What responsibilities do we – the rich, Western world – have towards the world’s poorest countries? Cosmopolitans say we have a responsibility to aim to provide the same opportunities and life chances to the citizens of those countries as we do to our own, as the principle of global egalitarianism demands (Caney, 2005; Tan, 2004). But statists, or internationalists, say that because egalitarian duties only apply between citizens of the same state, the only duties we owe to non-compatriots are to ensure that they have the means necessary to become a well-functioning state. This typically means a minimally acceptable level of wealth and reasonably good institutions. The goal is to help societies to graduate from ‘burdened’ to ‘well-ordered’ status, in Rawls’s words, but no further (Rawls, 1999b).

In this paper I am not interested in making a judgement in favour of one or the other of these fundamental philosophical outlooks. My central argument is narrower than that. I will be arguing that Rawlsian internationalist global justice has a conceptual blind spot when it comes to the way it deals with societies that are not obviously burdened, but are not exactly well-ordered either. That is, plenty of countries around the world find themselves on the cusp of well-orderedness, or perhaps only just
above the line. But there is very little in Rawlsian internationalist thought that suggests they consider these form a separate category that needs to be considered independently from the other two. This is a mistake.

The problem, in effect, is that by failing to take into account the countries that lie on the line between being burdened and well-ordered, and not taking into consideration the way these countries are separate from fully well-ordered countries, internationalists end up condoning behaviour in the foreign policy arena which ought not to be permitted.

This paper will therefore take this form: I begin by outlining Rawlsian internationalism, in particular the duties towards burdened societies, or towards those citizens of the world’s poorest countries that struggle to meet the threshold for a minimally decent life. I then introduce and discuss the argument in a recent book that expands the internationalist argument, namely Michael Blake’s *Justice and Foreign Policy* (2013).

Part two then returns to Rawls, highlighting how he fails to take into account the fact that societies may fulfil some of his criteria for well-orderedness, but not others. This, in turn, makes it difficult to explain what duties we have towards countries that are not clearly one or the other. I suggest that India is an example.

Parts three and four then turn to Blake who also makes a dichotomous distinction – between those countries that are, and those who are not, capable of ensuring that their citizens are able to live fully autonomous lives. In discussing duties in foreign policy he is primarily concerned with what counts as coercion, broadly defining it as what would cause a country to fall below that threshold. But, I argue, he too fails to
consider the possibility that countries may fall on the line. As a result, his ideas about what is acceptable in foreign policy are far too permissive in some cases.

Finally, part five briefly sketches what a non-dichotomous theory of global duties of justice towards developing countries might look like.

I.

To begin my argument it is useful to briefly recap the central thesis of *The Law of Peoples* (Rawls, 1999b), in order to place Blake's work in its proper context. In his theory of global justice Rawls revisits the original position, a social contract negotiated behind a ‘veil of ignorance’ that he set out for the domestic justice of a society in *A Theory of Justice* (1999a). The goal is primarily to establish how a global society of just domestic societies should interact. He contends that both types of well-ordered peoples, liberal democracies and ‘decent hierarchical societies’ – who are not democracies, but are nonetheless peaceful, have a common conception of justice, and respect human rights (Rawls, 1999b: 65–67) – would endorse the eponymous law of peoples. The law consists of eight principles that rehash established traditions and legal concepts that are already familiar to us: sovereignty (within reason), equality and respect for treaties, non-intervention (again, within reason), self-defence, human rights and restrictions in legitimate warfare. Finally, they accept that they 'have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime' (Rawls, 1999b: 37)
It is the assistance to burdened societies that is important for my purposes. Whereas the other seven are largely about refraining from certain types of actions, this duty requires a proactive stance from well-ordered peoples. But this is not an egalitarian duty of the cosmopolitan bent. It has a limited scope, and only applies if the society is too poor or otherwise unable to be well-ordered:

Burdened societies, while they are not expansive or aggressive, lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered. The long-term goal of (relatively) well-ordered societies should be to bring burdened societies, like outlaw states, into the Society of Well-ordered Peoples. Well-ordered peoples have a duty to assist burdened societies. It does not follow, however, that the only way, or the best way, to carry out this duty of assistance is by following a principle of distributive justice to regulate economic and social inequalities among societies. Most such principles do not have a defined goal, aim, or cut-off point, beyond which aid may cease (Rawls, 1999b: 106, his italics).

