

JUSTICE

Part III



“What Is the way of universal love and mutual benefits?
It is to regard other people’s countries as one’s own.”

Mozi (Chinese philosopher - 5th Century BC)

“Imagine there’s no country ...Imagine all the people/Sharing all
the world.”

John Lennon – Imagine – The Beatles

Different Views on the Principle of the Priority for Compatriots

Sidgwick YES to priority	Utilitarian	Open immigration “would not be really in the interest of humanity at large because it would defeat the state’s efforts to maintain its society’s internal cohesion, promote the growth of culture and preserve the order and the integrity of its domestic political process”
Singer NO to priority	Cosmopolitan (Utilitarian)	We are responsible for the consequences of our actions. It does not matter if the actions affect fellow citizens or foreigners. We have negative as well as positive duties towards everybody
Rawls YES to priority	Contractarian	National societies are self sufficient schemes of social cooperation. Rawls restricts membership in the original positions to compatriots: a second original position is only for choosing international rules. Responsibility of national governments to outsiders derives from these rules and the natural duties (mutual aid)
Beitz, Pogge	Cosmopolitans (contractarian)	The system of global trade organized within a structure of institutions is a scheme of social cooperation. The principle of justices (difference principle) should apply to the world at large

Rawls – The Law of Peoples

Law of peoples : a political conception that applies to the principles and norms of international law and practice

Society of
Peoples
Well-ordered

Reasonable liberal peoples

Decent peoples

Outlaw states

burdened by unfavorable conditions

Benevolent absolutism

Rawls – The Law of Peoples (II)

Why Peoples and Not States?

- ✓ TLP (The Law Peoples) assumes that liberal democratic people and decent peoples are the actors in the Society of Peoples. Liberal peoples have a democratic government, united by common sympathies and a moral nature. This means that the government is not autonomous agency pursuing its own bureaucratic ambitions. It is not directed by by the interest of large concentrations of private economic and corporate power
- ✓ Traditional States had the right to go to war in pursuit of states policies. States also had a certain autonomy in dealing with its own people. The war powers of governments are only acceptable within a reasonable Law of Peoples which denies to states the traditional rights to war and to unrestricted internal autonomy.
- ✓ Liberal peoples have the fundamental interests to protect their territory, ensure the security and the safety of their citizens, preserve their political institutions and the liberties and culture of their civil society. Beyond this liberal people tries to assure reasonable justice for all its citizens and for all peoples

Rawls – The Law of Peoples (III)

Two Original Positions

- ✓ The first Original Position is to set the internal principles of justice in a society in which there is a diversity of comprehensive doctrines all perfectly reasonable as opposed to the fact of pluralism as such.
- ✓ The second Original Position is to extend a liberal conception to the Law of Peoples. The representatives of liberal peoples are to specify the Law of Peoples and are situated symmetrically and therefore fairly and guided by the fundamental interests of democratic society.
- ✓ They are subject to a veil of ignorance: they do not know the size of territory, or the population, the strength of the people they represent: the extent of the economic development or their natural resources.
- ✓ In thinking themselves as free and equal they want to protect their political independence, their culture, to guarantee the well-being, the security and territory of their citizens.

Rawls – The Law of Peoples (IV)

The principles of justice among free and democratic peoples:

- 1. Peoples are free and independent and their freedom and independence are to be respect by other peoples**
 - 2. Peoples are to observe treaties and undertakings.**
 - 3. Peoples are equal and are parties to the agreements that bind them.**
 - 4. Peoples are to observe a duty of non-intervention.**
 - 5. Peoples have the rights of self-defense but not right to instigate war for reasons other than self-defense.**
 - 6. Peoples are to honor human rights.**
 - 7. Peoples are to observe certain specified restrictions in the conduct of war.**
 - 8. People have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime**
-
- As we can see these principles aim to preserve equality and independence among peoples according to a reciprocity principle. There are no principles of distributive justice beside the duty to assist peoples that cannot achieve a decent social regime
 - According to Rawls unjust conditions have to be solved by each society with reforms on the basic structure of the society. Dispensing money to correct unjust conditions will not help in the long run. It is more important to ask to honor human rights.

Rawls – The Law of Peoples (V)

- **The Role of Boundaries.** In absence of a World- State there must be boundaries. Peoples take responsibility for the territory and its environmental integrity and the size of population. Peoples must manage and support the territory in perpetuity. In a reasonable just Society peoples decide the inequalities of power and wealth which are acceptable within the Society. Therefore Peoples has a qualified right to limit immigration.
- **International Organizations.** The representatives will agree to have cooperative organizations: one that assures that there is fair international trade, a world bank that support the development of countries and a confederation of the peoples. This is to prevent that the larger nations will attempt to monopolize the markets or to act as an oligopoly.
- **Stability.** People who live in a a society which apply the principle of *justice as fairness* develop a sense of justice as they grow up and take part in the social world. A similar process happen when the Law of People is honored by peoples over a certain period of time. Peoples have a definite moral nature. They might be proud of their history and achievements as a *proper patriotism* allows. Rawls's conjecture is that the Society of People tends to be stable.
- **Reply to the realistic theory.** International relationship have not change since the Greek time(realistic thesis). Rawls believes that in Europe two important ideas are emerged: 1) social institution can be reformed to make people happier; 2) the commercial society tends to develop in its citizen certain virtues such as industriousness, assiduity, and probity that lead to peace

Rawls – The Law of Peoples (VI)

The Idea of Democratic Peace

- For Rawls the internal conditions of a nation are key to understand if the nation is geared for the war. A nation with basic liberties, limited inequalities, public debate among citizens about the government's policies is unlikely to engage in a war. On the other hand nations with strong class division, where governments respond to powerful lobbies are likely to go to war.
- The application of these principles should assure the **democratic peace**. (**Kant prophecy**)
 - a. Fair equality of opportunity
 - b. A decent distribution of wealth and income
 - c. State as employer of last resort (the lack of a sense of long term security is detrimental for self respect and a sense of community)
 - d. Health care assured for all citizen
 - e. Public financing of elections
- **Public Reason.** In the domestic society society comprehensive doctrines of truth are replaced in the public debate by the idea of public reason which involves justifying a particular position by way of reasons that people of different moral believes could accept. In the Society of Peoples the Law of People is the content of the public reasons.

Rawls – The Law of Peoples (VII)

Peloponnesian war	Athens and Sparta
Second Punic war	Rome and Carthage
Religious war (30 years war)	France-Hapsburg rivalry
Napoleonic wars	French empire against European powers
Bismarck war	Kingdom of Prussia against the Austrian Empire
America civil war	North against South (undemocratic)
World Wars	Democratic states have fought as allied on the same side
Gulf war	34 states against Iraq
Afghanistan war	US with support of Allies against Afghanistan
Iraq war	US, UK, Poland plus support Italy and others
Syria Iraq war	International coalition against ISIS

Rawls – The Law of Peoples (VIII)

Extending the Law of peoples to non liberal peoples

- How far liberal people are to tolerate non liberal peoples? Tolerate means no to sanction these societies and accept them as members of Society of Peoples. These societies may assume many institutional forms, religious and secular. They have an *associationist* form meaning that members are represented somehow in public life. Two criteria discussed below specify the condition for a *decent hierarchical society* to be a member of the Society of Peoples:
 1. A Society that does not have aggressive aims, and realizes its ends via diplomacy, trade and ways of peace. Although the religion or other ideology affect the government, the society respects the political and order of other societies. If it seeks wider influence, it does it compatible of the independence of other societies.
 2. The second criteria has 3 parts:
 - A. A decent hierarchical society that secures for all members basic human rights: the right to life (subsistence and security); to liberty (conscience, religion and thought, freedom from serfdom); and to formal equality.
 - B. A system of law that impose moral duties and obligations. People recognizes these duties as fitting with their common good idea of justice.
 - C. There must be a sincere idea on the part of judge that the law is guided by a good common idea of justice.
- Liberal and Decent Societies have the objective in the long run to have the outlaw states to honor the LoP and to become part of the Society of Peoples. They will use foreign policy to obtain this result. They must expose to public view the unjust and cruel institutions of these oppressive regimes.

Rawls – The Law of Peoples (IX)

The Doctrine of the Just War: Conduct of War

- *Human rights play a fundamental role in the LoP. They set the standards to belong to the Society of People and are a necessary conditions of any system of social cooperation. When they are violated we have command by force, a slave system and no cooperation of any kind. Furthermore, they limit and regulate the actions in the conduct of war.*
1. The aim of just war waged by well-ordered people is a just a lasting peace among people.
 2. Well-ordered people do not wage war against each other, but only against non well-ordered states whose expansionist aims threaten the security and free institutions
 3. In the conduct of war well-ordered people must carefully distinguish 3 groups: outlaws states leaders, its soldiers, and its civilian populations. The first have the responsibility to have initiated the war, the second are a legitimate target during a fight, civilians instead are not responsible. (Hiroshima and Nagasaki atomic bombing)
 4. Well ordered peoples must respect the human rights of the members of the other side both civilians and soldiers. They have to teach them the content of those rights.
 5. Well-ordered people by actions and proclamations must state both the kind of peace they aim and the kind of relations they seek. The way a war is fought and the deeds done in ending it live on the historical memory of societies.
 6. Practical means-end reasoning must always have a restricted role in judging of an action. End justifies the means. (He is thinking to Hiroshima and Nagasaki)

Rawls – The Law of Peoples (X)

Duties towards Societies hit by unfavorable conditions (Burdened Societies)

- In the long run the objective is to have the outlaw societies become well-ordered Peoples. In modern history the **outlaw societies** were the monarchies of Spain, France and the Habsburg that dominated several part of Europe. (Absolutist Sates). **Burdened societies** lack the political and cultural traditions, human capital and know how to be well ordered. In the long run they should be brought into the well-ordered society. **Well-ordered society have the duty to assist burdened societies.** However, best way is not necessarily by following a principle of distributive justice. (for example dispensing money). We have to remember that.
1. Well-ordered societies need not to be a wealthy society.
 2. The crucial difference is political and cultural. There are many countries that are performing very well which are resource-poor-countries and vice-versa. Merely dispense money will not adjust basic political and social injustices. Emphasis on human rights may help to change the institutions. (For example changing the status of the women. See Kerala empowering the women helped to lower fertility rate. Remember Sen.)
 3. To set targets. After it is achieved further assistance is not required.

Rawls – The Law of Peoples (X)

Equality among peoples

- The Law of Peoples holds that inequalities are not always unjust. Just society does not require that people have equal wealth. We narrow the gap to the point that the least advantaged can have a meaningful life
- We narrow the gap within a country because no one should feel inferior. If Peoples of one society feel inferior to those of another society, they should increase the economic growth of their country (more saving and investment)
- Basic fairness among different Peoples is represented by the principles of justice established in the original positions.

Rawls – The Law of Peoples (X)

Rawls Anti-cosmopolitan

- Rawls has been criticized to have two distinct theories of justice: a domestic theory that fights inequalities due to factors that are morally arbitrary and that might have a large effect on one life's project and an international theory where the relationships among countries do not provide for distributive justice among countries beside mutual aid . Isn't morally arbitrary to be born in poor country or in a rich country and have consequently very different life's prospects ? This appears highly contradictory
- Rawls believes that principle of justice to be effective must be applied to the basic structure of the society, We do not have a supranational authority that can do that at international level.
- Rawls believes that international aids can be used temporarily to deal with an emergency situation. We should avoid to create situation of dependency systematically siphoning money from rich to poor countries. (Moral hazard). It is important and sufficient to insist that countries should have a minimum standard of justice (human rights, a decent system of law).
- Rawls believes that we can tolerate difference in income between countries as these might reflect differences in attitude towards life-styles, frugality, entrepreneurship, etc. It would not be morally acceptable to level these differences.

Rawls – The Law of Peoples (X)

Rawls Anti-cosmopolitan (2)

- Rawls believes that themes of distributive justice should be resolved within a political community where people are in reciprocal relationship, are involved in a strict social cooperation, are participating in civic activities, are deliberating common policies. Outside this sphere (the international realm) we have moral obligations to help people burdened by unfavorable conditions through international aid, diplomacy, respect of human rights etc. but not apply principles of justice as we do at nation-state level. **Therefore, the principle of *equality opportunity* and the *difference principle* stop at nation state level**

Rawls – The Law of Peoples (X)

Rawls anti-cosmopolitan

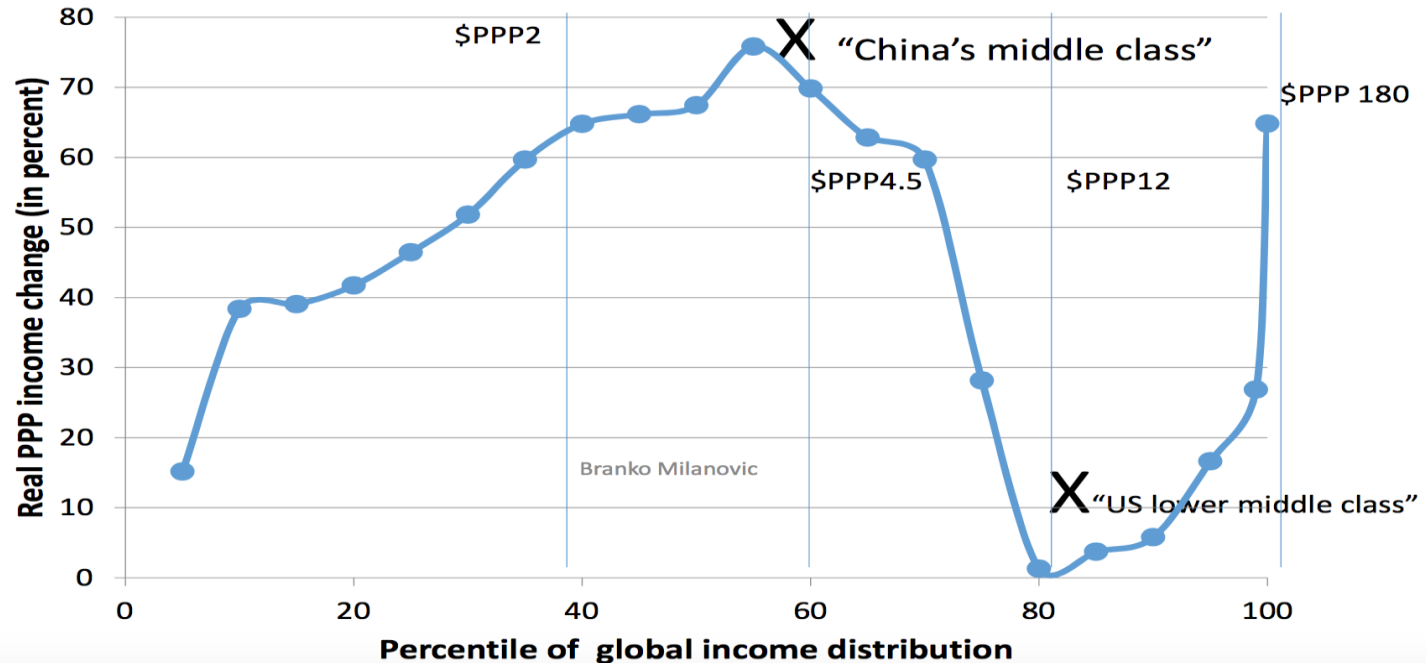
- Rawls doesn't accept the two distributive principles suggested by Beitz and Pogge.
- *The resource redistribution principle* – In an autarkic world resource-rich-countries will perform better than resource-poor-countries. (arbitrariness of the distribution of natural resources among countries)- Rawls believes that institutions and cultural factors matter more than resources.
- *The global redistribution principle* – a ***global difference principle*** which should apply to the world economy. A tax to transfer resources from resource-rich-countries to the resource-poor-countries (Beitz, Pogge).
- **The ultimate concern of a cosmopolitan view is the well-being of individuals and not the justice of societies as in Rawls.**

Inequality within countries

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The Rise of the Global Middle Class and Global Plutocrats

Real income growth at various percentiles of global income distribution, 1988-2008 (in 2005 PPPs)

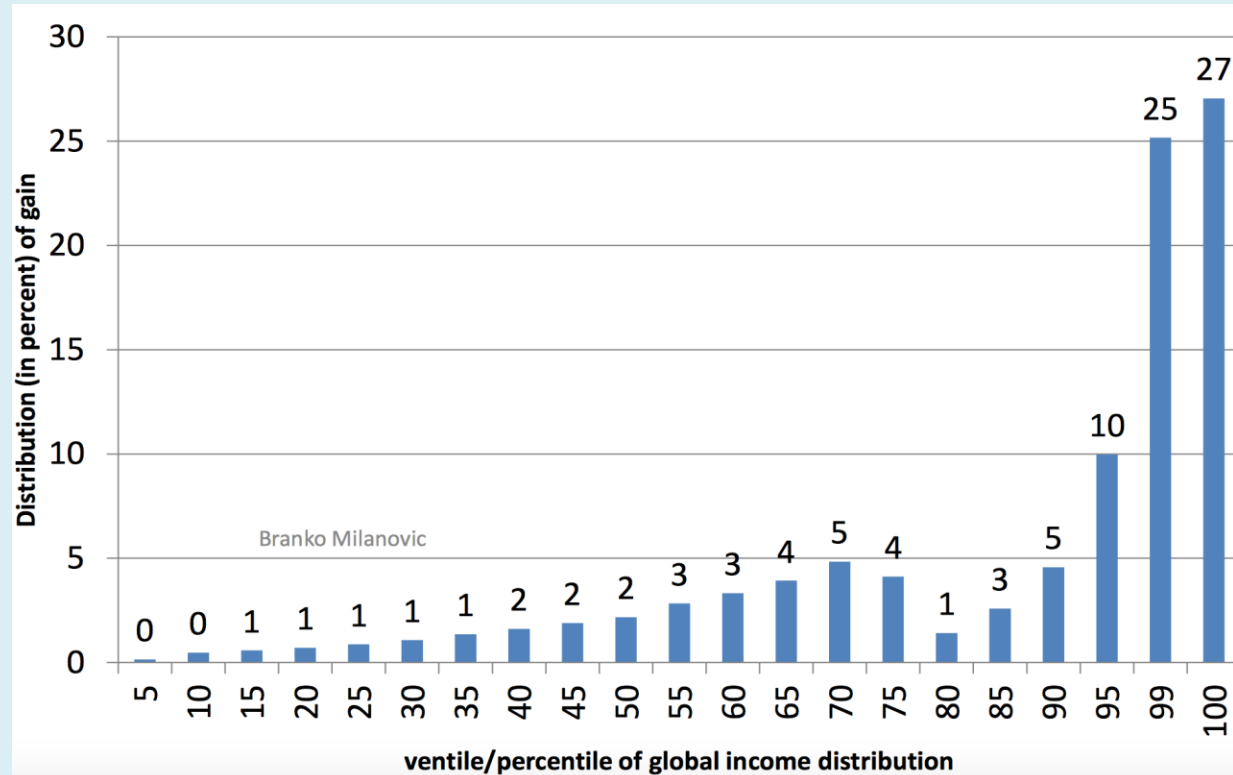


Winners: People from China, India, Thailand, Vietnam Indonesia

Losers: Western Europe, North America and Oceania

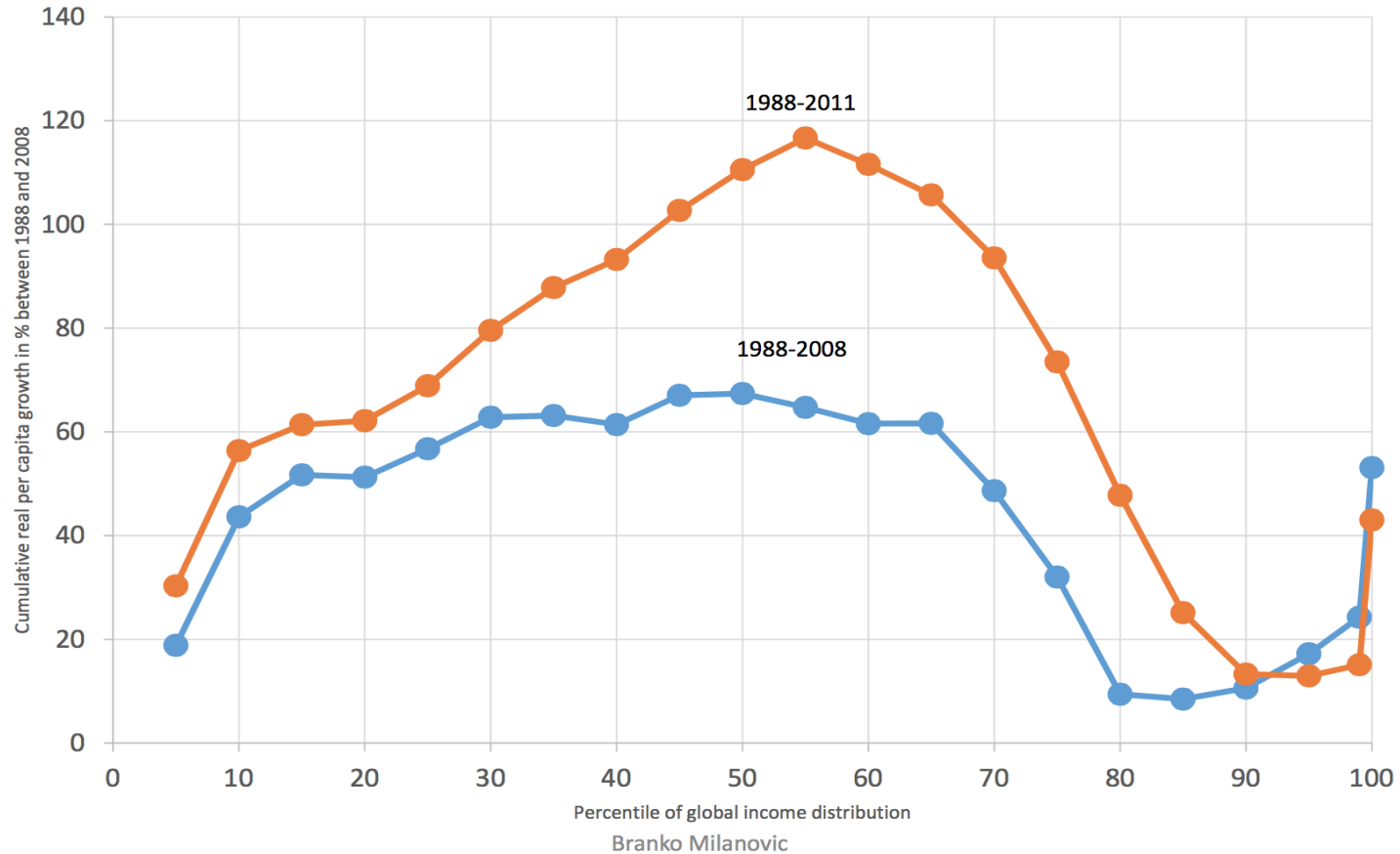
The Rise of the Global Middle Class and Global Plutocrats

