# Introduction
# Justice for the Poor – A Global Paradigm in Progress and Dispute

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## Global Justice in Relation to the Absolute Poor

Every minute a human being dies due to poverty-related reasons. Among the absolute poor in Africa, south of the Sahara, and South East Asia, whose number exceeds one billion people, children in particular are the innocent victims of this enduring moral dilemma (cf. the contributions, including recent figures, by Stephan Klasen, Michael Ward and Thomas Pogge in this book). Not long ago, most of us, the members of the Western world could excuse ourselves from the moral responsibility of global poverty because there were insufficient resources available to alleviate the miserable conditions of the absolute poor. For the first time, following a long and successful period of globalisation and economic growth, the beginning of the twenty-first century presents a real opportunity to relieve those living in absolute poverty from their life-threatening situation,[2] and to change the structures which cause absolute poverty.[3] In fact, nobody would have to starve, suffer from avoidable illnesses, be poisoned by dirty water, live an extremely shortened life due to insufficiencies, and suffer from other poverty related constraints, if it just was a case of sufficient economic provision.

It therefore seems obvious that ethics scholars must research the avoidable reasons for the deepening gap between the well-off and the worst-off, as well as asking the core ethical question of who might be held responsible for the abolition of absolute poverty, and on what moral grounds.

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1 References to authors without further detail (e.g. year and publisher) refer to contributions in this book.

2 Thomas Pogge claims that $300 billion US dollars would change the situation of the poor dramatically for the better (Pogge 2002, 7). Contrast his $300 billion dollar estimation to the hundreds of billions which western governments made available to combat the effects of the credit crisis in autumn 2008 – this proves the ongoing relevance of this estimate. 'Billion' being used in the US sense to signify 1,000 million in Europe.

3 Cf. Jeffrey Sachs, who is a strong advocate of geographic factors driving reasons of poverty and underdevelopment (Sachs 2005, 226). His thesis, however, does not reflect this and underestimates the much wider impact of institutional reasons for poverty, which 'trump' all other relevant factors (Risse 2005, 87).

In classical ethics, the principle of moral philosophy: '*ultra posse nemo tenetur*' applied only to an achievable extent or in general only to those who were able to help or change a moral dilemma. However, in a world with heavy interdependencies on cultural, economical and political configurations there seems to be no reason for this kind of reserve any more, but instead there is a need for broadening moral demands and duties up to the global level (Pogge 1992, 49; Gosepath 2002; Pogge 2002). In this context, the most difficult problem of moral philosophy seems to be that not all scholars, people or states agree there should be a universal obligation to erase life-threatening poverty through varying instruments in due time, be they political countermeasures, including distributional systems of whatever kind, or other means of international cooperation and intervention.

If you want to take the absolute poor seriously as autonomous human beings, it must be respected that they are supposed to live their lives within other nations, other continents or other cultural realms with respect to their own responsibility, individuality and cultural provenience. Consequently, any means to erase poverty may not touch the individuality, cultural identity and freedom of the poor as subjects. Although the world increasingly interconnects itself in economic and political terms (Höffe 1999, 14–20), its past and present forms of solidarity and cooperation have been insufficient[4] and sometimes paternalistic in character. Therefore it is not surprising that poverty could only be reduced in relative proportion to the world's population, but it has increased in absolute numbers during recent years (Worldbank 2008, 2).

Those who recognise a duty to change the situation – especially persons who are well-off and can spare, donate or invest something without harm – are unclear about the extent of their responsibilities. The role of citizens, social institutions, states or global society as a whole, is unclear in terms of their particular responsibility (cf. the contributions of Gosepath, Anwander, Bleisch and Bohlken; see also Pauer-Studer (2006); Bleisch and Schaber (2007)). Their contribution, influence, input to change or tolerance of the current world order is especially unclear, which is not really preventive as regards poverty. Even if a strict moral responsibility towards the extremely poor were accepted universally and consensually by states or people, it would still be an immense task to work out how the complex reduction of poverty could be implemented in the face of so many differing political, economic, cultural, geographic, climatic or social situations. The problem is so complex because most of the time poverty is *not* an outcome of specific economic problems alone, but a political, social, cultural, geographic or climatic one, caused, for example, by suppression within states, new forms of slavery or a lack of rights for certain minorities, social classes, groups or individuals, leading to increased inequalities and intensifications of poverty (Sen 1997; Rawls 2002, 132–137; Winters, McCulloch et al. 2004; Grimm, Klasen et al. 2007). This is one reason why a mere development program for growth

