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International Luck Egalitarianism: A Legislative Approach

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INTERNATIONAL LUCK EGALITARIANISM: A LEGISLATIVE APPROACH

by

GABRIEL ROGASNER

Under the Direction of Andrew Altman

ABSTRACT

If morally arbitrary features (that is, blind brute luck) should have no impact on the distribution of wealth, then the vast inequality and the disparity in life prospects between countries is a moral catastrophe; birthplace is completely based on luck, and yet has an enormous impact on life prospects. I contend that those in affluent countries, who have benefited from the luck of birthplace, ought to work towards a more egalitarian world, in which luck plays as little a role in life prospects as possible.

INDEX WORDS: Luck egalitarianism, Global poverty, Cosmopolitanism, Elizabeth Anderson, Thomas Pogge

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GABRIEL ROGASNER

A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

Master of Arts

in the College of Arts and Sciences

Georgia State University

2012

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2012

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College of Arts and Sciences

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May 2012

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1. **Introduction**

This thesis is intended to be a partial defense of ideal luck egalitarianism and a discussion of how state legislators should act in regard to global inequality. I argue that the central idea of luck egalitarianism – namely, that the place of one's birth should not have extensive effects on one's life prospects because it is morally arbitrary – can act as a guide for actual legislation. I defend luck egalitarianism against its detractors; first, against Elizabeth Anderson's arguments that luck egalitarianism is morally misguided, and second, against the practical claims that it is unworkable without a very unlikely increase in international cooperation or that it is too costly to implement. I respond to the practical issues by claiming they are not as insurmountable as they first appear, because countries can actually achieve far more without international cooperation than is usually conceded, if their legislators act as if they are aiming towards a goal of international egalitarianism.

After defending luck egalitarianism from objections, I lay out why luck egalitarianism can serve as a full moral ground for international redistribution, or can at least serve usefully in conjunction with other grounds. Finally, I put forward my positive thesis, that legislators of individual states (and, of course, of multi-state conglomerates like the EU) should use its principles as a guide for legislation. Since my ultimate proposal is going to be non-ideal theory, I will not argue for anything like a large scale redistribution of wealth; rather, the argument is about what legislators should be doing to help get us from the current state of affairs to a more just state of affairs. I take up Pogge's line of argument that these matters are not matters of charity, but of justice: distributive justice, because the inequalities are in the first place morally arbitrary, and redistributive justice, because these morally arbitrary inequalities are further

complicated by a global framework that exploits weaker and poorer countries.

2. **Luck Egalitarianism Defined and Defended: Does Desert Matter?**

Luck egalitarianism is in large part a commitment to the belief that "the fundamental aim of equality is to compensate people for undeserved bad luck,"[1] so that morally arbitrary factors over which one has no control, such as one's intelligence or parents, should not determine one's life prospects.[2] From this premise, it is a short trip to derive the conclusion that good luck is also undeserved. And if both good and bad luck are undeserved, it is another short trip to the principle that the results that come from such morally arbitrary luck are also undeserved. International luck egalitarianism (or ILE) is a commitment to the belief that the greatest source of "undeserved bad luck" is the place of one's birth. Given that I had no control over the fact that I was born in America, and Somalians had no control over the fact they were born in Somalia, I clearly do not deserve the favorable results of my birth compared to the unfavorable results of their birth. Given that the positive results of good luck and the negative results of bad luck are undeserved, an international luck egalitarian might make the strong claim that these undeserved results should be redistributed (perhaps *equally* redistributed) between the lucky and the unlucky. I will not ultimately argue for the strong claim of equal redistribution, rather I will argue that redistribution to the point of equality is the ideal situation that we should be attempting to work toward.

It seems that to argue against the luck egalitarian position that the results of luck should

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1 Elizabeth Anderson, "What Is the Point of Equality?" Ethics Vol. 109, No. 2 (Jan 1999). University of Chicago Press. Pg 288.

2 As G.A. Cohen, who is noted as first articulating this position, writes it, in the introduction of Rescuing Justice & Equality, "…an unequal distribution whose inequality cannot be vindicated by some choice or fault or desert on the part of (some of) the relevant affected agents is unfair, and therefore, *pro tanto*, unjust, and… nothing can remove that particular injustice."

be redistributed in some way, there are logically only two possibilities; one must either argue that inequalities due to luck are in fact deserved, or one can accept that they are undeserved but then argue that they should still not be equalized. The first may work against some versions of domestic luck egalitarianism (DLE), which is the principle that the results of luck between people within one country should be equalized, but one would be hard pressed to argue that inequalities between one who is born into America and one who is born into Somalia are deserved. So I will be focusing on countering objections that the results of differences in luck should not be equalized.

First, though, I must address the question of how much desert actually matters in questions of justice. That is, the claims of ILE – at least the version that I will be arguing for – are based on the belief that the differences in life prospects between people in different countries are undeserved; if we are grounding claims of distribution and redistribution on the concept that differences are undeserved, this necessarily implies that the concept of desert is the most important consideration in distribution of resources, which is itself a controversial notion: if one believes that desert is not the primary consideration in the distribution of resources, then the charge that differences in distributions are undeserved would carry less weight than I need it to.

The usual notion of someone deserving something is that if one performs a "good" action, one deserves that good consequences result from it, and if one performs a "bad" action, one deserves that negative consequences result. One of the major criticisms of DLE is that it places too much emphasis on desert and not enough on what is owed to people simply in recognition of their status as human beings. ILE, on the other hand, avoids this issue entirely because I am using a different sense of the word "deserve," and I will use it to illustrate the major differences

between DLE and ILE.

Proponents of DLE argue that, within a particular political unit (usually a country) the distribution of resources between members of this region should not be influenced by luck. This is a very intuitive starting point, but it immediately brings up some extremely thorny issues: in particular, what counts as being influenced by luck, and once we have identified luck-influenced distributions, what do we do about them? Indeed, when looking at an average industrialized nation, it seems that a plausible argument can be made that nearly all current disparities in distribution arise in large part from luck. Good genetics, natural intelligence, good parenting, a stable home life, family wealth, even character traits like curiosity and the ability to network well, all of these make one more likely to end up with a larger share of resources, and all seem to be either largely luck-dependent, such as character traits, or *entirely* luck-dependent, such as circumstances of birth. If I am born with low intelligence to a poor single mother, I certainly did nothing to *deserve* the fact that I am likely to earn less than someone who is born to rich Harvard graduates, and yet the fact remains.

