PUBLIC REASON

Journal of Political and Moral Philosophy

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ARTICLES

Racism at Home and Abroad:
Thoughts from a Christian Ethicist

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Abstract. In this article Christian ethicist Michael S. Jones introduces the work of Princeton University ethicist Thomas Pogge on the areas of global poverty and global justice. He then applies Pogge's ideas to an ethical issue of continuing importance: racism. He discusses the history of racism in the United States and Romania, pointing out numerous parallels both historical and contemporary. He discusses the appropriate attitude for Christians to adopt on the issue, arguing that while Christian sources are not univocal on the subject, there is an egalitarianism at the heart of Christianity that rules out racism as a Christian attitude. He concludes that Christians can contribute significantly to overcoming racism in the U.S. and Romania by addressing the underlying attitudinal problem from the podium and the pulpit, with the pen, and through their daily interactions with each other.

Key words: Thomas Pogge, Christian ethics, global justice, racism, egalitarianism.

The Princeton philosopher Thomas Pogge is well known for his work on global justice and related issues. His sensitivity to the needs of others and his effectiveness at communicating his empathy in a way that impacts global thinking on these issues is a model for academics everywhere, and particularly for American academia, which often works from the comfort of an air-conditioned office, viewing the results of global disparity without being sufficiently moved by it to act. In this article I interact with Pogge's work on global justice and attempt to support it by arguing that one contributing factor to global injustice is the persistent problem of racism, that Christians sources strongly support an egalitarian view of the races, and that Christians can and should be engaged in combating racism.

Pogge's writing on global justice is both intellectually compelling and emotionally stirring. It ranges from his early work *Realizing Rawls* (1989) (wherein he extends the Rawlsian understanding of justice to encompass issues of global disparity) through influential titles including *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2008a) and *The Health Impact Fund: Making New Medicines Accessible for All* (2008b), to last year's *The Individual Deprivation Measure: A Gender-Sensitive Approach to Poverty Measurement* (2014). I hope that these and his other excellent publications will influence American academia toward a more global humanitarianism and that through influencing the attitudes and interests of academia his work will influence the direction of American society and culture, which can be disappointingly materialistic and narcissistic.

Pogge's work to combat global poverty is not limited to teaching and speaking: he has engaged the problem practically as well, and this, too, is an example for the rest of us. He has served as the president of *Academics Stand Against Poverty* (ASAP) and *Incentives for Global Health* (IGH) and has been active in a range of other organizations

combating global poverty. He is also engaged with universities and scholarly journals in the developing world, lending his expertise and prestige to their programs.

In *World Poverty and Human Rights* (2008a, 7) Pogge identifies four "easy reasons" to ignore global poverty: futility, jeopardy, perversity, and optimism that things are improving on their own. The first of these, futility, refers to the fact that the task of global relief seems overwhelming, which often causes those who are not impoverished to feel justified in not even attempting to work toward global relief. The second, jeopardy, describes the perhaps subconscious fear in the hearts of the more affluent that the poverty void is so large that it could consume all that they have to give without making a significant difference, with the undesirable result that both the impoverished and their would-be benefactors are rendered penniless. The third reason identified by Pogge is "perversity," by which he means the assumption that preventing poverty-related deaths would actually contribute to increased competition for the limited food and other necessities in impoverished communities and hence would actually aggravate poverty within those communities.

These three reasons for not responding to global poverty are "pessimistic" in nature: they view the problem, in one way or another, as being insurmountable. The fourth reason is actually optimistic by nature. There appear to be a great many affluent people who believe that, through one mechanism or another, the problem of global poverty is gradually but steadily resolving itself and really does not demand our intervention. Possible mechanisms that could be affecting this presumed progress include the passing of colonialism, the spread of free market economics, and scientific and technological progress.

While it would be comforting to believe that the problem of global poverty is resolving itself, Pogge shows that it is not. He also repudiates the other "easy reasons" for ignoring global poverty, leaving the reader with little justification for inaction. Nonetheless relative inaction is exactly the response of most people vis-à-vis this desperate situation. The obvious question to ask is "why"? Why aren't more people moved to pity, sympathy, compassion, and/or action in the face of the probability that nine million people will die poverty-related deaths this year alone (2008a, 11)?

There is no single answer to this question. Contributing factors range from simple ignorance to much more malicious factors including greed, the love of power, and racism. I'd like to focus on the last of these. Racism remains a significant problem in the 21st century, and I believe that it contributes to our apathy toward global poverty.

I. RACISM

That racism continues to be a very big problem in the US, 150 years after the emancipation proclamation, the desegregation of the US military beginning in 1948, Brown vs. Board of Education in 1954, the Civil Rights Act of 1964, and the Fair Housing Act of 1968, all of which were steps taken to overcome racism in America, is indisputable

in light of recent events. Evidence of this includes last year's demonstrations and deadly riots in Ferguson, Missouri, and this year's deadly riots in Baltimore, Maryland.

Racism is a learned thought pattern that often, though perhaps not always, results in discriminatory acts. It has many causes. In North America, the early colonists were white Europeans. Their eventual economic, military, and (from their perspective) cultural superiority to the native population led them to believe that Native Americans were inherently inferior. Succeeding waves of immigrants (forced and free) were also of lower socio-economic status, which reinforced the perception of European superiority. Economic and socio-political disadvantages perpetuated the denigration of the racially – stratified lower classes. Today, in the face of ever increasing ethnic diversity and in spite of the two election wins by President Obama, Caucasian peoples continue to dominate political and economic life.

It must be granted, however, that North American racism is not confined to white people. Many African-Americans take great pride in the achievements that their 'race' has made in spite of white oppression. Some despise whites because of the inhumane treatment that African-Americans have received at the hands of whites. Others have an attitude of superiority because of the successes of African-American athletes. Some Asian-Americans spurn African-Americans for their presumed un-industriousness and whites for their indulgence. Hence I repeat that "racism continues to be a very big problem in the US."

An outsider might suppose that racism is not such a big problem in Romania. After all, Romania has almost no population of African or Native America descent. Asians and Hispanics are also relatively few. But Romania has its own racial tensions. I lived in Cluj-Napoca from 2000 to 2002, and during my time in that wonderful Transylvanian city I encountered Romanian attitudes toward Hungarians and Hungarian attitudes toward Romanians that were undeniably the product of negative ethnic stereotypes. Hungarian neighbors would not teach their children to speak Romanian and longed to move to a neighboring Hungarian village, Hungarian management complained about the work ethic of Romanian employees, and in general the Hungarian population reminisced about the days when Transylvania was part of the Austro-Hungarian Empire. Meanwhile the Romanian mayor was pushing to make Romanian the official language and was painting everything in sight the colors of the Romanian flag. Romanian friends complained that Hungarians weren't loyal Romanians and one complete stranger tried to convince me that Hungarians are genetically predisposed toward violence.

In Romania the most startling racism is not directed against Hungarians but rather the Roma. In this context the parallels between Romania and the United States are truly amazing. In Muntenia and Moldova the Roma were enslaved beginning in the 14th century. As in America, these slaves were largely employed as manual agricultural laborers. As in America, they were subject to punishments that were severe and inhuman, ranging from simple beatings to having their lips cut off. Interestingly, though perhaps not coincidently, between 1842 and 1863 legislation was passed that freed the Roma living in these territories (Greenburg 2010, 923-5). (Note that 1863 was also the year in which the

President of the United States, Abraham Lincoln, issued the Emancipation Proclamation.) This year, 2015, marks ten years of the "Decade of Roma Inclusion," which has been described as "an unprecedented political commitment by European governments to eliminate discrimination against Roma" and in which Romania is an official participant.[1]

Just as the Emancipation Proclamation and subsequent legislation and legal decisions have not ended racism in America, freedom from slavery and various laudatory governmental initiatives have not eliminated racist attitudes towards Romania's sizable Roma minority. Economically speaking, Affirmative Action has resulted in some African-Americans and some Roma ascending toward the very top of their professions, but it has also tended to provoke resentment on the part of some within the majority race who do not fully understand the reasons behind such measures and who feel that they are the targets of reverse discrimination.

There is another US-Romania parallel that must be mentioned. In the US, although most African-Americans report that racial discrimination continues to be widespread and even systemic, most Caucasians report that they are not aware of such discrimination and seem to believe that racism is largely a problem of the past. Interestingly the exact same situation appears to obtain in Romania. Educated, urban Romanians have little interaction with Roma and seem to assume, or even be convinced, that racial prejudice is not a significant factor in Romania. They assume that the Roma who want to be integrated into society have been, that they have equal educational and employment opportunities, that they enjoy fair legal representation, etc. In contrast, Roma report frequent and sometimes systemic discrimination. Studies show that Roma form the lowest economic strata of Romanian society, that they have the lowest literacy rates, that they are politically under-represented, they have the least access to medicine, and they experience open hostility and discrimination in stores, at the Post Office, when attempting to hire a taxi, and in many, many other areas of life. Strangely enough, this, too, seems to reflect the African-American experience. The parallels are indeed striking.

One point that I am trying to make is that racism can be an attitude that one has but is not aware of. A 2013 article in the New York Times made this point. It was titled "The Good, Racist People," and told the story of a very successful African American actor who was frisked by a white store employee who had jumped to the unjustified conclusion that he was trying to shoplift something (Coates 2013). This employee was a good worker who was simply looking out for the welfare of his employer. However, he had a subconsciously racial preconception that caused him to hastily draw a mistaken conclusion. Had he been aware of his racial prejudice perhaps he would not have made the mistake that he did, but unfortunately we are often blind to our own prejudices. Most white Americans are not aware that they harbor a prejudicial attitude, and in my limited experience I am inclined

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1] From the website of the Decade of Roma Inclusion Secretariat Foundation, Teréz krt. 46, H-1066 Budapest, Hungary: http://www.romadecade.org/about-the-decade-decade-in-brief (accessed 20 January, 2016).

to believe that very many Romanians harbor prejudice toward the Roma and are similarly oblivious to the fact. Conversation with personal friends has informally confirmed this.

Here I want to make a confession: I too am a racist. I haven't always been aware of it, though. Let me relate to you how I discovered this about myself. I was born in the 1960s, and one of my early memories involves seeing newscasts from the war in Vietnam. I saw pictures of Vietnamese soldiers and refugees who were sad, dirty, poor, and seemingly homeless. It was my first exposure to Asian faces. In the '70s I saw broadcasts about the revolution in Iran and in the '80s it was famine in Ethiopia. There were, of course, other conflicts as I was growing up, too – in Africa, the Middle East, and Central America. I felt bad for them, but it all seemed quite distant and I imagined that there was nothing I could do about it. Then in 1991 war broke out in Yugoslavia. I had heard about the war for several weeks before I actually saw a television news broadcast about it. When I did, I was shocked. Pictured were long lines of refuges trudging on foot, fleeing approaching armies with their worldly possessions in their arms, on their backs, or in wheel barrows, their children straggling along behind. I had seen such images before – in Vietnam, the Middle East, and other places. What was different here was that these refugees looked like – ME! They were white, they were wearing western clothes, and they looked like they could have come from America. I instantly felt strong empathy for them, I couldn't believe what was happening to them, and I wanted my country to step up to the plate and help them. And I quickly realized that my reaction to their plight was stronger and more guttural than my reaction to the similar plights of people who I had seen fleeing in other parts of the world. I empathized so strongly with these people because they looked like me – at least in part because they were my race.

This is where I get back to the issues of global poverty and global justice. I suspect that one factor that significantly contributes to the lack of empathy that many affluent Westerners feel toward the plight of the poor is related to the kind of racism that I discovered in myself in 1991. We don't empathize with them because we do not see ourselves in them.

II. A CHRISTIAN ETHIC OF RACE

As a Christian philosopher, I would like to explore this problem of racism from a Christian perspective. Ontologically speaking, a Christian ethic finds grounding for morality in the very nature of God, a being who is classically conceived as being omnipotent, omniscient, omnisapient, and perhaps most important to ethics, omnibenevolent. Many ethicists take Plato's Euthyphro Dilemma as eloquently expressing the horns of a dilemma that is inescapable for any such theistic ethic: on one horn, if God determines what is moral, then it is arbitrary; on the other horn, if God chooses what is moral based upon an omniscient awareness of a morality that exists independently of him, then we have not explained what makes it moral. Contemporary Christian ethicists such as the late Philip Quinn, later developments in the work of Alasdair Macintyre and Robert Adams, and emerging scholars like David Baggett speak of a divine

command theory that avoids the problem of arbitrariness via tethering goodness to the nature of God rather than to God's will alone. While this effectively evades both horns of the Euthyphro dilemma, it potentially leads to a problem by tethering morality to an unknowable transcendent being. Discovering morality when it is tied to the transcendent is then resolved through the affirmation of divine revelation, both general and special, and the Thomistic concept of Natural Law. By far the most significant revelation of God's nature is, for the Christian, the incarnation of God as Jesus Christ. Hence the Christian ethicist has a range of resources to appeal to when studying the Christian attitude toward race: there is human nature and the natural world, there is God's revelation via prophets and the scriptures, and there is Jesus Christ.

Unfortunately, while Christian resources can be used to oppose racism, they can also be used to support it. Many attempts have been made to support forms of racism from the Bible. Some have argued that God's purpose in confusing the languages at the tower of Babel was to insure the separation of the races, thus making racial segregation an act of God not to be opposed.[2] Others have used the curses of Cain (Genesis 4) and Ham (via his son Canaan, Genesis 9) in isogetical attempts to prove the inferiority of African peoples. Some point to a version of racism of divine origin that seems clear in the Hebrew Bible: the Jews were a chosen 'race', and while the Bible is emphatic that they were not chosen based on their own merit but because of God's designs for them and through them the entire world,[3] there are a number of problematic narratives in the Hebrew Bible that relate racial/religious/political tensions between the Jews and the other races of the Levant. The Bible even records God commanding Israel to exterminate some neighboring peoples.[4]

Some have taken such passages and used them to support racism. Notably, many slave owners in the American south were professing Christians and notoriously used the purported "mark of Cain" and "curse of Ham" to justify the enslavement of Africans. Interestingly, during the time when Roma slaves were legal in Romania, the Orthodox Church operated large plantations where slave labor was employed (Achim 2004, 97). I am not familiar with Orthodox attempts at justifying this practice, though I can imagine that they appealed to passages in both testaments of the Bible that mention slavery without condemning it, that require slave-owners to treat their slaves humanly but make no mention of setting them free, and that urge slaves to obey their masters.[5] As many scholars have shown, the Bible contains principles concerning the value of human life, human

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2] There is nothing in the context of the biblical story of the tower of Babel that supports this theory.

3] This message is seen in both Testaments, for example in Deuteronomy 7:7 and 8, Isaiah 42:6, and Romans 9:11ff.

4] See the sixth chapter of the book of Joshua.

5] See for instance Eph. 6:5, "Servants, be obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ," Col. 3:22, "Servants, obey in all things your masters according to the flesh; not with eyeservice, as menpleasers; but in singleness of heart, fearing God," or Pt. 2:18, "Servants, be subject to your masters with all fear; not only to the good and gentle, but also to the froward."

dignity, and an individual's direct accountability to God that contributed significantly to the eventual overthrow of slavery.[6] Nonetheless the Bible does not in fact condemn slavery in the straightforward fashion that we moderns would like.

Happily, the biblical position vis-à-vis racism is clearer. To begin with, the biogenetic potential for race variation seems most likely to have been built into the human race by its Creator. Therefore it seems that racial variation is part of the original plan of God. While the specialization caused by microevolution could result in some races developing abilities that surpass those of other races in specific areas, no one race can objectively be shown to be superior or inferior to another when all areas are compared. Most racism seems to stem from cultural differences, which are malleable and are judged subjectively.

Even if one race could be proved to excel others in every area of objective comparison, on a Christian anthropology this would not warrant racist attitudes. Christianity holds that all humans are created in the 'imago dei' and are therefore worthy of respect.[7] In comparison to this, all mental and physical abilities are insignificant. Furthermore, all are equally affected by the fall into sin, and God's redemptive love is extended to each human individually. While extreme Calvinist interpretations of divine love posit a differentiation between those who God loves generally and those who he loves specially (in a specifically soteriological sense), the mainstream of Christian theology sees God's love as extended equally to all people: "For God so loved the world that he gave his only begotten son that whosoever believeth in him should not perish but have everlasting life." And the five-point Calvinist who affirms that God does not love the reprobate in the same way that he loves the elect bases this not on any attribute of the elect or the reprobate but rather on the sovereign and unconditioned will of God. Hence there is no room for racism "at the foot of the cross."

The Christian ethicist acknowledges that there are racially-loaded narratives in the Hebrew Bible to which she or he must respond. Most notorious of these are the so-called "Canaanite Genocide" narratives in which Yahweh commands the Israelites to massacre the inhabitants of the Canaanite cities prior to settling the land.[8] In some instances the

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6] For an interesting discussion of various uses of the Bible to support and oppose slavery, see Willard M. Swartley's still influential book, *Slavery, Sabbath, War, and Women: Case Issues in Biblical Interpretation* (Scottdale, PA: Herald Press, 1983), ch. 1, "The Bible and Slavery." See also the second and third chapters of Kenneth G. Cleaver. 2002. An Examination of Albert Barnes' Handling of the Bible in the Debate on Slavery in Mid-Nineteenth-Century America. *Faculty Dissertations* paper 25, http://digitalcommons.liberty.edu/fac_dis/25 (accessed 27 February, 2016).

7] Gen. 1:27, "So God created man in his own image, in the image of God created he him; male and female created he them," Gen. 9:6, "Whoso sheddeth man's blood, by man shall his blood be shed: for in the image of God made he man."

8] Numbers 31, Deuteronomy 2:30-7, Joshua 6. Whether or not these passages record genocide, and if they do, how a Christian should respond, is a debated issue. See Copan, Paul. 2008. Is Yahweh a Moral Monster? The New Atheists and Old Testament Ethics. *Philosophia Christi* 10: 7-37; Morriston, Wesley. 2009. Did God Command Genocide? A Challenge to the Biblical Inerrantist. *Philosophia Christi* 11: 7-26; and Rauser, Randal. 2009. 'Let Nothing that Breathes Remain Alive': On the Problem of Divinely Commanded Genocide. *Philosophia Christi* 11: 27-41.

cleansing of the land extends even to the killing of women, children, and animals. In *Is God a Moral Monster: Making sense of the Old Testament* Paul Copan discusses these difficult passages at length (2011). Relevant to our discussion here, it must be noted that, regardless of whether such passages actually record historical incidents of genocide, at issue was not the race of the Canaanites but rather their moral and religious practices, which involved atrocities such as ritual prostitution and child sacrifice. Hence while such passages are unpleasant, to say the least, they are not racist.

Less ethically shocking but more broadly present in the Hebrew Bible is the distinction between the Israelites as a people and the surrounding nations. This is the very reason that circumcision was instituted – as a sign setting Abraham and his descendants apart from everyone else. It carries with it far-reaching implications, including prohibition from marrying non-Israelites, preferential treatment when doing business with other Israelites in comparison to how one conducts business with non-Israelites, and more. Some aspects of this parallel closely the attitudes and practices of white southerners toward African-Americans: there are those who believe that interracial marriage is sin and who, even today, prefer a policy of "separate but equal."

However, as in the Canaanite Genocide narratives already discussed, the primary issue here involves moral and religious purity rather than racial prejudice. Once again what the biblical narratives are relating is Yahweh's desire to produce a morally and spiritually mature nation that will be appropriately prepared to bring forth the coming messiah who will be the savior of mankind. Hence racism is not the issue here.

Furthermore, there are notable examples of inter-racial acceptance in the Hebrew Bible. One need only think of Moses, that man of God who led the Israelites out of Egypt and through the wilderness to the Promised Land. His wife and his father-in-law, with whom he appears to have had a warm relationship, were Kenites rather than Israelites. During the time of the Judges a Moabite woman named Ruth was accepted into Israel because of her outstanding character and her adoption of the Israelite religion. She is recorded as an ancestor of King David and, through him, Jesus. Jesus himself seemed to take pleasure in reminding the Jews that the prophet Elijah took refuge in a time of need with a Sidonian widow and that Elisha healed Naaman, a leader of the Syrian army, of leprosy, even though he did not heal many Israelites who suffered the same disease.[9] I believe that a thorough reading of the biblical texts would support the conclusion that a racist reading of the Hebrew Bible is not warranted.

When we turn our attention to the New Testament things become crystal clear. The New Testament authors saw Israel as God's chosen vessel for bringing redemption to all peoples. Israel is special, but instrumentally so rather than inherently so. There is a

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9] Luke 4:25-27, "But I tell you of a truth, many widows were in Israel in the days of Elias, when the heaven was shut up three years and six months, when great famine was throughout all the land; But unto none of them was Elias sent, save unto Sarepta, a city of Sidon, unto a woman that was a widow. And many lepers were in Israel in the time of Eliseus the prophet; and none of them was cleansed, saving Naaman the Syrian."

principle of racial egalitarianism running through the New Testament from the Gospels to the end of the Apocalypse.

This egalitarianism is seen first in the person of Jesus, who was raised a Jew and would have been expected to exhibit the same sort of prejudice toward non-Jews that was common among Palestinian Jews of his day. But Jesus had considerable ministry among the non-Jews in Palestine, interacting with them with compassion and understanding. He summarized the teachings of the law in the two statements "Love God with all your heart" and "Love your neighbor as yourself". Then through parables he went on to explain how this command transcends racial, ethnic, and geo-political boundaries.[10] In his last words he commissioned his disciples to "go therefore into all nations, preaching the gospel." The word "nations" here is the Greek *ethnos*, which refers to people groups rather than political entities. Christians are to take the message of God's love to every people group – which of course includes every race.

We find the same attitude gradually being adopted by Jesus' disciples. The most pronounced declaration of this is found in the writings of the Apostle Paul. In Gal. 3: 26-28 he explains that Christians " […] are all the children of God by faith in Christ Jesus. For as many of you as have been baptized into Christ have put on Christ. There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus." Paul is saying that within the church race and social status are irrelevant: we are all on equal footing in Christ and are actually related to one another through Him.

In the last book of the New Testament, variously referred to as the *Apocalypse* and the *Book of Revelation*, all of the kingdoms of the world are pictured as equal before the throne of God. This passage in chapter 21 is nearly poetic:

> 1: And I saw a new heaven and a new earth: for the first heaven and the first earth were passed away; and there was no more sea.
>
> 2: And I John saw the holy city, new Jerusalem, coming down from God out of heaven, prepared as a bride adorned for her husband.
>
> 3: And I heard a great voice out of heaven saying, Behold, the tabernacle of God is with men, and he will dwell with them, and they shall be his people, and God himself shall be with them, and be their God.
>
> 4: And God shall wipe away all tears from their eyes; and there shall be no more death, neither sorrow, nor crying, neither shall there be any more pain: for the former things are passed away.
>
> 22: And I saw no temple therein: for the Lord God Almighty and the Lamb are the temple of it.
>
> 23: And the city had no need of the sun, neither of the moon, to shine in it: for the glory of God did lighten it, and the Lamb is the light thereof.

10] See especially the Parable of the Good Samaritan.

24: And the nations of them which are saved shall walk in the light of it: and the kings of the earth do bring their glory and honour into it.

25: And the gates of it shall not be shut at all by day: for there shall be no night there.

