

Ι

The State of the World

THE JUSTICE QUESTION

What do we owe other people? An ancient answer is: their due. This is helpful only to the extent that it can be determined what that due may be. The simple answer advanced in this book is that what is primarily owed to others is to *leave them alone*. We say "primarily" because requirements of justice extend in addition to particular performances owed to particular others. For example, to one's children, business partners, clients, students, friends, and lovers, one bears responsibilities that do not extend to people in general.

Exceptional circumstances engender obligations to anonymous others that also go well beyond noninterference. Following an example offered by Peter Singer, suppose that while treating yourself to a recreational walk, you encounter a young child face down in a puddle. You can easily wade in to pull her out; otherwise, she will drown. What should you do? We trust that our readers will not find this an especially challenging dilemma. Not to rescue the child would be wrong; more specifically, it would be to wrong the child. You owe her more than merely leaving her alone, even if the cost to you of rescue is wet toes and ruined shoes. Who would demur from saving a life at so minimal a cost? According to Singer, nearly all of us do. Around the world, there are tens of millions of children (and former children) who, in effect, are face down in smothering waters and cannot help themselves. These are the unfortunate others who live on the edge of exigence, where the absence of food or shelter or health care imperils survival. Minimal aid expenditures by those of us who are comparatively wealthy, alleges Singer, could extricate these people from their various puddles. Yet, for the most part, they are left to drown.

This sort of challenge inclines many theorists to think about the demands of justice as requirements to *do something* to ease the plight of the less well-off.

Ι

[&]quot;Famine, Affluence, and Morality," Philosophy and Public Affairs 1 (1972), 229-43.



The State of the World

Because well-being levels differ profoundly across borders, the urgency of aid provision will seem most acute in the domain of global justice. Succeeding pages examine various global-justice theories that take up this strategy. We begin, though, by announcing that this presumption is precisely to misconstrue the issues at stake. To repeat: justice is primarily about leaving other people alone. This may seem banal when juxtaposed with cases such as the drowning toddler or the suffering millions in poverty. Nonetheless, it is crucial. Our central claim is that most people, but especially the world's poor, are saddled with a host of coercive barriers that impede flourishing. These barriers are quite diverse: political oppression, exploitive institutions, and burdensome regulations, both within and without borders. In particular, we suggest that the plight of the world's poor is caused (mainly) by bad domestic institutions and ineffectual, corrupt governance and not by the failures of rich countries to help. To be sure, the wealthy people and polities of the world have much to answer for, but predominantly these transgressions are acts of unwonted interference, not a shortage of aid payments. Such interference falls into three main categories. First, wealthy countries harm the world's poor by maintaining unjustified protectionist and immigration barriers. Second, they project force across borders to the detriment of affected populations. Third, they sometimes cooperate with and thereby abet unjust or incompetent regimes. On these grounds, we add our indictments of the world's haves to those offered by the dominant strand of the global-justice literature. Where we most notably diverge in our assessment of the relevant pathologies is by insisting that wealthy countries are bit players in these sad dramas: most of the damaging interference takes place at

Because injustice is overwhelmingly homegrown, the recommendations of this book are addressed not only to persons in rich countries. Most urgently, they are directed to foreign elites who unjustly interfere with the lives of their subjects. These elites, in other words, must honor the obligation to leave their people alone. Of course, persons in rich countries also should leave others alone, both their own compatriots and those who live at a distance. A significant but distinctly secondary task is to exercise prudent pressure for reform in order to persuade local elites to desist from the unjust interference with their subjects' lives. Unfortunately, it is easier for us to issue the recommendations than it is to persuade autocrats and warlords to listen. That is their fault, not ours, but even so, a perceived lack of efficacy is not comfortable for philosophers. This helps to explain, we believe, why most political philosophers emphasize the requirement to do rather than to refrain.

We conjecture that very few readers of this book have ever encountered even one child inertly lying face down in a puddle. In the unlikely event that one should someday do so, a requirement of rescue would represent a trivial imposition on one's ordinary pursuits. Indeed, most would welcome an opportunity to do so much good at so little cost. This is, however, one of the two junctures at which Singer's analogy breaks down. The world's hungry and sick

the domestic level.