There are two grounds of "desert"[3] that are relevant here, though, what I am going to call the action-based ground and the need-based ground. The first, the action-based ground, is that desert is some sort of recompense for moral or immoral behavior – if someone does something good, such as charity work, this good work is grounds for the person deserving reward, such as the praise that accompanies it, and if someone does something bad, such as committing theft, they deserve punishment, such as a fine or imprisonment. The second ground, the need-based ground, is what everyone deserves based not on their actions but on their being members of

3 I am using "desert" here to mean something like "what people are entitled to or owed."

humankind. The action-based ground of desert, then, is much thicker than the need-based ground, as it entails notions of free will, autonomy, justice, etc. The need-based ground, on the other hand, involves only desert that has not been chosen in any way; when we say everyone deserves access to clean water, we do not mean that everyone has done something praiseworthy that has entitled them to be morally worthy of having access to clean water, we mean instead that there are some basic necessities that people should be entitled to simply by virtue of their status as human beings; their being humans is sufficient grounds for their being entitled to these necessities, without any other consideration being necessary.[4] Much of the controversy of DLE – as we will see in much greater depth in the next section – centers around the action-based sense of desert, particularly the question of how to decide which choices one makes are truly praiseworthy or blameworthy. This notion of desert is steeped in controversy; the next section will explain why ILE avoids such controversy.

3. **The Resistance of ILE to Elizabeth Anderson's Criticism of DLE**

Elizabeth Anderson's essay "What Is the Point of Equality?" is an attempt to refute many versions of domestic luck egalitarianism. There are precious few attempts in the literature to specifically refute ILE, so I will take a slightly different tack; my goal for this section is to show that Anderson's arguments, which may successfully refute some versions of DLE, do not successfully refute ILE[5]. Interestingly, the underlying principle of her criticism is that current

[4] A libertarian would likely respond here that they simply reject that there are positive duties sufficient to ground so strong an entitlement, to which I respond that this theory is simply not for that person. The goals of this thesis are somewhat more modest than attempting to convince libertarians to give up their beliefs; rather, I am laying out what ILE implies for those who agree with its assumptions. One who rejects its premises will, obviously, remain unconvinced, as is usual in the case of premise-denying.

5 I am aware that she had no intention of trying to refute ILE, so I am not implying that her goal was to refute ILE

writers on egalitarianism have lost focus of its purpose, in response to which she writes, "What has happened to the concerns of the politically oppressed... the proper negative aim of egalitarian justice is not to eliminate the impact of brute luck from human affairs, but to end oppression... the proper positive aim is not to ensure that everyone gets what they morally deserve, but to create a community in which people stand in relations of equality to others"[6]; considering that political oppression and lack of political equality is often a cause and a result of global poverty and international distributive inequality, this suggests that Anderson herself might support the goals of ILE for the very reasons she argues against much of DLE.

The main thesis of Anderson's paper is that "[DLE]... fails the most fundamental test any egalitarian theory must meet: that its principles express equal respect and concern for all citizens" for three reasons:

1) it "excludes some citizens from enjoying the social conditions of freedom on the spurious ground that it's their fault for losing them,"

2) "its principles express contemptuous pity for those the state stamps as sadly inferior,"

3) "in attempting to ensure that people take responsibility for their choices, [DLE] makes demeaning and intrusive judgments of people's capacities to exercise responsibility and effectively dictates to them the appropriate uses of their freedom."[7]

I intend to show that none of these three criticisms apply to ILE, and then I will argue that, of all possible distributive schemes in the international sphere, *only* ILE expresses equal respect and concern for all citizens.

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and she failed. I will not be addressing the question of whether she succeeds in refuting DLE, my only concern is to show that the arguments cannot carry over to ILE.

6 Anderson, "What Is the Point of Equality?" Pg 288.

7 Ibid, pg 289.

The first criticism turns on a distinction made by adherents of DLE between what they call option luck and brute luck. One LE thesis is that inequalities should only exist if they are deserved, so much of the work done in LE is in fleshing out exactly what inequalities are deserved and which are undeserved. Consistent with the name, the usual stance is that inequalities that arise from choice are justified, while those that arise by chance are unjustified. So someone who is poor because she put all of her money into an investment that failed is poor because of a choice she made (option luck) and this is justified, but someone who is poor because he is born into an extremely poor family is poor because of something beyond his control and over which he had no choice (brute luck), and this is unjustified. Anderson proposes a litany of counter-examples to the distinction, for example by LE a driver at fault in an accident "has no claim of justice to continued medical care," and "If the faulty driver survives, but is disabled as a result, society has no obligation to accommodate his disability." She continues, "[this] view effectively limits disaster relief to only those citizens who reside in certain portions of the country," those portions not likely to experience disasters.[8] Additionally, people in dangerous occupations would have no claim to publicly subsidized medical care, and dependent caretakers would be treated unequally.[9] In other words, she charges that this distinction between brute luck and option luck is not actually as just as it appears at first glance, and its emphasis on being unconcerned with the results of option luck leads to outcomes that most of us would be uncomfortable with.

Whether this criticism applies to DLE, though, proponents of ILE would say that there is no (or very little) option luck in the international realm, at least as far as distributive justice is

8 Ibid., p. 296
9 Ibid., p. 297

concerned. While it may be that some degree of option luck causes some inequalities *within* a country, it is almost entirely the brute luck of birth country that causes inequalities *between* citizens of different countries, and the influence of the brute luck is far, far larger. In the poorest countries, which are largely the focus of non-ideal ILE, there is so little education and so little money that one's entire prospects in life are determined by the bad luck of one's birth country.[10] Option luck does not even enter into the equation, because the effects of brute luck dwarf all other considerations. Thus, the criticism that DLE does not properly handle justice with regard to option luck does not apply to ILE; the results of option luck are so inconsequential that it simply does not matter how ILE handles it. To put it another way, DLE is concerned with the distinction between brute and option luck, because both are important domestically, and Anderson criticizes how DLE handles option luck, but internationally only brute luck is important, and ILE is only concerned with equalizing the results of brute luck, so the criticism is simply circumvented.