A lot goes on in that one sentence, and it contains the outline of quite a few of the arguments I take issue with in this paper. So it is worth unpacking it a bit. First, the duty of development is a duty of justice, not of charity. But Rawls nonetheless rejects the idea that global justice is
distributive, and that we should aim to even out the differences between them. This establishes a strict limit to what can be owed. What is that limit? Moving even further away from the idea that distributive shares are what matters, he points his finger at things other than poverty as the main factors that hold burdened societies back: political and cultural traditions, human capital, knowledge, technology. Of course, these things are often closely linked with poverty, but the crucial distinction is that while countries that lack them are very likely to be poor, poor countries may in fact still have them. The phrase ‘long-term goal’ further underscores a difference between the internationalist and cosmopolitan approaches to global justice. There is a duty of justice to help burdened societies, but well-ordered peoples are not expected to empty the tank in the drive to make it happen. Whereas, for instance, Thomas Pogge believes that the existence of extreme poverty proves that the global order is unjust, and by extension that the world’s richest countries are complicit in injustice (Pogge, 2005), to Rawls the existence of burdened societies does not impinge on the justice of the law of peoples or of well-ordered societies. Given the structure of the law of peoples, the internal justice of societies must first be established, and only then can the justice of the global sphere be considered (Rawls, 1999b: 86). Societies must therefore not be required to put the justice of international society ahead of that of their own.¹

Michael Blake, by contrast to Rawls, starts with the idea that the global order ought to be a liberal one. In doing this he departs from the vision Rawls lays out, while still taking himself ‘to be writing something that Rawls might have developed out of his own work; an alternative Rawlsian vision which I find more attractive than the vision Rawls himself
defended’ (Blake, 2013: 3). Blake, too, defends a non-egalitarian vision of the global order, which only demands that a minimally acceptable standard for rights and living conditions be met in each country. Above that limit, the fact of having to justify the state’s coercion to its citizens means that equal concern for all people demands that distributive equality only be required within each state (Blake, 2013: 19–24).

Although Blake’s work is both complimentary to and critical of Rawls’s theory, for my purposes they sketch out the same territory – that is to say, the duty towards burdened societies is largely the same in both Blake and Rawls’s view. Although there are many – often substantive – differences that stem from Blake’s wholehearted embrace of international liberalism, they are most clearly demarcated when it comes to obligations of well-ordered societies, or countries whose citizens have the capacity to lead autonomous lives, towards countries in the same category. Thus, for instance, where Rawls flatly rejects that liberal peoples may do anything to make decent peoples more liberal (Rawls, 1999b: 84–85), Blake has no such compunctions. While it may be wise in practice not to push too hard for democratisation for fear of unintended consequences, in principle only other variations of liberal democracy properly deserve the kind of toleration Rawls reserves for all well-ordered peoples (Blake, 2013: 10). But when it comes to duties to the poorest countries, they are largely in agreement.

There is a duty to help states that are unable to ensure that their citizens are able to live autonomous lives. This is because there is a duty to ensure that all people are able to do so in the first place, but in a system of states that duty may in most cases be safely delegated to them. Those
states that cannot, however, are entitled as a matter of justice to help in creating the necessary conditions (Blake, 2013: 110). As a corollary to that duty, there is an obligation to consider the consequences of your actions ensure that those essential rights are preserved. To understand why that is, Blake argues that there are two distinct sites of justice. The domestic sphere is the first-order site. Here there are rules and institutions in place to regulate interactions between individuals. Any citizen may therefore be reasonably sure that by following those rules she has fulfilled her duty of justice. Not so in the international system, which is a second-order site of justice. In the absence of the rules to ensure automatic fairness in outcomes (and in the absence of any requirement to establish such rules), states must think about their duties to support foreign political institutions, and incorporate it into their own foreign policy (Blake, 2013: 110–111).

Still, as with Rawls, there is a cut-off point. Blake makes little attempt to work out where the threshold is, however (another similarity with Rawls), other than to clarify that he is concerned with the kinds of pervasive poverty found in some of the world’s poorest countries. However high or low the threshold is, those living below the United Nations’ definition of poverty are certainly below his threshold as well (Blake, 2013: 115).

But here we are nonetheless only concerned with absolute levels of poverty. Domestically we ought to care deeply about relative inequalities between citizens of a state, so why do we not need to worry about inequalities between states? Because:
States do not have projects, plans, or moral salience in themselves; they acquire moral status only in virtue of the ways in which they protect – or fail to protect – individual moral persons. I think, therefore, we should not look at the impacts upon state wealth as immediately relevant, as we should in the case of individual persons gathered beneath a domestic legal system (Blake, 2013: 98).