4 There are, however, numerous counter examples, e.g. the Tsunami disaster in 2004, which triggered off charity and institutional aid worldwide.

and prosperity of the least industrialised states does not go far enough. It needs to be supplemented by a variety of development processes, like environmental adjustments, reasonably planned policies, processes of democratisation and the establishment of the rule of law in terms of human rights, investment in public goods such as health care and education, and in extreme cases even by concerted political action of justified intervention and peace building measures (Moellendorf 2002, 102sqq.).

The argument, that poverty cannot be erased because it is too complex as an *object* to deal with, is not really an argument that discouraged the scholars dealing with the problem of poverty in this book. It rather stimulated them to make the poor *subjects* of 'A Global Theory of Justice'. This theory is developed in four main steps which give this book its specific structure:

In a *first chapter*, the empirical problem of absolute poverty is scrutinised through the means of economic analyses, and the most recent results in poverty research are presented and scientifically evaluated.

Due to a modern theory of justice, ethics is open to many reasonable, comprehensive doctrines as prior understandings of universal normativity – for example to secular humanism, to philosophical postulates or to religious values. In this publication, Christian theology is seen as a prominent and comprehensive doctrine in favour of global justice and is therefore presented by Christian Social Ethicists in the *second chapter*. In addition to these philosophical arguments, an 'Option for the Poor' is theologically justified (cf. Sedmak and Kruip) and religion, based on reason, is proved to be an outstanding integrative concept *pro homo* within the global domain (cf. Müller).

With regard to the empirical data and a reasonable understanding of the normative demands of poverty the *third chapter* is an attempt to argue for global norms and responsibility to eradicate absolute poverty as well as for normative claims of the poor, as members of a global society. The aim is to find principles and standards for a systematic 'Global Theory of Justice'. Therefore several approaches and normative claims for global justice are developed and true injustices and inequalities are revealed which should be removed in order to give the poor a chance for a dignified life.

In the *forth chapter* the normative theory is endorsed by implementation methods which consider initiatives by responsible agents, business and politics.

## The Conceptual Debate

The motivating factor for this ethical debate lies in the scandal of so many preventable deaths and the misery of the world's poorest, rather than in some purely academic pursuit. The discussions arose with publications in moral and political philosophy in the 1970s (Singer 1972, 229–243; Beitz 1975). At the same time extensive discussions appeared in the religious and theological sphere with contributions

from the Latin American Theology of Liberation[5] (cf. the history of the concept of a 'preferential option for the poor') which carried on during the 1980s producing a revised and amplified comprehension of the dimensions of poverty (Sen 1985; Sen 1997), and has enfolded during the prime time of globalisation since the 1990s in the social sciences, again mainly in moral philosophy (Pogge 1992; Pogge 1994; Rawls 1999). Since the 1990s the debate on '*Global Justice*' has become the new ethical paradigm for a world where absolute poverty represents one of the prior multidimensional problems for years to come, as the Millennium Development Goals show.[6]

The *concept of global justice* and an *ethics of human rights* are the endorsed ethical frameworks for the problem of severe poverty (cf. Koller's proposal to understand 'global justice as the "*totality of demands of justice that can be reasonably applied to international relations and the global order*"'). Within this framework we will discuss whether global justice must incorporate worldwide systems of distribution (Pogge 1994; Beitz 1999; Caney 2005); the guarantee of a life in dignity; the Aristotelian teleological development of anthropologically well-founded 'functionings' and 'capabilities' for the poor (Sen 1985; Nussbaum 1992; Nussbaum 2001; Nussbaum 2006); a universally sufficient supply of vital means to survive (cf. Meyer's contribution on intergenerational sufficiency, also Meyer 2008); only weak duties of charity for the poor within a communitarian concept (Krebs 2000; Krebs 2004), or, finally, ethically sufficient incentives for business to invest in least developed nations in a way that leads the poor economies to endogenous growth (cf. the contributions of Hielscher and Pies, and Schramm and Seid). The manifold suggestions show however, that the extent and concrete pattern of *advisable interaction* between those who live in abundance and those who cannot escape their poverty are not easily answered.

