

**Elke Mack**

# **A Christian Theory of Justice**



**Nomos**



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edited by

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Elke Mack

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## Introductory Systematization

Why should we, as Christians, ponder the ethics of justice, when there are so many modern theories of justice which demonstrate a convincing level of quality? The subject of justice is a topic of great interest in current academic discussion, society and politics. Moreover it is easy to establish that outside Christian theology the subject of justice is treated in such a way, in every dimension, that it enjoys a worldwide acceptance among most social scientists, as well as with many non-western thinkers. It seems as if the philosophy of ethics has succeeded, since the end of the twentieth century, in handling the concerns of the Christian cardinal virtue of justice comprehensively, in a systematic theory and in distinctive ethical approaches, and in the process developing a generally acknowledged theory of society and culture. With the late modern reception of Immanuel Kant's doctrine of right in the form of modern theories of justice, it has already done enough, in a great many ways, to accommodate the actual core idea of Christian ethics, namely the need to protect the inalienable value of the human individual.

So we find ourselves, as Christian ethicists, faced with the question – Is it not superfluous to try to add something from the Christian angle to the Renaissance of universalist theories of justice brought about by modern ethics at the start of the 21st century, in hope of somehow going beyond it? The answer to this must be a resounding *No*, seeing that Christian ethics has a theoretical added value to offer to any 'freestanding theory of justice' – by reinforcing it epistemologically, placing it squarely in a lifeworld, reconstructing its *Weltanschauung* and reconnecting it theologically with an unconditional and non-negotiable core. The following discussion aims not just to establish its normativity on a surer basis, but also to make its ethicality universally plausible and uphold it in the face of all post-modern attempts at relativization. This is because the "hermeneutical re-adaptation of normative principles to



existing institutional structures or dominant moral convictions”<sup>1</sup> can and should be achieved not just by harking back to Hegel’s concept of ethicality and on the basis of a philosophical-normative freestanding social theory, but rather needs to be backed up by religious concepts of meaning which reveal justice as the unconditional core area of a comprehensive morality and of a reality which rises above it. As a result of this religious-existential dimension, then, the theory of justice becomes part of a *comprehensive Weltanschauung*<sup>2</sup> rather than remaining limited, as is the case with the classic theory of justice, to the political sphere.

Thus the starting hypothesis of the present study is that this “re-adaptation”, which is likewise aspired to from the angle of theological ethics, can very well be achieved through the systematic mutual implication of religious (particularly Christian and normative) moral theories with modern theories of justice. The research project proposed consists in deepening a modern and universal ethics of justice, by developing it further and reincorporating it in the lifeworld of the many people who are open to religious concerns.

This is because the process of *normative reconstruction* can be attempted not just on the basis of social theory, but also by being based on the terms of *Weltanschauung* and religious belief – without however becoming contingent, one-sided or dependent on a particular faith. A systematic integration with theological normativity on no account implies the reactionary endeavor to make the dominance of existing religious factors, in a quasi-repressive way, the actual datum and starting point of a theory of justice. What we are rather concerned with here is a dimension of meaning and an attempt at explanation involving a perspective of multiple worlds of significance. There is absolutely no intention, either, of depriving the theory of justice of its critical potential, acquired through a certain degree of abstraction from the plurality of lifeworlds.

The critical, anti-authoritarian and emancipatory liberation which we owe to the interactive, discursive, consensus-oriented generalizability of norms and to modern, freestanding contractual theory will be neither rolled back nor put in question by the at-

tempt to formulate a Christian and theological theory of justice. On the contrary, the criteria of modern ethics remain in force. Based on this, theological ethics too are subject to the requirement of consensus-capable generalizability, and above all individual human acceptance. Indeed they actually coincide with the formal claim to generalizability of a *modern* theological form of natural law and even that of a *post-modern* Christian moral theory, as we hope to demonstrate in what follows.

Likewise with reference to the material object of ethics there exist notable agreements. This in view of the fact that the deeper sense of Christian moral philosophy and moral theology correlates with modern discourse ethics, as well as with philosophical theories of ethics based on theory of justice, in seeking to take sufficient account of the extreme vulnerability and need of protection of the human person.<sup>3</sup> Here philosophical ethics and theological ethics cohere in their formal goal and material objective to serve the good of the individual human being. This is not subject to any further consideration of means to an end, but is and remains their actual constitutive factor.

The starting point for the present study, however – for all that it is undertaken in a spirit of self-critical awareness – is the reasoned suspicion that this liberating potential of modern theories of justice must not only first be made compatible with the concerns of a Christian and theological ethic;<sup>4</sup> it can also be reinforced and further developed by a specifically Christian re-adaptation. To many who are not at home in the Christian faith, or who equate Christianity with its given temporal and historical rootedness in a church, this may seem a strange idea. Above all for Catholic Christians, coming from a tradition of the law of reason, but who like their Protestant sisters and brothers are convinced of the trans-temporal correctness of a fundamental biblical orientation, there is no contradiction between general norms based on a theory of justice and ethically generalizable commands of genuine humanity in the spirit of Jesus Christ. This is already owing to the imperative of fundamental theological non-contradiction between reason and faith. But it has also been confirmed historically in the develop-

ment of modern social ethics and political ethics of an occidental provenance. These have always been characterized by a concern for human rights, and aimed above all at the legal-ethical protection of the human individual. Central to the message of Jesus Christ two thousand years ago, and central to the love of God, is no other entity than each single human individual.

At the same time there remain differences of method between Christian ethics and secular political philosophy. So for example the question needs to be addressed whether the normative ethics of justice can be freestanding or not, and to what extent religious certainties like the existence of God should be allowed to play a role. For Kant the postulate of the existence of God also presumed a logical precondition of ethical argument,<sup>5</sup> because he saw an unconditioned originating cause as essential for the existence of the ethically good. In modern and post-modern ethics, on the other hand, this logical linkage is rarely any longer seen as a necessity of moral thought. Even in Christian theological ethics since the seventies of the last century there have been different views on this issue, ranging from a theonomous to an autonomous justification of morals.<sup>6</sup>

But it still makes a decisive difference whether ethical systems are in principle open to the transcendent or not, whether they recognize God as a personal and loving counterpart to human beings or pass over this area in silence. This is because the reference to a transcendent God gives justice an extended dimension of understanding, which will be the subject of the present investigation.

Equally crucial is the question of the acceptance of the hermeneutical significance of religion, its motivating force and plausibility in a lifeworld context. In theological ethics this realm is definitely not assigned to the area (difficult for reason to penetrate) of the *lifeworld*<sup>7</sup> but rather belongs to the theologically accessible sphere of reflection on the content of faith.

It should however at the same time be made clear to the advocates of theology that faith alone, even for Christian ethics, is not sufficient in methodological terms for the establishment of norms. The linguistic games, tendencies of thought, assumptions of faith

and dogmatic premises of theology are just too different as compared with secular post-modern lifeworlds and world views. So in any approach to Christian ethics it is advisable to aim for a basis in normative justification – one in which individual acceptance and rationality play such a large part for the identification of justice that Christian morality remains convincing and justifiable even in post-modern terms. This presupposes that the levels of hermeneutics and normativity will not be confused, and it presupposes likewise an art of weighing up rival ethical goods in the light of the concrete affectivity of the persons concerned which has been a matter of concern in Christian moral theology.

In Christianity there exists a long tradition of differentiation between the hermeneutics of faith and a rationally justifiable universal normativity which was already the actual basis, in Catholic ethical argument, for the decision in scholasticism to focus on natural law and the law of reason.<sup>8</sup> For a large part of philosophical ethics the difference between religious hermeneutics and universal normativity could only be resolved through the post-metaphysical abstraction of normative theory from lifeworld and *Weltanschauung*. This distinction remains valid in academic theological circles but is still subject to a logical linkage. By contrast with secular moral theories, it is in fact the claim of a Christian theological approach to ethics that the methodological abstraction from contextual contingency and religious situationality need not be at the expense of theological insights and the demands of moral law, but should rather be carried out in commensurability, logical compatibility and harmony with biblical hermeneutical morality and the Christian theological tradition.

To that extent the basic theoretical hypothesis of this study exhibits a counterfactual momentum in relation to the prevailing form of occidental philosophical ethics. Christian-theological ethics consciously rests in a tradition in which a universal theory of justice is not arrived at just through abstraction from the given religious lifeworld. On the contrary, Christian justice needs the context of the lifeworld in order to be rendered dynamic, flexible and complete.<sup>9</sup> This should however be in a form capable of gener-

alization, one that remains open-ended in inter-cultural and inter-religious terms, and may even show traces of modernity or post-modernity – as we will proceed to explain in what follows.

## Chapter 1: The more urgent need of justice worldwide

### *1.1 Empirical grounds for justice as an ethical leitmotiv of the present*

Why should we focus on the morality of justice in the first place, in the Christian theological scheme we are hoping to develop? There are two reasons for this. First of all, when we consider the world as it is today, on the level of justice there is a crying moral need in view of the many avoidable situations of injustice and violations of human rights to be observed. These extend from the fact that almost a billion people are living in absolute poverty and under precarious conditions<sup>10</sup> to extreme discrimination against women, leading in many countries to their premature death and extreme suffering<sup>11</sup> – not to speak of breaches of human rights within and between totalitarian states, and deteriorating conditions of life as a result of the acute and concomitant consequences of climate change.<sup>12</sup> But even relatively minor problems of justice, like the social deprivation resulting from inadequate welfare payments by the state, economic crises or the inequitable distribution of wealth, can lead – even in western industrial nations – to an unsatisfied need of justice for many people.

The second reason why the morality of justice is central today to research in moral philosophy and theology is one relating to research systematics. In recent decades ethical research has developed from a focus on the western world to a globally oriented form of intercultural moral research.<sup>13</sup> At the same time there continue to be approaches to research which demand to be taken seriously, cross-cultural approaches in some cases, which seek to find a universal foundation for morality. Now there are significantly better chances of achieving moral agreement and understanding across the boundaries of culture, religion and *Weltanschauung* on the level of justice than in connection with ethically qualitative matters, a field involving the discussion of highly controversial

and individualized questions of the good life and widely differentiated religious life models. Kant's recognition of the wider range of the morality of right already leads to the focusing of today's prevailing moral theory on the hypothesis of a globally identical, or at the least generally similar morality of justice. In the late modern period justice becomes a central theme in interreligious dialog as well, one that is viewed as a common point of crystallization for a wide range of moral problems on the level of detail.

All the same, the moral theoretical problems connected with the question of the empirical possibility of a shared understanding of justice should not be overlooked – this because hardly anything is more difficult to determine than what people see as just. Empirical surveys and normative theories often show few points of congruence. Perfect justice, in the eyes of the persons concerned, seems to be a practically impossible social condition – and a consistent worldwide perspective on justice can hardly be made out at all.

We would like to update the problems of controversial pluralism with the help of some empirical research into justice. The basis of the evidence presented here is civil society in Germany in comparison with other countries.

According to current surveys, the German state is regarded by more than two thirds of all Germans as unjust,<sup>14</sup> – a figure which is surprising in the light of globally comparable prosperity indices and testifies to the national and social frustration of the German population, which only takes cognizance of international yardsticks to a limited extent. Seldom have people been so dissatisfied with their state, their society, their economy or their personal situation as they are today, although Germany as the fourth biggest industrial nation in the world on the international comparative scale offers an outstanding level of prosperity even in periods of economic weakness. It appears on the Human Development Index (weighted in terms of inequality) for 2014 in place *five* out of 200 nations, and is also assessed by the Freedom House Index as having an extremely high and effective quality of democracy.<sup>15</sup> In an international comparative study in which the Cologne Institute for Economic Research conducted an empirical survey of 28 western

industrial nations, comparing them with one another in relation to six different aspects of justice (justice based on needs, on contribution, on opportunity, on income, on legislation and justice between the generations, with further differentiations based on sub-criteria), Germany featured in place *seven* in 2013.<sup>16</sup> The Scandinavian countries come at the top of the list, as also do Austria and New Zealand. Right at the bottom of the list of 28 countries come the United States, Greece, Romania and Turkey.<sup>17</sup> Generally speaking, however, these studies are concerned with a part of the world where relative prosperity and social security (at least in principle, though its range may be limited) are to be found – a world, that is to say, where nobody is actually likely to die of hunger.

Outside the boundaries of western wealth, though, it is a very different picture. Around a billion people suffering extreme poverty in parts of Africa and Southeast Asia are lacking the existential foundations of life, and so die prematurely.<sup>18</sup> The German-American philosopher Thomas Pogge can claim credit for having steadily drawn our attention to the fact that at the start of the 21<sup>st</sup> century there are still something like 18 million human beings dying in developing countries for reasons connected with poverty every year, especially women and children.<sup>19</sup> Although material wealth and happiness are not in direct proportional relation to one another, it is thus hardly surprising that African countries tend to gravitate to the bottom of global happiness rankings.<sup>20</sup> Even without a direct scale of comparison, people are aware that they lack the existential foundations of life. At the level of the absolute existential minimum there is a boundary of modesty and undemandingness, even in the poorest countries of the earth – seeing that every human being needs a certain level of subsistence and certain threshold values of socio-economic support. But it must be said that above this threshold, based on experiential and cultural differences, aspirations to more far-reaching social justice vary widely.

This is because the situation in the western world is ambiguous. Happiness research tells us that people in the USA, a country with objectively speaking greater inequality and more associated risks (inadequate health care, lower life expectations in certain social



classes than in most European states, wide diversity of income and a high Gini coefficient), are notwithstanding economic crises more satisfied with their government, their society and their economic system than are people in Germany, a country with significantly slighter differences of income.<sup>21</sup> It seems, then, that beyond a threshold representing the absolute existential minimum, contentment bears no direct relation to empirical facts like income distribution, comparable life conditions, concrete life expectations, safety standards or general prosperity. Socially influential experiential horizons, subjective needs, collectively adjusted and culturally specific estimates and expectations which are met to a greater or lesser degree in the given country are more likely to determine the contentment of its inhabitants.

If the sense of happiness is as culture-specific as empirical research proves, ethics is now faced with the critical and altogether justified question whether it follows that the assessment of justice is equally subjective and therefore relative. Does justice have to be defined differently in regional, national or cultural terms, or is there something which links all our conceptions of justice? To put it in a nutshell – as a leitmotiv of human needs and interests, justice is empirically demonstrable, but it still remains a question, in view of the multiple ways in which it can be interpreted, whether it is capable of generalization as an ethical leitmotiv of the present.

## *1.2 Is justice universal or relative?*

Setting aside moral relativism, which in my judgment does not merit discussion here, what we need to address is the evidently various sense of justice prevailing and the different calls for justice in different cultural, national and continental contexts.<sup>22</sup>

A first example of a divergent sense of justice has already been referred to – the fact, that is, that North Americans express significantly lower aspirations to social equality than people in Scandinavia and Northern Europe. Here we cannot detect any correlation either with differences in the degree of modernization of the two

industrial societies or with differences in the respective level of prosperity, at least in terms of average incomes. However the difference in aspirations to social justice does not relate to the fundamental situation in terms of human rights – to which every American is entitled just as much as any inhabitant of Europe, Australia, Japan or New Zealand – but rather to the question of the demand for social equality, which in North America seems to be relatively less well developed.

A second example of the differing sense of justice, which compared with the first reveals a marked deviation precisely on the last mentioned level, is the fact that in most Asian and African societies women and foreigners assert very much more modest claims to justice than men, because in many countries the two genders are not regarded as equal in the eyes of the law.<sup>23</sup> Here again it is difficult to make out a causal relation between inequality and such factors as religious convictions, the state of development of society or the collective level of education. We can only state that this kind of inequality before the law is no longer to be found in any country that has been genuinely Christianized and at the same time influenced by the western Enlightenment.

We find glaring differences worldwide between people's aspirations to rights, which makes it look as if the theoretical question whether justice is in fact relative is an open question that calls for a serious response. It can undoubtedly be recognized that justice is a relative term, as already observed by Aristotle<sup>24</sup> – one that must always be determined, with reference to ethical goods and their relative ranking, by a certain class of persons concerned. At the same time there are proofs of the fact that universal claims to justice exist which are not subject to any kind of trade-off or variance in relation to the classes affected. Established rights of this nature may for example be taken to include human rights, many negative state duties of civic protection and the right to the sufficient means of life. Likewise torture, the abuse of minors, grievous bodily harm, murder, fraud etc. are to a large extent outlawed in states governed by law irrespective of culture. The right to subsistence and right to adequate living accommodation, on the other hand, along with as-

pirations to social justice and democracy, have been subject to very divergent interpretations and have been met in very different ways in material terms.

Here once again empirical anthropological moral research may be a source of insight. It has been shown that the political environment acts as a significant influence on people's moral preferences, but at the same time this does not call in question the necessity of a wide range of rules and standards of justice. In the light of the present state of research it actually seems to be the case that even in purely functionalist terms a universalist claim for certain core areas of justice proves indispensable, this being the only way in which groups can develop trust in a common rule, institution or system of regulation.<sup>25</sup> The social sciences of today – especially economic game theory, comparative anthropology and developmental psychology – have confirmed the existence of intercultural-ly comparable and anthropologically generalizable standards of justice in a wide range of studies.<sup>26</sup> Here a definite distinction is observed between the rules of justice and their meaning in different cultures, which may well be subject to locally varying interpretations.<sup>27</sup>

Studies have focused on the behavior of a person who – irrespective of origin, sex or age – is expected to share, peacefully and without pressure, with another person, while themselves retaining the freedom to choose the modality of sharing. In such a situation the results prove very similar. As a rule the other party will accept the other's decision only under certain conditions. If sharing is 50-50, the opposite number will actually always concur, because no fairer division could possibly be proposed.<sup>28</sup> If sharing is 60-40, or even 70-30, most subordinate partners will still give their consent. But if, in an unsymmetrical power relation, the party who is sharing out the resource keeps 80 percent and surrenders only 20 percent, potential partners are going to back out, even if this means they receive no share at all and so must accept a personal disadvantage.<sup>29</sup> This form of behavior is known as the willingness to accept *altruistic punishment*, i.e. to accept disadvantage to oneself, when others treat you unfairly or fail to adhere to standards of fair-

ness. This can be observed even in the typical behavior of small children amongst themselves, even if here we cannot suppose that they are acting on the basis of sophisticated moral principles. With adults we observe that people will often accept short-term disadvantages out of injured pride, because the humiliation of a permanently unjust cooperative relationship would be even harder to bear. Here many people worldwide resemble one another in their expectations of justice, and exhibit similar behavioral patterns.

The limited willingness of human beings to agree and share with one another, based on reservations about fairness, seems to have a deeper meaning in morally pragmatic terms, which moral theory in turn must come to grips with. People who are compelled against their will to engage in humiliating forms of interaction over an extended period are likely to lose their feeling of self-worth. They may resort to denial of reality, or develop psychological problems. We see this in many cases of torture, compulsory labor, violence against women and children, enforced prostitution, deprivation by imprisonment and other forms of systematic humiliation.<sup>30</sup> We may conclude from these empirical observations that humiliations of this kind amount to a violation of human rights that they cause lasting disruption to the self-relation of human beings and so must absolutely be avoided in the individual case. On the level of practical implementation, little can be done towards enforcing the ban on humiliations of this kind either with well-intentioned sermonizing or with economic appeals to the profit motive. We rather need to have legal standards capable of being appealed to by the parties concerned, and sanction mechanisms that may be enforced when rights are violated.

If we as human beings are agreed that injustice of this kind should not exist, and that human beings must be treated with respect, then in spite of the ramifications of pluralization an agreement on this very point is an argument in favor of the existence of a generally mandatory ethical standard in the field of legal ethics and/or negative obligations. This would give us a firm basis for determining where the boundaries of interpersonal interaction lie, so

that the instrumentalization of other human beings may be avoided in all circumstances.<sup>31</sup>

In the light of this, the categorical imperative of Immanuel Kant still appears to be the most inspired benchmark for a general ethics, because it makes the prohibition of instrumentalization fundamental, as the condition for morality to be possible at all. People need to have the feeling that they are being treated fairly. Otherwise they will react, beyond a certain pain threshold, with protest, rejection or aggression. As the next stage, they go on to lose crucial elements of individuality and identity, like their moral capability and their consciousness of their own worth. Crass and enduring injustice leads to the dehumanization of human beings and to the surrender of one's self, because only the acceptance of servitude still represents a potentially successful strategy for survival. The fundamental denial of justice combined with compulsion injures people's sense of their own worth so drastically, and subjects them to such existential uncertainty that they will submit to fraudulent treatment, abuse or loss of their rights to the point of surrendering their identity, and will even be very likely to surrender themselves.<sup>32</sup> This applies not only to personal relations in partnerships and families, but also in relation to institutions and organizations in large anonymous societies, as well as to political and economic systems.

Taking the universality of the sense of injustice as our point of departure, we must however immediately add the reservation that the toleration and acceptance of injustice varies in culture-specific, and above all gender-specific ways. But here too the voluntary acceptance of injustice turns out, on closer examination, to be an *adaptive* preference. Adjusting to injustice is a necessary strategy of adaptation and survival, especially for the victims of oppression, the poor, the powerless and women – with a view to assuring themselves of survival as a bare minimum, in a culturally predetermined situation of compulsion. Only the visible and tangible comparison of such situations with people living under more just conditions, coupled with consciousness-raising processes for man and woman, can form the basis for a collective change of awareness

such as took place in many civilizations of the world in the second half of the twentieth century.

This necessary social change can be understood by analogy with the history of slavery. For centuries slavery was *not* regarded as a scandal in the Christian world. It was only as a result of the Enlightenment that it came to be recognized that freedom, self-development and equality before the law are rights to which every human being is entitled, irrespective of his or her social position, religion or sex.<sup>33</sup> People's moral sense of injustice has consequently become considerably more acute in the course of western cultural development, especially since the time of the European Enlightenment – numerous practical relapses into barbarism notwithstanding.

This sharpened moral sense of injustice shows divergent features in many areas, however, depending on the *status quo* of functioning social systems and on the level of justice that already exists. Whereas people in non-democratic countries are still struggling to achieve legal status at all, people in western welfare states have social expectations which go beyond fundamental and basic human rights. The majority of people in welfare states, for example, do not see why the performance of a given individual should be valued several hundred times higher than their own in quantitative terms – even when this is the value it commands on the international labor market, based on the operation of a neutral mechanism. Nor do they understand why, in affluent regions like the European Union, they should be practically without access to job markets or be subjected to a market mechanism which, while it takes into account the laws of supply and demand, is blind to people's claims to equality. They frequently cannot make sense of counterintuitive circumstances, like a productivity-based wage for instance, and are inclined to doubt whether the treatment of work as a pure production factor, even given the underpinning of the welfare state, is morally legitimate. For the most part they see a minimum wage or minimum income, a sufficient means of subsistence, as a natural right which should be granted them irrespective of factors like productivity or performance, because they can only

accept the logic of a purely performance-related market economy when a framework of social balancing and social inclusion is in place. The opposition of labor and capital reflects the patterns of human conflict and anonymous relations of interaction which have led, since the beginning of industrialization, to reactions of moral outrage and social condemnation and not infrequently continue to do so today.

The intensification of the conditions of social justice is the consequence of numerous social issues that have emerged. Since the failure of the Communist experiment, admittedly, this has not been associated with any tendency to question the laws of the market.

Even if there are rational counterarguments to aspects of people's sense of injustice outlined above, such intuitions and indignation at social handicaps, require to be taken seriously not just by politicians but also by contemporary normative ethics. For if ethics aspires to protect the dignity of the human individual, it should not do this just on the basis of abstract reflection and the refinement of ethical theory. On the contrary, in defining its research goals it must also testify – by way of a kind of empirical reconnection – to a profound respect for the needs, legitimate feelings and concerns of the persons affected. The examination of a person's *Sitz im Leben*<sup>34</sup> has been a methodologically acknowledged instrument of theological research since the Second Vatican Council. It is still an appropriate tool in the context of contemporary theological ethics, and can make a contribution through the incorporation of moral-empirical investigations – without however wishing to imply any relativism in relation to moral research.

If there is no generalizable normative criterion for justice, any scientific normative research on justice in the fields of moral philosophy and moral theology would be rendered superfluous. The existence of a universally applicable moral theory would be open to dispute. There would be no universal justice which could apply to all human beings equally, let alone the factors making up the “good life” or even a “world ethos”.<sup>35</sup> Justice could only be valid in a contextual, regional or group-specific sense at most, and would have to be understood, even in religious contexts, as part of

a relative morality based on situational, experiential or existential considerations and underpinned at best by prevailing similarities of emphasis.

It has been shown, moreover, that the *comparable experience* of injustice of many people, and the *violation* of the human rights of numerous individuals, may be advanced as an argument against the relativism of justice and right. In spite of intercultural and historic differences, both are of equal gravity in their existential core for the persons concerned in a situation of deprivation – whether this occurs in a North Korean prison camp, a gulag of the Stalinist era or a Nazi concentration camp, whether it results from violations of human rights today, from gender-specific oppression, collective undernourishment or absolute poverty.<sup>36</sup> In all such cases the persons concerned will have the demand that justice be granted them and that the situation of compulsion, and violation of their individual dignity, be brought to an end. People here seem alike, or at any rate comparable, in their expectations to be free from violence, to be left in peace, to enjoy freedom and wellbeing.

With a view to placing justice on sure foundations, the evident comparability of the existential experience of injustice permits the assumption of at least similarly oriented existential requirements and demands<sup>37</sup> in *all* human beings – even if the interpretation or application of the principle may lead to varying results. The need to distinguish, in the theoretical discussion of justice, between justification, application and implementation, as Habermas and also Schramm have strongly urged in several contexts, thus seems altogether plausible.<sup>38</sup> At all events, the openness to dispute of conceptions of justice on the level of application does not permit us to draw the conclusion of a principled relativism of the morality of justice on the justification level.<sup>39</sup>

In view of the generalizability of the legitimate human right to be free from violence, we can further postulate hypothetically that the higher-order basis for justification of fundamental aspirations to justice rises above the necessarily dynamic and divergent practicability of norms and standards; and/or that a fundamental overlap in connection with existential issues of survival may be abstracted



as a universal criterion – even if a certain flexibility remains on the level of application. Consequently we must postulate, as a hypothetical point of departure, that we need a general and overarching hierarchy or weighted prioritization of diverse categories of justice, which must nonetheless be empirically linked back to the interactive judgment of the persons concerned and must measure up to the formal criterion of common consent.<sup>40</sup> Obviously rights of survival enjoy higher priority than rights of social equality. And undoubtedly rights to adequate food and housing are more fundamental than rights of social participation or rights relating to equal or higher wage payments. Not that we would wish to imply that such finely tuned aspirations to justice are in any way of secondary importance in this or another affluent society. They too contribute to the avoidance of situations where human beings are instrumentalized, and to that extent are likewise a central issue of justice.

In terms of moral theory, this understanding of rights that are *in principle* comparable with one another leads *ex negativo* to the position of a universal morality – even taking postmodern critiques into account. One of the greatest German philosophers of the twentieth century devoted his life work to this very insight – that neither postmodern relativism, nor a subjectivist and empiricist dissolution of standards of justice can be admitted. Jürgen Habermas is one of the most convincing advocates of the existence of a universal morality based on the premise that justice, and the intersubjective establishment of standards of justice, can be founded on the discursive understanding and so remains a possibility. In philosophical ethics, this assumption of a universal morality corresponds to the Kantian tradition, while in theological ethics it corresponds to the tradition of natural law. Both of these presume the existence of universal standards of right, not defining these in a positivist way but on the basis of that to which human beings are entitled, in terms of the ethics of justice or natural law, and to which they would be entitled in all circumstances.

In the philosophical theory emanating from Kant and his successors, obligations of justice describe that which we owe our fellow human beings on the basis of their natural dignity and their in-

alienable rights as human persons.<sup>41</sup> In the natural law of theological ethics they comprise that which corresponds to human persons in their God-given dignity. In an extrapolated sense we have to do here with the prohibition of direct or indirect harm to others; or alternatively, in a positive formulation, with standards which acknowledge and facilitate the peaceful coexistence of free human beings, by making it possible for them to allow each other the mutual freedom they are entitled to.<sup>42</sup> These clear demands of ethical justice were however subject for many years to challenging argument and critical interpretation. Their cross-cultural validity, in particular, has only been historically recognized since the end of the Second World War (with the Nürnberg Trials of 1945 to 1949 and the Universal Declaration of Human Rights in 1948). It remains a matter of controversial discussion to this day, and is only asserted in the context of a global ethic of human rights which admittedly stems from a western / continental European provenance. And even here postmodern authors continue to call the supposed objectivity of the validity claims of the ethics of justice fundamentally in question.<sup>43</sup>

So academic debate of today on the question of the universality of justice shows different opinions, even if the Renaissance of theories of justice at the end of the 20<sup>th</sup> century and start of the 21<sup>st</sup> may be seen as a revival of Kant's principle of universalization. As a modification of the categorical imperative, and in consequence of an intersubjectivist shift of emphasis in the establishment of standards, academic discourse now no longer speaks of unconditional obligations of right. But it does still uphold standards of justice capable of generalization which are anything but relative. This because they are sufficiently serious to be categorized as grave, and they are interculturally the same for all human beings, who in otherwise identical circumstances would appeal to them without exception.

### 1.3 *Equality as a condition of justice*

Along with freedom, equality is a highly controversial value in ethical debate. In justice theory however it is indispensable, just as a condition of the possibility of our being able to speak about justice at all.<sup>44</sup>

Based on the findings of research into the economics of psychology, the principle of equality can be seen (in phylogenetic, ethnohistorical and ontogenetic terms) as being the *oldest dimension of justice*.<sup>45</sup> It was already present in the time of a hunter and gatherer society, adopted by primates no less than by human beings.<sup>46</sup> Ethnological research studies likewise (e.g. in Papua New Guinea in the 1970s) confirm that even Stone Age societies exhibited an astonishing awareness of fairness, justice and equality of status. This seems to be the reason why they prefer an acephalous organizational structure – a society, that is, without a supreme head, where socially intelligent members have for a certain period more to contribute than others, but nonetheless give way in time to replacements.

This realization, too, is an encouragement to ethics actually to presume a fundamental biopsychological foundation of morality as a *conditio humana* for all members of the race of *homo sapiens*, irrespective of all historic, linguistic and cultural dispositions. In cultural-historical terms, it was only in the more recent history of the human race, after sedentarization, that hierarchies came to be accepted, along with the later periodic acceptance of societies based on slavery. This relatively recent negative development however had a positive theoretical impact, in that it resulted in turn in the growth of a genuinely moral demand for universal human equality.

The originally intuitive sense of justice, with its postulate of a certain kind of equality of all human beings, found confirmation over the millennia and came into sharper focus in the last 200 years through the formulation of human rights, definition of the inalienable dignity of the human person and the introduction of the

criterion of universality, essentially based on the Christian openness to all men and women of good will.

This ascription of justice to every single individual was strengthened with the movement for enlightenment which linked the identical dignity of human beings with a claim in justice to equal rights for all. So we can speak of ethical-historical advances towards a greater understanding of equality as an element of justice in moral theory. This interhuman equality only gradually becomes something to be taken for granted in the 20<sup>th</sup> century in relation to people's legal status in moral practice, even if at global level and in many national contexts the latter is still not universally acknowledged or capable of being enforced.<sup>47</sup>

The fundamental importance of equality becomes particularly plausible in situations where the ethics of justice focuses on the minimum conditions of a life in keeping with human dignity. Many authors thus appear to find it necessary to emphasize the right to interhuman equality in the area of sufficiency. The critical question however is whether once we get beyond sufficiency – to a point where the survival of all is assured – equality in ethics still needs to function as a normative principle. “Why this *continuing* focus on equality?”<sup>48</sup>

This question has been asked not just by communitarians and philosophical critics of equality like Angelika Krebs, but also by authors in the fields of economics, sociology and theology. We do not have to do here, be it noted, with libertarian liberals who can only think of freedom at the expense of equality, but with political scientists who are concerned with the state of modern societies, developing countries and global society as a whole. They all ask themselves what role equality should play over and above ensuring the subsistence of means to life, to which all are of course equally entitled. Here a concern exists that proliferating demands for equality, if placed at the center of the concept of justice, could have damaging effects on society as a whole and at macroeconomic level.

The real reason for equality as an ethical condition of justice, however, is not just an economic or political one – it is rather

linked to the self-perception and identity of individual human beings and humanity as a whole. If people are disadvantaged by unequal treatment or unequal economic, political and social conditions, they are humiliated, injured, outraged or even deprived of the fundamental means of life. In view of this kind of unequal treatment, a fundamental need exists for them to be regarded as of equal value in relation to others. The ethical demand for equality which rests on these foundations is thus focused on the fact that human beings have claims and entitlements of equal importance. This does not imply that they must have the same life preferences or be provided in equal measure with economic goods.

Looking at things from the point of view of development economics, there are empirical indications that unequal distribution worldwide represents a considerable problem and works as a powerful obstacle to development.<sup>49</sup> Market economies need a certain accumulation of capital to be available for major investments. But what they do not need – a point confirmed by pure theory – is excessive market power, coupled with simultaneous deprivation of large sectors of the population who are barred from important basic goods and assets. On the contrary, they need plenty of people with purchasing power and possibilities of investment, and large numbers of middle class employers. What hampers democracies with aspirations to prosperity is the existence of companies or individual persons carrying such economic clout that they hamper the democratic process, either as monopolists or with the help of successful lobbying, or else twist the process in their own favor by exercising their market power and distorting the competition.

A low Gini coefficient, on the other hand, pays off in the form of permanent prosperity, stability and prosperity, whereas extreme inequality puts considerable restrictions on the poverty-reducing effects of economic growth.<sup>50</sup> The empirical findings of development economics here point to an astonishing correlation with the basic normative options of Christian ethics, which call for a balancing out of incomes and investment in public goods.

The demand for equality extends here not *just* to sufficiency criteria or to threshold values for survival – it also includes the right

to political codetermination and to economic and social development and participation. For even when survival is assured and threshold values are met, it is nonetheless possible that people will fail to emerge from their situation of need and remain in a state incommensurable with human dignity and/or one of social deprivation. This refers above all to groups, in a population which may even be wealthy, who are deprived of freedom of choice, freedom of movement, equality before the law or quite simply equal opportunities.<sup>51</sup>

This view of the matter, which sees legal and social equality as a crucial value even beyond the threshold of sufficiency, is opposed, in the western philosophical tradition, by the advocates of non-egalitarianism. The argument of these non-egalitarians, which has certainly been well thought out, is as follows. Nobody, they urge, has anything to say against the principle of equal treatment. The entire legal system of democratic societies, after all, is based on the equality of all citizens before the law. Even anti-discrimination laws are appropriate. But equality is altogether a derived value. And this kind of “derivative equality” can be sufficiently covered by the criteria of sufficiency, or at least based on the sociological criterion of inclusion – implying the social involvement of all, with the assurance that disadvantaged groups will not be excluded from social benefits.<sup>52</sup>

This attempt by the non-egalitarian camp to rescue a derivative form of equality remains unconvincing, and that for two reasons. Equality must be understood as an expression of equal claims to human dignity. Equality means *having equal value* and should not be seen as being opposed to the value of freedom. Rather we can see an inner connection here with the entitlements to freedom of every individual, which must apply for all persons alike if their freedom is not to be restricted. Equality therefore has an “intrinsic value”,<sup>53</sup> one that characterizes the relationship *between* people in a fundamental way and is a constitutive factor of their right to freedom. People cannot be considered free when they do not both enjoy equality of opportunity and have equal status in legal and social terms.

When the same dignity is accorded to all on the basis of constitutional law, practical and political equal treatment is a logical and necessary consequence. If equal access to opportunities is made a political aim, to be realized through free access to education, social security provisions against sickness, joblessness and old age and through enlightened means-based taxation, life circumstances of equal value are able to develop.

It is advisable to be cautious, however, when the equality of human dignity and the ethical demand for equality is taken to imply, as the direct consequence, an economic claim to *equal distribution*. This is because many forms of inequality come about as a result of varying performance, cultural effort, education or simply the luck of the draw (e.g. having been born into a western industrial society, having a robust state of health, good fortune etc.). People are not injured and humiliated by every form of unequal distribution, and so cannot claim restitution for every kind of unequal treatment as "luck egalitarianism"<sup>54</sup> would have it. But unequal economic distribution or political preferential treatment based on the benefices of a handful of proprietorial claims dating from the distant past, or simply on the systemic privilege of certain select groups, is an injury to the less well endowed. When it goes beyond a certain threshold, it violates the self-respect of the persons concerned and makes them apathetic members of society.

This points to the conclusion that political, social and economically restrictive inequality of distribution must in principle be justified, even if it is not historically or politically induced but "only" brought about by the operations of the market economy. It would not just have to turn out as envisaged by Rawls' Difference Principle, in such a way that the disadvantaged would always, based on absolute criteria, enjoy the greatest possible benefits, and moreover have the opportunity of rising in society through their own competitive efforts. Crassly unequal distribution without any chance of overcoming it is unacceptable, because it humiliates the persons concerned and condemns them to situations of poverty and dependence without offering them any way out.

Nida-Rümelin expresses this principle in an argument on the theory of democracy: "We want a society of respect and mutual acknowledgement. Such a society is based on the condition that we understand one another mutually as equals, in a certain sense at least, and behave towards one another on this basis. A violation of this principle of equality does not yet imply exclusion, but it does indicate disadvantage, unfair treatment and unjustified inequality. This is *per se* problematic in normative terms, not just when the persons concerned are excluded as a result from opportunities of social interaction."<sup>55</sup>

He also sees it as important to point out that neither solidarism nor well-intentioned Christian solidarity can by any means compensate for the inequality. This is because it makes a real difference whether assistance is granted me in a spirit of well-intentioned solidarity, or because I have a legally valid claim to aid, education and opportunity of improvement. Undoubtedly Nida-Rümelin fails to observe here that the principle of solidarity in the social-ethical sense, is one which in fact does form the basis for a principled ethical demand that the expectations of the needy be met. But we can acknowledge him correct to the extent that a principle of this kind is still grounded in the paradigm of aid, not in the paradigm of cooperation between equals, which would call for reciprocal interaction and reciprocal consent. But what Christian social ethics, in spite of outmoded paradigms, can still do more effectively than some others is to determine a criteriology for the extensivity of the ideal of equality – one which relies on the principle of subsidiarity and the necessity of assistance for weaker social groups, and so forms the basis for a subsidiary egalitarianism which does not go beyond reasonable bounds.

Beyond the level of necessities the exact degree of equality is difficult to determine in moral theory, because in its variant modes of realization and interpretation – by analogy with justice itself – it is hard to define, even in the light of worldwide processes of discussion. Such processes for determining the necessary measure of equality derive help from the disciplines of economics and sociology, which show where unequal distribution leads to effects of re-



striction, impoverishment and exclusion. *Ex negativo* we may then have a better basis for recognizing and defining the legal obligations of a global society that would be equal as well as free.

For example, it has been demonstrated in empirical justice research that the degree of dissatisfaction that people feel, and their demand for equality, varies above all in relation to the question whether they compare themselves with their surrounding environment who are supposedly better off, or fail to make this kind of comparison.<sup>56</sup> Comparisons with people who are objectively worse off, on the other hand, hardly result in feelings of satisfaction or thankfulness. Sociological studies have proved that the degree of people's satisfaction has a lot to do with their comparing themselves with people in a better position, and that they have the highest level of satisfaction, when they are only subject to forms of inequality for which there is good reason.<sup>57</sup> The expectations and demands of most citizens of the western world who have reached a certain level of prosperity, together with a certain level of social welfare and redistribution of goods, take the personal *status quo* as a point of departure and draw comparisons with others in a similar social, national and economic context who are still better off. The judgment to what extent their own *status quo* is just is then linked, in the simplest case, to the question how great the *factual* differences are between them and others, or in the qualified case, that of how great the *merited* differences are. This explains why large sections of the German population, as well as populations in the rest of Europe (and in southern Europe in particular), have been dissatisfied with their lot since the euro crisis, although in real terms most Europeans are still very much better off by comparison with developing and threshold countries. These and other findings of empirical justice research make it evident, at all events, that justice has something to do with a certain degree of equality or comparability.<sup>58</sup>

Within modern developed societies of the present, a new level of expectation has been reached. Today excessive manifestations of inequality are no longer accepted uncritically, either in personal relations or in social contexts. This is not just reflected by the

many years of philosophical debate on egalitarianism,<sup>59</sup> but can also be observed sociologically in the light of collective expectations of equality in western societies.

In purely practical terms heightened expectations of equality can be traced in quite simple, collectively representative examples, like the partnership between man and woman – from a direct life nexus right through to global relations between states. Marriages in Germany, for example, can be shown generally to fail at a time when small children no longer need to be looked after, when the partnership-based division of responsibilities gets out of balance and women want to recover equal status in the relationship.<sup>60</sup> The social discontent of the population of Germany, for instance, rose significantly at the end of the twentieth century, with the intensified trend towards globalization. This resulted in economic shifts in the distribution of income, with a tendency to favor high salaries at the expense of mass unemployment of the less qualified. Since the turn of the millennium, global disparities between a life of excess in western industrial states and the absolute poverty to be seen in the least developed countries have evoked indignation and incomprehension outside the field of theology, and not just from the persons or groups concerned. The glaring global inequality of distribution is more and more becoming a global scandal for reflective moral theory. As a result, the call for more effective equality of distribution and global equality of opportunity is becoming standard in academic circles.<sup>61</sup>

In addition, people's sense of justice is crucially affected by the question whether observable social, economic and welfare differences are rigid or whether disparities can be overcome by individual effort or performance. This might be the principal reason why Americans are more contented than Europeans: namely, because they prejudge that their opportunities of social advancement are considerably better than is the case in continental Europe or in Great Britain – countries where family origins and class, formal educational qualifications or inherited capital exercise a considerable influence on the individual's subsequent chances of betterment and future social position.<sup>62</sup> But whether in fact the chances

of social advancement are higher in countries with a more rudimentary welfare infrastructure, where the risks are higher, than in countries where greater equality prevails has been a controversial issue for researchers. What is sensed as being more just tends to be associated with the cultural characteristics of peoples rather than with objective conditions, or is subject at least to a considerable time lapse in the approximation of the two.

An additional factor which calls forth reactions of dissatisfaction and anxiety is the economically uncertain situation of the present and immediate future. Dissatisfaction and anxiety grow markedly in times of economic weakness, and place a fundamental question mark over the paradigmatic expectation of continuous progress which modern humanity takes for granted. In such times expectations of justice no longer focus so much on rights of freedom within western constitutional states, but rather on state guarantees of security in the face of economic and social risks and the imponderables of life. At first glance the just society would seem to be an expansive welfare state in keeping with the intuitive aspiration to equality, though the long-term counterproductive effects on economic growth rarely feature on the radar of the individual consumer.

In recent decades we have been able to observe, above all in western, continental European nations, a shift of emphasis in values – away from the criterion of justice based on merit or performance in the direction of an egalitarian justice of distribution, in other words an approximate standard of distributive equality. This shift in values may be seen as proportional to the failure of the state to distribute benefits equally. In the postwar years the state was able to achieve a much greater approximation to fairness of distribution, based on the level of available income in the population, than is the case today. The dissatisfaction of some sectors of the population can also be seen as having a reference to the former socialist societies of the eastern Europe, or to the era of government deficit spending in southern Europe. People recall former aspirations to equality, and feel they should now be realized in equal

degree under the auspices of the free market economy backed up by stringent criteria of austerity.

A drastic limitation on this rise in the demand for equality, it must be said, is the reluctance of many people to see the demand for justice as having genuinely global implications – as applying equally to all human beings. This derives in part from a *parochial understanding of justice*, which sees it as legitimate that advantages should be intuitively restricted to one's own nation, society or group. Even in the context of globalization, this mindset focuses as a priority on its own immediate concerns and seeks to justify the preservation of the *status quo*. If for example progressive globalization leads to the relocation of production to other parts of the world, this may result in prosperity for the latter, while in a national context, by contrast, less qualified workers are deprived of a job. The classes affected in our country see this as unjust – without taking into account the fact that highly developed economies also stand to benefit from globalization, in that a new division of labor comes about. Here on the practical level we still find ourselves faced with a picture corresponding to an extremely limited, individual, communitarian and/or national understanding of justice – one that hardly acknowledges equal conditions of fairness in the form of competition between all members of the human race. This is an example of the way in which theoretically recognized values can deviate from the practical maximization of short-term interests, which cannot be applied as a general principle. At the same time the argument of local inconsistency can hardly be regarded as placing the validity and moral correctness of normative ethics genuinely in question.

We can agree on the following statement – neither the demand for solidarity, nor the call for inclusion or participation can substitute for equality as a normative standard. Equality is an *intrinsic value*, on a par with freedom and solidarity, and so cannot be described as derivative. Failure to observe the postulate of equality injures the most disadvantaged in their human dignity, not just in their needs and entitlements. But if the social-ethical goal is a global society that respects all its members and does not injure any

of them or violate their dignity, the legal claim to equality for all those members is indispensable. A respect-based global society must therefore allow the postulate of equality a central position, while leaving its scope of application over and above the level of subsistence to the consensus-building processes of all the groups concerned. Equality thus remains an intrinsic value, even if complete equality among human beings can never be brought about.

### *Conclusions*

For most people, empirically speaking, there is a yawning divergence between the subjective sense of justice on the one hand, and a fair global theory of justice and ideals of equality on the other. And there always remains the declared reservation, in relation to theories of global rights based on equal entitlements for all human beings, that such theories are utopian and unrealistic. This common complaint about the utopian impossibility of social and political ethics has however been voiced as long as such theories have been in existence. Moral theories have always been opposed by arguments falsely claiming that they are barely feasible and difficult to implement. Not that there would be anything wrong with ensuring that morality remains pragmatic and capable of implementation, as Karl Homann for example insists.<sup>63</sup> But to make moral insights completely dependent on their feasibility is as fatuous as it would be to make the theoretical understanding of new natural laws dependent on their plausibility in the eyes of the population at large. Under these circumstances, Einstein's theory of relativity would still be false and scientifically absurd today. Analogous innovative achievements at theoretical level are possible not only in the natural sciences, but in ethics as well. In the history of morality, a realistic utopia has not infrequently resulted in political upheaval and the implementation of social reforms only decades later. From the idea of *human rights* in John Locke and Immanuel Kant to the implementation of human rights in all states of the world is a path covering several centuries.