Since equality is not an essential feature of international justice, it follows that the question of whether a particular action by one state against another is equality-promoting is irrelevant. As a second-order site of justice countries must be aware of the consequences of their actions, but what this means is that they must not commit other countries to actions that put their democratic self-governance and ability to protect the autonomy of their people at risk (Blake, 2013: 98).

Both Rawls and Blake’s visions of international justice are demanding from the standpoint of the world as it is, even if they fall far short of what cosmopolitans believe international justice requires. Living up to an internationalist conception of justice, then, would require enormous changes on the part of the world’s richest and most powerful. Even if you believe that their prescriptions for a new world order are ultimately insufficient it would be difficult to argue that, were they to be implemented, they would not be a significant step in the right direction.

Whether their theory is sufficiently visionary on the whole is a question that I will leave to others. In the remaining parts of this paper I will focus specifically on those countries that do not fall neatly into the two
categories set out – well-ordered and burdened societies. Even if we accept, for the sake of the argument, that the internationalist conception of justice is able to successfully account for our duties both towards countries that are clearly burdened and those that are clearly well-ordered, I argue, it fails to account for those in the middle.

For instance, well-ordered societies have the things Rawls mentioned. Burdened societies lack them. But what if a particular country *has* the material and technological resources, but *lacks* the political and cultural traditions? Is it a burdened society, or a well-ordered one? There is no clear answer, yet the theory assumes that there is.

Similarly, Blake’s account of what global justice requires may hold up well when it comes to the poorest countries and those that are well beyond the threshold for rational autonomy. But it has a conceptual blind spot when it comes to those that fall just slightly above the cut-off point.

The next three sections will expand on these limitations, while in the final section I will sketch the contours of what a separate principle of concern for countries in the transitional phase might look like.

II.

Internationalism relies on a sharp distinction between the extensive duties towards burdened societies and those towards well-ordered peoples. But as I will show here, this distinction hinges on that old trope of Western international relations, monolithism. This comes into play in two ways. The first is the implicit assumption that the effect of any change is felt uniformly across all aspects of society. That is, there is no substantive
difference between saying, ‘this country is not a burdened society,’ and, ‘all the citizens of this country have the means to live minimally decent lives.’

The second assumption is that a minimally decent life, however defined, is a single indicator, when in fact it can be divided into its individual requirements, such as access to clean water, food, and security. This in turn implies that the way in which a country is or is not above the threshold does not matter a great deal, except insofar as some things might be easier to deal with than others. The two assumptions are often implied at the same time and interchangeably, although I will deal with them separately here. In this section I will focus on how Rawls mistakenly makes the second assumption, before discussing the first kind with reference to Blake in the next sections.

Rawls is hardly immune to this problematic logic. James W. Nickel says that his treatment of outlaw states creates a false dichotomy between those who, for instance, fulfil human rights on the one hand, and those who commit serious human rights violations on the other. This, Nickel contends, leaves out an important third option, that a country could have a mixed human rights record, engaging in some ‘low-level’ abuses but staying clear of egregious violations (2006: 268–269). While these cases clearly do not merit strong diplomatic and economic sanctions or military intervention, it is not clear either why the countries should be tolerated as full and equal members of the society of peoples. A similar false dichotomy is at play between burdened and well-ordered societies.

Rawls suggests that burdened societies ‘lack the political and cultural traditions, the human capital and know-how, and, often, the material and technological resources needed to be well-ordered’ (1999b:
Well-ordered societies, conversely, have those things. But in practice many developing countries have some of them, but not others. They may have democratic political traditions without the resources and know-how to compete on the global market. Or they may be rich in natural resources but plagued by political instability. So long as it did not translate into human rights abuses, and the instability did not threaten to spread into neighbouring countries, they would still be burdened societies rather than outlaw states.

In fairness to Rawls, his project is not to provide a roadmap for every possible scenario in global politics. He is primarily interested in the broad outlines. So pointing out that the boundary between burdened and well-ordered peoples is fuzzy is not in itself revelatory. Nonetheless, at one point you have to ask when conceptual simplifications stop being helpful and start obscuring the real issues. If fuzziness is part of the real word, failing to account for it in your theory is a pretty big omission.