Anderson's second criticism of LE is that when it does focus on brute luck, it does so in a way that shows contemptuous pity for its victims. The premise that she is using here is that "pity is incompatible with respecting the dignity of others. To base rewards on considerations of pity is to fail to follow principles of distributive justice that show equal respect for all citizens."[11] She highlights her point with a satirical hypothetical letter from a "State Equality Board" to the unlucky: "To the stupid and untalented: Unfortunately, other people don't value what little you have to offer in the system of production... We productive ones will make it up to you: we'll let you share in the bounty of what we have produced with our vastly superior and highly valued

10 I will not expound upon the statistics of the astounding poverty and inequality in the world, I assume any reader is already aware enough of the severity of global poverty without myself repeating it

11 Ibid., p. 306

abilities."[12] She charges the problem is even worse than that, because redistribution based on inferior native endowments would "require citizens to display evidence of personal inferiority in order to get aid from the state [and would] reduce them to groveling for support."[13]

Again, though, none of these criticisms apply to ILE. The redistribution from richer to poorer states does not at all imply that there is something inferior about the people in the poorer states, like redistribution from the intelligent to the unintelligent within a state might imply that there is something inferior about the unintelligent. The hypothetical letter from the International Equality Board to the people in the poorer state would read something like "To the citizens of this country: Unfortunately, you were uncontrollably born into a country with few life prospects. We, the citizens of countries with better life prospects, will make it up to you: we'll let you share in the bounty of what we have produced with the life prospects we inherited from the accident of our birth." The compassion expressed here is sympathetic and genuine, rather than contemptuous; it is based on the right egalitarian reasons. It arises *from* concerns of equal respect and dignity, namely, the concern for the equal respect and dignity of all people as human beings who have been unfairly given life prospects that they do not deserve and that can be remedied. In a more egalitarian world order, these countries would not need to display evidence of their inferiority or to grovel for support, as their woefully low per-capita GDP, literacy rates, corruption indexes, and other objective measurements of life prospects would give all the evidence needed. Again, Anderson seems like she herself would agree that ILE could not be subjected to her arguments, because she writes "Compassion is based on an awareness of

12 Ibid., p. 305
13 Ibid.

suffering... ”[14] It is precisely the awareness of suffering, coupled with the observation that this suffering is morally arbitrary and unjustified, that motivates ILE.

The third part of Anderson's thesis, that “[LE] makes demeaning and intrusive judgments of people's capacities to exercise responsibility and effectively dictates to them the appropriate uses of their freedom,” is clearly inapplicable to ILE, because ILE, at least in the non-ideal sense, is primarily concerned with precisely those people who have very few opportunities to exercise responsibility, or much freedom at all, and certainly does not make demeaning judgments of them even if they did. This point is related to the points in the previous paragraph; the judgments of those who are the focus of ILE are judgments of compassion, not of pity. The relevant judgments of ILE are based on birth country rather than natural endowment, and so do not carry any of the possible stigmas of DLE.

So having dealt with all three parts of Anderson's criticism, I turn to the charge that motivates her paper, the conclusion that “LE thus fails to express concern for those excluded from aid, and fails to express respect for those included among its beneficiaries... It fails the most fundamental test any egalitarian theory must meet,”[15] the test of equal respect. I claim that ILE is actually the only conception of distributive justice that *does* or even *can* meet the demands of equal respect. The principle of ILE that undeserved inequalities among people are unjustified only matters if equal respect is important. If people in poor countries had far less than people in richer countries, but we did not have concern for equal respect, we might not feel any moral pull to change the inequality. However, it is our respect for them as equal members of the human race that enables us to sympathize with their plight and desire to change it. It is precisely because ILE

14 Ibid.
15 Ibid., p. 307

is based on the principle of equal respect for all people that it demands redistribution of goods, sometimes radical redistribution; equal respect for each person entails that we care equally about each person's well-being and life prospects. As Darrell Moelendorff puts it: "Assuming that all persons deserve equal respect, what principles would establish a fair distribution of the benefits of the system? Equal respect demands that all, despite differences of social and natural fortune, should have equal opportunity to benefit. Otherwise the distribution would be influenced by morally arbitrary properties of persons."[16] Indeed, equal respect for the dignity of persons is such a strong claim that it actually overrides majoritarian objections, because "possessors of dignity are entitled to respect even if the majority thinks otherwise."[17] The inherent dignity of persons demands of us that we equally respect all persons, with all of the redistributive demands that accompany this respect, regardless of the lack of political will for doing so. Any other conception for determining whether a distributive arrangement is just aside from ILE fails to adequately respect people because only the principle that all people are deserving of equal treatment no matter their birthplace treats all members of the human race with equal dignity.

David Miller objects to this argument, "The cosmopolitan premise [that every human being has equal moral worth] means that we cannot be wholly indifferent to the fate of human beings with whom we have no special relationship of any kind... but cosmopolitanism by itself does not tell us what [we owe them], and certainly does not tell us that we owe them some form of equal treatment."[18] On the contrary, though, cosmopolitanism simply points out that birth country is arbitrary, which is inarguable. From there, it is simply a small derivation to that the

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16 Darrell Moellendorf, Cosmopolitan Justice. Westview Press, Boulder CO. 2002. Pg 80
17 Darrell Moellendorf, Global Inequality Matters. Palgrave Macmillan. New York, NY. 2009. Pg 6
18 David Miller, "Against Global Egalitarianism." *The Journal of Ethics*, Vol. 9, No. 1/2, Current Debates in Global Justice, 2005. Pg 67

favorable or unfavorable results having been born in one's birth country are undeserved. If one's birth country is both arbitrary and undeserved, then while this does not tell us *exactly* what we owe them, it does seem to imply that we owe them *some form* of equal treatment. The question then becomes what form of equal treatment we owe them. This equal treatment could be anything from a very modest form, such as equal consideration that may or may not result in any policy changes at all, to an extreme form, such as equal distribution that results in radical changes, but this suffices to show that the cosmopolitan claim does tell us we owe all people equal treatment in some form or another, whether or not we can determine what we owe them *precisely*. So naturally one wonders here, even if we believe that the poor are in fact owed some form of equal treatment, can we determine what kind and from whom?