Distribution of the global absolute gains in income, 1988-2008
More than ½ of the gains went to the top 5%



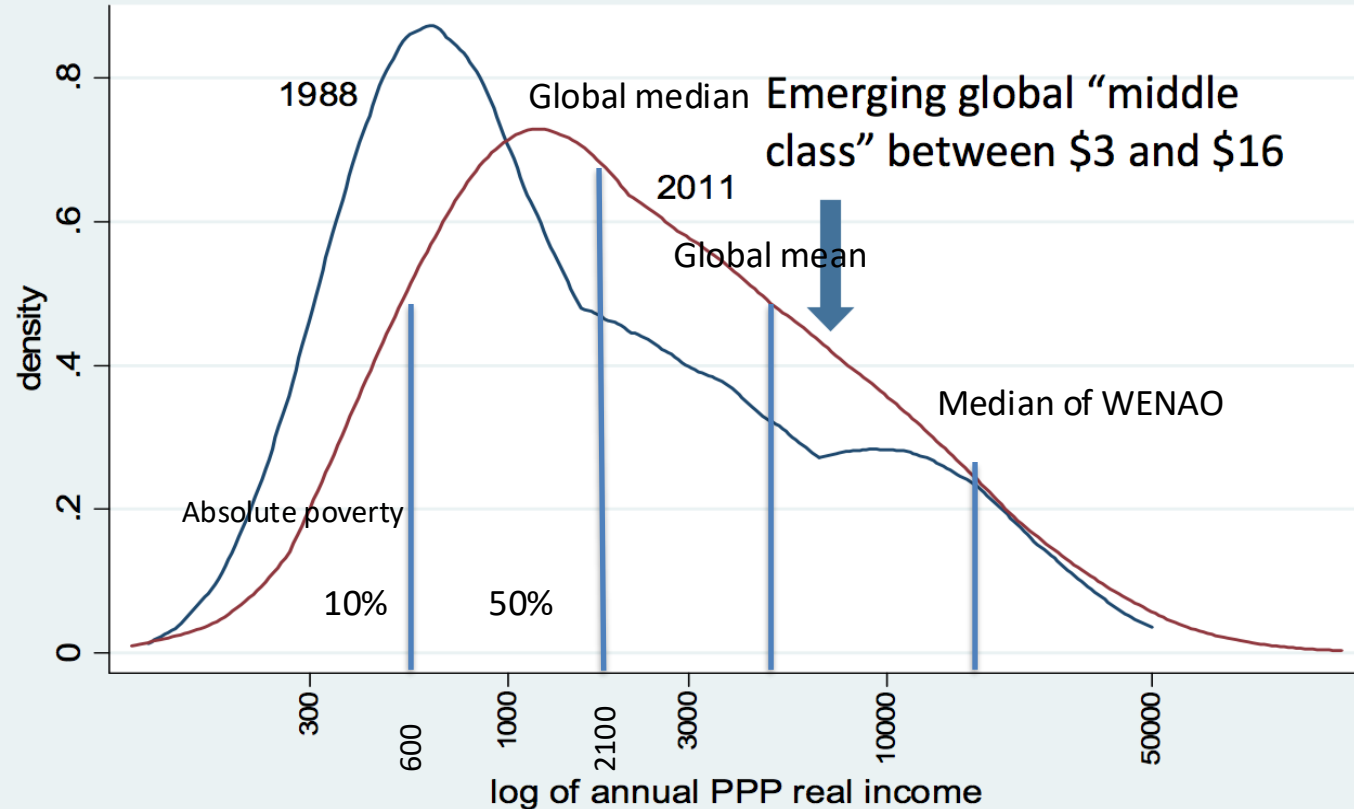
The Rise of the Global Middle Class and Global Plutocrats

Real income growth over 1988-2008 and 1988-2011 (based on 2011 PPPs)



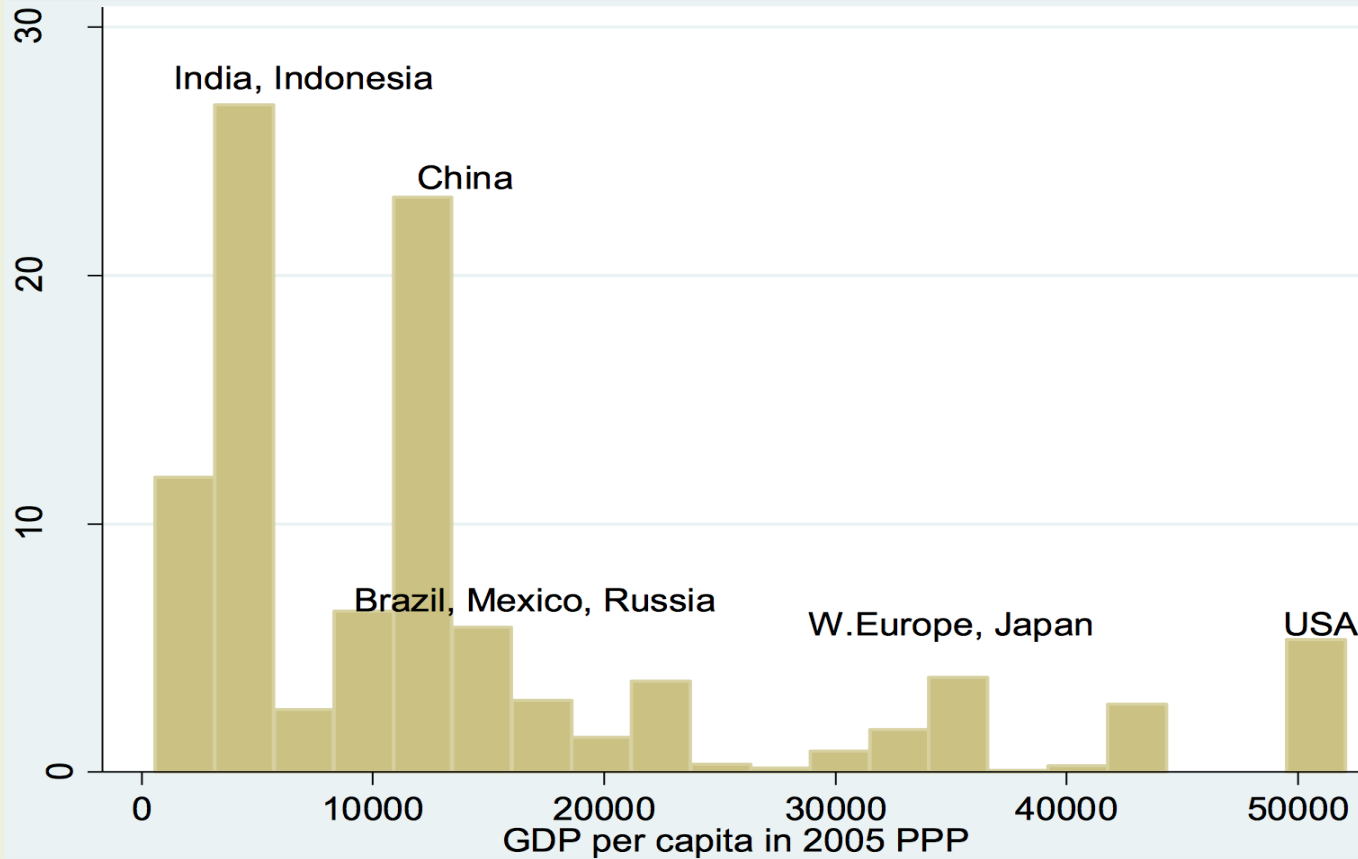
The Rise of the Global Middle Class and Global Plutocrats

Figure 3. Global income distribution in 1988 and 2011

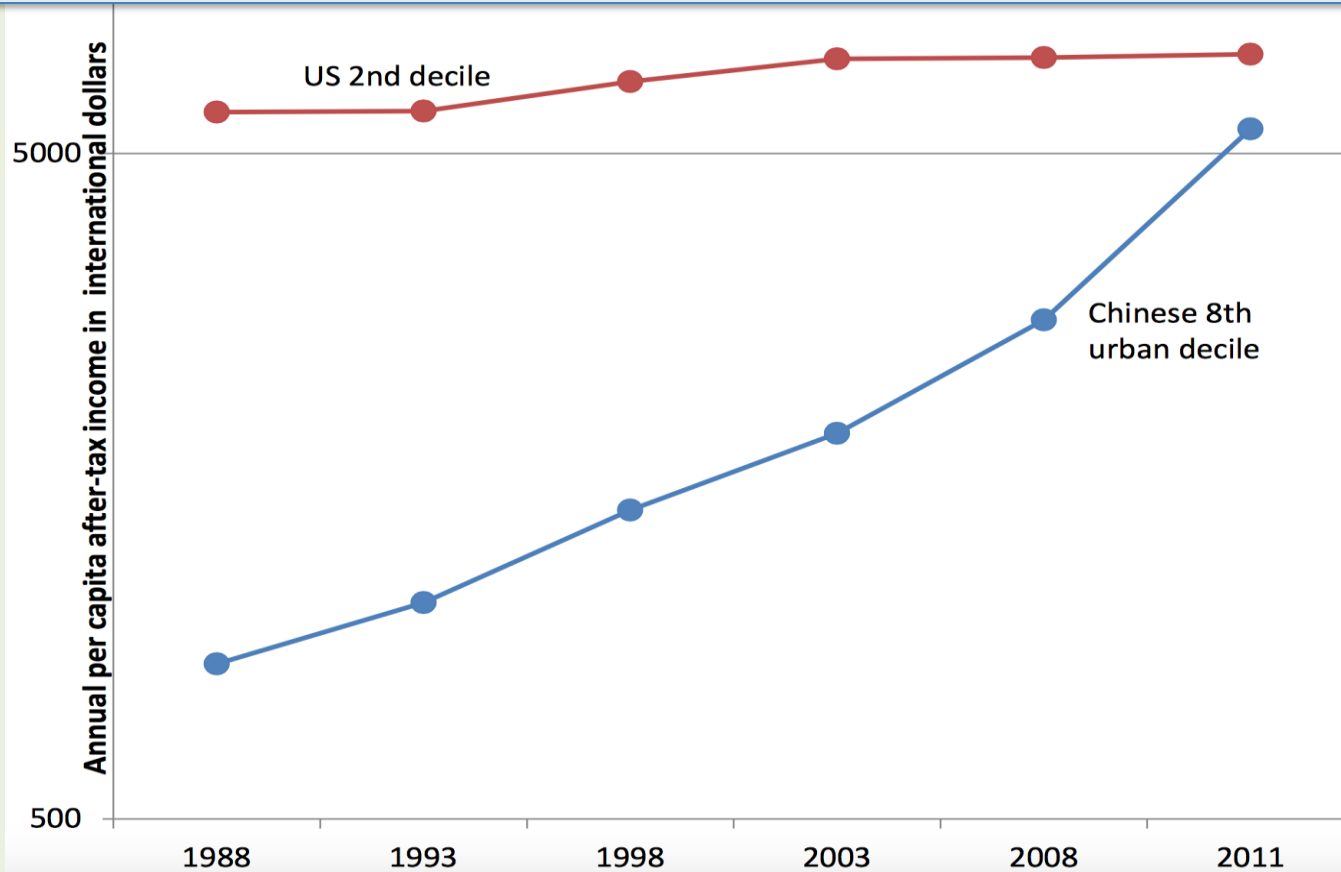


The Rise of the Global Middle Class and Global Plutocrats

Distribution of world population by real GDP of the country in which people live
Emptiness in the Middle



The convergence of Chinese and US income



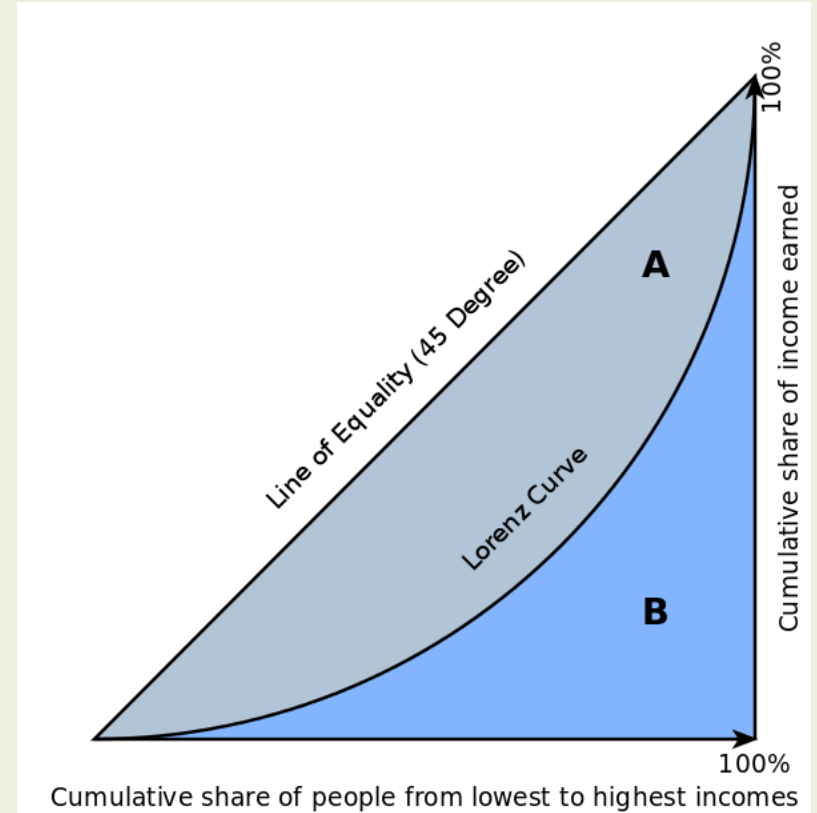
POLITICAL IMPLICATIONS

- Political inclusion of Chinese Middle class.
- Economic stagnation of Democratic countries (middle class is loosing) and emerging of a global plutocracy
- One of the most dangerous consequences of rise inequalities in the rich countries has been the impoverishment of the middle class and the rising of political importance of the rich. A popular class rebellion which tend to morph into populism and nativism

Gini's coefficient

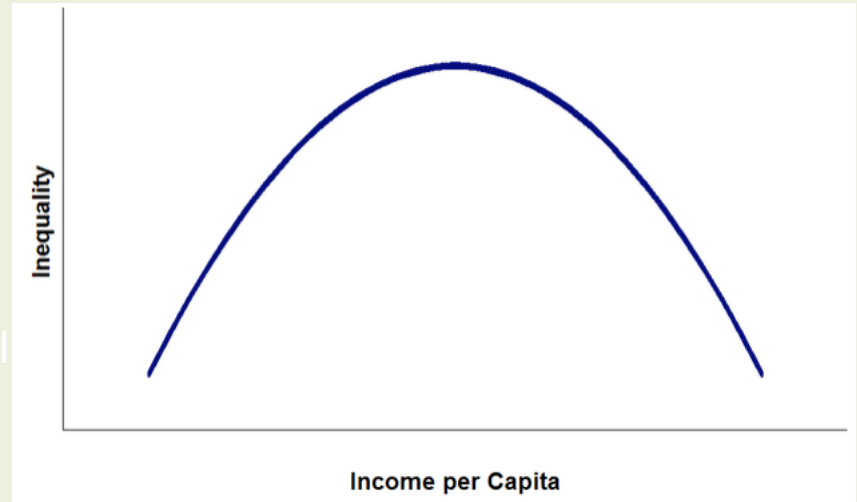
$$G = A / (A+B)$$
$$A + B = 0,5$$
$$G = 2A = 1 - 2B$$

$G = 0$ - all individuals have the same income/wealth
 $G=1$ - an individual holds all the income/wealth

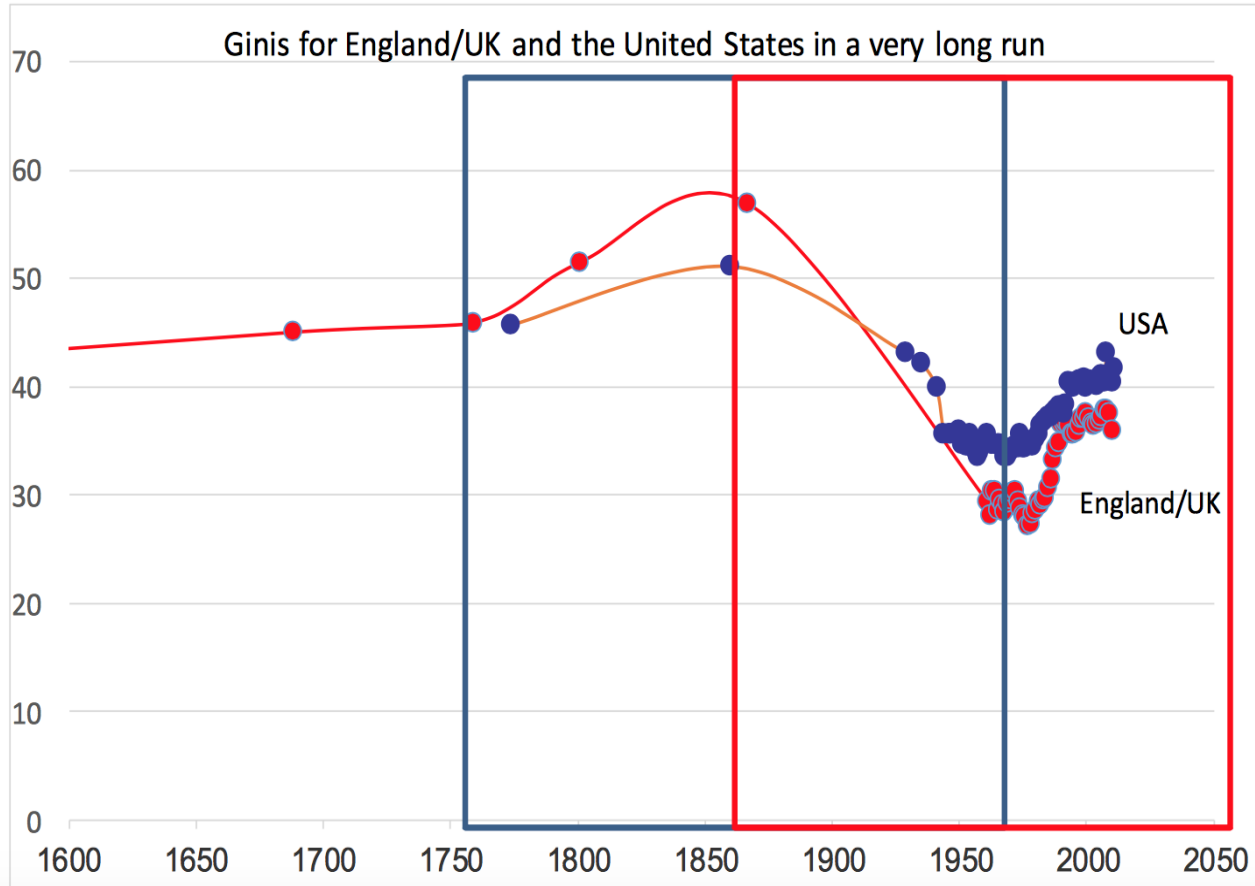


Kuznets Curve

- In the early developments there are strong opportunities for business (high profits) while an influx from rural areas in the cities holds down wages and the agriculture sector is stagnant
- After a certain period the process of industrialization, the democratization and welfare state allow for the trickle-down of the benefits of rapid growth and increase per-capita income