India is an example of this fuzziness in action. The country would, I believe, qualify as a well-ordered people under Rawls’s scheme. That is perhaps a contentious statement, in particular given the fact that approximately 275 million Indians still live in abject poverty – 21.9% of the population as of 2011 (World Bank, 2015). Nonetheless, India seems to satisfy enough criteria to, at the very least, not be a fully burdened society. It is a democracy with a rule of law and (relatively) well-functioning institutions, even if they are far from perfect. Nonetheless, those 275 million people suffer from a lack of health care, education, clean water, nutrition, and shelter. So on some of the indicators for well-orderedness India passes the threshold, but on others it does not. How are the duties
towards those people shared, if at all, between India itself and the international community?

Perhaps, an internationalist might say, I was simply mistaken in my first assessment. Despite its good institutions and rule of law, India’s high poverty rate is enough to make it burdened. But I think that is an unsatisfactory answer. To Rawls the goal of the duty of assistance is not to increase wealth but to ‘realize and preserve just (or decent) institutions’ (1999b: 107). He also claims that ‘the aim is to help burdened societies to be able to manage their own affairs reasonably and rationally’ (1999b: 111). The focus is on institutions, not individuals. Stable or (reasonably) well-functioning societies, then, might not necessarily need to secure the human rights and basic needs for all their citizens, provided that the poverty and rights violations that do occur are not substantial enough to destabilise the country as a whole. The number of people left out could potentially be quite substantial. Of course, elsewhere Rawls suggests that the justice of individuals matters, and meeting the basic needs of citizens is a precondition of well-orderedness (1999b: 116).

But Rawls never resolves the conflict between those competing accounts. And many internationalists have taken the institution-centred line. To Samuel Freeman ‘the domestic justice of all member nations is not a condition of justice in well-ordered societies’ (2006: 30), while Leif Wenar argues that like ‘good neighbours’ (2006: 98) we should only intervene in other societies’ internal affairs when their actions are beyond the pale. To David Miller, the goal of international justice is to provide only a minimal standard that separates the ‘tolerable from the intolerable’ (2007: 166). Not everyone agrees, of course. David A. Reidy, for instance,
takes the individual-centred view that well-ordered societies will ‘meet in regular and reliable ways the subsistence and security needs of their members’ (2007: 219), which would suggest that India is still burdened. But Reidy seems to be in the minority.

Perhaps, then, India is a well-ordered society, but whether there are any further duties depends on what is at stake? Mathias Risse suggests that as a rough guide, the greater the need and the easier it is for us to do something about it, the greater the demand put on us will be (2012: 80–81). But it is not clear if that is still the case if the country as a whole seems to have passed the threshold for well-orderedness. Nor does it get us much closer to an answer if it is not easy for us to do something. Poverty reduction on a grand scale is hard and often requires sustained efforts for years on end.

Finally, perhaps there is simply no duty in this case? Not because the individuals that live in poverty no longer matter, but because the moment a people escape their burdened status, the remaining poor become the newly minted well-ordered society’s problem. But it seems highly implausible that of two persons living in poverty in different countries, one of them can be the responsibility of the international community while the other is not, simply based on what borders they live within. Without any concern for how the newly well-ordered society will actually be able to help their remaining poor above the threshold for a minimally decent life, it is hard to spot the difference between the two situations they find themselves in.

We would in effect be wishing away the sorites paradox: just as a heap with 1,000 grains of sand is indistinguishable from a heap with 999
grains, and that heap is indistinguishable from one with 998 grains, so a society with 25% living below the threshold for a minimally decent life is indistinguishable from one with 24.99%, which in turn cannot be meaningfully told apart from one with 24.98%, and so on. It is pretty clear that two grains is not a heap and 10,000 grains is. Similarly, 5% living below the threshold for a minimally decent life may be small enough to conclusively say that the problem needs domestic solutions only. But regardless of whether, say, 20% or 25% is enough to warrant a concerted international effort, the line that your preferred theory draws will be always be somewhat arbitrary.

III.

I now return to the first assumption of the two I outlined earlier, that the effect of change is felt uniformly across a society. This section focuses on one example in particular. It will therefore take the form of an argument against the particular type of thought experiment that Blake makes use of.

