>4</sup> *Ibid.*, 111.

<sup>5</sup> *Ibid.*, 116.

citizens of a reasonably liberal society or members of a decent hierarchical society.”<sup>6</sup>

Although these two responsibilities are correlated to a large extent, they do not overlap perfectly. Stable or well-functioning societies, at least reasonably so, do not necessarily need to secure the human rights and basic needs for *all* their citizens, provided that the poverty and rights violations that do occur are not substantial enough to destabilise the country as a whole. The number of people left out could potentially be quite substantial. But on the other hand, if the world’s poorest people must be elevated to the status of free and equal citizens of their respective societies, it follows that it is not enough for those societies to simply be stable or well-functioning.

So which of these two readings is the more plausible one? Here there is some disagreement. Samuel Freeman, on the one hand, stands firmly in the institutional camp, saying that “the domestic justice of all member nations is not a condition of justice in well-ordered societies.”<sup>7</sup> If international justice does not presuppose domestic justice, it would follow that international society does not require its members to ensure proper and full membership for all their citizens, and that the law of peoples therefore does not look out for the interests of the individuals. Peoples must still meet basic needs and human rights, and be ruled by a common conception of the good, as per usual. But a people can be a respected member of the society of peoples without “even respecting basic liberties,

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<sup>6</sup> Ibid., 119.

<sup>7</sup> Samuel Freeman, “The Law of Peoples, Social Cooperation, Human Rights, and Distributive Justice,” *Social Philosophy & Policy* 23, no. 1 (2006): 30.

so long as it respects human rights.”<sup>8</sup> Leif Wenar, too, argues that the law of peoples is primarily about the justice of societies. To him, peoples are “good neighbours”.<sup>9</sup> Like good neighbours, you keep an eye out for anything beyond the pale, but other than that you keep to your own affairs. So when another country intervenes to stop human rights abuses or provide aid it is not for the sake of the persons harmed. The goal, simply, is to bring the society back above the minimal threshold of decency.<sup>10</sup>

By contrast, in David Reidy’s reading of Rawls the focus is on the individual. He says that “persons have a fundamental interest in and are entitled to membership within a well-ordered people [... which] will all meet in regular and reliable ways the subsistence and security needs of their members, afford their members formal justice and the core elements of the rule of law, [... protect] those human rights set out in Articles 3-18 of the Universal Declaration of Human Rights, and organize political life on constitutionalist, consultative and broadly republican terms. Of course, liberal democracies will do more. But all well-ordered peoples will do this much.”<sup>11</sup> Thus, Reidy says, contra Rawls’s critics, his theory is far from indifferent to the plight of the global poor. Consequently, “Rawls’s duty of assistance is a substantial duty of justice, more demanding than is generally acknowledged.”<sup>12</sup> It is also more demanding than Freeman and Wenar’s reading of the same text.

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<sup>8</sup> Ibid., 30–31.

<sup>9</sup> Wenar, “Not a Cosmopolitan,” 98.

<sup>10</sup> Ibid., 101.

<sup>11</sup> Reidy, “Just Global Economy,” 219. Reidy gives no specific justification for leaving out Articles 1-2 and 19-30 of the Declaration.

<sup>12</sup> Ibid., 201.

But accepting that the goal was to raise all members to the status of free and equal citizens, it is not quite clear what that actually means. Perfect freedom and equality is a tall order. Even in the wealthiest nations in the world, perhaps not counting rare exceptions like Norway or Iceland, there are individuals who find themselves so far down the socio-economic ladder that their status as free, let alone equal, members of society must be seriously questioned. Yet everyone would surely agree that a country like the UK has no claim to international assistance. But where do we draw the line? This is much more than just a theoretical question. India is a case in point. In 2011 a public debate raged in the UK about its annual aid budget of £295 million to a country in which half of children are malnourished, but which grows at a rate of close to 10% per year and, as aid critics were especially keen to point out, has its own space programme.<sup>13</sup> Establishing the cut-off point for development, regardless of how the duties are grounded, will be a difficult task indeed.

To sum up, the Rawlsian duty of development is grounded in two ways. First, it is defined as a responsibility to establish a (minimally) liberal or decent world order. The duty is therefore to lift societies as a whole, not necessarily with reference to individuals. The second is a duty to preserve human rights and basic needs, which is a duty that we owe to individual citizens of burdened societies. It is still unclear just how demanding these duties are, however. That depends on what counts as human rights and basic needs, what the “coverage” of these rights needs to

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<sup>13</sup> BBC, “Who, What, Why: Why Does the UK Give Aid to India?,” 2011, <http://www.bbc.co.uk/news/magazine-12607537>.

be in each country and, for the general duty of development, how you define the cut-off point for membership in the society of peoples.

### **3.3 The duty of assistance as human rights**

The duty of development is at least partially grounded in a concern for upholding human rights. By looking at what gives rise to human rights and how they are justified, we will gain a better understanding of what kinds of claims can be supported under this heading.

Risse places human rights squarely in the context of institutions. “The language of human rights focuses on abuses committed by those in positions of authority: of two otherwise identical actors, only one might violate human rights, namely, the one that amounts to an abuse of authority.”<sup>14</sup> Further, he says, “I take the *concept* of human rights to refer to rights (vis-à-vis agents who, in virtue of their size, power, etc., can intelligibly be held responsible for this matter) *with regard to the organization of society* that are invariant with respect to local conventions, institutions, culture, or religion.”<sup>15</sup>

Human rights, says Risse, are fundamentally membership rights. As such they share a key feature of citizenship rights, namely that they are premised on being part of a circle within which the specific duties imposed upon you *qua* membership must be justified. The relevant sphere, as the phrase implies, is humanity as a whole. Human rights guarantee the basic needs of all people, and the duty of upholding these rights is, at least in

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<sup>14</sup> Risse, *On Global Justice*, 69.

<sup>15</sup> *Ibid.*, 70, his italics.

principle, owed by all people.<sup>16</sup> But this type of membership right is a double-edged sword. Because of the extremely thin condition of membership, unlike the state, it can only support the most minimal conception of human rights. Therefore, we reach the “upper limit of human rights” when we argue for rights that do not protect the “distinctively human life”, but instead make reference to particular associations, such as shared membership in a state or some other collective endeavour, for establishing rights.<sup>17</sup>

For David Miller, basic needs play an even more definitive role, being the very grounding of human rights in his conception. They are thus fixed in specific features that all human beings share, namely their needs. This, he points out, places him in a separate camp from, say, Griffin’s focus on agency,<sup>18</sup> or Sen’s on capabilities.<sup>19</sup> These specifically, are a decent life which, he points out, is considerably less than what a flourishing life would require. Nor is the urgency of the need necessarily the determining factor. Some needs may be particularly urgent to an individual in their specific societal setting, given the established norms that are in place. But we are looking at universal human needs, conditions that hold true across all societies.<sup>20</sup> The resulting scope for what can be considered human rights is therefore very limited.

Why set the threshold for human rights so low? Proclaiming something as a human right, Nagel says, gives it an inviolability against

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<sup>16</sup> Ibid., 73.

<sup>17</sup> Ibid., 78.

<sup>18</sup> James Griffin, *On Human Rights* (Oxford: Oxford University Press, 2008).

<sup>19</sup> Amartya Sen, *The Idea of Justice* (London: Penguin, 2009).

<sup>20</sup> David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 181–184.

any other considerations, so that “while in some cases a right may justifiably be overridden by a sufficiently high threshold of costs, below that threshold its status as a right is insensitive to differences in the cost-benefit balance of respecting it in each particular case.”<sup>21</sup> This leaves very little room for anything apart from strictly negative rights, since more expansive positive rights are prone to clashing when resources are too scarce or the obstacles too great to implement them all at once.

The less “fundamental” the right we are affirming, the more difficult it is to include it in the “core of inviolability” that remains constant across cultures.<sup>22</sup> This, to Nagel, excludes the possibility of claims of justice on the international scale, bar the bare minimum standards of non-aggression, respect for international law and very limited development assistance. This, by extension, sets the limit for international human rights to be realised. Although it is impossible to deny the urgency of international aid, this is a humanitarian issue, not a question of justice. This is more than just semantics. Justice, he suggests, concerns itself with relative statuses, and humanitarian aid is about absolute deprivation.<sup>23</sup> They therefore belong to completely separate moral categories. David Miller suggests another reason Nagel might have for rejecting the term “justice”. Often, poverty is caused by a particular group – say, the president and those who prop him up – who are responsible for the rest of the population’s plight. In this case, it is obvious that they have a strong negative duty to compensate for the harm they have done. But the chance

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<sup>21</sup> Thomas Nagel, “Personal Rights and Public Space,” *Philosophy & Public Affairs* 24, no. 2 (1995): 84–85.

<sup>22</sup> *Ibid.*, 93–94.

<sup>23</sup> Nagel, “Global Justice,” 118–119.



of them actually doing it is, of course, minimal. The question, then, is what kind of responsibility passes to the international community. Unless the situation is so bad that direct intervention would be the lesser of two evils (as in Rwanda or Bosnia, arguably) there is little outsiders can do to change the situation. In this case they might not be *required* to act, as per a duty of justice, and we may not have a right to pass judgement on outsiders who fail to do so.<sup>24</sup>

The idea that a global human right implies a globally binding responsibility is widely shared. This may not be an easily defined or singularly transmissible duty, but a succession of duties or a mix of continuous negative or positive duties to act or refrain from acting in particular ways. The primary bearer of duties, says Risse, is each individual's state. Where the state satisfies its obligations to its own citizens, human rights will have been taken care of. But where this does not happen, the best way to help is to ensure that the state can protect human rights.<sup>25</sup> While immediate short-term assistance may be necessary in the case of natural disasters, he believes that domestic institution-building is the best way to secure human rights. This is a question I will take up in Chapters 5 and 6.

Where does this leave the upper limit for the duty of assistance? Risse concedes that there can be no set limit. But we can set out some guiding principles. In general, the more severe the distress, the greater the

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<sup>24</sup> Miller, *National Responsibility*, 257–258. Miller has reservations about Nagel's humanitarianism/justice distinction. Where to Nagel, justice is inherently about how people stand in relation to each other, Miller sees no reason why comparative and non-comparative forms of justice cannot both exist. *Ibid.*, 256.

<sup>25</sup> Risse, *On Global Justice*, 79–80.

likelihood of success and the lower the costs, the more urgent the duty is.<sup>26</sup> Nonetheless, in light of Risse's focus on institutions he argues that the effect of these restrictions will be that the duty is very limited in practice. D. Miller similarly acknowledges that if needs were to ground obligations simply *qua* needs, the list would quickly expand. He therefore places four limitations on rights claims, namely that it must be something that can be provided by human agency, it must be something that can be demanded by others (so there is no human right to love and respect), the demand cannot oblige others to violate their own rights, and any demand must take resource scarcity into account. This means not everyone's needs must be satisfied at once.<sup>27</sup> While the first two are fairly obvious, the last two prompt some questions. On a libertarian-leaning understanding of rights, it might seem that no positive rights could ever be human rights, lest they violate basic property rights. But D. Miller does not share this view. Only those rights that are themselves important enough to warrant human rights status are immune from violability, even to protect the human rights of others. But as for resource scarcity, the question must be asked how that scarcity came about in the first place. Barring the worst natural disasters, the fluctuations in the seasons and the weather that leave people malnourished, or the ways global interactions influence local conditions, are not unforeseeable. If I roll two dice, the odds of rolling a double-six may be small. But if I roll it enough times, it will eventually happen. In asking what our responsibility is for relieving the suffering that happens now, we must therefore also ask whether that harm could have reasonably

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<sup>26</sup> Ibid., 80.

<sup>27</sup> Miller, *National Responsibility*, 185–193.

been predicted (and we may have committed a sin of omission), or whether we may have been responsible for the underlying conditions that caused or exacerbated it. I discuss the former possibility in 3.8 and 3.9, while the latter is tackled in Chapter 7.

Fundamentally, the preceding analysis relies on a particular understanding of what it means to have human rights in the first place. Cosmopolitans emphasise the transcendent character of rights. They apply everywhere, and we have them by virtue of being human beings, regardless of whether they are recognised where we live. So far, so good. But Andrea Sangiovanni effectively outlines a further key difference. To cosmopolitans, the question of implementation and enforcement are of secondary concern. People have a human right to, say, freedom of speech irrespective of what regime they might live under, and as such the international community has a responsibility to enforce it. If it cannot be enforced given the present political realities this is regrettable, but it does nothing to change the status of free speech as a human right.

But according to what Sangiovanni terms a “practice-dependent” theory of human rights, the non-enforceability is paramount to the status of free speech as a human right. Principles of justice of any kind, says this theory, cannot be derived independently of the context that they exist to regulate. This is true not only for liberal rights only affirmed in democratic societies, but also for human rights which, far from being timeless, presuppose many of the features of the modern state, including a comprehensive legal system, coercion, population control, goods distribution, and so on; and whose purpose is to mitigate the worst

consequence for the people most disaffected by this system.<sup>28</sup> The role of human rights in society is therefore a defining feature of those rights in itself.

In practical terms, the importance of human rights lies in their ability to define and regulate appropriate foreign policy. This means, first, that they justify military, economic or diplomatic intervention,<sup>29</sup> and second, that they require duty bearers with means of enforcement.<sup>30</sup>

If we accept this logic it places some rather strict limits on the scope of human rights. If human rights are truly universal, everyone has the same claim to protection against everyone. Moreover, they must be justifiable across all cultural and institutional contexts, showing that no one can reasonably disagree. And finally, implementation must in principle be possible without disproportionate use of means, whether by force or otherwise.<sup>31</sup> This, in practice, limits the list of human rights to those the international community can be expected to come to the defence of. It is not limited to those the current international system actually *does* come to the defence of, as that would be far too restrictive. But only if you can make a reasonable plea for international intervention is it a human right.

So far, so minimal. But it is nonetheless worth noting that the list that we are left with is not strictly negative. As with Nagel confirming a responsibility to provide emergency assistance, it leaves some scope for

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<sup>28</sup> Andrea Sangiovanni, "Justice and the Priority of Politics to Morality," *The Journal of Political Philosophy* 16, no. 2 (2008): 17.

<sup>29</sup> I should add that the justification runs both way. Human rights can be used to justify forceful intervention into a foreign regime, and, where the foreign regime welcomes the intervention to, justify it to the intervener's own population.

<sup>30</sup> Sangiovanni, "Justice and the Priority of Politics," 19.

<sup>31</sup> *Ibid.*

positive duties of redress to those in dire need. At this point it cannot be determined what those limits are. However, the next chapter will explore the most likely objection to wide-ranging positive human rights, namely their claim that they clash with the restriction against disproportionate means – specifically, that aid beyond a basic level conflicts with national autonomy.

It seems that part of the motivation for strictly limiting human rights is precisely their *importance*. Internationalists largely agree with non-relationists that proclaiming something a human right imposes an obligation that is not only particularly stringent, but overrides any competing obligation an individual or association might have. For anyone concerned with limiting the overreach of international responsibility, justificatory minimalism is of paramount importance.

But the two are still very separate propositions. The extent and scope of human rights cannot be justified by how stringent the resulting responsibilities are. If it can be reasonably shown that human rights are more than just the bare minimum standards described in this section, it follows automatically that the duty is correspondingly more urgent. Unless the stipulation not to demand that anyone sacrifice their own human rights for others is being violated, which realistically it will not be, the duty is to fulfil the rights whatever they may be and at whatever cost.

This section has outlined two important limitations of human rights, as understood by a number of internationalists: That only the most basic requirements of a decent human life may give rise to them, and that they must be universally applicable and agreed upon. This does not mean that everyone *must* agree, but rather that everyone *could* agree to them,

irrespective of other conventions, their belief systems, or the first principles of justice that make up their society. The next two sections will look more closely at these claims in turn, Section 3.4 asking what a basic life requires, and 3.5 asking what agreement there currently is on international human rights.

### **3.4 Basic needs**

David Miller says, though it could have been said by more or less any internationalist, that only “*essential* rights, such as rights to life and physical security, belong on a list whose aim is to set a minimum standard separating the tolerable from the intolerable.”<sup>32</sup> Elsewhere, he writes that “the purpose of a doctrine of human rights is to specify a global minimum that peoples everywhere, regardless of societal membership or cultural affiliation, are owed as a matter of justice.”<sup>33</sup> Therefore, only the most basic needs, essential to a minimally decent human life, are protected by human rights status. But what are those basic needs?

There is no getting around the fact that the most basic needs, and therefore rights, have both negative and positive components to them. To Shue, they “are a shield for the defenceless against at least some of the more devastating and more common of life’s threats, which include [both] loss of security *and loss of subsistence*.”<sup>34</sup> In *Basic Rights*, he is clear that he considers only a limited range truly basic rights, agreeing that the

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<sup>32</sup> Miller, *National Responsibility*, 166, his italics.

<sup>33</sup> David Miller, “Grounding Human Rights,” *Critical Review of International Social and Political Philosophy* 15, no. 4 (2012): 409.

<sup>34</sup> Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, second edition (Princeton, NJ: Princeton University Press, 1996), 18, my italics.

urgency of a need is not necessarily what makes it a right. Hence even basic education may not count. A basic right entails an obligation that, while in the first instance discharged locally, may fall on the international community.<sup>35</sup> Nonetheless, we should not be blind to the systemic nature of the kinds of needs deprivation that take place in the world. Policies may work to the benefit of certain privileged groups at the expense of the many, and even those policies that benefit the society as a whole may predictably leave specific groups in an intolerable situation.<sup>36</sup> Where they are imposed from the outside, especially through international trade regimes, they give rise to duties that I discuss in Chapter 7. Where their sources are domestic it often throws up a lot of difficult questions related to pin-pointing the source of the abuse, identifying causes and establishing the right corrective course of action.

When Rawls defines a list of basic, or primary, goods, he includes rights, liberties, opportunities, income and wealth as the broad categories of goods that exists.<sup>37</sup> He has the justice of a liberal, democratic society in mind, which limits how much their fulfilment can be contained within global rights. Nonetheless, internationally applicable basic goods echo them closely. But we must be clear what basic goods mean. Perhaps falling short of creating a specified list of goods, universally valid across contexts, some inroads can be made towards clarifying what goods are urgent enough to warrant human rights protection. Pogge suggests four considerations. First, only those that are really necessary for “realizing a

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<sup>35</sup> *Ibid.*, 20, 52–55.

<sup>36</sup> *Ibid.*, 47.

<sup>37</sup> Rawls, *TJ*, 54–55.

conception of a worthwhile life” are included. Second, goods are limited to those that are “minimally adequate”, meaning only basic forms of essential goods are covered. Third, it is having access to basic goods that matters, not having those goods in itself. And finally, they are limited “probabilistically”, meaning no one has a right to absolute security in basic goods beyond what can reasonably be expected.<sup>38</sup>

Basic goods include physical integrity, basic food, drink, shelter, clothing and basic health care provisions. They also include freedom of movement and action, basic education, and the opportunity to play a role in the economic sphere. Everyone has a right to a “minimally adequate” share of these goods.<sup>39</sup> For simplicity’s sake we can suppose that playing a role in the economy is a process that, assuming the other basic needs are taken care of, generally happens organically. What is required, therefore, is that governments do not actively impede people’s participation, and stop others from doing so as well. The interesting ones are education and basic health care. Not only are they distinctly positive duties, they also require not just the distribution of a particular good, but the maintenance of a complex governmental infrastructure. Yet it would be hard to argue that basic education and basic health care are not fundamental requirements of a minimally decent life. Nonetheless, they show how the distinction between basic and more demanding human rights do not map neatly on to distinction between positive and negative duties.

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<sup>38</sup> Thomas Pogge, *World Poverty and Human Rights*, second edition (Cambridge: Polity Press, 2008), 44.

<sup>39</sup> *Ibid.*, 55.



Shue and Pogge both agree that the goal of human rights is to respect basic human standards of decency. Although development beyond these levels is highly desirable, and you would reasonably expect any government to seek it for all their citizens, they are not human rights. They may be what can broadly be described as citizens' rights, the standard to which citizens can hold their rulers accountable. But they do not warrant an international response. Nonetheless, the breadth of scope is much wider.

Sen contends that we are better off thinking in terms of basic capabilities rather than goods. We each have different needs – some of us have physical or psychological disabilities that require special attention, and depending on our position in society, for instance as child-caretakers, the quality and quantity of “public goods” we need may vary. Similarly, they may vary across cultural, environmental and geographical settings. The question we should ask ourselves is therefore not what needs human rights should protect, but what capabilities are essential for human life. The needs vary across individuals, communities and peoples, but basic capabilities are shared by all.<sup>40</sup> This would strongly suggest that basic responsibilities may be stronger for certain individuals or communities than what is reflected in conceptions of basic needs that take as its starting point a healthy (typically male) adult in his prime.

The upshot, argues Sen, is that the capabilities approach “proposes a serious departure from concentrating on the *means* of living to the

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<sup>40</sup> Sen, *Idea of Justice*, 253–268.

*actual opportunities* of living.”<sup>41</sup> This particularly speaks against Rawls’s focus on access to and equality of specific goods, irrespective of individual circumstances.

The problem so far, as Nussbaum points out, is that we have yet to see anything specific.<sup>42</sup> We get a clear sense that Sen thinks that the basic rights that follow from the capabilities approach will be an expansive set. Political rights, for instance, while not necessarily first order basic rights, are “not only pivotal in including social responses to economic needs, they are also central to the conceptualization of economic needs themselves.”<sup>43</sup> This gives us a strong idea of the kinds of rights that should be defended. There is still no list of basic capabilities and correlative rights, however, and it is therefore less clear which ones merit international responsibilities. Spelling out precisely what capabilities you consider essential, and therefore worthy of being protected by human rights status, certainly does a lot to clear up exactly what you mean by human rights in the first place. But on the other hand there is an advantage to being fuzzy at the margins. While some rights seem to obviously belong on the list, and others obviously fall outside its scope, it is difficult to establish clear-cut boundaries between the two, and a list of rights risks losing that crucial nuance. Nonetheless, if our goal is to make policy and change how international duties are being discharged in the world we live in, it may well be necessary and worth it to formulate it anyway.

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<sup>41</sup> *Ibid.*, 233, his italics.

<sup>42</sup> Martha Nussbaum, “Capabilities as Fundamental Entitlements: Sen and Social Justice,” *Feminist Economics* 9, no. 2–3 (2003): 33–59.

<sup>43</sup> Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999), 154.

Nussbaum's list of central human capabilities worthy of human rights status come under ten headings.<sup>44</sup> *Life, bodily health, and bodily integrity* establish some of the most crucial negative rights that all human rights traditions affirm. The next three, *senses, imagination, and thought; emotions; and practical reason*, establish the right to use senses in a "truly human" way, informed by education and experiences derived from personal choice, having access to a full and unconstrained emotional life, and to form a conception of the good. *Affiliation* covers life as social beings with concern for others, as well as "the social bases of self-respect and non-humiliation", while *play* covers the right to recreation. Finally, *control over one's environment* has two components. Politically, it means the ability to effectively take part in "political choices that govern one's life", and materially the right to own property on an equal basis with others.<sup>45</sup> Many of these, as we will see in Section 3.5, resonate in the Universal Declaration of Human Rights, despite not being basic rights in an internationalist account of rights.

Some of these rights, especially the first three, will not be contestable. Whether framed as capabilities, goods, or simply basic rights, the results are the same. They guarantee the negative rights that even the sparsest human rights traditions consider essential. Others seem to fall outside of a list that internationalists would endorse. Consider for instance influence over the "political choices that govern one's life," in Nussbaum's words a basic capability. What does that mean? It cannot mean

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<sup>44</sup> Each heading is printed in my italics for the sake of clarity.

<sup>45</sup> Martha Nussbaum, "Human Rights and Human Capabilities," *Harvard Human Rights Journal* 20 (2007): 21–24.

parliamentary democracy. At any rate, she herself denies that that is a primary right.<sup>46</sup> But even so, it is a vague concept, and it is unclear what it means at a more local level. Does it mean influence over family politics? Influence at the community level? If so, I think many internationalists would strongly (and probably rightly) argue that we have inadvertently wandered into society-conditioned territory.

But consider another option, namely that what we are dealing with is a class-based issue. For instance, the needs and opinions of women are systematically being ignored in society, or a system is in place that denies particular groups any meaningful control over their own life or the politics that surround them. They could be members of religious or ethnic minorities or, as in traditional Indian societies, stuck at the bottom rung of the caste system. While there is no doubt that people in these instances are being denied meaningful participation in political life, they are being denied a whole lot of other things on Nussbaum's list that those who are sceptical of wide-ranging international duties would be more hard-pressed to disagree with. A woman in an oppressive and misogynist society will often, in addition to political influence, be denied bodily integrity and health, reason informed by proper education, recognition as an equal, self-respect and freedom from humiliation, and non-discrimination, all of which are far more likely to feature in all human rights lists across conceptions of rights. What, an internationalist might ask, does the inclusion of political control bring to a list of core capabilities, or rights? Is a situation where a member of a particular group has all the rights

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<sup>46</sup> Nussbaum, "Capabilities as Fundamental Entitlements," 37.

mentioned above, minus political participation, likely to occur? And if it does, would it not seem that even if it was a human rights violation it was a relatively minor one, if we can rank such things?

The other side of the coin, of course, is that the lack of political rights may be a strong signifier of a lack of other rights. Sen argues that a lack of political participation rights is itself a strong indicator that other, more basic rights themselves are at risk. “Political rights, including freedom of expression and discussion, are not only pivotal in including social responses to economic needs, they are also central to the conceptualization of economic needs themselves.”<sup>47</sup> That is of course an empirical question. It sounds highly plausible to me, but one that cannot be verified here. But this reasoning is not, in itself, sufficient to prove that political rights are basic. We should keep an eye out for the denial of political influence to see if serious rights abuses are taking place. But to include them on the list we would have to subscribe to the idea that political rights are essential in and of themselves to a basically decent life, which sits badly with the internationalist conception of rights.

### **3.5 International human rights treaties**

Although there exists a bundle of international documents pertaining to various rights, too many to discuss here,<sup>48</sup> the Universal Declaration of Human Rights (UDHR) is the predominant human rights

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<sup>47</sup> Sen, *Development as Freedom*, 154.

<sup>48</sup> For a selection of international human rights treaties, see United States Government, “Key International Human Rights Documents,” *HumanRights.Gov*, 2014, <http://www.humanrights.gov/references/international/>.

document, having formed the basis of discussions of human rights since its creation in 1948. Officially the UDHR enjoys near-universal support,<sup>49</sup> although there are reasons why you might question the genuineness with which most countries endorse it: As the preamble makes clear, membership of the UN comes as a package deal with the Declaration included, and the rate of human rights violations throughout the world, including by parties to the charter, should lead anyone to seriously question how internalised these rights have truly become. Nonetheless, the role it has had in defining the debate means it cannot easily be ignored.

Reading the Declaration, it quickly becomes obvious that it does not endorse a strictly minimalist conception of human rights. Although minimal right, traditionally conceived of as negative, make up the bulk of the articles, its scope is much broader than that.<sup>50</sup>

Articles 3-18 generally cover the rights that Rawls and other justificatory minimalists would endorse.<sup>51</sup> These include the right to life and liberty, prohibition of slavery, the right to recognition before the law and to a fair trial including protection from arbitrary arrest, detention and exile, and the right to be presumed innocent until proven otherwise. They also cover the right to freedom of movement, to marriage and family life, and the right to own property and protection from arbitrary deprivation of it. Finally, they guarantee the right to freedom of conscience and religion, including the right to manifest your beliefs in public and to change your

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<sup>49</sup> Kofi Annan calls it “the yardstick by which we measure human progress.” Quoted in Michael Ignatieff, *Human Rights as Politics and Idolatry* (Princeton, NJ: Princeton University Press, 2001), 53.

<sup>50</sup> UN General Assembly, “The Universal Declaration of Human Rights,” 1948, <http://www.un.org/en/documents/udhr/>.

<sup>51</sup> Reidy, “Just Global Economy,” 219.

religion.<sup>52</sup> Although some, such as religious freedom, are more contested than others, there is so far little that could be reasonably objected to in most peoples' eyes.

But what about the ones that supposedly go beyond minimal rights? At least three additional rights should be immediately acceptable to a Rawlsian. Article 25 guarantees everyone the “right to a standard of living adequate for the health and well-being of himself and of his family” in terms of food, clothing, housing and medicine, and the security of these rights through times of unemployment, sickness, disability, widowhood or old age.<sup>53</sup> Articles 26 and 29, further guarantee education, another basic right, and subjection only to law securing recognition and respect for the rights and freedoms of everyone.<sup>54</sup>

So far we have not, I think, ventured outside the basic needs that “must be met if citizens are to be in a position to take advantage of the rights, liberties, and opportunities of their society. These needs include economic means as well as institutional rights and freedoms.”<sup>55</sup>

Other rights seem to fall more within the range of positive rights which, unlike education and sustenance, are not often considered basic. The right to work includes equal pay and the right to join trade unions, while other rights include leisure, social security and cultural life.<sup>56</sup> Here the question of necessity outside of cultural practices is less clear.

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<sup>52</sup> “UDHR,” Articles 3–18.

<sup>53</sup> *Ibid.*, Article 25.

<sup>54</sup> *Ibid.*, Articles 26, 29.

<sup>55</sup> Rawls, *LP*, 38. This section refers to aid to members of the society of peoples in case of emergencies. Whether they apply in equal measure for burdened societies depends in part how you interpret Rawls's text, as discussed in 3.2. But regardless of the people's status, the basic needs of citizens must be presumed to be the same.

<sup>56</sup> “UDHR,” Articles 22–24, 27.

Finally, there can be little doubt that Article 21 runs contrary to both word and spirit of the law of peoples when it says that “the will of the people shall be the basis of the authority of government,” affirming democracy as a human right.<sup>57</sup> This is especially obvious in light of Article 2 which ensures that the rights guaranteed in the UDHR apply equally to all people regardless of race, gender, status, birth or, most importantly to decent hierarchical societies, religion.<sup>58</sup> It must therefore follow logically that an internationalist conception of global human rights must, at the very least, discard some of the ones set out in the UDHR. But which ones?

To answer that we need to determine to what extent the justificatory minimalist account is justified; and if so, whether the current list of minimally acceptable human rights is not defined too narrowly.

For Onora O’Neill, the problem of allocation of duties throws a spanner in the works. Violations of “liberty rights” do generate clearly attributable duties, but “welfare rights” do not. Rights to goods and services are therefore violated in more abstract terms.<sup>59</sup> Yet if you cannot have a claim that is not directed against someone or something in particular, and universal rights are rights against everyone in general, you have yourself a conundrum. But in practice most responsibilities have been given to states, which to O’Neill is deeply troublesome. Not only do many states not have the capacity to protect human rights, many of those who do actively violate them.<sup>60</sup>

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<sup>57</sup> Ibid., Article 21.

<sup>58</sup> Ibid., Article 2.

<sup>59</sup> Onora O’Neill, “The Dark Side of Human Rights,” *International Affairs* 81, no. 2 (2005): 428.

<sup>60</sup> Ibid., 430, 435.



Another defence of justificatory minimalism is that, in Michael Ignatieff's words, the "universal commitments implied by human rights can be compatible with a wide variety of ways of living only if the universalism implied is self-consciously minimalist. Human rights can command universal assent only as a decidedly 'thin' theory of what is a right, a definition of the minimum conditions for any kind of life at all."<sup>61</sup> In a world of different civilizations, religions and cultures, each with their competing conceptions of the good, only the rights that protect "human agency", by which Ignatieff means negative liberty, are able to command enough assent to be considered universal in any meaningful way.<sup>62</sup> Not only that, "rights inflation – the tendency to define anything desirable as a right – ends up eroding the legitimacy of a defensible core of rights."<sup>63</sup> This means only those strictly necessary to life itself are of primary importance, and all social, economic and political rights are of a secondary order. It is not sufficient, then, to think of "rights as trumps" as Ronald Dworkin does,<sup>64</sup> unless you stick to a strictly minimal and non-mutually exclusive conception of rights. What happens if my right to property clashes with your right not to starve? While Griffin suggests that instances of human rights clashing like that are much less frequent than critics imagine, and are often resolvable, genuine conflicts do exist.<sup>65</sup>

Nonetheless, there is no reason to assume that clashes of this sort spell the death for more extensive human rights. Conflicts of interest are

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<sup>61</sup> Ignatieff, *Politics and Idolatry*, 56.

<sup>62</sup> *Ibid.*, 57.

<sup>63</sup> *Ibid.*, 90.

<sup>64</sup> Ronald Dworkin, "Rights as Trumps," in *Theories of Rights*, ed. Jeremy Waldron (Oxford: Oxford University Press, 1984), 153.

<sup>65</sup> Griffin, *On HR*, 58–60.

an integral part of political life at any level, and rights are no different. A violation of my right to property may in some cases be detrimental to my capacity to act as an autonomous agent, but when faced with degrees of human suffering I should be prepared to evaluate my claim to property rights in the proper context.<sup>66</sup> This does not change the fact that my human right to property is inviolable in the face of non-rights based claims to it. Joshua Cohen convincingly rejects Ignatieff's minimalism and refutes the idea that more extensive human rights are intolerant. Human rights are norms associated with membership of a political society, he says. This explains the inclusion of rights such as education and work, because they identify rights that are important for individuals to perform their membership functions.<sup>67</sup> This is particularly pertinent considering that Rawls says the goal of decent hierarchical societies is to ensure that their members can live with their common conception of the good.<sup>68</sup>

But does it not still fly in the face of respect for local cultures and customs? The UDHR, says Cohen, precisely left out any reference to religion or natural rights in order to allow the followers of different views to decide how human rights fit into their broader philosophy.<sup>69</sup> None of this limits the importance of toleration, not even a Rawlsian ideal of toleration that permits things that would be considered unjust in liberal societies. But the end result is not minimalism about human rights. That gives up too much. Some principles, such as democracy and equal political rights, may not be possible within toleration, but any reasonable

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<sup>66</sup> Ibid., 69.

<sup>67</sup> Joshua Cohen, "Minimalism About Human Rights: The Most We Can Hope For?," *The Journal of Political Philosophy* 12, no. 2 (2004): 196–198.

<sup>68</sup> Rawls, *LP*, 65–66.

<sup>69</sup> Cohen, "Minimalism About HR," 199–200.

conception of membership must include some rights that go beyond an absolutely minimal level.<sup>70</sup> So an internationalist conception of human rights should be prepared to endorse more than just the rights set out in Articles 3-18 of the UDHR.

Finally, it is worth asking what is gained from endorsing a thin version of human rights. Macleod points out that Rawls's eight principles in the second original position affirm human rights, but they do not specify which human rights, nor do they do anything to ground them in any independently agreed upon principles. We know that some human rights are endorsed only by liberals, yet the principles must appeal to decent and liberal peoples alike. So either a single list of human rights exists, consisting only of those endorsed by both sides; or else there are two lists, an extensive one for liberal peoples, agreed upon by the representatives of the domestic original position, and a much narrower one that decent peoples possess.<sup>71</sup> Yet by the unavoidable logic of the second original position, only the few that appear on both lists will be internationally recognized. The problem, says Macleod, is that if the only reason for endorsing the more limited list is that it is one that decent peoples decide on as a compromise, independently of the reasons either liberal or decent peoples had for endorsing their respective lists in the first place, by what force are outlaw states or burdened societies under any obligation to acquiesce to it? The list is not grounded in any independent principles, but simply derives its force from the fact it has been agreed to.

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<sup>70</sup> Ibid., 212–213.

<sup>71</sup> Alistair M. Macleod, "Rawls's Narrow Doctrine of Human Rights," in *Rawls's Law of Peoples: A Realistic Utopia?*, ed. Rex Martin and David A. Reidy (Malden, MA: Blackwell Publishing, 2006), 142–144.

So what is to stop others from simply disagreeing? The upshot, argues Macleod, is that the “sense in which human rights are said to be ‘universal’ – and thus binding on all societies – seems to be inconsistent with any attempt being made to trim the doctrine of human rights to accommodate the ‘common good conception of justice’ embraced by decent peoples.”<sup>72</sup>

To summarise, if our concern is with justificatory minimalism, there is a strong argument for endorsing more than just the bare minimalist account of human rights commonly defended by internationalists. This will not extend to a full endorsement of the UDHR, as some articles will be incompatible with Rawlsian toleration if taken as enforceable international human rights standards rather than aspirational statements, or rights applicable only to liberal societies. But others, especially Articles 25, guaranteeing a standard of living adequate for a person’s health and well-being; 26, enshrining a right to education; and 29, stipulating that you can only be subject to laws that ensure the rights and freedoms of everyone, fall within the scope of reasonable agreement across cultures and religions. At a minimum, therefore, we should expect these to be included in our list of international human rights.

### **3.6 Common ownership of the Earth**

Another way of grounding human rights is common ownership of the Earth, which Risse has recently reintroduced to the debate. Unlike human rights which are thought of as stemming from our common

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<sup>72</sup> Ibid., 144.

humanity, or in other words conceived of as natural rights, what gives rise to rights is our common ownership of the planet we share. This, of course, is no novel idea. John Locke wrote in 1689 that “he that leaves as much as another can make use of, does as good as take nothing at all.”<sup>73</sup> What is at stake here, then, is “original ownership”, things that exist independently of human labour or inventiveness, and give rise to claims that are both temporally and substantively prior to other property claims.<sup>74</sup>

The purpose of common ownership of the Earth is to ensure that the co-owners, everyone on the planet, are able to meet their basic needs. Taking its cue from natural rights theory, common ownership applies to all resources that exist independently of human effort – clean air and water, land and forest, and so forth.<sup>75</sup> Individuals have a human right to these things. Expressed in the form of claims against authority, states owe them two fundamental guarantees: First, that their power cannot render people unable to meet basic needs through the use of these resources, and second, that they must make sure they have the opportunity to meet them.<sup>76</sup> In one way this is an incredibly demanding right, since the right to these basic goods trumps any other consideration. In that sense they could require big sacrifices on the part of the developed countries to meet globally, much more than they are currently willing to do. But in another sense they are not demanding at all, since Risse’s conception of common ownership of

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<sup>73</sup> John Locke, *Second Treatise of Government* (Indianapolis, IN: Hackett, 1980), 21.

<sup>74</sup> Risse, *On Global Justice*, 92.

<sup>75</sup> *Ibid.*, 112–114.

<sup>76</sup> *Ibid.*, 136.

the Earth precludes from consideration any stronger claims to collective ownership rights beyond meeting basic.<sup>77</sup>

So far this view does not at first glance seem out of the ordinary. As Beitz says, it is a feature of just about all natural rights theories that they are distinct from positive rights. Hence many economic and social rights are, narrowly understood, political rather than human rights.<sup>78</sup>

But this is precisely where the theory comes into its own. Compared with the much broader notion of “personhood” grounding rights, which guarantees certain basic positive freedoms, including the right to minimal provisions needed to live,<sup>79</sup> common ownership of the Earth has the effect of resolving that debate in favour of the minimalist interpretation. Having a right to access the things nature provides for us in common does entail some degree of political representation and due process, and immigration if your current land cannot support you. These must be derivative rights - the right to representation is, by definition, not a pre-societal right. But once it has been established, you have a right to collectively ensure that it does not infringe on your liberty. Nonetheless, your rights do not extend to even the most basic health care.<sup>80</sup> In effect, your government’s guarantee to ensure opportunities for basic rights to be met are strictly limited to not preventing you from accessing them to the extent you are able to do so without assistance. It is thus only a basic right to life in the narrowest sense. I argue that Risse’s argument fails in two ways. First, his account of non-interference is too narrow. And second, he paints himself into a

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<sup>77</sup> Ibid., 122.

<sup>78</sup> Charles R. Beitz, *The Idea of Human Rights* (Oxford: Oxford University Press, 2009), 49–50.

<sup>79</sup> Griffin, *On HR*, 33–34.

<sup>80</sup> Risse, *On Global Justice*, 143.

corner by relying on implausibly neat distinctions between naturally occurring and man-made resources. In the real world, such a neat separation does not exist.

Consider the specific case of water. Water, Risse says, is precisely the kind of pre-societal good where deprivation constitutes a violation of a natural right. Water exists independently of any human activity. The right to water, whether as drinking water or sanitation, is therefore a particularly urgent human right.<sup>81</sup> While water can, of course, be taken out of its state of collective ownership in the fountain and made private in the pitcher,<sup>82</sup> it is naturally readily available to everyone. Therefore, in common ownership, everyone has a right to access it up to the point where their basic needs have been met, and they are immune from living under political or economic systems that interfere with this opportunity.<sup>83</sup> The significance of this being a human right is that although it falls on states initially to ensure it, where they violate it or are unable to protect it sufficiently, it falls to the international community to do so.<sup>84</sup>

This responsibility seems at first glance very demanding, and in some ways it is, especially with regards to transfers of resources and the derivative right to immigration to resource-rich countries if your own territory is insufficient. It also gives rise to closely related rights, including – in any somewhat developed country – a right to enough education to compensate for lack of sufficient access to natural resources. But basic healthcare is disqualified on a technicality, since “access to such care does

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<sup>81</sup> Mathias Risse, “The Human Right to Water and Common Ownership of the Earth,” *The Journal of Political Philosophy* 22, no. 2 (2014): 178–180.

<sup>82</sup> Locke, *Second Treatise*, 20.

<sup>83</sup> Risse, “Human Right to Water,” 190.

<sup>84</sup> *Ibid.*, 196–197.

not turn on access to original resources as much as, say, sanitation does, but instead turns on human services and ingenuity.”<sup>85</sup>

But is this sharp distinction between original and man-made resources really tenable? I think there are good reasons to be sceptical. Although it might seem a somewhat banal point at first, it is worth pointing out that when Locke and Grotius wrote about natural law and common ownership the Earth’s population was in the hundreds of millions rather than the seven billion it is today. Thankfully, there is no reason to assume that there is not enough water to support that many people. But it is nonetheless true that the population increase has led to less fresh water being available per person. Moreover, people are far more likely to live in densely populated urban areas than previously. This, says Stephen McCaffrey, “will lead inevitably to intensified competition for increasingly scarce water resources both *within* individual countries and *between* different countries.”<sup>86</sup> Keep in mind modern living arrangements, including cities and water-intensive farming.<sup>87</sup> These are features which, placing reasonable bounds on theoretical abstraction, will have to be taken as a given. Does it really make sense, then, to talk of water in terms of a negative right not to be deprived of something you could reasonably expect to have access to from nature’s side alone? Contamination can happen because of chemical spills or the like, in which case it seems obvious that a negative right has been violated. But in most cases access to clean water

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<sup>85</sup> Ibid., 195.

<sup>86</sup> Stephen C. McCaffrey, “A Human Right to Water: Domestic and International Implications,” *The Georgetown International Environmental Law Review* 5, no. 1 (1992): 2, his italics.

<sup>87</sup> Or not so modern, actually. The first cities sprung up in Mesopotamia sometime before 7,000 BC, and Europe and Asia in particular have been organized agrarian societies for millennia.



requires careful management, irrespective of any identifiable violations of a right. I do not in any way mean to suggest that clean water is not a human right. McCaffrey shows how the right to water is already implied in human rights documents, including the UDHR's Article 25 and many others.<sup>88</sup> So do common ownership rights really make up a coherent category of rights separate from more expansive groundings of rights like, say, personhood?

What about duties that only apply in (at least slightly more) developed countries? Here a right to basic education applies because “the existence of states means that co-owners will often not have the possibility to make a living by accessing natural resources. As a substitute for this lack of access we need empowerment to participate in society.”<sup>89</sup> So where the arrangements of states makes it implausible for everyone to live off the land, there is a human right to at least the level of education that would enable you to bypass those resources. A couple of questions present themselves. Is the human right to education dependent on being cut off from natural resources, or is it possible to have your human right to water fulfilled, *and* have a human right to education? Does the level of education you are entitled to depend on what would realistically be required in the country you live in to ensure your basic needs are met? Or in other words, is the “basic” in basic education a relative or absolute term? Is the distinction between living in rural and urban developments significant? And if so, why not guarantee a human right to a minimally sufficient share of the natural resources in the first place?

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<sup>88</sup> McCaffrey, “HR to Water,” 7–12.

<sup>89</sup> Risse, “Human Right to Water,” 18.

### 3.7 Rights derived from the liberal world order

So far, strategies for grounding a global duty of development have focused on human rights. This has been used to justify very narrow conceptions of rights and corresponding duties. I have argued that while there is some traction in these arguments, they fail to justify a set of rights defined as narrowly as they have been. But human rights are not the only way of grounding international justice, and the question of what justice requires is by no means settled. Blake argues that the reason for caring about justice internationally lies in the idea of toleration. The Western world, he says, will be concerned with analysing the interaction between countries based on liberal principles. Consequently we must ask what it is that political bodies owe to their citizens. For Blake the relevant moral justification a state must provide is for the coercion it exerts over its citizens. It does this by ensuring the equality of all those coerced by it.<sup>90</sup> Therefore the conditions that give rise to liberal principles of toleration are those that provide for these basic moral rights for the citizens. The reason for this relatively high threshold, where we refuse to tolerate countries that fail to meet these standards, is that the interests of the state, fundamentally, are not its own, but those of its citizens. These are to live in a state where the coercion imposed upon them is justified.<sup>91</sup> We must therefore ensure that all persons “have access to those goods and political

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<sup>90</sup> Blake, “Distributive Justice.”

<sup>91</sup> Blake, *Justice and FP*, 98.

institutions under which they are able to live lives understood as rationally autonomous.”<sup>92</sup> This means living in an *adequate* state.

What does it mean to live in an adequate state? This, unfortunately, remains somewhat vague. One’s entitlements as a citizen can be denied in both positive and negative ways. You can, Blake points out, be deliberately starved, politically oppressed, or marginalised because of your race, religion, sexuality, cultural affiliation, and so on. But you can also simply find yourself in circumstances of extreme poverty, with no state action to help you. These are all cases where the global community as a whole has a responsibility to act.<sup>93</sup> So far every internationalist would be on board. But while this sets a lower limit for acceptance, it is a lot less clear what the upper limit is. We get told nothing about where this obligation stops, apart from meeting the most basic needs.

Consider for instance the following example: “A citizen of Canada, thus, has no right to move to France – or vote in French elections – simply because she regards France as more congenial to her personal proclivities; if her autonomy is adequately protected in Canada, she cannot make a claim based upon autonomy to French citizenship.”<sup>94</sup> Not many people, I imagine, would challenge this conclusion. But does the example really help us understand what is meant by a basic respect for autonomy? That is less clear.

Perhaps an example from Canada’s great neighbour to the south would have been more instructive. Canada has long been a favoured refuge

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<sup>92</sup> Ibid., 82.

<sup>93</sup> Ibid., 83.

<sup>94</sup> Ibid.

for American soldiers and draft-dodgers seeking to escape what they saw as illegal wars, first in Vietnam in the 1960s and 70s, and more recently in Iraq since 2003. In the case of Vietnam an estimated 20-40,000 Americans made their way north, and many were eventually legitimised as asylum seekers by the Canadian government. Following the Iraq War the fortunes of the roughly 200 enlisted soldiers who tried to seek the Canadian government's protection were more mixed.<sup>95</sup> Already here the picture of what counts as adequate protection under the law and, more importantly, what counts as being "congenial to personal proclivities" – neither war was considered illegal or illegitimate by the majority of the population at the time – is muddled. So imagine what conundrums can be thrown up when the countries in question are no longer two of the wealthiest liberal democracies in the world, but ones where the gap between what individual citizens might reasonably consider adequate justification for state coercion, and how the state or the majority population sees it, is much wider.