4. **Thomas Pogge's Argument for Redistribution**

I turn to Thomas Pogge's argument that the duty of rich countries to give aid to poor countries is more than some sort of philosophical duty of charity or an abstract notion of cosmic justice. He claims we are continuously causing harm to the weaker and poorer countries of the world with our international policies; these countries are largely impoverished *because* of the actions of the governments of rich nations, so the governments of these rich nations have the duty to remedy the injustices they have caused.[19] He points out that the fact that the current international structure of nations recognizes whoever controls the machinery of power in a country as its leader actually incentivizes military juntas and dictators to overthrow rightful governments and install themselves in power, because once in power they can use their

19 Thomas Pogge, World Poverty and Human Rights. Polity Press, Cambridge, Massachusetts. 2008. Pg 15

international recognition as the state's leader to take out loans in the country's name and to sell the country's resources. He calls these, respectively, the international borrowing privilege and the international resource privilege.[20] He charges that "the citizens and governments of... wealthy societies, by imposing the present global economic order, significantly contribute to the persistence of severe poverty and thus share institutional moral responsibility for it."[21] In other words, the fact that the governments and corporations in wealthy countries lend money to and buy resources from authoritarian rulers and military juntas implicates us in the harm that is caused by incentivizing coups.

So what does this have to do with ILE? One of the problems with ILE is that its principles are very abstract; most people know, intellectually, the vast poverty in the world, but believe that anything done by well-off nations to help alleviate it is charity. It's nice of us to do, but not obligatory in any sense. Pogge's argument that we *cause* this poverty means that it is a duty of justice to fix it, rather than some benevolent thing we do out of the goodness of the hearts. ILE helps answer the question "what is owed to the poor," and Pogge helps answer the question "and who owes it to them?" The two claims thus work in tandem.

Accounts of justice frequently argue that duties of justice only arise out of associations between people, but if we believe Pogge's argument, we associate with everyone in the world, so an associational account of justice does not relieve of us of any duties to anyone. Moellendorf gives an associational account of justice that takes this into account, writing, "Persons may be brought into association without any of them intending to bring the association about. This is especially the case when economic activity has consequences for those not directly involved with

20 Ibid., pg. 119
21 Ibid., pg. 121

it... when the activity produces 'externalities.'"[22] In our globally interlinked economy, a complex web of interactions ultimately ends up associating everyone with everyone else; for example, the burning of fossil fuels in America might be contributing to global warming, which will have negative externalities for people everywhere in the world. Even if one believes that co-nationals are more appropriate objects of moral consideration than people in other countries, surely this does not imply that we should be permitted to harm people in other countries without limit if it benefits a co-national, so we cannot shirk the duties that arise from this global association simply because those affected are in another country.

The preceding argument about our culpability in international misery is important to ILE because I plan to talk about what politicians should do to alleviate global poverty, and the argument that our actions directly cause a significant portion of it gives an understandable and palatable political underpinning to a huge effort of redistribution that might otherwise seem abstract and draconian. If a politician wanted (or needed) to politically justify an effort at equalizing global distribution, the philosophical answer about equal respect and dignity for all persons does not seem as rhetorically or intuitively forceful as that we are simply the righting the injustices we ourselves have caused.

It might be replied here that Pogge's argument actually makes ILE superfluous (or vice-versa); if we unjustly cause global poverty in the way Pogge claims, then LE is beside the point, as we can ground a significant amount of redistribution solely on righting the harms we have caused. I grant that Pogge's claim grounds a significant redistributive effort, but the problem lies in that Pogge's argument does not have the power to get beyond righting the injustices that the

22 Moellendorf, Cosmopolitan Justice. Pg 32

richer nations have caused the poorer. To fix the issues that Pogge raises, as a matter of justice, we need only correct the injustices that we have caused, but we do not need to go further than that, as justice seems to be satisfied when we are no longer actively harming the poor by imposing upon them an exploitative global institutional structure. Now, granted, we must also correct the *consequences* of our exploitation, which may involve substantial redistribution, but once the consequences of our exploitation have been compensated (which, admittedly, is a monstrous task in itself) then justice does not demand further from us. The tenets of LE would go much farther than that; the relevant matters of justice are the differences caused by brute luck, not by exploitation, so even if all the exploitation in the world and all of its consequences were eradicated, there still conceivably could (and probably would) be great disparities between the life prospects of those born in different areas, and this disparity would still be a concern of justice.

Let us look at how this difference between ILE and Pogge would affect Pogge's most famous proposal, the global resources tax (GRT). The GRT is an approximately 1% tax on the consumption of natural resources with the aim of distributing the proceeds of the tax to poor countries to mitigate inequality.[23] An advocate of ILE might support precisely the same proposal, for precisely the same reasons Pogge does. The difference between the two is likely going to arise in answer to the question of how long the GRT should be enforced. Under Pogge's framework, in which the GRT "balance[s] [the] ordinary centrifugal tendencies of market systems... to prevent the development of excessive inequalities and to maintain in equilibrium a

23 Thomas Pogge. "An Egalitarian Law of Peoples."
Philosophy and Public Affairs, Vol 23, No. 3 (Summer, 1994), pg 199-201

rough global distributional profile that preserves global background justice,"[24] it might be inferred that once *excessive* inequalities have been alleviated, the GRT is no longer necessary as a matter of justice, assuming that his other concerns of injustices of the global order, such as the resource privilege and borrowing privilege, have been solved as well. A luck egalitarian, though, would take the even stronger position that the GRT – and other proposals which seek to remedy global inequality – is still a matter of justice until brute luck has been eradicated as a causal factor in inequality. So while the GRT could conceivably be co-opted by a luck egalitarian to achieve the goal of reducing international equality, the grounds for instituting it, and the conditions under which it might be discharged, are significantly different. Indeed, earlier I claimed that Pogge's argument supplies an answer to the question "who owes to the poor?" but this is actually somewhat misleading when used in conjunction with ILE, because Pogge might say affluent nations no longer owe the poor once we are no longer harming them, but ILE would respond that justice demands the affluent continue to give to the poor until birthplace was no longer a causal factor in poverty. Pogge's claims of redistribution, then, are anemic compared to the demands of ILE, and leave us rather unsatisfied. He would still leave morally irrelevant features as having a significant impact on life prospects. He gets what he wants from his limited premises, but it is not enough for us.

