Benefiting from Injustice and Global Justice

By

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Abstract

Benefiting from Injustice and Global Justice

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This thesis argues for a theory of benefiting from injustice and a principle of global justice, which holds that beneficiaries of certain global injustices have responsibility to compensate the victims. Global justice and benefiting from injustice are linked in that responsibility. The thesis consists of four main parts.

In the first part, I discuss several kinds of theory of benefiting from injustice, arguing that previous attempts to answer the question whether beneficiaries of injustice have rectificatory responsibility to the victims are unsatisfactory. Based on some ideas deriving from previous theories, I propose a new theory to classify all cases of benefiting from injustice into three categories, and argue that the moral obligations of beneficiaries in these categories can be determined in principle. In the second part, I explore the possibility of global justice. Representative libertarian and cosmopolitan theories of global justice are carefully analyzed and disputed. Then I suggest a new complex conception of global justice, contending that global justice is possible, but only in a particular sense. The third part concerns the relation between local injustices and global economic interaction, and argues for a principle of global justice that governs some people’s benefiting from injustices in other countries through global economic interaction. I try to figure out how global economic interaction and domestic injustices have given rise to the particular principle of global justice through analyzing existing theories on global order, its assessment, global structural injustices, and so on, and then suggest the proper application of the principle. The last part is about some possible objections to and doubts about my ideas, and my responses to them. I argue that premises and assumptions of my theory are defensible, the principle about benefiting
from global injustice is a legitimate principle of global justice, and my theories of injustice (rectificatory justice) are sensible in this day and age and should be applied to the real world.
Chapter One: Introduction

1. Theories of Justice

In general, no one wants to be a victim of injustice. But there have nevertheless been many injustices throughout human history. The causes of injustice vary widely between different cases: unjust social and political institutions, historical and cultural biases, and constraints of human nature can all give rise to injustice. Injustice has harmful consequences because the victims suffer bad things and their sufferings cannot be justified. In addition, almost everyone is a potential victim of injustice. The influence of injustice is therefore pervasive in human society.

Philosophers and political theorists may react *constructively* to the widespread presence of injustice in two ways. They can propose ideal theories of justice or nonideal theories of justice. By ideal theories of justice I mean theories which delineate what justice would be like in different contexts, whereas by nonideal theories of justice I mean theories which say how we should react to injustice in different contexts. Thus, an ideal theory of justice tries to articulate and defend a model of justice; while a nonideal theories of justice says how we ought to react to injustice, and also provides reasons for the suggestions of reaction. The two kinds of theory clearly have different theoretical goals. Ideal theories of justice provide standards or ideals, against which we can identify injustices because they involve occurrences which are not just or not just enough. We might thereby
criticize the status quo. Nonideal theories of justice, in contrast, offer
guidelines about what to do with injustice, thus guiding us in changing the
status quo. This distinction may originate from John Rawls’s distinction
between the two parts of a theory of justice: the first ideal part and the
second nonideal part.1

One of the most famous ideal theories of justice comes from Rawls,
who formulates certain principles of justice for social and political
institutions. His theory has inspired a large number of political philosophers
to discuss problems that arise in social justice in the past a few decades. But
it is easy to see that, in order to live in better societies, we may need
nonideal theories of justice to guide our reactions to unjust social and
political institutions and to make correct changes to them. Ideal and
nonideal theories of justice are both indispensable to reduce injustices as
well as their harmful influence on human lives.

With these ideas in mind, in this essay I argue for a nonideal theory of
justice in a certain context, examine the possibility of global justice, and
then apply the nonideal theory to the case of global injustice, contending
that the application is a requirement of global justice. The nonideal theory is
a general theory of benefiting from injustice, which attempts to ascertain
the responsibilities of persons who benefit from injustice under certain
circumstances. More specifically, it focuses on what a person should do if
he or she benefits from an injustice while perpetrators of the injustice

1 See John Rawls, A Theory of Justice (Cambridge, Mass.: Harvard University Press, 1971),
pp. 245-246.
cannot be held to compensate the victim and rectify it. The application of the theory to the case of global injustice is an attempt to ascertain what a person should do when he or she benefits from certain global, rather than domestic, injustices. In other words, I also argue for a particular nonideal theory of global justice. I try to show that the two theories could contribute to the rectification of injustices in the real world and the reduction in their harmful influence on human lives. In exploring and developing nonideal theories of justice, I aim to provide new items in the toolkit that we use to examine and improve the world, which is clearly far from a perfect place to live in.  

2. Benefiting from Injustice and Global Justice

These goals are pursued in the course of a study of four related sets of questions. In Chapter 2, I examine some of the existing theories of benefiting from injustice, and then propose a new general theory of benefiting from injustice to ascertain the responsibility of persons who benefit from injustice. In Chapter 3, I explore whether global justice is possible in a world like ours which consists of separate sovereign states, or in other words, whether there are plausible ideas of global justice, and then defend a broad and complex conception of global justice. In Chapter 4, I argue that citizens in developed countries do benefit from social and

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political injustices in underdeveloped countries through global economic interaction, and this should be regarded as benefiting from global injustice; the application of the theory of benefiting from injustice to this case results in a particular theory of benefiting from global injustice. In Chapter 5, I consider and respond to several possible objections to and doubts about my claims in earlier chapters; those objections and doubts center on the soundness and usefulness of my theories of injustice. 

More specifically, I argue for four groups of assertions as follows:

(1) Involuntary, innocent or unknowing beneficiaries of injustice are not morally wrong in their acts of benefiting per se, but under certain circumstances they may have responsibilities to compensate the victims. Luck egalitarianism is no better than this view in explaining beneficiaries’ responsibilities in cases of benefiting from injustice, since it mainly concerns distributive justice rather than corrective justice and when the two views conflict it cannot rule out the “beneficiary pays” view by itself. The distinctions between voluntarily and involuntarily, and innocently and guiltily benefiting from injustice fail to reflect the complexity of benefiting from injustice. All cases of benefiting from injustice can be classified into three categories according to the relation between the beneficiary and the injustice in question, and the beneficiaries’ responsibilities can be determined in principle. This is a new nonideal theory of justice which has important applications in practice.

(2) Principles of domestic socioeconomic justice cannot be extrapolated
to the global context at present because the basis of current socioeconomic justice is a certain way of coercion and equal consideration for all members but there is no comparable basis on a global scale in the absence of a world government. Principles of global socioeconomic justice without equal consideration for all individuals are impossible. Neither our natural entitlement to resources in the world nor the interdependence between sovereign states is enough to justify principles of global distributive justice. Cosmopolitan principles of distributive justice have some assumptions that can be questioned. Global humanitarian justice, as a part of global justice, is distinct from global socioeconomic justice. A complex conception of global justice, including global humanitarian justice, global political justice, global economic justice, and so forth, but excluding global socioeconomic justice, is more plausible.

(3) We need sound and independent reasons to assert that the current world order is unjust since it causes global poverty and harms the global poor. The view that the current global economic order is unjust (or harming the global poor) because there is a feasible alternative order under which severe poverty would not persist needs to be carefully examined. From a historical point of view, the global order itself is probably neither harmful nor beneficial to the global poor, so the current world order is not clearly unjust. Although a moral principle of unjust enrichment seems correct, it is unlikely that, according to it, Western citizens have a forward-looking responsibility to pay restitution to poor people in developing countries who
suffer global structural injustices.\textsuperscript{3} It is more likely that ordinary citizens of developed countries benefit from the domestic social and political injustices in underdeveloped countries through global economic interaction. Citizens of developed countries therefore have compensatory responsibilities to the victims of local injustices in underdeveloped countries that export to them; this should be a principle of global justice.

(4) A basic premise of my theory of benefiting from injustice is that humans have a general moral duty to promote justice, and this premise can be regarded as having two assumptions, which are defensible. Principles of benefiting from global injustice that are derivative of my theory of benefiting from injustice fail to directly respond to global poverty or suffering relief, but they are legitimate principles of global justice. Mutual benefit might be the first virtue of global economic interaction, but the interdependence between developed and underdeveloped countries is strong enough, so the resultant economic interaction between them makes it possible for the principles of benefiting from global injustice to be applicable. Requiring ordinary citizens in developed countries to both individually and collectively discharge their compensatory responsibilities toward victims of injustices in underdeveloped countries that export to them is sensible at least in this day and age.

\textsuperscript{3} Here by “structural injustices” I mean the technical term defined by Iris Young in “Responsibility and Global Justice: A Social Connection Model,” Social Philosophy & Policy 23 (2006): 102-30, p. 114. “Structural injustices” means that social processes “put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities” while enabling others to dominate or develop easily.
In general, I propose a general theory of benefiting from injustice, a complex conception of global justice, a particular idea of global injustice, and a principle of global justice that beneficiaries of global injustice should compensate victims in foreign countries. The idea of global injustice is that domestic social or political injustices in underdeveloped countries have in a sense become a global injustice through economic interaction between developed and underdeveloped countries. This injustice should be rectified in the name of global economic and political justice under a complex conception of global justice. These ideas may have some implications on the wider debates of social justice and global justice. The primary goal of the essay is to show that my theory of benefiting from injustice, as a nonideal theory of injustice which concentrates on the correct reaction to injustice, is quite useful in both personal and political activities. The secondary goal is to point out that global justice can be much wider than mere socioeconomic justice. The combination of a nonideal theory of justice and a broadened conception of global justice will prove to be quite meaningful.
Chapter Two: Theories of Benefiting from Injustice

1. Introduction

Some people suffer while others benefit as the result of a great deal of injustices. This clearly should be rectified if possible. However, we have difficulty holding all perpetrators of injustice responsible for their wrongs: some are unwilling to correct them and we cannot effectively enforce the rectification, some are unable to rectify them, while others simply escaped or died. If the perpetrator of an injustice is also the beneficiary simultaneously, the moral relationship in the event is largely bipartite, between the perpetrator-beneficiary and the victim, and the rectification of it reaches an impasse in the foregoing situation. But if there is a beneficiary of injustice different from the perpetrator, for example, an agent who receives benefits as a basic result of an injustice but has no idea of the injustice, the moral relationship may become tripartite, between the perpetrator and the victim, and between the beneficiary and the victim, in some sense. The reason is that, when the perpetrator of an injustice will not compensate the victim, it is natural to look for other ways in which the victim might be compensated, and an obvious place to turn seems to be the beneficiary of the injustice. Could we fairly require the beneficiary to shoulder some

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4 An earlier version of this chapter is published as “Intention, Benefits, and Benefitting from Injustice.” in *South African Journal of Philosophy* 34.2 (2015): 149-162.

5 By “receives benefits as a basic result of an injustice” I mean the victim’s losses are not only necessary for the generation, but also proportional to the value of the benefits received by the beneficiary. I call this the “loss-turned-benefit” condition, and will discuss it later.
responsibility of correcting the injustice when the perpetrator goes unpunished or has disappeared from the scene?

Some writers have started to discuss the problem of benefiting from injustice and its normative implications, mainly aiming to explore the possibilities of promoting justice through ascertaining moral duties of beneficiaries of injustice. Norbert Anwander contends that people who benefit from injustice have a special positive duty, rather than a negative duty, toward the victims. Daniel Butt argues that involuntarily benefiting from injustice can confer compensatory obligations upon a moral agent. Robert E. Goodin and Christian Barry hold that innocent beneficiaries of wrongdoing have the duties to relinquish benefits they wrongly received.

The theoretical questions I discuss in this chapter relate to those attempts. I start by examining some of the existing approaches to ascertaining the moral responsibilities of persons who benefit from injustice, arguing that they are unsatisfactory. This is probably due to the lack of analysis of the beneficiaries’ moral psychology. People benefit from unjust occurrences in varied ways, under different circumstances, and for various

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6 Norbert Anwander, “Contributing and Benefiting: Two Grounds for Duties to the Victims of Injustice,” *Ethics & International Affairs* 19 (2005): 39-45. Here Anwander uses “positive duty” and “negative duty” in the senses Thomas Pogge uses the two terms, whose definition and significance will be discussed soon.


9 I largely concentrate on Butt and Goodin and Barry’s work on benefiting from injustice because they have proposed the most representative and influential views. Other views such as Anwander and Haydar and Øverland’s are also discussed.
reasons (or even no reason). What they are having in mind when receiving
the benefits therefore may be morally relevant to their duties toward the
consequence of the occurrences. In order to reveal the structure of the
beneficiaries’ psychology and its moral implications, based on some ideas
of previous writers, I propose a new theory to classify all cases of benefiting
from injustice into three categories: unknowingly, (knowingly but)
unintentionally, and intentionally benefiting from injustice. I argue that the
moral responsibility of beneficiaries in these categories can be determined
in principle: unknowing beneficiaries’ responsibility stems from the benefits,
(knowing but) unintentional beneficiaries’ responsibility stems from the one
of the two roles (being an accessory and being a beneficiary) that takes
priority over the other, and intentional beneficiaries’ responsibility stems
from the role of being an accessory. I believe this theory better explains the
responsibilities of people who benefit from injustice.