26: And they shall bring the glory and honour of the nations into it.

III. CONCLUSION

Returning again to the problems of global justice and poverty, if one factor that significantly contributes to the lack of empathy that many affluent Westerners feel toward the plight of the poor is the kind of subconscious racism that I have described, a racism that prevents us from seeing ourselves in the other and thus limits our empathy when faced with their needs, then addressing such racism is one step that we can take toward establishing the empathy that is needed if we are going to see more people respond to these pressing issues. The approach that I have taken to racism is overtly Christian and as such has an appeal that is limited to the Christian audience. However, since professing Christians form a sizable portion of the populations of our two countries, working on appropriately shaping the attitudes that Christians have towards other races should be helpful. Hence my proposal is that by addressing the problem of racism in our classes, our pulpits, our publications, and our daily interactions with our brothers and sisters in Christ we can make a significant contribution to the work that Pogge has been doing.

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Global Justice and Research Ethics:

Linguistic Justice and Intellectual Property[1]

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Abstract. This paper aims to address two seemingly independent issues in the field of moral and political philosophy, namely the problem of global justice with elements regarding research ethics. The first section of the paper will be concerned with a short overview of the problem at hand, highlighting the particular way in which research (I refer mostly to publishing in academic journals) is carried out in the 21st century. While admitting that the matrix of moral issues linked to the current topic is more diverse, I will limit the scope of my analysis to only two elements. First of all, in the second section of my paper I will try to identify an answer to the following question: are researchers from non-native English speaking countries who seek to publish in academic journals from abroad in a position of inequality in relation to their peers from Australia, Great Britain or USA? I will explore the moral relevance of this question at a global level by presenting Philippe Van Parijs' conception of linguistic justice. My argument will rest upon the fact that the emergence of English as a lingua franca in research publishing has had more positive than negative externalities in relation to researchers from developing countries. The third and final part of my paper will be a critique of the current Intellectual Property system which, in my opinion, hinders the access of researchers from developing countries to new research available in journals indexed in international databases like Wiley-Blackwell, SAGE or JSTOR.

Key words: global justice, research ethics, linguistic justice, intellectual property, copyright.

Investing in research and development seems to be one of the contemporary mantras worldwide. In a bid to increase their scientific output, both countries and private companies invest part of their GDP and R&D budgets in making funds available for researchers to advance their research agendas which partly end up published as papers in journals indexed in international databases like Wiley-Blackwell, SAGE or JSTOR.

Taking into account this factor, it is no surprise that, according to a recent report, in 2014 Google Scholar indexed between 100 and 160 million documents and that "there were about 28,100 active scholarly peer-reviewed English language journals […] collectively publishing 2.5 million articles a year" (Ware and Mabe 2015, 27). Moreover, "the number of peer reviewed journals published annually has been growing at a very steady rate of about 3.5% per year for over three centuries […]; the number of articles has also been growing by an average of about 3% per year. The reason for this growth is simple: the growth in the number of scientific researchers in the world" (2015, 28). While an oligopoly, with Elsevier, Wiley-Blackwell, Springer and Taylor&Francis accounting for more than half of the articles published in 2013, the market for academic articles seems to be a good investment, with profit margins of nearly 40% (Larivière, Haustein & Mongeon 2015).

The competition between researchers to get their papers published in high - profile journals like *Nature* or *Science* seems, at least at a first glance, to be unequal. Firstly, the funding opportunities available for researchers based in countries in the developing world are in no way close to the opportunities scholars from USA or the European Union have at their disposal. Moreover, just as Latin used to be the lingua franca of academic publishing up to modern times, publishing an academic paper in a journal nowadays is not just a matter of coming up with innovative ideas and having a grasp of the relevant literature in your particular field. A researcher should also possess a proficient level of writing in English, as this language emerged as the new lingua franca of academic publishing.

Last but (possibly more importantly) not least, there is the question regarding access to academic journals and articles. While in affluent societies this is not really a problem, with universities having the necessary funds in order to provide their students and scholars with access to international databases by paying yearly subscriptions, this is not the case in the developing world. The crux of the problem in this context lies in the current global Intellectual Property regime, as the poor access to academic publishing is partly due to the fact that copyrights on academic articles make ideas scarce, while alternative sources such as projects like Library Genesis and Sci-Hub are frowned upon, both on moral and legal terms. But more to this point in the third section of my paper.

As Thomas Nagel famously asserted in one of the seminal papers regarding global justice, claiming that we live in a world which is not characterised by justice at a global level seems quite uncontroversial (2005, 113). However, when moral and political philosophers address the issue of global justice, they tend to express concerns regarding big issues of human welfare. Famine, death from poverty-related causes (Pogge 2001, 6-24), the impact of climate change on developing countries or access to life saving drugs (Pogge 2010, 135-155) are to the forefront of the moral debate. On a related note, research ethics seems to be preoccupied with other issues than the question of publishing academic papers in relation to linguistic or intellectual property topics. Research fraud and plagiarism (Judson 2004), the problem of dual use technologies (Selgelid 2013, 3-13), privacy and informed consent in developing empirical studies (DuBois 2006, 102-121) or the question of the social responsibility of researchers (Hackett 2002, 211-14) are the main elements discussed in the field.

Far from trying to argue that addressing publishing inequality in an already globalized publishing world is as pressing as tackling the causes of famine or facilitating the access to HIV drugs in poor countries my contention is that, due to the fact that there is a correlation between research and prosperity at a national level, we should at least aim at addressing in part the elements I sketched above. Moreover, I do not wish to assert that the paradigmatic issues surrounding research ethics are not important, but I do think that the prerequisites of publishing (both on linguistic and Intellectual Property accounts) do stand as serious moral problems with potential political implications and solutions. In particular, my aim in this paper is that of addressing whether there could

be a case for linguistic justice in the context of academic publishing at a global level and if the current Intellectual Property system is fair and equitable in relation to researchers and scholars from the developing world.

I. IS THERE A CASE FOR LINGUISTIC JUSTICE IN ACADEMIC PUBLISHING?

1. Van Parijs and the concept of linguistic justice

The intellectual incentive behind the idea of linguistic justice stems from the fact that, in many institutional or economic interactions, some speakers are in an advantaged position. Take, for example, the case of a migrant worker from Romania who wants to earn a contract in France. Besides the fact that he needs the required skills for the job he searches for, he should also possess, for a wide range of high-paying jobs, at least some minimal French speaking, understanding and writing skills, while his employer is not expected to have some sort of correlative duty with regards to Romanian language.

It can be argued that the case of academic publishing nowadays is not fundamentally different from migrant workers who seek employment in the West. Most scholars and researchers seek to disseminate their ideas in internationally indexed journals, most of them being incentivized to learn English (and to a much lesser degree French or German) in order to get their papers published or presented at international conferences. English, as I mentioned in the previous section, emerged as the contemporary lingua franca[2] in academic publishing but it was not the first one to get in this position. For example, up to a few centuries ago, scholars and scientists used to write and deliver talks in Sumerian, Greek, Arabic or Latin. While the use of Latin was prevalent in scientific and scholarly communities in the Middle Ages in Europe, in modern times it was surpassed and substituted by French, German and English.

This continued to be the case even in the beginning of the 20st century, but the situation has slowly changed nowadays, with English holding the dominant position in science publication. For example, in 1996, 90.7% of all the published work in the natural sciences was in English, with Russian being the second with a 2.1% share of the market of ideas. The situation was similar in the social sciences: 82.5% of the published articles were in English, with French (5.9%) and German (4.1%) coming on second and third (Hamel 2007, 57-58).

2] Some argue, however, that from a strictly linguistic standpoint English is not a lingua franca per se. However, we could use the term English Lingua Franca (ELF) as a denomination for the globally used English language. There are more speakers of ELF than the native speakers of English (the ratio is about four to one). For more details see House 2004, 556-57. For my purpose however, this strictly linguistic debate is not of real importance, due to the prevalence of publishing in English in contemporary scientific and scholarly practices. What matters, as Jennifer Jenkins and Constant Leung observe, is that "Nowadays, however, its most extensive use is as a lingua franca among speakers from different first languages, particularly, but not exclusively, non-native English speakers from countries with no history of British colonization." (2014, 1)

What is the explanation for this shift towards publishing in English? The answer is plain and simple and it has to do with the fact that there are more and more scholars who seek to publish in English and not in their native tongues: "an increasing number of scientists whose mother tongue is not English have shifted to English for publication. An empirical trace of this process can be identified directly in the fact that the number of contributions in English language journals by authors from non-Anglophone countries has grown significantly over the past decades" (2007, 60).

In comparison to their peers from developing countries who do not have English as their mother tongue, scholars from the UK, USA or Australia seem to be in an advantaged position. They have no costs associated with publishing besides being good researchers, because they do not have to incur the cost of learning English beyond just an acceptable level in order to be competitive with native speakers. A situation like this, Van Parijs argues, represents the prerequisite for a discussion regarding whether or not the idea of linguistic justice makes sense. And, according to him, it really does, as I will show further on.

Before presenting his theory of linguistic justice it should be noted that Van Parijs is not against English being used as a lingua franca both in Europe and at a global level. Moreover, he considers that there is a case based even on a commitment to egalitarian global justice which justifies "a strong presumption in favour of the spreading, in Europe and throughout the world, of a single lingua franca, that is of one language which should enable us all to communicate with one another, irrespective of our mother tongues" (Van Parijs 2011, 50). Why and how did English acquire this special status? Firstly, he rejects the hypothesis that a lingua franca is rationally superior to other languages. Moreover, he also rejects alternative explanations for the adoption of English as a lingua franca, namely the hybrid character of its lexicon or the ethnic superiority of Anglophone countries. It is more likely, Van Parijs conjectures, that English became a lingua franca "basically because of a haphazard sequence of events that could easily have led elsewhere" (Van Parijs 2011, 22).

After clarifying the fact that the mere existence of a lingua franca is, in fact, just, he considers the broader moral and political implications of the current linguistic status quo. He begins by asserting that the concept of linguistic justice should not be confined only to aspects which relate to interindividual distributive justice. A more extensive perspective is in place, taking into account the global impact of the problem. As a consequence, Van Parijs considers that we need to talk about linguistic justice as a form of "intercommunity cooperative justice" (2002, 60).

A first framework to assess the idea of linguistic justice which Van Parijs advances is Rawlsian. Having some linguistic competence in a lingua franca is a skill which does affect the life of an individual. A researcher in moral and political philosophy from Romania who possesses the capacity to read, write and engage in conversations with her peers from foreign universities in English can progress as a researcher and become internationally relevant. Her competences can be seen, Van Parijs suggests, as a combination of her effort (to learn English) but also of the particular circumstances in which she developed her skills and personality. How would a Rawlsian analysis of this situation look like?

Unsurprisingly, the fact that a person has a certain mother tongue is an arbitrary feature of her personal identity, just as her race, gender or sexual orientation. As a consequence, the fact that our mother tongue is either English, Romanian or Urdu should not hinder or influence in any negative way our access to valued social positions, like that of a researcher in political philosophy.

A corollary of this perspective is that we should treat our natural linguistic skills just as Rawls does with other types of natural talents which are a result of the natural lottery: some people are either born in advantaged communities where the mother tongue is the lingua franca of the research and publishing world or with superior skills in learning and assimilating new languages. If we take into account the Difference Principle, Van Parijs asserts the following:

> among those who occupy the worst social position [...] those with the misfortune of speaking the wrong language, or of speaking the right language with the wrong accent, are bound to be overrepresented. Rawlsian justice does not let them down. The difference principle requires that the expectations of the incumbents of this position be maximized, that they be higher than those associated with the worst position under any alternative arrangement. (2002, 60)

As a consequence, we should design appropriate institutions to take into account this inequality.

While promising, the Rawlsian approach to linguistic justice is not enough for Van Parijs because it has to face a serious objection, namely the problem of indeterminacy: "there is no reason to single out linguistic assets for special treatment: they can safely be lumped together with other personal assets" (2002, 61).

A more promising approach is one which emphasizes the use of English as a lingua franca as a problem of cooperation. By being competent in English, a scholar from Romania provides a public good to native speakers from Anglophone countries with the same research interests, because that skill facilitates communication between people who share that competence (Van Parijs 2011, 50).

The approach Van Parijs advances highlights the case of positive externalities and the existence of free riders who take advantage of the persons producing the positive externalities. This approach might be better suited to address the question of linguistic justice at a global level. In order to make this point clearer, I will adapt an example employed by Van Parijs. Two individuals, both researchers in the political philosophy of Robert Nozick, are only fluent in their native languages, English and Romanian. A fruitful conversation between them on the issue of side constraints is hindered by the fact that they cannot communicate due to the language barrier. However, after some time, the Romanian scholar learns English and the exchange of ideas takes place. In this case, while one researcher made the necessary efforts in order to facilitate communication, the other did not change in any way her behaviour. As a consequence, the native speaking English scholar enjoys at no cost a public good at which only the Romanian scholar contributed and worked to produce.

The crux of the conception of linguistic justice that Van Parijs endorses in his analysis of a lingua franca (the fact that English is the current one is irrelevant in this particular case) is that it seems to have a structure of a public good (2011, 51). First of all, a lingua franca is non rival with regards to consumption. If the Romanian scholar communicates in English, as in the previous example, she does not reduce the amount of words or phrases uttered or written in philosophy papers by others, be they native speakers or speakers of a different language. Furthermore, the exercise of a lingua franca is non-excludable: the cost of prohibiting and monitoring the consumption of a language would be too high, at a global level.

We need some form of linguistic justice, Van Parijs argues, because the laissez-faire status quo of today incentivizes native English speakers to free ride on the efforts of foreign scholars (whether from developing countries or not). The current arrangement is not fair and, as a consequence, it needs to undergo a moral level-up:

> Justice between linguistic communities could analogously be conceived either as a fair sharing of the cost of permanent commuting (the learning of the 'dominant' language by the present and all subsequent generations of native speakers of the 'dominated' languages) or as a fair sharing of the cost of a one-off move (the replacement of the 'dominated' languages by the 'dominant' language as a common mother tongue. (2011, 62)

To conclude, linguistic justice should be viewed as a form of fair cooperation[3] between native lingua franca speakers and foreigners. While the bulk of the examples employed by Van Parijs have to do with structural institutional issues (for example, how should the EU evaluate, asses and compensate non-native English speakers) one example employed alludes to the use of English as a lingua franca in academic publishing. If we have separate research communities on the basis of the mother tongues used in research, then the emergence of English as a lingua franca in science publication has paved the way for the cohabitation of different scholarly communities at a global level. It is on the basis of Van Parijs' personal efforts that he managed to make his ideas available for a broader public:

> for example, the native Anglophones who read these words benefit from my having laboriously learned from age fifteen how to understand, pronounce, read, and write the words they happily learned as toddlers and how to order them more or less the way they do. Had it not been for this learning effort, they would never have had access to the insights I am in the process of sharing with them. (2011, 52)

In a similar way, Romanian scholars who publish papers in international journals in English underwent the effort of learning the lingua franca of today, and not just the necessary research efforts in order to disseminate their results to the international scholar community. They should, Van Parijs would argue, be compensated for their efforts in

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3] Linguistic justice could also be viewed as a form of equal opportunity and as parity of esteem. An extended analysis would be, however, beyond the scope of my paper. For more details see Van Parijs 2011, 87-133.

order to achieve a fair cooperation between scholar communities worldwide. But should they, however? Does the idea of linguistic justice hold water?

2. Positive Externalities, Spontaneous Orders and Euvoluntary Transactions. Is There Still a Case for Linguistic Justice in Academic Publishing?

While intuitively plausible, I consider that the idea that non-native English speakers should be compensated on the basis of publishing papers in English and producing positive externalities to native English researchers. Take the following though experiment: you and all your neighbours from the block of flats where you live have a passion for the opera. At some point, a new neighbour moves in. She is a well-renowned opera singer from your country with a quirky habit: she enjoys singing your favourite opera aria from Bizet's famous *Carmen*, *Habanera*.

By stipulation, I assumed that the externalities the soprano produces are positive, not negative, because both you and your neighbours are opera aficionados not inclined to knock on her door each morning when she takes her shower. Moreover, just like in Van Parijs' examples, these positive externalities have the form of a public good. Firstly, your consumption of *Habanera* does not interfere with the capacity of your neighbours to do the same. It is also non-excludable because the cost of monitoring and prohibiting others to listen to it would be too high and, as a side note, illegal. Should you and your neighbours compensate the opera soprano for her habit of singing in the shower? The most plausible and intuitive answer would be, I presume, that she is not entitled to anything besides a simple 'congratulations', because both parties (her and the opera aficionados from your block of flats) benefit following this transaction.

In my opinion, the case of publishing articles in English journals is similar to the previous though experiment. Scholars from non-native English speaking countries benefit from learning and publishing in the lingua franca of the day both on a personal level (they integrate themselves in international scholarly communities) and on a professional level (employed scholars with funding for their research benefit from publishing in prestigious or at least international indexed journals because they have to report the papers to the institution that provided the financing and they also improve their resume). Native speaking English scholars also benefit from this phenomenon, because they engage with new ideas from all over the world and so scientific communities grow larger and larger.

On a different note, it is worth emphasizing that Van Parijs has a Hayekian insight with regards to the emergence of English as a lingua franca. The haphazard sequence of events that led to the adoption of English as a lingua franca that Van Parijs alludes to is analogous to what Hayek calls 'kosmos', or spontaneous order, as opposed to 'taxis', or designed order (1973, 37). It appears that there was nothing designed in the adoption of the norm of publishing in English in international journals, only self-interested scholars and journals who wanted to publish new and insightful papers and disseminate the products of knowledge from the natural or social sciences. Trailing on the intellectual

tradition established by Bernard Mandeville, Hayek argued that even languages (alongside money, the market, morals or law) are examples of spontaneous order: namely norms and institutions that emerged in order to resolve coordination problems between individuals with imperfect information (1978, 249-67). It might be argued that the norm of publishing academic articles in English is a result of a coordination game between English and non-native English speaking scholars from across the world. With the common interest of engaging in a fruitful academic debate, scholars voluntarily stumbled upon this arrangement which is clearly superior to a situation in which conversation between scientific communities is impossible due to linguistic reasons. Not all equilibrims are acceptable from a moral standpoint, however. In this particular context, I believe that the question of linguistic justice, as formulated by Van Parijs, is already addressed by states worldwide. First of all, in all states with a functional education system English classes occupy an essential place in the school curricula. Secondly, NGOs from Anglophone countries regularly teach, in a free-admission system, English classes to all types of interested non-native English speakers.

Last but not least, the question of the character of transactions between English and non-native English scholars seems to be avoided by Van Parijs' proposal. In a broad (albeit classical liberal) framework however, the problem of the voluntary/non-voluntary character of a transaction is highly relevant in debates regarding justice. Michael Munger argues that some political and moral philosophers have a problem with market exchanges because the transactions are not really voluntary or, as he calls them, 'euvoluntary' (2011, 193). A truly voluntary exchange has the following five characteristics (2011, 194). Firstly, the parties involved in the transaction own the items of the exchange relationship and the capacity to transfer the items to other individuals. Post-exchange, neither participant should feel regret, as the perceived benefit of the exchange is present. Last but (more importantly) not least, no individual taking part is coerced under the threat of violence or of a dire situation (a situation in which, if the exchange does not take place, one party may be irremediably harmed).

A large part of our day to day exchanges have the structure of a euvoluntary transaction. Some of them, however, are not truly voluntary in the above mentioned sense. Munger gives a relevant example (2011, 196-197) to illustrate his point. Suppose you are thirsty and enter in a grocery store where the price tag for a simple bottle of water is $1,000. The natural reaction would be to search for another grocery store where a bottle of water would only cost $1 and buy it from the cashier. In this instance the exchange is euvoluntary. However, if you're in the desert and the only chance of quenching your thirst is from a four-wheel-drive taco truck with a price tag of $1,000 then your decision of buying that bottle of water might be voluntary, in the ordinary sense in which we use the word, but not euvoluntary because this transaction would violate the 5th feature of a

truly voluntary transaction: you were in a dire situation in which, had you not bought that bottle, you could have died from thirst[4].

Are the transactions between non-native English scholars who publish academic papers in English on the one hand and Anglophone scholars and international journals on the other euvoluntary? I can see no reason why not. In a trivial sense, scholars are the owners of their expression of ideas and they engage in this transaction because they perceive the benefits of the exchange to be higher than the costs (associated with learning English and researching a particular topic). Also, while some researchers do regret publishing a particular paper, they do it taking into account different reasons that have nothing to do with a concern for linguistic justice: either the paper was sent to a wrong journal where the peer-review process takes too long, or the thesis of the study was insufficiently defended or argued for.

Are scholars physically coerced into publishing papers in English in journals indexed in international databases? With the exception of dictatorial regimes like North Korea (for which we lack the data), it seems fair to say that scholars are not coerced into publishing. What about the last condition? Are non-native English speaking scholars harmed in a different way if they do not engage in publishing according to the norms of the status quo? While their lives would not be in danger, an argument could be forged in the following manner: if scholars from non-native developing countries do not publish in English, they might perish from the international relevant scholarly communities of their research area and they would have worse academic resumes than their national peers who do engage in this practice. Contending this point, I do not see it as a strong enough argument so as to highlight the fact that these transactions are not truly voluntary. A Romanian scholar, for example, still has the option of publishing in Romanian journals. Moreover, the type of coercion exemplified in the desert example is quite different from what might happen to a scholar who refuses to publish academic papers in English. If anything, the existence of this contemporary lingua franca has had many positive externalities even on scholars from developing countries, because it managed to contribute to the global availability of science.

II. ACADEMIC PUBLISHING IN THE AGE OF GLOBAL INTELLECTUAL PROPERTY

In 2012 Library.nu, a digital library popular in scientific communities both from the affluent West and (more importantly) from the developing world was shut due to the fact that it was accused of copyright infringement, only to be survived by two (still operating at the time I write this paper) websites: Library Genesis, which provides free access to copyrighted academic books (Cabanac 2016) and Sci-Hub, an online search engine that

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4] The more general point Munger is trying to make is that, whether or not truly voluntary, exchange is just because it improves the status of both participants to the exchange. This argument is not relevant however to my discussion of linguistic justice and I will not focus on it.

provides access to copyrighted academic journals. On a different but related note, in the beginning of 2013 Aaron Swartz, a famous programmer and internet entrepreneur committed suicide after he was indicted by the federal government of USA for computer crimes (Gustin 2013). More precisely, he was arrested after he downloaded most of the articles hosted by JSTOR (4.8 million papers) and planned on making them available to the general public through peer-to-peer file sharing.

What do the previous examples have in common? They clearly highlight the clash between formal rules that endorse the copyright of authors or editors in the expression of ideas and the informal rules associated with the fact that 'culture wants to be free'. In a series of previous articles I have tackled a similar topic to the one which I will dwell on in the remaining section of the paper. On the one hand, I have argued that there is a clear incompatibility between Global Justice and pharmaceutical patents (Cernea and Uszkai 2012), while with regards to copyrights I have tried to show that they are not compatible with some of the rights from the Universal Declaration of Human Rights (Uszkai 2014). Moreover, in a recent study (Uszkai 2015, 183-199) I developed a Bleeding Heart Libertarian framework to asses and critically evaluate the process of globalization that Intellectual Property underwent in the past couple of decades.