However, one area where Blake in particular stands out from the rest is the assertion that liberal democratic rights have primary importance. "In the end, I suggest, we have a right to live in a democratic society as part of our more general right to these circumstances and political institutions necessary to defend autonomous functioning. The promotion and defense of just democratic institutions abroad is an obligation incumbent upon every just liberal state; to truly value the

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<sup>95</sup> Ian Austen, "U.S. Soldiers No Longer Find Haven in Canada," *The New York Times*, July 13, 2008, <http://www.nytimes.com/2008/07/13/world/americas/13canada.html?n=Top%2FNews%2FWorld%2FCountries%20and%20Territories%2FIraq>.

autonomy of all humans is to work steadily for a world in which all face just democratic institutions.”<sup>96</sup>

This is considerably more than Rawls argues for. In fact, Rawls explicitly goes the other way and says that even doing anything to favour the spread of democracy is out of the question, because it disrespects decent peoples.<sup>97</sup> However, on this point Blake finds himself more in agreement with the likes of Simon Caney, who argues that Rawls’s liberalism is incompatible with his respect for decent hierarchical peoples because they permit practices that liberal peoples would find unacceptable.<sup>98</sup>

Yet international law is currently much better lined up with Rawls’s vision than Blake’s. Allen Buchanan points out that the current criteria for international legitimacy, as codified in the Montevideo Convention of 1933, requires only a permanent population, a defined territory, a functioning government and the ability to enter into relations with other states. Nowhere does it demand that states must obey even a minimally decent standard of democratic or human rights. Although there is a fifth criteria, stipulating that states must not have breached basic international law, it is unclear how much this covers and if it is even enforceable.<sup>99</sup>

To this Buchanan suggests two additional principles. First, only those states that respect human rights deserve international legitimacy. So far nothing majorly controversial, and this is already a part of the internationalist logic (albeit not completely – see Section 3.2). Second,

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<sup>96</sup> Blake, *Justice and FP*, 113.

<sup>97</sup> Rawls, *LP*, 84–85.

<sup>98</sup> Caney, “Cosmopolitanism and LP,” 103–104.

<sup>99</sup> Allen Buchanan, “Recognitional Legitimacy and the State System,” *Philosophy & Public Affairs* 28, no. 1 (1999): 49–50.

only those states that live up to a minimum level of democracy will be legitimate, for two reasons: Democracy, says Buchanan is itself important for the equal treatment of people's interests. This argument might not find favour with many non-egalitarians, but the second one should. It has long been noted that although democracy might not be a requirement of justice itself, there is a strong and direct link between democracy and respect for human rights. Ensuring democracy therefore becomes an important tool for safeguarding those rights we care deeply about.<sup>100</sup>

Whether it is true that democracy is instrumental to ensuring rights is of course an empirical question, and one I cannot look into in any great detail here. But it sounds immensely plausible. A government that is directly accountable to the needs of its members will not neglect their needs to the extent that autocratic governments might. Further, you would have to ask whether it would be enough to insist on minimally democratic institutions, whatever that means; another empirical question. But assuming that Buchanan is right, it becomes hard to see how the claim should be denied.

Naticchia, in a reply to Buchanan, suggests that we have prudential reasons to be careful about insisting on democracy as a condition for legitimacy. For one, it may reduce incentives for minimally just behaviour, setting back the goals we were trying to achieve.<sup>101</sup> But more importantly, there is too much at stake for us to be jeopardising the cooperation of powerful, non-democratic states when it comes to the formulation and

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<sup>100</sup> Ibid., 58–60.

<sup>101</sup> Chris Naticchia, "Recognition and Legitimacy: A Reply to Buchanan," *Philosophy & Public Affairs* 28, no. 3 (1999): 252.

implementation of international legal frameworks. For those reasons we are better off conferring legitimacy on anyone who lives up to the minimal demands currently set out, and leaving aside the justice of those regimes.<sup>102</sup> Blake, conveniently, finds himself halfway between the two. On the one hand, he says, prudential concerns should limit our willingness to criticise existing states, yet on the other hand we should be prepared to be more forceful with new, smaller states. Not because we care less about the citizens of powerful states, he is careful to point out, but simply because we have more tools against the smaller.<sup>103</sup> While here I agree with Blake on both his reasoning and conclusion, I would also suggest a different reason, one that might appeal more to a Rawlsian internationalist, for treating cases differently.

Would Rawls support this democratic requirement? I suspect he would not, even in the abstract, but he would be wrong not to. Rawls is clear that we cannot insist on decent peoples turning democratic. He is adamant that democratic peoples are not even allowed to offer incentives, against a background condition of fair cooperation and mutual respect, for decent peoples to make even the slightest moves towards democracy.<sup>104</sup> Presumably, then, the society of peoples cannot make any demands on burdened societies that their path to development must lead towards democracy. Otherwise they would fail to properly respect the decent peoples that are already members of the society of peoples, by failing to treat their form of government as morally equal. But it seems to me that

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<sup>102</sup> Ibid., 256–257.

<sup>103</sup> Blake, *Justice and FP*, 126–127.

<sup>104</sup> Rawls, *LP*, 84–85.

we are, in fact, dealing with two separate categories, which must be analysed and treated differently. In the one case we are dealing with certainty. This category is made up of decent societies which have proven themselves capable of respecting human rights and individual autonomy, despite their undemocratic nature. Whatever we, as liberal societies, think of their form of government, in terms of adhering to the minimal conditions for membership of the society of peoples, they have passed the test. But in the other case we are not talking certainty, but probability. We must ask ourselves, what is the best way forward for guaranteeing that human rights are protected in the future? If insisting on a democratic form of government increases the possibility of a positive result, it is reasonable to do so. A country that refused to democratise, and was consequently denied international legitimacy, may subsequently prove itself capable of respecting human rights. In that case it has earned membership of the society of peoples. But (assuming Buchanan is right) we should also acknowledge that it did so against the odds. Queens Park Rangers will win from time to time, but my money is still on Chelsea.

Nonetheless I want to be careful not to push this too far. Democratisation carries great risks and as, for instance, the Arab Spring proved, demand for regime change can have many unintended, and deeply tragic, consequences. For that reason we should perhaps be very careful not to demand too much.

What is clear, at least, is that to Blake, there is no place for neutrality when it comes to global poverty and human rights deprivation. Contra, say, Risse who would first want to know how the poverty came about (an objection I discuss in Chapter 7), to Blake it is “illiberal” because



its existence itself marks a failure of international responsibilities, regardless of how it came to be.<sup>105</sup>

One interesting feature of deriving principles of justice in this way, as Blake concedes, is that they can potentially be extremely far-reaching. They certainly do not seem to be limited by the same concerns for justificatory minimalism that comes across in much of the human rights discussion. While there the limitations are of a first order, reining in the very list of principles that can give rise to a claim to international justice, Blake is “quite agnostic” about the possibility of the world needing far-reaching remedial and redistributive justice, even if he is sceptical that it will actually turn out to be the case in the world we live in.<sup>106</sup> But his scepticism is largely down to practical considerations about how the global political system actually functions, and what the causes of deprivation are. In principle, there is little to limit the potential for international claims of justice.

### **3.8 Rights in perpetuity**

Having a right in perpetuity raises the bar for what a minimally decent life requires even further. To say that we have a human right not to endure some particularly bad conditions is the same as saying we have a right not to endure them at any point in the future. Of course the future is, by its very nature, uncertain. Genuine natural disasters, like the tsunami that hit South East Asia in 2005, are usually impossible to predict, and

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<sup>105</sup> Blake, *Justice and FP*, 115–116.

<sup>106</sup> *Ibid.*, 81.

their effect too devastating to properly prepare for. In that case it is not clear how the human rights of those affected have been infringed, unless the state or the global community fail to respond appropriately after the fact. Nonetheless, it is easy to lay the blame on nature when man-made economic structures should bear the brunt of it. Three decades ago Sen's seminal study of famines pointed out that market failures rather than actual food shortages lay behind most famines. For some famines the deprivation was not actually down to a lack of foodstuffs, but rather a failure of the market to secure its distribution, because price increases left some people unable to afford them. He further pointed out how famines were a unique feature of non-democratic regimes, lending further credence to Buchanan's claims.<sup>107</sup>

To some extent, of course, this idea is already included in the internationalist idea that the goal of international justice is to develop institutions that enable governments to take care of their citizens. But what exactly does that mean?

Richard Miller uses an instructive example of a poor Malian farmer. (I discuss this example in more detail in Section 4.5 of the next chapter, so what follows here is only a brief outline.) Although the farmer is poor by our standards here in the West, R. Miller says, it would be insulting for us to assume that he is not living a fulfilling life because he has only a small portion of the wealth we do.<sup>108</sup> All other things being equal, I think that argument makes a lot of intuitive sense. Provided he has enough to provide for himself and his family, he might be perfectly content with his

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<sup>107</sup> Sen, *Poverty and Famines*.

<sup>108</sup> Miller, *Globalizing Justice*, 156.

life and not want any outside interference, however well-intended. (Or, as I will argue in Chapter 4, he might not be.)

But let us think about the ways his life can be interfered with. He can be harmed by government interference, though repression, violence, or policies that actively seek to deprive him of his and his family's livelihood. Or that can be the consequence of policies with other intended effects. All of these are violations of his basic human rights irrespective of whether his current situation still leaves him able to provide for himself and his dependents.

But there are also plenty of ways that the Malian farmer can be harmed by externalities at some point in the future. Droughts, changes in global commodity prices (perhaps as a result of Western dumping of subsidised goods), changes in natural environments or climate change, changes in the global market, urban sprawl intruding on his land, can all seriously affect his long-term ability to provide for his family.

His position therefore leaves him vulnerable to the uncertainties of future developments. Giving him and his family an adequate protection against fluctuations in his fortunes will invariably involve extending his and his family's life options and needs beyond what would be considered basic needs if we were merely concerned with his immediate happiness.

The internationalist interpretation of the meaning of human rights discussed in this chapter has so far given an account of rights that make it hard to see how, for instance, education beyond the most basic would necessarily be included. At the very least, anything beyond the most minimal level would be hard to justify, depending on how it was denied. Where a country actively steps in to prevent part of its population, most

commonly girls, from being educated, or they knowingly allow groups within society to do so, they have arguably failed to treat all persons with equal respect and personal autonomy, regardless of the level of education that was being denied them. But where a country simply cannot afford, or does not have the infrastructure, to provide anything more than basic education to all its population, it would seem less clear that a breach of rights has taken place, provided that the basic education, at least, has been delivered.

But if we adopt a conception of human rights that accepts that enforceability is not always possible, when deciding what it means to bring a country into the society of peoples we must ask whether the education we are guaranteeing is a right solely by virtue of being an inherent good (though it certainly will be), or if it serves to protect and safeguard other, more important, rights as well. Coming back to the Malian farmer we can perhaps agree that his current lot is not bad at all, and although he is poor and his life options are limited by our standards, it is nothing we need to worry about. But given the vulnerability of life on the edge of poverty and the degree to which least developed countries find themselves at the mercy of externalities beyond their control, securing their minimally decent livelihood for the long-term must include giving them the means to plan for the future. What this means exactly will depend on the particular circumstances, but will almost certainly include access to sufficient education, to not be wholly dependent on rural agriculture, to at least some basic level of health care, and to either put some money aside or have access to some form of credit, to get you through rough patches. Following the discussion in Section 3.7, some form of democracy could be added to

that list. After all, only in this way will all peoples needs not just be met, but met “in regular and reliable ways.”<sup>109</sup>

### **3.9 Conclusion**

This chapter has made the argument that even in the most minimal internationalist version of global duties of development, it would still need to expand to include additional rights.

I started out by clarifying what Rawls means by his duty of assistance to burdened societies. The requirement can be understood in two different ways, each of which determines how extensive the duty is. In one reading, Rawls is primarily concerned with the justice of societies rather than individuals, meaning that not everyone needs to live decent lives in order for society to be just. But in the other reading, he cares mainly about individuals. The second reading, of course, sets the bar higher.

Next, I asked what human rights imply. What counts as a human right is of crucial importance, and internationalists largely agree that the definition must be narrow. Contrary to cosmopolitans, internationalists believe that implementation is of primary importance. Moreover, only those rights that are necessary for a minimally decent life count as human rights. And finally, there must be a degree of universal agreement about them. You might have expected that agreement to be evidenced by the fact that most countries have signed up to the UDHR. But that is not so. Only

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<sup>109</sup> Reidy, “Just Global Economy,” 219.

those endorsed in Articles 3-18 of the Declaration truly count as human rights in the right sense.

International lawyers may quarrel with the idea of cherry-picking some sections and discarding the rest. But philosophers are not bound by these treaties (and arguably, neither are policy makers, but that is another matter entirely). Based on the internal logic of the internationalist position, Rawls and his followers are right to reject some of the remaining articles. But not all of them.

Specifically, three additional sections of the UDHR deserve the internationalist seal of approval, as they are essential for ensuring a minimally decent life: Article 25 guarantees a right to a standard of living that seems to correspond with the idea of a minimally decent life, but includes the crucial proviso that this must include protection during periods of unemployment, sickness, disability, widowhood and old age.<sup>110</sup> That is, while they are unequivocally necessary for a minimally decent life, they are rights that cannot be secured simply through the absence of government interference. The same is the case for Article 26, guaranteeing education, which falls into the same category. Of course, the right to education may already be included in other approaches to justifying global duties, as we saw both in Risse's theory of common ownership of the Earth, and Blake's justification of a liberal world order. But my investigation reveals these to be superfluous at least when it comes to this specific point: Education is already a human right, even on a narrow reading of rights.

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<sup>110</sup> UN General Assembly, "UDHR."

What is clear, then, is that certain kinds of deprivations may mandate a robust government response, and that where the government of a burdened society is incapable of doing so, the international community has a duty to assist them, provided that it is reasonable to think that outside assistance will be effective and helpful. Many internationalists would say our means are limited, as the most important factor is the quality of government institutions, narrowly defined as the ability to uphold the rule of law. That is an empirical claim, which I challenge in Chapters 5 and 6.

Moreover, I argued that there are, at least *prima facie*, reasons to support Blake's assertion that democracy is intrinsically important. To cosmopolitans this would be taken as given. But while there are many good reasons to support the spread of democracy, it seems to me that it is not necessary to stay true to the spirit of the law of peoples that we actively promote democracy as a matter of justice. I argued elsewhere that Rawls's assertion, that even offering incentives to democratise would be out of the question, is unwarranted. Indeed later on, in Chapter 6, I will argue that actively supporting democratic consolidation is, in certain circumstances, one way institutions can be shored up.

And finally, I have questioned whether having a minimally decent life *now* is the same as having one in perpetuity. In order to feel reasonably sure of having a minimally decent life in the future as well, you must be able to weather at least the most foreseeable storms. Living on the edge of what a decent life requires means living in a deeply precarious situation, which in itself seems incompatible with a secure life.

This gives us a powerful reason to set the threshold for when a burdened society becomes well-ordered higher than where it is currently set. That need not necessarily be a strict requirement of justice, as it would, at least in theory, be possible to imagine a society where a majority of the population lived just above the threshold for a decent life, but which had an extensive social security system designed to ensure that they never fell below the threshold. Whether that is a realistic possibility, however, is doubtful. In that case, you would want people to be better equipped, themselves, to protect their livelihoods.

I am not able to spell out precisely where that limit is here. But at the very least there are strong reasons to be wary of treating newly graduated well-ordered peoples as if they were any other well-ordered people. We have good reason to prefer that our interactions with these relatively poor societies follow not just the strict letter of the law of peoples, but also take their precarious situation into account. That is precisely what I argue in the next chapter.

This chapter has explored the minimum extent of the duty of development assistance to burdened societies under ideal circumstances. That is, without taking into account questions such as feasibility or competing considerations of justice which compel us to limit the scope of the duty. While I have argued that the duty is greater than internationalists take it to be, I have only been pushing against the edges, not shattering the theory with any kind of explosive force. Perhaps an internationalist might say, “I accept that, in theory, the duty of assistance to burdened societies could be greater than I have argued until now. But



that is of little practical import, since there are other powerful reasons to limit the scope of the duty.”

That is where my inquiry will be heading next, first through a detailed discussion of what duties exist to countries in the grey zone between burdenedness and well-orderedness, and when global duties may clash with duties to one’s own citizens, in the next chapter; then through a discussion of empirical matters. First the role of the institutional thesis (Chapter 5); and second, the question of how much we are really able to help, as things currently stand (Chapter 6). In both cases, I argue, the reasons given for limiting the duty in terms of practical applicability, while clearly relevant, are nonetheless not quite as compelling as internationalists claim. Finally, in Chapter 7 I argue that the history of injustice that has made the modern world gives us additional reasons to support, and even go beyond, the more demanding duty of development I outlined in this chapter.

## **Chapter 4 – Global and Local Duties in Conflict**

### **4.1 Introduction**

By now we have gained an idea of what our duties towards burdened societies, or least developed countries, are. But of course, these are not the only duties that societies have. Most obviously, they have extensive duties towards their own citizens. But they also have duties to treat members of burdened societies with respect and in ways that preserve their status as autonomous and independent peoples. In this chapter I investigate the moral dilemmas we encounter at the crossroads of these two duties and that of development assistance.

In Sections 4.2, 4.3 and 4.4 I discuss the sharp dichotomy that, at first sight, seems to exist between the duties owed internationally and nationally. Ostensibly, there exists a clear lexical ordering of duties; duties to citizens only being relevant once those that are owed to all humanity have been discharged. But this, I suggest, relies on an oversimplification, in two ways. First, there is no single indicator that tells when well-orderedness has been achieved, and second, the change in status is not felt uniformly across a society. When both of these simplifications have been accounted for, it is much less obvious that there is a clear point at which global duties have been discharged. Section 4.5 then briefly considers the idea that rather than a duty of justice, there is a duty of reasonableness

that compels societies to do more, even if there is strictly no justice requirement to do so.

Next, in Section 4.6, I return to an issue I touched upon briefly in the previous chapter, namely the idea that self-respect and the desire for autonomy are important limitations of the duty of development. I argue that while that may be the case in some instances, and we should always be wary of imposing our own preferences and making passive recipients out of the subjects, it is far from clear that all potential recipients of assistance share the same Western conception of what national self-respect entails. Rather, I suggest, several different conceptions of self-respect may be relevant. Each of them has a different implication for the duty of development, and will in some cases restrict it. But it is far from clear that it will do so in the extensive and uniform way some suggest. Section 4.7 concludes.

## **4.2 Is there a conflict between global and local duties?**

Can there be a conflict between the duties we have towards non-compatriots on the internationalist account, and those shared between citizens? Can a developed country have competing duties of justice towards the absolute poor non-compatriots in the developing world and the relatively poor members of their own societies? And if so, how can that tension be resolved? These questions occupy surprisingly little space in the existing literature, which to my mind constitutes a significant oversight.

The answer generally seems to be that there is very little conflict. “Well-ordered peoples have a *duty* to assist burdened societies,” says

Rawls, and that duty comes before any duties to their own citizens.<sup>1</sup> Blake asks what would make special responsiveness to the needs of one's fellow citizens morally acceptable and compatible with equal respect for all individuals, and answers that you must ensure that all persons are able to lead a worthwhile life before special attention to compatriots is justified. While on the internationalist account, it is compatible with equal moral concern for all persons to give special attention to compatriots, this is only true if the country can show that it does so as part of a moral system that preserves the basic rights of everyone, citizen and foreigner alike.<sup>2</sup> Risse goes further, and claims that the principles of justice under which the distribution of goods and rights take place are only valid if *everyone* has access to enough of them to lead a minimally decent life.<sup>3</sup> Conversely, then, where they do not, the global order would be seriously flawed.<sup>4</sup> (Of course, we also saw in the previous chapter how some rights apply globally regardless of the wealth of the rights-holder, in line with Risse's principle of common ownership.)

So it looks like there is no conflict, but a clear lexical ordering of duties. It is only *after* we have properly dealt with the duties of justice we have towards people on account of our shared humanity that we can justifiably give preference to our own citizens. This, of course, is a strong

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<sup>1</sup> Rawls, *LP*, 106. His italics.

<sup>2</sup> Blake, *Justice and FP*, 115.

<sup>3</sup> Risse, *On Global Justice*, 212.

<sup>4</sup> For Risse, however, you cannot evaluate distributive outcomes independently of the their origins. Whereas, for instance, Pogge ("Real World Justice," *The Journal of Ethics* 9, no. 1–2 (2005): 29–53) holds the global order to blame for the abject poverty of millions in the world, Risse credits it with bringing global poverty down from 75% in 1820 to 25% in 2005 (Mathias Risse, "How Does the Global Order Harm the Poor?," *Philosophy & Public Affairs* 33, no. 4 (2005): 369). The fact of continued abject poverty would not in itself, therefore, be enough to render the global order unjust. I discuss this objection in much greater detail in Chapter 7.

motivating factor behind limiting the duties we have towards non-compatriots, along with the practice-dependent account of human rights we saw in the previous chapter.

Of course, even if internationalists are right that international justice claims must have a “core of inviolability”, to borrow Nagel’s phrase,<sup>5</sup> which places a strict limit on what can count, it is a long stretch to then argue that *anything* goes once the strict requirements of justice have been fulfilled. Indeed, internationalists will argue that they do, in fact, show an adequate concern for non-citizens both in burdened and well-ordered societies. To Blake, the international sphere is properly understood as a second-order site of justice. This has some implications for the duties countries have towards each other. Domestic justice is complete, he says, because individuals do not, within certain parameters (the law and some moral principles), have a responsibility to worry about the wider consequences of their actions. They may reasonably expect their domestic political structure to be able to protect the rights and interest of their fellow citizens. The international system, on the other hand, has no such political structure. Although international regulatory institutions exist, they do not have anywhere near the power to ensure equitable outcomes irrespective of individual state behaviour. International justice, therefore, is incomplete. The upshot is that each country has a duty not just to uphold the rules and regulations of international trade, but to be aware of the wider effects of their foreign policy decisions.<sup>6</sup> This is because, Blake argues, all individuals have a right to live under institutions

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<sup>5</sup> Nagel, “Personal Rights,” 93.

<sup>6</sup> Blake, *Justice and FP*, 111–112.

and circumstances that ensure their equal status. Any state that claims to uphold the moral equality of everyone must make sure they “are not causally complicit in sustaining those circumstances and institutional forms that deny autonomy to individual persons.”<sup>7</sup>

Richard Miller endorses a similar view, arguing that, for instance, global organisations such as the World Trade Organization, with the backing from the US, are able to use the threat of power and aggression to get their way, even as that power often does not actually need to be put to use. Poorer or smaller countries without the same clout find themselves with little choice but to acquiesce to whatever is decided.<sup>8</sup> This coercion would not be justified to the citizens of those states, and is therefore morally deeply troubling. The implications of this kind of power is something I discuss in detail in Chapter 7, but for now it is worth briefly mentioning to put the next sections into context.

These authors nonetheless share an important assumption implicit in their argument. Your restrictions on legitimate foreign policy face a considerable drop as soon as you are reasonably sure that the subject of your foreign policy will not fall below the very low threshold for meeting the basic needs of an autonomous people I outlined in Chapter 3. Despite the difference between being just over or just under the threshold for well-orderedness being one of degrees, then, the change in foreign policies that may legitimately be imposed upon them is one of kinds. The dichotomous distinction between burdened and well-ordered societies, I argue, is a weak point in the theory. On the border between well-orderedness and

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<sup>7</sup> Ibid., 113–114.

<sup>8</sup> Miller, *Globalizing Justice*, 124–126.

burdenedness, where a society does not clearly belong in one category over the other, this creates some very uncomfortable and implausible conclusions.

### **4.3 Dichotomies and oversimplifications**

The language employed by many internationalists gives the impression of a strong concern for both international justice and duties to burdened societies. I will show, however, that the arguments used to justify a sharp distinction between the extensive duties towards burdened societies and the duties, consisting mainly of non-coerciveness, towards well-ordered peoples, hinges on that old trope of Western international relations, monolithism. Here, it comes to play in two ways. The first is the implicit assumption that the effect of any change is felt uniformly across all aspects of society. That is, there is no substantive difference between saying, “this country is not a burdened society,” and, “all the citizens of this country have the means to live minimally decent lives.” Or, at the very least, they do not on the face of it seem terribly troubled by the possibility that the two statements do not both hold true, or interested in developing philosophical enquiries into what happens in that case.

The second assumption is that a minimally decent life, however defined, is a single indicator, when in fact it can be divided into its individual requirements, such as access to clean water, food and security. This in turn implies that the way in which a country is or is not above the threshold does not matter a great deal, except insofar as some things might be easier to deal with than others. The two assumptions are often implied

at the same time and interchangeably, although I will deal with them separately here. I will start with the second assumption before returning to the first in Section 4.4.

In a book chapter dealing mainly with the problem of outlaw states, James W. Nickel shows how Rawls's treatment of them creates a false dichotomy between those who, for instance, fulfil human rights on the one hand, and those who commit serious human rights violations on the other. This, Nickel contends, leaves out an important third option, that a country could have a mixed human rights record, engaging in some "low-level" abuses but staying clear of egregious violations.<sup>9</sup> While these cases clearly do not merit strong diplomatic and economic sanctions or military intervention, it is not clear either why the countries should be tolerated as full and equal members of the society of peoples. In a similar vein, Caney further says that Rawls's theory fails to take into account the possibility that peoples are liberal in some respects and decent hierarchical in others, for instance by being democratic and civil but not peaceful.<sup>10</sup> A similar false dichotomy is at play between burdened and well-ordered societies.

Rawls suggests that burdened societies "lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered."<sup>11</sup> Well-ordered societies, conversely, have those things. But in practice many developing countries have some of them but not others. They may have democratic political traditions without the resources and know-how to

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<sup>9</sup> James W. Nickel, "Are Human Rights Mainly Implemented by Intervention?," in *Rawls's Law of Peoples: A Realistic Utopia?*, ed. Rex Martin and David A. Reidy (Malden, MA: Blackwell Publishing, 2006), 268–269.

<sup>10</sup> Caney, "Cosmopolitanism and LP," 104.

<sup>11</sup> Rawls, *LP*, 105.



compete in the global market. Or they may be rich in natural resources but plagued by political instability. So long as it does not translate into human rights abuses, and the instability does not threaten to spread into neighbouring countries, they will still be burdened societies rather than outlaw states.

In fairness to Rawls, his project is not to provide a roadmap for every possible scenario in global politics. He is primarily interested in the broad outlines. So pointing out that the boundary between burdened and well-ordered peoples is fuzzy is not in itself revelatory. Nonetheless, at one point you have to ask when conceptual simplifications stop being helpful and start obscuring the real issues. If this fuzziness is a substantial feature of the world as it is, failing to account for it in your theory is a rather considerable omission.

India would, I believe, qualify as a well-ordered people under Rawls's scheme. That is perhaps a contentious statement, in particular given the fact that approximately 275 million Indians still live in abject poverty, 21.9% of the population as of 2011.<sup>12</sup> Nonetheless, India seems to satisfy enough criteria to, at the very least, not be a fully burdened society.

Rawls says that "reasonably just democratic" societies must abide by three principles. The first two secure basic rights and liberties, accord them priority, and guarantee sufficient means to make use of their freedom. The third feature must "satisfy the criterion of reciprocity, and it requires a basic structure that prevents social and economic inequalities

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<sup>12</sup> World Bank, "India," *Data*, 2015, <http://data.worldbank.org/country/india>.

from becoming excessive.”<sup>13</sup> But although no one would argue that the inequalities that currently exist in India are not excessive, the key word is arguably “prevent”. If Risse is right that historical trajectories matter, the fact that the proportion of people living in poverty has been substantially reduced, from 45.3% in 1993 to less than half of that 15 years later, is significant.<sup>14</sup>

But many Indians are still deprived of some of the indicators of a minimally decent life. India is a democracy with a rule of law and (relatively) well-functioning institutions, even if they are far from perfect. Nonetheless, its 275 million living in abject poverty suffer from a lack of healthcare, education, clean water, nutrition, and shelter. How are the duties towards those people shared, if at all, between India itself and the international community?

The answer may in some cases hinge on what exactly is at stake. If the population of an arid country consistently suffer from water deprivation, but is otherwise well-ordered, albeit not so rich that they are in a position to solve their problem by themselves, and the solution (building a dam, canals, and so on) seems relatively straightforward, perhaps *then* a case could be made that the society of well-ordered peoples have a responsibility to help them overcome their final burden to becoming a fully well-ordered country. Crucially, however, there is no indication whether internationalists believe this to be the case. Risse,

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<sup>13</sup> Rawls, *LP*, 49.

<sup>14</sup> World Bank, “India.” Some question the methodology behind these statistics, however, and argue that the Indian government has set the national poverty levels too low. A readjustment would result in a higher reported poverty rate. Anant Vijay Kala, “How To Read India’s Poverty Stats,” *Wall Street Journal India*, July 25, 2013, <http://blogs.wsj.com/indiarealtime/2013/07/25/how-to-read-indias-poverty-stats/>.

following Brian Barry, suggests that as a rough guide the greater the need and the easier it is for us to do something about it, the greater the demand put on us will be.<sup>15</sup> But whether this applies if the country as a whole is reasonably well-ordered is less clear. Perhaps it is, in whole or in part, a domestic issue for the country itself to sort out.

But if the indicator that a portion of the population falls below is not easily distinguished from others, things get more muddled. Let us say, for instance, that they suffer in high proportion from a tropical disease such as malaria (which I discuss in more detail in Chapters 5 and 6). Assume, again, that the population is otherwise above the threshold for a minimally decent life in the other indicators, but only just. In this case eradicating the disease might not only require a one-off effort to build a vital piece of infrastructure, but also setting up and maintaining a disease prevention and health system that requires a continuous commitment to providing resources at a level which the country, in its current state of development, simply cannot afford on its own.

This scenario would seem to present the internationalist theory with a dilemma. Hypothetically, what is required to overcome an immediate and serious threat to people's basic health and livelihoods, clearly a barrier to living a decent life, could be a public health infrastructure that extends far beyond what international justice demands. But how can you plausibly argue that your duty of development has been successfully discharged if people are dying from preventable diseases? This links with the concern in

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<sup>15</sup> Risse, *On Global Justice*, 80–81.

Chapter 3, that well-orderedness does not by itself guarantee that a society will be able to run complex institutions without outside help.

Diseases like malaria, tuberculosis and leprosy often spread through countries that quite clearly fall below the threshold for well-orderedness. In particular, malaria is prevalent in the central regions of Africa south of the Sahara and north of the Kalahari Desert, where deep poverty is widespread. But many middle-income countries suffer from them as well. In South Africa, for instance, 323,000 people suffered from tuberculosis in 2012, as did over 75,000 in Brazil, 330,000 in Indonesia and no less than 1.3 million in India. Russia even had 105,000 cases. In India a further million suffered from malaria, as did two million in Indonesia and 242,000 in Brazil. Almost 135,000 Indians had leprosy.<sup>16</sup> When it comes to central African countries, many of whom rank among the poorest in the world, it is clear why internationalists think there is a duty of justice to assist them. But in the cases I mentioned above, it is less immediately obvious.

You may retort that the way to overcome these diseases is through targeted immunisation programmes and making medicines more widely available, and that this could be done cheaper and more effectively through, for instance, NGO and donor-run programmes without the need to set up a full public health infrastructure. Some programmes have achieved remarkable successes worldwide, not least the WHO-led polio eradication campaign, which has reduced the disease from an estimated

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<sup>16</sup> World Health Organization, “World Health Statistics 2014” (World Health Organization, 2014), 93–101.

350,000 cases in 1988 to just 416 in 2013.<sup>17</sup> But conversely, the Ebola outbreak that hit several countries in West Africa in 2014 and 2015, infecting an estimated 24,000 people and costing 10,000 their lives, laid bare the extent to which a weak health system can put lives at risk on a massive scale. The World Health Organisation (WHO) particularly pointed to the healthcare system, and a lack of infrastructure and human resources, as contributing factors to the outbreak.<sup>18</sup> At any rate, the right course of action depends on what is required to combat the particular health problem. Some will require heavy investments in health infrastructure, while others will not. But that would seem to be an arbitrary way of determining whether access to a cure is necessary for a minimally decent life.

Combined, these examples illustrate the human cost of keeping the threshold for what development requires very low. With a better developed healthcare system, the affected countries may have been in a better position to deal with the Ebola outbreak – although that is not an argument I will develop here. These examples point to a blind spot in the internationalist theory of global duties of justice. If, in order to secure some of the requirements for a minimally decent life, other requirements must be secured significantly beyond the minimum threshold, has the duty

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<sup>17</sup> World Health Organization, “Poliomyelitis,” *Media Centre*, 2014, <http://www.who.int/mediacentre/factsheets/fs114/en/>. As of 2014 the disease which, due to its highly contagious nature, the WHO classify as an epidemic wherever it is found, has been reduced to just three countries: Nigeria, Pakistan and Afghanistan.

<sup>18</sup> World Health Organization, “Vaccination Must Be Scaled up in Ebola-Affected Countries,” *Media Centre*, 2015, <http://www.who.int/mediacentre/news/releases/2015/vaccination-ebola-countries/en/>; World Health Organization, “Ebola Virus Disease,” *Media Centre*, 2015, <http://www.who.int/mediacentre/factsheets/fs103/en/>.

to non-compatriots been successfully discharged if the latter are only just above it?

Probably not, you might argue, as in this case an important requirement will not be secure. But when the threat is not constant, as with grave political instability or the ever-present risk of contracting malaria, it is less clear. As we saw in Chapter 3, the goal of international justice on the internationalist interpretation is to provide only a minimal standard that separates the “tolerable from the intolerable.”<sup>19</sup> Only the most basic needs are covered. There, I think, lies the crucial difference with Ebola, or any disease whose prevention rests on a fairly substantive health infrastructure to the point where it can hardly be considered basic health care any longer. Once the outbreak has begun you can of course say that people’s minimally decent lives are at risk and there is a strong justice imperative to help. But until that actually happens, so long as the risk is only potential, it is not clear that there is such an imperative. At one point you have to make a decision that the duty we owe to non-compatriots has been discharged. This highlights a tension in the internationalist argument: Concern for the basic wellbeing of the global poor is genuinely a matter of justice, but as we saw in Chapter 3 the theory is predicated strongly on the idea that the limits of justice must conceptually be set extremely low.

You could perhaps argue that from the moment burdened peoples become well-ordered, it is not that the individuals that still live in poverty no longer matter, but rather that it is the newly minted well-ordered

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<sup>19</sup> Miller, *National Responsibility*, 166.

state's primary responsibility. But without any concern for how this people just newly above the threshold will actually be able to live up to it, the difference is hard to spot. We would, in effect, be wishing away the sorites paradox: Just as a heap with 1,000 grains of sand is indistinguishable from a heap with 999 grains, and that heap is indistinguishable from one with 998 grains, so a society with 25% living below the threshold for a minimally decent life is indistinguishable from one with 24.99%, which in turn cannot be meaningfully told apart from one with 24.98%, and so on. It is pretty clear that two grains is not a heap and 10,000 grains is. Similarly, 5% living below the threshold for a minimally decent life may be small enough to conclusively say that the problem needs domestic solutions only. But regardless of whether, say, 20% or 25% is enough to warrant a concerted international effort, wherever your theory draws the line it will be arbitrary to some extent.

#### **4.4 Thought experiments**

I now return to the first assumption of the two I outlined before, that the effect of change is felt uniformly across a society. I will here focus on one example in particular. This section will therefore largely take the form of an argument against the particular type of thought experiment used by Blake.

Throughout his work Blake uses the example of two fictitious countries, Syldavia and Borduria, to illustrate his examples. Although these countries appear many times throughout his book, each scenario is independent from the last, and the countries occasionally take turns being

the richer and more powerful partner. This has the effect of ensuring that we do not bring any prior knowledge into the thought experiment. The author has, in effect, granted himself a monopoly on knowledge of the relevant facts. I will argue that this fact is essential to understanding why his thought experiments have such intuitive appeal, and why their conclusions are ultimately problematic.

Blake asks us to imagine an extremely wealthy society, Borduria, whose wealth mainly comes from being a tourist magnet for citizens of the neighbouring country, Syldavia. Syldavia then presents them with an ultimatum: Sign this treaty, or we will prevent our citizens from visiting your country. The effect of such a law could be a fall in per capita income by as much as 50%, but would still leave the Bordurians above the minimum global threshold, and would not put their status as a democratic, well-functioning government at risk. Has Syldavia committed an injustice? he asks, and concludes that it has not. Since the Bordurians are still a functioning autonomous system they may grumble about being coerced, but it is not ultimately a question of justice, unless we assume that societies have a right to maintain their current standard of living.<sup>20</sup>

One of the neat things about imagined scenarios like this one is that they allow you to zoom in on the key relevant features, eliminating all others. Moreover, you are able to do away with the moral ambiguities that threaten to muddle your otherwise clear-cut argument. The problem, of course, is that these moral ambiguities do exist in the real world. Imagined scenarios like this one can therefore only tell us so much.

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<sup>20</sup> Blake, *Justice and FP*, 121–122.



Blake takes care to tell us at the outset that Borduria is not just well off, but “extremely” wealthy, and that even after the decimation of the tourism industry they will still be not just above the threshold for autonomous functioning, but “well” above it.<sup>21</sup> We can probably also assume that income inequality in Borduria is not great, and that no individual citizen stands to fall below the threshold as a result of Syldavia’s new foreign policy.

The scenario therefore seems designed to ensure that the conclusion Blake reaches, that Syldavia’s policy is just, aligns as closely as possible with our moral intuitions. Perhaps, we might even think, Syldavia has legitimate reasons to be concerned with the amount of income lost in the casinos, hotels and restaurants of their neighbour. There is no indication of how wealthy Syldavia is, so we are free to imagine what we will. But now let us suppose instead that rather than being extremely wealthy, Bordurians are simply above the threshold by a comfortable margin, at least by global standards. They are, however, much poorer than the Syldavians, who count as one of the richest people on the planet. While failing to sign the treaty would still leave Bordurians above the threshold for autonomous functioning, it would only just do so, with very little margin left.

Would this change the average person’s moral intuition about the justice of the case? I absolutely believe it would, but I am less convinced that it would make a difference to Blake’s argument. At least, I am not sure what difference it would make.

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<sup>21</sup> Ibid., 121.

Let us follow Blake's line of reasoning for a minute, and construct our own thought experiment. Two countries, call them Superwealthia and Notasrichistan, are trade partners. But owing to the differences in economic clout, Notasrichistan is much more dependent on this trade than the Superwealthians are. They are, however, both well-ordered societies. The Superwealthians make the Notasrichistanians an offer they cannot refuse: "Open up your markets for our companies to import goods cheaply, potentially outcompeting your own industries, or we still stop supporting you financially." If Notasrichistan chooses not to sign it will make them worse off, but not so much that their status as well-ordered is under threat.

So far, nothing is substantially different from the Syldavia and Borduria case above. Both involve signing a deal with terms dictated by the side with more economic clout, but without coercion.<sup>22</sup> Neither Borduria nor Notasrichistan face any sanctions should they refuse to sign, only the withdrawal of offers and privileges that Syldavia and Superwealthia were under no obligation to grant in the first place. They have, in Blake's optics, done nothing wrong.

Let us now bring these examples into the real world, as I reveal that Superwealthia is in fact the USA, and Notasrichistan is South Africa. This is still a thought experiment, and I do not expect it to necessarily bear any resemblance to how US-South African foreign relations are actually carried out. (In fact, I would be rather surprised if they did.) Nonetheless, by

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<sup>22</sup> Blake understands coercion narrowly. If one country "stands a significant risk of failing to achieve the rights guaranteed to its citizens on one half of the [...] proposal, then to offer that and pretend it is not coercive is simply an implausible account of coercion." However, the fact that one country stands to lose from a deal, whether they choose to sign it or not, is not by itself evidence of coercion (Ibid., 120).

putting some skin on the bones of this experiment we are better able to test if Blake’s hypothesis holds up. This is because, while Bordurians are no less real to our minds than aliens or numbers on a piece of paper, we can imagine what it is like to be a poor South African, and we can imagine what the effects of policies will be on the individual members of that society, in a way that we are excluded from doing with the Bordurians.

South Africa is, even more so than India, a country which, despite being a developing country, falls comfortably enough within Rawls’s criteria for well-orderedness. It is not rich by any global standards, but wealth is not a criteria for well-orderedness.<sup>23</sup> It is democratic with regular, free and fair elections, a robust constitution and rule of law, and strong freedom of speech and of the press.<sup>24</sup> It also has a per capita GDP (PPP) of \$13,100 as of 2014, a strong financial sector and good infrastructure.<sup>25</sup> It is, in many respects, a middle-income country.

But there is a darker side to this shiny coin. The unemployment rate stands at 25.1%, considerably higher for the black youth,<sup>26</sup> and with 20.2% of the population living in extreme poverty and a further 25.3% in moderate poverty, the state often struggles to provide necessary and adequate services for its citizens.<sup>27</sup> In addition, millions of refugees, many of them economic refugees from Zimbabwe, place an increasing strain on its public finances and fuels harmful anti-immigrant rhetoric and

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<sup>23</sup> Rawls, *LP*, 106–107.

<sup>24</sup> Freedom House, “South Africa,” *Freedom In The World*, 2015, <https://freedomhouse.org/report/freedom-world/2015/south-africa>.

<sup>25</sup> Central Intelligence Agency, “South Africa,” *The World Factbook*, 2015, <https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html>.

<sup>26</sup> *Ibid.*

<sup>27</sup> South Africa.info, “Poverty Levels in South Africa Dropping: Report,” 2014, <http://www.southafrica.info/about/social/poverty-040414.htm>.

violence.<sup>28</sup> The US set aside US\$ 486.2 million to South Africa in 2014, almost all of which was spent on health.<sup>29</sup>

So the US presents South Africa with an ultimatum:<sup>30</sup> “Sign our treaty, or we will cut off development assistance.” This would risk defunding programmes that keep the poorest children in school, vaccinated, fed, or kept warm during the winter. Even if the effect were limited to, say, 1% of the population dropping from moderate to extreme poverty, almost 600,000 people would suffer extreme poverty as a result. Even if the effect would be small enough not to threaten democracy, rule of law or the financial or physical infrastructure so there was no risk of South Africa losing its well-ordered status, I think most people would agree that 600,000 people descending into extreme poverty is a serious moral concern.

Should we feel any differently about this case than we would about Superwealthia and Notasrichistan, or about Syldavia and Borduria? Following Blake’s logic to the end, I think the conclusion has to be that we should not. The US does nothing unjust in demanding this deal. Of course, I am here assuming that in leaving out any consideration of the distribution of wealth within a country, Blake considers it more or less

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<sup>28</sup> Jonathan Crush and Godfrey Tawodzera, “Medical Xenophobia and Zimbabwean Migrant Access to Public Health Services in South Africa,” *Journal of Ethnic and Migration Studies* 40, no. 4 (2014): 655–70.

<sup>29</sup> US Government, “South Africa,” *ForeignAssistance.gov*, 2015, <http://www.foreignassistance.gov/web/OU.aspx?OUID=174&FY=2013&AgencyID=0>.

<sup>30</sup> You might here object that the development assistance the US provides is an obligation, and that it would therefore be unjust for them to retract it regardless of the circumstances. They certainly have a duty of development assistance. The US have not signed up to the pledge to spend 0.7% of GDP on overseas development aid, and indeed do not come close to it. They currently spend 0.2% (Development Initiatives, “Investments to End Poverty” (Bristol: Development Initiatives, 2013), 216). But if South Africa is well-ordered it is not clear why the US have a duty to assist them specifically, rather than even poorer countries. US development assistance to South Africa could arguably, then, be considered a gesture of goodwill instead.

irrelevant to the point he is making. I cannot say for sure if that is correct, but I think it is the conclusion that follows most closely from his argument. But the domestic distribution of wealth matters a lot, and my example points to a gap.

By focusing on whether societies rather than individuals are well-off, we effectively downplay the inequalities that exist within them, and we ignore the fact that foreign policies of any nature, whether relating to trade, protectionism, capital investment or flight, or diplomacy more generally, do not have uniform consequences throughout society. By the low standards of well-orderedness that internationalists espouse, countries will almost always progress to that stage before all individuals within them secure a minimally decent existence. There might be a point at which it predominantly becomes a question for each country to sort out for itself. I think most would intuitively agree. But it is important to agree why. Either it is because they no longer matter, which would of course be an absurd proposition. Or else it is because at one point we recognise that although we still care deeply about those people as a matter of justice, we are no longer in the best position to deal with their problems, given that the most effective long-term solutions to poverty come from within. This change in focus of responsibility will likely take place along a sliding scale of sorts. It will be a very difficult task to work out quite what the responsibilities will be at different stages. (That is perhaps for a later project to work out.)

Nonetheless, the conceptual simplicity underpinning this thought experiment prevents us identifying this problem. This, I think, highlights the problem of putting too much stock in thought experiments completely detached from the real world, when we are trying to work out what we

ought to do in the real world. The effect is to endorse a view of justice whereby once you have set a global minimum requirement, there are no more duties outside of those set by your conception of international justice more generally. Unless that conception includes a commitment to being sensitive to the effects of global inequalities, which internationalist global justice does not, this view seems intuitively unjust. Whether intentional or not, Syldavia and Borduria paint over some very important moral considerations in the name of conceptual simplicity. But the world is more complex than that.

#### **4.5 Demands of reasonableness**

In Sections 4.3 and 4.4 I outlined two problems with the way internationalists sharply drew up the distinction between burdened and well-ordered societies. They both point to the possibility of a conflict between what justice requires internationally and what it requires domestically, when it is unclear when one ends and the other begins.

How can these conflicts be resolved? Risse offers an approach that seems to have the potential to solve them at the level of practicality, but without disturbing the philosophically more troubling assertion that a separate list of global obligations exist on either side of the sharp dividing line between developed and non-developed countries. Instead, he suggests that there might be a demand of reasonable conduct that may apply in this case:

Let us say that anything that can reasonably be expected of us is a “demand of reasonable conduct.” “There is a demand of reasonable conduct on person P to perform action A” is then equivalent to “P can be reasonably expected to do A,” as well as to “It would be unreasonable for P not to do A.” Obligations of justice are demands of reasonable conduct, and particularly stringent ones, but they are not the only ones.<sup>31</sup>

On a purely philosophical level this approach might seem unsatisfactory, as it fails to solve the problem of what our duties *are*, leaving a rather fuzzy middle-ground. Yet I suspect that the fuzziness is a feature rather than a bug. It could enable us to argue that some things ought to be done, at least in normal times, even if they are not the kind of absolute moral demands that rights are.

You might then say that although, for instance, it is not a duty of justice to help disease-prone countries develop their healthcare systems to better deal with potentially devastating outbreaks, to raise global education levels or to give some trade advantages to some countries, there is nonetheless a duty of reasonableness. Or, if we return to my previous scenario, we might then say that although the Superwealthians do not have a duty of justice not to impose their deal on the Nonasrichistanians, they nonetheless have a duty of reasonableness to at least take the interests of the other party into account. Reasonableness, then, goes further than demands of justice in terms of its scope, while not containing that crucial

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<sup>31</sup> Risse, *On Global Justice*, 132.

feature of duties of justice, that they can only be subordinate to other, more demanding or more immediate, duties of justice.