With regard to market forces in general, nobody really questions whether in order to fight poverty effectively, a modification of global organisations and institutions is overdue, especially in times of a likely revision of the world's financial order.[7] The ethical debate is trying to encourage a more competitive and social globalisation – which has the potential to make the world more prosperous – under a roof of human solidarity and justice. This can only be achieved by a set of transparent ramifications for markets and transactions which sanction one-sided market powers, heavy inequalities, ecological misuse and social as well as economic exclusion of the extremely poor. Although it is not advisable to underestimate the capabilities of well-governed domestic institutions, improving the lives of the poor relies strongly on just international organisations and institutions. Their task is to

5 The Theology of Liberation is deeply characterised by, but not limited to, its Latin-American origin (Medellin 1968; Gutiérrez and Inda 1973; Segundo 1976; Boff et al. 1987). Compare Gerhard Kruip's contribution in this book.

6 Millennium Development Goals (MDGs) are available at <http://www.un.org/millennium/declaration/ares552e.htm>.

7 See Hockett (2005); Moellendorf (2005) for justified proposals.

guide the forces of globalisation in terms of capital markets as well as in terms of the exchange of goods and services in a more transparent, balanced, rights-based and structured mode – constituted in a way that the participation of the poor is guaranteed and adequately honoured.

In the political realm, the majority of authors engaged in the ethical debate (apart from some political scientists) dropped the standpoint of a strict Westphalian 'statism' having recognised that states cannot be the sole nor sufficient actors of global moral responsibility. Statism is being fundamentally questioned, because a world of cooperation against poverty can only succeed if states are the legitimate representatives of their peoples and not sacrosanct just because they exist.[8] In current political ethics it is largely recognised that only the sovereigns themselves, namely the people and 'peoples' (Rawls 2002, 26–32), can be the source of collective legitimacy. Therefore ideas concerning the exclusion of illegitimate and failed states are strongly debated (Moellendorf 2002; Rawls 2002, 113–30). In 2005, the United Nations also committed themselves to a principle, named the 'Responsibility to Protect' (R2P). This international norm urges states to protect their populations from genocide, war crimes, crimes against humanity and ethnic cleansing. If a state is unable to guarantee this protection or itself commits one of the aforementioned crimes, the international community is automatically legitimised to take over the responsibility for this burdened society. The international community therefore is liable in the second degree.[9] One other suggestion brought forward consists of sanctioning undemocratic and totalitarian states by excluding them from the world's markets through international law, so they cannot earn capital for their unjust regimes by trading their resources on a global market (Wenar 2008). It seems ethically necessary to develop and establish many more peaceful political instruments against totalitarian states at the global level, forcing them to respect their own people, especially the poor, and to acknowledge the equal rights of all of their citizens, allowing them to 'affect the social-economic-political system in which they live' (Caney 2005, 156).

In this context a major question is whether today's global system itself should be named unjust (Pogge 2002), or whether it can only be criticised for not being just enough toward the absolutely poor (Risse 2005; Mack 2007b). Nevertheless both notions would seem to imply the need to improve several institutions as soon as possible (Sautter 2004). In this context the *quantitative* measurements of poverty and especially absolute poverty are criticised for the assumptions used and the methods applied by leading economists who are engaged in the debate; it is quite revealing to see that even after the reform of the World Bank's poverty

8 Cf. also the debate between David Miller and Kok-Chor Tan concerning this issue (Miller 1988; Tan 2001; Miller 2004; Miller 2005; Tan 2005), and Young (1998, 431–457) as well as O'Neill (1990; 2000).

9 Concerning 'R2P' see: International Commission on Intervention and State Sovereignty and International Development Research Centre (2001); Cooper and Voïnov Kohler (2009).

measurements there continues to be a need for improvements (cf. Ward, Klasen and Pogge in this book, also Ravallion 2003; Reddy and Pogge 2005). In contrast to these quantitative approaches there are also prominent suggestions of a better *qualitative* concept of poverty analysis, as stated above, from Aristotelian traditions as well as from Christian ethics which are traditionally human-good oriented (cf. the contribution of Kruip in this book).