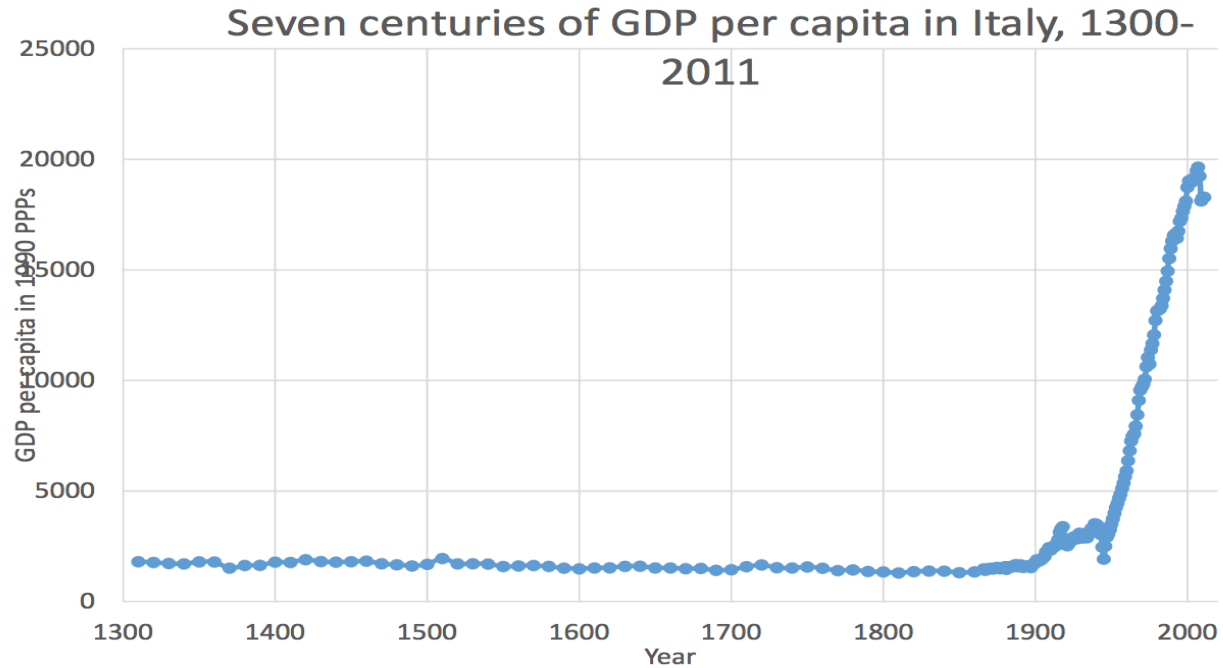


Kuznets Curve



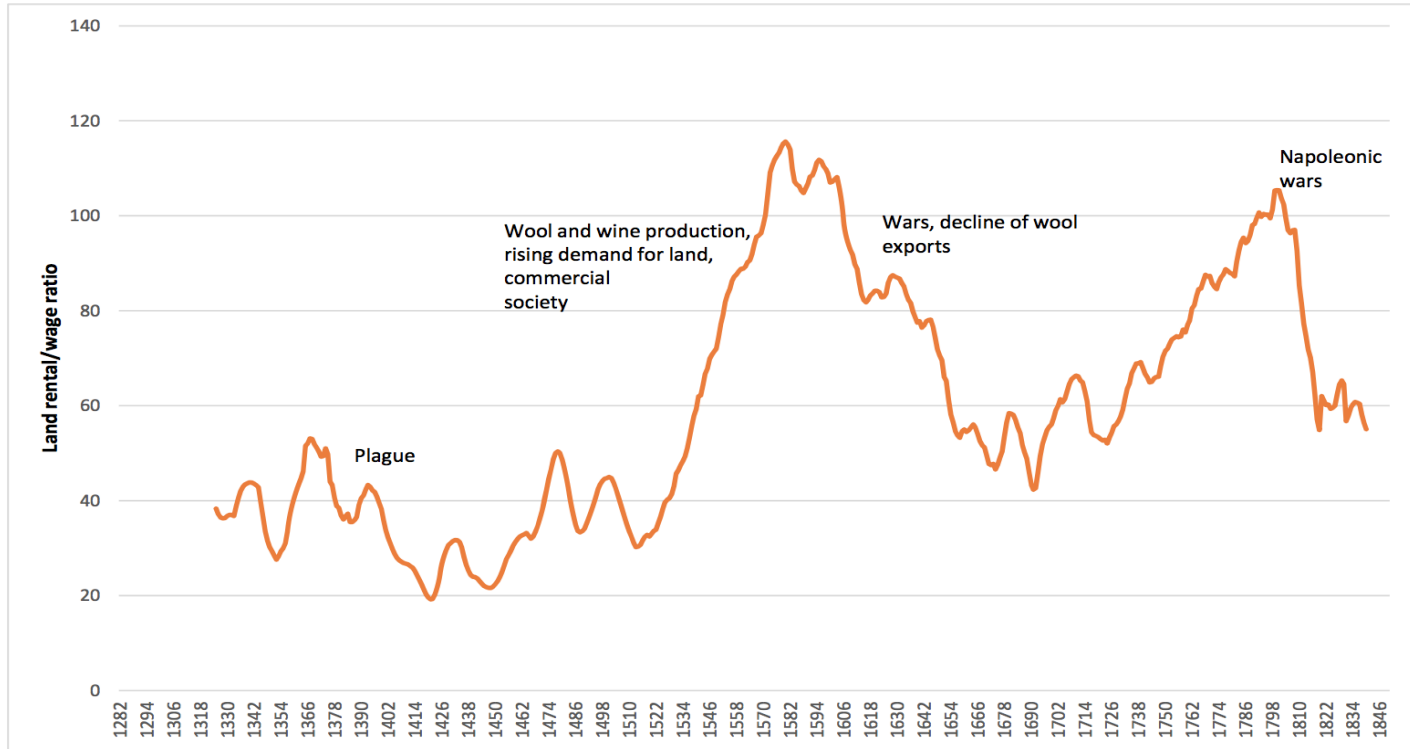
Inequality within countries

How do societies with stagnant mean income look like?



Inequality within countries

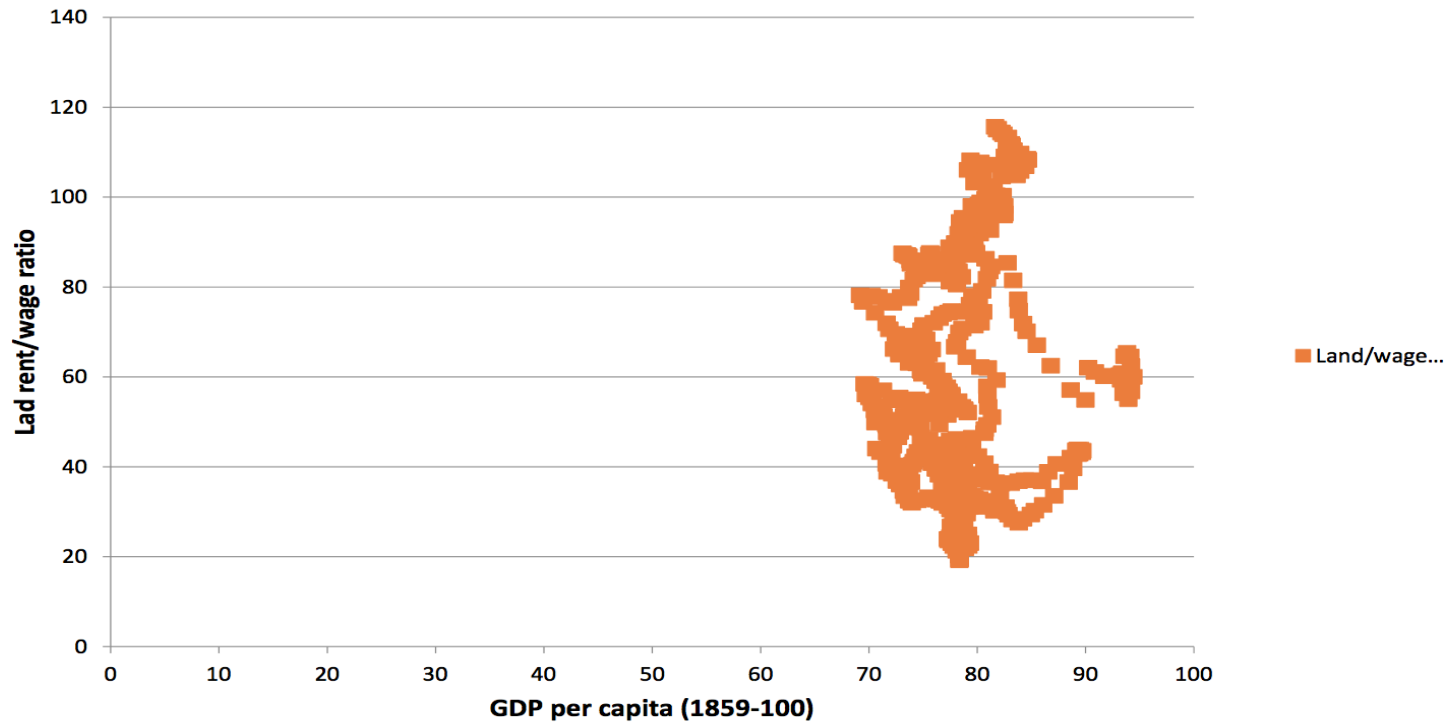
Cyclical nature of the Kuznets curve: land rental/wage ratio over the long term in Spain, 1282-1842



Inequality within countries

Kuznets curve here? No

GDP per capita and rent-wage ratio: Spain 1325-1840



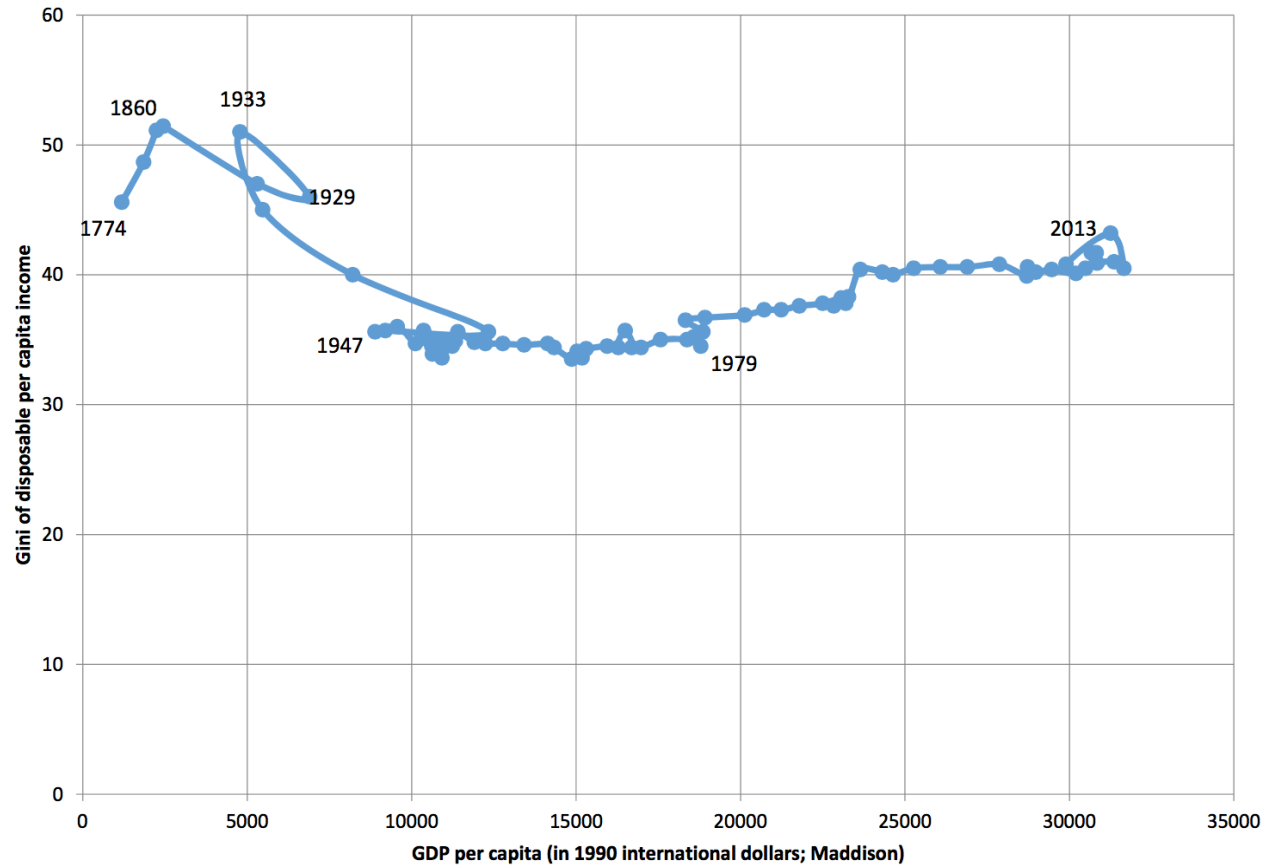
Inequality within countries

Kuznets curve here? No

- Kuznets waves in modern societies are visible when plotted against income per capita.
- Changes in inequality are driven by technological innovation and structural transformation, globalization and policies but also war
- Cyclical movement of inequality. Long Kuznets waves: > 50 years
- Kuznets saw just one curve. We know there may be many more.

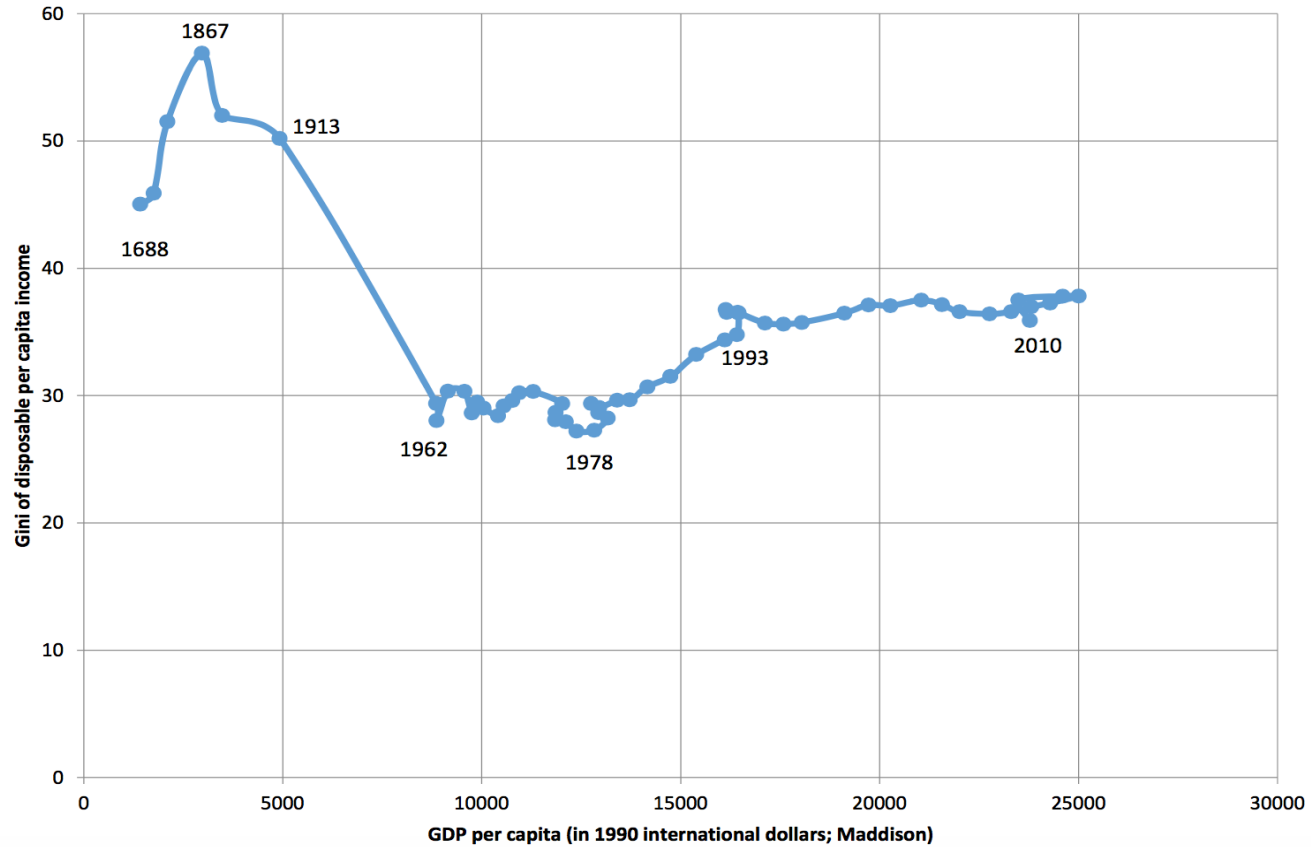
Inequality within countries

Kuznets relationship for the United States, 1774-2013



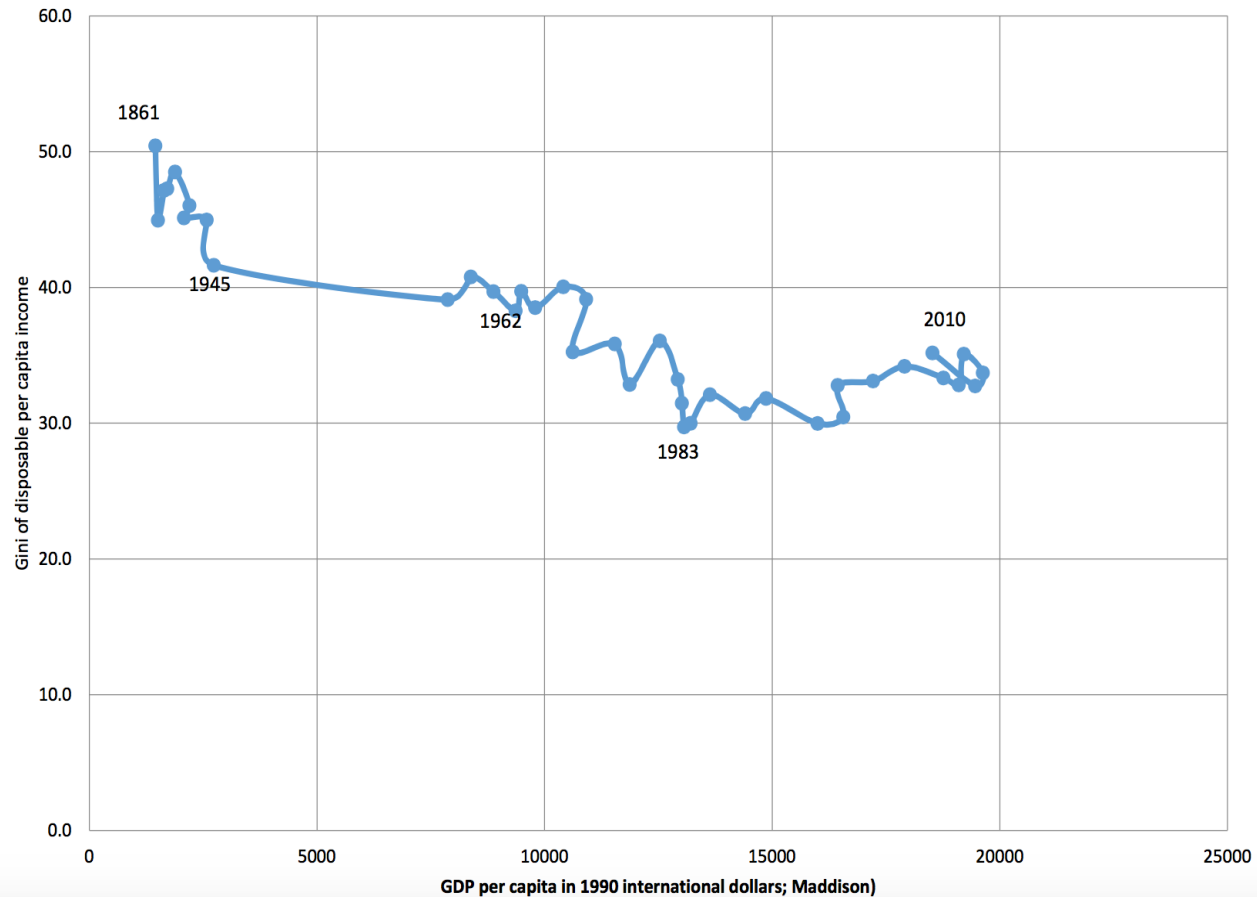
Inequality within countries

Kuznets relationship for the UK, 1688-2010



Inequality within countries

Kuznets relationship for Italy, 1861-2010



Inequality within countries

Forces reducing inequalities

	Malign	Benign
Societies with stagnant mean income (pre-industrial)	Idiosyncratic events (war, epidemics, civic conflicts)	Cultural and ideological (Christianity)
Societies with a rising mean income	Wars, civil conflict	Wide spread education Social pressures (trade unions, political movements) Low skill based technology Cultural and ideological

