Global Responsibility and Distributive Justice

David Heyd
The Hebrew University of Jerusalem, Israel

ABSTRACT. The question posed in the present contribution is the following: can individual human beings and whole nations be expected to extend their concern for the welfare and relative social position to all people in the world? This is a question regarding the responsibility individuals and governments should assume regarding faraway people rather than of abstract principles of global justice. The concept of ‘prospective responsibility’ is adopted as the most fitting to this question. The argument developed here is that human concern, and hence prospective responsibility, is limited by ‘special relations’, that is to say, cannot be globalized. The source of these restrictions is shown to be partly psychological and partly theoretical. The nature of these restrictions is analysed in the light of the ideal/non-ideal distinction and the way it applies to the local sphere of justice but not to the international. It is argued that contract-based justice is theoretically (not only empirically) impossible to universalize. Furthermore, prospective responsibility is typically assigned to individuals rather than to states, which can at most be held responsible to their own citizens. Finally, some non-contractual forms of global responsibility are discussed, like that of a superpower to other nations that are under threat of serious violation of justice, or that of the ‘international community’ to which powerless nations or groups appeal for help. These are also shown to be based on some kind of special relations.

KEYWORDS. Global justice, responsibility, ideal theory, solidarity

I. INTRODUCTION

Much of the four-decade old debate between cosmopolitanism and the view that justice cannot be globalized revolves around theoretical issues regarding the nature of justice, rights, national sovereignty and the duty of care. But participants in this debate also raise arguments (and counter-arguments) of a more empirical nature that have to do with
the practical problems of extending duties of justice beyond domestic borders. Even in what looks like a ‘global village’, which is connected by a globalized economy (mass movement of goods, people, information and capital), the problems in applying and implementing principles of just distribution look insurmountable, at least in comparison with the domestic sphere. But one may still hope that international agreements between states, the further development and institutionalization of the work of NGOs and the force of necessity itself will contribute to solving those practical problems of coordination and enforcement. However, in contrast to the purely abstract way, on the one hand, and the psychological-empirical way, on the other, of addressing the issue of global justice, the focus in this article lies in the question of moral responsibility: can individual human beings and whole nations be expected to extend their concern for the welfare and relative social position to all people in the world? I use the term ‘expected’ advisedly, since it captures both the empirical and the normative. Responsibility, it will be argued, is a particular relation and hence, although it is normative in being the grounds for moral demand, it is created in circumstances that are contingent (such as parenthood, custody, or solidarity). The problem is: what are the limits of this concept of responsibility in the scope of the people to whom it applies? Are these limits a psychological matter pertaining to realistic expectations of normal people, or can they be drawn on the basis of more principled, non-contingent considerations?

I want to suggest that the distinction between ideal and non-ideal theory, first elaborated by John Rawls, provides us with a helpful methodological tool in approaching this particular problem. The entire point of this distinction lies precisely in drawing the line between what is psychologically difficult (in any theory of justice) and what is impossible to expect of human beings, i.e. between accounting for contingent flaws in human beings and identifying conceptual limits that have to do with human nature itself and the nature of distributive justice. The original ideal/non-ideal distinction was formulated in the context of the principles
Our focus here, however, is on the idea of global responsibility, a more elusive concept that does not lend itself easily to the distinction between the ideal and the non-ideal. This shift from justice to responsibility amounts to the relocation of the focus of theoretical concern from the impersonal and abstract principles of justice to the agent-dependent idea of the expected response of a subject to a moral call based on the particular relations created by some preceding contingent circumstances.

Accordingly, the article starts with some thoughts on a particular concept of responsibility and especially its distinction from duties of justice. It then asks whether the concept can be globalized and proceeds to the analysis of the ideal/non-ideal distinction and the way it applies differently on the domestic and global planes. It concludes by trying to examine what might still remain of the idea of global responsibility. The argument aims at demonstrating the fundamental difference between the local and the global spheres of justice in terms of the concept of prospective responsibility developed here.

The article is mainly concerned with the concept of responsibility and the problem of its application in the sphere of global justice. It does not imply any normative conclusion regarding the right way to deal with the violation of human rights in faraway societies, the calls for help by starving people around the world, or the right way to deal with the challenge of global warming or the distribution of the burden of mass trans-world immigration. There are obviously many ways in which solutions to these moral issues can be conceptualized and justified, but these lie beyond the scope of this article.

II. RESPONSIBILITY

Responsibility and duty are closely associated. It seems that since we have a duty to act according to what we are responsible for and are responsible for fulfilling our duties there is not much of a difference between the two. But this is of course misleading, since much depends on what we mean
by responsibility. Thus, although I have no responsibility towards a child who is a complete stranger to me, I have a strong duty to save that child from drowning in the proverbial shallow pool. On the other hand, although parents have direct responsibility to their own children’s future welfare, this does not reduce to any set of particular duties (or, for that matter, a set of particular rights on part of the children). One has no duty to send one’s child to cello lessons even if the child is musical. Similarly on the global sphere, we have a duty of assistance to starving people in Darfur, although we are not really responsible to them let alone for their plight; and we are responsible for global warming, but it is difficult to say what duties are entailed by that responsibility, and especially, as we shall see, to whom.