24 Ibid, pg 204

5. **On Asking For Too Much**

From the preceding discussion it becomes clear that the demands of LE are nearly impossible to satisfy, as equalizing the disparities of brute luck between all people would result in a world that is so vastly different from our as to be basically unrecognizable. Now the question might arise: if ILE demands even greater redistribution than Pogge's claims, which, to put it bluntly, is itself already a pipe dream, what is the point of arguing for ILE at all? Why not argue for possibilities which could actually be conceivably achieved? Pogge anticipates this objection to his own project when he writes that Leif Wenar might moderate Pogge's proposal with the claim, "By asking for more, we might end up with nothing."[25] That is, there seems to be the idea that it is a waste of time and effort to argue for something that seems overly demanding or practically impossible to implement, because we could instead be arguing for things that are far more modest, and so may have a chance of being adopted.

I can see a practical and a conceptual reason to argue for ILE. The practical reason is that in the arena of our current debate on resource allocation or redistribution, arguments such as Pogge's look wildly implausible, because they are so far to the left politically. The fact that wealthy countries have done so shamefully little to alleviate global poverty and yet are still finding new ways to cut the few programs we already have demonstrate by itself that the debate needs to be reframed; the amount of easily-rectifiable suffering in the world is staggering, and the pittance that we allocate toward alleviating it should not even be considered a reasonable starting point, much less something we should accept as the most we can achieve. I think that the idea underlying "If we ask for more, we might end up with nothing" is completely backwards; it

25 Thomas Pogge. Ed: Alison M Jaggar. Thomas Pogge and His Critics
Polity Press, Cambridge, Massachusetts, 2010, pg 226

is only in asking for too much that we can expect to change much at all.

The concept of the “door-in-the-face” technique is an excellent counterpoint to the notion that we should not ask for too much or we'll end up with nothing: when presented with a request, a person is significantly more likely to acquiesce if she is first presented with a much larger request. For example, in one study it was observed that when asked to chaperone a group of delinquent students at the zoo, only 17% of the people in the study agreed, but of the group who were first asked to counsel the group of delinquent students for two hours a week for two years, and then, upon this first request being rejected, were subsequently asked to chaperone them at the zoo, 50% agreed.[26] This is a familiar sales tactic; you may have received cold calls from your undergraduate university that request a $2000 donation, then a $200 donation, then ask if you can spare ten dollars. The researchers hypothesized that a possible psychological explanation for the success of the DITF technique is that it aims to set a bad reference point, against which the next offer sounds much more reasonable. The university realizes that very few people are going to agree to donate $2000, but when the offer for $10 comes around, it sounds much more modest in comparison than if it were presented alone.

If it is in fact the case that humans are bad at determining reference points, then the initial reference points of a debate become extremely important, as they greatly influence the debate's outcome. In our current political climate, the debate is extremely slanted towards fairly miniscule redistribution; the United States gives between .1% and .21% of its gross national income each year in foreign aid.[27] While the United States gives the largest amount in total aid, it's among the

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26 Cialdini, R.B.; Vincent, J.E., Lewis, S.K., Catalan, J., Wheeler, D., Darby, B. L. "Reciprocal Concessions Procedure for Inducing Compliance: the Door-in-the-Face Technique." *Journal of Personality and Social Psychology* 31: pg. 206–215. 1975

27 Organization for Economic Co-Operation and Development 2010 Report.

smallest of developed nations by percentage; in 2010, only Korea, Italy, and Greece were lower, and other years it is even lower in both total and percentage. Most prospering nations of the European Union, on the other hand, give between .3% and 1% of their GNI in foreign aid. The debate in Congress has on one side the complete isolationist Ron Paul, who argues for ending foreign aid to the Arab world[28] and for greatly reducing if not eliminating it altogether, and, on the other side, there are very few voices arguing for substantially increasing foreign aid. Clearly there are not *enough* voices demanding enough of an increase, if .21% of GNI is the best we can manage. If we desire to increase this paltry number, as I imagine the reader does as much as I do, we must not be worried about asking for too much, we must *intentionally* ask for too much, so more modest proposals – such as the GRT – that actually have a chance of being implemented and will make a real positive impact in people's lives will seem extremely modest in comparison, like they should, rather than seem like massive redistribution when held in comparison to our current frames of reference.

The conceptual reason to argue for ILE is that it gives us a blueprint of an ideal to work towards. As I have mentioned, even if we agree that the global poor need to be helped, there are many competing justifications for why they need to be helped, whether our helping is charity or duty, and assuming it is a duty, when the duty has been successfully discharged. If the justification for foreign aid arises from contingent circumstances, such as the perpetuation of the global resource privilege and the global borrowing privilege, then it seems possible to discharge the duty by rectifying whatever features brought about the duty in the first place. The demands that arise from a commitment to ILE are not so easily discharged; its justification arises not from

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http://www.oecd.org/dataoecd/54/41/47515917.pdf Accessed 12/25/2011

28 Interview Transcript. http://www.ronpaul.com/2011-01-31/ron-paul-cut-off-all-foreign-aid-to-egypt-saudi-arabia-and-all-the-rest/ Accessed 12/25/2011

contingent circumstances of the particular miseries of the global poor, but from the simple fact of brute luck in general. In a sense, then, I believe that the impossibility of fulfilling ILE's demands are one of its greatest virtues. It gives us a clear, coherent picture of a more just world that we can be constantly working toward.