On a formal and procedural level, cosmopolitan and most rights-based approaches accept the modern paradigm to work on the basis of *ethical consensus*. This means that norms and rights are best argued for when being built on a consensus of all the people concerned, and either justified on a hypothetical or on a factual basis.[10] Human rights, rights of interaction and fundamental principles of justice, focusing on the weakest and poorest within a world's society, have to be justified perpetually in front of those they are supposed to protect. It is a futile attempt to argue exclusively for an application of ontological principles in a world of controversial interests, pluralistic comprehensive doctrines and hermeneutical understandings as well as political powers, like traditional natural law approaches tried to do. It is similarly one-sided to argue for the stance that the possible consequences of actions and institutional arrangements alone will give us enough criteria for global justice because this can only lead us to situational ethics of trial and error. There are modern ethics which lie in between traditional natural law and positivism or pure consequentialism. Although consequences always matter in ethics, the mentioned *consensus principle* leads to the need for prior collective reflexion on relevant normativity; namely fundamental principles and their justification before all (Forst 2007, 294sqq.). One version of this reflection is also the *ex negativo* claim, that just global institutions may not reasonably be rejected by the persons concerned (Scanlon 1998). In this context we can assume on a practical level that human rights mirror a common moral understanding of humankind, in which the world found a factual consensus in 1948, regardless of which way one argues for them. In global ethics one should not retreat from this consensus of humankind, whether the granted rights are understood purely as claims on institutions or extensively as claims on all interactions among humans in general.

The deeper background leading to the necessity of finding a general consensus is the dignity of human beings. This is still the major normative core pursued by most ethical approaches based on a Kantian or Christian tradition, even if they do not explicitly mention it (cf. Moellendorf's argument in this book). Today the notion of dignity, having been criticised as being too vague or too thick in terms of a remaining metaphysical content, is supposed to be at least constituted by

10 This spectrum of argument is endorsed mainly by philosophers following a Kantian, contractarian or discourse tradition. Although neither Rawls' 'Theory of Justice' nor the Habermas 'Theorie des kommunikativen Handelns' [Theory of Communicative Action] converge as a whole, they both imply proper methodological foundations for a normative consensus. See Rawls 1979; Habermas 1981.

the two moral powers of (a) being able to pursue a conception of the good; and (b) by having a claim for justice (Rawls 1979). This means more, but in a way also less than a traditional account of dignity based on freedom and reason (Kant 1903, 60sqq.) or the theological theses of a creation by a personal God whose very image human beings are believed to be. But there are instrumental and pragmatic ethical approaches of Anglo-Saxon or economic origin that at least hold true to the principles of individuality and autonomy[11] although they do not refer to this as dignity. However, these normative arguments also protect a major element of the dignity of human beings in the form of fundamental human rights for the individual. Another way to reconstruct these rights is the argument for respecting the legitimate preferences of people.

If we contextualise the dignity of the poor in the debate on global justice, we can assume that the people concerned will claim a global order which at least guarantees *rights of inclusion and participation in society and working life*, *rights for subsidiarity instead of subsistence* (not only through bailouts or systems of social security, but through work by themselves), as well as the *right to veto further proceedings in the global order* (Mack 2007b, 319) if their interests are not sufficiently respected. Without these, the poor will not be able to achieve their own concept of the good or realise a claim for justice for themselves. This is also true for the economic discussion on establishing specific instruments, institutions and organisations to let the poorest participate in the world's growth. This can be achieved by regular trade and production without postponements and exclusions through certain market powers or mechanisms (export subsidies, strong import restrictions or patents secured by TRIPS preventing low priced medical supply for instance (cf. Pogges contribution, 'Medicines for the world') and without exploiting the working poor (no wages below the poverty level and labour rights for the poor), but also by establishing some instruments of distribution within states (like welfare-states) and also in a limited way among states.

Besides initialising and achieving further growth in the least developed states (Grimm, Klasen et al. 2007, 2sqq.), the second key claim for poverty reduction is *the reduction of extreme inequality* (Pogge 2002; Worldbank 2008, 40) by a certain degree of distribution (Beitz 1999, 150sqq.) in order to erase extreme poverty (cf. Erfurt Manifesto in this book). Although the world's overall Gini-coefficient reduced slightly (Worldbank 2008, 41), the researchers of this book agree on the demand to reduce the inequalities worldwide for three reasons: First, it takes too long to wait for endogenous growth in the least developed states to overcome absolute poverty. Second, it has been proved at a national level that if inequality increases to a certain degree, it has severe negative consequences for national economic development (Worldbank 2008, 51sqq.). It seems safe to assume that this negative correlation is most likely valid at the global level as well. Third, the

11 See for example the Charter of the European Union, as well as the 'Treaty establishing a Constitution for Europe' (in the latter especially the preamble and article I-2): The European Parliament (2000, 2004).

relative disadvantages for the rich in contributing some of their income or assets to the poor are to be weighed as ethically less severe than life-threatening severe poverty.