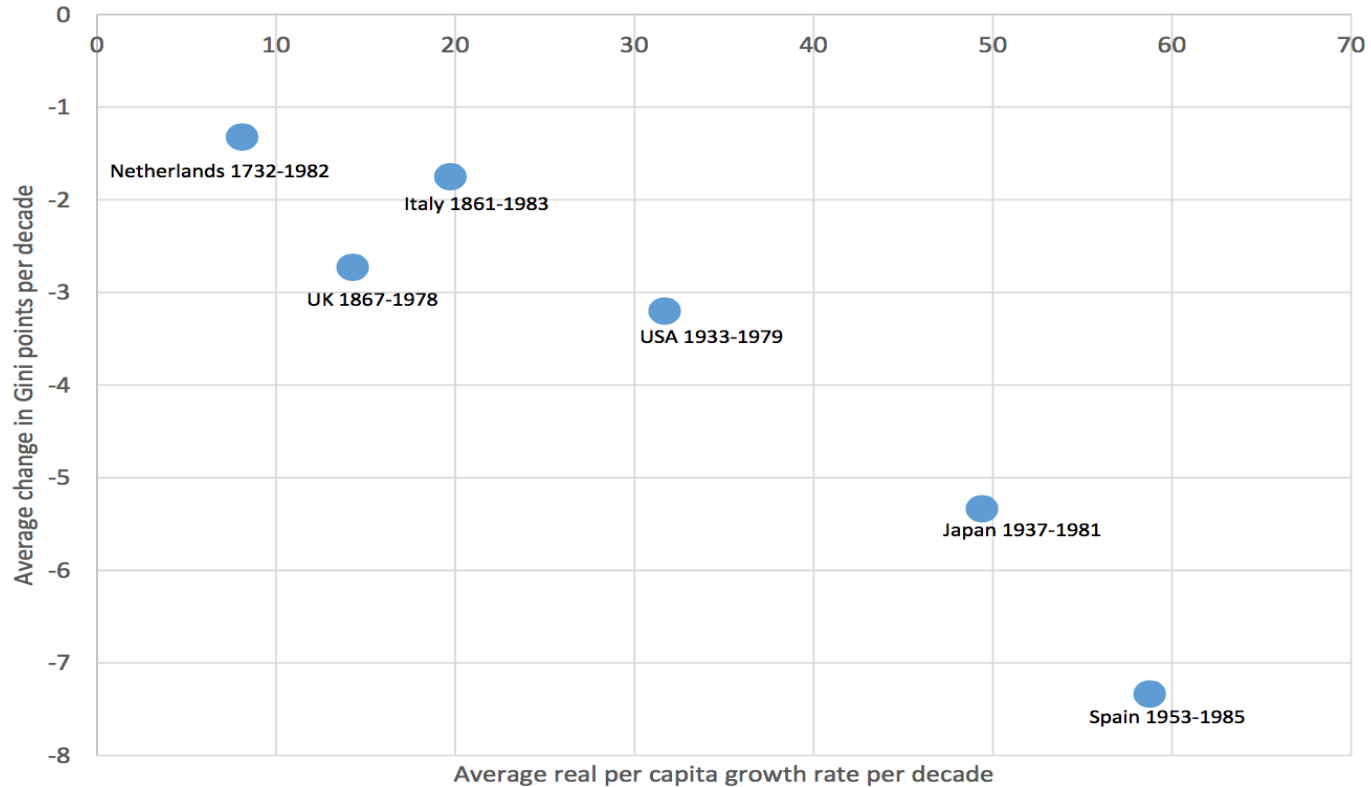
Inequality within countries

Downswing and Upswing of Kuznets curve

	Level of max inequality	Level of minimum inequality	Years of downswing	Reduction of inequality Gini points	The second upswing in Gini points
US	51 (1933)	35 (1979)	50	16	Strong (+8)
UK	57 (1867)	27 (1978)	110	30	Strong (+11)
Spain	53 (1918)	31 (1985)	70	22	Modest (+3)
Italy	51 (1851)	30 (1983)	120	21	Strong (+5)
Japan	55 (1937)	31 (1981)	45	24	Modest (+1)
Netherland	61 (1732)	21 (1982)	250	35	Modest (+2)

Inequality within countries

The Great Leveling – downward portion of the 1 Kuznets wave



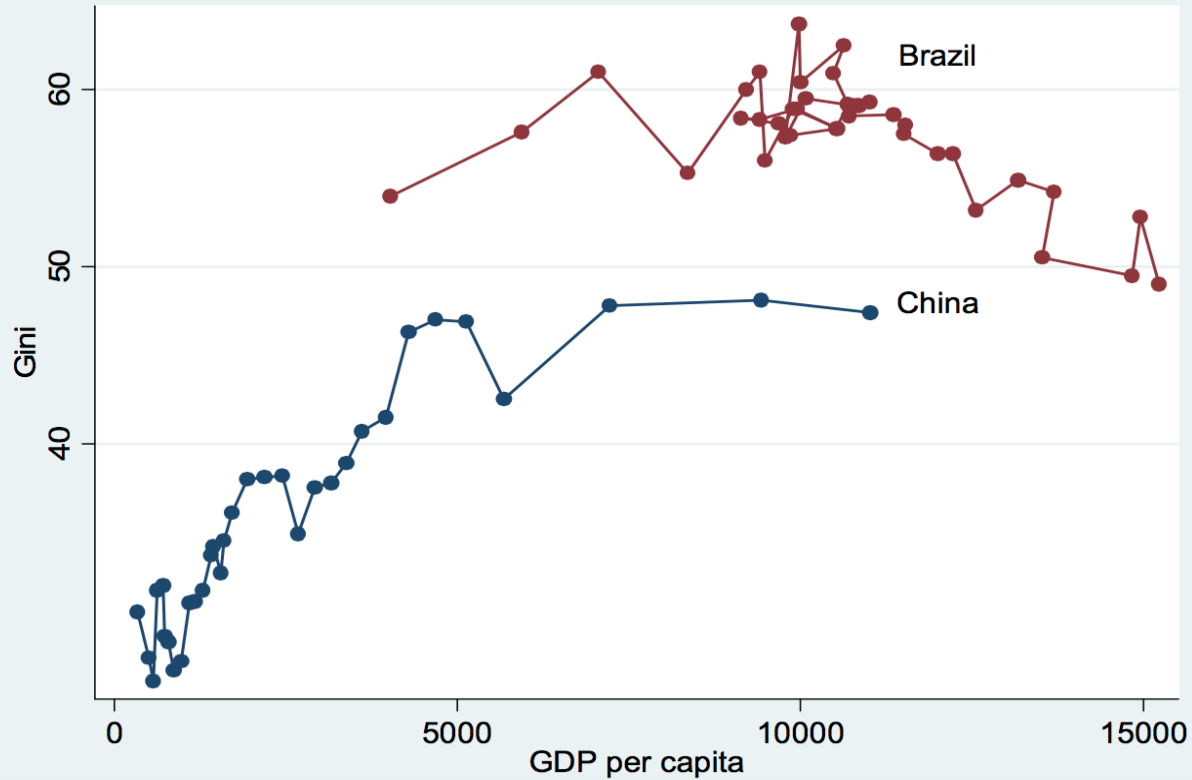
Inequality within countries

What drives 1st Kuznets curve down and 2nd up?

	Downward portion Kc 1 about 1900 - 1980	Upward portion Kc 2 About 1980 - ?
Malign forces	Wars Hyperinflation	
Benign forces	Social pressures through politics (trade unions) Taxation Education Aging (demand for social protection)	Movement of labor from manufacturing to services Rents from tech innovations Globalization Technological change Free global movement of capital

Inequality within countries

Brazil & China's Inequality in the Kuznets framework



Inequality among countries

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Three Concepts of Inequality



Concept 1 inequality
Inequality between countries



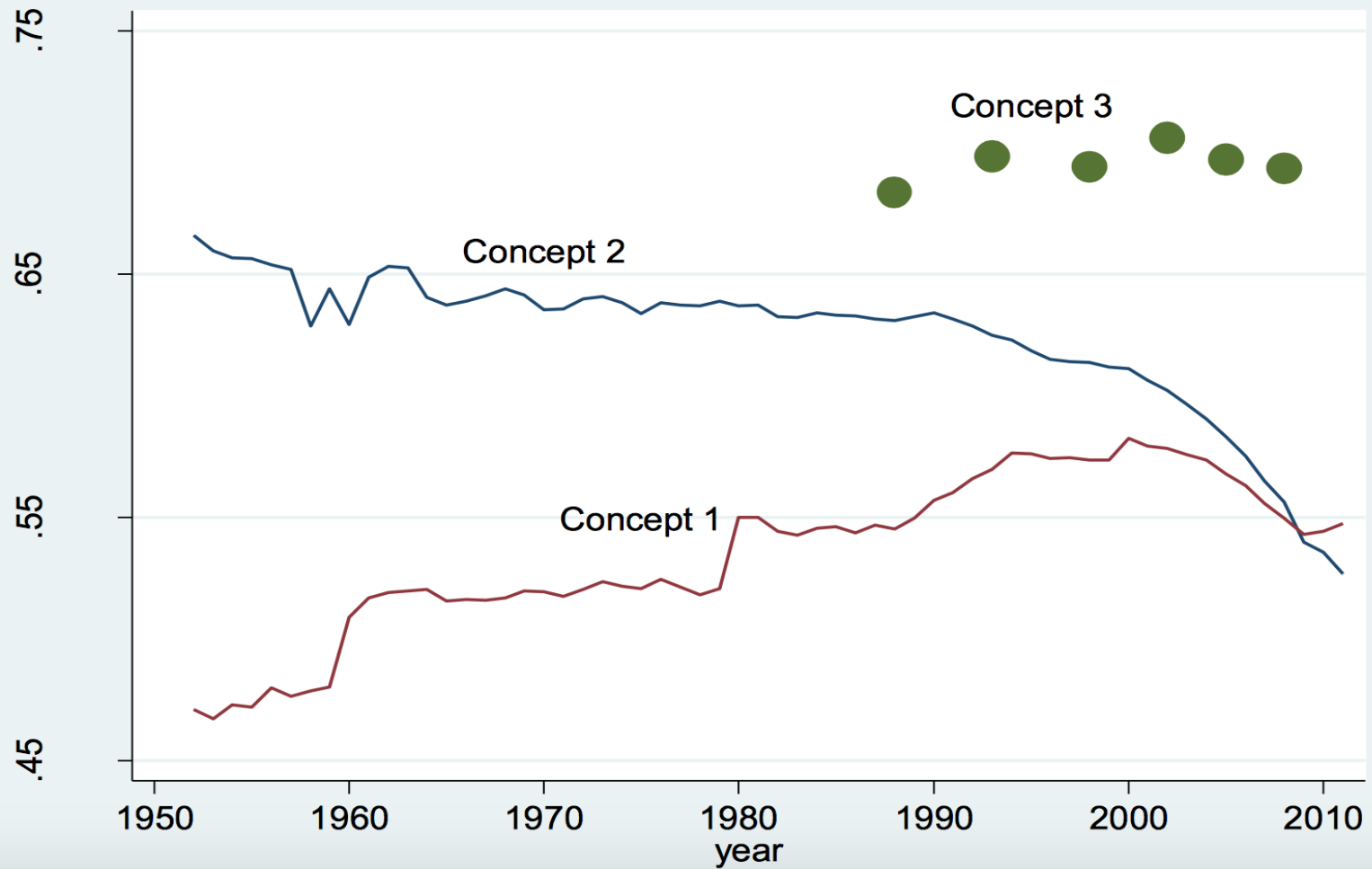
Concept 2 inequality
Inequality between countries weighted by population



Concept 3 (global) inequality

Each person, regardless of her country, enters in the calculation with her actual income

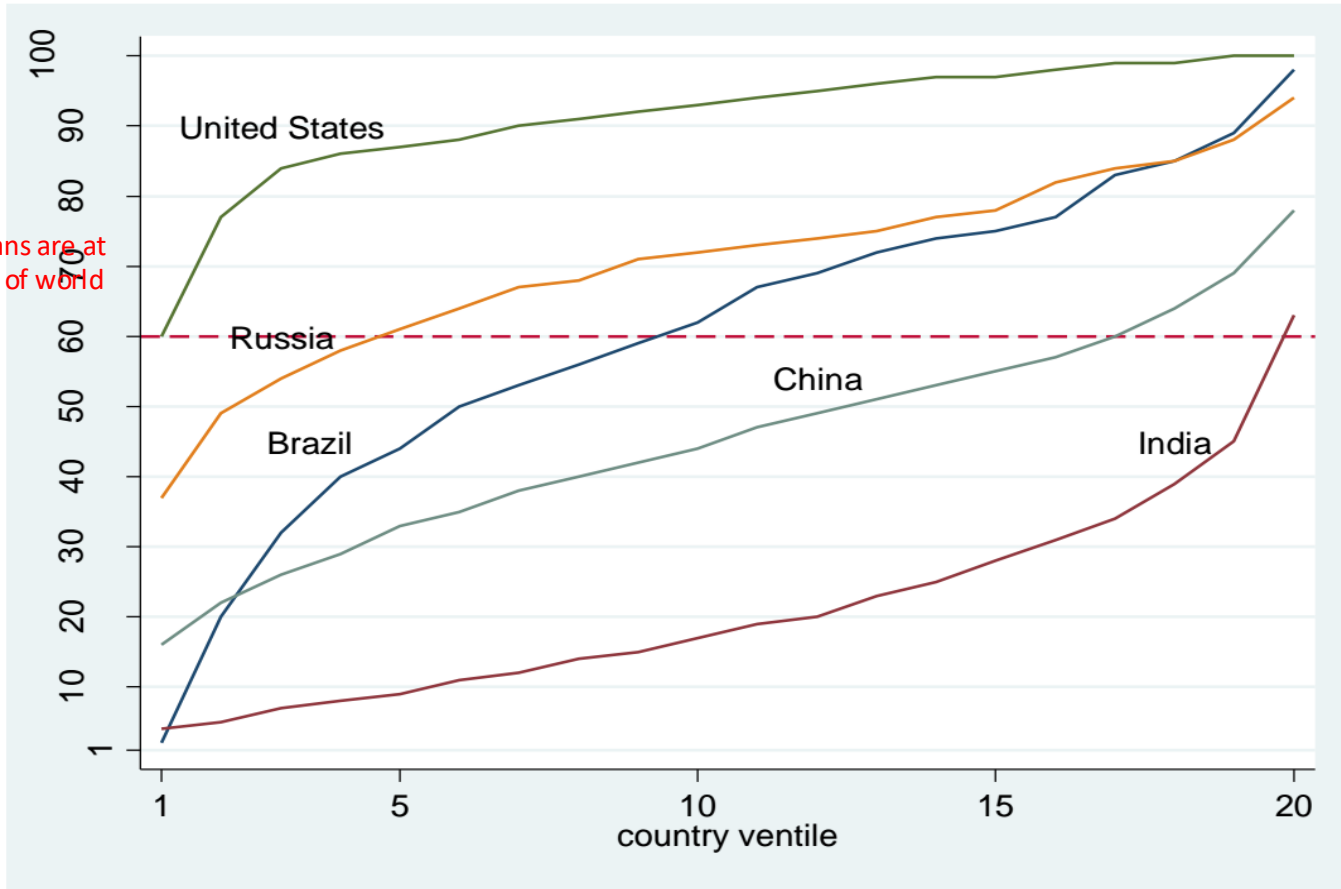
3 Concepts of Inequality (II)



Inequalities among countries

Different countries and income classes in global income distribution

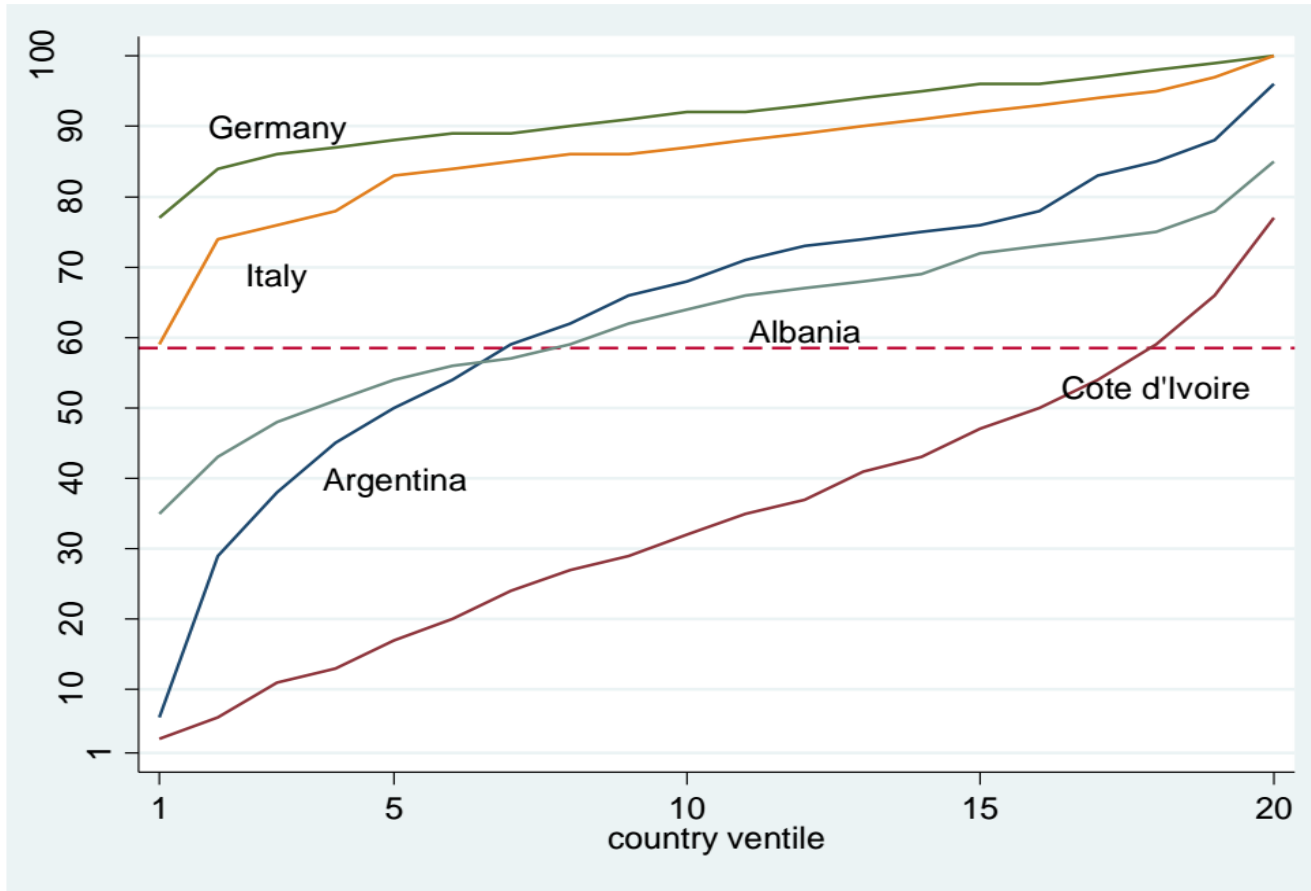
The poorest Americans are at the 60th percentile of world income distribution



Note: The line drawn at $y=60$ shows the global position of the poorest 5% of the US population.

Inequalities among countries

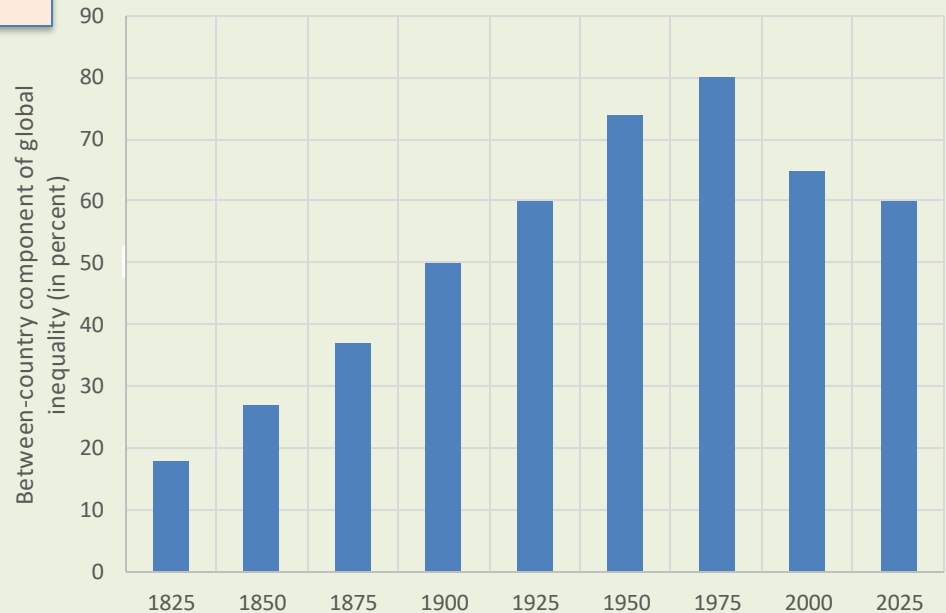
Different countries and income classes in global income distribution



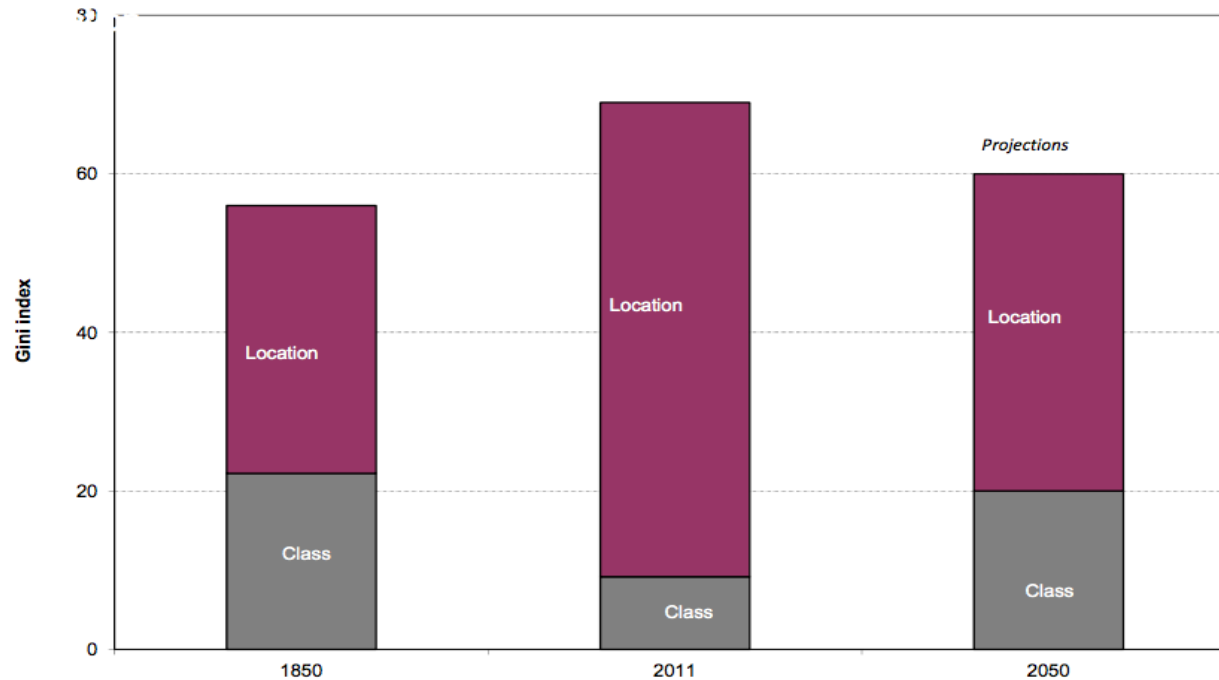
Global Inequality decomposed into “Location” and “Class”

Share of the between-country component in global inequality. “Location” has increased substantially up to 1975. It has slightly declined in the last decades, but it still play a prominent role.