The Justice Question

3

are not, alas, a rarity. Despite extraordinary gains that have been achieved over the past three or four decades, grinding poverty continues to plague many populations. Were one obliged to address each instance of personal desperation near or at a distance, there would literally be no time to do anything else with one's life. Rather than justice primarily being a matter of leaving people alone, Singer-style justice-as-rescue is maximally intrusive.

The second juncture at which the analogy fails is to treat global distress as on a par with a child's accidental misstep. Poverty, though, is typically no accident. It results, as we shall argue at length, from bad policies, bad people, and bad institutions. Some political elites are merely incompetent; others are vicious. Either way, they generate avoidable human misery. If well-meaning governments or private citizens of wealthy countries transfer resources to those impoverished fiefs, they may relieve some distress, but they equally well may be strengthening the purveyors of that distress and thereby create further distress. To put it another way, subsidizing debilitating poverty is likely to produce more of it.²

Those readers of this book who are professional philosophers know that ours is a discipline that glories in outlandish thought experiments: children face down in puddles are joined by runaway trolleys that will kill one or five persons, someone who wakes to find her circulatory system hooked up to that of a great violinist, a nuclear terrorist who will reveal where he has secreted a ticking time bomb only if he is put to torture (or even better, only if his innocent little daughter is threatened with torture), an experience machine that will provide the illusion of any satisfaction but which, once entered, can never then be abandoned, and so on. These are puzzles that are charming in their own right but also philosophically useful as tests of our views insofar as they put them under more pressure than they normally would have to bear. (The greatest philosopher who ever lived, Plato, engineered the single most profound thought experiment ever devised: an invisibility-conferring device. On it he constructs the dialogue Republic.) Therefore, readers who pursue some other line of work should not regard philosophers' fancies as altogether idle. Neither, though, should the conclusions elicited from these scenarios be regarded as definitive. No less important than ingenious theoretical jujitsu is attentiveness to empirical results derived at the mainstream rather than at the margins. Although we are not immune to the lure of clever constructions, it is within that mainstream that we will mostly orient ourselves in this book, using the most convincing results of contemporary social science to test and confirm our theory of justice as leaving people alone.

So that potential readers can better determine whether to invest time and effort in the remaining pages of this book, here is a brief indication of how we position ourselves orthogonally in relation to most of the global-justice

² For an effective dissection of Singer's analogy, see David Schmidtz, "Separateness, Suffering and Moral Theory" in *Person*, *Polis*, *Planet* (New York: Oxford University Press, 2008), 145–64.



The State of the World

4

industry. The dominant approach to global justice is essentially regulatory. On this view, justice's most urgent demand is redistribution of global wealth. Accordingly, the main ills of the world, oppression and poverty, should be addressed by appropriate national and international regulation. The dominant approach is to recommend enlarging state institutions and international agencies so as to enforce justice, coercively redistribute wealth, and correct the supposed injustices and inefficiencies of markets. Most of the debate concerns how to do this effectively - whether by robust state-initiated foreign-aid schemes or by reinforcing international redistributive institutions. Strong labor and environmental regulations complete this picture. The world's poor, it is thought, will be best served by substituting good coercion for bad, ineffectual coercion and, above all, by enforcing the duties of global justice that citizens in rich countries are supposed to have toward the world's less fortunate. This strategy is typically dual: on the one hand, states must be *enlarged* so that they can carry out internal duties of justice. On the other hand, international agencies should be empowered to coerce people in rich countries to transfer resources to the poor.

We dissent. The argument advanced here is that what the poor need is *less* regulation, less coercion, and less state presence in their lives. They need, in other words, more political and economic space where they can engage in the positive-sum games that trade, mobility, and commerce offer. We agree that they need good institutions, but those institutions should be liberty friendly and, especially, market friendly. This classic liberal vision is often characterized as callous because it does not recommend forced aid or redistribution. On the contrary, we contend that this liberal view is truly humanitarian. We firmly believe that the evidence shows that freedom will help the poor and vulnerable more than will the alternative regulatory vision. We are convinced that the majority of writers on global justice have simply misdiagnosed the problem and for that reason have recommended ineffectual or counterproductive solutions. As shall be seen, we agree with the preponderance of writers that justice is cosmopolitan, not merely local. But what cosmopolitan justice requires is not that we coercively transfer resources or fatten international bureaucracies but that we everywhere afford people the freedom to pursue their personal projects. This duty of noninterference is global in scope, and transgressions of it are also global. As observed previously, governments and citizens of rich countries sometimes unjustly interfere with the lives of distant persons (and, of course, with the lives of their own citizens).³ The main culprits, though, the

³ As the economist Angus Deaton put it: "What we need to do is to make sure that we are not standing in the way of the now-poor countries doing what we have already done. We need to let poor people help themselves and get out of the way - or, more positively, stop doing things that are obstructing them." Angus Deaton, The Great Escape: Health, Wealth, and the Origins of Inequality (Princeton, NJ: Princeton University Press, 2013), 312.