## Three Normative Key Arguments in Support of Global Justice

Having analysed many arguments for and against the possibility of global justice, no one can really claim to have solved this complex problem of justice for the poor as well as the pragmatic problem of how to eradicate absolute poverty completely. However, considering three, admittedly simplified, patterns of the most prominent moral approaches for global justice, one comes to the conclusion that they all have some validity, but also have weaknesses and certain aspects that may be criticised. Since nobody in this book makes a stance for pure instrumental, positivistic or traditional natural law approaches, we leave them aside as positions at the margins of an even broader debate.

First, Rawlsian contractarian approaches are plausible with respect to the argument that we need to find principles for establishing and guiding 'a basic structure for a Society of Peoples'. However, Rawls' insistence on *peoples* as the sole negotiators in a global original position[12] has caused contradiction among cosmopolitans. Some global ethicists rather prefer the individual person as the normative starting point.[13] A contractarian view, however, is right about the ongoing need of an *overlapping consensus* on controversial global themes of justice among all peoples, representing every region, race, culture, gender, religion and comprehensive doctrine. It is also convincing in a Rawlsian tradition, and in tune with institutional theories of sociology and economics that it is important to establish better cooperative organisations at the global level in order to help enable the poor to improve their living standards (Rawls 1999; Sautter 2004). Those organisations have to adequately assist burdened states to establish just liberal or decent basic institutions, in order to be able to organise themselves, to establish endogenous growth within their economies and to reach at least the first step of development for their poor (Sachs 2005).[14]

But what is highly disputable in the Rawlsian approach towards global justice is the premise in the background of his proposal; namely that we still live in a non-permeable Westphalian world of states and that grave economic inequalities are not unjust *per se* (Rawls 1999, 114; Beitz 2000; Buchanan 2000).[15] To exclude redistribution as moral means on a broader than national realm and to connect global justice only to a duty of institutional assistance is also disputable, because it

12 Cf. Rawls (1999, 115).

13 Cf. Pogge (1992).

14 Cf. the 'Responsibility to Protect (R2P)'.

15 'It does not matter how great the gap between rich and poor may be. What matters are the consequences' (Rawls 1999, 114).

would not provide people with the possibility of making their living autonomously until far in the future, if ever. In this regard, it will not be possible to argue for more than subsistence and a minimum supply for the poor until institutions have a noticeable effect, which might be too late for many of today's absolute poor subsisting in life-threatening conditions. Therefore global distributive justice cannot be justified sufficiently by a traditionalistic Rawlsian approach because the institutions of the states and their narrow focus on a national understanding of social justice do not fulfil the normative demands of global solidarity among all people which would claim restricted but strict duties on the normative bases of reciprocity among all human beings.

Second, neo-aristotelian approaches justify some restricted claims of a global bailout with a clear limit or target, but intentionally also do not argue for a *general* international redistribution of income, goods or resources (Krebs 2000; Krebs 2004).[16] These accounts of justice do not aim for specific consequences in the light of egalitarian equality, but rely on a decisive equal normative starting point, namely the preservation of dignity for every human being. This dignity accords to all humans the justified claim to a fundamental provision of goods, given that everyone has a legitimate right to survival, a right to a 'good life' or to certain human capabilities (Nussbaum 2006). These ends are differing within an account of certain human claims for the person and its good life. However, there is the interesting unresolved question of how these human claim-rights can be realised without a thorough reshaping of worldwide distribution. It remains unclear how the provision for the rather extensive assets of a good life of the poor, as suggested by Nussbaum, can be made practically available. This would only be realistic if we were to transfer goods on a large scale, offer services and institutional assistance to the poor or assist burdened societies in economic terms to lift the poor to the first level of development. Taking different cultures and religions and their greatly varying ideas of '*the Good*' into account, we can also question whether the specific material contents of a good life can be agreed as precisely as Nussbaum considers it (Nussbaum 1992, 205).

