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International distributive justice : a case for international equality of basic resources among people

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**International distributive justice: A case for international
equality of basic resources among people**

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San Jose State University, 1991

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INTERNATIONAL DISTRIBUTIVE JUSTICE

A Case for International Equality of Basic Resources
Among People

A Thesis

Presented to

The Faculty of the Department of Philosophy

San Jose State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts

By

George Pinto

December, 1991

APPROVED FOR THE DEPARTMENT OF PHILOSOPHY

Dr. Arthur Cody

Dr. Peter Hadreas

Dr. Andrew Ward

APPROVED FOR THE UNIVERSITY

ABSTRACT

INTERNATIONAL DISTRIBUTIVE JUSTICE

A Case for International Equality of Basic Resources Among People

by George Pinto

This thesis addresses the right of every person on this planet to have their basic needs of food, clothing, shelter, and education met prior to any other person satisfying their non-basic needs. The argument is set out in two parts.

First, the idea of distributive justice at an international level is discussed. The argument made is that distributive justice has universal applicability and is to apply beyond national boundaries and liberal democracies. After considering justice as mutual advantage and justice as impartiality, the latter idea is adopted as a sound view of the nature of justice.

Second, at the basic level of human needs and as a matter of international distributive justice, a two-tiered theory of equality (the "egalitarian solution") is argued for after considering equality of resources and equality of welfare as candidates for justice.

for the poor

because they have no voice, no hope

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Justice is normally thought of not as ceasing to be relevant in conditions of extreme inequality in power but, rather, as being especially relevant to such conditions.

Brian Barry,
Theories of Justice, 1989.

INTERNATIONAL DISTRIBUTIVE JUSTICE
A Case for International Equality of Basic
Resources Among People

I. INTRODUCTION

I. A. GENERAL INTRODUCTION

A quick glance at the present tells us there is something fundamentally wrong about the economic distribution between peoples of this world. America's gross national product in 1986 was approximately \$4 trillion, 30% of the gross world product that year (the last year for which published statistics by the United Nations are available). America had 5% of the world's population by comparison. America and Japan combined had 45% of the gross world product, 8% of the world's population. The per capita amount for a citizen of the world was \$2500, \$17000 for an American citizen, \$16000 for a Japanese citizen, \$175 for a Bangladesh citizen. Adjusted for inflation the percentages would be roughly the same today in 1991. If these numbers do not shock, they

ought to.¹

If it were the case that \$17000 in America bought the same standard of living as \$175 in Bangladesh then our shock would have to be tempered. That is not the case. Through the sheer accident of birth, someone born in Bangladesh is condemned to penury, while someone in America lives in comfort. It is also not a matter of desert where one's income is based on one's choices, hard-work, natural and social talents, although the issue of desert may be relevant in an intra-societal context. The main difference why someone languishes in abject poverty and another lives in luxury is the rather arbitrary division by national boundaries and the luck of being born in one place as opposed to another. The primary cause in the disparity of wealth between people in this world is geographic location.

The last few years have seen numerous changes that have led to a new political world map. However, there is no absolute exogenous reason why boundaries should be the way they are or any other way. Yet, national boundaries have a profound impact on the way a person can live. As boundaries change,

¹ Statistics compiled from Statistical Yearbook 1987, United Nations Publications, 1991.

people who did not share the same citizenship are suddenly in the same society (East and West Germany for example) or vice-versa (Estonia and Latvia) with very different systems of distributive justice. Such contingent and temporal borders have tremendous impact on the way people live. It can be reasonably asked if people should be held hostage to the political whims and fancies of the day. The answer is a resounding no. What is required is a theory of distributive justice that is more permanent and cuts across national boundaries and encompasses all societies. Every implication of such a theory need not be worked out; in fact the practical details of a theory will vary by society. What will be common, however, is a theory that addresses the right of all people to certain basic needs. We already have theories of justice that have spelled out universal rights to life, liberty, etc. To that list we need to add one more.

There is in modern political philosophy a *prima facie* case for equality among people. Egalitarian conceptions of justice are to prevail unless a case can be made why inequalities would be more just. John Rawls, reflecting the majority fundamental intuition about justice, writes that "all social primary goods--liberty and opportunity, income and wealth, and the bases of self-respect--are to be

distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.² Deviations from equality are justified if they make the least disadvantaged better off. Such a view would be tolerant of weekend shopping sprees on New York's Fifth Avenue, a ski trip in the Andes, or a theater trip to London for a wealthy American if the creation and possession of such wealth somehow benefitted those with little or no social primary goods by making the latter better off than they would otherwise have been had social primary goods been distributed equally. I will evaluate this view further in Section III. Will Kymlicka clarifies Rawls' general conception of justice: we treat people as equals by removing not all inequalities, but only those which disadvantage someone.³

² John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 303.

³ Will Kymlicka, *Contemporary Political Philosophy* (Oxford: Clarendon Press), 53.

I. B. THESIS STATED

A view of where history has gotten us so far makes many uncomfortable, to say the least. For no apparent reason a person living in a wealthy nation is allowed indulgences that clearly exceed a comfortable life. Since we live in a world of finite resources, distributive justice is paramount. There would be no qualms against someone leading a life of luxury in a world of infinite resources. What is repugnant is that some people are allowed their champagne tastes while others cannot have their basic needs of food, clothing, shelter, and education met.⁴ Hardest to swallow is the fact that some people are still dying of hunger, are poorly clothed, are homeless, and are illiterate while others satisfy their luxurious needs. Those who are not struck by such injustice will have difficulty reading on.

⁴ Basic needs are defined as those minimum needs a person requires to survive. It does not seem possible for a person to survive without food, clothing, and shelter. Beyond that a minimum standard to maintain some sort of human dignity requires some education. It is true that education is not as basic a need as food, clothing, and shelter. It is also true that the illiterate and poor have human dignity. The burden of proof is supposed to be on them as to why they need education. It seems to me, however, that the burden of proof lies with the rich and literate to show why the illiterate and poor do not need education. Along with education one could include a right to health-care, a right to a clean environment, etc. without adversely affecting the argument.

