Collective Responsibility or Global Background Justice?

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Abstract: Pogge accuses Rawls of failing to prescribe the application of the difference principle to the level of global justice. According to Pogge this means that Rawls cannot explain how to arrive at economic justice at the global level. This is because individual societies are not independent of the global order but are strongly affected by it. Miller, in response, argues for Rawls. Miller argues that economic inequality can be accounted for by collective responsibility and maintains that such economic inequality should be compensated for by developed societies taking on the duty of assistance for less developed ones. I propose that the difference between Miller and Pogge's view concerning global economic inequality lies in their concerns about global background justice. Pogge is concerned with global economic inequality in a world where global background justice is realisable. Miller is concerned with global economic inequality in a world where global background justice is not realisable.

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1. Introduction

John Rawls makes genuine and productive efforts in his book *The Law of Peoples* (1999) to establish a just global order. He makes a classification of societies and specifies a list of “laws” for these societies to conform with in order to regulate their foreign policies. However, his design of the just order on the global level is highly debated. Most objections arises from its departures from his own theory of domestic justice elaborated in his *A Theory of Justice* (1971).

In his theory of domestic justice, Rawls specifies two principles of justice\(^1\) which apply to the social basic structure\(^2\) to ensure social justice. However, these principles of justice are not at all extended to his theory of global justice. Arising from this departure, there are mainly three interconnected accusations against Rawls. First, Rawls leaves the global order to be formulated *interactionally* between member societies because he doesn't apply the principles of justice to the global level. Second, in his theory of domestic justice, individuals are his ultimate moral concern and serve as the basic unit, while on the global level, the basic unit is people and Rawls is accused of “giv[ing] no weight to individuals and their interests” (Pogge, 2006, p. 222). Third, concerning economic justice, Rawls is charged with not applying the difference principle to the global level.

The topic of the present examination is the third accusation against Rawls. As for whether

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\(^1\) They are the principle of equal liberty and the difference principle. See Rawls, (1999a, p. 52; 2001, p.42).

\(^2\) By social basic structure, Rawls means the way the main political and social institutions are connected into one uniform system of cooperation and the way they distribute benefits that arise from the social cooperation. It includes "structure of economy," "political constitution," "forms of property," "family" etc. See Rawls (2001, p. 10)
the difference principle should be applied globally, there are two opposite camps of opinion. Opponents accuse Rawls of not extending the difference principle to the global level, thus causing global economic injustice. In contrast, some argue in defence of Rawls that the lack of the difference principle doesn’t necessarily lead to global economic injustice. Among them Thomas Pogge and David Miller are representatives of each camp. Miller argues for Rawls. He puts forward the concept of collective responsibility and argues that every society is responsible for its own economic development. Pogge advocates global background justice by arguing that individual societies are not independent of the global order but are strongly affected by it.

This paper aims to draw on Miller and Pogge to argue that, on the one hand, on the global level the background institution should be just to ensure global economic justice, and on the other hand, societies in case should be responsible for the economic achievement they reach. For this purpose, I will first draw on Miller to argue that societies in case should be responsible for their economic status. However, Pogge objects to Miller's opinion and claims that what matters in the global economic justice is not collective responsibility but the background institutional justice against which societies interact with each other. This will be specified in the second part. Third, I would, on behalf of Miller, respond to Pogge’s critique. In this part, I will argue that Miller realizes the importance of global background justice and I specify the reasons why he does not treat this concept as central. Finally, I would argue that from the ideal perspective Pogge is right but his proposal is not realistic. and would reach the conclusion that, given the huge difficulty in creating just global background institution it is more plausible to settle for the interpretation of global economic justice in terms of collective responsibility and the duty of assistance. Of course, in this way, global justice is compromised. but there is no other more realistic alternative at the present time.
2. Collective responsibility

David Miller argues for Rawls in terms of collective responsibility that there is no departure of the difference principle in his theory of global justice from his theory of domestic justice. Miller (2006, p. 194) claims that “if inequalities between agents arise as a result of factors for which the agents in question can be held responsible, these inequalities are not unjust”. He argues well that from the liberal view, societies, like domestic individuals, are free to form their own conceptions of good and are free to pursue them. So it is natural that these societies should be responsible for what they get. This argument is convincing in itself but it may be attacked from the perspective that societies are not totally responsible for what they get from primary resources allocated to them though they freely formulate and pursue their conceptions of what is good because the primary resources initially allocated to them at the original position are not equal. This is true in reality. Some countries are very resourceful but others are barren in resources.