What is at stake here is what states are and are not allowed to do to each other. While it is clear that states cannot reasonably coerce other countries, the question, rather, is what should count as coercion in the first place (Blake, 2013: 118). While things like military action, overthrowing foreign leaders and the like obviously count as coercion, things are less clear when it comes to trade. Here it is important to remember from earlier that to Blake, what matters globally is not inequalities, but rather that the capacity of states to protect the rational
autonomy of their citizens (Blake, 2013: 98). In international trade there is bound to be disagreements about what is fair and reasonable, and occasionally there will be winners and losers from an agreement. But how do we tell coercion and legitimate offers apart? If one country ‘stands a significant risk of failing to achieve the rights guaranteed to its citizens on one half of the [...] proposal, then to offer that and pretend it is not coercive is simply an implausible account of coercion’ (Blake, 2013: 120). Nonetheless, being able to enjoy your current level of wealth simply is not part of a theory of coercion. ‘We ought to care, I think, not so much about people continuing to enjoy their current possessions, but about people obtaining those goods and circumstances necessary for autonomous functioning’ (Blake, 2013: 120). What makes a trade deal coercive, then, is not whether it makes a country worse off, but whether it causes (or risks causing) it to fall below a minimal threshold.

But does Blake actually ensure that that cannot happen? To me, it seems that he fails to live up to his own standards. Throughout his argument he uses the example of two fictitious countries, Syldavia and Borduria, to illustrate his examples. Although these countries appear many times throughout the book, each scenario is independent from the last, and the countries occasionally take turns being the richer and more powerful partner. This has the effect of ensuring that we do not bring any prior knowledge into the thought experiment. The author has, in effect, granted himself a monopoly on knowledge of the relevant facts. I will argue that this fact is essential to understanding why his thought experiments have an intuitive appeal, and why their conclusions are ultimately problematic.
In one of these iterations, Blake asks us to imagine an extremely wealthy society, Borduria, whose wealth mainly comes from being a tourist magnet for citizens of the neighbouring country, Syldavia. Syldavia then presents them with an ultimatum: sign this treaty, or we will stop our citizens visiting your country. The effect of such a law could be a fall in per capita income by as much as 50%, but would still leave the Bordurians above the minimum global threshold, and would not put their status as a democratic, well-functioning government at risk. Has Syldavia committed an injustice? he asks, and concludes that it has not. Since the Bordurians are still a functioning autonomous society they may grumble about being coerced. But unless we assume that societies have a right to maintain their current standard of living, that is not ultimately a question of justice (Blake, 2013: 121–122).

One of the neat things about imagined scenarios like this one is that they allow you to zoom in on the key relevant features, eliminating all others. Moreover, you are able to do away with the moral ambiguities that threaten to muddle your otherwise clear-cut argument. The problem, of course, is that these moral ambiguities do exist in the real world. Imagined scenarios like this one can therefore only tell us so much.

Blake takes care to tell us that at the onset Borduria is not just well off, but ‘extremely’ wealthy, and that even after the decimation of the tourism industry they will still be not just above the threshold for autonomous functioning, but ‘well’ above it (Blake, 2013: 121). We can probably also assume that income inequality in Borduria is not great, and that no individual citizen stands to fall below the threshold as a result of Syldavia’s new foreign policy.
The scenario therefore seems designed to ensure that the conclusion Blake reaches, that Syldavia’s policy is just, aligns as closely as possible with our moral intuitions. Perhaps, we might even think, Syldavia has legitimate reasons to be concerned with the amount of income lost in the casinos, hotels and restaurants of their neighbour. There is no indication of how wealthy Syldavia is, so we are free to imagine what we will. But now let us suppose instead that rather than being extremely wealthy, Bordurians are simply above the threshold by a comfortable margin, at least by global standards. They are, however, much poorer than the Syldavians, who count as one of the richest people on the planet. While failing to sign the treaty would still leave Bordurians above the threshold for autonomous functioning, it would only just do so, with very little margin left.

Would this change the average person’s moral intuition about the justice of the case? I absolutely believe it would, but I am less convinced it would make a difference to Blake’s argument. At least, I am not sure what difference it would make.

Let us follow Blake’s line of reasoning for a minute, and construct our own thought experiment:

*Superwealthia and Notasrichitan 1:* Superwealthia and Notasrichistan are trade partners. But owing to the differences in economic clout, Notasrichistan is much more dependent on this trade than the Superwealthians are. They are, however, both well-ordered societies. The Superwealthians make the Notasrichistanians an offer they
cannot refuse: ‘Open up your markets for our companies to import goods cheaply, potentially outcompeting your own industries, or we still stop supporting you financially.’ If Notasrichistan chooses not to sign it will make them worse off, but not so much that their status as well-ordered is under threat.

So far, nothing is substantially different to the Syldavian and Bordurian case above. Both involve signing a deal with terms dictated by the wealthier side, but without coercion. Neither Borduria nor Notasrichistan face any sanctions should they refuse to sign, only the withdrawal of offers and privileges that Syldavia and Superwealthia were under no obligation to grant in the first place. They have, in Blake’s optics, done nothing wrong.