No amount of arguments will convince them and, ultimately, no theory will satisfy.

In this essay an argument will be made for the right of every person on this planet to have their basic needs of food, clothing, shelter, and education met prior to any other person satisfying their non-basic needs. The argument will be set out in two parts. First, the idea of distributive justice at an international level will be discussed. The argument will be made that distributive justice has universal applicability and is to apply beyond national boundaries and liberal democracies. After considering justice as mutual advantage and justice as impartiality, the latter idea will be adopted as a sound view of the nature of justice.

Second, at the basic level of human needs and as a matter of international distributive justice, a two-tiered theory of equality (the "egalitarian solution") will be argued for after considering equality of resources and equality of welfare as candidates for justice.

The right to have one's basic needs met is an issue of justice, not just compassion. If our compassionate senses were sensitive enough there would be no need for justice.

Compassion is welcome anytime, but, human failings being what they are, justice is required to regulate our conduct.

A right to have basic needs met is a right with the same moral force as a right to life. In one kind of Utopia no one would be killed and a right to life would be unnecessary. Similarly a right to have basic needs met would be redundant in a certain world, one we do not presently inhabit. It is true that the existence of certain rights do not guarantee compliance but they are none the worse for having being derived and stated. In philosophical discourse true propositions must be retained even if there are few adherents.

II. JUSTICE

II. A. THE PRIMACY OF JUSTICE

While there is much disagreement about what justice entails, there is substantially less disagreement about the primacy of justice as the first virtue of morality. John Rawls writes that

[j]ustice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. Therefore in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interests. The only thing that permits us to acquiesce in an erroneous theory is the lack of a better one; analogously, an injustice is tolerable only when it is necessary to avoid an even greater injustice. Being first virtues of human activities, truth and justice are uncompromising.⁵

The discussion about whether justice is the first virtue of

⁵ Rawls, *A Theory of Justice*, 3-4.

morality seems to be a discussion that leads one to choose between deontology and teleology, between rights-based theories and goal-based theories. Roughly stated, a deontological conception of morality requires that the Right precedes the Good. In such an account of morality, for example, individual rights would override the social good. The opposite is true in a teleological account of morality, as is the case with Utilitarianism where concerns with utility (the Good) precede any individual rights.

Michael Sandel and Alasdair MacIntyre, among others, have recently challenged the primacy of justice and have argued for some kind of communitarianism. In effect they are arguing for a teleological based morality over a deontological based morality, where the social good precedes individual rights. Sandel's position is that the individual cannot be separated from the community the individual is located in and the ends of the community should be the ends of the individual. He faults Kant and Rawls for their metaphysical claim that the self exists prior to the ends it chooses and the self can make deontological claims (the primacy of the Right over the Good).⁶ MacIntyre argues for

⁶ Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982), 1-14.

a return to Aristotelian virtues saying "what education in the virtues teaches me is that my good as a man is one and the same as the good of those others with whom I am bound up in community...."⁷

In this essay a right to basic needs will be argued for. Justice then is deontological, not teleological. The impasse between deontology and teleology may be at the fundamental level irresolvable. However, in this essay the Kantian and Rawlsian position will be favored since it is more likely to assure that individuals will be treated as ends not means. Individual rights secured by justice ought never to be usurped, certainly not in the name of some social good. A lack of respect for individual rights has less than benign results. Fascism, totalitarianism, etc. usually result.

One area of feminist philosophy that challenges the primacy of justice does so by first equating justice with rights and then challenges the emphasis placed on rights and not on needs. Some feminists contest the idea of individual rights like the natural right to property. Virginia Held writes

⁷ Alasdair MacIntyre, *After Virtue* (Notre Dame: Notre Dame University Press, 2d ed., 1984), 229.

that the freedom underlying a right to property allows "those already privileged to have resources with which to act uninterfered with."⁸ The right to property in effect is a right for the propertied to keep their property private and beyond any requirement for basic sustenance or even a comfortable life while others barely survive. This right is questionable in a world where the initial acquisition of property and subsequent transfers came about through dubious means. What a right to property does not mean is a guarantee of shelter for every individual.

While the case against the right to property makes a valid point, its objections do not hold against all rights, especially a right based on needs that is being argued for in this essay. The right to property is traditionally understood as a natural right while the right to basic needs is a natural claim-right (see discussion at IV. C.). The right to basic needs seems so fundamentally sound that it hardly needs any defense. The right actually assures every individual of some property to survive. What is problematic about such a right is a flagrant disregard and lack of

⁸ Virginia Held, "Liberty and Equality from a Feminist Perspective" in *Enlightenment, Rights and Revolution*, N. MacCormick and Z. Bankowski (eds.), (Aberdeen University Press, 1989), 217.

observance for such a right worldwide. Also problematic is the fact that such a right has not been viewed to precede other rights, like the right to property and the obscure right to pursue happiness.

II. B. THE CIRCUMSTANCES AND NATURE OF JUSTICE

Justice, if it is to have any meaning at all, must arise in circumstances that appeal to the average person's sense of justice. What is to be considered "average" is of no major consequence here and no further elaboration is needed. What is important are the circumstances where justice is a moral virtue. One could adopt Hume's circumstances of justice of: 1. moderate scarcity,⁹ 2. moderate selfishness,¹⁰ and 3. rough equality of skill and strength.¹¹ One could adopt those circumstances but one would be partially wrong.

Hume's circumstances of justice convinces only in the first case. In a world of unlimited resources justice would have no meaning. Everyone's needs would be met and there would be no need for a just distribution of resources. In the case of extreme scarcity (famine, for example) justice would

⁹ David Hume, *Enquiries Concerning the Human Understanding and Concerning the Principles of Morals*, 2d ed. by P.H. Nidditch (Oxford: Clarendon Press, 1957), 188.

¹⁰ David Hume, *A Treatise of Human Nature*, 2d ed. by P.H. Nidditch, (Oxford: Clarendon Press, 1978), 495-497.