The Justice Question

5

unjust interferers *par excellence*, are the local elites who have captured their societies' resources for their own benefit.

We proceed as follows: in the remainder of this introduction we summarize the state of the world as it bears on questions to be taken up. We present facts that are relevant to global justice, and we survey various interpretations of those facts. Because we are not social scientists, we rely on what we think is state-of-the-art social-science research. In Chapter 2 we present the philosophical basis of our argument. Our strategy is to counter arguments for the alleged strong moral duties of aid and redistribution of wealth via two responses. First, if we really treated aid as a hard duty of justice (as opposed to an action recommended by virtue), we would engage in counterproductive behavior. Instead of fewer figurative children floating face down in puddles, there would be more. An enforced duty of aid also would disastrously undermine production in the wealthy parts of the world, thus further exacerbating poverty. Our second response is to reject the impersonal view of good and bad that the aid moralist proclaims. Value, we argue, is tied to an individual's own aspirations and well-being. In the philosophical vernacular, it is agent relative. Because this is so, it is false that one must be perpetually on call to relinquish one's own cherished personal projects for the sake of facilitating the goods of others.

Chapter 3 develops two themes that are anticipated later in this chapter. First, wealth and poverty are highly determined by the quality of a society's institutions, and second, the most effective poverty-reduction measure of all is liberalizing markets to allow poor people to get richer. Chapter 4 discusses the justice of personal migration. Here again, we argue that entry barriers are wrong in principle and harmful to persons, especially the poor. We discuss and emphatically reject various attempts to justify such barriers. Chapter 5 examines at length one such purported justification: that open borders cause a brain drain from poor countries. We show why this argument is implausible on empirical and moral grounds. Together these chapters identify injustices of coercively impeding in-migration and out-migration. Chapter 6 examines in depth the justice of international trade. We explicate the law of comparative advantages and its relevance to justice, and we reject various attempts to justify trade barriers. Once again, the case for free trade is overdetermined: protectionism unjustly hurts many, unjustly benefits a few, and reduces national and global wealth.

Chapter 7 addresses the moral standing of states. It reviews the relevant literature, including the work of John Rawls and Michael Walzer, and concludes that the notion of state legitimacy is of little help. People have rights, and violations of those rights are impermissible. There are no fully legitimate regimes because even the best ones violate rights. There are only comparatively good and comparatively bad institutions: good institutions are those that (mostly) leave people alone; bad institutions are those that (mostly) do not.

Chapter 8 examines war. It defends and elaborates the view that war is justified only in defense of persons and their rights. National self-defense and



The State of the World

6

humanitarian intervention, when justified, are two species of the same genre – defense of persons. War is justified (when it is) as an effort to make sure that *others* leave people alone. We examine just-war theory and the difficult problem of collateral deaths. Finally, Chapter 9 concludes with a discussion of foreign aid, going beyond strict requirements of justice – that is, what people *must* do – to consider what charitable individuals are *well advised* to undertake. It defends the view that justifiable aid is mostly that which is extended voluntarily by private parties, not by governmental or quasi-governmental agencies. There is a limited role for states, however, and we try to work out what that is. A brief conclusion follows.