2. Is Benefiting from Injustice Morally Wrong?

It has been argued by Anwander, Butt, and Goodin and Barry respectively
that purely, involuntarily or innocently benefiting from injustice can confer
moral responsibilities upon the beneficiaries of injustice, requiring them to
either assist (Anwander) or compensate (Butt, Goodin and Barry) the
victims of injustice in question. Yet they disagree over whether, and how, it
is morally wrong to benefit from injustice. This divergence is crucial, since
it to a great extent defines the beneficiaries’ responsibility toward the victims.

Anwander argues that we have been misled into thinking that benefiting from injustice is in general morally wrong by the fact that in most real-world cases where we benefit from injustice we have also contributed to the injustice in question.\textsuperscript{10} He then identifies three principal ways in which we both benefit from and contribute to injustice to support that view. On the basis of these, Anwander contends that “[t]he view that contributing to injustice and benefiting from it provide two separate grounds for distinct duties is much more plausible.”\textsuperscript{11} This claim in turn leads to his contention that benefiting from injustice \textit{per se} results only in positive responsibility on the beneficiaries’ part to alleviate the victims’ plight, that is, to assist rather than to compensate them; and if these beneficiaries do not assist victims, they would then be wrong. Here Anwander appears to, I think correctly, hold fast to the difference between assistance and compensation. However, Anwander seems to also hold that assistance is the requirement of a positive duty, while compensation is the requirement of one’s violating a negative duty, in the senses Thomas Pogge uses the two terms. According to Pogge, by not reforming the existing international order, “we may be failing to fulfill our more stringent negative duty not to uphold injustice, not to

\textsuperscript{10} See Anwander “Contributing and Benefiting: Two Grounds for Duties to the Victims of Injustice,” p. 41. He states, “[w]e can explain why most, but not all, cases of benefiting from injustice are thought to be wrong by pointing out that through most, but not all, such actions we in fact contribute to unjust harm”.

\textsuperscript{11} Anwander, “Contributing and Benefiting,” p. 45.
contribute to or profit from the unjust impoverishment of others”.\textsuperscript{12} That is to say, according to Pogge, we have a negative duty not to uphold injustice, not to contribute to or benefit from injustice on others. Clearly, Anwander disagrees with Pogge on whether the duty not to benefit from injustice is a negative or a positive duty.

But should this disagreement be related to the difference between assistance and compensation? Perhaps not. I would note that there are many, even contradictory, definitions of positive and negative duties, and the difference between assistance and compensation \textit{need not} depend on a particular distinction between positive and negative duties. Pogge seems to follow Rawls in making the distinction between the two kinds of duty. According to Rawls, “the duty of mutual aid, is a positive duty in that it is a duty to do something good for another”, whereas the duty not to harm or injure another is negative in that it requires us “not to do something that is bad”.\textsuperscript{13} That is to say, positive duties require us to do good to others, while negative duties require us not to do bad to others. It does not seem that positive duties should be necessarily connected with assistance, and negative duties with compensation. In addition, Rawls emphasizes that, he

\textsuperscript{12} Thomas Pogge, \textit{World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms} (Cambridge: Polity, 2002), p. 197. Here I would leave open the soundness of Pogge’s argument, only note that benefiting from injustice, as a phenomenon that exists in both individual and political activities, is broader than the sort of action Pogge conceives when he says that from which many affluent people have negative duties to abstain, in his discussion of world poverty. Moreover, cases of purely benefiting from injustice may not be so rare in daily life as Anwander thinks—what the beneficiaries do after purely benefiting is another question.

“shall not put any stress upon [the distinction between positive and negative duties]”, since although it is “intuitively clear in many cases”, the distinction “often gives way”.\textsuperscript{14} I believe that is correct, and would leave the problem of positive and negative duties open in my discussion of benefiting from injustice.

Let me return to the main argument. As I see it, our having compensatory obligations in cases where we have both benefited from, and contributed to, injustice does not entail that we do not have compensatory obligations in cases where we have merely benefited from injustice. Even if contributing to injustice and benefiting from it confer separate responsibilities on the beneficiaries’ part toward the victims, the responsibility which stems from benefiting can still be a compensatory duty. More important, if, as Anwander argues, benefiting from injustice simply provides grounds for a positive duty that “might be considered as similar to duties of gratitude”,\textsuperscript{15} then failing to fulfill this kind of duty would be impolite or rude rather than unjust or shameful. However, when we benefit from injustice and do not even try to alleviate the victim’s plight, it is usually\textsuperscript{16} the latter set of feelings, rather than the former, that comes to us.

Of course, some positive duty could be stringent and one’s failure to fulfill them would be unjust and shameful. For example, a healthy adult’s

\textsuperscript{14} Ibid., p. 114.

\textsuperscript{15} Anwander, “Contributing and Benefiting,” p. 44.

\textsuperscript{16} I say “usually” because under special circumstances this may not be true. For example, if the perpetrator of an injustice has fully rectified the injustice through compensating the victim, the beneficiary will not feel shameful in avoiding compensating the victim because the victim has already been fully compensated.
responsibility to save a drowning child in a nearby small pond seems rather stringent. But the duty of gratitude toward others is clearly not of this kind. We have duty of gratitude toward others when they have helped or benefited us, not when they need our help. Also, the duty of gratitude is usually not so stringent because the supposed recipient of gratitude, namely the assister, does not always expect the duty’s fulfillment; by contrast, the supposed recipient of rescue, namely the drowning child, always does (let me suppose that the child is not committing suicide). So failing to discharge the duty of gratitude is impolite or rude but not shameful. In addition, benefiting from injustice and failing to compensate the victim is different from walking past a pond and failing to save a drowning child in importance respects; the agent in the former case has some gain as a result of an injustice, whereas the agent in the latter case has neither gain nor loss as a result of an omission. Thus benefiting from injustice is, in moral terms, different from either failing to assist others or benefiting from others’ assistance. The sources of responsibilities in these cases seem to differ.

I believe that benefiting from an injustice and doing nothing to rectify it, under certain conditions (which will be discussed later), is a wrong much more serious than rudeness. Generally, one’s rudeness in not expressing gratitude to another who does him a favor is bad in itself but the favor, or its resulting benefit, does not constitute an injustice. In contrast, the profit one receives in some cases of benefiting from injustice is one of the basic results of an injustice. A difference of similar kind can be found in the comparison
between some cases of benefiting from injustice and those of benefiting from natural causes. In benefiting from natural causes, if the act of benefiting in itself is not unjust, no human acts constitute injustice: we just have to face the contingent consequences of nature. Whereas in benefiting from injustice, even if the act of benefiting in itself is not unjust, there are always human acts—individual or collective, historical or contemporary—that constitute the original injustice. So we may draw a distinction between cases of benefiting from something in general according to a difference in the nature of the source of benefits, namely whether it involves unjust human acts. There will be benefiting from sources involving unjust human acts and sources that do not, which include just human acts, natural causes, and a combination of them. Does the nature of the source of benefits or the distinction matter morally in benefiting cases? The answer to this question will significantly define our view on moral duties and relationships in benefiting from injustice.

My contention is that it does matter morally. When arguing in support of the involuntary beneficiaries’ moral obligation to compensate the victims, Butt says that “[t]he individual’s duty not to benefit from another’s suffering when that suffering is a result of injustice stems from one’s moral condemnation of the unjust act itself.”¹⁷ That is to say, unjust human acts invoke our moral condemnation, which in turn provides grounds not to accept benefits resulting from injustice. I believe this idea is correct. If you

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condemn something, you appear to hold that it is bad and should be stopped as soon as possible, and you may want to avoid being the party in whose interest it is to be carried out and carried on, if possible. Thus, our strong moral disapproval of unjust human acts keeps us away from the resulting benefits of them. However, we are unlikely to have a kindred disapproval of natural occurrences, for natural causes are essentially uncontrollable and can hardly invoke our moral condemnation. Consequently, when the sources of certain benefits are not unjust human acts but natural causes, no moral disapproval of the source would keep us away from those benefits; the beneficiaries’ duties toward the victims of natural misfortunes such as flood and drought, if any, have to be based on reasons other than the wickedness of the sources. Although this conclusion by no means entails that benefiting from injustice in general confers greater obligations upon the beneficiaries to alleviate the victims’ plight than benefiting from natural causes, or other human acts that are not unjust, other things (benefits, sufferings, etc.) being equal, the former seems to confer more strict obligations than the latter.

These more strict obligations come mainly from the intrinsic badness of unjust human acts or human injustices. The wickedness of any human injustice can be explained plainly by the usual role-reversal argument in ethics: if you do not want to suffer injustice yourself, being a sensible person, you ought not to impose injustice on others.  

I am not arguing that a role-reversal argument is always sound, but the one in the current

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18 Analogously, given
that we would hope injustices inflicted on us be rectified, if we are sensible, when someone is suffering injustice, we should also hope the injustice on him or her be rectified. For this reason, we ought not to deem injustice on others to be something appropriate or felicitous, or something to be taken advantage of; rather, we should promote their rectification in general. Where we have benefited from injustices on others, our duty to promote their rectification may become more strict: some rectificatory obligations may fall on our part. In short, persons should be just to one another, as they expect justice in return; and I believe each person has a general moral duty to promote justice. This duty is partially established as a *prima facie* moral principle, partially based on *empathy*, and partially based on *prudence*. It may not be suitable to apply the distinction between positive and negative duties, however it is understood, to this duty.

Our general duty to promote justice is clearly different from the moral responsibility that Peter Singer has argued for decades ago in his discussion about poverty relief. Singer contends that, we have a moral responsibility to prevent “something very bad from happening” if the sacrifice we need to make is not morally significant. This responsibility focuses on the bad things that *happen* to others we may be able to prevent. In contrast, Pogge context seems to be correct. In *Ethics and the Limits of Philosophy* (London: Routledge, 2011), Bernard Williams has a discussion about role-reversal arguments, saying that using the argument requires that “[i]n considering what I ought to do [in similar circumstances], ... I must consider what it would be like to be the other people affected” (pp. 91-92). This applies to the issues I am discussing.

claims that many in rich nations have a responsibility to reform the existing
global economic order because these persons are actually upholding an
unjust world order, which leads to the continuous impoverishment of the
global poor.\textsuperscript{20} This responsibility concentrates on the bad things that some people do to others, though indirectly. Our general duty to promote justice
is much broader than those specific responsibilities.

If we have benefited from injustice, our general duty to promote justice
would naturally require us to help with the rectification of the injustice and
make appropriate sacrifice if needed, as a large part of justice is achieved by
correcting unjust things. Some may point out that even if we have not
benefited from injustice, our general duty to promote justice will similarly
require us to help with the rectification of injustice and make appropriate
sacrifice if needed. However, this view ignores an important feature of our
obligations in rectifying injustice. As ordinary people who are not related to
a particular injustice, our obligations to help with the rectification of that
injustice and to make sacrifice for its correction are limited. But as
beneficiaries of the injustice, we have received some benefits which are the
basic results of that injustice and are proportional to the victim’s losses. In
this case, if the perpetrator is absent from the scene, our duties to rectify the
injustice will become much more stringent due to our receipt of the resultant
benefits and the wrongness of the injustice—which make it a second level
injustice if we do not give up the benefits. Thus the beneficiaries’

obligations toward the victims are greater than that of an ordinary person, who is not related to the injustice at issue and will not hold unjust benefits if only sacrificing a little to rectify the injustice.