The globalization of Intellectual Property is a recent phenomenon:

> Prior to the beginning of the 20th century the adoption of IP laws has been, more or less, and endogenous phenomenon. Copyrights and patents reached an almost universal status, but it wasn't until the adoption of TRIPS (the Trade-Related Aspects of Intellectual Property Rights Agreement) in 1994 that IP really became a global issue. Exogenous factors, such as the benefit of being a member of the WTO (World Trade Organization) brought about a level of compliance from almost all the countries in the world. To put it in another way, the globalization of IP can be tied to this particular moment in history. (2015, 185)[5]

The issue of a globalized legal framework regarding the expression of ideas is closely linked with questions regarding Global Justice and research ethics in our contemporary 'publish or perish' academic culture. The major two aspects I wish to address are the following: (i) does it make sense to think of a copyright as a property right? and (ii) are copyrights compatible with a Rawlsian moral and political framework?.

1. *The Moral Significance of Artificial Scarcity. Are Copyrights Really Property Rights?*

While not exhaustive, the two main strategies to argue, from a moral standpoint, in favour of a copyright (or for any type of Intellectual Property, for that matter) are the natural rights (or Lockean) and the utilitarian approach[6]. While pushing the argument

5] For a short history of the historical evolution of Intellectual Property legal regulations see Uszkai 2015, 184-85.

6] A more extensive map of the arguments involved in the debate surrounding Intellectual Property can be found in Menell 2000. Furthermore, due to the scope of the current paper, I will only insist on the

from different philosophical assumptions, scholars on both sides agree that some sort of legal protection for intellectual production (from new pop music to top-notch academic publishing and research) is needed in the form of property right which grants something closer to a monopoly right on behalf of the original author or an editor (who bought the copyright from the original author) to decide who has a right to copy and replicate the original idea/particular formulations and expressions of an idea.

Unsurprisingly, moral and political philosophers who work in the natural rights/ Lockean tradition highlight the moral significance of self-ownership. Due to the fact that we own ourselves, we also own both our labour and the fruits of our labour. The apparent tension between material and immaterial objects is discarded by Spinello (2011), Merges (2011) or Cwik (2014). While it is true that Locke's examples when discussing the process of appropriation revolve around physical objects (acorns, apples, land), the framework (or at least so the argument goes) could be easily extended so as to cover immaterial objects such as ideas and their expression. Mental labour is still labour and it belongs to the creator of ideas, whether he is a researcher in philosophy or an opera composer. It is by the same process that he appropriates an idea from the public domain of ideas, just as we appropriate material objects from common property. As a consequence, a scholar who comes up with new and innovative hypothesis or who simply works and publishes an academic paper or a book is morally entitled to be granted a property right in the form of a copyright with regards to the idea he produced.

On the other hand, utilitarians (or, more broadly, consequentialists) who argue in favour of Intellectual Property emphasize the essential role incentives play in a variety of intellectual and creative activities such as composing music or writing fantasy novels and research papers. Some sort of incentive is important in relation to immaterial objects like ideas because, with the advent of technology, the cost of replicating and copying an idea is at its lowest. Moreover, once produced ideas resemble typical public goods. They are non-excludable and non-rivalrous in consumption mostly due to their ontology. It is on the basis of these elements that utilitarians consider that, if they would lack the power to exclude, creators would not have an incentive to be productive in their respective fields (Landes and Posner 2003, 18). While ideas are naturally abundant, the goal of the Intellectual Property legislation is to create artificial scarcity, in order to incentivize producers of immaterial goods (i.e. ideas).

To sum up, researchers are entitled to the fruits of their labour based on their previous self-ownership right to their own person. This entitlement is translated, from a legal standpoint, in a property right which utilitarians argue that serves as an incentive in order for her to be productive in her research activity. Moreover, a copyright (just like any

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key elements and philosophical assumptions of the natural rights and utilitarian theories. For a more in depth presentation of both the arguments in favour of copyrights but also a critique of those arguments see Uszkai 2014, 9-16 and Uszkai 2015, 186-94.

other property right), is transferable to other parties (in the case of academic publishing, the other parties are journals or publishing houses).

Besides the fact that it goes against our common intuitions regarding the relationship between property and (natural) scarcity, artificial scarcity is morally significant at the confluence between global justice and research ethics on the basis of the following argument. For scholars and students from the universities and research centres from the prosperous West, the impact of artificial scarcity is marginal in their development as researchers, because the institutions mentioned before are more than able to pay for yearly subscriptions to international databases like JSTOR or to purchase the latest academic books from top publishing houses.

Otherwise put, a researcher from Oxford or Harvard has no problem in keeping up with the latest development in her research field. Her peers from universities based in developing countries however are not in the same situation and it all has to do with artificial scarcity. Why? Simply because if the access to ideas is artificially rare, then it costs more to keep up with the latest research developments, trends and papers from a research field and the most affected by this state of affairs are poor universities and poor researchers from the developing world due to the lack of funding from both private and public institutions in those countries.

The status quo regarding property in the realm of ideas is not only unfair on the previous argument, but it might also be philosophically unwarranted. Firstly, it is rather unclear why individuals should be granted a property right on the simple basis that they created something (Kinsella 2001, 27). Moreover, strictly on Lockean terms, the appropriation of ideas in research seems to be, taking into account the globalized version of Intellectual Property legislation, in conflict with the Lockean proviso of leaving enough and as good ideas and expression of ideas for everyone (Tavani 2005). On the utilitarian side of the debate, empirical studies have shown that the correlation between copyrights as incentives and productivity is rather weak (Boldrin and Levine 2008). If Boldrin and Levine are right, then the following conclusion is not at all surprising:

> It is not obvious that such forced scarcity is the most effective way to stimulate the human creative process. I doubt whether there exists a single great work of literature which we would not possess had the author been unable to obtain an exclusive copyright for it; it seems to me that the case for copyright must rest almost entirely on the circumstance that such exceedingly useful works as encyclopaedias, dictionaries, textbooks and other works of reference could not be produced if, once they existed, they could freely be reproduced. (Hayek 1988, 36-37)

Earlier I mentioned that the relation between ideas and property, as espoused by the utilitarians in favour of Intellectual Property, goes against our usual intuitions. I consider that this point is crucial and it needs some sorting out. The reason why I consider property rights as incompatible with the realm of ideas has to do with the ontology of immaterial as opposed to material objects. Chairs, laptops or bicycles are characterised by natural scarcity. If we would live in a world of abundance, the rationale behind granting a property

right in bicycles would be obsolete, as anyone could have a bicycle any time she would want it. Property and scarcity are linked as there is the possibility of conflict between individuals with regard to scarce goods: "The purpose of property rights would be that of avoiding or minimizing the possibility of conflict and that of increasing the costs of free-riding or trespassing" (Cernea and Uszkai 2012, 218) and also a way of internalizing externalities (Demsetz 1967, 351- 59). Needless to say, this is not the case in the realm of ideas where a copyright takes the legal form of an intellectual privilege (Bell 2014) which restricts the access of researchers from developing countries to academic papers and books and forces them to use alternatives like Sci-Hub and Library Genesis.

2. Rawlsian Intuitions and Copyrights in Academic Publishing

While some Rawlsian scholars would not agree with the following thought experiment, I maintain that it does make sense to speak of the Original (researcher) Position (Uszkai 2015, 194-196) and of the broader, global implications of the Difference Principle. Behind the veil of ignorance individuals do not know their natural talents or their social (global) positions: you could end up either a rich individual in Silicon Valley or a poor researcher in South Africa or Somalia. According to Rawls (1999, 266), social and economic inequalities should be arranged so that they are both to the greatest benefit of the most disadvantaged and attached to positions available for all individuals. If the global society is not a zero-sum game but a "cooperative venture for mutual advantage" (Schmidtz 2006, 185), then a treatise like TRIPS or the process of Intellectual Property globalization are clearly unfair.

If the fact that you are born either in the USA or Somalia is contingent, the broader implications for you (if you are a philosophy student, for example) in the context of the existence of copyrighted research papers are evident: "Due to artificial scarcity, philosophy books are more expensive. Who is affected the most by this situation? It surely isn't the young philosopher from the most advantaged countries in the world. For a potential philosopher from Somalia, though, copyrights act so as to prevent them from exercising their analytical talents." (Uszkai 2015, 195) Moreover, 'pirate' alternatives like Library Genesis or Sci-Hub seem to be private initiatives that seek to mitigate the unfair consequences of the globalized Intellectual Property legislation.

III. CONCLUDING REMARKS

To sum up, the purpose of my paper was that of exploring the moral and political confluence between Global Justice and research ethics. I focused on two issues which I found to be of utmost importance, namely on whether concerns for linguistic justice are in place if English is the lingua franca of academic publishing and on the moral implications of Intellectual Property at a global level. While interesting, I found the positive externalities of the availability of English as a lingua franca to outweigh the concerns for linguistic justice. Last but not least, regarding copyrights in academic publishing, my arguments revolved

around the fact that the artificial scarcity they create restrict the access of researchers from the developing world to fresh new academic books and papers.

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Why Do We Need Global Institutional Reform?
Some Critical Observations on Global Moral Responsibility

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Abstract. What is the justification or the ground of responsibility involved by global justice through global institutional reform? In other words, even if global justice seems to be defined as a specific aim given by what we normally think to be right or just solutions to the global human problems, this does not preclude the necessity of taking into account the difficulties and questions the operational level of global justice raises, institutionally and organizationally speaking. The cultural constraints, the diversity and the nature of problems and so on and so forth, concerning the legitimacy and, also, the social impact of the adopted solutions, are another type of difficulties. My interest here is to analyse the reasons or grounds of the global modalities (institutional and organizational means) for solving problems of global justice. The reasons for this enterprise are twofold and, in my opinion, inevitably interconnected: on the one side, the fact that globalization of justice is by itself a difficult concept, and on the other side, that the understanding of global justice rather in an Occidental or democrat liberal way brings specific difficulties both of conceptual and operational nature, requiring further confrontations with other desiderata or other comprehensive doctrines and starting from this, consistent critical analyses.

Key words: global responsibility, reciprocity, solidarity, moral vs. institutional perspective, institutional responsibility etc.

Nowadays, phenomena like severe poverty, starvation, migration, global warming and environmental degradation, terrorism, military democratization, consumerism and deep underdevelopment represent an aggregate of problems which is supposed that all individuals, regardless of where they actually live, perceive and consider as being of general or global interest, all of them having to deal with such problems in a form or another[1], no matter how conscious, active, responsible or able to understand they may be. Moreover, all are considered issues of justice given the violations of fundamental individual rights or simply declining any moral obligations for their production.[2]

It might be said that the amplitude of these phenomena makes unlikely the individuals' intervention, private or public, to manage them. So, this kind of problems needs special treatments and agents.[3] In other words, whatever the global justice issues may be, they seem to imply adequate management and unitary solutions.

1] "Globalization in the contemporary world", said Keohane (2003, 130) "means that transnational relationships are both extensive and intensive. States and other organizations exert effects over great distances; people's lives can be fundamentally changed, or ended, as a result of decisions made only days or moments earlier, thousands of miles away. In other words, independence is high."

2] In this order, Pogge (2005) considers, for instance, that it is "tragic that the basic human rights of so many remain unfulfilled, and we are willing to admit that we should do more to help. But it is unthinkable to us that we are actively responsible for this catastrophe."

3] Nowadays, said Lu (2006), the idea of world government is replaced with that of "the concept

A usual supposition, in this order, is that the entities able to do something are either the states[4] whose individuals endure the effects of the global injustice even if those effects are not produced by themselves[5], or, when these states fail, some sort of international organizations entitled to solve the global problems[6].

But any international organizational action we take into account needs, accordingly, an institutional background and an institutional framework, so if we consider a global organization of justice we also need to take into account the issue of global institutional reform (Coglianese, 2000).

In this logic, global justice becomes not just an empirical but, also, a normative instrument, in order to identify the legitimate solutions for what could be named the global problems and also for creating formal and material conditions for assuming responsibility for them. As a consequence, individuals, through governmental or nongovernmental organizations are and have to be both responsible and entitled to be "global agents."[7]

This quality of the individuals does not assume that individuals themselves are able to solve the problems considered of global justice interest, but rather that they are aware of the nature of the problems (causes and effects)[8] and, also, of the principles or institutions under which the global problems stand and are to be solved. Not least, it is assumed that they are able to be supportive (both formally and materially) of the organizational institutionalized actions.

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of 'global governance,' which highlights the increasing agency of global civil society and nonstate actors, and deliberately eschews the coercive and centralized components of domestic models of government for looser, decentralized modes of achieving similar functions of government ."

4] States seem to remain, "the most powerful actors in world politics, but it is no longer even a reasonable simplification to think of world politics simply as policies among states" (Keohane 2003, 130).

5] Many of what might be called global injustices are produced by the civilized and developed countries. Reflection, said Pogge (2005, 5) on the popular view that severe poverty persists in many poor countries because they govern themselves so poorly shows, then, that it is evidence not for but against explanatory nationalism. The population of most of the countries in which severe poverty persists and increases do not "govern themselves" poorly, but are very poorly governed, and much against their will. They are helplessly exposed to such government because the rich states recognize their rules as entitled to rule on basis of effective power alone."

6] "The current period of globalization raises questions about the effectiveness of the nation state in the face of problems that increasingly transcend territorial borders", said Coglianese (2000, 1). In this order, an important question is whether states can cope with these challenging problems.

7] So even if "nation states will confront the challenge of designing institutions that have enough policy authority to manage global problems", they, also, have to be "sufficiently responsive to the community of nation states for maintaining their support over long term" (Coglianese 2000, 1).

8] Concerning world poverty, Pogge (2005, 1) said, for example, that "citizens of the rich countries are, however, conditioned to downplay the severity and persistence of it and to think of it as an occasion for minor charitable assistance. Thanks in part to the rationalitions dispensed by our economists, most of us believe that severe poverty and its persistence are due exclusively to local causes. Few realize that severe poverty is an ongoing harm we inflict upon the global poor. If more of us understood the true magnitude of the problem of poverty and our causal involvement in it, we might do what is necessary to eradicate it."

If we treat global justice issues in this manner, it seems to be right to say that the concept represents more than one might call a fashionable one on the agenda of political philosophy conferences, but rather one whereby problems of economic, political or even moral nature could be optimally managed, and, indeed, problems for which all of us are, and not just formally, responsible.

But what is the justification or the ground of this sort of responsibility involved by global justice through global institutional reform? Why should individuals be responsible? And another question: Could individuals be responsible or act responsibly if they considered being responsible is reasonable or entitled? In other words, how efficacious is the global institutional reform? And, no less important: How global could be the context of global justice by this institutional reform?

In other words, even if global justice seems to be defined as a specific scope given by what we normally think as right or just solutions to the global human problems, this doesn't preclude the necessity of taking into account the difficulties and questions the operational level of global justice raises, institutionally and organizationally speaking. The cultural constraints, the diversity and the nature of problems and so on and so forth, concerning the legitimacy and, also, the social impact of the adopted solutions, are another type of difficulties.

My interest here is not to minimize the importance of the debates on the global justice desideratum nor the global actions efficiency, but rather to analyse the reasons or grounds of the global modalities (institutions and organizations means) for solving problems of global justice nature.[9]

The reasons for this enterprise are twofold and, in my opinion, inevitably interconnected: on the one side, the fact that globalization of justice is by itself a difficult concept, and on the other side, that the understanding of global justice rather in an Occidental or democrat liberal way brings specific difficulties both of conceptual and operational nature, requiring further confrontations with other desiderata or other comprehensive doctrines and starting from this, consistent critical analyses.

I. WHY HUMAN RESPONSIBILITY IN SOLVING GLOBAL PROBLEMS? AND, WHAT SHOULD WE UNDERSTAND BY "GLOBAL RESPONSIBILITY"? INSTITUTIONAL VS. MORAL PERSPECTIVES

Many articles have been written and many political and moral ideas circulated since the aforementioned topics have emerged and evolved. Some of them made history bringing to the forefront of debates challenging but uncomfortable themes like those as eradicating

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9] No doubt, said Blake (2005), "topics such as rights, constitutionalism, toleration, and – perhaps most importantly – the distribution of scarce resources have now been placed at the forefront of discussions of international ethics." The problem, said Lu (2006), "to the entry questions is whether global governance in contemporary world conditions can really deliver the goods of global security, such as universal human rights, social justice, and environmental protection."

famine (Singer, 1972), eradicating migration and poverty (Pogge, 2002), diminishing consumerism and climate change (Persson & Săvulescu, 2012), being focused both on the idea of individual responsibility as the fundamental ground for realizing global justice and also, on that of institutional reform, globally speaking, relying on it.

This kind of debates places, as I mentioned earlier, the theme of global justice in terms of responsibilities or moral positive duties, *i.e.* duties to create, if they do not exist, social guarantees against standards threats, or "if they do, to preserve effective institutions for the enjoyment of what people have rights to enjoy" (Shue 1996, 17).

All these duties and responsibilities could be explained and justified, through the concept of humanity that includes and, also, demands both reciprocity and solidarity, in the inter-individual relationships. These exigencies are satisfied, practically, if and only if the individuals are moral agents or, in other words, if their behaviour adopts substantial restrictions, especially if their lifestyle, excessively, inflicts harm on natural and social environment.[10]

The concept of humanity is a normative concept and, also, an inclusive one, assuming that all human beings, irrespective of their biological, moral, historical, economic, social or political contingencies, are the same.[11] The way we understand the idea of humanity, both controversial and prolific, comes from the modern philosophers[12], e.g. Locke, Bentham, Kant etc., but also from contemporary authors, like Williams (1962), Rawls (1971), Berlin (1980), Searle (2005) and others. Berlin (1980, 166), for instance argues that "the basic categories (with their corresponding concepts) in terms of which we define men - such notions as society, freedom, sense of time and change, suffering, happiness, productivity, good and bad, right and wrong, choice, effort, truth, illusion (to take them wholly at random) - are not matters of induction and hypothesis. To think of someone as a human being is *ipso facto* to bring all these notions into play: so that to say of someone

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10] See Person & Săvulescu (2012, 1-2)

11] We also can say that the concept of humanity is an egalitarian one. This idea refers to the fact that all individuals are alike in some respects: these respects, Williams (1962, 115-116) considers, are both negative, such as, the capacity to suffer, and certain needs that men have, and positive, which means that they are equal in certain things that they could do or achieve. In other words, "there are certain other abilities, both less open to empirical tests and more essential in moral connexions, for which it is true that men are equal. These are certain sorts of moral ability or capacity, the capacity for virtue or achievement of the highest kind of moral worth." There also is, an equality of men, *i.e.* the equality in the unequal circumstances (Williams 1962, 120).

12] See in this order Iliescu (2014, 12-17; 22-32), who analyses the "typological" or "intrinsic" quality of being humans, but also Carter (2011, 544) who considers, that "a solution to this problem consists in asserting that a person's moral capacities–her nature as a moral being and thus her true moral worth–cannot and should not be seen to depend on anything as contingent and unequally distributed as natural capacities." This is the Kantian solution, according to which respect is owed to each person simply in virtue of her being a rational moral agent. For Kant, we are all equally rational and equally moral agents, given that our nature as rational and moral agents depends not on our natural capacities but on the free will that we each possess as noumenal beings. This equality as moral agents gives us a reason for respecting other agents to an equal degree.

that he is a man, but that choice, or the notion of truth, means nothing to him, would be eccentric: it would clash with what we mean by 'man' not as a matter of verbal definition (which is alterable at will), but as intrinsic to the way in which we think, and (as a matter of 'brute' fact) evidently cannot but think."

In virtue of being humans, we have to assume that all human beings, constitutively, have intentional[13], affective[14] and deontological capacities[15] that make possible human institutions and create power relationships (Searle, 2005, 10). In this logic, human institutions are not only *constraints* of human behaviour but also *enabling*, because they create "deontic powers", *i.e.* rights, duties, obligations, authorizations, permissions, empowerments, requirements and certifications.[16]

This normative conception of humanity is also a political one, assuming that all human beings "are able to take part in, or can play a role in a social life, and hence exercise and respect its various rights and duties" (Rawls, 1996, 18). This kind of conception creates a specific responsibility suitable to a political conception of justice, not to a comprehensive doctrine[17], entailing both reciprocity and solidarity (sociability), based on the freedom and deontological capacities of the individuals. A political conception of justice is an encompassing conception, where value pluralism and the irreconcilability of values are relevant. This means to represent justice according to the differences between individuals in their opinions and beliefs about the ways of life considered significant, and not according to a standard of good life for all of them[18]. This political conception

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13] In this order, Searle (2005, 6) considers that given all of us have hopes, beliefs, desires, fears and so on, we need to discuss all of these in a collective manner. In other words, even if they belong to each individual, they also represent ways of being in interaction or require interactional behaviour.

14] Williams (1962, 112) names it, "the capacity to feel pain , both from physical causes and from various situations represented in perception and thought; and the capacity to feel affection for others, and the consequences of this, connected with the frustration of this affection, etc."

15] Human beings have a capacity which, Searle considers (2005, 7), " is not possessed by any other animal species, to assign functions to objects where the objects cannot perform the function in virtue of their physical structure alone, but only in virtue of collective assignment or acceptance of the object or person as having a certain status." This is the deontological capacity. "Obvious examples of this human capacity are money, private property and positions of political leadership" (8).

16] See Searle (2005, 10).

17] Relevant for this difference is the Rawlsian (1996, 13) conception. According to him, "a political conception of justice differs from many moral doctrines, for these are widely regarded as general and comprehensive views." The comprehensive conception "includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole" (1996, 13). By contrast, "a political conception tries to elaborate a reasonable conception for the basic structure alone and involves, so far as possible, no wider commitment to any other doctrine." This kind of conception involves a political culture meaning political institutions of a constitutional regime and the public traditions of their interpretation (including those of judiciary), as well as historic texts and documents that are common knowledge. Comprehensive doctrines of all kinds – religious, philosophical, and moral – belong to what we may call the "background culture" of civil society" (Rawls 1996, 14).

18] See Rawls (1996, xviii-xix).

is also coextensive to methodological individualism, which supposes that any project of enhancement the perspective about good life has to assume *a priori* the possibility of someone who may use the right *to veto* or who would reject this kind of good life.

Being responsible, in this order, is to have an individualistic egalitarian attitude from a normative point of view, meaning to treat all people as equal human beings, despite or irrespective of how efficient or not their practical abilities are or how deep their disabilities are in various areas of activity and of human achievement.[19]

So individuals have to be considered moral agents irrespective of whether they are moral or not *de facto* or empirically. Even if their specific empirically morality is tested just by their moral actions in different contexts, the morality in society according to a political conception of responsibility should not be tested only by these concrete moral individual actions or how numerous they are, but rather through the reciprocity and solidarity their interactional behaviour involves. This means that any moral rules they have to obey in order to produce reciprocity and solidarity have to be political or constitutional, and any moral agent has to be rather a constitutional or political agent. This kind of responsibility is translated into the willingness to comply with moral or constitutional rules,[20] which "allows an actor to realize gains from cooperation in interactions with others who are equally disposed" (Vanberg & Buchanan 1988, 145). Also, it means the willingness to punish defection that protects an actor against continuous exploitation[21].