THE RELEVANT FACTS: FREEDOM AND WEALTH

A theory of global justice must identify its subject. Philosophers have many proposals about this: some think that justice is about the basic structure of society; others that justice permeates all aspects of social life; finally, for others, justice is all the preceding plus personal virtue. These disagreements about the matter of justice compound the disagreements about the scope of justice. Some people believe that justice makes sense only within a state; others claim that justice must be global in scope. Before we take sides on these matters, in this chapter we identify the *kinds* of facts that a theory of justice should care about. Whatever else philosophers disagree about, they roughly agree (at least those of liberal persuasion) about the resources that people need to lead fulfilling and productive lives: freedom4 and wealth. Although writers agree that people need these resources to pursue meaningful life projects, they disagree (again!) about the status of these goods within the theory. Most believe that wealth is an instrumental good. Some think that freedom is also instrumental (classical natural-law thinkers, perhaps), whereas philosophers in the Kantian tradition tend to claim that freedom is an intrinsic good. We will say more about this later, but in this chapter we sidestep these foundational issues. Here we assume, as indicated, that people need political freedom⁵ and sufficient material wealth to pursue their life projects and flourish. Global justice is about the fair global distribution of those goods and about the institutions that are most likely to secure that distribution. A theory of global justice, then, is centrally concerned with the oppressed - those who have been deprived of their freedom - and the poor - those who lack sufficient material resources. To be sure, people have more specific needs: they love, they appreciate art, they worship. But they

⁴ By "freedom," we mean *political* freedom, not transcendental freedom or human agency.

⁵ We mean here what is usually styled *negative* political freedom as a necessary condition of justice. At the very least, global justice requires the absence of political oppression. Of course, persons must be able to pursue their life plans – they must enjoy *positive* freedom as well. We do not enter the rich debate on this topic because we assume that our emphasis on prosperity, material resources, and alleviation of poverty addresses positive freedom sufficiently at the global level.



The Relevant Facts: Freedom and Wealth

7

cannot confidently pursue these life projects without an adequate amount of freedom and wealth. And there is little that global justice can (and perhaps should) do, directly, about these other aspects of the human condition.

In this chapter we survey the state of the world circa 2014 as prolegomena to thinking about justice. Theories of justice do not have to start with the facts, but unless they connect with the circumstances actually confronted by choice makers, they will lack normative punch. Here we put some of these facts front and center by way of situating our account of global justice. These facts are comprised of empirical data and theories that can be gauged from reliable scientific research. Establishing what the facts are and why they are as they are is extremely difficult. How do we measure poverty? What causes it? Has inequality increased with globalization? Is the planet headed toward environmental collapse? What are the causes of war and tyranny? What counts as oppression? Does political freedom lead to prosperity or the other way around? How do majoritarian institutions enhance freedom and prosperity? What variables should we use to measure these things? Many of these are *not* normative questions; philosophers cannot answer them by just thinking hard. These incorporate genuine empirical questions, and the conclusions a theory of justice advances will depend inevitably on the answers to these questions. The authors are philosophers and, as such, are not equipped to conduct the empirical research required to establish these facts about the world. For this reason, we rely on what we take to be state-of-the-art social-science literature, especially economics.

A theory of global justice has additional concerns. On the one hand, tyranny and poverty are not the only facts a theory of justice should worry about. We worry about environmental degradation, disease, conflict, and other ills. However, these problems are important because they threaten freedom and well-being. On the other hand, a theory of justice cares about individual choices. In recent years, philosophers have introduced the idea that the distribution of burdens and benefits in society should be sensitive to individual choices rather than to fortuitous individual circumstances - it should be "ambition sensitive" rather than "endowment sensitive." It seems unjust that some persons suffer a big starting disadvantage in life through no fault of their own. This is a particularly pressing problem for a theory of global justice because persons who share this planet are born to vastly different political environments, causing their life prospects to diverge dramatically. A rich person and a poor person born in Germany have different initial endowments, but at least they are both born in a wealthy and politically free society. But a poor person born in Germany is significantly better off than a poor person born in Myanmar. The latter is much poorer than the former and lacks the political freedom that the German poor person enjoys. (Interestingly, the German poor are worse off than the Myanmaran rich for a variety of reasons, including the

⁶ For a useful discussion of "luck" egalitarianism, see Will Kymlicka, *Contemporary Political Philosophy*, 2nd ed. (Oxford University Press, 2002), 72–87.



The State of the World

8

fact that the rich in unjust societies often obtain their rents from the oppressive nature of the regime.)

In this chapter we describe the current distribution of goods that are especially important for a theory of international justice and introduce some causal explanations of various problems offered by specialists. These explanations are amplified in subsequent chapters. Without prejudging issues of priority, these goods fall, as we indicated, into two broad categories: freedom and wealth. It is possible, of course, to reduce these to a single good, for example, human welfare, but that would prejudge thorny metaethical issues. For now, we prefer to retain neutrality in our classification.