¹¹ Hume, *Enquiries Concerning the Human Understanding and Concerning the Principles of Morals*, 190-191.

be redundant. Personal survival and self-preservation precede any idea of a just distribution. It is an argument that has merit. No one can realistically be expected to follow justice at the expense of personal survival. An altruistic adult in a famine may, for example, forsake her food so that a child may eat. But such an action is required of altruism, not morality. Perhaps a world of altruists (there would have to be at least one selfish person for the others to be altruistic towards) strikes us as very appealing, but such a world is the topic of Utopias, not moral philosophy.

In the Humean circumstances of justice where moderate selfishness is relevant, an extreme of altruism is said to make justice untenable. It is true in a world of altruists justice would not be needed. There would be no conflict over resources and an accommodating attitude among people would prevail. Similarly unbridled egoism, a pursuit of ends without regard for others and their ends, is said to cripple the relevancy of justice. This is where Hume's position cuts against our moral feelings. We are not kindly disposed to the idea that the selfish pursuit of ends without limitation, some limitation, constitutes moral behavior. Egoism is a problem for a society based on cooperation, as most societies are said to be. It is

especially a problem when egoists are those in a position of strength, which brings us to Hume's third circumstance of justice.

Hume argues that rough equality of skill and strength is required for justice to be relevant. This view seems incorrect for the following reason. When people are relatively evenly matched in any conflict prudence will lead them to refrain from further engaging in conflict since neither side is likely to prevail. They are likely to reach some agreement or bargain or contract but the motivation to reach agreement is not a moral one. What motivates might be a prudent pursuit of self-interests but is more likely to be selfishness, the only reason agreement is reached. To use the word justice in such instances is, to my mind, to belittle the concept.

Justice is relevant precisely when there are gross unequal match-ups. Brian Barry writes that "justice is normally thought of not as ceasing to be relevant in conditions of extreme inequality in power but, rather, as being especially relevant to such conditions."¹² This view is intuitively

¹² Brian Barry, *Theories of Justice*, (London: Harvester-Wheatsheaf, 1989), 163.

appealing. In the court of public opinion (no guarantor of truth however), this view has widespread support.

If, as is suggested, justice is relevant to conditions of extreme inequality of power then that conclusion is derived from the idea of justice as impartiality. Justice as impartiality can be expressed at least two ways: 1. the notion of an impartial observer, what someone with no stake in the outcome would approve of as a distribution of benefits and burdens, and 2. the manner in which each of the parties would like to be treated, is it like the manner (justice as impartiality) or unlike the manner they are proposing others be treated?¹³ The idea of justice as impartiality is to be contrasted with justice as mutual advantage (the other candidate for justice). Brian Barry describes the two modern views of justice as follows:

Both [justice as impartiality and justice as mutual advantage] founded justice in hypothetical agreement, and could be regarded as species of contract theory. But they diverged in the basis of agreement. According to the first, the basis of agreement is self-interest. On this view, a just set of social arrangements is one that stands to make everyone better off than a free-for-all. The principles of justice are thus the outcome of ideally rational bargaining. We can then say that social inequalities are to be regarded as just to the extent that they reflect an underlying balance

¹³ *ibid.*, 362.

of power. The second approach accepts that hypothetical agreement is the basis of principles of justice, but departs from the first in demanding that the conditions under which the agreement is reached should reflect moral constraints [emphasis mine]. It follows from this that self-interest can no longer be relied on as motivation for acting in accordance with the requirements of justice. Rather, the motive for behaving justly itself must be a moral one.¹⁴

Justice as impartiality does recognize a moral motive for behaving justly. It can claim the high ground from justice as mutual advantage (or justice as fairness in the Rawlsian framework) because of this moral element. The dispute, like many disputes in moral philosophy, may be irresolvable and one could go on endlessly debating the merits of the two views. But the philosopher must choose or else be held hostage to indecision and live in intellectual limbo. If the pursuit of truth takes us there then we have no option but to remain there. However, two reasons compel us to move on. One, while the philosopher deliberates, the rich get richer and the poor get poorer and some poor people even die as a result. That is good reason not to put distributive justice on hold. Two, there are some reasons stated above why justice as impartiality is a sound view and one that can serve as an adequate account of justice.

¹⁴ Brian Barry, "The Idea of Impartiality" in *The Possibility of Justice* (London: Harvester-Wheatsheaf, forthcoming).

II. C. THE BOUNDS OF JUSTICE

We know the political history of the world. We know how countries came to be. We may not be accurate or knowledgeable about every detail but the political history of the world is one of conquest, fraud, deceit, manipulation, intolerance, brute force, violence, and lies, and that is often the best that can be said about it. This is not to suggest that we go back and correct the past, although that should be done when possible, but that we recognize that morality has no reason to confine itself within specified societies, as some modern political philosophers like Rawls have done. The bounds of justice is the issue of international justice. Distributive justice, we can be agreed, is a universal concern and ought to be the same on both sides of the Himalayas.

In applying his idea of distributive justice to nations, Rawls uses his construction of the original position and the veil of ignorance. He arrives at principles of justice that he says are familiar ones.

The basic principle of the law of nations is a principle of equality.... One consequence of this equality of nations is...the right of a people to

settle its own affairs without the intervention of foreign powers. Another consequence is the right of self-defense...¹⁵ A further principle is that treaties are to be kept.

However, these principles are meant to regulate conduct by nations towards each other. It says nothing about distributive justice between individuals on an international scale. International justice for Rawls is predicated of nations and not of individuals and is therefore limited. The concern for justice on an international scale should be twofold. One, as Rawls notes, justice should be concerned with how nations conduct themselves. (I am assuming that the very idea of individual nations is a sound one. It has never been demonstrated to my mind why this is an incontestable view.) Two, international justice should go beyond the conduct of nations in the international sphere to something more immutable, the conduct of all people of this world towards each other.

There is no methodological or philosophical reason why Rawls' original two principles of justice should be confined to Western liberal democracies. It is true that some societies do not value liberty as some others do and would

¹⁵ Rawls, *A Theory of Justice*, 378.

have trouble with Rawls' first principle of justice (the Liberty principle). However, the task of normative moral theory is not to describe the way societies are, but to argue for what ought to be the case. This essay is written as normative moral theory is written; the argument is prescriptive. It is an argument that recognizes that countries today are arbitrarily divided politically. Since countries are divided in such a manner that it is easy to envisage the political world map any other way, there is no reason why justice must be locked in and stranded by such arbitrary borders.

