On the confusion between ideal and non-ideal categories in recent debates on global justice

1. Ideal and non-ideal in the global justice debate

That any reform of social institutions must start with “men as they are, and the laws as they can be” is a well-established maxim in political theory. Our goals and ambitions of political transformation ought to reflect the most rigorous moral views on how an ideally just society should look like; the implementation strategies for achieving those goals must take into serious consideration the way society is, its non-ideal agents and existing political structures. In this paper I try to show how both of the two rival theories in the global justice debate – internationalism and cosmopolitanism – fail that simple precept. They are ideal where they ought to be non-ideal by confusing between the (ideal) subjects of justice and the (non-ideal) agents required to bring about ideal states of affairs. Or they are non-ideal where they ought to be ideal by limiting the (ideal) search for principles in


global circumstances of injustice to the (non-ideal) analysis of obligations towards particular burdened societies.

In the following pages I try to clarify this confusion by analyzing the internationalist/cosmopolitan controversy with regard to two issues on which they appear particularly divided. The first relates to the assumptions made on the subjects of global justice: cosmopolitanism takes individuals to be the ultimate units of concern whereas internationalism focuses on large collective entities – nations, peoples, states – characterized by the cultural and political sharing of particular associative circumstances. The second is linked to the principles according to which the basic structure of international society ought to be reformed: individualist premises lead cosmopolitanism to advocate some kind of trans-national principle redressing the unjustified distribution of material resources whereas internationalism limits obligations among peoples to a duty of assistance in relieving extreme poverty.

In order to illustrate the confusion in the use of ideal and non-ideal categories characterizing both accounts I start with an outline of the ideal / non-ideal distinction in normative political theory (section 2). I then proceed to show how existent accounts of global justice, both internationalist and cosmopolitan, are ideal on issues in which non-ideal considerations should be made and how they are non-ideal where an ideal approach would look more appropriate. Here I focus on: i) the internationalist defense of “peoples” as subjects of international justice and its cosmopolitan rejection (section 3); ii) the internationalist rejection of global distributive principles and its cosmopolitan defense (section 4). More particularly I argue that on the first point both the internationalist defense of the peoples and the proposed cosmopolitan alternative are ideal (discussing the moral character of the subjects involved) where they ought to be non-ideal (addressing the issue of effective practical agency in the application of the principles of justice). On the second point, I try to show that the discussion on global distributive principles is non-ideal (relying on an empirical analysis of poverty in unfavourable domestic conditions) where it should be ideal (searching for the most adequate principles emerging from the general circumstances of justice characterizing the international basic structure).³

³This implies of course being able to prove a) that there is an international basic structure, and b) that there are circumstances of justice by which it is characterized. Cosmopolitan theorists have tried to account for
2. **Ideal principles and non-ideal circumstances: the two-stage construction**

The distinction between ideal theory and non-ideal circumstances has long tormented political theory and goes back at least to Plato. It emerges most clearly in books five and six of the *Republic* where Socrates attempts to defend his ideal theory of the polity from one critique of Glaucon that he considers to be the “greatest and heaviest wave” faced so far by his account. Glaucon’s initial argument is that every previous reflection Socrates has offered on perfect justice and the ideal polity relies on the assumption of full compliance and citizens’ spontaneous willingness to obey the polity’s laws. Yet these considerations seem to entirely deviate the discussion from the real issue Socrates needs yet to address: “is such an order of things possible, and how, if at all”? Glaucon’s remarks proceed from a contrast between the hypothetical acceptance of *ideal* principles of justice (“if only this state of yours were to come into existence we need say no more about them”) and the practical feasibility of transforming a polity in a way that conforms to such principles (“assuming then the existence of the State, let us now turn to the question of possibility and ways and means – the rest may be left”). Yet, Socrates rejects such strong distinction between the normative and empirical level of analysis and attempts to illustrate their mutual implication. He does so firstly by clarifying the regulative role of an “ideal” of justice when reflecting on the highest virtues of the polity; and secondly by focusing more specifically on the agents and transformations that would bring about a social order if such ideals were to be realized in practice.

The first point is illustrated by emphasizing how the relationship between the hypothetical possibility of the principles of justice and their exhibited reality need not

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both conditions but they have also been unable to respond to several critiques. I examine those critiques and suggest a strategy for rejecting them in section 5.

4 “I will add, what you have omitted, that your citizens will be the bravest of warriors, and will never leave their ranks, for they will all know one another, and each will call the other father, brother, son; and if you suppose the women to join their armies, whether in the same rank or in the rear, either as a terror to the enemy, or as auxiliaries in case of need, I know that they will then be absolutely invincible; and there are many domestic advantages which might also be mentioned and which I also fully acknowledge”. Plato, *The Republic*, trans. B. Jowett, 471d.

5 Ibidem, 471e.

6 Ibidem,
entail perfect compatibility but may be only one of approximation. First comes the
definition of what “ideal” means: if we enquire into the “the nature of absolute justice
and into the character of the perfectly just, and into injustice and the perfectly unjust”,
Socrates claims, then “we might have an ideal”. At the hypothetical stage of the analysis
ideals only perform a regulative function, “we were to look at these in order that we
might judge of our own happiness and unhappiness according to the standard which they
exhibited and the degree in which we resembled them”. Ideals embody the abstract
representation of a perfectly just polity to which all rational beings would agree if their
assessments were guided by a disinterested concern for those collective institutions
grounding the possibility of reciprocal interactions. The assumption of perfect
compliance is intrinsic to their being normative models rather than descriptive units, only
the postulate that the polity’s citizens are equally motivated in the promotion of justice
entitles to further reflection on the best scheme for its achievement.