A necessary condition of responsibility is capacity and control. This is why global responsibility is a new subject. Only in modern times has our ability to influence faraway people become so extensive (as it has become so even more dramatically in the context of our moral relations with future people). But control is not a sufficient condition; responsibility exists only where there is some special relation or association between the parties: causation, agreement or contract, natural roles and social functions, solidarity, and other such special relations. This explains why there may be universal duties (of the Kantian type) but no universal responsibilities, as we shall shortly see. If that is the case, the concept of global responsibility cannot be understood as an extension of the idea of national responsibility. Even the most comprehensive holder of responsibility – the state – is responsible almost exclusively to its citizens and there is no conceivable super-institution that can be held responsible to every human being (present, let alone past and future, which is important to note in the discussion of historical justice and justice to future generations).

Being responsible for something defines the sphere or subject in which we are expected to act. But it is derivative from the primary sense of responsibility, namely being responsible to. The latter defines the
addressee of any demand for explanation and justification, that is to say, the party who must answer or give an account for action or omission in that particular matter or sphere. We can, accordingly, be responsible only to people, to rational human beings who are reason responsive. This means that we can be responsible for the condition of planet earth and the natural environment, but not to them (although we can be responsible to God if God commanded us to serve as guardians of nature). But since responsibility presupposes some special relation, it also means that we are not responsible to the indefinitely large group of unidentifiable present and future people who are going to be affected by our current ecological behaviour.

There is also the adverbial sense of acting responsibly, which often amounts to being prudent and rational: acting responsibly often means being responsible to oneself. This is the way we use the term in some environmental rhetoric: we must take seriously our own long-term interests when dealing with ecological issues.\(^1\) This reflexive sense of responsibility places the agent as the fictional self to whom one is accountable. A responsible person in that sense is someone who is reliable, who can be trusted to act rationally and in a calculated manner in his or her best interests.

One important difference between duty and responsibility, which is particularly relevant to the subject of global responsibility, is that duty applies to action while responsibility is a matter of what may be referred to as concern. In order to fulfil one’s duties, one has to take relatively well-defined practical steps. But assuming responsibility consists of adopting a particular attitude, making an overall declaration of intent, rather than engaging in some specific action. It is associated with the special relation that is presupposed by responsibility. It amounts to accepting a certain general goal or the interests of another party as ‘one’s business’, thus becoming the addressee of complaint, liability and demand for explanation and justification in the case of frustrated expectation. Obviously, responsibility is not necessarily assumed or taken; it is often ascribed to
a person maintaining the existing special relation independently of some voluntary undertaking. The concept of responsibility in which I am interested here is what Anthony Duff, following Joel Feinberg, calls the “prospective” (in contradistinction to “retrospective”).\(^2\) Prospective responsibilities “[…] are those that I have before the event, those matters that it is up to me to attend to or to take care of” (Duff 1998, 290-291) – like responsibilities of parents or doctors, whether assumed or assigned.

Retrospective responsibility is ascribed to an agent for an action he or she did. There is a close connection between retrospective and prospective responsibility, because one typical way of making an agent liable for some action he or she did in the past is to show that it violated his or her prospective responsibility. But, as Duff correctly notes, this kind of responsibility is not necessarily liability. It only refers us to an identifiable addressee who may explain and justify what he or she did (thus, for example, exculpating him/herself). It only points to some person who should account for what happened. The identification of the subject of prospective responsibility is only the beginning of the process of laying retrospective responsibility on him or her. If this analysis is persuasive, we should understand the case of a CEO taking responsibility for a poor financial performance of his or her firm not as a declaration of the legal kind of “I did it”, “I am to blame”, but as the admission that at the time in the past in which the corporation lost money, the director had prospective responsibility for the financial health of the institution. Even if he or she did nothing wrong at the time (could not, for instance, foresee the bad consequences of his or her policy), he or she should still feel and be held responsible for these consequences in the prospective sense.

‘Responsibility for’ is obviously an asymmetric concept. The director of a firm is responsible for its overall performance, but the firm bears no responsibility for the director. ‘Responsibility to’ seems also to be asymmetric, at least in the prospective sense. There is a hierarchical element in this concept: parent to child, employer to employee, officer to soldier, state to citizen. The question is always what the government can do for
me – not what I can do for the government (though JFK could be right in imposing on the citizens the responsibility to the country rather than laying responsibility on the country to the individuals comprising it). This is different, of course, from relations of duty and obligation that may be symmetrical, including those in the political sphere. This asymmetrical character of responsibility makes its reflexive use problematic. We can be responsible to our own lives only in the sense that we owe (now) special care and concern to our ongoing (and future) selves. But it would be strange to take one’s current self as the addressee of complaint or accountability by one’s future self. Responsibility in this reflexive sense is closer to the idea of calculative rationality, as in the case of handling one’s finances responsibly.