Considering this objection, Miller makes further argument for collective responsibility. He admits that societies are allocated with different resources, some with more and some with less. There is also the possibility that some societies are assigned with so little resources that they are limited by lack of resources to become economically developed. For those burdened societies, Miller makes what Rawls intends clear, viz., that liberal societies bear the duty of assistance to those societies so that they can reach a threshold to get rid of the constraints imposed by lack of resources on their ambitions to prosper economically. In this way, Miller argues reasonably for collective responsibility by dissolving the potential international economic inequality arising from different allocation of natural resources by

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3 These factors include culture, tradition, customs, religion, political system, etc..
4 It refers mainly to natural resources.
mean of the function of the duty of assistance in global justice.

Although Miller’s argument is clear and persuasive, Pogge points out that Miller is wrong in failing to realize that societies are not their own master but are manipulated by international background institution. He holds that whether an international background institution is just or not is directly related to whether societies are responsible for economic inequality and how much responsibility they should assume.

3. Global background justice

The concept of global background institutional justice is drawn from Rawls’s domestic background justice. Rawls remarks in a significant manner that, “[a] just basic structure secures what we may call background justice” (2001, p. 10). By analogy, the justice secured by global institution is global background institutional justice. Thomas Pogge doesn’t use this term but he means it.\(^5\) He strongly argues that the difference principle applied in Rawls’s theory of domestic justice be extended to the global level to maintain global background institutional justice. His argument is made by making the contrast between Rawls’s three-tier construction of justice on the domestic level and the two-tier construction of justice on the global level.

He clearly demonstrates that there is a three-tier construction in Rawls’s theory of domestic

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\(^5\) When arguing that the global background justice should be maintained, Pogge uses the term “institution” instead of “basic structure.” When he insists that the principles of justice be applied globally, he means that they be applied to the international institution. Although there may be difference between the two concepts, they can be understood as basically the same for the purpose of our discussion because in Rawls’s (2001, p. 10) discussion basic structure is mainly composed of institutions.
justice while this construction is degraded to a two-tier construction in his theory of global justice. By “three-tier construction,” Pogge means three fundamental components in Rawls’s theory of domestic justice, namely, “parties in the original position who select,” “a public criterion of social justice (Rawls’s two principles and two priority rules) which selects” and “a basic-structure design for any specific empirical context” (Pogge, 2006, p. 213). The two principles are applied to the basic social structure which regulates distribution and redistribution of social wealth among society members in a fundamental manner. With the principles established, Pogge reasonably thinks that “important features of the basic structure are left open” (Ibid.). That is to say, once the basic social structure meets the requirements of the two principles it is justified in terms of justice to apply whatever concrete institutional arrangements to the basic social structure. On the other hand, on the global level, the “two-tier” construction refers to “parties in the original position who select” and “a scheme of international rules (Rawls’s eight laws of peoples)” (Ibid.). The eight rules are steadfast and cannot serve the flexible function of moral assessment of the social structure as the two principles do. So Pogge naturally infers that on the global level there is lack of principles to guide the international background institution against which societies interact with each other. In other words, international background justice doesn’t get guaranteed in Rawls’s construction. Arguably, there is no problem with Pogge’s argument.

In his argument, what Pogge accuses Rawls of is that he doesn't apply the principles of justice to the global institution. This, in Pogge’s eye, leads to lack of background justice on the global level. Rawls (2001, p. 10) holds that social basic structure is the primary subject of justice and determines the way basic rights and duties and the benefits produced by cooperation are distributed, thus being fundamentally important for social justice. Pogge (2006, p. 221) agrees with Rawls that social institution “crucially shapes the character of the relevant actors as well as the options and incentives they face” but he questions why Rawls
doesn't apply the principles of justice in his theory of global justice. Rawls's reason is that different theories of justice (local, domestic and global) have different subjects so there is difference in the design of justice in them. Rawls (2001, p. 11) claims that justice as fairness "applies first to the basic structure and sees these other questions of local justice and also questions of global justice (what I call the law of peoples) as calling for separate consideration on their merits". But he gives no further explanation.