The second point, regarding the feasibility of an “ideal” polity in non-ideal
circumstances is illustrated by exploring further the issue of political organization in
attempting to realize the ideal principles of justice. To say that ideal principles constitute
a standard for evaluating the polity’s degree of justice in non-ideal circumstances and to
require that the latter (circumstances) are progressively modified so that they reflect the
former (principles) raises the question of “by whom” and “how” this change is going to
take place. Approximation clearly does not imply that “the actual State will in every
respect coincide with the ideal”, the conditions of the realization of the principles of
justice are not based on the assumption of perfect compliance. Yet Socrates dissolves the
request of a “feasibility proof” in the analysis of the role of legislators and the political
mechanisms through which reality progressively conforms to the ideal: “if we are only
able to discover how a city may be governed nearly as we proposed, you will admit that
we have discovered the possibility which you demand; and will be contented”.

This analysis of the mediating role of politics in shaping the social conditions
under which the ideal principles of justice are progressively realized in practice does by
no means need to rely on the perfect compliance of all citizens in order to prove its

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7 The Republic, 472.
8 Ibidem.
feasibility. In the Republic Socrates suggests that it suffices that a special class of subjects, those who appear less corruptible and more likely to pursue the idea of justice for its own sake, are assigned responsibility for being political guides and civic educators. Socrates was here referring to philosophers but we do not need to enquire further on either the significance of this proposal or its adaptation to modern conditions and the interesting substitution of the category with what Rousseau would have later called the “legislators” and Kant the “moral politicians”. It is worth noticing instead the two-stage construction of a coherent theory of justice: firstly focusing on the ideal principles according to which a polity’s institutions ought to be shaped under conditions of perfect compliance and secondly assigning responsibility for the project’s practical realization to the most adequate agents of change in non-ideal circumstances.

Several liberal theories of justice, both domestic and international, adopt a formally analogous approach. The usual modus operandi is to divide the theory into two parts: the first, “ideal”, part defines a standard of social interaction worked out in favorable conditions of cooperation and perfect compliance. Once the principles according to which equally morally motivated parties decide to shape their common social institutions are established, the question of how to deal with cases of non-compliance and historical failures to realize such an ideal is assigned to the non-ideal part of the theory of justice.⁹

Yet the transition from the ideal conditions in which the principles of justice are chosen (the original position, the hypothetical state of nature) to the non-ideal circumstances of their realization (existing background institutions, social practices and imperfect moral agents) in global theories of justice is particularly obscure. Cosmopolitan accounts are more or less always ideal, issues of feasibility and compliance are seldom raised and even when this is the case it is difficult to know what kind of agents will take

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⁹ John Rawls’s *A Theory of justice* contains several particularly clear statements of the ideal non-ideal distinction, some of which are very much in line with the Platonic conception of ideas as regulative principles guiding the transformation of social reality. Consider the following “The intuitive idea is to split the theory of justice into two parts. The first, or ideal part assumes strict compliance and works out the principles that characterize a well-ordered society under favorable circumstances. It develops the conception of a perfectly just basic structure and the corresponding duties and obligations of persons under the fixed constraints of human life. (…) Nonideal theory, the second part, is worked out after an ideal conception of justice has been chosen; only then do the parties ask which principles to adopt under less happy conditions”. See Rawls, John. *A Theory of Justice*. Rev. ed. Cambridge, Mass.: Belknap Press of Harvard University Press, 1999, p. 216.
initiatives for reforming which particular institutions, how decent arrangements reflecting the principles of justice could emerge from institutional conflict and international anarchy or how the principles of justice in the international order would stand in reflective equilibrium with the considered judgments of all relevant parties. On the other hand, internationalist accounts are more or less always non-ideal, starting with an endorsement of the world’s political status quo they either emphasize the impossibility of enforcing over-demanding principles in a Hobbesian international society or deploy insufficiently grounded empirical arguments to avoid scrutinizing the global economic system from the point of view of ideal justice. The problems with both accounts, due to the misapplication of ideal and non-ideal categories in theorizing the link between normative theory and political practice, are examined more in detail in the following pages.

3. The ideal subjects and non-ideal agents of international justice

The first point of controversy between internationalist and cosmopolitan approaches to global justice is related to the nature of the deliberating parties in a hypothetical original choice situation. Following Rawls, internationalist accounts of global justice take the subjects of international justice to be organized collective entities sharing a series of features subject to three requirements: i) institutional; ii) cultural; iii) moral (political). The first one clarifies how peoples are represented by reasonably just constitutional democratic governments serving their fundamental interests. From the perspective of the second peoples are united by “common sympathies” sustaining their desire to be under

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10 Onora O’Neill and Thomas Pogge for example, discuss the issues of agency in the international order only to undermine the role of states and argue for the need to replace them with other international actors, NGOs, multinational corporations, regional and transnational organizations which could perform analogous functions. See O’Neill, Onora. *Bounds of Justice*. Cambridge: Cambridge University Press, 2000, pp. 181-185; Pogge, Thomas. *World Poverty and Human Rights*. Cambridge: Polity Press, 2002, pp. 186-195. Yet it is difficult to see how one can achieve a reform of the international order by ignoring the role of sovereign states; just as the rules of a particular game can only be modified by consulting its main players, so is a reform of the international order only feasible if it arises from the initiatives of its most relevant actors.