Prospective responsibility is thus a wider concept than duty, but also weaker and fruitfully vaguer. It might be the reason why prospective responsibility is moral, political or institutional – but not legal. The law prescribes well-defined action rather than spheres of concern or attention, and hence legal, parental or professional responsibilities are formulated in a set of duties and rules that the agent is expected to follow. But the general responsibility to one’s child, one’s student, a leader to his or her followers, or that of the state to its citizens cannot be thus reduced to a closed set of duties and obligations. Prospective responsibility is more than a ‘duty of care’ (the violation of which would be considered negligence), or a Kantian ‘imperfect duty’: it consists of an open-ended commitment to the overall welfare or success of a person or a group of people. Even when it does not imply liability, it creates a presumption of liability at least of some general (moral) sort. Feinberg suggests that responsibilities allow for more discretion than duties. The goal is fixed, but not the means for achieving it (Feinberg 1980, 137). I am going one step further in arguing that the goal itself in the case of prospective responsibility is more general and vaguer than that of duty (even that of the general duty of care). Finally, we should note that although both prospective and retrospective responsibility seem to apply equally to good
and bad consequences, we almost exclusively ascribe responsibility in the context of the bad consequences. This is natural, since although we have to identify the agents of good actions before praising them or giving them a prize, we do not expect them to account for, respond to, or justify what they did. This is why the question ‘who is responsible?’ is usually an attempt to single out the one party expected to answer for the bad consequences of some action or occurrence.  

III. CAN RESPONSIBILITY BE GLOBALIZED?

Anthony Duff believes that the term ‘prospective responsibility’ may apply also to human relations in the universal sense, that is to say, we may have responsibility as human beings to human beings (or as cohabitants of this planet). My claim is that the idea of such universal responsibility of everyone to everyone undermines the very sense of responsibility, which is associated with special relations. Such a concept would make responsibility vacuous. It is true that we have universal duties as humans to every other human that are both negative (not to harm them or infringe their rights) and positive (give help in dire need). But these do not derive from a position of responsibility in the sense we are discussing here, namely that of special concern. They apply to another, ‘whoever he or she might be’, and are often correlative to the rights of those unidentified persons. An individual does not have a right against another individual such that the latter ‘be responsible’ for the former. Responsibility to people is ascribed on the basis of a particular relation having to do with a role, a job, kinship, contract, institutional arrangements, circumstances etc. The identifiability of the particular individual who is supposed to give an account for the condition of another person is an essential component of the ascription of responsibility. Thus, for instance, the distribution of the burdens of duty among many people is an issue that is discussed as a further matter after the duty has been ascribed to these people as a group. The laying of responsibility does not involve such distributive considerations: one is
either responsible or not responsible in the prospective sense, independent of the co-extensive responsibility of other parties. Duty is abstract (in the sense of being defined in abstraction from the particular identity of those owing it); responsibility is concrete (in being laid on particular people in specific circumstances).

It should be made clear that, according to the analysis suggested here, duty and responsibility cannot be compared for their relative strength. They are demanding in different ways and contexts. Since duties can be fully specified and defined, they are demands that can be fully satisfied. Prospective responsibility is an ongoing, in a way never-ending condition of susceptibility to demands for an account. In that sense it might seem a heavier burden than duty. Furthermore, it retains its normative force even in cases of bad moral luck (whereas one is exempted from fulfilling a duty when one lacks the knowledge of or control over the particular relevant outcomes). Yet duty is a stricter requirement in the sense that it calls for a particular action, the omission of which is a violation often punished formally or informally.

After having killed his brother Abel, Cain faces God’s question about Abel’s whereabouts and comes up with the answer: “Am I my brother’s keeper?” The correct answer to this question is of course ‘yes’ – you are your brother’s keeper in the sense that you are responsible for him and his welfare in a particular way that is derived from the close family relationship. The killing of Abel is a violation of a universal duty to refrain from murder, and it would have applied to Cain with regard to any other human being (although there were, of course, only very few such beings at the time of this first act of murder!). But Cain’s evasive answer to God manifests an unacceptable lack of concern for a particular person, his own brother. Not only did Cain violate the universal duty to refrain from killing a human being, he shunned his prospective responsibility towards his brother to whom he had a particular prospective responsibility. Again, there is no way to judge which is morally worse – the infringement of the universal duty not to murder or the evasion of fraternal responsibility.
Climate change is a problem for everybody on the planet and the goal of reducing its unwanted consequences is in the common self-interest of all the earth’s inhabitants. Immigration is a problem of human rights, including freedom of movement, and hence a moral problem for every country that has to decide whether to let immigrants in or turn them away. But global *distributive justice* is neither in the self-interest of every party concerned nor a matter of human rights. Consequently there are many philosophers who deny that it is a real problem (which no political philosopher would do regarding global warming and immigration). This is the major point of contest between those who believe that the theory of justice can be applied globally and those who hold that the principles of distributive justice have only a domestic range, or that even if they can be extended to the international sphere they are of a much more restricted scope. I do not want to enter this general debate here, but only to examine it in the light of the idea of responsibility. And again, the reader should be reminded that our concern here is with prospective responsibility rather than with retrospective responsibility (i.e. liability for past wrongs), which in the international sphere calls for restitution, apology, rectification, and perhaps even some form of affirmative action. Doing historical justice is a complicated matter in which we have to decide how to identify to whom one is responsible and for what. This might be even more difficult in the sphere of the history of energy consumption than in that of the history of slavery and oppression. But we are not dealing with this kind of responsibility here.