Third, there are strong cosmopolitan or egalitarian approaches (cf. the already mentioned books by Pogge, Beitz and Caney). These make heavy claims for distributive justice which imply a reorganisation of the initial supply of assets for the poor with the help of global institutions, a reduction of global inequality and the building of a new just world order from scratch. Their primary intention is to equalise the standards of living, preventing inequalities in the division of income becoming too big and eradicating absolute poverty. The normative core arguments in support of these changes are the negative duties of responsibility (cf. Ashford and Pogge 2002) of the world's well-off towards the poor because the

16 Although in her most recent writings, Nussbaum seems to endorse an account of global justice which adopts large parts of the cosmopolitan ethical framework. She is, however, quite vague about how to combine these kinds of universalistic ethics with her own Aristotelian tradition. See Nussbaum (2006, 314sqq.).

existing order is harming their fundamental rights to an existence (cf. Bleisch). This last empirical premise is rejected by certain authors (cf. Risse 2005) who do not blame the global order for the existing injustice, but instead mostly accuse domestic factors, for example, bad governance within the countries concerned. A partial rejection is also put forward by scholars who see multidimensional empirical factors for underdevelopment and poverty in poor countries including particular climatic, geographic (Sachs 2005), or even religious and cultural reasons (Schramm 2008).

Even if one leaves aside the question of causation, the cosmopolitan approaches have a true validity in connecting the world to *one common society of people* with a necessary degree of reciprocity among all, or to *one family of humankind* (cf. Kruip) in which a special moral responsibility for the most disadvantaged exists. This notion arises from the thesis that it would be a 'fallacy of restricted universalism', if we made a difference between our fellow countrymen and all others (Black 1991, 357). Global equal rights on issues of fundamental justice are in the process of becoming a valid and strong moral principle at the beginning of the twenty-first century. Nonetheless, there remain severe conflicts between national and international material interests of nations and people as a result of political difficulties in deciding which one takes precedence when balancing competing moral goods.

Rather than going over the old causes of injustices, it seems more important to discuss the instruments available to relieve the suffering and put an end to the preventable deaths among the absolute poor as soon as possible. This is much more realistic, if it is clear that everybody who belongs to the cosmopolitan world is responsible in a bearable degree (cf. Bohlken; Anwander). The more the concept of a Westphalian world of untouchable national states becomes diluted, the more it becomes realistic to argue in favour of a world's 'society of responsibility', either among all states in the form of a responsibility to protect ('R2P', see above) or in favour of a multitude of legitimate collectively responsible actors, including business and transnational corporations as well (cf. Schramm and Seid in this book; Hielscher, Pies et al. 2007).

## Human Solidarity Based on Consent and Interaction

Since all approaches mentioned present unresolved questions, an alternative argument could be put forward for an '*ethical paradigm of human solidarity, based on consent and interaction*' specifically on a global level, not so much an ethical paradigm which is based exclusively on the human person, as 'an individual member of the peoples on earth and his or her claim-rights'.

First, traditional ethical arguing consisted of only having to take the role of a patron who knew thoroughly what the deeper need of the persons concerned was. This thorough knowledge was even more necessary if one had to deal with foreigners, who were suffering but had a completely different cultural and mental

background. But if one only pursues a static 'Rechtsethik' [ethics of rights], these poor are not invited into a global discourse as human subjects. Nor are they invited to articulate their moral needs and rights for themselves. It is presumed that we as ethical experts have prior universal knowledge of their existential needs and rights. To prevent any form of paternalism in modern global ethics there is no alternative to a process of an always renewed agreement on *every* fundamental question of global justice. This refers to the priority of rights as well as to the question of which particular human right one wants to realise first.

Second, human rights already represent a normative consensus for most of the world's population.[17] Still they are not sufficient to serve as ethical criteria in solving the fundamental problems of the absolute poor because the means of justice to take care of the most disadvantaged are not derivable or applicable from human rights alone. In a situation of malnutrition or social exclusion a right to freedom for the rich might contradict a right to equality for the poor, or even a right to free movement might contradict a right to nutrition for the same group of persons. It is also still not clear whether human rights ethics can lead to a duty of distribution worldwide or only within the same country and how far this duty would extend to subsistence, to specific economic and political participation or to an egalitarian portion of goods? Human rights can either be exclusively understood as claims towards local institutions or in the sense of duties to everyone who is entitled or able to fulfil them. This leaves the question of responsibility open to many interpretations.