There is a degree of intuitive appeal to this answer. In our own lives we usually distinguish between the things that it is reasonable to refrain from doing, and the things that are downright forbidden. We might say that someone has acted wrongfully even if they have not technically done anything wrong, by acting against common understandings of reasonableness. But it also highlights one possible weakness. In our lives the consequences of acting unreasonably can be significant. Even if we will not run into trouble with the law we risk losing respectability and harming our social standing, which in turn could harm our friendships or career prospects. Hence, most people will comply with these demands of reasonableness even if there are no formal requirement for us to do so. It is not immediately clear to me that there is the same imperative for states to live up to demands of reasonableness. Not that failing to follow accepted norms will not have consequences; they could be severe. But states nonetheless have the option not to follow the norms in a way that individuals cannot. Whether self-interestedness is an inevitable feature of the system, as realists claim, or a result of how the players choose to play the game, as critics contend, the end result is the same. It is not clear how states would feel compelled to live up to vague duties of reasonableness when, (a) they are explicitly not duties of justice, and they cannot therefore be held to account when breaking them, and (b) the kinds of legally enforced close inter-personal ties that ensure individuals' co-operation in a domestic structure have no comparison in the international arena.



There is another, potentially more devastating, problem at a deeper conceptual level. Internationalists agree that global justice takes lexical priority over duties of domestic justice. But duties of justice generally take precedence over other concerns, both domestically and internationally. In some cases demands of *reasonableness* might, according to some, command us to continue to offer substantial amounts (whether money, natural resources, human resources, etc.) even after the target country (or a majority of its citizens) has attained a minimally decent life. But others will argue that, the demands of *justice* having been met internationally, the resources must be spent on the worst off within the donor country, even if those people are still much better off than the global poor. Remember that domestically the concern is with *relative* poverty. Absolute poverty, arguably, does not feature as part of a domestic theory of justice, as absolute poverty in a well-ordered society is simply a particularly egregious form of relative poverty. There is therefore, in principle, no limit to what claims of justice can override international duties of reasonableness. If the lexical ordering of principles is maintained, *any* domestic inequality will take precedence over global concerns of any nature, above the minimum threshold for justice.

Who wins out? Which claim is more pressing? As Chris Armstrong points out, it is by no means clear what happens if nations violate moral standards of reasonableness in the name of domestic justice.<sup>32</sup> Risse seems primarily concerned with immigration rights, and does not seem to consider other problems with this principle.

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<sup>32</sup> Chris Armstrong, "Global Justice between Minimalism and Egalitarianism," *Political Theory* 42, no. 1 (2014): 119–29.

What is clear is that the point at which demands of justice do potentially transition into demands of reasonableness depends on the cut-off point at which a society ceases to be burdened and becomes well-ordered. As we saw in Chapter 3, there is disagreement about when this is, as it depends on whether we should properly be concerned for the welfare of individuals or for the stability of a society. In the former the duty will be much more demanding, and the dilemma Risse outlines seems less pertinent. In the latter the duty is less demanding, but the potential scope for duties of reasonableness is much greater. Perhaps, though that is an argument for another day, it is more plausible to say that there is *both* a duty of concern for the stability of burdened societies, *and* for the well-being of individuals in them, each of which carry their own responsibilities and will be discharged in different ways.

#### **4.6 The crutch of self-respect**

As I showed in Chapter 3, we can reasonably extend our definition of basic needs to encompass things well beyond what is necessary for basic survival, to access to basic education, nutrition and some forms of health care, and move towards more encompassing ideas of basic needs necessary to live a flourishing life. Could you nonetheless insist that basic needs defined not in those terms, but in terms of what can be required in assistance from most developed countries, are much less demanding? Richard Miller suggests that the answer is yes. Indeed, citizens of developing countries would not want anything more, because they desire

national self-respect and self-determination. Starting his argument at the personal level, he says:

Still, people can lead lives truly their own when they lack access to a flourishing national university, live in small quarters, and have possessions much sparser than nearly all Americans'. To deny that someone in Mali could live a satisfactory life as a result of an intelligent choice to become a farmer, craftsman or shopkeeper with an income that is a small fraction of the American average is inaccurate and insulting. The overcoming of such limits is not, as such, a goal of the acquired responsibility for development.<sup>33</sup>

This, R. Miller is at pains to stress, does not mean that basic needs will be satisfied by mere physical survival. In particular, political institutions that guarantee security and stability are essential. Nonetheless, there are limits to the responsibility of concern, which are defined by the need to balance the fulfilment of basic needs with due weight given to national self-respect and self-reliance:

The concern is residual because the acceptance that must be sought by the responsible structural adjuster is acceptance compatible with self-respect. Self-respecting people in a sovereign country prefer self-reliance, both individual and

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<sup>33</sup> Miller, *Globalizing Justice*, 156.

collective, to outside help. They want to be able to take pride in their own accomplishments. They favor collective efforts that express the proper valuing of ongoing relationships by displaying special concern corresponding to the inherent value of interpersonal ties. These ties largely bind within borders and do not include subordination to the American empire. Self-respect induces a strong preference for reciprocity, the ultimate, wholehearted return of important benefits. Such reciprocity is sustained by ongoing projects of willing cooperation within developing countries, not by processes of foreign help.<sup>34</sup>

There is a lot to be commended in the stringent, albeit not that far-reaching, duty of assistance that R. Miller lays out. Nonetheless, some issues scream out for clarification. They are not mere philosophical trifles about the merits of various cut-off points and approaches to development, but questions that cut to the heart of what development is. These questions will need to be answered before we can be satisfied that we have a coherent theory of international duties on our hands. I will return to these issues shortly.

On a more basic level there seems to be something profoundly odd about R. Miller's suggestion, however. As he is primarily concerned with setting out what the responsibilities of the rich, developed world is, the most plausible interpretation is that the limitations that result from this

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<sup>34</sup> Ibid., 155.

principle should be placed on the donor countries. He is therefore, in effect, arguing that out of concern for the self-respect and self-reliance of the recipient country, the donor should refuse to offer help past a certain point. This is self-contradictory. Accepting that it is true that too much aid would be damaging to a country's self-respect, it makes little sense for the donor to decide when that point has been reached. We can imagine a developing country at one point saying, "even though we are still relatively poor by global standards we are now well enough off that everyone lives a satisfactory life. Now, our self-reliance as a people becomes more important, and we do not want to receive any more assistance." But that has to be their decision. Precisely out of respect for their self-determination, we in the developed countries cannot dictate when that point comes. Otherwise we are imposing the very kind of paternalism we are trying to avoid.

But taking R. Miller's concern as valid, let us look closer at his argument. Notice the subtle rhetorical trick he employs in equating the "process of foreign help" with "subordination to the American empire". That seems to me a rather large, unjustified step. The fact that he zeroes in on the US is not significant here, except insofar as he articulates a particularly American understanding of what independence and self-reliance entail. His book consistently uses American examples to illustrate his points throughout, and you may read "Britain", "France", "Portugal", and so on, as applicable. Nonetheless, the implication seems to be that at least some degree of coercive subjection from the donor country is an inherent part of the process of outside help.

He thereby implicitly excludes the possibility that outside assistance can take place in non-subordinate, democratically accountable and genuinely beneficial ways. While it may often be the case that in practice an aid programme is paternalistic and undemocratic, it is a rather different proposition to say that they are so by their very nature. In another context Nickel accuses Rawls of taking one important role played by human rights – determining if interventions are justified or not – and making it central to the argument without considering other possible roles or combinations of roles.<sup>35</sup> It seems that R. Miller makes the same logical error by taking an admittedly genuine concern, the self-respect of societies, and making it the overarching concern above all others. He therefore fails to consider what other goals apart from preserving their self-respect they might have, or whether they derive their self-respect from different sources.

Another problematic assumption is that the interpersonal ties which matter so greatly to the population are neatly defined across all sections of the developing country in question. That may be true (albeit not perfectly at all) in largely homogeneous countries or those, like the UK, with a strong sense of patriotism and common sense of purpose that tie people together across ethnicities and languages. It is less obvious that this should be true in largely fragmented countries without a strong central state or a strong sense of national belonging.

Imagine a country that has a large proportion of people living in very poor conditions, but is otherwise well-ordered and ruled in the interest of its citizenry. It is becoming richer, with a growing middle class,

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<sup>35</sup> Nickel, “HR Implemented by Intervention?,” 270.

and the proportion of the population living in absolute poverty is falling steadily. Brazil might be a good example of this kind of development. A middle-income country with a GDP per capita of almost \$11,700, the absolute poverty rate of Brazil is 8.9% as of 2013, down from 14.1% in 2008.<sup>36</sup> The developed world might be able to speed up the process of bringing the remaining poor out of poverty through systematic assistance. (That is an empirical assertion that I cannot address right now.) Out of a concern for national self-respect, however, it would seem that we should not. Helping their fellow citizens out of poverty is precisely the kind of shared project that will enable the people of the country to take pride in their collective accomplishments. But is there any reason to assume without prior investigation, for instance, that the Northern regions would not also prefer to get ahead by their own efforts, rather than depend on the more prosperous South? Or that the same would not be true of the rural populations versus the urban, or the descendants of slaves or of the indigenous population versus the descendants of white settlers? In the specific case of Brazil it is probably unlikely that groups within it should feel so fiercely individualistic that they would reject help from other groups within the society even if they valued independence and self-respect in the way R. Miller suggests they should. But there is no reason to expect that to necessarily be true in all cases. Many Scots seem to prefer to go it alone rather than remain tied up with England. And some African countries, perhaps most notably the Democratic Republic of the Congo, could plausibly lack many of the common sympathies that citizens in a

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<sup>36</sup> World Bank, “Brazil,” *Data*, 2015, <http://data.worldbank.org/country/brazil>.

shared state are supposed to have. The question, then, is to what extent these common sympathies can really to be said to be integral to statehood. And if not, are they guaranteed to develop naturally? And what if they do not? And perhaps more importantly, if they form as part of a concerted effort within a society, what is to say that they could not also develop, as part of an equally concerted effort, across borders?

But perhaps, you might object, this is only a relevant concern for so-called middle-income countries. But R. Miller does in fact make quite clear how low the point at which this becomes a concern is. In arguing against a tripling of development assistance over a ten-year period, suggested by the economist Jeffrey Sachs in 2005, R. Miller expresses concern that it will hamper the self-reliance, as everywhere “people properly prefer to get ahead by their own efforts and, if they need help, properly prefer it from those to whom they are bound by symmetrical ties of family or civic obligation.”<sup>37</sup> To put that into perspective, Development Initiative estimate that in 2013 Kenya, reasonably stable but still very poor, received US\$ 66.40 per person, less than 18¢ per person per day. As Kenya’s government currently spends \$424.03 per person each year,<sup>38</sup> so a 200% increase in development assistance could see that number increased to \$556. This is hardly a radical transformation of Kenya’s fortunes. Yet, it seems, this would be enough to raise red flags.

Of course you might charitably argue that if some of the countries that receive a disproportionately high amount of aid were to have their donations tripled, the effect would be to hamper their sense of self-reliance

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<sup>37</sup> Miller, *Globalizing Justice*, 221.

<sup>38</sup> Development Initiatives, “Investments to End Poverty,” 50.



in a morally important way. On this reading R. Miller points to an area where the effects of such a policy on certain countries is grounds for concern. Even assuming, for the sake of the argument, that this is a genuine worry, this kind of reasoning would not hold up. The proposal to which R. Miller objects is to triple the total donations made by the developed world. We must assume they would be distributed through a scheme designed to maximise their effectiveness, presumably by prioritising the poorest.<sup>39</sup>

R. Miller's motivations aside, however, I think the assumption that self-reliance is as all-important as he makes it out to be can be challenged on a deeper level. It rests on a particular reading of nationality, one borne out of a particular (and particularly) Western school of thought which goes back as far as Thomas Hobbes' and John Locke's contrasting visions of the State of Nature, as well as the canonical work of John Stuart Mill, emphasising a unique form of political self-reliance.<sup>40</sup> Whereas this assumption is largely taken to be self-evident and universal by R. Miller,<sup>41</sup>

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<sup>39</sup> The way US aid is currently distributed, some countries receive a disproportionate amount, closely linked with their strategic importance. Thus Israel, a highly developed country, is the single biggest recipient. And Afghanistan and Pakistan, though genuinely counting among the world's poorest, receive money far in excess of what countries with similar levels of poverty receive (United States Government, "Congressional Budget Justification: Foreign Assistance Summary Tables, Fiscal Year 2015," *State.gov*, 2015, <http://www.state.gov/documents/organization/224071.pdf>). You can criticize this policy from many different angles. A strong case could be made that by subordinating assistance to military and geopolitical interests the US do more harm than good. Or, as I argue in Chapter 6, assistance will likely do more good if skewed towards countries that are stable and have reasonably well-functioning institutions. In either case, tripling aid levels without first addressing the underlying issues would, indeed, would be very bad idea. But not for the reason R. Miller suggests. His reasoning is deontological; it would be wrong to increase assistance beyond a certain point, full stop. The reasons I suggest are epistemic; it would be wrong to do so, immediately and across the board, under *current* conditions.

<sup>40</sup> Thomas Hobbes, *Leviathan* (London: Penguin, 1968); Locke, *Second Treatise*; John Stuart Mill, *On Liberty* (Oxford: Oxford University Press, 1991).

<sup>41</sup> As indeed is the norm in most modern political theory, according to Will Kymlicka and Christina Straehle, "Cosmopolitanism, Nation-States, and Minority Nationalism: A

Anthony Smith points out how the need for self-sufficiency is inextricably tied up with a Western sense of the nation, whereby the “homeland becomes a repository of historic memories and associations,” and the “land’s resources also become exclusive to the people; they are not for ‘alien’ use and exploitation. The national territory must become self-sufficient. Autarky is as much a defence of sacred homelands as of economic interests.”<sup>42</sup>

The question, so far left unexplored, is how far these values are truly universal so that, for instance, the poor Malian farmer in R. Miller’s example earlier can be said to (a) share the same sense of belonging to a nation (or people), (b) share the same understanding of what national self-reliance means, and (c) place as much importance on it relative to other needs and desires he may have for himself, his family and his community. Smith cautions us to be sceptical. The modern state, idealised by Rawls as a nation-state even if few states live up to that description,<sup>43</sup> is a relatively recent European invention, dating back only a few hundred years. Moreover, while in Europe the nation initially emerged by chance as political associations of convenience grew over time – with nationalism only to follow much later – in the rest of the world nations were largely the result of concerted efforts and nationalist movements.<sup>44</sup> But given that this nationalism was often fuelled by anti-colonial settlement with little

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Critical Review of Recent Literature,” *European Journal of Philosophy* 7, no. 1 (1999): 65.

<sup>42</sup> Anthony D. Smith, *National Identity* (London: Penguin, 1991), 9–10.

<sup>43</sup> Smith distinguishes between the state as the political structure, and the nation as an ethnic or cultural association. Only where there is a near-perfect overlap can the term nation-state be applied. *Ibid.*, 9–14.

<sup>44</sup> *Ibid.*, 100.

purpose or agenda outside of seeing the backs of the imperialist powers,<sup>45</sup> you have to wonder if these emerging nations are truly national in the sense R. Miller implies. Add to that the fact that in many cases nationalist sentiment had to be established quickly after independence, whereas it has developed slowly and gradually over centuries in Europe and Asia. Peer Vries, for instance, argues that for the first several hundred years West European states were primarily consolidated among a small elite of rulers, administrators, lawyers and merchants in the upper echelons of society. The process of modernisation by which states came to be as we know them today, pervasive and efficient, only took off in the 18<sup>th</sup> century and gathered steam in the 19<sup>th</sup> century, as a result of increased inter-state competition brought about by the industrial revolution. Even then, the process and speed of consolidation varied greatly from country to country.<sup>46</sup>

The upshot is that self-determination can mean many different things to the ordinary citizen. At the very least, therefore, R. Miller would have to theorise how that fact influences the relationship between the dependencies and the former colonisers. Here I will list just four possible different conceptions of group identity, out of a potentially infinite number of possibilities. I will not attempt to make any judgment as to which is more likely, in part because it falls far outside my area of expertise, and in part because I strongly suspect that some will apply in some cases while others will apply in others. But that is precisely the point: Self-respect and

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<sup>45</sup> Ibid., 111.

<sup>46</sup> Peer H.H. Vries, "Governing Growth: A Comparative Analysis of the Role of the State in the Rise of the West," *Journal of World History* 13, no. 1 (2002): 67–138.

group identity cannot readily be treated as monolithic and immutable across different settings.

First, members of a people might see themselves not primarily (or at least not only) as members of a national group, but of several others at once. These need not be competing identities, but could just as well be complimentary. They could be local: Family, town, community; or international: Pan-Africanism, global feminist solidarity, a sense of affinity with the global poor and disenfranchised. Others again may be both local and global at the same time: A Christian or a Muslim may at the same time feel a strong sense of belonging to their local place of worship and the community that surrounds it, while feeling a sense of affinity with the global community of Christians or Muslims. Each of these identities has the potential to carry with it its own sense of belonging and a sense of pride in the achievements of one's community, and concern for the well-being of others who share in it. It is by no means clear that the national identity is the only one that is able to foster strong feelings of communal self-respect. Common examples include "minority-nations" that try to maintain their cultural and linguistic distinctiveness and resist assimilation into the dominant culture of their country.<sup>47</sup>

Second, for many people the kind of identity R. Miller talks about, rooted in pride in a collective national project, may simply not play the role he thinks. Take for example the context of soft power, which unlike traditional "hard" power cannot be imposed from above, but requires some degree of willingness on both sides. It is not immediately clear that people

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<sup>47</sup> Kymlicka and Straehle, "Cosmopolitanism, Nation-States," 73.

in the developing world as a whole prefer a vague concept like national independence to, say, a more Western, or simply more affluent, life-style.<sup>48</sup> In other words, does the collective self-respect of peoples necessarily stand and fall with national economic and political self-reliance? I am not sure.

Third, you have to consider whether the importance R. Miller places on self-reliance as a value in itself (if only for its instrumental value, in enabling self-respect) is really as clear cut as he makes it out to be. Within feminist theory, care ethics have emphasised “‘dependency’ and ‘vulnerability’ not as conditions to be overcome, but rather as ways of being for normal human subjects.”<sup>49</sup> It thus recasts dependency not as something shameful to be avoided, or indicative of a lesser moral standing or worth, but as something that is a natural part of life. For individuals this is obviously the case in childhood and old age, but also during periods of illness which most people will experience at some point in their lives. Conversely, in some periods of a person’s life their self-respect will be inextricably tied up not with their independence, but with their role as dependable providers of care to others, during pregnancy and parenthood and, depending on the cultural norms present, when relatives are old or sick, or otherwise in need of care. By contrast, the default conception of a person in modern liberal thought is typically a sound-minded, rational individual, implicitly male, adult, able-bodied, and white; or at least not in a position where his status as a respected and valued member of society is

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<sup>48</sup> Joseph S. Nye, *Soft Power: The Means to Success in World Politics* (Cambridge, MA: PublicAffairs, 2004).

<sup>49</sup> Fiona Robinson, “Stop Talking and Listen: Discourse Ethics and Feminist Care Ethics in International Political Theory,” *Millennium* 39, no. 3 (2011): 847.

questioned, or his voice within it stifled, because of features beyond his control.

To Fiona Robinson there is a similar blindness to the role of care in the international stage. The assumption, in part inspired by dependency theorists' focus on neo-colonial relations between the global North and South, is that the goal must be to eliminate dependency so that a formal equality, or at least the appearance of it, can be established. This, she argues, is papering over the cracks and failing to understand the fundamental nature of the relationship between countries. While formal equality between countries might be realisable, it will not be actual equality. Richer and more powerful countries will always be above the poorer and less powerful ones. The question, then, is not how to achieve equality, but how to manage the dependency that naturally exists to the benefit of all.<sup>50</sup>

Moreover, it risks casting the donor exclusively as the agent, reducing the recipient to a passive member with no agency of their own. This need not be the case. For instance, rather than passively receiving assistance from the outside, the recipient could be an active part of the process, using those donations to transform their society and benefit their fellow citizens – and deriving their self-respect from it. Citizens of least developed countries are not passive recipients. Whether money is given directly to governments or to non-governmental organisations on the ground, local agents are part of the process; almost always as the hands that carry out the work, and very often as an integral part of the process of

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<sup>50</sup> Ibid., 855.

deciding where resources should be spent.<sup>51</sup> While the positive effects of participation on development outcomes may not always be obvious, this is a problem of implementation, and should not be seen to detract from the normative value of participation in itself.<sup>52</sup> The picture of local agents as passive is, more often than not, inaccurate. From personal experience, through my brief stint working at ActionAid Nepal on an education project in 2012, I saw first-hand the importance that local staff and stakeholders played in all parts of the process of allocating and spending money on projects.

And finally, you might ask if the change from burdened to well-ordered society is not, in fact, a lot more fraught with danger than this school of thought would suggest, and would necessitate a particularly strong international response to manage the transition peacefully. It seems that transitions are often particularly dangerous times for emerging democracies, when wealth creates tensions and the upheavals of old power structures play havoc with the political and monetary fortunes of the established elites. As plenty of examples have shown, when the burgeoning seeds of democracy threaten to push through the dense undergrowth of vested interests and established practices, violence risks spreading like a forest fire. Or mushrooms on a dewy field. Or devil's grass. You get the gist. While surely no one would claim that violence follows automatically from democratisation, Mansfield and Snyder nonetheless caution us against assuming that the road to stability is always smooth. Depending on

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<sup>51</sup> Maia Green, "Making Development Agents: Participation as Boundary Object in International Development," *The Journal of Development Studies* 46, no. 7 (2010): 1240–63.

<sup>52</sup> *Ibid.*, 1245.

the level of development and extent of civic and political norms and institutions, the process may be relatively smooth or fraught with difficulty.<sup>53</sup>

In making this last point I do not intend to make an argument either for or against supporting democratic transitions, nor for or against interventionist foreign policies in the name of either stability or democratisation. That is clearly a debate for another time. What I am simply saying is that, as far as heuristics go, “peoples will always prefer self-reliance” is a fairly implausible one.

To finish the section it is worth zooming out a bit. When Rawls talks about peoples he is making a claim about ideal theory. He is creating a useful illusion of a simplified world to establish guiding principles of justice under ideal circumstances, in part for the sake of conceptual simplicity. He leaves the discussion of burdened societies to the section on non-ideal theory, and although we are given only a sketch outline of his thoughts on the matter he is at least clear that the question of what is owed to the world’s poorest lies squarely within the realm of the non-ideal.<sup>54</sup>

This should make us cautious about carrying assumptions about ideal theory directly over into the non-ideal. Of course, the term “burdened society” is not one R. Miller employs. Still, his conception of the societies in need of help are similar. He imagines them as essentially well-ordered in all relevant ways, except that they lack the wealth and government infrastructure necessary to count as well-ordered. In this particular case

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<sup>53</sup> Jack Snyder and Edward D. Mansfield, “Pathways to War in Democratic Transitions,” *International Organization* 63, no. 2 (2009): 381–90.

<sup>54</sup> As evidenced by the fact the whole discussion takes place in a section entitled “Nonideal Theory”. Rawls, *LP*, 105–113.



they are imagined to possess the sense of patriotic pride, often associated with statehood, that is common in the Western and developed world.

Is this a fair assumption? I do not see how it can be. Even if such pride is the norm in the West, and particularly in the US where R. Miller hails from, it does not follow that it must be part and parcel of any well-ordered society.

Perhaps it would seem to follow naturally from what Rawls says? If burdened societies are defined by their lack of wealth and good institutions, it might seem to be implied that they are essentially well-ordered in all other respects. This is not a claim that Rawls explores at all, but many critics have questioned if well-ordered peoples display even a fraction of what he attributes to them. Lea Ypi, for instance, suggests that Rawls gets wrong what he should be ideal and non-ideal about: In being ideal about what peoples look like (liberal, or at least well-ordered, nation-states) but non-ideal about the global structure (composed of nations with near-perfect sovereignty under rules closely resembling what already exists) he gets it the wrong way around. Instead he should have been non-ideal about states (not all reasonable, with no universal overlap between cultural and political communities) and ideal about what the international system *could* look like, given those facts.<sup>55</sup>

If there are good reasons to think that Rawls's idealised notion of societies are a step too far even when just dealing with liberal democracies, there are even better reasons to think they do not apply to countries that are much poorer, arguably less socially coherent, and perhaps most

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<sup>55</sup> Ypi, "Ideal and Non-Ideal."

importantly, have not had modern conceptions of statehood modelled on them. What this discussion shows, then, is that you have to be really careful about what assumptions you allow to be carried forth into different philosophical scenarios.

#### **4.7 Conclusion**

This chapter has sought to challenge the idea, implicit in the Rawlsian internationalist argument, that the duty towards burdened societies is a neatly demarcated one, both in terms of its lexical priority to domestic duties and in terms of societies falling clearly into the categories of burdened or well-ordered, without any overlap between the two.

Section 4.2 started out by asking whether there is a conflict between duties of development assistance and duties to compatriots. Internationalists argue that there is not. Section 4.3, however, suggested that this view relies on a dichotomous oversimplification, implicitly assuming that countries are either fully in or fully out of the categories of burdened and well-ordered societies. This, I argued, squares very poorly with the fact that several countries in the world display some of the features of burdenedness and some of well-orderedness, not fitting neatly into either category. That then gave way to a discussion, in Section 4.4, about the way this simplification comes into play in the thought experiments of Blake: That one country does not do anything wrong by coercing another into an agreement so long as the measures threatened, were they carried out, would not leave the country below a threshold. This argument becomes less convincing when the stylised fictional countries of

Blake's thought experiment are replaced with actual countries in the world, for which things like poverty, health and aid statistics are available and the consequences of the threatened measures can be estimated. Section 4.5 briefly considered the idea that there could be a demand of reasonableness in such cases, which put a burden on the wealthy countries that nonetheless fall short of a requirement of justice.

Section 4.6 challenged the other simplification, that our concern for self-respect and self-determination must necessarily compel us to limit aid to a low cut-off, as any additional assistance would compromise their self-determination. I argued that this notion of self-respect makes the mistake of universalising a particularly Western conception of what it means to belong to a nation-state, and that depending on the country they may have a different understanding of what self-respect entails and what the value of self-determination is.

This and the preceding chapters conclude, for now, the normative argument for an expanded duty of development. But it is still possible to concede that the duty of development is as I claim, *in theory*, but that there are nonetheless powerful reasons not to engage in carrying it out: That empirical facts about what causes development and what wealthy countries can do to affect it from abroad suggest the task is extremely difficult. That is where the argument proceeds next.

## Chapter 5 – The Role of Institutions

### 5.1 Introduction

To refresh our memories: The tenet which, following Risse, I will call the “institutional thesis”<sup>1</sup> or “institutionalism” holds that the main cause of economic development, and therefore of countries’ ability to escape the status of “burdened society”, is the quality of their institutions. Rawls, too, builds the principles of the duty of development assistance in part on this idea.<sup>2</sup> The features of those institutions, moreover, are highly endogenous, stemming from causes that are rooted in the history and political and social culture of each society – things which are not very malleable and, at any rate, very difficult to influence from the outside. Therefore, it is implied that “institutions possess: (1) explanatory power to account for differential socio-political outcomes in different contexts; (2) prescriptive power that makes them the solution to socio-political problems across nations.”<sup>3</sup>

The premise has immense consequences for the overall theory, for the moral requirement to help burdened countries is more than theoretical. It has direct policy application. Moreover, since this duty does not presuppose any fundamental changes in the current makeup of the

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<sup>1</sup> Risse, “How Does the Global Order Harm the Poor?”

<sup>2</sup> Rawls, *LP*, 108.

<sup>3</sup> S.N. Sangmpam, “Politics Rules: The False Primacy of Institutions in Developing Countries,” *Political Studies* 55, no. 1 (2007): 201.

international political scene, it is an immediate one whose applicability must be considered in the context of the world as it is.

It is hard to argue against the objection that, if there are strong reasons to think that the task of aiding development in burdened societies is an extremely difficult one, our responsibility to act is diminished accordingly. Ought implies can, as the old cliché goes, and any moral requirement must be tempered by practical feasibility.

The institutional thesis must therefore stand and fall on empirical evidence. It holds up if the primacy of institutions can be proven to be a reasonable assertion across a wide range of country cases. This entails two different proofs. First, that the institutions have a direct influence on growth that cannot be replicated or augmented by other factors. And second, that the causes of good institutions themselves are of a first order, meaning they are not down to exogenous factors. The test here is whether other first-order causal variables prove equally good, or better, at predicting the outcome variable of economic development.

This chapter will show that the claim, ultimately, does not hold up to scrutiny. This, as I will make clear, is not meant in any way to suggest that institutions are not a key factor in determining the causes of economic growth. In fact, as we will see, the overwhelmingly prevailing consensus is that they are, and my study confirms this. It is, however, meant to show that it cannot be proven to a sufficient degree that the only major causes of growth are endogenously developed institutions which are not affected from the outside.

The chapter proceeds as follows. In Sections 5.2 and 5.3 I first discuss prevalent approaches within the development literature, focusing

on the conceptual and methodological weaknesses of the claim to primacy of institutions, including conceptual confusions about what institutions are, and the failure to identify the ways other factors continue to profoundly shape the development of these institutions. I then discuss the causes of development emphasised by other strands of the literature, focusing in particular on geographic factors and human resource endowments.

The remainder of the chapter then turns to the fs/QCA method for analysing the institutionalist claim, looking at the relationship between institutions and four other causal variables – malaria risk, ethnic fractionalisation, years of schooling and life expectancy – on an outcome variable, GNI per capita. Section 5.4 discusses the variables, one outcome variable and five independent variables; and the case selection, 102 countries from across Africa, Asia, the Americas and the Middle East. Sections 5.5 and 5.6 present the results of the fs/QCA analysis, finding that not just good institutions, but also low malaria risk, high levels of schooling and high life expectancy are necessary for high levels of development to come about. Conversely, none of the causal variables are by themselves sufficient to bring about the outcome. Only a combination of all five, or at least four, of the variables results in high GNI per capita. This strongly suggests that the primacy of domestic institutions as an explanatory variable is not nearly as clear-cut as parts of the literature claim.

The chapter finishes by discussing the implications of the findings for the internationalist thesis in Section 5.7, arguing that while poor institutional quality may in many cases count against development efforts

in particular cases, it cannot be assumed that a lack of development is necessarily coupled with poor institutional quality. In those cases it seems that the reasons the institutional thesis gives against development assistance do not apply. Section 5.8 concludes.

## 5.2 Overview – the overarching role of institutions

The direct causal link between formal institutions and growth is, depending on your standpoint as a development economist, either a near-proven fact or a deeply problematic assumption open to serious questioning. Dani Rodrik maintains that the overwhelming importance of institutions in determining growth is a widely accepted fact within the literature,<sup>4</sup> a view echoed by Easterly et al. who note that “‘poor institutional quality’ and ‘failure to implement better policies’ are [...] frequently identified as the causes of growth collapses, endemic poverty, and civil conflict,”<sup>5</sup> and by Acemoglu and Robinson who see them as the primary and most significant cause of nations failing today.<sup>6</sup> Hence, says Sebastian Dellepiane-Avellaneda, “a broad consensus among growth economists, development experts and aid donors views ‘good governance’ as a pre-requisite for sustained increases in living standards.”<sup>7</sup>

This does not necessarily mean that other factors will not play a part as well. But many argue that they are severely limited either in scope or in

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<sup>4</sup> Rodrik, “Introduction,” 10.

<sup>5</sup> William Easterly, Jozef Ritzén, and Michael Woolcock, “Social Cohesion, Institutions, and Growth,” *Economy & Politics* 18, no. 2 (2006): 103.

<sup>6</sup> Daron Acemoglu and James A. Robinson, *Why Nations Fail: The Origins of Power, Prosperity and Poverty* (London: Profile Books, 2012), 369.

<sup>7</sup> Dellepiane-Avellaneda, “Good Governance, Institutions and Economic Development,” 196.

time span. Acemoglu and Robinson point out that geography, including topography, climate and demographics, are significant predictors of institutional type at “critical junctures” in history, determining the type of institutions that develop.<sup>8</sup> Thus the low population density in North America in the 16<sup>th</sup> and 17<sup>th</sup> centuries led to the development of settler colonies, which then led to inclusive institutions. Meanwhile, the richly populated South American colonies favoured extraction through the use of slave labour, leading to more extractive institutions, the effect of which is felt to this day.<sup>9</sup> Similarly, unique historical and geographical circumstances allowed Botswana to develop strong institutions upon independence, which enabled them to harness their diamond-rich underground without succumbing to the resource curse.<sup>10</sup> James Ang agrees, similarly finding that the conditions that shaped pre-modern institutional arrangements are reflected in current ones because of the way those effects work through institutions.<sup>11</sup> Analysing the effect of seven different proxies for pre-modern development, and accounting for the effects of migration throughout the ages, he finds that all proxies, but particularly the initial rate of technological adoption, are significant indicators of modern-day levels of growth.<sup>12</sup>

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<sup>8</sup> Acemoglu and Robinson, *Why Nations Fail*, 67.

<sup>9</sup> *Ibid.*, 22–24.

<sup>10</sup> Daron Acemoglu, Simon Johnson, and James A. Robinson, “An African Success Story: Botswana,” in *In Search of Prosperity: Analytic Narratives for Economic Growth*, ed. Dani Rodrik (Princeton, NJ: Princeton University Press, 2003), 80–119; In addition, see James A. Robinson, Ragnar Torvik, and Thierry Verdier, “Political Foundations of the Resource Curse: A Simplification and a Comment,” *Journal of Development Economics* 106 (2014): 194–98, on why success stories like Botswana do not invalidate the theoretical foundations of the resource curse.

<sup>11</sup> James B. Ang, “Institutions and the Long-Run Impact of Early Development,” *Journal of Development Economics* 105 (2013): 1–18.

<sup>12</sup> *Ibid.*, 2.



By contrast, Jeffrey Sachs criticizes these findings for relying on far too simplistic methodological assumptions, by systematically ignoring other factors, such as natural resources, geopolitics and technological progress, and by getting the authoritarian incentive structure wrong. First, they assume that authoritarian governments are by definition hostile to economic development. But this does not hold up to empirical scrutiny; China is an example of that. And second, they conflate invention with diffusion of technology, despite the fact that importing technology is not necessarily difficult or costly.<sup>13</sup> More importantly, the analysis fails to consider the way that state centralisation comes about. In Acemoglu and Robinson's account it is a question of leaders' choices. But those choices are constrained by the resources available. Hence they skirt over the issue of why African states are mostly still very decentralised.<sup>14</sup> You might then wonder why, if centralisation is so effective, no African ruler has ever thought about doing it?

In addition, Dellepiane-Avellaneda argues that in relying on a definition of institutions that places a premium on property rights, the economic literature remains naively silent on historical narratives. It rarely talks about how property came about, how the distribution conditioned social development, or how certain property distributions came to be legitimised.<sup>15</sup> How can you evaluate the private property regime of, say, South Africa where the beneficiaries of apartheid are still overrepresented, or the former Soviet blocs where endemic corruption

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<sup>13</sup> Jeffrey D. Sachs, "Government, Geography, and Growth," *Foreign Affairs* 91, no. 5 (2012): 143–144.

<sup>14</sup> *Ibid.*, 144–145.

<sup>15</sup> Dellepiane-Avellaneda, "Good Governance, Institutions and Economic Development," 209.

shaped the post-Cold War privatisation push, without an understanding of the way they came about? Under the right conditions an effective property right regime could be a destabilising factor, not a stabilising one.

In some areas there is disagreement about what is meant by good institutions, most notably the question of whether institutions must be democratic or not. There seems to be anecdotal evidence to support both sides of the argument. On the one hand, the majority of the wealthiest countries in the world are democracies, and economic growth in Eastern Europe after the Cold War largely went hand in hand with democratisation. But on the other, the success of Asian countries such as Singapore, Taiwan, and China, seem to suggest that democracy is not a prerequisite for growth. But while no school of thought would suggest democracy hinders growth, there is no conclusive evidence so suggest it helps it either.<sup>16</sup>

In one instance Acemoglu, Johnson and Robinson define good institutions as “corresponding to a social organization that ensures that a broad cross-section of the society has *effective property rights*. We refer to this cluster as *institutions of private property*.”<sup>17</sup> Good institutions must therefore have the following features: they must ensure property rights, allowing productive people to receive returns on investment, and these guarantees must be available to “a broad cross-section of the society,” rather than just a privileged upper class.<sup>18</sup> Democracy is missing from this definition, and they do not suggest that democracies inherently possess

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<sup>16</sup> Ibid., 198–199.

<sup>17</sup> Acemoglu, Johnson, and Robinson, “Botswana,” 86. Their italics. Their definition was taken from an earlier article by the same authors.

<sup>18</sup> Ibid.

advantages in securing property rights that cannot be attained by different means. Rodrik, similarly, argues that good institutions which can provide long-term growth provide “dependable property rights, manage conflict, maintain law and order, and align economic incentives with social costs and benefits.”<sup>19</sup> The latter feature is missing from Acemoglu et al., but otherwise they are very similar.

Knack and Keefer do not offer a definition of institutions as such, but nonetheless posit that “the security of property and contractual rights and the efficiency with which governments manage the provision of public goods and the creation of government policies are significant determinants of the speed with which countries grow.”<sup>20</sup> The relevant proxies, then, are those that measure the extent to which governments are able to protect property. Factors such as expropriation risk, repudiation of contracts, government corruption and quality of bureaucracy, contract enforceability and nationalisation potential all combine, in their analysis, to create powerful measures of institutional quality.<sup>21</sup>

The overarching theme of these definitions can perhaps best be summed up as constraints on the executive. A country has good institutions when the actions of key decision makers are restricted in ways that are beneficial to the development of society, and render policy-making for personal rather than public gains difficult or impossible. To capture the effects of institutions, we therefore need a suitable proxy for constraints on the executive. A widely cited paper by Knack and Keefer suggests that

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<sup>19</sup> Rodrik, “Introduction,” 11.

<sup>20</sup> Stephen Knack and Philip Keefer, “Institutions and Economic Performance: Cross-Country Tests Using Alternative Institutional Measures,” *Economics & Politics* 7, no. 3 (1995): 207.

<sup>21</sup> *Ibid.*, 210–211.

contract enforcement, being one of the means by which states protect private property, is the best measure. In particular, they test aggregate measures of the International Country Risk Guide (ICRG) from 1972, proxies of which are expropriation risk, rule of law, repudiation of contracts, government corruption and quality of bureaucracy; and the Business Environmental Risk Intelligence (BERI), whose proxies are contract enforceability, infrastructure quality, nationalisation potential, and bureaucratic delays.<sup>22</sup>

This relatively narrow focus on securing property rights and business environments stands in sharp contrast with other social sciences, most notably politics and political philosophy. Thomas Weiss runs through the various definitions of the closely related concept of governance expressed by various global governmental and non-governmental organisations.<sup>23</sup> They vary in their degree of focus on society as a whole, or purely on central government. The World Bank, for instance, focuses on the exercise of power in managing a country's economic and social resources, focusing not only on the government's ability to formulate and implement policies, as some economists do, but also on the form of political regime, and the way the country's economic and social resources for development are managed.<sup>24</sup> In another definition, by contrast, it is the way elements in society exercise authority, influence politics and make

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<sup>22</sup> Ibid., 210–212.

<sup>23</sup> Governance and institutions are not identical. The Commission on Global Governance defines governance as “the sum of the many ways individuals and institutions, public and private, manage their public affairs.” Thomas G Weiss, “Governance, Good Governance and Global Governance: Conceptual and Actual Challenges,” *Third World Quarterly* 21, no. 5 (2000): 797.

<sup>24</sup> Ibid.

decisions. Governance, then, is not confined to the government.<sup>25</sup> But at any rate, what is missing entirely is a concept of social responsibilities. The examples mentioned here are universal in ignoring the provision of education, healthcare, pensions, infrastructure and disease control. Good institutions, then, are hardly a guarantee that the state will be able to provide the necessary conditions for human development and stability. Unless one subscribes to the view that secure property rights are the only relevant cause of growth, the institutional thesis leaves out too many relevant factors.

Sangmpam points out that institutionalists “tend to see institutions everywhere,”<sup>26</sup> even where the link with the formal definition of institutions is spurious. Thus, James Ang writes of Jared Diamond that he “proposes that superior modes of agricultural production following the transition from hunting and gathering to sedentary agriculture, or the Neolithic transition, led to the accumulation of food surpluses.” This supposedly suggests that the “idea that institutions are precipitated by [...] historical forces is not new.”<sup>27</sup> But if things like modes of agriculture can count as a type of institutions, even if only in a preliminary sense, what does not count? It is perhaps no surprise, then, that for his analysis Ang relies on the Worldwide Governance Indicators (as do I), which are considerably more limited in scope.

It would be difficult not to put this rather narrow focus on strictly economic – rather than social or political – factors down to a certain

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<sup>25</sup> Ibid.

<sup>26</sup> Sangmpam, “Politics Rules,” 205.

<sup>27</sup> Ang, “Institutions and the Long-Run Impact of Early Development,” 2.

degree of convenience bias on the part of the economics profession.<sup>28</sup> Some things are, put simply, a lot easier to quantify than others, and it is perhaps understandable, though regrettable, that these things tend to be given more weight than others. But the subordination of the political aspect of institutions to the economic one, says Sangmpam, is particularly problematic. The focus on economic institutions at the legislative level thus seems chosen out of convenience, based on similarities with an already established theoretical framework rather than theoretical justification.<sup>29</sup> But this ignores the deeply political underpinnings of institutions. Institutions, say Powell and DiMaggio, cannot be reduced to the formal legal and economic instruments of the state, but encompass the “phenomenological process by which certain social relationships and actions come to be taken for granted [...] which explains why sociologists find institutions everywhere from handshakes to marriages to strategic-planning departments.”<sup>30</sup> Hence chronic instability, such as in Somalia or Burundi, does not necessarily reflect the absence of institutions, but could indicate the prevalence of destructive institutionalised social patterns over constructive ones.<sup>31</sup>

The problem, then, is that the concept of institutions ends up becoming far too complex for our purposes as social scientists. If institutions can encompass all and any of the myriad intersections of formal and informal human interactions that take place in society, what is left to measure? This possibly explains the economics profession’s

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<sup>28</sup> Dellepiane-Avellaneda, “Good Governance, Institutions and Economic Development,” 203.

<sup>29</sup> Sangmpam, “Politics Rules,” 201.

<sup>30</sup> Powell and DiMaggio, quoted in *ibid.*, 202.

<sup>31</sup> *Ibid.*, 212.

tendency to see institutions as a set of narrowly defined, easily measurable parameters, but it hardly justifies it.

Putting these issues aside and focusing on the methodological difficulties with measuring economic institutions, we find further difficulties. Using measures such as the rate of appropriation of private property and respect for legal frameworks including contract enforcement, as Knack and Keefer do, is a common way of measuring the quality of institutions. But what do these proxies actually show? Glaeser et al. suggest that the proxies measure outcomes – that is, the rate of appropriation or extent of contract enforcement as it has actually taken place over the course of the study. They do not necessarily, as they have been interpreted, show institutional constraints, but rather one of institutional constraints or the choices of individual rulers.<sup>32</sup> When a ruling body respects private property rights they might be forced to do so by restrictive rules, or they might choose to respect them based on political calculations. Alternatively, the institutional constraints may be tight enough to make appropriation of private property inexpedient in most cases, but not tight enough to exclude the possibility of doing so, should the government decide that their calculations have changed. Or the constraints on the executive, as it were, may consist not of formal institutional constraints, but of informal constraint based on ranges of socially accepted behaviour.<sup>33</sup> Some cultures, it would seem, have a greater tolerance for (or have grown more numb to) corruption than others.

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<sup>32</sup> Edward L Glaeser, Rafael La Porta, and Florencio Lopez-de-Silanes, “Do Institutions Cause Growth?,” *Journal of Economic Growth* 9, no. 3 (2004): 271–303.

<sup>33</sup> *Ibid.*

This means that as proxies for good institutions, rather than simply for good governance, they are not up to the task, and it's not clear what their measurements are actually showing – are they and economic growth simply linked with a third or more factors, such as geography or human capital? But as we will see shortly, my analysis makes use of the Worldwide Governance Indicators, despite all the criticisms of such measures I have laid out here. This reflects the difficult choices a researcher sometimes has to make. Simply put, datasets covering almost every country in the world, rigorously put together according to carefully considered criteria (and, I might add, not behind an expensive pay-wall) are rather thin on the ground. Still, by analysing institutional quality, narrowly defined, as just one of several relevant variables, we can hopefully get a fuller picture. What are these other variables? In principle the list will potentially be endless, but the following five seem particularly apt to test for. As I made clear in Chapter 2, however, this list is derived not from independent, objective principles, but from the researcher's own judgment. I make no claim that this list of variables is final, only that it is carefully considered.

### **5.3 Other possible impediments to growth**

What factors, other than institutions, deserve a closer look? Broadly speaking, they fall into two categories – geography, and human resources. Within geography a slew of theories have been advanced. While Montesquieu's assertion that the hot conditions near the equator naturally



lend themselves to idleness<sup>34</sup> has seemed out-dated for a long time, the tendency of the world's poorest countries to congregate between the Tropics of Cancer and Capricorn has not passed many by. But the economics profession's collective decision to ignore this fact, argues Landes in quoting economist John Kenneth Galbraith, "reveals the deep-seated optimistic bias with which we approach problems of development and the reluctance to admit the vast differences in initial conditions with which today's poor countries are faced."<sup>35</sup> The effects of institutions and geography may complement each other. AIDS, for instance, has hit Africa particularly hard, due to the fact that the disease first broke out there, and that the environmental conditions are ideal for it to spread. Yet the differences in infection rates between African countries must at least to some extent be put down to each country's success or failure in effectively tackling the epidemic.

Acemoglu et al.<sup>36</sup> and Easterly and Levine<sup>37</sup> both claim to have proven that the effects of geography on growth only manifest themselves indirectly, through the incentives they provide for creating extractive or growth-focused institutions. This, says Sachs, is an odd argument. The geographic particulars that supposedly determined the institutions that were originally established – disease environment, immigrant mortality rates, transport costs, and agricultural productivity – will often still apply

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<sup>34</sup> Montesquieu, *The Spirit of the Laws* (Berkeley, CA: University of California Press, 1977), 243–247.

<sup>35</sup> John Kenneth Galbraith, quoted in Landes, *The Wealth and Poverty of Nations*, 5.

<sup>36</sup> Acemoglu, Johnson, and Robinson, "The Colonial Origins of Comparative Development."