One way of connecting duties of justice with responsibility is the contractarian approach. A contract might serve as a basis for the special relation creating prospective responsibility. Unlike a simple agreement (or a legal contract), which creates well-defined duties but no relation of responsibility, a political contract may do so. Take, for example, the Hobbesian sovereign. He is created by the act of abandonment of the natural rights of all the contracting parties with the intention that he maintain security and peace in society. Hobbes is a typical case for illustrating...
the difference between duty and responsibility. The sovereign has no 'duties' to his subjects and is not responsible in the retrospective-liability sense to them. But he is definitely the addressee of the subjects’ expectations and complaints, to the degree that in extreme conditions he might even be violently deposed. He has no duty to the welfare (or even security and life) of his subjects, and the subjects have no rights against him. But his very role as sovereign is defined in terms of his chief concern for the security and peace of his society. In that respect, he is answerable to his people. He has special relations to those who gave him power even if he does not ‘owe’ them anything as Hobbes emphasizes.

Other versions of the social contract are less clear than Hobbes’ in the distinction between responsibility and duty. Locke’s sovereign may be said to owe his citizens the duty to protect their natural rights. Rousseau’s sovereign is the General Will, which has neither duty nor responsibility towards the citizens because it is none other than their own genuine wills. Whatever the case, the contract for all three philosophers transforms a ‘multitude’ into a community having one will, a shared commitment, a common enterprise. This is a form of special relations – either between the state/sovereign and the citizen or among the citizens themselves. My own view is that the contract itself is motivated by some prior concern of a group of people to engage in a cooperative enterprise with each other in that particular group rather than with other people. But even if responsibility is not the motivation to ‘enter’ into the contract to begin with, it is created by the contract. In large-scale forms of cooperative action we become responsible to each other at least in the sense that we, as a corporate body (embodied in the state), should have special concern for all individual members of the political community created by the contract.

The Rawlsian understanding of this kind of shared commitment by all parties to the contract is fairness. Indeed, this is a weaker kind of responsibility than that ascribed to Hobbes’ sovereign, let alone to parents for their children or to CEOs for their corporation. As in the world of games, however, each player in a cooperative enterprise is accountable
for free riding or other deviations from the terms of the contract. The fair conduct of the distribution of the burdens or production of goods and the benefits of their consumption is a matter of universal concern within the group of contractors. But this is a highly abstract form of responsibility since it only amounts to the general upholding of the institutions of justice in society rather than standing as the addressee of particular complaints by the allegedly wronged party. Since the whole idea of distributive justice is of a coordinative nature, the real addressee in the case of the violation of the principles of justice must be the state, the central agent regulating and enforcing cooperative action in society. In a game of chess, the individual player is called to account for what looks like a breach of the rules. In national politics, it is the state that is called to intervene when there are allegations about the unfair treatment of one sector in society. Thus, we are back to the original theories of the social contract, in which the state is the locus of responsibility and the addressee of grievances. But unlike the limited responsibility of Hobbes’ state (peace and security) and Locke’s state (upholding the natural rights of individuals), the modern liberal state is also expected to take as its goal the general welfare of its citizens and even prior to that the equal or just distribution of this welfare (in addition, of course, to the defense of their rights).

Can this account of responsibility extend beyond the national sphere? Obviously, as we have already mentioned, the problem is that it is fantastical to extend individual responsibility to everybody in the world present and future, on the one hand, and that there is no world state that can be held responsible for global distributions, on the other. But is there in principle no way to conceive of a worldwide ideal contract that would create a universal unit in which the principles of distributive justice would apply? After all, as the argument goes, we are expected to put under a veil of ignorance all information regarding our national and cultural identity, geographical location and communal affiliation. My response to this argument is that the veil of ignorance is drawn only after the group within
which the contract takes place is fixed. It cannot, therefore, be used to
hide the identity of the group of the contractors themselves! In other
words, the scope of the group of people among whom the contract takes
place must be fixed in advance and not be subject to the theory of dis-
tributive justice itself. The justification for the contours of that group is
therefore not a matter of justice but of some other (prior) sense or

Solidarity is by definition a partial attitude. We feel solidarity with
others who share our social, political, cultural goals, especially in the con-
text of strife and struggle (e.g. feminists, Marxist proletarians). We unite
in solidarity under an external threat to our group. Solidarity is “agonistic”
in nature (Mouffe 1995, 99-108). It is therefore difficult to conceive of
solidarity with the human race (unless it comes under threat from some
extra-terrestrial competing group, or, in a way more relevant to our con-
cern, the threat of a natural catastrophe). We can identify as human beings
but not with human beings as such. Solidarity can accordingly serve to
explain the motivation to group under a common system of fair coop-
eration in producing and consuming goods, that is to say as the basis of
a system of distributive justice, but it is not needed in the theory of uni-
versal human rights, Kantian duties, or Rawlsian natural (moral) duties.
Although solidarity, being partial, is not a completely disinterested attitude
to others, it is not incompatible with the requirement of the principles of
justice to be disinterested. For it is only within the social contract (or in
the original position) that people are conceived as mutually disinterested;
their motivation to enter the contract to begin with – and especially with
whom – is governed by non-universal, particularistic concern.