Pogge refutes Rawls and holds that the global institution plays a no less important role in global justice than the basic social structure does in the domestic domain. Pogge (2006, p. 221) insists cautiously that, “today and in the foreseeable future”, the global institutional order greatly influences the chances each society faces and what it gets from them. It even exerts huge influence on domestic political institutional arrangements and culture, especially on less developed societies (Ibid.). So Pogge makes it clear that Rawls is wrong in not extending principles of justice to global justice, thus failing to secure global background institutional justice.

Given the lack of global background justice, Pogge is right in claiming that internal factors, such as population, culture, traditional religion, natural environment etc. which are related to economic prosperity, are significantly shaped and sustained by external factors, especially by global institutional order (Pogge, 2006, pp. 217-220).

In fact, Pogge demonstrates that the global order should not only be just but also be moral. The difference principle is derived partly from moral consideration. Individual members in a society have different motivations, talents and other features which largely determine what they get from their primary resources. These features cannot be determined solely by individuals themselves but are largely determined by the social background they are thrown into. So, the difference principle insists that the basic social structure be tilted toward the
advantage of the worst-off in society in case their worst-off situation is caused, at least partly, by features they cannot be held totally responsible for. This is the requirement of justice. But it is well likely that there are individuals in the worst-off position who are totally responsible for that. For example, it is possible some people are born in good families, inherit good talent and motivation but are in the worst-off position. That is to say, these people enjoy sufficient background justice but they may well end up at the worst-off position due to their own self-responsible features, such as corruption, self-indulgence, laziness and so on. It is right that where individuals would end up shouldn't be attributed solely to their own responsibility, while it is also right that it should not be attributed solely to social institutional order either. Rawls insists that the basic social structure be kept tilted toward the worst-off in society and doesn't exclude those who are totally responsible for their worst-off position from the scope of being favored by the social basic structure. In the case of those worst-off totally responsible for their position, it is on the basis of moral requirement that the basic social structure is tilted toward them because from the requirement of justice there is no reason at all for the social structure to be tilted toward them since they enjoy sufficient background justice. Therefore, by insisting that the two principles of justice, especially the difference principle, be applied to the global institutional order, Pogge wants to introduce moral assessment to the just global order. In order words, his requirement of global background justice is made on the basis of not only justice but also morality. And, on this basis, there is no surprise that Pogge accuses Rawls that “[b]y allowing this global order to be shaped and adjusted through free bargaining among states, Rawls puts it almost entirely beyond moral assessment” (2006, p. 221, my emphasis).
4. Miller's possible response

From the discussion above, it is clear that the application of the difference principle to the basic social structure is required on the mixed basis of both justice and morality. It is required to be kept tilted toward the worst-off in society. From the requirement of justice, social basic structure is arranged in favor of the worst-off who are not totally responsible for their position. This is what Rawls firmly holds. But social structure cannot distinguish the reasons why the worst-off in the society fall into their worst-off position and treat them accordingly, so those who are totally or partly responsible for their falling into the worst-off position also benefit from the basic social structure tilted toward the worst-off. Rawls tolerates this point though it has nothing to do with justice. In a word, from moral consideration, Rawls doesn't rule out individuals who are totally responsible for their falling into the worst-off position from those to whom social basic structure is tilted. Therefore, from the requirement of morality, the basic social structure is also designed in favor of the worst-off who are totally or partly responsible for their situation.

In my opinion, Miller doesn't realize this distinction, according to which he can respond much better to Pogge in defense of Rawls from Pogge's accusations in different directions implied by this distinction. But his arguments provide clues for such possible response.

From the moral perspective, Miller would succeed in arguing that Rawls is right not to extend the difference principle to his theory of global justice if he realizes that the difference

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For this point, Miller (2006, p. 197) points out that the difference principle is not applied to individuals but to basic social structure. But it is undoubtedly true that the basic social structure designed according to the difference principle favours the worst-off no matter how they fall into the unfortunate position. So those who are responsible for their worst-off position are also favoured by social structure.
principle is executed partly for moral reasons. Despite this, his arguments give implication for such a successful argument.