Let us now bring these examples into the real world, as I reveal that Superwealthia is in fact the United States of America, and Notasrichistan is South Africa. This is still a thought experiment, and I do not expect it to bear much resemblance to how US-South African foreign relations are actually carried out. (In fact, I would be rather surprised if it did.) Nonetheless, by putting some skin on the bones of this experiment we are better able to test if Blake’s hypothesis holds up. This is because while Bordurians are no less real to our minds than aliens or numbers on a piece of paper, we can imagine what it is like to be a poor South African, and we can imagine what the effects of policies will be on the individual members of that society, in a way that we cannot with the Bordurians.
South Africa is, more so even than India, a country which, despite being a developing country, falls comfortably enough within Rawls’s criteria for well-orderedness. It is not rich by any global standards, but wealth is not a criteria for well-orderedness (Rawls, 1999b: 106–107). It is democratic with regular, free and fair elections, a robust constitution and rule of law, and strong freedom of speech and of the press (Freedom House, 2015). It also has a per capita GDP (PPP) of $13,100 as of 2014, a strong financial sector and good infrastructure (CIA, 2015). It is, in many respects, a middle-income country.

But there is a darker side to this shiny coin. The unemployment rate stands at 25.1%, considerably higher for the black youth (CIA, 2015), and with 20.2% of the population living in extreme poverty and a further 25.3% in moderate poverty, the state often struggles to provide necessary and adequate services for its citizens (South Africa.info, 2014). In addition, millions of refugees, many of them economic refugees from Zimbabwe, place an increasing strain on its public finances and fuels harmful anti-immigrant rhetoric and violence (Crush and Tawodzera, 2014). The US set aside US$ 486.2 million to South Africa in 2014, almost all of which was spent on health (US Government, 2015).

So: The US presents South Africa with an ultimatum: ‘Sign our treaty, or we will cut off development assistance.’ This would risk defunding programmes that keep the poorest children in school, vaccinated, fed, or kept warm during the winter. Even if the effect were limited to, say, 1% of the population dropping from moderate to extreme poverty, almost 600,000 people would suffer extreme poverty as a result. Even if it were small enough not to threaten democracy, rule of law or the financial or
physical infrastructure so there was no risk of South Africa losing its status as well-ordered, I think most people would agree that 600,000 people descending into extreme poverty is a serious moral concern.

Should we feel any differently about this case than we would about Superwealthia and Notasrichistan, or about Syldavia and Borduria? Following Blake’s logic to the end, I think the conclusion has to be that we should not. The US do nothing unjust in demanding this deal. Of course, I am here assuming that in leaving out any consideration of the distribution of wealth within a country Blake considers it more or less irrelevant to the point he is making. I cannot say for sure if that is correct, but I think it is the conclusion that follows most closely from his argument. But the domestic distribution of wealth matters a lot, and my example points to a gap.

IV.

But perhaps this does not convince you. After all, in my thought experiment both Notasrichistan and South Africa are above the limit for being able to provide its citizens with rationally autonomous lives. If the trade deal does in fact put them below that limit, it is unjust and cannot go ahead. But that would be because my empirical assessment of the situation was mistaken, not because of any flaw in Blake’s philosophical analysis. If, on the other hand, the country on the receiving end of the deal remains above the threshold, you might reasonably argue that the problem, frustrating though it may be, is ultimately their own to deal with (Blake, 2013: 110). Perhaps Blake would be willing to concede that some advance
notice should be given; just as a landlord is required to give due notice to a tenant if she wishes to take back the apartment, lest she leave anyone homeless, but is ultimately not responsible for her tenants’ long-term ability to house themselves. It seems to make intuitive sense that the same is true for countries. After all, even the richest developed countries in the world, such as Australia, France or the United Kingdom, have a minority of people living in them that are too poor or too deprived to live autonomous lives. But very few people would seriously argue that there is a duty of assistance to these countries; as tragic as the lives of some people may be, it is ultimately for their own countries to sort out.

This is, I think, a powerful critique, and there is little doubt that states ought in general to be held to account for their domestic policies. But let us try and expand the thought experiment further. Each of these is not strictly speaking a new experiment, as each step is compatible with the former. The difference, rather, is that each time we reiterate it, we add new information.

*Superwealthia and Notasrichistan 2:* As before, the Superwealthains make the Notasrichistanians an offer they cannot refuse. The consequences of not accepting the ‘deal’ would not mean that the latter’s wealth would diminish so much that they could not prevent the people from falling into poverty through a concerted effort on their part.