OPPRESSION

As of 2014, there were 195 independent countries in the world.8 Using three categories, "free," "partly free," and "not free," the well-respected Freedom House reports that, as of December 2013, there were 88 free countries (those scoring I to 2.5 on a I-6 scale), representing 45 percent of the world's states; 59 partly free countries (scoring 2.5 to 4), representing 30 percent of states; and 48 countries that are not free, representing 25 percent of states. So the good news is that free countries make up the largest group of the three. The bad news is that the countries with significant freedom deficits, that is, the group of "partly free" and "not free" taken together, outnumber free countries 107 to 88. To be sure, freedom has made important inroads since 1990. There are more free countries today than was the case ten years ago, and there were more ten years ago than in the 1970s.9 This classification is not without problems for one thing, it glosses over threats to freedoms in free countries. But it will do as an approximation because part of what we mean when we say that a country is free is that its institutions can address threats to freedom that will inevitably arise. However, according to Freedom House, respect for civil rights and political rights have declined overall for the last five consecutive years.

Another flaw with counting nations is that they are not persons. It is misleading to count nations as units in any estimate about the extent of freedom in the world because what we want to know is how many *persons* live under unfree institutions. A rough calculation yields the following numbers: the

⁷ See, in this sense, Eric Posner, "Human Welfare, Not Human Rights," Chicago Law and Economics Working Paper No 394; available at: http://www.law.uchicago.edu/files/files/394.pdf.

⁸ See Freedom House, "Freedom in the World 2014: An Eighth Year of Decline in Political Rights and Civil Liberties," Washington, DC; available at: http://www.freedomhouse.org/report/freedom-world/freedom-world-2014#. We choose this source because it is highly respected and because it rates countries. However, we think that other sources largely agree with Freedom House on the issue of individual freedom.

⁹ According to the data provided by Freedom House, in 1973 there were 44 free countries out of 151, that is, around 29 percent. In 2014 there are 88 free countries out of 193, about 45 percent. See http://www.freedomhouse.org/images/File/CountryStatus_and_RatingsOverview1973-2010.pdf.



Oppression 9

world population is approximately 7 billion.¹⁰ According to Freedom House, the number of people living under free governments is roughly 2.8 million, or 40 percent of the world population.¹¹ This means that roughly 4.2 billion people, about 60 percent of the world population, live in countries that are partly free or not free (we label these "unfree.") We suspect that the situation is worse because Freedom House is quite generous with the label "free." That category includes "kleptocracies," that is, countries that systematically steal from their citizens but formally respect civil rights. Because, as we will argue, those political systems seriously impair individual freedom, they get an undeserved pass from human rights reports, like Freedom House's, that are indifferent to the relationship between economic stagnation and freedom.

A few remarks about these numbers are appropriate. It is commonly assumed that the fall of communism had a great impact on the advancement of freedom. Although this is not mistaken, the wonder of the fall of the Berlin Wall should not be allowed to obscure the fact that by far the greatest progress has come from political changes in Asia. India, Indonesia, South Korea, and Taiwan count today as free nations. Japan has been a free society for a long time. Considering numbers alone, the greatest coup for the cause of freedom would be an accession of China to the community of free nations, since more than half the people who currently live under unfree institutions are in China. (As of this writing, political liberalization in China is highly uncertain but not impossible, given the dramatic economic liberalization and growth in that country.) Elsewhere, the democracies of the Americas, Europe, and Australia share the badge of honor. Russia is a sad case of regression. Many hoped that after the collapse of the Soviet Union, Russia would join the family of liberal states. Events in 2014 have dashed those hopes, at least for the time being.

The assault on human freedom has many faces. Governments often interfere directly with individual freedom. In Zimbabwe, the government persecutes and tortures dissenters while refusing to step down after electoral defeat.¹² The government of Iran also tortures and, among other things, raids private homes in search of "immorality."¹³ Saudi Arabia monitors women with forcibly implanted electronic devices.¹⁴ In Cambodia, authorities forcibly evict poor landowners and give the land to developers.¹⁵ In Guinea, the

¹⁰ U.S. Census Bureau, at http://www.census.gov/main/www/popclock.html.

¹¹ See Freedom House report, n. 8.