Miller thinks that the basic units of justice are different on the domestic level and on the global level. In the former case, justice is applied to the basic social structure to ensure background justice between individuals. Furthermore, the ultimate moral concern is individuals. So, in this sense, Miller (2006, p. 198) thinks that the relations between individuals in a domestic regime are regulated by “the principle of fraternity”. This idea is illuminating. Due to the principle of fraternity, the social basic structure is allowed by Rawls to be tilted toward the worst-off no matter whether they are responsible for their position or not. However, on the global level, the relations between societies are governed by “a principle of mutual respect” (Ibid.). This principle, Miller argues, “manifests itself practically in mutual toleration" which is embodied in allowing others to develop economically and politically as they like and refraining from intervention (Ibid.). So the relation between societies on the global level is not the kind of morality. Therefore, there is of course no moral need to require the global institution be arranged according to the difference principle to favor the worst-off societies that are responsible for their position if there is wide recognition of its existence, not to mention if there is no such recognition. Based on his distinction of the principles of fraternity and mutual respect, Miller (2006, p. 198) not only argues for Rawls not applying the difference to the global level, he even says that “Rawls is concerned that there is not enough affinity between peoples even to support the weaker duty of assistance”.

From the perspective of justice, Miller admits that the justice of the global order would be impaired if the difference principle is not applied to the global institution to ensure global background justice. After arguing that the collective responsibility can justify the international
economic inequality, Miller points out that such justified international economic inequality may well lead to unfavorable results of injustice. In this respect, he disagrees with Rawls. Miller (2006, p. 203) puts forward the accusation that Rawls “underestimates the extent to which economic inequalities between peoples may also constitute inequalities of power, which will have a distorting effect on future terms of co-operation”. That is to say, in the formulation of global cooperative order, economically developed societies have bigger bargaining power than the less developed societies and would use that power to exert influence on the formulation of the global order in their favor, thus putting less developed societies at a disadvantage. This is the way Miller argues how global economic inequality justified by collective responsibility leads to unjust global order. So Miller also holds that, if the global institution is not regulated by the difference principle, there would result in injustice.

But, I think, on this score, Miller misunderstands Rawls. When discussing equality of peoples, Rawls (1999b, p. 115) recognizes the important role of fairness in “the political processes of the basic structure of the Society of Peoples” and considers it as analogous to that in the domestic case. Rawls agrees with Miller that peoples constitute a cooperative organization and formulate guidelines for it. He thinks that the guidelines include “standards of fairness for trade” (Ibid.), and “certain provisions for mutual assistance” (Ibid.). Perhaps, Rawls foresees the possible injustice in global order, and to avoid that potential injustice, he insists that “should these cooperative organizations have unjustified distributive effects, these have to be corrected in the basic structure of the Society of Peoples” (Ibid.). So Rawls doesn't ignore the potential injustice in the global order if it is left to be formulated by negotiation among different societies as is argued by Miller. Concerning this point there is no difference between them. Their apparent divergence lies in how they try to dissolve the potential global injustice. Rawls proposes to eradicate the injustice that may be caused by just economic
inequality by certain rectification of the basic structure of the society of peoples (Ibid.). His defect lies in that he doesn't specify how to do it.7 Whereas Miller seems to appeal to implementing inequality-limiting measures on the global level when he claims that one defect of Rawls's theory of global justice is that it doesn't answer how to limit economic inequality globally (Miller, 2006, p. 203).

Since Miller admits that just economic inequality8 may cause injustice in global cooperative order, what's the difference between his opinion and Pogge's? Miller doesn't exemplify how to dissolve the problem, and the interpretation of how he would propose to solve it is pivotal to judging whether he advocates the application of the difference principle on the global level or not. There are two possible interpretations.