Even though this relatively strict rectificatory responsibility toward the victim obtains in some circumstances, benefiting from injustice need not be morally wrong. Anwander is correct to reject that “it is always wrong to benefit from injustice.”\(^{21}\) However, one kind of benefiting from injustice is definitely wrong; that is intentionally benefiting, by which I mean the beneficiaries intentionally *encourage or assist* in some ways the perpetrators to do the injustice and then benefit from it afterwards. It is important to note that this category of benefiting from injustice should not be understood literally because it is possible that one intentionally benefits from injustice in the ordinary sense without intentionally benefiting in my sense. For instance, in the ordinary sense one can intentionally benefit from injustice if one buys goods which one knows to be stolen at an unreasonably low price. But this would not count as intentionally benefitting on my categorization, if the buyer did not encourage or assist the thief to commit the injustice. In other words, I draw a strict distinction between being accessory before the fact and accessory after the fact *in a moral sense* in considering cases of benefiting from injustice. From a legal viewpoint, an accessory before the fact is usually someone “who aids, abets, or encourages another to commit a crime but who is not present at the

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\(^{21}\) Anwander, “Contributing and Benefiting,” p. 41.
scene”, whereas an accessory after the fact is usually someone who “knowing a felony to have been committed, receives, relieves, comforts, or assists the felon”, but plays no role in the crime itself. Analogously, from a moral viewpoint, we can have accessory before the fact and accessory after the fact. In my categorization, an intentional beneficiary of injustice can be morally seen as an accessory before the fact who also benefits from the injustice. It is important to stress that in my category of cases of intentionally benefiting, the act of benefiting itself can hardly be separated from encouraging or assisting the perpetration of injustice, for the former is the planned outcome of the latter and they together constitute a whole course of injustice.24

22 See Legal Information Institute, “Accessory Before The Fact,” in the legal encyclopedia Wex, https://www.law.cornell.edu/wex/accessory_before_the_fact
24 Some might argue that the “intentional” category of beneficiaries of injustice is misleading because the beneficiary is not intentionally benefiting but complicitly benefiting. However, the view has ignored an important fact. People who are complicit in injustices do not always benefit from the injustices. This seems to show that some people engage in injustices without an intention to benefit from those injustices—they may simply aim to harm others. In contrast, other people engage in injustices with an intention to benefit from those injustices and do receive benefits as a basic result of the injustices. Here by “intentionally” benefiting I mean a beneficiary intends to benefit from an injustice and engage in carrying it out. It is impossible that an accessory before the fact of an injustice who also benefits from it is not an intentional beneficiary in any sense. The other two categories of beneficiary in my classification, that is, “unintentional beneficiaries” and “unknowing beneficiaries”, cannot be replaced by “innocent beneficiaries” and “involuntary beneficiaries” respectively because some “unintentional beneficiaries” are culpable beneficiaries, and some “unknowing beneficiaries” are voluntary beneficiaries. More important, “complicit beneficiaries”, “innocent beneficiaries”, and “involuntary beneficiaries” are not mutually exclusive categories—some innocent beneficiaries are voluntary beneficiaries while some guilty beneficiaries are neither complicit nor involuntary beneficiaries, so they can hardly constitute a good taxonomy of beneficiaries.
Apart from this, we can still identify two other types of benefiting from injustice. In the first instance, the beneficiaries did not in any way encourage or assist the perpetration of injustice but knowingly accepted the resulting benefits after the injustice has occurred; I call them *unintentional beneficiaries*. An *unintentional beneficiary* of injustice can be morally seen as an *accessory after the fact* who also benefits from the injustice. Whether they are morally wrong hinges on the state of the injustice’s rectification and whether they intend to share the rectificatory duties. In cases where the original injustice has been fully rectified, they are not morally wrong to benefit from it; but if the original injustice has not been fully rectified and they do not intend to share the rectificatory duties, I will say they are morally wrong to benefit. In the second instance, if the beneficiaries did not in any way encourage or assist the perpetration of injustice but unknowingly accept the resulting benefits, I call them *unknowing beneficiaries*—they are not morally wrong. However, under certain conditions, they may be morally wrong later if they find the truth of the injustice but are unwilling to share the rectificatory duties. As I have argued, the reason for these assertions is our general moral duty to promote justice.

Given those difficulties, it is better to use my technical terms in the taxonomy of beneficiaries. Thus my “intentional beneficiary” is a moral accessory before the fact who also benefits from the injustice, “unintentional beneficiary” is a moral accessory after the fact who also benefits from the injustice, and “unknowing beneficiary” is a person who does not know the occurrence at issue is an *injustice* while receiving the benefits.

25 By ‘knowingly’ I mean the beneficiaries know that they are benefiting from *injustice* when receiving the benefits. Accordingly, by ‘unknowingly’ I mean the beneficiaries do not know that they are benefiting from *injustice* when receiving the benefits.
Butt’s and Goodin and Barry’s views are not too distant from mine on
the unknowing beneficiary's responsibility, though they employ different
terms. Their terms of ‘involuntarily’ and ‘innocently’ benefiting are
different from ‘unknowingly’ benefiting. Butt defines ‘involuntary’ as “the
benefits in question are not voluntarily acquired or accepted, in that they are
conferred upon those who receive the benefits without an exercise of the
will on the part of the beneficiaries”, 26 while Goodin and Barry define
‘innocent’ as where the beneficiary is “wholly innocent and not involved in
any way in the wrongdoing itself.” 27 Notwithstanding the difference, I
maintain that their arguments for the moral responsibilities of people who
benefit from injustice or wrongdoing have two fundamental preconditions
in common:

(1) The perpetrators of the injustice in question are either not able to or
not willing to compensate the victims. 28

(2) The victims’ losses are not only necessary for the generation, but
also proportional to the value of the benefits received by the beneficiaries. 29

28 This condition is important. Without the condition, a question can be raised: “If the
receipt of benefits can generate an obligation (when the perpetrator of the injustice that led
to this benefit is no longer alive), then why does the receipt of benefits not generate an
obligation (even when the perpetrator is still alive)?” See Simon Caney, “Environmental
Degradation, Reparations, and the Moral Significance of History,” Journal of Social
Philosophy 37 (2006): 464-82, pp. 472-473. My response is that the perpetrator of an
injustice has the primary moral responsibility to rectify the injustice than any other parties
because he has been the major contributor to the injustice. A beneficiary’s responsibility
only comes into existence when the perpetrator cannot fully compensate the victim, so the
receipt of benefits can generate an obligation even when the perpetrator is still alive,
provided that the perpetrator will not compensate the victim.
The third necessary condition for their arguments is, respectively:

(3) The beneficiaries are involuntary, or innocent, in receiving the benefits.

The first condition can be called the perpetrator-absence condition, the second loss-turned-benefit condition, and the third beneficiary-status condition. Under conditions (1), (2), and (3), Butt argues that beneficiaries have moral obligations to compensate victims of injustice, while Goodin and Barry contend that the beneficiaries can be seen as analogous to those receiving goods in innocent errors—where they have the duties of restitution, but wrongs rather than innocent errors heighten the beneficiaries’ duties to relinquish the benefits they wrongly received.

Furthermore, Butt suggests that although involuntary beneficiaries are innocent third parties, one who “benefits from injustice but does nothing to repair the plight of the victim, when it is clear that no other party is likely to act, is not an innocent bystander; she is acting unjustly in relation to the victim and so becomes a wrongdoer herself.” Goodin and Barry also hold that “you [an innocent beneficiary] may be forgiven an act you could not have known to be wrong at the time, but once it is (or should be) known to

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29 Butt’s (“On Benefiting from Injustice,” p. 143) statement of this condition seems to be that “they [the beneficiaries] are benefiting and the victims are suffering from the automatic effects of the act of injustice in question”. Goodin and Barry’s (“Benefiting from the Wrongdoing of Others,” p. 365) statement of this condition is that the benefits beneficiaries received are essential rather than incidental to the wrongs on which they counterfactually depend, and what was wrongly taken from the victims has been given, directly or indirectly, to the beneficiaries.

be wrong, not rectifying it is a wrong in itself.”\textsuperscript{31} Likewise, I believe that if we have unknowingly benefited from injustice, under conditions (1) and (2), it will become an injustice later if we realize the original unjust incident but are unwilling to be at least partly responsible for its rectification. If they acknowledge people’s general duty to promote justice, unknowing beneficiaries ought to share the rectificatory duties, especially when they take into account the benefits they received and the sufferings of the victims.

It might be argued that benefiting from injustice under the above perpetrator-absence and loss-turned-benefit conditions does not always generate compensatory duty on the beneficiary toward the victim of an injustice. For example, if I get a parking space and make a flight that I otherwise would have missed, and consequently win a huge contract that I otherwise would have lost, because you are held up at gunpoint and robbed in the car park as you head toward the spot I take up, I benefit from the injustice perpetrated against you, but do I have any obligations to compensate you for the loss of your assets?\textsuperscript{32} Probably the answer is in the negative. But does this really pose a problem to the “beneficiary pays” principles in the preceding discussion? The injustice (you are robbed at a particular time and place) can be said to be necessary for the generation of the benefits I receive in winning the huge contract, but your loss is clearly not proportional to the value of the benefits I receive. Whether the robbers

\textsuperscript{31} Goodin and Barry, “Benefiting from the Wrongdoing of Others,” p. 374, note 6.

\textsuperscript{32} I would like to thank an examiner of the thesis for raising this objection.
take away from you ten dollars or one thousand dollars, the benefits I receive are the same. Thus the “beneficiary pays” principles do not apply to the example. The perpetrator-absence and loss-turned-benefit conditions properly distinguish cases in which “beneficiary pays” makes sense from those where it does not.

To sum up, it seems that involuntarily, innocently or unknowingly benefiting from injustice, though not morally wrong in itself, under certain conditions can generate moral responsibilities upon the beneficiaries to compensate the victims. If the beneficiaries later find existence of the injustice but do nothing to compensate the victims, then they will be morally wrong.

3. Luck Egalitarian and Other Objections

However, this is just one sort of view among others in considering moral obligations in situations involving benefiting from injustice. Some theorists disagree with this sort of view, arguing that benefiting from injustice does not generate stringent obligations on beneficiaries of injustice to contribute to the alleviation of victims’ sufferings. For example, Carl Knight refers to the “beneficiary pays” principles in general as “the benefitting view” and argues against it, contending that luck egalitarianism can better explain our intuitions in various cases of benefiting from injustice. 33 Luck egalitarianism holds that “it is unjust for some individuals to be worse off

than others on account of differential brute luck”.\(^{34}\)

Knight’s main argument is that Luck egalitarianism more convincingly explains our intuitions in two variants of the standard cases of benefiting from injustice in comparison with the benefiting view: the bystander case and the unfortunate case. In these cases, a bystander is someone who is as well off as a beneficiary of injustice but has benefited, to the same extent as the beneficiary, only from her brute good luck rather than any injustice on others; and an unfortunate is someone who is as badly off as a victim of injustice but has suffered, to the same extent as the victim, only from her bad brute luck rather than any unjust act by others.\(^{35}\) According to the benefiting view, perpetrators and beneficiaries have special obligations toward the victims of injustice, but bystanders have no special obligations toward the victims because they are completely irrelevant to the injustices and their results; similarly, beneficiaries have no special obligations toward unfortunates because unfortunates are also completely irrelevant to the injustices and their results. Thus in Knight’s view, if we sustain the benefiting view, first, unjustifiable inequalities would arise between a beneficiary and a bystander, as the former has to redistribute—for reasons outside her own control—part of her wealth to the victim while the latter need not: This is unjust.\(^{36}\) The second doubt raised by Knight concerns the unfortunate. In the unfortunate case, while the victim is compensated

\(^{34}\) Ibid., p. 582.

\(^{35}\) Ibid., pp. 586-87.

\(^{36}\) Ibid., pp. 594-95.
because she has suffered injustice, the unfortunate will be left helpless by proponents of the benefiting view, however. The unfortunates are no doubt worse off, that is exactly the reason they get their names. But both being worse off, why should the victims be compensated while the unfortunates not, merely because they suffer from natural reasons rather than unjust human acts: Do the unfortunates really deserve their bad fortune?  
Knight’s last misgiving about the benefiting view lies in that the view is “an insecure basis for many rich countries to have duties to assist poor countries” and that it would be difficult to “justify transfers from rich to poor countries”, since to do these things requires us to take on contentious historical and economic arguments. Thus the benefiting view paradoxically runs contrary to its proponents’ typical intentions.

These arguments seem to me unconvincing, however. There are a few reasons. The first two objections concentrate on the pros and cons of the benefiting view and luck egalitarianism in distributive justice. However, the benefiting view (“beneficiary pays” principle) is generally regarded as a principle of rectificatory (or corrective) justice rather than distributive justice. Even though the benefiting view must have some effects on distributive justice, it cannot be simply ruled out for the reason that it conflicts with a theory of distributive justice. As is indicated in my former discussion, the benefiting view obtains only under special and restrictive conditions such as the perpetrator-absence condition, the loss-turned-benefit

37 Ibid., pp. 595-96.
38 Ibid., p. 597.
condition and the beneficiary-status condition. The scope of the benefiting view is thus relatively narrow, covers only limited separate cases of benefiting from injustice, and the injustice in question is only related to specific moral agents. Proponents of the benefiting view almost always first have a clear idea of what a particular injustice there is, and then consider moral relations between the resulting beneficiaries and victims. In other words, there are no beneficiaries and victims independent of particular injustices. By contrast, luck egalitarianism is foremost about the situation of individuals in society or in the world, and works as a general principle of distributive justice. The unfortunates are not related to any particular injustice but to the average luck in a society. When some say that it is unjust for unfortunates or beneficiaries of injustice to be worse off than others, the injustice in question is between unfortunates or beneficiaries of injustice and other persons in the society. So the injustice in cases of benefiting from injustice is different from the injustice in distribution of goods between members of a society. Both injustices demand rectification. If the rectification of an injustice comes into conflict with that of another, we have to weigh them on a case-by-case basis before making a decision about which should have priority over the other. The benefiting view’s being in conflict with luck egalitarianism is therefore not a good reason to reject the view in itself. In the light of this consideration, Knight’s variational cases can be explained away without difficulty. Even if luck egalitarianism is correct, it may not be unjust for an unfortunate or a beneficiary of injustice
to be worse off than others (including the victim and other bystanders) if the victim of an injustice suffer terribly from the injustice and will be only a little better off than an unfortunate after being compensated by the beneficiary. The inequality between a beneficiary and a bystander or between a victim and an unfortunate, if any, is not unjustifiable. Knight’s objection to the benefiting view becomes more problematic when we find that he is not unaware of relevant features of the benefiting view; rather, he has noted the existence of “the interpersonal nature of the benefiting view’s obligations”, that is, the obligations are from a specific moral agent to another. Since the benefiting view is always to be applied in the name of rectificatory (corrective) justice, its being in conflict with luck egalitarianism—which is a view that applies in the name of distributive justice—is not sufficient to invalidate it.