What is missing in a plain ethics of human rights is a socially based view of permanent interaction within a globalised world which neither posits a zero sum game nor depicts a pure receiver–donator relationship between people. As mentioned before it can be proved on an empirical level that extreme inequality is worse than a society in which all participants have at least some assets to exchange (Worldbank 2008, 51sqq.). So some form of solidarity is already empirically perceptible and not only normatively demanded.

There are three principal categories for enhancing the interaction of a globalised world in favour of the poor: First, development *aid*, second, reshaped domestic and global *institutions* (including law and an international order) and third, *regulated market* transactions which benefit all (Mack 2005). Injustices of the global order notwithstanding, one still has to recognise that most of the world's welfare surplus develops through mutual exchange, interdependent production and international division of labour. Therefore, the first step to eradicate poverty has to be – also for ethics – *an inclusion of the poor*, not only in terms of their participation in a common moral framework, but also in terms of their possible contribution to the world's interactive work share and division of labour. Of course, mutual gains can only be earned under fair conditions and under the requirement that even the weaker part has something to exchange and contribute. This leads to the conclusion that the poor necessarily have to be on the first step of development, or

17 See Benhabib (2004).

in other words: The prerequisites for inclusion are certain capabilities of nutrition, health, education, shelter, freedom and civil rights, including the important liberty to engage in economic exchange or in the labour market in a meaningful way. Free economic development to mutual advantage can also only succeed, if the local institutions of developing countries are guided by law, are not corrupt or dominated by interest groups, so that economic entrepreneurship cannot exploit the poor, as is currently the case in many parts of the world. One important prerequisite is a global order preventing one-sided market powers (like protectionism, export subsidies or heavy internal subsidies within western economies).

Within an ethics of human solidarity based on consent it is not only necessary to search for a consensus in theory but to find a consensus in political and economic practice. Moral progress can only succeed if the normative claims of the persons concerned, in particular the poorest, are engaged in a local and global discourse and also if they, as human beings, have a chance to contribute to social, political, and economical interaction within a cosmopolitan world.[18] These demands for inclusion are, however, not sufficiently fulfilled by some foreign direct investments which are not aware of or do not care for specific unjust domestic situations. If the people concerned are excluded from democratic procedures, foreign direct investments that support corrupt or unstable regimes, for example, in Africa, cannot be prevented. As a result, they are then able to suppress their poor even more severely. The 'resource curse'[19] of many Sub-Saharan states is a major sign of the need for strong ethical guidelines in market exchanges, the rule of law and democratic inclusion of everybody. Therefore, economic interests are in tune with an ethics of human solidarity only if they are reciprocal on an equal basis[20] and in the interest of the poor themselves. Pro-poor economic gains are only possible within rights-based regimes which have a tax system that provides at least some social and financial distribution so that foreign investments are for the profit of all. Nevertheless one should not forget that gains in poverty reduction cannot be analysed exclusively in economic terms. Poverty has a deep anthropological complexity within its roots that can only be partially helped by increased income or economic growth alone.

## Conclusions

All the contributors to this book agree that there is no alternative to the first element of global justice: Globally and domestically the institutional emphasis

18 One striking example is Nobel-prize winner Muhammad Yunus' Grameen Bank, which gives microcredits to the poor. For further information see Yunus (2008).

19 See Wenar (2008).

20 Most interestingly, the acceptability of an equal basis is one of the strongest requirements of the WTO for new members. The reality, however, shows another story. Cf. Hockett (2005); Moellendorf (2005).

on just governance comes first (Rawls 1979, 1). Rawls is generally right about an obligation of liberal and democratic states to assist burdened societies in developing just institutions until they can be self-sufficient and autarkical. For a global society this might also include the possibility of intervening in those sovereign states which suppress their poor in an intolerable manner (Moellendorf 2002, 118sqq.).

Viewing the world as one society of equal human beings and not primarily as a cooperation of states, many of the contributors to this book do not really see an alternative to at least a modest moral cosmopolitanism. Otherwise global ethics would provoke differences in claims of fundamental justice within and between states, in favour of fellow countrymen and against foreigners. The Communitarian or Aristotelian argument for distribution only within a national community simply reveals a pre-globalisation view of political ethics which is not up to the ethical paradigm of a global society. Even if one accepts the closer social solidarity within a common culture and nation, this must not lead to a pre-eminence of social justice in the domestic realm over fundamental claims of justice worldwide – namely the right to a decent life. Otherwise one would have to deny the possibility of a coherent and non-contradictory universally normative ethics on a formal level. On a material level, one would have to neglect the fundamental difference in moral gravity between global justice for the absolute poor and the social justice of solidarity within Western welfare states. It should be clear what has chief importance here: The absolute minimum for existence and the possibility for everyone to live a life in dignity.