11 Similar arguments appear in Rawls, John. *The Law of Peoples*. Cambridge Mass: Harvard University Press, 1999; Nagel, Thomas. “The Problem of Global Justice.” *Philosophy & Public Affairs* 33, no. 2 (2005): 113-47 and Risse, Mathias. “ How Does the Global Order Harm the Poor? .” *Philosophy and Public Affairs* 33, no. 4 (2005): 349-76 et al. The case of the Law of peoples is particularly indicative, here reflective equilibrium seems to coincide with accepting the international status quo; Rawls in fact takes his eight basic principles from the traditional view of international law and does not even try to consider other theoretical alternatives. Which is the same saying that peoples in the second original position must agree to the ideal principles of justice because they have already agreed to them in non-ideal circumstances!
the same government. The third requirement specifies peoples’ moral nature as an attachment to a political [moral] conception of right and justice constraining the policies and laws of their governments to a sense of reasonable and fair cooperation.\textsuperscript{12}

Cosmopolitans usually criticise all three points by emphasizing how the internationalist account of the peoples relies on counterfactual empirical assumptions on the shared understanding that organized territorial collective entities exhibit in modern conditions. More specifically, against the first argument (the institutional one) cosmopolitans stress that the internationalist account ignores intra-state conflicts, neglects coercive power in enforcing the rule of law and wrongly assumes as basic entities groups unified by deep agreement on the significance of the public order.\textsuperscript{13} Against the second argument (the cultural one) it is often pointed out how the idea of “peoples” romanticizes the national community and does not take into account that the “common sympathies” requirement may not be satisfied in culturally heterogeneous societies or follow territorial lines but rather ideological or group-based ones.\textsuperscript{14} Against the third (moral/political) argument cosmopolitans emphasize that the assumption of a collective attachment to particular institutions and forms of life fails to consider instances of opposition and repression in the public political sphere and ultimately legitimizes intolerance for radical groups or liberal minorities in decent societies.\textsuperscript{15}

The confusion between ideal and non-ideal arguments in the internationalist-cosmopolitan controversy emerges here very clearly. Internationalists à la Rawls intend their theory of global justice to be ideal; the point - they argue – is not so much verifying whether any existing collection of individuals really exhibits all the relational properties associated with the category of “peoples”. No one, certainly not liberal theorists, would


generally deny the existence of fundamental disagreement on comprehensive doctrines among citizens of modern societies or build consent on a substantive account of the common good. But an ideal theory of international justice does not need to imply that any existing society actually fulfils the criteria internationalists ascribe to it. The relevant question is instead whether the notion of “peoples” constitutes a sufficiently desirable form of human social organization to serve as the basic unit of the global society, not whether it realistically describes any actually existing states. Hence cosmopolitans use non-ideal arguments to discredit a theory that internationalists intended to be normative, as if one wished to have apples and was told that oranges are bad for his health.

The fact that cosmopolitans confuse ideal and non-ideal arguments in their critique to internationalist theories of justice does not however mean that internationalists have the distinction right. Indeed even if one accepted the postulate of peoples as part of an “ideal” theory of justice, when it comes to the justification of such assumption internationalists also introduce non-ideal categories. This occurs by means of a shift that has been little noticed, from one (ideal) level of the discussion on the morality of the subjects of justice to the other (non-ideal) on the most adequate agents enabling its realization. Let us clarify how.

Suppose internationalists convinced cosmopolitans that peoples are the most relevant subjects of international justice not because there are “peoples” anywhere in the world but because it would be good if there were. Cosmopolitans would still want to know why internationalists have a priori ruled out other subjects considered in previous thought-experiments such as individuals, representatives of civil associations and families, leaders of political movements and so on. If one is interested purely in abstract possibilities, cosmopolitans could claim, then the more options to assess, the more complete the thought-experiment. Further cosmopolitans might suggest, even assuming that the concept of peoples is a desirable unit of international justice, this does not show that “peoples” should differentiate each other following territorial lines. Indeed one could

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16 In *Political liberalism* and in *The Law of peoples*, Rawls is clearly aware of this point. Indeed he clarifies that if the sharing of “common sympathies” depended on language, culture, history and political culture, “this feature would rarely, if ever, be fully satisfied”. Nevertheless, “the Law of Peoples starts with the need for common sympathies, no matter what their source may be” for “if we begin in this simplified way, we can work out political principles that will, in due course enable us to deal with more difficult cases where all the citizens are not united by a common language and shared historical memories”. See *The Law of peoples*, p. 25.
plausibly argue that gender, religion or social class – to give only a few examples - are more relevant units of aggregation around common sympathies than the internationalist assumption of peoples.

One strategy internationalists generally follow to respond to the latter cosmopolitan objection is remind them of justice’s specifically “political” character. Internationalists argue that the preference accorded to peoples (and not individuals or other groups) as subjects of a global original position is not grounded on abstract metaphysical principles or on a moral comprehensive doctrine. Instead it is linked to the presupposition of a particular kind of associative obligation that justice requires in order to be exercised. Principles assessing the justice of particular institutions should reflect the nature of that institution and do not apply uniformly to all kinds of entities, including individual choices. More specifically the application of the principles of justice presupposes the existence of a collective body that mutually acknowledges, collectively enacts and coercively imposes a particular institutional framework enjoying the legitimacy of its members.  

This argument is however problematic. It confuses legitimacy as a criterion of feasibility with consent as a criterion of moral justification. It seems to rely on a shift away from the question of what kind of subjects constitute relevant sources of valid claims and should be included in the normative assessment of the principles of justice (Socrates’ ideal of the polity) to what kind of agents and mechanisms would need to be in place for such an ideal to become a feasible one (Glaucon’s concern with non-ideal circumstances). From the point of view of the former (the claims of subjects) justice is part of a moral conception, interested in the conditions of possibility of fair distribution, rectification or commutation and seeking an ideal consent among the plurality of ethical intuitions of all affected parties (or all parties finding themselves in specific

From the point of view of the latter, justice emerges as a political conception, showing the way in which particular agents and institutions create special sets of obligations, the fulfilment of which is not a matter of individual good-will but rather of collective constraint among members of specific associative schemes.