After that, the third objection of Knight can be replied to from another angle. Knight suggests that the benefiting view is contrary to its proponents’

39 Ibid., p. 597. Also, Knight states that, on the benefiting view, “[i]n order for a rich country to be obliged to assist, its individual contributions to Bangladesh’s situation would have to be distinguished and identified as unjust.” (pp. 597-598) This is an evidence that on the benefitting view beneficiaries and victims are always causally related to particular injustice.

40 Butt discusses in detail the relation between distributive justice and rectificatory justice, saying that “a concern with distributive justice certainly need not entail a disregard for rectificatory justice”, and that “the extent to which theorists assign importance to the rectificatory project depends upon the ethical significance of history within their accounts of distributive justice.” See Daniel Butt, Rectifying International Injustice: Principles of Compensation and Restitution between Nations (Oxford: Oxford University Press, 2009), pp. 39 and 51. That seems to say, rectificatory justice can be an organic part of distributive justice. This view is disputable, since from a Rawlsian viewpoint distributive justice mainly concerns political and social institutions, while rectificatory justice makes sense in spite of, rather than because of, the background of distributive justice.
typical intentions such as defending rich countries’ duties to assist poor countries, since the view “does not allocate such duties to countries that are well off but not as a result of injustice”. But even if this is correct, it may not be a good reason to reject the view per se because the truth of a theory is largely independent of the reasons for which it was originally proposed. On the other hand, Knight prefers luck egalitarianism on the ground that it better satisfies the proponents’ intentions because it is more straightforward, does not involve contentious historical or economic argument: under this view, simply being worse off as a matter of luck is enough a reason for rich countries to assist poor countries. Again, I doubt this should be a good ground for rejecting the benefiting view. Whether rich countries have duties to assist poor countries beyond humanitarianism is still an open question; more importantly, if controversial historical or economic argument is needed in considering this question, as is often the case in political theorizing, we ought not to sidestep it. So I still believe that the benefiting view is not inferior to, if no better than, luck egalitarianism in the context.

With those in mind, Knight’s most powerful objection may be an internal problem he identifies in justifying the benefiting view, namely “[t]he benefiting view will require Beneficiary to compensate Victim even if all of Beneficiary’s holdings were acquired in accordance with the principles of justice in acquisition and transfer.” Thus, Knight believes that the benefiting view may even give rise to injustice. This seems to have

41 Knight, “Benefiting from Injustice and Brute Luck,” p. 597.
42 Ibid., p. 591.
posed a serious challenge to the benefiting view. However when benefiting from injustice, the beneficiary’s holdings may not be acquired in accordance with all the principles of justice, even if they are acquired in accordance with the principles of justice in acquisition and transfer. The reason is, akin to what Knight himself adopts in arguing against Todd Calder’s use of the principle of unjust enrichment,\textsuperscript{43} that the present system of property rights and principles of justice in acquisition and transfer is not flawless. It need not be unjust if the benefiting view requires beneficiaries to redistribute some of their holdings to the victims under certain circumstances. After all, human morality can and does change. So long as the beneficiaries have reasonable latitude in conducting the compensation, I find the benefiting view still plausible.

For these reasons, it seems to me that Knight is not successful in proving that luck egalitarianism is better than the benefiting view in explaining cases of benefiting from injustice.

Another objection to the “beneficiary pays” principles made by Robert Huseby takes an approach different from Knight’s. While admitting that the “beneficiary pays” principle (in various versions) belong to “the domain of corrective, rather than distributive justice”,\textsuperscript{44} Huseby argues that, as a principle of corrective justice, it still fails in the background of a pluralist

\textsuperscript{43} Ibid., p. 590. Knight rejects Calder’s position on the ground that he just sticks to the law and moralized its principles but gives us “no reason to suppose that the present system of property rights is a just one.”

and incomplete theory of distributive justice where it can be better assessed. Huseby identifies two grounds of the “beneficiary pays” principle as being (1) the causal relation between the beneficiary and the victim and (2) the result of human injustice requires rectification; then he contends that the two grounds are both morally irrelevant.\textsuperscript{45} His central argument appears to be that it is questionable for the beneficiary of an injustice to only compensate the victim of that particular injustice, not the victims of other injustices, on the basis of both grounds.

Yet this argument does not stand up to scrutiny. Admittedly, the beneficiary and victim of an injustice are not in control of the causal chain that connects them, but that causal relation can still be morally relevant. As I have said earlier, the “beneficiary pays” principle only obtains under certain circumstances. It is not implausible for accidental causal relation to matter morally under certain circumstances. In addition, the “beneficiary pays” principle does not require the beneficiary of an injustice to compensate the victim of another injustice because the benefits received are always related to particular injustices, and the rectification of different injustices demand different resources which should come from relevant sources if possible. On the other hand, if all beneficiaries of injustices follow the “beneficiary pays” principle, no victim of injustice will be left uncompensated—therefore the beneficiary of an injustice need not compensate the victim of another injustice, for that simply complicates the

\textsuperscript{45} Ibid., pp. 218-220.
corrective duties. With the “beneficiary pays” principle, the goal of rectificatory or corrective justice can be realized without difficulty in the background of a pluralist and incomplete theory of distributive justice.

4. Benefiting Voluntarily or Involuntarily from Injustice

The real problem seems to lie in what rectificatory responsibilities the involuntary, innocent or unknowing beneficiaries have toward the victims, compared to voluntary, guilty or knowing beneficiaries; and how their responsibilities compare to those of the perpetrators. I believe the complexity of these questions is not addressed in Butt’s conception of voluntarily and involuntarily benefiting from injustice.

On the one hand, it is vital to note that involuntarily benefiting from injustice, in the sense Butt means, is in fact rather rare because beneficiaries of an event seldom profit without the exercise of their will, putting aside the philosophical problems of human will. By involuntarily benefiting, Butt means the benefits are conferred upon the beneficiaries without an exercise of their will. Yet this only occurs when the beneficiaries do not know that they will benefit from something, whether just or unjust, until they receive the profits. The reason is that as long as they recognize the possibility of benefits, even if they choose not to do anything in relation to it, this choice itself still involves an exercise of their will, which happens in the process of making the choice: they have inevitably thought about it at least once. Thus, so far as I can see, involuntarily benefiting from injustice has to be a
beneficiary’s receiving of some resulting benefits of an injustice without *foreknowledge* of them; and this can be either intended or unintended by the perpetrator of an injustice. For example, this could be Robert Fullinwider’s scenario of my neighbour’s enemy causing my driveway to be paved, instead of my neighbour’s, through misleading the construction crew; or Butt’s example of an island plant grower diverting an underground river to benefit herself but instead benefiting another neighbouring grower. With regard to these cases, I hold, in agreement with Butt’s view, that if it is easy to return the benefits, they should be returned to the victim; and if it is difficult, the beneficiary has a moral responsibility to compensate the victim to some extent. Thus, the moral implications of involuntarily benefiting from injustice seems to be relatively straightforward.

On the other hand, most cases of benefiting from injustice involve in some way the exercise of will on the part of the beneficiaries, so the beneficiaries are voluntarily benefiting according to Butt’s definition. Take Goodin and Barry’s Harvard admission story as an example; an applicant’s father had bribed a Harvard official to secure his son’s (or daughter’s) admission to study there and, as a result, the son’s life has been much better than it would have been otherwise. In the story, though the applicant did not know about his father’s unjust act, as an applicant he must have thought about both the possibility of receiving the admission, when applying, and

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the conditions associated with the admission, after receiving the offer but
before accepting them. Therefore, the applicant has exercised his will in the
course of receiving or accepting the benefits (admission, etc.). Although he
did not know the truth of his admission, he has voluntarily benefited from
injustice, despite thinking that he had voluntarily benefited from just
admission procedure. Similarly, the car case Bashshar Haydar and Gerhard
Øverland propose, “John steals Mary’s car and gives it to Bill as a gift.
Unaware that it is stolen, Bill accepts the gift”,48 is also an example of
voluntarily benefiting from injustice, though the beneficiary also thinks that
he has voluntarily benefited from justice. The invasion case and the
restaurant case in the same paper are a little different: the beneficiaries, an
oil producing country and a restaurant owner, probably know there is
injustice, i.e. the invasion of another country and the destruction of its oil
producing facilities or the bombing of an adjacent restaurant, but even if
they do not know about the injustice they must know they will benefit from
the higher price of oil or the increased number of customers before selling
their products, meaning there is an exercise of will in receiving their
benefits (the higher revenues). In all these cases, the beneficiaries have
voluntarily profited from injustice, whether they realize this or not. In fact,
given the pivotal role human will plays in social activities, it is not an
exaggeration to say that in most circumstances where we receive benefits,

48 Bashshar Haydar and Gerhard Øverland, “The Normative Implications of Benefiting
we have to exercise our will. Therefore, most beneficiaries of injustice are voluntary beneficiaries.

Let us consider a voluntary beneficiary’s responsibility—sometimes a voluntary beneficiary may be the very perpetrator of injustice. In this circumstance, the beneficiary has the moral or legal responsibility to rectify the injustice, not as a beneficiary but as the perpetrator of injustice. At other times, a voluntary beneficiary may not be involved in any way in the injustice except voluntarily benefiting from it. In this case, under the perpetrator-absence and the loss-turned-benefit conditions, the beneficiary still appears to have some moral responsibility, though not as much responsibility as the perpetrator, to rectify the injustice. In addition, a voluntary beneficiary may have encouraged the perpetrator to commit the injustice and then benefited from it. How could we ascertain the beneficiaries’ duties? Should it be related to the benefits? Do all voluntary beneficiaries who are not perpetrators and receive the same benefits have a similar moral responsibility in proportion to the perpetrators (suppose they are to shoulder the rectificatory responsibility)? Probably not. In some situations, voluntary beneficiaries have greater responsibility than in others. For example, if a voluntary beneficiary has encouraged a perpetrator to commit an injustice, with the purpose of benefiting from it, that beneficiary seems to possess greater moral responsibility to rectify the injustice than a similar person who has no idea of the injustice in question until it happens, even if they received equivalent benefits.
Consider the following case.

*The Original Promotion Case:* Mary works in a department of a big company and Tom, Mary’s immediate superior and the head of the department, fulfills his duty well. One Monday morning, the staff of this department (including Mary) were notified that Tom was fired from the company last Friday, and Mary was promoted to head of the department. Mary knew that Tom was fired because a third person in the company, who wished him ill, had successfully convinced the CEO that Tom did not work well, although this was not the case. But she decided to accept the promotion and pay rise since she was not involved in any way in Tom’s dismissal and the economy is in deep recession. Later she learned that Tom remained unemployed for a whole year.

In this case, Tom’s enemy has perpetrated an injustice and Mary voluntarily benefited from it. Since Tom’s enemy, the perpetrator, is obviously unwilling to rectify the injustice, my intuition is that Mary, the voluntary beneficiary, has moral responsibility to compensate Tom to some extent.

Let me further introduce a counterfactual world of this case, in which Mary had encouraged, though she did not assist, Tom’s enemy to perpetrate the injustice in question. Mary’s responsibility to compensate Tom in the counterfactual world seems to be greater than hers in the original case. The reason is that in the counterfactual world, the injustice may not have happened without Mary’s encouragement, or in other words, her
encouragement had in part caused the injustice and Tom’s suffering. Mary hence has a twofold moral obligation to compensate Tom, as a secondary producer and as a beneficiary, when the primary producer (namely the perpetrator) does not rectify the injustice. This obligation is almost always heavier than that in the original case, where she did not contribute to the occurrence of the injustice. In both worlds, Mary voluntarily benefited from the injustice and received the same benefits, but in the two scenarios she seems to have a different moral responsibility toward Tom. This example shows voluntarily benefiting from injustice does not always confer the same moral responsibility, even if the agents receive the same benefits.