¹² See Human Rights Watch, "Zimbabwe: Runoff Vote Not Credible among Violence and Torture," New York; available at: http://hrw.org/english/docs/2008/05/02/zimbab18734.htm.

¹³ See Human Rights Watch report on Iran; available at: http://hrw.org/doc/?t=mideast&c=iran.

¹⁴ See CNN, "Saudi Arabia's Unsolicited Monitoring of Women's Travels Draws Activists' Outrage," November 26, 2012; available at: http://www.cnn.com/2012/11/25/world/meets/saudi-arabia-women/index.html.

¹⁵ See "World Bank Suspends New Lending to Cambodia over Eviction of Landowners," *The Guardian*, August 10, 2011; available at: http://www.guardian.co.uk/global-development/2011/aug/10/world-bank-suspends-cambodia-lending.



The State of the World

10

government opened fire in a stadium packed with dissenters, killing hundreds. 16 Sometimes governments are guilty of criminal omission. The government of Myanmar has blocked international aid to more than 100,000 victims of a deadly cyclone.¹⁷ And in Darfur, Arab militia have killed and "cleansed" large numbers of people (the twenty-year civil war has claimed about 2 million lives there), apparently with the complicity of the Sudanese government. The area was under genocide alert until Southern Sudan declared its independence.¹⁸ The much-heralded Arab Spring has yet to produce significant freedom gains: as we write, only two Muslim countries are free. 19 In Libya, the abject Qaddafi regime is gone, but Libya has descended again into chaos.²⁰ Similar worries burden Egypt, Tunisia, and other neighbors. In Bahrain, street demonstrations have met with brutal repression.²¹ And in Syria, an uprising against the dictatorial regime of Assad is met with violent repression while the world watches in impotence.²² Oppression is not confined to developing nations. In the United States, the incarceration of millions of persons for morally innocent behavior and recent well-publicized incidents of police brutality are indications that liberal democracies, while on the whole freer, are far from blameless on this score.

Governments are not the only suppressors of freedom. As we write these lines, the so-called Islamic State, a fighting army in Syria and Iraq, is terrorizing civilians to an unprecedented extent.²³ For forty-eight years in Colombia, a powerful guerrilla group succeeded, with some external backing, in terrorizing the general population.²⁴ In South Africa, violent mobs descended on migrant

- 16 See Human Rights Watch, "Guinea: Stadium Massacre Victims Await Justice," New York, September 29, 2012; available at: http://www.hrw.org/news/2012/09/29/guinea-stadium-massacre-victims-await-justice.
- ¹⁷ See Operation USA, "Cyclone Nargis: Disaster Response in Myanmar," Los Angeles, CA; available at: www.opusa.org/cyclone-nargis-disaster-response/.
- ¹⁸ See United Human Rights Council, "Genocide in Darfur," Glendale, CA; available at: http://www.unitedhumanrights.org/genocide/genocide-in-sudan.htm.
- 19 See Freedom House report n. 8.
- ²⁰ See "How Libya Descended into Faction-fighting and Chaos," *The Telegraph*, November 8, 2014; available at: http://www.telegraph.co.uk/news/worldnews/africaandindianocean/libya/11218039/How-Libya-descended-into-faction-fighting-and-chaos.html.
- ²¹ See Courtney C. Radsch and Jennifer Gulbrandson, "Killing the Messenger: Bahrain's Brutal Crackdown," Freedom House, Washington, DC; available at: http://www.freedomhouse.org/template.cfm?page=704.
- See Voice of America, "UN Chief 'Firmly Condemns' Syria Violence Escalation," Washington, DC, December 17, 2012; available at: http://www.voanews.com/content/un-chief-firmly-condemns-syria-violence-escalation/1566271.html. For a timeline of events, still unfolding at the time of this writing, see BBC News, "Syria Profile," London, December 12, 2012; available at: http://www.bbc.co.uk/news/world-middle-east-14703995.
- ²³ See CNN, "ISIS Fast Facts," October 9, 2014; available at: http://www.cnn.com/2014/08/08/world/isis-fast-facts/.
- ²⁴ See NPR, "After 48 Years of War, Colombians Plan Peace Talks," Washington, DC; available at: http://www.npr.org/2012/09/26/161432683/after-48-years-of-war-colombians-plan-peace-talks.