*Superwealthia and Notasrichistan 3:* Both countries are democracies in the standard Western vein. Domestic politics
is messy, with both checks and balances and all sorts of vested interests making rapid redistribution difficult to achieve. Foreign policy and trade policy, however, are largely left to the discretion of the sitting government, with little interest from the public. While the consequences the Notasrichistanians face for not accepting the Superwealthians’ ‘deal’ would not leave make them so poor that they could not prevent people from falling into poverty through a rapid reordering of domestic priorities, in reality it would be near-impossible to do so within the constraints of domestic politics.

All that has changed is the amount of information shared with the reader. The three are, in fact, perfectly compatible. Yet in the second experiment the Superwealthians’ actions seem justified – after all, the Notasrichistanians are responsible for their own domestic justice. But in the third experiment, where we learn how difficult that can be, the moral righteousness of the deal is considerably less clear-cut. The consequences of the deal may be their responsibility, but if we want to impose a deal like that it seems we will, as a minimum, need to consider how likely it is that we end up putting an impossible obstacle in the way of some citizens’ ability to live rationally autonomous lives. This must be the case not only in theory – a low bar that Blake’s theory does seem to clear quite comfortably – but also in practice.

By focusing on whether societies rather than individuals are well-off we effectively downplay the inequalities that exist within them, and we
ignore the fact that foreign policy does not have uniform consequences throughout society. By the low standards of well-orderedness that internationalists espouse, countries will almost always progress to that stage before all individuals within them secure a minimally decent existence. There might be a point at which it predominantly becomes a question for each country to sort out for itself. I think most would intuitively agree. But it is important to agree why. Either it is because they no longer matter, which would of course be an absurd proposition. Or else it is because at one point we recognise that although we still care deeply about those people as a matter of justice, we are no longer in the best position to deal with their problems, given that the most effective long-term solutions to poverty come from within. This change in focus of responsibility will likely take place along a sliding scale of sorts. Working out quite what the responsibilities will be at different stages will be a very difficult task, but I will try to briefly sketch the outlines in the final section.

Nonetheless, the conceptual simplicity underpinning this thought experiment prevents us from identifying this problem. This, I think, highlights the problem of putting too much stock in thought experiments completely detached from the real world, when we are trying to work out what the right thing to do is, here in the real world. The effect is to endorse a view of justice whereby once you have set a global minimum requirement, there are no more duties outside of those set by your conception of international justice more generally. Unless that conception includes a commitment to being sensitive to the effects of global inequalities – which the internationalist global justice does not – this view
seems intuitively unjust. Whether intentional or not, Syldavia and Borduria paint over some very important moral considerations in the name of conceptual simplicity. But the world is more complex than that.

V.

There is a conceptual blind spot when it comes to countries that are neither too deprived to clearly count as burdened, nor rich enough to clearly be well-ordered – call them inverse Goldilocks. Yet despite not fitting neatly into either category, the internationalist model has no obvious answer to what to do with them, other than to squeeze them into one box or the other. This is true of the law of peoples, and of Blake’s otherwise impressive endeavour to update Rawls’s theory. Nor is it obvious that they are able to address this problem within the theoretical framework they operate with.

That is a discussion for another time, however. While the question of how to formally incorporate a concern for these inverse Goldilocks countries into either Blake or Rawls’s theories is too big a task for this paper, I will here sketch a few guiding principles. There is no doubt that many more things will warrant consideration, but this will serve to get us going. First, do they constitute a separate, third category? And second, are states always under an obligation to be concerned with these kinds of effects?

I have suggested that there are, in fact, three relevant categories of countries: burdened societies, well-ordered ones, and those who do not fall neatly into either of those. One obvious solution, then, might be to add an
additional category, and define a set of unique responsibilities towards those in that group. That certainly has some appeal on the grounds of theoretical simplicity and clarity. But, first, where before we had one grey zone of conceptual fuzziness, we would now have two. And second, it does not solve one of the basic problems I identified earlier in the paper, namely that countries might be well-ordered in some aspects and burdened in others.