<sup>37</sup> William Easterly and Ross Levine, "Tropics, Germs, and Crops: How Endowments Influence Economic Development," *Journal of Monetary Economics* 50, no. 1 (2003): 3–39.

today, and therefore continue to influence economic productivity.<sup>38</sup> After all, the high temperatures and strong prevalence of germs, emphasised by Landes<sup>39</sup> and Diamond<sup>40</sup> should by and large have the same effect today as they did when the institutions were set up. Of course, improvements can be made. Both Italy and the American South, for instance, were once hotbeds of malaria infestation. Today the disease has been eradicated in those areas through concerted government efforts.<sup>41</sup> But even though, were it not for strong governments, these areas would still be malaria zones, it does not mean any country with strong governments could do the same. Malaria was never as rampant there as in sub-Saharan Africa, and the tropical climate coupled with the particular species of mosquito that is active there make the disease that much harder to kill.<sup>42</sup>

Many different measures of geographic endowments have been proposed involving a variety of factors, such as climate, isolation, and disease environment.<sup>43</sup> Nonetheless, there seems to be a convergence of opinion on both sides of the argument that the prevalence of malaria and the associated mortality rate is the most accurate single proxy for the overall effects of geography.<sup>44</sup> As a single measure of a complex issue, it

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<sup>38</sup> Jeffrey D. Sachs, "Institutions Don't Rule: Direct Effects of Geography on Per Capita Income," Working Paper, NBER Working Paper Series (Cambridge, MA: National Bureau of Economic Research, 2003), 2.

<sup>39</sup> Landes, *The Wealth and Poverty of Nations*.

<sup>40</sup> Jared Diamond, *Guns, Germs and Steel: The Fates of Human Societies* (London: Jonathan Cape, 1998).

<sup>41</sup> John Luke Gallup and Jeffrey D. Sachs, "The Economic Burden of Malaria," *American Journal of Tropical Medical Hygiene* 64, no. 1–2 (2001): 86.

<sup>42</sup> *Ibid.*, 88.

<sup>43</sup> Sachs, "Institutions Don't Rule," 4.

<sup>44</sup> See, for instance, Acemoglu, Johnson, and Robinson, "The Colonial Origins of Comparative Development"; Gallup and Sachs, "The Economic Burden of Malaria"; Erich Grundlach, "The Primacy of Institutions Reconsidered: The Effects of Malaria Prevalence in the Empirics of Development," Working Paper, Kiel Institute Working Paper (Kiel: Kiel Institute for World Economics, 2004).

leaves out many variables that are likely to be significant at some level, including transport costs or world market integration. But it captures, if imperfectly, many other factors such as proximity to the equator, since malaria spreads most effectively in tropical regions, as well as overall disease environment, since a climate conducive to malaria is likely to be conducive to other diseases as well. Moreover, the disease environment is likely to have a degree of spill-over effect into other proxies of geography, such as agricultural productivity.<sup>45</sup> Specifically, malaria is a better indication of ecological environment than most other diseases that are prevalent in developing countries, since these are often the result of impoverished living conditions, such as unsafe drinking water, sanitation and sewage treatment, or inadequate housing. They could then equally be a cause and the effect of poverty. The prevalence of malaria, by contrast, is predominantly determined by climate and ecology. Some of the world's poorest countries are entirely or relatively malaria-free (Nepal, North Korea), while some wealthy countries (Oman, United Arab Emirates) struggle with much higher malaria levels than you would expect, were they an effect of income.<sup>46</sup>

Another measure frequently mentioned is the ethnic makeup of a country. According to Alesina et al., the measure of ethnic fractionalisation has become a standard independent variable in studies seeking to explain differences in cross-national growth rates.<sup>47</sup> This is particularly acute in Africa, which is miles ahead of any other continent in terms of both ethnic

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<sup>45</sup> Gallup and Sachs, "The Economic Burden of Malaria," 88–89.

<sup>46</sup> Ibid., 88. The examples were taken from the dataset in Sachs, "Institutions Don't Rule."

<sup>47</sup> Alberto Alesina et al., "Fractionalization," *Journal of Economic Growth* 8, no. 2 (2003): 156.

and linguistic diversity.<sup>48</sup> The measure by which this is calculated, however, is subject to some debate. Alesina et al., following Easterly and Levine, derive an ethnic fractionalisation index by the probability that two randomly selected people in a country will belong to the same ethnic group.<sup>49</sup> The authors find that ethnically diverse countries increase the potential avenues for political rifts. This is especially potent given the tendency for politics to play out along ethnic, linguistic or religious lines in many developing countries. One might therefore expect a country with less ethnic fractionalisation to be more conducive to strong politico-legal institutions.

This risks being a little bit inaccurate, given that the ethnic makeup of a society can change over time, either as a result of natural, organic demographic shifts or as a result of shock. However, these changes are not likely to be very significant, barring a few select exceptions. Further, the way ethnicity is defined plays an important role. If language is counted as an important distinction, for instance, blacks and whites in the United States could be counted in the same classification. Similarly, the distinction between ethnic groups as significant political communities is less than clear-cut, with distinctions or similarities being downplayed or exaggerated depending on the political circumstances.<sup>50</sup> However, despite these problems, Alesina et al. maintain that ethnic fractionalisation may still directly or indirectly capture important factors determining

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<sup>48</sup> Diamond, *Guns, Germs and Steel*, 377.

<sup>49</sup> James D. Fearon, "Ethnic and Cultural Diversity by Country," *Journal of Economic Growth* 8, no. 2 (2003): 208.

<sup>50</sup> See, for instance, Daniel N. Posner, "The Political Salience of Cultural Difference: Why Chewas and Tumbukas Are Allies in Zambia and Adversaries in Malawi," *American Political Science Review* 98, no. 4 (2004): 529–45.

development success.<sup>51</sup> Mozaffar and Scarritt, for instance, find that the seemingly odd qualities of African politics – low levels of electoral and legislative competitiveness, the presence of a few large parties and several tiny ones, and low party system fragmentation – are determined by the effects of ethno-linguistic fragmentation on the way the parties play the political game.<sup>52</sup>

What about the effects of human resources? Many have emphasised the role of human capital in long-term economic development, especially when it comes to having a well-educated population.<sup>53</sup> Glaeser et al. suggest that schooling is a very useful proxy for levels of human capital, and moreover, that human capital is significantly correlated with levels of growth.<sup>54</sup> The logic is fairly obvious. A more highly educated population makes implementing new technology much easier. Moreover, high levels of education could lead to more benign politics and increased political stability, meaning the primary benefit of education is not necessarily just economic.<sup>55</sup> Lant Pritchett, however, points out that there is no guarantee that higher levels of education are necessarily going to lead to growth, partly because sometimes greater amounts of education translates poorly into better quality, and partly because increased education is sometimes in

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<sup>51</sup> Alesina et al., “Fractionalization,” 157.

<sup>52</sup> Shaheen Mozaffar and James R. Scarritt, “The Puzzle of African Party Systems,” *Party Politics* 11, no. 4 (2005): 399–421.

<sup>53</sup> Robert J. Barro and Jong Wha Lee, “A New Data Set of Educational Attainment in the World, 1950–2010,” *Journal of Development Economics* 104 (2013): 184.

<sup>54</sup> Glaeser, La Porta, and Lopez-de-Silanes, “Do Institutions Cause Growth?,” 296–298.

<sup>55</sup> Seymour Martin Lipset, in *ibid.*, 282.

high demand, but for purposes in the private sector that are not conducive to the overall improvement of national economies.<sup>56</sup>

How do you measure education for the purposes of finding out its effect on growth? Barro and Lee argue that the strongest measure of education as a source of human capital is the combined years of schooling for all adults. Studies have previously used literacy or enrolment rates to attain human capital, however, Barro and Lee point out that this data fails to “adequately measure the aggregate stock of human capital available contemporaneously as an input to production.”<sup>57</sup> In other words, increasing enrolment rates will not make a difference for anyone above school-leaving age, and will only have a delayed effect on human capital.

Health is another important factor of human resource endowments. Health is linked closely with malaria, but it is nonetheless separate in key ways, namely being much more exogenous in nature, interacting not only with the geographical environment, but also with institutions and social issues. David N. Weil identifies several ways health can affect the development of a country. Healthier people are more effective workers, and more likely to perform well at school. They are also more likely to invest in schooling in the first place, and to save for retirement. Physical labour productivity may also rise because healthier workers improve marginal capital output.<sup>58</sup> Cervellati and Sunde further argue that individuals make major life decisions by taking their life expectancy into account. Increased life expectancy should therefore lead to more human

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<sup>56</sup> Lant Pritchett, “Where Has All the Education Gone?,” *The World Bank Development Review* 15, no. 3 (2001): 367–91.

<sup>57</sup> Barro and Lee, “A New Data Set,” 184.

<sup>58</sup> David N. Weil, “Accounting for the Effect of Health on Economic Growth,” *The Quarterly Journal of Economics* 122, no. 3 (2007): 1266.

capital formation and better economic growth.<sup>59</sup> Weil notes, however, that because of the endogenous nature of health it is difficult to trace its effect on growth directly. Richer people can afford healthier food and better medical treatment, and are less at risk from many fatal and debilitating diseases.<sup>60</sup> Nonetheless, he finds that “health is an important determinant of income variation,” even if poor health by itself may not be a “major stumbling block to economic development.”<sup>61</sup> As an overall proxy for general health, life expectancy therefore seems the obvious choice.

So far I have presented a picture of some of the causes of economic development that is considerably less straightforward than the link between institutions and development presented by a large part of the literature. The next section will preliminarily put the claims of the institutional thesis to the test, using fs/QCA. It will not test whether there is a correlation between development and institutions, as well as the other possible causes of growth identified here, but whether any of them turn out to be necessary or sufficient to the outcome. The key question is not whether good institutions correlate with growth, about which the literature is unanimous in its agreeing. The relevant question is whether, as the institutional thesis implies, institutions alone are both necessary and sufficient to explain a lack of development.

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<sup>59</sup> Matteo Cervallati and Uwe Sunde, “Human Capital Formation, Life Expectancy, and the Process of Development,” *The American Economic Review* 95, no. 5 (2005): 1655.

<sup>60</sup> Weil, “The Effect of Health,” 1267.

<sup>61</sup> *Ibid.*, 1301.

## 5.4 Variables and case selection

In this section I sketch first the outcome variable, GNI per capita, and then the five causal variables, malaria risk, ethnic fractionalisation, literacy rate, life expectancy, and institutional quality.

In the study I score all factors along the same six-score scale, where a score of 1.0 indicates that a case is “fully a member of the set”. 0.8 means “mostly a member”, 0.6 “more in than out of the membership set”, 0.4 “more out than in the membership set”, 0.2 “mostly not a member”, and 0.0 “not a member of the set at all”.<sup>62</sup> The scores should always be interpreted to mean that a higher score is more desirable. For instance a 1.0 for malaria prevalence means very low levels of malaria, while a 1.0 for education levels means very high levels of education.

### 5.4.1 Variables

In the study I use the following outcome variable:

*GNI per capita*: To measure the effect of growth I follow the World Bank in relying on income levels measured in US dollars. The numbers were taken from the World Bank’s data bank,<sup>63</sup> and are predominantly from 2010.<sup>64</sup>

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<sup>62</sup> The scoring used here is identical to the one used in Claire M. Metelits, “The Consequences of Rivalry: Explaining Insurgent Violence Using Fuzzy Sets,” *Political Research Quarterly* 62, no. 4 (2009): 675.

<sup>63</sup> World Bank, “GNI per Capita, Atlas Method (current US\$),” Data, accessed April 19, 2014, <http://data.worldbank.org/indicator/NY.GNP.PCAP.CD>.

<sup>64</sup> In the relevant column in the Appendix, data not from 2010 is marked with the year it is taken from. A few cases with missing data have been estimated using World Bank country classifications.



To calibrate these numbers, I use the World Bank's guidelines, which define low income countries as those making \$1,035 or less, and high-income countries as those making \$12,616 or more. The World Bank defines the threshold between lower middle and higher middle income countries as \$4,085.<sup>65</sup> I will therefore take this to be the threshold where countries are more rich than poor. Unfortunately the World Bank operates with four categories of countries, rather than the six used in this fs/QCA study. The cut-off point between 0.2 and 0.4 is therefore the middle point between \$1,035 and \$4,085, or \$2,560. Similarly, the cut-off point between 0.6 and 0.8 is halfway between \$4,085 and \$12,616, or \$8,350.

Given the discussion in the previous section, I make use of the following five causal variables:

*Malaria prevalence:* The dataset I use is derived from research by Sachs,<sup>66</sup> which compiles two separate measures into one. The first is the proportion of each country's population that lives with the risk of malaria transmission. This number is then multiplied by the proportion of cases that involve a fatal variety of malaria, *plasmodium falciparum*, thus largely eliminating the effects of non-fatal malaria strands from the data. The resulting index then rates countries on an absolute scale from 1 to 0, 1 being the entire population at risk from fatal malaria (though not necessarily suffering from it), and 0 meaning the entire population is free of risk.

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<sup>65</sup> World Bank, "How We Classify Countries," Data, accessed April 19, 2014, <http://data.worldbank.org/about/country-classification>.

<sup>66</sup> Sachs, "Institutions Don't Rule."

For the calibrated measure some assumptions must be made. First, any degree of malaria risk that is a statistically significant degree above zero is going to have at least some negative impact. And second, a country must have a critical mass of inhabitants not at risk from malaria in order to avoid being fully within the subset of countries suffering from the disease. I therefore set the calibrated score of 1 (fully malaria-free) at 0.05, and 0 (fully suffering from malaria) at 0.75. The cross-over point between being more in that out of the subset of malaria-free countries is set at 0.5, meaning half the population is at risk.<sup>67</sup>

*Ethnic fractionalisation:* For this analysis I use the dataset found in Alesina et al.<sup>68</sup> Their set covers 190 countries worldwide, including all cases selected for this study. They measure three different aspects of fractionalisation, namely ethnicity, language and religion. The index ranges between 1 and 0, both of which end points are practical impossibilities. 1 corresponds to a perfect chance of two randomly selected people being from different groups, and is therefore only possible if each person constitutes his own group. 0, by contrast, would only happen when every member of a country came from the same group. When using this data set to identify a single measure of fractionalisation one is invariably faced with a dilemma. The authors' rationale for measuring three separate aspects is clarity and accuracy. Combining the three to a single measure reduces both of those. But equally, using only one of the measures means

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<sup>67</sup> The calibration was derived by analysing cases found in "World Malaria Report 2013" (Geneva: World Health Organization, 2013), [http://www.who.int/malaria/publications/world\\_malaria\\_report\\_2013/en/](http://www.who.int/malaria/publications/world_malaria_report_2013/en/).

<sup>68</sup> Alesina et al., "Fractionalization," 184–190. A digital version of the data is available at <http://www.stanford.edu/~wacziarg/papersum.html>.

leaving out potentially significant data. In the end, I choose to focus solely on ethnic fractionalisation.

To calibrate the data I assume, firstly, that a country need not consist almost entirely of a single ethnic group to be considered ethnically homogeneous. Similarly, I assume that the same is true in reverse, so that there is a threshold above which further fractionalisation becomes insignificant. To gage the halfway point I follow Easterly et al. who “define as most cohesive those societies in the lower half of ethnolinguistic fractionalization [...] and as least cohesive the reverse.”<sup>69</sup> That is, the 0.5 in the fs/QCA analysis is an ethno-linguistic score of 0.5. In line with the literature’s assumption that low levels of fractionalisation are more conducive to development than high levels, I define as 1.0 on the calibrated scale as 0.20, and 0.0 as 0.80. The remaining points are at 0.35 and 0.65, respectively.

*Education level:* I take data primarily from Barro and Lee, measuring the mean average years of schooling for the population above 25 years of age.<sup>70</sup> The standard measure for educational attainment is the population aged 15 and above. However, I use the other measure in order to be able to supplement missing variables with estimates from the United Nations Development Programme, using Barro and Lee’s methodology.<sup>71</sup>

To calibrate the data I note that Barro and Lee estimate the average levels of education in advanced countries of 11.30 years and in developing

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<sup>69</sup> Easterly, Ritzen, and Woolcock, “Social Cohesion, Institutions, and Growth,” 110.

<sup>70</sup> For a detailed breakdown of the collection methods, see Barro and Lee, “A New Data Set.”

<sup>71</sup> United Nations Development Programme, “Mean Years of Schooling (of Adults) (years),” <https://data.undp.org/dataset/Mean-years-of-schooling-of-adults-years-/m67k-vi5c>.

countries of 7.01 years, with standard deviations of 2.61 and 2.41 years, respectively.<sup>72</sup> However, these numbers are for the population 15 years and above, where my data is for 25 years and above. The mean average for 15 and above is 1.16 times higher than for 25 and above.<sup>73</sup> For the calibrated score of 1.0 I therefore use the estimated mean average for developed countries  $11.30 \times 0.86 = 9.7$ , and for the crossover point between more in than out of the set of highly educated countries I use  $7.01 \times 0.86 = 6.0$  (rounded). I define the calibrated 0.2 score at two years' average schooling. The points separating 0.2 and 0.4, and 0.6 and 0.8, respectively, is set at the halfway point between those two points.

*Life expectancy:* The data for life expectancy is taken from the World Bank's databank.<sup>74</sup> To calibrate, I assume the following cut-off points: 0.0 is set below a life expectancy of 50 years, as these countries are considered wholly outside the set of countries with long life expectancy. 1.0 is at 75 years of age, and I set the halfway point at 68 years.

*Aggregate quality of governance indicators:* To measure the quality of institutions I make use of an aggregate of the set of six Worldwide Governance Indicators computed by the World Bank.<sup>75</sup> The data is compiled with the assumption that governance must be defined neither so broadly that virtually any human interaction counts, nor so narrowly as to focus on only a single variable, for instance management of national economic resources. Instead they define governance as

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<sup>72</sup> Barro and Lee, "A New Data Set," 191.

<sup>73</sup> Author's own calculations.

<sup>74</sup> World Bank, "Life Expectancy at Birth, Total (years)," Data, accessed April 19, 2014, [data.worldbank.org/indicator/SP.DYN.LE00.IN](http://data.worldbank.org/indicator/SP.DYN.LE00.IN).

<sup>75</sup> Daniel Kaufmann, Aart Kraay, and Massimo Mastruzzi, "The Worldwide Governance Indicators: Methodology and Analytical Issues," Working Paper, Policy Research Working Paper (Washington, DC: The World Bank, 2010).

the traditions and institutions by which authority in a country is exercised. This includes (a) the process by which governments are selected, monitored and replaced; (b) the capacity of the government to effectively formulate and implement sound policies; and (c) the respect of citizens and the state for the institutions that govern economic and social interactions among them.<sup>76</sup>

The data thus measures six unique aspects of governance: voice and accountability; political stability and absence of violence/terrorism; government effectiveness; regulatory quality; rule of law; and control over corruption.<sup>77</sup> They therefore all relate specifically to formal institutions and governance structures, lacking any mention of the traditions, culture and know-how that Rawls emphasises.<sup>78</sup>

The World Governance Indicators score more than 200 countries based on perceptions of quality of governance, giving each country a score between 2.5 and -2.5, denoting highest and lowest quality of institutions respectively. The score is balanced, meaning it is assumed that the world average for each year is the same.<sup>79</sup> In calibrating the data, I further note that the highest score possible does not correspond to *good* institutions, but to *excellent* ones. For instance Norway, the most developed country in the world according to the most recent (2013) Human Development Index,

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<sup>76</sup> Ibid., 4. Italics omitted.

<sup>77</sup> A more detailed description of each variable can be found in *ibid.*

<sup>78</sup> Rawls, *LP*, 106.

<sup>79</sup> Kaufmann, Kraay, and Mastruzzi, “The Worldwide Governance Indicators,” 12.

scores only 1.72 out of 2.5. France scores 1.26 and Italy 0.52.<sup>80</sup> I therefore set the point at which a case is fully within the set of countries with good institutions at 0.5. Conversely, I set the point at which a case is fully out at -1.5. To be fully out of a set, then, a country must fail to provide even the most basic services and security to its citizens. In reality only a handful of countries are fully out: The Democratic Republic of the Congo, North Korea, Myanmar, Somalia, Sudan, and Zimbabwe. The cross-over point is set at the halfway point between these ends, at -0.5, and the quartile cross-over points at 0.0 and -1.0, respectively.

#### *5.4.2 Case selection*

This study analyses a total of 102 separate cases, the data taken from 2010 whenever possible. These include 49 countries in Africa, 11 Middle Eastern countries, 21 nations in the Americas, and 21 in Asia.<sup>81</sup> The countries included in the study are those countries that are traditionally considered part of the developing world, or whose history was substantially shaped by European colonisation. It does not, however, include former dominions, such as Australia and Canada, or countries whose population is almost entirely made up of white European settlers. These are, of course, not always clear-cut cases. For instance, South Africa was considered a settler dominion of the British Empire. Nonetheless, as

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<sup>80</sup> World Bank, “Worldwide Governance Indicators,” Data, accessed April 19, 2014, <http://databank.worldbank.org/data/reports.aspx?source=worldwide-governance-indicators>.

<sup>81</sup> The division of countries into regions may be somewhat arbitrary. For instance Egypt is African but could have been considered Middle Eastern as well. The grouping of countries into regions is not important for the analysis, however, but is merely illustrative.

the white population never constituted the majority, and today comprises less than 10% of the total population,<sup>82</sup> I have included it here. Similarly, Argentina and Chile are both excluded, despite being former Spanish colonies, as they consist almost exclusively of descendants of European settlers – 97% and 88% respectively<sup>83</sup> – while Brazil is included in my study despite being 53% white.<sup>84</sup>

The majority of countries omitted from the study therefore, effectively fall into three main categories: European countries, their now-independent former settler dependencies, and former Soviet republics. The study has further been limited to countries with a population of at least 500,000,<sup>85</sup> in recognition of the unique opportunities to small countries in terms of, for instance, economic specialisation, but also the relative vulnerability to external factors compared to larger countries.<sup>86</sup> Finally, a few countries were excluded for their newness and the consequent lack of data, or simply because of holes in the dataset that could not be filled from other sources. East Timor and South Sudan, independent in 2009 and 2011 respectively, are not part of the study for the first reason, while Yemen is an example of the latter.

Finally, the question of natural resources cannot be ignored when selecting cases. It might seem reasonable to exclude some big oil producers from the dataset, since oil producers, especially those with small

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<sup>82</sup> Central Intelligence Agency, “South Africa,” *The World Factbook*, 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html>.

<sup>83</sup> Central Intelligence Agency, “Argentina,” *The World Factbook*, 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/ar.html>.

<sup>84</sup> Central Intelligence Agency, “Brazil,” *The World Factbook*, 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/br.html>.

<sup>85</sup> Using the population data in the CIA World Factbook.

<sup>86</sup> See, for instance, Lino Briguglio, “Small Island Developing States and Their Economic Vulnerabilities,” *World Development* 23, no. 9 (1995): 1615–32.

populations, have access to vast and relatively secure revenue sources independently of their human capital or rule of law. But when I have included them in this study it is for reasons of consistency. While, for instance, many states in the Middle East are typically referred to as oil states, the world's largest producers are not necessarily defined by their oil production. Such states include the United States, Russia and Norway. In its purest form an oil state produces enough oil to uphold the state apparatus almost exclusively from this income, without any other major source of income or need to diversify its economy.<sup>87</sup> But it is unclear which states actually fit this bill. On the one hand Angola derives 85% of its GDP from oil production and related activities, with diamonds contributing a further 5%. But on the other, its per capita GDP is not substantially above the average for sub-Saharan Africa, and the majority of the population lives on subsistence agriculture.<sup>88</sup> In the other extreme, the United Arab Emirates are one of the richest countries in the world thanks initially to their oil reserves, but have diversified heavily in the last decades, meaning oil now only makes up 25% of GDP.<sup>89</sup> In both cases, then, the presence of natural resources explains some, but far from all of its economic performance.

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<sup>87</sup> See, for instance, Jeff D. Colgan, "Oil and Revolutionary Governments: Fuel for International Conflict," *International Organization* 64, no. 4 (2010): 676–677. For his purposes Colgan defines as oil states those that derive at least 10% of their GDP from oil in any given year. But he notes that other measures, including total production or per capita revenue from oil exports have all been used, and that each has its merits and disadvantages.

<sup>88</sup> Central Intelligence Agency, "Angola," *The World Factbook*, 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/ao.html>.

<sup>89</sup> Central Intelligence Agency, "United Arab Emirates," *The World Factbook*, 2014, <https://www.cia.gov/library/publications/the-world-factbook/geos/ae.html>.



## 5.5 Fs/QCA – necessary conditions and sufficient pathways

The fs/QCA analysis consists of three separate steps. The first tests for the necessity of each individual causal condition on the outcome condition.<sup>90</sup> The fs/QCA method tells us which causal condition, or combinations of causal conditions, are necessary or sufficient to lead to the outcome in question. To briefly recap, a condition is necessary to bring about the outcome if the fuzzy set scores in the causal condition X are higher than or equal to the scores in the outcome condition Y in all or most cases:  $(X_i \geq Y_i) = \sum[\min(X_i, Y_i)] / \sum(Y_i)$ .<sup>91</sup>

The second step assesses the coverage of the causal variables that explain the outcome. That is, *to what extent* does the causal variable explain the outcome? Note that this step only applies to those causal variables that are found to be necessary to explain the outcome. Recall that necessity is found when the causal variable is consistently equal to or higher than the outcome variable. By contrast, we find the coverage by measuring the extent to which the causal variable is equal to or lower than the outcome:  $(X_i \leq Y_i) = \sum[\min(X_i, Y_i)] / \sum(X_i)$ .<sup>92</sup>

The third step involves constructing a truth table to test which combinations of events are sufficient to bring about the outcome. These are calculated by first dichotomising the findings so that variables that score above 0.5 are labelled 1, and those scoring below 0.5 are labelled 0. Each of the possible combinations of variables is then examined to see if

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<sup>90</sup> A detailed summary of all causal conditions can be found in Appendix A.

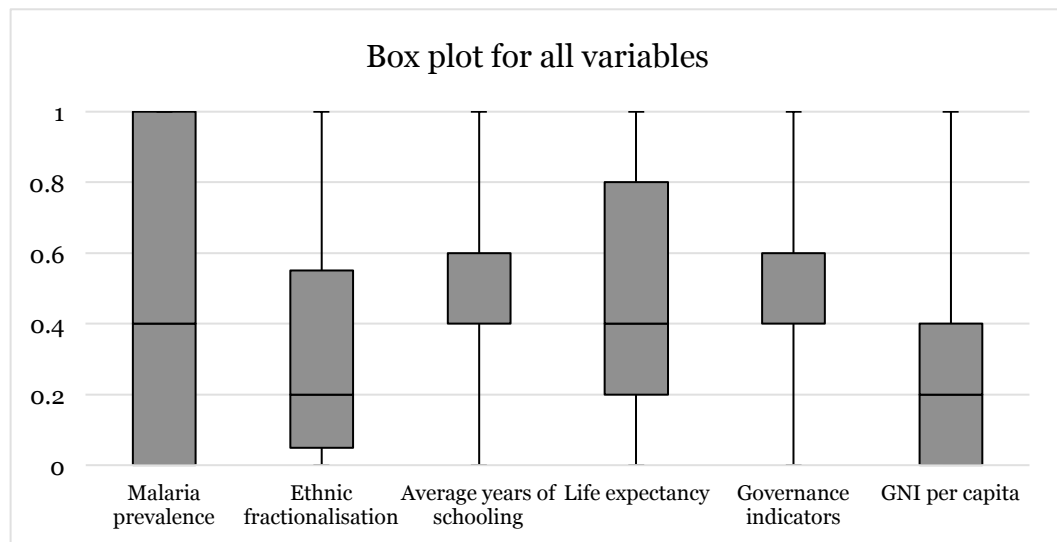
<sup>91</sup> Ragin, *Redesigning Social Enquiry*, 53.

<sup>92</sup> *Ibid.*, 61.

there are any particular pathways that contain several cases, meaning those particular pathways to development are potentially statistically significant.

### 5.5.1 Univariate analysis

The following table shows a box plot for all the variables in the analysis. The box plots show the distribution of the cases that fall above or below the median average, and within the lower and upper quartile, represented by the boxes. It also shows the minimum and maximum scores, represented by the whiskers.<sup>93</sup>



Cases range from 0.0 to 1.0 for all of the variables, meaning that at least one country has scored the highest possible, and at least one the lowest.

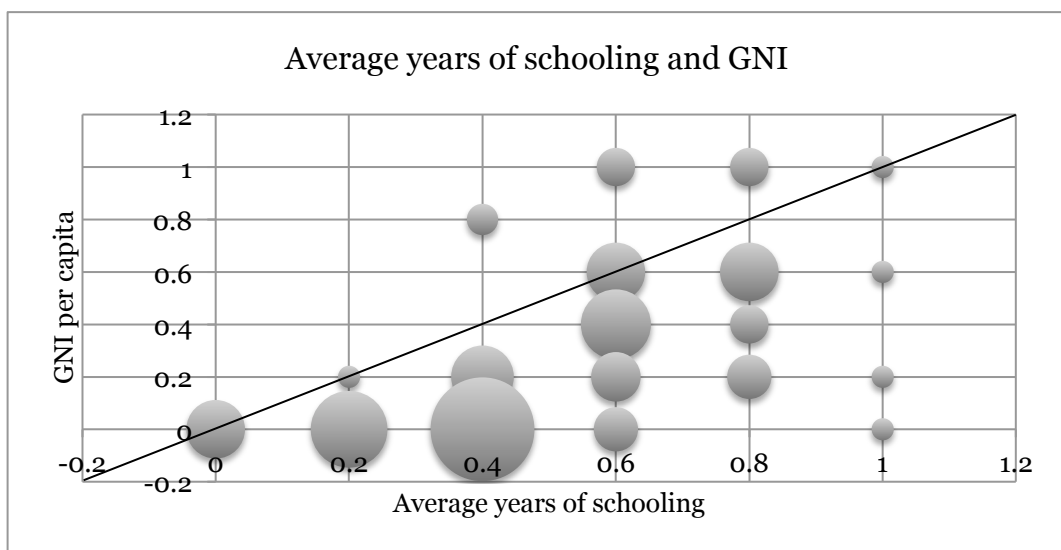
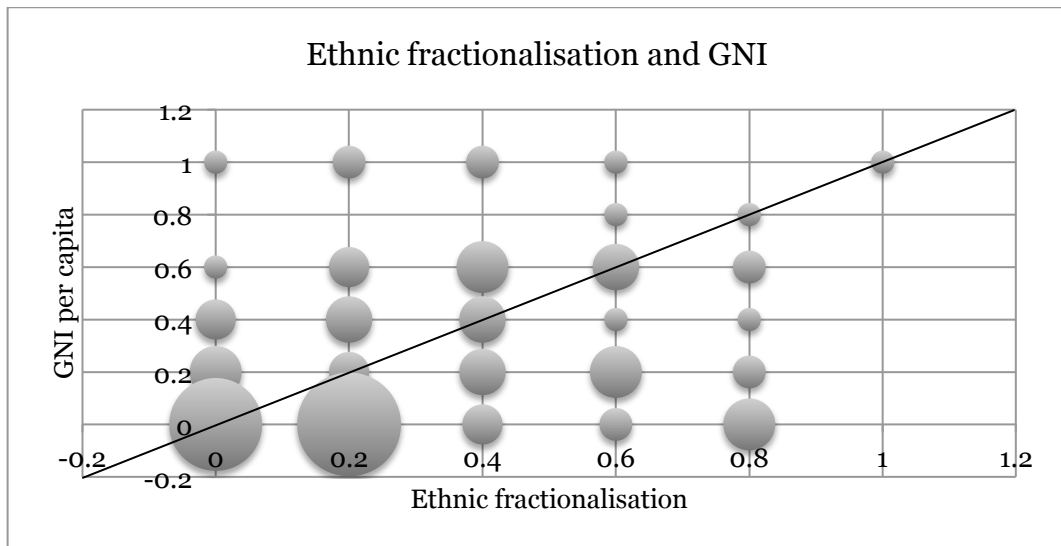
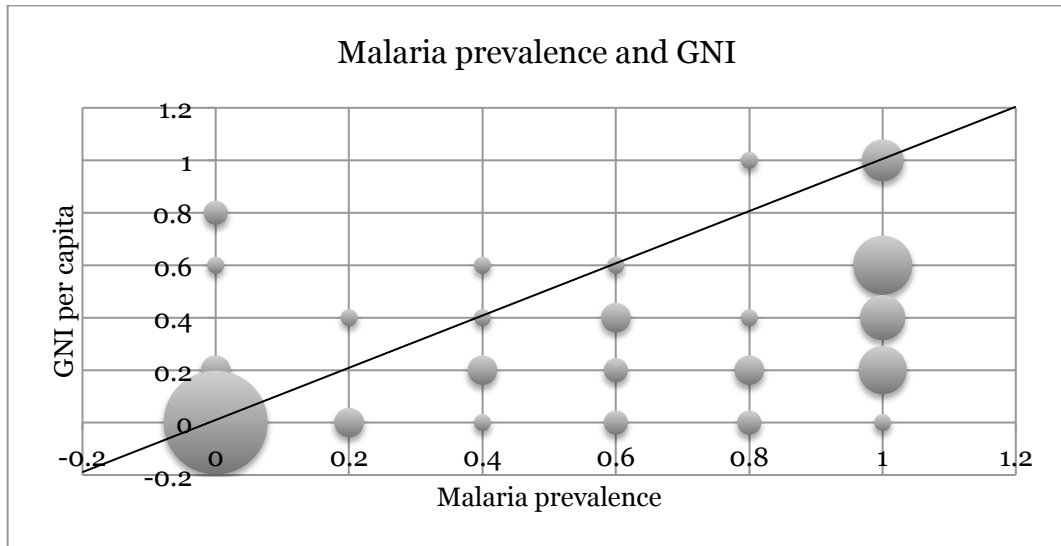
<sup>93</sup> Author's own calculations.

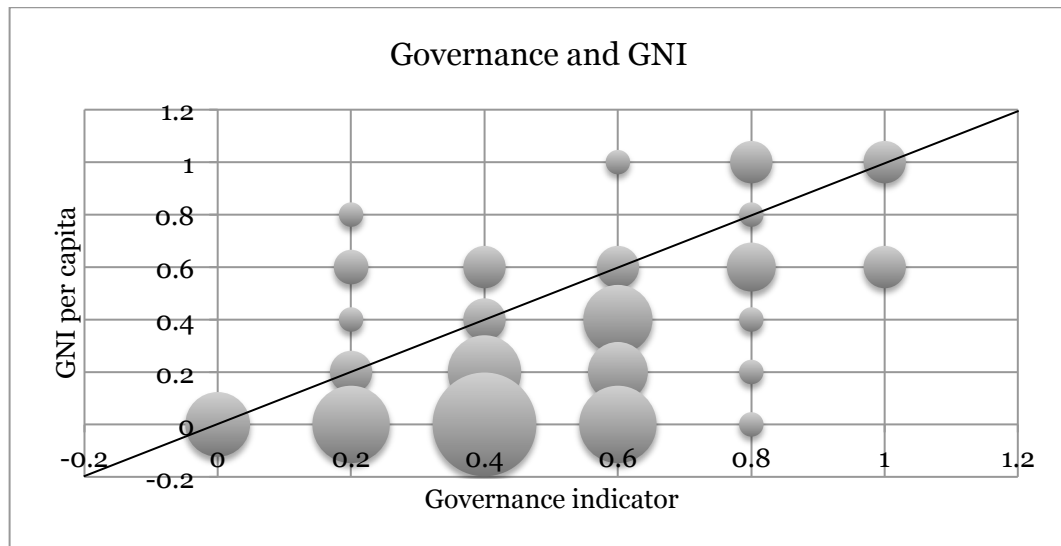
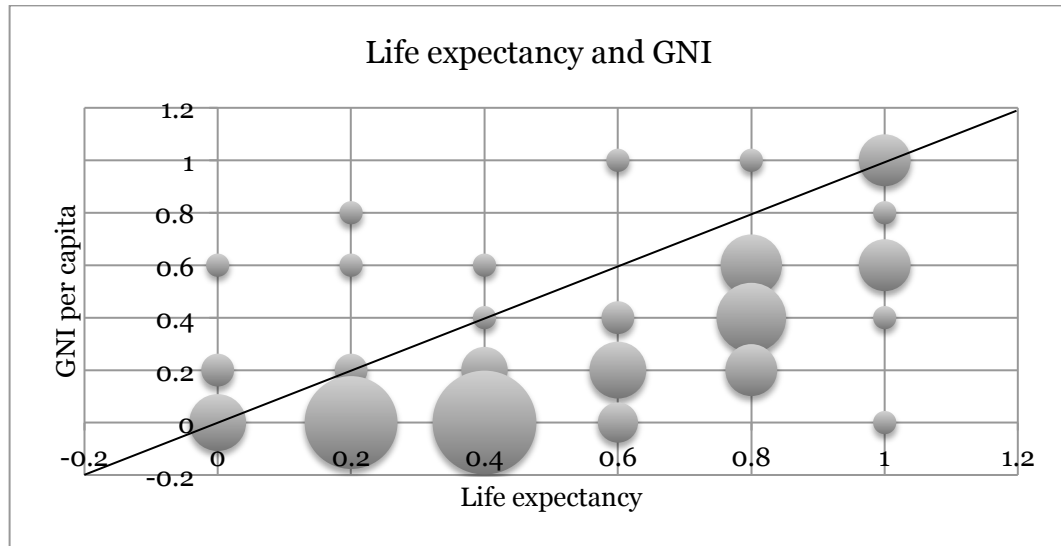
Three things are particularly interesting about these findings. First, as the leftmost box plot shows, the lower and upper quartiles for malaria prevalence are 0.0 and 1.0 respectively. That means that at least 26 countries score the lowest possible, and at least 26 the highest. This suggests that malaria distribution is extremely polarised: most countries tend to either be hard hit by it, or not have it at all.

Second, for both average years of schooling and governance indicators, the cases tend to cluster around one particular value. The lower box appears to be missing because so many cases score 0.4 that it is both the median and lower quartile for both variables. 25 or fewer cases score 0.0 or 0.2.

And third, a majority of cases have low GNI per capita, the median being 0.2 and the upper quartile 0.4. This is a natural consequence of the case selection criteria.

The following five scatterplots show each of the independent variables relative to the outcome variable. A dot indicates the existence of at least one case with those particular scores, while the size indicates the number of observations for each combination of scores. The bigger the dot, the more observations for that score.





Remember that necessity is found if the scores in the causal condition (the X axis) are higher than the scores in the outcome variable (Y axis) in a majority of cases. So see if that is the case, look at the line that runs from the bottom left hand side (0.0, 0.0) to the upper right hand side (1.0, 1.0), dividing the chart into two triangles. The variable is necessary if a majority of observations lie in the bottom triangle. Conversely, although it does not apply to any of these, the variable would have been sufficient if the majority of observations were in the upper triangle.

At first sight it would appear that malaria prevalence, average years of schooling, life expectancy and good institutions are all necessary conditions for high GNI per capita, but that does not seem to be the case for ethnic fractionalisation.

### *5.5.2 Set theoretic consistency – outcome necessity*

In the following table I summarise the set theoretic consistency for outcome necessity for each of the five causal variables, using the fs/QCA software package Kirq.<sup>94</sup> The ~ here means the negated variable, low GNI per capita. In each case, the score is found by first taking the smallest score for either the causal or outcome variable for each case, and then dividing that score by the sum of the causal variables:  $(X_i \geq Y_i) = \frac{\sum[\min(X_i, Y_i)]}{\sum(Y_i)}$ . The smallest score is used because the table specifically tests the hypothesis that the causal variable is necessary for the outcome – that is, that the score for the outcome variable will never be higher than the score in the causal variable. Therefore any case in which the outcome score is lower than or equal to the causal score supports the hypothesis, while any case in which the outcome score exceeds the causal score counts against it. In each of the cases, the negated outcome score is simply the score inverted, so that 0.0 becomes 1.0, 0.2 becomes 0.8, and so on.

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<sup>94</sup> Christopher Reichert and Claude Rubinson, *Kirq* (Houston, TX: University of Houston-Downtown, 2011).

CASE		GNI	~GNI
MAL	Regular	0.89	0.42
	Negated	0.27	0.64
FRA	Regular	0.62	0.35
	Negated	0.79	0.80
SCH	Regular	0.90	0.52
	Negated	0.58	0.65
EXP	Regular	0.89	0.49
	Negated	0.43	0.62
INS	Regular	0.88	0.50
	Negated	0.59	0.67

At a 0.80 threshold the calculations reveal five causal variables with a statistically significant relationship with GNI per capita. One of those, however, is more likely to reflect statistical noise than a relevant result. The negated ethnic fractionalisation variable only just clears the threshold against the negated GNI variable, suggesting that a low level of ethnic homogeneity is correlated with low income levels. However, the same causal variable simultaneously almost clears the threshold relative to high income levels, at .79, suggesting that low ethnic homogeneity implies high income levels. The result is therefore unlikely to be significant. Testing to see if the fractionalisation variable could be significant when coupled with another variable, it does yield significant necessity scores for the following causal combinations (consistency scores in brackets):

$\sim\text{FRA}+\sim\text{SCH}$  (0.83) \*  $\sim\text{FRA}+\sim\text{EXP}$  (0.83) \*  $\sim\text{FRA}+\sim\text{INS}$  (0.83) \*  $\sim\text{MAL}+\sim\text{FRA}$  (0.83) \*  $\text{FRA}+\sim\text{MAL}+\sim\text{SCH}+\sim\text{EXP}$  (0.80) \*  $\text{FRA}+\sim\text{INS} \geq \text{GNI}$ .<sup>95</sup>

Where ~ indicates the negation of an outcome, + denotes logical-or (either of the causal variables present), \* separates the different causal

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<sup>95</sup> Calculated using Kirq.

combinations, and the number in brackets indicates the degree of outcome consistency. A qualitative consideration of the cases, however, would suggest that none of these combinations is likely to be significant indicators of growth. It hardly seems intuitive that the absence of ethnic homogeneity combined with a low degree of schooling, as in the first example, should be a necessary condition of growth. If anything, you would expect the opposite to be true. A more likely explanation, then, would be that the logical intersection of these variables (that is, taking the higher of the two scores for each case) will yield a combined variable that scores the same as the outcome. The more parsimonious solution, therefore, is to conclude, barring any further investigation, that the degree of ethnic fractionalisation is not a necessary predictor for growth, even if this does not rule out the possibility that fractionalisation can have an effect in less direct ways.

Of the other four, however, there is a clear pattern emerging. Malaria (0.89), years of schooling (0.90), life expectancy (0.89) and quality of institutions (0.88) are all suggestive of a necessary causal relationship with high GNI per capita at the 0.80 level.

Incidentally we should not be surprised that the reverse is not true. Unlike in a regression analysis, the presence of a factor confirming an outcome on the one hand, and the absence of a factor confirming the absence of an outcome on the other, are two entirely separate things. The necessary causal relationship between low levels of GNI per capita and a poor malaria environment (0.64), low degrees of schooling (0.65), low life expectancy (0.62) and poor institutions (0.67) all show consistency levels well below the threshold for statistical significance. This makes intuitive



sense. After all, there are many ways to fail, and many possible ways a country with seemingly good conditions for growth can fail to develop. For instance, North Korea scores very highly in malaria and years of schooling, and better than halfway in life expectancy, yet it is extremely poor. It seems overwhelmingly likely that the low quality of institutions is the important factor in this case.

Having established that four of the five causal variables are statistically necessary to produce the outcome, the next step of the analysis is to calculate the coverage of each necessary cause. That is, what percentage of the outcome can be explained by reference to each particular variable? The left column repeats the consistency scores for outcome necessity I calculated above. The right column represents the coverage score, calculated using the formula  $(X_i \leq Y_i) = \sum[\min(X_i, Y_i)] / \sum(X_i)$ . It takes the sum of the lower of the outcome or causal scores for all cases, and divides it by the sum of the outcome scores. The closer the causal scores are to the outcome scores, the better the variable explains the outcome. For instance, in a case where institutions score 0.8 and the development score is also 0.8, the causal variable covers the outcome better than on in which the scores are 0.8 and 0.4, respectively. I calculate the following degrees of coverage.<sup>96</sup>

<b>Variable</b>	<b>Consistency</b>	<b>Coverage</b>
Schooling	0.90	0.48
Life expectancy	0.89	0.46
Malaria	0.89	0.46
Institutions	0.88	0.49

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<sup>96</sup> Calculated using Kirq.

All four variables display a high degree of coverage at just under 0.50. Institutions (0.49) cover the outcome slightly better than the other three measures. However, at only a 0.03 difference between the variables it is not possible to draw any inferences from this. A statistically significant degree of coverage is typically 50%. If it is too low the particular variable may be insignificant. Conversely, coverage of close to 100% may suggest that the causal variable is extremely significant. It may also suggest that the variable is trivial or obvious.

### *5.5.3 Set theoretic consistency – outcome sufficiency*

To determine the sufficiency pathways to the outcome of high GNI per capita, I calculate a truth table. The truth table lists all possible combinations of causal variables and checks whether there are any cases that follow that particular pathway to an outcome. It then further records whether those cases confirm or reject the outcome of high GNI per capita, or lead to contradictory outcomes. The truth table in this case tests five causal variables, meaning there are a total of  $2^5 = 32$  possible combinations. In a fuzzy set analysis the fuzzy variables are dichotomised meaning a score of 1 on the table indicates the case scoring above 0.5, and 0 indicating a score below 0.5. Using a frequency threshold of four, meaning at least four cases represented in a single pathway, the calculations reveal six significant pathways comprising 70 of the 102 cases. The 26 logical remainders with none or too few cases are eliminated.

<b>MAL</b>	<b>FRA</b>	<b>SCH</b>	<b>EXP</b>	<b>INS</b>	<b>N</b>	<b>Cons.</b>	<b>Outcome</b>
1	1	1	1	1	8	0.79	Contr.
1	0	1	1	1	16	0.74	Contr.
1	0	1	1	0	10	0.64	Contr.
0	0	1	0	1	4	0.30	False
0	0	0	0	5	7	0.23	False
0	0	0	0	0	25	0.14	False

At a consistency threshold of 0.75, only a single pathway seems to offer a statistically relevant pathway to high development: a high score in each of the five explanatory variables, meaning a low-risk malaria environment, low levels of fractionalisation, a high degree of schooling, high life expectancy, and good institutions ( $MAL * FRA * SCH * EXP * INS \geq GNI$ ). The results, however, are contradictory at a proportion threshold of 0.80, meaning at least 80% of the cases must display the outcome. While eight countries follow this pathway only five of them – The Dominican Republic, South Korea, Mauritius, Singapore and Turkey – display the expected outcome of high GNI per capita. A further three countries display all the causal variables but not the outcome: Costa Rica, Jamaica and Sri Lanka. (The calculation awards points for near-misses, hence the consistency of 0.79 despite only 63% of cases confirming the outcome.) These countries, seemingly, have the necessary conditions for high development, yet have failed to convert it. One possible answer is that the influence of an as-yet unknown factor or combination of factors that hold true for the five countries that display the outcome, but do not hold true for the three that do not. Further research would be needed to suggest what they might be.

One further pathway narrowly fails to clear the consistency threshold, at 0.74:  $MAL * \sim FRA * SCH * EXP * INS \geq GNI$ . This would further

suggest that the rate of ethic fractionalisation by itself is not significant. However, once again the outcome is contradictory, with only nine out of 16 countries that follow this pathway having high GNI per capita.