To hold that distributive justice has universal applicability is to suggest that some kind of moral absolutism is true. Without defending moral absolutism in any detail, I will assume it is a valid view to hold in moral discussions. In any case no knock-down argument has been offered against it, certainly not by moral relativists. That is as far as the discussion between moral absolutism and relativism will be taken in this paper. The absolutist line leads us to the view that the so-called natural rights like the right to life, liberty and property have universal applicability. To that list one can add the right to have basic needs met.

III. EQUALITY

III. A. EQUALITY OF RESOURCES VERSUS EQUALITY OF WELFARE

If we accept that justice means treating people impartially, we still have to determine what impartiality requires. In the case of distributive justice there is, as mentioned earlier, a *prima facie* case for an equal distribution. This view is derived from the idea that equality would be chosen by an impartial observer or by a person who would like to be treated in a manner they are proposing others be treated, inequality would then be partiality. However, that does not tell us much on what counts as equality. The discussion of equality in recent years has generally centered on choosing between equality of welfare or equality of resources. The question is presented as a disjunctive choice, either one or the other theory will be chosen or at least one version of either equality of welfare or equality of resources.

Richard Arneson tries to refine the choices by delineating four positions, straight equality versus equal opportunity, and welfare versus resources as the appropriate basis for measuring distributive shares.¹⁶ Ronald Dworkin presents

¹⁶ Richard Arneson, "Equality and Equal Opportunity for Welfare" in *Philosophical Studies* 56: 77-93, 1989, 88.

the welfare versus resource choice succinctly in his example of a man drawing his will:

Suppose, for example, that a man of some wealth has several children, one of whom is blind, another a playboy with expensive tastes, a third a prospective politician with expensive ambitions, another a poet with humble needs, another a sculptor who works in expensive material, and so forth. How shall he draw his will? If he takes equality of welfare as his goal, then he will take these differences among his children into account, so that he will not leave them equal shares.¹⁷

The man's choice is between satisfying the individual welfare of each child by dividing his estate unequally (equality of welfare) or dividing it equally (equality of resources). Because both equality of welfare and equality of resources and their various versions have been evaluated at length in the past only some fairly well known criticisms of the two basic theories will be stated here.

¹⁷ Ronald Dworkin, "What is Equality? Part 1: Equality of Welfare" in *Philosophy and Public Affairs*, Volume 10, Number 2 (1981): 185-246, 186-187.

III. B. ARGUMENTS AGAINST EQUALITY OF WELFARE

Persuasive arguments against welfarism have been offered by Amartya Sen and G. A. Cohen. Welfarism comes up short in dealing with freedom. Sen writes that

[t]here are two distinct reasons why any welfarist theory must be inadequate in dealing with freedom. First, freedom is concerned with what one can do, and not just with what one does do. Second, freedom is concerned with what one can do, and not just with what utility that leads to. Taking the latter question first, a welfarist distributional system determines what one should get on the basis of the psychological reactions in the form of pleasures and pains, or anticipations in the form of desires.¹⁸

Sen rightly notes that welfarism pays too much attention to pleasures and pains and not enough attention to what one can do or what one chooses to do. His alternative is a basic capability equality and is his response after dismissing two welfarist conceptions of equality (preference satisfaction and Rawlsian equality). He states his argument for basic capability equality as follows:

[i]t is arguable that what is missing in all this

¹⁸ Amartya Sen, *Resources, Values and Development* (Harvard University Press, Cambridge, Massachusetts, 1984), 318.

framework is some notion of "basic capabilities", a person being able to do basic things. The ability to move about...the ability to meet one's nutritional requirements, the wherewithal to be clothed and sheltered, the power to participate in the social life of the community. The notion of urgency related to this is not fully captured by either utility or primary goods, or any combination of the two. Primary goods suffers from the fetishist handicap in being concerned with goods, and even though the list of goods is specified in a broad and inclusive way, encompassing rights, liberties, opportunities, income, wealth, and the social basis of self-respect, it is still concerned with goods rather than with what these good things do to human beings. Utility, on the other hand, is concerned with what these things do to human beings, but uses a metric that focuses not on the person's capabilities but on his mental reaction. There is something that is still missing in the combined list of primary goods and utilities....I believe what is at issue is the interpretation of needs in the form of basic capabilities. This interpretation of needs and interests¹⁹ is often implicit in the demand for equality.

Richard Arneson points out a flaw common to both Sen's basic capability equality and Rawls' primary goods approach. He writes that "given that there are indefinitely many kinds of things that persons can do and become, how are we supposed to sum an individual's various capability scores into an overall index?....[and] if we cannot construct such an index, then it would seem that equality of capability cannot qualify as a candidate conception of distributive equality. The indexing problem that is known to plague Rawls' primary

¹⁹ Sen, *Resources, Values and Development*, 367-368.

goods proposal also afflicts Sen's capabilities approach."²⁰ However, Arneson does not make clear why we should want to aggregate various scores into an index.

G. A. Cohen argues against equality of welfare saying that family values are undermined since

equalizing welfare is inconsistent with the maintenance of family values, because....[it] endorse[s] practices of benefiting loved ones which generate welfare inequalities...[and] still another nonegalitarian objection to equality of welfare is that, if priority were always given to relieving misery, then no resources could be devoted to maintaining cathedrals and other creations of inestimable value.²¹

The ancient problem of tribe or group favoritism is supposed to challenge the primacy of justice. Loyalty to one's community or culture is supposed to precede the observance of universal rights. The argument made is that one is supposed to care for one's own before concern is extended to others. As a matter of where we can physically extend our compassion, this view is perhaps sound. However, morality requires that we recognize the conditions under which

²⁰ Arneson, "Equality and Equal Opportunity for Welfare", 91.