The moral and political conception of justice must not be confused, but they should also not be isolated from each other. One could trace a distinction between ideal subjects and non-ideal agents of justice in order to clarify their reciprocal relations. Call ideal subjects all the hypothetically relevant parties assessing from a moral point of view the principles regulating their public reciprocal interactions, whatever their extension. Call non-ideal agents the existing set of institutions and the specific associative links that make possible the application of those principles or the transformation of the political sphere in a way that reflects the ideal principles of justice. We could then conceive the moral and political aspect of justice to be part of one and the same theory, but simply characterizing each of its two stages. Ideal subjects would be protagonists of the first stage, the (ideal/ethical) part of the theory and the criteria constraining deliberation in it would be simply moral values: dignity, autonomy, impartiality. Non-ideal agents would instead be protagonists of the second (non-ideal/political) stage, concerned with the transformation of existing political institutions and the criteria constraining collective initiatives ought to be politically sensitive: feasibility, legitimacy, stability. In this way the internationalist defence of peoples, provided that they are understood politically and not morally (i.e. that one identifies peoples to states) would maintain relevance in the second stage, as necessary agents for the realization of cosmopolitan claims. Yet this is perfectly compatible with the cosmopolitan defence of other parties as moral subjects in ideal reflection, how else does one assess competing political options if not by moral reasoning?

One argument against this proposal would be that the deliberative ideal following the principles just sketched, might not prove acceptable (even in moral terms) to subjects

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18 All affected parties do not however coincide with those parties that contingently find themselves in the same territory or share a set of common political institutions, it is possible to conceive of subjects of justice which suffer the consequences of decisions taken in political spheres that they are unable to control. For a deeper analysis of the challenges that this poses to normative political theory see Goodin, Robert E. “Enfranchising All Affected Interests, and Its Alternatives ” Philosophy and Public Affairs 35, no. 1 (2007): 40-68.
who do not share values often associated with liberalism such as freedom, equality, independence.\(^\text{19}\) The argument however seems to rely on the assumption that only parties educated in liberal societies are able to engage in a certain kind of moral deliberation. Yet the fact that liberals like to think of a specific moral sense as the product of liberalism does not necessarily imply that this is the case. The history of ethics is longer than the history of liberalism and, if anything, the latter represents only one possible political model accommodating certain ethical demands in an institutional way (and not necessarily the most successful one). In the deliberative situation I have just sketched we do not expect ideal subjects to share the same political model of organization since this question is left to the initiative of non-ideal agents. Instead, we make the much less demanding argument that ideal subjects will probably discuss, confront and share specific moral conceptions and even though these may arise from a plurality of ethical systems such systems do not need to be incommunicable. The moral sense of justice is different from its political embodiment and to assume that parties are able to engage in moral deliberation on ideal principles of justice is not the same as asking them to endorse the same political model.\(^\text{20}\)

Having introduced a distinction between the moral subjects of justice and its political agents it seems now easy to see where the confusion between ideal theory and non-ideal circumstances in contractarian approaches to global justice lies. Existent cosmopolitan accounts only focus on the ideal part of the theory, on the moral claims of subjects, and seem to undermine the question of agency in transforming social and political institutions by ignoring issues of feasibility, compliance and motivation. Yet such issues ought to be considered in any politically sensitive moral theory if one wants ideal the principles of justice to find application at all. On the other hand internationalist theories confuse non-ideal agents and ideal subjects, they substitute moral circumstances of justice with political ones, but lack an account of how one ought to deal with cases in which the two do not necessarily overlap, for example when the moral consequences of

\(^{20}\) The burden of rejecting even this weak assumption would be on internationalists to show how any moral exchange at all is possible to reach even among representatives of “peoples”, given the division and the plurality of comprehensive doctrines embraced by various societies. Rawls relies on the tradition of international relations to show how this has historically occurred and this would only confirm the thought that if political deliberation across culturally divided parties is historically real, then moral deliberation must be at least hypothetically possible.
certain political decisions affect parties with no voice in the process of their implementation. This is particularly evident if we consider the case of global poverty, one other source of controversy between internationalists and cosmopolitans in which the moral and political consequences of the ideal/non-ideal confusion emerge clearly again.

4. Ideal principles gone non-ideal: poverty and global justice

In the previous section I underlined the confusion of ideal and non-ideal categories in recent accounts of global justice with regard to the subjects of a hypothetical deliberative situation. More specifically, I emphasized that all arguments in favour or against the assumption of “peoples” as subjects of international justice were intended to be “ideal”, stressing the moral character of peoples, when they should have been “non-ideal”, raising the issue of feasibility and compliance in the application of the principles of global justice. This suggests that, in order to complete the two-stage construction of an international theory of justice, rather than discussing the “morality” of “peoples” as ideal subjects one should concentrate on the “political” features of “states” as its non-ideal agents. This would imply bringing at the heart of normative theory an analysis of the mechanisms through which political agents obtain power, impose certain moral constraints on the members of a political association and make feasible specific principles of justice under conditions of imperfect compliance.  

In this section I will try to discuss a way of thinking about these principles in light of the cosmopolitan-internationalist controversy on the possibilities of redressing unjustified global distribution of resources. Contrary to the discussion on peoples (which as I tried to show was driven by ideal arguments when it should have focused on non-ideal issues of agency and feasibility) the opposite occurs with the analysis of principles. The discussion on principles is non-ideal (focusing on contingent cases of domestic unfavourable socio-economic conditions) when it should be ideal, addressing the issue of what kind of global resource allocation would impartial subjects envisage under

21 Further elaboration on this issue would fall outside the scope of this paper, given that its main purpose is to illustrate the shortcomings of existing liberal accounts on global justice.
circumstances of moderate scarcity and given their general knowledge of international socio-economic practices.

Clearly one cannot argue about ideal principles without considering the non-ideal circumstances in which they would arise. However as I will try to show the kind of non-ideal assumptions that would support the choice of ideal principles in a global hypothetical situation are rather different and of a more general type from the ones both internationalists and cosmopolitans usually make. The need for principles of justice arises only in circumstances of injustice, and such principles may have global scope if those circumstances are considered to be globally extended. Hence the ideal discussion on the principles required to redress severe poverty at a global level requires justifying a number of claims on the inherent injustice of global resource allocation in existing international societies. Such theoretical claims should be grounded on a theory of global exploitation which is able to show: a) that the mechanisms of production and allocation of resources throughout the historical development of given economic relations are intrinsically unjust and b) that such mechanisms of production and allocation are globally extended.