Global inequality = inequality among nations + inequality within nations
= (sum of) differences in mean income among nations +
(sum of) inequalities of personal incomes within nations
= “location” components + “class” components



Global Inequality decomposed into "Location" and "Class"



Branko Milanovic

Inequalities among countries: Citizen premium

- Most of inequalities is due to the country where one lives or where one is born.
- 97% of the population live in the country where they were born.
- The **citizen premium** that one get from being born in a richer country is in essence a **rent**. If we take Congo as reference the average premium for the United States is 131X, Sweden 110X, Brazil 17X. (Premium=GNP per capita country i/ GNP per capita Congo). A person born in the US has 131 times the income potential of someone born in Congo, purely due to location.
- The existence of a premium has important implication for migration: people from poor countries has the opportunity to increase enormously their standard of living just migrating.
- Moreover, more egalitarian rich countries tend to attract lower-skill migrants who generally end up in the bottom part of the distribution

Inequalities among countries: Rawls' position

- The existence of a large citizen premium means there is not global equality of opportunity. For Rawls the quest for equality of opportunity ends at national borders. The principle of equality opportunity does not apply at world level.

Group	Equality of opportunity	Inter-generational transmission of collectively acquired wealth	Argument	Policy
Family versus nation	Matter	Not acceptable or at least to be limited within a nation	Threatens equality of citizens	Moderate to very high inheritance tax /progressive taxes
Nation versus the world	Doesn't matter	Acceptable (nations can accumulate and not redistribute to poor countries)	Affirms national self-determination (Moral Hazard issue)	International aid

Inequalities among countries: Rawls' position

- Pogge, Beitz and Singer argue that in an interdependent world large differences in life chances and prospects between nations should not be accepted lightly. Especially considering the existing high citizen premium. The poorest Americans are relatively well-off by world standards.
- Societies tries to limit inherited advantaged by taxation or implementing equality of opportunities policies giving access to education to everyone, and other means, but when we look at two individual belonging to to different nations we do not even think if they should have the same equality of opportunity.
- Cosmopolitans argue that if nations are interconnected the relationship among citizens of various country are not mediated only by states but also by individuals themselves. An implicit social contract must exist among citizen of the world.
- There are three way in which global inequality can be reduced: 1) high growth rate of poor countries (acceleration of income growth); 2) global redistributive scheme; currently development assistant is little over 100 billion a year (just 5 times the bonus that Goldman Sachs paid itself; 0,12% of world GDP) 3) migration.
- The question is: either poor people have ways to become richer where they are now or they become richer by moving somewhere else.

Inequalities among countries: Migration and Walls

- Fundamental contradiction at the hearth of globalization: free movements of capital, of goods and technology but not labor.
- No precise data on migration world wide. Impression that it has increased but that depend on media coverage
- Physical barriers :
 1. US – Mexico – Fences for 2000 miles
 2. Mediterranean – Lybian Coast Guards
 3. Israel – Palestine – wall
 4. South Arabia – Yemen – wall
 5. North Korea – South Korea – minefields
 6. Indonesia – Malaysia - Strait of Malacca
 7. Bangladesh – West Bengal –wall
- Bulgaria & Poland –started to build a wall on their borders -

Inequalities among countries: Migration and Walls

Growing inter-country income differences and migration:
Key seven borders today



Inequalities among countries: how to reconcile migration with unwillingness to open borders

➤ Four tensions

1. People's willingness to leave the country and lack of the right to move wherever they see fit
2. Globalization ask for free movement of factor of productions but we limit free movement of labor
3. Maximization of income at global level presupposes that each economic agent should not be limited by borders or the presence of nation-states.
4. Economic development stresses the development of people in their own country but a more broad concept should consider the possibility to improve each one's situation regardless of where she lives

The case of Free Trade: we propose free trade because lead to maximization of overall income and then we consider as second step to consider a transfer to mitigate any negative effects on some workers. Why don't we apply the same policy for migration?

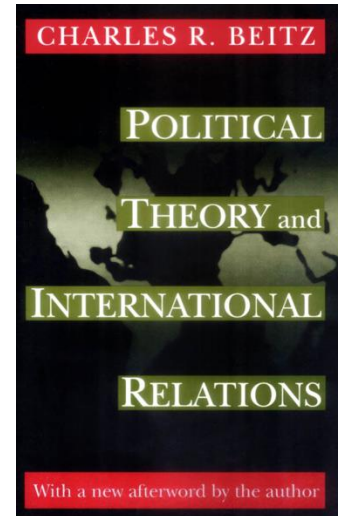
Inequalities among countries: how to reconcile migration with unwillingness to open borders (II)

- Currently we have 230 million migrants (3% of world population). The stock of migrants is growing at 2.2 percent annually which is twice the world population growth rate (1.1%)
- According to Gallup survey 700 million people would like to move to another country. The potential stock of migrants is about 15% of world population. Similar at the situation of US and Spain with about 15% of migrants in the population
- Rich countries enjoy the citizen premium and are unwilling to share their privileges
- Normally the premium is 0 or full because citizenship is a binary variable
- Introduce various level of citizenship (tax discrimination of migrants; obligation to return; no family, etc.,). This should make native population more acceptance of migrants

Charles Beitz

Cosmopolitanism

- Charles Beitz (1949), a student of Rawls, is considered together with Thomas Pogge one of the most prominent exponents of the cosmopolitan school. He has extended and translated John Rawls's Theory of Justice from the domestic to the international sphere. His 1979 book *Political Theory and International Relations*, is considered a cornerstone for the students of global justice.



Realism (International Relations)

- World politics is a field of conflict among actors pursuing power. Realism is associated with Realpolitik
- The source of ineliminable conflict comes from the human nature (Thucydides, Hobbes, Machiavelli)
 1. States are the central actors rather than individuals
 2. The international political system is anarchic as there is not a supranational authority
 3. The actors are rational as they maximize their own self-interests
 4. All states desire power so that they can ensure their own self-preservation

Realists think that Mankind is not inherently benevolent but rather self-centered and competitive. Sovereign States are the principal actors in the international system. International institutions, non-governmental institutions, individuals are viewed as having little influence. States are inherently aggressive and territorial expansion is only constrained by opposing power (equilibrium of power).

International Distributive justice

Cosmopolitanism

- The tradition of international political theory is silent of on the matter of international distributive justice
- Citizen of affluent society have moral obligations based on the duty of **mutual aid** to help those who without help would surely perish. (charity, samaritanism).
- Obligations of justice are more demanding than that. For Utilitarians in principle utility-maximization calculations should not distinguish between humanitarian help and obligations of justice.
- Contractarian principles (Rawls) as well as communitarians (Walzer) encounter problems when applied to global distributive justice because the principle of justice are defined within the boundaries of a given society

International Distributive justice Cosmopolitanism

- A case is made that persons of diverse citizenship have distributive obligations to one another analogous to those of citizens of the same state
- International distributive obligations are founded **on justice** and not merely on **mutual aid**
- Critique and reinterpretation of Rawls's theory (it is wrong to apply the contractarian approach only to the nation-state as the international system is coming to resemble more and more the domestic society)
- The global distributive inequalities, famine and environmental deteriorations are posing **one of the main political challenge of the foreseeable future**

International distributive justice

Cosmopolitanism

- Rawls regards society as cooperative venture for mutual advantage. Everyone has an interest in having access to the various goods that social activity can provide. At the same time claims to these good may conflict. Principles of justice are needed to fairly distribute the benefits and the burdens of social life.
- The model of society as cooperative scheme is very important for Rawls's theory. Rawls's two principles of justice apply to an ongoing scheme of social cooperation within the national boundaries.
- The behavior of nation-state in international affairs depend on the principles of justices applied at the basic structure of society. Well-ordered societies will guarantee a stable and peaceful world.
- Cosmopolitan argue that the world economy is a cooperative venture for mutual advantage similar to a nation-state.
- However, even if nation-state were autarkic (self-sufficient state) the distribution of natural resources might give rise to moral conflict.

International distributive justice

Cosmopolitanism

Entitlements to Natural Resources

- Natural resources might give rise to moral conflict even in the absence of social cooperation among states. The parties in the international original position know that natural resources are distributed unevenly over the earth's face.
- The parties would view the distribution of resources much as the parties view the distribution of natural talent.
- The parties would view the natural distribution of resources as morally arbitrary. Therefore the parties would think that the resources (or the benefits derived from them) should be subject to redistribution under **a resource redistribution principle**
- The appropriation of valuable resources by some will leave others fatally disadvantaged.
- The natural distribution of resources is a purer case of something being arbitrary from a moral point of view – *much more than talents that are less objectively observable*.
- *The resource redistribution principle would function in international society as the difference principle functions in domestic society*

International distributive justice

Cosmopolitanism

Interdependence and Global Distributive justice

- The case for a **global resource distributional principle** is consistent with the assumptions that states are self-sufficient cooperative states (as we have seen)
- But the world is not made of self-sufficient states. States participate in a complex international order that suggest the existence of a global scheme of social cooperation (international trade, capital movements, travels, multinational corporations, etc.)
- This produces substantial economic benefits (globalization): higher growth, higher productivity, reduction of poverty, inequalities (?) etc.
- Uneven distribution of benefits depending on country situation (political factors, concentrations of production in few goods, trade policies, international property right). *Pacta sunt servanda* rule.
- International interdependence involve a complex and substantial pattern of social interaction which produces benefits and burdens that would not exist if they were autarkic nation-state

International distributive justice

Cosmopolitanism

Interdependence and Global Distributive justice

- Since the outcomes (benefits and burdens) of the international economic order are to large extent arbitrary and some countries benefit more than others because of casual contingencies, we cannot confine principles of justice only to domestic societies
- How should we formulate global principles? Applying Rawls's principles **globally**.
- Since it exists a global scheme of social cooperation we should not view national boundaries as having fundamental moral significance.
- Thus parties to the original positions cannot be assumed that they are members of a particular national society choosing principles for that society. They represent the individuals of all societies and the principles chosen apply **globally**.
- In particular if the *difference principle* would be chosen in the domestic original position it would be chosen in the global original position as well. A tax to transfer resources from resource-rich-countries to the resource-poor-countries

Thomas Pogge

Cosmopolitanism

- Thomas Pogge (1953), a student of Rawls, has forcefully argued that the moral deliberation must start from a reflection on the justice of the basic institutions of the society and how well these institutions are improving the conditions of the least advantaged. He also argued that those principles should be extended to the international arena and consequently we should reform the existing international institution to comply with those principles.
- He has proposed The Health Impact Fund for stimulating research and development of life-saving pharmaceutical. This Fund gives the opportunity to pharmaceutical firms to register the new medicines in the Fund and agree to sell their medicine worldwide at production cost (renouncing to the extra-profit due to the patent-protected high prices). If the medicines contribute to improve global health the firm will receive positive pay-outs.
- He has proposed the Global Resources Dividend (GRD), a global tax on petrol to eradicate severe poverty. The Logic is based on the idea that those who use more extensive the earth's resources should compensate those who use very little (global poor).



Global Justice , Poverty, Human Rights

Human Rights as a Minimal Conception of Justice

- A minimal condition of justice of any institutional order is that it does not produce massive and avoidable human right deficits.
- “Everyone is entitled to a social and international order in which the right and freedoms set forth in this Declaration can be fully realized” Art.28 Universal Declaration of Human Rights, 1948
- Government are responsible for satisfying certain condition in treatment of their own people and the failure to do so may justify some form of remedial from the world community

Global Justice , Poverty, Human Rights

Human Rights and States' Duties

UN Approach	Cosmopolitan Approach
<p>Special Priority on States' duties to their own citizen:</p> <ol style="list-style-type: none"> (negative) duties to respect HRs <ol style="list-style-type: none"> interactionally (no torture) institutionally (training police) (positive) duties to protect HRs (protect from crimes) (positive) duties to fulfill HRs <ol style="list-style-type: none"> to provide (natural catastrophes) to facilitate (right to food) <p>with progressive realization (ex. Creating warning systems for tsunami, etc.)</p> 	<p>Without Special Priority of States' duties to their own citizen (no distinction between foreign and compatriots):</p> <ol style="list-style-type: none"> (negative) duties to respect HRs <ol style="list-style-type: none"> interactionally institutionally at nationally and supranational level (avoid international arrangement/international economic schemes that do harm) <p>With special priority of States' duties to their own citizen</p> (positive) duties to protect HRs (positive) duties to fulfill HRs <ol style="list-style-type: none"> to provide to facilitate (right to food) <p>with progressive realization</p>

Global Justice , Poverty, Human Rights

First cosmopolitan argument

#1 (premise) Under the present rules of the world economy the human rights of most people remain unfulfilled

Among 7.4 billion human beings about

795 million are chronically undernourished

2 billion lack access to essential medicine

750 million lack safe drinking water

more than 1 billion lack adequate shelter, electricity, sanitation

780 million are illiterate

168 million children do wage work outside their household

Global Justice , Poverty, Human Rights

First cosmopolitan argument

#1 Under the present rules of the world economy the human rights of most people remain unfulfilled

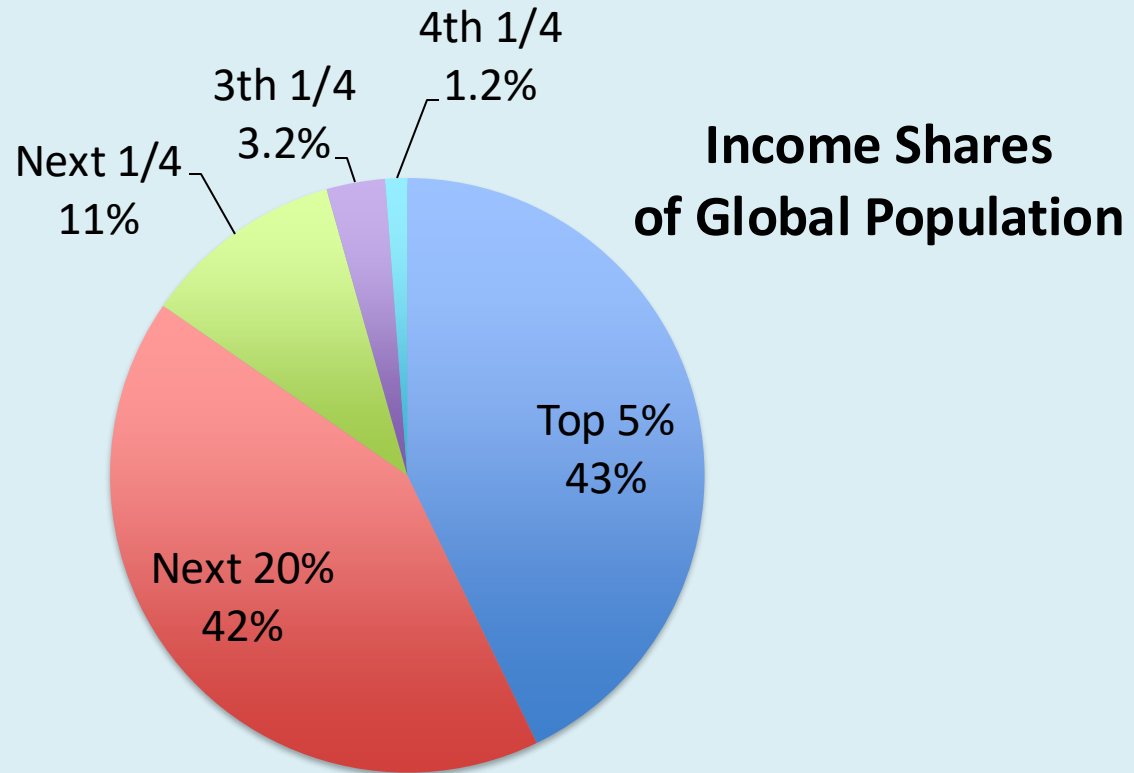
At least a third of human deaths (18 million out of 57 million per year) are due to poverty related causes, in thousands:

diarrhea (2163), malnutrition (487)
perinatal (3180) and maternal condition (527)
childhood diseases (847)
tuberculosis (1464) meningitis (340) hepatitis (159)
malaria (889) and other tropical diseases (152)
respiratory infection (4259)
AIDS (2040), other sexually transmitted diseases (128)

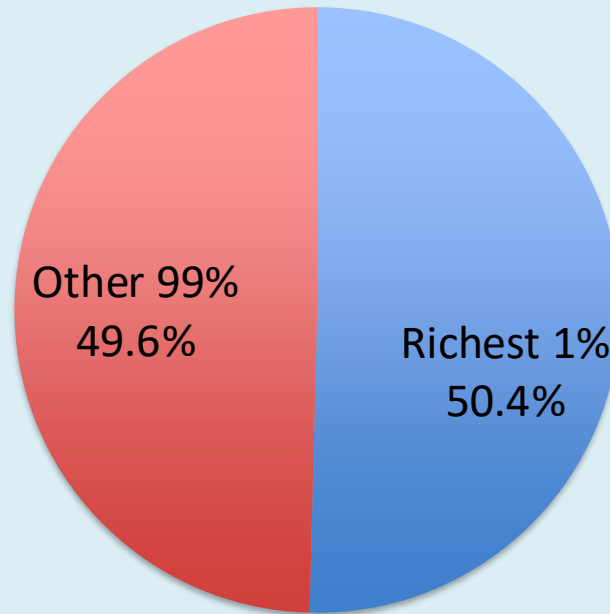
Source: World Health Organization (2015)

Global Justice , Poverty, Human Rights

Second cosmopolitan argument



Wealth Shares of Global Population



Global Justice , Poverty, Human Rights

Second cosmopolitan argument

#2 (premise) It is foreseeable that most of this human rights deficit would be reasonably avoidable with an alternative design of rules at global level

- ✓ 62 people at the top has the same wealth that the bottom half of the world population (3.7 billion)
- ✓ This simple evidence suggests that with a different social design global poverty can be easily eradicated today

Global Justice , Poverty, Human Rights

Second cosmopolitan argument

Counter argument # 1: Progress

- ✓ The percentage of severely deprived in the last decade are going down. Global inequality is decreasing as well as absolute poverty
- ✓ Yet, much more would have been achieved if the poor had merely participated proportionally in global economic growth
- ✓ In any case what matters morally is to answer the following questions: is poverty avoidable today? How much of today's poverty is avoidable through better supranational institutional design?
- ✓ It does not matter if the conditions of the poor are improved with respect to 30 year ago.

Global Justice , Poverty, Human Rights

Second cosmopolitan argument

Counter argument # 2: Local Factors explain the divergence

- ✓ Poverty is evolving differently in the various developing countries and regions (see for example China and Senegal)
- ✓ This show that domestic factors explain the difference: history, culture, geography, social institutions accounts for the persistence of severe poverty where it persist.
- ✓ On the contrary the persistence of poverty can be explained by collusion of interests of international players (multinational corporations & rulers): rich resource countries are performing badly in terms of poverty eradication. (see African countries). Anyone who exercise the executive power in these countries can sell the resources to multinational companies and keep the benefit without trickling them down to the population. This attracts tyrants, dictators and juntas. (Alternative international rule: resources can be bought only from decent countries.)

Global Justice , Poverty, Human Rights

Second cosmopolitan argument

Supranational Institutional Architecture

Protectionism	Pharmaceuticals	Pollution Rules	Illicit Financial Flows	Privileges	Labor standard
Tariffs on imports (agriculture products)and subsidies to farmers in advance countries	20 years patent rights to pharmaceutical producers enforced worldwide (with the support of the WTO). Poor countries cannot afford expensive medicine.	Poor countries are paying the higher costs of climate change	Tax loopholes in the international system favor multinational companies. Capital flight from poor country \$160 billion loss in tax revenues (higher than foreign aid \$130 billion)	Rich resources countries sell resources at low prices to multinational companies. No trickle down to population	We do not have a labor standard world wide but we have patent rights protection world wide

Global Justice , Poverty, Human Rights
Second cosmopolitan argument

#3 (conclusion) The present rules of the world economy
produce massive human rights deficits and are therefore
gravely unjust

The question is: whose responsibility is it?