²¹ G.A. Cohen, "On the Currency of Egalitarian Justice" in *Ethics* 99 (July 1989), 910-911.

morality is applicable, in this case the conditions under which distributive justice is applicable.²² The world is becoming increasingly inter-dependent economically into a community of multi-national corporations where the acquisition and transfer of wealth is no longer confined to countries or within particular groups. Under these conditions it seems reasonable to suggest that we look beyond parochial social and cultural barriers to the entire economic mosaic. There is hardly any product made that is taken from raw materials to final consumption or any service offered whose genesis is local. This is true of any society, none are completely insulated. If the economics is universal, then the morality that orders our conduct is to have universal significance too.

Clearly there are cases when group loyalty is to be welcomed. There is much to be said for cultural identification and the accompanying sense of belonging that it could bring individuals. However, the case for distributive justice is made in a moral, not social,

²² Not all our actions need be guided by impartiality. Brian Barry points out that, for example, in choosing friends "the whole idea of an impartial basis seems out of place" ("The Idea of Impartiality" in *The Possibility of Justice*, London: Harvester-Wheatsheaf, forthcoming). However, our actions with respect to distributive justice are to be based on impartiality.

context. If the distribution of resources requires that one is to personally sacrifice or deprive a relative or friend or neighbor of superfluous resources so that a child in Malawi can eat, then justice requires that it be done. Justice ought to be observed not only when it is comfortable and convenient to do so, but more importantly when it is not. To make justice only relevant outside the home or outside the village is to sacrifice justice at the altar of partiality. At the expense of identifying justice with a cliché, we are to be reminded that we are fundamentally one world, one people, with no real moral boundaries.

There is also the often stated argument of expensive tastes used against equality of welfare, i.e. some people have expensive preferences that if satisfied under an equality of welfare theory will consume a disproportionate amount of resources than they would have otherwise acquired under an equality of resources theory. G. A. Cohen believes Dworkin's cut between preferences and resources is incorrect, the right cut is between responsibility and bad luck.²³ But Cohen adds "we should not embrace equality of resources instead, since that doctrine wrongly refuses compensation for involuntary expensive tastes, and it does

²³ G.A. Cohen, "On the Currency of Egalitarian Justice", 922.

not refuse compensation for voluntary ones for the right reasons."²⁴

Cohen's problem regarding cathedrals and expensive art will be discussed in Section III. D. These are some of the reasons against equality of welfare. Arguments against equality of resources will be considered next.

²⁴ *ibid.*, 923.

III. C. ARGUMENTS AGAINST EQUALITY OF RESOURCES

Richard Arneson provides some arguments against equality of resources. He writes that a "a straightforward objection to equality of resources...is that Smith and Jones have similar tastes and abilities except that Smith has a severe physical handicap remediable with the help of expensive crutches, then if the two are accorded equal resources, Smith must spend the bulk of his resources on crutches whereas Jones

can use his resource share to fulfil his aims to a far greater extent."²⁵

Arneson notes Dworkin's response to this objection saying Smith's defective legs should be included as part of Smith's resources. But, as Arneson writes, the example now constructed invites the slavery of the talented objection:

[t]he flaw is that under this equal distribution of talent scheme the person with high talent is put at a disadvantage relative to her low-talent fellows. If we assume that each person strongly wants liberty in the sense of ownership over his own time (that is, ownership over his own body for his entire lifetime), the high-talent person finds that his taste for liberty is very expensive, as his time is socially valuable and

²⁵ Arneson, "Equality and Equal Opportunity for Welfare", 78.

very much in demand, whereas the low-talent person finds that his taste for liberty is cheap, as his time is less valuable and less in demand. Under this version of equality of resources, if two persons are identical in all respects except that one is more talented than the other, the more talented will find she is far less able to achieve her life plan than her less talented counterpart.²⁶

These are some of the arguments against equality of resources and it is not an exhaustive list. The arguments against equality of resources and equality of welfare as candidates for a just distribution of equality in society are not fatal and a solution to the equality problem will be outlined in the next section.

²⁶ *ibid.*, 78-79.

III. D. THE EGALITARIAN SOLUTION

Given that something needs to be equalized, what will it be? Both equality of resources and welfare were considered above and were found wanting. However, an across the board solution was being sought. Either equality of resources or welfare was to be chosen. But a two-tiered equality theory that incorporates both views seems a possible solution and will be considered below.

It seems intuitively fair to grant people equal resources as a starting point since resources are ultimately finite. The demand for resources is demand for a scarce, fixed pie. The world has finite resources. One can argue that the demand for welfare is in a sense not a demand where the pie is fixed since people do not draw from a fixed amount of happiness available. They can stretch and expand their level of satisfaction, happiness, etc. As a practical matter one needs to start with equality of resources since resources are more easily measurable. Besides, the difficulties with inter-personal comparisons of welfare makes it seem easier to begin with resources than welfare. Additionally, under either equality of welfare or resources we are finally left with having to distribute resources and

so it does not seem unreasonable to begin with resources.

Equality at the international level is for all age groups. This equal distribution of resources therefore begins at birth and is drawn on during a life-time. What is drawn on is a bundle of resources we will call X. It is earned at birth and distributed over a life-time. X is not fixed quantitatively at birth because one could acquire or dispose of physical and mental handicaps during one's lifetime and that would change the bundle X.

Because X is the same for everyone, no person can look at another person's X and be envious that they received a different bundle. As a package X provides, at a minimum, for a person's basic needs and does so inexpensively. The basic needs are: 1. an adequate nutritional diet, 2. adequate weather-protection clothing, 3. adequate shelter, and 4. adequate education.

This kind of stipulation immediately invites the question: what is to be considered adequate? The argument will be made that any theory at the international level can never be adequate everywhere because such a proposal will be deficient due to differences in diets and the cost of food, differences in the variety and cost of shelter, differences

in weather, and differences in education by geographical location. This is an argument not against equality but against international equality only if X is an homogenous bundle. However, the bundle X need not be understood as an homogenous bundle but rather as a way to think about equality considering regional differences. In fact, one can borrow on John Rawls' veil of ignorance idea and state that X is the bundle chosen by a person behind a veil of ignorance. It is a bundle, X , a person would need assuming she could end up living near the North Pole, or need assuming she lived in the Sub-Sahara. As presented then, X becomes both a fair and equal bundle. It is fair in the sense that everyone has a bundle X , and equal in the sense that everyone has a similar bundle to meet their basic needs.