Empirically, this means that responsibility isn't something assured *per se*, nor by the morality of individuals, but rather by and through an institutional framework, meaning the institutional and interactional opportunities every individual has to estimate the "reciprocated behaviour"[22]. This institutional framework has to assume rules and players, individual and collective or, in other words, political organizations for getting and implementing the political rules or institutions, not necessarily moral (comprehensive) conducts.

19] See Nussbaum (2003, 451), who considers that "we have a claim to support based on justice in the dignity of our human need itself. Society is held together by a wide range of attachments, and concerns, only some of which involve productivity. Productivity is necessary, and even good; but it is not the main end of life." See also Iliescu (2014, 39)

20] We use here the concept of constitutional interest proposed by Vanberg &Buchanan (1988, 140), who "separate, define, and contrast two kinds of individual interests: (1) constitutional or rule interests, and (2) operational or action interests. An actor's constitutional interests are reflected in his preferences over potential alternative rules of the game' for the social community or group within which he operates. His constitutional interests in form his choices insofar as these choices pertain to the kind of institutional order or order of rules under which he is to live. Or, stated somewhat differently, they reflect preferences that would 'emerge if he were to participate in choosing the constitution, in the broadest sense, for his respective social community. By comparison, a person's operational or action interests are reflected in preferences over potential alternative courses of action under given situational constraints, including the constraints that pertain to the given structure of rules and institutions."

21] See Vanberg &Buchanan (1988, 145).

22] Trivers (1971) explains this reciprocating behaviour from an evolutionist point of view. See Trivers *apud* Vanberg &Buchanan (1988, 146).

II. HOW DOES SOCIAL RESPONSIBILITY WORK GLOBALLY?

The theoretical framework used, for instance, for the responsibility of global poverty, is given, said Pogge (2005), by the idea that severe poverty and its persistence are due not to exclusive local causes as it has been often assumed, but mainly to our causal involvement in it, and for that reason we have to do what is necessary to eradicate it. So, if we cause this kind of harms and, in Pogge's view (2005, 1), despite the fact that something proven may be hard to believe (he brings a lot of arguments and facts of rich countries involvement)[23], we should be made responsible and, in conclusion, we have to pay for this. In other words, we have to do something according to this kind of effects (to create donator institutions, for example, is what Singer said).

The basic argument used here is quite simple: we are responsible for the world we live in because the way we live determines the world we have (just or unjust, good or bad) and the world we have determines the way we live (miserable or happy lives). So, in most of its aspects the way we live depends on us and on what we are doing.

The main assumption here is, no doubt, that the way we live is a matter of choice, in fact our choice. So, our choices make us responsible for our lives (is a matter of brute fact) and this responsibility becomes more imperative if those choices affect other people's lives and not just ourselves. Keeping this in mind, if we are reasonable and rational people we have also to admit that many things considered immoral or condemnable for our lives could be avoided through the actions we choose to make.

So, another basic assumption is that if we want a good or just way to live for us and for other persons we have to make adequate choices. Singer (1972), for example, talks about necessary decisions or choices: we have to react to the problem of world famine in significant ways.

We tend to agree with this, the matter of "negative externalities"[24] being a well-known problem. The technical problem here is how the responsibility or the link between the effects and causes for these harms could be something traceable? Moreover, which individual or collective choices could be considered the adequate choices in order to prevent the damages or harms to the others?

So, we could consider something true in the fact that we are free and rational choice makers but are all our bad or inadequate choices premeditated wrong or intentional erroneous? Obviously not, and in my opinion this is not just a matter of calculus or knowledge but, in the same time, it is also a matter of freedom.

23] "Once we break free from explanatory nationalism", Pogge said, "global factors relevant to the persistence of severe poverty are easy to find. In the WTO negotiations, the affluent countries insisted on continued and asymmetrical protections on their markets through tariffs, quotas, anti-dumping duties, export credits, and huge subsidies to domestic producers" (2005, 6).

24] Olson (2000, 50) considers, following Pigou's definition, that an externality is defined as "when the activities of firms or individuals bring costs or benefits to others for which they are not charged or rewarded."

Mutatis mutandis, is uncontroversially true "that reasonable people disagree deeply about the nature of the good life and in the same time reasonable people also disagree fundamentally about principles of justice" (Quong, 2005) so, in this order is something reasonable to ask how can we put together the moral exigencies for a good live, for a right one and not in the last instance for a free life?

By *without sacrificing anything of comparable moral importance,* Singer meant, "without causing anything else comparably bad to happen, or doing something that is wrong in itself, or failing to promote some moral good, comparable in significance to the bad thing that you can prevent."[25]

The conclusion of this is twofold:

1. our morality is quite stringent and quite demanding (Pogge 2005, 5) and

2. donating to famine relief is not a matter of charity or supererogation; such donations are not optional generosity or gifts , but rather duties, and those who do not donate are acting in an immoral way on any plausible interpretation of our moral thinking. See also Singer (1972), Pogge (2005), Blake (2005) and so on.

No doubt, if the argument is thus put, its conclusions are difficult to reject, being responsible or activating the moral duties increases the chance for a better-off society in economic terms. But, could that moral coordinate be considered a condition of possibility for a global just society or, more, for a global free society?

First, establishing that individual agents could be made responsible in some aspects of their lives doesn't mean they could control and rationalize all the aspects of their lives. This is an illicit extrapolation. Moreover, if they are able and justified to do this or to use positive freedom this way, how can negative freedom be defended and justified in society?

Second, "establishing that individual agents have moral duties to prevent avoidable starvation and immiseration at the global level, to begin with, does not tell us much of what else such agents owe to people simply in virtue of their humanity" (Blake, 2005) or other values or interest. We all know that in the name of humanity, or solidarity or whatever other important values people made the most inhuman or egoistic actions against people. This implies that for a global free and just society the values must be plural and inclusive.

So, I think this kind of responsibility invoked as a major source of the global justice is controversial and this contributes, paradoxically, not only to its insufficiency but also to its undesirability. In my opinion, what jeopardizes global responsibility is precisely what is considered its foundation, and not just for the local responsibility but also for global responsibility: either is humanity, or reciprocity and solidarity. All these, in order to avoid the paradoxes, must be considered in the institutional sense not morally, as individual moral behaviour features.

25] So, Singer considers that, beyond all these disagreements there still remains something as uncontroversial as the previous truisms which instead could indicate which the adequate choices are: 1) Suffering and death from lack of food, shelter, and medical care are bad; 2) If it is within our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it. See Singer (1972, 231), Blake (2005).

On the other hand, why would responsibility have a major role in a global context when it has a minor one in a narrow context? In other words, how could we obtain responsible individuals in a global context if they hardly admit to be responsible within proper national borders?

So, what is supposed to be changed in the attitude of the individuals and institutions in order to be responsible, given that neither reciprocity nor solidarity are something easy to obtain or always possible, even the starting point in doing this is something uncontroversial true, as Singer said ?

The problem with such an approach, Blake considers, is that "in the domestic arena, we have a focus not simply upon individual morality, but upon the moral evaluations of social institutions and practices; – upon, that is, social justice, as distinct from morality." Liberal justice does not concern itself primarily with such moral choices as we used to think, following Singer or even Person & Săvulescu's conceptions, but with the background institutions within which these choices are made: justice, is concerned with the moral assessment and justification of social institutions; […] morality, with the assessment of conduct and character (Pogge 1989, 17).

Plus, I think that this empirical responsibility based on explicit moral reciprocity and solidarity and not on the inviolability of the individuals as equally free and equally rational people, creates some sort of legitimate interference, designing ways of lives for all the people who are considered different or technologically, economically, democratically or from the point of view of civility, insufficiently developed. In other words it is sufficient to assume or found some sort of suffering of somebody's life to activate legitimately the responsibility function, for the eradication of suffering (of poverty, of misery, of corruption etc.). Even if the suffering is considered something detestable or regrettable and, also, measurable, isn't enough to intervene to eradicate it. The responsibility in these terms will be rather a pretext for some of us to do anything which is supposed to diminish these states, even the worst things we can imagine so long the worst things would contribute to eradicate the blamed suffering.

A way to solve this problem accordingly to Rawls (1996, 137) is to have a basis of public reason and justification and this basis is given by what he calls "a political conception of justice that all citizens might be reasonably accepted to endorse." In this order, the legitimate political power as instrument for positive freedom, creating hopes for reciprocity and solidarity, is based, as John Rawls argued, "on the constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable for their common human reason. This is, he concludes, the liberal principal of legitimacy."[26]

So, the global responsibility should be understood and applied institutionally, not as a morality issue. It is necessary, first, to reform our supranational institutional arrangements (Pogge, 2013, 10), not the morality of the individuals.

26] See Rawls (1996, 137).

III. IS GLOBAL JUSTICE EFFECTIVE? HOW CAN WE POSSIBLY KNOW THAT MAKING IT WORKABLE WILL BRING US DESIRABLE OUTCOMES?

I think that global justice represents, undoubtedly, an *excessive faith in the efficacy* (Posner, 2009) of global moral responsibility. This implies some sort of metaphysic presupposition which is controversial. In other words, an intrinsic or necessary link is assumed between what we expect to happen and what really happened, that does not exist. The reason of believing this is given by not differentiating between two distinctive operational plans: the process for obtaining the global justice results (through institutions and organizations) and the results or beneficial of global justice, *i.e.* the eradication or elimination of poverty etc. Anyway this kind of fallacy is tempting, argue Vanberg & Buchanan (1988, 139), because it seems quite natural to presume that the beneficial consequences of rules and institutions must have something to do with the fact that they exist and persist. The "functionalist error", the authors above maintain, "is important because distracts attention for genuine challenge which is that of identifying the actual processes or mechanisms that establish the critical linkage between beneficial consequences and effective causes for behaviourally generated rules and institutions"[27], the concept of public individual interest or constitutional being a key concept, in this order. No doubt, the arguments which bring in sight the inefficacity of global justice are quite strong[28], but are they relevant for global justice necessity or legitimacy? In my opinion they are not, but this is not so easy to defend.

First of all, we have to delimitate between the plans or levels we are situated, when we are put in question this issue, and the plan of ought to do something (what is just) is different from that of a possibility to do what is ought to do (the circumstances of justice). In other words, we have to keep in mind and not only in mind this difference. Philosophically speaking, the first level comes before the second level (the first question has to be why and after that how)[29], but what we have to do isn't something easy or uncontroversial.

Second, the instrumentalist (functionalist) fallacy shows us that global justice has costs of effectiveness and, also, that these costs could be a real problem to sustain its desirability. But this shows in fact that the circumstances for global justice are difficult to create (organizations, agents, policies and so on) and not that the principle of global justice is unnecessary or unjustified. Moreover, the imperative to do what is just doesn't suppose or imply that individuals do this in any conditions they find themselves, but rather that the principles has viability irrespective of the circumstances where individuals are or live. So,

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27] See Vanberg &Buchanan (1988, 139).

28] Keohane (2003, 54) considers, that "those of us who would like to see greater democratic and pluralistic accountability in world politics must recognize that global society, while real will not become universal in the foreseeable future. Too many people believe in the superiority of their own worldview and deny the obligation to tolerate the views of others. [...] Cosmopolitan democracy is a distant ideal, not a feasible option for our time."

29] See Goodin (1982, 125).

as Singer said, not the distance or the proximity of the circumstances of justice is the real problem, but rather the recognition the viability of the principle of justice.

In other words, if we find that global institutional reform is necessary, what should be done is to try to make it workable. This doesn't mean but to hope for better results and not a perfect place for all to live where poverty or corruption disappeared. This is necessary to do even if trying implies or generates unintended or undesirable consequences.

This argument brings to light two important assumptions:

1. principles or institutions aren't autonomous, so they are not by themselves coercive or regulating, even if their aim is to regulate individual or collective actions (Pryeworski, 2004);

2. individuals are free even after that they are moral (we have to assume the lexical priority of the Rawls' liberty principle: for being rational, *i.e.* to choose between bad or good, wrong or right, true or false, it is necessary to be free.

So any institutional reform has to start from this: individuals who suffer from extreme poverty should be treated in a noncoercive way or as if are free individuals (first) (even they aren't de facto, through their political system) and after that as persons in needs or rational persons. This implies that is perfectly legitimate that any of them may refuse what you consider as being rational or reasonable to endorse. Refusing what you consider rational and reasonable could mean just a perspective of life different from yours (even an opposite one, a scarce life), and to respect this is also a moral duty (to do someone good with force is not a good thing).

IV. CONCLUSIONS

In conclusion, the idea of moral responsibility for global problems remains a problem and, in my opinion, should remain a problem. Making individuals morally responsible for global problems doesn't mean a better global world or a desirable one.

In fact, Blake (2005) argues that "the liberal theory of justice does not go simply towards the legitimacy of individual choices, but to the legitimacy of the social system within which these choices are made. It analyses, in Rawls's phrase, the basic structure of society, rather than simply the individual decisions made as to the use of resources. A fuller extension of the globalization of morality, therefore, requires an examination of the form and nature of the global society, so as to inquire as to whether the liberal principles ought not to hold at the global level as well."

Mutatis mutandis, the institutional reform is necessary; so, even if it is seen just as a very difficult problem doesn't mean that it is not worth to try to solve it. The inviolability rights thesis doesn't sustain that any right is not violated *de facto*, but rather that no right should not be violated *de jure*, meaning that every time when an individual right is violated *de facto* it is necessary to eliminate the source of violation. "The governments and citizens of the more affluent countries", Pogge said, "are not mere bystanders to the deprivations suffered by the world's poor, but – through our foreign policies and especially our

governments' role in shaping international rules and practices – are active participants in the violation of their human rights" (2013, 11), probably he continued, the most serious human rights violation in human history. We have to change this situation through the same mechanism, meaning enhanced international institutions by changing foreign policies.

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The Premises and the Context of Global Resources Dividend Argument on Thomas Pogge's Theory

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Abstract. In one of his most famous works, *World Poverty and Human Rights: Responsabilities and Reforms* (WPHR), Thomas Pogge founded a theory which has become a reference point for researchers addressing the topic of global justice. The global resources dividends (GRD) theory has at its core the debate around global justice and, in particular, the debate on how the citizens of rich countries should assume moral responsibility in relation to citizens of other countries, that could be characterized by extreme poverty. Pogge addresses and brings to the forefront of contemporary philosophy the increasingly larger social cleavages, a global community deeply differentiated into two categories of people: citizens of developed countries experiencing an unprecedented abundance and citizens of burdened countries, with people that are fighting hunger, the most severe illnesses and other shortcomings. Due to this context, a rigorous analysis on global moral responsibility and the GRD as a possible alternative is required.

Key words: global justice, moral responsibility, Pogge, Locke.

What is truly innovative in Pogge's theory regarding moral responsibility is how he theoretically constructs and substantiates this principle. Moral responsibility is not the prerogative of the duty concerning humanitarian assistance as John Rawls believed (1999a, 105-120), and is not justified by the fact that rich countries and their citizens are those who hold all the levers required to change the way international order is conceived and the effects it has for the poor. They can be accepted as arguments to justify who bears moral responsibility for global poverty. But this is neither the single, nor the most powerful argument.

I. GLOBAL MORAL RESPONSIBILITY

Thus, Pogge's intuition is that moral responsibility resides in that rich countries and their citizens have worked constantly to persuade poor countries to accept a global order which has had the effect of violating human rights or impeding individuals asking these rights and acquiring specific social benefits. Moreover, it appears that the results of this global order could have been anticipated, which is why Pogge believes that a fundamental moral principle was systematically violated by this situation, namely: do not cause serious harm to innocent people for insignificant advantages: "My arguments do not challenge the morality prevalent in the West. On the contrary, I invoke the very core of this morality: that is wrong to harm innocent people for minor gains." (2008, 32). This approach is the foundation of moral responsibility that the entities listed above should uphold in order to address a serious problem of contemporary society represented by global poverty.

Another moral intuition lies in the idea that the damages that the global order produces to the individuals, members of disadvantaged states, a global order that is

determined by the developed world and for which it is culpable, are extremely serious, in Pogge's view, which is why he is very trenchant when trying to analyse them. The moral responsibility of humans belonging to the developed world can be seen from two perspectives: "we may be failing to fulfil our positive duty to help persons in acute distress; and we may be failing to fulfil our more stringent negative duty not to uphold injustice, not to contribute to or profit from the unjust impoverishment of others." (2008, 33).

The positive duty may seem weak and discretionary. People can choose to support certain humanitarian causes, but they have the freedom to choose whether or not to get involved with helping the poor with whom they have no connection whatsoever, they are free to choose to support or not very expensive campaigns. Violations of a negative duty involve a number of arguments that make Pogge consider that citizens of developed countries have no moral conduct as long as they allow the perpetuation of an institutional system that brings, by its unjust nature, profound disadvantages to others. This argument rests on the idea that the existing institutional system is shared by all countries, being a system built by those who have all advantages and imposed on the burdened individuals.

Kor-Chor Tan identifies a weakness in this point of Pogge's theory. He believes that Pogge, without any justification, assumes that human rights can be violated only by the state and its agencies. Doing so, he does not consider that such damage can be produced by other individuals, members of society, not only in situations where the state and international institutions fail to protect them. Moreover, Tan believes that the institutional design Pogge assumes is wrong because it restricts human rights to individuals who share an institutional order. This concept opens to unfortunate conclusions because it leaves the possibility to conclude that "persons outside our social system are in no position to make human rights-based demands against us; only persons belonging to a common social order belong to a human rights community." (Pogge 2010b, 49).

But Pogge neither endorses, nor intimates that human rights can be reduced to this type of interpretation. He theoretically isolates this issue in order to highlight how human rights are violated in an institutional sense (Pogge 2010a, 192-200). The effects of the international institutional system are likely to produce radical inequality that cannot be attributed to other social factors such as natural disasters, bad luck, natural disabilities or on behalf of other individuals:

> [T]he global poor live within a worldwide state system based on internationally recognized territorial domains, interconnected through a global network of market trade and diplomacy. The presence and relevance of shared institutions are shown by how dramatically we affect the circumstances of the global poor through investments, loans, trade, bribes, military aid, sex tourism, culture exports and much else. (Pogge 2008, 205)

Nevertheless, how can the ways in which we relate to the global market, where we have the freedom to acquire and offer for sale any goods or services, influence deep poverty and inequality globally? Why can we be held morally responsible for others' poverty if we have an economic behaviour adapted to our personal needs? These are the kind of

questions that can confront Pogge's theory. But the philosopher accurately identifies a relationship that is not so obvious. Our choices to consume certain types of goods, or some particular types of services determine the prices and thereby, the opportunities and lives of those who produce, and these are factors that influence their survival. And even if Pogge does not advocate the isolation of certain states of the global market, he does not hesitate to argue for greater responsibility and interest in how different global regulations are affecting the poorest.

The negative duty is associated with a moral urgency and, since global poverty can be considered as such, it must be taken seriously. Moral responsibility is held by the governments that allow such an international system that violates fundamental negative duties, but also by citizens because they authorized governments and leaders that they have established and supported and because they are passively partaking in a global order which is deeply unjust:

> The citizens and governments of the affluent countries – whether intentionally or not – are imposing a global institutional order that forseeably and avoidably reproduces severe and widespread poverty. The worst-off are not merely poor and often starving, but are being impoverished and starved under our shared institutional arrangements, which inescapably shape their lives. (2008, 207)

Pogge believes that the global order has a harmful effect on individuals, which is quite obvious. Strong states, members of this order, understand this and deliberately, for the general interests of the respective countries and to preserve their citizens' welfare, perpetuate a disadvantageous situation for poor countries. Moreover, "the social positions of the worse-off and the better-off have emerged from a single historical process that has pervaded by massive, grievously wrong." (2008, 209). The question to be asked at this point is: is there a possibility of establishing an alternative international institutional system?

II. GRD: A POSSIBLE ALTERNATIVE

Pogge has an answer for this kind of question. He believes that there are billions of people who have a profoundly disadvantaged start in life, people who possess all the natural characteristics elementary to succeed in life, to have a good life, to achieve their goals and to lead an active and productive life. However, the current international system restricts their fundamental human rights, and this could be accepted if there was no alternative:

> Their misery could be justified only if there were no institutional alternative under which such massive misery could be avoided. If, as the GRD proposal shows there is such an alternative, then we must ascribe this misery to the existing global order and therefore ultimately to ourselves. (2008, 207)

Pogge assumes that the criticism of the international order is not enough and not even the theoretical identification of those responsible would provide sufficient prerequisites for solving poverty and its complementary problems. He dares more and attempts to provide solutions, alternatives that can substantiate further research in order to identify new ways to eradicate poverty which must be accepted as a problem of the international community, a problem for which we are equally responsible. Thus, Pogge offers an innovative view in contemporary political philosophy and proposes a system based on *dividends arising from global resources*, or the *GRD proposal* (1994, 195-224).[1] But what does the GRD model propose?

Thomas Pogge has started developing this idea in 1994 when, in the article *An Egalitarian Law of Peoples*, addressed what Robert Nozick called the Lockean clause:

> A process that normally gives rise to a right of permanent transmissible property under a will on something that was not in your possession before, will not have this result, if the position of others who do not have the freedom to use the thing, is worsened by it. [...] A theory of ownership incorporating the Lockean clause will solve correctly the situations where someone appropriates its total reserve of something necessary life. (Nozick 1975, 228-29)

The Lockean clause states that individuals can acquire ownership of certain assets if these are the result of their own work, and if, through their work, individuals do not violate the right of others to do the same and to be able to acquire goods at least as many and as valuable:

> Nor was this appropriation of any parcel of land, by improving it, any prejudice to any other man, since there was still enough, and as good left; and more than the yet unprovided could use. [...] God gave the world to men in common; but since he gave it them for their benefit, and the greatest conveniencies of life they were capable to draw from it, it cannot be supposed he meant it should always remain common and uncultivated. He gave it to the use of the industrious and rational, (and labor was to be his title to it;) not to the fancy or covetousness of the quarrelsome and contentious. (Locke 1980, 21-22)

Thus, Pogge is considering a contemporary clause, similar to the Lockean proviso but influenced by Nozick:

> Nations (or persons) may appropriate and use resources, but humankind at large still retains a kind of minority stake, which, somewhat like preferred stock, confers no control but a share of the material benefits. In this picture, my proposal can be presented as a global resources dividend, which operates as a modern Lockean provisos. (1994, 200-201)

The modern interpretation of John Locke's proviso, placed within Pogge's theory, aims to demonstrate how the project can operate a global redistribution of resources or benefits from their exploitation. The entitlement of individuals to dividends of global

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1]   See also Pogge 1998.

resources means that those who have the exclusive right of exploitation do not leave enough and as good for others. The world belongs to everybody and we all have a responsibility for how its resources should be redistributed. Not assuming this responsibility has brought disadvantages to others since their access to benefits is restricted by an international institutional system which does not address this problem. The *modern Lockean proviso* supports equal moral rights over natural resources.

When discussing GRD, Pogge envisaged that states and their representatives do not hold exclusive monopoly on natural resources and share at the global level some of the advantages that their operation entails.

> This proposal envisions that states and their governments shall not have full libertarian property rights with respect to the natural resources in their territory, but can be required to share a small part of the value of any resources they decide to use or sale. This payment they must make is called a dividend because it is based on the idea that the global poor own an inalienable stake in all limited natural resources. (Pogge 2008, 202)

Is this model valid? Can we ask states through international regulations to give other people on the planet a share of the available benefits? Is the case for a model of responsibility that transcend state borders justified? And, finally, how can we convince states that are rich in natural resources of the inalienable right of all – including that of potential enemies on the international scene – to the resources they have inherited or were identified within the borders of their states? These are just some of the issues that are immediately arising from the enunciation of such a method.