Socialist theorists usually make precisely these kind of arguments to criticize the intrinsic injustice of capitalist market relations. We need not explore the particular features of the different accounts in detail. I will only borrow a few elements to illustrate how a cosmopolitan justification of principles redressing unjust distribution on a global scale, could be supported by a general theory of the exploitative and inherently unjust nature of global capitalist market relations. But I will also argue that if one accepts the socialist diagnosis of the global extension and structural roots of unjustified poverty the issue of what kind of principles of societal organization would best redress large scale inequalities opens up a number of possibilities which ought all to be assessed from the standpoint of ideal justice. It seems that the confusion between ideal and non-ideal categories in the analysis of international justice renders however both the internationalist and the cosmopolitan analysis ill-equipped to develop further such an investigation. Let me first explain why.

Internationalist accounts of a Rawlsian type consider the question of extreme poverty and resource deprivation part of the “non-ideal” theory of global justice. They claim that the relative or absolute lack of resources in what Rawls calls “burdened
societies” does not need to preoccupy global justice theorists as such and does not therefore require principles of a distributive kind to be redressed. Rather, “peoples” have a duty to only assist societies facing unfavourable socio-economic conditions which limit their participation as members in a good standing to the global society of peoples. The difference between an obligation of assistance and one involving resource distribution is that while the latter has no target and cut-off point, duties of assistance may be allocated only until “peoples” are enabled to create or preserve just political institutions.

This internationalist justification of a duty of assistance instead of global distributive principles has both empirical and normative aspects. The former is linked to a specific interpretation of the global causes of poverty and material deprivation, as well as a number of prescriptive claims as to how these could be most efficiently eradicated. The latter rests on two interdependent arguments: firstly the defence of the inherent worth of particular communities and the attribution of collective responsibilities to their members and secondly a statement of the role of equality in international theories of justice. More specifically, internationalists argue that the causes of wealth and poverty in burdened societies lie in their public political culture and in the specific religious, cultural and societal traditions that support certain background political and legal institutions and for the development of which members bear specific responsibility. Distributive principles would therefore represent an inadequate alternative since the question of global poverty is not resolved by transferring wealth from rich to poor countries without a target point but rather involves improving the political and cultural conditions that would allow burdened societies to stand up on their own.22

Cosmopolitans normally react to the empirical claim by showing its explanatory deficiencies in the analysis of global poverty, to the normative one by emphasizing its potential threat even to the distributive principles justified in domestic contractarian theories. On the first point they argue how the internationalist argument would maintain validity only under conditions of political and economic autarchy but not, as it happens,

in the presence of trans-national economic interdependence, potential vulnerability to
global flaws of financial capital and political subjugation to the conditionality of
powerful international actors. On the second point, they argue that the two combined
notions of collective responsibility and respect for the autonomy of specific associative
forms might also apply to families or groups in domestic societies, thus prohibiting any
domestic institutional distribution of primary goods in the “difference principle” form.

Both points however expose cosmopolitanism to a number of potential counter-
arguments. Internationalists could for example respond to the first (empirical) claim by
saying that even if one accepts that there may be a certain degree of interference by
international factors in the domestic allocation of resources this does not mean that such
interference affects burdened societies negatively. One could instead argue that the
extension of market economy contributes to the liberalization of specific forms of life,
promotes a certain wealthy individualism in hierarchical societies, and enhances the
values of toleration thus bringing non-liberal peoples culturally closer to liberal ones and
promoting international stability. Call this the “yes-global argument”. On the second
(normative) claim, instead of being embarrassed by the analogous application of the
autonomy and responsibility constraints to domestic societies, internationalists could
respond by emphasizing the different value of equality in domestic and international
theories of justice. In other words, following Rawls, they might stress that relative
inequalities matter more in domestic societies because of the need to preserve just

23 See for example, Pogge, Thomas W. “An Egalitarian Law of Peoples.” Philosophy and Public Affairs 23,
no. 3 (1994): 155-224 and his “Do Rawls’s two theories of justice fit together” in Martin, Rex; Reidy,
24 This point has been made by Peter Singer, see his “Outsiders, our obligations to those beyond our
borders” in Chatterjee, Deen K, ed. The Ethics of Assistance: Morality and the Distance Needy. Cambridge:
Cambridge University Press, 2004, pp. 11-32. See also Pogge, Thomas, “Rawls’s two theories of justice”
cit. Although ultimately rejecting cosmopolitanism, Leif Wenar also reminds us that if Rawls had taken
seriously the principle of responsibility in domestic societies he would have ended up endorsing a typical
Nozickian argument, see his “The Legitimacy of Peoples.” In Global Justice and Transnational Politics,
However, as I will argue further down, justifying a principle redressing global inequalities does not
necessarily mean that such principle should be identified to the “difference” principle of domestic societies.
25 See for example Hayek’s defense of the role of markets and their reshaping community interactions in
1978, pp. 62-106. This is also the typical libertarian argument in favor of free markets and against the
cosmopolitan empirical claim, see for a recent statement Narveson, Jan. “Welfare and Wealth, Poverty and
26 One counter-argument might of course be that this is a good reason to weaken even domestic theories of
justice but this is not commonly found among contractarian theorists.
institutions by guaranteeing citizens fair treatment and equal access to public opportunities as required by the criterion of political reciprocity.\textsuperscript{27} The internationalist theory of justice is not however interested in the cross-national comparison of the positions of individual subjects, the target of a duty of assistance is defined by societies’ ability to sustain decent institutions; once that goal is reached obligations of assistance cease to apply.\textsuperscript{28} Call this the “differential value of equality argument”.