Progress in moral theory generally arises from a counterintuitive, critical and counterfactual view of social circumstance. Innovation in morality is rarely the result of harking back to the traditions of past generations. Rather it emerges from the reorientation of attitudes and social conditions to the actual foundations of morality – namely, the existentially justified needs of all those who thereby gain a better life and a guarantee of human dignity.

The personal orientation of ethical approaches based on theory of justice will thus, notwithstanding many of humanity's more utopian visions, be most successful when it grounds itself in people's empirically sustainable understanding of a higher standard of justice, and with this in view keeps open existing standards or develops them further. Ethical norms can however be distinguished from utopian ideals in view of the fact that in large part they are already, as of now, capable of being implemented and enshrined in institutions. A suitable social morality can be cast in the form of law, just as a humane individual morality can be practiced in face to face contact.

And yet ethics – in the light of justified moral intuitions – should not make its theories entirely dependent on the practicability of normative ideas. This is because some visions of humanity only become completely capable of being realized decades or centuries later, and yet still point in the direction of reasonable goals. We have numerous examples of this – in the history of human rights, the development of democracy and the rule of law, the proscription of military aggression and the awareness of human solidarity. This admittedly evolutionary understanding of human moral theory and moral practice corresponds to the historical development of human scientific knowledge, and the considerable time lapse to which it is subject in terms of political and practical implementation. Another factor is the wide range of cultural interpretations possible, which while it does not cast doubt on the core of the same human rights as the entitlement of all, still suggests that their practical implementation is likely to be approximate.

As we have seen, there is worldwide agreement on the urgent need for justice in view of conditions of serious deprivation, in-

equality and violation of human dignity. In view of this there still exist moral approaches which deserve to be taken seriously in postmodern pluralistic societies which hold fast to a universal morality. Consensus can be reached above all on ethical demands for the subsistency rights of all human beings. Anything over and above this, however, is subject to wide cultural diversity and remains a matter of controversy. A *universal core of the concept of justice* emerges on the empirical level (notwithstanding cultural variety), based on the general and relevant deep sense of human injustice. This, in morally pragmatic terms, permits us to conclude that people's existential experience of injustice is comparable. People need, fundamentally and right across the board, to have the feeling that they are being treated fairly, if they are to be able to live in dignity and self-respect – though the pain threshold, on the other hand, may vary widely in the given case. This moral consciousness of injustice demands to be taken seriously, even if objective, rationalist logical systems seem to argue against it.

In response to the question whether equality is a crucial core value in the conceptual framework of justice, we have been able to show that it is not a derivative value but an equiprimordial one. Equality in human dignity gives rise to the imperative demand for life circumstances of equal worth. This is not to be confused with a comprehensive distributive egalitarianism, but it can certainly be seen, above all in the form of sensitivity to inequality which it assumes today, as the heritage and achievement of historic moral development. This ethical demand for equality would however have to be extended to all human beings alike. Here further progress in the practical implementation of moral norms is called for, as we hope to show below.

If then we have established a more urgent need of justice in a pluralistic global society, we need to ask what attitude to this Christian ethics should adopt. Is it capable of modernization, is it capable of handling pluralism, can it underpin and help to justify this demand for justice on an interreligious and intercultural basis?

## Chapter 2: Moral theory of a Christian ethics of justice

Before Christian ethics can make a constructive contribution to the social debate on burning issues of justice and morality, it must practice self-criticism and constantly renew its own ethical methods in the light of its self-understanding as a *church on a path through time*.<sup>64</sup> This does not mean that it adapts to the spirit of the times, but rather that even from the perspective of theological ethics contemporary problems need to be solved with contemporary methods. From the point of view of Judaism, Judith Butler sees a comparable imperative as applicable to religious ethics: "In order to be effective, a tradition must detach its legitimation from special historical circumstances and demonstrate its relevance to new temporal and spatial circumstances."<sup>65</sup>

This calls for a translation process, both within religious communities in relation to their own faithful, and also in an outwardly directed sense, towards our fellow human beings of other faiths or of no faith at all. This is because Christian theology, when rightly understood, has been characterized since Pauline times by the fact that it does not limit its scope to persons of its own religious allegiance. Christianity has always understood, even if in some cases only after a marked temporal interval, the need of engaging with the requirements of contemporary cultures and opening itself to them, without in any way compromising its original deposit of faith. So theological ethics, just for reasons of its own problem solving capacity and competence, must be communicable in relation to secular and globally differing societies, so that it can articulate the widely varying needs and demands for justice of people, whatever their origin or religion, in an adequate and contemporary way.

Starting from the deficiencies of deontological forms of argument and classic natural law's need of reform, we will first of all indicate the possibility of a shift in the understanding of natural law. Here, with a view to a personal and self-critical universalism



that is open to reform, the principal emphasis is on the individual person's need of protection. Then we will make a fundamental distinction of levels within Christian ethics, as the essential basis for the development of a social-ethical method with an abiding claim to normativity. Crucial here is a change of perspective towards the *consent* of all persons concerned, associated with the tracing of theory of democracy's shift towards the concept of qualified consensus. At the end of the chapter we will then again engage explicitly with the discussion of Christian hermeneutics as the abiding basis for theological ethics.

## *2.1 Deficiencies of deontological arguments in Christian ethics*

Bernhard Fraling has been a longstanding critic of the "captivity of definitions"<sup>66</sup> in moral theology – a criticism referring in particular to material associations which are supposed to be binding in a deontological sense, above all in relation to sexual ethics. Likewise the fundamental complaint of many Christians that an uncritical concept of *normality* cannot be taken as an incontrovertible yardstick for morality is more than justified. Understood in this sense, many regard normality as the expression of a heteronomous morality, a morality of paternalistic uniformity, which they themselves have no wish to make the standard of their own lives (even where these are based on a Christian outlook).

Among the deficiencies under which traditional Catholic ethics labors is the fact that while it lays down, on the one hand, traditional and excessive deontological standards (such standards being incapable, from the standpoint of moral theology, of dealing with concrete doings and classes of action), at the same time it neglects altogether to investigate wide areas of possible forms of behavior and value judgments in a theological perspective because they lie outside this defined deontology. For example, the sexual needs of young people, and of young unmarried or divorced adults, is hardly treated as a matter of serious academic discussion in Catholic moral theology, even though a large proportion of the Christian

faithful, in terms of their life situation, come under one or other of these two headings. Not only does this vacuum cause difficulties for pastoral ministers, it also leads to disorientation of the Christian faithful, whose concrete and individual life circumstances make them feel disqualified from living their lives exclusively within the framework of a predefined higher morality.

So a first question to be formulated is – Where is the consciousness of historical variability, and where are the moral degrees of freedom in Christian ethics? Or what has become of them? It is all the more urgent to find an answer to these questions in view of the fact that individual conceptions of the good life in our modern western society have become subject to plural, individualized, variable and subjective definition. This may be regrettable in a sense, but neither can Christian ethics be conducted in crass opposition to the results of the European Enlightenment, the constitutionally enshrined legal entitlements of the individual and the social processes of liberalization and individualization. Of course Christian theology cannot countenance a completely liberalized concept of freedom. At the same time it can hardly be denied, even from the theological angle, that the limits of freedom are primarily determined by the freedoms of others – in their different temporal circumstances and life situations – and indeed can only be associated with certain defined values when the inner freedom of each individual human being remains unimpaired.

A well grounded and justified deontology is entitled to a place in Christian ethics in the form of strictly normative prohibitions and human rights – not however in connection with questions of the good life, especially when these extend into the sphere of human intimacy. Ever since Immanuel Kant it has been a question of academic seriousness how to distinguish these levels of ethical validity and moral categories with the ultimate precision – and the same goes for theology.<sup>67</sup> The price of the failure to differentiate, in such a way that questions of the good life are raised on the level of deontological rigidity, is the increasing meaninglessness of individual Christian morality in modern western societies, along with the simultaneous collective loss of a great many useful values and

virtues which have been passed down by Christianity and absorbed by society. This is supremely regrettable, in view of the fact that Christianity, more than many other world religions, has been constantly reflecting on the reasonableness of its normative pronouncements ever since scholastic times and in many cases has even adapted them to modern changes of social structure (e.g. in political ethics or in theories of society and the state). Christianity has also been notable for reforming regulations that were discriminating, corporeally damaging or detrimental to life, or not instituting them in the first place (e.g. by dispensing with circumcision, abolishing dietary requirements or rites of fasting that were detrimental to health, standing up for the equal rights of races and peoples, social strata, women and the poor, etc.). And yet individual moral theory is in need of reform, as are the methods of Christian social ethics.

## 2.2 *Natural law's need of reform*

Natural law is seen as a Catholic peculiarity in a global and pluralistic world, as Pope Benedict XVI stated in his address to the German Parliament on 09.22.2011: "The idea of natural law is regarded today as a special Catholic doctrine, about which discussion would be pointless outside Catholic circles, so that one is almost ashamed to mention the term at all."<sup>68</sup> In the light of a statement of this nature, it seems that an academic discussion of natural law within the Catholic sphere is long overdue.

The natural law debate takes its point of departure in moral theology in relation to sexual ethics for instance, where it is acknowledged that "*arguments modeled on natural law* [...] cannot do justice to the phenomenon of human love".<sup>69</sup> This debate within moral theology is a delayed reaction to the contemporary philosophical criticism of classic natural law, which in view of its strong claim to truth came in for considerable adverse comment in criticism of its metaphysics, its reasonableness and its reliance on the concept of the subject. In view of the relativistic interpretative

model of postmodernism, the positivist and scientizing reduction of scientific truths to the facts of natural science and the ongoing influence of critical rationalism<sup>70</sup> on the social sciences, we can even speak in philosophical terms of a crisis of normative mandatory statements in modern academic thinking.

Concrete key points in the critique of theological ethics are the following: the imputation of essentialism and theological positivism, the acceptance of a naturalistic fallacy, theological dependence on metaphysics in relation to moral and practical issues and an objectivist and paternalist justification of normative standards which seemingly fails to take the freedom of the individual or alternative world views with anything like the sufficient degree of seriousness. In addition we find the fear expressed that human experience, contemporary culture and social life are being undervalued, which could be the explanation for the low acceptance and in some cases definite contempt in which church teaching is held by the faithful. In opposition to this we find a serious concern on the part of the church doctrinal authorities about falling a prey to the “dictatorship of relativism” (Benedict XVI) and the secular *Zeitgeist* if the Catholic church were to go very much further in accommodating to the sensibilities of a modernized and pluralistic society.

In view of this, the following question is more than opportune for Christian ethics – How should a Christian justification be framed in order to take seriously the various moral and philosophical critiques of natural law, without however abandoning its basic assumption of the possibility of a normativity capable of being generalized? How, in view of this, can Christian ethics become capable of embracing pluralism without turning against its own tradition? If we take these questions seriously, we must examine whether and to what extent the claims of natural law can be upheld – that same natural law which formerly constituted the basis for the generalizability and rationality of theological ethics. For if Catholic ethics is to be understood in the literal sense as an ethics with comprehensive scope, it must also be transparent to all human

beings of good will, including those who do not accept the understanding of morals that has been formulated within the church.<sup>71</sup>

The answer should be sought in every case in a substantial reform of theological natural law, without giving up natural law's claim to justice and human rights – this in view of the fact that the radical alternative would be an ethics without any kind of deontological, that is mandatory norms and standards, which would allow moral obligation to slide into a relativistic zone. Even normative justifications based on contract theory or constructivism would have to counter this reading of morality with a degree of ethical normativity, which does not militate against the arguments of natural law but can even, in certain circumstances, supply critical confirmation. They refrain from the logically deductive derivation of norms, by replacing them with intersubjective forms of normative justification. The point of normative justifications based on natural law is retained in many forms of modern normative ethics – in that just rules are presumed to exist for all human beings, rules which protect each individual member of society through the fact that they are generally acknowledged, accepted and observed.<sup>72</sup>

With a view to building bridges between theological natural law and the intersubjective shift in modern ethics, there is a need for fundamental differentiations and methodological renewal within the ethics of Christianity.

### *2.3 A proposal for a reformed natural law*

In this connection we can have recourse to the fundamental ethical innovations of natural law which emancipated themselves, in the years after the Council, from a rigidly material approach to morality, being rather characterized by a shift in the direction of a more contemporary and formal version of natural law.<sup>73</sup> This no longer entails an ontological penetration of the nature of things or the analysis of their essential components in search of aspects of normality. Instead, norms now focus on the supreme point of reference in terms of the inner world – the human individual in relation to a

loving God and in the light of its interpersonal effects in human society. In *Gaudium et Spes* the Second Vatican Council designates the person as “ontologically primary” (GS 26), so accomplishing an anthropological shift for natural law in Christian ethics. The reason is that the person is now the foundation of any kind of morality – everything being related to or derived from the human individual. The nature of the human being equates to the dignity of the human being, along with the fundamental rights and entitlements derived from this.

If natural law should be upheld in its universal claims, even on a cosmopolitan level, concrete methodology must focus on all individuals affected and on their claims to human dignity, which will always be intersubjectively constituted. Consequently a reform of natural law is called for in two senses. If we respect the freedom of the individual, theological research and theorists need to exercise modesty in promulgating material formulations, and these freedoms need to be substantially involved in the very justification of the principles. Out of respect for the fundamental rights and entitlements of the individual person, on the other hand, a person-oriented universal normativity needs to be maintained.

Strictly generalizable norms will be restricted, as stated earlier, to the level of legal and principled issues in respect of human personhood, and only in this context will be capable of assent. Above all when the unique significance of the person and its beginning is in question, this can only mean, in the necessary spirit of caution, acknowledging the findings of medicine and human biology in the interest of a critical realism, while undertaking the protection of the human person in a tutioristic way based on the ethics of justice,<sup>74</sup> not however on any kind of fundamentalist grounds.<sup>75</sup>

In this sense Bruno Schüller already argued as long ago as 1989 for the limitation of natural law to elementary demands for justice.<sup>76</sup> Arno Anzenbacher has continued this argument in asserting that the modern law of reason assumes the aspects of a formal theory of justice on the fundamental grounds of human rights.<sup>77</sup> This likewise corresponds to the intentions of Thomas Aquinas, who (as interpreted by Norbert Brieskorn) saw it as being the price of natu-

ral law that it comes to be reduced to “the extremest formality or generality of principles”.<sup>78</sup> Wilhelm Merks too interprets Thomas as supporting plurality within moral theology, in that he emphasizes his distinctions between primary and secondary natural law, between mandatory norms and norms where free decision is possible, between commandments and counsels.<sup>79</sup> Merks distinguishes between different norms, emphasizes the difference between principle and its concrete implications, and separates the in-depth structure and the superficial structure in relation to norms.<sup>80</sup> This is of course still to be distinguished from the formalization of normativity by the discourse ethics originating with Habermas, or indeed from the complete reduction of the universality of modern philosophical ethics to formal procedures.

With a reorientation in this focus of specialization of natural law in this direction, Christian ethics has no problem about opening itself towards moral *philosophical* research, which not infrequently – theologically speaking – may avail itself of a certain kind of extraneous prophecy, even if the latter is not above criticism.<sup>81</sup> Thus the discourse ethics of Jürgen Habermas has met with wide acceptance since the 1980s because it makes it clear, as nothing else does, how human beings can establish norms on a universal basis as a result of interactive processes of agreement.<sup>82</sup> The so-called discourse principle stands for an interactive, intersubjective opening of ethics, one grounded in theory of democracy, in relation to the persons actually concerned. It reconstructs normativity without surrendering a remnant of natural-law-based universality and formality overall.

Since the turn of the millennium the theory of justice originating with Rawls has also met with wider acceptance among Christian ethical philosophers, with John Rawls coming to be perceived as a neglected dialog partner for moral theology.<sup>83</sup> Quite apart from this, his *theory of justice*, with its economically, politically and socially well weighed *political liberalism*, has been so well received in the secular social sciences and in international political philosophy since the 1990s that Christian ethics in its turn can hardly avoid taking up a position either for or against it.

John Rawls bases his “freestanding” theory of justice on the unity of practical reason, as well as on the two anthropological concepts of the person and society.<sup>84</sup> He turns out to be clearly a Kantian, who by contrast with transcendental philosophy sets up a new reconstruction of normative principles based on contract theory, but nonetheless definitely stands by the fundamental grounding of any form of ethics on practical reason.<sup>85</sup>

In addition, theory of justice has followed the shift in democratic theory whereby the persons actually concerned have finally become the *sovereign subject of ethics*, without distancing themselves from their *natural sense of justice*, which all are assumed by to possess. In this focus on what is just in the subject’s natural situation, which all agree in assuming, we can see a parallelism with the reflection of natural law, but a contrast with situational and relativistic approaches. To this extent we can assume a compatibility between theory of justice and natural law, even if the procedure for the establishment of norms is a new and different one.

All subsequent theories of justice which take Rawls as a point of departure (e.g. Pogge, Beitz, Berry, Scanlon, Nagel, Dworkin, Sen etc.) do this with the aim of remaining firmly in the tradition of normative ethics (by contrast with utilitarian, relativist-constructivist and even intuitionist theories) and establishing it on the foundations of justice.<sup>86</sup> So here again we can assume the possibility of assimilating their position to a reformed concept of Christian natural law, because justice theory’s reconstruction of principles assumes that these exist equally, transtemporally and permanently and even in a constructivist sense remain deontologically valid.<sup>87</sup>

It is possible to accept the forms of political philosophy and ethics referred to above without abandoning specifically Christian tenets, because with all the authors mentioned we find an ethics focused on human dignity and universality. This is by their own admission compatible with the Christian tradition,<sup>88</sup> and even in terms of method can be linked in with a formal natural law approach that has to be modified by Christian ethics.

An approach, on the other hand, which appears even closer to that based on Christian natural law is the one we find in Martha



Nussbaum. She stresses that her theory of justice on the one hand is a continuation of a liberal contractualist tradition, but at the same time she differs from it at some crucial points.<sup>89</sup> Nussbaum devotes a considerable portion of her argumentative energy to finding an ethical basis in principles and norms for the fundamental distinction between prepolitical nature and human dignity, and the fundamental claims of persons and standards of justice derived therefrom. In more recent publications she tries to make this compatible with the theory of justice of John Rawls, of which she gives a critical appraisal, although her own capability approach is actually designed to go beyond contract theory and supplement it.<sup>90</sup>

The Neo-Aristotelianism which Nussbaum represents takes it as a point of departure that human beings are social living creatures endowed with practical reason and with a natural tendency to live in community, as Aristotle teaches us – thus they cannot just be understood as autonomous individuals.<sup>91</sup> This anthropological conclusion excludes the possibility of rational, independent and similar subjects only concluding a contract for the exclusive purpose of seeking their own benefit – so a social contract cannot just be designed for mutual benefit, but must also stand for the guaranteeing of ethical goods.

Even if human beings are equipped for life in community by nature, they nonetheless need a social contract, in the eyes of Christian ethics as well. The reason for this lies in the uncertainty and vulnerability of the natural entitlements of human beings, which should be secured on a legal and ethical basis. The concrete terms of the social contract should still, in accordance with the project of political modernism, be negotiated on the level of society. The individual contributions made by all, and the processes of interactive consultation in which all take part, make it possible to see – from the point of view of Christian ethics as well, and in a new and different degree – what shape social structures founded on the ideal of justice should assume.

In common with Catholic social teaching, Martha Nussbaum and Amartya Sen<sup>92</sup> assume that rights are not artificial constructions but can best be understood and justified when we see them as

guarantees of elementary entitlements derived from the basic natural needs of the species. The argument, then, simply runs along the following lines: because human beings need shelter, they have a right to living accommodation in keeping with human dignity. A legitimate entitlement, for the most part arising from a basic human need, permits us to conclude the existence of a right, not just of an individual interest or short-term preference.

The sum of the life functions typical of the human species as a form of life, and the sum of the capabilities necessary to secure these life functions, thus needs to be guaranteed in law. Only in this way, according to Nussbaum and Sen, can the human dignity of the persons concerned be respected and taken seriously.

This approach constitutes an attempt to link natural law to liberal social contract theory. Such an approach is however controversial, because the cognitive theory and philosophy of science of modern times have shown that the intuitively recognized and/or ontologically deduced “nature” of the human being is a term that can be used in a highly abusive and dictatorial way. As a result, the appeal to the supposed “facts of nature” suffered a loss of its normative authority in the late modern period, and even more so in postmodernism. The position based on natural law has thus been legitimately criticized and opposed, but it has still managed to survive among conservative critics of modernism – as in the milieu of the North American Neo-Conservatives, or that of many Christian ethicists, in view of the fact that it can be reconstructed and enriched with the help of a critical law of reason and law of persons.<sup>93</sup>

In Nussbaum the key element of natural law is to be found in the thesis that societies can only be regarded as just when all their citizens have legal guarantees of those elementary entitlements which are derived from their nature. These entitlements can only be fulfilled when people are able to develop certain basic capabilities. Nussbaum therefore speaks deliberately of basic capabilities rather than basic goods.

The capability approach of Nussbaum (and Sen) thus postulates that the *basic or primary goods* needed by human beings for sur-

vival, and so often called for in the ethical debate, are not in themselves sufficient as the starting point for a just global ethics. On the contrary, human beings must in addition be given the capabilities which will enable them to make a just use of these primary goods. As we need a response to “natural inequality of distribution” (in the form of handicaps, or extreme poverty, say), what is called for is not a fixed set of goods, because these may be needed, in the given situation, in a different degree or scope (as in the case of a handicap, or where hard physical labor is involved). It is rather a minimal ethical requirement that all human beings should be empowered to develop a basic capability for the use of primary goods, enabling them to exceed certain threshold values. This corresponds to a powerfully normative call for an equality in respect of human capabilities, which in a global perspective is aimed at a systematic redistribution of primary resources and so intervenes correctively to improve the “natural” starting point of many human beings.<sup>94</sup>

The limitations of political liberalism, which Nussbaum indicates in her critique of the primary goods approach, are indisputable – above all in connection with a reformed theory of natural law. In a quite similar spirit to Christian social ethics, Nussbaum assumes that a reduced formalized normative ethics requires, as a necessary complement, a qualitative and generalizable theory of the good life, even if this does not necessarily have to be a Christian one.<sup>95</sup> Martha Nussbaum’s thinking is clearly based on an ethical anthropology in which the good life of others become a component in one’s own striving for the good, and love, even in the public sphere, has considerable relevance to justice.<sup>96</sup>

We see here many parallels with Christian ethics, in the light of which even the theory of justice, when compared with a comprehensive theological existentially based ethics of faith which can engage with the entire experiential background of religious belief, must always remain incomplete. Moral theology’s many years of debate about autonomous morality have shown that ethics can admittedly be justified even without a comprehensive theory of faith. The point on which theological ethicists about ethics however re-

main unanimous, independently of any possible theological horizon of interpretation, is the *insistence on principles of pre-positive right and pre-positive claims to validity of human rights*. And even if discourse ethics, theory of justice and other elements of a modern existential ethics, existential philosophy and structuralism have been well received in the field of social ethics (Ricoeur, Gadamer, Buber, Levinas, Foucault etc.), there nonetheless must remain a core of normativity which is of a legal-ethical nature and for Christian ethics cannot be regarded as dispensable. It just cannot any longer be equated with a rigidly defined “natural moral law” or with a predefined material canon of moral laws understood in terms of their content.

The premise that, being based on human dignity, morality is not arbitrary – not entirely negotiable, situationally dependent, subject to definition by arbitrary power or in terms of the status quo, or indeed relative and contingent – is not one open to debate in Christian theological ethics. An ultimate core of natural law argument can be maintained just by asserting the principle of the person, whatever grounds this may be founded on – whether ontological, based on theology of creation, christological or Kantian, consensus-theory-based or simply logical. In the early modern period natural law becomes the law of persons, both in democratic states based on law and in modern Christian ethics. And even the broad philosophical critique of the concept of the person, which centers above all on the question whether there exists an equivalence between the person and the human being, leaves as an irreducible concept the human individual who requires to be protected and valued based on human rights.<sup>97</sup> I would even be inclined to make the same assertion in relation to postmodernism, which while it stresses the contingency of all assertions and cannot any longer see any comprehensive meaningful connections, nonetheless sees the human individual as central and does not really question its being deserving of protection.<sup>98</sup>

So let us now turn to the question how exactly, and with the help of what methodological elements, a reformed approach to nat-

ural law and the law of persons can be upheld within Christian ethics.

#### 2.4 *The need for protection of every human being*

If Christian ethics wants to have an effect within pluralistic societies, it will hardly be able to surrender some epistemologically based premises of its tradition. These are likewise recognized, by some thinkers in secular and universal moral philosophy, as necessary conditions of the possibility of establishing a generalizable scientific ethics at all. What must be retained, in this sense, is an epistemologically based realism and cognitivism, i.e. the assumption that a generalizable, cross-cultural and normative form of ethics remains possible, one that is capable of being understood and accepted by all human beings and that goes beyond positive law. In addition to this, the original sense of natural law – namely that of justifying a *rational generalizability* of principles independently of revelation and biblical statements – must be retained as a point of reference which makes Christian ethics comprehensible and acceptable in a secular environment.

Since the Enlightenment and its reception by the Second Vatican Council, however, the best possibility of this for Christian ethics seems not so much to lie with a legally binding concept of nature as “*physis*” but rather, as indicated above, in the focus on the personhood of the human being as the supreme moral principle, coupled with the appeal to the dignity of the human person (Vat.II GS 25-26).

As this Christian principle of personal dignity has also had a trickle-down effect on the global generalizability of personal legal ethics, it is not a special Christian prerogative but is likewise shared by those approaches of secular moral philosophy which see themselves as constituting a *normative ethics*. This includes large parts of the liberal political philosophy of the present day. But the modern tradition of Neo-Aristotelianism, which we have seen exemplified in Martha Nussbaum, is also worthy of mention here.

This has even fewer problems with generalizable materiality than the former. In the approaches just referred to, the consciousness that human beings are the bearers of inviolable rights and obligations is adopted as the extract of a general human rights ethics, although the foundations for it had already been laid quite a bit earlier in the Christian tradition, based on the principle of human dignity.<sup>99</sup>

So Jürgen Habermas, for example, bases the necessity of our having a moral theory in the first place on the potential “violability of living [and] the extreme vulnerability of persons”,<sup>100</sup> which moral theory, it is hoped, should compensate. From the point of view of moral theology likewise, this is the actual reason for the endeavors of morality as a protective factor between and in relation to vulnerable human beings.

The prestate understanding of human dignity remains the central normative core which most ethical-normative approaches pursue, irrespective of whether these derive from the Kantian or the Christian tradition. Today this concept of dignity, which was once criticized, in view of its persisting metaphysical reference, as being both too light and too heavy in the scales, is undergoing reconstruction in such a way that it is now made up of at least two fundamental moral aspirations: the first (a) based on the genuinely human and moral capability of individuals to possess a freely chosen conception of the good, the other (b) based on the personal and individual entitlement to justice.<sup>101</sup> This means more, but at the same time less than the traditional picture of human dignity, which is based solely on freedom and reason as is the case with Thomas Aquinas, or alternatively on the theological postulate of creation by a personal God in whose very own image human beings may understand themselves to have been created. But there are also instrumental and pragmatic ethical approaches with an economic background, or derived from the Anglo-Saxon philosophical tradition, which insist at the least on a principle of individuality and autonomy.<sup>102</sup> Notwithstanding, these approaches too protect a crucial component of human dignity in the form of fundamental human rights for the individual.

Universal personal norms are today either reconstructed on the basis of contract theory or acknowledged in the form of prestate rights, which speaks in favor of the retention of at least a thin version of the argument from natural law. Even if human rights ethics contains legal-ethical premises of western provenance, in more recent ethical research it has been assumed that these normative rules include universally valid elements and can be shared by the ethics of different cultures, or are at least capable of being accepted and confirmed, possibly in modified form, in discursive processes of mutual exchange in search of a consensus.<sup>103</sup> So we are justified in assuming a fundamental compatibility between Christian ethics and contractual and discourse theories derived from the grounds of the principle of personhood and the dignity of every human person.<sup>104</sup>

At the same time it must be said that within Christian ethics we must distinguish very precisely between the different levels of ethical argument, because they each have different moral obligations assigned to them.

### *2.5 The necessary distinction between norm, ideal framework and existential options*

In view of these acknowledged fundamentals of general and normative moral justification in pluralistic modern societies, Christian ethics must distinguish precisely what can be decided by free choice and what can be declared to be morally binding. These different moralities need to be elaborated and systematically correct answers found, in order to arrive at a clear delimitation of the levels of ethical theory.

In principle three areas can be distinguished: (1) a comprehensive theological hermeneutics, (2) the moral-theological area of an ethical theory of value or virtue and (3) an ethically generalizable norm theory in the personal and social-ethical sphere.

In methodological terms it is crucially important not to short-circuit the question of norms, when it comes to the justifying theo-

ry, with a Christian theory of virtues and values.<sup>105</sup> Moral norms must be universally justifiable, whereas it is characteristic of virtues and values that they may be focused on different lifeworlds and so be altogether more material than strictly binding norms.

Still more open to spiritual interpretation and the individual faith orientation is a comprehensive theological hermeneutics and existential ethics, in which the prospect of transcendental freedom in the light of the existence of God<sup>106</sup> and the contextual experiential and sensuous references of believing Christians are articulated.<sup>107</sup>

As a first working rule for the delimitation that is called for here, we can formulate as follows: binding moral theological prescriptions become difficult to justify when moral rules do not unambiguously touch on an *ethical question of rights* and when, even among the faithful, they have become problematic for the majority.<sup>108</sup> This is because we have known since Kant that rights can be regarded as strictly binding when they can be based *ex negativo* on negative obligations of right. This is because their being disregarded would violate all human beings affected in their dignity and their right to freedom. This applies equally in practical respects. In all cases where human beings as persons are instrumentalized, maltreated or violated in their human dignity, morality is unambiguous and hardly open to dispute (consider e.g. pedophilia, forced prostitution, rape, maltreatment, abuse or violation of human rights). Here there is scarcely room for serious academic controversy, either in Christian or in secular ethics.<sup>109</sup>

Whether a similarly binding character can be taken to apply to the entire area of virtue ethics and existential ethics is also a question which Christian ethics has to take seriously. Here the spectrum of possibilities extends, certainly, from a soft applicability of value judgments, rules and principles, by way of a principled openness to personal interpretations and considerations, to fundamentally free choice and decision based on conscience in all questions of the good life.

In cases where morality represents a commandment of love, Thomas Aquinas already distinguishes in the *Summa Theologiae*



II (q. 94, art. 3-4) different forms or types of natural law. For him not all virtuous activities partake of the nature of natural law, and he assumes a certain pluralism within natural law, because some human beings tend to one and others to another. Only what is common to all, in other words generally applicable to all, comes under the heading of primary natural law. The conclusions from this, in Thomas Aquinas' view, can and actually may differ. Consequently secondary natural law cannot claim to set up quasi-legal norms.<sup>110</sup> Today this can also be formulated in a different way: right, as the quintessence of common normative agreements, can be subject to decree, but love, concern and compassion remain personal and defined expressions of the individual person. In their individual breadth of interpretation, these qualities are already hardly capable of being ordered, and can only to a limited extent be formulated in certain defined acts or even legal institutes. We will always have to opt for them as a free decision, and to balance out the means, as well as the intensity of their deprivation (where they are lacking), interpersonally and in relation to our concrete neighbor.

So it has to be a first basic condition of ethical systematization, for moral theology and social ethics, to draw a clear line of demarcation between legal ethics and value theory:

(a) The area of right and justice, where *ethics as norm* can be taken to apply, elementary demands for justice can be shown to be normative and binding, when their being disregarded can be demonstrated, unambiguously and without contradiction, to violate the rights of the human beings concerned. Theoretical caution is however advisable, here again, before proceeding promptly to conclude the existence of a "material law of morals" beyond the level of human rights ethics, and based on this deduction to declare fundamental rights of subsistence and inclusion and/or basic principles of justice as strictly binding or deontologically valid without exception. For in modern societies the binding nature of such principles must be established afresh, as we will argue in what follows.

(b) The area of values and virtues, in which *ethics as an option* needs to be formulated, which may be entitled to a certain loose binding character within the community of the faithful. Klaus

Demmer calls, in this sense, for a person-oriented ethics, in which natural law is obliged to be “more modest”<sup>111</sup> and a “wide latitude of discretion”<sup>112</sup> should be maintained.

Within this area of values and virtues, in addition, we can still distinguish the area of the ideal framework of a high Christian morality: ethical ideals which are very demanding (e.g. target commandments). Alongside this we can discern the scientific justification for a “second-best” morality, which is livable in the sense of pastoral practice and realistic in a lifeworld context. This second-best morality must however not be regarded as deficient or inferior in moral-theoretical terms, for it can align itself with a long series of moral theological traditions – those of gradualism, the weighing of relative goods, decision based on conscience and lifeworld morality in relation to a wide variety of cultural, individual and social differentiations.<sup>113</sup> Above all the latter area corresponds to theoretical academic practice in the modern social sciences, where diversity, ambiguities, complexities and the plurality of experiential worlds are taken into account. Furthermore, the credibility of a theological justification of morals is enhanced, both for the faithful and for a secular society seeking orientation, if humanity’s spaces of interpretation and freedom are opened up and clearly indicated. This can then be linked, with greater credibility, with the potential of certain Christian models of virtues and values as signposts. This is because we can only arrive at generally applicable norms on the basis of moral-pragmatic validity, which in turn can only arise as the result of broad acceptance and the moral-pragmatic understanding of the persons concerned.

Taken all in all, the three areas of morality referred to above cut right across the disciplines of moral theology and Christian social ethics, because both subjects are concerned with questions of right, questions of virtue and questions of existential religious morality. In methodological terms, then, a Christian theological ethics should make fewer distinctions in terms of its disciplines and more distinctions in respect of the justifiable claims to validity and the methods corresponding to these. Within Christian social ethics preparatory work has been going on in this area for some years,

and a practically useful method for the maintenance of academic normativity has been developed.

## *2.6 Social-ethical methods for upholding scientific normativity*

Seen from the theoretical angle, scientific Christian ethics suffers severely from a lack of systematization in methodology, which in itself often makes a contradictory impression, seeing that it extends from a deontological ethics of obligations to a broad theological existential morality. Social ethics at least can still fall back on the method of “seeing, judging and acting”.<sup>114</sup> In the debate about autonomous morality, moral theology has made its contribution (along with experientially based Christian existential morality), especially in that it has established the rights of the person as standard.

Many social ethicists hold by the triple step in ethics that has come down to us from Cardijn, in spite of all its supposed simplicity, and although he can no longer be understood in a successive and additive sense. This is because his “seeing, judging and acting” also corresponds to modern theoretical standards and proceeds in an analogous way to the methodical steps of “analysis, formation of theories, operationalization”. It also seems sensible at the present time to subdivide a normative ethical science in terms of these subordinate steps. I will seek to justify this below:

### (1) (a) Empirical analysis and (b) hermeneutical re-insurance:

(a) Reformed natural law in the form of rights of the person cannot be in contradiction, even on the level of method, with empirically verifiable, sociologically buttressed and natural science research findings. If these requirements allow for the inclusion of empirically problematic issues, as the Second Vatican Council and modern research theory asks Christian ethics to do, then the first me-

thodical step must be the analysis of the moral problems involved and their empirical conditionality – even for moral theology.

At the same time it remains an open question whether the various subject specialists see this initial ethical analysis, first, as an external field of the social and natural sciences (in the interest of a clear separation of practical and theoretical reason, empirical and normative scientific disciplines), or second, understand ethics as an interdisciplinary “integration research” (to quote Wilhelm Korrff) and/or as contextual ethics (Dietmar Mieth, Hille Haker, Marianne Heimbach-Steins), or thirdly actually see the normative as the moment of social reality (Matthias Möhring-Hesse). The last would mean that norms and values can be illuminated by taking the path of empirical social research, and their validity can actually be established as a moment of social reality. In any case, with all three readings of the “state of the art” of Christian ethics, the following statement can serve as a fundamental principle for the relationship between ethics and empiricism: “When immune to criticism from the empirical side, ethics becomes inhuman.”<sup>115</sup>

This kind of rationally objectified experiential science of ethics which is open to empirical falsification is not the same as a blanket intuitionism which derives normative concepts intuitively from evidential considerations. Christian ethics consequently cannot ever be based exclusively on moral intuitions, just because intuitive insights are too plural, too contingent, too historically dependent and too individual in character. This would be a too modest claim for a normative and scientific theological discipline, which traditionally has always been based on the fundamental theological analogy of faith and reason. So there is no alternative, when it is a matter of moral problems, to subjecting rationally considered moral practice and the appropriate empirical data to a process of problem solution with a view to finding answers that are generalizable and acceptable to all, or at least to research into the ethical criteria which would make this possible.

An empirically based science of ethics will thus no longer derive its first insights from an abstract ontology or metaphysics, but rather from the analysis of objective situations and the concrete ac-

tivity of human beings. This certainly benefits from the sociological observation of collective experiential worlds and can rely on the evaluation of data collected in the social sciences, though these too need to be subjected to thorough critical scrutiny. This is because even in empirical analysis only homogenized spaces of experience can be taken into account, so that representative practice becomes the ground of decision for the moral-theological or social-ethical solution of the problem. Representative practice means that a certain practice is frequently observable, subject to rational testing, intersubjectively acceptable and so in this sense demonstrates a certain degree of generalizability. Personal, individual or historically contingent experiences of faith are not sufficient even for a theological existential ethics, because they fall far short of the standards of the modern social sciences.

Experience can thus not be translated into normative action on a one to one basis, not even as an approach in contextual ethics.<sup>116</sup> The single-discipline analysis of empirical data (like for example the constitution of embryonic stem cells, or the social sciences' analysis of market relationships) cannot be dispensed with if we are to be able to formulate meaningful statements at all in the fields of bioethics or business ethics. This does not however by any means involve the promotion of a blanket morality of individual or collective experience or certain traditions and cultural models to the status of facts or data, which would entail committing a naturalistic fallacy. Even moral experiences of a faith community, or community traditions and moral patterns, are dependent on the necessary subsequent decontextualization and desubjectification of the actions in question. Likewise they need to be examined with reference to their counterproductivity for the development of individuals and for human wellbeing as a whole, in order to ensure the necessary degree of scientific generalizability. For example, the fairy story of "the oldest profession in the world" cannot be used as a basis for concluding the legitimacy of the institution of prostitution as such, without once again looking very closely into the consequences for the persons concerned. However, here the collective experiences of suffering and demonstrable physical and psy-

chological pathologies of the women affected can certainly offer the empirical basis for an ethical judgment of the institution of prostitution.<sup>117</sup> It is an analogous situation with other problematic moral areas where a generalizable empiricism offers a crucial element for the formation of normative judgments, less so the recourse to uncritically accepted traditions. And yet for Christian ethics more extensive grounds for judgment are to be found in its theological self-reflection.

(b) We would not be dealing with Christian ethics, if at the same time a theological-hermeneutical confirmation were not to be attempted in parallel to the empirical analysis and if the moral problem to be resolved were not to be contemplated in the light of the *specificity of Christian ethics*. This is to be undertaken in the awareness that no normative conclusions can be drawn without reference to the world view and perspective of the subject in question.<sup>118</sup> This is the very reason why the yardstick of hermeneutical self-reflection is imperative, in parallel to the empirical registration of objective data, as a means of becoming appropriately aware of one's own standpoint and so finding confirmation of it.

Even if Habermas is tireless in separating the normative formulation of theories from the lifeworld, the occasion for ethical discourse is always a lifeworld situation which no longer has any generally accepted answer to moral questions. The theological and scientific self-reflection of morality starts from the same problem complex, but still supplies an experience-based background understanding from the side of faith, as an accommodation of lifeworld reality in the context of a world view which is of at least equal value. This theological self-reflection can place morality in an immanence-transcendence relationship as an added extra, without declaring an individualist lifeworld to be generally binding.

Theological reflection on interactive relationships includes the special dignity of life and of the creatures of God, who already, independently of their human relationships, see themselves as loved and accepted. The assumption of the fundamental affirmation of the human being in the face of an absolute good represents a spe-

cial feature of Christian ethics, which is not to be found in a purely moral philosophical methodology but which is altogether compatible with neutral normativity, because it can have validity for all human beings alike who believe in it.

Moreover, fundamentally speaking the example of Jesus Christ and the testimony of the scriptures cannot be without defining import for theological ethics, even if Christian ethics today aspires to generalizability beyond denominational frontiers and endeavors to embrace pluralism. In particular, the practical morality of the New Testament, and still more the personal role as a model of Jesus Christ, are signposts for the establishment of a ground of morality by Christians. Even if here too we cannot expect to find a one to one transfer across a gap of two thousand years, and although the steep backward and abyss of time repeatedly makes itself felt, nonetheless the example of Jesus Christ – based on his special relationship with God, in his love, compassion and respect for all human beings – still remains the valid yardstick and hermeneutical orientation factor par excellence for today's Christian ethics, both on the individual and on the social level.

Likewise the traditions of a church which has had experience of God over millennia are important, and relieve us of the necessity of reinventing the wheel, in terms of relevant moral experience, in every generation. Admittedly new definitions are always called for, in order to establish where the boundaries lie of an individual life well lived, in religious terms, where the freedom of the now individualized Christian person begins and where, again in a secular sense, the point of departure is located for a generalizable ethics of right which is just a part or interface of the comprehensively religious. Externally viewed, this ethics of right or ethics of justice has very little to do with religion and can also be justified without recourse to it, as the advocates of autonomous morality have done sterling service in demonstrating.<sup>119</sup> For a human being who sees himself or herself as being religious, however, even norms of justice will be altruistically and empathetically motivated or reinforced by support from the Christian world of belief, even if

this does not represent a sufficient condition for their formulation in secular terms.

For these reasons, together with the empirical analysis based on the social sciences the theological hermeneutics of normativity must be seen an intrinsic element of a Christian ethics. This theme of the *hermeneutics of Christianity* will therefore be treated in the second chapter (2.9) in greater detail. It is however important to make it clear that this hermeneutical self-reflection is not a part of the normative formulation of theory, but is rather an epistemic assurance and an additional mark of quality for those Christians who engage in a public discourse about normative theory formulation and make a contribution to it.

## (2) Normative theory formulation

If it is clear what the real analytical moral problem is and how this is to be interpreted in the light of a theological hermeneutics, as a second step we can now proceed to the actual formulation of normative theories – namely as an endeavor to establish norms of universal application with the aim of arriving at a *Christian ethics capable of pluralism*.

If we are seeking to formulate universal norms, one point relevant for Christian ethics is that our approach must be compatible with natural law in relation to the person and with the modern ethics of justice. The reason we should find room for justice ethics is not just a pandering to the spirit of the times, or to currently dominant tendencies in moral philosophy. The acceptance of justice ethics is rather grounded in the theological insight that even in the methodological average of ethics human beings must play *the* central role. This has of course already been recognized by modern discourse ethics and theory of justice, as well as by political philosophy in the age of democracy based on the rule of law and on human rights. Human beings are not just objects of moral norms, they also demand to be taken seriously as the sovereign subjects of moral norms – and that, once again, in interpersonal relations with



one another, without leaving out a single individual, in other words in the community of all human beings.

This fundamental shift – away from the objective observer or quasi-neutral deductive scientist towards the actual person to whom morality is addressed – adds up to a revolution in normative ethics. The former objects of morality become the founders of morality, being elevated into the role of the defining subject. This has absolutely nothing to do with the relativization and subjective contingency of morality, but rather with its readjustment in the individual as subject, who can and may only legislate for himself or herself (allowing for correction from the community and society in which the individual lives). Reflexive legislation for oneself, in dependence on and in relation to the freedom of others, is the modern yardstick for the legitimate validity of norms – in Christian ethics as well. What instrument makes it possible for us to accomplish this shift towards intersubjectivity in the methodology of ethics? This is a question that we will consider exhaustively in what follows. But to complete the methodological perspective, we are still lacking a third step.

### (3) Operationalization

As a third and final step, we need to conceptualize the realization of principle – this as a reflection of the capacity for implementation of the norms we are seeking to justify. This kind of practical test for norms has the function of guaranteeing that we have to do with a *livable and realizable ethics*. Karl Homann rightly insists that the implementation of moral principle must be taken into consideration even at the stage where we are seeking to establish norms.<sup>120</sup> We have to do, then, not with a consecutive methodics but rather with a simultaneous and systematic self-reflection in the formulation of theory. Just as ethics cannot manage without empirical analysis, if it is to avoid losing touch with reality, so too it cannot do without the reflexive examination of its applicability and practical usefulness. Along with its intersubjective justification,

this double check of the facts is the actual guarantee for the humanity of morals.

Operationalization means, to begin with, that the consequences of different norms are weighed, and that norm is selected which is most likely to resolve the moral problem in just and humane terms. In addition, operationalization must involve asking the question whether the norm actually continues to be humane, in consideration of all changes and conditioning factors, and whether it does represent an adequate solution of the moral problem or dilemma it addresses.

Why does this third step of operationalization have to be a necessary component of method in social ethics? Quite simply because theories, and in our case norms, tend to be formulated in ideal and typical terms, and this formulation may involve consequences which have not been anticipated sufficiently. Only the practical test can determine whether norms are actually capable of realizing the justice they aspire to.

To sum up, it may be stated in conclusion that as a final step in the complete and humane justification of norms practical tests are indispensable, with a view to concluding that morality is capable of operational implementation, and this needs to be simultaneously taken into account in the establishment of moral norms. If consideration of the signs of the times has been an indispensable phase of theological reflection since the Second Vatican Council (GS 4, 62, 91), with the aim of giving Christian ethics a home or a situation in the life of contemporary human beings, it follows that the scientific recontextualization of generalizable norms is equally indispensable. Without the conditional analysis of norms from the humane, social, natural and cultural standpoint, it may be possible to argue about the application of norms ideally speaking, but we will not be able to depend upon their validity. Contemporary morality based on the consideration of human rights might for example admit sociologically significant changes of role in relationships between the sexes, more effective rights of individual self-determination, human biological research findings and data from the social sciences to a greater extent than has been the case with Christian

ethics in the past. This does not entail sacrificing morality on the altar of the spirit of the times – rather it is a matter of taking into account the fruits of civilization and involving the meaningful experiential values of human beings as the subject of love and affirming their validity for moral practice. A theory of the implementation of theological morality has already been elaborated elsewhere, with the help of modern research in the field of business ethics.<sup>121</sup>

For purposes of illustration, I would like to propose an example at this point. If traditional norms of sexual continence in today's western society led to the result that a quarter of the population would have to live celibate, because they have missed the chance of marriage, or that most people would have to live a third of their adult lives in a state of continence because they only get married when they are over the age of thirty, we would have occasion to ask the question whether the classical rules of theological sexual morality are ideally designed to realize the unquestionably higher goods of interpersonal love and the avoidance of pain, not to mention the protection of propagation of the species. Most Catholics would answer this question in the negative, as indicated by the results of the survey on the family commissioned by the Pope in the year 2014 and 2015. The step involving the operationalizability of norms, it follows, is indispensable for Christian ethics and for ethics as such, even if the validity of normative principles is not dependent on their practical implementation. On the contrary, these same norms must be made capable of operationalization in all times and in all life circumstances. How this can be accomplished will be shown by a paradigm shift in ethics.