An extremely important question now arises: is the nearly completely equal distribution demanded by ideal ILE even a desirable state of affairs, and if not, why should we argue for it? To take the claims of ILE seriously is to argue for distribution that might seem, when compared to our current world, to have a lower average utility, or at least to make a lot of people worse off. The opposing position has no less than Rawls and Marx themselves on its side. Rawls writes, "There may be forms of equality that do spring from envy. Strict egalitarianism, the doctrine which insists upon an equal distribution for all primary goods, conceivably derives from this propensity. What this means is that this conception of equality would be adopted in the original position only if the parties are assumed to be sufficiently envious."[29] Similarly, Marx thinks what he calls "crude communism," the belief that all people should have precisely equal property, arises from "[u]niversal *envy*"[30]. I just claimed that ILE gives us blueprints for an ideal distribution to work toward, but if such a distribution is one that could arise only from envy, or at least is a world that is worse than ours, in what way is it an ideal at all?

The answer is in the distinction between a world that is just and a world that is happy. Kant makes such a distinction when he separates the actions that are right from the actions that make us happy; simply because an action makes us happy does not mean it is the correct action

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29 John Rawls, A Theory of Justice. Pg. 472. While Rawls here does not directly address LE, LE's tenets are such that it would result in nearly equal distribution for primary goods, so it might be called a moderately strict egalitarian position.

30 Karl Marx, Ed. Lawrence H. Simon, *Economic and Philosophic Manuscripts.* Hackett Publishing Company, Inc. Indianapolis, Indiana. 1994. Emphasis in the original.

to make[31], if we are concerned with what is moral, which I assume we are or there would be no such discipline as international justice! A concern for justice over happiness has downsides, though; a world in which everyone has nothing is a perfectly just world from an egalitarian standpoint, but is probably not a particularly happy world. Now if you give one of the people in this world a lot of resources, the world's happiness increases (let's assume no one else knows that this one person has more resources than they do so they cannot be made unhappier from envy) but the world's justice decreases. I assume that we must care about *something* besides equality, because if we cared only about equality then we could not say that it is a better state of affairs that every person in the world be prosperous, but equally so, compared to a state of affairs in which every person has only the absolute bare necessities to sustain life, but equally so. So a concern for justice cannot completely override considerations of happiness, so our concern for justice must be balanced against our concern for happiness (as will come as no surprise to any non-ideal theorist.)

It seems, then, that the role of a conception of distributive justice is to explain why one holds that the balance between happiness and equality should be tilted in one way or the other. A libertarian will hold that the importance of personal freedom and property rights should lead us to conclude that the balance should tilt away from equality. The tenets of ILE, on the other hand, hold that the salience of the arbitrariness of luck should lead us to conclude that the balance should tilt much farther towards equality, even if this comes at the expense of happiness. Fortunately, non-ideal ILE does not even require paying the expense of happiness; redistribution that aims to correct for some of the more egregious imbalances of luck, without going so far as to

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31 Immanuel Kant, Ed: Mary Gregor, Critique of Practical Reason
Cambridge University Press, Cambridge, United Kingdom. 1997

demand complete equality, seems like it can only increase the overall happiness of the world, as each individual dollar redistributed has so much more utility for a person in a poor country. I leave aside, then, the question of whether ideal ILE is a desirable state of affairs from the standpoint of someone who believes happiness is more important than justice, because ideal ILE is so far away from our current state of affairs that it is probable that we would never reach it even supposing a large percentage of people wanted to. The intermediate steps toward it, on the other hand, have both more equality and more happiness, so adopting ideal ILE as an end goal entails increases in both for the foreseeable future. Thus it seems that non-ideal ILE and ideal ILE are actually identical up to the point at which any further increase in inequality must lead to a decrease in happiness. Ideal ILE would say that we must continue to correct for brute luck until it is eliminated, even at the expense of happiness. Non-ideal ILE might respond that, since ultimately the problem with inequality is that it causes unhappiness, once we have reached the point at which further increases in equality lead to decreased unhappiness, we should stop correcting inequality.[32]

6. **Moving Towards International Equality: What Non-Ideal ILE Demands and How to Satisfy It**

I have argued that international inequality is morally arbitrary and taken up Pogge's argument that much of it is actually caused by affluent nations in the first place, so it is our duty to do something about it. We can combine ILE and Pogge's argument to reach the conclusion that it is our duty to move towards international equality. Ideal ILE might argue that we are not

32 Incidentally, this consideration sounds awfully reminiscent of a global difference principle

finished until everyone in every country has completely equal life prospects so that brute luck plays *no* role, but such a state of affairs is certainly not possible, and is probably not even desirable by any metric that takes non-moral considerations into account. Non-ideal ILE, though, requires only that we try the best we can to neutralize the influence of luck on life prospects, while recognizing that complete equality is neither possible nor desirable (in a non-moral sense of desirable). The distinction between ideal and non-ideal is, I think, highlighted very well by Richard Arneson, when he writes "Moral principles are universal truths valid in all possible worlds. Hence in our quest for true principles, a single compelling description of a logically possible counterexample defeats the proposed theory. At the level of policy, things are different. Policies are devices for fulfilling correct moral principles to the maximum feasible extent. One defeats a proposed policy not with a counterexample but by proposing an alternate policy that better advances the ensemble of our moral goals properly weighted."[33] In other words, non-ideal ILE is satisfied if it gives rise to a public policy that gives the best and most just results, even if these results are not perfectly in line with what might be demanded by ideal theory.

The notion of neutralizing luck on life prospects is a complicated one, as "life prospects" contains many possible dimensions of exploration. For simplification purposes, I am going to use the stipulative definition that life prospects refers to the probability of obtaining primary goods.[34] So to neutralize the influence of brute luck on life prospects is to ensure that all people have equal opportunity to access primary goods. This does not mean that all people will end up with the same primary goods or even the same amount, but only that circumstances of birth do not

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33 Richard J Arneson, "Luck Egalitarianism – A Primer." Pg. 144 http://philosophyfaculty.ucsd.edu/faculty/rarneson/LUCKEGALOUP%20-%204.%20Arneson.pdf Accessed 1/4/2012

34 I am using Rawls's definition of a primary good: a good that it is always better to have more of.

influence one's ability to access them. So a person born in Somalia should have the same potential to obtain primary goods as someone born in Switzerland. (Again, I want to stress that I recognize that this is a world extremely different from our own, but that it is an ideal worthy of being worked towards.)