Rejecting these two counter-arguments will bring us to consider the issue of international poverty and resource deprivation from the standpoint of ideal justice. Here it may be useful to recall a finding from the previous section: the internationalist defence of the peoples is justified only on a strictly political interpretation of peoples (or states) as non-ideal agents of international justice. Once it has been proved a) that from a moral point of view there are reasons to consider other parties as subjects of an original deliberative position, all we need to show in addition is b) that these parties have an interest in framing certain principles of justice regarding resource allocation because of the global circumstances of injustice in which they find themselves. I will therefore use (a) to reject the “differential value of equality argument” and elaborate more on (b) to reject the “yes-global argument”.

(I) The differential value of equality argument

The difference between internationalist and cosmopolitan theories of justice in analysing the problem of global poverty is usually marked by their understanding of what justice as a virtue of social institutions requires. Cosmopolitans are interested in the relative comparison of the position of parties across boundaries, internationalists believe that the wealth of individuals and the obligations owed to them are filtered by the political institutions by which they are represented.\textsuperscript{29} For cosmopolitans severe inequalities among individuals constitute a problem \textit{as such} and equality is a value to pursue for its own sake, for internationalists the extent of inequalities across borders is

\textsuperscript{29} See Thomas Nagel, cit. pp. 138 ff.
irrelevant insofar as peoples are able to frame and preserve decent domestic institutions. Justice, the latter argue, prescribes different things at different levels, according to the characteristics of the basic structure that constitutes a target of its principles: in domestic societies distributive principles are rendered necessary by the background circumstances in which individuals share the benefits and burdens of social interaction; at the international level those individuals are represented by collective subjects (peoples, states) which alone shape the rules of international political cooperation and therefore constitute the unit of concern of global justice. Given the specificities of international cooperation with regard to the global basic structure, the only principle of justice owed to burdened societies is a duty of assistance, aiming to improve not the direct living conditions of their members but the level of decency of those political institutions to which the well-being of individuals is owed.

There is however a certain inconsistency in the internationalist justification of a duty of assistance that has gone little noticed. Obligations of assistance, of the kind internationalist envisage, might be acceptable only if the normative and empirical claim against cosmopolitan principles of justice were considered separately but not if they were accepted together. In fact if one combines the defence of the responsibility and autonomy of specific collective entities in making decisions over the way resources should be allocated (normative argument) with the statement that poverty is mostly due to domestic political factors (empirical argument), than it is difficult to see why contributing parties should be under a duty of even minimal assistance towards poor societies.

Consider the following example. Suppose you decide to spend all your lunch-money on buying stamps because you prioritize collecting stamps over having three meals a day. I try to dissuade you by saying that this is not very healthy but you ask me to respect your autonomy and claim responsibility for the way you allocate your own resources. Then I am under no obligation to subsidise you or share my lunch with you if you later say you are very hungry. I may as a matter of beneficence decide to do so, but no moral argument would entitle you to my assistance without undermining either the soundness of your previous choice in buying stamps rather than having lunch (normative defence of autonomy and responsibility) or the relation between your being hungry and your not having had lunch (causal empirical link between an observed negative outcome
and a certain allocative decision-process). Similarly, if one assumes that the causes of poverty lie in the choices made by collective agents within a particular political culture but one also values the autonomy of those societal interactions as a good in itself, it is inconsistent to then argue for an obligation to contribute to the kind of poverty-alleviation that is due precisely to such choices. For this outcome could have been easily avoided from the very beginning by allowing for a larger degree of interference on the way societies allocate resources, a strategy that was however made impossible by the declared intention to respect cultural specificity and autonomous political decision-making.

One possible response to this argument might be that the rationale for a duty of assistance is not an absolute moral constraint in alleviating poverty in burdened societies but avoiding the negative externalities of their miserable conditions upon the international community of peoples. This argument would however rely on the admission of a large level of cross-national interdependence in resource allocation, a claim which is in turn incompatible with a diagnosis of economic development that relies exclusively on internal factors. Consequently if one agrees that interdependence and cooperation characterize the distribution of benefits and burdens in the international as well as the domestic sphere, we see that the analogy between the two basic structures is greater than it was initially thought. In this case internationalists must either admit that the national distribution of benefits and burdens should be limited to the domestic analogous of the duty of assistance (the just savings principle) or concede for the international arena something more demanding than a limited duty of assistance.

It is worth however considering a little more in detail the demands of justice in the domestic and international basic structure given that it is precisely their stated disanalogy that confers normative strength to the “differential value of equality” argument. It seems that here internationalists fail to consider the links between the moral and the political scope of justice and the circumstances in which the obligations corresponding to each mature. To clarify the point we should begin by asking ourselves: is it from an (ideal) moral perspective that we assess the value of equality in the first place or is it from a (non-ideal) concern for the circumstances of its feasibility?

The thesis of the disanalogy seems to be grounded on an assessment of the institutional mechanisms that make certain political obligations feasible and stable in the
domestic sphere and on the absence of such circumstances in the international one. But recall Socate’s two stage construction of his theory of the ideal polity. Issues of feasibility and compliance become relevant only after principles of justice have been assessed from a moral perspective, when we ask ourselves how such principles could obtain political agency. The different way non-ideal agents operate in the domestic and international sphere could be an argument for diversifying political routes in realizing ideal principles of justice. Yet claims about values are different from claims about how agents should act. This means that the political practice of non-ideal agents is a wholly different question from the moral assessment of the principles of justice by ideal subjects. So one does not change the value of equality by arguing for a change in the circumstances of its feasibility. Different circumstances will lead to different institutional routes of realizing specific principles of justice but they do not necessarily require that such principles be different.