This is an argument (albeit in telegraphic form) why duties of justice,
at least in contract-based theory, cannot be globalized. But how does it
reflect on the issue of global responsibility? The existence of a special
relation is a necessary but not sufficient condition for prospective respon-
sibility. Nevertheless, not every kind of special relation creates responsi-
bility. Solidarity is a good example. We do not assume responsibility for
people just because we feel solidarity with them. It is only once we engage in some contractual relations with those people that we become responsible in some weak sense towards them. The agreement to engage in cooperative action with the implicit mutual reliance created by such agreement is the source of the accountability of everybody to everybody else in that group. Thus it is natural for a disadvantaged individual to appeal to his or her fellow citizens for help before approaching members of other societies. The former should justify themselves for not making his or her plight their concern. The latter can at most be expected to fulfill some natural duty of help, but are not the direct addressees of a complaint for having been ignored. So the argument is that responsibility to faraway people requires that we have some sort of contractual relations with them (since pure empathy or abstract human fellow feeling is not sufficient to create prospective responsibility). And since contractual relations, as I have argued, require some prior communal motivation (e.g. solidarity), and since such motivation is in its nature non-universal, the conclusion is that there is no prospective global responsibility. So, although the intuitive response to questions of global justice is that international responsibility precedes and is independent of contractual relations, the argument here leads us to the opposite conclusion: prospective responsibility applies only in groups within which there is already some form of contractual relations.

Individuals then have no prospective responsibility to people beyond their political community. But do states? The two-tier theory of justice sounds appealing. Rich countries have a responsibility to developing countries for a more equal and just distribution of the planet’s resources and the fruits of human invention. Thus, even if there is no global ideal contract between individuals (with the veil of ignorance covering their national identity, or for that matter, their historical location), we can conceive of a second-order contract between peoples or nations (or for that matter, generations). But, as we shall see, even if some abstract commitment to principles of justice and international duties can be derived from
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such a higher level contract, it is doubtful whether these are sufficient for creating a general notion of responsibility of one country to another. If responsibility presupposes some special relations, then it applies only to cases where some prior solidarity between countries exists. Historical examples for such solidarity abound: the US and Britain in WWII, England and the Commonwealth countries in the mid-20th century, or the Soviet Union and Cuba. But note that even responsibility of one country to the other in these examples relates to military help, political support, and cultural ties, but not to distributive justice in the strict, domestic, national sense. And contrary to domestic justice, it never applies to the relation between the abstractly defined better-off and worst-off countries in the world.

Iris Young made an attempt to found global responsibility on what she called “social connection” (2006, 102-130). The model of social connection lies somewhere between the political model that restricts responsibility to people within one’s nation state (Rawls and Miller) and the cosmopolitan (utilitarian) idea of universal duties to anyone in need (Singer and Unger). Since all economies in the world today are interdependent, we all become ‘socially connected’ so that the third-world sweatshops become our concern as first-world consumers (Calder 2010, 263-290). My analysis of prospective responsibility is close to Young’s, since she too views it as ‘diffuse’ rather than direct and accordingly different from liability. For Young, since the wrong of the sweatshops is structural, no individual person can be singled out as responsible and the only way to address the wrong is by collective action. The difference between the analysis offered here and Young’s model is that, although they are both forward looking, Young still focuses on some bad consequences for which we are responsible in the backward-looking sense of taking part in some collective wrongdoing. In that respect, her model does not address the purely natural distributive inequalities between nations and does not relate to pure prospective responsibility. Her notion of responsibility has an important corrective or restitutive dimension.
IV. RAWLS AND IDEAL THEORY

The responsibility we feel and have towards fellow disadvantaged citizens is weak in comparison to that which we have to our family or to our inferiors in the workplace. To take it a step further, it may be the case that we do have global responsibility, but that it is simply so much weaker than the more pressing responsibilities to close people that it is easily and understandably ignored. Psychologically it is difficult to take responsibility for people who are not only personally unknown to us, but who do not share with us any political, ethnic or cultural ground. If that were the case, we would have in principle global responsibilities, but could not realistically be expected to act on them due to exempting psychological considerations. In other words, ideally we should have had a sense of responsibility to everyone in the world for their poor condition. It is just because we are fundamentally flawed moral agents that we cannot psychologically extend our moral concern to every deserving other. This brings us to Rawls’ important distinction between ideal and non-ideal theory.

Rawls does not say much about it. But it serves him twice: once in his theory of justice in the domestic sphere and once in his theory of international justice. On the domestic sphere Rawls’ ideal theory of justice includes the condition of strict compliance and full transparency (namely, I comply with the principles, but also know that you comply with them). This means that principles of just punishment, compensation and civil disobedience are not part of the ideal theory that is self-standing. They are to be added in the scheme of norms for the non-ideal world (Rawls 1972, 8-9). But Rawls believes that ideal theory is not completely unrealistic. It is, as he calls it, “realistically utopian”, that is to say, realizable under reasonably favourable conditions (2001, 13).

Corrective justice, which is compensation for past unjust deeds, typically belongs to non-ideal theory, since there is nothing incoherent or even realistically impossible about a world with no violations of norms...
of distributive or criminal justice. After all, the whole point in laying responsibility and punishing violators of norms is that they could have avoided what they did, that it was not ‘unrealistic’ to expect them to follow the requirements of justice. But Rawls also includes in his short list of examples of issues that should be dealt with in non-ideal theory conscientious objection and civil disobedience. Here things become less clear. It remains controversial whether any, even an ideal system of norms of justice, can in principle prevent the occasion of a rationally supported call on individual citizens to violate a particular law or a legitimate prescription at some point in time. In other words, the ‘flaw’ that creates the need for a complementary set of norms regulating such conscientious violations of the law does not necessarily lie either in the primary system of norms itself, or in some weakness or vice in the individual agent, or in the unforeseen unfolding of natural circumstances. It may have to do with what seems, at least from the point of view of the liberal conception of society, an inevitable gap between social interest and private conscience, between the public good and the moral commitment of the individual, between the legitimacy of the democratically backed demands of the law and the freedom and dignity of the private person. In that respect, there is something misleading in the short exposition Rawls provides for the distinction between the ideal and the non-ideal parts of the theory of justice. Retribution and compensation are not of the same kind as conscientious violations of the law. The latter is inherently associated with the idea of value pluralism.