Involuntarily benefiting from injustice is rare, and its moral implications are relatively straightforward, whereas voluntarily benefiting from injustice is more common and has a wide range of different moral implications. The distinction between voluntary and involuntary beneficiaries seems to me ineffective in assessing beneficiaries’ responsibility in benefiting cases as a whole, because the majority of beneficiaries, namely voluntary beneficiaries, can have differing moral obligations toward the victims but this is by no means represented by the distinction. People who are voluntary beneficiaries of injustices can have different moral relations to either the victims or perpetrators of injustice. Some people voluntarily benefit from injustices due to their ignorance of the injustices in question, whereas others voluntarily benefit from injustices because they intend to do that and have encouraged or helped the
perpetrators to carry out the injustices—their moral status therefore differs from one another. Since moral status almost always matters in the generation of responsibility, we should preferably classify the beneficiaries in a way that reflects their moral status. The distinction between voluntary and involuntary beneficiaries fails to achieve this goal, thus it should not be employed in the analysis of cases of benefiting from injustice. It is also ineffective to retain the distinction between voluntary and involuntary beneficiaries through introducing further classification in the category of voluntary beneficiaries. Butt’s theory, though illuminating, concentrates on only a handful of idealized cases while leaving most common cases unexplained, I therefore deem it unsatisfactory.

5. Benefiting Innocently or Guiltily from Injustice

If the distinction between voluntarily and involuntarily benefiting is not good enough, what about innocently and guiltily benefiting from injustice? It seems to me that the distinction between benefiting innocently and guiltily from injustice is somewhat misleading.

Literally, to be ‘innocent’ means that you are blameless, namely neither legally nor morally wrong in a particular circumstance. As has been discussed earlier, Goodin and Barry argue that innocent beneficiaries of wrongdoing should relinquish the benefits they wrongly received, and that they have a heightened moral responsibility to do this than those who receive benefits from innocent errors. They maintain that if later the
beneficiaries come to know the wrongdoing but are not willing to relinquish the benefits they wrongly received, they will be morally wrong.49

However, it may not be useful to judge the moral condition of beneficiaries as ‘innocent’ at the time they receive the benefits, and afterwards before they realize that they have benefited from injustice. There are a few reasons for this but the most important is that under certain circumstances where an injustice has already happened, whether the beneficiaries are innocently or guiltily benefiting, will not affect their moral responsibility toward the victims. Consider a variation on the original promotion case discussed earlier.

*The Second Promotion Case:* Mary works in a department of a big company and Tom, Mary’s immediate superior and the head of the department, fulfills his duty well. One Monday morning, the staff of this department (including Mary) were notified that Tom was fired from the company last Friday, and Mary was promoted to head of the department. Mary knew nothing about the reasons of Tom’s dismissal. Tom was fired because a third person in the company, who wished him ill, had successfully convinced the CEO that Tom did not work well, although this was not the case. Mary decided to accept the promotion and pay rise since she was not involved in any way in Tom’s dismissal and the economy is in deep recession. Later she learned that Tom remained unemployed for a whole year.

49 Goodin and Barry, “Benefiting from the Wrongdoing of Others.”
In this variation, Goodin and Barry would presumably agree that Mary is innocently benefiting from injustice, as she was not involved in any way in the wrongdoing itself and did not know about the third-party’s unjust act toward Tom before receiving the benefits. But she would have a moral responsibility to compensate Tom if later she discovered that Tom’s dismissal was an injustice. Yet some might argue that Mary owes no compensation to Tom in this case, though the wrongdoer and the company may do. The reason may be that the decision makers of the company should not have wrongly dismissed Tom from employment, even though the third person (perpetrator) was highly cunning and treacherous. Yet in this case the perpetrator of the injustice is unwilling to compensate the victim and there is no effective way to enforce the rectification; and for the “beneficiary pays” principles to be applicable, we have to also suppose that the decision makers of the company shall not rectify the injustice. Under these circumstances, although Mary is not guiltily benefiting from injustice, she seems to have some duty to compensate Tom.

My concern is whether Mary’s moral responsibility in this variation is different from hers in the original promotion case, where she knew Tom’s dismissal was the result of an injustice. To this question, my answer is in the negative; the reasons are as follows.

In both the original and the second promotion case, the perpetrator is Tom’s enemy, the victim Tom, and the beneficiary Mary. In the original

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50 I would like to thank an examiner of the thesis for raising this objection.
case, Mary was involved in a special way in the injustice itself: although she had no idea Tom was going to be fired until it had happened, she later discovered the injustice and knowingly chose to benefit from it. Here, Mary would be regarded *morally* as an ‘accessory after the fact’ by Goodin and Barry, though only in the sense of being a culpable bystander. Thus unlike the second case, Mary is guiltily benefiting. If a person guiltily benefits from an injustice, while the perpetrator of the injustice cannot be held to rectify it, the guilty beneficiary seems to have a stringent duty to contribute to the rectification of it. A morally ‘accessory after the fact’ is clearly guilty, though the degree of the guilt varies. Thus as a morally ‘accessory after the fact’, Mary has guiltily benefited from an injustice, and so has a moral duty to partly rectify the injustice through compensating Tom. Consequently, some would claim that Mary in the original case, being both a moral ‘accessory after the fact’ and a beneficiary of injustice, possesses greater responsibility to compensate Tom than the wholly

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51 See Goodin and Barry, “Benefiting from the Wrongdoing of Others,” p. 36. They cite William Blackstone’s definition of an “accessory after the fact” as someone who “knowing a felony to have been committed, receives, relieves, comforts, or assists the felon” and “[a]n accessory is he who is not the chief actor in the offense, nor present at its performance, but is someway concerned therein”. But they have bracketed out the problem of a moral accessory’s responsibility in their article, dealing with only pure innocent beneficiaries’ obligations. According to their citation and Blackstone’s definition, Mary knows an injustice has been committed, though does not receive or assist the wrongdoer, she does comfort the wrongdoer by not coming out against Tom’s dismissal and by accepting the promotion and pay rise. If Mary refuses to accept the promotion and pay rise with the reason that Tom’s dismissal was an injustice and she does not want to accept benefits resulting from injustice, then the wrongdoer of the injustice will presumably feel quite anxious. However, Mary accepted the benefits of injustice. As a result, the wrongdoer felt much less anxious and much more comfortable. Thus Mary has clearly comforted the wrongdoer. So Mary can be seen as a moral ‘accessory after the fact’.
‘innocent’ beneficiary in the second case. However, this assessment of Mary’s moral responsibilities may be too simple—I believe further examination is required.

To see the reasons, let us consider a third variation on the original case.

The Other Person Promotion Case: Mary and Jack work in a department of a big company, and Tom, their immediate superior and the head of the department, fulfills his duty well. One Monday morning, the staff of this department (including Mary and Jack) were notified that Tom was fired from the company last Friday, and Jack was promoted to head of the department. Mary knew Tom was fired because a fourth person in the company, who wished him ill, had successfully convinced the CEO that Tom did not work well, although this was not the case. Mary was not involved in any way in Tom’s dismissal but she keeps silent about the whole event.

What do we think about Mary’s moral duty here? For her own reasons, she remains silent about Tom’s dismissal, as do other workers in the same department who also knew that Tom’s dismissal was an injustice. So in this situation Mary is a slightly culpable bystander and a moral ‘accessory after the fact’ because she comforts the wrongdoer by not coming out against Tom’s dismissal; but she is not a beneficiary—Jack is the beneficiary. Accordingly her moral duty toward Tom, if any, stems from her not coming out against Tom’s dismissal, namely by being a moral accessory, more specifically an ‘accessory after the fact’.
But how much moral duty does an accessory bear compared to a perpetrator or a beneficiary in cases of benefiting from injustice? What is an agent’s moral duty if he is both an accessory and a beneficiary simultaneously? I believe these questions are at the heart of the problem.

Almost certainly, the perpetrator of an injustice has the primary responsibility to compensate the victim over any other parties. If the perpetrator has fully compensated the victim and rectified the injustice, the beneficiary does not need to compensate the victim any further. Thus if a person is both the perpetrator and the beneficiary of an injustice simultaneously, he or she should compensate the victim as the perpetrator of the injustice, rather than as the beneficiary. The reason is that unless the perpetrator-beneficiary has compensated the victim in his or her role as a perpetrator, which takes priority over his or her other role in the generation of moral obligations regarding the whole event, rectificatory justice cannot be best achieved. In other words, the perpetrator-beneficiary’s responsibility to compensate the victim stems from one of his or her roles in the event that morally takes priority over the other.

Analogously, when someone is both an accessory and a beneficiary simultaneously, this person as an accessory-beneficiary should assume one of her two roles that morally takes priority over the other. As a perpetrator-beneficiary’s responsibility to compensate the victim stems from perpetrating the injustice, which takes priority in generating responsibility to compensate the victim, when a beneficiary is also an
accessory simultaneously, the accessory-beneficiary’s responsibility will similarly stem from whichever role or act takes priority over the other in generating responsibility toward the victim. Therefore, the question is which role, accessory or beneficiary, takes priority over the other in generating an accessory-beneficiary’s moral responsibility to compensate the victim. I believe there is no simple answer to this question—it has to be decided on a case-by-case basis. Yet the following principle should apply:

*Priority Principle:* One of the accessory-beneficiary’s roles that generates the greater responsibility to compensate the victim should take priority over the other in ascertaining her ultimate responsibility.

The reason is that under the perpetrator-absence and the loss-turned-benefit conditions, by fulfilling his moral obligation in one of two roles with the greater responsibility, the accessory-beneficiary will have compensated the victim for both, thus better achieving the aim of rectificatory justice. Some might argue that only the accessory-beneficiary fulfills the sum of the separate responsibilities generated in his two roles could rectificatory justice be truly achieved, but that is implausible. The sum may be even greater than the perpetrator’s duty. More importantly, a beneficiary’s responsibility always ends once he relinquishes all the benefits he received—he would then no longer be a beneficiary. So if an accessory-beneficiary has greater responsibility to compensate the victim in his role of an accessory than of a beneficiary, he will no longer be a *culpable* beneficiary once he has fulfilled the accessory’s compensatory
obligation because all the benefits he received would then be handed over, and vice versa. Even if this argument is inconclusive, given that the perpetrator has disappeared from the scene, the Priority Principle is reasonable and appropriate.

However, there are also reasons to cast doubt on this principle.\footnote{I would like to thank an examiner of the thesis for raising the two objections.} First, it can be argued that if a person is morally both an accessory before and after the fact to an injustice suffered by another, and also benefits from the injustice, the accessory-beneficiary’s duty to compensate the victim may stem from all his or her morally relevant relations to the victim. The reason is that in some sense multiple grounds for attributing responsibility are additive or multiplicative, rather than mutually exclusive. But this objection does not really jeopardize the Priority Principle. What the Priority Principle says is that under the perpetrator-absence and the loss-turned-benefit conditions, for an agent who is both a beneficiary and an accessory of an injustice, his or her responsibility to compensate the victim should stem from either the beneficiary’s role or the accessory’s role. Thus in cases where a person is morally both an accessory before and after the fact to an injustice, the person’s duty from his or her roles of the two kinds of accessory may be additive or multiplicative in forming the duty from his or her role of accessory as a whole, but the ultimate duty to compensate the victim may not be a simple addition of the duties from both accessory and beneficiary roles. If the duty generated in the role of accessory is greater
than that generated in the role of beneficiary, after fulfilling the former duty, the accessory-beneficiary is no longer a culpable accessory—for he has corrected the injustice of being an accessory, neither is he a beneficiary—for he no longer holds any benefit from the injustice. If in contrary the duty generated in the role of beneficiary is greater than that generated in the role of accessory, after fulfilling the former duty, the accessory-beneficiary is no longer a beneficiary—for all the benefits he received from the injustice have been given back to the victim, neither is he a culpable accessory—for he has also corrected the injustice of being an accessory. So the Priority Principle applies to this case.

Second, some might contend that if someone is morally accessory before the fact of an injustice and a beneficiary of the injustice, the Priority Principle may fail to achieve the goal of rectifying injustice. In that case, it is possible that the duty from the agent’s role of accessory before the fact takes priority; if the perpetrator is absent from the scene, the victim will be partly compensated (since accessories do not have to provide full compensation), while the agent can still retain some benefits (for the agent’s role of beneficiary cannot be brought into play given the Priority Principle). Yet this argument also fails to refute the Priority Principle. It is important to note that when the duty from the agent’s role of accessory before the fact takes priority, the duty must be greater than that deriving from the agent’s role of beneficiary, which is equivalent to returning all the benefits received from the injustice. Therefore, even though the victim will, regrettably, just
be partly compensated, the accessory-beneficiary cannot retain any benefit from the injustice after the fulfillment of the duty from his or her role of accessory before the fact. The Priority Principle is justifiable.