The method Pogge proposed does not conflict with national control over resources because there is no participation in decisions as to whether or not to use certain resources and on how these should be used. Nevertheless, it entitles individuals from around the planet to some of the economic value of those resources if the national decision is to use them. This idea can be expanded, in Pogge's view, and the resources are not depleted or destroyed through use, but rather eroded as is air and water where pollutants are discharged as a result of the exploitation of certain resources or land used for agriculture, livestock or construction. The principle behind this idea is that the harmful effects of resource exploitation are felt by all individuals, but only some of them receive all the benefits of these activities.

This method could be used in order to support all human beings to meet their basic needs with dignity. By means of such international institutional model people would be able not only to acquire an adequate level of education, medicine, food, etc., but it would also establish a formal framework to enable the pursuit of vital interests of security and the general welfare of society.

Another significant effect of this method is that people may be freed from the dependence implied by living in a poor society. Dependence on government, be it corrupt, authoritarian or otherwise, as well as dependence on international institutions, which anyway fails to show enough consideration for the interests of the members of

such a society, would keep people in a situation that is unfriendly to development. Pogge believes that this method would facilitate individuals' access to education, they would learn to read and write or other professions and, last but not least, they would also be able to successfully adapt to the contemporary environment. Only then could they enjoy real opportunities to participate in the public, social and political life, or they would integrate on the real work market. Thus, the achievement of Human Rights is consistent with the general principle of global justice which attributes moral consideration to all individuals equally, regardless to the boundaries within which they were born.

The proposal is one that can be accepted globally because it does not imply that global resources should be owned by humanity as a whole, and the redistribution of resources and complementary benefits should be made based on an egalitarian principle: "My proposal is far more modest by leaving each government in control of the natural resources in its territory." (2008, 211)

Jiwei Ci doubts that Pogge's moral proposal is so modest as it seems to be in the statement above quoted. The reform thought by Pogge would lead to profound changes in current moral thinking. This would require a fundamental increase of the degree of sensitivity to the real problems of the world. Ci doubts that such a thing could be possible because it requires behavioural changes, and the questioning of the principles that underlie international institutions. Ci manifests scepticism about the moral progress that Pogge assumes when considering the contemporary era as favourable for global justice and the establishment of an institutional order to support it. Ci believes that we cannot talk about moral progress because the abolition of injustice is done through other injustices.

> My general point, to say it once again, is this: To the extent that an injustice is shifted elsewhere, there is no moral progress, all sites or means of injustice considered. Only in the absence of such a shift can we speak of the 'net' reduction or removal of the injustice and hence of real moral progress. (2010, 97-98)

In this interpretation, the fact that the transfer of responsibility is solely on the shoulders of citizens of rich countries is an injustice and, as such, no moral progress has been achieved.[2]

However, it is worth noting that GRD is a method developed for the long term. Poverty is the result of historical developments. The solutions to eradicate it cannot be short-term. Therefore, we have to identify sustainable solutions, but more importantly, this model demonstrates that there are possibilities of finding alternative methodologies and regulations through which the international system could manage to solve many of the current problems of the global community. Humanity has undoubtedly registered a moral progress, and one of the proofs resides in this very academic concern, arising from various fields, regarding global poverty and other similar problems. Research in this area is increasing and contributes to the public debate, the dissemination of information, awareness of global responsibilities and the identification of viable solutions.

2] See a complete answer in Pogge 2010b.

For things to change it is very important to obtain the support of the global community and specialists; moreover researchers from various fields should gain awareness of these problems, and make contributions to the development of a viable alternative systems. Without these premises the leaders of poor countries in many cases deliberately choose to keep citizens uneducated, docile, dependent and exploitable. In such situations, solutions must be direct and they should come from the international community; the target should be beneficiaries and organizations who are involved in solving real sharp social inequalities.

Here is the point where Pogge identifies problems when testing how realistic the system he proposes actually is:

> Even if the GRD proposal is practicable, and even if it could be implemented with the good will of all concerned, there remains the problem of generating this good will, especially on the part of the rich and mighty. Without the support of the US and EU, massive global poverty and starvation will certainly not be eradicated in our lifetimes (2008, 216-217).

III. CONCLUSIONS

The moral responsibility belongs to all actors involved in generating and perpetuating the current international system. More precisely, it belongs to the current international institutions, the governments of rich countries and the citizens that promote this reality through active involvement. That is why Pogge proposes the idea of an international cosmopolitanism founded on human rights, that involves an international system of institutions overseeing its implementation.

The innovative part of this system consists in the introduction of three general principles that will form the moral markers to which all international institutions should adhere: it pertains to human beings as such, not to their membership in a certain state, ethnicity, religion etc.; equal treatment, from a moral perspective, of each human being, in regard to the principle of universality and the principle of generality that has global force. From this stems the main idea of moral cosmopolitanism developed by Pogge, summed up in that every human being has a global status, and this is the ultimate unit of moral concerns.

The moral responsibility regarding the hardships of poor states should be globally assumed because these are a result of international settings determined by the developed world, for which it is blameable. This moral blame does not result from the fact that we have a humanitarian duty to help, neither from the fact that we have all the means to eradicate these disadvantages and inequalities. The moral duty results from the negative duty that we have to abide by: not to cause serious damage to innocent people for insignificant gains. The moral duty has its roots in the fact that modern society promotes injustice, contributes to burdening others so that certain interests or gains will not be jeopardized.

This thesis is built on the assumption that the negative consequences of the current international system can be anticipated or even avoided.

All these conclusions and remarks are developed beyond this level, because Pogge does propose a possible solution for how the institutions of the international systems are built and implemented. This consists of rethinking the global institutional setting so that it is based on the principle of dividends from the global resources or GRD. This alternative forwards that states and their representatives do not have a monopoly on natural resources and that they assign to all people, at a global level, dividends from the benefits that are accrued from exploitation of these resources.

This alternative does not endanger national control of the resources and does not involve other states or persons in the decisional process of how these resources are harvested and utilized. The consequence of the GRD principle is that every individual might partially benefit from the advantages resulted from exploitation. This principle would support all individuals to strive for a level of existence adequate to the age we live in, with access to food, shelter, education and medical treatment.

Another consequence would be the obligation to guarantee the dignity and freedom of citizens of poor countries who are dependent on their corrupt governments, employers who exploit them and on other international institutions which show little interest anyway in the general conditions of their living.

Even if the alternative proposed by Pogge can be practised and in the long term would actually generate the positive effects mentioned, the possibility of establishing such a principle depends on the goodwill of stakeholders and, as anticipated by Pogge, this is the most difficult element at stake.

The reform proposed by Thomas Pogge involves a very important principle because it opens new normative possibilities for global institutional arrangements to adapt to the contemporary condition of humanity, which could lead to development for all individuals. The fundamental point of this reform is that compensation requires those who benefit from planetary resources to support those who unintentionally benefit less or not at all.

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Liberal Education and Self-Fulfilment

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Abstract. Liberal education is a value-loaded notion which raises questions regarding the conditions and limits of promoting self-fulfilment within a broader conception of justice. The communitarian critique of rights-based liberalism reveals a tension between, on one hand, the maximizing, normative conception of liberal education and, on the other, the limited mandate of social and political institutions to foster its achievement. The aim of this paper is to argue against a minimalist conception of liberal education, as it seems to derive from rights-based liberalism, especially political liberalism. Drawing on the writings of John Rawls and Michael Oakeshott, some insights into the purposes of liberal education are identified and discussed. Nevertheless, although both authors suggest that self-fulfilment, as it could be promoted by liberal education, is an ideal worth cultivating, their vantage points do not help clarify the conceptual framework in which self-fulfilment could be coherently addressed. The last section of the paper attempts to argue in favour of interpreting liberal education within the conceptual framework of aspiration-fulfilment and capacity-fulfilment, as it was developed by Alan Gewirth.

Key words: liberal education, communitarianism, Rawls, Oakeshott.

In his book, *Liberalism, Communitarianism and Education*, Patrick Keeney argued that rights-based liberalism cannot accommodate a meaningful conception of liberal education (Keeney 2007, 4), mainly because its defence of individual freedom presupposes neutralism among various conceptions of the good, and an ethics that fails to acknowledge cultural particularism, as well as the role of community in individual development. Drawing mostly on the works of Alasdair MacIntyre and Charles Taylor, Keeney endorses the communitarian critique of liberalism and argues that abstract (asocial) individualism, the idea that all human needs, including those related to cooperation, could be translated into rights, and the separation of moral concepts from political considerations are not compatible with the ideal of a liberal education. The latter would entail with necessity a hierarchy of standards regarding what makes a good life, and, consequently, human flourishing and well-being could be properly addressed only within a fuller account of community and history. Moreover, since moral agency cannot be separated from the shared values which depend on one's being a part of a historically and politically determined community, human flourishing, which is essential for liberal education, would also need a common conception of public virtue.

Therefore, liberal education, understood as "unavoidably a normative enterprise, one which is concerned with enabling individuals to lead the best possible lives" (Keeney 2007, 7), would be much impoverished if its implications had to be articulated within – especially – political liberalism. Against a minimalistic interpretation of liberal education, Keeney argues that such an education should serve the cultivation both of a private and a public self, avoiding the extremes of, on one hand, reclusiveness from the community, selfishness and narcissism and, on the other, subordinating one's intellectual, moral,

emotional and imaginative development to civic and political values expressed by a conception of social justice divorced from both a unifying conception of the good and broader considerations regarding political order. Following MacIntyre, Keeney maintains that liberal education needs to interpret "the self in the narrative mode" (2007, 149), and the philosophy that would best respond to this interpretation would be an analytical-empirical one, providing a comprehensive account of cognitive, moral, emotional and civil development of individuals.

Consequently, the liberal project would not be complete if it confined itself to offering, as in the case of Rawls, a theory of justice which spells out the civil and political liberties that should be exercised within a certain pattern of socio-economic rules and accepting the priority of the right over the good. What is at stake in the communitarian critique of liberalism is the possibility of reflecting on justice by suspending considerations about the highest human ends and the contingent (cultural, historical) nature of various conceptions of the goods, among which neutrality would not apply. In the case of liberal education,

> [e]ducators must be prepared to state that some ways of living are better, nobler, higher, more fulfilling, more estimable, or more meaningful. […] Underlying a liberal education is the demand that we acknowledge something outside ourselves whose value is immune to the whims and inklings of our own consciousness, but which stands independent of these and offers criteria by which they can be judged. Any such hierarchy is, of course, notoriously difficult and contentious, and, of course, the idea of a hierarchy of values resistant to human willing is entirely alien to the liberal temperament. Yet, a liberal education can only proceed by recognizing that that which is truly valuable in human life is not entirely arbitrary, a mere adjunct of the personal will. (Keeney 2007, 11)

Keeney gives, indeed, an overview of what has come to be called the communitarian critique of liberalism, and he dedicates a part of his analysis to Rawls's theory of justice, in the attempt to identify the sensitive spots that would run counter to a comprehensive ideal of liberal education. Nevertheless, the focus on the concept of the person and the two circumstances of the social contract that are specific to Rawlsian theory, the Original Position and the Veil of Ignorance are not, in my view, sufficient to argue for the incompatibility between political liberalism and the ideal of liberal education. In fact, education was not a topic neglected by Rawls, and even if he did not develop a theory of the moral agent with the aim of spelling out precise moral duties in the sphere of education, education was acknowledged an important role both in structuring individuals' opportunities and in enabling them to participate with full equal rights in social cooperation.

The second section of the paper is dedicated to discussing Rawls's views on education, and it suggests that, since the association between self-fulfilment and self-respect is necessarily mediated by education, the latter would have to play a significant part in the theory of justice, and there may be a case for including some educational institutions in the basic structure. Considering the priority that Rawls ascribes to self-

respect, it is perhaps plausible to argue that a philosophy of education that would be consistent with this requirement would have to aspire at the full development of one's sense of secure worth and confidence in one's life plans.

The third section of the paper is meant to complement the account of education that could be reconstructed from Rawls with Oakeshott's perspective on liberal education as aiming at a balance between cultivating a public self and a private one. Oakeshott is in this respect a particular thinker, as, despite the often metaphorical and politically polemical nature of his writings, the necessity of integrating one's personal development within the inheritance of human achievements is a valuable intuition that could justify a more comprehensive account of liberal education.

Nevertheless, neither Rawls, nor Oakeshott provide a consistent framework for discussing liberal education in its relation to self-fulfilment. Their vantage points lead to a deliberate partiality in this respect. For Rawls, political liberalism should not aim at fulfilling the goals of comprehensive liberalism, and therefore his theory of justice is not compatible with perfectionist ideals. For Oakeshott, liberal education is discussed within the context of his arguments against rationalism in politics, and, thus, considerations about the content of moral duties with regard to liberal education in an institutional framework are not discussed.

Therefore, the last part of the paper attempts at unifying the insights taken from the two authors within a consistent conceptual framework that centres on the ideal of self-fulfilment, drawing on Alan Gewirth's distinction between aspiration-fulfilment and capacity-fulfilment.

I. RAWLS, POLITICAL EDUCATION AND SELF-RESPECT

Although Rawls did not develop a framework conception of liberal education and its role in relation to *justice as fairness*, some of the insights he gave with regard to the aims of moral education, as well as the distributive impact of education on the worst-off open the path to a philosophy of education centred on the notions of civic participation and self-respect.

From the perspective of civic participation, Rawls emphasizes the role of education in cultivating the moral virtues allowing citizens to take part in social cooperation with equal rights and contribute to the creation of social goods, which are to be distributed according to the principles of justice. Therefore, an important mission of education would be to inculcate a conception of the individuals as free and equal, and develop their loyalty to political justice (Rawls 2001, 56). It is thus, Rawls believed, that individuals would be motivated to voluntarily support the principles of justice, which, in a context of a variety of conceptions of the good, diversity of individual endowments and the often diverging aims to which pursuit of one's self-interest leads, would still guarantee the stability of a public conception of justice. In addition, individuals' capacity for tolerance

would be developed, allowing them to pursue their own life plans with full respect of others' rights (1999, 192-93).

What educational content would then best comply with the aims of *justice as fairness*? Rawls indicates the basic features of civic education, consisting in knowledge of one's rights and liberties, learning to distinguish between judgments grounded in reason and judgments grounded in authority, developing political virtues and the capacity of being an economically independent and self-supporting member of society. Doubtless, such content pertains to a limited philosophy of education, as one of the main tenets of political liberalism, as opposed to comprehensive liberalism, is not to cultivate particular (superior) values associated to human aims which should be left within the private sphere of life. Therefore, duties in education are to be formulated with the primary aim of developing future citizens (2001, 165-167).

This view of education engaged the attention of scholars interested in uncovering an implicit Rawlsian philosophy of education. It has been argued by some that education is mostly derivative for Rawls, in the sense that it would matter only to the extent that it can lead to the formation of a just society. As a result, the conception on education that could be reconstructed from his writings was deemed to be a thin (Weber 2008) or exclusively political one (Costa 2004), all the more so considering that it seems to give priority to political and judicial institutions over the role of schools in educating citizens (Costa 2011).

In addition, the representation of the basic structure as "somewhat vague" (Rawls 1999, 8), in the sense that it does not allow us to extract a complete set of institutions which are to be governed by the principles of justice, is likely to raise questions about the status of schools, universities, as well as other less formal institutions that educate individuals. For instance, one may argue that if the main criterion of inclusion into the basic structure is the degree to which a particular institution influences one's life prospects, and if the family is a part of the basic structure, then all formal educational institutions related to the distribution of goods and advantages likely to generate inequalities should also be considered as part of the basic structure.

This interpretation can be supported also by the criterion proposed by Freeman, namely that what distinguishes institutions of the basic structure from the rest is, primarily, neither their influence on one's life prospects, nor the fact that they presuppose the application of formal, often coercive, rules, but rather that they are essential for productive social cooperation. (Freeman 2007, 101-102.) The correlation between education, welfare and social positions of advantage, as well as the essential contribution of education in providing the "common currency of political and social life" (Walzer 1983, 206) would also add to the plausibility of including educational institutions in the basic structure, because of their undeniable impact on associational life and distribution of resources.

Nevertheless, Rawls proposes a hierarchy, in which the main reason for which education matters is related to civic participation and the goods that derive from it:

the value of education should not be assessed solely in terms of economic efficiency and social welfare. Equally if not more important is the role of education in enabling a person to enjoy the culture of his society and to take part in its affairs, and in this way to provide for each individual a secure sense of his own worth. (1999, 87)

Due to this fundamental mission, educational institutions, the goods they distribute and, consequently, the paths they open to individuals, are of interest for both Fair Equality of Opportunity and the Difference Principle. Although Rawls does not elaborate on the issue of the moral duties deriving from the application of the two principles, he does state explicitly that "Chances to acquire cultural knowledge and skills should not depend upon one's class position", and, in this respect, the duty of the educational system would be "to even out class barriers." (1999, 63)

In addition, given the impact of different natural endowments on educational performance, and, further, on access to positions of advantage and the capacity of pursuing one's life plan, inequalities in the distribution of resources are justified if they are to the benefit of the less advantaged by the natural lottery, thus increasing their prospects of reaping benefits from education (1999, 86).

In the absence of a more elaborate account of educational duties, the interpretation of Rawls's views on education as suggesting a minimalistic (thin or exclusively political) conception would at first glance be warranted.

Nevertheless, there is, I believe, a valuable intuition on the goals of education that can be taken from Rawls, and this consists in the necessary correlation between education and the cultivation of self-respect, which he considered to be "perhaps the most important primary good." (1999, 386)

Self-respect entails not only a public affirmation of civic and moral equality, but rather, as the last part of *A Theory of Justice* shows, it turns out to be a complex good, which could not be properly secured in the absence of a commitment to the ideas of human dignity and also personal (not only social) self-fulfilment. The circumstances that consolidate self-respect, i.e. confidence in one's abilities, as well as validation of one's life plans, formulated according to one's desires, ideals, and capacities, may suggest that individual development should be encouraged in a broader sense than that implied by the good of civic participation. Even if the orchestra metaphor expresses the voluntarily accepted complementarity of developing talents and using them for the greater good of the social union (1999, 459n; 2001, 76), self-fulfilment, as a prerequisite for self-respect, would also entail the possibility of developing and refining the talents one views as most important for one's identity and secure sense of self-worth. This may be the case even if there is no "market" for such talents, in the sense that they are not, at a particular stage of social development, enough valued, or their impact on social cooperation may be marginal.

Therefore, if the social conditions that undermine self-respect should be avoided "at any cost" (Rawls 1999, 386), one may question whether being a part of an association or community that allows us to develop those talents that matter most to us would be sufficient

for securing self-respect. Moreover, even if we agree that the standard of perfection is unsuited within a political conception of justice, assuming that some talents are more strongly correlated with education than others, yet essential for one's self-fulfilment, it may be difficult in some cases to avoid reference to an absolute level of achievement in a particular form of education. This would perhaps indicate a tension between, on one hand, developing one's talents which do not directly qualify as excellences from which other will also benefit, and, on the other, the explicit characterization of justice as fairness as not seeking "to cultivate the distinctive virtues and values of the liberalisms of autonomy and individuality" (Rawls 2001, 157).

Acknowledging that self-fulfilment plays an important part in developing a secure sense of one's worth, as well as confidence in the capacity to transform one's life according to one's most valued ideals may lead to a maximizing conception in which the pursuit for self-fulfilment is equated with that for a good life (Gewirth 1998, 3). This would presuppose either that the development of the private self should be in harmony with that of the public self or that the private self would trump the public one, which may lead to equating self-fulfilment with self-aggrandizement. A conception of liberal education that would live up to these standards would, therefore, also be a maximizing one, and should aspire at allowing "the unimpeded and unconstrained development of mind, not harnessed to utilitarian or vocational ends." (Peters 1976, 46-47)

II. LIBERAL EDUCATION AND THE "CONVERSATION OF MANKIND"

A particular defence of liberal education, also in the sense that it is phrased in a different language than that which the analytically-oriented debate in philosophy and ethics of education has established, comes from Michael Oakeshott. As a thinker reclaimed by both the liberal and the conservative traditions, his writings on education are difficult to include in a specific category, and it is equally problematic to extract a comprehensive view on the ethical foundation of liberal education, since the arguments he advances are closely connected with his general opposition against rationalism in politics.

Nevertheless, his views on education reveal a commitment to the ideal of self-fulfilment, which is predicated on a strong connection between freedom, as essentially constitutive of human existence, and the capacity of genuine learning to help individuals reach intellectual and moral emancipation (Oakeshott 2001, 3). Therefore, one of his main concerns was to distinguish the kind of education conducive to self-fulfilment from particular forms of training aimed at equipping individuals with various skills, but incapable of fostering self-understanding and the development of a comprehensive worldview.

Oakeshott's defence of liberal education is inseparable from his criticism of rationalism, both as an intellectual style and as a social ideology which became "the most remarkable intellectual fashion of post-Renaissance Europe" (1991, 5). Rationalism, he argued, is a glorification of partial knowledge, the one which can be acquired and assessed

only by the use of an instrumental reason thriving on rules and theories, and aiming to identify what it actually artificially constructs: coherence, uniformity and homogeneity in the interpretation of reality. Consequently, practical knowledge, experience and traditions are disregarded as irrelevant, as their complexity and inherent contradictions cannot be summarized in rules, nor can they be compatible with universalist and perfectionist models.

However, such models do not stand for either an accurate interpretation, or the source of human activity, as the abstractions they advance – "ideals and purposes" – are, in fact, "only abridgements of our knowledge of how to engage in this or that activity." (Oakeshott 2001, 105) Here Oakeshott defends the foundational role of tradition and informal norms of conduct, developed and refined gradually over generations, such as, for example, in the establishment of a political culture or major institutions such as universities. Never in the course of history did ideology alone initiate action, rather, he argued, it has always been a post-factum (yet, often vigorous and inspiring in its simplicity) commentary on already existing norms, practices and beliefs.

Education is no exception in this sense, and, as a practice and distinct manner of human activity, it does not need an ideology to guide it or to subordinate it to external aims. In fact, it is here that, in Oakeshott's view, the domination of rationalism, which extended over our entire social and political life, has most seriously threatened the idea of a genuine liberal education, that is, education "liberated from the distracting business of satisfying contingent wants" (2001, 3).

Learning and being human are, in his view, inseparable, as self-understanding is a prerequisite to one's understanding of and contributing to the legacy of civilization; it is only thus that the multi-dimensionality of the self (intellectual, moral, emotional, imaginative, civil) could be adequately addressed. This may seem to raise the bar quite high, and one may question the perhaps elusive nature of an education defined as "initiation into the moral and intellectual habits and achievements of his society, an entry into the partnership between present and past, a sharing of concrete knowledge" (Oakeshott 1991, 38). As familiar and attractive as a metaphor, the intellectual adventure of self-discovery and the emancipation from the parochialism and contingencies of everyday existence would require an amount of resources that liberal societies may not make available for most of their members. This would be all the more so, as Oakeshott rejects the idea that well established manners of human activity, inseparable from a conservative set of practices and institutions, should be judged by the metric of abstract principles, among which solidarity, welfare or social efficiency.