A duty of assistance in a cosmopolitan interpretation cannot only include institutional reforms but also implies at least some politically initiated distribution or economically managed exchange of goods and resources either with the consequences of subsistence of the poor, or with a fair share of resources (Pogge 2005; Wenar 2008), or in the form of a global difference principle (see again Beitz 1999, 143sqq. and Mack 2007b) which would require a new or fundamentally improved global economic order. All three possible forms of distribution would include at least some reorganisation of the initial supply of assets among people, in order to provide all with basic capabilities and fundamental rights to provide for themselves. Here, opinions differ, whether or not self-sustaining growth in many African countries can be overcome either by foreign direct investment alone and a mere modification of domestic institutions or whether it needs political support to build incentives of foreign investment and the deliverance of capital, which would otherwise not flow (Klasen 2004; Klasen 2005).

Accepting Thomas Pogge's argument that it is a question of negative duty to prevent injustices in the world order towards the poor, it can be argued that a global *principle of distribution* can be justified to prevent the negative consequences of global inequalities against the poor. Inequalities are unjust if they are so grave that the poorest are unable to compete or to engage in a global process of mutual advantage. This might even be an argument that could convince Rawls because his objection to distribution was mainly based on rejecting disadvantage for

the industrious states (Rawls 1999, 117–119), who would lose much of their earnings through egalitarian mechanisms of distribution. The problem is that Rawls does not take into account that inequalities do not only have a positive function by promoting exchange (through comparative advantage) but also have strong negative side effects in the sense of making the poorest so unattractive as market participants, even in their labour power, that nobody wants to deal with them out of economic interests alone. Bringing the world to mutually advantaged interaction without poverty, not only needs sound institutions, as Rawls demands. Initial solidarity has to overcome the disadvantage of poverty at least to the degree of subsidiarity (Mack 2007c, 312) which will always imply long term investments guided by institutions based on law and a democratic order.

The claim for global justice has to be formally universal in the sense of reaching and including every single person living in extreme poverty (cf. again Kruip, Sedmak) but may also be materially restricted in extension with regard to the principles of autonomy and subsidiarity on both sides of interaction[21] (Bischofskonferenz 2003, 18–21). Every human being, given his or her potential to live a decent life, has to master life on their own. This also applies to every state and nation, but only insofar as it is initially able to do so. Otherwise our claim for global justice would be paternalistic and would not seriously appreciate others as independent and free people who have a right to lead their life according to their particular cultural, social and economic manner. Even the Christian command of love cannot be reduced to one-sided benevolence but emphasises the interaction with the other, who always has a capacity to respond or react. If this is not the case, this capacity has to be fostered with respect to a human dignity which inherits demands of reciprocity among all humans. Nevertheless we would make our way of living absolute if we tried to egalitise the world – regardless of an equal dignity of all persons.

Concluding, there seems to be a period of transition within the development of the notion of justice. Initiated by globalisation, a process started in which the people on earth have begun to build up a global society and a conscience for solidarity among all the world's inhabitants not only in theory, but in practice. The claim for global justice is no more led by natural law or anthropological arguments of one human kind, but factually supported by processes of agreement and consensus building in theory and practice (international organisations relying on equal participants). Long after Kant initially reflected on this question, the concept of justice finally reaches out to be cosmopolitan and universal in the sense of equal interaction between all humankind providing multifold inclusion for every human subject. If the world's poorest and most disadvantaged do not have the right to veto and claim their stake in global society, ethics could not call itself global and comprehensive.

Nevertheless material global justice can be restricted in extent, for example by a modest form of equality and subsidiarity, in order to show tolerance and

21 Cf. Forst (2002, 230–232).

be respectful towards the culture, freedom, effort and individuality of different people. In this combination of universality and restrictiveness global justice becomes a realistic concept for a modest cosmopolitanism which can serve as a principle foundation for a future world order which includes the absolute poor as equal subjects.

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