Perhaps, then, we would be better off thinking about responsibilities to burdened societies more generally, as operating along a sliding scale. That is, we first identify a point at which a country is clearly and unequivocally burdened. Given internationalists’ insistence that the standard for well-orderedness is quite minimal, it seems most plausible that the this point is close to the current definition of what it means to be well-ordered. And next, we define a point at which a country is clearly well-ordered. This would certainly not mean anything like ‘rich’ as we understand it in the West. A good indicator might be that a country fulfils all the criteria that Rawls suggests a country must have to be well-ordered: they have the political and cultural traditions, human capital and know-how, and the resources necessary; and while they are not necessarily rich they are rich enough to sustain and preserve their institutions (Rawls, 1999b: 106). (Of course, different people will draw up different lists – there is not necessarily anything final about Rawls’s.) Where on the sliding scale any one country falls would then depend on which of the requirements remain unfulfilled, and to what extent, which would in turn determine the duties owed to them.4
The second question I will consider here is whether states ought always to be concerned with these kinds of effects? Or put another way, are there situations where the kinds of responsibilities that Blake suggests exist in the example I mentioned earlier are, in fact, the only relevant ones? What is clearly gleaned from Blake’s example is that states, once they are above the minimal threshold for autonomous functioning, no longer have a right to further improvements. Even if we accepted that the countries on the cusp of well-orderedness have no right to further improvements either, my if argument holds up it would strongly suggest that there is at the very least a duty not to make things worse, and not to allow them to slip further towards being fully burdened. That, of course, puts some fairly strict limitations on what kind of exceptions can be permitted. They would therefore intuitively seem pretty thin on the ground. But I cannot preclude the possibility that in certain situations these responsibilities are more easily overridden than would otherwise be the case for clearly burdened societies. One possibility is might be if one country insists on a ‘deal’ in the name of a vital national interest – provided that national interest is reasonable in the Rawlsian sense of offering fair terms of cooperation based in respect for other peoples as equals (Rawls, 1999b: 35). This could, for instance, be a vital security matter. Another case that might call for an exception is in inter-state relations between two countries that both fall in-between being burdened and well-ordered. A fully well-ordered country has no further intrinsic reason to become wealthier than it already is. Or rather, although even well-ordered countries naturally do strive to increase their wealth, that goal deserves no special consideration when it comes to international
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justice. But countries on the line do have legitimate reasons to try to increase their wealth, insofar as it would help them become well-ordered. Perhaps, then, they would be in the right when putting the welfare of their own citizens ahead of that of another society, provided that society does not become burdened in the process? On the whole, however, I would suspect that these exceptions would be quite rare.

VI.

This paper has sought to challenge the idea, implicit in Rawls and Blake’s arguments, that the duty towards burdened societies is a neatly demarcated one. Internationalism therefore has a blind spot when it comes to countries on the line between being burdened and well-ordered. Countries may exhibit some of the qualities of burdenedness and some of the qualities of well-orderedness at the same time. By failing to take that into account, the theory of global duties risks excessively harsh on countries that fall in-between those two categories.

1 Pogge argues that the opposite must be true. It makes no sense to talk about whether a domestic society is just without first seeing if its existence hinders or contributes to the justice of other societies. If a society contributes to a global order in which the existence of burdened societies is possible, that makes it unjust. To him it is therefore problematic that Rawls gets the ordering of the domestic and international original positions the wrong way around — first the international order should be determined, and once that is done we can assess the justice of domestic orders in light of their internal justice and their contribution to upholding global justice (Pogge, 1989: page number needed). I will not discuss that in any more detail in this paper, however.

2 Blake assumes that the global institutions that do exist are too weak and ineffectual to ensure that justice could be served by simply following rules. But why not make those institutions stronger, and capable of enforcing global agreements? This, argues Blake, is ‘utopian thinking in the pejorative sense’ (Blake, 2013: 112), as we would have no idea how to get
there. Treating the world as a second-order site of justice, he says, allows us to get a sense of what is required here and now.

3 You might here object that the development assistance the US provides is an obligation, and that it would therefore be unjust for them to retract it regardless of the circumstances. They certainly have a duty of development assistance. The US have not signed up to the pledge to spend 0.7% of GDP on overseas development aid, and indeed do not come close to it. They currently spend 0.2% (Development Initiatives, 2013: 216). But if South Africa is well-ordered it is not clear why the US have a duty to specifically assist them, rather then even poorer countries. US development assistance to South Africa could arguably, then, be considered a gesture of goodwill instead.

4 The logic I have in mind here is similar to fuzzy set Qualitative Comparative Analysis, which rates cases between 0 and 1, as degrees of membership of a given set (in this case well-ordered societies) based on a calibration of any given variable. 0 would represent a case fully out of the set – that is, a fully burdened society – while 1 would be fully in the set. Scores in-between, then, represent a case that is neither fully in nor fully outside the given set (see, for instance, Schneider and Wagemann, 2012).

Bibliography