Let us consider the promotion cases with this principle. In the original promotion case, Mary is both a moral ‘accessory after the fact’ and a beneficiary of injustice. Her moral responsibility stems from two roles: as an accessory by not coming out against Tom’s unjust dismissal and accepting the promotion, and as a beneficiary by receiving the promotion. Mary’s moral responsibility to compensate Tom in this case should stem from whichever role takes priority over the other, namely the one that generates the greater responsibility. In light of the Other Person Promotion Case, we can see that Mary’s decision to not come out against Tom’s unjust dismissal generates only a little responsibility, if any, on her part to compensate Tom, because she was merely one of the many bystanders, who provided comfort to the wrongdoer to some extent. Further, although Mary’s act of accepting the promotion and pay rise is made possible by Tom’s dismissal, it is neither a necessary condition nor a necessary consequence of the dismissal—for example in the Other Person Promotion Case, Jack gets the promotion and pay rise instead of Mary. So in the original case Mary’s role as a contingent accessory by voluntarily accepting the benefits of Tom’s dismissal is still insignificant compared to the third party’s perpetration of the injustice: she only has a limited responsibility to compensate Tom. Of course, both contributing to her role as an accessory,
the act of accepting the benefits has generated greater responsibility on her part than the decision to not come out against Tom’s dismissal, as the former results in a better reception of the injustice and provides greater comfort to the perpetrator. Nevertheless, in summary, Mary’s overall moral responsibility to compensate Tom in her role as an accessory is still limited in comparison with that of the perpetrator.

On the other hand, Mary’s role in receiving a promotion and pay rise from Tom’s dismissal forms the other aspect of her moral responsibility to compensate him, that is, in terms of being a beneficiary. This responsibility, as has been discussed earlier, is the result of our general duty to promote justice in combination with our receipt of the benefits under the perpetrator-absence and the loss-turned-benefit conditions. As the perpetrator of the injustice is obviously not willing to compensate Tom and Mary has received substantial benefits which were the necessary and essential results of the injustice, her responsibility to compensate Tom in her role as a beneficiary ought to be substantial. In other words, in virtue of situation, the injustice, the benefits and Tom’s suffering, Mary has a significant moral responsibility to compensate Tom in proportion to that of the perpetrator, if we can hold him rectify his unjust act.

With these in mind, in the original promotion case, the substantial responsibility generated by being a beneficiary is greater than the limited responsibility generated by being an accessory. Therefore, according to the Priority Principle, it seems clear that in the original case Mary’s moral
responsibility to compensate Tom should stem from her role as a beneficiary, which is the role that generates the greater responsibility over the other.

Meanwhile in the second promotion case, where Mary has innocently benefited from injustice, her moral responsibility toward Tom has to stem from her receiving the promotion and pay rise, that is, her being a beneficiary. Given that the promotion and pay rise is identical in the two cases, if my argument so far has been sound, Mary’s responsibility to compensate Tom in the second case should be the same as hers in the original case, where she has guiltily benefited from injustice.

This conclusion shows that innocently or guiltily benefiting from injustice may generate the same moral responsibility on the part of beneficiary toward the victim. Of course, this is by no means to say innocently and guiltily benefiting from injustice always generate the same moral responsibility; what these scenarios indicate is that, under certain circumstances, innocently or guiltily benefiting from injustice will generate the same moral responsibility on the part of beneficiary. However, our intuitions hold that innocent and guilty acts generally generate differing levels of moral responsibility, a guilty agent ought to shoulder a heavier obligation than an innocent agent. For this reason, the distinction between innocently and guiltily benefiting from injustice appears to mislead us in assessing the beneficiary’s responsibility. In addition, innocently benefiting from injustice is still of a lesser proportion among occurrences of benefiting
from injustice; the remaining guiltily benefiting cases are more common. Therefore, despite Goodin and Barry’s intensive treatment of innocent benefiting, I still maintain that the distinction between innocently and guiltily benefiting is unsatisfactory in our task of assessing the moral responsibility of people who benefit from injustice.

6. A New Theory of Benefiting from Injustice

Considering these difficulties, I will suggest a theory about beneficiaries’ responsibilities in benefiting from injustice, which I hope can cast some light on this conundrum. My approach is to classify all cases of benefiting from injustice into three categories according to the relation between the beneficiary and the injustice in question. There are two criteria in my classification:

Criterion of Knowledge (CK) Whether or not the beneficiaries knew about the injustice in question before their receipt of the benefits, and

Criterion of Participation (CP) Whether or not the beneficiaries in any way encouraged or assisted the perpetrators to conduct the injustice itself.

Using these criteria, all cases of benefiting from injustice can be classified into three categories and the moral responsibilities of the agents can be determined in principle.

In a situation where a beneficiary neither knew about the injustice before her receipt of the benefits nor abetted the perpetrator to carry out the injustice in any way, that is, the beneficiary’s answers to both criteria are
negative, I call her an *unknowing* beneficiary. An unknowing beneficiary could have benefited from injustice either voluntarily or involuntarily—she may or may not have exercised her will in receiving the benefits, but she has always innocently benefited. Under some conditions, an unknowing beneficiary has the moral responsibility to compensate the victim to some extent once she discovers the injustice. This responsibility stems from her role of being a beneficiary in the event. Regarding this agent’s moral obligation, I agree with Butt’s principle that, “she who benefits from a wrong may have obligations to (help to) pay for the wrong, insofar as doing so does not leave her worse off than had the wrong not occurred.” I hold that, under the perpetrator-absence and the loss-turned-benefit conditions, an unknowing beneficiary has a particular moral responsibility to compensate the victim. This responsibility can be equal to, but should not be greater than, the value of the benefits she received. It should be determined according to her subjective and sincere scale of valuation, in light of the benefits she received and the suffering of the victim.

If a beneficiary is aware of the *injustice* in question before his receipt of the benefits, I call him a *knowing* beneficiary. There are further two subtypes of knowing beneficiaries depending on their different answers to

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54 The idea of ‘subjective scale of valuation’ is originally proposed by Jonathan Wolff in discussing an individual’s political obligations, see Jonathan Wolff, “Political Obligation, Fairness, And Independence,” *Ratio* 8 (1995): 87-99, pp. 95-96. He says that “state can now be conceived of as providing a range or package of public benefits, and the creation of political obligations depends on the value of that package for each individual, ... obligations are generated for an individual only if an individual receives a net benefit according to his or her subjective scale of valuation.” Butt has also discussed this.
the Criterion of Participation (CP): the *intentional* beneficiary and the *unintentional* beneficiary. An unintentional beneficiary has not in any way encouraged or assisted the perpetrator to do the injustice itself, whereas an intentional beneficiary has, in some way, encouraged or assisted the perpetrator to do it, in other words, she has made some effort toward the occurrence of the injustice with the purpose of benefiting from it.

Let us consider knowing beneficiaries’ moral responsibilities to the victims under the perpetrator-absence and the loss-turned-benefit conditions. First of all, I believe that an intentional beneficiary almost always has greater moral responsibility to compensate the victim than an unintentional beneficiary, other things being equal. This is due to the intention of the agent involved—the intentional beneficiary’s participation in the injustice itself, aiming at least partly at benefiting from it, has to some extent caused it to occur; whereas the unintentional beneficiary has simply chosen to benefit from the injustice without causing it. This difference should not be ignored, for it matters morally. Given our previously stated general moral responsibility to promote justice and the particular obligation to rectify injustice in the circumstances at issue, intentional beneficiaries ought to assume greater responsibility to compensate the victims, who may not have suffered at all without their intervention, than unintentional beneficiaries—the victims suffer the same loss in spite of whose intervention. I have proved this earlier in my analysis of the difference
between Mary’s rectificatory responsibilities in the original promotion case and in the accompanying counterfactual world respectively.

Second, since all knowing beneficiaries are aware of the injustice in question before they receive the benefits yet still choose to accept them, they are also moral accessories as they have not come out against the injustice yet have willingly accepted the benefits. As the Priority Principle determines, when a beneficiary is also an accessory his ultimate responsibility to the victim will stem from whichever of the two roles confers upon him the greater moral obligation. Given that other things being equal, an intentional beneficiary almost always has greater moral responsibility to compensate the victim than an unintentional beneficiary, the Priority Principle implies that an intentional beneficiary’s responsibility should stem from his role as an accessory. The reason is that, if an intentional beneficiary’s responsibility could stem from his role as a beneficiary, this responsibility would be equal to, or less than, an unintentional beneficiary’s responsibility under the same conditions—which either stems from his role as a beneficiary or is larger than that according to the Priority Principle. In short, an intentional beneficiary’s responsibility is greater than both an unknowing and an unintentional beneficiary’s, in the same situation. We can figure out this responsibility by ascertaining an unintentional beneficiary’s responsibility in the first place, and then adding commensurate compensation for their intentional role.
Finally, reflect on the unintentional beneficiary and her responsibility—I believe this category of benefiting from injustice is the most complicated of the three, and its moral implications most controversial in the real world. The complexity of unintentional beneficiaries’ moral responsibility derives from assessment of their respective roles as both accessory and beneficiary, and the difficulty of finding out which generates the greater obligation. In some cases, the original promotion case for example, where as a beneficiary the agent receives substantial benefits while as a moral accessory she was merely a bystander, her responsibility thus stems from her role as a beneficiary. This responsibility is the same as an unknowing beneficiary’s in the same circumstance. However, in other cases where the benefits are insignificant but the unintentional beneficiary is seriously involved as an accessory, her responsibility stems from the accessory role, namely from not coming out against the injustice whilst accepting the benefits. For example, in a classroom situation, John has stolen a book from Emily’s bag, then he gives it to Jane. He tells Jane it was stolen from Emily’s bag; Jane accepts it and does not tell anyone else about this because she dislikes Emily. Here Jane did not encourage or assist John to commit the theft but is a serious ‘accessory after the fact’. In this case, 55

55 As I have said earlier, beneficiaries who do not in any way encourage or help perpetrators to carry out injustice but knowingly accept the resulting benefits after the injustice has occurred are unintentional beneficiaries, and they are morally accessory after the fact. In this case Jane did not encourage or help John to steal Emily’s book, but she knew that the book was stolen from Emily by John and then accepted the book, so she is a morally accessory after the fact. In contrast, if she encouraged or helped John to steal Emily’s book and got the book from John, then she would be a morally accessory before
the unintentional beneficiary’s responsibility to correct the injustice seems to be greater than that of an unknowing beneficiary in the same situation, which merely stems from the insignificant benefit (the book) and only requires restoration of the book. Seeing this, we have to decide an unintentional beneficiary’s moral responsibility on a case-by-case basis. However, their responsibility will always stem from whichever of the two roles—being an accessory and being a beneficiary—takes priority over the other in ascertaining obligations.

Now we have arrived at a theory about beneficiaries’ responsibility in injustice. I call this the Intention-Benefits (IB) theory by virtue of the important roles the two elements play in the agent’s moral psychology and in our moral evaluation. Although the two criteria for my classification are called the Criterion of Knowledge, namely whether or not the beneficiaries knew about the injustice in question before their receipt of the benefits, and the Criterion of Participation, namely whether or not the beneficiaries in any way encouraged or assisted the perpetrators to conduct the injustice itself, the theory is not called Knowledge-Participation theory. The reason is that knowledge and participation are just the appearances; they actually reflect the existence, absence, or extent of intention to obtain benefits from injustice. Thus the theory is better called the Intention-Benefits (IB) theory of benefiting from injustice. This theory classifies all cases of benefiting from injustice into three categories—benefiting unknowingly, the fact. A Knowing beneficiary can be either morally accessory before the fact or morally accessory after the fact.
unintentionally, or intentionally—and determines in principle the moral responsibility of beneficiaries in each of these categories (See Table 1 below).

<table>
<thead>
<tr>
<th>Categories</th>
<th>Know injustice before receiving benefits (CK)</th>
<th>Encourage or assist injustice itself (CP)</th>
<th>Beneficiary’s responsibility under perpetrator-absence and loss-turned-benefit conditions determined by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benefiting unknowingly</td>
<td>No</td>
<td>No</td>
<td>Subjective and sincere scale of valuation in light of benefits and sufferings</td>
</tr>
<tr>
<td>Benefiting unknowingly</td>
<td></td>
<td></td>
<td>The role (beneficiary, accessory) that generates greater responsibility</td>
</tr>
<tr>
<td>Benefiting intentionally</td>
<td>Yes</td>
<td>No</td>
<td>The role of being an accessory</td>
</tr>
<tr>
<td>Benefiting intentionally</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

Table 1. Intention-Benefits (IB) theory of benefiting from injustice

Let me test the IB theory by applying it to some examples of benefiting from injustice, both real and fictional. In Butt’s example of the island plant grower, Fullinwider’s example of paving the driveway, Goodin and Barry’s Harvard admission examples and Haydar and Øverland’s car case, the beneficiaries’ answers to the Criterion of Knowledge and Criterion of Participation are both negative, making them all unknowing beneficiaries. According to the IB theory, under the perpetrator-absence and the loss-turned-benefit conditions, their moral responsibility to compensate the victims should be determined by their subjective and sincere scale of
valuation in light of the benefits received and the sufferings inflicted on the victims.