Physical handicaps are to be considered simply because it seems intuitively unfair that a person should be penalized for something that "nature" had a say in. A person gets extra resources in their bundle X if they have a physical handicap. Resources are added to or subtracted from X when a person acquires a physical handicap or overcomes (or is cured of) one. If a credible way to measure intelligence is possible, then there is no reason why intelligence should not figure in the calculation of X and resources should be

added to or subtracted from X similar to physical handicaps. Allowing for physical and mental handicaps meets Sen's criteria for basic capability equality, although this theory is more restrictive in that it is confined only to capabilities to meet the four needs listed above.

One possible question that may be asked of this theory is what hierarchy is to be maintained among the four basic needs considering that resources are limited and may run out even before everyone gets their complete X. Although a ranking may be warranted it is difficult to make one except to state that in general people seem to need food before shelter, shelter before clothing, and clothing before education and that is as good as any ranking to cater to and towards which resources should be divided to generate X. This is basically level one of the theory and we do not move to level two unless there are sufficient resources for everyone to receive their bundle X at level one.

Some might contend that in a world of finite resources if we divided, for example, the gross world product (\$13 trillion in 1986) by the number of people (5.25 billion) we would get a ridiculously low per capita amount (\$2500) that would effectively wipe out the pursuit of any hobby, entertainment, etc. That is a serious and good argument

against the theory. There are a number of responses to such an objection: 1. too bad if ski vacations, stamp collections, and Picasso paintings have to go until everyone gets their basic bundle X to survive, 2. the world is better off with aesthetics (art, music, literature), yet with finite resources priorities are needed and basic needs come first so aesthetics is put on hold, 3. we must maintain the present disparity in resources so that the progress in medicine, in art, and other achievements of civilization can be preserved by encouraging the talented and to do so might mean reducing the population by half (or some greater number) to get the per capita income up. Option three seems the most appealing and can be done over a number of years. Option three would mean adjusting public expenditures (military spending, public transport, etc.) over a number of years since the already low per capita amount (which would presumably increase with fewer people) would be lessened if resources are diverted to large public expenditures. How it is done and by whom is not my concern here. What we have to keep in mind is that the goal of equality is not a goal to be achieved immediately but one that is to be achieved over time.²⁷

²⁷ Option three assumes that the Gross World Product (GWP) is not directly proportional to the world population, i.e. a substantial reduction in the world population will not cause a corresponding decline in the GWP. This seems a fair

At the second level of equality, expensive tastes are allowed for and a person's photography hobby or wine and art painting collections can be indulged. I see no reason why expensive tastes should be discouraged. Some people want to flourish and lead fulfilled lives and I see no compelling reason, except inadequate resources for everyone to receive their bundle X at the first level or insufficient resources for future generations, to deny them that opportunity. I would like to reiterate that we never get to level two (which is a view similar to equal opportunity for welfare²⁸) of the theory if there are insufficient resources to distribute at the first level. For those people who do not want to use their entire bundle X because they lack ambition or have very minor life goals, they can sell their unwanted resources to those who want it.

Some people use resources more efficiently than others. The question arises whether or not efficient users should receive less and inefficient users more. Or the question

assumption considering that a substantial segment of the present world population either does not, or only marginally, contributes to the GWP because of a surplus supply of labor for a limited number of jobs. Reducing the population will reduce the excess supply of labor.

²⁸ See Richard Arneson's detailed discussion of equal opportunity for welfare in "Equality and Equal Opportunity for Welfare", *Philosophical Studies* 56: 77-93, 1989.

put another way is: what role should efficiency have in determining X? My response is that it should play no role at the first level of the theory (equality of resources) but should figure at the second level. This is tied to the slavery of the talented problem. People have different talents which explains different outcomes when similar goals with similar resources are pursued. Trying to equalize outcomes leads to the slavery of the talented problem. Since some people are efficient at using their resources they will have a residual to use for their life's other goals. They can, if they wish, use that residual or sell it to others who need the extra resources either because the latter are inefficient or have expensive tastes. Note that expensive tastes (acquired voluntarily or involuntarily and hence G. A. Cohen's cut between responsibility and bad luck and Dworkin's cut between preferences and resources is irrelevant) are not being satisfied at the expense of someone's bundle X since at the first level of the theory everyone received a fair and equal bundle X; no one, except possibly future generations, is being deprived. Inter-generational justice will be discussed in the next section.

III. E. INTER-GENERATIONAL JUSTICE

Some comments are in order as to how this theory is to play out over time, an issue of inter-generational equality. As far as inter-generational equality is concerned I am not sure how to account for future generations. There is an indirect way in which my theory is inter-generational as follows: if everyone earns X at birth then unborn generations, even though physically not born, have a claim on today's resources. Their future births will generate claims on today's finite resources. We cannot dismiss their claim to today's resources by saying they will find their resources from places other than today's resources. But there is a difficulty with this view. To provide for future generations and reserve their share of individual X 's from finite resources would require knowing the number of future people, a difficult task. This lack of knowledge, however, should not paralyse distributing resources at the second level to the present generation. Clearly the present generation should be able to use today's resources to meet its four basic needs discussed above. This theory after all has a limited scope; it offers a way to think about equality without specific concerns for every logistical aspect of implementation.

There is another reason why uncertainty about the future should not stop equality for the current generation. For one thing a scarce resource today may, with tomorrow's technology, become not so scarce, or its usage might be stretched due to innovations, or it might even become obsolete to future generations. What I can conclude about inter-generational equality is that future generations have a claim on today's resources at the first level of the theory. Even though their numbers are not known we can, using population trends, predict what their numbers will be. Better yet, we can estimate what an ideal number would be and work towards achieving that number, a number that this planet can reasonably sustain at any given time. We can also estimate what future production and consumption might be given current trends. As stated above, some resources regenerate or may be replaced and there is no determination that can be made about the future with certainty. Such conditions make our task look imposing. Imposing yes, impossible no. It looks imposing because our efforts have not been directed in the past to determine such statistics. In any case the goal is not pinpoint accuracy about such statistics. We are not required to strike the bull's eye, just be in the target range.