This leads us directly to the way Rawls treats the ideal/non-ideal distinction on the international level of his theory of justice. His two-tier view of the contract as applying in different ways in the domestic and the global realms means also a difference in the way the line between the ideal and the non-ideal is drawn. Strict compliance is no more the criterion for ideal theory, but only actual compliance, and the ‘right to war’, is not a matter of punishment in a well-ordered society but a matter of self-defence on the part of the “society of liberal and decent peoples”. Rawls
divides the ideal theory into two parts: one including liberal-democratic societies and the other consisting of decent-hierarchical societies. While in domestic justice everybody in a given society is assumed to have agreed to the same principles of justice, including those who turn out (‘later’) to violate them, in global justice not every people in the world can be assumed to have been a party to the hypothetical international contract (but only liberal and decent-hierarchical societies). This is definitely a weaker kind of a contract with thinner content (Rawls 1999, 4-5). The non-ideal world in the international sphere is much worse than its domestic counterpart: it consists of rogue or outlawed societies that are not committed even to minimal principles of justice and human rights and of societies that are so poor they cannot have institutions of justice at all. These two categories have no parallel in the domestic context since they do not fulfil the basic conditions that Rawls, following Hume, calls “the circumstances of justice” (1972, passim). That is to say, in the domestic case the circumstances of justice (such as limited sympathy and a minimal level of natural resources) are satisfied also in the non-ideal situation. Not so in the international case, where total indifference to moral norms and naturally caused starvation are widespread. In the global sphere there is no place for corrective justice (such as just punishment or affirmative action).

The law of peoples is more realistic and less utopian than the ‘realistic utopia’ of fully compliant citizens in a domestic community. The overlapping consensus on the local plane covers every citizen, but the overlapping consensus in international justice includes only liberal and decent societies, but not fundamentalist regimes and ‘burdened’ societies. Why does Rawls draw the line differently in the local and global levels? Is it just a ‘realistic compromise’? In a way it is, because Rawls does not believe in the possibility of a universal agreement (I would add due to reasons of the kind I raised under the title of solidarity). But he also has more principled reasons. The fundamental distributive principle, the difference principle, does not apply globally. First, there are decent-hierarchical
societies that do not accept it to begin with, but may still be included in a just world order of a non-distributive kind. Secondly, even in liberal-democratic societies that are committed to the difference principle, each society may apply it separately and in its own way (allowing for different degrees of socio-economic equality), thus preventing the global implementation of the distributive principle.

So again, even in ideal theory not all societies are liberal. Why is it so? I want to suggest that there is ultimately a metaphysical explanation for the different ways in which Rawls delineates the ideal/non-ideal distinction in the domestic and the global spheres. (Here I clearly diverge from the way Rawls himself describes ‘the second original position’.) Although trying to avoid metaphysics, Rawls is ultimately committed to a kind of individualism (which is not merely ‘methodological’). As in all contract theories, the starting point of his theory of justice is that individuals are the basic units in the political world (e.g. the idea of the ‘separateness of persons’) and hence that the relations between them must take that starting point as an absolute, non-arbitrary given. Therefore, once we articulate the principles of justice, we can apply them to individuals in one ‘ideal’ way. On the other hand, societies, nations, peoples or countries are not such basic metaphysical units. They are historically or contingently given and no parallel idea to the separateness of persons applies to them. In Rawlsian terms, one might say that although the principles of justice are political constructions, the units to which they apply are not constructed but real. In the international context, however, the units themselves (nations, peoples) are historically ‘constructed’, that is to say in contradistinction to individuals, not essentially (ontologically or normatively) fixed. This explains why it makes sense (although being highly controversial) to put an individual behind the veil of ignorance, but an impossible thought experiment to put a people or a nation behind a veil of ignorance. Unlike traditional liberal theory, Rawls does not hold that even in the ideal theory of justice, everybody is committed to the liberal view in the comprehensive sense. But he does argue that political liberalism
may serve as the universally agreed-upon framework in ideal theory of
domestic justice. However, when he gets to global relations of justice,
Rawls abandons even the ideal of political liberalism in favour of a thinned
and more pragmatic overlapping consensus of liberal and decent socie-
ties. Above all, distributive justice and equality are left to the participant
countries in the international order as their internal affair. To sum up this
point: due to the absence of metaphysically fixed units of the international
order, there is in principle no single coherent way to describe the overall
relations of justice on the global level.

The methodological lesson we can learn from Rawls’ two-tier analy-
sis is that although there is a contingent, historically determined dimen-
sion in the way the collective identity of a political community is formed,
there is a conceptual basis for the difference between the relations
between political communities and those between individuals within a
given community. And this difference (rather than some merely psycho-
logical explanation of the diminishing concern for faraway people) is the
grounds for the difference in the way the borderline between ideal and
non-ideal theory is drawn in the domestic and global spheres of justice.