Reducing the proportion threshold effectively eliminates contradictory pathways, since they must either be scored true or false depending on whether the majority of cases confirm or contradict the outcome.<sup>97</sup> In this case it becomes possible to calculate the raw coverage of the single statistically significant pathway (MAL\*FRA\*LIT\*EXP\*INS) at 0.50, meaning this particular pathway covers 50% of the cases that display the outcome.

Reversing the outcome variables I find several distinct paths to low GNI per capita:<sup>98</sup>

<b>MAL</b>	<b>FRA</b>	<b>SCH</b>	<b>EXP</b>	<b>INS</b>	<b>N</b>	<b>Cons.</b>	<b>Outcome</b>
0	0	0	0	0	25	1.00	True
0	0	0	0	1	7	1.00	True
0	0	1	0	1	4	1.00	True
1	0	1	1	0	10	0.92	Contr.
1	0	1	1	1	16	0.81	Contr.
1	1	1	1	1	18	0.77	Contr.

Here we see no fewer than six statistically significant paths to low GNI per capita that display a consistency of 0.75 or higher. The remaining 26 possible combinations are all logical remainders at a frequency threshold of four. Three of those have a consistency level of 1.00, and contain no contradictions. The first of these contains almost a quarter of

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<sup>97</sup> Claude Rubinson, “Contradictions in fsQCA,” *Quality & Quantity* 47, no. 5 (2013): 2860.

<sup>98</sup> Calculated using Kirq.

all cases in this study, which is entirely unsurprising. The combination  $\sim\text{GNI}^*\sim\text{FRA}^*\sim\text{SCH}^*\sim\text{EXP}^*\sim\text{INS}$ , or a cases scoring low in every causal variable, corresponds perfectly with low GNI per capita. Similarly,  $\sim\text{GNI}^*\sim\text{FRA}^*\sim\text{SCH}^*\sim\text{EXP}^*\text{INS}$ , or a high score in institutional quality but a low score in everything else, fails to yield a single case of high GNI per capita. The seven countries in this category, Benin, Burkina Faso, Malawi, Mali, Mozambique, Senegal and Tanzania, all have low GNI per capita. Incidentally, they all score 0.0 on the calibrated score for GNI per capita, further underscoring that institutions by themselves are insufficient to account for growth.<sup>99</sup>

The four cases that follow the pathway  $\sim\text{MAL}^*\sim\text{FRA}^*\text{SCH}^*\sim\text{EXP}^*\text{INS}$  all confirm the outcome of low GNI per capita. The significance of this, however, is unclear. It could suggest that a case's failure to satisfy at least a certain number, possibly three, of the five causal variables is sufficient to confirm the low GNI outcome. That assertion cannot be backed up by the evidence presented here, however. This is the only causal pathway consisting of low scores in three and high scores of two in the variables that is not labelled a logical remainder due to there being either none or too few cases.

The results can be summarised as follows:

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<sup>99</sup> The countries listed are not normally ones we would associate with good institutional quality, but keep in mind the following: (1) The 1 in the truth table indicates not that the institutions are good in the sense we normally understand that term, but that on a sliding scale from good to bad they fall more within the subset of good than of bad. Incidentally, they all score 0.6 on the calibrated score for institutional quality, only just crossing the threshold. (2) The Worldwide Governance Indicators measure things like corruption levels and degree of accountability, not provision of services. High governance scores can therefore be consistent with a country's failure to provide the most basic services, like schooling, hospitals and anti-poverty measures, to its citizens. (3) The scores are from 2010. Mali's governance scores therefore represent the situation before the eruption of civil war in 2013.

(1) Malaria (0.89), schooling (0.90), life expectancy (0.89) and quality of institutions (0.88) all display a significant degree of causal necessity with GNI per capita. But the rate of ethnic fractionalisation does not, either alone or in combination with other causal variables.

(2) The four necessary causal variables all display a high degree of coverage.

(3) Only one causal pathway proves sufficient at a 0.75 consistency level to determine high GNI per capita, namely a high score in each of the five causal variables (0.79). However, one more only narrowly misses the consistency threshold, namely a low score in ethnic fractionalisation and a high score in the rest (0.74). None of them, however, consistently reveal the outcome, suggesting that these variables by themselves are only part of the picture.

(4) Three causal pathways do, however, prove sufficient to determine low GNI per capita at the 0.75 consistency level, *and* have zero contradictory cases.

## **5.6 Discussion**

It is telling that of the five separate causal variables that were tested here, four displayed a statistically significant relationship with GNI per capita. This suggests all or most of these four must be present to achieve high growth.

It is equally telling, but not surprising, that the relationship between the negated causal variable and the negated outcome variable is not

statistically significant in any of the four causal variables. This suggests that any particular variable is not in itself necessary to predict the outcome of low development. This is expected. The rather trivial lesson, but one that regressions do not easily capture, is that failure is a lot easier than success. The significance of the relationship between poor institutions and low development is considerably less than between good institutions and high development. In a sense, this echoes the principle of convergence in macroeconomics. All other things being equal, countries with a low level of development are able to achieve growth rates that are unrealistic for developed countries, since they have already developed their infrastructure, educated the population, and reduced illness. The low-hanging fruits of economic growth have already been picked.<sup>100</sup>

*What is the effect of institutions?* The findings at first seem to lend strong support to the institutional thesis: There is a powerful correlation between the quality of institutions and economic performance. Each case's score for institutional quality is consistently higher than or equal to its GNI per capita score, strongly suggesting that institutions are a necessary causal variable in relation to economic performance. In other words, good institutions seem to be a prerequisite for development. This is hardly a great surprise, and corresponds with the bulk of the development economics output on the topic.

What is equally significant, however, is that institutions are far from sufficient to explain economic growth. The absence of good institutions

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<sup>100</sup> Nazrul Islam, "What Have We Learnt from the Convergence Debate?," *Journal of Economic Surveys* 17, no. 3 (2003): 309–62.

strongly suggests low growth, with a coverage of 0.49. However, the presence of good institutions does relatively little to explain growth itself.

Interestingly, this is a feature that conventional statistical methods do not take into account. From a logical standpoint, however, it is reasonable to assume that the presence of a particular factor can be an impediment to an outcome without simultaneously assuming that the absence of that factor will be conducive to growth.<sup>101</sup>

*Why is ethnic fractionalisation not significant?* It would be absurd to suggest that ethnic fractionalisation does not affect development. There are plenty of examples to prove that ethnicity has been a driver of conflict and instability, which in turn has hampered development. Just looking at the spate of ethnically motivated conflicts that took place in the 1990s in the Balkans, Somalia and Rwanda should make it obvious that ethnic conflict has had a real and damaging effect on many parts of the world.

What it does not have, however, is a uniform way for the effects to manifest themselves on the political landscape. Put another way, this data suggests that ethnic fractionalisation itself is too dependent on the political, cultural, historical or geographical context to stand alone as an independent causal variable. It depends on the way the members of ethnic groups see themselves in opposition to other members of their state, and whether the historic processes of each country have led to particular patterns of trust or mistrust that feed into present day politics.<sup>102</sup> Rwanda and Burundi, for instance, both score 0.8 for fractionalisation, as both consist of only two major ethnic groups, comprising 85 and 15% of the

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<sup>101</sup> Ragin, *Redesigning Social Enquiry*, 138.

<sup>102</sup> See, for instance, Posner, “The Political Salience of Cultural Difference.”



population respectively. Yet ethnic conflict between Hutus and Tutsis has fuelled some of the worst humanitarian disasters in modern times.

*What does malaria tell us independently of quality of institutions?*

Perhaps the most obvious finding of this study is that both the prevalence of malaria and the quality of institutions are both highly correlated with level of development. To the institutionalist or geography-sceptic this would seem to suggest that that the prevalence of malaria tells us nothing that the quality of institutions does not already tell us. Acemoglu and Robinson, for instance, claim that the quality of institutions was influenced by the geographic starting conditions at the time of colonisation, but that the subsequent centuries of economic development come down to the evolution of institutions independent of geographic starting points.<sup>103</sup> A more likely reading, however, is that the geographic endowment factors that lead to particular forms of institutions being set up, continue to exert their influence on economic development today, either directly or through their effects on institutions or both.<sup>104</sup>

What about the nine countries that score higher on GNI per capita than malaria prevalence? The following countries violated the general principle that low malaria prevalence is a necessary condition of high growth (fuzzy set scores for malaria first, scores for GNI per capita second): Angola (0.0, 0.2), Congo (Brazzaville) (0.0, 0.2), Equatorial Guinea (0.0, 0.8), Gabon (0.0, 0.6), Namibia (0.2, 0.4), Oman (0.0, 0.8), Philippines (0.0, 0.2) and Saudi Arabia (0.8, 1.0). Of those Congo (Brazzaville) has a per capita GNI of \$1,381, only slightly above the

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<sup>103</sup> Acemoglu and Robinson, *Why Nations Fail*.

<sup>104</sup> Sachs, "Government, Geography, and Growth."

threshold of \$1,035 between those considered fully and almost fully out of the subset of rich countries. The same is true of the Philippines, at \$1,406. The extent to which these two countries really violate the general correlation trend is therefore debatable. For the remaining seven, Namibia is the odd one out, and I cannot offer an explanation for it here. The other six are all major oil producers, relying heavily on the revenue from crude oil to sustain their GDP and national budgets.

These analyses suggest that states have, by and large, taken the same path to development. That is, in order for a country to develop, it must score highly in several categories, rather than just institutions. Of course, several of the variables are highly exogenous. Not only can high life expectancy and schooling improve economic development directly as well as through institutions, but higher GNI levels may also have a positive effect on health and education, as rich countries are able to afford a better quality of services for their citizens. But the cyclical nature is not a given. Depending on the circumstances the variables may feed into each other to varying degrees, depending on the conditions and policy priorities of any given country.

This points to one of the limitations of this study – it does not by itself establish which direction the arrow of causality points. It can in many cases be gauged by deductive logic and a knowledge of the specifics of each case, but this still falls far short of a statistical proof of directionality.

Within the fs/QCA method, I identify two possible avenues for further research. The first is to include a temporal dimension to the research, whereby the cases are examined at several points in time, and

the development of each variable over time is compared to see if changes in scores across variables follow a particular temporal pattern. Such a study, unfortunately, would be limited by availability of data. The further back in time you go, the bigger the holes in the available information, and the more cases will have to be rejected due to lack of data.

The second, and potentially more promising avenue of research, is to conduct a second round of analysis with a significantly smaller number of cases. Focusing on a sub-set of the sample in this study, such as only including sub-Saharan African countries, would enable the researcher to select cases that display the same patterns of the causal variables examined here, while testing for new ones that are more specifically relevant to that particular region. These may be able to reveal significant different pathways to certain development outcomes that cannot be captured by a study with the geographical scale of the one presented here.

## **5.7 Implications for the institutional thesis**

With these findings in mind, let us now return to the philosophical argument. When Risse writes that “prosperity is primarily determined by the quality of institutions,”<sup>105</sup> he is only half right. Institutions are necessary, but do not by themselves guarantee the right outcome. Risse argues that the institutional thesis creates a *prima facie* reason not to give development assistance: Since what is needed cannot be developed other

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<sup>105</sup> Risse, *On Global Justice*, 63.

than from within, and cannot be provided from the outside, it makes little sense to try to help.<sup>106</sup>

As a general principle, this is undoubtedly sound – although, as I argue in the next chapter, there may be some cases where outside assistance can shore up institutions where they already exist. But I would make two claims, one empirical and one normative. First, this study suggests that the *prima facie* reason against development assistance may be overcome in a significant number of cases, even among some of the poorest countries in the world. In these cases, the duty of assistance is not limited by the concerns Risse highlights, and is therefore potentially greater than we would otherwise assume. And second, it follows from the discussion in Chapters 3 and 4 that, given that there is a duty to assist developing societies in their task wherever it is possible, there must also be a duty to look out for those situations where it is possible. That is, we cannot assume that reasons against assistance, such as the institutional thesis, compelling though they may be in many cases, apply universally.

What the discussion has shown is that it is far from clear that institutions are as essential a factor as the institutional thesis makes them out to be. Yes, good institutions are necessary for high growth. But as this analysis has shown, it is by no means universally true that they are more significant than other factors. In fact, a healthy malaria environment, a high education level and a high life expectancy may all be equally necessary. Poor institutions are not by themselves a necessary factor in

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<sup>106</sup> Ibid., 68–69.

determining low GNI per capita. Even if the pathways to success are very limited, there are myriad pathways to failure.

With several factors being necessary, an important message to take away from this discussion is that state failure does not always hinge on the quality of institutions. In some cases this is, of course, the case. North Korea is a case in point (although, using Rawlsian terminology, we would of course label it an outlaw state rather than a burdened one). In other cases, such as the Democratic Republic of the Congo, conditions converge to create a near-hopeless situation of an extremely hazardous health environment, poor health in large part due to the prevalence of HIV, poor education levels, *and* very poor institutions. In this case it is not easy to see how the internationalist duty of assisting development can be met. But in other cases it is far from clear that poor institutions are the problem. Ghana, for instance, fits this category with (for sub-Saharan Africa) a very high institutional score of 0.8, yet with 0.0 in GNI per capita. What explains the difference? From the data discussed here the obvious explanation seems to be malaria which scores 0.0 indicating an extremely high risk. A score of 0.4 in life expectancy, indicating a poor health environment in general, compounds the problems.

The upshot is that the institutional thesis cannot be taken as the guiding principle by anyone who takes responsibilities towards the developing world seriously. While it is obviously true that in some cases poor institutions are the primary cause of poverty, this is not a universal rule. In cases such as Ghana, it is essential not to explain away an otherwise potentially significant responsibility to aid development by reference to lazy assertions; the problem is not necessarily that Ghanaians

do not know how to govern themselves properly. This does not mean that the solution is readily available; it may very well be that at present we do not know what it would take to turn the country around. It may involve too many unknowables to predict successes. Or perhaps the technology necessary to overcome their difficulties (such as effective means of combatting malaria) is not yet available. Nonetheless, when compared with earlier cases linked to strong Western geopolitical interests, such as South Korea, the effort being spent on cases like Ghana by the international community is pitiful.<sup>107</sup>

## **5.8 Conclusion**

In this chapter I have shown that the institutional thesis, favoured by Rawls and Risse, does not hold up. I conducted an fs/QCA analysis of five independent variables – malaria prevalence, ethnic fractionalisation, education, health and institutional quality – and one outcome variable – development as measured in GNI per capita – across 102 countries. It showed that while good institutions are indeed a necessary precondition for development, so are all the other variables apart from ethnic fractionalisation.

The upshot is that it would be wrong to assume, as is implicit in the institutional thesis, that where a country fails to develop it is because of the poor quality of its institutions. There could be several reasons, and even if institutions cannot easily be improved from the outside, it may be

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<sup>107</sup> I discuss these examples extensively in Chapter 6.

that other factors are holding a country back. In those cases the institutional thesis does not constrain the duty of development in the way proponents think.

The main strength of using fs/QCA rather than regression analysis is that it captures the difference between necessary conditions and sufficient ones. Indeed, what this study has shown is that while no less than four of the five causal variables tested are necessary for development, none of them are sufficient by themselves to produce an outcome, and even those combinations that are sufficient reveal some degree of contradiction. This suggests that further research is needed to find out which additional variables separate the cases within the identified sufficient causal pathway that confirm the outcome, and those that do not. This is not an easy task.

The next chapter will explore in further detail the issue of causal relationships between improvements in the causal variables examined here and improved development, through a discussion of the effectiveness of development assistance and obstacles to its successful implementation. It will do so through a survey of the literature of development effectiveness and a qualitative case study, Ghana.

## **Chapter 6 – Our Capacity to Help**

### **6.1 Introduction**

In the previous chapter I disputed the idea that poor governance and poverty were strongly correlated. Instead, I showed that while poor governance is a sufficient precondition for poverty (badly governed countries are overwhelmingly likely to be poor), it is not essential for poverty either (even reasonably well-governed countries risk being poor if other factors conspire against it). Therefore, while we may grant (as, indeed, the research I present in this chapter suggests we should) that there is currently very little we can do to assist those in poorly governed countries beyond humanitarian emergency aid, our philosophical framework must not ignore the other group of developing countries, whose failure to grow is not a direct consequence of poor governance. In this chapter I argue that the relevant empirical question motivating a philosophical enquiry into the duty towards developing countries should not be, is aid effective? Rather, better and more relevant questions include: Under what circumstances is aid effective, what measures are likely to result in positive outcomes, and under what circumstances, and to what extent, will outside forces be able to intervene with a reasonable chance of success, without risking negative unintended consequences?

This chapter has four aims. First, it outlines what internationalists assume to be the current state of knowledge in development literature, about what aid on the ground can actually do, and why countries remain



poor. It finds that internationalists tend to be sceptical about the transformative ability of development assistance.

Next, in Section 6.3, it shows that a substantive amount of literature reaches a different conclusion, namely that there is plenty of evidence that aid under certain specific conditions can be effective. Although the situations in which this happens may be limited, the general conclusion is that aid has had a positive, if limited, effect overall, and that in specific situations it has done a tremendous amount of good. I also discuss qualitatively the role that institutions play in determining the success or failure of aid programmes.

Section 6.5 illustrates this through the example of Ghana, which scores very highly on the governance indicators, but has not in 23 years of democracy managed to convert this to wealth. I suggest three specific areas: Improving the strength of governmental capacity, especially through supporting elections; improving health through malaria eradication; and improving infrastructure and industrialisation. Finally, Section 6.6 asks what the broader lessons political philosophers, and internationalists especially, should take from these examples. I argue that there is a duty of development that applies to the likes of Ghana which, despite the protestations of internationalists, *can* in large part be discharged as things stand now. Finally, I suggest some general lessons for discharging the duty of development.

## 6.2 The duty of development in context

At times the duty of development assistance will be very demanding. At other times, it will not. That depends not only on whether a particular issue at hand normatively falls within the scope of what the internationalist duty of development requires. It also depends on whether there is anything we can actually do to cause the necessary changes. As with most things, there is significant disagreement in the literature. But is that disagreement reflected in the way our duties towards developing countries are presented?

Internationalists generally take a sceptical approach to aid effectiveness. An exception is Blake who, if nothing else, is refreshingly honest about empirical matters: “I am not an expert in empirical international relations, nor do I pretend to be.”<sup>1</sup> His view on what is owed to the world’s poorest, discussed in Chapters 3 and 4, is conditional on the assumptions he makes about how the world works, but he makes no attempt to prove them, or even ground them in existing empirical work.

But others have no such compunctions. Risse argues that philosophers “underestimate the relevance of empirical questions for normative enquiries, to the detriment of our discussions and of the impact of political philosophy outside philosophical circles.”<sup>2</sup> Given the focus of this thesis it should come as no surprise that I nod in strong agreement with these sentiments, even if I disagree with his conclusions.

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<sup>1</sup> Blake, *Justice and FP*, 108.

<sup>2</sup> Risse, “What We Owe to the Global Poor,” 86.

As non-ideal theory, dealing with the question not of what the ideal end-state of things ought to be, but how to make progress from our current starting point,<sup>3</sup> it clearly matters to our political convictions what the facts on the ground are. Nonetheless, Rawls does not have much to say about what the duty to assist burdened societies actually requires, other than emphasising the role of institutions and political culture. He provides a few pointers, mainly on the importance of institutions and reasons to be sceptical about the importance of natural endowments, along with noting that merely giving money will usually not solve the problem. Moreover, he emphasises the importance of improving the rights of women as a means of development.<sup>4</sup>

Richard Miller highlights the role of special interests in the distribution of development resources. The world's great powers, he says, are not motivated by a desire to help the world's poorest, but rather in "using aid to cajole, support and threaten [in a way] that guarantees volatility as challenges and opportunities change location over time."<sup>5</sup> Consequently, aid is often much more volatile than other resource flows, is wasteful, and is hampered by a limited bureaucratic structure that is incapable of absorbing it effectively. This places "stringent limits of political feasibility"<sup>6</sup> on the duty of direct development assistance. By and large, the duty cannot be repaid. This has obvious implications for the duty of development. But it also places the emphasis elsewhere. The question here is not primarily whether the aid is being mismanaged on the ground

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<sup>3</sup> Rawls, *LP*, 89; Valentini, "Ideal vs. Non-Ideal Theory," 660–662.

<sup>4</sup> Rawls, *LP*, 108–110.

<sup>5</sup> Miller, *Globalizing Justice*, 227.

<sup>6</sup> *Ibid.*, 228.

in the target country, or whether it has unintended negative consequences. It is about the motivations behind giving it in the first place. The fault lies with the West, and with the way the world's richest conduct their foreign policy. This is an area I return to in detail in Chapter 7.

Risse is equally sceptical, but his scepticism is instead aimed at the process of development assistance itself, arguing that, however well-intentioned, aid is ultimately unlikely to be successful. He puts forward three reasons against international assistance, which must be overcome in order to justify it.<sup>7</sup> This, he is clear, does not mean that they will never be met, only that they are not likely to be met in many cases. Moreover, these reasons can be overruled if the need is great enough. The first reason is that assistance may be ineffective, because in too many cases we simply do not know what can be done. Institution-building – which is what really matters – cannot be exported but has to be developed within. The second reason is the risk of paternalism. Here Risse means something different from R. Miller's paternalism objection I discussed in Chapter 4. Rather than assuming that any assistance beyond a certain level is paternalistic per definition, simply because societies will want to take pride in helping themselves without outside help, Risse's concern is much narrower: Outsiders shape the institutions they set up in their own image, whether or not they are necessarily the best fit given the circumstances. The third reason is that the stability of the target country's institutions could be

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<sup>7</sup> Risse, *On Global Justice*, 69.

undermined if they rely on outside assistance. Once the assistance ends, they could fall apart.<sup>8</sup>

These reasons are all clearly pertinent. The challenge is to show that they can all be answered, and that the duty of assistance is therefore significant. This does not mean that they can be answered in all cases; that would be far too high a bar. But conversely, it does not mean simply proving that there is a good enough chance that they will statistically be answered in some proportion of cases, however defined. That would be setting it too low, especially considering how significant the human cost of getting it wrong can be. The task must be to show that it is possible to say with a high enough degree of confidence what works and is needed in specific cases, and what works and is needed in others. Moreover, it must be possible to identify the interventions that are likely to be successful and therefore command a substantial duty, and which ones are likely to be inefficient and therefore do not. In the following section I go through the three reasons, to examine what the current development literature has to say about the challenges in overcoming each of them.

### **6.3 Is aid effective?**

Critics often accuse proponents of increased development aid of being overly optimistic about its potential to transform the fortunes of the poorest. They instead maintain that the majority of aid disbursed over the past many decades has at best been wasted, and at worst caused a lot of

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<sup>8</sup> Ibid.

harm.<sup>9</sup> Indeed, two of the most prominent voices in the public development debate in recent years, William Easterly and Dambisa Moyo, both come down squarely on the side of “aid does not work”.

Seemingly fond of dichotomous exposition, Easterly suggests that development aid is, lamentably, currently the preserve of “Planners” such as Jeffrey Sachs and the people behind the UN Millennium goals, while the solutions are actually to be found by the “Searchers”, who meticulously test small-scale interventions and rigorously confine their efforts to the areas they know work:

In foreign aid, Planners announce good intentions but don't motivate anyone to carry them out; Searchers find things that work and get some reward. Planners raise expectations but take no responsibility for meeting them; Searchers accept responsibility for their actions. Planners determine what to supply; Searchers find out what's in demand. Planners apply global blueprints; Searchers adapt to local conditions. Planners at the top lack knowledge of the bottom; Searchers find out what the reality is at the bottom. Planners never hear whether the planned got what it needed; Searchers find out if the customer is satisfied.<sup>10</sup>

Moyo's famous tirade against development aid, *Dead Aid*, is even more critical of what she sees as a tragic failure of the West in their

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<sup>9</sup> William Easterly, *The White Man's Burden* (Oxford: Oxford University Press, 2006).

<sup>10</sup> *Ibid.*, 5.

responsibilities towards Africa. In refusing to hold governments to account and instead ensuring that no matter how irresponsibly they behave they are bailed out by Western money, we are in fact aiding and abetting the very poverty we are trying to prevent. While she does not deny that other factors may play their part, including geography, the history of colonialism, and ethnic tensions, none of these are deciding factors. After all, “Saudi Arabia is rather hot, and, of course, Switzerland is landlocked, but these factors have not stopped them from getting on with it.”<sup>11</sup> Rather, the problems Africa faces all essentially come down to aid: “For most countries, a direct consequence of the aid-driven interventions has been a dramatic descent into poverty.”<sup>12</sup> Instead, she says, we should inform each African government that all aid will be phased out over the next five years. This will force governments to grow up and get their house in order, to be able to secure capital on the private markets and attract foreign direct investment.<sup>13</sup>

But both these proposals, critics contend, fail to take fully into account just how complex the picture really is, albeit in radically different ways. In Easterly’s case, he seems to assume that every aid problem is one that can be solved by tapping into the hitherto underused potential of market dynamics, and by small-scale interventions. Moreover, there is a tendency for those projects that fail to be labelled as the fault of “Planners”, while those that succeed get attributed to “Searchers”.<sup>14</sup> As such, there is an element of the No True Scotsman fallacy to his thinking.

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<sup>11</sup> Dambisa Moyo, *Dead Aid* (London: Penguin, 2010), 31.

<sup>12</sup> *Ibid.*, 47.

<sup>13</sup> *Ibid.*, 74–76.

<sup>14</sup> Amartya Sen, “Review: The Man without a Plan: Can Foreign Aid Work,” *Foreign Affairs* 85, no. 2 (2006): 171–77.

Moyo, by contrast, is the ultimate thinker of big, sweeping thoughts. There seems to be little difference in her analysis between money given directly to local governments or administered by NGOs, or between money given today and the millions given to, for instance, Zaire's Mobutu Seko Sese as a part of a deliberate strategy to keep him on side in the Cold War. All seems to be equally problematic. Moreover, her plan to transform some of the poorest, most corrupt autocracies in the world into responsible, efficient governments via hardly anything more than a phone call from the World Bank is, in her own words, "dead easy to implement."<sup>15</sup> It is no wonder that one reviewer, the executive director of the Overseas Development Institute Kevin Watkins, describes her as "tilting at windmills."<sup>16</sup> The way the debate has played out in some of the most popular volumes, then, has largely been one of dichotomous juxtaposition, between those who argue that development aid works, and those who say it does not.

But what is largely absent from the public debate, but is nonetheless evident in smaller or larger degree in all of these commentators when you read beyond the by-line, is that development assistance is a tool, and its effectiveness depends on how, when and where it is being used. It is not clear that the question, "does aid work?" is actually all that meaningful a question. It all depends on what kind of aid is given. It depends on what the development assistance is used for, what the aim is, how well it is being implemented, and whether it is appropriate for the specific scenario.

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<sup>15</sup> Moyo, *Dead Aid*, 148.

<sup>16</sup> Kevin Watkins, "Why Dead Aid Is Dead Wrong," *Prospect Magazine*, April 5, 2009, <http://www.prospectmagazine.co.uk/magazine/whydeadaidisdadwrong>.



The empirical question that should guide a philosophical enquiry into duties towards developing countries, therefore, should not be whether aid is effective. Instead, the question is whether we understand under what circumstances it is effective, and what kind of support will be necessary. It is intuitively logical that aid has the potential to be effective in some places while not in others. The question is to what extent development experts feel confident that they can prescribe the right medicine and be reasonably sure of success.

Where aid critics do indeed have a point is that aid virtually always has some negative externalities which work against the goals that donors work towards. But to what extent can aid be harmful, and how does that compare with other sources of government revenue? Unless done expertly, large aid flows may make it difficult for good governance to develop in both the short and long term. Bräutigam and Knack, for instance, argue that by doing the very things that improve bureaucracy and rule of law, such as reducing corruption and improving public finances, donors risk creating collective action problems that impede the adoption of these practices by local authorities. These include free rider problems, where the local governments may simply not have any incentive to adopt good practices, and face no significant penalty for not doing so. But they also include more intractable problems. Aid projects require government oversight, which pries resources away from the day-to-day business of running a government. Moreover, government institutions are not able to pay the salaries that donors can offer, creating a risk of brain drain from

the public to the third sector.<sup>17</sup> While some of these problems are unique to aid, however, Faisal Ahmad finds that inflows of all kinds, both aid and remittances, can prolong authoritarian regimes by allowing them to shift from supplying welfare provisions to the people to paying off allies and would-be competitors alike.<sup>18</sup> It is therefore not clear if aid programmes merely have some negative side effects, or if (some of) these are *unique* to aid programmes.

All of these potential revenue sources are, to a smaller or greater extent, volatile. Remittances depend on the economic climates of the places the money is sent from, and as the last several years have made abundantly clear, the price of oil can vary enormously from year to year. But aid volatility is different not necessarily because of its effects, but because it is one that donors in developed countries control. The question then is whether aid volatility is necessary, and if development assistance would be more effective if volatility were reduced.

First off it is important to note that not all aid volatility is bad. Positive volatility occurs as a response to an exogenous shock, such as a famine, floods, civil war or other emergency which requires an immediate response. Negative volatility, on the other hand, results from sudden drops in aid levels at the whim of the donor.<sup>19</sup> While the aid volatility that comes from responding to a humanitarian disaster is a necessary by-product of that response itself, the danger is that a positive instance of aid volatility

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<sup>17</sup> Deborah A. Bräutigam and Stephen Knack, “Foreign Aid, Institutions, and Governance in Sub-Saharan Africa,” *Economic Development and Cultural Change* 52, no. 2 (2004): 255–85.

<sup>18</sup> Faisal Z. Ahmed, “The Perils of Unearned Foreign Income: Aid, Remittances, and Government Survival,” *American Political Science Review* 106, no. 1 (2012): 146–65.

<sup>19</sup> John Hudson and Paul Mosley, “Aid Volatility, Policy and Development,” *World Development* 36, no. 10 (2008): 2089.

results in a negative one, when aid levels in another country are reduced to pay for it.

Studies by both Hudson and Mosley, and Bulíř and Hamann find that aid volatility exerts a small but significant negative influence on economic stability in donor countries. Moreover, aid volatility is not going away, but has in fact increased in the 2000s relative to the 1990s. Aid volatility is often as high as three times the volatility of government resources more generally, making sound fiscal policy hard to achieve.<sup>20</sup> A big problem, in particular, is that “aid commitments continue to be poor predictors of disbursements, a problem that is particularly serious among countries with the lowest *per capita* incomes.”<sup>21</sup> Bulíř and Hamann therefore argue that macroeconomic stability should be given higher priority and made a more explicit goal of development aid.<sup>22</sup>

Excessive planning, especially when ideologically motivated, can play havoc with results. Jonathan Monten highlights the difference between the American occupation of Japan following World War II (WWII), and Iraq in recent years. Where the post-war rebuilding of Japan was focused on creating solutions tailored to Japanese conditions, the Bush administration sought to re-create Iraq in its image, as a liberal democracy.<sup>23</sup>

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<sup>20</sup> Hudson and Mosley, “Aid Volatility, Policy and Development”; Aleř Bulíř and Javier Hamann, “Volatility of Development Aid: From the Frying Pan into the Fire?,” *World Development* 36, no. 10 (2008): 2048–66.

<sup>21</sup> Bulíř and Javier Hamann, “Volatility of Development Aid,” 2061. Their italics.

<sup>22</sup> *Ibid.*

<sup>23</sup> Jonathan Monten, “Intervention and State-Building: Comparative Lessons from Japan, Iraq, and Afghanistan,” *The ANNALS of the American Academy of Political and Social Science* 656 (2014): 187.

One of the key lessons is that building institutional structure is *extremely* difficult. The question of what institutions are best suited for any given environment is therefore not necessarily one of best cultural fit. Nor is there any such thing as an “ideal” institutional structure. The best structure is the one that is already in place. Therefore, efforts should be focused on strengthening and empowering government where it is, even if it is not the form you would have chosen.

This does not mean that the international community should never promote democracy. Many autocracies are imperfect democracies, paying lip service to the ideals of democracies all-the-while rigging elections. But in these cases, whatever the rules these regimes pretend to play by (presidential, bicameral, etc.), civil society will almost certainly be pushing for the rules that exist to be followed.

The concern for avoiding paternalism also suggests that donor organisations should be very clear about how they intend to justify their operations to the local population, and ensuring that their policies are geared towards making recipient governments accountable to the people rather than to themselves. Hudson and Mosley suggest that where this has been done, in Uganda, Ghana, Mozambique and Tanzania to name a few examples, trust between donors and recipients have improved leading to better outcomes.<sup>24</sup>

The problems that aid causes are rarely unique to development assistance, but are caused to a similar, or worse, degree by remittances and natural resources. Abdih et al. suggest that remittances, sometimes

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<sup>24</sup> Hudson and Mosley, “Aid Volatility, Policy and Development,” 2097.

thought of as immune from, or at least less susceptible to, having adverse effects on governance quality, still affect the incentives that governments face. Despite normally being household-to-household transfers, thereby bypassing a potentially corrupt government altogether, remittances nonetheless encourage corruption and patronage politics. This is because they enable citizens to buy social goods, including health care and education, privately when they would otherwise have been provided by the government. Even if remittances themselves are not taxed, and therefore do not expand the total tax base, they enable the government to raise other taxes, such as VAT.<sup>25</sup> Moreover, these effects seem to have no overall positive effect on growth, probably because some positive effects of remittances are outweighed in roughly equal measure by negative ones.<sup>26</sup> As a result, higher remittance rates are associated with poor institutional quality.

Another source of confusion, Paul Collier suggests, is that many aid critics assume that aid works in ways comparable to oil resources. That is, they are in effect free money that allows leaders to steer their attention away from providing benefits to the population and towards servicing ties of patronage. But, Collier says, aid is not free-flowing but comes with both restrictions and expertise attached. Consequently he argues that aid has proven much more effective than resource rents in providing lasting growth. While the effects of aid are hardly impressive, this is in large part

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<sup>25</sup> Yasser Abdih et al., “Remittances and Institutions: Are Remittances a Curse?,” *World Development* 40, no. 4 (2012): 657–658.

<sup>26</sup> *Ibid.*, 664.

due to the fact that aid sums are several orders of magnitude smaller than both realised and potential resource rents.<sup>27</sup>

Indeed, the size of the average aid packet plays an important role in how it is evaluated. The ripple effect of a change in the level of aid may be substantially different from a similar change, percentage-wise, in a revenue source such as natural resources, where the latter may be several times larger. Therefore, Mushtaq Khan suggests, the way aid's effects on the local economy is evaluated is often faulty, underplaying its importance. Critics implicitly assume that small variations in aid are replicable on a bigger scale. But if a 5% drop in aid is offset by an  $x$  increase in domestic savings, that does not mean a 100% drop in aid can be offset by  $20x$  increases. When small drops in aid money are compensated for by other savings, it therefore does not prove that the effect of that aid was neutral. Moreover, identifying the effects of aid programmes might end up showing that they have non-linear outcomes. Linear changes in aid levels may result in changing magnitudes of outcomes, depending on contingent political and social factors.<sup>28</sup>

Ample research therefore shows that aid is hardly alone in having negative side-effects. Moreover, this is true for democratic regimes as well. On average, one study suggests, resource rents begin causing democracies to “under-perform” when they reach 8% of GDP. This, Collier suggests, is because check and balances, not least freedom of the press, play a key role in mitigating the potentially destructive role that competitive elections

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<sup>27</sup> Paul Collier, “Is Aid Oil? An Analysis of Whether Africa Can Absorb More Aid,” *World Development* 34, no. 9 (2006): 1485–1490.

<sup>28</sup> Mushtaq H. Khan, “Aid and Governance in Vulnerable States: Bangladesh and Pakistan since 1971,” *The ANNALS of the American Academy of Political and Social Science* 656 (2014): 68.

may have on national cohesiveness. But resource rents “gradually erode” these benefits, by enabling the governing party to buy off or silence critics.<sup>29</sup>

Indeed, argue Niño and Le Billion, the evidence of the former Portuguese colonies of Mozambique and Angola provide an example of the different costs of over-reliance on both natural resources and aid. Recently Mozambique, with a relatively weak government structure, has had more success improving on social indicators, like poverty and child mortality reductions, relative to the more robust state in Angola. This would suggest that Mozambique, despite its high dependence on development assistance compared with Angola, has been more successful in those areas. The authors are careful to note that both countries started from very low baselines, and Mozambique still falls below Angola in many social indicators.<sup>30</sup> Their research points to many problems with aid, including creating fiscal incentives in Mozambique that have kept resource extraction low and largely outside the control of the state, as well as making it very difficult to increase the tax base. Nonetheless, Angola has struggled with translating increased wealth and fiscal autonomy into actual improvements in living standards for the majority of citizens. Their revenue is geared towards ensuring regime stability, with a highly centralised government that struggles to reach far beyond the capital. The upshot, the authors argue, is that while aid donors are right to focus on accountability, they need to think about revenue collection and ensuring

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<sup>29</sup> Collier, “Is Aid Oil?,” 1484.

<sup>30</sup> Helena Pérez Niño and Philippe Le Billion, “Foreign Aid, Resource Rents, and State Fragility in Mozambique and Angola,” *The ANNALS of the American Academy of Political and Social Science* 656 (2014): 83.

that the twin goals of regime stability and the effective provision of social services line up.<sup>31</sup>

One of the more frequent criticisms of aid has been the way it has historically been linked closely with great power politics. As a tool of self-interested foreign governments, both the US and the Soviet Union in particular used development aid not as a means of ensuring that democracy and rule of law were consolidated across Africa, but of ensuring the support of despotic rulers and access to valuable natural resources. These kinds of policies led to the US giving billions of dollars to the dictator of Zaire (the present-day Democratic Republic of the Congo), Mobutu Sese Seko, in the full knowledge that none of it would go to improving the lot of ordinary people.<sup>32</sup> Against a backdrop like that, it is hardly surprising that aid has a bad reputation, or that historically it has been associated with poor governance. But Bräutigam and Knack find that there has been a change in attitude since the end of the Cold War. Although aid still has an overall negative effect on governance, this effect declined significantly from the 1980s to the 1990s. They attribute this change to an increased focus on reducing those negative side effects, which signifies a shift away from development assistance as primarily a political tool.<sup>33</sup>

All in all, then, the literature is fairly unequivocal in arguing that aid has some negative consequences. However, as Collier elegantly puts it, this is neither surprising nor evidence of failure. He invites us to compare it

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<sup>31</sup> Ibid., 87–93.

<sup>32</sup> Miller, *Globalizing Justice*, 171–176.

<sup>33</sup> Bräutigam and Knack, “Foreign Aid, Institutions, and Governance,” 275.



with a hospital which, he argues, has a similar “negative baseline” that must be overcome. When you bring sick people together in a single building you risk infections and diseases that spread not just between patients but also between staff and visitors. Many people get sick from visiting hospitals. Similarly, development aid tends to lower government accountability and institutional quality. Yet a well-run hospital is able to overcome this negative baseline and provide a vital service, and no one would seriously argue that we would be better off without hospitals.<sup>34</sup> Where hospitals do fail, the solution is to fix them or, at worst, build a new one; similarly, where aid fails, the solution is not to rebuke the concept of aid itself, but rather to search for ways to make it more efficient.

The point is not to suggest that remittances or natural resource revenues are bad. But this overview shows that there is no obvious solution to global poverty that does not have potential drawbacks. This includes many of the solutions that aid critics suggest can substitute for aid money. Remittances, supposedly one of the more democratic means of supporting people in developing countries, are not immune from negative external effects on government. Nor is revenue from natural resources, even in democratic contexts. The fact that development aid has negative secondary effects in certain circumstances must therefore be understood in context.

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<sup>34</sup> Collier, “Is Aid Oil?,” 1485.

## 6.4 How institutions play in

The idea that “aid is not working” has large traction in society at large, no doubt driven by images of corruption and hunger in developing countries, not to mention vast numbers of refugee clamouring to enter Europe on dinghies across the Mediterranean. The perceived failures of the structural adjustment programmes by the International Monetary Fund (IMF) surely cannot have helped aid’s image either.

Even within academia there is sometimes a tendency to ignore successful cases, or even of treating them as proof that aid is unnecessary. Easterly takes this approach:

The Gang of Four – Hong Kong, Korea, Singapore and Taiwan – went from third world to first over the last four decades. China, India, and the Gang of Four did this through the efforts of many decentralized agents participating in *markets* (the ideal vehicle for feedback and accountability) without significant Western assistance as a share of their income, with some efforts by their own governments (at their own top), and without the West telling them what to do.<sup>35</sup>

If that list seems odd, it is because it probably is. It seems particularly implausible to argue that Hong Kong have pulled themselves up by their bootstraps without Western help. For all but the tail-end of the

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<sup>35</sup> Easterly, *The White Man’s Burden*, 23.

20<sup>th</sup> century it was a British colony and, due to its strategic importance, was afforded the strong and pervasive governance structure denied “less important” British colonies, as well as the military protection necessary to maintain peace. Singapore did indeed grow rich largely without the help of Western development aid. But having a small and highly concentrated population and being located in (and possibly owing its existence to) a strategically important juncture on the international shipping routes between Asia and the rest of the world, it is not clear what lessons countries with less ideal geographies can learn from them. Burma or Rwanda are unlikely to become international trading hubs in the near future.

But the really interesting cases here are Taiwan and South Korea. Why? Because, as Kevin Gray points out, those two countries were completely dependent on American development aid in the earliest years following WWII.<sup>36</sup> Moreover, the aid programme on which they depended took place on an almost unprecedented scale. Between 1946 and 1975 the US Government gifted South Korea over \$69 billion,<sup>37</sup> while Taiwan received just under \$42 billion. By contrast, the entire Latin American and Caribbean aid programme was only given just shy of \$69 billion over the same period.<sup>38</sup> Worked out on a per-person basis, that comes to \$2,765 per citizen in South Korea, \$3,730 in Taiwan, and just \$387 in Latin America and the Caribbean over the 20 year period.<sup>39</sup> Indeed, Gray finds that the

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<sup>36</sup> Kevin Gray, “U.S. Aid and Uneven Development in East Asia,” *The ANNALS of the American Academy of Political and Social Science* 656 (2014): 41–58.

<sup>37</sup> In constant 2011 dollars.

<sup>38</sup> Gray, “U.S. Aid,” 42.

<sup>39</sup> Using population figures for 1960. Averages of calculations based on annual aid figures held up against that year’s population data are likely to vary. The population figures

“provision of U.S. military and economic aid played a crucial role in the post-war stabilization of South Korea and Taiwan and in laying the foundations for their subsequent economic development.”<sup>40</sup>

But lest you think there is a clear causal link between the amount of aid and the end result, Gray warns that that is not the case. Because for all the money the US poured into South Korea and Taiwan, neither was the largest recipient of US development aid in the region. That honour goes to South Vietnam who, between 1954 (when it became independent from France) and 1975 received an astonishing \$115.7 billion.<sup>41</sup> Yet the country’s economy failed to take off, and it was quickly plunged into war with its northern, communist, neighbour. Why?

The difference speaks to the importance of institutional quality as a necessary precondition for development. The determining factor in whether economic growth was able to take hold was, according to Gray, the kinds of institutions left behind by the colonial masters. South Korea and Taiwan had both been conquered by Japan early in the 20<sup>th</sup> century, and the Japanese had set about a rapid modernisation programme to incorporate them into the Imperial machine. This, in turn, led to “comparatively well-developed colonial bureaucracies and infrastructural,

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were, approximately, 25 million in South Korea, 11.2 million in Taiwan, and 177.7 million across the least developed parts of Latin America and the Caribbean. Data from World Bank’s Data Bank (World Bank, “Health Nutrition and Population Statistics: Population Estimates and Projections,” *Data*, accessed March 25, 2016, <http://databank.worldbank.org/data/reports.aspx?source=Health%20Nutrition%20and%20Population%20Statistics:%20Population%20estimates%20and%20projections>) for South Korea and Latin America and the Caribbean, and from the US Census Bureau’s International Programs (United States Census Bureau, “Country Rank,” *International Programs*, 2016, <http://www.census.gov/population/international/data/countryrank/rank.php>) for Taiwan.

<sup>40</sup> Gray, “U.S. Aid,” 55.

<sup>41</sup> *Ibid.*, 42.

agricultural, and industrial development under colonial auspices.”<sup>42</sup> To be sure, most of the product and produce were exported to Japan and thus benefited the local populations little, but the infrastructure was in place by the time US aid arrived. Moreover, the rapidity of Japanese colonialism led to the inherited power structures being uprooted, giving the traditional power base, who would otherwise have had vested interests in opposing modernisation, a much smaller say. By contrast, the French colonial administration had had only a light touch. It was mainly concerned with facilitating the export of raw materials to the ports and on to Europe, and educating the Vietnamese people or modernising the country was not important to them. Moreover, the country was ruled by just 3,000 officials, all French, compared with 87,500 officials in South Korea, of which only half were Japanese. South Vietnam, therefore, was ill prepared for taking over post-independence administration. Finally, because French colonial rule was not pervasive it did little to change the highly unequal distribution of land and property in traditional Vietnamese society, which enabled the established ruling classes whose vested interests ran counter to modernisation to assert their dominance over the post-independence political landscape. The result was growing resentment towards the regime.<sup>43</sup>

So it would seem that institutions are indeed necessary for aid to be truly effective, as Chapter 5 agreed. However, what is equally clear from this story is that those institutions are only one piece of the puzzle, and do not by themselves explain the incredible success of Taiwan and South

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<sup>42</sup> Ibid., 48.

<sup>43</sup> Ibid., 51–54.

Korea. By contrast, the East Asian development story highlights the hugely important and beneficial role that a sustained, targeted and, above all, substantial development aid package can have in promoting economic growth, provided that the conditions are right.

But what if the conditions are not right? If the French colonial experience was a key factor in preventing development taking hold in South Vietnam, how does that bode for the former French colonies in Africa, or indeed all those African former colonies who were bequeathed a relatively weak governance structure and still struggle under it today? In these cases, Collier warns against radically scaling up the volumes of aid, at least in the short run. But in contrast with those who see development aid as a fundamentally flawed and unlikely to ever be successful, he maintains that with the genuine improvements in African governance that have happened in recent decades, and with improvements in donor practices that ensure better accountability and fewer wasted resources, there is a good chance that the continent may be able to effectively absorb more aid in the future.<sup>44</sup> But for now it seems that in terms of the average African state's ability to penetrate all aspects of society, and thus to absorb aid, Africa as a whole is currently more akin to South Vietnam than to South Korea or Taiwan. While there is good reason to be tentatively optimistic that this will change in the future, most African states may not ever be able to absorb the unprecedented levels of development aid that poured into these countries. South Korea and Taiwan may have been outliers. Nonetheless, Collier suggests that there are several reasons why a

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<sup>44</sup> Collier, "Is Aid Oil?," 1490–1491.

significantly scaled-up aid effort may be right in the future. This could for instance be a big push to help countries on the brink of escaping poverty overcome the final hurdle, enabling them to break into global manufacturing markets. Other reasons include supporting a turnaround in failing states, acting as a cushion for international trade volatility, and offsetting the Dutch disease<sup>45</sup> by pairing aid with increased trade, to name just a few.<sup>46</sup>

Efforts to promote good governance are much more likely to succeed where they are focussed on strengthening it where it already exists, rather than creating it from scratch. This proved to be the insurmountable obstacle to progress in Vietnam, despite the money poured in, and that lesson applies more broadly as well. Jonathan Monten therefore argues that a key priority in any programme should be to preserve and strengthen the existing state apparatus, as building it where it does not already exist is likely to be extremely difficult. What really matters is the strength of the state, rather than the scope. The scope of the state is the range of functions that the government claims to do, while the strength is its ability to carry out and enforce the decisions it has made.<sup>47</sup> While the first may be relatively easy to re-design, the second often requires an enormous amount of manpower, trust and institutional support, which are very difficult to set up quickly.