## *2.7 The necessary change of perspective in Christian ethics*

The new main thesis of a Christian ethics is that the subjective character of personal reality can only be genuinely guaranteed in moral-theoretical terms when even in the structure of its moral-theological justification a “shift from the observer perspective to the

participant perspective”<sup>122</sup> takes place. This is because even from the theological point of view there can be no better “final justifiers” of norms than those who are themselves affected by the moral problem in question. They function as such in the awareness that they are bound to place themselves under the same obligations, based on the norms they have themselves formulated. This self-legislation in community guarantees that norms will actually fulfill their moral purpose – namely, that of doing justice to human beings and serving to protect human beings in their vulnerability.

In the ethics of the twenty-first century, however, this perspective of the participant and of the parties concerned can no longer be exercised just by assuming a theoretical responsibility for human beings – this in view of the fact that the persons concerned would no longer feel that they were being taken seriously. Even more out of place seems the attempt to establish moral norms by reflection on the essence of the human being or of things or a pseudonorm of so-called “normality”. It is quite simply an irreversible “sign of the times”, in correspondence with the state of development of modern societies, that the shift towards the subject also extends to responsibility for norms, and that this calls for a new kind of thinking, not just in practical life but also in the theoretical justification of norms. A reality irreversibly characterized by individualism, self-determination, independence and modernization cannot be grasped by the theoretical assumption of responsibility, abstract deduction, metareflection or moral-ontological derivation, but only by personal recourse to the indwelling universality which comes alive in the human subject through participation, interactivity and intersubjectivity.

In relation to the classic Thomist doctrine of natural law, this does not mean that general considerations of natural law are being abandoned or given over altogether. Rather is it the case that the path whereby the general is found is subjected to an intersubjective shift, and the *lex humana* reconstructed by a process aimed at bringing about a consensus. This is because natural law as Thomas Aquinas understands it, as well as his *lex humana*, are only “justified, when they [...] actually adapt to the mentalities and facts of

the situation".<sup>123</sup> Francisco Suárez too, back in the 16<sup>th</sup> century, concretized the relation between natural law and *lex humana* in such a way that he allowed reason the task "of giving the natural law norm a binding reality in terms of cultural history".<sup>124</sup> So in the Christian sense here we cannot be concerned with a replacement of normative generalizability with contingent order, but rather with a new and hopefully adequate search for moral correctness, in the interest of finding a social method for the establishment of norms and confirming them by intersubjective correction, especially those which should have implications for normative definition.

The times of objective observers, like the times of the formulation of so-called normalities, are no more – this because the aspiration to freedom and self-determination of the modern individual desires to manifest itself in moral-theoretical terms, and must do so. They are also no more because an assumption of the given role may succeed in the form of an abstract "moral point of view", but only when the different interests of the persons potentially affected are actually brought together in a consensual way, and not just subjected to a consideration of benefits or detriments in the individual case *a posteriori*. Morality can never be just individual and particulate, but will always also include a social, historical and structural reference – for which reason not just moral-theological but also social-ethical confirmation should be standard, if we are to have an adequate base for the justification of theological norms.

The Christian tradition has confirmed the responsibility of the individual person through the moral theological necessity of an independent conscience in the human being. Admittedly, the possibility of an aberrant conscience was always assumed. This fundamental capacity for error remains to this day, but with limitations and strictly restricted by the obligatory form of norm justification in interpersonal consultation and correction.

In a modern Christian theory of justice we are not concerned to sacrifice norms on the altar of acceptability or bilateral negotiations or to functionalize morality, but rather to reconstruct morality in an intersubjective proceeding which calls for a neutral "moral

point of view". This, as we have indicated, is to be based on the understanding that only those who potentially might call on protection from the norms are able to judge the quality as well as the scope of the rights and moral claims involved, so that these can then be translated into norms capable of objective confirmation.

The cosmopolitan dimension of the Christian message of faith also supports this kind of refocusing of the ethical perspectivism. The message of Jesus is addressed not just to the individual, but to *all* human beings of good will.<sup>125</sup> In social-ethical terms this would mean grounding norms in social interaction and on the basis of public justification by all parties potentially concerned, never any longer on a solitary or monological basis.

But for this it is a crucial precondition that all must be of equal rank in their right of co-determination (cf. GS 29, "Equality"), otherwise fairness would not be guaranteed even in the foundations of ethics. Christian ethics must therefore reflect the fundamental equality of human beings already on the methodological and cognitive theory levels, in order to be able to take into account and balance out the legitimate interests of all.<sup>126</sup> This necessarily leads us (and it is in fact in the spirit of the Second Vatican Council) to critically query any prevalence of dogmatic theological claims, and to the conclusion that an ethical dimension is a mandatory component in any justification of morals.

## *2.8 The democratic-theoretical shift towards qualified consensus*

We have seen that the most important innovation of a justice-oriented morality consists in the following principle – namely, that it cannot any longer assert the moral correctness of norms without having attempted to bring about intersubjective consultation among or with the persons concerned. This reorientation of the morality of justice can be understood as a democratic-theoretical shift in the direction of qualified consensus. Filipovic and Riedl sum up this thesis with great succinctness in the following words:

“With the focus on democracy as a life form, we set our sights on a level that is radically constructed from the bottom up, characterized by the human practice of problem solution and endowed with the moral claims to truth ‘of human beings’. This extends downwards into the roots of the understanding of ethics, while in its upward ramifications it has the greatest political relevance.”<sup>127</sup> The question of truth has been shifted closer to human beings, “to their experiences and contexts and their commitment, in the light of faith, to more humane conditions of life.”<sup>128</sup>

The well-being of human persons is no longer determined by the fact that authorities establish the crucial grounds of the things that limit the human person. The justification of morality rather takes place through the fact that human beings, as social subjects and vulnerable individuals with a claim to protection, themselves democratically co-determine the rules which are designed to bring about a better form of coexistence. They should explain, on the basis of qualified consensus, what in their eyes and for themselves constitutes dignity. In the ethics of justice, by analogy with democratic theory, the human subject becomes sovereign for any promulgation of rules – though in a social sense, of course, in being subject to limits emanating from the freedom of others. The danger that minorities will be outvoted in this qualified understanding of democracy is countered by the measure of mutual consensual understanding, which insists that the interests of all be considered. The Kantian maxim that the freedom of one is limited by the freedom of others is now made a norm right from the start, as part of the very procedure whereby morals are justified. The norms that are to be established should then in their turn be secured through defined moral principles and legal standards.

Christian ethics here cannot exculpate itself as a special form of morality, or appeal to its transcendent reference as excusing a non-consensus-oriented ethics, as has already been theologically demonstrated. The actual formulation of the question for theory of justice, in relation to a democratically based Christian ethics, should be as follows – What norms would free and equal persons in a neutral situation agree, if they were potentially to be affected

by them? What would then be reasonable, just, capable of commanding acceptance – not least because we do not understand our life as being just contingent and immanent? Above all by extending the question to theological content we can ensure a cross-denominational consensus, one that reflects pluralist views and concepts of value.

The question of the acceptability and capacity for consensus of norms in the eyes of the individual is the new form of universalizability, which can be interpersonally applied and socially secured. Both discourse ethics and modern theories of justice have accomplished this shift in relation to fundamental norms, though without giving up their claim that such norms are capable of being cognitively grounded – or have even been able to uphold this claim for that very reason, in spite of the critical opposition to any kind of universal normativity which we meet with in modern times. In this sense universally valid normativity and the global ethics of justice have been strengthened and stabilized.

Epistemologically speaking, and with reference to moral truth, a shift towards the intersubjective perspective of the persons concerned does not mean that the persons in question ascribe to themselves their human dignity *a posteriori* on the basis of contract theory,<sup>129</sup> but rather than they confirm the original dignity already inherent in them by nature through the repeated and abiding acknowledgement of it. As a result human dignity is registered appropriately, and – with reference to principled dealings with human beings, and in the light of the ever denser promulgation and justification of norms in human history – made incontestable. So I would heartily agree with my colleague Eberhard Schockenhoff that the dignity of human beings is not fundamentally dependent on the consent of others, but rather constitutes a pre-existing foundation which must be acknowledged, specified and protected by normative definitions.<sup>130</sup> The process of acknowledgement of these circumstances, however, can and must today be reconstructed through processes of seeking consensus, in order to do justice to the dignity of human beings in their special vulnerability, and indeed to make that dignity visible at all. So we must draw a distinc-



tion between the original ground as a claim to moral validity and the process whereby norms are discovered and justified.

Therefore it is highly problematic that Schockenhoff radically rejects the process of seeking consensus in his analysis of the foundations of ethics, stating that “consensus is not of constitutive importance for the recognition of ethical truth”.<sup>131</sup> This is because consensus does not endeavor to bring to light moral truths or to make their existence dependent on their being recognized on a consensual basis. Say rather that consensus is a rational procedure for the recognition of moral correctness and the re-assurance of mutual acknowledgement between the self and others. Consensus makes it possible for moral norms to be rediscovered, tightened up, more precisely specified, confirmed and based on social and intersubjective consultation. It is a rationally led process of intersubjective approximation to moral truth, in which the better argument wins and in which the community of decision makers can correct itself mutually. It is altogether in the spirit of a modern version of natural law to register a moral problem objectively, with the help of the persons concerned or persons having rights, and subject to correction by those potentially responsible, and on this basis to formulate and confirm principles for application-oriented moral rules in the individual case.

Being *qualified* in this respect, the social consensus is specified through the fact that it is not sufficient when it is a factual procedure based on the status quo and where short-term interests may clash in accordance with their enforceability. In order to prevent a situation where the objective power balance and arguments based on individual benefit dominate the process of moral consultation, ethics still needs a procedure for creating a *neutral point of departure*, whereby the generally divided interests of all persons concerned – with reference to their fundamental needs, goods, capabilities and rights – can be elicited. Only through this qualified form of the process for arriving at consensus can it be assumed that a *hypothetical consensus* based on the theological principle of the person can be obtained in Christian ethics, together with the crucial basis for the justification of moral norms. This is because, of

course, every “moral point of view” also entails certain assumptions in terms of principle, like the subject status or status as a person of all parties involved, or their being of equal importance in the consultation procedure. Not just in Kantian, but also in Christian terms, the free will of the individual in conjunction with respect for the free will of other persons is the fundamental condition for any social morality that claims general validity. It follows that a consensus-oriented procedure cannot be a closed circle – rather it rests on certain principled assumptions which are the conclusions of moral theorizing, of a cultural-historical process and of moral-pragmatic development. These may be taken to apply as theoretical principles of a general nature which must be repeatedly confirmed over again on the basis of the given situation.

So the assumption of the fundamental equality and freedom (freedom of action and freedom of the will) of human persons is the indispensable condition of the validity of democratic-theoretical and consensus-oriented procedures which are subject to the conditions of assured legal security and the absence of pressure and coercion. In addition, all parties potentially involved need to be capable of contributing their input – even if in individual cases, where justification for the procedure exists, their advocates or representatives may make decisions on their behalf, when this cannot be avoided. This would be conceivable in bioethics in relation to unborn life, in health ethics in relation to patient advocacy, in family ethics in relation to underage children and in political ethics with reference to the wellbeing of future generations.

A procedure of this kind, grounded in theory of justice, definitely does not entail adopting a philosophical constructivism of an epistemological nature with the non-cognitivist relativization of moral claims to truth. On the contrary, the cognitivist claim that accurate morally generalizable statements are possible is here being reconstructed on a non-metaphysical basis. The approximation to truth is achieved by this procedure intersubjectively through the cognitive capacity of the subject of understanding, without making moral truth actually dependent on this perspective approach.

If strong objections are advanced by moral theology *against a pure morality of negotiation*,<sup>132</sup> we must counter them with the argument that a definitely universalist theory of justice, such as we are here trying to introduce to theology, has nothing to do with an *ad hoc* negotiation between the persons concerned. This normative method is as far distant as it could be from a situational ethics or arbitrary randomness of preferences. This is because the entire community of persons potentially affected must be interrogated in a neutral situation and a hypothetical capacity for agreement and consensus assumed, which can and should of course continue to be tightened up and improved on subsequently. At the same time, on this view, hypothetical consensual processes of norm definition are not extraneous to history, nor are they purely prehistorical constructs. Hypothetical consensus agreements cannot fall short of historically and cosmopolitantly manifested points of moral consensus, principles and laboriously achieved legal principles (like general human rights, for instance) without falling into self-contradiction. And they must be carried out in neutral circumstances in order to avoid replicating the status quo of asymmetrical power constellations.

In a derivative variant of Rawls' position, theology seeks not a freestanding consensus but a hypothetical agreement in which the parties involved build on established moral-theoretical conclusions, respect Christian traditions and the standards of civilization. They also accompany and protect the human person, in the form of advocacy, from the start of life to its end. Consequently the neutrality of a hypothetical situation is related to its own impartiality, not however to information about moral-theoretical empirical values, anthropological standards and indeed empirical values derived from sociology and sociobiology, all of which disciplines are particularly concerned to probe the dimensions of vulnerability of the human individual. Those very points which classic natural law theory hoped to elicit through the investigation of physical nature are here subjected to an alternative method, in being taken as a starting point, thought through and examined with a view to generalized acceptability by all the parties concerned.

A strict argument against consensus-oriented ethics would overlook the fact that a great many modern moral philosophers, even without subscribing to discourse ethics or theory of justice, have accomplished the ethical shift in the direction of contract theory. This applies, for example, even to Neo-Aristotelian approaches like those of Martha Nussbaum and other political philosophers.<sup>133</sup>

As we have shown above in detail, Nussbaum bases her argument on natural law, but shapes her approach deliberately in such a way that it can be assimilated to contract theory ideas, seeing that she methodically links natural law and contract law. She also takes it as assumed that human beings have natural claims which have to be contractually defined and determined *a posteriori*.<sup>134</sup> This *a posteriori* is the path that shows us today how claims of human dignity can be formulated, enshrined and observed with the help of moral rules and norms. It is not by any means just a question of applied ethics, but rather constitutes a substantial part of the justification of norms. For the step involving justification by the parties concerned must simultaneously include, by way of anticipation, the empirical analysis of the applicability of norms, if they are to be permanently valid.

Christian ethics would need to explain itself if it were to ignore this paradigmatic shift in modern ethics towards a paradigm of contract and consensus, and continue to operate on a basis of monological deductive procedures. Such a shift of Christian ethics in connection with theory of justice can however even intend a convergence of natural law and contract law, with the further goal of contributing to a generally acknowledged ethics of right. It would be in harmony with a *modern* form of natural law in ethical questions of right, because natural law is being reconstructed on the basis of social theory and placed on a very much broader basis of consensuality. The debate of moral theology and social ethics will thus need to discuss the hypothesis that we should assume the consecutive convergence of Christian hermeneutics based on the anthropology of natural law and an ethics of right and justice under the auspices of a modern moral realism.<sup>135</sup>

The argument we have presented so far can be compressed and summed up in the following thesis: “The attempt at a reconstruction of the person-oriented natural law with the help of a pluralism-capable ethics of justice in the light of Christian hermeneutical conclusions is possible, if Christian ethics accomplishes the shift towards the intersubjective balancing out of rational moral subjects and does not assume that this implies the abandonment of moral truth, but is rather a way of reconstructing, rediscovering and confirming it.”<sup>136</sup>

The focus of moral reconstruction in intersubjective mode does call, however, for a further distinction. As we have already demonstrated with reference to the concept of Christian ethics, we need to distinguish between the strictly normative and the qualitatively interpretative moral level (“ethics as norm” and “ethics as option”). This differentiation in terms of obligation within Christian ethics is just as necessary when looking outside it.

Here, from the Christian point of view one needs to distinguish whether the search for norms of justice refers to fundamental principles or to the material-ethical maxims of human interrelationships. Here the ethical debate in philosophy yields useful indications, when it is unclear how far generalizability extends – that is, whether the search for consensus should only extend to a core collection of norms of justice which allows for the presumption of formal natural law standards on a global level as well – perhaps just in the area of *formal legal norms* which protect human dignity and the individual’s status as an end in itself (Habermas, Rawls, Pogge, Honneth, Forst)? Or whether there are common norms of justice in the area and on the level of a *thin theory of the good*, like that involving interculturally divided morality, basic goods, basic requirements and basic abilities or a world ethos (Nussbaum, Sen, Küng)? Or whether perhaps consensus can be established even in the area of moral basic goods, natural goals of aspiration or existential objectives (Thomas)?

In the area of material-ethical maxims of the good life we come upon the limits of a consensus ethics which can be grounded in the area of questions of ethical rights. Moral theory consequently needs to differentiate between graduated levels of generalizability

and consensuality, which in certain circumstances can only achieve validity in specific cultural areas or periods. The possibility cannot be excluded, either, that even a Christian ethics of the good life may yield distinctions and differences in terms of cultural region, seeing that the continents where Christians live show wide divergence worldwide in terms of degree of modernization, environmental influences, lifestyle and life forms. It follows accordingly that current models for living will differ from the fundamental norms of justice which provide the legal and ethical conditions of the possibility of a good life.

Consensus ethics reaches its moral-theoretical limits where a hypothetically neutral starting position cannot be fully implemented or cannot be reflected with complete success. We then find ourselves in a situation of second-best, non-ideal morals, which does not answer to the high aspirations of a consensus ethics. This might frequently be the case in parliamentary political processes which are subordinated to the constitution, as well as in many consultation processes in real life, within both, societies and partnerships. This commonly leads to problems in cases of asymmetrical division of power between parties, companies, "agents" or persons (rich/poor, powerful/weak, free/unfree), in cases of self-harm (euthanasia, suicide, prostitution, promiscuity) or in connection with minors, unfreedom, the fundamental vulnerability or non-accountability of people (comatose patients, persons with psychological problems, life before birth, future generations...).

In these cases a participant is in an inferior position, is unwilling or is incapable of getting into a power-free discourse or role reversal situation on the ideal plane with the other party. The consensus model of morality thus inevitably reaches its limits when the actors are not without exception free, equal and independent, or where one party is not prepared to adopt the point of view of an outsider or of their opposite number. Here it comes up against its limits in view of an unequal distribution of power, where a disproportionately high need of protection and/or vulnerability is postulated for a particular group of persons.<sup>137</sup>

In such situations there are two possibilities. Either no real moral solution is possible on the side of the persons involved, as one involved party will not surrender his or her position of power or is exploiting it – which however bars the situation to any form of ethics, even one based on the ethics of right or natural law. Or the alternative – as an *ethics of the second-best solution* – is to aim for an advocacy-based or hypothetical anticipation of the rights, interests and legitimate needs of these groups of persons or individuals – by standing in, that is, for a currently or as yet unemancipated agent with the aim of bringing about ethical agreement and discussion or presenting a plausible case. In connection with children's rights, rights of the fetus, rights of patients (in a condition where they are unable to give their consent), the rights of future generations and those of similar groups, this is the only possible way of proceeding, because an *informed consensus* cannot, not yet or no longer be obtained.

Likewise in the intercultural sphere we cannot expect to find a homogenous or uncomplicated understanding between persons of equal importance – in most cases it is just a situation of overlapping structures and mindsets of persons who think differently. Admittedly the method of consensus-oriented Christian ethics insists that even this intercultural heterogeneity cannot and must not lead to arbitrariness in the area of existential right and justice. The location of consensus on the level of normative justification which we have explained in the section on social-ethical method (2.7) permits no confusion with methods which rely on hermeneutical analogies or see postmodern arbitrariness as inescapable. On the contrary, this approach to a Christian theory of justice insists on the necessity and the possibility of agreement in connection with fundamental questions of justice, even they are only hypothetical.

The difference between a consensus-oriented ethics and traditional Christian ethics consists in the fact that agreement must really be sought – it cannot be anticipated, based on the deduction of principles, or pre-empted by a paternalistic typologization of the opposite position. Rather the process of seeking a consensus calls for a high level of thinking and feeling on the part of the other, and

in case of asymmetrical power constellations will be associated with a genuinely hypothetical act of putting oneself in the other person's position – a situation that comes to an end immediately and becomes open to correction, if the persons concerned should become able to speak for themselves. In the light of consensus ethics, deputization – as the second-best solution – must always be linked to the following figure of thought: *What norm would be morally capable of commanding assent and consent, and would be in the interest of the free will of the persons concerned in relation to their environment and fellow human beings? Or what norm would most probably be approved by the persons concerned, if they were in fact equally free, entitled to speak for themselves, healthy, developed, powerful or capable of assent?*

The result is often similar, surprisingly, to norms discovered earlier on the basis of natural law, though it takes very much greater account of the will of the persons concerned and their inseparable and basic requirements and generalizable interests. In any case, justifiable normativity presumes the informed and conscious consent of the weakest, poorest and most vulnerable sectors and their effective contribution to the shaping of social norms. Thus there is no alternative to a democratic-theoretical shift in the direction of the consensus paradigm – and this is no less true of Christian ethics, inasmuch as the commandment of love, too, can be realized in practice only when we take our opposite number absolutely seriously and aspire to a respectful settlement with the other party.

If a democratic-theoretical shift toward the consensus paradigm has become *state of the art* for normative ethics, the question still remains open where the essential element of Christianity is to be found, apart from its involving the other person. In our proposal relating to the social-ethical method (2.7) we took hermeneutical self-reflection as a point of departure, but did not go into this aspect in detail. So the question now suggests itself – What kind of relations fundamentally subsist between religion and ethics, and how can specifically Christian theology find a place in an consensus-oriented ethics capable of pluralism?



## 2.9 *Christian hermeneutics and the conditions of its legitimate influence*

When we come to consider Christian hermeneutics, the fundamental issue is one of theological assurance for Christianity within a pluralistic world community, coupled with the question to what extent it actually has a legitimate place in normative ethics.

Following Judith Butler,<sup>138</sup> we can distinguish two approaches to the relationship between a religious world view and a secular definition of norms by society:

*First of all, the method of an independent Christian ethics.* Here values are projected and justified rationally against the background of religious sources and experience, in such a way that, in the interest of an autonomous morality, they become plausible and acceptable even for people without religious allegiance. In philosophical terms this option is compatible with current Kantian or contract theory approaches if they allow religious hermeneutics a scientifically legitimate position. Butler even mentions Habermas here, who in his later writings allows religion a reasonable position in the context of the processes of public discourse.<sup>139</sup>

*Second, the method of a pure theological ethics,* which sees moral values as being so interwoven with certain idioms, contents of revelation or matters of faith that they cannot be detached from this background. As a logical consequence, this kind of reading completely rules out any purely secular civil morality. Communitarianist approaches and those based on traditional theological moral doctrine would represent this position.

This second method does not in logical stringency fit with a reason-based Christian ethics – for since scholastic times, and in particular since Thomas Aquinas, the analogy of reason and faith has been one of the central premises of Catholic moral theory. This possibility of the independent cognition of moral goods, virtues and values by purely rational reflection was then once again firmed up, at the end of the 20<sup>th</sup> century, by the *autonomous morality* of Alfons Auer and others.<sup>140</sup> This does not mean, that moral goods, virtues and values cannot be imbued with a special motiva-

tion, stamp, orientation or prioritization based on considerations of faith. The intrinsic element of Christian ethics is a *qualitative supplement to the cognition of morality*, not by any means an alternative to rational reflection and justifications based on reason, still less in competition with any rational approach.

Christian ethics must therefore insist that not only is a secular civil morality and civil religion scientifically legitimate, but furthermore a theological moral theory can and should measure up to secular rational criteria. For even a purely secular ethics relies on hermeneutical presumptions as understood by Hans Georg Gadamer, which must be shown to be rational in methodological terms.<sup>141</sup> Here it is assumed that a Christian morality is to be understood *in the light of history and experience*,<sup>142</sup> based on theological reflection and Christian revelation, the biblical scriptures, the tradition of the church and the multifarious worlds of Christian experience. Christian ethics gains assurance of its intrinsic and essential character through its faith-based orientation and the rational elaboration of the content of faith in theology.

But theological ethics is not simply particular with reference to a certain religious self-understanding – rather it logically starts, by analogy with Immanuel Kant, from the existence of God as a necessity of thought. It does not limit the moral solution of problems in immanent terms, but postulates a fundamental relation between immanence and transcendence. It deliberately keeps ethics open to the transcendent.<sup>143</sup>

Moreover, the experience of a loving personal God who enjoins love of one's neighbor as the highest commandment for humanity is more motivating in a special sense for morality and interpersonal respect than is the case with the purely rational understanding of the dignity of the other person. This is because it is unmistakably clear, from the point of view of theology, that morality is not just a question of the better life or a question of justice, but rather one of religious and moral identity. Even in relation to those human beings I do not know, those for whom I do not experience empathy or those of whose existence I am ignorant, there is still a connection in view of the fact that since Old Testament times love of those re-

mote and alien from us, and even of our enemies, has formed the essential element in Christian theology, or even in religious obligations. The New Covenant just provides the christological confirmation of this, and verifies it unmistakably in the light of the Incarnation as universal.<sup>144</sup>

In this way persons interested in morality or affected by morality can strengthen their religious identity, engage in meaningful self-reflection, acquaint themselves with anthropological findings and – through the reference to God – recognize a deep *meaning* in morality. With a view to a “comprehensive ethics of the good”, moral-theological reflection results in a faith-related *justification of meaning*, which appeals to personal responsibility as well as proposing concrete models of successful ways of being human.

This justification of meaning will be principally available to Christians and to other human beings of good will who are capable of finding something in the Christian understanding of morality and of what it means to be human. Against the background of religious tolerance and the principle of religious freedom, on the other hand, the refusal to countenance Christian hermeneutics on the part of atheists or persons of different faiths must be accepted in every way.<sup>145</sup> Christian ethics is only truly tolerant when it allows alternatives to itself, and indeed affirms them repeatedly as being meaningful approaches on the same level as its own.

The ability of Christian ethics to embrace pluralism is the result of its own self-relativization, in the awareness that it is one voice among many. It comes into being through the sympathetic acknowledgement of others and by by respecting others.<sup>146</sup> This entails, as a practical consequence, that a plausible translation of Christian values into secular contexts will form the essential basis for a dialog between equals with different world views.<sup>147</sup> By this time it should be clear even to the traditionalists among moral theologians and Christian ethical thinkers that an intraecclesiastical ethics would turn out to be incapable of universalization. For even if Christians practice a special morality, a stricter morality in certain circumstances, they nonetheless interact in many areas with non-Christians and are involuntarily influenced by the state of de-

velopment of their society, so they are always “children of their time”. Consequently Christian ethics must basically remain capable of being communicated and argued to persons outside the church, if it is to pretend to take the contemporary needs of human beings seriously.

A Christian hermeneutics which, in a tolerant Christian understanding, aims to express the generally applicable in its theological justification of norms must therefore base itself on certain methodological conditions, of which I would like to select just three here by way of illustration:

(a) There must be compatibility with a generalizable secular ethics of rights, based on the general logical yardstick that “in contravention of right nothing good is going to happen”.<sup>148</sup> A special form of Christian morality in the sphere of the ethics of right can at most be argued for with a tutioristic caution, which however could then hardly be justified in general terms, except in cases where it formulates moral insights which at the moment make a counterfactual impression, but which might in the long run be seen as capable of being recognized generally and by all human beings of good will. This could however be problematic if such insights which have not yet been established by consensus cannot be supported by research in the natural and social sciences, but remain in the sphere of ontology and/or metaphysics.

(b) Moral values and virtues should be capable of being interpreted, in terms of epistemological theory, as *basic Christian options*.<sup>149</sup> This means that they must never be posited in an authoritarian way, but rather serve as pointers in the sense of fundamental religious certainties, which however, in their concrete application, must be freely selectable by each individual and leave openness for personal interpretation.<sup>150</sup> So for example not every Christian will decide to follow evangelical counsels, but will still, based on their religious presumptions, maintain a certain distance from superfluity, luxury and the wastage of commercial goods. In particular the principled orientation which the biblical writings have given us still provide Christians with the basis for a good and just life in the present. If this biblical set of assumptions should not be

shared by members of other religious communities or persons with no religion at all, there still remains the possibility of examining it with a view to finding its humanitarian and universal core. The second part of the biblical commandment of love, for example, is an ethical orientation which is accepted by many other religions and which can be shared by humanists without any belief in God. Countless supposedly Christian virtues and goods can be established as values in universal ethics, especially when their reasonableness for the good and dignity of individual human beings can be demonstrated on the basis of argument. Others on the other hand will remain as genuinely Christian values, like for example the ideal of celibacy. In a liberalized and individualized postmodern society, this is less and less likely to meet with acceptance.

(c) Religious morality should be translatable with the help of “*public reason*”,<sup>151</sup> otherwise it remains lodged in the internal structure of its church and is not generally communicable, let alone in a fundamentally moral sense generalizable for all human beings. This requirement means that norms in particular which claim to be mandatory and binding must be capable of being justified on public grounds (that is to say, generally comprehensible and transparent ones). The idea of public reason, which in John Rawls was restricted to questions of fundamental justice, should be extended theologically to questions of the ethics of right, because these reflect relationship patterns with potential relevance to human interaction – both within churches and religious communities and outside them. In the light of this, Christian ethics is fundamentally obliged to observe a balance between what is situationally and historically conditioned and its transtemporal focus on the just and the good. This can soonest be achieved by a personal and empathetic focus on the weakest and poorest of society, seen against the background of a hermeneutics of love (cf. Lk 6,20-36). This applies equally to norms governing intimate or family relations. What is at stake here is Christianity’s justifiable bias towards the vulnerable, its concern for the good of the least privileged, which is shared by a general ethics of human rights<sup>152</sup> and by modern theory of justice (e.g. as reconstructed through the risk aversion of

the parties in the original situation) and finds confirmation in them.<sup>153</sup> Christian hermeneutics can thus be linked with contemporary normative ethical approaches based on human rights.

### *Conclusions*

The importance of the theological contribution to the ethics of justice lies in its providing a basis for a fundamental moral realism.<sup>154</sup> This method of Christian ethics assigns to theological hermeneutics a supportive and meaningfulness-enhancing role in the plausibilization and construction of ethical norms. Theological social ethics is thus correctly characterized as an ethics embedded in a certain world view – one that provides a hermeneutical framework for a normative theory of justice against the background of a comprehensive theory of the good.<sup>155</sup>

By focusing on the conditions (or minimal conditions) of human dignity in the light of revelation, we arrive at detailed and socially convincing proposals for public moral discourse which illuminate not just the threshold values of individual development but also the conditions that make a successful life possible. In terms of moral theology, specifically Christian emphases and fundamental Christian options can be shown to be assimilable to modern moral philosophy, so that genuinely Christian moral presumptions will no longer be in competition with a universal morality, but will rather serve as motivating factors, cooperating partners and protectors.<sup>156</sup> Where contradictions occur, this can be understood as counterfactual criticism which is not opposed to the modern world as such, but rather hopes to offer suggestions for an improvement of human interrelationships within a pluralistic and freedom-based society. Taboos based on religious motivation are however ruled out in the light of “public” reason. A mutual process of dialog with an open outcome should take place, a competition for the better ethical arguments in a democratic mission for the better protection of vulnerable human beings under the auspices of open societies that are secular, but at the same time influenced by different world views.

The big objection that is raised against an approach of this sort is first, the argument that religion is not rationally accessible, and secondly, the impossibility in postmodern times of arriving at a universal morality with different world views in the background. Every kind of modern normative ethics is challenged by the postmodern theory of such thinkers as Lyotard, Derrida and Barthes.<sup>157</sup> The objections typically take it for granted that the big metahistories (Enlightenment, Idealism, Historism and Christianity) have come to an end, and argue that modernism is bankrupt, in view of its totalitarian global claims (always based on just *one* principle – reason, God etc.). They call for a retreat from the objectivist view of the world and a break with the myth of progress, and pose fundamental questions in their turn about the suppositious omnipotence of humanity.

The postmodernist alternative extends to letting be and affirming the heterogenous, the different – variety and contingency, the pluralism of feelings. It follows that only a theological existential morality would still be possible – no universal claims to truth could any longer be admitted, so neither could there be any agreement about a universally valid ethics of justice. The theoretical concepts of deconstructivism, structuralism, poststructuralism and existentialist philosophy are reflected in a fundamental non-cognitivism and ethical relativism and/or in an ethical pluralism of goods.

Therefore the real problem for Christian ethics in the 21<sup>st</sup> century is this: Must theological ethics too capitulate to the plurality of moral conceptions? Is the heterogeneity that we see the end of universal morality? In the light of this, is ethics still possible at all?

The clear answer of Christian ethics will be – Yes, a normative and Christian ethics is possible, but perhaps only in the territory of a globally consensual ethics of justice and right. In terms of historical theory, we can classify this approach by observing that Christian ethics does not see itself as postmodern without reservation. On the contrary, it is an expression of late modern ethics, which endeavors to explain pluralism and yet is in a position to see what is common to all pluralistic phenomena. Hans-Joachim Höhn sum-

marizes the development of modern ethics in this way – he assumes that modernism is imperfect, because it failed to bring its projects to completion; but at the same time it has not been overtaken, because no other cultural formation can be seen that would be capable of taking its place.<sup>158</sup> So there really is no alternative to a further critical continuation of the modernist project. Coping strategies lie in the radicalization and further development of human modernization processes while at the same time endeavoring to correct their aberrations.

Christian ethics, then, can only understand itself as being post-modern in the sense that it picks up where the critique of modern ethics leaves off, affirms heterogeneity and plurality as an expression of human freedom but passionately and definitely rejects post-modernism's epistemological skepticism in relation to the universality of morals. It will rather be inclined to see itself as a science of "*late modernism*" or "*reflexive modernism*"<sup>159</sup> which adopts a critical stance to the concept of postmodernism. Even if critics may talk of an overvaluation of reason in modernism, and of its almost quixotic endeavors towards a comprehensive and systematic grasp of the world, the deficits of modernism should not automatically result in its deconstruction.

By contrast with postmodernism, therefore, hermeneutic Christian ethics postulates that there is an ongoing and progressive normative development based on the unfolding history of ideas, which declines to surrender the comprehensive and rational horizon of meaning. The original concerns of modernism – rationality, individuality, tolerance and freedom – retain their validity. And yet this approach addresses the problems (such as the negative consequences of overdeveloped individualism, or the rationalization and secularization of society) which early modernism failed to resolve. Christian ethics does not set out to get the better of a supposed postmodernism, but rather aims at the ethical mastery of the real problems of a world that is developing into a globalized world. In the age of globalization, Christian ethics postulates the possibility of a comprehensive positive new beginning – one that stands in the cultural-historical tradition of modernism and the Enlightenment,



but at the same time develops it further in trying to avoid its negative aspects.

Christian ethics must acknowledge that many correct inquiries and observations have emerged from the theory of postmodernism – for example, the view that unity easily becomes totalitarian, that pluralism is irreversible, that differences are always actually a good thing. But at the same time there are good reasons why a late form of critically reflexive modernism should rather be affirmed, instead of its being deconstructed. For there is a perfectly clear contradiction between the postmodern thesis and Christian ethics. Christian ethics provides an ethical approach which reconstructs and validates what is common to normative principles, in an orderly, systematic and mediating way. Along with postmodernism, it starts by acknowledging that on the hermeneutical and lifeworld level there is no unity any longer, or even that there never has been such a unity. At the same time it postulates that but universality has been preserved notwithstanding right up to the present day on the level of fundamental justice and human rights. It tries to demonstrate how an apparently contradictory complexity can be focused on general points of consensus on the ethical level of rights. It thus assumes – by contrast with postmodern theory – that on some essential legal-ethical issues pluralism is not insuperable with the help of a general theory of justice.

This Christian ethics capable of embracing pluralism aims to accompany the achievements of modernism (liberalization, rationality, the strengthening of the individual) in a positive spirit and to continue along this path, while at the same time preserving the unity of humanity as a whole by reflecting on that which links them all together. The actual objective consists in that of formulating a Christian ethics which will be capable of commanding consent from all human beings of good will, without falling prey to the *dictatorship of relativism*, by opposing to the latter *global agreements on the ethics of right in legitimate plurality*. The audacious undertaking of a Christian theory of justice is a fundamental ethical project which demonstrates that Christian theology is capable of modernization, and can engage with the signs of the times

without surrendering its essential nature, which consists in loving acceptance and just interaction between all human beings.



## Chapter 3: A global and universal Theory of Justice

Having shown in the first chapter of this book that today's world needs to focus on justice comprehensively, and having been concerned in the second chapter to establish a Christian ethics of justice on sound theoretical and methodological foundations (at the same time elaborating it and defending its claim to be a normative and universalist ethics), we must now explain, in this third chapter, how a Christian ethics of justice can meet the challenges of a global-ethical perspective in concrete terms. The crucial point about this thesis is that there exists a *characteristically and emphatically Christian* theory of global justice, which of course must at the same time be capable of embracing pluralism.

### 3.1 *What is global justice?*

*Global justice* is an expression of a double moral-philosophical paradigm shift. The issue of justice extends worldwide to an acknowledgement of responsibility to all human beings, independently of their nationality, religion, culture or race. But it does not just have international implications (having relevance for interactive relations between nations) – it is also relevant to interactive relations between individuals of all kinds and origins, whatever national or social grouping they belong to. Peter Koller therefore suggests that global justice be understood as the totality of all claims to justice which can reasonably be presented to international networks and the global world order.<sup>160</sup> In terms of cognitive theory this means a shift of theoretical deduction from universality as viewed from the standpoint of an independent observer toward a global world view seen from different perspectives.

Global justice is an enhanced form of international justice, which in the past was for the most part conceived as an instrument for handling international relations between states – rather than re-

lations between different peoples, cultures, supranational institutions, digital social networks or anonymous mutual exchanges worldwide. International, morally relevant relations are no longer just to be seen from the point of view of a state, a view of the world or a philosophy, but should be understood right from the start as being in many cases cultural and individual in perspective. The question whether human beings are living in just conditions is now also made dependent on *their own* judgment of the situation as much as on the structures and cultures surrounding them.

Relations are no longer primarily bilateral or inter-national – rather they are multilateral or even anonymously interactive on a global level. Today we have arrived at a variant of justice which does not extend primarily, as a moral criterion of qualification, to close relations or the social dimensions of justice internal to a society which have been known since Aristotle, but rather spreads out to embrace the variously networked transnational, international, intercontinental and multilateral relations which exist simultaneously between human beings and peoples.

Global interactive relations of this nature have admittedly existed in the case of elite minorities ever since the empires of antiquity; migrations of peoples, international shipping and intercontinental trade were other forms of global interaction. The concept of global justice has only become standard in international ethical debate and academic discussion since the time of globalization at the end of the 20<sup>th</sup> century.<sup>161</sup> This may well seem surprising, since as we know the effects of international violations of justice and morally dubious global interactions have been evident in the political and cultural arena since the age of colonialization, and in the economic sphere since the industrialization of the western world. The two world wars in the first half of the twentieth century caused the question of global justice to penetrate urgently into the remotest corners of the world.<sup>162</sup> In the light of this, the ethical engagement with injustice in global interactive relations under the heading of *global justice* may be understood as a delayed reaction to these developments. But it is also an expression of the fact that

people's sense of justice and their need of justice have again been significantly intensified within a globalized world.

As long ago as 1795, Immanuel Kant discovered the dimension of global justice as a consequence of mutual violations of rights and interdependencies between human beings, summing up his view in his essay *Zum ewigen Frieden* [On Perpetual Peace]. Justifying his position, he states for logical reasons – this at the very outset of the age of colonization and industrialization! – that “a violation of right in one part of the earth is felt in all other parts of the globe.”<sup>163</sup> He concludes from this the necessity of a globally valid cosmopolitan order of rights between world citizens – in other words, he sees relations of right as subsisting between all human beings.

After this there followed – outside the sphere of human rights ethics, which found international recognition in 1948 – a prolonged phase of silence on the global ethics of right within political philosophy. On the side of the Catholic Church, the debate about global justice started with the encyclical *Mater et Magistra* (1961), the Second Vatican Council (1962-65) and the pronouncements of Latin American liberation theology since Medellín 1968. On the secular level the debate continued in the 1970s with various publications in moral and political philosophy<sup>164</sup> and was continued during the 1980s with a revised and expanded understanding of the dimensions of poverty in economics.<sup>165</sup> It then continued to develop, especially during the globalization shock of the 1990s, for the most part in the field of moral philosophy.<sup>166</sup> Since then the debate about ‘*global justice*’ has become a new ethical paradigm for *the one world*, both generally and on the level of the United Nations and the World Bank. Since the beginning of the 21<sup>st</sup> century the problem of poverty has again a subject for discussion in political philosophy, and has been recognized as one of the most important multidimensional problems for coming years.<sup>167</sup> In economics too debates have been carried on about pro poor growth and the base of the pyramid, with implications extending beyond the bounds of the classic subdiscipline of development economics.<sup>168</sup> Poverty in its existential form is today a theme of global justice, no

longer a distant, anonymous problem by which the western world is unaffected.

With reference to the global economic and social system overall in the 21<sup>st</sup> century – following the collapse of Communist economic structures, after decades of successful globalization and incomparable reduction of poverty and extension of prosperity worldwide – the debate has the added dimension of calling the market economy as a whole in question. For the great majority of researchers in philosophy, economics and the ethics of right, the aspiration to global justice is rather related to making changes in the global economic and social order in such a way that these structures can become means of humanization for all. Alongside considerable systemic corrections and the rectification of deficiencies in the regulatory order, this involves the question as to the most suitable (i.e. culturally sensitive) means of inclusion of all human beings in the processes of prosperity. Catholic social teaching too has argued since the time of John Paul II for the market as a justified space for the exercise of freedom, though with the proviso that the economy must serve human beings, and that it is only a subsystem with limited capacity to deliver, one which must not be allowed to lead to the colonialization of other ways of life. In particular the need for corrective action in relation to the distribution of resources, the equality of opportunity of human beings of different peoples and nations and the inclusion of those suffering from absolute poverty has been emphasized, because the focal point of the global economy must still be the human being.<sup>169</sup>

The fundamental point of departure for global justice is an institutional one – namely, the political order as the primary locus of social corrective mechanisms. Within this overall framework of global order, many suggestions have been discussed in fields other than theology. Should global justice entail a reformed democratic world order, with worldwide distribution systems?<sup>170</sup> Should it involve the guarantee of a life lived in dignity, in the light of the Aristotelian teleological development of anthropologically established “activities” and “capabilities” on the part of the poor?<sup>171</sup> Should there be a universally sufficient reserve of basic means of

subsistence,<sup>172</sup> or just weak obligations of emergency aid to the poor within an anti-egalitarian conceptual framework,<sup>173</sup> or at least (based on a more self-aware economic liberalism) sufficient incentives provided by suitable framing conditions, so that companies may be induced to invest in less developed countries and encourage poorer economies to independent growth?<sup>174</sup> The blatant variety of these proposals shows that the dimensions and concrete framework for the indicated *institutions and interactions* between those living in superfluity and those who are unable to escape from poverty is not easy to determine.

Global justice is assumed by cosmopolitan thinkers and philosophers in the Kantian tradition<sup>175</sup> to be an indispensable ethical concept, just as it is by Christian moralists, with a view to obtaining a criterion for the institutional shaping of events. Its range of references comprehends both anonymous relations of mutual exchange, asymmetrical market relations and associative cultural relations, political relations of interaction and quite simply parallel societies, even between continents and cultural spheres (western industrial nations / threshold and developing countries). The deeper and practically indisputable reason for the need for regulations based on theory of justice is the fact that there are always unintended consequences of global interdependencies or global structures of injustice which need to be prevented and/or corrected in order to avoid doing injustice to any human being in this world, and so as to give every human being the chance of free development. On a minimal definition this is a matter of collective obligations to refrain from certain actions, when what is at stake is global justice. On a more extensive reading, like the Christian one, global expectations of justice go beyond this and include positive obligations of solidarity.

The concept of global justice, admittedly, is only regarded as rational by those moral theorists who postulate some kind of point of reference, of whatever nature, among human beings – including those who do not know each other personally and do not enter into any socially interactive relations of which they are aware. Other theorists, like the particularists, Communitarianists, non-egalitari-



ans and realists with whom we are familiar in political science, reject the concept of global justice, because they do not assume that there are relations of ethical relevance for justice subsisting between all human beings, or think that these must reach a concrete level of bilateral intensity before they result in real mutual claims – though they could never result in mutual claims to equalized distribution based on rights of the person. Global social justice is here called strongly in question or rejected altogether.<sup>176</sup> Emergency aid in the interest of preserving the dignity of the human person, or for reasons of solidarity of the species, is generally made an exception here, and is distinguished from global justice. Authors like Michael Walzer, Angelika Krebs, Thomas Nagel and David Miller consequently restrict the concept of justice to specific domains or areas, like states, nations, communities or religions.<sup>177</sup>

Even John Rawls, in his conception of a just global society, does not assume the possibility of a global principle of difference as a basis for justifying global distribution claims.<sup>178</sup> Instead of a global principle of difference he suggests that a “duty of assistance”<sup>179</sup> – a global principle of lending aid where aid is called for – should suffice. By contrast with a national context, where the most seriously disadvantaged should derive the greatest possible benefit from inequalities, worldwide distribution is here an irrelevant factor. Instead, cooperative organizations at global level should ensure that all societies can be free to create reasonable and rational institutions.<sup>180</sup> The most seriously disadvantaged should have sufficient means to make an intelligent and effective use of their freedom and lead a rational life that is worth living. If, on the other hand, it should be demonstrably the case that certain interactions at global economic level (for example, import restrictions or customs duties) result in unjustifiable distribution effects in developing countries, then this would lead, according to Rawls, to the conclusion that a reform of the “basic structure of the society of peoples”<sup>181</sup> is imperative. Just liberal institutions to facilitate a good life for all are the target, but also constitute the limit (“target and cut-off point”, as Rawls says) of a principle of institutional help enabling people to help themselves. This means that global

differences (for example, with reference to distribution of resources and equality of opportunity) could not be justified in the light of political liberalism as Rawls understands it, if the principle of global assistance were to be observed between societies and states.