There are three elements in my way to determine an unknowing beneficiary’s responsibility to contribute to the correction of the injustice from which he benefits: the benefits he received, the sufferings inflicted on the victim, and the beneficiary’s subjective and sincere scale of valuation. I do not use an objective scale of valuation because there may not be a suitable objective scale of that. Admittedly, the benefits received and the sufferings inflicted on the victims are clear and definite for a particular case; but the way of receiving the benefits can be widely different. Some unknowing beneficiaries receive the benefits without making any efforts after the occurrence of the injustices, such as the applicants in Goodin and Barry’s Harvard admission examples or the gift receiver in Haydar and Øverland’s car case. Those beneficiaries receive the benefits naturally without their own efforts. Yet other unknowing beneficiaries receive the benefits after making substantial efforts by themselves, such as the restaurant owner in Haydar and Øverland’s restaurant case. In many cases, the beneficiary’s efforts are relatively subjective. It will be unjust if we employ a fixed scale of valuation to determine their responsibility from a merely objective point of view. On the other hand, the scale I suggest is a subjective and sincere scale, which means that the beneficiary must be sincere in assessing his or her responsibility. To be sincere is in some sense to follow the common sense morality of society, hence the involvement of
an element of objective scale of valuation. In short, the unknowing beneficiary's subjective and sincere scale of valuation is not so subjective that it cannot be relied on in ascertaining the responsibility to compensate the victim.

For example, in the car case, when Bill realizes that the gift is stolen, after he has performed a subjective and sincere scale of valuation in light of the gift, wickedness of the theft and Mary’s suffering, I think he could either pay Mary the market value of the vehicle as at the date of the theft or return the vehicle to Mary.\(^{56}\) This conclusion, however, is different from that of some sceptic, who rejects that benefiting from injustice generates a special responsibility and may argue that “…Mary is the rightful owner of the car. This makes Bill morally required to return the car.”\(^{57}\) Here my contention is that although this legal decision (Mary is the rightful owner of the car) may require Bill to return the car in some jurisdictions, he is not morally required to do so. Bill’s situation is analogous to that of ‘good-faith purchaser’ discussed by Goodin and Barry. If you buy something for a reasonable price, not knowing it is stolen, then you are a good-faith purchaser. As Goodin and Barry note, “[t]he treatment of good-faith purchasers in the law is mixed”,\(^ {58}\) sometimes good-faith purchasers have to

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\(^{56}\) I owe this solution to an anonymous referee of *South African Journal of Philosophy*. Whether the amount Bill will pay Mary is inflation-adjusted or unadjusted market value, or if the car he returns to Mary is refurbished or not, are variations which should depend on his subjective and sincere scale of valuation.

\(^{57}\) Haydar and Øverland, “The Normative Implications of Benefiting from Injustice,” p. 351.

\(^{58}\) Goodin and Barry, “Benefiting from the Wrongdoing of Others,” p. 369.
return the goods, other times they can retain the goods lawfully. Similarly, if Bill neither knew the car was stolen nor had any reason to believe it was, he can be regarded as a ‘good-faith gift receiver’. For the sake of argument, suppose Bill is a good-faith gift receiver. Bill has sincerely accepted the car as a gift and began to run a small business with it to support his family; he even obtained a loan to have the seats replaced for the car. One year later, Bill finds the car was stolen from Mary by John—who has disappeared. He proposes to pay Mary the market value of the vehicle as at the date of the theft as compensation instead of returning the car to Mary with the reason that he has added something to the car and the car is now indispensable to him. Under these conditions, I do not think Bill is morally required to return the car to Mary. Whether the property right of the car has been partly changed may be an open question, for as Jeremy Waldron argues,

> If a person controls a resource over a long enough period, then she and others may organize their lives and their economic activity around the premise that that resource is “hers,” without much regard to the distant provenance of her entitlement. Upsetting these expectations in the name of restitutive justice is bound to be costly and disruptive.  

This of course does not mean that Bill will be legitimate to possess the car after using it for a certain period of time, but that we should take into consideration Bill’s reasonable needs in making judgments about the case.

What is more, we may consider an extreme example—suppose Bill did not find that the car was stolen until ten years later, and he has gradually had almost all important parts of the car (including seats, tires, and engine) replaced during this period. I am not sure Mary is still the rightful owner of

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this car, as it is no longer the same car she lost ten years ago. Let us return to the car case. Throughout this scenario Bill has done nothing wrong. Mary is deserving of rectification when John, the car thief, is absent; but we ought also to treat Bill fairly. Given the role the car plays in Bill’s life, depriving Bill of the car directly is very disruptive. Yet given the source of the car, and the nature of the car (a gift) when he received it, Bill is obliged to compensate Mary as both rectification for John’s wrongdoing and an acknowledgement of receiving the benefits in the form of a gift from a friend. Thus in order to rectify the injustice on Mary and to acknowledge his gratitude toward John (we suppose John simply intends to help Bill when giving him the car), Bill will try to remedy John’s wrong; but also to avoid disruptive effects on his own life, after subjective and sincere scale of valuation, Bill proposes to pay Mary monetary compensation for the market value of the original car as at the time of the theft. This proposal seems to me reasonable and morally acceptable, and this solution is better than that of simple restoration.

In cases where an agent has encouraged or assisted someone to perpetrate an injustice and then benefited from it—according to the IB theory and under the perpetrator-absence and the loss-turned-benefit conditions—the beneficiaries are intentional and their moral responsibility to compensate the victims stems from their role of being an accessory and should be greater than that of an unintentional beneficiary in the same circumstances. For example, in the counterfactual world of the original
promotion case, as an intentional beneficiary, Mary should compensate Tom more than in the original case. We know that in the original case, the unintentional beneficiary, Mary, has the same moral responsibility as an unknowing beneficiary to compensate Tom. Suppose Mary—after her subjective and sincere valuation in light of the promotion and pay rise, the unjust dismissal and Tom’s sufferings—decides to pay Tom an amount equivalent to six months’ difference between her previous and current salaries as compensation; then in the counterfactual world, where Mary was the intentional beneficiary, she ought to pay Tom an amount equivalent to six months’ difference between her previous and current salaries plus another amount that is commensurate to the role she played in the original perpetration of the injustice.

One last point in this section. In many cases of benefiting from injustice, the beneficiaries’ answers to the Criterion of Knowledge are positive, whereas their answers to the Criterion of Participation are negative; they are unintentional beneficiaries. A classic case is some philosophers’ contention that people in some affluent countries are benefiting from historical injustice. Under current educational conditions, most people in those affluent countries know there are historical injustices that their forebears perpetrated but they themselves did not in any way encourage or assist the perpetrators to conduct the injustices themselves. If they are currently benefiting from a historical injustice, they would be unintentional beneficiaries. According to the IB theory, their responsibility toward the
victims stems from whichever of their two roles—being an accessory or being a beneficiary—generates greater responsibility. So if the historical injustice is a serious crime, such as genocide, the beneficiaries’ not coming out against it and accepting the benefits will generate greater responsibility than their receipt of the benefits (land, etc.). Their responsibility therefore stems from the role of being an accessory and this responsibility is greater than if it had merely stemmed from the benefits. Yet if the historical injustice is a minor one, for example some of the forced relocation of Native Americans in the United States following the Indian Removal Act of 1830, which is thought to be “an effort to force on the Indians the alternative of complete assimilation or complete segregation by placing individuals of varying levels of sophistication in situations where they must use the skills of businessmen or lose their means of livelihood”, the beneficiaries’ (descendants of white settlers and traders) receipt of the benefits (land, etc.) generates greater responsibility than their not coming out against it and accepting the benefits. Their moral responsibility thus stems from being a beneficiary of injustice—they ought to compensate the victims as much as unknowing beneficiaries would do in the same circumstance, that is, through their subjective and sincere scale of valuation in light of the benefits and the sufferings inflicted.

Similarly, I also think that many people living in affluent countries nowadays are unintentionally benefiting from a current injustice. As Todd

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Calder writes, “[p]eople living in affluent Western countries have access to an extraordinary quantity and variety of consumer goods at low prices because people living in developing countries work long hours and endure unsafe working conditions for subsistence wages.” 61 However, this injustice perhaps is not an unjust world order as some philosophers have insisted. 62 Since on the political view, without a global sovereignty, it may not be meaningful to say that the world order is unjust. 63 Rather, it is the domestic political and socioeconomic injustices in developing countries; people living in affluent countries benefit from those injustices through global economic interaction. If that is true, many affluent people possess moral responsibility to compensate victims of domestic political and socioeconomic injustices in countries other than their own. This responsibility stems from their receipt of the benefits, because the responsibility generated in their role as an accessory, namely in their not coming out against political and socioeconomic injustices in other societies

61 Todd Calder, “Shared Responsibility, Global Structural Injustice, and Restitution,” Social Theory and Practice 36 (2010): 263-90, p. 263. He argues that people living in affluent Western countries share responsibility for structural injustices suffered by sweatshop workers living in developing countries because they benefit from them. He shows that most likely “...sweatshop workers face a system of institutions and policies [structural injustice] that leave them with little choice but to accept an unfair deal in the global marketplace” (p. 277), and these structural injustices (at both a domestic and global level) have made the low-priced goods and materials in affluent Western countries possible, which in turn benefited people living there. But he derives the beneficiaries’ moral responsibility to pay restitution to the victims from a principle of unjust enrichment. I will examine Calder’s view in detail in Chapter 4.


and accepting the resulting benefits through global economic interaction, is less than that generated in their role of being a beneficiary, though it is a responsibility we have to all our fellow human beings.

7. Conclusion

With the Intention-Benefits theory, the moral responsibility of almost all beneficiaries of injustice can be determined in principle. The structure of the beneficiaries’ moral psychology, which is of pivotal importance to understanding their responsibility, is embodied in this theory. Although the theory is still far from a perfect solution to the conundrum of benefiting from injustice, recognition of that factor is necessary for its solution. After all, cases of benefiting from injustice are at least potentially cases of people acting unethically, we therefore must take the moral significance of their motivations into account.
Chapter Three: The Possibility of Global Justice

1. Introduction

In the last Chapter I have proposed a new theory of benefiting from injustice which is actually a nonideal theory of justice concentrating on the rectification of injustice in certain circumstances. I will argue that this theory should be applied to some injustices on a global scale. But a clear idea of injustice on a global scale is needed before the theory of benefiting from injustice could be applied to global injustice. Thus in this Chapter I firstly examine several important views of global justice, indicating their problems, and then argue for a complex conception of global justice.

The situation of the poor in our world is in stark contrast to that of the rich. According to recent World Bank statistics, the number of people living on less than $1.25 a day—which is referred as being in extreme poverty—in the world was around 1 billion in 2011, when the world population was about 7 billion.\footnote{World Bank, World Development Indicators 2015 (Washington, DC: World Bank, 2015), pp. 22-23, 28.} That is to say, about one seventh of the people in the world was in extreme poverty only a few years ago, which means they even had no enough resources to feed and clothe themselves. The situation is improving, however, not very fast. But at the same time, most people in developed societies and some people in underdeveloped societies live rather wealthy lives, having access to abundant consumer goods and services.

This brute fact may seem to be morally objectionable, because most of
those poor people did not do anything to deserve their poverty, neither did many of the rich in regard to their prosperity. As Thomas Nagel states on behalf of cosmopolitans, “[t]he accident of being born in a poor rather than a rich country is as arbitrary a determinant of one’s fate as the accident of being born into a poor rather than a rich family in the same country.”

Being born in an underdeveloped country is a contingent and morally arbitrary fact, so it seems wrong to hold many of the poor people in the world responsible for their own plight. But should the rich people or rich countries all over the world be responsible for that because of the requirements of justice? Or more widely, are there plausible ideas of global justice? I aim to explore these questions in the chapter.

2. Rawls’s Theory of Justice and Nagel’s Argument about Global Justice

It would be useful to first consider the idea of socioeconomic justice within a state. John Rawls has expounded an influential theory of social justice. According to Rawls, the problem of socioeconomic justice only arises when people come into a political society with certain binding rules of conduct, in which they cooperate with one another for a better life; the principles of social justice are needed to “define the appropriate distribution of the benefits and burdens of social cooperation”. The reason is that there are laws and norms coercively imposed on the members of the society

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regulating their cooperation. Given that most members of a certain political society actually have no choice but to abide by the given laws and norms of that society, they are entitled to demand the political institutions that make the rules to provide justification for those rules. On these grounds, Rawls has proposed two principles of justice for the basic structure of a society and argues for “the importance of eliminating or reducing morally arbitrary sources of inequality in people’s life prospects”. The two principles of justice require that each person should have equal basic liberties as any other person in the same system, and that social and economic inequalities should be arranged to maximally benefit the least advantaged persons and to ensure everyone has fair equality of opportunity in obtaining offices and positions. For Rawls, a just society needs to satisfy these requirements.