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<sup>45</sup> The Dutch disease is the condition whereby the profits from natural resource sales drive up the price of a country's currency, which in turn makes the rest of the economy less competitive, leading to economic stagnation. Jonathan Law, *A Dictionary of Business and Management*, fifth edition (Oxford: Oxford University Press, 2009). Entry: Dutch disease.

<sup>46</sup> Collier, "Is Aid Oil?," 1491–1495.

<sup>47</sup> Monten, "Intervention and State-Building," 176.

On the whole, aid alone is extremely unlikely to solve the problems that the world's least developed countries face. Nonetheless, it has in Collier's estimation added 1% on average to African growth rates in the last 30 years. While 1% is hardly an economic miracle, it has prevented some countries from falling apart under the strain of their many problems.<sup>48</sup> "As bad as Africa's growth performance has been over the past three decades, it would have been markedly worse without aid."<sup>49</sup>

But even so, the rationale for continuing to support many of the aid projects throughout the developing world is not necessarily that they are likely to be successful, but rather that they are worth trying despite the risk. Trying to turn around a failing state is unlikely to work in any one instance, but the cost of failure is relatively low – the failing state will fail, as it was overwhelmingly likely to do anyway. But if the turnaround does succeed, the humanitarian benefits are massive and the financial payoffs relative to the cost could be exponential.<sup>50</sup>

## **6.5 The duty of development in Ghana**

Based on the previous discussion it is clear that external involvement can work in the right context, through a mixture of development assistance, concerted external pressure and an openness to investments. These initiatives have in the past been successful in graduating countries from amongst the world's poorest to among the

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<sup>48</sup> Paul Collier, *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It* (Oxford: Oxford University Press, 2008), 99–100.

<sup>49</sup> Collier, "Is Aid Oil?," 1485.

<sup>50</sup> *Ibid.*, 1492.



richest. It did, however, also show that these contexts may be quite rare, and that in many more cases the factors holding back least developed countries may be too myriad for the developed world to affect serious change, even through a sustained effort.

But it also opens up the possibility that such a sustained long-term effort may have a positive effect in a specific sub-set of cases. Internationalists place a high value on a country's quality of governance for their ability to develop, and further argue that there is relatively little that outsiders can do to improve governance. The previous chapter qualified the first part of the statement, showing that while good governance seems to be a prerequisite for development, poor governance is not in itself enough to explain continued failure for development to take off. And the discussion in this chapter has shown that there is reason to believe that, although it is indeed very difficult to affect positive governance from outside, external pressure and assistance can help prevent well-governed countries from sliding backwards, and preserve the gains made through the country's own efforts.

Having earlier made the argument in Chapters 3 and 4 that the duty of development must be considerably more demanding than most internationalists currently acknowledge, the question now is whether the second internationalist objection to a demanding duty of international assistance – that there is, in fact, relatively little we can do to affect such change – can be met. I do not propose here to provide an exhaustive list of ways the duty can be discharged. My aim is more modest than that: I will here only make the claim that there is a subset of least developed and moderately developed countries where growth has failed to take off not

because of poor governance or instability, but because of other factors. In these cases, I argue, the developed world *may* be able to make a substantial difference. If that is the case, we have a duty to do so, one that not only extends far beyond what the developed world currently does to aid them, but also beyond what internationalists claim the maximum extent of our duty to be.

One such country is Ghana, which I focus on here. Based on the fs/QCA analysis in the previous chapter, it is possible to preliminarily identify several other potential candidates (institutional quality score first, GNI score second). In Africa they include Benin (0.6, 0.0), Burkina Faso (0.6, 0.0) Lesotho (0.6, 0.2), Malawi (0.6, 0.0), Mozambique (0.6, 0.0), Namibia (0.8, 0.4), Rwanda (0.6, 0.0), Senegal (0.6, 0.0), Tanzania (0.6, 0.0), and Zambia (0.6, 0.0). Outside of Africa, Guyana (0.6, 0.2), India (0.6, 0.0) and Indonesia (0.6, 0.2) may be candidates as well.<sup>51</sup> I am not in any way saying that these countries *are* candidates for a successful increase in development assistance. These numbers are, as I have pointed out earlier, predominantly from 2010, and some institutional quality scores may have dropped significantly since then. Conversely, some countries not included here may in fact have improved their institutional scores enough since 2010 to make the list today. Moreover, other factors not captured by the institutional quality score will obviously be relevant, and different methods will be necessary in each case. Many of the lessons I discuss in this section will be specific to Ghana. Nonetheless, what this

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<sup>51</sup> From the fs/QCA dataset (see Appendix A). Technically Mali (0.6, 0.0) would fit the bill too, but in light of the civil war there is little doubt development aid would be ineffective at the moment.

brief overview shows is that quite a few countries may not be burdened in the way the institutional thesis suggests.

Ghana does not suffer from poor institutional quality, like so many of its West African neighbours. Looking at the fs/QCA data for institutional quality that formed the basis of the previous chapter's analysis, Ghana scores a very respectable 0.8. This means that it is almost fully within the set of well-governed countries. It is, of course, important to keep in mind that even a perfect score of 1 does not mean that a country is well-governed by European standards. Even the worst-run countries in Western Europe would be considered fully within the set of well-governed countries on this scale, even if, say, Italy would only just make it on the list. Despite its decent institutional score, however, it scores 0.0 for GDP growth. Its position has improved in recent years. While the initial measurements used in the previous chapter were from 2005 due to the specific dataset used, the World Bank today estimates their GNI per capita at \$1,590, as of 2014,<sup>52</sup> which would give them a score of 0.2 in the fs/QCA data. They have improved even further on a slightly larger timescale. In the decades immediately following independence, Ghana was widely regarded as an economic basket-case, with inflation reaching 122% in 1983. One of the effects of the IMF's structural adjustment programmes was to steady the economy and reduce inflation to a more manageable 10% in 1992, setting Ghana up for subsequent decades of stable GDP growth

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<sup>52</sup> World Bank, "GNI per Capita, Atlas Method (current US\$)."

from then onwards.<sup>53</sup> But they are still relatively poor given the apparent quality of their institutional apparatus.

By contrast, other countries scoring 0.8 for institutional quality include Bahrain (with a GDP of \$14,833, measured in PPP), Brazil (\$5,513), Kuwait (\$38,313), Malaysia (\$6,104), Namibia (\$3,879), South Africa (\$5,673), Trinidad and Tobago (\$14,437), and United Arab Emirates (\$24,238).<sup>54</sup> Some countries rank slightly higher while still paltry performers on a global scale, while others fare significantly better. Of course, no one claims that institutional quality is the sole explanation in every case, and there are many obvious reasons why some of these countries are so much richer than others. Bahrain, Kuwait and United Arab Emirates, for instance, boast natural resources that would make most other countries envious. Nonetheless it is striking how far further down Ghana is.

But while the general trajectory of the Ghanaian economy seems to be headed upwards, Jasper Ayelazuno nonetheless warns that “Ghana lags far behind most countries in Asia and Latin America in other important development indicators: human development, basic needs, modernization, and industrialisation.”<sup>55</sup> While the macro-economic indicators look impressive, this growth has yet to translate into significant improvements

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<sup>53</sup> Ryan C. Briggs, “Electrifying the Base? Aid and Incumbent Advantage in Ghana,” *Journal of Modern African Studies* 50, no. 4 (2012): 605.

<sup>54</sup> Appendix A. Amounts in US dollars, and from 2010 unless indicated otherwise in the dataset.

<sup>55</sup> Jasper Abembia Ayelazuno, “Neoliberalism and Growth without Development in Ghana: A Case for State-Led Industrialization,” *Journal of Asian and African Studies* 49, no. 1 (2013): 80.

in well-being for the majority of the population, who still cannot afford basic necessities like food, health care or clean water.<sup>56</sup>

In terms of disease and overall health environment Ghana has, so far, been able to avoid the HIV/Aids pandemic that has swept through many African countries. The infection rate has remained reasonably stable at 3.6%<sup>57</sup> in recent years, thanks to concerted government efforts to contain the spread. More recently, the Ebola outbreak that brought much of West Africa's health infrastructure to its knees in recent years bypassed Ghana completely. But vast swathes of the country suffer from malaria, for which it scored 0.0 in the previous chapter's fs/QCA analysis, meaning Ghana is fully within the subset of malaria-infected countries. As for average years of schooling it scored 0.6. Ghana also scored 0.2 for ethnic homogeneity, although as I argued previously, it is very difficult to infer any general trends from that fact.

The next sections go over three possible areas where there is a likelihood that aid will be able to have an effect: Governance capacity, health and malaria prevention, and infrastructure and industrialisation. I am not a development expert and will not be able to say with authority that development aid will be successful in these cases. Nonetheless, they seem to me to collectively provide a strong counterpoint to the internationalists' general aid pessimism. I discuss the implications for the internationalist duty of development more generally in Section 6.6.

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<sup>56</sup> Ibid., 83–85.

<sup>57</sup> World Bank, "Prevalence of HIV, Total (% of Population Ages 14-49)," Data, accessed January 19, 2016, <http://data.worldbank.org/indicator/SH.DYN.AIDS.ZS>.

### 6.5.1 *Governmental capacity*

By improving government capacity and skills through training and the increasing of competency, the possible spill-over effects include an improved bureaucracy and better tax collection. This, in turn, means better accountability to citizens. Here the international community has an important role to play. Khan notes that at least for the case of Bangladesh, NGOs were vital to ensuring that aid was allocated and spent in ways that served the interests of the broader classes of society. Although it was not entirely unproblematic, as from the outset they had to deal with questions over their legitimacy as representatives of the poor,<sup>58</sup> there is nonetheless a potential for external bodies to play a similar role in Ghana.

Foreign development aid made up 35% of Ghana's state budget in 2009. Although this share is considerably lower than, for instance, Uganda's (85%) or Sierra Leone's (105%), it is clear that Ghana is highly dependent on foreign assistance in its day-to-day operations.<sup>59</sup> But the aid is currently extremely volatile. This is especially problematic because the volatility seemingly has nothing to do with internal developments within Ghana, and all to do with the moods of international donors. Aid volatility is a major disruptor of growth, and the effect on Ghana's macroeconomic stability is therefore likely to be negative. This is hardly surprising. Lindsay Whitfield argues that relations between donors and Ghana are not characterised by a partnership model, which would have been ideal, but

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<sup>58</sup> Khan, "Aid and Governance in Vulnerable States," 67.

<sup>59</sup> Briggs, "Electrifying the Base?," 604.

that the two too often engage in a struggle for influence even when decisions should have been in the hands of local policy makers.<sup>60</sup>

Nonetheless, Ghana is today largely seen as one of the best governed countries in sub-Saharan Africa. Since 1992 it has had regular, fairly contested multi-party democratic elections, making it widely regarded as “the beacon of democratic accomplishment in Africa.”<sup>61</sup> National elections have been held every four years, and have twice resulted in power changing hands peacefully with the losing incumbent accepting defeat, something of a rarity in many African democracies. The experience of Ghana highlights one important way that the international community can help shore up good governance where the will is already there. The success of Ghanaian elections as a fair and transparent exercise has largely been down to Ghana’s Electoral Commission, the independent governing body that oversees voter registration, voting and vote counting, which enjoys widespread respect among the citizenry. But because the government have been unable to fund it on their own, 40% of the Electoral Commission’s funding has come from foreign donors, without which the elections would likely have been compromised and the results contested. This example thus makes clear the importance of foreign commitment. Accountability and transparency in governance is vital, yes, but also very expensive. When the Commission counts on donor money to fund elections, Ghanaian

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<sup>60</sup> Lindsay Whitfield, “Trustees of Development from Conditionality to Governance: Poverty Reduction Strategy Papers in Ghana,” *Journal of Modern African Studies* 43, no. 3 (2005): 642–643.

<sup>61</sup> Emmanuel Debrah, “Measuring Governance Institutions’ Success in Ghana: The Case of the Electoral Commission, 1992-2008,” *African Studies* 70, no. 1 (2011): 25.

democracy itself is, to some extent, vulnerable to international donor fatigue and to shifting priorities within the donor community.<sup>62</sup>

Briggs argues that this volatility has harmful effects for democracy as well:

This is a serious and unacknowledged political effect of foreign aid, and it adds further emphasis to the argument that donors should coordinate their aid to reduce volatility. While it is possible that donors intentionally change their aid levels to reward or punish incumbents, it is more likely that aid volatility, caused by poor coordination and donors' inability to stick to spending targets, exerts a modest but measurable force on voting patterns in African democracies.<sup>63</sup>

Democracy in Ghana is, on a whole, a success story. Since democratisation in 1992 the international community has played an important stabilising part in developing good democratic institutions. But, Whitfield says, in the future citizens and domestic political actors must have a greater say in the process. That means improving accountability between donors and citizens.<sup>64</sup> A good place to start would be to greatly reduce the volatility of Ghana's aid budgets, making Ghanaians sure of being able to adequately fund their governance and democratic infrastructure.

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<sup>62</sup> Ibid., 33–34.

<sup>63</sup> Briggs, "Electrifying the Base?," 622.

<sup>64</sup> Whitfield, "Trustees of Development," 660.



### 6.5.2 Health

By far the biggest health challenge Ghana faces is malaria, which is ubiquitous throughout every region in the country. According to the World Health Organization there were over 1.6 million cases of malaria in 2013, from which 2506 deaths were reported. Approximately US\$100 million was spent on malaria prevention in 2013, and although the vast majority of that money is provided by the international donor community, it is subject to large fluctuations every year. The WHO's models suggest that 70% of the population have access to insecticide-treated bed nets, although a 2008 survey showed that actual use was substantially lower than predicted.<sup>65</sup>

Malaria, in particular, can have a devastating effect not only on economic prosperity, but on human well-being as well. Workers take more days off work due to illness, and school children miss more schooldays, lowering the quality of their education. But on top of that, when people have the constant threat of contracting malaria hanging over them, it causes them to respond in ways that damage economic prosperity. They might drop out of school, be unable to save up money, or be held back from moving to parts of the country where work is easier to come by. It can also have long-term effects, as multiple infections could cause cognitive and learning disabilities, as well as physical impairments.<sup>66</sup> It is extremely difficult to calculate the full economic impact of this disease, in large part

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<sup>65</sup> "World Malaria Report 2014" (Geneva: World Health Organization, 2014), 105, [apps.who.int/iris/bitstream/10665/144852/2/9789241564830\\_eng.pdf](https://apps.who.int/iris/bitstream/10665/144852/2/9789241564830_eng.pdf).

<sup>66</sup> Jeffrey D. Sachs and Pia Malaney, "The Economic and Social Burden of Malaria," *Nature* 415 (2002): 680–85.

because it relies on estimates about what choices people would have made without the disease. Nonetheless, Sachs and Malaney estimate that the loss to Ghana, measured in percent of GDP, is approximately 18%.<sup>67</sup>

There is no guarantee that improving action against malaria is going to have a marked effect on Ghana's GDP. There is reason to believe, however, that it would contribute strongly not only to economic growth but also to human development. Purdy et al. argue that if the funding needed to combat malaria effectively were actually available, the economic gains would be worth US\$208.6 billion, on top of a wide range of social and human benefits that do not feature in such economic calculations.<sup>68</sup> Moreover, it could free up money to spend on other aspects of the health budget or, for instance, education. Given that the Roll Back Malaria foundation estimates that the global funding currently needed for malaria prevention is only just over US\$5.1 billion, with \$2.3 billion of that going to Africa, the potential payoffs are enormous.<sup>69</sup> But regardless of the economic benefits of an improved health sector, being able to live a healthy life surely counts as one of the prerequisites for a minimally decent life. Of course there is always a risk with such large-scale intervention. It is possible that efforts to improve the health sector, even if not intended to have any impact on any other area, may end up making things worse. This is something everyone involved must be vigilant about. But so long as the economy as a whole does not suffer markedly from the intervention it is not immediately clear that, say, an increase in corruption is in itself

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<sup>67</sup> Ibid., 683. Data from 1980-1995.

<sup>68</sup> Mark Purdy et al., "The Economic Case for Combating Malaria," *American Journal of Tropical Medical Hygiene* 89, no. 5 (2013): 819–23.

<sup>69</sup> "Global Malaria Action Plan" (Geneva: The Roll Back Malaria Partnership, 2008).

enough to render it indefensible. It should not be a requirement of support for the healthcare sector that it also provide positive outcomes for the economy as a whole. And given the potentially huge scale of the benefits of malaria eradication, it may well be a chance worth taking.

### *6.5.3 Infrastructure and industry*

Ghana's infrastructure is currently more advanced than the dismal average of African countries, with most roads generally being in good condition, and most people both in rural and urban areas being connected to water and electricity networks, and even phone signal. Nonetheless, power cuts are still frequent, power is expensive, and the water networks lose upwards of 50% of the water before it reaches the consumers. On top of that, while the road network is reasonably extensive throughout the country it links poorly with neighbouring countries, holding back the poorest regions, furthest from the coast, and meaning that the ports in the south do not have enough capacity for export to grow without creating bottlenecks. All in all, to bring the network up to the standard necessary to harness the country's full economic potential, an investment of 20% of annual GDP would be needed, something far beyond the country's current capacity.<sup>70</sup>

As Collier argues, improving transport links can be a very effective way for countries to escape poverty. This is especially true for landlocked countries, but it also applies to inland areas such as Ghana's northern

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<sup>70</sup> Vivien Foster and Nataliya Pushak, "Ghana's Infrastructure: A Continental Perspective," Policy Research Working Paper (Washington, DC: World Bank, 2011), 1–2.

regions, hundreds of miles from the global access-granting coastline to the south. In the 1990s there was a belief in the international community that private finance would fund infrastructure developments, and they have only recently woken up to the need for coordinated action.<sup>71</sup>

Highlighting a general global trend for exporters of raw materials to systematically fall behind exporters of finished products, and pointing to the success of Malaysia and Korea following their expansion of manufacturing industries, Ayalazuno suggests that Ghana must take an active role in its industrialisation. This does not necessarily mean state-owned factories but, similar to South Korea in the early years, financing the start-up capital for crucial industries, imposing performance and quality standards, and enhancing the “technological capabilities” of the industrial sector through the educational sector.<sup>72</sup>

Ghana would be well-placed to expand into the global market, with the majority of the population living near the coast, and industrial centres having easy access to global shipping routes. The rewards of such a policy are potentially high, but so are the risks. At least in the initial phases, Ayolazuno argues, Ghana must be allowed to protect some of its industries from foreign competition, as South Korea did, before getting enough experience and economies of scale to be competitive.<sup>73</sup> This jars with current international trade laws which emphasise a neo-liberal open market policy. One way that developed countries would be able to discard their duty of development towards Ghana, then, could be to allow them to

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<sup>71</sup> Collier, *The Bottom Billion*, 107–108.

<sup>72</sup> Ayelazuno, “Neoliberalism and Growth without Development in Ghana,” 88–95.

<sup>73</sup> *Ibid.*, 94.

protect their industries for the time it would take to get off the ground, and to prevent dumping of subsidised Western goods on their local markets, at prices they cannot compete with. But a second, more direct way the duty of development could be performed would be to assist the Ghanaian government in funding the industries and helping set up the necessary legal and support frameworks for starting up an industrial base of their own.

There are, of course, limits to what development aid and other forms of external help can do. But what the example of Ghana shows – even if only discussed briefly – is that there is reason to believe that we have not yet reached that limit when it comes to countries that are poor not because of excessively bad governance or civil strife. This is a lesson that by no means applies universally in the developed world, but potentially to several countries that are currently stable but poor, and to future post-conflict cases.

## **6.6 Broader lessons for the duty of development**

Many of the basic goods, or basic requirements for an “expanded” minimally decent living I discussed in Chapter 3, have largely been secured for a significant portion of Ghana’s population. These include physical integrity, basic food, drink and shelter. Many Ghanaians have access to those goods, more so than in most other African countries.<sup>74</sup> In other areas it is less clear that basic needs are covered. Basic healthcare is guaranteed

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<sup>74</sup> Pogge, *World Poverty and HR*, 55.

to a larger extent than in most other African countries, but there are still obvious gaps, most notably in protection against malaria. In addition, education is arguably lacking for a large portion of the population.

In Chapter 3 I argued that while internationalists generally accept the rights found in Articles 3-18 of the UDHR as universal they must, at an absolute minimum, also accept the rights enshrined in Articles 25, 26 and 29 as well. They are the right to a standard of living adequate for the health and well-being of yourself and your family, the right to an education, and the right to only be subjected to laws that are consistent with equal respect and recognition for everyone. There is presently no reason to suspect that in Ghana's case the latter of those rights is at risk. However, the other two are insecure for a substantial part of the population. And for the remainder of the Articles, 3-18, several of those are in short supply as well.

It may be that following through on the developed world's responsibilities towards Ghana in the ways I laid out above would put us beyond what was strictly required by the expanded duty of development. But securing these rights in the long-term will likely require a higher level of security than if we were only interested in the situation here and now. The closer you are to the edge of what can be considered a minimally decent life, the greater the risk of falling back into unacceptable poverty and insecurity. Those on the bottom rung of the ladder are much more exposed to the vagaries of the weather – both the metaphorical and the actual – in the form of economic ups and downs.

Given that, as Rawls says, “the representatives of people will want to preserve the independence of their own society and its equality in relation

to others,”<sup>75</sup> the cut-off point for the duty towards burdened societies must be one that allows them to preserve their vital institutions across some degree of variation in circumstances. If there is one thing the recent global financial crisis has made clear, it is that no one is completely safe from market volatility. Moreover, in troubled times you cannot necessarily rely on the society of peoples to come to the rescue.

The approach I am proposing here calls for the duty of development to take many forms. Risse argues specifically that the duty of development is one of institution building (other than in cases of natural disasters or other emergencies).<sup>76</sup> Nonetheless I do not think my proposals are incompatible in principle with what Risse says. Recall that his argument in favour of institution building is primarily *empirical*. We have a duty of institution building, where possible, not because there is anything intrinsically more valuable about them from a moral point of view, but because it is through them that the distinctively human life is best secured. Institutions, then, are a *means* to an end. Although our duty is to humanity as a whole, where a “state is wealthy enough and satisfies its obligations under the stronger principles that apply only within states, the human rights of its citizens will automatically be satisfied.”<sup>77</sup> Institutions, Risse argues, are not only the most important factor in ensuring that a state is able to promote its citizens’ interests, it is of singular importance. But if what I have argued in this and the preceding chapter is correct, institutions are not the only game in town. Although it seems clear that

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<sup>75</sup> Rawls, *LP*, 115.

<sup>76</sup> Risse, *On Global Justice*, 80.

<sup>77</sup> *Ibid.*

they are extremely important to development, other factors play a part as well. Risse's philosophical framework may therefore be correct even if the empirical underpinnings are misguided. Therefore, if you find Risse's argument about the relevant moral limits to the duty of development persuasive, there will be no reason for you to object to that duty not being narrowly confined to institutions, given what I have discussed in these last two chapters.

The general principle still applies that the better a position we are in to help, the more demanding our duty to help will be. There is no obligation to pour money into a black hole, and in many troubled spots in the world there is still relatively little the developed world can do other than provide humanitarian emergency relief. Where we can do more is in places where the institutions are already reasonably robust, even if the population as a whole, or at least the majority, live in absolute poverty. Nonetheless, these people are still likely to be less destitute than those suffering under despotic regimes, in conditions of civil war, or in areas under no government control. One potential consequence of this proposal, therefore, is that we might find ourselves giving more money to countries that seem to be doing a lot better than others. Ghana is not anywhere near as poor as the Central African Republic, but if there is not much that can be done apart from emergency aid, it makes no sense to be spending money there. This would likely be very controversial, as there is a tendency among the public to assume that aid should be prioritised for the world's absolute poorest. But while it will be difficult to create the necessary donor consensus to give more assistance to the less poor developing countries,



these are precisely the conditions where aid is more likely to have long-term positive effects.<sup>78</sup>

While it is potentially disconcerting to note that development aid has the effect of shoring up the incumbent in democratic elections, from an internationalist perspective our concern should primarily be with the knock-on effects, i.e. whether this use of public money for patronage has a negative effect on rule of law, the business environment, education or healthcare, and so on. But as for the isolated effect on elections there is less reason to consider it a serious argument against development assistance.

This is, first, because these effects are felt regardless of where the money comes from. Any source of national revenue, whether from aid, taxes or natural resources can potentially be used to woo important voter demographics or shore up support among important players. As we have seen, even remittances may have that effect, by allowing governments to divert funding from otherwise essential services. Moreover, this effect is not unheard of in developed countries either, where incumbent governments will naturally seek to shape and time their policies to put them in the best possible position to win the next election, and where “voter handouts” to certain demographics are often an accepted part of the game.

And second, with the exception of Blake, internationalists generally agree that democratic governance is not an important feature of a well-governed society. Where development aid therefore serves to make

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<sup>78</sup> Collier, *The Bottom Billion*, 102.

democratically elected governments more secure in office, this is not in itself something that an internationalist should be concerned with, provided that the overall benefit of the aid is there.

In this chapter I have painted a generally positive image of aid, highlighting research which suggests that, although at times limited, aid has the potential in certain circumstances to do a tremendous amount of good. But it would be remiss of me not to point out that this is a contested conclusion. While I have sketched out some prominent criticisms of aid there is virtually no aspect of my account that could not be equally be criticised by drawing on academics and practitioners who have reached different conclusions, by looking at different cases or interpreting the numbers in different ways. While I do believe that my conclusions are valid, nothing is watertight when it comes to development economics.

But as mentioned earlier, we cannot set the bar so high that only complete certainty about the effect of our spending on development aid at every step will be enough to assign a moral duty of development to the world's richest societies. Having sketched out a plausible scenario in which increased aid levels can have a sustained positive effect, the burden of proof must be with those who would continue to maintain that the theoretical duty of development assistance still does not have enough empirical bite to be a binding obligation in the real world.

These interventions should, of course, be coupled with an increased effort to independently examine their effectiveness in delivering their stated outcomes. (Indeed, one potentially important part of fulfilling the duty of development, which I do not discuss in this thesis, is the duty to research aid effectiveness in general.) As Wenar points out, the deck is

currently stacked against this kind of research. American humanitarian aid, for instance, is regrettably bound up with the needs of the US agricultural industry to offload excess production, with little concern for whether this is the best way of providing humanitarian assistance (compared, for instance, with buying grain from neighbouring countries, boosting their production in the process). Nor do aid agencies always have a strong incentive to check their own effectiveness, as funding for projects often does not hinge on it, but rather on other political goals.<sup>79</sup>

But while it is extremely important to do everything you can to build accountability into every step of the process, these concerns do not by themselves provide a compelling argument against a duty of development assistance. While they may be crucial in highlighting *why* aid fails when it does, they would only work as an argument that aid cannot work if it could be proven that it would be impossible to build accountability into the process. It does arguably highlight the importance of what Wenar calls “the four major checking mechanisms of bureaucratic organizations. These four mechanisms are democratic politics, regulatory oversight, press scrutiny, and academic review.”<sup>80</sup> Of those, internationalists of course contend that democracy cannot be a requirement of a society, nor can it be imposed from the outside. But at least some form of accountability towards the citizenry and regulatory oversight normally associated with democracy must be built into any decent governmental structure. Moreover, Collier agrees that freedom of the press seems to be particularly

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<sup>79</sup> Leif Wenar, “What We Owe To Distant Others,” *Politics, Philosophy & Economics* 2, no. 3 (2003): 295.

<sup>80</sup> *Ibid.*, 296.

important, especially to prevent the kinds of political patronage, underinvestment, and vanity projects that plague resource-rich countries.<sup>81</sup> But there is no particular reason to think that they cannot be built into the process.

More generally, the research highlighted in this chapter points to some general guidelines in development. The first is that even in the grandest schemes it is essential to think local implementation into the plan. Without the necessary infrastructure at the ground level, too many development schemes never move beyond the capital city, or they falter once the donors leave and the provisions for maintenance and accountability have not been put in place.

Second, accountability must be built into the process at every step. While accountability to donors is extremely important, so is accountability to the citizens and local stakeholders, arguably even more so.

Third, we should be less afraid of waste. More specifically, we should be seriously concerned with schemes that have unintended consequences, which end up doing more harm than good in the long run. But given that the benefits of successful programmes can be exponential and most programmes that fail tend to simply do no good rather than actively doing harm, it is not clear that the failure of any one assistance programme is as devastating an indictment as critics sometimes like to imagine. Projects that simply fail to do as much good as expected provide important learning opportunities, and guide us that little bit closer towards figuring out what actually does work.

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<sup>81</sup> Collier, *The Bottom Billion*, 44–48.

And finally, Hudson and Mosley suggest that in order to reduce the volatility of aid resulting from funds being diverted to disaster areas, a global disaster relief fund should be set up, and paid into regularly by the world's richest donors. This would further have the advantage of speeding up disaster responses.<sup>82</sup>

## **6.7 Conclusion**

In this chapter I have tried to make the duty of development more concrete by discussing real examples of the work that is currently being done, and could be done, in specific situations. This follows on from Chapter 5 in which I argued that the institutional thesis misrepresents the way in which institutions are important, and that rather than being a catch-all indicator of a country's ability to become well-ordered, good institutions are simply one of a series of necessary preconditions for development. This chapter goes further in discussing how the duty of development can be carried out.

In Section 6.2 I started off by highlighting how internationalists are more often than not sceptical about the effectiveness of development assistance, arguing that we should be careful not to overestimate the developed world's ability to implement the duty of development in many cases. Consequently, the duty is diminished in practice. While they are right to be wary of unwarranted optimism about aid's effectiveness, Section 6.3 nonetheless showed their scepticism to be excessive, through a

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<sup>82</sup> Hudson and Mosley, "Aid Volatility, Policy and Development," 2092.

survey of the literature in development studies, which suggested that aid can in fact be effective under the right circumstances, that aid can in some cases be more beneficial than other sources of government revenues such as natural resource extraction, and that remittances, supposedly less disruptive than aid, suffer from many of the same problems. Aid surely has its own problems, but on balance it seems that the benefits can be great while the downsides are in many cases manageable. Section 6.4 continued this line of enquiry, exploring in more detail the specific question of what role institutions play. It found that the quality of institutions put a limit on how much outside assistance a country is able to effectively absorb but, pointing to the examples of Taiwan and South Korea in particular, that limit may in certain situations be very high indeed. More generally, I suggested that some countries may not currently be close to the limit of what they can absorb.

The next section, 6.5, discussed one such example, from many potential cases. Ghana, I argued, has a strong governmental capacity, yet scores low for development in general. I highlighted three areas in particular where a concerted effort from the donor community has good chances of being successful: In governmental capacity, especially in relation to continuing to hold free and fair elections; in health, especially malaria eradication; and in infrastructure and industry, particularly connecting the inland regions to the coastal regions. Finally, Section 6.6 connected the discussion to the internationalist duty of development, arguing that the society of peoples have a duty to assist countries like Ghana, all the more so because it is in large part a duty that we *can* discharge at present.

This chapter closes the empirical discussion of the thesis. This and the previous chapter argued that the empirical practical reasons internationalists give to be sceptical about the scope and scale of the duty of development were not as convincing as they looked at first sight. However, the questions of how a world order in which such a duty is even necessary came about, and what types of reparations for past injustices may be owed, were left aside. But, of course, they cannot be ignored if we want a full picture of duties to burdened societies. Chapter 7 will address them next.

## **Chapter 7 – Background Conditions, Historic Injustice, and Fairness**

### **7.1 Introduction**

Up until now my argument has centred on what negative duties the governments in the society of peoples have to prevent harm to non-citizens, and what positive duties exist to bring about the conditions for a minimally decent life among non-compatriots. But in either case, I have gone along with the simplifying assumption that these are non-corrective duties. My concern has been how and to what extent, given the inequality that exists between societies on this planet, the wealthiest many have a duty towards the poorest few. But the questions of how that poverty came about in the first place, and whether the events that led to where we are now constitute an injustice in their own right, have been put to the side. These questions will take centre stage in this chapter, where I will, however briefly and tentatively, give an account of the role that history should play in a coherent internationalist account of duties towards non-compatriots.

In broad strokes, the history of the last 500 years, since colonialism first took off in the late 15<sup>th</sup> century, has been one of grave injustice, requiring some form of compensation. My goal in this chapter is not, however, to discuss a duty of rectification as such. From giving a brief historical and philosophical overview of the reasons we have to believe that such a duty exists, I move on to a narrower question, namely: What



does this history of harm mean for the duty of development? My conclusion will be that the duty of development, a permanent feature of the law of peoples, should be supplemented with a temporary duty to bring about the necessary background conditions for the law of peoples to take effect, through redistribution beyond what duties to burdened societies would require. This is a one-time only obligation, and once we are satisfied that the background conditions have been met, events may run their course in accordance with the principles governing the society of peoples from then on.

I must make clear, however, that I do not claim that this duty exists. Rather, I argue that, (a) there is a contradiction in the law of peoples that must necessarily be resolved, and (b) a temporary duty of redistribution is one way of doing that.

Another way could be to introduce a redistributive principle directly into the law of peoples instead, which cosmopolitans would no doubt find more appealing.<sup>1</sup> But the advantage of my proposal is that it resolves the contradiction without fundamentally altering the nature of the law of peoples, making it more palatable to those who find Rawls's international theory convincing on the whole.

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<sup>1</sup> Cosmopolitans say that there already exists a global structure, which internationalists deny. To counter, Miriam Ronzoni has suggested that rather than ask whether a global structure exists, we should ask whether the conditions are there to require, as a matter of justice, that a global structure be developed. She argues that "background justice problems are possible at the supranational level, and [...] if they arise, they require the establishment of appropriate supranational institutions" (Miriam Ronzoni, "The Global Order: A Case of Background Injustice? A Practice-Dependent Account," *Philosophy & Public Affairs* 37, no. 3 (2009): 231). It could be argued, then, that my argument suggests that problem of background justice exist. For my purposes in this chapter, however, this line of argument can be put to the side. First, because it is outside the scope of what I am trying to accomplish in this thesis. And second, because, as the chapter will make clear, I not suggesting that the law of peoples itself produces background justice problems, only that uncompensated historic injustices do.

My argument proceeds in the following way. In Section 7.2 I establish that the history of the world is characterised by pervasive injustice. I then sketch two reasons why you might disagree with that conclusion. The first is that history of globalisation is in fact *not* one of injustice, while the second is that although the past may have been characterised by deep injustice, the global order that exists today is still far superior to what it was 200 years ago.

In Section 7.3 I move to Rawls's law of peoples, outlining the contradiction in his argument, namely that his theory is simultaneously supposed to represent an ideal of peoples as they might be, and be applicable to the world as it currently is. With the global order shaped by historical injustice, applying non-distributive principles to it would simply entrench that injustice, undermining its claim to fairness. At this point I introduce the temporary redistributive principle, designed to bring the global state of affairs up to the point where the principles of the law of peoples can be relied upon to produce fair outcomes.

Sections 7.4 and 7.5 justify this duty from two different angles. The first is the fairness-based approach, based on a liberal understanding of the international sphere. It argues that the duty must be fulfilled in order for the resulting transactions between parties in the society of peoples to be fair. The second is the justice-based approach, which argues that the global sphere is best characterised by libertarian principles. The duty is therefore owed as a matter of justice, due to the past having been characterised by a large-scale theft of resources.

The chapter then moves away from an overtly Rawlsian framework, with Section 7.6 showing that the same duty follows naturally from

Richard Miller's account of "quasi-cosmopolitanism". While he is primarily interested in moral debts accrued from US imperialism, the principles apply universally. I argue that they do so not only in the sense that almost all developed countries will owe them, but also that, other than perhaps the most recent large-scale injustices, it makes more sense to think of the duty in terms of a global, shared duty rather than a bilateral or multilateral one between victim and perpetrator.

Finally, in Section 7.7 I ask what a reasonable starting point for the law of peoples would look like, and by implication what the temporary duty requires. This must necessarily be a sketch, and I leave much open for discussion. Section 7.8 concludes.

## **7.2 Does the global order need to be rectified?**

Yes, it does.

To Pogge, it is clear that global inequality as it looks today maps all too neatly on to global inequality as it looked when the European colonial powers controlled large swathes of the world. Through their treatment of the colonies, "trading their people like cattle, destroying their political institutions and cultures, and taking their natural resources,"<sup>2</sup> they opened up an ever widening wealth gap between the world's richest and poorest, not just in terms of income but also education, healthcare, infrastructure and political organisation. "The relevant historical crimes were so horrendous, so diverse, and so consequential that no historical entitlement

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<sup>2</sup> Pogge, "Real World Justice," 38.

conception could credibly support the conclusion that our common history was sufficiently benign to justify even the radical inequalities in starting positions we are witnessing today.”<sup>3</sup>

Apart from the physical and psychological harm caused by acts of theft, destruction or violence by the colonial powers, the history of the world is also one of failing to treat all members of a political community as equals.<sup>4</sup> This inequality has manifested itself in many different ways, and its ripple effects felt long after the end of colonialism. Many of the challenges facing the least developed countries have their roots in other places. With a particularly disease-prone environment, largely unfertile land and long distances to the coast, some parts of Africa might always have struggled to develop. That does not mean that these obstacles are insurmountable – conditions in the US Midwest, for instance, are similar in many respects. But as Sachs points out, overcoming them requires a kind of government initiative that Africa was largely denied at the time. Whereas in India the British-built railway network was extensive, so as to facilitate the export of cotton to factories in Britain, most colonial-era railways in Africa only went from gold mines or other natural resources extraction sites to the coast, bypassing most of the native populations entirely.<sup>5</sup>

Among internationalists, R. Miller is a welcome if all-too-rare proponent of the idea that the global order does harm the poor, even if he claims it does so in a very different way from Pogge. Starting from the

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<sup>3</sup> Ibid.

<sup>4</sup> Lea Ypi, “What’s Wrong With Colonialism,” *Philosophy & Public Affairs* 41, no. 2 (2013): 158–91.

<sup>5</sup> Jeffrey D. Sachs, *Common Wealth: Economics for a Crowded Planet* (London: Allen Lane, 2008), 227–228.

(rather thin) premise that if countries met the responsibilities he sets out, global poverty would be greatly reduced (meaning the global order is not unjust simply because it is harmful but because countries do not live up to their responsibilities *within* that order), he says that the harm consists in taking advantage of the desperation of the poorest, which is a form of exploitation. As such, he emphasises relational responsibilities brought about through interaction between the parties. These can be much more demanding than negative duties not to make people worse off, which is a very low standard. But they are also substantially different<sup>6</sup> from a blanket positive duty to bring about better conditions under any circumstances.<sup>7</sup>

But a “striking feature of globalization” is precisely the way developed countries take advantage of the poor, for instance through manufacturing in least developed countries under conditions that would have been unacceptable at home. While often the people working in these conditions find their lives improved by, for instance, working for a European clothing conglomerate in Bangladesh, it is only because the situations they come from were so much worse.<sup>8</sup> Similarly, global institutions are arranged to ensure that the wealthiest hold the greatest bargaining power, enabling them to push their desired policies through. It is not enough for defenders of these institutions to say that the global trade it facilitates benefits everyone. If the benefits accrue disproportionately to the top, that is a form of exploitation in and of itself.<sup>9</sup>

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<sup>6</sup> In R. Miller’s view, at least. As I argue later, it is difficult to sustain his distinction between exploitation committed by individual actors in the international system, and systemic exploitation enabled by that system itself.

<sup>7</sup> Miller, *Globalizing Justice*, 59.

<sup>8</sup> *Ibid.*, 63–69.

<sup>9</sup> *Ibid.*, 69–77.

Suppose you wanted to argue the opposite: That the global order is not in need of rectifying. (Note that this is a different question from the one Risse asks – how does the global order harm the poor?<sup>10</sup> – and also different from asking, has the global order historically caused harm?) The history of the world is full of grave injustices committed at virtually every stage of human development. Many of them were carried out by, and arguably contributed to the fortunes of, those who wield economic, political and military power in the world today, against those who still linger in the bottom tier of global power as I write this. Still, some have tried to swim against the current of overwhelming historical evidence. How would you go about doing that, and how convincing would your argument be?

For simplicity's sake I will think of strategies for evaluating the importance of history for our conception of justice in two ways, which I will call *historical* and *counter-factual*. In the first strand, the global order is just because the historical events that shaped it were in themselves just. That is, while no one would seriously deny that atrocities took place, taken as a whole the main events that shaped the distribution of wealth and power relations today were equitable. Niall Ferguson famously pursues this line of argument, extolling the virtues of the British Empire as a modernising force in the world. While he does not deny, for instance, that severe acts of violence were committed in the name of British imperialism, the benefits of being part of the empire greatly outweighed its costs. Today India, a British colony until 1947, benefits from, among many other things,

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<sup>10</sup> Risse, "How Does the Global Order Harm the Poor?"

an extensive railway network, a full set of democratic structures, a justice system in the common law tradition, the abolition of the caste system which largely took place at the behest of the British, and team sports, especially cricket.<sup>11</sup> All in all, far from dragging India down, Britain's presence there pulled them up and set them up for developing into a modern and prosperous nation, even if that transition is not yet complete. Against that backdrop, presumably, tragedies like the famine that struck Bengal in 1943, killing approximately three million people,<sup>12</sup> deeply regrettable though they are, are more than amply compensated for by being part of the British Empire to begin with.

This line of argument is, suffice to say, thoroughly unconvincing. First, even if we accept the premise that former British colonies benefit from the institutions that were left behind, there is no reason to assume that they could not have happened without accompanying injustices. *If* the Bengal famine or the Amritsar Massacre had been indispensable parts of the necessary process for bringing about positive development, *deliberately* aimed at helping to bring about the best possible outcomes for native Indians, without any regard for the attainment of British strategic interests, perhaps *then* the acts could be excused even if the victims would still need compensation. But that is some stretch. And second, Ypi points out that the harm in colonialism lies not solely in the harm committed against groups and individuals, however serious they may be by

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<sup>11</sup> Niall Ferguson, *Empire: How Britain Made the Modern World* (London: Penguin, 2004). On the final point, at least, I am sympathetic to Ferguson: Cricket is by far the greatest sport ever invented.

<sup>12</sup> Amartya Sen, "Starvation and Exchange Entitlements: A General Approach and Its Application to the Great Bengal Famine," *Cambridge Journal of Economics* 1, no. 1 (1977): 35–36.

themselves. Rather, the act of subjugating another people to your own will, and denying them “equal and reciprocal terms of cooperation” is in itself a grave injustice.<sup>13</sup> In this case the fact that beneficial institutions were left behind is neither here nor there; what matters is that the subjugation constituted the harm in itself.

I will not dwell on this line of argument any further, in no small part because, thanks to its sheer implausibility, very few people would actually make it. I mention it only to contrast it with a more subtle approach, less straightforward to argue against. The counter-factual argument holds that although the events that shaped the main contours of modern-day wealth and power-relations may have been unjust in many ways, the end distribution is still better than what it was before globalisation took off.

Risse is a strong proponent of this idea:

Statistics hardly show unambiguously that the global order harms the poor. While indeed, 1.2 billion people in 1998 lived below the poverty line of \$1.08 PPP 1993 per day, currently a smaller share of the world population lives in misery than ever before, as measured in terms of any standard development indicator. The progress made over the last two hundred years is miraculous. In 1820, 75 percent of the world population lived on less than \$1 a day (appropriately adjusted). Today, in Europe, almost nobody does; in China less than 20 percent do, in South Asia around 40 percent; and

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<sup>13</sup> Ypi, “What’s Wrong With Colonialism,” 158.



altogether slightly more than 20 percent do. The share of people living on less than \$1 a day fell from 42 percent in 1950 to 17 percent in 1992. Historically, *almost everybody* was poor. That is no longer true.<sup>14</sup>

While there is no doubt that much about the past was deeply unjust, that is not in itself enough to show that the world order that we *currently* live in is unjust also.<sup>15</sup> This contention hinges on what Risse calls the feasible alternatives thesis: That there is an alternative global order which, as the name implies, would have been feasible to implement, and which would have left the global poor much better off today. He takes umbrage with proponents' (mainly Pogge's) claim that an alternate order is feasible; this objection is mainly grounded in the institutional thesis, that the primary source of development is sound institutions. Given that Pogge's alternative world order primarily differs from the current one in its more demanding redistributive aims it follows that, if the institution thesis is right, this would not be an effective way of improving the global order.<sup>16</sup> In Chapter 5 I gave strong reasons to doubt that the institutional thesis holds up to the extent Risse assumes, while in Chapter 6 I offered some ways in which targeted increases in redistribution could have a positive effect. Still, the central premise stands with regards to the most basic claim: 200 years of industrialisation has coincided with a staggering reduction of global poverty.

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<sup>14</sup> Risse, *On Global Justice*, 295, his italics.

<sup>15</sup> Risse, "How Does the Global Order Harm the Poor?," 354.

<sup>16</sup> *Ibid.*, 371–373.

As I mentioned at the outset, this is not meant to be a thorough review of the global order. It is a brief overview to illustrate some concepts that become important as the chapter progresses. Broadly speaking, R. Miller's understanding of how the global order causes harm (or, rather, how actors within it, specifically the US, cause harm) represents an important move away from ideal theory, understood as the difference between end-state and transitional theory, as in whether we evaluate institutions as they are, or as they might be under ideal circumstances.<sup>17</sup> The question here is whether the lessons apply globally and multilaterally, or on a binary basis. I return to this question in Section 7.6.

Risse here represents a way of arguing that is more directly premised on Rawls.<sup>18</sup> While Rawls himself said extremely little about what does or does not make the global order just, I take Risse's view to be, if not a reasonable guess of what Rawls would have agreed to, then at least consistent with his views. As such, the sections coming up, from 7.3 through to 7.5, work as a continuous argument. First I show why Rawls is wrong to assume that the principles for the law of peoples can be agreed without reference to the global order, then I argue for a temporary duty to correct for the effects of historical injustice. At this point Risse's objection becomes relevant again: I argue that this duty can be justified on a liberal reading, and a libertarian one. But on the liberal reading, proving that the duty exists would depend on rejecting the feasible alternatives thesis, thus introducing a further step into the process. On the libertarian reading, however, the feasible alternatives thesis is a moot point.

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<sup>17</sup> See, for instance, Valentini, "Ideal vs. Non-Ideal Theory."

<sup>18</sup> Risse admits as much. "How Does the Global Order Harm the Poor?," 358, fn.