V. Back to Global Responsibility

In a fine article on forward-looking moral responsibility, Henry Richar-
don examines a concept of responsibility that is close to the one discussed
here (Richardson 1999, 218-249). It refers to a wider scope of behaviour
than that of a closed list of duties and is primarily meant to deal with the
inevitably unpredictable circumstances of the future. Thus, I leave the
babysitter with the responsibility for my children in the next couple of
hours, meaning that he or she should focus on their safety and welfare but with no specified duties to take this or that particular action. Rich-
ardson is primarily interested in the place of rules in morality – their
importance but also their indeterminacy – and particularly in the place of
the revisability of rules under which the responsible party is operating. He
does not refer to responsibilities in the context of global justice, but he
does say that the responsible agent, assigned with the authority to revise
the rules must be “institutionally defined”. This could be parents, an
institution or the state, but cannot be conceived in an “unlimited” sense
(like either a Sartrean self, who is responsible for everything that occurs
in the world, or a “supra-institutional ‘we’” that has the authority to
decide moral rules for the whole of humanity). Hence, he offers the idea
of divided moral responsibility (1999, 238). In political morality, I under-
stand this division of responsibility to be the ultimate source of sovereignty
and the fundamental logic behind the idea that our concern for others
(faraway people or future generations) is necessarily limited.

Two extreme conceptions of forward-looking responsibility that,
unlike Richardson’s cannot be based on any rules, are personal responsi-
bility for one’s own (future) life and humanity’s responsibility to its own
sustainability. The first can be illustrated by Dworkin’s ‘ethical’ duty indi-
viduals have to shape for themselves a good and meaningful life, that is
to say, to form a system of goals and practices with which one can consis-
tently and sincerely identify (Dworkin 2011, 195-196). The second may
be illustrated by Hans Jonas’ famous “imperative of responsibility”, which
commands modern human beings to take action so as to remove as far
as possible the threat to the very existence and integrity of the human
species (Jonas 1984, 11). These two kinds of prospective responsibility
lie at the two extremes of the scope of concern of human beings: from
the absolutely concrete and immediate to the most abstract and imper-
sonal, from a responsibility to none other than my own self to responsi-
bility to no actual person. Both are limiting cases of responsibility, which
is usually defined through its particular addressees. Political responsibili-
of the kind that is relevant to global justice lies in between these two
poles.

But within the various forms of political responsibility, global respon-
sibility has been shown to be particularly difficult to articulate. If indeed
contractual relations are the source of prospective responsibility in which
no other source (natural or institutional) exists, the conclusion is that we have no prospective responsibility to faraway people (which does not mean, of course, that we have no duties towards them such as respecting their human rights, or responsibility in the retrospective or remedial sense). But we have to examine the possibility that there might be another sense of prospective responsibility that is not contract-based but still applies between nations.

One example, which we have already mentioned, is the American solidarity with Britain during WWII and with Western Europe after the war. This is a sense of responsibility based on cultural and political affinity (as well as pure national interest). Another, more abstract sense of ‘responsibility’, is the one assigned to the US after the demise of the Soviet Union. Here the source of responsibility lies in the sheer fact that there is only one (super-)power to which one can appeal in the event of some major injustice that is not addressed by a domestic system. Under the guise of this kind of responsibility the US intervenes in regional conflicts, in civil wars, in economic or humanitarian crises, and in cases of extensive violations of human rights. Of course, these interventions are sometimes morally just and often plainly unjust, but that does not undermine the general validity of the ascription of some sort of global prospective responsibility to a single world super-power. Because of its status, it is the only addressee of complaints and pleas for help. It creates a special relation. It is a kind of responsibility that is not exactly ‘assumed’; it is created rather by a vacuum of power and the absence of a world order. It is similar to the standard call for ‘a responsible adult’ to assume responsibility in cases like children’s fights. There is no particular person who is responsible in such cases, but circumstances call for someone to take responsibility and exercise power to stop the conflict.10

Since the existing super-power (or for that matter, any super-power) is suspected of exercising its power in an unjust manner, the body that is ascribed with responsibility for world peace and justice is nowadays referred to as the international community. The advantage of appealing to
such a body is that, unlike a state or government, it has no ‘self interest’. But the disadvantage is that it is an abstract entity, which cannot speak in one single voice, let alone act on its judgement. In terms of our analysis, it is not an addressee before whom one can lay one’s complaints and expect a reasoned answer or account, let alone restitution.

There is one interesting sense of responsibility that could be read into Rawls’ theory of international justice. Since duties of justice are derived from an ideal contract, which takes place among individuals (in a group) who stand in cooperative relations to each other, the scope of the group cannot be decided by the principles of justice. That is to say, duties of justice apply only within a particular (given) community of people. So promoting justice in general – that is to say, in either future generations or other societies – cannot be itself a duty of justice. But then what is it? After all, having rejected the idea of the duty to implement the difference principle across generations or across the world, Rawls is left with a minimalist requirement (on both the time and the space levels) of securing the conditions and institutions of justice for other people. This is the ultimate constraint on the application of the difference principle in a given society. It seems that for Rawls the duty to promote and secure justice (globally) is a natural duty rather than a duty of justice (Heyd 2009, 183-188). And this gets us close to what we referred to as prospective responsibility. Liberal democrats, who believe in the intrinsic value of social justice, are expected to disseminate it in societies that have not been able or willing to do so. This is a special kind of global responsibility. It belongs only to non-ideal theory, since ideally outlawed nations and burdened societies do not exist and hence the institutions of justice prevail around the world in the ideal state.¹¹