First, he may insist that global economic inequality should be corrected in itself. But this contradicts his claim of collective responsibility which holds that the global economic inequality caused by collective responsibility is just. So, there is only one possibility left, that is, he agrees with Rawls that global background justice should be maintained to avoid the potential injustice in the global cooperative order caused by just economic inequality. In this way, there is no divergence between him and Rawls concerning global background justice.

7 From this point, it is shown that Rawls also pays attention to global background justice. The reason he is criticized by cosmopolitanism may well be that he doesn't specify how to guarantee the global background justice when he excludes the application of the principles of justice in his theory of global justice.

8 By this term 'just economic inequality,' I mean economic inequality caused by collective responsibility. According to Miller, economic inequality between societies is justified by collective responsibility. As would be shown later, the precondition for Miller's thesis is that, I think Miller would agree, the societies interact with each other against the global background justice.
It can be seen from the above that Miller makes a concession to Pogge that global background justice should be maintained and this concession is expressed in a subtle manner. This indicates that he doesn't place it at the central position as Pogge does.

There then follows another problem: the problem of explaining why Miller places his central emphasis on his claim of collective responsibility even though he realizes the importance of global background justice. Miller's reason can be found in two factors, the feasibility of global background justice and the duty of assistance.

First, it is not moderately feasible to ensure global background justice by applying the principles of justice to the global institution. As for global institution, even Pogge (2006, p. 221) adopts a cautious tone when he says, “It is undeniable that, today and in the foreseeable future (stress added), there is a global institutional order …’. This implies that whether the global institution exists or not and how much influence it has on member societies are controversial, at least the global institution doesn't gain as much and firm recognition as domestic institution does. Even if the global institution definitely exists and exerts influence on member societies, it doesn't function in such a uniform, effective and even compulsory manner as the domestic institution does. As a result, though it is quite feasible to maintain domestic background justice by applying the two principles of justice to domestic institution, it is not that feasible to maintain global background justice by the same means as are used on the domestic level.

With regard to the duty of assistance, it is advocated by Rawls as among the laws of peoples. It requires liberal and decent societies to assist burdened societies to reach a threshold so that they can develop as freely as they choose. This duty can compensate to a huge degree for the lack of the difference principle in the global case. Rex Martin argues that the duty of assistance has great impact. Its contents range from assistance in
education, culture, establishment of rule of law, economic infrastructure, social public service to assistance in bringing changes in the global economic environment in which burdened societies interact with others (Martin, 2006, p. 238). This duty covers so many fields that it can somewhat perform the role of maintaining global background justice though not in the strict sense as does the principles of justice to the domestic background justice. Also, it is feasible to require liberal and decent societies to assume the duty of assistance to burdened societies to maintain a just global order.

Miller may realize the infeasibility of maintaining global background justice by applying the principles of justice to the global institution and at the same time realize the role the duty of assistance can play in securing global background justice, so he lays focus on national responsibility and doesn't take global background justice as his central concern.

4. Conclusions

From the above discussion, it is shown that from the ideal perspective, the principles of justice should be applied to the global institution to ensure global background justice. This is what Rawls, Miller and Pogge all agree to. Their divergence is caused by the problem of the feasibility of applying the principles of justice on the global level. Pogge insists on the global application of the principles of justice and considers it as fundamental to global justice. Rawls (1999b, p. 115) only remarks that “should these cooperative organizations have unjustified distributive effects, these would have to be corrected in the basic structure of the Society of Peoples”, implying that he is also concerned with the background justice on the global level, but he merely puts forward the eight rules for societies to conform with rather than advocating the application of the principles of justice to the global institution. Miller realizes, on the one hand, that global background justice is necessary, and on the other hand, that to maintain it in the sense as background justice is maintained in the domestic
case is hardly possible because the subjects of justice in the two cases are different. So Miller settles for the duty of assistance which can somewhat compensate for the lack of ideal global background justice and lays his central emphasis on the claim that societies should be responsible for their economic development given the fulfillment of the duty of assistance.

In a word, from the ideal perspective, global background justice is primary for global justice, but because it is nearly impossible to maintain the ideal global background justice given the nature of the current global institutional order, it is more feasible to settle for an interpretation of global economic inequality in terms of collective responsibility and advocate the duty of assistance for the sake of global justice, though in this way global justice is compromised.

References