The “differential value of equality” argument is then a typical case of would-be ideal reasoning which confuses the moral and the political sphere by mistaking the non-ideal agents of justice for its ideal subjects. It relies on a confusion between the political circumstances in which justice is realized, demanding feasibility and compliance, and the moral circumstances in which the necessity for specific principles arises. For the “differential value of equality” argument to succeed in both stages of a theory of justice internationalists must prove the relevance of the domestic and international disanalogy not only from a non-ideal point of view, emphasizing the different political circumstances of justice, but also from a moral perspective involving the claims of ideal subjects.

One possible attempt to prove the domestic-international disanalogy even from the point of view of the moral circumstances of justice is by emphasizing the “yes-global” argument that I introduced above. Internationalists might insist that the allocation of resources at the global level is not subject to claims of justice because of the absence of morally relevant circumstances of injustice which are both globally extended and irreducible to domestic factors. The next section offers one possible response to such an argument.
(II) The yes-global argument

The cosmopolitan defence of global distributive principles usually starts with an intuitive appeal to our feelings of compassion and humanity and the natural duty of justice to relieve human suffering. Its evidence of the extension and pervasiveness of global misery and inequalities is often a series of data on how many children starve every hour around the globe, how little effort it would take to cure devastating diseases in third world countries, the catastrophic impact of environmental destructions and so on. Thomas Pogge, for example, mounts his attack against the present state of affairs by reminding us that:

- the annual death toll from poverty-related causes is around 18 million, or one-third of all human deaths, which adds up to approximately 270 million deaths since the end of the Cold War. This problem is hardly unsolvable, in spite of its magnitude. Though constituting 44 percent of the world’s population, the 2,735 million people the World Bank counts as living below its more generous $2 per day international poverty line consume only 1.3 percent of the global product, and would need just 1 percent more to escape poverty so defined. The high-income countries, with 955 million citizens, by contrast, have about 81 percent of the global product. With our average per capita income nearly 180 times greater than that of the poor (at market exchange rates), we could eradicate severe poverty worldwide if we chose to try—in fact, we could have eradicated it decades ago.30

Shocking as they may be, these facts will hardly move the yes-globalist. Simply registering the moral abomination of extreme unjustified inequalities and severe material poverty around the world does not prove that his domestic theory of the causes of poverty, as well as the internationalist theory of justice that follows from it, is wrong. What it proves is that every individual in the world may have moral obligations of humanity to relieve poverty as far as it is in his power, but not moral obligations of justice, at least not of a kind that requires more than assistance to burdened societies. The reason is not as in the previous argument that there are no agents capable of enforcing the claims of justice in a politically relevant sense, but that there are no global circumstances of injustice in a morally relevant sense. To argue this point the yes-globalist does not need to deny the presence of a global order including political agents and institutions which go beyond domestic ones. For he can simply try to show that all the harm that

cosmopolitans usually attribute to global factors can be reduced to the impact of local ones, and insofar as the current global order may be ascribed any role on poverty-related matters it will be that of historically contributing to their progressive improvement.  

What do we need to reject the yes-globalist thesis? To prove that there are morally relevant claims of justice – and not simply humanity – we must show that there are morally relevant circumstances of injustice. Call this the test of global circumstances. To prove that the kind of principles to which the claims of justice lead are principles of a distributive kind we need to show that what makes those circumstances unjust is the way in which resources are produced and allocated under conditions of moderate scarcity. Call this the test of global principles. To prove that this unjust way of resource production and allocation is globally extended we must be able to show that the circumstances of injustice escape the possibility of control of particular agents (both human and artificial ones) and constitute the outcome of spontaneous interactions and resource allocation in the global market society. Call this the test of global pervasiveness.

Socialist critiques to capitalist market relations generally pass all three tests. My aim here is not to justify the validity of such theories (I will simply assume that hypothetically) but rather suggest a few elements that cosmopolitanism might integrate to confer plausibility to its own thesis on the negative impact of interactions in the basic international structure over the prospects of life of individual parties. In other words my view is that socialist critiques of capitalist market relations provide just the kind of context-independent analysis of global injustice that cosmopolitans might adopt to reject the yes-globalist thesis. To see why this is the case we must first illustrate how the socialist analysis of global poverty passes all three tests sketched above.

Consider first the test of the global circumstances of injustice. Socialist theorists argue that capitalist market relations are intrinsically unjust because of their exploitative systemic nature. One class is generally considered to be exploited by another when the exploiting agent takes undeserved or unfair benefit by the exploited one in the course of a specific transaction, despite the presence of an alternative under which the exploited agent would be better off. More particularly, in capitalist societies the working class is

31 See for a statement of such position Risse, Mathias. “How Does the Global Order Harm the Poor?.” Philosophy and Public Affairs 33, no. 4 (2005): 349-76.
exploited because of the lack of reward for the full product of its labour (the labour theory of exploitation) or because of its lack of control to the means of production and exchange (the property-relations theory of exploitation).\textsuperscript{32} The circumstances of injustice are therefore defined as the circumstances in which the existence of an exploitative relation renders one of the agents engaged in the transaction worse-off than he would have been under an alternative arrangement.

This analysis of the circumstances of injustice and the hypothetical postulation of alternative arrangements leads to the second issue mentioned before, the test of principles. Socialist theorists argue that the nature of resource allocation in capitalist market societies is such that not all those who contribute to the production of resources have access to equal benefits and an equal share of the outcome of social interactions in proportion with their efforts. Under conditions of private ownership of the means of production, individuals and companies take more benefits from the product of social cooperation whereas other individuals and groups are forced to sell their only property (their labour-force) in order to survive. This happens despite the presence of an alternative arrangement under which specific principles of justice, for example principles establishing a joint ownership of the means of production, could inform alternative institutional arrangements under which the process of production and distribution is regulated in a way that secures a fair access to every individual in the world to the product of his labour.