Let us ask ourselves – What is the ultimate objective of Rawls' line of argument? Justice for the societies of the world, in Rawls' view, does not mean the ultimate wellbeing of all (this would be too much, too far-reaching for a representative of political liberalism). He is not concerned, then, with the redistribution of resources among the peoples of the world, or with achieving equality for the worst off members of society. Political liberalism, in his view, rather consists in making the poor into free and equal citizens of a rational liberal society – this and no more. Here it becomes apparent that we have to do with a liberal political position which is based on minimalist fairness and a practicable yardstick of justice, which could also be applied to global society in future, but that is all it is.

Christian social ethics of our times – by contrast with Rawls, it must be said – has never made any secret of the fact that it sees a global and universal form of justice as justified, along with the claims to inclusion and equality of distribution that this entails. A universal perspective is already assumed here, because for Christianity the human dignity of the human being does not stop at religious allegiance or national sovereignty.<sup>182</sup> The global point of view, with its assumption of a mutual obligation of solidarity linking all members of the human race, forms the basis for the fundamental universality and cosmopolitan orientation of Christian ethics, without on that account linking the obligation and stimulus to moral activity of this kind in any way with the adoption of the faith on which it is based.

### 3.2 *Ethical cosmopolitanism*

In its fundamental approach, ethical cosmopolitanism states that we have interhuman moral reciprocities across national boundaries, which then, to a certain extent, can issue in a mutual responsibility for justice in relation to all other human beings. The justifications of cosmopolitanism are widely varied, and may be differentiated in terms of their respective claims to validity. The cosmopolitan position can be based on utilitarian, ethological, anthropological, social theoretical and even metaphysical grounds. The usefulness of mutual global solidarity and justice (business ethics), the demonstrable biopsychological similarity between races, comparable anthropological personality structure and last of all the postulate of the ontological unity of the human species – any of these can form the basis for arguments in the debate, arguments tending to interlink and interconnect human beings in a moral sense as well. Global interdependencies today are not based on a presumption, but are empirically demonstrable. The ecological consequences of environmental pollution and toxic emissions, in particular, along with climate change, are among the most thoroughly researched phenomena. This shows that the conception of ethical cosmopolitanism is not just a philosophical justification mechanism but rather rests on the clear and empirical results of mutual interdependencies.

Christian ethics, as we have said, has since the time of Paul postulated that its message is addressed to all human beings universally,<sup>183</sup> and makes no difference, at least in theory, between the ethical claims of different people of different nations and religions and their mutual responsibilities. No doubt in the two millennia of history of Christian ethics this principle was often overlaid by various forms of European chauvinism, class prejudices, adherence to inhumane traditions and Roman Catholic claims to pre-eminence. After having overcome misconceived claims to hegemony and aggressive missionizing in the Middle Ages and the early modern period, however, the Christian claim to universalism has undergone a transformation. Since the Second Vatican Council, above all, and

thanks to the variety of modern Protestantism, it makes sense to speak of a shift towards peaceful re-evangelization and the presentation of a considered case for the reasonableness of Christian religious thinking.

If, in view of the fact of pluralism, ethical universalism is understood today as assuming the feasibility of a global consensus on right and justice, as explained earlier, it is in the best sense democratic and in keeping with the attitudes expressed in modern international conventions. It simply states that the postmodern critique based on irreducible plurality can be countered by a universal sense of one's own humanity and the humanity of others. This sense of their own worth forms the basis for morally thinking human beings, of the most varied origins, to concur in the need for agreement in their mutual relations with one another, which should not fall below a universally valid level of regulation. A principle of non-instrumentalization, of Kantian provenance, can thus certainly be shared by non-western cultural spheres and by all world religions. Since the end of the 20<sup>th</sup> century, moreover, we have seen a development in many religions, not just in Christianity, from old attitudes of confrontation towards a global openness to persons of different beliefs and an open-minded religious tolerance.<sup>184</sup>

The universality of Christian ethics is in complete agreement here with cosmopolitan social theory, of which we find many representatives in political philosophy today.<sup>185</sup> This ethical cosmopolitanism is the opposite of every kind of communitarian, ethnologically preferential, religiously exclusive and nationally blinkered theory of society – as well as of relativistic ones. At the same time, even if many human beings understand themselves as part of universal humanity and acknowledge others as their fellows, cosmopolitanism can be understood, as we have indicated, in many different ways. It may be either a partial, a hypothetical or a universal cosmopolitanism.<sup>186</sup> This means that there are “hard” and “soft” forms of cosmopolitanism, which vary in terms of their strictness and binding nature.

As these differences threaten to take us too far, we will focus here on the general pillar of cosmopolitan theory from a Christian perspective.

A social theory that establishes a basis for universal solidarity in relation to all human beings, especially the most disadvantaged, will always be a normative and universalistic one – one, that is to say, that assumes that *certain moral claims* are comprehensible and admissible *for all human beings alike*. Social theories and/or political ethical approaches, on the other hand, that have a primarily national orientation, or that are based on an internal culture or just on an actual religious community, prioritize close relations, at the cost of solidarity in relation to anonymous strangers.<sup>187</sup>

We can observe this phenomenon even in the democratic parties of western law-based states, when these appeal to the basic democratic legitimation of the individual and their duty to a national constitution, as a means of justifying an exclusively regional prevalence or the preferential treatment of national interests. Likewise adherents of the “statism” that has long been standard in political science see the primary obligation of the individual nation as being to its citizens, justifying this on the mere grounds that any given government has been legitimized and entrusted with a mandate by its own voting electorate. It is an analogous situation with those religions which see only members of their own confession as the “elect”, and do not envisage any alternative way of salvation as being open to believers of different faiths.

All this is different from a social theory of ethical cosmopolitanism, the groundwork of which was laid long ago in antiquity, first by the Cynics and later by the Stoics. After the Hellenistic period, admittedly, it went into abeyance, only being revived in the times of scholastic theory of natural law, especially in the late scholastic period in Spain, and experiencing a real renaissance with the Enlightenment (Kant’s idea of world citizenship). But it then really took off with the dawn of the age of globalization at the end of the 20<sup>th</sup> century, with the world as a whole growing ever closer together and becoming more and more interdependent in an economic, political and cultural sense. This development resulted,

involuntarily but quite unmistakably, in the need for a global theory of society – one that should now, in a perfectly pragmatic way, be capable of solving global problems with an explanatory model of a systematic nature. If this search for an appropriate global social theory is not to stop short, in postmodern society, at an eclectic pluralistic relativism, but rather lays claim to the systematic explanation of moral problems and concerns, it must necessarily be cosmopolitan.

An answer to the search outlined above may be offered by a subsidiary Christian cosmopolitanism, which understands itself as the foundation, in *Weltanschauung* terms, of a global and universal morality. The theologically relevant question in this connection, however – by analogy with the problem complex which we have already methodically addressed in the second chapter above – must be formulated as follows: how can these Christian and cosmopolitan claims be presented in a pluralistic and non-authoritarian way? Can this approach understand itself as a contribution to intercultural understanding among human beings, subject to the condition that a specific high form of religion is here offering a generalizable answer despite knowing that its knowledge based on revelation and convictions based on faith are not shared by all?<sup>188</sup> We have already tried to answer this question in the second chapter by means of the methodical distinction of religious hermeneutics and normative global ethics. There we made it clear that although no kind of religious conception is capable of being generalized, nonetheless a religious understanding can certainly enrich the global debate on justice by supplying generalizable moral motifs.

In the discourse on the ethics of global justice there exists material agreement between large parts of political philosophy and Christian cosmopolitanism on the point that institutions must be recognized as having the highest importance, both on global and on national level, for the improvement of standards of global justice. The institutional emphasis of just government clearly takes precedence over transnational *ad hoc* interventions by the international community.<sup>189</sup> Over and above this, cosmopolitanism entails a duty of assistance on the part of liberal democratic states to sup-

port challenged societies in developing just institutions until the point where these are capable of working independently and autonomously. This demand is justified both on the basis of the *law of peoples* formulated by John Rawls<sup>190</sup> and by the principle of Christian subsidiarity.

Admittedly Rawls' version of cosmopolitanism is not entirely that of a Christian social ethic, because the latter would go further than just providing a justification for emergency aid. As a universal morality, Christian social ethics does not take the priorities of old-style "statism" as its point of departure, but rather bases itself on its principle of personality, which fundamentally acknowledges human beings of every nationality, culture, religion and race as moral subjects endowed with rights and having equal value, to arrive at a *universalist and subsidiary cosmopolitanism*. This is because, in a Christian understanding of things, all human beings are members of the "human family"<sup>191</sup> and so equally deserving of protection.

People are and remain simultaneously free and independent moral subjects with a claim to individuality, freedom, identity and autonomy and to a cultural (and in many cases ethnic or national) home. This freedom, however, is often violated in interpersonal relations, because it is not always simple to reconcile the freedom of one person with the freedom of the other. This omnipresent threat of the violation of rights is what makes a cosmopolitan ethics of right and justice a necessity in the first place, seeing that the latter can help to explain what gives rise to the violation of the rights of others and how this can best be avoided or remedied. Here it is first of all an urgent priority that political disorganization and anarchy give way to the establishment and stabilization of national law-based states, because civil societies can only be influenced to a limited extent by the intervention of the community of nations. Even in the case of gross violations of human rights, like unjust wars and situations of political oppression, it is a subsidiary cosmopolitan theory that provides a clear and apparent basis for ethical condemnation.

What still remains unexplained, on the other hand, in a context of subsidiary cosmopolitanism, is the question of the positive social duty of care in relation to people of different culture and origin, especially the poor and the oppressed, who are not in a position to look after themselves or liberate themselves from injustice. In the debate on justice there is less controversy in this respect over the obligation of nation states to care for their own population, and give them the social justice they deserve. Here again there are controversial answers to the question how far the social welfare provided by the state should extend. In the debate on social justice within and beyond borders these questions become the subject of academic discussion.

In what follows we will try to evaluate them from the perspective of a Christian ethics of justice.

### *3.3 Social justice within borders*

Social justice<sup>192</sup> is the variant of justice which is most controversial within societies based on the welfare state, because it is immediately associated with redistribution and is most subject to cultural differences and interpretations.<sup>193</sup> But in western European welfare states it is now generally accepted even by liberals that between the citizens of a state there should be at least a minimum of social justice. This social minimum is designed to prevent situations where human beings in one and the same society suffer severe poverty and are pushed out to the periphery of such societies, or as a result of sickness, unemployment or family problems are subjected to needs which could be alleviated by state subventions. As we have already shown in the first chapter of this book, the highest standard of politically induced social equality of a traditional kind is to be found in the Scandinavian countries, which show the highest degree of egalitarian income distribution worldwide and which have achieved an enormous level of social equality.<sup>194</sup> In western societies on other continents the measure of social



justice has traditionally been very much lower, as the examples of the USA, Canada, Australia and New Zealand illustrate.

Empirically viewed, however, awareness of such issues and the willingness to sacrifice income or wealth for the sake of others, in the interest of creating a minimum economic and social threshold, is severely restricted to national level (e.g. a sociocultural existential minimum and more). Beyond national borders, and even in transnational federations like the European Union, solidarity soon reaches its limits. Only since the euro crisis has a certain measure of solidarity within the euro zone in relation to south European societies come to be seen as indispensable, out of the merest self interest. The discrepancies of income and wealth to be found between Bulgaria, Romania and Germany or Denmark, however, are seldom subject to critical inquiry or measured by the yardstick of social justice. Instead we find historic inequalities are commonly referred to as resulting from the degree of social commitment in a given nation. Only few people see the wealth gap within Europe, and the very much higher risk of poverty and unemployment in the southern countries of Europe, as a situation calling for solidarity. More affluent states try, even at intra-European level, to guard against the immigration of the poor and to prevent immigrants from accessing their social systems. And vice versa, it is easy to imagine how unjust the less advantaged feel the wealth gap to be, along with their significantly worse starting and development chances, even within Europe itself.

Summing up, we can say that the present empirical situation is such that, from a global and even continental point of view, very few people are committed to or see the need for transnational obligations of solidarity; whereas social justice within states, at least in continental Europe, can look back on two hundred years of stable tradition. In conclusion it may be said that social justice in the form of developed social systems with legal claims has hitherto been a feature of the nation state.

Solidarity in the form of institutionally guaranteed social justice between citizens in large and anonymous societies is a cultural and morally pragmatic achievement of modern times, more specifically

of the closing years of the 19<sup>th</sup> century, induced by the hardships of industrialization and the resulting emergence of the social question.<sup>195</sup> The welfare state is the institutional form taken by intra-social civic solidarity within *a single* society, along with the awareness of mutual claims within linguistically, culturally and socially networked spaces of interaction and mutual understanding which have national identity. Even in terms of moral theory, social justice presumes a certain measure of homogeneity and community consciousness, which has developed historically within nation state societies but which nonetheless, over and above this, requires to be painstakingly reconstructed and is still in need of universal justification (see below).

The practical realization of social justice is guaranteed through the institution of the welfare state. This means as a practical consequence that the income and property of private persons, as well as the profits of companies, may be tapped to a considerably greater degree than in liberal societies that emphasize freedom of the individual. It also means that incomes, based on volume, will be progressively taxed up to a certain capping limit. The tax revenues appropriated for purposes of social compensation will be applied – irrespective of whether we have to do with a social security system or a Beveridge system – to ensure a minimum level of social security, in other words to guarantee certain social threshold values for poorer sectors of the population and prevent the occurrence of existential need.<sup>196</sup> Schemes to ensure a living standard on the basis of social security that go further than this are controversial, because they would entail a considerable redistribution of wealth and income within these western societies, which democratically would have to be borne by the majority of the effective performers in the population, even in times of negative economic development.

Let us now turn away from these practical and political realities, and investigate, from an ethical point of view, the philosophical debate where the question at issue is a meaningful normative concept of social justice, in view of the considerable poverty problems within societies. Therefore we need to remind ourselves that repre-

sentatives of Christian social ethics have been endeavoring to develop an integrative concept of social justice ever since the 19<sup>th</sup> century. Thus thinkers in the Christian social ethical tradition not only made use, since the time of the Jesuit Luigi Taparelli,<sup>197</sup> of the concept of social justice but have also emphasized the fact that *property entails obligation*.<sup>198</sup> This obligation applies all the more, the more a person is able to give. The obligation of solidarity thus grows in proportion to the person's own means. Reflection on the principles of social ethics therefore led a long series of social documents and social encyclicals, of which we can only mention a few here by way of example.<sup>199</sup>

Today, thanks to a variety of attempts to establish the foundations of social justice in the western industrial states, the problem of absolute poverty has been banished, but that of relative poverty is still with us.<sup>200</sup> On the global level, the problem of existentially threatening poverty continues to be the main problem of developing countries beyond our borders, with which we will be concerned presently. Nonetheless relative poverty in industrial nations is still a pressing problem for modern societies, as incomes that are way below the average are an inadequate guarantee of social participation and result in social hardship for the individual, above all for children and single parents. Academic debate has responded to this by proposing a series of highly differentiated concepts of social justice, associated with labels like *equality of opportunity, inclusion, participation, empowerment, help to self-help, solidarity and individual responsibility, justified inequalities and guaranteed subsistence based on threshold values*. What is concealed behind these normative terms? And is it incumbent on Christian ethics to go beyond them?

Since the end of the 20<sup>th</sup> century we have been speaking, in the field of Christian social ethics, of *justice of participation* (*Beteiligungsgerechtigkeit*)<sup>201</sup> *coupled with empowerment to lead a good life*. This is in contradistinction to the claim to homogenized life circumstances worldwide, as it likewise differs from pure justice of opportunity and equality of opportunity – which only aspire to regulate the formal starting conditions but do not set their sights on

continuing support through life, let alone postulating the necessity of an original empowerment. We may recall here the economist Friedrich August von Hayek, who once said, “The prevailing belief in ‘social justice’ is probably the severest threat at present to most other values of a free civilization.”<sup>202</sup>

Christian social ethics traditionally takes its starting point from the reverse inference – namely that an inadequate measure of social justice in face of the simultaneous need of others calls people’s very humanity in question. A standpoint of this kind has now been confirmed by contemporary distribution theory within the discipline of economics.<sup>203</sup> This is because it can be demonstrated that a certain measure of inequality within societies proves to be a negative factor for growth, and to that extent threatens the prosperity of the entire society. This empirical prognosis confirms the position held by thinkers on justice for many years in insisting that inequalities call for a justification in terms of principle (see above). This demand is also the foundation of the difference principle of John Rawls, who holds that inequalities *within* societies are only capable of being justified to the point at which they prove to deliver the greatest possible benefit to the most disadvantaged.<sup>204</sup> Beyond this threshold, political redistribution measures would be needed to ensure that the poorest classes can participate in the prosperity, resources and assets of a society.

*Justice of participation* (Beteiligungsgerechtigkeit) in a Christian sense would go even further than Rawls and would insist that there is a situationally just combination of distributive justice and performative justice – the possibility, that is to say, of a just solution in relation to those who depend on the solidarity of others along with a just solution in relation to those who have sufficient property and income and so are capable of acting in solidarity, but will not do so without performance incentives. The avoidance of a Pareto optimum (where both sides must benefit and no one is obliged to surrender anything), as is standard in neoclassical economics, is deliberate. It is rather the case that modern Christian social ethics aims at an agreement that is acceptable for both sides, so that neither do those who have something to give lose the moti-

vation for investment, innovation and performance, nor are the needy deprived of the means for a successful life. The right measure here is that of subsidiary help in the interest of self-help, in such a way as to facilitate self-initiative and self-motivated activity, no longer as an essential condition but to a sufficient extent. For this to be possible, a minimum of basic subsistence, along with a social (not absolute) existential minimum, is necessary; at the same time the availability of social standards must be coupled with the availability of public goods, so as to guarantee an independent possibility of reinclusion and reintegration in society and the working world with the help of the individual's own efforts. To this end, guaranteed education and training, health care that is accessible by all and risk cover for situations of need for all members of society are indispensable.

For social ethics this means that an aid paradigm which cripples individual initiative cannot be definitive – what is rather needed is a subsidiary mutual paradigm of social justice, which allows all parties to have their rights, which recognizes people's needs as well as their performance and brings both into a balanced relationship. The fashionable criticism of the solidarity or aid paradigm which complains that almsgiving is a “passive” way of helping the poor, without their being given any influence on the aid which reaches them (or in some cases fails to do so), no longer applies to the modern Christian debate on justice, any more than does the criticism of an older solidarity paradigm which makes aid to the poor dependent on the whim of arbitrary charity.

It must be explained that the concept of justice and the concept of solidarity have developed in such a way, in the course of the modern debate, that distributive justice and justice of performance can now be seen as two levels in mutual dependence on each other.<sup>205</sup> Justice of performance means that the effective performance of a person should receive proportional reward, and that this reward should also be in a fair relationship to the rewards of others.<sup>206</sup> Distributive justice means ensuring sufficient social compensation for those who cannot measure up to the performance level of society, or are not themselves in a position to secure a

good life for themselves. An additional goal of distributive justice is to ensure the adequate provision of public and private goods for all.

The criterion for a form of social justice representing a synthesis of these two types of justice is to be sought in the legitimate claims, fundamental needs and rights of all (including the less fortunate), and in the justifiable sacrifices which the more effective performers are expected to make out of solidarity. A balanced relationship between solidarity and individual responsibility can be expected to subsist to the extent that the arrangements of the welfare state provide a basic subsistence level and empowerment for all (against a background of adequate educational and training opportunities, along with adequate health care), as well as subsidiary emergency aid where family care is lacking. The exact nature of these entitlements can only – as we have explained above – be determined on the basis of a hypothetical consensus, in which people who potentially stand on the one or other side join in defining norms of participation, solidarity and mutual assistance.

In terms of social ethics, then, social justice in the sense of a concept of participatory justice and justice of empowerment, based on the combination of distributive justice and justice of performance, can be insisted on as a primary stipulation for the norms and institutions of the nation state. The poor and disadvantaged would accordingly be integrated in competitive societies in accordance with their needs and fundamental interests, but at the same time more effective performers would only be called on to make sacrifices to the extent that the needy really require it in order to be included. So long as there is no alternative to the market economy, the dynamism of the performance society associated with it should be retained, even in modern welfare states, and the corresponding objective necessities must accordingly be taken into account. This is because the market economy and competition lead effectively to an increase in welfare as such, but do not yet guarantee just distribution – which is why they require to be corrected by social mechanisms.<sup>207</sup> As a result states will be able to skim off surpluses and profits on a proportional basis by means of their tax revenue, and

measure up to their social obligations founded on human rights to a sufficient degree. As an accompaniment to this, a dialog needs to be initiated on the just valuation of performance, in connection with which inequalities and extreme divergencies in the value placed on work must become a subject for discussion.<sup>208</sup>

It needs to be stressed, however, that in the Christian ethical tradition equal claims to human dignity and legal status do not entail an absolute equality of living conditions, but rather indicate a justice of distribution which extends to the possibility of political, economic and social recognition in the measure of the individual's own efforts. At the same time, a social ethics based on human rights and social solidarity calls for the empowerment of all members of a society. This can be brought about on the basis of comparable conditions as a starting point, with the underpinning assistance of the welfare state. Thus social justice in a Christian sense goes well beyond the pure guarantee of subsistence for the poor and disadvantaged.<sup>209</sup> This means that it is not just people's initial endowments, in the sense of the material goods they dispose of, that need to be corrected – equally in need of correction is their degree of empowerment (everything that makes it possible for them achieve health, education and social prosperity), by analogy with the “capabilities” which are insisted on by Martha Nussbaum and Amartya Sen.<sup>210</sup>

In this area Amartya Sen, together with Martha Nussbaum, has done us a major service in developing a global ethical approach to the concept of basic capabilities, whereby justice is not merely seen as suspended between the poles of freedom-based performative justice and politically regulated distributive justice, but is rather assessed anthropologically, based on the fundamental physical, psychological and social constitution of human beings. According to this approach, social justice is a question of the empowerment of people from the very outset of their lives.<sup>211</sup> There are aspects, however, which can only be corrected and compensated by the state to a very limited extent – like inequalities resulting from chronic illnesses, disability, accidents, political oppression

and discrimination within the family, especially against young girls and women.<sup>212</sup>

In the last resort, a just compromise between performance justice and the welfare-based society will have to be sought, not just for theoretical reasons but also on grounds of moral pragmatism. This is because the regulatory structures of the welfare state are particularly stable, when the persons concerned are supported and empowered by institutions just up to the point where they are able to integrate themselves with the open society and global market economy by virtue of their own capacity of performance. Justice, then, is not to be seen either in a pure egalitarianism or in an extreme liberalism. Neither the exclusive insistence on equality nor the equally exclusive insistence on freedom is correct. On national level, social conditions can be regarded as just when they give *all* human beings opportunities of participatory involvement (based on legal rights, education, social support, economic stability, peace etc.) – “all” human beings likewise including foreigners and immigrants who have a right to live and work in these societies.<sup>213</sup> In addition, modern societies must provide those whose lot is unfortunate with a fallback guarantee adequate to ensure that they can once more be sustainably empowered to participate actively in society, and not be left permanently in need along with their dependents.

The subsidiarity principle here dictates the measure of social justice, understood in the sense of helping people to help themselves, just as it helps to determine the measure of solidarity obligations incumbent on society and the state.<sup>214</sup> Seen worldwide, this ideal measure of social justice is achieved only in a few western welfare states, and even in these we frequently find sectors of the population who fall through the net, and who still need to be included with the help of lasting reforms and through the adaptation of the welfare state to changing socio-economic conditions.<sup>215</sup>



### 3.4 *Social justice beyond borders*

Social justice that goes beyond the domestic justice of a state has been – ever since the debates on development politics and development ethics in the 1960s, and even more so in the early years of the 21<sup>st</sup> century – a subject of controversy in philosophical discussion.

It is fundamentally a controversial question whether social justice can be justified at all beyond the borders of the nation state. John Rawls takes the view that there does not have to be such a thing as global social justice going beyond emergency aid and a rudimentary principle of lending assistance, understood as an acknowledgement of fundamental human rights.<sup>216</sup> Other thinkers on justice, like Charles Beitz, Brian Barry and Thomas Pogge, are in agreement with the older tradition of Christian theory of justice in postulating that social justice can indeed be justified on the global level.

Under the auspices of Catholic social teaching, this global perspective was prominently formulated at the Second Vatican Council in the document *Gaudium et Spes* – long before global ethics became a subject for philosophy:<sup>217</sup> “It is a very important duty of the advanced nations to help the developing nations in discharging their above-mentioned responsibilities. (...) It is the role of the international community to coordinate and promote development, but in such a way that the resources earmarked for this purpose will be allocated as effectively as possible, and with complete equity.” (No. 86). Even more precisely and quite unambiguously, global social justice was then formulated as a concept by Pope Paul VI in 1967 in *Populorum Progressio*: “The duty of promoting human solidarity also falls upon the shoulders of nations.” (No. 48). No people, the document states, can make an exclusive claim to its own wealth. “We must repeat that the superfluous goods of wealthier nations ought to be placed at the disposal of poorer nations. The rule, by virtue of which in times past those nearest us were to be helped in time of need, applies today to all the needy throughout the world.” (No. 49).

So, in the Christian tradition, a just ordering of the world also entails a just global distribution of goods and resources. At the beginning of the 21<sup>st</sup> century, we are further away from this situation than ever before. Empirical investigations of income distribution have shown that there are gross divergencies between poor and rich in all parts of the world, and that a person's nationality thus functions, in relation to people, *like an ineluctable fate*. Depending on where a person is born, his or her fate – whether this person grows up, that is to say, in poverty or in prosperity – is very probably going to be predetermined by the circumstance.<sup>218</sup> Branko Milanovic has demonstrated that the richest populations of the world, who only add up to 10 percent of the world population, possess almost 80 percent of the world's income and assets. 90 percent of the world's population, on the other hand, possess less than a third of the world's income.<sup>219</sup> The tendency to an even greater income divide is increasing, even if it is alleviated by the opposed tendency of the macroeconomic convergence of threshold countries and industrial countries.<sup>220</sup>

Since the beginning of globalization development economists have observed a percentage decrease in absolute poverty, and the development of growth in threshold countries is significantly higher than that of the western affluent nations, which in the long term should result in a convergence of the level of prosperity. Nonetheless the wealth gap to date can only be described as unjust. If, based on extensive research by development economists, divergencies of income on local and national level are a hindrance to the further development of wealth in a given country, this could well – being extrapolated, and based on the logical transposition – have equally negative effects on prosperity at global level, especially for those who do not participate in the growing global economy, in other words the least developed countries.<sup>221</sup>

According to input from development economists, an optimal distribution of goods can best be achieved on the basis of an open and unconstrained economic market which is in a state of balance. But there continue to be considerable political barriers to free trade, different public, geographic and social factors based on loca-

tion, few incentives for companies and capital investors to invest in the poorest countries and so integrate them in the global economy. We can therefore assume that when it is a matter of a juster distribution of income and wealth worldwide, we are faced with a classic case of market failure. Especially in conditions of extreme poverty what we see is a persisting *poverty trap*, which can only be changed through positive external shocks or considerable modifications of political structure, and with the help of global institutions. Even representatives of economic ethics admit that here there is a need for new and different framing conditions,<sup>222</sup> seeing that market-driven corrections on their own are not enough to provide human beings with an adequate material starting position, human capital, chances of participation or in the most general sense with sufficient capital stock to save them in consequence from early death, deficiencies, want and suffering.

Thus, if the problem of globally just distribution cannot be solved in a short period of time, the question of social justice beyond borders will transform into a problem of mass migration to wealthier countries. Therefore, giving the poor and suppressed the chance to migrate to states where living in dignity is possible is the only way out. Nevertheless, it is better for everyone to invest in global justice in the sense of developing all countries because this gives even poor people the chance to make a good living within their familiar cultures. Since this might take too long for millions of human beings, a balanced and human *global rule of migration is overdue*. First of all, this should respect the rights of the individuals in need, but also has to take into account the functioning conditions of the migrants' countries of origin as well as those of their host countries.

### 3.5 *Philosophical justification of a global balancing*

Every minute people are dying in the world from the consequences of absolute poverty.<sup>223</sup> Among the victims are particularly large numbers of children in the sub-Saharan zone of Africa and in

Southeast Asia. The number of people suffering from absolute poverty has hovered, since the turn of the millennium, at something under a billion. These people are the innocent victims of a persisting moral dilemma, without having any chance of escaping from it by their own efforts. Multifactorial causes of poverty are not uncommon – like oppression within a state, various forms of slavery, the lack of rights for women and children, minorities, social classes and religious groups or considerable inequality of incomes and wealth.<sup>224</sup>

In the question of social justice on the global level, then, what is at stake is nothing other than the *observance, concession and acknowledgement of fundamental human rights for all* who have a right to life, food and development.

Against this background it is evident that ethical thinkers must intensively investigate the avoidable causes of the gulf between the richest and poorest of the world, and so endeavor to fathom wherein global social justice consists. At the same time they will have to pursue the key ethical question who is responsible for the final abolition of existential poverty and on what moral basis this responsibility is grounded.

With reference to all these meaningful moral demands, philosophical debate on this issue also of course entails the question whether and to what extent such political utopias today can be based on the ethics of right, and whether a balancing out based on social justice can be grounded at all on hypothetical processes of arriving at a consensus. Here, alongside the question whether *global* social justice is capable of justification, the further question also needs to be asked what is the basis in the ethics of right for the claim to social justice, and who should be on the receiving end of it, as we have already done here in pointing to the right of *all* human persons to protection as the material goal of ethics.

When it comes to the justification of claims based on the ethics of right, Milanovic and Pogge propose, as already stated, that the worldwide inequalities in the distribution of capital must be reduced just in the interest of avoiding injustice. This would above all mean reducing the inequalities in the average income levels be-

tween individual nation states.<sup>225</sup> *The question in what land a person is born should no longer be crucial to that person's life or death.* The survival chances and chances of a long and healthy life would have to be assimilated throughout the world at least halfway, in order to achieve the long-term goal of global social justice.

Traditionally, different social interest groups have placed varying emphases in this discussion – depending on whether they place greater value on freedom and willingness to contribute or on solidarity with the weak. This results in many and varying concepts of justice which in consequence often make a contradictory impression, and so must be considered and appraised in all their dimensions.<sup>226</sup> Making the necessary distinctions here is a genuine task for Christian ethics.

In the ethical debate – let us state this for the sake of an introductory overview – there are only few ethical approaches which take the status quo of the existing distribution of power and income as a point of departure.<sup>227</sup> Most approaches rather favor a neutral starting point, compelling the observer and the persons concerned to place themselves in the pre-historical situation of the conclusion of a new contract, in the situation of a non-coercive discourse or in reflection on an ontological and/or value-oriented ideal. In the background to each of these approaches is the common conviction that it must at all costs be avoided that people with exclusively individual, short-term or even defective interests should arrange the norms of ethics in accordance with strategic rationality, in such a way that the stronger prevail. Viewed on the global level, this would lead to an unchecked and unreflective dominance on the part of the western industrial nations and to the dominance of successful multinational companies, in some cases even companies possessing a monopoly, in the shaping of an international order. But as the principal concern of ethics still remains the protection of vulnerable human persons who are in need of protection, and ethics actually has its existential justification in the object of avoiding violation of rights, the ethical shaping impulse must here go significantly further than just analysis of the status

quo. By the same token, the development and justification of global balancing measures is no easy undertaking.

If we look at the three dominant patterns of what are perhaps the most prominent moral approaches for global justice, we come to the conclusion that all three have a certain right on their side, but at the same time equally show weaknesses and points that may be criticized. In what follows below, these three basic types – in admittedly a somewhat simplified form – will be analyzed with a view to their justification and the points open to criticism.

*First of all* contractualist approaches of a Rawlsian character can lay claim to a high degree of plausibility with reference to the argument of global justice that clear principles must be found for the establishment and management of a “basic structure of the society of all peoples”. Rawls’ insistence on *peoples* as the sole negotiating partners in a primeval global state led, as we have already indicated, to objections being raised by some cosmopolitan thinkers.<sup>228</sup> The people-oriented viewpoint of Rawls is admittedly no longer completely dominated by an impenetrable Westphalian world of thinking in terms of the nation state, but it does still take its point of departure in the autonomy and sovereignty of nation state organization, as forming the only framework within which justice plays a role at all in relation to the individual members. Following a reform of the “basic structure of the society of peoples” by just liberal institutions, Rawls assumes that the poor will in fact be able to exercise their basic freedoms. This is consequently his goal and *terminus ad quem*, which he does not want to go beyond. And this is the assumption that is contestable, because even the best global order can hardly eliminate the national institutional abuse of human beings.

The Rawlsian tradition is convincing to a certain extent (and to this extent agrees with institutional sociological and economic theories) in stating that it is important to establish better international institutions, regulatory systems and frameworks<sup>229</sup> on the global level which will give powerful support to the poor and encourage their opportunities of progress. *Orders* and *Organizations* must support states in sufficient degree in establishing just, free or suffi-

ciently basic institutions with a view to their organizing themselves, creating endogenous growth within their own economies and achieving at least the first level of development for the poor.<sup>230</sup>

Highly controversial on the other hand is Rawls' thesis on global justice to the effect that massive economic differences are not *per se* unjust,<sup>231</sup> from which it follows that distributive justice on a global scale would be superfluous. His exclusion of redistribution as a means of social justice across the borders of the nation state can be contested, as has already been shown. Associating global justice just with a minimum institutional obligation of assistance and emergency aid can be criticized on good grounds, as these framing conditions for a long time would still not give the persons concerned the opportunity of earning their living independently and autonomously. This is because we have to reckon with a considerable time delay before institutions exercise a real influence in the interest of the persons concerned. In view of the many and varied life-threatening situations in which the absolutely poor are living, waiting for this process to take effect until institutional reforms kick in is unacceptable today, because it would mean taking on board millions of deaths of the absolutely poor as collateral damage.<sup>232</sup>

Poor people need start-up financing, similar to quantitative and qualitative equity. *Assets* and *ownership* are the favored terms in the current debate.<sup>233</sup> It follows that institutional reforms are a necessary, but not a sufficient condition for getting over the poverty threshold. Only when poor people are in a position not just to provide for their own subsistence needs, but also – with the help of adequate health, education, confidence and an adequate supply of their own resources – to become competitive, can they overcome poverty in the long term. For this we need more than just better institutions.

In the further development of the global justice theory based on Rawls, consequently, states and peoples are no longer taken so much as a starting point – it is rather individual persons who function as the normative point of departure for global justice.<sup>234</sup> All human beings have natural legal claims and human rights, which

should ensure that their fundamental needs are met. With reference to the determination of rules based on these rights it is assumed that between them there is an abiding necessity for agreement on questions of global justice – an agreement that would actually be in their own best interests. These agreements, however, must be brought about independently of their origin, race, culture, sex or *Weltanschauung*.

Global distributive justice, however, cannot be justified on the basis of a purely traditional approach in Rawlsian style, seeing that purely national institutions – with their narrow focus on a nationally limited understanding of global justice – cannot fulfill the normative requirements of global solidarity between all human beings, which after all would call for obligations of responsibility (limited ones, certainly, but consistent ones as well) on the basis of reciprocity between all members of humanity.

*Secondly* neo-Aristotelian approaches are used to justify some limited claims to global aid, when an unambiguous goal and clear boundaries are in place. At the same time, these approaches consciously take a stand against the general international redistribution of income, goods and resources.<sup>235</sup> These conceptions of justice are patently not aimed at concrete consequences in the light of an egalitarian equality (see above), but rely entirely on an equal and normative starting point, namely the guarantee of human dignity for every person. This dignity is the reason why every human being has a justified claim to the fundamental supply of goods – one that assures him or her, apart from the legitimate right to survival, a right to a good life and/or to certain human “capabilities”.<sup>236</sup> The concrete goals envisaged vary in accordance with differing human conceptions of what constitutes a person and a person’s good life.

This, however, is precisely the point where the interesting and unresolved question suggests itself as to how the claims and rights of a person can be realized without fundamental changes to the allocation of capital worldwide. It remains unclear how the provision of comprehensive funds to make it possible for the poor to achieve a good life, as Nussbaum proposes, can be implemented in



practice. All this would only be realistic if we were to transfer capital, goods and resources on a grand scale, if services and institutional support were to be offered to the poor and heavily disadvantaged societies helped in economic terms so as to progress their poor at least to the first step of development.

In view of the differences between cultures and religions and their very divergent conceptions of *the good*, we also need to ask whether the concrete material requirements for a good life can be so precisely defined in terms of threshold values as Nussbaum attempts to do.<sup>237</sup>

*As a third position* we may point to the strongly cosmopolitan and egalitarian approaches such as we find in some authors already referred to – Thomas Pogge, Charles Beitz and Simon Caney. These thinkers advocate high claims for distributive justice, which call for a reorganization of the resources initially available to the poor by global institutions. This would also entail the alleviation of global states of inequality and the establishment of a new just order of the global economy, as well as conceding individual claims to justice to the persons concerned on national level. As a test of justice, the following basic question is suggested: To what extent do national and global institutions guarantee, for the persons concerned, the universal availability of goods (Pogge, Dworkin, Scanlon) or provide individual access to Rawls' basic goods – such as life, freedom, equality, freedom of movement and opinion, equal opportunities, freedom from pain and a basis for self-respect? The main demand of cosmopolitan theories of justice, in development economics terms, consists in preventing excessive differences of income distribution and eliminating absolute poverty as far as possible – when necessary, even by intervention on the national sovereignty of states. The principal normative argument for these changes is seen in the negative obligations of responsibility of the rich and privileged of the world in relation to the poor and oppressed, as the present order of things, it is argued, threatens their fundamental right to life.<sup>238</sup> The Rawlsian duty of assistance, it follows, is not just referred to acute institutional emergency aid in the individual case, but is rather understood as a negative duty of

omission in relation to the multifarious and lasting emergency situations on a mass scale affecting the poor and oppressed of this world.

This last mentioned premise of an unjust global structure is rejected by other authors in the fields of philosophy, economics and political science.<sup>239</sup> These do not see the global order as being principally responsible for existing situations of injustice, instead pointing to largely internal factors – like irresponsible and incompetent government, for instance, the failure of institutions of the nation state to provide adequately for the common good and social welfare, unfavorable economic, financial and monetary policies, domestic corruption and inadequate background conditions for the provision of private and public goods. A partial critique of the injustice of the global order, however, also emanates from thinkers who recognize multidimensional empirical factors as the cause of underdevelopment in poor countries, making not just political but also climatic and geographical circumstances responsible in the case of some African and Asian landlocked countries.<sup>240</sup> Even religious and cultural reasons are referred to, along with anthropological and culture-specific peculiarities, without making any value-judgments about these.<sup>241</sup>

The truth of the lack of prosperity on the part of the poor is likely to be the result of a multitude of causes, consisting of both global and structural factors and nationally specific ones. At the same time, it is a question for philosophical evaluation what kind of weighting should be given to such causes and what deficiencies may be regarded as capable of change. For example, cultural and religious influences that act as a check to development are more difficult to change than are political and economic deficits or structural and systemic ones. So patterns of explanation based on political structure and social research based on comparative anthropology are both alike relevant when it comes to global justice.

But even if we leave this question of the originating causes to one side, cosmopolitan approaches are justified in principle in the fact that they see the world as a *common human society* with a necessary measure of universal reciprocity, or even as a *human family*

in which, merely in virtue of the mutual dependence between human beings and nations, a special moral responsibility for the most disadvantaged, and indeed between all human beings as such, exists (*Johannes Paul II, Sollicitudo Rei Socialis*, 38). A Christian option for the poor would, as an option for the poor, also justify a clear preference for the poorest billion of the world population, coinciding with current proposals in the field of development economics.<sup>242</sup> This is because the assumption of the unity of humanity calls for a limited universalism in ethics, in the sense of a subsidiary form of cosmopolitanism, where we will find it difficult to make a difference between the nationals of a given state and all other human beings,<sup>243</sup> but will rather be compelled to make existential distress the universal criterion for the need of human beings to be protected.

At the start of the 21<sup>st</sup> century, equal rights in connection with claims to fundamental justice for all the people of the world are increasingly becoming a valid and powerful moral principle, although there still remain sharp conflicts between the national and international material interests of certain countries and peoples, because it seems a difficult decision, politically speaking, which of several competing moral goods should be given priority.

### 3.6 *Strategies of global social justice*

Instead of concentrating on the early causes of situations of injustice, it seems more important to discuss the now available instruments for making speedy changes to the suffering condition of nearly a billion people, with a view to avoiding further unnecessary deaths. This goal becomes very much more realistic when it is clear that everyone who belongs to the cosmopolitan world must to some extent share the responsibility.<sup>244</sup> The more the concept of a Westphalian world of inviolable nation states disappears, and a basic order of the law-based state that is legitimized exclusively by individuals takes its place on national and international level, the more plausible it becomes to argue for a society of responsibility

throughout the world, or else for a multitude of legitimate and collectively responsible players, a number that would also include companies and multinationals as well as states.<sup>245</sup>

After having analyzed the multitude of arguments for and against the possibility of a global balancing out, nobody can claim to have already solved the complex problem of global justice. In the last resort *two fundamental paths to global justice* can be identified: on the one hand a *better distribution of goods and resources* – to what extent via the global market or via political and institutional interventions can be decided at functional level, in the light of which variant is more capable of being effective – and on the other, *collective changes of behavior* in poor countries as well as *collective changes of behavior* in the affluent world itself – with varying emphasis in each case.

The latter of the paths we have just referred to, namely collective changes of behavior, would need changes both on the level of consciousness and culture-specific changes of behavioral patterns. In poor nations at this point we might think of ways of overcoming classic and socially damaging patterns of defection (e.g. corruption, oppression, generative behavior, unequal treatment of classes, races or sexes, the inadequate supply of public goods such as education, health, transport infrastructure, social security or the environment as the result of the accumulation of assets in the hands of the few, etc.). In the countries of the western world this collective change of behavior would have to be addressed to a resource-saving and sustainable approach to the use of foodstuffs, raw materials, technologies and consumer and luxury goods generally. In this connection it is no longer disputed that the current living standard of western countries with its current consumption of fossil fuel resources is incapable of being generalized or extrapolated into the future, because the earth as an ecosystem could not sustain such a development and massive migration of the poor would intervene.

Therefore the question of justice in a global perspective now presents itself for the first time in a highly individual variant for anyone living in prosperity: “What kind of lifestyle are we entitled to choose so that a life without poverty and need, or even a life as-

sociated with prosperity, does not put at risk the lives of other human beings on this earth?"<sup>246</sup> From this general perspective an answer then needs to be found to the question what generalizable form of life is at all available for the ever-growing human race which would do justice to all and even be future-capable for an increasing world population.

The two paths or principal strategies described above reflect the two crucial problem areas: on the one hand the technical and political question of a more just *distribution* of wealth, private and public goods and resources, which constitutes the main area of discussion in the traditional global justice debate to the present day, and on the other, the life world question facing the affluent societies of a *lifestyle* that is non-damaging for others and on a global scale, for which sustainable and socially just interaction on all cultural levels is a prerequisite. This means at all events putting the question of intergenerational justice on the political agenda, and resolving the supposed conflict in terms of targets between ecology and economics on the global level.

The ecological debate on sustainability which has been going on for some decades now has made us aware that it is not just the distribution of goods that is a question of justice – it is also a matter of the sustainable use of resources which are only available in limited quantity. In Christian social ethics, this was the reason why Wilhelm Korff, back in the 1980s, introduced the principle of “re-tinity”,<sup>247</sup> anticipating the debate on the sustainable use of resources by a long way. In this connection Otmar Edenhofer thinks there has long been a need for a collective decision of the will to accept self-imposed limits, in the form of a legally binding act, associated with a collective decision for a global carbon dioxide tax.<sup>248</sup>

Alongside the structural need of action, the lifestyle in the developing and threshold countries is also a matter of importance. In view of the fact that the formation of *social capital*, collective *empowerment* and the development of an understanding based on *ownership* (entailing self-sufficiency and individual responsibility) can only be on a free and unconstrained basis, and that to this end

consciousness needs to mature over a period of some decades, this level is rarely addressed by thinkers. The main philosophical debate to the present day has been focused on the level of the technical and political distribution with reference to social justice.<sup>249</sup>

So what does a comprehensive understanding of social justice of this kind mean for human beings in concrete terms, on the global and international level?

According to this view of social justice, what requires to be corrected is the disadvantage affecting peoples and nations in terms of their available capital, their natural resources, their effective economic and political opportunities (also, and in particular, including participation in the growing network of the global economy) and their defective individual exit options in what concerns their access to private and public goods.<sup>250</sup>

According to the threshold value theory of development economics, this calls for a certain intensity of capital investment in order to trigger a process of growth, which can be expected to lead to an equitable per capita provision of capital. This includes not only private capital but human capital as well, such as is developed when the persons concerned are empowered to achieve a healthy life, access to education, security and participation.

So not only quantitative capital is needed, but also and above all public goods need to be made available – for example, the basic good of health care with adequate access to foodstuffs and care of the sick, the good of education with readily available schools, the good of equality of opportunity with the possibility of upward mobility for all social classes and sexes, the supreme good of individual freedom with the possibility of democratic participation and protection based on equal rights. Even if the global growth figures show proportionally higher growth for the group of threshold and developing countries in comparison with the western industrial nations, so that a slow process of assimilation has been proceeding since the start of globalization, many extremely poor national economies, above all in Africa south of the Sahara, continue to be excluded.<sup>251</sup> Besides, pure economic growth does not have a great deal to say in relation to distribution in upwardly mobile countries.

For this, an inclusive and sustainable form of growth is called for.<sup>252</sup>

Even the best growth rates cannot completely correct all kinds of disadvantage which arise through the positive endowments of others or from handicaps based on chronic or genetic disease, accidents, national origin and/or natural environmental conditions. The fact that the world's participation in prosperity is essentially predetermined by nationality, i.e. by birth, as Branko Milanovic has empirically demonstrated with the utmost clarity,<sup>253</sup> points to the limits of a social justice theory even when it includes the economy.