Governments, G20, WTO - influenced by multinational corporation,
big financial institutions - that have shaped the rules of the
existing International system

Regulatory capture

- makes competitive system vulnerable to specific vested interests (you can play by the rules or try to change the rules to your advantage)
- The strongest participants have the great opportunities and incentive to achieve the means needed for effective lobbying
- It is easier to have more influence on political and regulatory decisions at supranational level (WTO, OECD, EU, etc.) than domestic level because
 - There is no **democratic counterweight**
 - There is **little transparency**
 - **Moral restraints are easily dispelled** by pointing out that international relations are a jungle where you have to survive

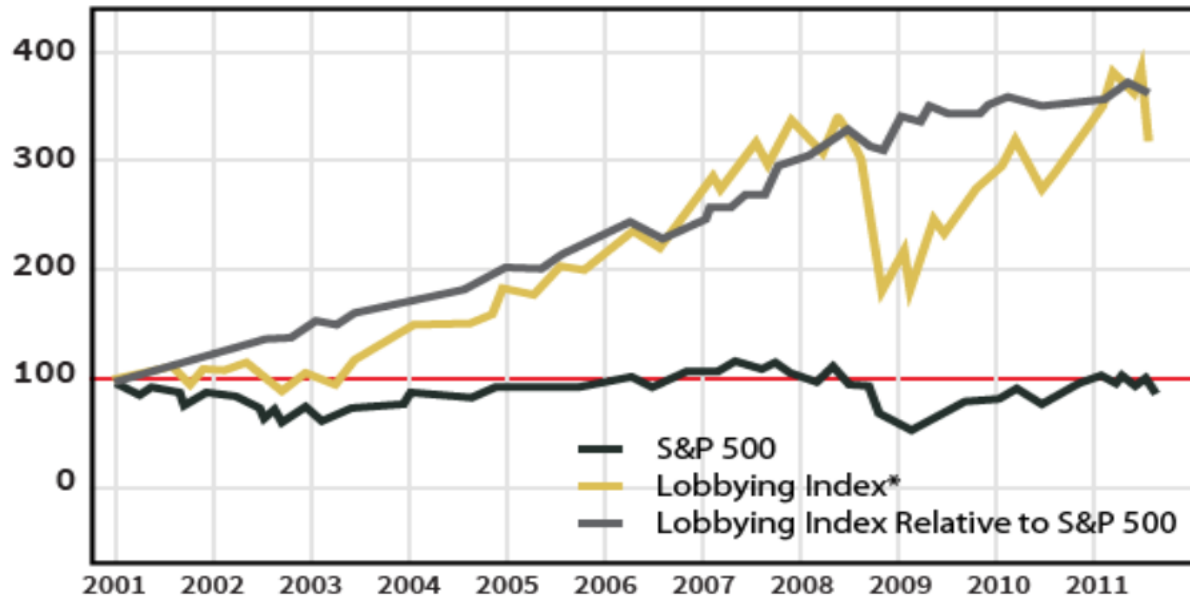
Global Justice , Poverty, Human Rights

Second cosmopolitan argument

Lobbying Index

Beat You in the Lobby

Share prices, January 1, 2001 = 100



Sources: The Economist, Money Morning, Staff Research

Two citizen obligations

- ✓ The government of the more powerful states which collectively design and impose the present rules of the world economy are violating human rights
- ✓ Citizen who are supporting or tolerating unjust policies of their government without making adequate reform or compensation effort become co-responsible for these unjust policies.

- A. We should try to influence supranational institutional arrangement in order to impose less harm upon the poorer half of humanity
- B. We should try at least to compensate for the harm that we together produce through our government: by shielding the global poor from some of the harms that would otherwise be inflicted on them

A Global Resources Dividend (Pogge)

- A great challenge to any person today is the extent and severity of global poverty
 - A. We might fail to fulfill our positive duty to help persons in acute distress
 - B. We might fail to fulfill our negative duty not to uphold injustice, not to contribute to or profit from the unjust impoverishment of others

It is important to understand whether the existing poverty involve our violating a negative duty. Radical inequality is defined by these conditions:

- 1 *The worse off are very badly off in absolute term*
- 2 *They are also badly off in relative term*
- 3 *It is almost impossible for the worse off to improve their situation; the better off never experience those conditions*
- 4 *Inequality is pervasive; it concern many aspects of life (culture, health, education, etc.)*
- 5 *The inequality is avoidable: the better off can improve the circumstances of the worse off without becoming badly off themselves*

A Global Resources Dividend (Pogge)

#1 The effect of shared social institutions

- The previous 5 conditions invoke a merely positive duty. We need more conditions to show the violation of a negative duty:
1. *There is a shared institutional order that is shaped by the better off imposed on the worse off*
 2. *This institutional order is implicated in the reproduction of radical inequality*
 3. *The radical inequality cannot be traced to extra-social factors (genetic handicaps or natural disasters)*
- 1 - The developed countries control the rules of the international order (protectionism, pharmaceutical patent rights, tax loopholes, labor standard)
 - 2 – Poverty is determined by the structure of the social institutions at local and international level but the international institutions play a key role. (Ex. Developed countries allow their firm to bribe foreign officials)
 - 3 – The global poor, if only they had been born in different countries, would be just be able to lead a happy and productive life.

A Global Resources Dividend (Pogge)

#2 The uncompensated exclusion from the use of natural resources

➤ This approach adds one condition to the first 5:

1. *The better off enjoy significant advantages in the use of natural resources from whose benefits the worse-off are largely excluded without compensation*

1 - The affluent pay for the resources other affluent people (the Saudi Family or the Nigerian kleptocracy) with very little or nothing trickling down to the global poor.

2 – Also defender of capitalism (libertarian) recognizes the natural resources that all world inhabitants have equal claim to its resources.

3 – See Entitlement theory and Lockean proviso

4 –

A Global Resources Dividend (Pogge)

#3 The effects of a common and violent history

➤ The third approach adds the following conditions to the first 5:

1. *The social starting position of the worse off and the better off have emerged from a single historical process that was pervaded by massive, grievous wrongs*

1 – The present circumstances of the global poor are shaped by a dramatic period of conquest and colonization. With severe oppression enslavement even genocide were the native cultures were destroyed.

2 – These circumstance have upset the possibility that these peoples could adapt to the new rules and the radical inequality is to large extent a reflections of the violence of the past (violation of a negative duty)

A Global Resources Dividend (Pogge)

A moderate proposal


- The proposal is formulated in line with second approach. Those who use more extensive the earth's resources should compensate those who use very little (global poor).
- World GDP is about \$80,000 billion(actually, in 2021 is about \$96trl). The 0,7% is 560 billion which is more than the aggregate consumption shortfall that prevent 2.5 billion people from escaping severe poverty. To rise that money will be sufficient to increase the price of petroleum product of about 8 cents per gallon or 2.2 cents per liter.
- In outlaw countries the money should syphoned to the recipients through UN agencies and NGOs
- It should be more efficient than conventional development assistance (ODA) which is based on bilateral basis between governments where donors have many interests involved
- But why counties should accept to apply the GRD without a global enforcement agency? There must be sanctions for those countries that do not comply with the scheme

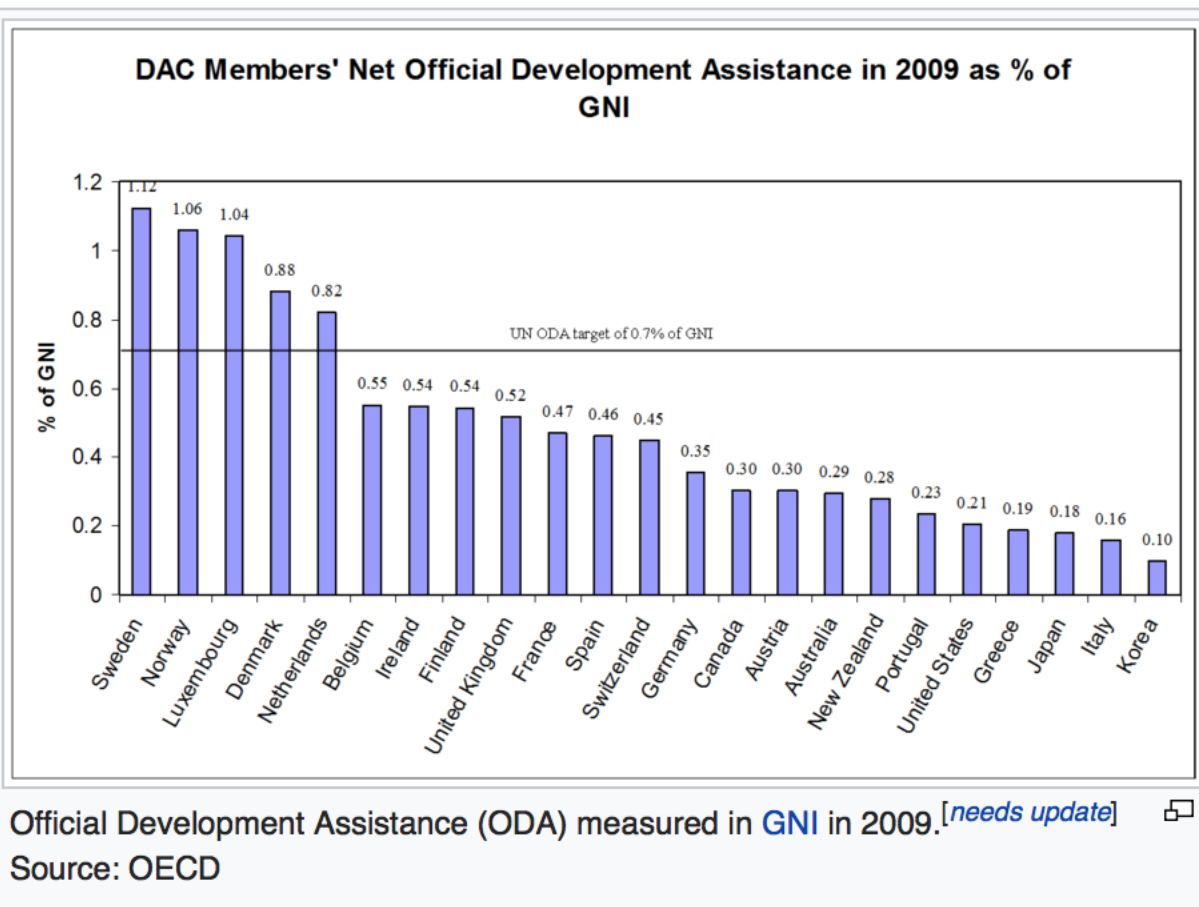
How to Help Those Left Behind (Angus Deaton)

- There are 800 million people in absolute poverty (0.72c a day). With 1 \$ a day they would be out of abs. poverty. need 1 c. . the short is $\$0,28 \times 800 = 0.22$ billion –If America was going to do each Americans should give \$0.75 a day (**The hydraulic theory: syphoning money from the rich to the poor countries**)
- The aid illusion: the idea that global poverty can be eliminated if only rich people were to give money to poor people
- The total amount of foreign aids is \$211 (ODA) billion from governments. Development grants by private large foundation is about 4% of ODA. USA larger donor (0.2% GDP), followed by Germany, Britain, France and Japan (Scandinavian countries 0.7% of GDP). 80% of ODA is bilateral, the rest is given via multilateral organization. 150 different recipients. Top recipients in per capita terms (Samoa, Tonga). China and India in 2010 received \$3.5 billion. (half of the poor live there)
- **The central dilemma of foreign aid: when the condition are present for development aid are not really necessary. When the condition are hostile for development aid is not useful and it will do harm if it perpetuates those conditions.**

How to Help Those Left Behind (Angus Deaton)

Foreign aid received in billions of US dollars^[6]

Country	2012
 Afghanistan	6.72
 Vietnam	4.11
 Ethiopia	3.26
 Israel	3.07
 Turkey	3.03
 Congo, Dem. Rep.	2.85
 Tanzania	2.83
 Kenya	2.65
 Côte d'Ivoire	2.63
 Bangladesh	2.15



How to Help Those Left Behind (Angus Deaton)

How effective is Aid?

- Aid is not given person to person but government to government.
- Do countries that receive more foreign Aid grow more? Not easy answer. Theory and experience show that growth is the surest and most lasting solution to poverty, but there is a weak link between growth and aid.
- In Egypt, Togo and Zaire aid was used not for economic development but to keep an externally favored regime in power. See the case of Ethiopia that received huge aid from US because Meles was an opponent of Muslim fundamentalism
- African countries have received large amount of aid over the years: *growth decreased steadily when aid increased steadily*. Key to African growth is what happen to commodities prices. Botswana export diamonds, Nigeria & Angola → oil, South Africa → gold & diamonds, Niger → uranium, Kenya → coffee etc. African economies grow in response to commodity prices dynamics
- Aid does not work like investment

How to Help Those Left Behind (Angus Deaton)

The effectiveness of Development Projects

- Many people do not care to assess aid by looking for its effects on economic growth
- For them aid is about projects: funding a school, build a hospital, avoid HIV/AIDS etc.
- Organizations that works in development – NGOs, World Bank, UNICEF, etc – are biased on evaluating the results
- It a necessary a more careful evaluations

How to Help Those Left Behind (Angus Deaton)

Aid and Politics

- Large inflows of foreign debt change local politics for the worse and undercut the institutions needed to foster long-run growth
- Aid also undermine democracy and civic participation. Government depending on aid avoid to arise money via taxation to carry out its functions (preserving territory and providing public goods). As a consequence democracy is not prospering
- In Madagascar, Ethiopia, Mali, Niger, Sierra Leone, Togo and Uganda aid has exceeded 75% of government expenditures.
- The **hydraulic theory** look at aid as a technical problem. If poverty and underdevelopment are primary consequences of poor institutions. By weakening those institutions, large aid flows do exactly the opposite of what they are intended to do.
- The argument that aid make poverty worse is an argument that aid makes governments less responsive to the needs of the poor and thus does them harm.
- Those who advocate more aid need to explain how it can be given in a way that deals with the political constraints.

How to Help Those Left Behind (Angus Deaton)

Is Health Different?

- External aid has saved millions of lives in poor countries
- UNICEF and other agencies brought antibiotics and vaccinations to millions of children
- Recently billions of dollars have been donated for HIV/AIDS, tuberculosis and malaria
- Most of the successful initiatives are what are called vertical health program – direct help through the international agencies such as UNICEF.
- The provision of primary health care requires state capacity and here the achieve good results is more difficult

How to Help Those Left Behind (Angus Deaton)

What Should We Do?

- The hydraulic theory is not useful. We need to understand more how these societies work. We need to let poor people help themselves and get out of the way.
- Aid that maintains the existing rulers is aid that impoverishes ordinary citizens of poor countries.
- It is no sense to set target such as giving 1 or 0.75 per cent of or GDP.
- Aid is far from being the only roadblock that rich countries have set to the escape from poverty.
- Pharmaceutical companies benefit of patent protectionism (Trade-related aspects of intellectual property rights) that harm poor countries, as well as protectionism in favor of farmers in rich countries. (See for example Thomas Pogge's Health Impact Fund that will pay out the pharmaceutical companies in proportion of the achieved results in fighting the disease. On the other hand the companies will accept to sell at lower prices)

BORDERS: IMMIGRATION AND TERRITORY

In *"Immigration and Freedom of Association,"* Christopher Heath Wellman argues that states have a moral right to control immigration based on the principle of **freedom of association**. His core argument is that just as individuals have the right to freely associate with others (or not), political communities also have the right to determine their membership.

Key Points of Wellman's Argument:

1. Freedom of Association – Wellman likens a state's right to exclude immigrants to an individual's right to choose their personal associations, such as friendships, marriages, or club memberships. If individuals have the right to refuse association, states should too.

2. State Sovereignty and Self-Determination – He emphasizes that states, as political entities, have legitimate authority to self-govern and make decisions about membership without external interference.

3. Not Necessarily Xenophobic or Discriminatory – Wellman clarifies that the right to exclude is not necessarily based on racial or cultural discrimination but rather on a general principle of self-determination.

4. Limits to the Right to Exclude – While Wellman defends a broad right to exclude immigrants, he acknowledges some moral constraints, such as:

1. States should not exclude refugees who are in extreme peril.
2. States should not violate basic human rights in their immigration policies.

Criticism of Wellman's Argument

Critics argue that:

• **Freedom of association should not apply to states in the same way as individuals.** States exercise power over people's lives in ways that personal associations do not.

• **Exclusion can lead to injustice.** Many people are born into poverty or oppression and have no control over where they are born, making strict immigration control morally questionable.

• **Historical and economic ties matter.** Countries that have benefited from colonization or economic exploitation may have moral obligations to allow immigration from affected regions.

Overall, Wellman's argument presents a philosophical defense of a state's right to exclude immigrants while acknowledging some ethical constraints.

In *"Immigration: The Case for Limits,"* David Miller argues that states have a moral right to limit immigration, primarily based on principles of **national self-determination, cultural preservation, and distributive justice**. He believes that immigration policies should balance the rights of citizens with humanitarian concerns for migrants.

Key Arguments in Miller's Case for Immigration Limits:

1. National Self-Determination & Freedom of Association

1. Miller argues that nations are **distinct cultural and political communities** that have a right to shape their future.
2. Just as individuals can choose their associations, a nation should have the right to determine who can join.
3. Immigration, if uncontrolled, can change national identity in ways that the existing population may not consent to.

2. Cultural Preservation

1. He believes that national cultures provide a **shared sense of belonging** and social cohesion.
2. If immigration is too high or unmanaged, it might disrupt established cultural values and traditions.
3. He does not argue for complete exclusion but supports **moderate limits** to allow for cultural integration.

3. Distributive Justice and Economic Fairness

1. Governments have a **special duty to their own citizens first** when it comes to welfare, jobs, and resources.
2. Unrestricted immigration could place strain on public services and labor markets, disproportionately affecting low-income citizens.
3. While recognizing that immigrants can contribute economically, he argues that a **state's primary obligation is to ensure the well-being of its existing population**.

4. Moral Obligations to Refugees

1. While supporting the right to exclude economic migrants, Miller makes an exception for **genuine refugees** facing persecution or extreme danger.
2. However, he argues that refugee protection does not require granting them full citizenship—other solutions, such as regional resettlement, may be preferable.

Criticism of Miller's Argument:

- **National identity is fluid, not fixed.** Critics argue that cultures naturally evolve and immigration has historically enriched societies.
- **Freedom of movement is a human right.** Some argue that strict border controls unjustly limit individuals' opportunities based on arbitrary national boundaries.
- **Economic benefits of immigration are often ignored.** Research shows that immigrants contribute to economies rather than simply burdening welfare systems.

Joseph Carens strongly challenges the **freedom of association** argument for immigration restrictions put forward by thinkers like Christopher Wellman and Michael Walzer. His arguments are based on **moral equality, justice, and the analogy between national borders and feudal privilege**.

Carens' Main Arguments Against Immigration Restrictions:

1.The Moral Equality of Persons (Liberal Egalitarianism)

1. Carens argues that **all human beings are morally equal**, and restricting immigration based on national membership is **arbitrary and unjust**.
2. Birthplace is a **morally irrelevant** factor, just like race or gender. No one deserves more rights simply because they were born in a wealthy country.
3. If liberal democratic states value **freedom and equality**, they should extend those principles globally—including freedom of movement.

2.The Feudal Privilege Analogy

1. Carens compares modern immigration restrictions to **feudal class privileges** in medieval times.
2. In feudal societies, people's life chances were determined by **where they were born**, just like today's national borders limit opportunities based on birth.
3. Just as feudalism was abolished for being unjust, **strict border controls should also be rejected** as an unjust restriction on personal freedom.

3.Freedom of Movement as a Basic Right

1. Liberal democratic states emphasize **individual liberty**, including freedom of movement within their own borders.
2. Carens argues that **this principle should extend across borders**—if it's unjust to restrict movement between cities, why is it just to restrict movement between countries?
3. He supports a **presumption in favor of open borders**, meaning restrictions on immigration must be **justified with strong moral reasoning**—not merely with appeals to national sovereignty.

4.Distributive Justice and Global Inequality

1. Many people seek to migrate due to **poverty and lack of opportunity**.
2. Wealthy countries have often benefited from **colonialism, imperialism, and economic exploitation**, which contributed to the conditions forcing people to migrate.
3. In Carens' view, **wealthy nations have a moral responsibility to allow immigration** as part of correcting historical injustices and ensuring fair distribution of global resources.

Aspect	Wellman & Walzer (Freedom of Association)	Carens (Open Borders & Moral Equality)
Core Principle	States have the right to exclude based on freedom of association .	Immigration restrictions are unjust because they violate moral equality and freedom of movement .
View on Borders	Borders are legitimate and necessary for maintaining national identity and sovereignty .	Borders are morally arbitrary and function like feudal privilege , restricting people's life chances unfairly.
Freedom of Movement	A state's right to exclude outweighs individuals' right to migrate.	Freedom of movement is a basic human right that should extend across borders.
Economic & Historical Justice	Economic concerns of current citizens justify immigration limits.	Wealthy nations have moral obligations to migrants due to global inequality and past injustices .

Conclusion:

Carens rejects the **freedom of association** justification for immigration restrictions because he believes it conflicts with **basic liberal principles of equality and justice**. He argues that **open borders should be the default position**, and any restrictions on migration must be morally justified—not just assumed to be a right of states.

Borders: Immigration and Territory

- Border are protected by guards to stop people to trespass those lines. What is the moral justification? A justification is to keep out criminals or armed invaders. But most of those who want to get in are peaceful people looking for job opportunities? On what moral grounds can these people be kept out?
- The power to admit or exclude people it seems a natural a prerogative of each sovereign state or of each political community.
- But all moral theories of liberal strands (utilitarianism, libertarianism and contractualism) lead to the same basic conclusions: there is little justification for restricting immigration
- On the contrary, communitarians offer a justification for limiting free trespassing of borders.