So finally, is global responsibility part of ideal theory? I have argued elsewhere that if everything is right, we do not need rights, that rights are superfluous in a perfectly just world. What about responsibility? In an ideally just society, there will be no need for a concept of liability and retrospective or remedial responsibility. But even in an ideally just world
there will be special relations that create general concern and attention to the welfare of particular people in a way that is irreducible to a set of duties of justice. In that sense there will be room for prospective responsibility. But global responsibility, according the argument here, exists neither in the ideal nor in the non-ideal world. If pluralism is an essential feature in liberal politics, it plays a role on both the domestic and the global level: it leaves room for conscientious objection even in ideally just societies and it justifies leaving the decision about distributive issues to sovereign states.

But there is still one caveat: responsibility, as I have tried to show, has to do with giving reasons, with being able to account for, with having an answer and a justification for one’s actions. In that respect, even when everything is right and just, we, rational human beings, expect someone to be able to show it. This kind of accountability expected from the responsible party holds also in the ideally just world.12

WORKS CITED


NOTES

1. The ‘adverbial’ sense of the good life (or, to be more precise, living well) has recently received a detailed analysis in Dworkin (2011). The normative aspect of living well, according to Dworkin, lies in the concept of responsibility. Only individuals taking themselves seriously and the way they lead their lives as an objectively important goal can be regarded as responsible. Responsibility to oneself precedes that of responsibility to others. Its formal conditions are reflection, search for coherence and authenticity (see esp. chapter 6).

2. This concept of responsibility is much less discussed in the literature, which focuses on three fundamental problems of responsibility: the metaphysical (determinism and free will), the legal (retribution) and the socio-economic (distribution). These three problems relate (respectively) to agency, juridical liability and option luck, all taking a retrospective approach. See, typically, Matravers (2007).

3. The concept of prospective responsibility is different from the two senses of responsibility – causal and remedial – that serve David Miller in his impressively comprehensive book on global responsibility. As we shall see, it is closer to the remedial concept, especially in two of its six possible sources (“capacity” and “community”), but it is not necessarily remedial in character and accordingly not directly related to duty and obligation. Miller’s analysis is less concerned with responsibility as answerability and accountability (2007, chapter 4).

4. For a notable example, see Pogge (2008). Thomas Pogge argues that our duty to the poor in the world originates in the direct harm we, the industrial countries, did them and the violation of their rights and hence avoids the question of prospective responsibility. To the extent that Pogge is right, we are (retrospectively) responsible for the plight of under-developed countries.

5. I differ in that matter from David Miller who argues that contracts do not create special relationships (2007, 35). My suggestion is that the terms are dialectically related: no contract can be made without some prior special relationship, but once it is made, it does contribute to the special relationship.

6. Here I diverge from Miller’s view about ‘community’ being in itself a possible source of responsibility (2007, 104).
7. Calder (2010) accepts Young’s analysis in terms of “structural injustice”, but goes one step further by arguing that even if we do not take any active part in practices that create unjust conditions in the third world, we are responsible for the injustice on the basis of the principle of “unjust enrichment”, i.e. by the very fact that we enjoy the products of these unjust conditions.

8. For further discussion, see Miller (2008, 383-399). I follow Miller in his view that we have no duties of distributive justice to other peoples, but are only required to respect their human rights and lend them humanitarian assistance. We could say that for Miller the circumstances of justice must include sovereignty and the power to enforce laws, social cooperation (taken here as a social contract rather than as Young’s social connection), and community identification (understood here as solidarity).

9. Our responsibility for the sustainability of human life is derived from the (controversial) “unconditional duty for mankind to exist” (Jonas 1984, 37). But even Jonas admits that this is a “responsibility for, rather than to (the existence of unspecified human beings). It is the responsibility “to the idea of Man” (1984, 43), sometimes referred to by Jonas as “cosmic”.

10. Iris Young’s model of “social connection”, mentioned above, also refers to the position of collective ability (power), interests and privilege as creating responsibility of the richer nations, which seems to lie in line with this example. But again, she seems to assume that the reason for laying particular responsibility on them has to do with their larger contribution to the unjust condition, such as the third-world sweatshops, that is to say, with retrospective rather than prospective responsibility. Todd Calder, also mentioned above, fails similarly to distinguish between prospective responsibility and what he calls “forward looking responsibility”. Restitution for unjust enrichment from third-world sweatshop conditions is not future oriented: it refers to past and present structural conditions and individual benefits (see esp. Young 2006, 269-270).

11. At least with burdened societies Rawls’ optimistic (but nevertheless ‘realistic’) belief that once just institutions are established in a society, it will be able to develop economically seems to be justified (Rawls 1999, 106).

12. This idea is partly in line with Rainer Forst’s analysis of justice in terms of the right to justification. However, I do not wish to commit myself to his thesis about “the two pictures of justice” and to the idea that justice itself is the product of discursive, justificatory political process. The expectation to receive a justification is here limited to the relation of responsibility (which consists of accountability and answerability). But it is indeed true that responsibility is an integral part of what Forst calls “the relations of justification” (2011, 3-5).