With respect to inter-generational justice there is an added

benefit in adopting the justice as impartiality view. The circumstances of justice as mutual advantage require that there is some agreement between parties. But how is one to make an agreement with parties that do not exist and may never exist?²⁹ Justice as impartiality does not suffer this problem since no agreement is required to be made.

²⁹ Barry, *Theories of Justice*, 195.

IV. THEORIES OF RIGHTS

IV. A. GENERAL DISCUSSION OF MORALITY

Morality, as is often stated, is a human construction. It might be what Nietzsche said it was: a trick the weak play upon the strong.³⁰ Such a view of morality may be too cynical and, we will assume, not entirely true. In any case, whatever people's motives may be to invoke morality, it is meant primarily to regulate human conduct in everyday relationships. The relationships vary from instance to instance (humans and humans, humans and animals, humans and the environment, etc.). However, because morality is a human construction in no way diminishes its importance. We are to understand it for what it is and no more or no less.

The subject-matter of morality admits of a certain precision unlike that of mathematics; mathematics deals with demonstrative proofs, morality with proofs less precise, or so Aristotle tells us.³¹ Absolute rights which are part of

³⁰ Barry, "The Idea of Impartiality" in *The Possibility of Justice* (London: Harvester-Wheatsheaf, forthcoming).

³¹ Aristotle, *The Nicomachean Ethics* (trans. David Ross, Oxford: Oxford University Press, 1980), 2-3.

the study of morality have an epistemic status that is less certain than mathematics. Absolute rights are not as certain as absolute mathematical truths. Even mathematical truths have a certain epistemic certainty (one is reminded here of the issue of certainty in Philosophy and Descartes' project in this regard, a healthy skepticism of any truths usually results). This is an epistemological issue and an important one in morality. When I say there are absolute rights I am not holding them out with the same certainty that I say the three angles of a triangle equal one hundred and eighty degrees. I am willing to grant there are absolute rights keeping in mind the limitations of moral proofs. I will conclude below that the right of people to basic needs is an absolute right and I will also clarify in Section IV. B. what I mean by absolute.

IV. B. GENERAL DISCUSSION OF RIGHTS

In discussing rights one is obliged to ask the typical questions one asks in discussing any rights: are they natural?, are they absolute?, are they derived from utilitarian concerns? These are not the only questions one can ask about rights but the main ones. The rights of people to basic needs is not made on utilitarian grounds. Perhaps an argument could be made that overall welfare in society is improved when people have such a right but that argument will not be made here because utilitarianism has many flaws and the most severe criticism against it is the Kantian one.³² We are to treat people as ends not means. No person should be made a variable in any calculus. For this reason the utilitarian argument is rejected.

One way to begin a discussion of rights is to ask what kind of human utterances or propositions rights discussions involve.³³ Margaret MacDonald concludes that natural

³² For further criticisms see John Rawls' *A Theory of Justice*, 22-27 and Amartya Sen's *Resources, Values and Development*, 308.

³³ Margaret MacDonald, "Natural Rights" in *Theories of Rights* (ed. Jeremy Waldron, Oxford: Oxford University Press, 1990), 21-40.

rights should be understood as assertions or expressions of value of what ought to be as the result of human choice.³⁴ Natural rights, derived from natural law, are not "tautological or analytical propositions which state rules for the uses of symbols within a linguistic or logical system" or "empirical or contingent propositions which state matters of fact and existence."³⁵ The so called natural rights to life, liberty, and property are then assertions and expressions of value and no more. The right to have basic needs met is a natural claim-right and is none the worse for being an assertion or expression of value.³⁶

Besides the uncertainty of moral proofs (see discussion at IV. A. above) there is the problem in moral philosophy of making any claim since invariably it seems possible to envisage exceptions to any claim. For every right it seems possible to construct a case such that the right can be overridden. Recognizing the possibility that exceptions to the right to have basic needs met might be constructed, the

³⁴ *ibid.*, 34.

³⁵ *ibid.*, 23.

³⁶ See definition of a natural claim-right at page 42.

right is absolute to the extent any right is absolute given the epistemological limitations discussed above in this section.

I have defined an absolute right similar to Alan Gewirth.³⁷ He goes on to conclude that "the general point underlying all absolute rights stems from the moral principle [Principle Absolutism³⁸]....stated as follows: agents and institutions are absolutely prohibited from degrading persons, treating them as if they had no rights and dignity."³⁹ Gewirth's concern with dignity and respect leads him to conclude that no one is to become the intended victim of a homicidal project; they have a natural right to life.⁴⁰ Gewirth has a Kantian basis for absolute rights: treat people with respect and dignity, as ends not means.

An argument might be made that poverty brings with it a

³⁷ Alan Gewirth, "Are There Any Absolute Rights?" in *Theories of Rights* (ed. Jeremy Waldron, Oxford: Oxford University Press, 1990), 92.

³⁸ *ibid.*, see definition of Principle Absolutism on page 94.

³⁹ *ibid.*, 108.

⁴⁰ *ibid.*, 108.

certain dignity and that poor people can be dignified without basic needs. Hence, if human dignity is a value associated with treating people as ends then the right to have basic needs met is not absolute. It might also be suggested that certain deities reward poverty and suffering in this life with eternal happiness in the next. (Logically it can be suggested that certain deities could punish poverty in this life.) I have two responses to such an argument. First, the right to have basic needs met is made in a secular setting. Second, I do not mean by absolute a priori but absolute in the sense that an impartial observer (the secular deity) would choose equality of resources for basic needs as a right for all people. Rights that derive from an impartial position are absolute in the sense I have used the term absolute here. It does not seem unreasonable to suggest that an impartial observer would consider basic needs a necessary condition for human dignity. Anything else would be partiality. People need food, clothing, shelter, and education. They have an absolute right which boils down to this: absolutely no one (or group) can infringe, curtail, revoke, remove, restrict or suspend this right to further their interests or satisfy their non-basic needs while some people have their basic needs unmet.