Borders: Immigration and Territory

Aliens and property rights - Libertarianism

- Libertarians (Nozick) invoke individual property rights. The individual that is trespassing the border is not violating any natural rights as far as he is not invading private property.
- The “Minimum State” has the function of protecting the property rights that individual has already in the state of nature. Would the Minimum State be justified to restrict immigrants?
- The state has the monopoly of violence and the right to enforce the right to property within a territory.
- Individuals has the right to enter into voluntary exchange with other individuals. The state should not interfere with such exchanges.
- If a US farmer hires a Mexican worker. The State should not interfere. American workers might be disadvantaged by this competition, but according to Libertarians none has the right to be protected against competitive disadvantage.
- Individuals can do what they like with their property (refuse hiring aliens, rent houses to aliens, etc), but they cannot prevent other people from acting differently (hiring aliens, etc.)
- **“It is our country. We can admit or exclude whomever we want” is incompatible with a libertarian property right theory. It can be a severe limitation of my liberty to exchange with whomever I like. The state has not right to restrict immigration.**

Borders: Immigration and Territory

Migration and the Original Position - Contractualism

- Rawls in his theory offers a justification for an active state with positive responsibilities for social welfare. Even so, it does not say much about immigration. In the LoP argues that the government as the people's agent has the responsibility for their territory, the size of the population as well as maintaining the land's environment integrity. Therefore, People have a qualified right to limit immigration.
- Cosmopolitans utilizes the original position as devise to think about justice across societies. The purpose of the veil of ignorance is nullifying the effect of specific contingencies which put men at odds because natural and social contingencies are "arbitrary from a moral point of view": whether one is a citizen of a rich nation or a poor nation. Underlying this view is to consider all people as equal moral person.
- If we take a global view to the original position probably the same principles of justice will still prevail. States would be restricted by an international different principle. Nation-States will still exist defined by national identities. What about freedom of movement among states? Even in an ideal world with no strong economic differences among states people would want to move from one country to an another for several reasons (looking for better opportunities, new experiences, etc.)
- **In the original position one would insist that the right to migrate should be part of the basic liberties for the same reason that the other basic liberties are important: they are essential to pursue one's plan of life.**

Borders: Immigration and Territory

Migration and the Original Position (2) - contractualism

- In the non-ideal real world there are vast economic inequalities, people disagree on the notion of justice, many states deprive their citizen of their basic rights. How does all this affect what justice require regarding immigration whereas basic freedoms could be endangered?

- The conditions of real world strengthen the case for state sovereignty. National security is a form of public order. States are sometime entitled to prevent immigration appealing to the **public order restriction** principle. This is the case, if migration would lead to chaos and thus would be a threat to basic liberties. In this case according the contractarian view is legitimate to limit immigration.
- A concern is that immigrants from illiberal countries could be a threat for the liberal values. Similar arguments where used to block the immigration of Catholics and Jews from Europe and African and Asian in the XIX century in America. Facts have proved that these concerns were wrong. This can be also contradictory. Take the case when immigrants might flee from countries where basic liberties have been denied.
- If a rich country like the US were simply to open the doors, the number of moving from poor country could be overwhelming. Under such conditions, restrictions cold be justified for national security reason.

Borders: Immigration and Territory

Migration and the Original Position (3) -contractualism

Other implication of using the **Original Position argument** with a **global view**:

1. One could not justify restrictions on immigration based on birthplace and parentage because are natural contingencies that are “arbitrary from a moral point of view”.
2. One could not justify restrictions on immigration on the ground that will impair the economic conditions of the current citizens. In the extreme case that immigration would lower the economic condition of the current citizen below the level that immigrant would enjoy if they were not permitted to emigrate, one could argue that a ban to immigration would be more than reasonable. But even in this case a restriction of immigration it would represent a violation of a basic liberty, which is prior with respect to any redistribution principles.
3. The effect of immigration on the particular culture and history of the society is **not a relevant moral consideration** from the Rawlsian point of view so long as there is not a threat to basic liberties. The principle of **perfectionism** (Aristotle, Nietzsche) says that we should organize the society to pursue human excellence (in art, science or culture). Everything must be instrumental to that end (in Athens slavery was justified on this ground). Restrictions on immigration could be justified if we follow a perfectionist approach to preserve the unity and coherence of a culture. Rawls argues that in the original position none would accept any perfectionist standard because one would be willing to risk to forego some liberties (freedom to migrate) for the sake of some of an ideal that might be irrelevant to one's own concern. These consideration apply to any concern to preserve any cultural values or common goods. Communitarians would not agree on that.

Borders: Immigration and Territory

Aliens in the Calculus - utilitarianism

- Utilitarian commitment to moral equality is reflected in the assumption that everyone is count to one and no one for more than one. For example if more immigrants would hurt some citizens economically they might benefit others. But then we have also to consider the benefits of the immigrants and the effects on the people's of the country of provenance. Each individual will count independently of their citizenship. The loss and the gains of the aliens will count just as much. The best immigration policy is the one that maximize the overall economic benefits.
- But economic consequences are not the only one that matter. What about people racial prejudice? Should a white racist's unhappiness enters in the calculation? Some argue that only long term and rational preference should enter in the calculus, others say that any type of preference are legitimate.
- **Although for utilitarian the final answer to limit or not immigration is an empirical issue, we can say that considering that there are million of poor that can gain enormously to move to rich countries, it is hard to believe that the utilitarian calculus which took the interest of aliens would justify limitations on immigration.**

Borders: Immigration and Territory

The Communitarian Challenge

- All the liberal theories with some distinctions arrive to conclusion which are more favorable to immigration than the conventional moral view.
- Michael Walzer treats the question of membership as central to his theory of justice: “States are simply free to take stranger in (or not). For Walzer, exclusion is justified by the right of communities of self-determination. Although this right is constrained by:
 1. We have an obligation to provide aid to others who are in dire need even if we have no bonds with them.
 2. Once people are admitted we must give them the citizenship. Guest workers must receive full membership.
 3. A large country with a lot of land as Australia should open their borders.
- But Walzer’s claim that **cultural distinctiveness** depends on the formal closure is not convincing. We have example of the US States that are very different in the cultural and way of life but they cannot limit immigration between states. That can change the characteristic and the culture of their community, but the right of free migration take the priority. See also Art. 21 of Treaty on the functioning of EU which states the right of freedom of movement within the EU and to enter and reside in any Eu member State.

Borders: Immigration and Territory

The Communitarian Challenge (2)

- But if freedom of movement is so important to override the claims of the local communities or states, on what ground we can restrict freedom of movement across States?
- Walzer draws an analogy from club and states. Clubs can admit or exclude whomever they want. So, too, with states. Walzer misses the fact that there is a deep tension between right to freedom of association and the right to equal treatment. Normally in the private sphere prevails freedom of association and in the public sphere equal treatment. You can choose your friend, but in hiring people you must treat all candidates fairly. So how clubs admit or refuse it does say anything of how states should act.
- One could argue that the requirement of equal treatment applies only to those that are member of the nation-state. Yes, but why should be so?
- What we have observed over time is a tendency of the expansion both of the definition of the public sphere and the requirement of equal treatment. For example, corporation today cannot discriminate people for gender or race in their hiring policy. The same a shopkeeper may no longer exclude black people from his store as they used in the past in the US. **The extension of the right to immigrate reflects the same logic: equal treatment of individual in the public sphere. This enlargement of the public sphere reflect something fundamental about the inner logic of liberalism.**

Borders: Immigration and Territory

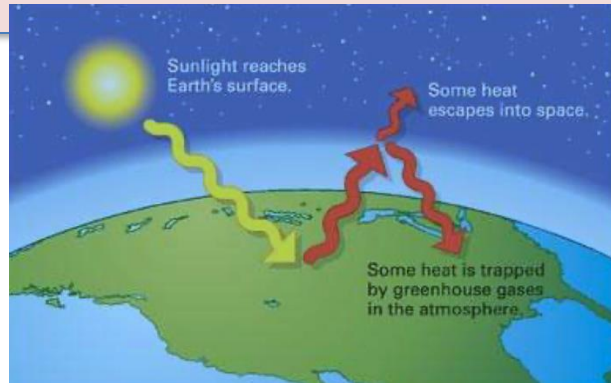
The Communitarian Challenge (3)

- But Walzer is inconsistent and contradictory when he says that the political community is constrained by the principle of justice for admitting guest workers without giving them the chance to become citizens. Why? If states have the right to self-determination why should have that constraint? They could establish second class citizens, for example, which is counter to our liberal democratic principle.
- Any approach that seeks its ground on the tradition or culture must recognize that liberalism itself is part of our culture. The enduring popularity of Rawls and Nozick and the persistence of utilitarianism (see Peter Singer) **shows their ability to communicate to our contemporary understanding** and shared meaning in a language that is embedded and part of our culture. Their individualistic assumptions make sense to us because of our culture, our community and our tradition.
- Although many liberal democratic states implement restrictive policies on immigration there is tension between these policies and our internal moral convictions which are based on the view that we should treat all human being, not just member of our society, as free and equal moral person. The case for open border is deeply rooted in some fundamental values of our liberal community which has its roots in Christianity.
- There is also something more. We are convinced that our community expresses moral views and principles that have universal validity. When Walzer says that a State cannot expel an alien is reflecting these principles. Of course, we should not try to force others to accept this view. But respect for the diversity does not require us to abandon all claims about what other States ought to do. The general case for open borders are deeply rooted in the value of liberal tradition.

CLIMATE CHANGE

Introduction to global warming

- What does it determine the general level of temperature on Earth? The source of terrestrial temperature is solar radiation.
- The Earth absorbs visible and ultraviolet light from the Sun. The Earth re-radiates infrared light up to the atmosphere and the atmosphere absorbs some of this radiation and re-radiates it back to the earth's surface
- The earth re-absorbs this energy with the result that it loses less heat than if there were no atmosphere
- The vast bulk of the atmosphere is made up of nitrogen and oxygen which are transparent both to solar radiations and the Earth's infrared emissions. What make the difference are other gasses which are present in the atmosphere: water vapor, carbon dioxide, methane and many others (GHG). The effects of these gases is to retain the outgoing radiation and so raise the temperature. Without the presence of these gasses , life in the Earth would be impossible. The Earth would be too cold. The effect is parallel to the use of glass in greenhouses; hence the term «green-house effect».
- **In summary, the Greenhouse effect is critical to life on Earth and at the same time a too large Greenhouse effect leads to Global warming.**



Potential Climate Change and its Impact

- Where these gases come from? The water vapor comes from the passage of air over water, carbon dioxide and methane from volcanic eruptions, fires, natural combustion, but also from respiration of animals and humans and from organic waste (Vegetation on the contrary absorb CO₂).
- the pace of combustion has increased since the industrial revolution. The current level of green-house gasses is 410 parts per million (ppm) compared with 280 ppm before the industrial revolution. With the present growing the level could reach 550 ppm by 2035 with a rise of temperature of 2° centigrade. A continuation of «business as usual» could lead with 50% chance to an increase of 5° by the end of the century.
- The EU has introduced in 2019 the European Green Deal with the goal to achieved net-zero GHG by 2050, but Europe represents less than 10% of the total emissions. Is necessary a Global Green Deal.
- The full consequences of climate change are not well-know, but many effects are quite foreseeable:
 - Bad implications for agriculture especially in heavily populated tropical regions.
 - Rise in sea-level which will wipe out the small island countries and costal towns forcing million of people to migrate.
 - The rise could be catastrophically rather than gradual if Greenland and West Antartic melt and collapse.
 - Reversing of the Gulf Stream could cause climate in Europe to resemble that of Greenland.
 - Tropical storms would become more severe causing famine and drought.
 - Glaciers will disappear and with them valuable water supply.
 - The poorest economies will be the most affected, thus increasing inequality and extreme poverty.

Cost–Benefit Analysis

- Today the source of 65% of the gasses is the use of energy; the remainder arises from waste, agriculture and land use. A behavioral change and new investments are required to mitigate the problem:
 - Shifting to fuels which have a higher ratio of useful energy to carbon emissions;
 - Developing technology which uses less energy per unit of output;
 - Shifting demand to products with lower energy intensity;
 - Planting trees and reducing deforestation
 - See for further details the Abatement cost curve (McKinsey).
- Reducing emission is very valuable to humanity in the distant future;
- **Global Climate Change is a public good (bad) *par excellence***

The Problem of Collective Action (Tragedy of commons again)

- Problems in defining **property rights** are often a fundamental obstacle to market-based solutions. The so-called *public goods*, are an example. These goods are both *nonexcludable*—whoever produces or maintains the public good, even at a cost, cannot prevent other people from enjoying its benefits—and *nonrival*—consumption by one individual does not reduce the opportunity for others to consume it.
- The public good problem is especially notable in environmental economics, which largely deals with analyzing and finding solutions to externality-related issues. Clean air, clean water, biodiversity, and a sustainable stock of fish in the open sea are largely nonrival and nonexcludable goods. They are free goods, produced by nature and available to everybody. **They are subject to no well-defined property rights.** As a result, households and firms do not place enough value on these public goods, and efficient market outcomes through bargaining typically are not feasible. In other words, environmental issues often face a collective action problem.

Benefit-Cost Analysis

- Benefit-cost analysis is a principal tool to solve *public goods* issues together with the intervention of a public authority.
- The benefit from mitigation of greenhouse gasses are the avoided damages.
- Two aspects of the benefit-cost calculation are critical: a) allowances for uncertainty and related behavioral effects reflecting risk uncertainty; b) how to discount the future.
- **At what rate should we discount the expected damages or benefit of the future generations?**

$$\delta = \rho + g\eta$$

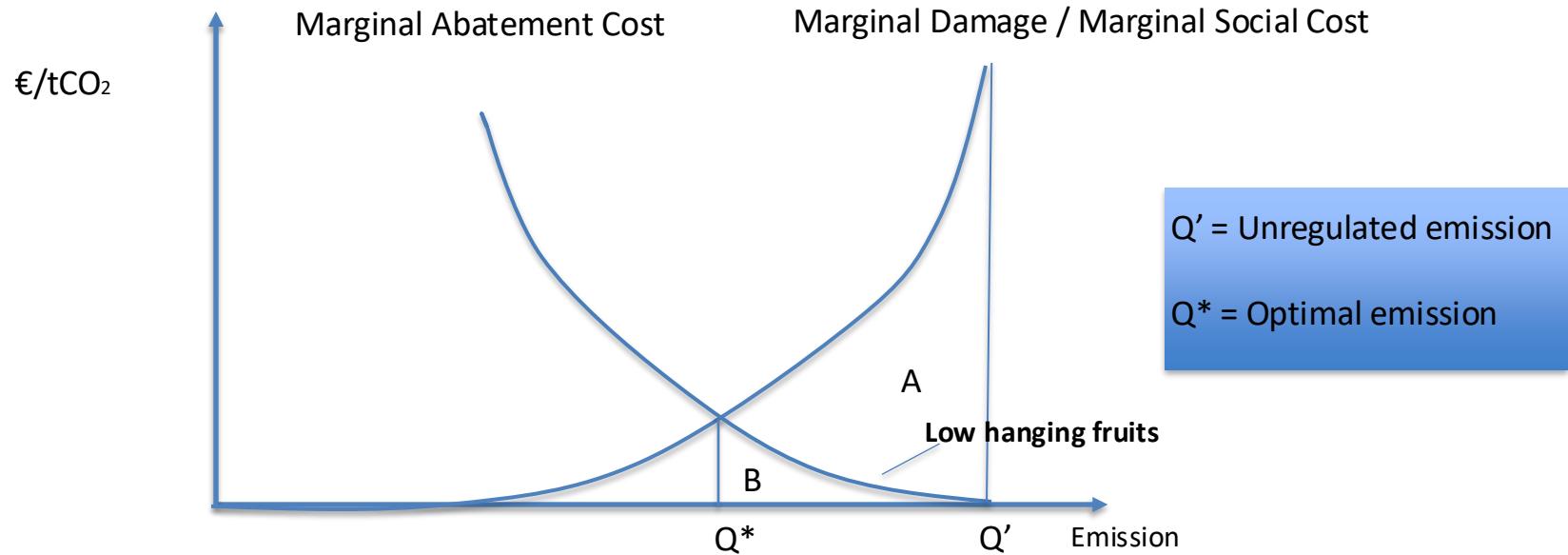
The consumption discount rate, δ , can be expressed by the following simple formula $\delta = \rho + g\eta$ where ρ is the social rate of time preference, g is the projected growth rate of average consumption, and η is the elasticity of the social weight attributed to a change in consumption. The parameter η in the second term accounts for the possibility that, as consumption grows, the marginal unit of consumption may be considered as having less social value. It is analogous to the idea of diminishing marginal private utility of private consumption and should be between 2 and 3. ρ which is the social rate of time preference is more controversial. The philosopher Derek Parfit and other economists argue that should be zero.

«Suppose we are considering how to dispose safely of the radio-active matter called nuclear waste. If we believe in the Social Discount Rate, we shall be concerned with safety only in the nearer future. We shall not be troubled by the fact that some nuclear waste will be radio-active for thousands of years. At a discount rate of five per cent, one death next year counts for more than a billion deaths in 500 years. On this view, catastrophes in the further future can now be regarded as morally trivial. As this case suggests, the Social Discount Rate is indefensible.» D. Parfit

Cost-benefit Analysis

Efficient Emission Control

A simple model



Total Benefit = A + B.

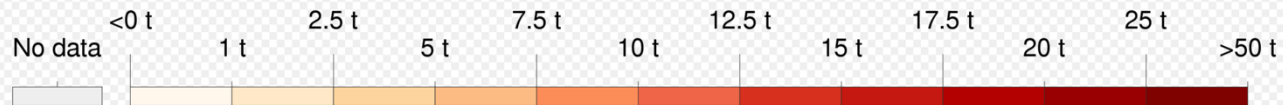
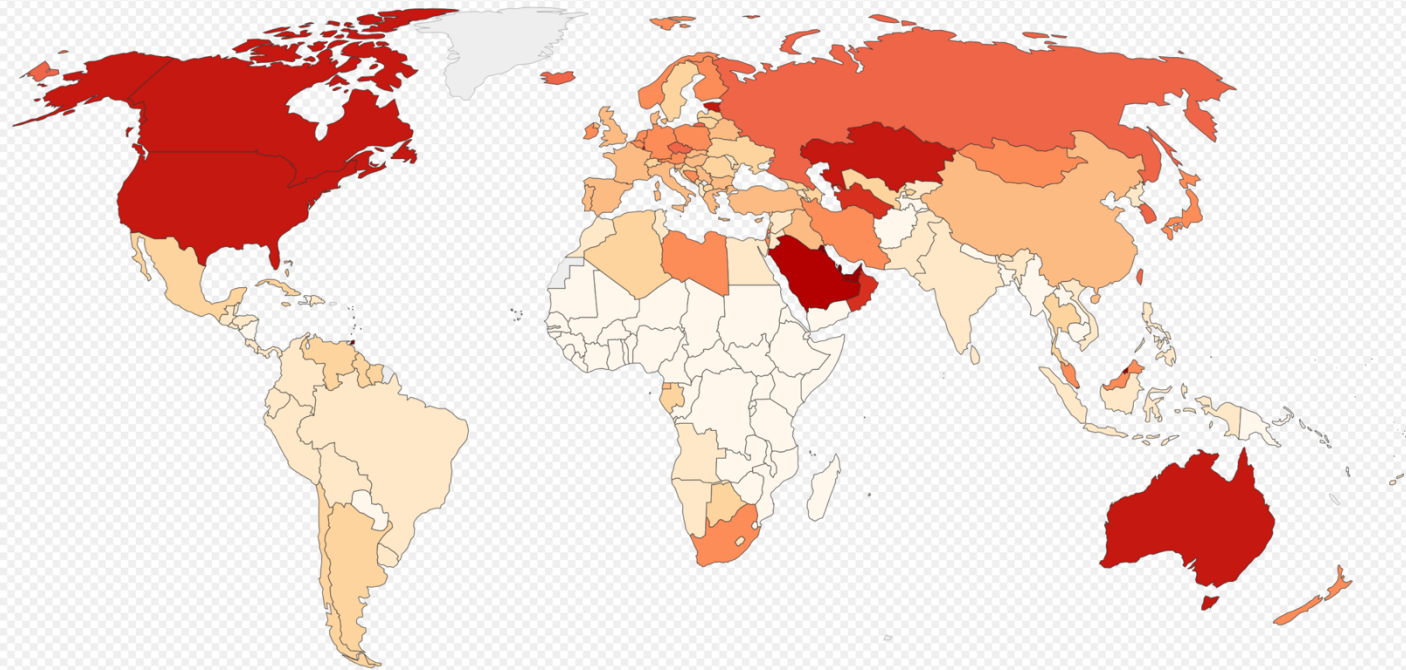
Total Cost = B

Net Benefit = Total Benefit – Total Cost = A

CO₂ emissions per capita, 2017

Average carbon dioxide (CO₂) emissions per capita measured in tonnes per year.