The case in point is his defence of the University against the criticism regarding its social mission, and the related idea that such an institution which best exemplifies "the pursuit of learning" should justify its existence by something else than the very practices and values which have been constitutive of it. In Oakeshott's view, universities have established themselves as a space free from outer interferences, where scholars and students have been wholeheartedly engaged in the discovery of knowledge, interpretation of civilization and building their own identity. The particular trait of the University is

that it is a community whose aim, the pursuit of learning, is self-sufficient. The benefits brought by its fulfilment accrue to individuals as multidimensional selves, and not only as beings prepared to exploit the resources of the world with more skill and more efficiency.

The "gift of the interval", that is, being detached from the requirements of making decisions in the absence of a well-developed intellectual and moral personality, as well as from the constraints of having to make a living and, therefore, sacrificing one's resources for numerous fragmentary aims, is perhaps the most valuable of the gifts that membership in this community of learned and learners has to offer. Usefulness or easiness in teaching could be only marginal criteria for selecting the subjects that are being learned in a university; in fact, in order to resist formalism and the degeneration of learning into mere training, standardized assimilation of information by patterns and recipes for easy success should be acknowledged as a partial enterprise, one which is not akin in spirit to the knowledge made possible by a university.

Two distinctions underline Oakeshott's argument for the defence of a comprehensive liberal education that is conducive to self-fulfilment.

One is that between technical and practical knowledge. The former, which the ideology of rationalism has extolled as the only knowledge worth cultivating, can be reduced to an array of information organized according to efficient methods, summarized in principles and rules, then codified in books. It is exemplified as textbook knowledge, inevitably partial and subordinated to the aims of accessibility, efficiency and utility. On the other hand, practical knowledge is, according to Oakeshott, an essential complement of technical knowledge, as it provides guidance where rules and principles are incomplete, or their use misplaced.

It is the kind of knowledge that developed from experience, in the context of a variety of human practices, each carrying its history of values, customs and beliefs. Far from being merely a knowledge of skills, and, thus, attributed to activities which could be less intellectualized, it offers interpretative and narrative structures allowing a proper understanding of human practices in their context, that is, inseparable from the civilization having created them. It is illustrative that Oakeshott refers to Machiavelli's *The Prince* as an example of how the two kinds of knowledge should be duly regarded as complementary. Faced with the prospect of a politically inexperienced new ruler, Machiavelli was willing to offer not only a book with rules and examples to help him obtain and maintain power. He also offered his live knowledge of a skilled advisor who, with the benefit of experience, political instinct, and political education, could supplement the obscurity of rules in new or complex circumstances, being aware that in politics there is no "total situation", and, moreover, a principle is "a mere index of concrete behaviour" (Oakeshott 1991, 68-69).

The second distinction refers to two modes of transmitting knowledge – the first, more adequate for technical knowledge, is teaching and learning, in the sense of screening and conveying information of various levels of complexity, often in a verifiable form and also with an outer aim in view. The second mode, essential for liberal education, is imparting and acquiring knowledge, which presupposes a contextualized communication allowing

initiation into the inheritance of human achievements. The two modes of transmitting knowledge should be regarded as complementary, but the processes associated to them, namely training (as acquiring habits or preparing for a profession) and cultivating the mind, in the sense of genuine education, should not be confused.

Various human abilities, Oakeshott maintained, could be understood as a combination of language and literature of human achievements, where literature stands for a summarization of the rules that could be extracted from the practice of a specific skill. On the other hand, since rules are disjunctive, and, when applied, cannot always eliminate the need for choice or interpretation, a more substantive understanding is needed, and this is what is metaphorically designated as "language". Language is associated with broader modes of experiencing and explaining the world, and it provides the unquantifiable "connoisseurship" which helps us distinguish relevance, develop and assess an intellectual style, as well as take pleasure in understanding subtleties of thought and action (Oakeshott 2001, 45-47). For these, literature is not an adequate guide, but rather a companion with a limited mandate.

Liberal education, Oakeshott believed, should be about imparting and acquiring knowledge on the "actual inquiries, utterances and actions in which human beings have expressed their understanding of the human condition" (2001,15). Those who embark on the journey to self-fulfilment learn to be participants in the "conversation of mankind" and encounter, in the course of their intellectual adventure, achievements of human inheritance otherwise doomed to be forgotten or dismissed as useless.

There is, indeed, in Oakeshott's writings a sense of nostalgia for an irretrievable past, for the intellectual pilgrimage of self-discovery which has been a legacy of Medieval Europe. The study of ancient cultures, languages, the cultivation of the mind as an aim in itself have had to make concessions to what is transient, partial, evanescent and modern, yet, the most serious "assault" on liberal education has come from attempting to model its content and traditional institutions according to the requirements of relevance and utility:

> But the real assault upon liberal learning comes from another direction; not in the risky undertaking to equip learners for some, often prematurely chosen, profession, but in the belief that "relevance" demands that every learner should be recognized as nothing but a role-performer in a so-called social system and the consequent surrender of learning (which is the concern of individual persons) to "socialization": the doctrine that because the current here and now is very much more uniform than it used to be, education should recognize and promote this uniformity. (Oakeshott 2001, 20)

The insights that Oakeshott's views on education give suggest a maximizing conception which should be, at all costs, promoted and protected from the interference of outer standards captured, for example, by political ideologies or perfectionist models such as those underlying various ethical frameworks. Nevertheless, there is a deliberate partiality in his account of liberal education, which overlooks the content of moral duties associated to self-fulfilment, the status of this ideal among other ideals worth promoting

in a liberal community, as well as the role and limits of institutions in fostering the cultivation of both a private and a public self.

III. CONCLUSIONS: LIBERAL EDUCATION AND CAPACITY-FULFILMENT

Juxtaposing Rawls and Oakeshott may have the merit of illustrating the demanding requirements liberal education would have to meet in the attempt of balancing the cultivation of a public self (participation in a social mechanism of cooperation and, equally important, developing one's identity within the context of an inheritance of human achievements) and that of a private self (maximizing intellectual, moral, aesthetic, emotional development and liberating the individual from outer constraints).

Nevertheless, although both suggest that self-fulfilment, as it could be achieved by liberal education, is an ideal worth cultivating, their vantage points do not help clarify the conceptual framework in which self-fulfilment could be coherently addressed. As a result, on one hand, self-fulfilment would be valuable as a prerequisite for self-respect, which would be ensured within a political conception of justice; on the other hand, self-fulfilment would conflate the development of the public and private self, but in a rather circumstantial manner which does not take into account considerations of social justice and institutions.

A consistent approach on self-fulfilment, likely to illuminate its relation with liberal education, can be found in Alan Gewirth's distinction between aspiration-fulfilment and capacity-fulfilment.

Aspiration-fulfilment responds to the satisfaction of one's deepest desires, and, as a personal ideal that needs to be achieved within a community, it can lead to self-aggrandizement, elitism, and egoism. Moreover, the objects of aspirations are diverse and sometimes conflicting, some neutral, others inimical to various moral frameworks. As such, aspiration-fulfilment is connected with a strong individualism, but not necessarily and exclusively with strong subjectivism.

In fact, as Gewirth shows, there are ways in which "the aspiration to be a certain kind of person cannot be separated from the aspirations toward values that are reflected in such personhood." (1998, 20) Thus, aspirations form parts of individuals' plans of life, and presuppose a self-evaluation, in the sense that one projects one's desires with reference to a certain identity one wishes to develop, and to experiences that are deemed worth having. Often, these are not separated from feasibility concerns, such as whether one's endowments or personal constraints allow the pursuit of one's most valued goals, whether one could be supported in one's endeavours, as well as whether among several desires equally important for the individual, those worthy of effort will have the highest chance of materialization.

Aspiration-fulfilment does not, however, capture the whole meaning of self-fulfilment, which, as a worthy goal of human striving, presupposes an account of an objective good, which can be attained by developing some personal capacities. Capacity-

fulfilment seeks then to respond to the question of how one can make the best of oneself, which entails that one should select some inner powers which are deemed worthy of development because they correspond to a valued and comprehensive conception of personhood. Thus, a ranking of values to determine what capacities count as best is needed, and this is, in Gewirth's view, an inherent ranking which derives from the purposes of the activities to which various capacities are related - "the relative ranking of goods and capacities is to be determined by, and so be proportional to, the purposes of the goods." (1998, 71)

Nevertheless, in order to distinguish what is trivial or immoral from what is morally permissible, such a ranking should take place against the backdrop of a broader conception of morality, such as universalist, personalist or particularist. Therefore, within universalist morality, self-fulfilment as capacity-fulfilment could not be attained in the absence of the rights to freedom and well-being, and according to the Principle of Generic Consistency – "Act in accordance with the generic rights of your recipients as well as of yourself" (Gewirth 1998, 88) – individuals would have to respect communities of rights, which includes their responsibility of political participation.

It is within this conceptual framework that Gewirth proposes to interpret self-respect as a moral virtue activated in a universalist morality which is grounded in reason (as the best epistemic capacity) and human dignity. Self-respect is an indispensable ingredient for capacity-fulfilment and it cannot be separated from the duties to others, as captured by the PGC, which implies a mutuality of "affirmative consideration" of those needs and interests that can be translated into generic rights (1998, 94). Moreover, in order to protect self-respect, it is necessary to establish whether individuals' autonomous control of their aspirations, as part of capacity-fulfilment, is affected by unjustified limitations.

It is not only socio-economic inequalities that qualify as such limitations, but also inequality or insufficiency in education is likely to have a negative impact on self-respect. In Gewirth's analysis one may find an argument that complements the Rawlsian account of self-respect, and gives more weight to education as a general tool of aspiration-fulfilment, as a preliminary step to capacity-fulfilment.

Education, Gewirth argues, is an example of "additive well-being", which means "having the general abilities and conditions needed for increasing one's level of purpose-fulfilment and one's capabilities for particular actions" (1998, 80). Not only does it provide, as Walzer suggested, a common language (or "currency") of social and political life, but it is a prerequisite for achieving self-respect.

Nevertheless, despite agreeing on the impact of various conditionings (social, political, familial, economic) on the extent to which one manages to develop one's self-respect, Gewirth rejects Rawlsian determinism exemplified by the rejection of desert as a legitimate criterion of distribution. Accepting Rawls's thesis, that not only endowments and socio-economic status at initial stages of life, but also motivation depends on luck (familial and social circumstances), would exclude the role of individual choice and

control from the account of self-fulfilment, thus discarding "A realistic sense of personal responsibility." (Gewirth 1998)

By contrast, liberal education presupposes a worthy ideal of responding to individual choice and autonomy, which, in turn, it should help better develop. If personal responsibility should be ignored, either because it is engulfed in numerous pervasive contingencies that affect one's development at all stages, or because it exists, but it is too vague to be given a part in a distributive conception of justice, the ideal of liberal education as responsive to self-fulfilment would be relegated to the status of a private enterprise.

Yet, following Gewirth, this should not be the case, since education does not only act as a strong determinant of one's actions, including those whereby one ranks the values that allow oneself to attain one's best, but primarily as "laying foundations for autonomous action, so that once these foundations are laid it is then within the person's power to choose to act in one way rather than in another." (1998, 193) Consequently, education allows fostering self-respect by enabling people to "participate intelligently in a morally justified political system" (1998, 97) but also by familiarizing them with a broader set of values and criteria for selecting among them.

Given that evolving into one's best version is a process in which one's initial preference structure is corrected, refined and adjusted so that it should be compatible with respecting and protecting others' generic rights, education should acquaint individuals also, for instance, with aesthetic values, to allow them to develop an appreciation for culture.

This component of liberal education, which for Rawls qualified as an aspect of human perfection, "to be pursued within the limits of the principle of free association" (Rawls 1999, 289), was crucial for Oakeshott, and in this consists the particular nature of his approach, that of including (though metaphorically) one's self-fulfilment into the inheritance of human achievements which exemplify others' self-fulfilment.

For Gewirth, cultural values are also an important part of self-fulfilment, even if their status is more ambiguous than of those of values pertaining to universalist or personalist moralities. The development of one's intellectual style and the capacity of cultural appreciation may have a major impact on one's self-fulfilment, but they should be acknowledged as being dependent on a particularist morality, and as implying giving preference to the interests of some. Nevertheless, both freedom and well-being are part of the development of cultural virtues, and a responsive liberal education would have to achieve some compatibility between the values stemming from particularist morality and those of personalist and universalist morality. A consequence of this constraint would be imposing limits on the content of cultural products and practices violating other's rights and interests that need to be protected, irrespective of the aesthetic or moral well-being they generate for some individuals.

Liberal education aimed at promoting self-fulfilment would, therefore, have to be integrated into a human rights framework, where education should play a central part in ensuring people exercise their freedom and develop their well-being, on the condition of reasonableness which entails accepting that other individuals have the same generic rights.

Therefore, a conception of liberal education as an object of human rights and as a means to formulating purposes and developing capacities that create the good life envisaged by the self, could not be a minimalistic one. To conclude, even if, as self-fulfilment is a perfectionist ideal, and it is disputable whether the concerted action of individuals and institutions can help attain self-fulfilment, a comprehensive conception of liberal education should aim to maximize its development in all its relevant components.

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Sen's Perfectionist 'Reason To Value'

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Abstract: Amartya Sen, the initiator of the Capability Approach, rejects perfectionism and the idea that theorists can, or ought to, predefine what capabilities we have reason to value. Instead he insists that the route to social justice stay true to the liberal ideal of value pluralism and human diversity and demands a content-neutral procedure of reflective scrutiny. This paper investigates the theoretical underpinnings assumed in such a procedural account. Can it avoid perfectionistic assumptions? I think it cannot for two reasons. First, it is clear that a deliberative process is taken to be valuable without it being a product of such a process. It is thus taken to be a priori valuable. Consequently, the capabilities that enable citizens to successfully partake in such a process are taken to be what we have reason to value. Second, I argue, Sen's procedural approach is primarily aimed at enhancing freedom understood as personal autonomy. I then ask if Sen successfully can deflect perfectionistic allegations by referring to a formal and content-neutral account of autonomy. Again, I conclude he cannot. This suggests that Sen's rejection of perfectionism is untenable.

Key words: perfectionism, anti-perfectionism, personal autonomy, social justice, Capability Approach.

Amartya Sen, the initiator of the Capability Approach (CA) rejects that we, as theorists, can determine what capabilities citizens have reason to value. This is an anti-perfectionistic stance. Instead, Sen insists on a content-neutral procedure aimed at raising the cognitive and epistemological awareness of each citizen, as a sort of political and moral education. This 'education' occurs in the interactive dialogues Sen advocates. Here the social conditions in society can be formulated and transmitted while the participants - in the light of this information - are allowed to question and re-evaluate what there are reasons to value. Such scrutiny is thought to lead to an increased self-knowledge. The idea is that such a procedure of reflection and deliberation is warranting that citizens autonomously choose to do and be what they genuinely value.

The debate between content-neutral and perfectionistic stances to theorizing justice can be described as one concerning objectivity and subjectivity in defining the good life. Is there a good for Paula irrespective of whether she prefers it or not? Does she have a reason to value poetry writing rather than playing X-box? Education rather than housework? Exercise rather than drugs? Liberal theories on justice have since Wollenstonecraft, Rousseau and Mill revolved around the value of freedom. The tension in most liberal theories lies in their concern for individuals' own judgments on what is good for them while recognizing that these judgments to a large extent are shaped by factors that lie outside the agents' control. How a liberal and just society ought to deal with these issues is a dilemma that theorists of liberal justice need to address. Can there be a content-neutral process towards social justice or are we dependent on a perfectionist conception of what ought to be valued in a good life? The problem is that while the former construction

needs to defend itself from relativism, the latter faces an elitist problem that threatens to disrespect the liberal ideal of value pluralism.

Today many political theorists agree that 'freedom' translates into what is generally understood as personal autonomy (Raz 1986, 12). And in this paper I will take the view, shared by other scholars, that Sen's concept of freedom coincides with personal autonomy (Olsaretti 2005; Crocker 2008; Argenton and Rossi 2013).

The two following questions then arise. The first concerns whether autonomy can be said to be a foundational and objective value in Sen's theory. I will argue that it is. And placing personal autonomy at the centre of theories of justice is indeed a common approach among proponents of deliberative democracy (Raz 1986; Macedo 1999; Anderson 2013). But as reasonable as this construction may seem, it is far from uncontroversial. This is so as it disqualifies other strategies for selecting what we have reason to value such as relying on tradition, authority or religion (Gutman and Thomson 1996).

While I am sympathetic to Sen's procedural strategy, I disagree with that such a procedure is content-neutral.

A note of clarification. In lack of a better word I will use 'substantial' to denote Nussbaum's list-approach. By substantial I here mean that it has content that explicitly picks out certain predefined capabilities that we have reason to value such as having bodily integrity or being able to laugh and play.

The structure of the paper is as follows: I commence with a brief description of the procedural and the substantial approaches of the CA. A definition of perfectionism is provided and I show how Sen is committed to anti-perfectionism. An overview of previous perfectionistic allegations is then presented. In section five I identify two processes in Sen's approach, the institutional and the personal. In section six an overview of two main strategies for conceptualizing personal autonomy is provided. Section seven shows how the main function of Sen's personal procedure is one that is aimed at enhancing personal autonomy, broadly constructed. In section eight I show that a procedural notion of personal autonomy cannot avoid a perfectionistic foundation and that furthermore Sen's notion of autonomy seems to include a substantial one. The last section will conclude that Sen's deliberative process tacitly embraces a perfectionistic account of certain capabilities that are assumed to be a priori valuable. His rejection of perfectionism is therefore found to be untenable.

I. THE SUBSTANTIVE VS. THE PROCEDURAL ROUTE TO JUSTICE

The CA is a theory of social justice that centers round the idea that citizens ought to be free to choose to turn capabilities that they 'have reason to value' into functionings. There has been a long discussion regarding the meaning of 'we have reason to value' in the CA context of CA. Some scholars have argued that Sen and Nussbaum are perfectionists in disguise (Arneson 2000; Deneulin 2002; Sugden 2006; Claassen 2014). As an effect the CA has regularly been accused of perfectionism, the idea that certain values, traits or

capabilities, are considered a priori essential for humans to live a good life. Apart from any other aspects of legitimation and justification a perfectionistic account can come with, this is seen as problematic for CA for two reasons: a) it threatens to disrespect the political liberal ideal of value pluralism, and b) if CA is resting on foundational assumptions of what is valuable, it seems to be failing to live up to its own standards.

Sen argued, when introducing the CA, that levels of citizens' capabilities to achieve valuable functionings was the proper metric when assessing and promoting social justice (Sen 1979). He thus opposed aggregated measurement of utility such as gross national product, resources or other focus of a single value such as utilitarian or deontic principles. Another important starting point was to protest against the Rawlsian transcendental, institutional and ideal approach to social justice (Sen 2006; 2009). He found Rawls's theory of justice to neglect human diversity in at least two respects, namely that people differ in their capacities to transform resources into capabilities, and that there exists more than one reasonable principle of justice (an objection that led Rawls to adjust his theory in *Political Liberalism*). Capabilities are 'real opportunities' to valuable functionings, i.e. doings and beings. For instance, if eating is a valuable functioning, being able to eat is the corresponding capability. As pointed out by Sen, the moral significance of a fasting man and a starving man is huge. The difference being that a fasting man has the option to eat would he choose to do so. This option is, however, closed for the starving man, as he has no capability to eat. There is also another ethical point Sen makes with this example, namely that welfare is not always a relevant metric in social justice. Since freedom to give up welfare for other ideas of the good is a valuable opportunity for those who think there are reasons that overrule personal welfare. To fast and freely give up being properly nourished on religious or political grounds is an example of such capabilities. Sen thus refutes monistic theories of the good and contends that there is not one single value that always trumps other values. He consequently has a broad and plural approach to ethical evaluation.

The CA has over the last decades developed into a broad framework of theories, Martha Nussbaum being one of its most prominent contributors. It can be used for a number of purposes. But at the most general level it can be divided into scholars who use it in assessment and development of social justice in a more applied discipline and those who use it as a framework to theorize about justice. The theoretical side of the CA can be further divided into two main groups, the substantial and the procedural, where Nussbaum and Sen can be said to represent each faction. The two main claims shared by all Capabilitarians are that the freedom to achieve well-being is of primary moral importance and that is to be understood in terms of people's capabilities that they have reason to value (Robeyns 2016). The wedge that separates the procedural and the substantial views is what they respectively perceive as a reason for us to value something. In effect, how and why the valuable capabilities are selected. Those who maintain that a substantial account of justice is required promote a list of capabilities that we have reason to value (Nussbaum). The procedural approach rejects that and argues that no such substance can be defined without an ongoing deliberative process (Sen). This divide in

how the selection of the valuable capabilities is made, i.e. what we have reason to value, has been called the "Achilles Heel of the CA" (Claassen 2016). But before we can see if and how Sen is guilty of perfectionism, we need a working definition of it.

II. PERFECTIONISM AND SEN'S ANTI-PERFECTIONISM

As was mentioned initially, perfectionism is the idea that we can identify objective accounts of the good. Political perfectionist theorists develop policies or theories of justice that are informed by that account. While the objective good may differ, all perfectionists defend some identified "states of affairs, activities, and/or relationships as good in themselves and not good in virtue of the fact that they are desired or enjoyed by human beings" (Wall 2012). Perfectionistic judgments could for example include valuing activities such as poetry writing or being healthy or engaging in critical thinking. They are considered to be adding to human flourishing independent of whether they are preferred by someone or not. Their absence is consequently taken to diminish the quality of life (Hurka 1998). A perfectionist account is then an attempt at stating what capabilities we have, objectively, reason to value and someone who objects to liberal neutrality (Lowry 2011). This is not to say that all attempts at objectively defining what we have reason to value are versions of perfectionism. Any ideal theories of the good are attempts at thru use of theoretical argument deduce what is ultimately valuable. What distinguishes perfectionism from e.g. deontological or instrumental theories of the good is that it is pluralistic in regard to value and that it focuses on human functionings.

There is a strong connection between perfectionism and Aristotelian essentialism which holds that the intrinsically valuable skills that support human flourishing do so in virtue of them being constitutive of humans. In other words, that which is 'truly' human is what makes us flourish. The perfectionistic and essentialistic capabilities are thought to be what distinguishes us from animals and what are considered social and refined human properties. Perfectionism is often seen as opposed to liberalism as liberalism is the doctrine that people should be allowed to pursue their own idea of the good without interference. We will, when discussing perfectionism, take it to mean "an ideal people ought to pursue regardless if they now want it or would want it in any hypothetical circumstances, and apart from any pleasures it may bring" (Hurka 1990, 17).

Sen rejects that any theorist could identify, objectively, what we have reason to value. "The problem is not with listing capabilities, but with insisting on one predetermined canonical list of capabilities, chosen by a theorist without any general social discussion or public reasoning. To have such a fixed list, emanating entirely from pure theory, is to deny the possibility of fruitful public participation on what could be included and why" (Sen 2004a, 77-78). By stating that theorists cannot, and ought not, define what capabilities we have reason to value as there is no one set of capabilities that are always trumping, Sen objects to perfectionism (Sen 2009, 41). Or at least he rejects that we could, as theorists, know what these capabilities are that we always have reason to value.