IV. C. HOHFELD ANALYSIS OF RIGHTS

To say that people have a right to have their basic needs met is to state this right in the form "P has a right to X". Wesley N. Hohfeld pointed out the ambiguities of such a phrase.⁴¹ Jeremy Waldron briefly discusses Hohfeld's analysis of "P has a right to X" as follows:

1. It may mean "P has no duty (to a particular person Q or to people in general) not to do X. This relation is often spoken of as a bare liberty....
2. Talk of P's right to do X may be meant to indicate that Q (or everyone) has a duty to let P do X. The existence of such a duty gives P some sort of claim against Q, and this second relation is often referred to as claim-right....
3. The third sense of right which Hohfeld distinguished involves the ability or power of an individual to alter existing legal arrangements....[t]hese rights are concerned not so much with the immediate acts that I perform as with the effect of those actions....
4. Oddly, we sometimes use the right to describe not only a power but also the correlate of the lack of a power - an immunity from legal change. If P has an immunity with regard to X, then Q (or maybe everyone) lacks the power to alter his legal position in regard to X....⁴²

⁴¹ See Introduction in *Theories of Rights*, ed. Jeremy Waldron, 6-8. Also in *Theories of Rights* see J.L. Mackie's "Can There be a Right-Based Moral Theory?", especially 169-170.

⁴² See Introduction in *Theories of Rights*, ed. Jeremy Waldron, 6-7.

The question that now needs to be addressed is: what Hohfeldian form, if any, fits the right of people being discussed. 3. and 4. above concern legal rights. In the case of 3., legal title would change when, for example, the right to dispose and acquire property is exercised through some contract. 4. best describes some sort of constitutional privilege, an immunity from state intervention in personal privacy. 1. and 2. are the only choices left and relate to moral rights. It is under one of these two kinds of rights that the right of people under discussion falls.

In the Hohfeldian analysis a bare natural right gives one the freedom to do something or refrain from doing something. We can call this a positive right. A negative right to act uninterfered with is like a claim-right (Q has a duty to let P do X). The right of people to have their basic needs met is like a claim-right (a claim to have basic needs met to assure human dignity), albeit a feeble fit into such a construction. It is a claim made on others but it is different in that such a claim is made of social institutions and not people (the others in this case is social institutions). Social institutions are to be arranged such that they do not interfere with an

individual's dignity adversely by not providing an individual resources for basic needs.

Bare natural rights are of the form "P has no duty to Q not to do X". An individual P has no duty to another individual/group Q not to do X. P has no duty to Q to acquire property or exercise her (P's) right to liberty or preserve her (P's) life. P has these rights whether she exercises them or not and is under no obligation to exercise them. Q has a duty to P to respect P's rights.

Natural claim-rights are different from bare natural rights and in the present discussion are to be understood as Q (social institutions) have a duty to let P (individuals/all people) have X (basic needs met). Clearly some philosophers may have reservations and questions about my attempt to insist on calling such a right absolute and a natural claim-right in the sense that I have used the terms. But I do believe my discussion in this section will, at the very least, convince some that I am not entirely wrong and that is often the best one can hope for in most philosophical discourse.

V. CONCLUSION

V. A. SOME REMARKS ABOUT COMPLIANCE

It is not sufficient to put forward a theory about morality without saying something about compliance. People generally comply with moral principles through self-motivation when they are convinced of an argument. However, the fact that an argument convinces does not necessarily lead to compliance because of a weakness of will as Aristotle pointed out.⁴³ It is hoped that compliance can be obtained by appealing directly to that sense of justice supposedly located in everyone. This is one way to proceed but it is flawed. First, everyone's sense of justice may not be the same and the same appeal to everyone may result in different results. Second, if a mere appeal to someone's sense of justice is sufficient to get compliance, moral philosophy would not have the problems it has historically had. Yet, compliance by appealing directly to people seems to be the best choice. When people comply freely with some moral principle there is a certain added legitimacy to that moral principle. Moral principles that do not require external pressure or coercion can claim the high ground from those

⁴³ Aristotle, *The Nicomachean Ethics*, 160.

that do. External pressure can come in the form of laws.

One potential compliance problem with the theory is the often stated claim that incentives in the work-place and market-place are needed to motivate people to make the various inventions that have moved human history. Without special rewards there would be no incentive to produce, as the recent history of the Soviet Union is supposed to show. One can grant that special rewards are needed without granting that obscene disparities in wealth are justified to achieve progress. While the goal is absolute equality, realistically only an approximate equality can be hoped for. An approximate equality allows for incentives and some disparities without sacrificing the overall goal of absolute equality.

The moral theory presented in this essay has an idealist bent. It might be contended that there is no point in having a theory that looks good on paper but which very few people will follow. It is criticism well taken but one is reminded of Sen who writes that

many ideals are known to be unachievable without being useless for that reason. Indeed very few egalitarians of any kind...had thought that absolute equality of the kind they advocated would be really achievable.... Even when full equality is not achievable, a move

towards it may be possible. "More equality" is not an empty slogan, and the best need not be made an enemy of the good.⁴⁴

⁴⁴ Sen, *Resources, Values, and Development*, 322.

V. B. FINAL REMARKS

In this essay an argument was made for the right of every person on this planet to have their basic needs of food, clothing, shelter, and education met prior to any other person satisfying their non-basic needs. The argument was set out in two parts. First, the idea of distributive justice at an international level was discussed. The argument was made that distributive justice has universal applicability and is to apply beyond national boundaries and liberal democracies. After considering justice as mutual advantage and justice as impartiality, the latter idea was adopted as a sound view of the nature of justice.

Second, at the basic level of human needs and as a matter of international distributive justice, a two-tiered theory of equality (the "egalitarian solution") was argued for after considering equality of resources and equality of welfare as candidates for justice. Such a theory is to operate at the international level. The theory was presented as a way to think about international justice and equality while reserving the last word to other, more qualified minds.

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