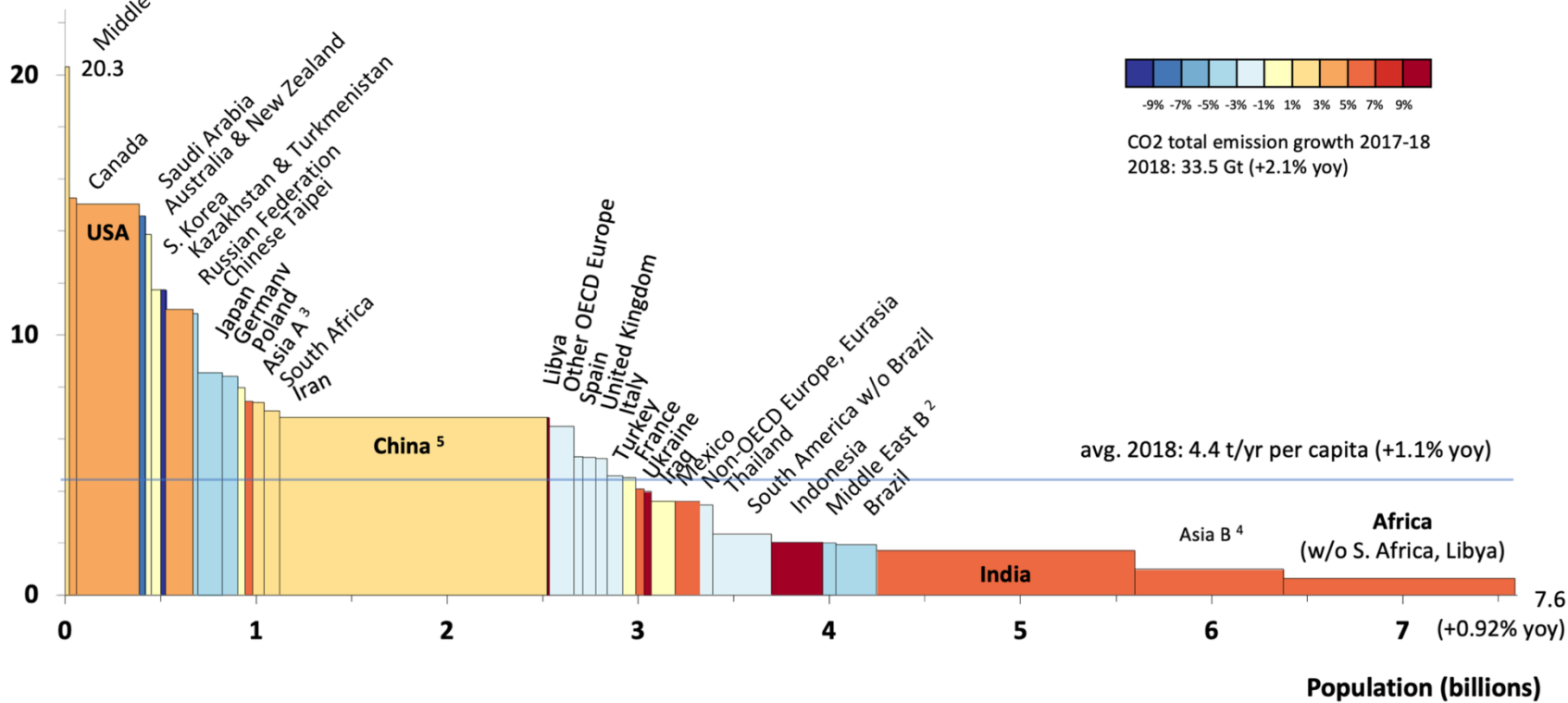
Our World
in Data



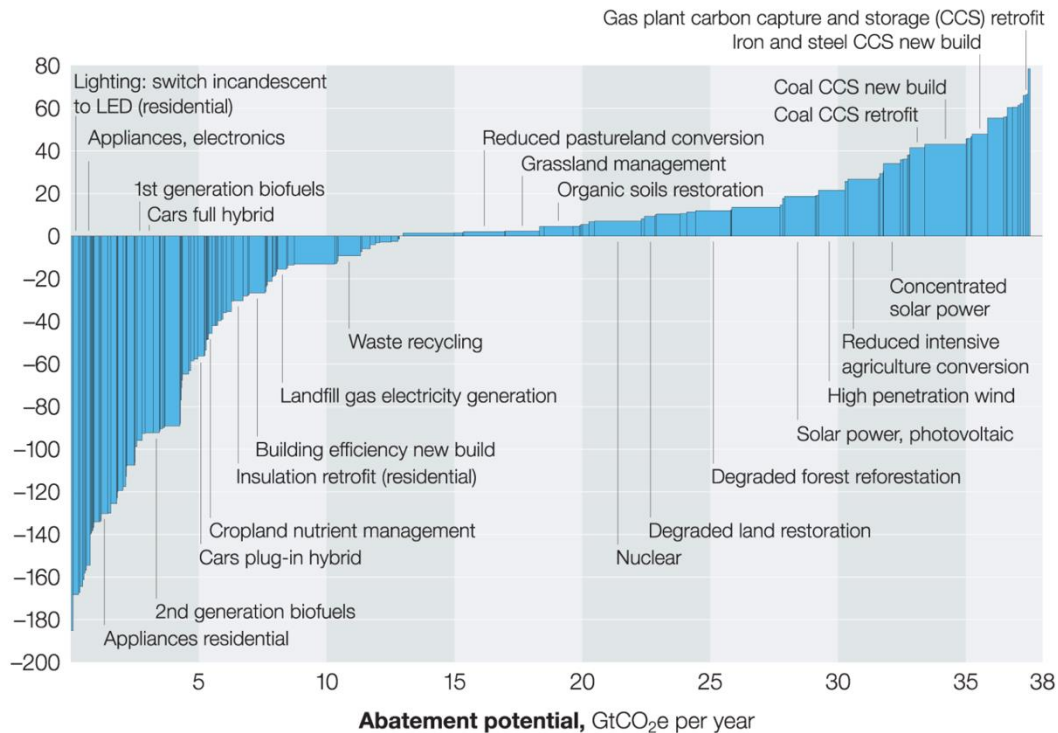
Source: OWID based on CDIAC; Global Carbon Project; Gapminder & UN

CO₂ emissions
per capita
(t/year)

Worldwide CO₂ Emissions (2018; by region; per capita; growth)



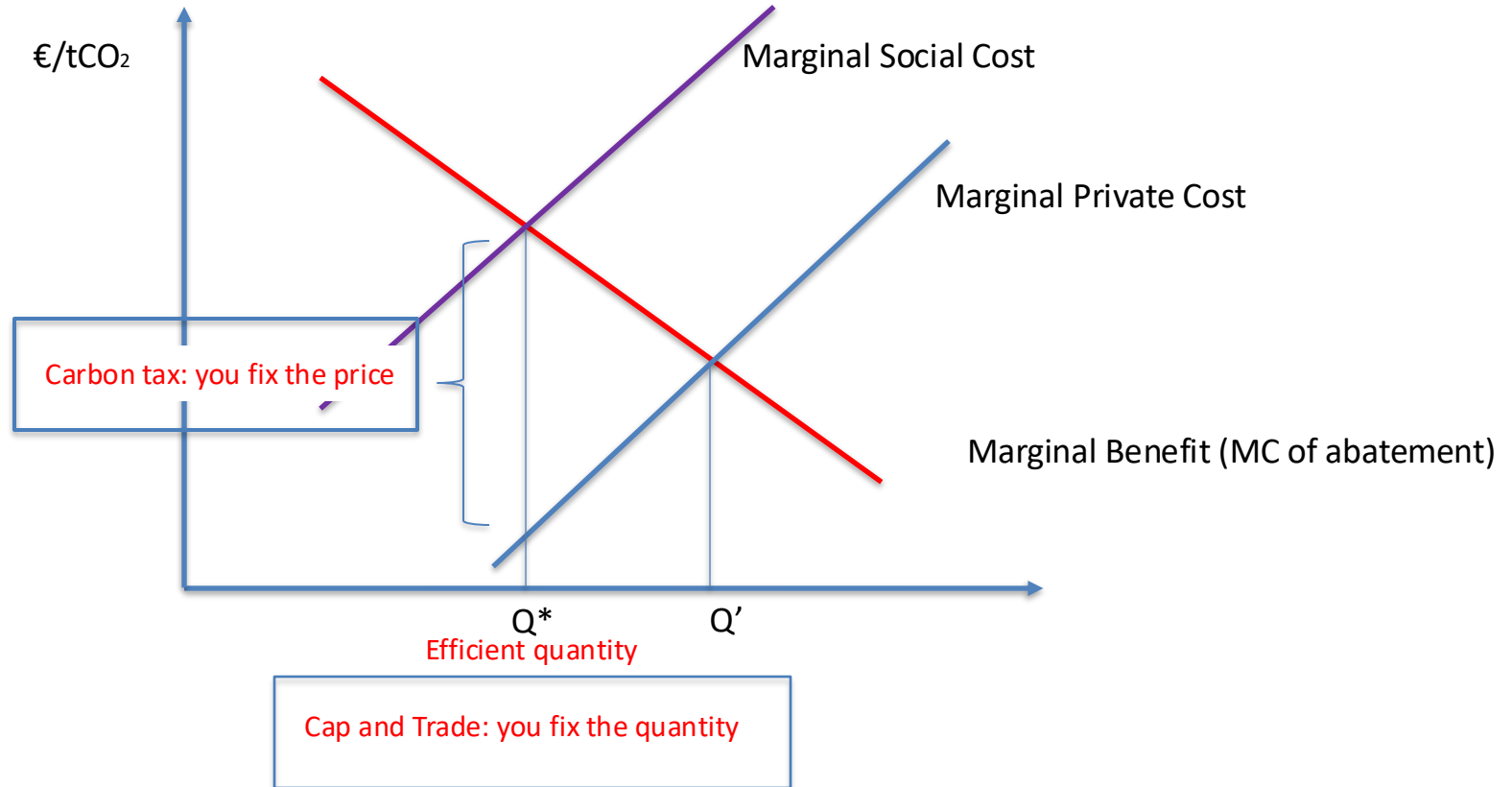
Abatement cost, € per tCO₂e



Note: The curve presents an estimate of the maximum potential of all technical GHG abatement measures below €80 per tCO₂e if each lever was pursued aggressively. It is not a forecast of what role different abatement measures and technologies will play.

McKinsey&Company | Source: McKinsey Global GHG Abatement Cost Curve v2.1

Cap and Trade vs. Carbon Tax



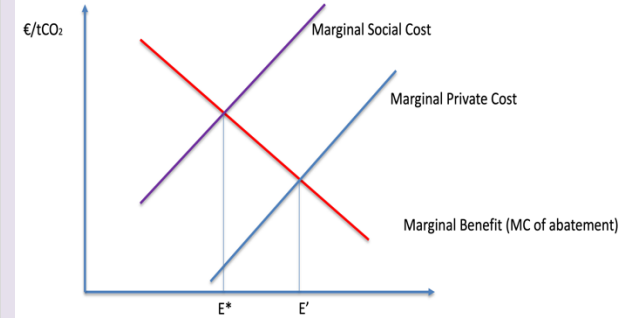
Cap and Trade vs. Carbon Tax

Cap and Trade

- Scientists fix the quantity of permissible emissions
 - Quantity can be adjusted if the costs of abatement changes
 - We create a unit of exchange that can be traded in the international market
 - We can raise revenues if the emission permits are auctioned
- ***
- If we do not auction, how do we determine the initial allocation?
 - Potential issues with allocation (corruption?)
 - Need to set up a market
 - Difficulties to set up a market for private people (personal vehicles, home heaters, et.)

Carbon Tax

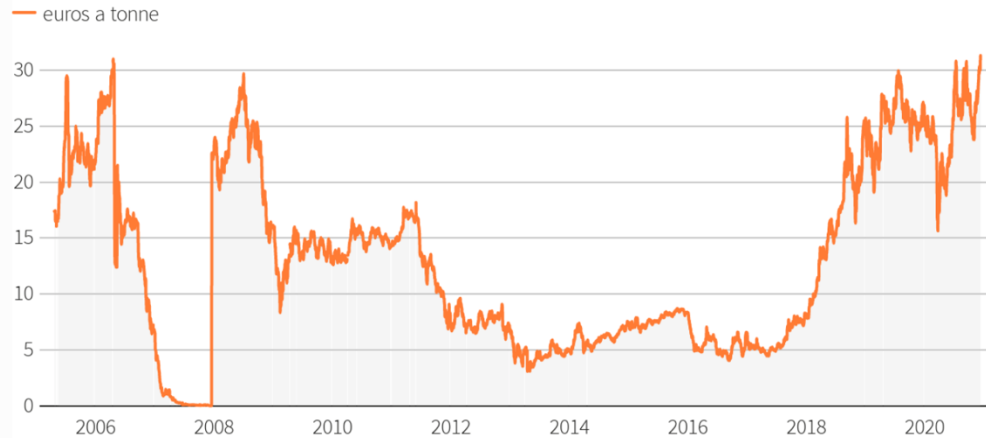
- It is simple: you fix the price with the tax
 - Avoid the volatility of the emission permits market
 - You can raise a large amount of money
- ***
- You don't really cap the emission. That means that you need to calculate correctly the required tax to achieve the emission target.
 - Carbon tax are regressive. They have greater impact on the poorest segment of the society.



EU Emission Trading System (EU ETS)

- The **EU ETS works** on the 'cap and **trade**' principle.
- operates in all EU countries plus Iceland, Liechtenstein and Norway
- limits emissions from more than **10,000 heavy energy-using installations** (power stations & industrial plants) and **airlines** operating between these countries
- covers around **40%** of the EU's greenhouse gas emissions.
- Set up in 2005, the EU ETS is the **world's first** international emissions trading system.
- The EU ETS is also inspiring the development of emissions trading in other countries and regions. The EU aims to link the EU ETS with other compatible systems.

EU carbon price rises to all-time high



Note:

Distributing the burden of the mitigation policies for reducing the climate change

- One point of contention in international climate talks is the matter of how to distribute the global responsibility to cap total global CO₂ and other GHGs among individual states. Emission reductions are necessary. The question is how can we share the opportunity costs of economic development and growth. How can we allocate fairly the burden of emission reduction? The duty to control climate change is ultimately something we in the present owe to the future people. How should this generation responsibility should be divided among the members of the present generation within an agreement of emission reduction?
- At the 2015 Paris Climate Conference the leaders of the two largest developing countries, China and India, acknowledged the necessity to reduce carbon emissions but made clear that it should not be denied the legitimate needs of developing countries to reduce poverty and improving their people's living standard. Underlined these remarks is the principle known as the "Principle of Common but differentiated Responsibility".
- The question is: how should the right of the poorer countries to economic development be balanced against the duty of climate change justice to reduce carbon emission? The American philosopher Henry Shue, for example, who defend the basic right to subsistence make the important distinction between subsistence and luxury emissions. The idea here is that people should have a presumptive right to engage in carbon emission to some extent in the name of the right to subsistence. On the other hand, richer countries should have the "privilege to emit carbon emission" to be strongly limited. How are we going to draw the line between luxury and subsistence? In rich countries what it look like from the point of a view of a poorer country a luxury consumption it might well be a subsistence consumption. The general question is to find a general rule to distinguish between permissible and unnecessary emissions.

GRANDFATHERING

- There is a notable divide between the allocations of emission rights selected by political actors on the one hand, and the allocations defended by political theorists and applied philosophers on the other. This divide is largely explicable in terms of grandfathering, the view that **prior emissions increase entitlements to future emissions**. Grandfathering was employed to assign emission reduction in Kyoto Protocol. The obligation of parties are expressed as percent reduction below the baseline year of 1990. The reduction of Copenhagen Accord are measured against a number of baseline years. Eu's baseline is 1990; Canada's and US's were 2005; Australia's is 2000.
- One reason that grandfathering matters morally is that in the context of rising emissions the baseline year determines the total reduction commitment. The later the index year—the closer it is to the present—the less the state will be required to reduce from present levels.
- A more fundamental moral issue with the practice of grandfathering is that in effect it gives states an entitlement to some of their historic emissions. The prevalence of grandfathering is probably due to a sense of entitlement that states bring to international negotiations. This might suggest that the practice of grandfathering has a certain pragmatic value in making an agreement possible.
- If the atmosphere is a good owned in common, past appropriation established an entitlement for continued use on the basis of the doctrine of adverse possession in property law (usucapio). Problematic. Before the relationship between GHG and climate change was understood, the carbon emission would not have been considered as an appropriation. After the relationship was understood, carbon emissions were perceived as a problem.

GRANDFATHERING (2)

- Even if a property right to emission on the basis of past practices exists, there might be other important aims like permitting sustainable development to poor countries that **override that right**.
- The goal of development is to eradicate poverty; this requires economic growth which, in turn, requires growth in energy consumption; and, when cheap fossil fuels are used, a by-product of energy consumption is carbon emissions.
- In order for poverty eradicating development to occur in a sustainable context, developed states will have either to make especially deep cuts in their emissions to allow emissions growth in the developing world or to transfer resources, technology and intellectual property so that economic growth can be achieved without growth in emissions.

Distributing the burden of the mitigation policies for reducing the climate change

- **EQUAL PER CAPITA EMISSIONS**
- **THE POLLUTER PAYS PRINCIPLE**
- **THE BENEFICIARY PAYS PRINCIPLE**
- **THE ABILITY TO PAY PRINCIPLE**

EQUAL PER CAPITA EMISSIONS

- The biggest absolute emissions come from **China** and the **United States**. In terms of CO₂ emissions per capita, **China** is ranked only 47th, at 7.5 metric tons per capita. The **US** is ranked 11th at 16.5 per capita and amongst countries with sizeable populations, has the highest CO₂ emissions per capita.
- A view that has garnered some support both from international NGOs and some moral and political philosophers (Peter Singer) holds that each person has an equal entitlement to emit CO₂ and that an emissions reduction regime can honor that by distributing the overall allowed emission on an **equal per capita**.
- The proposal appear attractive because sounds something like the equal rights of individual to emit GHGs. For example, following this approach the US, Canada and Australia will have to reduce substantially the emission and China and to more extent India could continue to emit and so support their development.
- However, this view has been criticized, and not only by those who reject egalitarianism, on three grounds. First as an account of justice it focuses exclusively on the distribution of resource. But in doing so, it fetishizes the resource distributed; those who care about human equality do not care ultimately about equal resources. Second, it is insensitive to different human needs that might require differential emissions to satisfy important needs (sustainable development in poor countries). And third, it is implausibly indifferent to past emissions.
- According to IPCC (Intergovernmental Panel on Climate Change) limiting mean global warming to 2 °C requires that global emissions in 2030 be 50-85% below 2000 level. In 2050 world population will be around 9 billion. To keep global warming within the threshold of 2° C it would requires to have per capita emission within 0.4 to 1.33 metric tons per capita. Today of the 91 countries in the tophalf of the Human Development Index only Albania and Peru have carbon emission in this range. This target could be still too harsh on a number of developing countries.
- An international emissions entitlement trading arrangement (Cap and Trade) could provide some relief from the constraints on human development imposed by the equal per capita requirement.

THE POLLUTER PAY PRINCIPLE

- The **polluter-pays-principle** says: those who pollute should pay in proportion to their contribution to the overall pollution problem. The principle can be defended on fault or not-fault grounds. In order for an agent to be at fault typically at least three conditions must be satisfied: (1) causation; (2) voluntariness; and (3) knowledge. Fault conceptions of responsibility are in some ways analogous to retributive accounts of punishment.
- The fault argument present some problems. First, because of the long life of the molecules of CO₂, much of emissions was done by people who are now dead. Second, among the still-living, many fail to meet the knowledge condition. General knowledge that greenhouse gasses produces climate change is relatively new (1990). This leaves responsibilities for earlier emissions unassigned. Assigning fault to States will not solve the problem. The costs will be shifted to citizens through taxation, but many citizens were not born before 1990. They will end up paying taxes for emissions that they cannot be personally at fault for. Should the current generation pay for the wrongdoing of their fathers?
- No-fault conceptions of responsibility simply deny the necessity of at least one of the three conditions for assigning responsibility on the basis of fault. For example, **strict liability** holds that you are responsible if you caused the problem regardless you acted with knowledge. **Strict liability** applies with respect to activities that are dangerous to human health and when agent can be put beforehand that they will be held responsible for negative effects. It doesn't seem that apply in this context.

THE BENEFICIARY PAYS PRINCIPLE

- **Beneficiary responsibility** is a second non-fault conception of responsibility which jettisons the requirement of causation. Person living in industrialized countries benefit of high standard of living because of past emissions. Although it is hard to argue that they are responsible or caused the carbon emissions, they might acknowledge the benefit received and be willing to pay for that. It can be argued that the past polluting activities in Britain gave its economy a significant head start that continues to advantage today Britain citizens. It is the fact that current benefit is what matters that put the weight of responsibility on their society.
- So unlike PPP there is no issue here of unfairly passing the burden of repair from the guilty to the innocent and there is no issue of unfairly pinning wrongdoing on a subject who lacked the knowledge of the consequences of his action.
- But there is issue of measuring the benefits. For example, a country can benefit from economic growth but lose in terms of clean air and good environment? Is a country like Switzerland which benefit from banking activities be considered responsible for pollution?
- Some argue that BPP is quite appealing because one who benefits from an injustice must pay. It is the benefitting from an injustice or some harmful arrangement that is normally relevant. Someone gains from an arrangement that is at expense of others.

ABILITY TO PAY PRINCIPLE

- Polluter Pays Principle and Beneficiary Pays principles assign greater responsibility to richer countries and impose laxer restrictions on developing countries. This because the rich countries have historically emitted more GHGs or they have historically benefitted more.
- The ability-to-pay principle targets richer countries without invoking past faults or present benefits. The fact the rich countries have emitted more is only coincidental what matter is the agent's capacity to pay.
- Theories of global justice that condemn either severe poverty or deep inequalities between people around the world might be enlisted to support the fairness of an ability-to-pay-principle. For example, utilitarianism whose ultimate moral objective is to maximize overall global utility or well-being, it would require to put the burden to reduce the emission to the richer countries, while permitting the poorer countries to emit more in order to take themselves out of poverty.
- Also, a globalist contractual approach of Rawls-type would sustain the APP. A cooperative social order should be arranged such that resulting inequalities are to the best advantage of the worst-class . It follows that the best the better-positioned ought to take care of the greater share of of the responsibility of global justice. The worst off are prioritized not because this improve overall welfare but because this can be mutually agreed in the original position.
- There is a debate if the global order can be considered a cooperative scheme, but if we take that climate change require international cooperation , then the preferred cooperative scheme requires that poorer countries get special priority.

ABILITY PAY PRINCIPLE (2)

- It is an open question if the responsibility on the basis of the ability to pay should be assigned to States or individuals. International climate change regulatory regime will be negotiated between States. It seems difficult to work out the international institutions for holding the individual responsible .
- One worry about fairness is that a consequence of assigning responsibility to States is that wealthy people in poor states will carry a less heavy burden simply because they live in a poor State. But if the idea of responsibility includes the idea that developed states are to carry a heavier burden so that other states may pursue development, then this worry is mitigated since the idea is not that the wealthy people should relieve the burdens of the poor, but that a society should not unreasonably hampered in the pursuit of development, a process that seems to require significant social stratification in any case. There is however a potential moral cost in assigning responsibility to States.