It is an important insight that neither *ad hoc* redistribution efforts, nor targeted development aid, nor incentives for companies and states to invest in poor countries, taken in isolation, can resolve the problem of inequality of opportunity. For this, what is needed is a globally coordinated *economic, political, ecological and socially networked development strategy of the global community with the aim of eradicating poverty and oppression*, one that is planned in the long term over several decades.

### 3.7 *Global responsibility for the poor*

In classic ethics, the moral principle of *ultra posse nemo obligatur* obliged every human being to provide active assistance only to the feasible limit of his powers – or in as quite general sense, laid a moral obligation only on that person who was in a position to lend aid or avert a moral dilemma.

Until a relatively short time ago, most of us, as citizens of the western world, were able to shrug off the moral responsibility for the reduction or abolition of absolute poverty, and excuse ourselves on the grounds that the resources available worldwide were insufficient to change the fearful situation of the absolutely poor. Up till the year 1990 half of the population in the developing countries was living below the absolute poverty threshold – a situation of human need which was too much even for the wealthy western world to handle. Consequently aid to the poor, by analogy with its

possible effectiveness, was principally limited to a person's own society – as in earlier centuries to a person's own town, own principality or given country, or even earlier to the immediate family.

The reach of social justice, and so too the associated degree of responsibility, has extended historically in parallel to the given range of economic and political feasibility. Analogously, this should also be taken into account in the theoretical conception of global justice. Since the start of the 21<sup>st</sup> century, and following a successful period of globalization and economic growth, the possibility of rescuing *all* the absolutely poor from their life-threatening situation has become a tangible prospect.<sup>254</sup> The structures which cause serious poverty – apart from geographical and climatic disadvantages – can be judged by experts to be not insuperable. This has been confirmed by empirical findings.<sup>255</sup> Both in relation to world population and in absolute terms, poverty has been reduced since the 1990s. But there are contrary trends on regional level. In spite of globalization since the 1990s, the real number of the absolutely poor in Africa south of the Sahara has continued to increase.<sup>256</sup> And yet on a global scale it may be concluded that the greatest reduction of poverty in human history has taken place since the start of globalization, with notable success in the last few decades.<sup>257</sup> And yet every single individual death that caused by poverty that still occurs is one too many.

In fact no one would have to die of starvation or of curable diseases, poison themselves with contaminated drinking water, have an extremely brief life expectancy in view of the inadequate supply of resources or suffer from any other limitations on grounds of poverty if the problem were exclusively restricted to the adequacy of *economic* supply. Undoubtedly this realistic option for the comprehensive eradication of poverty is limited by the fact of *politically* inadequate national administrations and governments, or is currently prevented by the existence of dictatorships and oppressive regimes. Not to be neglected, either, are *cultural* dilemmas in some developing countries, where we can only expect the oppression of women and young girls to be overcome after lengthy processes of social discussion, resulting in an ongoing disproportionate growth



in the population – so that the supply of public goods is in the meantime rendered extremely difficult or even impossible. Based on experience, the sense of equality between the sexes, and sensitivity to the quality of child care and responsible parenthood, grow in relation to the level of prosperity and modernization and the degree of education of the population, especially of women.<sup>258</sup> So it is a matter of two sides to the same coin.

In the light of the practical possibility of overcoming need and misery, together with the long-term possibility of actually reforming political and cultural obstacles, ethically speaking – and subject to the maxim of “*ultra posse nemo obligatur*” – we can assume that there exists a global responsibility in relation to the poor. In our modern world, which is characterized by mutual economic, political and social dependencies, there are moreover no adequate grounds for a classic restriction or limitation of responsibility within nation states. Instead, there is an increasing need for the extension of moral responsibilities and obligations to global level.<sup>259</sup>

Here the trickiest moral philosophical problem, when it comes to the apportionment of responsibility on global level, is the fact that not all experts, peoples, states and federations of states have been able to come to an agreement on the universal obligation to extirpate life-threatening poverty. Likewise the various instruments for meeting such an obligation are still controversial – whether involving political countermeasures, including certain systems of distribution, or other possibilities of international cooperation, such as the abolition of trade barriers and tariff-based restrictions on trade or national subsidies. Then too, the problem of the unequal allocation of resources and of inadequate agricultural production in some parts of the globe has not yet impinged on the sense of responsibility of many people, especially in the western world.

Those who clearly recognize that there is an obligation to change this situation are in any case still unclear on the extent of the responsibility in concrete terms. This applies, on the one hand, to affluent individuals who can donate and invest without themselves suffering any damage from it. But at the same time there is

equal unclarity in relation to the role of citizens, social institutions and indeed in relation to the role of global society as a whole – which does after all uphold the world order existing at the present time, without making any systematic effort to fight poverty.<sup>260</sup>

At the same time we need to reflect in this connection that even the absolutely poor are independent human beings, who want to live out their lives within their own nations, continents and cultural spaces in accordance with their own responsibility, individuality and cultural origin. It follows that no measures for the extirpation of poverty should violate the individuality, cultural identity or personal freedom of the poor as human subjects.

Although the world is increasingly growing into a linked system on the political and economic level, past and present forms of solidarity and cooperation have proved inadequate.<sup>261</sup> At the same time it remains an immense task to work out how the complex means available for reducing poverty can be implemented in so many different situations, all with their political, economic, cultural, geographical, social and climatic unique features. This problem is extremely complex, above all for the reason that in the majority of cases poverty is *not* just the exclusive result of economic problems, but is rather, or also, a politically networked problem involving social, cultural, geographical and climatic originating factors.<sup>262</sup> For example, the many causative factors in relation to poverty frequently include internal oppression, various forms of slavery, religious conflict, inadequate rights for women and children, minorities, social classes and religious groups or considerable disparities of income and wealth in developing countries where the Gini coefficient is in most cases significantly higher than in western industrial nations (even in comparison with the USA).

This circumstance is one of the reasons why a pure development program that is solely aimed at the economic growth and prosperity of the least industrialized nations does not extend far enough to include all. Global responsibility can only succeed when it is supplemented by a multitude of mutually coordinated development processes which have been envisaged in the long term, along

with the inclusive and sustainable growth of national economies in a way that is aimed at reducing inequalities.

This challenge along with the fear that poverty can hardly be eradicated because it has such complex causes that it can hardly be treated just as an *object*, has not restrained thinkers in the past from engaging closely with the poverty problem. On the contrary, this argument would encourage us to see the poor as *subjects* of a “global theory of justice”. Such a global theory of justice must take sufficient account of the complex requirements in relation to the fight with poverty, at the same time as doing justice to the normative claims of the poor themselves as members of the world community, of the one *human family*<sup>263</sup> and as co-proprietors of the world. In addition to this purely philosophical line of argument, an option for the poor can also be theologically justified – and in quite general terms, religions which argue on a rational basis can be shown to be decidedly integrative schemes for human beings on a global scale.<sup>264</sup>

The scandal of so many unnecessary deaths, and so much avoidable suffering of the poor and oppressed of the earth, is the real reason for the ethical debate on global responsibility, which has been increasingly a subject of philosophical discourse at the start of the 21<sup>st</sup> century. The *concept of global justice* and the *ethics of human rights* constitute a widely accepted ethical frame of reference for the problem that acute poverty represents.

### 3.7.1 Fighting poverty on the political level

When it comes to the political framework, most authors in the ethical debate, by contrast with most political scientists, take up a position – as we have already indicated – that is clearly distinct from the strictly Westphalian concept of the nation state. This is because they are well aware that states are no longer the sole or sufficient players in relation to global moral responsibility. Such a strict idea of national autonomy by analogy with the Peace of Westphalia would be extremely dubious, as a world full of cooperative rela-

tions can only be successful in the fight with poverty when states are the legitimate representatives of their own peoples, and do not have to be regarded as sacrosanct just in virtue of their mere existence.<sup>265</sup>

In contemporary political ethics it is generally recognized that only the sovereign authorities themselves, namely *the peoples*<sup>266</sup> and their *citizens* in virtue of their humanity can be seen as the source of collective legitimacy.

On the political level, in the framework of a global society, this could even include the possibility of definite intervention in the affairs of those sovereign states that oppress their poor to an intolerable extent.<sup>267</sup> Overcoming the problems associated with national breakdown is crucial for the fight with poverty, seeing that existential poverty is most prevalent in *failed states*.

As a condition of the possibility of this kind of strategy, it is essential that dictatorships, civil wars and countries with *bad governance* should cease to exist. This sounds practically utopian, but it is a point that must remain on the political agenda. Also required are a variety of environmental adjustments, as well as rational political measures, processes of democratization, good governance and the establishment of states based on the rule of law, especially in relation to human rights. All this can come about principally by remedying market failures with the help of the just framing conditions of an ethically aware global market economy, as a first step, and secondly by integrating the poorest countries with the global economy through political incentives and fair market opportunities, so as to help them out of the poverty trap, enable them to get beyond crucial thresholds in attaining a certain level of prosperity, and furthermore allow the suffering population to participate in this on an equitable basis.

Free economic development in the interest of mutual benefit can succeed when the local institutions of developing countries operate within the framework of a systematic law-based state, are not corrupt and are not dominated by interest groups, so that business entrepreneurship cannot exploit the poor, as unfortunately is the case at present in many parts of the world. In addition, an impor-

tant global precondition for this would be a global order where public international law is given the highest legal claims. This would prevent one-sided market power and market failure, as well as political dominance and claims to hegemony. In the context of this kind of order Hermann Sautter rightly calls for “function-specific global institutions”<sup>268</sup> and global orders on various different levels: finance, competition, ecology, social affairs and development cooperation; With reference to the strength of market powers in general, hardly anyone seriously doubts that a fundamental modification of global organizations and institutions is long overdue if poverty is to be tackled effectively and right across the board – especially at a time when reorganization of the global financial system is equally overdue.<sup>269</sup>

If the world is seen primarily as a society of human beings of equal value, and not first of all as a cooperative association of individual states, there is no real alternative to at least a moderate form of institutional global social responsibility for the poor. Otherwise a global ethics would permit different norms of fundamental justice within and between states, in favor of their own nationals and to the disadvantage of foreigners.

In 2005 the United Nations committed itself to the principle of *Responsibility to Protect (R2P)*.<sup>270</sup> This international norm obliges states first of all to protect their own population against genocide, war crimes, crimes against humanity and ethnic cleansing. When a state is not in a position to guarantee this kind of protection, or even itself practices such crimes, the international community is legitimized in taking responsibility for the society suffering oppression. So a second-order responsibility is vested in the international community. This would in any case have to be extended to include the survival of many absolutely poor people as a criterion. In cases of civil war and the fall of nations, this form of justified global responsibility calls for the execution of humanitarian and justified measures of intervention by the community of states, and for suitable steps to be taken to restore peace. Why should the same not be the case in the interest of victims of economic shortage?<sup>271</sup>

Another suggestion for the application of sanctions to undemocratic and totalitarian states that are damaging their own population envisages excluding them completely from trade on the global market by means of international legislation, so that such states cannot any longer earn capital for their illegal national regime by selling their raw materials on the world market.<sup>272</sup> Along with customary economic sanctions, additional measures like a Global Resources Dividend or Health Impact Fund would be highly suitable means of establishing global social justice.<sup>273</sup>

From an ethical perspective it seems necessary to develop and implement many further peaceful political instruments against totalitarian states on the global level. The ethical goal here can only be to induce these states to respect their own population, and especially their poor, as subjects of equal ranking. Undemocratic states must likewise allow their citizens rights and acknowledge that all citizens of a country have the right to contribute to the shaping of the socioeconomic and political system in which they live.<sup>274</sup>

The communitarian or Aristotelian arguments in favor of redistribution exclusively within national societies and against global balancing reveal a standpoint within political ethics which clearly dates from the era of preglobalization and which has not taken cognizance of the *ethical paradigm of a global society*. Even if we postulate a tighter form of social solidarity within a shared nation or culture, this does not have to lead to the preferential treatment of social justice in a national context as against fundamental worldwide claims to justice – namely, the right to live in human dignity. What helps here is the legally systematic distinction between fundamental claims to justice, with reference to basic threshold values, on the part of the absolutely poor, and more extensive social solidarity with a view to the improvement of the social position of the relatively poor or relatively disadvantaged within a nation state. Global justice in relation to the poor, as members of a world society, belongs to the unconditional claims to justice which are to be rated much more seriously than social justice within welfare states.

Certainly it often appears that the different dimensions of responsibility may contradict one another in global situations of dilemma,<sup>275</sup> but with a clear prioritization in keeping with the *weightiness of elementary claims of human beings to justice* they remain systematically linked. For example, it is not a zero sum game of globalization when in the western world simple jobs are cut back while being built up in other countries with lower wage costs. Rather it is an automatic development program on the part of the markets, which nonetheless of course call for political and social adjustment. The creation of new jobs for more qualified workers in western countries with high productivity is another result of globalization, which in the net result actually outweighs or at least balances the annihilation of other jobs.<sup>276</sup> Consequently the critique of globalization must be extremely differentiated, and justice must really be thought of in a global dimension.

So when the claims to justice of the western world clash with those of threshold and developing countries, the option of a coherent and non-contradictory normative ethics on formal level should not be ruled out as impossible just yet. On material level, for example, the fundamental difference in moral gravity between global justice for the absolutely poor and the justice of social solidarity within western welfare states is not irrelevant. The difference between the absolute existential minimum and the relative social minimum, which depends on the level of welfare of a given country, should not be overlooked. In the hierarchy of values, and based on the rule of the weightiness of claims to justice, it is perfectly apparent what is principally important in this situation – namely, the absolute minimum of justice and the possibility that every human being on earth should at least be able to lead a life of dignity and opportunities. This should be made possible politically by global cooperation and global political processes of coming to a consensus whereby the poorest would be proportionally involved as human beings with equal rights.

In moral theoretical terms this global subsistence and inclusion obligation toward the poor can be justified on grounds of their right to life and of the human right to development which was al-

ready enshrined in the UN social package (ICESCR) back in 1966. In structural terms this can only be brought about with the help of function-specific institutions of a global order, relating above all to the economic level.

### 3.7.2 Fighting poverty on the economic level

While admittedly the lack of justice of the global market economy comes in for a great deal of criticism, and there are calls for it to be reorganized in a humanitarian direction,<sup>277</sup> its fundamental potential and actual real efficacy for the macroeconomic increase of welfare is nonetheless only doubted by groups who ignore the relevant findings of economics and so call for a radical change of system.<sup>278</sup> For even in the context of history of economics it cannot be disputed that the greater intensification of production and agriculture leads to considerable wealth effects for the countries and peoples concerned, while we in the industrialized world have experienced the end of absolute poverty in the last 200 years.

Nevertheless it is one of the crucial questions whether today's global system can be classified as unjust in itself,<sup>279</sup> or whether it can only be criticized for not being sufficiently just in relation to poorer countries and population groups. The second alternative would not permit us to conclude the existence of a structurally unjust system, but would rather suggest that we are just faced with system failure at the level of detail.<sup>280</sup> Irrespective of the question which of these theses is more accurate, both imply, in harmony with the present state of development economics, that a great many global institutions and legal norms need to be reformed and corrected at the first opportunity if they are to be capable of being called just.<sup>281</sup>

In this connection, the quantitative data collection tools for registering poverty, and absolute poverty in particular, have been heavily criticized by leading economists for their implicit assumptions and methods of application. It is very illuminating to contemplate the fact that even after the reform of the World Bank's tools



for registering poverty, an ongoing need of improvement still remains.<sup>282</sup> By contrast with these quantitative approaches, there also exist a great many important suggestions for a better qualitative concept of poverty analysis, emanating (as mentioned earlier) both from the Aristotelian and from the Christian ethical tradition, both of which in their classic form are focused on the good of humanity.

In terms of development economics there are three possibilities of improving interaction in a globalized world in favor of the poor: first of all development *aid*, secondly improved domestic and global *institutions* (including laws and international ordinances), and thirdly *market* transactions which serve all.<sup>283</sup> Without wanting to ignore the different injustices of the global order, we must nonetheless accept that most improvements in welfare in the world come about through mutual exchange, interdependent production and the international division of labor. Consequently the first step towards more effective efforts to combat poverty must be the *economic involvement of the poor* – and that not just in the sense of their consenting to common moral framework, but also in the sense of the possible economic participation in the interactive division of labor worldwide and in inclusive processes of growth and welfare. Naturally mutual gains can only be achieved under fair conditions and subject to the proviso that the weaker side too must have something to offer or exchange. This in turn leads to the conclusion that the poor must necessarily have reached a self-sustaining phase of development, which often cannot be brought about without previous external aid, foreign investment or the public goods of their own country.

Preconditions for the involvement of the poor and oppressed in economic processes associated with the division of labor are, as we have mentioned earlier, certain fundamental possibilities of sustenance, health, education and shelter, of freedom and equal treatment of the sexes and civic rights, including the freedom of economic exchange and the right to participate in the labor market in a dignified and social manner.

On the economic level academic opinions are divided with reference to the question whether in many African countries independent, sustainable and inclusive growth is possible through investments, global organizations or just modification of the national institutions, in order to create incentives for foreign investments and release capital or build up capital stock, or whether to this end political support and the reorganization of goods and resources is required.<sup>284</sup>

As we have already established in some detail, there are good reasons to share the assumption grounded in development economics that institutional reforms and ideal framework conditions of the global economy are not sufficient, or that the political processes of discussion simply go on for too long, to stimulate the distributive effects of global markets with a view to the reduction of poverty in such a way that they can also be successful in certain regions, like those of southern Africa for instance. Consequently economic solidarity between rich and poor based on the market economy cannot be justified as a supplementary, that is to say second-order obligation – just for reasons of the time-lag of processes of the market economy, such as for example the convergence of the levels of prosperity of developing countries, threshold countries and industrial nations – which on this time scale would in turn cost millions of people their lives before such measures begin to take effect.

Ethical debate tries here to accommodate a competition-oriented globalization, which has the potential to make the world as a whole more prosperous, under the umbrella of human solidarity and justice, by suggesting that a transparent system of market and transaction linkages should be created and clear sanctions imposed on the one-sided and asymmetrical exercise of market power, on market failure, on serious economic inequality and ecological abuse. Although it would not be advisable to underestimate the capabilities of well-ordered national institutions, the improvement of the life situation of the poor in this sense is also heavily dependent on just international and function-specific organizations which at present only exist in part.

For example, there exists no effective worldwide politics of order and competition, no global anti-trust authority, no effective or even prospectively working emergency and catastrophe aid organization, no global legal order to prevent social and environmental dumping, no globally effective economic law that would allow for the imposition of sanctions on protectionism and market barriers, no reform of the global economic and financial system, nor any world financial institution apart from the IMF, no World Reserve Fund (WRF), no tax on financial transactions which could reconnect capital with the real economy, no legally effective proscription of raw materials coming from dictatorships, no global stabilization of the food markets (global reserves), no thorough prohibition of social dumping and child labor (ILO), no global order of development cooperation which would achieve the goal of more capital stock for investments and institutions in development countries and no global and concerted ecological order (CO<sub>2</sub> tax for all). This sounds like an unattainable wish list for a global order, but can also, with a measure of goodwill, be understood as a development ethics program for the century.

The impetus of global justice is to reduce the forces of globalization, both on the capital market and in the sphere of production and services, to a law-based and structured form in such a way that the participation of poor countries is guaranteed and the contribution of all human beings is appropriately honored. Here in particular a fair order of competition is signally lacking, because it is not sufficient to allow the developing countries processes of arbitration by the WTO when the implementation of the latter's judgments is dependent on the goodwill of the industrial states in question, or when protectionist measures can continue to be applied.

The "resource curse"<sup>285</sup> of many states south of the Sahara is one of the principal proofs of the necessity of strong ethical guidelines for market exchange, the priority of legal ordinances and the democratic involvement of all parties – including, in particular, the poor and the oppressed. Consequently economic interest can only be in harmony with solidarity based on human rights, when exchange processes in this context are established on a mutually

equal basis<sup>286</sup> and organized in the interest of the poorest people themselves. Pro Poor Growth and economic gains in the interest of the poor are only possible within law-based regimes which have a tax system that facilitates at least some degree of social and financial distribution, so that domestic or foreign investments form a basis for indirect benefits to the population at large.

And yet it must not be forgotten that successes in the fight to reduce poverty can never be analyzed exclusively on the economic level. Poverty and the oppression of minorities are to some extent rooted, as has already been shown, in a variety of culturally specific modes of behavior, for which reason a higher income or economic growth can only provide help to a limited extent. It follows that solidarity also needs to be brought about by launching processes of discourse in civil societies, whereby the long-term goal is that people realize for themselves that they may be damaging themselves through their cultural practices. Solidarity is therefore not only to be understood in the sense of sharing or investing; rather its achievement is essentially dependent on extensive discourse being conducted with the persons concerned, on processes of exchange taking place locally, on the presentation of models of successful democracy and the social state, on unselfseeking aid and human encounters. The goal is a dynamic process in the direction of more justice and humanity through the solidarity of all human beings.

It follows that a double strategy of global responsibility is called for, in which on the one hand competitive incentives must be provided for the poorest nations, while on the other hand a certain measure of politically initiated or economically privileged exchange of goods and resources needs to be organized and financed.<sup>287</sup> These entails in consequence giving the poor the assurance of life and coverage of their basic needs over and above threshold limits. This would have to come about primarily through a fair division of resources between and within countries, or in a subsidiary fashion by means of a *solidarity-based world emergency aid organization* which acts prospectively. This is because in moral pragmatic terms acute and spontaneous emergency aid is

never sufficient, because it does not tackle the problem at the root, but in most cases takes effect some considerable time after the occurrence of the emergency situation. In the case of global economic responsibility in a Christian sense, it is necessary to give or allow to every human individual *a suitable starting provision of resources and the fundamental right to basic goods and basic capabilities*, in keeping with the given needs of the region in question.

If in many cases the allocation principle of exchange on the market economy fails to bring this about, a moral theoretical *principle of global difference* would be justified – one that calls for a suitable allocation of goods in the interest of global justice.<sup>288</sup> Here ethical thinkers like Charles Beitz, Thomas Scanlon and Thomas Pogge, and I myself, disagree with the excessively liberal position of John Rawls' concept of global justice. Inequalities are not capable of justification, in cases where direct transfer benefits (without serious opportunity costs), or a reallocation of the initial distribution of resources, would be capable rectifying situations of gross inequity and great suffering to the most disadvantaged. The critics of Rawls just mentioned are thus opposed to an excessively liberal interpretation of the principle of assistance, and in view of the millions of deaths caused by poverty refuse to accept that annual sums necessary to save them should not be applied for the purpose.

In the sense of Christian social ethics, however, preference should be given to a globally limited principle of difference over more extensive calls for redistribution, because these are no longer really susceptible to subsidiary limit. A global difference principle, together with a global subsidiarity principle, would not be beyond bounds, nor would the necessary incentives to competition be annihilated thereby. The major theoretical advantage of the Rawlsian difference principle – on a global scale as well – is that it would place the entire world economic order under a justifiable moral goal which is minimally invasive for free markets and yet represents one of the most inspired macroeconomic and development economics criteria of distribution that have ever been thought up.

This global criterion, quite in the sense of a Christian social ethics and a theological option for the poor, reads as follows:

Any and every global inequality of distribution is in need of justification. It can only be justified where it serves to benefit the most disadvantaged.

A *global difference principle* would today call for a new or fundamental improved global economic order, in which economic exchanges above all serve to benefit the poorest, and where the possessions of rich holders of property rights, global companies and nation states would have social obligations, in a limited measure, to the world community. So for Christian ethical thinkers the basic principle that "property obligates" does not stop at national boundaries, but is a universal principle which should be realized in keeping with a global principle of solidarity and subsidiarity.

In concrete terms, this property obligation would extend as far as is called for by the necessary measure of reorganization of the initial share of resources, as a basis for enabling all human beings to be included. This is required in order to equip all human beings with basic possibilities and fundamental rights, so that from this point on they can continue to look after themselves independently and take part in the global economy.

If we share the view of Thomas Pogge that it is a question of negative obligation to prevent situations of injustice in relation to the poor in the world order,<sup>289</sup> then it may be plausibly argued that a *global distribution* can be justified, in order to guard against the negative consequences of global inequality for the poor. Situations of inequality are unjust in those situations where their extent is so massive that the poor are no longer capable of asserting themselves independently in the field of global competition, and when they cannot longer participate in the global process of mutual exchange because, as exchange partners, they are entirely irrelevant and unattractive. But precisely this is the main problem of globalization, which in countries south of the Sahara above all gives rise to no growth in favor of the poor (pro-poor growth), so that the poorest countries are excluded from global convergence processes between threshold countries and industrial nations.

This argument could be opposed to Rawls, as his rejection of worldwide redistribution was mainly based on the fact that he is unwilling to accept disadvantages to the powerfully performing in-

dustrial nations, because they would lose a large part of their incomes as a result of egalitarian redistribution mechanisms.<sup>290</sup> The problem with this is that Rawls fails to take account of the fact that, seen on the macroeconomic scale, inequalities do not just have positive functions for the encouragement of exchange (in the interest of mutual advantage), but also have powerfully negative side effects, in that they make the poorest even less attractive as market participants, so that no one is going to want to associate with them anymore, out of pure economic self-interest. It follows from this that federal models of solidarity should be welcomed not just from an ethical, but also from an economic point of view.

In order to make the world a platform for mutually advantageous economic interactions without poverty, we need more than just the rational institutions called for by Rawls. We also need economic start-up financing, and correction of people's starting point in social and economic terms, in order to equip them to take part in market developments or in society as respected human subjects. An initial form of solidarity must overcome the gross disadvantages burdening the poor at least up to the degree of subsidiarity and empowering them to act in their own right,<sup>291</sup> which at all events will lead to long-term investments in countries with insufficient development that is institutionally directed and performed by institutions. This in turn entails the rule of law as a precondition.

The demand for global justice must on the formal level be universal, in the sense that it should reach and include every extremely poor person in the world, within families and households as well, but at the same time should be limited in scope on the material level with regard to the two-sided principle of autonomy and subsidiarity.<sup>292</sup> Observance of this principle limits the solidarity obligations outlined previously to the ethically appropriate measure of helping people to help themselves, thus based on subsidiarity.

Every human being is entitled to expect to live a life of dignity in keeping with his or her capabilities, to be independently in control of his or her life, and each state and each nation can have the same expectations – provided that it is initially in a position to

make this possible. Otherwise the demand for global justice would be paternalistic. It would not take other people seriously, or value them as free and independent human beings who have the right to lead their lives in their own culturally, socially and economically specific ways. Even the Christian commandment to love one's neighbor can never be reduced to just one-sided benevolence, but rather stresses the aspect of interaction with the other – who always has the capability of answering and reacting or of declining to do so. If that were not to be the case, this very same capability of autonomy and participation would have to be promoted on grounds of human dignity, comprising the call for autonomy and reciprocity between all human beings. We would be making our personal way of life into a global absolute, if we were to try to reduce the whole world to equality – quite independently of the equal dignity of all persons in different cultures with their diverse ways of seeing the world.

### *3.8 A dynamic concept of global justice*

In the international academic debate we seem to be currently in a transitional period in the development of the concept of justice. Under the impact of globalization, here understood not just economically but also as comprising the cultural, social and mental levels, the 20<sup>th</sup> century saw the start of a process whereby people all over the world gradually began to develop a certain sense of solidarity embracing all the inhabitants of the earth. A global society began to be established – not just in theory, but also in practice. Accordingly the call for global justice is no longer based just on an ontological concept of the human person grounded on natural law, or on anthropological arguments relying in some sense on the shared character of the species. The consciousness of shared humanity is rather increasingly based on the practical experience of global interdependencies, and is strengthened through the real convergence of global society and the increasing coming together of their common problems.



Responsible for this development are not just economic processes of exchange and internationally active global companies – above all it has been further reinforced by the technically very much cheaper and speedier possibilities of computer-based communication, and the flexibility of capital and labor markets – that is to say, globally mobile capital and highly qualified workers. It is only in the age of the World Wide Web, of electronic communication and digital networking that we seem to have reached the point which Kant's theorizing two hundred years ago already supposed us to have arrived at,<sup>293</sup> namely the point where the exchange of information and transparency make injustice perceptible on global level. Undoubtedly this kind of awareness is not present with every individual in equal measure. But all the same it is no longer restricted to the level of an intellectual and cosmopolitan elite, but influences the thinking of a great many citizens of the world.

Convergence into a single world is a process. In practice it is supported by actual theoretical and practical processes of arriving at agreement and consensus on the part of international organizations and heads of government, who take part with more or less equal rights in various different dialog processes (WTO, UN, international agreements, climate conferences etc.). In theoretical terms the concept of general justice for all only reaches a cosmopolitan and universal dimension in the late 20<sup>th</sup> and early 21<sup>st</sup> century, long after it had been foreshadowed by the Enlightenment and Christianity – as a result of the debate on global justice. This has unfolded in the direction of interaction on an equal footing between all members of the human community of peoples, as well as implying the varied involvement of every human subject.<sup>294</sup> If the poorest and most disadvantaged typically had no right to express their veto in this connection and to demand that they be involved in a global human society. Such an ethic could not justifiably be called global and comprehensive. This participation on an equal footing, if it is to make any sense, should not be proportionally based on the number of inhabitants of a state, nor granted in dependence on the economic strength of western industrial nations – nor for that matter in

reliance on the postwar privileges of the five powers with a right of veto on the United Nations Security Council (UNSC).<sup>295</sup>

At the same time *global justice is not without its limits* and should *not be allowed to become excessive*. In a material sense it must be limited, e.g. through a mild form of comparability and on the basis of the principle of subsidiarity, if it is to succeed in remaining tolerant and respectful in relation to the independence of cultures, different concepts of freedom, and the varying performance and individuality of all human beings and peoples. It is in virtue of this *combination of universality and limit* that global justice becomes a realistic concept for political implementation, immune from the reproach of paternalism, utopian thinking and global do-gooding. Based on the *Weltanschauung* of moderated cosmopolitanism, it is capable of providing the principled foundation for a future global order, in which the poor and oppressed are seen as subjects of equal value and their dignity is insisted on – along with the insistence that they be freed from their deprivation of rights, while at the same time remaining self-motivated agents of their own development and their own activities.

There are a great many different indications and arguments for an increased need of justice between pluralistic societies of the world (see Chapter 1). The empirical indications in this context encouraged us to ask what moral-theoretical concepts and approaches would enable ethical thinkers to justify globally binding ethical demands. So the present treatise should be primarily focused on the answer given by Christian social ethics – advanced in response to alternative and corresponding philosophical approaches, while at the same time offering its own answers to modern and postmodern global moral urgencies.

On the formal and procedural level, cosmopolitan approaches and approaches focused on human rights accept that the modern ethical paradigm operates on the basis of *ethical consensus*, as we have already demonstrated in detail. This means that norms and rights can best be defended when they rest on the consensus of all persons concerned – a consensus justified on either hypothetical or actual grounds.<sup>296</sup> Human rights, rights of interaction and funda-

mental principles of justice which focus on the poorest and weakest members of global society must constantly be justified in the eyes of and in partnership with those whose dignity they are designed to uphold.

In a world dominated by conflicting interests, pluralistic world views, opposed political forces and different hermeneutic presumptions on religious or philosophical grounds, the attempt to argue exclusively from the application of ontological principles, as in traditional natural law approaches, is completely fruitless. It is similarly one-sided to argue from the standpoint that only existing institutional arrangements, on the basis of a *modus vivendi*, provide sufficient criteria for global justice – as such approaches can only lead to a situational ethics of trial and error, or to reinforcement of the status quo and the current balance of power.

The approaches of traditional natural law ethics, of positivism and of pure consequentialism are in contrast with a modern normative global ethics of justice. Although modern ethics naturally also has regard to the consequences of actions, the *consensus principle* we have referred to increasingly leads to prior collective reflection on the appropriateness, sense and correctness of norms. Christian ethics, just like some representatives of the discourse ethics tradition and of ethics grounded in human rights, would interpret this not – as we have already established in the present treatise – as a constructivist reformulation of global rules, but rather as a subjective confirmation and formulation of relevant fundamental principles, as a form of consensual verification by all parties concerned.<sup>297</sup> A more extensive formal condition of this collective reflection is the *ex negativo demand* that just global institutions should never reasonably be rejected by the persons concerned, or be exempt from the condition of consensuality<sup>298</sup> – which comes close to being a theoretical right of veto.

In this connection we can assume on the practical level that general human rights express a basically shared moral understanding of humanity which held good in the year 1948, as an actual moral consensus, irrespective of the various ways in which individuals might seek to justify this consensus, and irrespective of

whether they were already supported by national legislation in every country of the globe. In the context of global ethics we simply cannot any longer retreat from this consensus of humanity – whether such rights are understood exclusively as claims on institutions, or whether we see them in a more comprehensive sense as claims in relation to every kind of human interaction.<sup>299</sup>

If, in the debate on global justice, we anticipate the rights of the most disadvantaged, along with their conception of the good life and their claims to justice, we can assume that the persons concerned would call for a global order which guarantees them rights to involvement and participation in society and working life, rights to inclusion and empowerment instead of subsistence (not just through emergency relief campaigns and systems of social security, but through independent work) and rights of veto in relation to all further proceedings within this global order,<sup>300</sup> if their interests should be insufficiently respected. If these minimal requirements are not met, disadvantaged people living today will not be in a position to live out their own conception of the good or realize their own claims to justice.

The same applies likewise to the economic discussion about the establishment of suitable instruments, institutions and organizations that will enable the poor to participate in global economic growth. This might on the one hand be brought about by the normal channels of trade and production – though we would need to take into account here that these means cannot be applied without brakes and barriers on certain special market forces and mechanisms (export subsidies, heavily restricted imports or patent rights backed up by TRIPS which make it difficult to provide cheap medical care)<sup>301</sup> and must not entail exploitation of the working poor (no wages below the poverty threshold, and labor rights and social security for the poor). On the other hand, this could equally be achieved through the establishment of distribution mechanisms within states, and even, to a limited extent, between states.

Alongside the initialization and encouragement of further inclusive growth in the least developed nations,<sup>302</sup> the second crucial demand for the reduction of poverty is to be seen in the *reduction*

*of extreme inequalities*<sup>303</sup> through a certain measure of redistribution,<sup>304</sup> in order to eradicate extreme poverty altogether.<sup>305</sup> Although the worldwide Gini coefficient is falling slightly,<sup>306</sup> most ethical researchers are at one with Pope Francis<sup>307</sup> in their demand that worldwide economic and social differences must continue to be still further reduced. First of all, we have established the fact that it takes too long just to wait for endogenous growth in the least developed countries if we want to overcome absolute poverty. And secondly, it has been shown at national level that the spreading of inequality beyond a certain measure entails serious negative consequences for national economic development (see above).<sup>308</sup> And precisely this negative correlation is extremely likely to apply on the global level. And thirdly, the inconveniences that may be incurred by the rich through their giving away a small proportion of their wealth or income in favor of the poor are very much less serious in their impact than the extreme and life-threatening lacks of the absolutely poor. The ethical weighing up of relative goods here comes down decisively on the side of those in a situation of need, together with ethically justifiable presumptions addressed to those who are in a position to foot the bill.

### *3.9 The necessity of a new global social contract*

With reference to the method of Christian social ethics, generally speaking we have already opted for a democratic-theoretical turnaround, based on interaction between subjects who are on an equal footing together with consensus on fundamental issues of justice. This consensus paradigm is not a traditionally one-sided and power-imbalanced paradigm of aid, nor is it a paradigm based exclusively on the individual human person as member of one of the peoples of this earth, and his or her claims and entitlements. Neither individualism nor collectivism offers the right foundations for a global regulatory system. Rather what is needed is a re-establishment of the regulatory framework based on the law of nations, one that can be traced back not to the equal status of peoples, but

to the equal status of the individuals who live within those peoples. The irreducible ethical imperative is the individual freedom of every human being, as determining every legitimate decision, action, interaction and communication with other human beings of equal rights and status. On the global scale, this should give rise to a new order of representation, one taking not just nations and peoples into account, but additionally based on the interaction of all human beings as having equal status and giving proportional or representative expression to this.<sup>309</sup> Respectful consultation and the search for consensus between individuals will automatically lead, under neutral conditions, to natural limitations of freedom between people.

In the tradition ethical debate on solidarity (including the Christian), it was only necessary to assume the role of a patron – one who knew just where the deeper needs of the person concerned must lie. This exact knowledge actually became all the more important when the person concerned was an alien or a foreigner, who might be suffering severe deprivation, but still came from a completely different cultural or social background. When, in addition, one adopts a static and deductive ethics of right, these poor are never really invited to get involved in a global discourse between human subjects. Nor are they invited to reveal what they themselves see as being their moral expectations and rights. It is simply assumed that ethical experts already have comprehensive *a priori* knowledge of what the existential needs and rights, and even the elementary capabilities of the poor and oppressed, are going to amount to.

In order to avoid all forms of ethical paternalism in modern global ethics, there is no alternative to a process of repeatedly coming to a new agreement on *every* fundamental issue of global justice. Precisely this relates both to the priority of rights, and to the question which individual human rights should be realized in the first instance.

Human rights already constitute a normative consensus for the great majority of the world's population, which is why many ethical thinkers make them the irreducible starting point for their argu-

ments.<sup>310</sup> At the same time, however, they are not yet sufficient as ethical criteria with a view to resolving the fundamental problems of the absolutely poor and oppressed. This is because the means to justice for succoring the most disadvantaged classes are not deducible or applicable just on the basis of human rights alone. Besides, one would need a prioritization of human rights, such that the right to life would claim higher ranking than other human rights, which could thus be seen as subordinate. How this could be grounded in the framework of a genuine ethics of human rights gives rise to an open question – because here, in the classic tradition, human rights of every category (the right to freedom, political and social rights or whatever) have been regarded as having equal weight.

In a situation of malnutrition or social exclusion, the right to freedom of the rich may well conflict with the right to equality of the poor. Even the right to freedom of movement could easily come into contradiction with the right to adequate nourishment of the same group of persons. Furthermore, it still needs to be clarified whether an ethics of human rights leads to a worldwide obligation of distribution or whether this obligation of distribution only applies within a country, or how far an obligation like that of the human right to development would extend: to the means of subsistence, to certain possibilities of economic and political participation, or to an egalitarian distribution of goods? Human rights can be understood either as claims on local institutions, or as obligations in relation to those persons who are entitled or in a position to fulfill them. This in turn leaves the question of responsibility open to many possible interpretations.

What is lacking to a simple ethics of human rights is the dynamism of constant interaction within global society and of mutual consultation in a globalized world. This is not a zero sum game, nor does it just reflect a pure donor-recipient relation between human beings and institutions. Notwithstanding, we can hardly think of any kind of global structure that would not be based on human rights. Human rights practically amount to the code of principles from which a global order cannot retreat, and offer the constitutive

principles, based on the ethics of right, for a global order. Analogously, fundamental principles of right are important elements in a global structure – like the legal claims to basic goods (food, water, housing etc.), rights of subsistence, the basic right to effective ethical freedom for all (in cultural, social and political terms), rights to empowerment and involvement, as well as intermediate ethical principles such as a principle of causing no harm, an existential security principle, an urgency principle, a principle of participation, an empowerment principle, a subsidiarity principle, transparency principles and a global difference principle – all of these are useful ethical criteria for the establishment of a system of global balancing out with a focus on the very poorest.<sup>311</sup>

This global balancing, it must be said, can be advocated not just on the basis of the ethics of right, but also in the light of the long-term advantages to all human beings it promises. This is because it has been possible for some time now to demonstrate empirically that extreme situations of inequality are counterproductive for the *global common good*,<sup>312</sup> because the gains in standard of living are less all round – and not just for the most disadvantaged. On the contrary, a global society where all have at least some rudimentary means of exchange is going to be beneficial to all.<sup>313</sup> So just on empirical grounds, a certain form of mutual solidarity is consistent and must be insisted on, not just for normative reasons. Development economics and the ethics of right coincide on this point, and lead to the necessity of a reconstituted and reformed world order in many areas, one that only finds its justification on the basis of adequate ethical fundamentals.

From the point of view of Christian ethics, however, we must still ask how a global order can be justified – apart from its obvious functionality and usefulness? Even an ethical criteriology would remain just a disconnected additive listing if we were not to seek for a systematic and logically interconnected justification for a global order.

In the context of a democratic-theoretical turnaround in modern justice ethics, our second chapter was devoted to the method of pluralistically capable justification of norms. This very same



method can be applied on the global level likewise. For in view of a wide range of global problem areas we are faced today with the necessity – alongside the very limited reach of the law of nations – of authorizing a *global social contract* and establishing it on the basis of solidarity.

In spite of the many different cultures, religions, national identities, interests and needs, a great number of problems – just that of fair competition between developing and industrialized countries, to look no further – can only be regulated by means of a just and neutral new world order to which all are capable of giving their consent.<sup>314</sup> Consequently we must ask just how people would assent to a global order of justice – in a hypothetical neutral situation, where they do not know whether they are in the Congo or in Norway, whether they would have been born as a man or a woman, black or white, in needy or in affluent circumstances, in a lower or higher social class. Only this kind of neutral approach would allow us to speak of a justified global social contract in the interest of all human beings, which would meet the criteria worked out by the Christian theory of justice.

A global social contract of this kind would regulate the constitutional level, but the level of global political practice would of course remain open. Based on Christian social ethics, an *international order of a subsidiary nature* is aspired to, as well as a global social order under the auspices of the economic concept of the Global Social Market Economy.<sup>315</sup> This economic and social order should definitely involve federal structures, in order to meet the claims of an ethical subsidiary cosmopolitanism and not go overboard with its effects. It would have to include all peoples and all human beings as having equal status and on a proportional basis (John Paul II, *Centesimus Annus*, 33). Christian social ethics is here actually open to a federal world institution, one defined by Benedict XVI as “*a true world political authority*”, but which should still be subsidiary and polyarchic (Benedict XVI, *Caritas in Veritate*, 57, 67). An institution of this kind would have to “subordinate itself to considerations of right, stand by the principles of solidarity and subsidiarity, be focused on the realization of the

common good, be committed to the realization of a truly holistic form of human development...” (ibid., 67). But this institution must also “be recognized by all” (ibid., 67).

This is the point of overlap with modern philosophical ethics, which like no other has developed theories of recognition based on considerations of justice. In this connection the control, legitimation and even the justification of globally just institutions have been researched for decades. More than 200 years after Kant, now once again some philosophical thinkers are daring to contemplate a political world authority in the light of fundamental cosmopolitan convictions. John Rawls rejected the idea of a “global state” in 1999,<sup>316</sup> admittedly, but nonetheless he establishes criteria for the justification of a global society, as well as for the law of nations. In the context of a second originating situation, this entails a proportional right of participation vested in peoples, international consultation through a network of cooperative organizations and a cosmopolitan obligation to grant institutional aid.<sup>317</sup> Jürgen Habermas in 2014 brought forward a proposal for the justification of a transnational order. He calls the concept “transnationalized democracy”.<sup>318</sup> As long ago as 1999 Otfried Höffe presented his concept of a subsidiary and federal “world republic”.<sup>319</sup> This is imagined in the light of a complementary global order of law and of national states, where room remains for different forms of organization at nation-state level. Habermas and Höffe assume that a double democratic legitimation is needed – both from all citizens and from all peoples, all of whom should have a right to express their views.<sup>320</sup> Habermas’ concept shares these ethical criteria of global justice, and it is primarily thought of as a model for Europe – however, in the form of subsidiary cosmopolitanism it can certainly be extrapolated to the globe. Both authors assume that we must arrive at a process leading to the establishment of a global social contract. In his later writings Habermas comes increasingly close to Rawls, in that he speaks of the hypothetical thought experiment of imagining a procedure for establishing a constitution – as a social contract which cannot just be based on discursive *ad hoc* processes.<sup>321</sup>

Irrespective of the procedures suggested, the cosmopolitan and federal criteria are to such an extent similar that we can speak here of a certain common ground in the present state of research. Many political philosophers of the present day see the necessity of a two-tiered sovereignty, where democratic law-based states continue to exist, peoples stand alongside one another as having equal status and world citizens are doubly represented, because they can and should participate in both a national and a global order simultaneously. This is the cosmopolitan vision, which may well be found sustainable in terms of theory of justice, and could also have global political relevance in the long term, even if undoubtedly it remains in real terms a utopian vision for the century to come. Seeing it in the light of the development of culture, though, we can postulate the gradual (and very long-term) coming to acceptance of ideas that are intrinsically good and correct and to the benefit of humanity, without wanting to fall into the trap of a Hegelian idealism.

Within a newly established global order of this nature, based on agreement and interaction, it is not just morally and theoretically necessary to seek a hypothetical consensus – it is no less important to realize this consensus in the lived practice of the political and economic sphere, and then, as a second step, implement it in moral pragmatic terms. On this practical level we would expect to see objective, dynamic and repeatedly renewed processes of consultation taking place, between states, peoples and the individuals they contain – as is already happening in many areas, if not always with total success.

But even on this empirical level, again, we can only speak of moral progress if the normative claims of the persons concerned, especially the poorest, are linked in on an equal footing with the processes of local and global discourse, and if all the poor, as subjects with their own capability of action, obtain the chance of participating in the creation of a social, political, ecological and economic order, in such a way that they all contribute to a cosmopolitan world where all enjoy equal status.<sup>322</sup>

Principles of solidarity and global justice based on human rights should support the first-time establishment of a global social contract, and in the context of its implementation contribute to the creation of sustainably global and national institutions of social inclusion and empowerment. Admittedly this must answer to the requirements of a global theory of justice grounded in theory of democracy, and say goodbye to the one-sided idea of aid for the poor.

### *Conclusions*

As central contributions of Christian social ethics to global ethics, we can choose from the hermeneutical concept of human dignity (based on the Christian understanding of personality), the universal unity and equal status of all human beings and the genuinely Christian “option for the poor”.<sup>323</sup> As upholding the dignity of the human person must be the supreme principle for the development of social structures, *development* – in the light of the “capability” approach of Sen and Nussbaum, as well as in that of Christian social ethics – should always be understood holistically, and not materialistically curtailed.<sup>324</sup> The dignity of the human person, based on theological anthropology, equally implies respect for the other and solidarity with the other, as well as the autonomy and responsibility of the individual, the latter being understood in a subsidiary sense.<sup>325</sup>

Even if human dignity, as a hermeneutical concept, is often seen in contemporary political philosophy as problematic, Christian ethics should hold by it notwithstanding, because we cannot assume that people’s human rights and legitimate claims of justice exist in isolation, even if they have been able to accomplish enormous historical effects in the past in democratic law-based societies. We have been able to show that human dignity is a fundamental norm which possesses abiding value for the discourse on justice, one which may thus be applied not just on the hermeneuti-

cal level but also meaningfully advanced on the level of normative argument.