This leads to the third test, that of the global pervasiveness of the circumstances of injustice. Against the yes-global thesis, socialists normally argue that global poverty and injustice are an outcome of the inaccessibility of the process of resource allocation in global market society to all those subjects who nevertheless contribute to the process of their production. The spontaneity and uncontrollability of global liberal markets combined to the capitalist tendency to maximise profit, no matter what its ethical justification may be, leads to the expansion of privately owned trans-national companies.

\textsuperscript{32} Clearly both definitions stem from Marx’s analysis of the capitalist society but have recently given rise to a debate on how much the critique of capitalist exploitation depends on the acceptance of a labor-theory of value contained in \textit{The capital}. For one defense of the labor theory of exploitation see Reiman, Jeffrey. “Exploitation, Force, and the Moral Assessment of Capitalism: Thoughts on Roemer and Cohen ” \textit{Philosophy and Public Affairs} 16, no. 1 (1987): 3-41, on the property-relations theory of exploitation see Roemer, John E. “Property Relations Vs. Surplus Value in Marxian Exploitation.” \textit{Philosophy and Public Affairs} 11, no. 4 (1982): 281-313. For the purpose of this paper we do not need to enter in the controversy.
in areas where working conditions are worse and the cost of the labour-force is lower. This means that any attempt to introduce regulations and enforce the territorial control of single political agents is insufficient to revert a structural process whose roots lie in the way in which resources are allocated in the global sphere. Without a concerted effort to redefine the ways of producing and distributing the benefits and burdens of social cooperation in the global market, all what one may hope for are provisional corrections to specific negative externalities, in particular areas, at given times, but hardly an end to the causes of global poverty. For even in those cases in which sovereign political agents are able to control resource allocation as far as internal markets are concerned, they will be punished by means of sanctions or economic isolation for not upholding the rules of the global economic sphere. 33

What cosmopolitanism needs to reject the yes-globalist argument is then an alliance with socialist theories to argue the intrinsic injustice of global capitalism and the exploitative nature of the liberal market economy. A similar analysis of the background circumstances of global poverty would lead to a new way of conceptualizing the principles of global social justice. Internationalist liberal theories consider the issue of resource deprivation and extreme material poverty simply as an unfortunate exception in the otherwise well-ordered global society of peoples, not as the product of a failure to assess from a moral perspective the rules of resource allocation in its economic basic structure. Yet, as I tried to show, analysing the issue of the principles of global justice from an ideal point of view requires starting with global circumstances of injustice in production and distribution and assessing it from the point of view of all affected ideal parties. Such an analysis does not need to end up endorsing the same principles that liberal theories of justice advocate in domestic sphere, for example a “difference principle” of a Rawlsian type. Although deploying analogous procedures of justification, a theory of global justice may not arrive at the same principles of domestic theories, designed to reflect the common sense intuitions of consolidated liberal societies. Its

33 The case of Cuba at the end of the Cold War is a paradigmatic example of internally just processes of distribution affected by the way resources are allocated in the global market. Having been economically isolated from the international economic community and with the end of its previous accords of cooperation with the Eastern socialist block, Cuba had to face what at the time was called “periodo especial”, a decade of return to poverty and economic paralysis due to international sanctions and the impossibility to import primary material resources.
principles may instead be such that they impose a transformation of even domestic institutions so as to make them more suitable to the requirements of the international theory of justice, more sensitive to the interdependence and cultural variety of parties in the global sphere. How and when such changes could occur and following what technical guide-lines is however not a matter of ideal (moral) theory, it is a question of non-ideal (political) practice.

5. Conclusion

Throughout this paper I have tried to illustrate the confusion between ideal theory and non-ideal circumstances in liberal theories of global justice. I have focused mainly on two controversial questions: firstly whether it is right to consider organized collective entities as subjects of global justice and secondly what kind of principles may be considered justified in redressing global poverty and material deprivation.

With regard to the first discussion I have introduced a distinction between moral subjects and political agents of justice in order to show that the discussion on peoples in recent theories of global justice is ideal (emphasizing the moral features of peoples as subjects of international justice) when it should have been non-ideal (raising the question of what kind of agents and political arrangements are needed to realize the claims of justice). Once this point is clarified, the controversy between internationalists and cosmopolitans is dissolved in the two-stage construction of a theory of international justice accommodating the claims of both: the assumption of ideal parties deliberating in a hypothetical original position subject to moral constraints and the necessity of non-ideal agents sensitive to the political conditions of their realization.

With regard to the second discussion I have tried to show how the analysis of the principles redressing global poverty is non-ideal (restricted to cases of unfavourable domestic conditions) when it should have been ideal (raising the question of what kind of principles would ideal parties consent to under global circumstances of injustice). I have argued against duties of assistance of the type internationalist envisage and emphasized the need for principles modifying the mechanisms of production and allocation of resources in the global market society. I have argued that in order to escape the usual
objections cosmopolitanism attracts for its insufficiently grounded account of the international basic structure it is necessary to integrate the theory with a socialist-type of analysis on the global extension of exploitative relations in the global market sphere.

My conclusion on what ideal principles might inspire the reform of the production and distribution of resources in the global sphere was, admittedly, very short and tentative. A deeper exploration of such issue falls outside the scope of this paper; its aim was simply to illustrate the confusion of ideal and non-ideal categories in liberal discussions on global justice and shed light on an alternative way of considering the ethical aims and political applications of the two-stage construction. As it stands now and for the use made of the ideal/non-ideal distinction (an old one in political theory) the global justice debate seems captured in a fatal dilemma: if one relies on an ideal (moralized) account of peoples as subjects of international justice it is difficult to see why non-ideal considerations with regard to distributive principles should be accepted. On the other hand if one deploys non-ideal arguments to restrict the scope of the principles of justice in the international domain, the ideal justification of principles even for domestic societies would seem significantly weakened.