### 7.3 The contradiction in the law of peoples

Rawls conceives of the original position for the international sphere as analogous to, and an extension of, the domestic original position in *A Theory of Justice*. In that book he briefly<sup>19</sup> sketches the next step, namely that the societies who have just agreed to their domestic principles must now meet to agree the principles for handling conflicts between them. The ones he discusses bear a close resemblance to what would later form the law of peoples.<sup>20</sup> In this sketch, “[i]ndependent peoples organized as states have certain fundamental equal rights. The principle is analogous to the equal rights of citizens in a constitutional regime.”<sup>21</sup> In the domestic sphere, ensuring that outcomes are just makes it “necessary to set the social and economic process within the surroundings of suitable political and legal institutions. Without an appropriate scheme of these background institutions the outcome of the distributive process will not be just.”<sup>22</sup> This means fair equality of opportunity, equality of education and access to markets, and a guaranteed social minimum through a redistributive scheme.<sup>23</sup> Yet there is no analogous case for most of these provisions in the international sphere. How can that be?

In the global original position, the peoples do not know their relative size, strength and wealth, but in addition to knowing that they

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<sup>19</sup> In fact, the section (Rawls, *TJ*, 331–335.) is mainly about the right to conscientiously object to military service.

<sup>20</sup> Pogge says that the source from which Rawls draws his international principles, *The Law of Nations* by James Brierly – “This work contains all that we need here,” (Ibid., 332, fn.) – already represented an outmoded model of international society by the time Rawls published *A Theory of Justice* in 1973 (Pogge, *Realizing Rawls*, 244–246).

<sup>21</sup> Rawls, *TJ*, 332.

<sup>22</sup> Ibid., 243.

<sup>23</sup> Ibid.

have some sort of comprehensive doctrine, they know the necessary facts about the world in which they operate. Presumably, then, they know that there will be countries whose wealth exceeds that of any other society in human history, and conversely that there will be countries so poor that their citizens suffer from chronic malnutrition in large numbers.<sup>24</sup> They will further know that this poverty comes on the back of centuries of systematic exploitation by the world's richest. Would they still affirm a set of non-distributive principles? I think not. Either they would affirm distributive principles right off the bat, even if they were less extensive than in the domestic case, or they would agree on a temporary principle to bring the starting conditions for the law of peoples up to scratch.

So how does Rawls end up endorsing non-distributive principles? My guess is that he overlooks an apparent contradiction in how the realism (in the sense of practical applicability) of his project is laid out. At one point he says, “we view people as they are [...] and the Law of Peoples as it might be, that is, how it would be in a reasonably just Society of just and decent Peoples.”<sup>25</sup> Yet almost immediately after he says it “may be applied to ongoing cooperative political arrangements and relations between

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<sup>24</sup> The law of peoples is designed to apply between decent liberal or hierarchical regimes. Outlaw states, benevolent absolutists and burdened societies are therefore not parties to this agreement. Pogge, however, points out that the criterion chosen must nonetheless apply to everyone. Even if authoritarian regimes do not sign up to it, it still remains the criterion by which we would judge their actions. For instance, he suggests, when Chile descended into totalitarianism in the 1970s the international community did not suddenly evaluate their actions by different standards, given that they were no longer a decent liberal people (Pogge, *Realizing Rawls*, 266–267). The same must be true for burdened societies. They are not currently parties to the original position. However, given that they desire, with the help of decent peoples, to be included in the law of peoples, it follows that the terms must be acceptable to them as burdened societies, not merely that they will be acceptable to them when they become decent peoples. The relationship between decent peoples and burdened societies must be characterized by justice. So the second original position should be imagined to contain burdened societies as well, in order to ensure that their compliance can be reasonably expected.

<sup>25</sup> Rawls, *LP*, 17.

people.”<sup>26</sup> The second statement in particular is telling, as a lot of the defences of Rawls rely on ignoring or downplaying this statement. For instance, Reidy says that “Rawls has always insisted on approaching fundamental issues in normative political philosophy from a point of view that takes persons not as they are under existing conditions, but as they might be, given the empirical limits of human psychology, biology, and the like, under conditions that might reasonably be hoped for.”<sup>27</sup> And Freeman claims that the “problem with Pogge’s contention that the Law of Peoples does nothing to alleviate current global injustice is that, like so many criticisms of Rawls, it ignores the fact that the Law of Peoples is drawn up for the ideal case of well-ordered societies and peoples.”<sup>28</sup> But, presumably, an ideal case that is applicable to the current political reality? I do not want to cast a vote on what Rawls’s intentions were, but purely on the basis of what he wrote it would seem the nays have it.

In the first step, then, the law of peoples articulate the law as it might be, given some irrefutable facts about peoples. This is something he carries over from the first original position.<sup>29</sup> But this conception is in itself problematic, as it takes certain facts about states as a given and treats them as immutable, similar to some basic facts about human nature. I covered this objection in Chapter 1.

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<sup>26</sup> Ibid.

<sup>27</sup> David A. Reidy, “Rawls on International Justice: A Defense,” *Political Theory* 32, no. 3 (2004): 300. Upon re-reading the section I found scribbled in the margins a years-old comment reading, “Justice for Superman?”

<sup>28</sup> Samuel Freeman, “Distributive Justice and The Law of Peoples,” in *Rawls’s Law of Peoples: A Realistic Utopia?*, ed. Rex Martin and David A. Reidy (Malden, MA: Blackwell Publishing, 2006), 251.

<sup>29</sup> “The reasonably just Society of well-ordered Peoples is *realistic* in the same ways as a liberal or decent domestic society.” Ibid.

In the second step, however, Rawls suggests that the law of peoples is immediately applicable to the world as it is, to the on-going co-operative political arrangements that currently exist. In doing so, he skirts over the question of whether the background conditions in place are sufficiently just for the outcomes that result from the principles to, *ipso facto*, be just.

This is not a problem in the domestic sphere, where the question of inherited conditions never really pops up. Here the original position is imagined as a purely hypothetical scenario rather than, as in the tradition of Locke and Hobbes, one set in an imagined past. Representatives stand behind the veil of ignorance, and therefore know nothing about their own unique positions in society, coming together to establish first principles for the *founding* of society.<sup>30</sup> Moreover, it is a discussion that can be entered into at any point, to evaluate the present state of society and ask to what extent this is what would have been decided behind the veil of ignorance. The background conditions in domestic society are therefore guaranteed to be just because they are determined by the original position.

But while *The Law of Peoples* is not historical, it is not a-historical either. The second original position does not take place in an imagined past, but nor is it purely hypothetical; it takes place here and now. The background conditions are therefore already given. This is in part due to the fact that domestic societies have already been formed in the first original position, their principles having been decided on without reference to their effects on other societies and their citizens. But it is also because they are applied not at the founding moment for international

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<sup>30</sup> Rawls, *LP*, 10–15.

politics, but at a time when human civilization is already some 10,000 years old, and the contours of international trade and politics as we know them today have already been in place for at least 500 years, arguably longer.

Yet throughout, Rawls treats peoples as fiercely individualistic, never pausing to consider the role that interactions between them could have not just in terms of the traditional domains of international relations – trade, diplomacy, conflicts between parties pursuing their own rational interests – but also as constitutive of these societies, shaping their internal make-up as democratic or authoritarian regimes, or determining their place in the pecking order of global power structures.

So while the law of peoples marks a welcome break with traditional international relations in characterising states as reasonable rather than rational,<sup>31</sup> the relationship between states is shaped by an out-dated logic.

For this, Rawls has received widespread criticism. Buchanan is particularly scathing in his critique, chastising Rawls for offering “no support for his sweeping generalisation that good government ensures that a society can provide ‘a decent and worthwhile life’ for all its citizens,”<sup>32</sup> given that he gives no thought to the way negotiations take place within the parameters of the global basic structure and the unequal power relations that characterise it.<sup>33</sup> Beitz, too, is unconvinced that actors with wildly unequal resource shares can be expected to share equally in the benefits of a global political structure that “offers them no more than the

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<sup>31</sup> Ibid., 28.

<sup>32</sup> Allen Buchanan, “Rawls’s Law of Peoples: Rules for a Vanished Westphalian World,” *Ethics* 110, no. 4 (2000): 707.

<sup>33</sup> Ibid., 706–707.

formal equality of symmetrical voting rules.”<sup>34</sup> In Pogge’s summation, the “current law of nations is a complete failure in this regard [securing fair background conditions] because it is entirely insensitive to such differentials in bargaining power.”<sup>35</sup>

Rawls’s defenders will argue that his critics demand too much of him. The principles of justice express the limits of moral permissibility, not a complete blueprint for global politics. Rawls makes no mistake that his principles require peoples to be fair-minded.<sup>36</sup>

So while the fact that the wealthiest countries in the world are able to impose unfavourable terms on the poorest is without a doubt as regrettable as it is obvious, there is no reason to expect the same kind of wholesale corruption to rule the roost in the society of peoples. According to Freeman, this is simply an unwarranted assumption given Rawls’s ideal theory framework. Far from using the law of peoples’ lack of distributive principles as a pretext for exploiting the poor, well-ordered peoples would respect each other and interact in accordance with principles of fairness.<sup>37</sup>

Moreover, Rawls would in fact have been sensitive to the historical baggage that nations bring with them into the society of peoples:

As Rawls maintains in the case of social justice, the transition principles that apply to the non-ideal case to bring about a well-ordered society often must go beyond the principles of justice, and by implication beyond the Law of Peoples, to

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<sup>34</sup> Beitz, “Rawls’s LP,” 693.

<sup>35</sup> Pogge, *Realizing Rawls*, 249.

<sup>36</sup> Reidy, “Rawls on International Justice,” 305.

<sup>37</sup> Freeman, “Distributive Justice,” 250.



establish remedial conditions that would not be appropriate in a well-ordered society. So just as Rawls might have supposed as a provisional measure preferential treatment of minorities, though it infringes fair equality of opportunity, in order to remedy generations of pernicious discrimination, so too he could have supported as a temporary measure a global distribution principle, to rectify the history of exploitation, expropriation, and gross violation of human rights endured by burdened peoples around the world.<sup>38</sup>

The problem, of course, is not just that Rawls's ideal theory is too removed from reality, as his critics point out. It also seems too far a stretch to reconcile it with his own conception of realistic utopia which, as I said earlier, can be applied to the world as it is. Rawls therefore seems to fail in applying the basic maxim of taking "people[s] as they are, and laws as they can be."<sup>39</sup> In focusing so narrowly on whether states or societies are desirable in their ideal form instead of asking whether such entities do or even can exist, Ypi suggests, they lack any solid normative grounds for dealing with circumstances where justice is so far from being realised, as with global poverty.<sup>40</sup>

It is therefore regrettable that Freeman only devotes a small section of a chapter to addressing this crucial question, because it is a very important idea that deserves more attention. In giving it more serious

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<sup>38</sup> Ibid., 251. Freeman says the same, almost verbatim, in Freeman, *Rawls*, 452. There is no more detail on the proposal to be found there, however.

<sup>39</sup> Jean-Jacques Rousseau, quoted in Ypi, "Ideal and Non-Ideal," 536.

<sup>40</sup> Ibid., 540, 543.

thought, I am not suggesting that there is a duty to implement a temporary global distributive principle. That would commit me to the internationalist framework as a whole, which I remain non-committal about for the purposes of this thesis. But I will argue that in order to defend the basic premise of the law of peoples, such a duty ought to be part of the package of principles guiding it. I will show that this temporary duty can be defended on two accounts, the first of which I will call the *fairness-based account*, and the second being the *justice-based account*. Each will be persuasive depending on whether you understand the internationalist view of the global system as being fundamentally characterised by a liberal conception of justice, as in the former account, or a libertarian conception of justice, as in the latter. In the liberal conception the duty is owed because it is a necessary precondition for the fair and equal treatment of peoples. In the libertarian conception it is owed as a matter of justice, because societies are properly<sup>41</sup> understood as self-owning peoples, and consequently the historical process by which the present global order came about constitutes theft of resources for which compensation must be paid.

#### **7.4 A fairness-based reason**

To ensure that the principles guaranteed by the global original position are fair, it is not enough to say that transactions between the parties take place in the spirit in which they were intended. But nor is it

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<sup>41</sup> “Properly” here should be understood as the standard libertarian cop-out, as in “you only disagree with me because you fail to properly understand what liberty/coercion/property/etc. really means.” For examples, see every libertarian blog in the history of the Internet.

sufficient by itself to say that there is nothing in the second original position to prevent the oligarchic hoarding by the rest, as Pogge does,<sup>42</sup> to show that it can never be just. To do that you would have to demonstrate that either (a) the very concept of well-ordered peoples, both capable of and motivated to conduct(ing) their foreign relations in strict accordance with the law of peoples, is a pipe-dream, or (b) that the duty of development will be chronically incapable of rectifying the imbalances that occur naturally as a result of countries' inability to take advantage of the full benefits of good domestic institutions and global trade. Neither of those assertions seem implausible to me, but it is not my goal to cast a verdict on either in this thesis.

*The Law of Peoples'* proponents more often than not see the law of peoples through the same liberal prism as they do the domestic sphere, even if the conclusions they draw are rather different. Even the inclusion of decent peoples who do not subscribe to the full list of liberal principles domestically, in particular democracy, are included in the society of peoples on liberal grounds: Refusing to tolerate decent peoples for failing to meet a set of principles that includes diversity of comprehensive values would be “nothing short of manifest hypocrisy.”<sup>43</sup>

One area where Rawlsians and their critics tend to disagree is that of what kinds of examples are most valuable in illustrating the liberal principles at work. Where critics have used the fact of global poverty to elucidate their points, Rawls himself relies on two examples of interactions between two decent, and probably liberal, well-ordered societies. In the

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<sup>42</sup> Pogge, *Realizing Rawls*, 254–255.

<sup>43</sup> Reidy, “Rawls on International Justice,” 298.

first case, one decides to industrialise while the other decides not to. In the second case, one implements equal justice and opportunities for women, resulting in the population growth rate slowly grinding to zero. The other society freely chooses (with the full consent of its female population) to retain traditional gender patterns, leaving population growth rates high. After several years, in both cases the former society is now twice as wealthy as the second. Yet we would clearly reject any claims for redistribution from one to the other as being unfair on the wealthier people, whose wealth is a result of their choices, and who did nothing to prevent the other society from developing.<sup>44</sup> Whilst sympathetic to Rawls's overall argument, Martin nonetheless concedes that this is a weak point in *The Law of Peoples*. Instead of focusing on the philosophically easy case of two decent peoples, Rawls should have been asking what was significant about societies that had only just been lifted out of burdenedness, or about relations between states where one is still burdened and the other is trying to lift it up into well-orderedness.<sup>45</sup> This choice is especially odd since the section in which Rawls discusses these cases is about relations between well-ordered societies and the other kinds.<sup>46</sup>

So how do we incorporate that question into Rawls's framework, and what are the consequences of doing so? I think the basic argument can be summed up in five key stages.

First, in the law of peoples, societies do not need to cooperate. This, Reidy points out, is not to say that not doing so will be cheap, but simply

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<sup>44</sup> Rawls, *LP*, 117–118.

<sup>45</sup> Rex Martin, "Rawls on International Distributive Economic Justice: Taking a Closer Look," in *Rawls's Law of Peoples: A Realistic Utopia?*, ed. Rex Martin and David A. Reidy (Malden, MA: Blackwell Publishing, 2006), 237.

<sup>46</sup> Martin makes a similar point. *Ibid.*

that, unlike for individuals in the domestic sphere, it is a viable option.<sup>47</sup> Societies are not dependent on each other the way human beings are, and as self-contained units do not strictly speaking need to interact with each other for their own survival's sake. But where cooperation does take place it should nonetheless be guided by fair principles.

Second, by design, the eight principles that make up the law of peoples guarantee those fair terms of cooperation.

Third, while the law of peoples does not concern itself with differences in bargaining power, they are nonetheless assumed to be fair so long as they have come about under fair terms of cooperation.

Here a small clarification might be in order. The third step might look a tad too libertarian for comfort, but that need not be the case. After all, the libertarian principle of justice in acquisition (of which more later) is a pre-societal, natural right that government(s) cannot override. In liberalism, by contrast, the principles that govern acquisitions are decided by the people(s) collectively. The peoples behind the veil of ignorance could have agreed on redistributive principles, but agreed instead that fair terms of cooperation were sufficient. But although the outcome may be similar, the process matters greatly in itself. It is through this agreement, rather than natural rights, that the principle draws its force.

Fourth, historically the power differentials between societies have not come about by fair means.<sup>48</sup> The effects of that power distribution are therefore unjust. (It does not, however, automatically follow that the

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<sup>47</sup> Reidy, "Rawls on International Justice," 303.

<sup>48</sup> Risse, of course, disagrees with this. Against his objection, which is empirical in nature, the narrative power of the fairness-based account seems limited, as you would instead have to object to his empirical claim directly. But that is not the case with the justice-based account, as I will get to shortly.

power distribution itself is unjust. That has implications for what can be demanded in compensation, as I will return to in the final part of the chapter.)

Fifth, where some are disadvantaged by differences in bargaining power that have come about by unjust means, and where others have improved their bargaining power by unjust means, those differences would result in unfair terms of cooperation, even if that would not have been the case if the differences had come about through repeated iterations of fair principles.

Fairness therefore requires that advantages gained by injustices in the past must be eliminated. This, however, is a separate issue from whether these injustices thereby require direct compensation. There will generally be strong reasons to think that they will, but it does not follow automatically. That is, however, outside the limited scope of this thesis.

Of course, once and if the differences become vast enough that one of the parties' status as well-ordered becomes threatened, the question of how the differences came about becomes much less important. Assuming that this would be impossible given the constraints imposed by the law of peoples, or assuming that the threshold for well-orderedness is set low enough, this might never become an issue. Still, Pogge argues that it almost certainly will, outlining extensive reasons why the conditions secured by the law of peoples can never prevent the hoarding of resources by the richest against the poorest.<sup>49</sup> While the duty of development might seem to be a stop against this kind of exploitation, it is not a duty to

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<sup>49</sup> Pogge, *Realizing Rawls*, 254–255.

correct the system, but rather to compensate for its effects. The system itself remains in place throughout.

I will not comment directly on this claim, but given the nature of this thesis it will have to be assumed that the basic idea of the second original position is at least *capable* of delivering a just international sphere. But that clearly does not mean that it currently does so.

## **7.5 Historic injustice in acquisition**

A second reason for concluding that there must be a duty to sort out the initial distributive imbalance in the international system comes from what would at first appear to be an unlikely source. The libertarian framework that Nozick advocates is typically seen as the counter to Rawls's liberalism; nonetheless its treatment of justice in acquisition helps us shed light on the question, for two important reasons.

First, here at least there is a surprising degree of overlap between Rawls and Nozick's conceptions of justice in the transfer of property, especially with regards to the methodological assumptions underpinning them both.

And second, Shmuel Nili suggests that as far as the international is concerned, Rawls and Nozick are not only closer than you would assume, they are fundamentally and necessarily entwined. Internationalists including Blake, Wenar and Rawls himself, he says, are actually Rawlzickian – that is, while they reject libertarianism in the domestic sphere, they endorse libertarian tenets in the international sphere. Moreover, he says, this is not simply an accident but rather an essential

feature of the theory.<sup>50</sup> Nili argues that the societies that have constituted themselves in the domestic original position must necessarily see themselves as self-owning peoples, which has profound implications for what kind of distributive ethics hold. Domestically the libertarian interpretation of ownership and consequent dismissal of egalitarian policies must be rejected because society does not, as they claim, regulate the transfer of property held prior to redistribution. That is, when the government taxes your income it does not take a proportion of what originally belonged to you. Rather, the principles that govern society determine how much income you should be able to enjoy, relative to the state, and only once that has been decided can the resulting post-tax income be said to truly be your property. But this can only be the case if society as a whole is able to claim original ownership of the full value of goods to be distributed. Otherwise how can it claim the authority to do so?<sup>51</sup> Societies must therefore be original, first owners of their own property.<sup>52</sup>

The implications for the international sphere are quite significant: “There is no overall state of affairs to be brought about, no right end-state that is distinct from the simple aggregation of specific agents who each avoid actions that are morally wrong. The duties of self-owners, then, are

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<sup>50</sup> Shmuel Nili, “Rawlsian Global Politics,” *The Journal of Political Philosophy* 21, no. 4 (2013): 473–474.

<sup>51</sup> *Ibid.*, 486.

<sup>52</sup> Of course if there were a global state then *it* would be the original owner of all resources, and it would be impossible to consider each state’s share of resources independently.



*agent-oriented* rather than *outcome-oriented*.”<sup>53</sup> In other words, only the process matters from the point of view of justice.

In highlighting Nili’s interpretation I make no claim about its validity. Nor do I offer any external endorsement or rejection of the Rawlsian argument. My use of it is strictly limited to the specific point I am making here, and I do not rely on a libertarian interpretation for any other part of my argument in the thesis. It is, moreover, worth also pointing out that the Rawlsian thesis does not offer an explanation for duties towards developing countries. Just as Nozick considers “moral horrors” grounds for suspending libertarian principles, at least temporarily, so the moral horror of extreme global poverty may justify some deviation from strict libertarian principles.<sup>54</sup> But given my insistence throughout this thesis that the duties towards burdened societies is greater than most assume – and even given internationalism’s focus on the orderliness of political institutions rather than weighing and contrasting the various forms of human misery – it is not clear that all cases of burdenedness, especially at the cusp of well-orderedness, constitute a moral horror.

Still, by relying on a theory that falls so far from the framework of the rest of the thesis it serves to triangulate the argument: If you accept a libertarian account of responsibilities in general, here is a powerful reason to still believe the international system requires redistributing.

And as will soon become clear, Risse’s contention that the lack of feasible alternatives justifies the world order fares particularly badly

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<sup>53</sup> Nili, “Rawlsian Global Politics,” 477.

<sup>54</sup> *Ibid.*, 493–494.

against the Rawlsian objection. While for instance, on a cosmopolitan account the correctness of Risse's claim hinges on larger empirical and epistemological objections – that the global poor are in fact worse off, that he measures the current state of affairs against the wrong set of counterfactual assumptions, or that his concept of harm is wrong – on the Rawlsian account the global order is unjust not because people today suffer harm as a result of it, but because the historical trajectory that led to where we are includes injustices on a grand scale.

Rawls's treatment of international distributive justice seems to share some features of Nozick's principle of justice in acquisition. At least, it articulates some ideas largely consistent with it. The principle of justice in acquisition is:

1. A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
2. A person who acquires a holding in accordance with the principle of justice in transfers, from someone else entitled to that holding, is entitled to the holding.
3. No one is entitled to a holding except by (repeated) applications of 1 and 2.<sup>55</sup>

The same logic animates the relationship between peoples in the law of peoples, at least so far as ideal theory is concerned. Obviously there are some glaring differences. For a start, decent peoples are motivated to act

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<sup>55</sup> Nozick, *Anarchy, State, and Utopia*, 151.

in certain ways, which puts limits on the forms that “just acquisitions” can take. Another obvious difference is that there *are* some, limited, distributive principles in play when it comes to fulfilling duties to burdened societies. But that should not concern us too much at this point: Nozick, too, admits that the state may claim the contributions from its citizens that are necessary to uphold the “night-watchman state”,<sup>56</sup> which is not directly justified by the principle of justice in acquisition.

Rawls’s version of international justice is, in effect, agent-oriented as well. It best resembles a case of pure procedural justice, like Nozick outlines. It is the procedure rather than the outcome that determines whether a distribution is just, and as such, what matters is not who got what but how they got it. But the catch, of course, is that it becomes impossible to determine the justice of a situation from its distributive outcomes. “The just result must actually be carried out; for in these cases there is no independent criterion by reference to which a definite outcome can be known to be just.”<sup>57</sup>

The implications for the claim that the global order does not harm the poor are clear. Recall that Risse’s main claim is not that the history of globalisation is not riddled with injustices, but rather that on the whole the world is a much better place to live than it was 200 years ago. It is the distribution that matters, then. And the current world order is not unjust compared with an alternative, counterfactual scenario in which the events that led to injustices in the real world had not existed.

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<sup>56</sup> *Ibid.*, 26–27.

<sup>57</sup> Rawls, *TJ*, 75.

If the end distribution matters to your conception of justice, Risse is probably right to say that Pogge has failed to prove that the global order is unjust simply by virtue of the fact that 20% of the world's population is poor, when that represents a quarter of the proportion that lived in poverty at the outset of the industrial revolution.

But on Rawlsian terms it is not the distribution that is unjust, but the procedure. In our history of colonial and Cold War violence and subjugation, the procedure did undoubtedly include violations of even the basest of conceptions of moral decency. We are therefore forced to conclude that the current distribution of resources is unjust, even if a just procedure could have led us to the exact same result.

Bringing this logic to bear on some thought experiments and alternative historical scenarios, we could end up with some intuitively uncomfortable conclusions, at least from a more liberal point of view.

On the one hand you could imagine a scenario in which globalisation never took off, or European explorers treated the inhabitants of the New World with the same respect for their property and personhood as they would their own. But for whatever reason, perhaps due to much slower technological advances, the vast majority of the world remained abjectly poor. This would be a completely just world nonetheless.

But on the other, you could also imagine a world with much lower levels of inequality than in the real world, and zero extreme poverty to boot, perhaps due to remarkable advances in technology that had been brought about independently of any effort to reduce poverty and inequality. This scenario is perfectly compatible with grave injustices committed in the past. And redressing them could require vast transfers,

perhaps even from the poorest to the richest, depending on subsequent developments, making the world *more* unjust from an outcome-oriented standpoint.

But of course, there is only one world, and only one global order. Philosophical investigations of this kind should ideally be conducted within the limits of realistic possibilities. When it comes to the kinds of historical global orders we have to evaluate, that list is very limited indeed.

But if justice requires returning what was taken, how do you go about determining who owes what to whom? We are talking centuries of exploitation, and even if we set a cut-off of, say, injustices committed only within the last 100 years, there is no clear way to determine what consequences the harms have subsequently had through the generations. Nor is there any mechanism for saying that the injustices have been superseded<sup>58</sup> by more recent events.

Nozick himself has few answers to this problem, preferring instead to mostly just acknowledge the dilemma via a list of casuistic questions involving duties to descendants and counterfactuals, concluding that “I do not know of a thorough or theoretically sophisticated treatment of such issues.”<sup>59</sup> One possible solution he does suggest is that we make some estimate of what would have happened, or at least what could plausibly have occurred, in place of the injustice. Here Nozick could arguably be interpreted to broadly imply what I am arguing in the case of the background conditions to the law of peoples. If it is possible to draw up more than one description of a fair distribution (which seems almost

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<sup>58</sup> Jeremy Waldron, “Superseding Historic Injustice,” *Ethics* 103, no. 1 (1992): 4–28.

<sup>59</sup> Nozick, *Anarchy, State, and Utopia*, 152.

guaranteed to be true), it may be possible in this situation that some sort of egalitarian principle could be applied here.<sup>60</sup> This is a one-time measure only. A line must be drawn, in order to arrive at an initially just distribution of holdings. Once we are satisfied that this has been done as well as it can be given the circumstances (some injustices may be impossible to ever fully compensate for), we can then begin meticulously applying the principle of justice in acquisition, and everything that follows from it will be just.

There, in effect, we see the problem with the second original position. Just possession requires two things: First, the rules that govern the acquisition must be fair. On the Rawlsian internationalist account, the second law of peoples takes care of that. But second, in Nozickean terms the original owner must have a valid title to the goods in order for both the holding and the transfer to be just.

The law of peoples effectively imposes its rules on the current world order, refusing any redistributive efforts and thus in effect drawing a line under anything that happened prior to its adoption. In failing to ensure that the background conditions are fair, the second part of justice in acquisition is not fulfilled.

## **7.6 Miller and quasi-cosmopolitanism**

Sometimes when I write about international duties I have to gently remind myself that internationalism is not *The Law of Peoples*, and not all

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<sup>60</sup> Ibid., 153.

internationalists cling tightly to Rawls's framework, or use it at all. For some, it is simply a starting point from which the argument can develop in any direction. Others may criticise Rawls's line of enquiry even if they share the conclusions he reaches. Others again do not rely on him at all. What *The Law of Peoples* does, rather, is arrive at a set of conclusions about the nature of international responsibility that all internationalists broadly share. The internationalist journey of philosophical enquiry is characterised by its destination – qualified statism with international duties – and its means of transport – the Anglo-American philosophical tradition – but not necessarily by the route it takes.

A lot of this may be practical, of course. By the time *The Law of Peoples* was published Rawls had retired, and he died a short while later. Undoubtedly he would have had a lot to add to his theory, and a lot to say to his critics, had he been able to. But equally, perhaps fewer people would have been prepared to claim as readily as they do that their theory follows directly from Rawls, had they known more than the broad strokes.

Richard Miller is, broadly speaking, one of the third group.<sup>61</sup> He argues quite forcefully that under certain conditions, which are largely the result of “American empire” (or, I suppose, empire more generally), the US has acquired a unique duty towards certain countries. These are not exclusive to countries where the US actively imposed a duty of care

He is specifically concerned about American excesses post-WWII, when the US decided, following an inter-war period of introversion and

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<sup>61</sup> With respect to this particular aspect of his theory, not necessarily in general. This is not to say that Rawls is not referenced throughout. In the relevant sections this more commonly refers to *A Theory of Justice*, however.

reclusiveness from international affairs, that it did want to be a global power after all. That, of course, marks a neat demarcation for his particular project: Examining the role the US has had in the world and the responsibilities that follow directly from it. But it should not be taken to mean that there is anything universally important about that specific cut-off point. For the United Kingdom and other European colonial powers, the end of WWII does not provide anywhere near as neat a temporal boundary, and we would have to consider events long before that to get an accurate picture of their responsibilities.<sup>62</sup>

There are three types of imperial excess, two of which result in greater (and hitherto unmet) responsibilities than the ones justified by purely Rawlsian principles. They are “the shaping of the course of development through structural adjustment and similar uses of economic needs, the propping up of repressive client regimes, and the exercise of destructive power, both direct and sponsored.”<sup>63</sup>

In the first instance, steering development, the US have influenced least developed countries to form themselves in the American image. Privatisation, open markets, fiscal conservatism, and support for free trade across borders have all been encouraged, while state-led development has been discouraged. Through international organisations like the World Bank and the IMF, these preferences have been imposed by force, through the threat to withhold loans and aid if not implemented.

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<sup>62</sup> The US were not adverse to a bit of colonial expansion themselves, controlling the Philippines, Guam, Cuba and other territories at various points in the late-19<sup>th</sup> and early 20<sup>th</sup> centuries. These experiences presumably create obligations as well, though not ones that Miller discusses.

<sup>63</sup> Miller, *Globalizing Justice*, 148.



Of course the opposite also holds true, as some countries have been eager to adopt these policies out of their own ideological convictions, or have felt enticed by Western promises of rewards for compliance, rather than threats. But although willingness to adopt reform matters in terms of domestic responsibilities, it does not change the responsibility of the outside adjusters.<sup>64</sup>

In this instance, R. Miller argues, the first duty is to ensure good outcomes. The only legitimate goal of the intervention is economic improvement, and the intervening party had better be confident that it will work. If it does not, there is an additional duty to renew the offer of aid on “appropriately altered terms.”<sup>65</sup> Of course, as I discussed in Chapter 4, Miller agrees that we have a duty to help people more generally, if their most basic needs cannot legitimately be expected to be met by the state in which they live. This duty is limited by the need not to encroach on the self-respect of the people on the receiving end of your intervention. In that chapter I found his characterisation of self-respect and the value of self-determination too narrow and constricting. But were R. Miller to take my points on board, that would only change the point at which this duty was discharged. The existence of the duty does not change either way.

The second instance concerns client regimes, where a foreign government either imposes or supports a regime to the extent that it answers, directly or indirectly, to your needs even when they conflict with the needs of their own people. R. Miller suggests Egypt, Ethiopia, Israel or

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<sup>64</sup> Ibid., 149–150.

<sup>65</sup> Ibid., 151.

The Democratic Republic of the Congo as examples of American client regimes, with Chad or Ivory Coast being French ones.<sup>66</sup>

Here, the duty is to take equal responsibility for the failings of its client regimes. The present government should therefore be compared not with any regime operating independently from its benefactor, but rather with an imagined one operating with the same resources that the client relationship gives it access to, but always acting in the best interests of its people.<sup>67</sup> So if a country invades another, perhaps for morally righteous reasons (to dispose of a dictator, or prevent it from sliding into a devastating civil war), the fact that the situation would have been far worse without the intervention will in no way excuse the invading power acting in ways that put their own immediate interests ahead of those of the vanquished.

The final case is imperial repair. Here, “imperial” need not imply the existence of a formal empire. Whenever the US has engaged in destruction abroad or caused it to happen there is a duty of aid relative to the damage done. It does not matter whether the destruction was justified. Even when it was done for as a necessary last resort, the duty remains the same.<sup>68</sup>

Of those three duties, then, the last two create considerably larger duties than what the internationalist account normally prescribes under ideal theory circumstances. For the US, R. Miller argues that “the normal interactions of American elites and the American electorate are bound to give rise to vast and morally unjustified harms, including vast harms of

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<sup>66</sup> Ibid., 159–160.

<sup>67</sup> Ibid., 160.

<sup>68</sup> Ibid., 161–162.

unjustified violence, so long as the American empire endures.”<sup>69</sup> Justice therefore has extremely wide-reaching implications for the way the American political class and electorate can legitimately arrange their priorities for the foreseeable future.

Having outlined R. Miller’s argument, which I find convincing on the whole (keeping in mind my objections outlined in Chapter 4), my next task is to link it to the background conditions for the law of peoples I discussed earlier. R. Miller has outlined an argument for the case of the United States specifically. It specifies a responsibility of redress for past harms that exists outside the framework for international justice under ideal circumstances, and whose implications for the countries on which the duty falls are considerably more severe. Moreover, unlike ideal theory questions of justice, these requirements are limited to what in effect amounts to reparations for past injustices. Assuming that the duty-bearer’s foreign policy is guided by a proper concern for international justice, they will therefore eventually have been fulfilled, and stop being applicable.

For the purposes of his project, R. Miller is only concerned with proving that the US has these duties. But if it can be shown that virtually every developed country in the world (those that would make up Rawls’s society of peoples) have these duties by virtue of their own history of interacting with the world, we have essentially arrived at the same conclusion I argued for earlier in this chapter; namely that, just as when it comes to *The Law of Peoples*, there must be a very demanding corrective duty to bring about the condition of all people in the world to the level

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<sup>69</sup> Ibid., 181.

required by justice. We have, however, reached it without making use of Rawls's framework, giving further reason to support the conclusion we reached, even if imagined a-historical thought experiments are not your philosophical cup of tea.

On Miller's account, the US have a unique responsibility where they were directly involved in the devastation or collateral damage left in their wake. So the US owe a special duty to Iraq and Afghanistan because of the wars in the early 2000s. Prior to that, they bought themselves a special responsibility in Vietnam, Grenada and Chile following, respectively, the war, the invasion in the early 1980s, and the CIA's involvement in the violent overthrow of the democratically elected Salvador Allende in 1973, and subsequent instalment of Augusto Pinochet's military regime. They also owe a special duty towards the Democratic Republic of the Congo, as they were intimately involved both with helping the brutal dictator Mobuto Sese Seko to power in 1971, and with propping him up throughout the rest of the Cold War .<sup>70</sup>

Similarly, then, the United Kingdom would have a unique responsibility with regard to their old colonies, as would France, Spain, Portugal, the Netherlands, and so on. While the nature of these responsibilities might be unclear at this point, there can be little doubt that the duties are owed.

It should be immediately obvious that the many of these duties will overlap in terms of who owes them. Both the US and the UK have been heavily involved in Iraq since 2003, for instance, as have Australia,

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<sup>70</sup> Ibid., 171–176.

Denmark, Poland and many others. For propping up Sese Seko, undermining democracy and assassinating the democratically elected president Patrice Lumumba deep in the forests of the Democratic Republic of the Congo, the US must share the dubious honour with Belgium. The list goes on.

But in making my argument about the interconnectedness of past injustices, I will discuss our colonial legacy in particular, as that is, I think, the most important case of shared responsibility. Between 1492 and the 1960s nearly all of the world outside Europe was carved up and divided between the major powers. In some cases, millions were ruled by just a few thousand colonial administrators. Other countries were settled by immigrants from the mother country, who have almost completely replaced the indigenous population. These powers agreed on formal recognition of each other's possessions or, as was more frequently the case in East Asia, their "spheres of influence", taking for granted the inability of these countries to take care of their own affairs.<sup>71</sup> They relied on the social and legal structures both at the state and international level to secure their claims to foreign lands. Colonialism was a legal system, the legitimacy of which was bestowed upon it, to various degrees, by all the developed world. Colonies were permanent legal and political entities governed by a system of legislation, military force, and a shared perception of legality. If any particular territory was held by a Western power, others contributed

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<sup>71</sup> Eric Hobsbawm, *The Age of Empire* (London: Abacus, 1987), 57–58.

to its servitude by recognising it as such, trading with them and, in the case of neighbouring powers, helping maintain their borders.<sup>72</sup>

The legality of colonialism is particularly important to understanding shared responsibility. As Catherine Lu observes, most of our thinking about everyday moral decisions assumes some kind of moral baseline against which our acts can be compared. This baseline is often rooted in law, which is assumed to be a reflection of our shared understanding of what ethical action entails. But with colonialism, the moral baseline of the time was that the actions *were* acceptable, a view that was supported by international legal norms and conventions.<sup>73</sup>

It was for this reason that up until 2004, Germany refused to apologise for the Herero massacre in present-day Namibia in 1904, which killed 60,000 people, three-quarters of the Herero population. They argued that, as the actions were legal at the time, there was nothing to apologise for. They eventually did admit that their actions were wrong from a moral point of view, but continue to reject any legal responsibility.<sup>74</sup> The harm of these systems consisted in “the creation and upholding of a political association that denies its members equal and reciprocal terms of cooperation,”<sup>75</sup> and everyone who created and upheld the system must share in the blame.

The picture of colonialism varies a lot across the world. Some territories were controlled with only a few thousand colonial administrators. Of those, some at least paid lip-service to the “civilising

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<sup>72</sup> Ibid., 59.

<sup>73</sup> Catherine Lu, “Colonialism as Structural Injustice: Historical Responsibility and Contemporary Redress,” *The Journal of Political Philosophy* 19, no. 3 (2011): 266.

<sup>74</sup> Ibid., 265.

<sup>75</sup> Ypi, “What’s Wrong With Colonialism,” 158.

mission”, while others ruled through terror and brutal oppression. Others, like Australia and New Zealand, were taken over almost completely by European settlers, displacing the local populations. In others still, like Brazil, descendants of settlers, indigenous peoples and slaves all make up significant proportions of the population.<sup>76</sup> So it is not always straightforward to determine who was a victim and who was a benefactor of colonialism. There are some borderline cases, and within them different factions have experienced colonialism very differently. Is Brazil on the whole a victim of colonialism, or did they benefit from it? Or, put another way, does the international community have a duty to compensate Brazil for the harm it caused, or do the descendants of slaves and indigenous peoples have a claim against white Brazilians in whose name the colonial state, and later the independent country, committed grave injustices?

How do we apportion that blame? Tyler Cowen argues that precisely because it is so difficult to determine who is actually owed what, as the passing of time makes counterfactuals more and more unreliable, we should disregard all but a very limited list of claims. Restitution claims will therefore be very limited in practice.<sup>77</sup> Others argue that the passage of time is not as devastating to claims as Cowen would suggest. To Daniel Butt, each failure to compensate for past injustices constituted an injustice in itself, meaning that present generations are directly implicated in

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<sup>76</sup> Daniel Butt, “Repairing Historical Wrongs and the End of Empire,” *Social & Legal Theory* 21, no. 2 (2012): 228.

<sup>77</sup> Tyler Cowen, “How Far Back Should We Go? Why Restitution Should Be Small,” in *Retribution and Reparation in the Transition to Democracy*, ed. Jon Elster (Cambridge: Cambridge University Press, 2006), 17–32.

colonial injustices, not merely by association with their forebears.<sup>78</sup> And Robert Goodin suggests that asking the inheritors of stolen property to compensate the descendants of the original owners need not imply any guilt on their part, arguing that disgorging the spoils of past injustices is a viable option for reparations.<sup>79</sup>

But another possible model I will suggest is, in most ways, identical to the extended, temporary duty of reparations that followed from the Rawlsian premise earlier in the chapter. In this model, I treat the developed world, as a whole, as a reasonably accurate proxy for the former colonial powers (and perpetrators of injustices during the Cold War), and the least developed countries as a proxy for the victims of colonialism.<sup>80</sup>

In this model, the developed world (a) accepts a responsibility for colonialism as a whole, and acknowledges that colonialism itself, not just the individual harms of the past, was an injustice. And (2) they accept a demanding duty of helping the poorest develop to the extent needed, and that they are able to do so without sacrificing anything of significant moral value to themselves. Respective to each least developed country, the duty is discharged when they have reached the level that signifies that the Rawlsian temporary duty has been fulfilled, which I discuss in the next

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<sup>78</sup> Daniel Butt, "Nations, Overlapping Generations, and Historic Injustice," *American Philosophical Quarterly* 43, no. 4 (n.d.): 357–67.

<sup>79</sup> Robert E. Goodin, "Disgorging the Fruits of Historical Wrongdoing," *American Political Science Review* 107, no. 3 (2013): 478–91.

<sup>80</sup> This distinction is obviously not that clear-cut. Although this model does not have a third category of countries that neither owe a responsibility nor are owed one, you would expect the wealthiest countries, as well as those most obviously implicated in historic wrongs, to bear the brunt of the burden. Another possible implication which I will not defend here, is that when a former colony becomes highly developed (Singapore, for instance) they may acquire duties to compensate for injustices they were not party to. Ypi, Goodin and Barry, however, provide a persuasive associative account of how duties of that nature can be justified. "Associative Duties, Global Justice, and the Colonies," *Philosophy & Public Affairs* 37, no. 2 (2009): 103–35.



section. This duty differs from a rectificatory duty in three ways: First, rather than accept responsibility for particular actions or for injustices committed against particular individuals or peoples in particular countries, the developed countries accept a shared responsibility for the past as a whole. Second, the duty is to compensate for the past as a whole, and is thus not directly linked to individual injustices. And third, the victims' claims are made not only against the perpetrator directly, but can in principle be made against anyone who benefited from colonialism.

Broadly speaking, this extended, temporary duty corresponds (accurately enough) with the second and third of R. Miller's cases, client regimes and imperial repair (for me to continue my analogy.) Colonies were a form of client regimes of their mother countries, and imperial actions seem obviously to require imperial repair. Still, the analogy is slightly complicated by the fact that R. Miller uses the US as his example, the actions of which lend themselves better to the exception than the rule of the model I sketched. Given that so many actions were clearly carried out by the US alone, and in recent years too, it would be preposterous to suggest that we all share equally in the blame. Similarly, the US may have been the instigators of the Iraq War, but more than 30 known and named countries signed on in various capacities; some, like the UK and Australia, displaying as much zeal as their American brothers in arms. But in this case we still would not claim that the responsibility for the war and its aftermath does not rest directly with those countries and their leaders at the time, many of whom are still important public figures to this day. Even

if the international community stood by and let it happen. We all destroyed Iraq in a way, but we all know who destroyed it the most.<sup>81</sup>

But going further back in time the picture becomes more muddled. Partly, this is a result of the legal interconnectedness of colonialism: Not an exceptional measure justified on grounds of moral urgency, as with many wars, but as the standard mode of action, normalised and accepted by all those involved. But it is also due to the fact of the passing of time complicating the picture of who owes what to whom, making a neat division of guilt between perpetrators untenable.

Does that mean we should simply give up? R. Miller suggests not. There must be a discount rate of obligations over time as, for instance, Spain are no longer under obligation to compensate descendants of the Jews and Muslims that were expelled in 1492. But setting the time limit too soon would also be unacceptable, not least because it would create incentives for perpetrators to simply bide their time until the statute of limitations kicked in. In the end, he suggests, about two generations seems right.<sup>82</sup>

For the most part, colonialism ended about 50 years ago, meaning it falls comfortably within R. Miller's suggested time limit. A duty is therefore owed for establishing client regimes (but failing to exercise that power as would an ideal ruler with the best interests of the people in mind), and of imperial repair (including for the harm of violating a people's self-determination).

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<sup>81</sup> Paraphrasing the British comedian John Oliver.

<sup>82</sup> Miller, *Globalizing Justice*, 162–163.

I do not claim that the temporary duty of development follows inexorably from the duty to client regimes and of imperial repair. I argue simply that it is a possible way of discharging it. Moreover, given the interlinked nature of global historical injustices, it makes sense to think of the duty in the way I do. Given that this duty also follows from more overtly Rawlsian premises, it gives us strong reasons to believe that it exists.

### **7.7 What would a reasonable starting point look like?**

My goal here is not to provide a laundry list of actions mandated by justice. But the list I come up with will provide some idea of what a world in which the globally powerful take responsibility for the past might look like. It will not, I suspect, be necessary to implement every single one; some clearly carry more weight than others. And in other cases I suspect the globally powerless will take satisfaction in seeing *something* done to acknowledge the harms suffered in the past.

First, however, you might reasonably ask, if these duties truly are extensive duties of justice, what distinguishes this proposal from the more statist versions of cosmopolitanism? After all, cosmopolitans also emphasise redistributive efforts as part of a global moral theory, even if they could be discharged within a framework that retains the state as its main unit of organisation.<sup>83</sup> You might object, then, that what I am really proposing here is that internationalists ought to sign up to the statist

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<sup>83</sup> Ypi, “Statist Cosmopolitanism.”

cosmopolitan account of global justice. It would seem that if my account of the harms of colonialism and other historic injustices is correct, and the duties associated with compensating for it as extensive as I have laid out in this chapter, what is unique about the internationalist account of global justice is what renders it unsuitable to provide a compelling answer to historic injustice.

To this charge I offer two replies. The first is to emphasise that the extended duty of justice outlined in this chapter is temporary. The preceding chapters outlined the extent of the internationalist duty of development circumstances of fair background conditions. This chapter has highlighted how applying the principles of global cooperation laid out by internationalists may cause unfair outcomes when applied to a world with a history of injustice, even if the principles themselves are fair. When the unjust consequences of that history of injustice have been properly mitigated, however, only the (relatively) less demanding duties outlined in the previous chapters apply.

The second reply, closely linked with the first, is that this extended duty is of a different nature from the one the previous chapters outlined. The duty discussed in previous chapters is not rectificatory, but is owed because of internationalists' commitment to their particular conception of global justice. The developed countries have a duty to alleviate poverty and help burdened societies develop, and to promote and protect human rights where violations occur, irrespective of whether they have played any role in bringing them about. I have argued that this duty, while more extensive than what internationalists themselves tend to promote, is nonetheless not as encompassing as many cosmopolitans would claim. Moreover, it does

not fundamentally alter the division of the domestic and international into separate spheres of justice. It only makes the case that extra-state duties are more encompassing than previously assumed. Statist cosmopolitans argue that the most effective way of achieving cosmopolitan goals of justice is to work within the state system. This is because they emphasise the importance of compliance, and note that most people feel a strong sense of belonging to national political communities. The cosmopolitan goal of treating all persons as equal units of moral worth<sup>84</sup> does not require the state for any moral reasons, but may nonetheless be compatible with its existence as a practical matter.<sup>85</sup>

Internationalists, by contrast, emphasise the distinctiveness of the state as a moral and political community. In emphasising the temporary nature of the special extended duty I have argued for here, I also maintain the distinction between the domestic and international sphere of justice.