In keeping with this universal ascription of dignity, the special character of Christian social ethics lies in the universalism of global ethics, as forming the theological / heuristic point of orientation for a global theory of justice, in the light of which all human beings can be seen as members of a global community of solidarity.<sup>326</sup> This specifically Christian understanding of *humanity as a unity* necessitates a cosmopolitanism understood as being subsidiary, one which cannot countenance any double standards between national and international relations, but on the contrary postulates a global responsibility in relation to every suffering individual human being as self-evident.

Alongside this ethical-cosmopolitan basic positioning, the fundamental theological motivation to fight poverty is to be found in the “preferential option for the poor”, which challenges global ethics to conduct direct dialog with the persons concerned (or, as a second best solution, engage in advocacy discourse on behalf of the poor and disadvantaged), with a view to enabling those concerned not just to have “access to fundamental basic goods, but also have the real chance of participating in the processes of global prosperity”.<sup>327</sup>

In keeping with its fundamental theological options, a Christian theory of global justice basically positions itself as a universalist and cosmopolitan theory, and will advocate a global principle of difference so long as the responsibility of the individual is upheld in a subsidiary sense. This kind of principle would only see global economic inequalities as justified when they suffice to provide the poorest with the greatest possible benefit.<sup>328</sup> Thus, in the context of this approach, it has been argued that the mere obligation of aid in the interest of human survival and the subsistence rights of the poor is inadequate – rather what is needed is a new and subsidiary *global social contract*. Already in the framework of a universal ethics of right and of human rights – and over and above that, from a Christian perspective – this would involve national solidarity obligations not playing themselves out against one another but

rather balancing themselves out, in favor of a transnational form of solidarity.

The opponents of moral universalism, as has been shown, cannot find any convincing reason – in the light of the plurality of today's societies – why the frontiers of the national state should be seen as sacrosanct, or that would justify morally the preferential treatment of their own populations.<sup>329</sup> On the other hand, many cosmopolitan positions can be criticized in view of the fact that they make over-extensive moral demands on the individual. These overburden the capacity of the individual in the last resort, and so can reasonably be stigmatized as excessive.<sup>330</sup> For this reason, based on the theory of justice what should be aimed for is *an overarching global institutional basic order*, which does not make excessive demands on the individual human being but rather ascribes levels of responsibility, and aims to bring about social balancing even beyond national frontiers. In addition to providing the poor with an adequate supply of basic goods, this would also have to make it possible for them, in accordance with the Christian understanding of the person and human dignity, to develop their own intrinsic capabilities in a subsidiary sense.<sup>331</sup> This is in keeping with the insistence, based on human rights, that every human being has an elementary basic right to freedom of choice and freedom of movement – socially, culturally, economically and politically, and in terms of his or her world view.<sup>332</sup>

This is in harmony with the demands of secular political philosophy of the present day, which insists – in a modification of the classic concept of responsibility – that human beings on global level are co-responsible for their actions “as subjects within a concrete and evolved social network which they may help to uphold or decline to do so”.<sup>333</sup>

The justification of a global responsibility understood in this sense can be either (a) directly derived from those human rights which postulate the equality and inviolable dignity of all human beings, or (b) reconstructed on the basis of the justificatory model of the search for a consensus on justice which takes all parties concerned into account. In the interest of a democratic-theoretical

turnaround in Christian ethics, we have given preference to the latter. Starting from the construction of a hypothetical global consensus, and taking into account the interests of the poor and the most disadvantaged, this approach stresses above all the importance of global institutional regulations and (in the same measure) of national social institutions, especially in countries suffering from instability and in “failed states”.<sup>334</sup>

Against the background of the impossibility of direct relations of personal responsibility in an anonymous global society, the responsible community of nations must “develop the necessary structures of aid and compensation, in order to take on the ascription of responsibility from the point of view of justice.”<sup>335</sup> The nature and extent of this responsibility will be derived from the ideal of the graduated responsibility of all human beings (graduated in a subsidiary sense, in the light of the possibilities and opportunities of the individual players).<sup>336</sup> This is directed on the one hand against the excessive attribution of responsibility to the self-organization of individual human beings and states, and moreover involves acknowledgement of the positive effects of market mechanisms (within the limits of suitable background conditions), while at the same time the graduated ascription of responsibility lays an obligation on the different players at all levels, in keeping with the possibilities at their disposal. The most important players in this context are the international institutions of the peoples (UN and Security Council, WTO, WHO, FHO), institutions of affiliated states, national states and their governments, faith-based communities, institutions of global civil society like non-profit organizations and charities, multinational companies and wealthy individuals.

As it has become apparent, in the course of interdisciplinary research into poverty, that there is no alternative to the institutional correction of unjust economic distribution effects and politically inadequate institutions,<sup>337</sup> this Christian approach to a global ethics of justice also calls for a solution to the problem of representation within international institutions, based on a representative and balanced participation of *all* human beings and peoples in due propor-

tion (especially the poor), and accordingly also for the reorganization of the UN- Security Council and a new weighting of the votes within the World Bank and the IMF.<sup>338</sup>

For reasons of intercultural difference and religious plurality worldwide, this ethical-theological argument advocates the method of a formal normative ethics of justice on global level. This would not be designed to bring about a consensus on conceptions of the “good life”, but is rather aimed at a consensus on ethical norms of justice with a view to the reform and restructuring of economic, social and political institutions. This ethical paradigm of consensus calls for the inclusion of the poor in an ethical and political sense, this because

“human rights, prescriptions of interaction and fundamental principles which relate to the weakest and poorest in a global community must constantly be justified in the eyes of the latter. In the light of this we can assume that the poor would demand a global order which at least guarantees them rights of inclusion in society and in working life, rights of subsidiarity rather than subsistence and a right of veto on further changes to global institutions.”<sup>339</sup>

A form of global solidarity involving the poor must be possible to such an extent that the latter “can scale the lowest threshold to self-development and participation in global processes of interaction”.<sup>340</sup> This initial measure of solidarity must change the disadvantages affecting the poor, at least up to the point where *positive autonomy and independent activity become possible*.<sup>341</sup>

A central morally pragmatic precondition for the successful implementation of a global theory of justice with a subsidiary and cosmopolitan slant, one aimed at encouraging comprehensive participation in development processes, is that it be compatible with the moral cultures of the countries concerned. In concrete terms this means that such a strategy must be thoroughly grounded in local ethically motivated resources, so that the population and the politicians can be persuaded to implement its normative guidelines.<sup>342</sup> At the same time a strategy of this kind will always support those self-reflective processes in a culture which critically scrutinize their own traditions in the light of their appropriateness to the present situation, and analyze their effects in reinforcing or



overcoming poverty (e.g. reproductive behavior).<sup>343</sup> This ethically cosmopolitan basic approach must however get beyond the traditionally Eurocentric semantics of a dichotomous development paradigm (traditional vs. modern, group-oriented vs. individualist), and endeavor to make the core elements of the various moral cultures accessible to value-based and critical reflection.

## Chapter 4: Key elements of a Christian Theory of Justice

### 4.1 *The shift to a Christian ethics capable of pluralism*

The empirical findings indicate that justice forms part of the central *leitmotiv*, the principled objectives and possible shared consensus of the moral demands of all human beings of good will. This is because of the fact that for people all over the world there can be no more terrible experience than the violation of their basic human needs and the disregard of their human dignity. Nothing hurts more than when I am maltreated, abused and treated unjustly, or when people refuse to acknowledge my rights and that to which I am entitled. Though this may seem a subjectivist approach, in view of the need of protection felt by every human being the basic demand for justice is without any doubt a universal demand.

Christian ethics has been concerned with the ethics of right and the cardinal virtue of justice for centuries. But it essentially sought to ground it in metaphysical reflection, and after that by a deduction of moral norms from material principles. In a post-metaphysical age, this approach is no longer sufficient and is itself in need of justification. Thus we have looked for a path which would uphold the essential content of the Christian message, while at the same time meeting the standards of reflective modernism and the developments of modern ethics. One such path has proved to be a methodological change in Christian ethics, with a view to *a shift of perspective in the direction of a Christian theory of justice*. With its claims to be a social theory in the 20<sup>th</sup> century, the Christian social ethics of the present has already transformed itself into a systematic and structured ethics for which it appears futile to rectify present day injustice on the basis of a change of heart alone. A non-authoritarian institutional ethics however calls for a democratic-theoretical shift, as the best possible way of creating the neces-

sary legitimation of a social theory of this kind, inasmuch as all ethical subjects must give their consent to the ethics in question.

Thus we have argued for a *democratic-theoretical turnaround in Christian ethics with a view to developing a qualified paradigm of consensus*. This turnaround actually seems to be one of the few methods available to Christian ethics if it is to be able to make itself into a pluralistically capable voice in contemporary ethical debate, one capable of reflecting on its own faith and *Weltanschauung*, and so make a constructive contribution to the global ethics of the future. Moreover, this shift would also seem to offer the possibility of enhancing the reception of Christian ethics internally, within its own community. In the variant suggested here, it lays claim to validity for moral-theological and social-ethical Christian normative research. In the present variant it likewise aspires to make a contribution to a global ethics focused on poverty, in which it highlights the hermeneutical motivation Christianity provides for the moral rules and norms of justice which are equal to the nature of the human being. It thus understands itself as building block in a universal normative ethics, in the form of a Christian theory of justice – the possibility of which it must assume, in the spirit of Christian epistemological optimism and the positive conviction of salvation, if it is to measure up to its own aspirations in the eyes of God and humanity.

With reference to our theme of global justice, besides methodological innovation on the side of theology we can also make room for the material traditions of social realism.<sup>344</sup> These can be fed into the theoretical justice debate in the interest of rational Christian hermeneutics, as was the case for example with the concept of social justice in the 19<sup>th</sup> century.<sup>345</sup>

Within the Catholic Church, social encyclicals above all provide significant signposts for society, which by no means conflict with secular standards of social interaction but rather make them more stringent. The encyclicals following the Second Vatican Council, in particular, offer useful hermeneutical guidelines for the opposition of state and the economy, because they pay tribute to the pragmatic effects for justice of institutions of the law-based state, while

also acknowledging the primary status of norms formulated under the ethics of right. This in turn coincides with the premises of the paradigm of economic and political order. John Paul II has stated that in seeking to uphold order, politics in the democratic law-based state should “establish the legal locus of freedom of the economy, as an area where state intervention would be inappropriate” (John Paul II, *Centesimus Annus*, 15), and make use of this locus in the interest of the principles of solidarity and subsidiarity. Politics in the law-based state is thus also responsible for the balanced distribution of resources in a way that entails rights of freedom and social rights, as it is likewise responsible for the rectification of power imbalances on the market and the consequences of market failure.

Although this book is not concerned with economic ethics in the narrow sense, let us just say something about the role of politics and the economy in global markets. Their interaction can be well accommodated in terms of a pluralism-capable social theory, if we understand it in the sense of an ordered interplay governed by certain rules. The rules that are needed, however, do not yet have global validity, and so often oblige companies to observe the requirements of good governance on corporate level by way of anticipation. Similarly the defects of the market may be given a place, seeing that the market can never be exempt from morality (Benedict XVI, *Caritas in Veritate*, 45), but is less dominated by performance-based morality when it works itself out under suitable framing conditions. The play of industry only has a social sense when it is conducted to the benefit of the observers, which in turn can only be guaranteed when the proper limits are set to competition on the basis of democratic political representation (John Paul II, *Centesimus Annus*, 40) – this with the help of regulatory frameworks, adequate legislation, investment in public goods, solidarity in relation to the poor and a guaranteed safety net for those in extreme need. A focus on the common good can thus be attributed to productive and functioning markets on the grounds that they encourage the growth of wealth only indirectly, as they remain dependent on appropriate social policies and suitable institutions of justice.

Here again the fundamental principle applies that any kind of functionality can only prove its credentials on the basis of its humanity, which in turn is subject to theoretical evaluation as an issue of justice.

Central for a Christian ethics capable of embracing pluralism is its focusing on something more than prosperity, more than power, more than what is thinkable in material terms. Christian social ethics posits a scientific understanding of the world as prior to intersubjective consultation – a form of understanding which includes a focusing or interpretation of society that goes beyond the mere accumulation of wealth, and raises human beings above immanent identification with their material circumstances. Peace and reconciliation, forgiveness and understanding of one another are moral motifs, as equally are the relativization of exclusive individualization and of a secularity that excludes transcendence.

These altogether material, but not in fact materialistic values of theological reflection form a suitable basis for giving a social theory a slant towards the human. This is because it is the counterfactual and critical potential of Christian ethics itself which distinguishes it from other forms of ethics, and gives it a certain uniqueness in view of its theological provenance. Christian ethics interprets modern reality with reference to its existential and transcendent conditions. It aspires to give it a blueprint for supra-material targets and to encourage people to thrive, on the basis of suitable framing conditions, enabling them to develop in holistic freedom into happy, social and truly human beings. On this view there is nothing more limiting than the utilitarian assumption of the individualized *homo oeconomicus* as an anthropological given, so that human beings are reduced to the freedom of maximizing the benefit to themselves as individuals. The rich tradition of values that is Christian thinking and experience, which fundamentally is always asking what is good for human beings and what injures them the least, honors the complexity of human freedom and sociality on the basis of a comprehensive cultural and social theory, and points to its capacity for achieving a self-assurance that includes transcendence – even if this in turn entails the freedom to deny the possibility of

this, or to fail to perceive it. Above all the shift in the direction of a pluralism-capable Christian theory of justice guarantees openness and liberality in relation to people of other persuasions, along with the simultaneous hope of an abiding common basis for humanity in a postmodern and pluralistic world.

#### *4.2 The theological justification for a Christian theory of justice*

If the assurance of the love of God is not just to remain a dogmatic and fundamental theological insight, but also asks to be incorporated in the method of modern Christian ethics, the latter cannot stop at the formulation of deductive and monological norms for Christian life. Instead, it must take individual human beings with the utmost seriousness, in their individuality, in connection with and during its formulation of norms. It does this by making human beings (especially the most concerned parties) into the actual subjects of moral justification, based on democratic theory and theory of justice. For the individual is in a position – just on the basis of theology of creation and on anthropological grounds – to recognize the good, especially when he or she comes to agreement on moral norms by neutral negotiation with the general community, all individuals enjoying equal status.

The dogmatic truths of faith of the Incarnation and the Creation constitute the actual grounds for the necessary change of paradigm in Christian ethics. Jesus Christ's becoming human reveals the unconditional assurance of love on the part of a personal human God, who loves human beings to such an extent that he lets his Son become one. In his life and work, Jesus Christ did not just identify with human beings – he himself became a human being and died for all human beings on the cross. The Incarnation radicalizes our ethics, in view of the fact that it means the existence of God as a human being in the world, and His actual identification with the most disadvantaged of this world. With Karl Rahner, I would like to say: "We only understand ourselves as radical when we under-

stand that we are those who exist because God wanted Himself to be a human being.”<sup>346</sup> The Incarnation of God in Jesus of Nazareth thus asserts the most fundamental affirmation of and love towards all human beings, especially to the suffering and the poor. Through the Incarnation of God in Jesus Christ, the most radical form of the acceptance of the human being, *qua* human being, came true. If a God expresses such solidarity with human beings, He proves with his own existence that what is actually Christian is at the same time the most deeply human.

The anthropological definition of *the human being as the subject of love* proves to contain the essential message of Christian ethics. To this extent the focusing of a Christian theory of justice on those who need love the most, namely the poor and the oppressed, is the expression of a specifically Christian love – a blank check which, in terms of social ethics, will ultimately be redeemed in the form of universal justice and solidarity. Consequently the continuing wide prevalence of existential poverty, along with the structural oppression of sexes, classes, races or religions, constitutes a problem whereby humanity, on a Christian understanding, puts its own understanding of itself in question, so long as such circumstances continue in existence.

This claim to the inviolability of human dignity and to absolute respect for every individual human being has its theological ground not just in the freedom of all human beings, but in the love of a personal God. God’s promise of salvation to human beings makes the status of human and personal life, as in need of protection, the irreducible premise of any kind of Christian ethics, which thus goes well beyond the protection of human rights on a secular basis. This absolute acceptance of the human being – without intermediates, without mediators, without limitations of any kind, is what enables the person who has faith to feel empowered and acknowledges his or her dignity in the strongest possible sense.

Theologically confirmed by revelation, this dignity of the human being is in alignment with Kantian ethics, and is based on a unique relation of immanence and transcendence between God and human beings. The theological background to this, then, is a dog-

matic one – namely, the fact that the Incarnation represents the most radical affirmation of the human being *qua* human, and that God presents Himself as a personal three-in-one involving relationship. It becomes plain from God's becoming human that the essentially human must be understood in social and dialog terms. So neither discourse nor personal consultation and consonance are alien to theology – in fact they correspond to the most intrinsic nature of God Himself.

Incarnation means the last and definitive intimacy of personal transcendence with the human being, entailing an infinite and unlimited affirmation of human beings' capabilities and characteristics along with the unreserved acknowledgement of human beings and their capacity for truth. So we are well entitled to entrust those human beings who have been loved by God with the justification of norms in a personal and social context. This is because the Incarnation of God as a human being necessarily leads to an affirmation of the human which is so unambiguous that no morality can ever again be justified against the will of human beings. If human beings can recognize and experience the presence of God, and so are capable of truth in the profoundest sense, then they can recognize the humanity of God among themselves in their dealings with one another, and practice it in relation to one another – thus the essentially Christian is at the same time the most deeply human.

If God trusts each of us to follow Him, morally speaking, and challenges us to do so, then men and women alike, Christians and heathen, poor and rich, human beings of any skin color, any degree of education and any nationality are entitled to decide on the moral rules that shall govern their interrelations. This does not mean, as we have seen earlier, a drifting in the direction of an arbitrary situational morality or the acceptance of *ad hoc* rules, but is rather an epistemological acknowledgement of the implications of revelation in the justificatory context of morality.

Anyone who looks in detail at the parables of Jesus will find that in all cases he calls on us to be completely identified with the persons concerned – whether it is a matter of the woman taken in adultery, the Samaritan as a foreigner, the beggar as a representa-



tive of the poor, the sick, or the Romans as potential enemies and alien occupying forces. The hypothetical assumption of a role – thinking oneself into the shoes of people who are quite other – is something Jesus not infrequently expects of us, even in relation to those people whom the Jewish priests and ruling classes found repulsive and scandalous (cf. the story of the Good Samaritan, Lk 10, 25-37).

If the theological objection be advanced that a meaningful assumption of roles or the adoption of a vicarious standpoint in moral theology would be sufficient for the purpose, because the fact that moral norms have to be justified by the persons concerned would result in situational dependence and arbitrariness, we can answer this with a theological argument in our turn. It is possible to formulate a christological *imperative of leaving decisions to the persons concerned*. This change of perspective we insist on not only corresponds theologically to that which is already a *fait accompli* in social contract theories and discourse ethics, which call for the formulation of norms in interactive consultation and based on the assent of concerned parties; it is also deeply in tune with the ethics of Jesus in the New Testament. Jesus gives a voice to the persons concerned, to those without a voice, to the despised and subordinated – even women and aliens – and allows them to have their say.

This theological insight calls for the final rejection of paternalism in theological ethics. The vulnerability of human subjects, and their deserving protection in the eyes of God, yields moral-theological grounds for a *change of paradigm in the direction of contract and consensus* which methodically takes account of the equality, freedom and personality of the human being on the basis of a neutral starting situation. This forms the basis for true universality and the achievement of abidingly valid norms in a Christian sense. The fact that the weakest above all must themselves be empowered to contribute to the justification of norms of justice guarantees that they will only assent to a just ruling when it takes sufficient account of their need, their suffering or their oppression, and refuse their assent to a norm as long as it fails to do so.

It follows that this uniqueness of human beings, and their fundamental interpersonal, must express itself likewise in human beings' freedom of will and of action. The fundamental christological affirmation of the human being by God, in the form of the Incarnation of His Son, is not just to be understood dogmatically – it must also be interpreted on the epistemological and moral-theoretical levels. It stands for the capacity of every human being to justify norms and values through the fact that he or she is already acknowledged, in terms of theology of creation and soteriologically – which is to say, is also empowered in a moral sense.

But if the human being is morally empowered, this also has the consequence that any kind of extraneous definition of moral norms is a violation of the human being's theological characterization as free and capable of discipleship. We can actually see this just in terms of moral psychology, in view of the fact that people rarely find anything more injurious than when their declared autonomy, their free will or their deliberate decision is treated with contempt. The right of assent to social norms which is naturally derived from this – on the part of every individual person concerned – should thus become something that moral theory takes for granted. There is no alternative to letting concrete human beings, as subjects of Christian ethics, decide for themselves what they believe to be right. It is an expression of the freedom of the faithful before God: the community of the persons concerned is only subject to the necessity of coming to an intersubjective agreement – as the guarantee for the coexistence of their individual rights of freedom and justified entitlements given to them by God.

The method of a theory of justice can thus advance Christian ethics without impairment of its essentially Christian message. On the contrary, it dares for the first time to implement the theologically incontrovertible key position of the poor and disadvantaged – the persons concerned – in the context of its ethical method. Now the justification of ethics only receives its legitimation on the basis of its intrinsic humanity.

### *Conclusions*

The democratic-theoretical turnaround in Christian ethics will on the one hand strengthen the principled validity of ethical norms of right, on the other it will place a greater weight on the practical feasibility of morals and on its intersubjective determinacy – this based on the principled understanding of love for every human being. Christian ethics consequently sets itself off against a non-cognitivist constructivism which merely reconstructs ethical norms on the basis of an *ad hoc* procedure of interpersonal consent, and takes issue with prepolitical principles of humanity. But at the same time, in view of the fact that a Christian theory of justice represents a further development, based on considerations of justice and contract theory, of formerly metaphysical natural law, it concedes to human beings the right to reconstruct interactively the norms suitable for them – without however denying the prior existence of humanitarian principles and standards. Moral correctness arises from consent and consultation, whereas on the other hand moral truths are also definitely of a post-contractual nature. But they only become valid through the communal recognition of the validity of normative content, just as the formulation and concretization of norms can only be brought about through the active cooperation of the persons concerned and affected by them under neutral circumstances. By drawing a distinction of this kind, Christian ethics makes itself capable of pluralism, and can contribute – as a hermeneutically rational ethics – to the formulation of a normative ethics with global implications.

A theological ethics of this kind does not need to fear the continuing and progressive liberalization and individualization of postmodern societies, or have any misgivings about the secularization processes of cultural history. On the contrary, it is capable of offering a comprehensive theory of the good and the just which forms the basis for an aspect of meaning that goes beyond the mere material accumulation of wealth, and interprets human reality with reference to its existential and transcendent conditions.

Christian morality in this sense is the expression of a religion capable of modernization, which can continue to provide a supportive foundation in terms of a *Weltanschauung* for the modern democracies of the law-based state and a legitimate global order. I would even venture to assert that Christianity is one of the few world religions which is so capable of evolving that it can survive modernization, individualization and secularization, and can even meet postmodern societies constructively and offer them an option of meaning that expands their world view. This is above all the result of the fact that from a Christian point of view every subsystem, every kind of functionality, every innovation and every new social form receives its legitimacy only through its humanity, while at the same time retaining its self-determination, freedom and autonomy. Freedom and normativity, in this enlightened understanding of Christianity, do not exclude each other but are mutually implicative.<sup>347</sup> Basically we are allowing human beings the freedom to come to moral empowerment, and to make moral decisions, through processes of moral maturation and the search for identity, which are morally correct and capable of being approved by society. At the same time it must be said that Christianity would have stopped short with Kant if it had not turned to the interactive justification of morals. The long overdue shift of paradigm in the direction of the interactive justification of morality and establishment of norms of Christian ethics has been presented here.

The obligation to interaction and consultation – fundamentally, the obligation to take the other person seriously – can be derived from the core message of Christianity, which may be summed up in the commandment to love God, and above all in the commandment of mandatory love between human beings (cf. Mt 5,43-44, Lk 6,27). In moral-theoretical terms this has not been surpassed by any alternative philosophical morality, and it remains to the present day as convincing as it ever was. The commandment of love is so to speak beyond compare – it remains the highest form of morality, convincing even in a secular context. The robustness and modernization ability of Christian ethics is also seen in the fact that, properly understood, Christian faith never restricts the obligation of

love to a person's own community. On the contrary, ever since Paul love has had to be universalized in going out to all human beings (Benedict XVI, *Deus Caritas est*, 25), and itself explicitly embraces even potential enemies.

The Christian cardinal virtue of justice is the rights based component of love going beyond personal interaction, which as a principle of interaction, in the variety of forms taken by the ethics of justice, can be made manifest on the social level. This is because Christian love cannot be prescribed. On the contrary, democratically based global justice in its secular form can lay the fundamental structure of societies under an obligation, and could actually provide the moral foundation for a global order, even if the latter has a background that is Christian only in part.

This book thus argues in favor of a Christian theory of justice that would be a substantial contribution to a cosmopolitan, pluralistic but normative universal morality, in which every individual is called on to contribute to the formulation of norms, and no one is overlooked. By analogy with *the consensus fidelium*, love and justice in this way become constitutive elements of an interpersonally directed Christian ethics based *both* on the natural rights of the person and on theory of justice, for which the theological determination of the human family to love and justice is programmatic. With a Christian theory of justice of this nature it should be possible to give Christian ethics moral credibility in a pluralistic and secular environment, as well as making it more acceptable to its own faithful. At the same time it gives renewed confirmation in moral-theoretical terms of the essential Christian message – the love of God for all human beings.

## References

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- 2 This term goes back to John Rawls, whose "reasonable comprehensive doctrines" include the Christian religion. Rawls sees the latter in a positive light, presuming that it, along with others, provides a suitable basis for arriving at an overlapping consensus under the auspices of a rational pluralism, and so supporting and reinforcing freestanding theories of justice like his own. Cf. John Rawls: *Political Liberalism*. Expanded Edition. New York 1993, 15f, 134, 150ff.
- 3 Cf. Jürgen Habermas: *Erläuterungen zur Diskursethik* [Notes on Discourse Ethics]. Frankfurt 1991, 14, 69.
- 4 Cf. Otfried Höffe: *Politische Gerechtigkeit. Grundlegung einer kritischen Philosophie von Recht und Staat* [Political Justice: Foundations for a Critical Philosophy of Law and the State]. Frankfurt 2002, 26f.
- 5 Immanuel Kant: *KpV* [Critique of Practical Reason], AA 05: 124.07-20.
- 6 Cf. Alfons Auer: *Autonome Moral und christlicher Glaube* [Autonomous Morals and Christian Faith]. Düsseldorf 1971.
- 7 Cf. the specific definition of the lifeworld as a prescientific background understanding not accessible by reason in Jürgen Habermas: *Theorie kommunikativen Handelns*, Bd. II [The Theory of Communicative Action, vol. II]. Frankfurt, 4/1987, 182-189.
- 8 Cf. Pope John Paul II.: Encyclical "Fides et Ratio" ["Faith and Reason"]. Vatican 1998, 43, with the reference to Thomas Aquinas, *Summa theologiae*, I, 1, 8 ad 2.
- 9 Cf. Michael Schramm: *Gerechtigkeitskonzeptionen im Widerstreit. Ansätze einer „flexiblen Gerechtigkeit“* [Conceptions of Justice in Contention. Approaches to a "Flexible Justice"], in: *Aufgaben und Grenzen des Sozialstaats* [Responsibilities and Limits of the Social State], ed. Martin Dabrowski and Judith Wolf, Paderborn 2007, 63-89.
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- 12 Encyclical *Laudato Si*, Pope Francis, Vatican 2015.
  - 13 Cf. in this connection the relatively new field of intercultural ethics research, e.g. under the auspices of the Gesellschaft für Interkulturelle Philosophie [Society for Intercultural Philosophy] in Cologne, or the “Interculture Journal”, which has been focusing on intercultural issues since 2002 (in a cross-disciplinary way, but always in an ethical perspective).
  - 14 Cf. Markus Schrenker/ Thomas Ramge: Was ist gerecht? Die Grosse Geo-Umfrage [What is Just? The Great Geo-Survey]. *Geo* 10/2007, 134 ff.
  - 15 Cf. United Nations Development Programme: Human Development Report 2013 (Summary). The Rise of the South: Human Progress in a Diverse World. New York 2013, 16. Also Freedom House: Freedom in the World 2013. Democratic Breakthroughs in the Balance. Selected data from Freedom House’s annual survey of political rights and civil liberties, 15. Accessed online on 11.27.2013 at [http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet\\_0.pdf](http://www.freedomhouse.org/sites/default/files/FIW%202013%20Booklet_0.pdf).
  - 16 Dominik Enste: Internationaler Gerechtigkeitsmonitor 2013 [International Justice Monitor 2013], published by the Institut der deutschen Wirtschaft Köln [Cologne Institute for Economic Research]. Cologne 2013, 27.
  - 17 Ibid.
  - 18 Cf. United Nations: The Millenium Development Goals Report 2013. New York 2013, 7.
  - 19 Thomas Pogge: World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms. Cambridge et alibi 2008, 2: “Each year, some 18 million of them die prematurely from poverty-related causes”.
  - 20 Cf. John Helliwell/ Richard Layard et al.: World Happiness Report 2012. Accessed online on 11.26.2013 at <http://www.earth.columbia.edu/site-files/file/Sachs%20Writing/2012/World%20Happiness%20Report.pdf>.
  - 21 According to the Gini Coefficient World CIA Report 2009, the Gini coefficient for the USA is 0.45, for Germany 0.25 (with Germany close to the top of the list worldwide, after Sweden).
  - 22 Amartya Sen: Ökonomie für den Menschen. Wege zu Gerechtigkeit und Solidarität in der Marktwirtschaft [Economics for Human Beings. Paths to Justice and Solidarity in the Market Economy]. Munich 2000, 120-124.
  - 23 I would like just to refer here to Arab countries like Saudi Arabia, where women cannot make any legally significant decisions without a male guardian and are limited in their mobility. And of course they are equally unable to make their influence felt in families or in politics, independent-

ly of their fathers, brothers or husbands. I would like to remind the reader of the common practice of female circumcision in the Islamic countries of Africa and in Arab countries, whereby women are mutilated and deprived of any opportunity of sexual pleasure, as well as frequently suffering extreme pain. I would also like to point to the 100 million or so missing women in India and China – a figure not just explained by gender-specific abortions, but also and above all by deliberate neglect resulting in the acceptance of a high mortality rate for girls in early childhood. I would also refer the reader to the varying ethical assessments of abortion and embryo research, matters which give rise to controversy in the western world as well.

- 24 Elke Mack: *Gerechtigkeit und gutes Leben. Christliche Ethik im politischen Diskurs* [Justice and the Good Life. Christian Ethics in Political Discourse] [Justice and the Good Life. Christian Ethics in Political Discourse]. Paderborn 2002, 56 f.
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- 26 Cf. Reinhard Selten: *Equity and coalition bargaining in experimental three-person games*, in: *Game Theory and Economic Behaviour. Selected Essays*, Volume Two, ed. Reinhard Selten. Cheltenham 1999, 331-387, 384: "The experimental evidence strongly suggests that equity considerations have an important influence on the behavior of experimental subjects in zero-normalized three-persons games." Cf. Reinhard Selten/ Axel Ockenfels: *An experimental solidarity game*, in: *Journal of Economic Behavior & Organization* 38 (1998), 517-539.
- 27 Axel Ockenfels/ Joachim Weimann: *Types and Patterns: an experimental East-West-German comparison of cooperation and solidarity*, in: *Journal of Public Economics* 71 (1999), 275-287, 275: "We conclude that cooperation and solidarity behavior seem to depend strongly on different culture-specific norms resulting from opposing economic and social histories in the two parts of Germany."
- 28 Undoubtedly it is a different situation in cultures where classes or genders have already internalized and accepted their presumed inferiority as a result of social pressure over the years. These studies were carried out under western conditions, with the equal value of all participants being taken as assumed.
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- 30 Cf. Lea Ackermann/ Barbara Koelges: *Verkauft, versklavt, zum Sex gezwungen. Das große Geschäft mit der Ware Frau* [Sold, Enslaved,



- forced into Sex. The Big Business with Women as a Commodity]. Munich 2005, 149.
- 31 Cf. Immanuel Kant: GMS [Groundwork for the Metaphysics of Morals], AA 04: 429.10-13.
  - 32 This applies equally to convicts in concentration camps, gulags, secret police detention centers and prisoner of war camps. Undoubtedly there have always been cases of prisoners who were released without their spirit having been broken, but these do tend to be the exception.
  - 33 John Locke and Jean-Jacques Rousseau were among the first to call for the abolition of slavery in the early years of the 18<sup>th</sup> century. Cf. John Locke: Abhandlung II. Über den wahren Ursprung, die Reichweite und den Zweck der staatlichen Regierung [Treatise II. On the True Origin, Extent and Purpose of State Government], in: Zwei Abhandlungen über die Regierung [Two Treatises on Civil Government], ed. with an introduction by Walter Euchner. Frankfurt a.M. 1977, 213-215 (§§ 22-24); Jean-Jacques Rousseau: Der Gesellschaftsvertrag [The Social Contract], following the translation by Johann Heinrich Gottlieb Heusinger, new edition by Alexander Heine. Bibliothek der Philosophie Band 15 [Philosophy Library Vol. 15], Essen o.J., 40-45.
  - 34 *Sitz im Leben* means to have an impact on one's personal life. The term has also been translated as 'social/sociological context' and 'situation in life'. [Translator's note].
  - 35 Hans Küng: Wozu Weltethos? Religion und Ethik in Zeiten der Globalisierung [Global Responsibility: in Search of a New World Ethic], Freiburg i. Br. 2002.
  - 36 Cf. Thomas Hoppe: Menschenrechte im Spannungsfeld von Freiheit, Gleichheit und Solidarität. Grundlagen eines internationalen Ethos zwischen universalem Geltungsanspruch und Partikularitätsverdacht [Human Rights and the Competing Claims of Freedom, Equality and Solidarity. Foundations of an International Ethos between the Aspiration to Universality and the Suspicion of Particularity]. Stuttgart 2002, 152.
  - 37 Martha Nussbaum gives this a normative slant, speaking in an argument on natural law of "a series of fundamental rights (...) to which all human beings are entitled". Martha Nussbaum: Die Grenzen der Gerechtigkeit. Behinderung, Nationalität und Spezieszugehörigkeit. Berlin 2010, 131-314. In the English original: Martha Nussbaum: Frontiers of Justice. Disability, Nationality, Species Membership. Cambridge MA et al. 2006, 226-227: "We can produce such an account only by thinking of what all human beings require to live a richly human life – a set of basic entitlements for all people – and by developing a conception of the purpose of social cooperation that focuses on fellowship as well as on mutual advantage."
  - 38 Michael Schramm: Gerechtigkeitskonzeptionen im Widerstreit. Ansätze einer Theorie der „flexiblen Gerechtigkeit“ [Conflicting Concepts of Justice. Approaches to a Theory of "Flexible Justice"], in: Aufgaben und

- Grenzen des Sozialstaats [Responsibilities and Limits of the Social State], ed. Martin Dabrowski/ Judith Wolf. Paderborn 2007, 63-89. Cf. Jürgen Habermas: Wahrheit und Rechtfertigung. Philosophische Aufsätze [Truth and Justification. Philosophical Essays]. Frankfurt 1999, 281-282.
- 39 Cf. Michael Schramm: Gerechtigkeitskonzeptionen im Widerstreit. Ansätze einer Theorie der „flexiblen Gerechtigkeit“ [Conflicting Concepts of Justice. Approaches to a Theory of “Flexible Justice”], in: Aufgaben und Grenzen des Sozialstaats [Responsibilities and Limits of the Social State], ed. Martin Dabrowski/ Judith Wolf. Paderborn 2007, 64-69, 82-87.
  - 40 The argument will be continued in a more differentiated way at a later stage of this book, in the chapter on the criterion of consensus.
  - 41 Immanuel Kant: MS RL, AA 06: 236.24-30.
  - 42 Cf. Immanuel Kant: MS RL, AA 06: 237.01-08.
  - 43 Cf. Harry G. Frankfurt: Zweite Vorlesung. Richtig liegen [Second Lecture. Getting It Right], in: Sich selbst ernst nehmen [Taking Oneself Seriously], ed. Debra Satz. Frankfurt 2007, 51, 56, 64f. According to Frankfurt, normativity is not a property of an independent reality (cf. p. 51). At the same time, Frankfurt believes that every volitionally cognitive individual has certain fundamental preferences or elements which agree with others. Frankfurt calls these “volitional necessities” (p. 56). Cf. Jean C. Wolf: Die Furcht vor dem Relativismus [The Fear of Relativism], in: Menschenrechte interkulturell [Human Rights in an Intercultural Perspective], ed. Jean-Claude Wolf. Freiburg i. Ue. 2000, 39-58.
  - 44 Cf. Stefan Gosepath: Gleiche Gerechtigkeit. Grundlagen eines liberalen Egalitarismus. Frankfurt, 2004, 9ff.
  - 45 Cf. Detlef Fetschenhauer: Soziale Gerechtigkeit und die Natur des Menschen. Eine wirtschaftspsychologische Betrachtung [Social Justice and Human Nature Seen in the Light of Economics Psychology]. , in: same author/Niels Goldschmidt: Warum ist Gerechtigkeit wichtig? Antworten der empirischen Gerechtigkeitsforschung [Why is Justice Important? Answers from Empirical Justice Research], pub. Roman Herzog Institut e.V. Munich 2010, 28-46.
  - 46 Frans De Waal: Moral als Ergebnis der Evolution. Die sozialen Instinkte der Primaten, die menschliche Moral und Aufstieg und Fall der „Fasadentheorie“ [Morality as the Result of Evolution. The Social Instincts of Primates, Human Morality and the Rise and Fall of the “Façade Theory”], in: Primaten und Philosophen. Wie die Evolution die Moral hervorbrachte [Primates and Philosophers. How Evolution gave rise to Morality], pub. Stephen Macedo/Josiah Ober. Munich 2008. Also: Frans De Waal: Good Natured. The Origins of Right and Wrong in Humans and Other Animals. Cambridge 1996.
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- discrimination) gradually came to be incorporated in the legislation of individual democratic law-based states, including the Federal Republic of Germany.
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  - 54 Gerald Allan Cohen, Luck and Equality. A Reply to Hurley, in: Philosophy and Phenomenological Research 72/2 (2006), 439-446. Gerald Allan Cohen, On the Currency of Egalitarian Justice, in: Ethics 99 (4/1989), pp. 906-944. Cf. Caney, Simon: Justice Beyond Borders. A Global Political Theory. New York et alibi 2005.
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  - 56 Cf. Johannes Hirata: Glücksforschung und Wirtschaftspolitik. Wachstum und Wohlstand unter neuer Perspektive [Happiness Research and Economic Policy. Growth and Affluence in a new Perspective], in: Amosinternational 5 (3/2011), 19-27.
  - 57 Cf. *ibid.*, 19-27.
  - 58 Detlef Fetchenhauer: Soziale Gerechtigkeit und die Natur des Menschen. Eine wirtschaftspsychologische Betrachtung [Social Justice and Human Nature Seen in the Light of Economics Psychology], in: same author/ Niels Goldschmidt: Warum ist Gerechtigkeit wichtig? Antworten der

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- 59 Cf. Gerald Allan Cohen: On the Currency of Egalitarian Justice, in: *Ethics* 99/4 (1989), 906-944. Also: Gerald Allan Cohen: Luck and Equality. A Reply to Hurley, in: *Philosophy and Phenomenological Research* 72/2 (2006), 439-446.
  - 60 Cf. Marion Bayerl: Die Familie als gesellschaftliches Leitbild. Ein Beitrag zur Familienethik aus theologisch-ethischer Sicht [The Family as a Social Ideal. A Contribution to Family Ethics from a Theological-Ethical Point of View], ed. Georg Hentschel/ Josef Römelt. Würzburg 2006, 73.
  - 61 Thomas Pogge: World Poverty and Human Rights. *Cosmopolitan Responsibilities and Reforms*. Maldon 2002, 114-123;  
Pope Francis: Apostolic Exhortation "Evangelii Gaudium". Vatican 2013. Especially nos. 186-192 and 202-208, 202: as long as the problems of the poor cannot be resolved from the root, by restricting the absolute autonomy of the markets, desisting from financial speculation and addressing the structural reasons for the unequal distribution of income, the problems of the world will not be resolved and in the last resort no problems at all can be resolved. "The unequal distribution of income is the root of social evil."
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  - 63 Cf. Karl Homann: Normativität angesichts systemischer Sozial- und Denkstrukturen [Normativity in the Light of Systemic Social and Intellectual Structures], in: *Wirtschaftsethische Perspektiven IV. Methodische Grundsatzfragen, Unternehmensethik, Kooperations- und Verteilungsprobleme* [Perspectives in Economic Ethics IV. Methodical Fundamentals, Corporate Ethics, Problems of Cooperation and Distribution], pub. Wulf Gaertner. Berlin 1998, 17-47.
  - 64 Astonishingly, the meaningful injunction of *ecclesia semper reformanda* is not just something that applies to Protestant churches. On the contrary, since the Second Vatican Council the Catholic church has likewise seen itself as a church in transit and subject to the imperative of constant renewal – a fact which must also have implications for its methods of theological argument (cf. *Lumen Gentium*, 9, end).
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- 66 Bernhard Fraling: Moralverkündigung zwischen Dialog und Dissenz [Moral Proclamation between Dialog and Dissent], in: Theologische Ethik heute. Antworten für eine humane Zukunft [Theological Ethics Today: Answers for a Humane Future], ed. Alberto Bondolfi/ Hans J. Münk. Zurich 1999, 102.
- 67 Cf. Elke Mack: Gerechtigkeit und gutes Leben. Christliche Ethik im politischen Diskurs [Justice and the Good Life. Christian Ethics in Political Discourse]. Paderborn 2002, 37-46, 148.
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- 71 Cf. Elke Mack: Christlich und universal zugleich? Herausforderungen an eine christliche Ethik im Pluralismus [Christian and universal at the same time? Challenges to Christian ethics in a pluralist world], in: Christi Spuren im Umbruch der Zeiten. Festschrift für Bischof Joachim Wanke zum 65. Geburtstag [Traces of Christ in changing times – commemoration volume for Bishop Joachim Wanke on the occasion of his 65<sup>th</sup> birthday], ed. Josef Freitag/Claus-Peter März. Leipzig 2006, 77-89.
- 72 We are altogether justified in assuming here that the discourse ethics of Habermas is one of the last successful attempts of modern ethics to uphold normativity in plurality, even if he holds that only a post-metaphysical form of normative justification is still possible.
- 73 Cf. Arno Anzenbacher: Christliche Sozialethik. Einführung und Prinzipien [Christian social ethics – introduction and principles]. Paderborn 1989, 66 ff.
- 74 The so-called PIC arguments represent a tutoristic approach of this kind. These are concerned with the three criteria of Potentiality, Individuality and Continuity. Based on the status which can be ascribed to these criteria in a human being (in this case the embryo or embryonic stem cell), that entity can be regarded as personal and so essentially in need of protection. If, that is, the potential to become a human being is present, if it can be admitted as an individuality and if an autonomous development towards becoming a human being has begun without any crucial hiatuses. This position is open to dispute, but remains at all events a cautiously ethical one which makes protection of the human being a high priority.

- 75 It is noteworthy that at the beginning of life above all there exist gray areas for the interpretation of personality. The fact that biological processes are involved in the development of life does not necessarily have implications, in every ethical exposition, for the ethical question of status. This inevitably leads, in every bioethical formulation, to theses and interpretations which are controversial for Christian ethics as well. Cf. Johannes Seidel: *Schon Mensch oder noch nicht? Zum ontologischen Status humanbiologischer Keime* [Already human or not yet? On the ontological status of human biological embryos]. Stuttgart 2010, 403.
- 76 Cf. Bruno Schüller: *Naturrecht und Naturgesetz* [Natural right and natural law], in: *Grundlagen und Probleme der heutigen Moralthologie* [Fundamentals and problems of moral theology today], ed. Wilhelm Ernst. Würzburg 1989, 61-74.
- 77 Cf. Arno Anzenbacher: *Christliche Sozialethik. Einführung und Prinzipien* [Christian social ethics – introduction and principles]. Paderborn 1989, 66 ff.
- 78 Norbert Brieskorn: *Wofür benötigen wir überhaupt ein Naturrecht? Sinn und Notwendigkeit eines Naturrechts aus philosophischer und theologischer Sicht* [Why do we need natural law at all? The sense and necessity of natural law from a philosophical and theological point of view], in: *Vom Rechte, das mit uns geboren ist. Aktuelle Probleme des Naturrechts* [Of inborn rights – current problems of natural law], ed. Bernhard Vogel/Wilfried Härle for the Konrad Adenauer Foundation, Freiburg i. Br. 2007, 106.
- 79
- 80
- 81 “Natural Goodness is intrinsic or autonomous goodness in that it depends directly on the relation of an individual to the life form of its species”. Philippa Foot: *Natural Goodness*. Oxford 2001, 26-27.
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- 83 Cf. Franz-Josef Bormann: *Theologie und “autonome Moral”*. Anmerkungen zum Streit um Universalität und Partikularität moralischer Aussagen in theologischer und philosophischer Ethik [Theology and “autonomous morality” – remarks on the controversy over the universality or particularity of moral statements in theological and philosophical ethics], in: *Theologie und Philosophie* [Theology and philosophy] 7 (4/2002), 481-505; Michael Rosenberger: *Determinismus und Freiheit. Das Subjekt als Teilnehmer* [Determinism and freedom – the subject as participant]. Darmstadt 2006, 283-290; Elke Mack: *Gerechtigkeit und gutes Leben. Christliche Ethik im politischen Diskurs* [Justice and the Good Life. Christian Ethics in Political Discourse]. Paderborn 2002, 146 f.