One might object here that redistribution of resources should not be the focus of ILE, because while it may temporarily solve a great many of the world's ills, the institutional structures that are currently in place would inevitably siphon the resources back into roughly the distribution we have today. This objection suggests that ILE cannot be concerned with money alone, but must also be concerned with redistributing ownership of the means of production. Redistributing resources must also change who *controls* the resources, or else over time these resources would naturally trickle back to those who are favored by the institutional structures. Any redistribution of resources must be in the context of changing the underlying structures that cause such inequality in the first place. Therefore, as I mentioned, the proper concern is with the *opportunity* for acquiring primary goods, as this is what will persist into the future, and not simply making sure everyone has an equal amount of currency while leaving everything else identical. Of course, ultimately, although the underlying *justification* for redistribution is the arbitrariness of luck, the major *goal* is to reduce the suffering that has resulted from it – while ideal ILE would still be concerned with inequality if no one were suffering, non-ideal ILE might consider the battle won. So while the long-term method for reducing suffering is to change the institutional structures that bring it about, the short-term method requires giving palliative care, in the form of redistribution of wealth, to temporarily reduce poverty's negative effects. This redistribution may not be a long-term solution, but it's necessary while a long-term solution is

achieved. As such, it is evident that non-ideal ILE can serve as a justification for, and work in conjunction with, other non-ideal redistributive efforts that aim to reduce global poverty and suffering; for example, the claim that we should increase funding for HIV awareness and prevention programs in Africa might be strengthened by pointing out that those born with HIV are born with significantly reduced life prospects and that this is completely arbitrary luck that they do not deserve in any sense of the word. Clearly the redistribution of resources involved in foreign aid for HIV awareness and prevention does little to combat the underlying inequality, but the amount of suffering it prevents makes up for this. Opportunity for acquiring goods is, unfortunately, much more difficult to quantify than numerical quantities of currency, and even more difficult than that to redistribute, so I turn now to a proposal that may help.

7. **International Legislation in the Pursuit of Equality**

I believe the remarks I have made so far make reasonably clear what would constitute the realization of a world order constituted in such a way that it would realize the ideal ILE, but as I have mentioned that ILE is not possible and may not even be desirable by any non-moral metric, I now lay out what non-ideal ILE would entail. To best address global inequality, politicians should act in the *spirit* of ILE, by legislating as if the legislator desires to move towards a world in which one's birth country does not completely determine the prospects of one's life. Since, as I discussed earlier, non-ideal ILE attempts to balance the goals of ideal ILE with concessions to practicality, desirability, and utility, I propose this because I think it is a plan that succeeds on all

three counts; it makes the world significantly more just, while still increasing overall happiness and being potentially feasible in our extremely non-ideal world. If carried out maximally (which will, admittedly, never happen) it would even move us very near to the goals of ideal ILE.

To act in the spirit of ILE, one needs a guide for what that might entail, so I suggest that it means that legislators should adhere to the principles of ILE when making laws that have international effects. By “laws with international effects” I mean to draw a distinction between the usual kind of law a national legislative body might pass and those laws that primarily deal with how a country interacts with other countries. Laws with primarily non-international effects comprise the large majority of a nation's laws, such as those for funding national parks, setting a national speed limit, and criminalizing various substances. Laws with primarily international effects would encompass laws such as those regarding treaties, imports and exports and any taxation of such, and the collection and dispensation of foreign aid. Laws with primarily non-international effects would be unaffected under a non-ideal ILE distributive scheme, so the normal operation of states would mostly continue as normal. But legislators working toward abiding by the principles of ILE would greatly change their law-making with regard to laws with international effects: the primary decision-making heuristic for international legislation would change from “How does this benefit my country” to “How does this move towards a more just world.” Legislators would no longer ratify treaties that protect richer countries at the expense of poorer countries, place protectionist tariffs on imports and exports, or buy natural resources from military juntas. Rather than funding a military base in Turkey, they might build a network of schools in rural India. Rather than spending $2 billion on a B-2 bomber, they might feed an entire African nation for a year.

Some theorists are concerned about coordination problems involved in righting global inequality, in particular that there is not going to be unanimous worldwide support for global redistribution. Samuel Freeman even writes of attempts to help the poor by globalizing the difference principle – which states that laws should maximally benefit the least advantaged – "Any effort to apply the difference principle [severally by various world governments] seems guaranteed to leave [the least advantaged] worse off than if governments followed some other policy,"[35] This is a very strange claim. Wealth seems to be, in nearly all cases, a primary good. If a country tried to act according to the difference principle, but the worst off countries were harmed rather than helped, this should be considered a failure of the country to actually act according to the difference principle, not a failure of the difference principle itself. An error in a country's judgment as to what actions really would benefit a worse-off country do not necessarily demonstrate that there is something wrong with the rationale behind the action. Making better decisions as to how to help the global poor does not require international cooperation; it requires careful study and deliberation of the effects of legislation.

The fact that not all countries are going to help redistribute wealth is certainly a concern, but wealth – and other sorts of things that may be involved in ILE, such as food and clothing – is a primary good; every bit of it that is transferred from richer countries to poorer countries helps them (assuming that we are able to actually distribute it to the citizens effectively without it simply being seized by local elites or whatever dictator is in power, which is admittedly a large problem in itself). This means that it would be fantastic if every country began to act as if redistributive justice were important, but it is not required for a proposal of non-ideal egalitarian

35 Samuel Freeman, "Distributive Justice and the Law of Peoples". University of Pennsylvania, 2008. Pg 36

justice to be workable; a single country acting, with careful study and deliberation, towards egalitarian justice is better than none, and each additional country is better still.