What are the limits of this duty, then? In terms of the end-goal, the duty is to bring about a reasonable starting point for the law of peoples to take effect. To that end, there may be some cases where it is clear what the injustice was, what the consequences were, who committed it, and against whom. In such a scenario you could reasonably assign both blame and remedial responsibilities. In most cases, however, some kind of global distributive measure is justified.

In general, we want to avoid arbitrariness. Your right to compensation should not depend on whether the injustices you suffered were systemic or at the hands of clearly identifiable aggressors, or whether

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<sup>84</sup> Ibid., 49.

<sup>85</sup> Ibid., 58–62.

the entity by which you were harmed still exists as a legal body or has the ability to pay. If they did, we would arbitrarily be prioritising a particular category of harm over others. The principles that underlie the duty must therefore be universal in nature.

The duty is limited by practicality and feasibility. Of course, throughout this thesis, especially Chapters 5 and 6, I have argued that the limits of feasibility that internationalists assume are set too low. There is, I suggested, more that can realistically be done to help the world's poorest than they claim. I could be wrong about that, and if I were wrong, the consequences would naturally be that both the duty of development and any temporary but more extensive duty would be that much less demanding.

But I also pointed out that there seems to be some truth to the central claim about institutions: Although in many cases poverty and lack of development happen in countries with reasonably good institutions, it is nonetheless the case that bad institutions are a virtual guarantee of poverty. Increased levels of foreign aid would be very unlikely to have a positive effect on them. As for opening up global organisations to become more democratic and make trade terms more beneficial for the poorest, you might argue that that would provide a powerful incentive for countries to shape up their act and establish the institutions necessary to take full advantage of those opportunities. But on the other hand, in many cases despotic and corrupt regimes are more than capable of trading on the international markets under current rules, especially when it comes to oil and other natural resources. Nor is it obvious in such cases how increased market access would provide any real incentive to improve institutional

structures, when from the point of view of those in power it is the lack of such structures that enable them to maintain power in the first place. It might provide more of an incentive, but unless it would tip the scales, little would likely change.

What about the level at which duties are discharged? One possibility would be to simply say that the duty here is to fulfil the duty of development to burdened societies. But of course, the very point is that the duty of development by itself does nothing to correct for past injustices. It exists within a perfectly just system, which is not what we currently live in. While I do not think that the existence of burdened societies at the starting point for the law of peoples is incompatible with justice, for instance due to extremely poor political management, likely coupled with a very unfavourable geography, on the whole it seems likely that the majority of the world's current burdened societies are so poor at least partly on account of global injustices.

One key area (and one with the most agreement, it seems) is reforming institutions such as the UN, The World Bank and the IMF to give more power to the poorer countries. But at least for a time, this would have to hit not just on a power-balance between the richest and the poorest. Ask yourself, rather, what a fair balance of interest between them would be in an ideal scenario. Under a temporary duty of rectification, the interests of the poorest would have to be given more weight than that.

In general, R. Miller suggests, reforming domestic institutions is likely to be more effective than transferring aid. Given limits on aid effectiveness, lowering trade barriers in particular could be an effective way of incentivising change without undue interference in domestic

affairs, something he takes extremely seriously.<sup>86</sup> “Everywhere, people properly<sup>87</sup> prefer to get ahead by their own efforts and, if they need help, properly prefer it from those to whom they are bound by symmetrical ties of family and civic obligation. This preference should be reflected in the choice of means to help them.”<sup>88</sup> For reasons I discussed extensively in Chapter 4, I find this focus on self-help unwarranted and unnecessarily limiting. It seems to me highly unlikely that people are as fixated on national self-reliance as R. Miller suggests. People, even within societies with a strong sense of patriotic pride, are ultimately more likely to value the well-being and security of themselves, their family and their local community than they are some vague notions of national self-reliance. But even so, national self-reliance may have instrumental value, increasing economic opportunities for citizens.

Risse, too, highlights the importance of reforming international organisations (the WTO in particular, but also the World Bank). Unsurprisingly, he thinks they should focus on institution building, given the institutional thesis. As things stand, however, those organisations are largely the tools of the wealthiest since, although they are formally democratic, many of the negotiations take place in smaller forums that leave the poorest shut out from the decision making process. Rich countries enjoy permanent delegation staffed with many highly qualified lawyers and skilled negotiators, and many of the poorest simply lack the

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<sup>86</sup> Miller, *Globalizing Justice*, 218–219.

<sup>87</sup> There is that word again. See footnote 41 of this chapter.

<sup>88</sup> Miller, *Globalizing Justice*, 221.



manpower to compete.<sup>89</sup> Key changes, then, would include making respect for human rights a condition of membership, and making the organisations accountable not primarily to those who pay most of the bill, as things currently stand, but to those most affected by their decisions.<sup>90</sup>

While these changes are important, however, they are not by themselves sufficient. These changes focus on ensuring that the richest and most powerful countries do not enjoy undue influence and use it to push their agendas through at the expense of the poorest. While that is an important aim in itself, and would do a lot to improve on the current reality, it is not enough. Given what I have argued throughout this chapter, it is not just the effects of these differences in power on the workings of global institutions that are unjust – they are unjust themselves.

To change that, international organisations likely need redistributive principles. Whether they need to be permanent is something I leave open for now, but at least until the starting conditions for the law of peoples have been met they are necessary. I leave the question of how that should be done to the side for now, though. Although they are likely to involve direct financial transfers to some degree, there is no reason to assume that that will be the primary means. Some global institutions in particular, such as the WTO, are probably better tasked with guarding fair principles of global trade. One redistributive principle in this vein could be that trade should be arranged to disproportionately favour the weaker party.

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<sup>89</sup> Risse, *On Global Justice*, 350–353.

<sup>90</sup> *Ibid.*, 358.

## 7.8 Conclusion

This chapter has claimed that the current global system is in need of serious rectification as a matter of justice. I have argued that the Rawlsian internationalist must necessarily accept a principle to overcome that injustice before the principles for the law of peoples in ideal conditions can come into effect, lest they leave a devastating gap in the theory.

The temporary but more extensive duty of development I proposed does that. This duty follows from both a fairness-based account of the international system, and a justice-based account. Hence, whether you see the international sphere as characterised by liberal or libertarian principles of justice, the duty to overcome historic injustice follows.

Outside of an overtly Rawlsian framework, the same duty can be justified with more direct reference to the need to compensate for past injustices. Taking R. Miller's view of compensation for imperial excess as a starting point, I showed that while he is right to assign these responsibilities, his focus on bilateral relationships is insufficient when it comes to overcoming the damaging impact of colonialism. Instead, a duty similar to the one that follows from the Rawlsian framework can be argued for.

Finally, the sketch of how these responsibilities can be discharged is far too short to give the topic the respect it deserves. But I have tried to outline in the broadest possible strokes what the duty will look like in practice. That could (and probably should) be a lengthy tome in its own right.

# Conclusion

## 8.1 Introduction

It has been my argument throughout this thesis that the duty of development towards what Rawls calls burdened societies<sup>1</sup> is greater than is generally assumed. This is not so because, as cosmopolitans claim, internationalists are mistaken about the fundamental nature of global justice, and about what triggers egalitarian distributive duties at home and globally. At least, that has not been my argument here. Rather, it has been that by the internal logic of internationalist thought, the duty of assistance to the world's least developed countries ought to take a more prominent role in the framework than it currently does, and societies that wish to exist by the spirit and principles of the law of peoples (or similar international principles) ought to take these duties more seriously.

Of course, internationalism is not a monolithic structure. The internationalists I have discussed in this thesis display a very wide range of views, many of which contradict and clash with each other. In making my argument I have, on the whole though not exclusively, tended to focus on the authors whose views stand in starkest contrast with my own. There is no doubt that some of my arguments would be readily accepted by some professed internationalists even as they would vigorously deny other aspects, and vice versa. Rawlsians who believe that in *The Law of Peoples* Rawls is primarily concerned with justice for individuals will probably find

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<sup>1</sup> Rawls, *LP*, 37.

my arguments in Chapter 3 less of a challenge to their views than those who argued that he mainly cares about the justice and stability of societies. Similarly, while some, most notably Risse,<sup>2</sup> would deny that history provides a compelling reason for transfers of some form from the global rich to the global poor, my argument with Richard Miller on that topic was rather different: Not about the scope of the duties, to atone for and repair past (quasi-)imperial aggressions,<sup>3</sup> but instead about their range. That is, the guilty parties responsible for repair effectively includes the whole Western world. Finally, in one instance I sympathised with a more conservative principle, in arguing that while Blake may be right to argue that there is a duty to promote democracy<sup>4</sup>, prudential concerns may make it permissible not to do so in many cases.

My point is that this research has tried to capture the breadth and diversity of the internationalist position on duties to burdened societies. It has not elevated any one author to the role of the single authoritative voice, but recognised the wide variety of research avenues taken in the 16 years since *The Law of Peoples* was published, while drawing out their commonalities.

The remainder of the conclusion is organised as follows: Next, in Section 8.2, I retrace the steps of the argument I have made in the thesis. As I said in the introduction, it can roughly be divided into three parts. While Chapters 1 and 2 placed the argument in its proper context, Chapters 3 and 4 comprised the first part, challenging the normative

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<sup>2</sup> Risse, *On Global Justice*, 295.

<sup>3</sup> Miller, *National Responsibility*, 147–180.

<sup>4</sup> Blake, *Justice and FP*, 113.

assumptions underpinning the internationalist duty of development. Chapters 5 and 6 comprised the second part, challenging the empirical assumptions behind it. Finally, Chapter 7 made up the third part. Here, the historical context of colonialism and Western global dominance was brought in. As such, it bridged normative and empirical questions to wrap up the argument.

The remainder of the conclusion will defend the value and research relevance of the thesis in Section 8.3, while 8.4 will outline some avenues of further research. Finally, Section 8.5 briefly sums up.

## **8.2 Chapter reviews**

Chapter 1 served to put the discussion about the internationalist duty of development in its proper context. Starting with *A Theory of Justice* it traced the idea that Rawls's theory, when transposed to the international sphere, would require a substantial reworking of the international order, through the works of Britain Barry, Charles Beitz and Thomas Pogge in particular.

But Rawls confounded them by proposing a much more limited vision of global duties and rules of interaction in *The Law of Peoples*. It was idealistic in describing the participants in global society as peoples, distinct from Westphalian states in their lack of complete sovereignty and their reasonableness as opposed to mere rationality,<sup>5</sup> but held the broad outlines of the global system that currently exists in place. These peoples

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<sup>5</sup> Rawls, *LP*, 23–27.

affirm eight principles for interaction which bear a great deal of resemblance to the global system. While Rawls's global framework was largely met with intense criticism, especially at the outset, the intervening years have seen plenty of defences of Rawls, as well as articulations of similar internationalist frameworks. Locating the unique normative significance of the state in its coerciveness,<sup>6</sup> its non-voluntariness,<sup>7</sup> or the reciprocal nature of its membership<sup>8</sup> – or a combination of all three which are mutually reinforcing,<sup>9</sup> they reached the similar conclusion that duties to non-members are limited in the same ways Rawls claims.

It was against this background that I asked what, specifically, the duties towards burdened societies are. Burdened societies are non-aggressive members of the world's least developed countries, who lack the conditions necessary to become well-ordered societies.<sup>10</sup> While internationalists argue that there is a duty of justice to assist these countries, it is severely limited. On the whole, the duty is only to help bring countries up to the level of membership in the society of peoples, or in another formulation to ensure a minimally decent life to non-compatriots. This duty is further limited by concerns for toleration and of prudence. A particular concern that stood out was that the duty is constrained by the empirical claim that the key determinant of wealth was the quality of institutions – what Risse calls the institutional thesis.<sup>11</sup>

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<sup>6</sup> Nagel, "Global Justice," 128–129; Blake, "Distributive Justice," 279.

<sup>7</sup> Sangiovanni, "Global Justice," 10–12.

<sup>8</sup> Miller, "Reasonable Partiality towards Compatriots"; Miller, "Rawls and Global Justice," 471–472.

<sup>9</sup> Risse, *On Global Justice*, 45–47.

<sup>10</sup> Rawls, *LP*, 108.

<sup>11</sup> Risse, "How Does the Global Order Harm the Poor?," 355.

This then set the stage for the central question to be answered in the remainder of the thesis: If the duty towards burdened societies is limited in the way internationalists claim, what does that actually entail?

Following an outline of the methodology in Chapter 2, Chapter 3 opened the first, normative, part of the argument. The question I asked here was what the maximum theoretical extent of the duty of development assistance could be. I did so by first working out what Rawls believes the duty to entail, and found that although it remains unclear whether he was committed to the needs of *all* individuals in a burdened society, or simply enough to make it stable, some factors were clear: These include securing human rights and meeting basic needs.<sup>12</sup> Human rights, to internationalists, are a very limited list. Because of their universality, covering all of humanity as a whole, this must necessarily be as minimal as possible. This is because internationalists emphasise the practice-dependence of human rights,<sup>13</sup> meaning that rights must be enforceable.

This leaves only the most basic needs protected by human rights. But what basic needs count? Only the most essential ones, as the aim is to “set a minimum standard separating the tolerable from the intolerable.”<sup>14</sup> This, to internationalists, include the provisions set out in Articles 3-18 in the UDHR, which cover the right to life and liberty and prohibition from vindictive or arbitrary uses of legal force by official bodies, freedom of movement and a right to marriage and family life, the right to own

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<sup>12</sup> Rawls, *LP*, 111–116.

<sup>13</sup> Sangiovanni, “Justice and the Priority of Politics,” 17.

<sup>14</sup> Miller, *National Responsibility*, 166.

property and to practice your religion.<sup>15</sup> But through a reading of the literature on basic needs, I argued that while internationalists do not need to sign up to all the articles of the UDHR, they ought to accept at least three more: The right to a standard of living adequate for a person's health and well-being, the right to an education, and the right only to be subjected to laws that ensure the rights and freedoms of everyone.<sup>16</sup>

Not all global duties are necessarily grounded in human rights, and the chapter also considered two other possible grounds: Common ownership of the Earth, and rights derived from the liberal world order. Common ownership of the Earth stipulates that the Earth's population are co-owners of the planet's resources, and therefore have a right to be able to meet their basic needs. This specifically means that governments cannot prevent people from meeting their basic needs using natural resources.<sup>17</sup> But, I argued, even something as basic as water would struggle to be accepted as a basic right on this account. For the vast majority of the seven billion people on the planet who do not live near clean natural sources of water, even something this essential has to all intents and purposes become a social rather than a natural right. So common ownership is not an appealing framework. Rights derived from a liberal world order seemed a little more promising, focusing on the right of peoples to live in rationally autonomous states.<sup>18</sup> One key difference is Blake's insistence that democracy is a right, at least in principle.<sup>19</sup> What is perhaps most interesting about rights derived from a liberal world order is that it is not

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<sup>15</sup> UN General Assembly, "UDHR," Articles 3–18.

<sup>16</sup> *Ibid.*, Articles 25, 26, 29.

<sup>17</sup> Risse, *On Global Justice*, 136.

<sup>18</sup> Blake, *Justice and FP*, 82.

<sup>19</sup> *Ibid.*, 113.



constrained by the same justificatory minimalism as Rawls's account, and therefore has the potential to be more far-reaching. Regardless of what principle you sign up to, however, I argued that to truly have these rights it is not enough to have them now, you must also be reasonably sure of having them in the future. This gives us good reasons to include wider-reaching measures in areas such as education and healthcare than we would otherwise have thought necessary to secure our basic needs.

Having discussed the maximum extent of the duty of assistance, Chapter 4 asked how that duty could come into conflict with local duties. Internationalists generally think that the two do not come into conflict, as global duties always take lexical priority to egalitarian duties of domestic justice. But this chapter highlighted two important areas where the two could potentially be in conflict, as the internationalists' strict priority of one over the other relied on an oversimplification. The first reason is that a country either is or is not a burdened society, with no middle ground. Rawls therefore ignores other options, such as a country having good institutions but still being abjectly poor, or having the cultural traditions but lacking the institutions to be well-ordered. This matters greatly because many countries in the world do in fact seem to have some of the things well-ordered peoples do, but not others. What is our moral duty to these countries? The answer to that question has enormous consequences for millions of people. Blake, I strongly suggested, gets the answer wrong. He constructs a highly stylised thought experiment involving a trade deal between two fictional countries, Syldavia and Borduria, which effectively gives license to the richer party to enact punitive measures for the poorer,

so long as they do not fall below the threshold for autonomous functioning.<sup>20</sup> But Blake's conclusion is only plausible if we assume that the countries are monolithic creatures with no internal variation. Once we acknowledge that policies will hit some parts of the population much harder than others Blake's argument looks a lot more troubling. A second simplification was of a very different nature, but equally important. Richard Miller suggests that we should be very concerned to preserve the self-respect and self-determination of the countries we assist, which puts very strict limits on how much we can give. Specifically, anything above what is minimally required would be wrong.<sup>21</sup> But while Miller is absolutely right to worry about other nations' self-respect and self-determination, he makes the mistake of universalising a particular Western, liberal conception of them. When we acknowledge that different societies have different ideas of what these things mean to them, it also becomes clear that our justified concern for their self-respect does not necessarily commit us to capping assistance at the extremely low level Miller suggests.

Chapter 5 moved into more empirical territory. As we saw in the first chapter, the institutional thesis plays an important role in internationalism, arguing that there is a limit on what outside assistance can accomplish. This is because the main thing that determines development is the quality of institutions, and they are extremely difficult

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<sup>20</sup> Ibid., 121–122.

<sup>21</sup> Miller, *Globalizing Justice*, 155–156.

to change from the outside.<sup>22</sup> But is it true that the quality of institutions is as all-important as they claim? I argued that although they are in fact incredibly important, they are important in a very different way from what the institutional thesis suggests. Institutions are necessary for development, but they are not by themselves sufficient to bring it about. I started out by suggesting that the empirical work used by Risse and Rawls to defend the thesis suffered from flaws, in terms of what they measured and how institutions were defined. I also suggested several other measures that are likely to influence development. These were then put to the test in a fuzzy set Qualitative Comparative Analysis, testing five causal variables, including institutions, and one outcome variable, development as measured in GNI per capita. The other four causal variables were malaria prevalence, ethnic fractionalisation, years of schooling and life expectancy as a proxy for overall health. Instead of focusing on relations between variables, the fs/QCA analysis asks whether the causal variables are necessary or sufficient by themselves or in combination to produce the outcome. The analysis suggested that while institutions were indeed necessary for development, so were all the other variables apart from ethnic fractionalisation. Moreover, while there were several pathways to low growth (many of which included good institutions), only one pathway seemed to consistently lead to development, indicating it was sufficient for the outcome. High scores in all variables apart from fractionalisation seemed the only sure-fire way to development.

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<sup>22</sup> Rawls, *LP*, 108; Risse, “How Does the Global Order Harm the Poor?,” 355.

These results have significant normative consequences. They suggest that in a small but significant number of cases the institutional thesis may not be a particularly important concern. A burdened society may already have good institutions, but fail to graduate to well-orderedness for other reasons. In this case the duty of development is not constrained by the institutional thesis.

That is not to say that development assistance will be easy, or that good results are in any way guaranteed. Indeed, internationalists tend to be very sceptical that aid will work in general, with complexity on the ground, lack of knowledge, special interests and great power politics colluding to make it ineffective.<sup>23</sup> But Chapter 6 argued that this view, while not outright mistaken, is nonetheless overstated. There are in fact many ways that development aid has been proven to work effectively, with the return on investment from aid being modest but predominantly positive. At the same time many of the negatives of aid broadly fall into two categories. A problem such as aid volatility, which prevents programmes and government budgets running smoothly, is largely a self-inflicted one. It is not intrinsic to aid, but would be solved if rich governments pledged more regular flows. Other negatives, such as aid flows lowering governance quality, are harder to solve. But the effects are not great enough to make aid ineffective on the whole, and remittances and natural resource income are not immune from the effect either.

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<sup>23</sup> Rawls, *LP*, 108–110; Risse, *On Global Justice*, 69; Miller, *Globalizing Justice*, 227–228.

The chapter then suggested that Ghana is a prime example of a country that would benefit from sustained increases in assistance, and where the international duty of development is clearly owed. Ghana is a well-governed country which suffers from a poor disease environment in particular, as well as a relatively unfavourable geography, especially for the regions in the north of the country. The institutional thesis is not a constraint here. Nonetheless, I argued, one way in which Ghana could be assisted would be by improving their governmental capacity and ensure that the elections they have held regularly and fairly since 1992 remain so. Other avenues for assistance included improving health care facilities, especially to combat malaria, and improving the infrastructure and industry of the country.

This discussion has implications for the internationalist duty of development. I argued that the duty must take many different forms, and where the institutional constraint does not apply the duty is correspondingly greater. One important consequence is that there may actually be a greater duty to support those burdened societies that are relatively well-off (while still being burdened) compared to those in abject poverty, if the problems they face are ones that outside help will likely not fix.

The final part of the thesis sought to bring together normative and empirical elements of the discussion to ask, in Chapter 7, how the history of the world, of colonialism and exploitation of the poorest countries by the richest, should influence the duty of development assistance. First it showed that there is a need to rectify the harms the global order has

caused in the past. Two possible defences were considered and dismissed: that the global order was in fact not harmful as a whole or, slightly more plausibly but still untenable, that although the global order was unjust in the past, the distribution that resulted from it has nonetheless left everyone far better off than they would have before. Both, I argued, fail to hold up.

But what consequence does that have for the duty of development? There is an inherent contradiction in *The Law of Peoples* when Rawls simultaneously suggests that his theory represents an ideal scenario of well-ordered peoples in a just society of peoples, yet at the same time suggests that the law of peoples can be applied to the world as it is.<sup>24</sup> But both of those claims cannot be true at the same time, considering the history of exploitation that led us to where we are now. A plausible way of overcoming this problem, I suggest, would be to allow the peoples in the international original position to choose a temporary extended duty of development, greater than the duty Rawls suggests, to bring all societies up to a level playing field. This temporary duty can be justified whether you believe that the global system is characterised by a liberal conception of justice, or by a libertarian one.

Outside of the overtly Rawlsian framework, Richard Miller laid out a progressive theory of compensation for imperial excess. The first, to ensure that when assistance does happen it should ensure good outcomes, is a natural part of the duty of development more generally. The second is client regimes, where a foreign power effectively takes control of another

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<sup>24</sup> Rawls, *LP*, 17.

country. Here there is a duty to govern in the best interests of the people. Finally, the duty of imperial repair demands that destruction abroad, even for a justified cause, must be compensated proportionally to the damage.<sup>25</sup> While Miller's outline of global duties seems plausible in terms of its scope, however, it does not go far enough in its range. Given that colonialism was a legal system and a mode of understanding shared by all of the Western world, all must to some extent be held accountable for the harm that colonialism did. The duty, therefore, should apply as a general duty of repair for past harms, shared collectively by the West.

The arguments I have made in this thesis work together as a criticism and expansion of the internationalist duty of development, to form a coherent vision of a greater, more demanding duty of assistance to burdened societies. But they are not dependent on each other. You may share or adopt my point of view of any of the three parts of the argument (or, indeed, most of their sub-parts) without having to accept any of the other. By design, these arguments leave the broader contours of the internationalist argument untouched. Nothing I have argued commits anyone to move away from internationalism in order to accept them.

### **8.3 Research impact and relevance**

Rawlsian internationalism, as we saw in the first chapter, has been met with its fair share of criticism. But while I am generally sympathetic to

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<sup>25</sup> Miller, *Globalizing Justice*, 147–180.

many of these views, and personally find that the internationalist duty as a whole is somewhat lacking in parts, that has not been the argument of my thesis. Rather, it has a deliberate argumentative strategy to hold the basic tenets of internationalism fixed, while examining the duty of development within that framework. It is a topic of much debate within the literature whether the cosmopolitan account, or one of its many forms, is better able to account for that duty, or even present a more coherent account of global justice on the whole. Internationalists argue that cosmopolitanism represents a vision of global society that bears little resemblance to the world as it currently is. By contrast, they say, internationalism maps on reasonably closely to what the world currently looks like. Not to say that it is a perfect match – well-ordered peoples are not like states, and the implicit assumption that peoples are monolithic nation-states is not helpful either. Still, it is possible to ask what existing states can do to act more in the spirit of well-ordered peoples, given the existing global structure. Whatever the merit of either the internationalist or cosmopolitan position, it seems clear that the state inspires loyalties that cannot easily be explained away. “[J]ust from a causal inspection of newspapers it seems that the number of people willing to make significant sacrifices for preserving their community’s self-determination is large enough to justify the claim that patriotism is not simply the product of an old-fashioned, nostalgic mind.”<sup>26</sup>

Keeping the basic features of internationalism static while asking, “what are our duties to burdened societies?” we are therefore able to gain

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<sup>26</sup> Ypi, “Statist Cosmopolitanism,” 54.



valuable insight into how the current rich of the world ought to act. I have argued that there is a duty of development that is more wide-reaching and demanding than internationalists assume. That is not to say that what I have presented in this thesis is the maximum extent of what is owed to the world's poor. In keeping internationalism fixed I am not committing myself to rejecting cosmopolitanism, quasi-cosmopolitanism, or any other theories of global justice. But my conclusions follow from the internal logic of internationalism. Given the theory's (imperfect) compatibility with the current global system, and prevalent mode of thinking about global justice in the West, they are things citizens can demand their governments do *now*.

This project is relevant for another reason. In bringing empirical research to bear on a normative argument, discussing several examples from the real world, it makes the conclusions more directly accessible and relevant to policy-makers and implementers. This particular field is, by far, not the worst sinner, and some – most notably Mathias Risse, Thomas Pogge and Richard Miller – make extensive use of empirical research. Still, this thesis is a contribution to that development, with the hope that more of the research in future will be firmly anchored in facts about the world, rather than abstract concepts and contrived thought experiments that bear little resemblance with the world in which we live. These have their place, but I am happy to contribute to tipping the balance.

## **8.4 Avenues of further research**

Even for a thesis of 95,000 words or so, you quickly realise the restrictions you have to work under – both in terms of what is feasible to do within the time and with the resources allotted to you, and in terms of how much you can actually discuss within the word limits. As part of the process some difficult decisions have had to be made, and other avenues of research, which did not fit into this particular project, have presented themselves. To end the thesis, what follows here is a list of potential directions that further research on the Rawlsian internationalist duty of development could take.

First, it would be fascinating to expand the fs/QCA in Chapter 5, in two ways. First, as a better way to gauge causality, one possible option would be to repeat the experiment for different time periods, for instance in ten year intervals. By doing this it would be possible to see in what order improvements tend to take place in: For instance, if improvements in institutional quality tend to happen before, during, or after a rise in GNI per capita. It would also be possible to suggest whether improvements in the causal variables tend to occur simultaneously or if there is an identifiable pattern of some variables following others. However, this study would face two obstacles. The first gives reason to be cautious in selecting the variables, and is a persistent problem in all types of statistical analysis: What looks like a causal pattern between two variables may in fact be a third one (which is not part of the study) exercising its influence over both of them. The second problem is potentially more devastating for this project: The further back in time you go, the harder it is to find

reliable and complete data sets for all your variables. The further back in the archives you go, the more holes your sets will likely have. Depending on the variables in question, supplementing with other datasets may be relatively straightforward, or the methodological differences in their data gathering may make it impossible to do so.

Another way would be to conduct a two-step approach that delves into other possible relevant variables that had to be omitted in the single-step fs/QCA analysis used here. I briefly discussed this step in Chapter 2. For instance, in the first step geographical factors such as proximity to the equator, access to global shipping routes, or distance from regional and global centres of power could have been analysed as remote factors, with proximate factors depending on the pathways identified.

Second, my discussion of international institutions and, specifically, how they would need to be reformed to comply with the law of peoples, has only been a sketch. Internationalists do seem to be in agreement that global structures are in some need of reform, though the scale and exact nature of the reform is debated. For instance, Blake suggests that focusing primarily on making those institutions more robust, to better promote global justice within a first-order site of justice, would be “utopian thinking in the pejorative sense.”<sup>27</sup> Insisting on that kind of institutional change, he says, offers us no guidance on how to get there. But to counter that view, Andrew Walton has suggested that Rawlsian internationalism would, in fact, require international organisations to be reordered

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<sup>27</sup> Blake, *Justice and FP*, 112.

substantially.<sup>28</sup> This despite the claim by most cosmopolitans that Rawls is far too conservative about the global system. But it is not easy to disentangle the need to reform the system in order to comply with the law of peoples (or similar principles) in general, and what reforms are necessary specifically to live up to the duty of development. Sorting that out in a detailed and systematic fashion would have been too big a task for this thesis (and arguably a thesis topic in its own right), but it would be a fascinating and rewarding area to delve into in future.

Finally, further research should illuminate how climate change fits into the Rawlsian internationalist duty of justice. Is there a duty in general, within the law of peoples, to prevent and mitigate the effects of climate change? And – particularly relevant for my project – is there (only) a duty of justice to compensate burdened societies for the harm caused by climate change, or (also) to help them develop in ways that do not put the planet further at risk? If so, how would that limit be defined? How would the duty be shared between societies clearly in the subset of well-ordered peoples, and those closer to the lower limit?

Caney argues that climate change is an immediate threat to human rights, both in the short and long term. A rise of 2.5 degrees in average global temperatures could subject millions to precisely the kinds of human rights violations internationalists care deeply about: Hunger, malnutrition, diseases, polluted air and water.<sup>29</sup> Yet Stephen Gardiner suggests that Rawls's thinking on the topic is extremely limited, and that coming up with

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<sup>28</sup> Andrew Walton, "Global Democracy in a Society of Peoples," *Critical Review of International Social and Political Philosophy* 18, no. 6 (2015): 577–98.

<sup>29</sup> Simon Caney, "Human Rights, Climate Change, and Discounting," *Environmental Politics* 17, no. 4 (2008): 538.

an answer to climate change may be difficult given the internationalist account of the importance of territorial integrity and self-determination.<sup>30</sup> That is a challenge that is worth taking up.

This thesis is perhaps, too, guilty of “treat[ing] environmental issues as minor secondary issues, an afterthought at best.”<sup>31</sup> But future research could make a contribution to justice and climate change in this area, and satisfy my own curiosity.

## 8.5 Conclusion

There have been tremendous improvements in global poverty rates in the past few decades. Where, according to the World Bank, in 1990 37% of the world’s population lived in extreme poverty, by 2012 that number had dropped to 12.7%. That amounts to just under 900 million people.<sup>32</sup> That is an achievement that the world can justifiably be proud of, and it might suggest that the current world order is fine. But while the reductions have been remarkable, they have also been unequal. Most of the improvements have come in East Asia, where extreme poverty stood at 80% in 1981 and just 7.2% in 2012. In sub-Saharan Africa, meanwhile, poverty stood at 42.6% in 2012.<sup>33</sup>

This strongly suggests that the current world order will not be able to lift everyone out of poverty. Where other factors conspire to make the

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<sup>30</sup> Stephen M. Gardiner, “Rawls and Climate Change: Does Rawlsian Political Philosophy Pass the Global Test?,” *Critical Review of International Social and Political Philosophy* 14, no. 2 (2011): 125–51.

<sup>31</sup> *Ibid.*, 130.

<sup>32</sup> World Bank, “Overview.”

<sup>33</sup> *Ibid.*

normal workings of the market insufficient, there is a duty of the world's richest countries to make a concerted effort to help the remaining 900 million out of poverty, and towards a morally acceptable existence. This thesis has painted a picture of what that duty looks like.

## Appendix

The original and calibrated scores for each of the 102 cases featured in the fs/QCA analysis in Chapter 5 can be found in the charts on the following pages. For each variable, the first column indicates the original, uncalibrated score, the second is the calibrated one. The abbreviations are as follows:

MAL – Malaria prevalence.<sup>1</sup>

ETH – Ethnic fractionalisation.<sup>2</sup>

EXP – Life expectancy.<sup>3</sup>

SCH – Average years of schooling.<sup>4</sup>

INS – Institutional quality.<sup>5</sup>

GNI – GNI per capita.<sup>6</sup>

QCA – Calibrated QCA score for the given variable.

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<sup>1</sup> Sachs, “Institutions Don’t Rule.”

<sup>2</sup> Alesina et al., “Fractionalization.”

<sup>3</sup> World Bank, “Life Expectancy at Birth, Total (years).”

<sup>4</sup> Barro and Lee, “A New Data Set.” Additional data from United Nations Development Programme, “Mean Years of Schooling (of Adults) (years).”

<sup>5</sup> World Bank, “Worldwide Governance Indicators.”

<sup>6</sup> World Bank, “GNI per Capita, Atlas Method (current US\$).”

Case name	MAL	QCA	ETH	QCA	EXP	QCA	SCH	QCA	INS	QCA	GNI	QCA
Afghanistan	0.06	0.8	0.77	0.2	59.60	0.4	3.2	0.2	-1.76	0	\$253 <sup>(4)</sup>	0
Algeria	0.00	1	0.34	0.8	70.62	0.6	6.8	0.6	-0.86	0.4	\$3,067 <sup>(7)</sup>	0.4
Angola	1.00	0	0.79	0.2	50.65	0.2	4.7 <sup>(1)</sup>	0.4	-1.01	0.2	\$2,208	0.2
Bangladesh	0.18	0.6	0.09	0	69.49	0.6	4.8	0.4	-0.85	0.4	\$587	0
Benin	1.00	0	0.79	0.2	58.75	0.2	3.2	0.2	-0.30	0.6	\$546	0
Bhutan	0.46	0.4	0.61	0.4	67.00	0.4	2.3	0.2	0.10	0.8	\$1,696	0.2
Bolivia	0.01	1	0.74	0.2	66.32	0.4	9.2	0.8	-0.55	0.4	\$1,122	0.2
Botswana	0.36	0.4	0.41	0.6	46.44	0	8.8	0.8	0.67	1	\$5,902	0.6
Brazil	0.03	1	0.54	0.4	73.08	0.8	7.2	0.6	0.11	0.8	\$5,513	0.6
Burkina Faso	1.00	0	0.74	0.2	55.01	0.2	1.3 <sup>(1)</sup>	0	-0.28	0.6	\$457	0
Burundi	1.00	0	0.30	0.8	52.62	0.2	2.7	0.2	-1.17	0.2	\$150	0
Cambodia	1.00	0	0.21	0.8	70.64	0.6	4.0	0.4	-0.86	0.4	\$575	0
Cameroon	1.00	0	0.86	0	53.69	0.2	5.9	0.4	-0.91	0.4	\$919	0
Central African Rep.	1.00	0	0.83	0	48.10	0	3.5	0.4	-1.30	0.2	\$385 <sup>(6)</sup>	0
Chad	0.99	0	0.86	0	49.77	0	1.5 <sup>(1)</sup>	0	-1.37	0.2	\$427 <sup>(4)</sup>	0
China	0.02	1	0.15	0	74.89	0.8	7.5	0.6	-0.56	0.4	\$2,857	0.4
Colombia	0.26	0.6	0.60	0.4	73.37	0.8	7.3	0.6	-0.37	0.6	\$3,765	0.4
Congo, D. Rep. of	1.00	0	0.87	0	48.99	0	3.1	0.2	-1.67	0	\$141	0
Congo, Rep. of	1.00	0	0.87	0	57.20	0.2	6.1	0.6	-1.03	0.2	\$1,381	0.2
Costa Rica	0.00	1	0.24	0.8	79.28	1	8.4	0.8	0.61	1	\$5,250	0.6
Cote d'Ivoire	1.00	0	0.82	0	49.68	0	4.3	0.4	-1.20	0.2	\$894 <sup>(6)</sup>	0
Cuba	0.00	1	0.59	0.4	78.72	1	10.2	1	-0.59	0.4	\$4,841	0.6
Djibouti	1.00	0	0.80	0.2	60.29	0.4	3.8 <sup>(1)</sup>	0.4	-0.61	0.4	\$999 <sup>(4)</sup>	0
Dominican Republic	0.00	1	0.43	0.6	72.79	0.8	6.9	0.6	-0.41	0.6	\$4,623	0.6
Ecuador	0.20	0.6	0.66	0.2	75.65	1	7.6	0.6	-0.80	0.4	\$3,194	0.4
Egypt	0.00	1	0.18	0	70.45	0.6	6.4	0.6	-0.54	0.4	\$1,521	0.2
El Salvador	0.00	1	0.20	0	71.63	0.8	7.5	0.6	-0.10	0.6	\$2,877	0.4



Case name	MAL	QCA	ETH	QCA	EXP	QCA	SCH	QCA	INS	QCA	GNI	QCA
Equatorial Guinea	1	0	0.35	0.8	51.53	0.2	5.4 <sup>(1)</sup>	0.4	-1.24	0.2	\$9,249	0.8
Eritrea	0.76	0	0.65	0.2	61.19	0.4	3.4 <sup>(1)</sup>	0.2	-1.40	0.2	\$182	0
Ethiopia	0.58	0.2	0.72	0.2	61.47	0.4	2.2 <sup>(1)</sup>	0.2	-0.94	0.4	\$228	0
Gabon	1.00	0	0.77	0.2	62.29	0.4	7.4	0.6	-0.54	0.4	\$5,527	0.6
Gambia, The	1.00	0	0.79	0.2	58.13	0.2	2.8	0.2	-0.52	0.4	\$452	0
Ghana	1.00	0	0.67	0.2	60.60	0.4	7.0	0.6	0.10	0.8	\$496 <sup>(4)</sup>	0
Guatemala	0.02	1	0.51	0.4	71.00	0.6	4.1	0.4	-0.59	0.4	\$2,203	0.2
Guinea	1.00	0	0.74	0.2	55.30	0.2	1.6 <sup>(1)</sup>	0	-1.26	0.2	\$278 <sup>(4)</sup>	0
Guinea-Bissau	1.00	0	0.81	0	53.56	0.2	2.3 <sup>(1)</sup>	0.2	-1.02	0.2	\$395 <sup>(4)</sup>	0
Guyana	0.51	0.4	0.62	0.4	65.70	0.4	8.6	0.8	-0.35	0.6	\$1,057 <sup>(4)</sup>	0.2
Haiti	1.00	0	0.10	0	61.87	0.4	4.9	0.4	-1.16	0.2	\$433	0
Honduras	0.10	0.8	0.19	0	72.85	0.8	6.5	0.6	-0.61	0.4	\$1,456	0.2
India	0.33	0.6	0.42	0.6	65.69	0.4	4.4	0.4	-0.29	0.6	\$1,023	0
Indonesia	0.45	0.4	0.74	0.2	70.17	0.6	5.5	0.4	-0.48	0.6	\$1,526	0.2
Iran	0.12	0.8	0.67	0.2	73.13	0.8	7.8	0.6	-1.22	0.2	\$3,023 <sup>(6)</sup>	0.4
Iraq	0.03	1	0.37	0.6	68.83	0.6	5.6	0.4	-1.42	0.2	\$1,199 <sup>(4)</sup>	0.2
Jamaica	0.00	1	0.41	0.6	72.85	0.8	9.5	0.8	-0.06	0.6	\$3,927 <sup>(4)</sup>	0.4
Jordan	0.00	1	0.59	0.4	73.44	0.8	8.6	0.8	-0.08	0.6	\$2,818	0.4
Kenya	0.84	0	0.86	0	59.55	0.4	6.3	0.6	-0.66	0.4	\$572	0
Korea, DPR of	0.00	1	0.04	0	68.90	0.6	<sup>(2)</sup>	1	-1.59	0	<sup>(3)</sup>	0
Korea, Rep. of	0.00	1	0.00	1	80.57	1	11.7	1	0.76	1	\$20,650	1
Kuwait	0.00	1	0.66	0.2	74.16	0.8	6.1	0.6	0.21	0.8	\$38,313 <sup>(4)</sup>	1
Laos	1.00	0	0.51	0.4	66.90	0.4	4.6	0.4	-0.98	0.4	\$588	0
Lebanon	0.00	1	0.13	0	79.25	1	7.9 <sup>(1)</sup>	0.8	-0.62	0.4	\$6,813	0.6
Lesotho	0.00	1	0.26	0.8	47.48	0	5.8	0.4	-0.12	0.6	\$1,050	0.2
Liberia	1.00	0	0.91	0	59.43	0.4	3.9	0.4	-0.76	0.4	\$197	0
Libya	0.00	1	0.79	0.2	74.79	0.8	7.5	0.6	-1.07	0.2	\$7,815 <sup>(4)</sup>	0.6

Case name	MAL	QCA	ETH	QCA	EXP	QCA	SCH	QCA	INS	QCA	GNI	QCA
Madagascar	1.00	0	0.88	0	63.35	0.4	5.2 <sup>(1)</sup>	0.4	-0.75	0.4	\$279 <sup>(7)</sup>	0
Malawi	1.00	0	0.67	0.2	53.47	0.2	4.2	0.4	-0.29	0.6	\$214	0
Malaysia	0.25	0.6	0.59	0.4	74.50	0.8	9.5	0.8	0.34	0.8	\$6,104	0.6
Mali	0.99	0	0.69	0.2	53.77	0.2	1.5	0	-0.41	0.6	\$453 <sup>(5)</sup>	0
Mauritania	0.85	0	0.62	0.4	61.02	0.4	3.7	0.4	-0.89	0.4	\$767	0
Mauritius	0.00	1	0.46	0.6	72.97	0.8	7.2	0.6	0.77	1	\$6,177	0.6
Mexico	0.04	1	0.54	0.4	76.69	1	8.5	0.8	-0.19	0.6	\$8,030	0.6
Mongolia	0.00	1	0.37	0.6	66.89	0.4	8.3	0.8	-0.21	0.6	\$1,141	0.2
Morocco	0.00	1	0.48	0.6	70.17	0.6	4.4	0.4	-0.27	0.6	\$2,293	0.2
Mozambique	1.00	0	0.69	0.2	49.14	0	1.2	0	-0.27	0.6	\$378	0
Myanmar	0.72	0	0.51	0.4	64.58	0.4	4.0	0.4	-1.74	0	<sup>(3)</sup>	0
Namibia	0.62	0.2	0.63	0.4	62.48	0.4	6.2	0.6	0.32	0.8	\$3,880	0.4
Nepal	0.16	0.8	0.66	0.2	67.10	0.4	3.2	0.2	-0.89	0.4	\$379	0
Nicaragua	0.10	0.8	0.48	0.6	73.80	0.8	5.8	0.4	-0.64	0.4	\$1,210	0.2
Niger	0.98	0	0.65	0.2	56.99	0.2	1.4	0	-0.70	0.4	\$258 <sup>(4)</sup>	0
Nigeria	1.00	0	0.85	0	51.29	0.2 <sup>(1)</sup>	5.2	0.4	-1.17	0.2	\$909	0
Oman	0.87	0	0.44	0.6	76.05	1 <sup>(1)</sup>	5.5	0.4	0.23	0.8	\$11,847 <sup>(4)</sup>	0.8
Pakistan	0.49	0.4	0.71	0.2	66.13	0.4	4.9	0.4	-1.11	0.2	\$776	0
Panama	0.03	1	0.55	0.4	76.95	1	9.4	0.8	0.08	0.8	\$6,625	0.6
Papua New Guinea	0.59	0.2	0.27	0.8	62.01	0.4	3.9	0.4	-0.70	0.4	\$743 <sup>(4)</sup>	0
Paraguay	0.00	1	0.17	0	72.03	0.8	7.7	0.6	-0.64	0.4	\$1,613	0.2
Peru	0.03	1	0.66	0.2	73.91	0.8	8.5	0.8	-0.25	0.6	\$3,541	0.4
Philippines	0.75	0	0.24	0.8	68.23	0.6	8.7	0.8	-0.55	0.4	\$1,407	0.2
Qatar	0.00	1	0.75	0.2	78.15	1	7.3	0.6	0.71	1	<sup>(2)</sup>	1
Rwanda	1.00	0	0.32	0.8	62.21	0.4	3.3	0.2	-0.26	0.6	\$350	0
Saudi Arabia	0.09	0.8	0.18	0	75.08	1	7.8	0.6	-0.24	0.6	\$13,540 <sup>(4)</sup>	1
Senegal	1.00	0	0.69	0.2	62.84	0.4	4.4	0.4	-0.44	0.6	\$792	0

Case name	MAL	QCA	ETH	QCA	EXP	QCA	SCH	QCA	INS	QCA	GNI	QCA
Sierra Leone	1.00	0	0.82	0	44.84	0	2.9	0.2	-0.68	0.4	\$363	0
Singapore	0.00	1	0.39	0.6	81.54	1	8.8	0.8	1.48	1	\$33,231	1
Somalia	1.00	0	0.81	0	54.02	0.2	(3)	0	-2.33	0	(3)	0
South Africa	0.02	1	0.75	0.2	54.39	0.2	8.2	0.8	0.25	0.8	\$5.673	0.6
Sri Lanka	0.18	0.6	0.42	0.6	73.76	0.8	10.8	1	-0.38	0.6	\$1,590	0.2
Sudan	0.98	0	0.71	0.2	61.48	0.4	3.1	0.2	-1.61	0	\$725 <sup>(5)</sup>	0
Suriname	0.19	0.6	0.73	0.2	70.34	0.6	7.2 <sup>(1)</sup>	0.6	-0.15	0.6	\$3,510 <sup>(4)</sup>	0.4
Swaziland	0.10	0.8	0.06	0	48.35	0	7.1	0.6	-0.51	0.4	\$2,280	0.2
Syria	0.19	0.6	0.54	0.4	74.87	0.8	4.9	0.4	-0.92	0.4	\$1,648	0.2
Tanzania	1.00	0	0.74	0.2	59.18	0.4	5.1	0.4	-0.36	0.6	\$445	0
Thailand	0.42	0.4	0.63	0.4	73.81	0.8	6.6	0.6	-0.34	0.6	\$3,023	0.4
Togo	1.00	0	0.71	0.2	55.47	0.2	4.9	0.4	-0.89	0.4	\$349	0
Trinidad and Tobago	0.00	1	0.65	0.4	69.60	0.6	9.3	0.8	0.10	0.8	\$14,437 <sup>(6)</sup>	1
Tunisia	0.00	1	0.04	0	74.60	0.8	6.5	0.6	-0.20	0.6	\$3,619	0.4
Turkey	0.00	1	0.32	0.8	74.21	0.8	6.5	0.6	-0.05	0.6	\$7,757	0.6
Uganda	1.00	0	0.93	0	57.30	0.2	4.7	0.4	-0.58	0.4	\$361	0
United Arab Emirates	0.01	1	0.63	0.4	76.60	1	8.9	0.8	0.40	0.8	\$24,239	1
Venezuela	0.00	1	0.50	0.6	74.17	0.8	6.2	0.6	-1.28	0.2	\$5,905	0.6
Vietnam	0.72	0	0.24	0.8	75.31	1	5.5	0.4	-0.57	0.4	\$866	0
Zambia	1.00	0	0.78	0.2	54.53	0.2	6.5	0.6	-0.36	0.6	\$649	0
Zimbabwe	0.62	0.2	0.39	0.6	53.59	0.2	7.3	0.6	-1.54	0	\$380	0

Notes to the appendix:

(1) Data from the United Nations Development Programme.

(2) Data not available – estimated to be very high.

(3) Data not available – estimated to be very low.

(4) Data from 2005.

(5) Data from 2007.

(6) Data from 2008.

(7) Data from 2009.

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