III. PREVIOUS CHARGES FROM PERFECTIONISM

As mentioned, the charges at CA from foundationalism have often been cast in perfectionist terms. One can group the critique into two main camps: internal and external. The external objections come from scholars who criticize the CA from 'outside' the CA community (Sugden 2006; Pogge 2010; Valentini 2011). These objections concerns CA at a more general level, for instance the critique of choosing capabilities as the relevant metric. The internal critique comes from fellow Capabilitarians within the CA (Deneulin 2002; Khader 2009; Claassen 2011). The dispute within the CA is often related to what is known as 'the list-debate'. The list is of course Nussbaum's list of ten basic capabilities that she takes to constitute a threshold limit of what each citizen ought to be granted and then freely choose what to turn into a function. Sen and other proponents of a procedural approach of the CA reject this strategy as they find it to be mistaking "what pure theory can do" (Sen 2009). We can thus identify two 'levels' of accusations of perfectionism: a) at a general level targeting CA theories of justice broadly constructed, and b) as an internal dispute between proponents of a procedural route (also called democratic or non-ideal) and those who advocate a substantial route (also called perfectionistic or foundational) route to justice. The standard reply from both Sen and Nussbaum to accusations at the general level has been that by focusing on capabilities rather than functionings, the liberal ideal of freedom to choose is maintained and perfectionism is avoided. The success of that reply has been questioned (Sugden 2006; Khader 2009; Terlazzo 2014).

The internal list vs. no-list dispute has been the source of much heated discussion. The charge against the substantial list view is that it threatens to disregard any reason to value that is not in line with a theoretically predefined conception of the valuable. Nussbaum's list of ten central capabilities is thought to threaten value pluralism and human diversity. It is, according to critics, elitist as agents' values can be deemed 'wrong' or 'right' according to some value-template (Sen 2010, 248-9; Sugden 2006). Nussbaum's reply to this is twofold: a) that it corresponds to a cross cultural overlapping consensus and so is therefore both legitimate and justified, and b) that it is open ended and can change. Sen's procedural view, on the other hand, brings with it the potentially coercive forces of majority rule, meaning that the capabilities valued by citizens that are not in line with what the majority values may legitimately be suppressed. The worry is that it becomes relativistic if there is no substantial notion of the valuable, such as a categorical rule, a monistic value or a list. Such substance, it is thought, would be instructive to a separation of the adaptive preferences from the non-adaptive ones. A procedural and content-neutral approach is then in a sense 'empty' and not useful in the pursuit of social justice (Nussbaum 2011, 70). Another concern is that history is full of examples of societies where majority-rule has led to abhorrent results. So whether the preferences are adaptive or not, the question if they are good, right and just seems to be another. This is so since what a majority at some point may decide does not always seem to correspond to our intuitions on the right and the good.

It is generally recognized that Nussbaum's list-strategy is more vulnerable to accusations from perfectionism. Sen's procedural approach on the other hand, while generally seen as less elitistic, is more eluding. While he insists on the primacy of public deliberation in quite specific types of dialogues, as will be shown below, he says very little of what this procedure concretely entails. Who should do the deliberation? Where? On whose initiative? This invites two questions. First, is Sen justified in rejecting a predefined list while not be clear on what the procedural approach entails more in detail? Second, can Sen successfully avoid perfectionism by referring to this procedure? I will for the remainder of the paper be preoccupied with the second question.

IV. TWO PROCESSES – THE INSTITUTIONAL AND THE PERSONAL

In order to make the argument that Sen's procedural approach is dependent on a particular and controversial view of what is good for agents, we need to reconstruct his procedural approach. The democratic and deliberative process he claims to be central to social justice can be divided into two sub processes, the institutional and the personal. The institutional concerns the public deliberation that is mediated through the institutions of democracy such as public debate in media, the process of balloting, free speech and free press. But there is another equally important process of deliberation Sen requests, a personal one. It is the process of interactive dialogues, which although underspecified by Sen, are substantiated enough to enable us to deduce that he takes them to be a more demanding, participatory process that urges each citizen to engage in critical scrutiny of one's actions and values. These dialogues, to Sen, represent another type of necessary element in the procedural approach to social justice. This second procedure of individual reflective scrutinizing dialogues is what I will focus on for the remainder of the paper as it is more intimately connected to the exercise and development of personal autonomy.

There can be no doubt that the process of interactive dialogues is key to Sen's concept of 'reason to value' (Sen 2009, 44, 89-90, 110; 2008, 108; Robeyns 2012). It is crucial since he takes the responsibility for justice to be something that cannot be 'handed over to institutions' or theorists to define and implement. Instead, justice is connected with personal judgement and the actual behaviour of the citizens in society (Sen 2009, 86). This is the basis of his frustration with what he calls Rawls's transcendental institutional approach. Sen claims that Rawls was neglecting the fact that much injustice in society is done by individuals' conduct towards each other and does not depend on whether there are perfectly just institutions in place. For example, bullying or systematically exercised oppression is not automatically impeded by the existence of just institutions.

So, even though institutional democracy for Sen is necessary for freedom and the remedy of injustice, he complains of the domination of what he perceives as a narrow understanding of democracy (Sen 1999, 158; 2005, 14; 2009, 45, 127, 324-27). He thus takes the procedures of political choice (like voting) to accommodate rather "little information except in the discussion that may accompany these exercises" (Sen 2009,

93). Justice requires that each citizen reflects upon and adjust their actions in accordance with what they think they have reason to value in relation to social justice. To Sen these dialogues are viewed as a necessary *complement* to institutional democracy, not sufficient to warrant justice in them themselves (Sen 1999, 158; 2005, 13).

V. SEN'S 'REASON TO VALUE'

We have now identified the process of interactive dialogue as central to Sen. But why does Sen take it to be so important to social justice? Because he thinks that we may base our values and preferences on *false beliefs* about ourselves and about the social conditions in society. Due to 'the beings we are' Sen believes this can cause us to adapt to our limited cognitive and epistemological perspective and lose sight of valuable functionings that are relevant to social justice.

Whether Sen takes certain functionings to be objectively or subjectively valuable to us is really cutting to the heart of this paper's focus. Why do we need a reason to value? asks Sugden (2006). Why can we just not value whatever we may value without having to state a reason to support our choice? The crux is that while Sen insists on a procedure in order to heed the liberal ideal of value pluralism and human diversity and so to counter any dogmatic conception of the good, he also recognizes reasons to doubt our subjective preferences. Subjective preferences are "malleable," and not to be uncritically taken at face value (Sen 1999, 54). Adaptive preferences and positional illusions are such phenomena that may undermine the reliability of subjective preferences. Adaptive preferences are, according to Sen, problematically shaped by deprivation and may therefore not reflect what a person has reason to value (Sen 1979; 2009, 274-75). To use one of Sen's examples, a woman can for example reject the value of education in a society where female education is banned in order to psychologically cope with the social context she is in. She has then adapted her preferences by, at a conscious or unconscious level, downplaying a function that she (presumably) has reason to value. To dismiss the value of education may be a pragmatic solution for her. To accept the social structure and thus be accepted may be the only option as rebelling against such an arrangement may cost too much to her. But, and here lies the problem, maybe it is a 'true' and 'authentic' preference on her behalf? If so, is it not parochial, dogmatic and elitist to assume she has succumbed to oppression? In other words, how do we know when a choice is an effect of deprivation and social pressure and when it is autonomous and genuine?

Sen believes that positional confinement is central to epistemology, and that justice requires that we try to go beyond our limited perspective. Our observation of an injustice is necessarily affected by where we stand in relation to what we observe. He illustrates by the illusion that the moon and the sun look the same in size from earth. If we do not take into consideration that we are further away from the sun than the moon, we may be misled to believe they are similar in size. If we do make appropriate corrections we are likely to be misled by what Sen calls "positional illusion." Our task in relation to social

justice is to bring ourselves to a position that does not alter our evaluative judgment depending on whether we are rich or poor. To do that we are dependent on self-scrutiny and knowledge of the society from other perspectives. But, he argues, "there is nothing to guarantee that this exacting scrutiny will always occur, since we are capable of much self-indulgence in our views and opinion of things in which we are directly involved, and this may restrain the reach of our self-scrutiny" (Sen 2009, 197). Sen, in short, claims that since we are epistemologically and cognitively limited by our single perspective, social justice *necessarily demands* that we go beyond our positions and interest and subject our beliefs, values and assumptions to the scrutiny of others in order to 'aid' us in our self-scrutiny (Sen 2009, 155, 169, 180, 197). As we cannot consider what we are not aware of, scrutiny is vitally dependent on epistemological input and normative suggestions from other perspectives.

Sen is very careful to emphasize his gratitude to Rawls and agrees with him that justice requires fairness and that fairness is found in an ideal of impartial reasoning and objectivity (Sen 2009, 31-49, 114-18; 2010). The question then becomes: *Can* we become impartial and objective and if so *how*? Sen's short answer to the question is that we simply cannot become *completely* impartial but we can become *more* impartial (Sen 2009, 41). This conviction is reflected in his comparative (rather than transcendental) methodology for the pursuit of justice. His answer to how to become more impartial is through a systematic framework of critical and creative dialogues (Sen 2009, 127). A strictly hypothetical approach to impartiality is misguided as we, given the 'beings we are,' may still fail. Instead he stresses the importance for a democratic system to include opportunities for articulation of, and the reflection on, experiences of lives led at other positions in society. When we become aware of relevant facts and evaluations from other perspectives we are, according to Sen, allowed to "transcend our positional confinement" and critically scrutinize our own priorities in a less partial way (Sen 2009, 167-72).

The function of the interactive dialogues is to enable citizens to broaden 'the informational basis of evaluations' and in the light of this insight scrutinize one's own priorities and beliefs (Sen 2009, 169, 179-82, 219). Sen's discussions of adaptive preferences and his concept of positional objectivity are central for his view of the advancement of objectivity and impartiality, and hence moving away from pure subjectivity (Sen 2009, 4-5). Adaptive preferences and positional illusion are then two concepts that denote possible pitfalls for individuals when theorizing about what we have reason to value. Sen points out the fallibility of human rationality when saying that our "entire understanding of the world, it can be argued, is thoroughly dependent on the perceptions we can have and the thoughts we can generate, given this kind of creatures we are" (Sen 2009, 169-70).

The 'reason' in Sen's reason to value is then not to test whether it is conductive to a particular idea of a good life but rather a test that the preference is endorsed after reflection for some reason (Sen 2009, 15). The personal process that occurs in an interactive dialogue ensures that agents test their behaviour, assumptions and values in order to revise, reject or embrace them (Sen 2009, 180-81). The 'reason' in the 'reason to value' is

thus to warrant that the agent is self-directing and free to value, act and live a life according to autonomously shaped ideals. This means that the process of the interactive dialogues aims at articulating a reason and so necessarily bringing it up to a level above cognition. Sen's 'reason to value' is, it seems, thought to be the antidote against adaptive preferences and positional illusions.

If one accepts that Sen's procedure to a large extent is aimed at the enhancement of personal autonomy, both its exercise and its development, we can conclude that autonomy is a foundational value, which is assumed prior to any procedure. Consequently, Sen's approach relies on a specific idea of what is good for people. Or to use Hurka's definition "an ideal people ought to pursue regardless if they now want it or would want it in any hypothetical circumstances, and apart from any pleasures it may bring." Now, if autonomy is a foundational value based in a perfectionist conception of what is good for persons, can Sen avoid such an allegation by referring to a specific content-neutral notion of autonomy?

VI. CONCEPTUALIZATIONS OF AUTONOMY

Autonomy is arguably one of the most explored notions in moral and political philosophy and for obvious reasons it will not get an in-depth treatment here. My point is to give a sketch of two different ways of conceptualizing personal autonomy, a formal and a substantial one. At the most general level, personal autonomy concerns the ability for self-determination. A person is seen as autonomous when her actions, desires and character can be said to originate from herself (Taylor 2005). To be autonomous is to claim ownership over one's actions as well as being able to give reasons for those actions. If preferences and values, on the other hand, are uncritically adopted and no justificatory reasons can be provided, the agent is not considered autonomous. Similarly, if the preferences are effects of external coercion and manipulation or internal compulsion and false beliefs you are, on most views, not seen as self-directed.

Interestingly, notions of personal autonomy can standardly be grouped into one of two main divisions; a formal and content-neutral notion or a substantive one (Dworkin 1988; Benson 2005). The formal autonomy concept is the idea that someone is autonomous if her preference meets certain conditions internal to the agent. Conditions such as e.g. coherence over time (e.g. Waddell Ekstrom 2005), according to a plan (e.g. Bratman 2005) or some hierarchical constraints (e.g. Frankfurt 1971) such as second order volitions. For instance, according to such a view, the fact that I smoke can be an expression of my autonomy if the preference coheres with my other preferences, fits with my life plan or if I on reflection want to want to smoke. Otherwise I am, in relation to smoking, non-autonomous as I am a victim of addiction and unable to steer my life in the direction I believe I have reason to value. The substantive notion of autonomy is and not only looking at subjective cognitive processes internal to the agent, but is sensitive to the external environment where the preferences are shaped. Substantive-external accounts of autonomy is the idea that only some of those decisions that meet the formal

conditions of autonomy "count as retaining autonomy whereas other count as forfeiting it" (Dworkin 1988). Recall for example the scene of the happy prisoner in Monty Phyton's film Life of Brian. He embraces that he is being tortured because the Romans are "just great" and he deserves being punished by them. While such preferences theoretically could meet the conditions for formal autonomy, it contradicts our intuitions on what it means to be autonomous. An agent, who is considered autonomous on the formal view, could be someone who has simply adapted to the circumstances albeit by internalizing the values. To remedy such deceptions, external and socio-relational features of autonomy are emphasized in the substantive account. It specifically acknowledges that the agents' environment, material as well as relational, to a large part shape people's values and preferences (Okin 1995; Oshana 1998; Nedelsky 2011). The main worry substantivists have with formal accounts is that it is focusing on the subjective, internal and psychological state (Oshana 1998, 82). As the formal account is content-neutral it seems to carry the same relativistic problem as the procedural route to justice was accused of. And pure subjectivity married with the possibility that preferences are a product of external conditions is naturally unsettling for advocates of egalitarian justice such as Sen. Proponents for this, often called feminist approach to autonomy, contend that in order for someone to be autonomous certain external conditions need to be fulfilled such as e.g. not being enslaved (Oshana 1998, 81).

I will not elaborate more on the vast area of nature and conditions for personal autonomy, but will settle for this sketch of two contrasting conceptualizations. With these definitions in mind, we may ask whether Sen can deflect the perfectionistic allegation by referring to a formal and hence content-neutral account of autonomy. As a substantive account of autonomy is a non-neutral view, a commitment to such an account would strengthen rather than weaken the charges from perfectionism. A formal account of autonomy seems the only possible attempt for refutation.

VII. CAN A NOTION OF FORMAL AUTONOMY DEFLECT THE CHARGES?

As we recall perfectionism was defined as "an ideal people ought to pursue regardless if they now want it or would want it in any hypothetical circumstances, and apart from any pleasures it may bring." If we are to reject a perfectionistic account of justice, no presumption on what is valuable can be justified prior to a deliberative process. As we have seen the value of autonomy is however taken to be priori valuable and consequently the capabilities to develop personal autonomy are what we have reason to value regardless if we "now want it or would want it in any hypothetical circumstances, and apart from any pleasures it may bring**.**" While arguably the value of personal autonomy lies at the center of the procedural approach and consequently the perfectionistic ideal of humans as critically reflecting independent and self-determining agents, one may ask if there is a way to avoid this conclusion. Perhaps a further specification of autonomy can alter this perfectionistic appearance? The remainder of the paper will aim at answering two questions. First, which of the given standard ways

of conceptualizing personal autonomy could we ascribe to Sen? Second, can that account deflect objections from perfectionism?

So, what conception of autonomy can we ascribe to Sen? Just looking at the construction of the CA as a theory that focuses on capabilities, i.e. possibilities rather than functionings i.e. making sure people realize certain capabilities, suggests that each individual ought to be free to choose. Such a choice, in order for it to be free (or autonomous) needs to be free from adaptive preferences and objective illusions. Sen thus believes that we *can* be autonomous in relation to these forces, and that it is our rationality along with knowledge of society, that will set us free. The personal process in the interactive dialogues as we saw above, aids this rational decision procedure. Sen sees the *valid* reason-to-value to be those values that we *want* to want to have and refers to Harry Frankfurt and his concept of second order volitions (Sen 2004b, chapters 3-7). There is thus a strong emphasis on the internal and rational process of deciding for oneself. This understanding of autonomy ties in with a formal account, as the conditions are internal to the person while void of substance of what to prefer. Each agent theoretically could want to want whatever in ways that could be considered bad by a majority.

As we have seen there are formal elements in Sen's conception of autonomy. But there are reasons to be hesitant to ascribe a purely formal, content-neutral account to him. His deep commitment to adaptive preferences and objective illusions, we argue, is indicative for his conception of personal autonomy. In order for him to counterweigh these manipulative forces his concept of autonomy would need to be based on something more substantial than a purely formal and subjective construction. Sen's notion of autonomy hence seems to correspond to a more feminist and substantive idea of what needs to pertain in order for someone to be autonomous. Here the epicentre of the tension in Sen's approach emerges. His concern for human diversity and individual self-determination, meaning the capacity to direct one's life according to one's own ideas of the good life, prevents him from explicitly taking a stand on what perfectionist capabilities we ought to pursue. And yet, to be able to handle the implications of the threats from adaptive preferences and positional illusions he seems to rely on a substantive notion rather than a formal one. A substantive view of personal autonomy is undeniably perfectionist, as it takes an explicit stance on what is good for agents. Sen in effect seems to combine the formal and the substantial account of autonomy. This is so as, while he recognizes that social justice demands that our values and preferences are actively reflected upon and rejected, revised or embraced, he denies that such internal and subjective process exhausts the concept of autonomy. It is then clear that Sen cannot successfully refer to a more specified account of autonomy in order to circumvent the perfectionist objection.

One could object and claim that autonomy is a minimal condition for freedom and social justice, no matter how one conceives of it. I agree with that but recognize that this is not as uncontroversial as one may think. This is so as it disqualifies other strategies for selecting what one has reason to value, such as strategies that include reliance on traditions, or authority, be it your grandmother, a tribe leader or a pop idol. Dictates and inspiration from religious leaders and texts are also a common strategy for selecting what we have reasons

to value that does not necessarily include an ideal of personal autonomy (Gutman and Thompson 1996). Let me emphasize that while I believe that placing individual autonomy at the center of a theory of social justice and constructing it around the values of independence, critical and creative reflection is justified, there is no denying that this is a selection of one out of several possible strategies to identify what one has reason to value. It is thus not evident that such perception of what is good for humans is respecting value pluralism and human diversity to a higher extent than Rawls' theory of justice. And as we recall this was Sen's intention. According to him non-parochialism is "a requirement of justice" (Sen 2009, 403).

VIII. SUMMARY

Sen takes his procedural CA to be content-neutral and anti-perfectionistic. I disagree. First, it is perfectionistic as placing personal autonomy at the centre of a theory of justice undoubtedly implies a specific idea of what is good for agents. Contrary to what Sen seems to think, such a construction is not uncontroversial. A theory that is built around the value of personal autonomy nurtures the idea that persons ought to be self-conscious, independent and critically reflecting. Such an approach thus disqualifies other strategies for selecting what there are reasons to value, such as relying on tradition, authorities or religion. This is problematic for Sen's CA as he sets out to respect value pluralism and human diversity to a higher level than competing theories. N.B. the problem is not that he chooses this particular ideal of what is good for humans, but that he does so without recognizing that it entails a particular and perfectionistic view. Sen's CA is thus not content-neutral. Furthermore, based on this foundational ideal of personal autonomy, we concluded that it is possible to derive what capabilities are presumed to be priori valuable, something Sen rejects is possible or desirable for theorists to do. We then investigated if Sen could reply to the perfectionistic objection above by referring to a formal, content neutral account of autonomy. I concluded he could not for two reasons. First, a formal account would lead us to the same conclusion that self-consciousness, independency and critically reflecting are capabilities that we have a priori reason to value. Second, Sen's notion of autonomy sits better with a substantial account as it ties in with his concern for purely subjective evaluations and adaptive preferences. This allowed us to conclude that Sen's procedural approach cannot avoid relying on perfectionistic assumptions.

It has not been the purpose here to defend perfectionism or any kind of paternalism that may or may not accompany it. However, it can be noted that I think Sen could bite the bullet on the perfectionistic account of his approach without it losing its appeal. Even if one could argue, as Sen does, that no predefined conception of the good life is required in order to identify and minimize injustice, it seems rather impossible to set out to identify and minimize injustice without any predefined conception of what is required for *that process*.

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A Realist Critique of Moralism in Politics. The Autonomy of Bernard Williams's Basic Legitimation Demand

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Abstract. In this article I aim to show that one of the criticisms that have been leveled at Williams's Basic Legitimation Demand (BLD), the one that states that it rests on a moral presupposition – that of the equal worth of persons – arises out of a misreading of his realist politics. For this purpose, I will start by sketching Williams's critique of moralism in ethics, which will serve as the basis of later analyzing his realist critique of moralism in politics. Once William's arguments have been laid out I will proceed to show that what has been interpreted as the moral presupposition on which he builds his whole project, is nothing more but a misreading of Williams's purposes.

Key words: states, legitimation, moralism, politics, realism.

The years 2000's have brought about new challenges for most of the countries worldwide. In the wake of the refugee crisis and more and more terrorist attacks in the West, many states have been shaken and weakened by waves of nationalism and even extremism. This is a direct consequence of the lack of trust in what was once the biggest guarantor of the possibility of living a fulfilling life, namely democracy. Once people grew uneasy with the promises of democracy, liberalism lost its appeal; the politics in some European countries slowly but surely made a transition towards more restrictive and authoritarian political arrangements (see Hungary, Poland[1]) and one of the greatest super-powers, the United States of America, is following in this trend footsteps.

The decrease of trust in democracies and its corollary politics and policies has created the premises for the apparition of governments with authoritarian tendencies that empower various security agencies to enact general surveillance on the people. This is where a vicious circle appears, as people lose trust in states and their power to assure a safe and decent life, and governments treat their citizens as potential criminals whose actions must be known in order to be prevented. As more and more civil liberties disappear (Turkey is a paradigmatic case[2]) and states become egotistical agents not only in the international arena, but also in the relations with their citizens, one seems compelled

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1] The Hungarian Prime Minister Viktor Orban has become famous for vehemently opposing receiving immigrants in Hungary and, moreover, in his treatment of domestic political opponents one can find echoes of authoritarian tendencies. In Poland, too, the actions of the newly elected right-wing Law and Justice Party has prompted people to take the streets in defense of democracy. This state of affairs has been acknowledged even by the EU Commission President Jean-Claude Juncker in a recent interview for the Belgian journal *Le soir* (Jurek Kuczkiewic. Jean-Claude Juncker au «Soir»: «Il y a un sérieux problème de gouvernance en Europe». In *Le Soir*, November 11. http://plus.lesoir.be/67351/article/2016-11-05/jean-claude-juncker-au-soir-il-y-un-serieux-probleme-de-gouvernance-en-europe (accessed November 24, 2016).