- 84 John Rawls: *Political Liberalism*. Expanded Edition. New York 1993, 107: "Political constructivism proceeds from the union of practical reason with appropriate conceptions of society and person and the public role of principles of justice."
- 85 John Rawls: *Political Liberalism*. Expanded Edition. New York 1993, 285: "In order to work out a Kantian conception of justice it seems desirable to detach the structure of Kant's doctrine from its background in transcendental idealism and to give it a procedural interpretation by means of the construction of the original position."
- 86 John Rawls: *Political Liberalism*. Expanded Edition. New York 1993, 89-129.
- 87 Franz-Josef Bormann: *Theologie und "autonome Moral"*. Anmerkungen zum Streit um Universalität und Partikularität moralischer Aussagen in theologischer und philosophischer Ethik [Theology and "autonomous morality" – remarks on the controversy over the universality or particularity of moral statements in theological and philosophical ethics], in: *Theologie und Philosophie* [Theology and Philosophy] 77 (4/2002), 488 f. and 494.
- 88 Cf. John Rawls: *A Brief Inquiry into the Meaning of Sin and Faith*, ed. Thomas Nagel. Cambridge MA 2009. Here the young Rawls himself presents a Christian theological book about sin and faith. In spite of his personal loss of belief as a result of his wartime experience, he still sees, even in his later works, the Christian faith as a reasonable and comprehensive theory of the good which is compatible with his own free-floating theory of justice, as long as it accepts the principles of tolerance and democracy, freedom of conscience, freedom of faith and the fact of rational pluralism. Cf. John Rawls: *Political Liberalism*. New York 1993, 59, 150 f, 170. Cf. also John Rawls: *The Law of Peoples with "The Idea of Public Reason Revisited"*. Cambridge MA et al. 1999, 149-152 and 175 f.  
Cf. John Rawls: *Commonweal Interview with John Rawls* (1998), reprinted in: *John Rawls: Collected Papers*, ed. Samuel Freeman. Cambridge MA 1999, 616-622. Rawls is asked here whether his argument for the dignity of the individual is not a religious argument. He answers: "All right. Why should I deny that? If you want to say that comes down from the sacredness of the individual in the Bible, fine, I don't have to deny that." (621). "I make a point in *Political Liberalism* of really not discussing anything, as far as I can help it, that will put me at odds with any theologian (...)." (622).
- 89 Cf. Martha Nussbaum: *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 69 and 81-92.
- 90 Cf. Martha Nussbaum: *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 69-70.
- 91 It only seems problematic to me that she derives these insights from an ethical intuitionism, rather than basing them on the law of reason. In this

- respect I see a clear difference between her approach and the Christian ethical tradition. Cf. *ibid.*, 159-160.
- 92 Both authors have contributed to the development of the capability approach. Cf. Martha Nussbaum: *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 69-81. I say this with qualifications, because it may be observed that Sen is inconsistent in his ethical arguments. On the one hand he postulates natural capabilities; on the other he comes out decidedly against higher-order, ideal ethical principles (in his most recent publications), favoring instead a comparative ethical analysis. I therefore try not to refer to him here, even though he is a highly regarded economist. Cf. Amartya Sen: *The Idea of Justice*. Cambridge MA 2009, 7 et passim.
  - 93 Cf. the ethics of the law of persons which predominates in moral theology. Josef Römlt: *Menschenrecht und Freiheit. Rechtsethik und Theologie des Rechts jenseits von Naturrecht und Positivismus* [Human rights and freedom – legal ethics and theology of justice beyond natural law and positivism]. Freiburg i. Br. 2006, see esp. 134-138.
  - 94 Cf. Nussbaum's listing of basic capabilities as threshold values in Martha Nussbaum: *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 76-78.
  - 95 As we know Martha Nussbaum has become a convert to Judaism, even though her ethical approach refrains from any theological reference.
  - 96 Cf. Martha Nussbaum: *Political Emotions. Why Love Matters for Justice*. Cambridge MA 2013, 391-393.
  - 97 This applies above all to the Anglo-Saxon world, where the tradition of Kantian human dignity and personality often makes an alien impression, continental European assumptions in relation to these material ethical concepts are not shared and ideas of autonomy and individuality are much more often taken as a starting point.
  - 98 For Christian ethics there is certainly no doubt about the identity of the human being and the person, although the necessity of drawing lines of demarcation at the beginning and at the end of life has called forth copious debate, among Christian ethical thinkers as well. Cf. Dietmar Mieth: *Die Diktatur der Gene. Biotechnik zwischen Machbarkeit und Menschenwürde* [The dictatorship of the gene – biotechnology between feasibility and human dignity], Freiburg i. Br. 2001, 88-102, 126-145; Dietmar Mieth: *Grenzenlose Selbstbestimmung? Der Wille und die Würde Sterbender* [Unlimited self-determination? The will and dignity of dying persons], Düsseldorf 2008, 33-49; Hille Haker: *Hauptsache gesund? Ethische Fragen der Pränatal- und Präimplantationsdiagnostik* [Health at all costs? Ethical questions of prenatal and preimplantation diagnostics]. Munich 2011, 65-68, 244-248.
  - 99 Cf. Michael Hartlieb: *Die Menschenwürde und ihre Verletzung durch extreme Armut. Eine sozioethisch-systematische Relektüre des Würdebegriffs* [Human dignity and its violation through extreme poverty – a so-



- cial-ethical-systematic rereading of the concept of dignity]. Paderborn 2013, 323.
- 100 Jürgen Habermas: Erläuterungen zur Diskursethik [Elucidations of discourse ethics]. Frankfurt 1991, 69.
  - 101 John Rawls: A Theory of Justice. Revised Edition. Cambridge MA, 1999 (first edition 1971), 36-37. John Rawls: Gerechtigkeit als Fairneß. Ein Neuentwurf [Justice as fairness: a restatement]. Frankfurt a. M. 2003, 44-45.
  - 102 European Parliament/ Council/ Commission: Charter of Fundamental Rights of the European Union (2000/C 364/01). Nice 2000, Preamble: "Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice."
  - 103 Cf. Amartya Sen: The Idea of Justice. Cambridge MA 2009, xiv; Darrel Moellendorf: Cosmopolitan Justice. Boulder/Oxford 2002, 7-29; Darrel Moellendorf: Menschenwürde, Gleichheit und global justice [Human dignity, equality and global justice], in: Global justice. Schlüsseltexte zur Debatte zwischen Partikularismus und Kosmopolitismus [Global justice – key texts on the debate between particularism and cosmopolitanism], ed. Christoph Broszies / Henning Hahn. Frankfurt a. M. 2010, 302-328; John Rawls: The Law of Peoples with "The Idea of Public Reason Revisited". Cambridge MA et al. 1999, 78-81.
  - 104 I wish to make a qualification here in relation to non-cognitivist constructivism, which takes the facts of inequality as a point of departure rather than starting from normative preconditions like those based on human personality and sociality. I thus hold this position to be incompatible with ethics of Christian provenance, being rather a reflection of actual power relations or a relativist situational morality.
  - 105 Cf. on this point the similarly differentiated argument by Bormann: Franz-Josef Bormann: Naturrecht in neuem Gewand? Zu einigen zeitgenössischen Erscheinungen einer traditionellen Denkform [Natural law in a new dress? On some contemporary appearances of a traditional form of thought], in: Zur Bedeutung der Philosophie für die Theologische Ethik [On the importance of philosophy for theological ethics], ed. Josef Schuster. Freiburg i. Ue. 2010, 81-104.
  - 106 Christoph Hübenthal: Grundlegung der christlichen Sozialethik. Versuch eines freiheitsanalytisch-handlungsreflexiven Ansatzes [Foundations of Christian social ethics – an attempt at a freedom-analytical action-reflexive approach]. Forum Sozialethik [Forum of social ethics] volume 3, ed. Werner Veith and Christoph Hübenthal. Münster 2006, cf. e.g. 167-171.
  - 107 Cf. *ibid.* 171-188; Josef Römelt: Christliche Ethik in moderner Gesellschaft [Christian ethics in modern society], volume 1: Grundlagen

- [Fundamentals]. Freiburg i. Br. 2008, 43-46. Marianne Heimbach-Steins: Sozialethik [Social ethics], in: Ethik der Lebensbereiche [Ethics of life areas], by: Klaus Arntz/ Marianne Heimbach-Steins/ Johannes Reiter et al. Freiburg i. Br. 2008, 169-170.
- 108 This explains why issues of sexual morality have been so controversial in past decades. The legal-ethical relevance of voluntary sexual activities in adult, permanent partnership relationships is something that many people fail to grasp.
  - 109 It only becomes controversial when there is disagreement about the status of personal life and there are different interpretations with reference to the justifiable boundaries for the beginning and/or end of human life.
  - 110 Thomist natural law is interpreted in this sense by Klaus Demmer: Naturrecht zwischen den Extremen. Anmerkungen zu einer aktuellen Debatte [Natural law between the extremes – remarks on a current debate], in: Freiburger Zeitschrift für Philosophie und Theologie [Freiburg journal for philosophy and theology] 56 (1/2009), 194-211.
  - 111 Klaus Demmer,: Naturrecht zwischen den Extremen. Anmerkungen zu einer aktuellen Debatte [Natural law between the extremes – remarks on a current debate], in: Freiburger Zeitschrift für Philosophie und Theologie [Freiburg journal for philosophy and theology] 56 (1/2009), 195, 210.
  - 112 Klaus Demmer: Naturrecht und Offenbarung [Natural law and revelation], in: Brennpunkt Sozialethik. Theorien, Aufgaben, Methoden [Focus on social ethics: theories, tasks, methods], ed. Marianne Heimbach-Steins/ Andreas Lienkamp/ Joachim Wiemeyer. Freiburg i. Br. 1995, 39.
  - 113 Cf. Martin Lintner: Den Eros entgiften. Plädoyer für eine tragfähige Sexualmoral und Beziehungsethik [Detoxifying Eros – plea for a sustainable sexual morality and ethics of relationships]. Innsbruck 2011, 133ff. Lintner clearly comes out on the side of the “law of gradualism”, which calls for “the degree of maturity of conscience of the individual to be respected” and which “makes it mandatory to understand the communication of ethical norms as a service to humanity and as a support to human beings. It lives out of the confidence that the Spirit of God is active in the heart of human beings, prompting them to the good through their conscience and empowering them to have understanding of ethical values.” (p. 133f.)
  - 114 Cf. Reinhard Marx/ Helge Wulsdorf: Christliche Sozialethik. Konturen – Prinzipien – Handlungsfelder [Christian social ethics – contours, principles, fields of activity] . Paderborn 2002, 50.
  - 115 Wilhelm Korff: Wie kann der Mensch glücklich? Perspektiven der Ethik [How can human beings be happy? Perspectives in ethics]. Munich 1985, 61.
  - 116 Cf. Marianne Heimbach-Steins: Sozialethik als kontextuelle theologische Ethik – Eine programmatische Skizze [Social ethics as contextual theological ethics – a programmatic sketch], in: Gesellschaft begreifen –

- Gesellschaft gestalten. Konzeptionen Christlicher Sozialethik im Dialog [Understanding and shaping society – conceptions of Christian social ethics in dialog] (Jahrbuch für Christliche Sozialwissenschaften [Christian social sciences yearbook] 43), ed. Karl Gabriel. Münster 2002, 46-64.
- 117 Cf. Elke Mack: Prostitution als Menschenrechtsproblem [Prostitution as a problem of human rights], in: Theologie der Gegenwart [Contemporary theology] 57 (1/2014), 2-15.
  - 118 Cf. Hans-Georg Gadamer: Wahrheit und Methode. Grundzüge einer philosophischen Hermeneutik [Truth and method – outlines of a philosophical hermeneutics]. Tübingen 1960, 280: “Every period will have to understand a text that has been handed down in its own way, for it belongs to the entirety of the tradition in which it takes an objective interest and in the light of which it endeavors to understand itself. The real meaning of a text, as it speaks to the interpreter, is not in fact dependent on the occasionalism represented by the author and his/her original public, or at least cannot be reduced to it. This is because it is always in part subject to the historical situation of the interpreter, and so to the entirety of the objective historical process.”
  - 119 “We will later have occasion to discuss in greater detail the specific character of Christian ethics. Let us just point out here that the Christian message, as compared with an autonomous form of ethics, does not prescribe any additional material norms, but rather places moral standards that have developed autonomously in a new context of justification.” Alfons Auer: Autonome Moral und christlicher Glaube [Autonomous morality and Christian faith]. Düsseldorf 1971, 27.
  - 120 Cf. Karl Homann: Normativität angesichts systemischer Sozial- und Denkstrukturen [Normativity in the light of systemic social and thinking structures], in: Wirtschaftsethische Perspektiven [Scientific ethical perspectives] IV. Methodische Grundsatzfragen, Unternehmensethik, Kooperations- und Verteilungsprobleme [Fundamental methodological questions, corporate ethics, problems of cooperation and distribution], ed. Wulf Gaertner. Berlin 1998, 28-31.
  - 121 Cf. Elke Mack: Theologische Wirtschaftsethik [Theological business ethics], in: Integritäts- und Umweltmanagement in der Beratungspraxis [Integrity and environmental management in consulting practice], ed. Thomas Beschorner/ Matthias Schmidt. Munich 2004, 139-149; Elke Mack: Anmerkungen zur Methode einer christlichen Wirtschafts- und Sozialethik [Notes on the methodology of Christian business and social ethics], in: Zeitschrift für Wirtschafts- und Unternehmensethik [Journal for business and corporate ethics] 3 (2/2002), 174-200.
  - 122 Michael Rosenberger: Determinismus und Freiheit. Das Subjekt als Teilnehmer [Determinism and freedom – the subject as participant]. Darmstadt 2006, 239: “From the observer’s perspective no statements can be made on the ‘should’ of a human being.”

- 123 Norbert Brieskorn: Wofür benötigen wir überhaupt ein Naturrecht? Sinn und Notwendigkeit eines Naturrechts aus philosophischer und theologischer Sicht [Why do we need natural law at all? The sense and necessity of natural law from a philosophical and theological point of view], in: Vom Rechte, das mit uns geboren ist. Aktuelle Probleme des Naturrechts [Of inborn rights – current problems of natural law], ed. Bernhard Vogel/Wilfried Härle for the Konrad Adenauer Foundation, Freiburg i. Br. 2007, 106.
- 124 Quoted from the *Disputationes Metaphysicae* of Francisco Suarez after Norbert Brieskorn: Wofür benötigen wir überhaupt ein Naturrecht? Sinn und Notwendigkeit eines Naturrechts aus philosophischer und theologischer Sicht [Why do we need natural law at all? The sense and necessity of natural law from a philosophical and theological point of view], in: Vom Rechte, das mit uns geboren ist. Aktuelle Probleme des Naturrechts [Of inborn rights – current problems of natural law], ed. Bernhard Vogel/Wilfried Härle for the Konrad Adenauer Foundation, Freiburg i. Br. 2007, 110.
- 125 This is why, in the sense of Konrad Hilpert, it only makes sense to develop Christian ethics in the form of a “relationship ethics”. Cf. Markus Vogt: *Christliche Sozialethik: Warum und wie soll Kirche „politisch” sein* [Christian social ethics – why and how the church should be “political”], in: *Theologie im Durchblick. Ein Grundkurs* [Theology in perspective – a basic course], ed. Konrad Hilpert/ Stephan Leimgruber. Freiburg 2008, 152 and 158.
- 126 I mean here to take issue with Angelika Krebs, who in my view draws a false opposition between justice and equality, between equality and human dignity. Cf. Angelika Krebs: *Einleitung: Die neue Egalitarismuskritik im Überblick* [Introduction: the new egalitarianism critique – an overview], in: *Gleichheit oder Gerechtigkeit. Texte der neuen Egalitarismuskritik* [Equality or justice – texts of the new egalitarianism critique], ed. Angelika Krebs. Frankfurt a. M. 2000, 7-37.
- 127 Anna Maria Riedl/ Alexander Filipovic: *Demokratie und Christliche Sozialethik. Demokratie als Thema deutschsprachiger katholischer Sozialethik nach 1945 – ein Literaturüberblick* [Democracy and Christian social ethics: democracy as a theme of German-speaking Catholic social ethics since 1945 – a bibliographical overview], in: *Demokratie (Jahrbuch für Christliche Sozialwissenschaft 54)* [Democracy (Yearbook for Christian social science 54)], ed. Marianne Heimbach-Steins. Münster 2013, 220.
- 128 Ibid.
- 129 Cf. Eberhard Schockenhoff: *Beruht die Menschenwürde auf einer kulturellen Zuschreibung?* [Does human dignity rest on cultural attribution?], in: *Vom Rechte, das mit uns geboren ist. Aktuelle Probleme des Naturrechts* [Of inborn rights – current problems of natural law], ed. Bernhard Vogel/Wilfried Härle for the Konrad Adenauer Foundation, Freiburg i. Br. 2007, 250.

- 130 Cf. *ibid.*: “None of us owes his or her human dignity to the agreement and consent of others; it is not mutually recognized in a human legal code [...], but rather acknowledged as a primordial foundation. The mutual act of acknowledgement on which the idea of right and of legally based regulations for interhuman relations is based must not be understood – the creative character that is undoubtedly intrinsic to it notwithstanding – in such a way as to imply that the partners in a reciprocal relation of acknowledgement have created the ground of their deserving to be acknowledged only on the basis of the act of acknowledgement itself. Rather the acknowledgement of one by the other constitutes the appropriate reaction to a pre-existing claim – one that precedes this response and emanates from the other as person.” 250.
- 131 Eberhard Schockenhoff: *Grundlegung der Ethik. Ein theologischer Entwurf* [Fundamentals of ethics – a theological approach]. Freiburg i. Br. 2007, 329.
- 132 Cf. Stephan Ernst: *Argumentationsmodelle in der theologischen Sexual- und Beziehungsethik* [Argument models in theological sexual and relationship ethics], in: *Zukunftshorizonte katholischer Sexualethik* [Future-oriented Catholic sexual ethics], ed. Konrad Hilpert (*Quaestiones disputatae* 241, ed. Peter Hünemann/ Thomas Söding). Freiburg i. Br. 2011, 181.
- 133 This applies even to a Neo-Aristotelian justification of ethics, in which modern contract theories may now have been subjected to criticism but for which they are nonetheless regarded as indispensable. Cf. Martha Nussbaum: *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 145-154; Thomas Scanlon: *What We Owe to Each Other*. Cambridge MA et al. 1998 (reprinted 1999), 189-191; Brian Berry: *A Treatise on Social Justice, Volume II. Justice as Impartiality*. Oxford 1995.
- 134 Martha Nussbaum: *Die Grenzen der Gerechtigkeit. Behinderung, Nationalität und Spezieszugehörigkeit*. Frankfurt a. M. 2010, 65 / *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 39: “The need for a contract arises because entitlements are insecure, not because there are no prepolitical and preprocedural entitlements.”
- 135 Cf. Elke Mack: *Naturrechtlicher Wandel zur Gerechtigkeitsethik. Ansatz einer pluralismusfähigen Christlichen Ethik* [Natural law shift to the ethics of justice – an approach to a pluralism-capable Christian ethics], in: *Theologische Ethik im Pluralismus (Studien zur theologischen Ethik)* [Theological ethics in pluralism (studies in theological ethics)], ed. Konrad Hilpert. Freiburg / Basel / Vienna 2012, 209-228.
- 136 Elke Mack: *Naturrechtlicher Wandel zur Gerechtigkeitsethik. Ansatz einer pluralismusfähigen Christlichen Ethik* [Natural law shift to the ethics of justice – an approach to a pluralism-capable Christian ethics], in: *Theologische Ethik im Pluralismus (Studien zur theologischen Ethik)*

- [Theological ethics in pluralism (studies in theological ethics)] 133, ed. Konrad Hilpert. Freiburg i. Ue./ Freiburg i.Br./ Vienna 2012, 224f.
- 137 Cf. Rosalind Dixon/ Martha C. Nussbaum: Children's Rights and a Capabilities Approach: The Question of Special Priority, in: Cornell Law Review 97 (3/2012), 549-593.
  - 138 Cf. Judith Butler: Am Scheideweg. Judentum und die Kritik am Zionismus [At the parting of the ways – Judaism and the critique of Zionism]. Frankfurt a.M. 2013, 16-17.
  - 139 Cf. Jürgen Habermas: Religion in der Öffentlichkeit. Kognitive Voraussetzungen für den „öffentlichen Vernunftgebrauch“ religiöser und säkularer Bürger [Religion in the public world – cognitive preconditions for the “public use of reason” by religious and secular citizens], in: Zwischen Naturalismus und Religion. Philosophische Aufsätze [Between naturalism and religion – philosophical essays]. Frankfurt a. M. 2005, 119-154, esp. 135-141.
  - 140 Cf. Alfons Auer: Autonome Moral und christlicher Glaube [Autonomous morality and Christian faith]. Düsseldorf 1971, 160-163.
  - 141 Cf. Elke Mack: Gerechtigkeit und gutes Leben. Christliche Ethik im politischen Diskurs [Justice and the Good Life. Christian Ethics in Political Discourse]. Paderborn 2002, 285-289.
  - 142 Cf. Dietmar Mieth: Moral und Erfahrung. Beiträge zur theologisch-ethischen Hermeneutik [Morality and experience – contributions to theological-ethical hermeneutics] I, Freiburg i. Ue. 1977, on historicity 91-110, on life experience 111-134; Dietmar Mieth: Sozialethik als hermeneutische Ethik [Social ethics as hermeneutical ethics], in: Gesellschaft begreifen – Gesellschaft gestalten. Konzeptionen Christlicher Sozialethik im Dialog [Understanding and shaping society – conceptions of Christian social ethics in dialog] (Jahrbuch für Christliche Sozialwissenschaften [Christian social sciences yearbook] 43), ed. Karl Gabriel. Münster 2002, 217-240.
  - 143 Cf. Michael Schramm: Spielregeln gestalten sich nicht von selbst. Institutionenethik und Individualethos in Wettbewerbssystemen [Rules of the game do not create themselves – institutional ethics and individual behavior in competitive systems], in: Wirtschaftsethik und Moralökonomik. Normen, soziale Ordnung und der Beitrag der Ökonomik [Business ethics and moral economics – norms, the social order and the contribution of economics], ed. Detlef Aufderheide/ Martin Dabrowski. Berlin 1997, 169f.
  - 144 OT Leviticus 19, 33-34.; NT Joh.13, 34-35; Joh.15, 1-17.
  - 145 This has applied ever since the ratification of the declaration *Nostra Aetate* of the Second Vatican Council in 1965.
  - 146 A modern missionizing idea, such as Pope Francis posits as fundamental in his Apostolic Exhortation *Evangelii Gaudium*, would involve appealing for an idea which we have recognized as correct rather than expressing the attitude that only the one faith is capable of saving the souls of all

- persons adhering to different faiths. In late Modernism the proclamation of faith has been fundamentally transformed, for the majority of Christians – based on the acknowledgement that all individuals are of equal importance – into a solicitation backed up by argument in the interest of one's own beliefs. Read in this light, the idea of mission can be put back into circulation and becomes increasingly topical.
- 147 Cf. Elke Mack: Christlich und universal zugleich? Herausforderungen an eine christliche Ethik im Pluralismus [Christian and universal at the same time? Challenges to Christian ethics in a pluralist world], in: *Christi Spuren im Umbruch der Zeiten. Festschrift für Bischof Joachim Wanke zum 65. Geburtstag* [Traces of Christ in changing times – commemoration volume for Bishop Joachim Wanke on the occasion of his 65<sup>th</sup> birthday], ed. Josef Freitag/Claus-Peter März. Leipzig 2006, 77-89.
  - 148 Cf. Elke Mack: Gerechtigkeit und gutes Leben. Christliche Ethik im politischen Diskurs [Justice and the Good Life. Christian Ethics in Political Discourse]. Paderborn 2002, 208-211.
  - 149 Cf. Arno Anzenbacher: Christliche Sozialethik. Einführung und Prinzipien [Christian social ethics – introduction and principles]. Paderborn 1989, 29ff. Arno Anzenbacher distinguishes between concrete models and open fundamental certainties which offer an essential basis for theological reflection and the formulation of ethical criteria.
  - 150 Cf. Klaus Demmer: Naturrecht und Offenbarung [Natural law and Revelation], in: *Brennpunkt Sozialethik. Theorien, Aufgaben, Methoden* [Social ethics in focus – theories, tasks, methods], ed. Marianne Heimbach-Steins/ Andreas Lienkamp/ Joachim Wiemeyer. Freiburg i. Br. 1995, 29-44.
  - 151 Public reason is a concept capable of multiple interpretations which comes from the theory of justice. In a very rough summary, it means that any attempt to establish norms is subject to the requirements of public justification. Rawls defines it as follows: “In a democratic society public reason is the reason of equal citizens who, as a collective body, exercise final political und coercive power over one another in enacting laws and in amending their constitution.” John Rawls: *Political Liberalism*. Expanded Edition. New York 1993, 214 and ff. Cf. Rainer Forst: *Kontexte der Gerechtigkeit. Politische Philosophie jenseits von Liberalismus und Kommunitarismus* [Contexts of justice – political philosophy beyond liberalism and Communitarianism]. Frankfurt 1994, 155ff. Cf. Elke Mack: *Gerechtigkeit und gutes Leben. Christliche Ethik im politischen Diskurs* [Justice and the Good Life. Christian Ethics in Political Discourse]. Paderborn 2002, 257 ff.
  - 152 Cf. Thomas Pogge: *World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms*. Cambridge et al. 2008, 56-57.
  - 153 In spite of criticism of the principle of difference, the justification of inequalities in the good of the most disadvantaged has become a standard variable of theory of justice, which has been further developed and ap-

- plied by Amartya Sen, Thomas Pogge, Ronald Dworkin, Thomas Nagel, Charles Beitz and others.
- 154 Cf. Michael Schramm: Der ethische und ökonomische Zusammenhang von Effizienz und Gerechtigkeit [The ethical and economic connection of efficiency and justice], in: Effizienz und Gerechtigkeit bei der Nutzung natürlicher Ressourcen. Wirtschaftsethische und moralökonomische Perspektiven der Rohstoff-, Energie- und Wasserwirtschaft [Efficiency and justice in the use of natural resources – economic-ethical and moral-economical perspectives in the management of raw materials, energy and water] (Volkswirtschaftliche Schriften [Essays in economics], volume 560), ed. Detlef Aufderheide/ Martin Dabrowski. Berlin 2010, 23; cf. Michael Schramm: Religion und Wirtschaftsethik. Eine „katholische“ Perspektive [Religion and business ethics – a “Catholic” perspective], in: Forum Wirtschaftsethik [Forum for business ethics] 18 (1/2010), 17–23.
  - 155 Elke Mack: Gerechtigkeit und gutes Leben. Christliche Ethik im politischen Diskurs [Justice and the Good Life. Christian Ethics in Political Discourse]. Paderborn 2002, 174–200.
  - 156 I am adopting a different position here from that of Benedict XVI on the dictatorship of relativism, because I do not see an opposition between a general “civil religion” in the sense of a universal ethics and Christian morality, provided latitude and tolerance (possibility of criticism, openness to criticism) remain. Cf. Benedict XVI: Licht der Welt. Der Papst, die Kirche und die Zeichen der Zeit [Light of the world – the Pope, the church and the signs of the times]. Freiburg i. Br. 2010, 71. Quite frequently in the history of moral theology the genuinely Christian has only been recognized through extraneous prophecy and after a considerable time lapse, as for example in the often circuitous reception of human rights or democracy by the Catholic Church. Cf. Konrad Hilpert: Menschenrechte und Theologie. Forschungsbeiträge zur ethischen Dimension der Menschenrechte [Human rights and theology – contributions to research on the ethical dimension of human rights]. Freiburg i. Br. 2001, 390ff.
  - 157 The philosophical concept of postmodernism has to do with “the approval and potentiation of linguistic games in their differences, autonomy and irreducibility. The variety of interlinked linguistic games, and their insusceptibility to mutual translation, no longer reduces to a unity based on the leading variables of the Enlightenment – Reason, the Subject, History, Meaning – the latter are rather regarded as exponents of monolithic thinking, of a kind which today can only regain a foothold on the path of repressive and totalitarian antipluralism.” Hans-Joachim Höhn: Gesellschaft im Übergang – Theologie im Wandel. Theologische Positionen im Streit um die Moderne [Society in transition – theology in flux. Theological positions in the battle for modernism], in: Theologie der Gegenwart [Contemporary theology] 32 (2/1989), 83–94, 85.



- 158 Hans-Joachim Höhn: Einleitung: An den Grenzen der Moderne. Religion - Kultur - Philosophie [Introduction: on the frontiers of Modernism. Religion - culture - philosophy], in: Krise der Immanenz. Religion an den Grenzen der Moderne [The crisis of immanence - religion on the frontiers of Modernism], ed. Hans-Joachim Höhn. Frankfurt 1996, 7-28, 19.
- 159 Cf. Hans-Joachim Höhn: Zerreißproben: Christliche Sozialethik im Spannungsfeld gesellschaftlicher Modernisierungsprozesse [Tensile tests - Christian social ethics in the field of tension of social modernization processes], in: Christliche Sozialethik interdisziplinär [Interdisciplinary Christian social ethics], ed. Hans-Joachim Höhn. Paderborn et al. 1997, 13-40, 37-38.
- 160 Cf. Peter Koller: Die globale Frage. Ethische Herausforderungen der Weltentwicklung [The global question - ethical challenges of world development], in: Die globale Frage. Empirische Befunde und ethische Herausforderungen [The global question - empirical findings and ethical challenges], ed. Peter Koller (Reihe Sozialethik der Österreichischen Forschungsgemeinschaft [Social Ethics series of the Austrian Research Association], ed. Manfred Prisching, 8). Vienna 2006.
- 161 Cf. Henning Hahn: Globale Gerechtigkeit. Eine philosophische Einführung [Global justice - a philosophical introduction]. Frankfurt a. M. 2009, 12ff.
- 162 Cf. here the detailed account of the development of morality in dependence on historic violations of justice in the first chapter.
- 163 Immanuel Kant: ZeF [On Perpetual Peace], AA 08: 341-386, 360.03-04.
- 164 Cf. Peter Singer: Famine, Affluence, and Morality, in: Philosophy and Public Affairs 1 (3/1972), 229-243; Charles R. Beitz: Justice and International Relations, in: Philosophy and Public Affairs 4 (4/1975), 360-389; Charles R. Beitz: Political Theory and International Relations. With a New Afterword by the Author. Princeton 1999 (Erstausgabe 1979), 179-183.
- 165 Cf. Amartya Sen: Well-Being, Agency and Freedom: The Dewey Lectures 1984, in: The Journal of Philosophy 82 (4/1985), 169-221; Amartya Sen: Poverty and Famines. An Essay on Entitlement and Deprivation. Oxford et al. 1997 (Erstausgabe 1981), 1-8.
- 166 Cf. Thomas Pogge: Cosmopolitanism and Sovereignty, in: Ethics 103 (1/1992), 48-75; Thomas Pogge: An Egalitarian Law of Peoples, in: Philosophy and Public Affairs 23 (3/1994), 195-224; John Rawls: The Law of Peoples with "The Idea of Public Reason Revisited". Cambridge MA et al. 1999.
- 167 The Millennium Development Goals plus SDGs offer a further point of reference - cf. <http://www.un.org/millennium/declaration/ares552e.htm>.
- 168 The debate was launched by C.K. Prahalad and S.L. Hart in 2002. Cf. Prahalad, C.K., Hart, S.L. (2002): The fortune at the bottom of the pyramid. In: strategy + business, vol. 8, no. 26, First Quarter 54-67.

- 169 Catholic teaching on the relationship of the global economy and society (global society) can be studied in the encyclicals *Mater et Magistra* (1961), *Pacem in Terris* (1963), *Gaudium et Spes* (1965), *Populorum Progressio* (1967), *Octogesima Advenians* (1971), *De Justitia in Mundo* (1971), *Laborem Exercens* (1981), *Sollicitudo Rei Socialis* (1988), *Centesimus Annus* (1991), *Deus Caritas Est* (2005) and *Caritas in Veritate* (2009).
- 170 Cf. Thomas Pogge: *An Egalitarian Law of Peoples*, in: *Philosophy and Public Affairs* 23 (3/1994), 211-212 and 224: "In doing so, they would also envision a more democratic world order, a greater role for central organizations, and, in this sense, more world government than we have at present."  
Charles R. Beitz: *Political Theory and International Relations*. With a New Afterword by the Author. Princeton 1999 (first ed. 1979), 182-183; Simon Caney: *Justice Beyond Borders. A Global Political Theory*. New York 2005, 102-147.
- 171 Cf. Amartya Sen: *Well-Being, Agency and Freedom: The Dewey Lectures 1984*, in: *The Journal of Philosophy* 82 (4/1985), 185-203; Martha Nussbaum: *Human Functioning and Social Justice: In Defense of Aristotelian Essentialism*, in: *Political Theory* 20 (2/1992), 202-246; Martha Nussbaum: *Women and Human Development. The Capabilities Approach*. Cambridge 2001 (first ed. 2000), 13, 70-96; Martha Nussbaum: *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 159-160, 69-81 and 281-284.
- 172 Cf. Lukas Meyer/ Dominic Roser: *Enough for the future*, in: *Intergenerational Justice*, ed. Axel Gosseries and Lukas Meyer. Oxford et al. 2009, 219.
- 173 Cf. Angelika Krebs: *Einleitung: Die neue Egalitarismuskritik im Überblick [Introduction: Overview of the New Critique of Egalitarianism]*, in: *Gleichheit oder Gerechtigkeit. Texte der neuen Egalitarismuskritik [Equality or Justice. Papers on the New Critique of Egalitarianism]*, ed. Angelika Krebs. Frankfurt a. M. 2000. Angelika Krebs: *Gleichheit ohne Grenzen? Die kosmopolitische Überforderung [Equality without limit? Excessive cosmopolitan demands]*, in: *Information Philosophie* (5/2004), 7-13.
- 174 Cf. Ingo Pies/ Stefan Hielscher: *The Role of Corporate Citizens in Fighting Poverty: An Ordonomic Approach to Global Justice*, in: *Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives*, ed. Elke Mack/ Michael Schramm/ Stephan Klasen et al.. Burlington et al. 2009, 233-247.
- 175 Representatives of global cosmopolitan justice are Peter Singer, Charles Beitz, Thomas Pogge, Jürgen Habermas, Seyla Benhabib, Rainer Forst, Darrel Moellendorf, Brian Barry, Simon Caney and others.
- 176 David Miller: *Grundsätze sozialer Gerechtigkeit*. Frankfurt a. M. 2008, 59-61. (Original edition: *Principles of Social Justice*, Cambridge MA et

- al. 1999, 17-20); Hans J. Morgenthau: *Politics Among Nations. The Struggle for Power and Peace*. 7<sup>th</sup> edition, New York 2006; Kenneth N. Waltz: *Theory of International Politics*. New York 1979. Cf. in relation to this an intermediate position: Thomas Nagel: *The Problem of Global Justice*, in: *Philosophy and public affairs* 33 (2/2005), 146: "This point is independent of the dispute between the political and cosmopolitan conceptions. We are unlikely to see the spread of global justice in the long run unless we first create strong supranational institutions that do not aim at justice but that pursue common interests and reflect the inequalities of bargaining power among existing states."
- 177 Cf. Christoph Broszies/ Henning Hahn: *Die Kosmopolitismus-Partikularismus-Debatte im Kontext* [The cosmopolitanism-particularism debate in context], in: *Global justice. Schlüsseltexte zur Debatte zwischen Partikularismus und Kosmopolitismus* [Global justice. Key texts on the debate between particularism and cosmopolitanism], ed. Christoph Broszies/ Henning Hahn. Frankfurt a. M. 2010, 10-11.
- 178 John Rawls: *The Law of Peoples with "The Idea of Public Reason Revisited"*. Cambridge MA et al. 1999, 113-119.
- 179 Ibid. 112 and 118.
- 180 Cf. *ibid.* 113-119.
- 181 Ibid. 114-115.
- 182 Theoretically speaking the universal orientation of Christianity can be ascribed to Paul. In terms of church history, on the other hand, the realization that human dignity is universally deserving of protection only emerges slowly after the Peace of Westphalia and in Spanish late scholasticism; and when we consider the development of philosophy and the history of culture, it does not come to be established until the Enlightenment and the ethics of human rights.
- 183 From the time of the end of the first century, following controversies among the apostles, Christianity was no longer restricted to circumcised Jews, and so was the only religion of its times which even within the Roman Empire adopted a global attitude. Although church history evidences considerable endeavors to assimilate and patronize various non-Christian and non-European cultures, today more than ever there is a demand for Christianity to be pluralistic and globally oriented.
- 184 Cf. *Nostra Aetate*, the Declaration on the Relation of the Church to Non-Christian Religions, Second Vatican Council 1962-1965.
- 185 Cf. Charles Beitz: *Political Theory and International Relations*. Princeton NJ et al. 1999, 127-129; Thomas Scanlon: *What We Owe to Each Other*. Cambridge MA et al. 1998 (reprinted Cambridge MA 1999), 177-188, especially 187: "[T]he beings whom it is possible to wrong are all those who do, have or will actually exist"; Thomas Pogge: *World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms*. Cambridge et al. 2008, 97-123.

- 186 Eike Bohlken: Kosmopolitismus zwischen Universalismus und Interkulturalität [Cosmopolitanism between universalism and interculturalism], in: *fiph Journal* 20 (2012), 28-29.
- 187 Cf. on this point Angelika Krebs, who cannot reconcile justice with close relations of obligation. Angelika Krebs: *Arbeit und Liebe. Die philosophischen Grundlagen sozialer Gerechtigkeit* [Labor and Love. The Philosophical Foundations of Social Justice]. Frankfurt a.M. 2002, 289: "Justice would lead to a distance, which is diametrically opposed to the closeness of intimate personal relations"; and "Justice should only have a part to play in the latter" [sc. relations that are not close or intimate]. Angelika Krebs: *Gleichheit ohne Grenzen? Die kosmopolitische Überforderung* [Boundless equality? The excessive demands on cosmopolitanism], in: *Information Philosophie* (5/2004), 7-13.
- 188 Elke Mack: Christlich und universal zugleich? Herausforderungen an eine christliche Ethik im Pluralismus [Christian and universal at the same time? Challenges to Christian ethics in a pluralist world], in: *Christi Spuren im Umbruch der Zeiten. Festschrift für Bischof Joachim Wanke zum 65. Geburtstag* [Traces of Christ in changing times – commemoration volume for Bishop Joachim Wanke on the occasion of his 65<sup>th</sup> birthday], ed. Josef Freitag/Claus-Peter März. Leipzig 2006, 77-89.
- 189 John Rawls: *A Theory of Justice*. Revised Edition. Cambridge MA 1999, 378: "One consequence of this equality of nations is the principle of self-determination, the right of a people to settle its own affairs without the intervention of foreign powers".
- 190 John Rawls: *The Law of Peoples with "The Idea of Public Reason Revisited"*. Cambridge MA et al. 1999, 105-113.
- 191 Johannes Paul II.: Encyclical "Centesimus annus". Vatican 1991, 51.
- 192 Social justice is here being defined in a narrower sense, as justice of opportunity, participation and distribution, not in the sense of a superordinate term of justice. Social justice is principally concerned with the avoidance of disadvantages and possible options for reintegration of the poorer sectors of society.
- 193 An excellent overview of the debate may be found in: Wolfgang Kersting: *Theorien der sozialen Gerechtigkeit* [Theories of social justice]. Stuttgart et al. 2000. Kersting himself is highly critical of the concept of distributive justice, and offers a liberal alternative in the concept of justice of opportunity. Cf. *ibid.*, 5: "Each in their own way, the conceptions of Rawls, Dworkin, Nagel, Arneson and other egalitarians show that the attempt to assign importance for the market-corrective distribution of social and economic goods to the idea of equality as relevant to justice beyond the framework of the antidiscrimination policies of the law-based state has fatal consequences for both theory and practice."
- 194 Cf. OECD: *Society at a Glance 2014*. OECD Social Indicators, OECD Publishing 2014, 111. Consulted online on 01.04.2014 at [http://dx.doi.org/10.1787/soc\\_glance-2014-en](http://dx.doi.org/10.1787/soc_glance-2014-en).

- 195 Cf. Arno Anzenbacher: *Christliche Sozialethik. Einführung und Prinzipien* [Christian social ethics. Introduction and principles]. Paderborn et al. 1997, 129-140.
- 196 Even in Germany transfer payments are applied for a minimum level of social security based on tax revenue.
- 197 Cf. Luigi Taparelli d'Azeglio: *Saggio teoretico di diritto naturale appoggiato sul fatto* [Theoretical treatise on natural law in reliance on fact] (1840-43).
- 198 Pope Pius XI.: Encyclical "Quadragesimo anno". Vatican 1931, RN 49.
- 199 Cf. e.g. Pope Leo XIII: Encyclical "Rerum novarum", Vatican 1891; Pope Pius XI: Encyclical "Quadragesimo anno", Vatican 1931; Pope Paul VI: Encyclical "Populorum progressio", Vatican 1967; Pastoral Constitution "Gaudium et spes"; Pope Johannes Paul II: Encyclical "Sollicitudo rei socialis", Vatican 1987; Pope Benedict XI, Encyclical "Caritas in Veritate" 2009.
- 200 Relative poverty means that people's income is below the average income (net equivalent income) of a society (40-60%, depending on national determinations).
- 201 Cf. the German Conference of Bishops, Commission VI for Social and Welfare Issues: *Mehr Beteiligungsgerechtigkeit. Beschäftigung erweitern, Arbeitslose integrieren, Zukunft sichern: Neun Gebote für die Wirtschafts- und Sozialpolitik* [More participatory justice. Extending employment, integrating the jobless, ensuring a future: nine principles for economic and social policy], published by the Secretariat of the German Conference of Bishops. Bonn 1998. (Especially 5-7).
- 202 Friedrich August von Hayek: *Recht, Gesetzgebung und Freiheit* [Law, legislation and freedom], vol. 2: *Die Illusion der sozialen Gerechtigkeit* [The illusion of social justice]. Landsberg am Lech 1981, 98.
- 203 Cf. Stephan Klasen: *In Search of the Holy Grail: How to Achieve Pro-Poor Growth?*, in: *Toward Pro-Poor Policies. Aid, Institutions, and Globalization*, ed. Bertil Tungodden/Nicholas Stern/Ivar Kolstad under the auspices of the Annual World Bank Conference on Development Economics – Europe 2003. Washington et al. 2004, 63-93.
- 204 Cf. John Rawls: *A Theory of Justice*. Revised Edition. Cambridge MA, 1999 (first edition 1971), 65.
- 205 Cf. Gerhard Kruij: *Soziale Gerechtigkeit in der christlichen Soziallehre* [Social justice in Christian social teaching], in: *Die Reform des Sozialstaats zwischen Freiheitlichkeit und Solidarität* [The reform of the welfare state between freedom and solidarity], ed. Hermann-Josef Blanke et al., Tübingen 2007, 225-242.
- 206 In economics, justice of performance is purely calculated on the basis of market returns – that is to say, the return on working performance input in keeping with its marginal utility. In many service sectors, however (as in the case of social work, or reproductive / family work), this cannot be

calculated in any way, especially in connection with public goods which cannot be produced by markets in sufficient quantity (health, education, emergency assistance, psychological support, child care, care of the elderly). Other gray areas arise as a result of cultural values – e.g. in western societies, where intellectual performance is rated very much higher than physical work or handicrafts, or where market-related activities (technology, law, economics) are rated higher than secondary and supportive ones (social services, activities on the tertiary market). Moreover, markets are culturally determined on the level of demand and in the material valuation of supply. The fairness of performance assessment, consequently, should not be exclusively left to the markets, but should also become the subject of social dialog in a discourse aimed above all at compensating for states of injustice that are traditional and culture-specific or that result from market failure. The debate about a minimum wage, for example, testifies to the collective awareness that there is a lowest limit of performance assessment, below which limit remuneration is felt to be incompatible with human dignity. The outcome does not fundamentally have to be the lay-off of employees working in these sectors, but can also mean an adjustment of demand so as to result in a higher level.