Two major objections to my proposal immediately arise: 1) the negative changes that such a proposal would engender and the unlikeliness of the proposal being adopted because of these negative changes, and 2) the inherent vagueness of what constitutes an international effect in a world as globally connected as ours. To the first objection, I grant that such a proposal is still extremely ideal and unlikely to happen.[36] It would entail substantial changes to the structure of just about any country that followed it. If the United States, for example, decided to adhere to the principles of ILE in its international legislation, it would – among many other things – greatly change our defense contracts, redistributing funds from American companies to foreign countries, which would certainly have shocks in the short term, as companies whose income depended on such contracts would have to scramble for alternate income and would probably have to lay off large numbers of people. However, even this short term shock might be balanced in the long term; as the effects of global redistribution are realized and the purchasing power of poorer countries begins to grow, they have more income to buy American goods, strengthening our manufacturing sector. I am not, of course, advocating that even a single country immediately switch completely to following the tenets of ILE to the letter, tearing up all their previous treaties and such, but that this should be a gradual process with as few bumps along the way as possible.

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36 The reason I consider my proposal modest is that it would be legally non-binding, so extremely weak compliance would accomplish very little. Full compliance, though would call for fairly deep and widespread changes, so depending on how strictly a country decided to implement it, my proposal ultimately *could* be extremely radical. Full compliance would look very similar to a global difference principle, in which every piece of legislation with effects that could plausibly be construed as international would maximally benefit the worst off, so full compliance would actually be hugely demanding. This range between low compliance and full compliance is, I believe, one of the main virtues of my proposal; a country can "comply" as much or as little as is desired and currently politically feasible.

The reasoning for this is two-fold: a gradual transition, with as few negative consequences as possible, is far more politically palatable than a rapid change with large shocks, and a transition with few negative consequences is far more likely to be adopted by other countries once they see that such a thing is possible. Any country that adopts the principles of ILE in its international dealings becomes a test subject; the eyes of every other country is on it, measuring its successes and failures, and so it is partly up to the country to maximize its successes and minimize its failures not only because it is obviously best for that country, but because that country is setting an example for every other country that might consider following. Incidentally, because each country is working towards fighting global inequality on its own, without necessarily needing the cooperation of other countries, my proposal avoids the frequent objection to various cosmopolitans that their proposals would in some way necessitate a world state. A world state might be helpful, but it is in no way necessary for my proposal to be accomplished.

The vagueness of what constitutes an "international effect" is indeed a problem when defining exactly what legislation should count as international, because our world is so interconnected that every piece of legislation could conceivably be considered to have global effects. However, I do not think this is a limitation, because the "international effect" modifier is simply a concession of non-ideal theory. The demands of egalitarian justice are demands on *all* legislation, but in non-ideal theory it is worth conceding parts of it for pragmatic considerations. *Anything* less than total adherence to its demands is simply a pragmatic consideration. But this is understood: as noted above, the primary aim of this proposal is that it is palatable, and part of what makes it palatable is that it is up to the various legislative bodies that plan to follow it to decide for themselves how to follow it, given that they are not going to become perfectly

egalitarian. So each individual country, possibly for each individual piece of legislation, would decide what constitutes "international effect." As an example, suppose country A grows a lot of grain for consumption within the country, while country B grows grain as an export crop. If both countries were considering the exact same piece of legislation of grain, country A might consider this legislation non-international while country B considers it international.

I envision my proposal being manifested in a mostly legally non-binding way, such as additional language in whatever mission statement a country might try to adhere to. It seems necessary that a directive that legislatures act in accordance with the goal of ILE be legally non-binding because: 1) it seems unlikely that legally binding language would ever pass, 2) the aforementioned vagueness of ILE in conjunction with a mandate to follow its principles seems like it would be a recipe for endless gridlock, finger-pointing, and self-defense rather than actual effort to help the poor, and 3) if it were legally binding and somehow did manage to pass, it would be nearly unenforceable, again due to the vagueness problem.

8. **Conclusion**

So if my proposal is intended to be legally non-binding, what is the purpose of proposing it? What work does it do? How is it different from the myriad other proposals that no one has implemented or will ever consider implementing? It is, in short, the first step towards a more just world. In our world, there is no political framework in place that might even suggest that politicians are supposed to be trying to work toward global justice. Foreign aid is seen as charity, rather than compensation for wrongs. But with language in place that suggests that one of the goals of government is to act according to the principles of ILE, our public discourse has the

possibility of changing to reflect it. Foreign aid may no longer be one of the first things to be cut whenever there is a budget shortfall. A politician who introduces a bill that protects a country's interests at the expense of poorer countries may be forced to answer difficult questions from the public as to why the bill is so important that the government's own stated ideals must be sacrificed. Citizens fighting for those in other countries have something concrete to point to justify their cause.

I believe my proposal is modest, in that it is a simple, non-binding change with similarly simple and nearly irrefutable justification. It greatly furthers the cause of global justice at surprisingly little expense (a report by the UN in 1997 put the cost of bringing *every person in the world* to the level of "no longer poor" at $80 billion, or .4% of the world's GDP[37]), and is entirely voluntary and can be bypassed at any moment with sufficient reason. What separates my proposal from simply a call to increase foreign aid is that it carries with it a forceful justification that centers around our duty to humans who are suffering hardships that are both undeserved and in part our fault, and because it has an ideal end result that can be moved toward and measured against, so progress has a genuine forward direction. Aid changes from charity, which we can stop giving whenever the mood strikes us, to a debt that we owe humanity. I think it is palatable, possible to implement, and something people can rally behind as something that we must do, rather than that it is simply good of us to do, and shows us very clearly why we must do it. Thus, I propose it because I believe it is the best combination of ideal and non-ideal theory; it is ideal in that it moves us towards a more just state of affairs and the reasoning behind it is ideal reasoning, and it is non-ideal in that I believe it is modest enough to actually be implemented,

37 "A United Nations Objective: Eradicate Poverty" http://www.un.org/rights/poverty/poverty1.htm Accessed 3/4/11

and yet the strongest policy in pursuit of global equality that a country might actually consider implementing.

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