2] According to the 2016 Freedom House Country Report (Freedom House Country Report. 2016. https://freedomhouse.org/report/freedom-world/2016/turkey, accessed November 22, 2016)

to approach these problems from a moral standpoint. Hence, many grassroot protest movements have started demanding governors more ethical, human-rights guided international and national policies. These idealists have been accused by some of being utterly unrealistic, while others are praising them for having the courage to demand the introduction in the political environment of something that has been said to have missed for decades: morality.

The two aforementioned positions can be reduced to a pressing issue in political sciences and political philosophy: should politics be informed by morality or is it a totally different domain of though and action? Is political moralism still viable or has its place been taken by cold-hearted pragmatism? In this article I plan to show that this question is by no means easy and that its answer should not aim at making a clear cut distinction between a politics for the people – infused with morality – and one that is almost identical to 'real politik', deeply pragmatic and definitely amoral. For this purpose I will use Williams' critique of political moralism in order to point to the fact that a middle ground can be reached, one that avoids the pitfalls of the two extreme positions, i.e. either that politics should be developed within a moral framework or that politics is a totally different domain of human thought and activity that should never be informed by or accept influences from the sphere of morality. For this purpose, I will start by sketching Williams's critique of moralism in ethics. Once William's arguments have been laid out I will proceed to show that what has been interpreted as the moral presupposition on which he builds his whole project, is nothing more but a misreading of Williams's purposes.

I. THE REALIST CRITIQUE OF MORALISM

In order to fully understand Williams's perspective on moralism in politics, one should at least have a sense of his discontents with modern ethical theory. As this subject has been approached by Williams in painstaking detail, I will only give a brief account of his criticism, one that will serve as the basis for a deeper and more nuanced understanding of his political realism.

Williams starts his critique of moralism in ethics by making a very simple, yet very profound observation: many philosophers have fallen into the trap of trying to uncover universally moral biding principles and values that ignore real-life contexts and the human psychology. Hence, what some of the most well refined mainstream modern ethical theories lack is the conceptualization and integration in their theoretical bodies of some of the most basic human phenomena, regret and luck.

In one of the first works where Williams approaches the criticism of moralism in ethics, *Ethical Consistency* (1973), he stresses the importance of acknowledging the possibilities of agents experiencing conflicting ethical beliefs. Any theory that tries to give an account of morality that does not incorporate in its body the actual experience of inconsistencies in 'the moral life' that people lead is doomed to fail for a very simple reason: not having in view the actual moral psychology of people leads to an artificial

perspective of morality, one that tries to impose principles in order to mold people so that theories will succeed (Hall 2013, 32).

Inconsistencies in ethical and moral beliefs are an integral part of human life and their practical consequence, that of agent-regret (Williams 1973, 170), are central to understanding the complex and contingent phenomena of morality. Neither utilitarianism nor kantianism admit the possibility of regret in the life of moral agents; the first moral theory puts an emphasis on the consequences of actions after a calculation of the pains and pleasures generated by that particular action, thus ignoring the fact that although proceeding with a course of action might have the best outcome in terms of 'the most good', it might still involve doing something wrong, a fact that generates regret in normal human beings. Kantianism is eluding too the possibility of regret by way of promoting the categorical imperative as a universal guarantor of morally justified actions; hence, from a Kantian perspective, once an action passes the test of the categorical imperative the possibility of regret would appear as irrational (1973, 172). Williams's point is that conflict and inconsistency are deeply intertwined with human life and moreover they are an indicator of humanity, thus any theory that tries to ignore this basic characteristic of human psychology would fall into the trap and illusion of trying to build a perfectly 'elegant', complex and refined conceptual apparatus, internally coherent but still useless in the attempt of explaining or even guiding human behavior.

Although Williams's critique of moralism is very profound and complex, what I want to stress here is his insistence of using philosophy in order to give an account of how people *actually* live and not for how they *should* live. The latter perspective has been approached by most moral and ethical theories, which has led to the construction of more and more complex, detailed and technical theoretical bodies that make no appeal to the layperson, who ultimately has no interest and finds no purposes in these complex conceptual schemes. Moral and ethical life should never by analyzed *sub specie aeternitais* (Hall 2013, 36), from a universal and eternal standpoint, regardless of historical circumstances and contingencies. Ethical and moral theories should necessarily have in their view the inconsistencies, conflicts and idiosyncrasies that populate human life; in other words, they should be embedded in practical life, always conceptualized in a bottom-up fashion, from a historical and contextual perspective that could take into account people's actual dispositions and desires (Williams 1986). Ethical and moral theories are useful in giving us shortcuts of imagining different courses of actions and life-guiding values, but they cannot give individuals a justification for following those particular precepts and principles.

Another important concept in Bernard Williams's ensemble of works is the one of moral luck, developed and refined in *Moral Luck* (1981). What Williams is interested in is to show to what extent and how moral values are influenced by luck. For this purpose the already famous example of Gauguin has been offered: the painter Gauguin has a difficult choice to make, to leave his family in order to pursue his artistic career in a more primitive society where he could more easily express himself or to remain with his family and

renounce all thoughts of fame and artistic mastery. One of the first questions that arises is whether Gauguin's project is a rationally justified one. Williams argues that one cannot answer this questions without knowing if Gauguin succeeded in his endeavor (1981, 36); if this were the case, then it is clear that Gauguin was rationally justified in doing as he did, but if he failed, then his project was unjustified. Given that the rationality of a choice can be assessed (and oftentimes people judge other people's actions this way) only by also assessing its success and given that in a certain way, success is dependent on luck, Williams argues that rational justification also depends on luck. But it is not any kind of luck that plays a role in this assessment, but only the *intrinsic* one that arises from the elements of the action considered and not from external sources (Chappell 2006). So, in Gauguin's case, if he were to be stricken by a lightning, thus unable to paint again, we would not say that his departure was rationally unjustified because this event was not in his control. But if he were to madly fall in love, never able to paint again due to being distracted, then Gauguin would experiment a case of intrinsic bad luck, which would make his entire project rationally unjustified. Williams's point is to show that in certain cases rationality and morality clash, due to the fact that a rationally justifiable action is, to a certain extent, dependent on luck and that morality (understood as a supreme value) is never dependent on luck. As in Gauguin's case, it is clear that an action can be both morally unjustified (even if Gauguin becomes the greatest painter, his leaving his family remains a morally bad, unjustified act) and rationally justified (if Gauguin succeeds, then clearly his project was justified).

So can a morally justified action be rationally unjustified? Through this example Williams aims to show that the Kantian approach to morality, which equates acting morally with acting rationally, is mistaken once again, because it fails to take into account people's incongruities and inconsistencies that arise out of everyday, mundane situations and contexts. More precisely, Williams shows that if morality is not the supreme value, and if it is sometimes less important than rationality, then it follows that morality can also be vulnerable to luck. Morality as a pure system, as it is commonly understood, is vulnerable to luck and this is precisely why, in Williams's view, it loses its status of the supreme and pure value, because it seems that an act is judged retrospectively, in light of the consequences of the concerned action and it does not derive its value only from the act itself (Callcut 2008, 273).

Although my sketch of Williams's critique of moralism in ethics is by no means complete, I tried to highlight the most important elements that will prove useful in understanding his brilliant critique of moralism in politics. Firstly, his wide analysis of consistency, regret and luck in the moral domain are indicators of the fact that for Williams, ethics cannot be separated from the practical, day to day life or from the empirical. Moreover, his insistence on dispositions and character shows that in order to build a theory that really speaks for the people and that aims to build a 'world for the people' one should start from the actual moral psychology of individuals and not from universal principles that have to be juxtaposed on the layperson's life. Philosophy should

be down to earth, meaning that it should always admit the contingency of the concepts, elements or tools that it employs (Chappell 2006) in the process of clarifying the world, and ethics is no different in this respect.

II. THE 'FIRST POLITICAL QUESTION' AND THE BASIC LEGITIMATION DEMAND

Williams starts charting the relation between morality and politics by identifying the patterns that have dominated political thinking. Thus, he identifies two dominant models that served as a foundation for political theory. The first one, the *enactment* model, "formulates principles, concepts, ideals, and values; and politics (so far as it does what the theory wants) seeks to express these in political action, through persuasion, the use of power, and so forth" (Williams 2005, 1). Williams continues by stressing that the paradigmatic case of this former model is utilitarianism, a theory that is constructed with the 'panoptical view' in mind: society is supervised so as to see where are things not conforming to the basic demands of the theory and, afterwards, to correct these incongruities by formulating and imposing new policies that directly reflect the normative principles of utilitarianism. In the second model, the *structural* one, the aim of the theory is to "lay down moral conditions of co-existence under power, conditions in which power can be justly exercised" (2005, 1). These latter model (for which Rawls's theory stands as a paradigm) constrains what power – and also its practical expression, politics and policies – can do, by having in view an external moral principle.

Despite the differences, both the enactment and the structural model express the "priority of the moral over the political". And with this short statement Williams is already announcing the motives for his opposition: much of modern political theory retains a moralistic stance, by filling policies, political structures, institutions and other political principles with a moral content. Thus, in general, politics is first conceptualized from outside the political realm, and morality represents a starting point for this endeavor; this is a phenomena that transforms political theory 'to something like applied morality' (2005, 2). The error of such endeavors is that they constrain the thought of leaders and other political actors by imposing what they should think "not only in moral terms, but in the moral terms that belong to the political theory itself". Further on, Williams's explicit aim is to correct this wrong perspective of the nature of the political by developing an approach that "gives a greater autonomy to distinctively political thought" (2005, 3).

In order to achieve his aim, Williams follows Hobbes's lines by identifying a 'first' political question, that of "securing of order, protection, safety, trust, and the conditions of cooperation". It is important to understand and fix the meaning of 'first' which does not imply that once answered, we already have settled the aims of political theory that will remain the same through and throughout, but only that in order to pose any other questions of a political nature, we have to first answer to this question. Moreover, 'the first political question' is not posed only once, but it demands an answer *all the time*, due to its being dependent on historical circumstances. In Williams's words, answering this

question is a necessary condition for the state's existence, but it is by no means a sufficient one. Admitting that 'the first political question' may have several answers, that translate into different political arrangements, raises the question of *legitimacy*. Despite many historical examples that demonstrate the plurality of answers, Williams points out that only some such political structures are legitimate, namely those that respond to the Basic Legitimation Demand (BLD) (2005, 4).

BLD appears when states need to impose order and suppress chaos, a situation that requires the use of power. But solving the problem of disorder does not necessarily imply the appearance of a justified state, because the solution to the problem might easily become part of the problem (Sleat 2010, 486). Those subject to the state's power might find themselves in a situation where their freedom is suppressed in a different manner than in the context of disorder. Hence, they will ask the rulers and implicitly the state what is price they have to pay for order, in other words they will formulate the BLD (Hawthorn 2005, xii).

The role of the state is to redeem its subjects of fear or terror and Williams acknowledged that these sentiments could also be instilled in citizens by states (for example, in authoritarian states citizens most of the times live in a constant state of fear). Hence, the aim of the BLD is to stop states from inflicting pain and terror on its citizens; more precisely the state must "offer a justification of its power to *all its subjects*" (2005, 5). In order to better understand Williams's claim, I will offer an example. The Turkish Republic is considered by almost everyone a legitimate state, its rule of power assures, despite many complaints (especially in the last couple of months), stability and its citizens can enjoy a basic framework of cooperation and safety. But, in Williams's view, Turkey is not a legitimate state, because of its long history of persecuting the Kurdish population, which, unlike any other minority on the Turkish territory, cannot be said to enjoy the same basic liberties and freedoms like the other citizens. In other words, the Kurdish population does not have its safety assured, neither in relation with external enemies, nor with the state's power; thus, for them the Turkish state is not a legitimate one, as it does not offer a justified solution to the BLD. In order for this state to become legitimate, it must incorporate this disadvantaged population, the Kurds, into the mass of its citizens, otherwise these would not have a reason to accept the Turkish state as a legitimate one, if they retain their status of 'internal enemies' and continue to be treated as such (Sleat 2010, 487). Otherwise put, for the Kurds the Turkish state is not offering a solution, but it becomes part of the problem.

But the BLD is by no means a principle belonging to the moral realm, but on the contrary "it is a claim that is inherent in there being such a thing as politics … because it is inherent in there being a first political question" (Williams 2005, 5). Williams's point is as impressive as it is simple; the situation in which a group of people holding a monopoly on violence uses it in order to torture another group of people is by no means a political situation, it is actually the kind of situation that politics must resolve, alleviate or replace. And if a disadvantaged people must accept a state that is inflicting violence upon them, then that state must explain to them "what the difference is between the solution and the problem" without making recourse to violence or coercion. This is the

point where Williams introduces the *critical theory principle* that states "the acceptance of a justification does not count if the acceptance itself is produced by the coercive power which is supposedly being justified" (2005, 5). Thus, people accepting a certain political arrangement out of fear does not make that state a legitimate one. And this is also where his realism emerges; the demands of legitimacy of a state are not derived from moral principles external to the realm of politics, but they come directly from the practice of politics (Sleat 2010, 488).

Are the demands of the BLD only accounted by liberalism? Not necessarily, Williams would answer, because the demands of liberalism only make sense in a particular context and although any state must pass the BLD so that it could become LEG, it must also accomplish some other secondary demands of the historical context to which it belongs. It only makes sense to us, in the particular historical circumstances we live in, that only a liberal state would pass the BLD test in order to become a legitimate one. Williams grants the fact that there were also non-liberal states that were legitimate, due to the particular specificities of the concerned epoch. Williams synthesizes this very important point through a simple and elegant equation: LEG + Modernity = Liberalism (Williams 2005, 8). Liberalism is by no means a set of moral truths, the results of ahistorical reasoning, that appeared before us and which proves that any other legitimation story before it was wrong.

To much of contemporary political science and philosophy, which sees politics as a form of applied morality, Williams contrasts a view that conceptualizes political thought that does not start from pre-political moral engagements, be they ideals, precepts or principles, but from what is specific to politics. Hence, any attempt of thinking about politics, states or legitimation must "use distinctively political concepts, such as power, and its normative relative, legitimation" (2005, 77). This endeavor is not equivalent to the realism proffered by international relations, which promotes amoralism in inter- and intra-state relationships, but to an attempt of shifting the nature of normative questions asked in political philosophy. As opposed to moralists who build their theories by placing morality first, thus outside the political realm, Williams proposes to ask normative questions and conceptualize morality in the same time as asking the 'first political question'. Thus he does not reject the possibility of thinking about the relationship of morality to politics, but he only stresses that morality is relevant only when it is conceptualized inside the political. Politics should not take the form and should not be molded starting from an external standpoint, but it should prioritize those questions that are specific to its nature (Hall 2011, 14). The more important and deeper point is that by starting from moral principles outside politics in the attempt of conceptualizing its role, one would miss the true moral psychology of persons which includes the incongruities, conflicts and misunderstandings that are clearly part of the moral lives of individuals.

The main thrust of Williams's argument is that politics is autonomous in relationship with the moral realm. The pursuit of the answer to the first political question should by no means be constrained by pre-political moral imperatives, but it should rather be the other way around. Only a persuasive answer to the first political question and the creation of

a state that passes the BLD test would offer the necessary grounds for people to pursue moral and ethical behaviors.

III. DOES THE BLD REST ON MORAL PRESUPPOSITIONS?

The BLD test seems to be, at a first view, a coherent way of settling if and why states are legitimate. This Basic Legitimation Demand is always made by citizens and the answer offered by states must be persuasive to all their subjects. But, once this claim becomes clear, a question arises that, at a first view, seems to threaten the internal coherence of Williams's argument. More precisely, how is the BLD justified? Why must it take this particular form and not any other? Why should *all* citizens, subjected to the state's power, acquiesce and agree with the BLD? In Sleat's words, "Why should we care about the plight of the tyrannized, weak and powerless?" (2010, 496). It seems that the demand that BLD be agreed upon by *all* citizens in a given territory, including the powerless, falls back on one of the central claims of liberalism, that of the equal worth of persons. The problem is that this claim is a moral one, if not one of morality's first amendments, and it rests at the basis of an attempt to emancipate politics from morality.

Sleat argues that in order for "political realism and political moralism to be distinct it has to be the case that it is possible to fully explicate politics and the necessary conditions of legitimacy without recourse to external moral conditions" (2010, 497). It is unclear how Williams manages to sustain the demand of universality implicit in the BLD without making appeal to some moral standards or principles that are from the beginning outside the political real. Moreover, this demand is a strong, normative one that draws on some equally strong normative moral assumptions. It seems that the fact that all citizens in a given territory become the subjects of the agreement to the BLD rests on the essentially moral presupposition that all these individuals are of equal worth. Because all people matter in the same way, they all need a justification of the power imposed on them. Thus it seems that universal acceptance becomes one of the necessary conditions of legitimacy of states, a condition that is clearly derived from the moral realm.

Further on, Sleat argues that Williams's Basic Legitimation Demand is, essentially, a liberal demand (2010, 495), one that has in its view the protection of the most disadvantaged from arbitrary violence because we think that even these marginals are worthy and deserving of our protection. This claim is strikingly similar to the normative core of liberalism that includes in the political body all people subject to a state's power. This similarity demonstrates, in Sleat's view, one of the weaknesses of Williams's attempt of constructing a realist political theory: more precisely, even though he claims that the BLD is derived from within the political, he does not prove it. Moreover, the demand for universality that Sleat sees as being embedded in the BLD – and which is strikingly similar to liberal commitment to the equal worth of persons – cannot be derived but from some moral demands.

For a theory that tries to emancipate itself from the moral, resting on an essentially moral presupposition is extremely problematic. It would also mean not only that Williams's attempt of constructing a realist theory of politics failed, but also that in general such a theory would be impossible. In Sleat's words: "It is very possible that Williams ended up with a view of the political not dissimilar to that of liberalism because he began with the moral assumption that all people matter and therefore deserve a justification of the use of coercive power over them" (Sleat 2010, 496). If we try to retain the notion of universal acceptance within a realist framework, which in our contemporary world would make perfect sense, then we would have to find alternative ways to derive universality from within the political. But this would of course be a difficult and almost impossible task. Thus, morality will always populate, even in a minimal way, our political theories, even the ones that have as a main task the emancipation from the moral.

Even though Sleat's criticism seems, at a first view, a strong and coherent one, it nonetheless rests on a misreading of Williams's legitimation story. The justification of the use of violence, thus the BLD, should be offered only to the citizens or political subjects of the concerned state, and not to all the individuals who happen to be subjects of the state's power. There is a very important difference between the two categories, as Williams puts it:

> There can be a pure case of internal warfare, of the kind invoked in the case of the Helots. While there are no doubt reasons for stopping warfare, these are not the same reasons, or related to politics in the same way, as reasons given by a claim to authority. In terms of rights the situation is this: first, anyone over whom the state claims authority has a right to treatment justified by the claim of LEG; second, there is no right to be a member of a state, if one is not a member [...]; third, there is no claim of authority over enemies, including those in the situation of the Helots. In virtue of this last point, such people do not have a right of the kind mentioned in the first point [...] the significant cases for the present problems are those in which the radically disadvantaged are said to be subjects and the state claims authority over them. (2005, 6)

It seems that Sleat has misread Williams's justification and scope of the BLD. It is clear that there is a difference between citizens of a state, considered by the rightful authority political subjects and the external enemies (like the Helots) to whom a justification of power need not be offered (Hall 2011, 79). These latter people, which were not initially members of the concerned state (like the case of the Hellots) have no right of becoming members, in Williams's view. An important specification is that the state must wish the 'integration' of these people in order for the BLD to be applied in their case as well. With regard to Williams's historical sensitive account, one might deduce the fact that there might be LEG states where there are also some persons only considered to be 'naked objects of coercion' (2011, 80), like slaves, inmates, captives and so on. This might seem surprising but this is where Williams's realism is most manifest: there is no place for morality outside the political realm, it is precisely the political that can make possible moral claims. More precisely, the state must offer a justification only to those people that are expected to show their allegiance to the state. All states must offer justification to their

citizens, but the scope of the justification and the people to which it is being offered differs in certain historical contexts.

Consequently, there are no hidden moral premises on which the BLD rests, once we realize that Williams did not have in mind the universal applicability of the justification for coercion that states must offer their subjects. It is also important to note that a state has this duty only towards those citizens that are integrated in its political body and that are rightfully believed to be political subjects; this allows for the possibility for certain individuals to be coerced without a justification being offered to them and this particular situation arises only when it also makes sense for those considered to be full citizens (more precisely, it made sense for the Spartans to inflict violence upon the Hellots because they were arch enemies; thus, the Hellots were not seen by the Spartan state as equally worthy of respect as the Spartans).

Such a view might not make sense to us because of the historical circumstances we live in. We would not go around to persecute those that do not belong in our ethnic, religious or national group, not because we would think that the political ideals forbid such a thing, but because we have grown to incorporate in our world view some moral precepts, like the equal worth of persons, regardless of their specificities. This assessment of the equality of individuals that is pervasive in Western societies has nothing to do with politics or with the political arrangements in these countries, it belongs solely to morality. But, because as Williams put it, the application of the BLD in the context of modernity has as its main outcome the birth of liberalism, it is clear why we have such a hard time distinguishing between these two areas of human thought and activity.

There is no moral presupposition that precludes Williams's argument, his only aim is that of distinguishing between political authority and morality. Nothing tells us to whom the BLD must be applied nor its scope, it all rests on the state's shoulders – when it decides who counts as a political subject and who doesn't.

IV. CONCLUSIONS

Bernard Williams's aim was to bring philosophy down to earth, to make it speak for the people once again. Even though today, with the development and rise of practical and applied philosophy, his dream has actualized, we should still remember his amendments because even in these pragmatic approaches to morality and ethics there lie certain dangers:

> As I say, philosophers now have taken up discussing issues directly. All the philosophical journals are full of issues about women's rights, abortion, social justice, and so on. But an awful lot of it consists of what can be called in the purely technical sense a kind of casuistry, an application of certain moral systems or principles or theories to discussing what we should think about abortion. [...] Well, there is something there, some rational process there. But it is easy for that sort of discussion to become a narrowly quasi-legalistic exercise, or else it becomes so aridly simplified that it really does not help people to think very well. (Williams 1983)

Williams's approach of political philosophy inherits some of the critiques he made of moral philosophy and applied ethics. His main point was to directly confront the purpose and meaning of bringing 'moralism' in politics, a state of affairs specific to many contemporary political theories that try to identify some moral values from which to derive all sorts of normative prescriptions. To a kind of 'applied morality' in politics, Williams contrasts a view that conceptualizes this realm from a distinctively political standard of evaluation, the Basic Legitimation Demand, stemming from 'the first political question.'

In this article I tried to show that one of the most poignant critique of Williams's attempt of building a realist theory of political philosophy, namely that it rests on a moral presupposition, is based on a misreading of Williams's legitimation story. I started by sketching Williams's critique of moralism in ethics, which served as the basis of analyzing his realist critique of moralism in politics. I then proceeded by laying out the main arguments that identify in the Basic Legitimation Demand a moral presupposition, namely that of the equal worth of persons. What I finally showed is that Williams's legitimation story is more nuanced and complex than was assumed by his critics. It seems, in the end, that there is no external moral principle premised in Williams's account namely because he stresses the fact that the state does not have to maintain political relations with all those which he coerces, but only with those whom it sees as true citizens.

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