- 207 This position of economic ethics has traditionally been upheld by Catholic social teaching: c.f. *Mater et Magistra* 65, *Populorum Progressio* 26, *Gaudium et Spes* 26+74, *Solicitudo Rei Socialis* 21, *Centesimus Annus* 15+32+40, *Caritas in Veritate* 35, 39+45....
- 208 Cf. Wolfgang Arndt: *Ein Modell zur Bildung gerechter Einkommensrelationen* [A model for the shaping of just income relations]. Munich 2013, 285-287.
- 209 Elke Mack: *Globale Solidarität mit den Armen* [Global solidarity with the poor], in: *Solidarität* (Jahrbuch für Christliche Sozialwissenschaften) [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 297-335.
- 210 Martha Nussbaum: *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 76-78. Amartya Sen: *The Idea of Justice*. Cambridge MA 2009, 231-238.
- 211 Martha Nussbaum: *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 155-156, 159-160. Amartya Sen: *The Idea of Justice*. Cambridge MA 2009, 231-238.
- 212 Christian social ethics is here in agreement with the position of Charles Beitz and Simon Caney, which can be seen as a form of luck egalitarianism. Cf. the outcome of the egalitarianism debate in Gerald A. Cohen: *On the Currency of Egalitarian Justice*, in: *Ethics* 99 (4/1989), 906-944.
- 213 It is unacceptable, for example, that foreign workers, coming from countries where the average income is only a fraction of ours, are dispatched by Bulgarian or Romanian employers to work on German building sites, and are then obliged to work for a dumping wage, on a level of purchas-

- ing power where they cannot afford the barest necessities. When a welfare state guaranteed by a national constitution is undermined by transnational agreements, this is not in keeping with the relative existential minimum which can be mathematically and unambiguously calculated for a society, nor is it in keeping with the rights of participation with which all foreigners who have a legitimate right to live in Germany should be endowed.
- 214 Cf. on this point Pope Pius XI: Encyclical “*Quadragesimo anno*”. Vatican 1931, 79 and 80; Pope Johannes XXIII: Encyclical “*Mater et Magistra*”. Vatican 1961, 53, 117 and 152; Johannes XXIII: Encyclical “*Pacem in terris*”. Vatican 1963, 140-141; Pastoral Constitution “*Gaudium et spes*”, 86c; Pope Johannes Paul II: Encyclical “*Sollicitudo rei socialis*”. Vatican 1987; Pope Benedict XVI: Encyclical “*Caritas in veritate*”. Vatican 2009, 47, 57-60, 67.
  - 215 Cf. Andreas Rauhut: *Gemeinsam gegen Armut? [Together against poverty?]*, Leipzig 2015.
  - 216 John Rawls: *The Law of Peoples with “The Idea of Public Reason Revisited”*. Cambridge MA et al. 1999, 115-119.
  - 217 Here we may mention Peter Singer as the first witness to global solidarity in his article: Peter Singer: *Famine, Affluence, and Morality*, in: *Philosophy and Public Affairs* 1 (3/1972), 229-243.
  - 218 Branko Milanovic: *The Haves and the Have-Nots. A Brief and Idiosyncratic History of Global Inequality*. New York 2011, 118: “*Citizenship is fate*”.
  - 219 Cf. Branko Milanovic: *Worlds apart. Measuring international and global inequality*. Princeton 2005, 111-112, 107: “*Note that three-quarters of the world population receives around one-quarter of the world \$PPP income, or that the top 10 percent of the world population receives about one-half of the world income. Of course, if we look at actual dollar incomes, the numbers are even more dramatic: 90 percent of the world population (in 1998) receives a little less than one-third of the world income, or in other words, the top 10 percent receive two-thirds of world dollar income.*”
  - 220 Collier, Paul, *Die unterste Milliarde. Warum die ärmsten Länder scheitern und was man dagegen tun kann [The bottom billion. Why the poorest countries fail, and what can be done to prevent it]*. Munich 2007, 108.
  - 221 Cf. Stephan Klasen: *Armutsreduzierung im Zeitalter der Globalisierung [Reducing poverty in the age of globalization]*, in: *Globalisierung und Armut. Wie realistisch sind die Millenniums-Entwicklungsziele der Vereinten Nationen? [Globalization and poverty. How realistic are the millennium development goals of the United Nations?]*, ed. Johannes Wallacher/ Mattias Kiefer (*Reihe Globale Solidarität – Schritte zu einer neuen Weltkultur* 13 [Global Solidarity series – steps towards a new global culture 13]), ed. Norbert Brieskorn/ Georges Enderle et al.). Stuttgart 2006, 9: “*The biggest divide between rich and poor today is no longer between poorer and richer participants in globalized markets (as*

- between China and the USA, for example), but between those who participate in globalization (including most industrial and threshold countries) and those that are excluded from it (like many African countries).
- 222 Ingo Pies/ Alexandra von Winning: Wirtschaftsethik [Economic ethics], in: Lexikon Soziale Marktwirtschaft. Wirtschaftspolitik von A-Z [Lexicon of the social market economy. Economic policy from A to Z], ed. Rolf H. Hasse/ Hermann Schneider/ Klaus Weigelt. Reissued and revised online edition, Sankt Augustin 2013. Accessed online on 04. 22.2014 at <http://www.kas.de/wf/de/71.10295/>: "Under modern competitive conditions the institutional framework becomes the systematic locus of morality."
  - 223 "Every 3.6 second a person dies of hunger." Millenniums-Projekt [Millennium Project]: Die Fakten auf einen Blick: Die Gesichter der Armut [The facts at a glance: the faces of poverty]. New York, 1. Accessed online on 04. 02.2014 at [https://www.unric.org/html/german/mdg/MP\\_PovertyFacts.pdf](https://www.unric.org/html/german/mdg/MP_PovertyFacts.pdf).
  - 224 Cf. Nicholas D. Kristof/ Sheryl WuDunn: Die Hälfte des Himmels. Wie Frauen weltweit für eine bessere Zukunft kämpfen. Original edition: Half the Sky. Turning Oppression into Opportunity for Women Worldwide, New York 2009. Licensed edition for the Bundeszentrale für politische Bildung [Federal Agency for Civic Education], Bonn 2010, 25ff; cf. Branko Milanovic: The Have and The Have-Nots. A Brief and Idiosyncratic History of Global Inequality. New York 2011, 193ff.
  - 225 Branko Milanovic: The Have and The Have-Nots. A Brief and Idiosyncratic History of Global Inequality. New York 2011, 163.
  - 226 Cf. Michael Walzer: Sphären der Gerechtigkeit [Spheres of justice], Frankfurt a. M. 1992, 26ff.
  - 227 Here we might refer to economic ethics, for example. Cf. Ingo Pies: Ökonomische Ethik: Zur Überwindung politischer Denk- und Handlungsblockaden. Diskussionspapier 05-10 [Economic ethics: towards the overcoming of political barriers to thinking and action. Discussion paper 05-10], ed. the Chair of Economic Ethics at the Martin Luther University of Halle-Wittenberg and the Leucorea Foundation in the Lutheran City of Wittenberg. Accessed online on 02.05.2014 at [http://www.econbiz.de/archiv/1/2008/53414\\_ueberwindung\\_politischer\\_denkblockaden.pdf](http://www.econbiz.de/archiv/1/2008/53414_ueberwindung_politischer_denkblockaden.pdf).
  - 228 Cf. John Rawls: The Law of Peoples with "The Idea of Public Reason Revisited". Cambridge MA et al. 1999, 115.
  - 229 Cf. the entire work of the development economist Hermann Sautter: Weltwirtschaftsordnung. Die Institutionen der globalen Ökonomie [Global economic order. The institutions of the global economy]. Munich 2004. This includes a detailed and extremely differentiated individual assessment of the reform of institutions and framing conditions in the areas of trade, the financial order, the environmental order, the social order and cooperative development projects.



- 230 Jeffrey D. Sachs: *Das Ende der Armut. Ein ökonomisches Programm für eine gerechtere Welt*. München 2006 (original edition: *The End of Poverty. Economic Possibilities for Our Time*, New York 2005), 39: "As a global society we must ensure that the international rules of the game in economic life do not function, intentionally or unintentionally, as tripwires – in the form of insufficient development aid, protectionist restrictions on trade, destabilizing global financial practices, poorly thought out rules for intellectual property and the like – as a result barring the poor and the poorest of this world from access to the lower rungs of the development ladder, so that they cannot take their development in hand by means of their own resources."
- 231 John Rawls: *The Law of Peoples with "The Idea of Public Reason Revisited"*. Cambridge MA et al. 1999, 114: "In itself, it doesn't matter how great the gap between rich and poor may be. What matters are the consequences."
- 232 We are already observing in southern Europe how long credit-financed reform processes take to generate a higher level of prosperity and what social hardships they result in. If an institutional approach is to be able to demonstrate success, then it would have to be underpinned with capital which is not associated with expectation of a high return. Every start-up company needs quite a long time before it breaks even. It is an analogous situation with the poorest states and the people living within these states.
- 233 Cf. Johannes Müller: *Demokratie und "Entwicklung von unten" angesichts von Staatsversagen und Staatszerfall* [Democracy and "development from below" in the light of the failure and collapse of states], in: *Weltprobleme* [Global problems], ed. Bayerische Landeszentrale für politische Bildungsarbeit [the Bavarian Federal State Center for Political Education], coord. by Johannes Wallacher/Johannes Müller/Michael Reder. Munich 2013, 127-144, 140.
- 234 Cf. Thomas W. Pogge: *Cosmopolitanism and Sovereignty*, in: *Ethics* 103 (1/1992), 48-75.
- 235 Cf. Angelika Krebs: *Gleichheit ohne Grenzen? Die kosmopolitische Überforderung* [Boundless equality? The excessive demands on cosmopolitanism], in: *Information Philosophie* (5/2004), 7-13.  
In her most recent publications, it must be said, Nussbaum becomes an advocate of the idea of global justice. Cf. Martha Nussbaum. *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 314-324.
- 236 Cf. Martha Nussbaum. *Frontiers of Justice. Disability, Nationality, Species Membership*. Cambridge MA et al. 2006, 277-281.
- 237 Martha C. Nussbaum: *Human Functioning and Social Justice*. In *Defense of Aristotelian Essentialism*, in: *Political Theory* 20 (2/1992), 205.
- 238 Cf. Thomas Pogge: *World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms*. Cambridge et al. 2008, 203-205; Barbara

- Bleisch/ Peter Schaber: Einleitung [Introduction], in: Weltarmut und Ethik [World poverty and ethics]. Paderborn 2007, 9-32, especially 28.
- 239 For example in Mathias Risse: How Does the Global Order Harm the Poor?, in: Philosophy and Public Affairs 33 (4/2005), 349-376.
- 240 Cf. Jeffrey D. Sachs: Das Ende der Armut. Ein ökonomisches Programm für eine gerechtere Welt. Munich 2006 (original edition: The End of Poverty. Economic Possibilities for Our Time, New York 2005), 76-78.
- 241 Cf. Jeffrey D. Sachs: Das Ende der Armut. Ein ökonomisches Programm für eine gerechtere Welt. München 2006 (original edition: The End of Poverty. Economic Possibilities for Our Time, New York 2005), 90-95; cf. Michael Schramm, who presents a comparative study of different moral cultures: Michael Schramm: Ökonomische Moralkulturen. Die Ethik differenter Interessen und der plurale Kapitalismus [Economic moral cultures. The ethics of different interests and plural capitalism]. Marburg 2008.
- 242 Cf. Paul Collier: Die unterste Milliarde. Warum die ärmsten Länder scheitern und was man dagegen tun kann [The bottom billion. Why the poorest countries fail, and what can be done about it], Munich 2007.
- 243 Samuel Black: Individualism at an Impasse, in: Canadian Journal of Philosophy, 21 (3/1991), 357.
- 244 Eike Bohlken: Transnational Political Elites and Their Duties of the Common Good, in: Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives, ed. Elke Mack/ Michael Schramm/ Stephan Klasen et al.. Farnham 2009, 167-177; Norbert Anwander: World Poverty and Moral Free-Riding. The Obligations of Those Who Profit from Global Injustice, in: Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives, ed. Elke Mack/ Michael Schramm/ Stephan Klasen et al.. Farnham 2009, 179-189; Thomas Pogge: Weltarmut, Menschenrechte und unsere Verantwortung [Global poverty, human rights and our responsibility], in: Welthunger durch Weltwirtschaft [Global hunger through the global economy], ed. Detlef Horster (Hannah Arendt Lectures and Hannah Arendt Days 2009), 87: "When elementary human rights are not achieved for a majority of the human race in ways not unavoidable, then our international order of institutions must be regarded as unjust if it contributes to this failure of human rights. It is then particularly incumbent on the more powerful countries to reform this order in such a way that it achieves better results in terms of human rights – a responsibility which in the end rests with the citizens of these countries. Individual citizens cannot of course reform the international institutional order of themselves, but they can apply political pressure for such reforms and also make individual efforts to protect the poor against the effects of the unjust rules imposed on them."
- 245 Stefan Hielscher/ Ingo Pies/ Markus Beckmann: Wie können Corporate Citizens voneinander lernen? Ökonomische Anregungen für inter-organisationales Lernen im Global Compact der Vereinten Nationen [How

- can corporate citizens learn from one another? Ordonomic suggestions for inter-organizational learning in the Global Compact of the United Nations], in: *Zeitschrift für Wirtschafts- und Unternehmensethik (zfwu)* [Journal of economic and corporate ethics] 10 (1/2009), 41-65.
- 246 Cf. Johannes Müller SJ: Sieben Milliarden Menschen [Seven billion people], in: *Stimmen der Zeit* [Voices of the times] 229 (9/2011), 577-578, here in particular 578: "The principal risk factor is the prosperity model of the rich countries, seeing that if all human beings were to consume resources and burden the environment to the same degree, the world would already be 'overpopulated' today. As this model exercises a great power of attraction and other countries justifiably strive to achieve a similar level of prosperity, it is responsible for a dangerous dynamic. In the last resort what is at stake here is a distribution problem between rich and poor. The only ethically responsible way out is a resource-saving and low-emission economic model for all. For this we need technological innovations for greater resource efficiency. But equally important are new guiding ideals in relation to prosperity and lifestyle."
- 247 "Retinity, derived from the Latin *rete* (net), is an ethical principle whose basic demand is that the unfolding of human civilization be shaped in such a way that the network of ecological controlling circuits sustaining it be maintained." Markus Vogt: Retinity. 1. Conceptual definition, in: *Lexikon der Bioethik* [Lexicon of bioethics], volume 3, ed. Wilhelm Korff for the Görres Society. Gütersloh 1998, 209.
- 248 In terms of content, this demand goes back to a basic demand formulated by Otmar Edenhofer, the Chair of Working Group III of the IPCC, Director of the MCC and Deputy Director and Economist in Chief of the Potsdam Institute for Climate Impact Research. Many other reasonable suggestions have been made by Pope Francis in his Encyclical *Laudato Si'*.
- 249 A positive alternative plan is offered by Johannes Müller: cf. Johannes Müller: Demokratie und "Entwicklung von unten" angesichts von Staatsversagen und Staatszerfall [Democracy and "development from below" in the light of the failure and collapse of states], in: *Weltprobleme* [Global problems], ed. Bayerische Landeszentrale für politische Bildungsarbeit [the Bavarian Federal State Center for Political Education], coord. by Johannes Wallacher/Johannes Müller/Michael Reder. Munich 2013, 127-144, especially 136-140.
- 250 As more than half of all the absolutely poor are small farmers, the most important key to development lies in the optimization of agriculture.
- 251 Cf. Collier, Paul, Die unterste Milliarde. Warum die ärmsten Länder scheitern und was man dagegen tun kann [The bottom billion. Why the poorest countries fail, and what can be done to prevent it]. Munich 2007, 107ff.
- 252 The UNDP (United Nations Development Program) advocates the concept of inclusive growth. Cf. on this point the Fast Facts Sheet of the UNDP at <http://www.undp.org/content/dam/undp/library/corporate/fast->

- facts/english/FF-Inclusive-Growth.pdf, most recently consulted on 02.03.2014.
- 253 Cf. Branko Milanovic, *The Have and The Have-Nots. A Brief and Idiosyncratic History of Global Inequality*. New York 2011, 118.
  - 254 Thomas Pogge states that 300 billion US dollars would improve the situation of the poor dramatically (Thomas Pogge: *World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms*. Cambridge et al. 2008, 10). If we compare his estimated 300 billion dollars with the hundreds of billions which western governments made available in order to counteract the effects of the financial crisis in the fall of 2008, it illustrates the abiding relevance of his estimate.
  - 255 Cf. Jeffrey Sachs, (2005), 226 and 74. Here he says that the economic system consists of so many interlocking mechanisms that it is not possible to make just one or two responsible for the failure. Cf. on this point also Mathias Risse: *What we owe to the global poor?*, in: *The Journal of Ethics* 9 (1-2/2005), 87.
  - 256 According to the report of the World Bank, the relative proportion of the world population who have less than \$ 1.25 PPP available to them per day has already been falling steadily since 1990. The absolute number of the absolutely poor only reached its highest point in 1993, when around 1.9 billion people were living in absolute poverty. By 2010 the absolute total then sank to around 1.2 billion. Although the absolute total is falling, it is worth taking a look at the individual regions. In the region of Africa south of the Sahara, for instance, the number of people living in absolute poverty, even taking demographic factors into account, has risen continuously since 1990. The fact that the total number of the poor worldwide nonetheless is falling is thus due to the good performance of the East Asian and Pacific region, which makes up for the low level of growth in Africa. Cf. on this World Bank: *World Development Indicators* 2013. Washington DC 2013, 31. Accessed online on 02.03.2014 at <https://openknowledge.worldbank.org/bitstream/handle/10986/13191/9780821398241.pdf>.
  - 257 Cf. Althammer, Jörg, *Welche Wirtschaft tötet? Anmerkungen zum Rundschreiben Evangelii Gaudium aus wirtschaftsethischer Perspektive* [Which economy kills? Observations on the Apostolic Exhortation *Evangelii Gaudium* from the point of view of economic ethics], in: *Kirche und Gesellschaft* [Church and society] (2014), No. 411, 3-15, 11.
  - 258 Cf. Elke Mack: *Familien in der Krise. Lösungsvorschläge Christlicher Sozialethik* [Families in crisis. Proposed solutions from the point of view of Christian social ethics]. Munich 2005, 94-98.
  - 259 Cf. Thomas W. Pogge: *Cosmopolitanism and Sovereignty*, in: *Ethics* 103 (1/1992), 49; Stefan Gosepath: *Die globale Ausdehnung der Gerechtigkeit* [The global extent of justice], in: *Gerechtigkeit und Politik. Philosophische Perspektiven* [Justice and politics. Philosophical perspectives], ed. Reinhold Schmücker/ Ulrich Steinvorh. Berlin 2002

- (Deutsche Zeitschrift für Philosophie [German Philosophical Journal], Special Volume 3), 214.
- 260 Cf. on this point the contributions by Stefan Gosepath, Norbert Anwander, Barbara Bleisch and Eike Bohlken in: *Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives*, ed. Elke Mack / Michael Schramm / Stephan Klasen et al. Farnham 2009; cf. also Herlinde Pauer-Studer: *Globale Gerechtigkeit und moralische Verpflichtung* [Global justice and moral obligation], in: *Die globale Frage. Empirische Befunde und ethische Herausforderungen* [The global question. Empirical findings and ethical challenges], ed. Peter Koller. Vienna 2006, 201-226.
- 261 Here, it must be said, there are also a great many counter-examples – e.g. the massive willingness to provide emergency aid in the face of major natural catastrophes, which always trigger aid on a wide scale from institutions and charitable organizations worldwide.
- 262 Cf. Jeffrey Sachs, (2005), 74ff. According to Sachs, the originating causes are: the poverty trap, physical geography, the tax trap, bad governance, cultural barriers, geopolitics, lack of innovation and demographic traps.
- 263 Gerhard Kruip: 'De justitia in Mundo' – Global Justice in the Tradition of the Social Teaching of the Catholic Church, in: *Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives*, ed. Elke Mack/ Michael Schramm/ Stephan Klasen et al. London 2009, 81-83.
- 264 Cf. here, in church and Catholic social teaching, particularly the encyclicals *Sollicitudo Rei Socialis* 1987, *Centesimus Annus* 1991 and *Caritas in Veritate* 2009, which offer an ethical criteriology in relation to development problems.
- 265 Cf. also the debate between David Miller and Kok-Chor Tan in relation to this question. David Miller: *The Ethical Significance of Nationality*, in: *Ethics* 98 (4/1988), 647-662; Kok-Chor Tan: *Reasonable Disagreement and Distributive Justice*, in: *The Journal of Value Inquiry* 35 (2001), 493-507; David Miller: *Holding Nations Responsible*, in: *Ethics* 114 (2/2004), 240-268; David Miller: *Against Global Egalitarianism*, in: *The Journal of Ethics* 9 (1-2/2005), 55-79; Kok-Chor Tan: *Boundary making and equal concern*, in: *Global Institutions and Responsibilities: Achieving Global Justice*, ed. Christian Barry/ Thomas W. Pogge. Malden MA 2005, 48-64 (first published in *Metaphilosophy* 36 (1-2/2005), 50-67); see also Iris Marion Young: *Selbstbestimmung und globale Demokratie. Zur Kritik des liberalen Nationalismus* [Self-determination and global democracy. A critique of liberal nationalism], in *Deutsche Zeitschrift für Philosophie* [German Philosophical Journal] 46 (3/1998), 431-457; Onora O'Neill: *Justice, Gender and International Boundaries*, in: *British Journal of Political Science* 20 (4/1990).
- 266 The term *peoples* has already been introduced to the debate and advocated by John Rawls in the prominent title of his book. Cf. John Rawls: *The*

- Law of Peoples with "The Idea of Public Reason Revisited". Cambridge MA et al. 1999, 23-30.
- 267 Cf. Darrel Moellendorf: *Cosmopolitan Justice*. Boulder CO 2002, 118-122.
- 268 Cf. Sautter, Hermann, *Weltwirtschaftsordnung. Die Institutionen der globalen Ökonomie* [Global economic order. The institutions of the global economy], Munich, 2004, 361-377.
- 269 On the academic level, this debate started well before the actual financial crisis of 2008. See Robert Hockett: Three (Potential) Pillars of Transnational Economic Justice: The Bretton Woods Institutions as Guarantors of Global Equal Treatment and Market Completion, in: *Global Institutions and Responsibilities: Achieving Global Justice*, ed. Christian Barry/Thomas W. Pogge. Malden MA 2005, 90-123; Darrel Moellendorf: The World Trade Organization and Egalitarian Justice, in: *Global Institutions and Responsibilities: Achieving Global Justice*, ed. Christian Barry/Thomas W. Pogge. Malden MA 2005, 141-158 (for well grounded proposals). See also Friedhelm Hengsbach/Bernhard Emunds/Matthias Möhring-Hesse: *Reformen fallen nicht vom Himmel. Was kommt nach dem Sozialwort der Kirchen?* [Reforms do not drop out of the sky. What comes after the social message of the churches?] Freiburg i. Br. 1997, 208-212; Bernhard Emunds: *Die Krise der globalen Finanzwirtschaft – eine Analyse und sozioethische Einschätzung* [The crisis of the global financial industry – an analysis and social-ethical evaluation], in: *ethikundgesellschaft* [ethics and society] (2/2009). Accessed online on 04.03.2014 at: [http://www.ethik-und-gesellschaft.de/mm/EuG-2-2009\\_Emunds.pdf](http://www.ethik-und-gesellschaft.de/mm/EuG-2-2009_Emunds.pdf).
- 270 On 24 October 2005 the General Assembly of the United Nations postulated that under the "Responsibility to Protect" each individual state is itself responsible for protecting its own population: "Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and help States to exercise this responsibility and support the United Nations in establishing an early warning capability." (A/RES/60/1, No. 138). Cf. also Roméo Alain Dallaire/ Andrew Coleman: *Beyond Absolute Sovereignty: The Responsibility to Protect and the Changes Ahead*, in: *Humanitäre Hilfe und staatliche Souveränität* [Humanitarian aid and state sovereignty], ed. Joachim Gardemann/ Franz-Josef Jakobi/ Bernadette Spinnen. Münster 2012, 45. With reference to "R2P", see: *International Commission on Intervention and State Sovereignty: The Responsibility to Protect*. Report of the International Commission on Intervention and State Sovereignty, ed. International Development Research Centre. Ottawa 2001; Richard H. Cooper/ Juliette

- Voïnov Kohler: Responsibility to protect. The Global Moral Compact for the 21st Century. New York 2008.
- 271 Cf. Darrel Moellendorf: *Cosmopolitan Justice*. Boulder CO 2002, 102-127.
- 272 Cf. Leif Wenar: Property Rights and the Resource Curse, in: *Philosophy and Public Affairs* 36 (1/2008), 2-32.
- 273 Cf. Thomas Pogge: World Poverty and Human Rights. *Cosmopolitan Responsibilities and Reforms*. Cambridge et al. 2008, 202-221; Thomas Pogge: Medicines for the World. Boosting Innovation without Obstructing Free Access, in: *Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives*, ed. Elke Mack/ Michael Schramm/ Stephan Klasen/ Thomas Pogge. Farnham 2009, 193-217.
- 274 “In other words, political institutions should be so structured that people are able to exercise control over the social-economic-political processes that define the environment in which they live and determine the kind of choices available to them.” Simon Caney: *Justice Beyond Borders. A Global Political Theory*. New York 2005, 156.
- 275 If, for example, property claims to social security in Europe are politically more important than a humane immigration policy and claims to asylum by non-European persecuted groups, no balancing out between these different claims to justice is sought, though it would be possible. Cf. here also the examples of conflicting dimensions of justice advanced by Amartya Sen in his book “Die Idee der Gerechtigkeit” [“The idea of justice”], in which he illustrates, in the example of three children and a flute, how social justice, justice of performance and legitimate property rights can contradict one another. Amartya Sen: *The Idea of Justice*. Cambridge MA 2009, 12-15. It does not take much imagination to extrapolate this to a global context.
- 276 Jürgen Matthes/ Christina Langhorst/ Bodo Herzog: *Deutschland in der Globalisierung. Auswirkungen und Handlungsansätze für eine bessere Balance zwischen Gewinnern und Verlierern* [Germany in the globalization. Effects and approaches for a better balance between winners and losers], ed. Konrad-Adenauer-Stiftung [the Konrad Adenauer Foundation] in the *Zukunftsforum Politik* [Future Forum Politics] series 89. Sankt Augustin/ Berlin 2008, 29-31.
- 277 Cf. Pope Francis: Apostolic Exhortation “*Evangelii Gaudium*”. Vatican 2013: “While the incomes of just a few rise exponentially, those of the majority are ever further removed from the affluence of this lucky minority. This imbalance goes back to ideologies which defend the absolute autonomy of the markets and financial speculation.” (56). Also: “Money must serve and no rule! The Pope loves all, both rich and poor, but in the name of Christ he has the obligation of reminding people that the rich must help, respect and subsidize the poor. I urge on you un-selfseeking solidarity, and a return from economics and financial life to an ethic that favors the human being.” (58).

- 278 Cf. for example the campaign "Casino schließen" ["Close the casino"] by Attac and the discussion paper "Finanzmärkte brauchen Kontrolle" ["Financial markets need control"], in which Attac-AG Finanzmärkte [Attac Inc. Financial Markets] calls for a new financial order (accessed online on 3 March 2014 at [http://www.casino-schliessen.de/fileadmin/user\\_upload/AGs/AG\\_Finanzmarkt\\_\\_\\_Steuern/Positionspapier\\_Finanzmaerkte.pdf](http://www.casino-schliessen.de/fileadmin/user_upload/AGs/AG_Finanzmarkt___Steuern/Positionspapier_Finanzmaerkte.pdf)), as well as Communist concepts of the planned economy.
- 279 Such is the thesis of Thomas Pogge: *World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms*. Cambridge et al. 2008, 15: "I deny that our imposition of the existing global order is not actively causing poverty, not harming the poor."
- 280 Such is the thesis of Mathias Risse: *What we owe to the global poor?*, in: *The Journal of Ethics* 9 (1-2/2005), 81-117; Elke Mack: *Globale Solidarität mit den Armen* [Global solidarity with the poor], in: *Solidarität (Jahrbuch für Christliche Sozialwissenschaften)* [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 297-336.
- 281 Cf. one of the most knowledgeable and comprehensive summaries of the deficiencies of international regulation schemes in the fields of trade, finance, the environment and the social order, in: Hermann Sautter: *Weltwirtschaftsordnung. Die Institutionen der globalen Ökonomie* [Global economic order. The institutions of the global economy]. Munich 2004, 148, 208, 281-82, 362-377. Cf. also Müller, Johannes, Wal-lacher, Johannes, *Entwicklungsgerechte Weltwirtschaft. Perspektiven für eine sozial- und umweltverträgliche Globalisierung* [The development friendly global economy. Perspectives for a socially and environmentally sustainable globalization], Stuttgart 2005, 159ff. This mentions e.g. deficits in the ordering of international competition, the lack of a minimum social standard, defective environmental standards etc. etc.
- 282 Cf. Sanjay G. Reddy and Thomas Pogge's critique of the quantitative method of the World Bank, the answer of Martin Ravallion, then Head of the Development Research Group of the World Bank, and the reply to that from Thomas Pogge. Sanjay G Reddy/Thomas Pogge: *How Not to Count the Poor*; Martin Ravallion: *A Reply to Reddy and Pogge*; Thomas Pogge: *How Many Poor People Should There Be? A Rejoinder To Ravallion*, all in: *Debates on the Measurement of Global Poverty*, ed. Sudhir Anand/ Paul Segal /Joseph E. Stiglitz. New York 2010, 42-85, 86-101, 102-114.
- 283 Cf. Elke Mack: *Globale Solidarität mit den Armen* [Global solidarity with the poor], in: *Solidarität (Jahrbuch für Christliche Sozialwissenschaften)* [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 308-27.
- 284 Cf. Stephan Klasen: *In Search of the Holy Grail: How to Achieve Pro-Poor Growth?*, in: *Toward Pro-Poor Policies. Aid, Institutions, and Globalization*, ed. Bertil Tungodden/Nicholas Stern/Ivar Kolstad under the auspices of the Annual World Bank Conference on Development Eco-



- nomics – Europe 2003. Washington et al. 2004, 63-93; Stephan Klasen: Armutsreduzierung im Zeitalter der Globalisierung [Reducing poverty in the age of globalization], in: Globalisierung und Armut. Wie realistisch sind die Millenniums-Entwicklungsziele der Vereinten Nationen? [Globalization and poverty. How realistic are the millennium development targets of the United Nations?], ed. Johannes Wallacher/ Matthias Kiefer (Globale Solidarität – Schritte zu einer neuen Weltkultur [Global solidarity – steps to a new world culture] series 13, ed. Norbert Brieskorn/ Georges Enderle et al.). Stuttgart 2006, 1-20.
- 285 Leif Wenar: Property Rights and the Resource Curse, in: *Philosophy and Public Affairs* 36 (1/2008), 2-32.
- 286 Interestingly, acceptance on the basis of equal rights is one of the most imperative conditions set by the WTO for new members. But reality tells a very different story. Cf. Robert Hockett: Three (Potential) Pillars of Transnational Economic Justice: The Bretton Woods Institutions as Guarantors of Global Equal Treatment and Market Completion, in: *Global Institutions and Responsibilities: Achieving Global Justice*, ed. Christian Barry/ Thomas W. Pogge. Malden MA 2005, 101-119; Darrel Moellendorf: The World Trade Organization and Egalitarian Justice, in: *Global Institutions and Responsibilities: Achieving Global Justice*, ed. Christian Barry/ Thomas W. Pogge. Malden MA 2005, 141-154.
- 287 Cf. Thomas Pogge: A Cosmopolitan Perspective on the Global Economic Order, in: *The Political Philosophy of Cosmopolitanism*, ed. Gillian Brock/ Harry Brighouse. New York 2005, 92-109; Leif Wenar: Property Rights and the Resource Curse, in: *Philosophy and Public Affairs* 36 (1/2008), 2-32.
- 288 See once again Charles R. Beitz: *Political Theory and International Relations*. Princeton NJ 1999, 143-153.
- 289 Cf. Thomas Pogge: *World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms*. Cambridge et al. 2008, 203-205.
- 290 Cf. John Rawls: *The Law of Peoples with "The Idea of Public Reason Revisited"*. Cambridge MA et al. 1999, 117-119.
- 291 Cf. Elke Mack: Globale Solidarität mit den Armen [Global solidarity with the poor], in: *Solidarität (Jahrbuch für Christliche Sozialwissenschaften)* [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 312.
- 292 Cf. Rainer Forst: Zu einer kritischen Theorie transnationaler Gerechtigkeit [Towards a critical theory of transnational justice], in: *Gerechtigkeit und Politik. Philosophische Perspektiven [Justice and politics. Philosophical perspectives]*, ed. Reinhold Schmücker/ Ulrich Steinvorth. Berlin 2002 (Deutsche Zeitschrift für Philosophie [German Philosophical Journal], Special Volume 3), 215-232, 230ff. Die deutschen Bischöfe – Kommission für gesellschaftliche und soziale Fragen [The German Bishops' Commission for Social Questions and Welfare]: *Das Soziale neu denken. Für eine langfristig angelegte Reform-*

- politik [Rethinking social questions. For a long-term reform politics], ed. Sekretariat der Deutschen Bischofskonferenz [Secretariat of the German Bishops' Conference]. Bonn 2003, 18-21.
- 293 Immanuel Kant: ZeF [On perpetual peace], AA 08: 341-386, 360.03-04.
- 294 Cf. John Rawls: *The Law of Peoples with "The Idea of Public Reason Revisited"*. Cambridge MA et al. 1999; Otfried Höffe: *Demokratie im Zeitalter der Globalisierung* [Democracy in the age of globalization]. Munich 1999, 422-433; Simon Caney: *Justice Beyond Borders. A Global Political Theory*. New York et al. 2005, 149-188; Charles R. Beitz: *Political Theory and International Relations*. With a New Afterword by the Author. Princeton NJ 1979; Allen Buchanan: *Rawls's Law of Peoples. Rules for a Vanished Westphalian World*, in: *Ethics* 110 (4/2000), 697-721; Peter Singer: *Famine, Affluence, and Morality*, in: *Philosophy and Public Affairs* 1 (3/1972), 229-243.
- 295 Cf. the suggestion by Otfried Höffe of a two-chamber system, which would reflect both peoples and individual persons in quantitative terms. Cf. Otfried Höffe: *Demokratie im Zeitalter der Globalisierung* [Democracy in the age of globalization]. Munich 1999, 308-314.
- 296 The spectrum of this kind of argument is principally adopted by philosophers in the Kantian, contractualist or discourse-theoretical tradition. Although Rawls' "theory of justice" and Habermas' 'theory of communicative action' are very different, they both include suitable methodical foundations for a normative consensus and can agree on discursive procedures for the establishment of norms. Cf. Jürgen Habermas: *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats* [Facticity and validity. Contributions to the discourse theory of right and the democratic law-based state]. 2<sup>nd</sup> edition, Frankfurt a.M. 1992, 138: "Precisely those norms of action have claim to validity to which all parties capable of being affected could give their consent as participants in rational processes of discourse."
- 297 Cf. on this Rainer Forst, who also postulates a theoretic priority of fundamental principles. Rainer Forst: *Das Recht auf Rechtfertigung. Elemente einer konstruktivistischen Theorie der Gerechtigkeit* [The right to justification. Elements of a constructivist theory of justice]. Frankfurt a. M. 2007, 294-305.
- 298 Cf. Thomas Scanlon: *What We Owe to Each Other*. Cambridge MA et al. 1998 (reprinted Cambridge MA 1999), 189-247.
- 299 Cf. Michael Hartlieb: *Die Menschenwürde und ihre Verletzung durch extreme Armut. Eine sozioethisch-systematische Relektüre des Würdebegriffs* [Human dignity and its violation by extreme poverty. A social-ethical-systematic rereading of the concept of dignity]. Paderborn et al. 2013, 347, 403-404.
- 300 Cf. Elke Mack: *Globale Solidarität mit den Armen* [Global solidarity with the poor], in: *Solidarität (Jahrbuch für Christliche Sozialwis-*

- senschaften) [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 319.
- 301 Cf. Thomas Pogge: Medicines for the World: Boosting Innovation without Obstructing Free Access, in: Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives, ed.: Elke Mack/ Michael Schramm/ Stephan Klasen et al. London 2009, 193-217.
  - 302 Michael Grimm/ Stephan Klasen: Findings and Challenges in the Measurement and Analysis of Pro-Poor Growth, in: Determinants of Pro-Poor Growth. Analytical Issues and Findings from Country Cases, ed. Michael Grimm/ Stephan Klasen/ Andrew McKay. New York et al. 2007, 2-5.
  - 303 World Bank: Global Monitoring Report. MDGs and the Environment: Agenda for Inclusive and Sustainable Development. Washington 2008, 40; Cf. Thomas Pogge: World Poverty and Human Rights. Cosmopolitan Responsibilities and Reforms. Cambridge et al. 2008, 203-221.
  - 304 Charles R. Beitz: Political Theory and International Relations. With a New Afterword by the Author. Princeton 1999 (first edition 1979), 150-153.
  - 305 Cf. Erfurt Manifesto 2008. The Erfurt Manifesto: Common Stance of all Contributors, in: Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives, ed.: Elke Mack/ Michael Schramm/ Stephan Klasen et al. London 2009, xv-xvii.
  - 306 World Bank: Global Monitoring Report. MDGs and the Environment: Agenda for Inclusive and Sustainable Development. Washington 2008, 41 and more recent similar data and trends up to 2014.
  - 307 Cf. Pope Francis: Apostolic Exhortation “*Evangelii Gaudium*”. Vatican 2013, 59-60.
  - 308 World Bank: Global Monitoring Report. MDGs and the Environment: Agenda for Inclusive and Sustainable Development. Washington 2008, 51-57.
  - 309 Looking at the history of the law of nations, we basically just have to recall the distinction between the *ius gentium* and the *ius inter gentes* made by the Spanish scholastics of the 16<sup>th</sup> century. Here we find considerations based on the ethics of right and affecting the individual, which were being looked for in the sphere of natural rights.
  - 310 Thomas Risse: Von der Anerkennung der Menschenrechte zu ihrer Einhaltung. Ein Spiralmodell des Menschenrechtswandels [From the acknowledgement of human rights to their observance. A spiral model of the transformation of human rights], in: Menschheit und Menschenrechte. Probleme der Universalisierung und Institutionalisierung [Humanity and human rights. Problems of universalization and institutionalization], ed. Eckart Klein/ Christoph Menke (Menschenrechtszentrum der Universität Potsdam [Human Rights Centre of the University of Potsdam], vol. 14). Berlin 2002, 41-76, here especially 41: “In other words, every state today is obliged to report to the international commu-

- nity in at least one area of human rights,” and 42: “The acknowledgement of international norms of human rights has by this time become constitutive in the political world. That is to say, any would-be ‘civilized’ member of the international community of nations, any state wanting to ‘belong’ and not be regarded as a ‘rogue nation’, must perforce acknowledge the universal validity of human rights for good or ill.” Cf. also Seyla Benhabib: *Die Rechte der Anderen. Ausländer, Migranten, Bürger* (original English title: *The Rights of Others. Aliens, Residents and Citizens*. New York 2004). Licensed edition for the Bundeszentrale für politische Bildung [Federal Agency for Civic Education], Bonn 2009, 18-35.
- 311 Cf. on this Haker, Hille: *Gerechtigkeit und globale Armut – Neuere Ansätze zur Ökonomie und Ethik* [Justice and global poverty – new approaches to economics and ethics], in: *Solidarität und Gerechtigkeit. Die Gesellschaft von morgen gestalten* [Solidarity and justice. Shaping the society of tomorrow], ed. Mieth, Dietmar, Stuttgart 2009, 158-177, 171, 175-176.
- 312 Benedict XVI speaks in the Encyclical *Caritas in Veritate* of a “Universal Public Good”: cf. *Caritas in Veritate* 2009, 57. Michael Reder sees the global common primarily in formal terms as a bottom-up model. Cf. Michael Reder: *Weltgemeinwohl. Eine ethische und politische Orientierung für die Weltgemeinschaft* [Global common good. An ethical and political orientation for the global community], in: *Weltsichten* [World Views] 12-2013/ 1-2014, Dossier *Weltgemeinwohl. Neue Ansätze zu Postwachstum und globaler Gerechtigkeit* [Common good dossier. New approaches to post-growth and global justice], 3-5.
- 313 World Bank: *Global Monitoring Report. MDGs and the Environment: Agenda for Inclusive and Sustainable Development*. Washington 2008, 51f.
- 314 The Second Vatican Council already speaks of the “necessity of an international order” in *Gaudium et Spes* 88, Rome, 1965. Later this is referred to more specifically by Benedict XVI in *Caritas in Veritate* (2009), as a subsidiary order which would still definitely possess global political authority, provided it had been legitimized sufficiently. (CiV 57, 67), Rome 2009.
- 315 Marx, Reinhard, *Das Kapital. Ein Plädoyer für den Menschen* [Capital. A plea for the human being], Munich, 2008, 291. The concept of the social market economy (*Sozialmarktwirtschaft*) derives originally from the Freiburg economic school.
- 316 Rawls, John, *The Law of Peoples*, New York 1999, 36.
- 317 Cf. *ibid.* 32-43.
- 318 Habermas, Jürgen, *Warum der Ausbau der Europäischen Union zu einer supranationalen Demokratie nötig und wie er möglich ist* [Why the development of the European Union into a supranational democracy is nec-

- essary and how it is possible]. In: *Leviathan*, 42th year, 4/2014, 524-538, 524.
- 319 Höffe, Otfried, *Demokratie im Zeitalter der Globalisierung* [Democracy in the age of globalization], Munich 1999, 296ff.
- 320 Cf. *ibid.* 310.
- 321 Cf. Habermas, Jürgen, Warum der Ausbau der Europäischen Union zu einer supranationalen Demokratie nötig und wie er möglich ist [Why the development of the European Union into a supranational democracy is necessary and how it is possible]. In: *Leviathan*, 42th year, 4/2014, 524-538, 535.
- 322 An outstanding example is Muhammad Yunus' Grameen Bank, which has been awarded a Nobel prize. The bank lends microcredits to the poor. For further information, see Muhammad Yunus: *Die Armut besiegen* (original English title: *Creating a World Without Poverty. Social Business and the Future of Capitalism*. New York 2008). Munich 2008.
- 323 Elke Mack: Globale Solidarität mit den Armen [Global solidarity with the poor], in: *Solidarität* (Jahrbuch für Christliche Sozialwissenschaften) [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 316f.
- 324 Elke Mack: Globale Solidarität mit den Armen [Global solidarity with the poor], in: *Solidarität* (Jahrbuch für Christliche Sozialwissenschaften) [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 302.
- 325 Cf. Elke Mack: Ethische Leitideen moderner Gerechtigkeit aus sozialetischer Sicht [Leading ethical ideas of modern justice from a social-ethical point of view], in: *Was ist Gerechtigkeit – und wie lässt sie sich verwirklichen? Antworten eines interdisziplinären Diskurses* [What is justice – and how can it be realized? Answers from an interdisciplinary discourse], ed. Roman Herzog Institut e.V. Munich 2009, 9f.
- 326 Cf. Gerhard Kruip: 'De justitia in Mundo' – Global Justice in the Tradition of the Social Teaching of the Catholic Church, in: *Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives*, ed.: Elke Mack/ Michael Schramm/ Stephan Klasen et al. London 2009, 87.
- 327 Elke Mack: Globale Solidarität mit den Armen [Global solidarity with the poor], in: *Solidarität* (Jahrbuch für Christliche Sozialwissenschaften) [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 311. In similar fashion, Schramm too urges that on the issue of justice Christian ethics argues largely along the same lines as Habermas and Rawls argumentiert. Michael Schramm: *Religion und Wirtschaftsethik. Eine "katholische" Perspektive* [Religion and economic ethics. A "Catholic" perspective], in: *Forum Wirtschaftsethik* [Business Ethics Forum] 18 (1/2010), 21.
- 328 Elke Mack: Justice for the Poor – A Global Paradigm in Progress and Dispute, in: *Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives*, ed. Elke Mack/ Michael Schramm/ Stephan

- Klasen et al., Farnham et al. 2009, 4. This offers a comprehensive overview of the different philosophical proposals under the auspices of “global justice” along the wide spectrum between Aristotelian material ethics and political liberalism.
- 329 Cf. Michael Hartlieb: Absolute Armut und Globale Gerechtigkeit. Eine Analyse der philosophischen Positionen [Absolute poverty and global justice. An analysis of the philosophical positions] (Erfurt Discussion Paper No. 2). Erfurt 2014, 41ff.
- 330 Cf. *ibid.*, 100ff.
- 331 Cf. Michael Hartlieb: Absolute Armut und Globale Gerechtigkeit. Eine Analyse der philosophischen Positionen [Absolute poverty and global justice. An analysis of the philosophical positions] (Erfurt Discussion Paper No. 2). Erfurt 2014, 148.
- 332 Cf. Hübenthal, Christoph: Grundlegung der christlichen Sozialethik. Versuch eines freiheitsanalytisch-handlungsreflexiven Ansatzes [Fundamentals of Christian social ethics. Attempt at a freedom-analytic and action-reflective approach]. Forum Sozialethik [Social Ethics Forum] vol. 3, ed. Werner Veith/ Christoph Hübenthal. Münster 2006.
- 333 Elke Mack/ Michael Hartlieb: Finanzkrise – ein Ende der Verantwortung für die Armen? [Financial crisis – an end to responsibility for the poor?], in: Salzburger Theologische Zeitschrift [Salzburg Theological Journal] 13 (2009), 142 and 149: “The obligation of responsibility for the poor (...) is based (...) on complicity in the overall social structures which result in unjust situations for the poor.”
- 334 Elke Mack: Armut im Licht der Encyclical ‘Caritas in Veritate’ [Poverty in the light of the Encyclical Caritas in Veritate], in: Caritas in Veritate. Katholische Soziallehre im Zeitalter der Globalisierung [Caritas in Veritate. Catholic social teaching in the age of globalization], ed. Jörg Althammer. Berlin 2013, 159-172.
- 335 Elke Mack/ Michael Hartlieb: Finanzkrise – ein Ende der Verantwortung für die Armen? [Financial crisis – an end to responsibility for the poor?], in: Salzburger Theologische Zeitschrift [Salzburg Theological Journal] 13 (2009), 148.
- 336 *Ibid.*, 152.
- 337 Elke Mack: Globale Gerechtigkeitskriterien zur Beurteilung der Entwicklungsrelevanz von Globalisierungsprozessen [Global criteria of justice for assessing the development relevance of globalization processes], in: Wirtschaftsethik der Globalisierung [The economic ethics of globalization], ed. Karl Homann/ Peter Koslowski/ Christoph Lütge. Tübingen 2005, 308ff.
- 338 Elke Mack/ Michael Hartlieb: Finanzkrise – ein Ende der Verantwortung für die Armen? [Financial crisis – an end to responsibility for the poor?], in: Salzburger Theologische Zeitschrift [Salzburg Theological Journal] 13 (2009), 154.

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- 340 Elke Mack: Globale Solidarität mit den Armen [Global solidarity with the poor], in: Solidarität (Jahrbuch für Christliche Sozialwissenschaften) [Solidarity – a yearbook for the Christian social sciences] 48, ed. Karl Gabriel. Münster 2007, 319.
- 341 Cf. Elke Mack: Justice for the Poor – A Global Paradigm in Progress and Dispute, in: Absolute Poverty and Global Justice. Empirical Data – Moral Theories – Initiatives, ed. Elke Mack/ Michael Schramm/ Stephan Klasen et al., Farnham et al. 2009, 14.
- 342 Andreas Rauhut: Gemeinsam gegen Armut? [Together against poverty?] Leipzig 2015.
- 343 Ibid., cf. Michael Hartlieb: Absolute Armut und Globale Gerechtigkeit. Eine Analyse der philosophischen Positionen [Absolute poverty and global justice. An analysis of the philosophical positions] (Erfurt Discussion Paper No. 2). Erfurt 2014, 76.
- 344 Cf. Anzenbacher, Arno. Christliche Sozialethik. Einführung und Prinzipien [Christian social ethics. Introduction and principles], Paderborn, 1997, 136.
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- 346 Karl Rahner, Schriften zur Theologie [Writings on theology], vol. I, 8<sup>th</sup> ed., Zurich 1968, 435.
- 347 Cf. on this Hübenthal, Christoph: Grundlegung der christlichen Sozialethik. Versuch eines freiheitsanalytisch-handlungsreflexiven Ansatzes [Foundations of Christian social ethics. An attempt at a freedom-analytic action-reflective approach]. Forum Sozialethik [Social Ethics Forum] vol. 3, ed. Werner Veith/ Christoph Hübenthal. Münster 2006.

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