On the whole, Rawls believes that natural assets (that is, natural talents and abilities) and historical and social fortune are all morally arbitrary sources of inequality in people’s life prospects. He declares, “[n]o one deserves his greater natural capacity nor merits a more favorable starting place in society.” So the effects of those morally arbitrary sources ought to be mitigated by the institutions of a just society.

Based on this, Nagel further argues that merely having no choice but to

69 See Ibid., p. 74. “Within the limits allowed by the background arrangements, distributive shares are decided by the outcome of the natural lottery; and this outcome is arbitrary from a moral perspective. There is no more reason to permit the distribution of income and wealth to be settled by the distribution of natural assets than by historical and social fortune.”
70 Ibid., p. 102.
remain a member of a certain society is not the real reason that a member should oppose arbitrary inequalities in the society. It is the will that is inseparable from membership in a political society, namely, “the engagement of the will that is essential to life inside a society, in the dual role each member plays both as one of the society’s subjects and as one of those in whose name its authority is exercised.” That is, the coercively imposed institutions and rules of a society operate in the name of all its members, and have a profound influence on their lives. This enables the members to demand for socioeconomic justice against arbitrary inequalities in the society, as they have been severely restricted in many respects in the social cooperation, in a sense by themselves.

But this is just what happens within a political society. Globally speaking, to a world composed of many separate political societies, Rawls

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72 In “Global Justice, Reciprocity, and the State,” *Philosophy & Public Affairs* 35 (2007): 3-39, Andrea Sangiovanni views the same problem of social equality from a contrasting perspective, and argues that we “owe obligations of egalitarian reciprocity to fellow citizens and residents in the state, who provide us with the basic conditions and guarantees necessary to develop and act on a plan of life, life, but not to noncitizens, who do not” (p. 20). Sangiovanni maintains that reciprocity-based conception of social equality is much better than coercion-based conception of social equality, and criticizes Nagel’s coercion-based account. However, Sangiovanni’s reciprocity-based conception of social equality seems unconvincing because this idea fails in the case of severely disabled citizens. As Allen Buchanan argues in “Justice as Reciprocity Versus Subject-Centered Justice,” *Philosophy & Public Affairs* 19 (1990): 227-52, a problem of “justice as reciprocity” is that the view implies that “persons who are not able to contribute have no rights to social resources” (p. 231, italic in the original). Buchanan argues for subject-centered justice instead.
rejects the idea of applying the principles of domestic justice against morally arbitrary inequalities across borders. There are several reasons for this. Firstly, if domestic justice prevails in separate societies, a world of internally just societies would come into being, which is the most natural basis for making a just world. Secondly, Rawls holds that societies rather than individual human beings deserve equal respect in thinking of justice on a world scale, provided the societies respect the basic human rights of their own members. That is, Rawls takes societies (or in his own term peoples) as moral units in considering justice on a world scale, and for this reason holds that liberal societies ought to tolerate nonliberal societies.\(^73\) However, Nagel argues that these ideas are misguided by indicating that there are practical reasons but “no moral reasons” for liberal societies “not to try to impose liberal domestic justice” on nonliberal societies simply because their autonomy deserves equal respect.\(^74\) He then suggests that it is better to view respect for the autonomy of other societies as respect for the human rights of their members, rather than for the equality of peoples taken as moral units; and liberal societies can be neutral in the matter of the continuance of nonliberal societies.\(^75\) Nagel’s criticism seems to me cogent; Rawls is inappropriate in adopting a fundamentally aggregative approach on the

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\(^73\) This view has deep root in liberalism, see Thomas Nagel, “Moral Conflict and Political Legitimacy,” *Philosophy & Public Affairs* 16 (1987), pp. 215-240. Nagel asserts, “[Political competitors’] political disagreements therefore reflect not only conflicts of interest but conflicts over the values that public institutions should serve, impartially, for everyone” (p. 216).


\(^75\) Ibid., p. 135.
subject of justice on a world scale (beyond state borders), especially when we take into consideration Rawls’s own criticism on utilitarianism:

“Utilitarianism does not take seriously the distinction between persons.”

Nevertheless, both Rawls and Nagel believe that the principles of domestic socioeconomic justice cannot be extrapolated to the global context. For Rawls, a just world should be a just ‘Society of Peoples’ whose members follow the just ‘Law of Peoples’ and those peoples should at least be ‘decent peoples’. By ‘Law of Peoples’ Rawls means “a particular political conception of right and justice that applies to the principles and norms of international law and practice”; by ‘Society of Peoples’ he means “all those peoples who follow the ideals and principles of the Law of Peoples in their mutual relations”; by ‘decent peoples’ he means one type of domestic societies that is well-ordered but not liberal, whose basic institutions meet certain specified conditions of political right and justice.

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76 Rawls, *A Theory of Justice*, p. 27. For a more intensive discussion of Rawls’s theory of justice beyond state borders, namely his Law of Peoples, see Allen Buchanan, “Rawls’s Law of Peoples: Rules for a Vanished Westphalian World,” *Ethics* 110 (2000): 697-721. Buchanan asserts that “a moral theory of international law that only reflects the perspective of ‘peoples’ must be inadequate” (p. 698), and he contends that Rawls’s Law of Peoples does not work because he fails to recognize the full importance of two facts: “there is a global basic structure and that the populations of states are not politically homogeneous” (p. 721). Cf. Stephen Macedo, “What Self-governing Peoples Owe to One Another: Universalism, Diversity, and The Law of Peoples,” *Fordham Law Review* 72 (2004): 1721-38. Macedo defends Rawls on two grounds: firstly Rawls’s standard of “decent and well-ordered” may be rather stringent, and secondly “[d]ue respect for the project of collective self-governance requires that just societies resist the impulse simply to universalize principles arrived at within the horizons of one people’s institutions, history, and culture” (p. 1738).


78 Ibid., pp. 3-4.
So from a Rawlsian point of view, the problem of justice is basically an internal problem for separate societies; if the world is made up of internally just societies, who further obey just international laws in their interaction, then we would be living in a just world. While for Nagel, current international institutions do not satisfy the conditions for applying principles of socioeconomic justice against arbitrary inequalities at a global level, because current international rules and institutions fail to constitute a “collectively imposed social framework, enacted in the name of all those governed by it, and aspiring to command their acceptance of its authority even when they disagree with the substance of its decisions.”\(^7^9\) That is, without a certain type of coercively imposed institutions on a world scale, global socioeconomic justice is not a plausible conception.

Some might argue that the difference between social cooperation within a sovereign state and that at the global level through international trade is merely a difference of degrees, and current international institutions such as World Trade Organization have some power of enforcement, so a weaker standard of socioeconomic justice ought to be applied to the world as a whole. Nagel objects to this view, arguing that the institutions that define global economic interaction are in fact sustained only through the agency of governments of separate sovereign states rather than by individuals in the world, and the rules made by the institutions reflect basically a relation of

\(^7^9\) Nagel, “The Problem of Global Justice,” p. 140.
bargaining between those governments. Thus, it would be unreasonable to expect that either standards of justice or equal consideration for all the individuals in the world are embedded in the rules made by international institutions, because they are designed simply to enable and facilitate voluntary international cooperation that is driven by collective self-interest. In other words, international institutions do not claim active cooperation from individuals in the world, but from separate sovereign states who voluntarily join in them.

Nagel then provides a historical speculation about the global future based on the importance of centralized power and the historical as well as the political reality in the world. He claims that “the most likely path toward some version of global justice is through the creation of patently unjust and illegitimate global structures of power”. The reason is that in order to apply the standards of socioeconomic justice on the global scale, we need global institutions that are coercively imposed, exercise authority in the name of all the individual human beings in the world, and prepare to enforce decisions where needed. However, according to Nagel, the historical development of nation-states show that sovereignty usually precedes legitimacy. A centralized power on a world scale must come into being before it can be contested and turned into something that can be said

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80 Ibid., pp. 140-142.
81 Rules made by international institutions may reflect the interest of individuals who support the actions of their own governments in those institutions, but not the interests of individuals who oppose the actions of their own governments in those institutions. In both cases, individuals’ cooperation is not required.
to be legitimate or illegitimate. So the most likely global power that can
give rise to global justice will be unjust in the beginning. If this speculation
is correct, the idea of global socioeconomic justice seems to be a chimera at
present and in the foreseeable future before any strong supranational
institutions could come into being.

Amartya Sen contends that both the Rawlsian justice theories and
Nagel’s position on global justice are unsatisfactory. Specifically, Sen
doubts that Nagel can make statement that ‘we do not live in a just world’
while simultaneously maintaining that the idea of global justice is ‘a
chimera’.83 Instead, he suggests a non-Rawlsian comparative approach to
justice, including global justice. Of course, Sen agrees with the first
statement that ‘we do not live in a just world’. As I see it, this statement is
also clearly demonstrated by “the egregious internal injustice of so many of
the world’s sovereign states”84 that Nagel notes. So Sen mainly disagrees
with Nagel on whether the idea of global justice is a chimera. According to
Sen’s explanation, his misgiving lies in that if the idea of global justice is a
chimera, then another statement may also be true: we do not live in an
unjust world; this thinking is harmful and will presumably impede the
advancement of justice.

Is Sen’s worry well grounded? To answer this question, we have to first
review the earlier question: Is the idea of global socioeconomic justice

plausible at present and in the foreseeable future in the absence of a global sovereignty?

Nagel’s answer to the question is clearly in the negative. I agree with his answer, but will argue that Sen’s worry is unnecessary. The failure of the idea of global socioeconomic justice does not rule out the possibility of global justice.

3. Cohen and Sabel’s Response to Nagel

Let me begin with some arguments against Nagel’s view. Joshua Cohen and Charles Sabel make a distinction between Weak Statism and Strong Statism, and argue that Nagel defends not only Weak Statism but also Strong Statism.85 I think they are wrong in making this claim. As I see it, Nagel defends a version of Weak Statism but not Strong Statism.

According to Cohen and Sabel’s formulation, Strong Statism is the view that “[t]he existence of a state is necessary and sufficient to trigger any norms beyond humanitarianism’s moral minimum”, while on Weak Statism, the same condition is necessary and sufficient to trigger norms of egalitarian justice.86 Since a world state does not exist at present, Strong Statism entails that there is no norm beyond humanitarianism’s moral minimum


86 Ibid., p. 150. Italic in the original.
outside separate sovereign states in the current world. This view is close to Rawls’s in his Law of Peoples. The Law of Peoples requires toleration of nonliberal but decent peoples, which means so long as “a nonliberal society’s basic institutions meet certain specified conditions of political right and justice and lead its people to honor a reasonable and just law for the Society of Peoples”, liberal societies should tolerate it. Thus when a world state does not exist, Rawls urge separate societies in the world to obey the Law of Peoples, which is defined by mutual respect, self-defense, duty of assistance, and intervention in unjust societies to protect human rights. All of these can be seen as humanitarianism’s moral minimum.

Yet still in the absence of a world state, Nagel suggests that we should be supportive of the coming into being of institutions approximate to a world state, rather than a Society of Peoples, if we want to see the spread of global justice in the long run. This is consistent with another norm for some persons who accept the political conception of justice that “there is a secondary duty to promote just institutions for societies that do not have them.” Both norms appear to have gone beyond humanitarianism’s moral minimum, as they are more political than merely humanitarian in a sense. Even though Nagel also states that “[e]veryone may have the right to live in a just society, but we do not have an obligation to live in a just society with everyone”, this just points out the primary status of justice as a moral

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89 Ibid., p. 132.
demand in one’s own society rather than the non-existence of any justice against other societies and their members. Admittedly, we are not obliged to live in a just society with all other persons in the world; but we may be obliged to promote justice in the world as a whole if we can do so without making significant sacrifices. Understood in this way, what Nagel has argued may be formulated in another form, that is, we should be supportive of transformations in a liberal direction, and if there is hope of something approximate to a world state coming into being, we should support it. Nagel disagrees with Rawls on global justice in supporting a future world government, whereas Rawls, like Kant, sees a world government as a disaster.90

But Cohen and Sabel might conceive a secondary duty to promote just institutions for other societies or even to support the advent of something approximate to a world state as being within the ambit of humanitarianism’s moral minimum,91 so that they can still equate Nagel’s view to Strong Statism. However, their deeper disagreement with Nagel and the theoretically more interesting questions lie elsewhere. Nagel explicitly

90 See Rawls, *The Law of Peoples*, p. 36. He follows Kant in thinking that “a world government—by which I mean a unified political regime with the legal powers normally exercised by central governments—would either be a global despotism or else would rule over a fragile empire torn by frequent civil strife as various regions and peoples tried to gain their political freedom and autonomy”. See also Immanuel Kant, “Idea for a Universal History with a Cosmopolitan Purpose” and “Perpetual Peace: A Philosophical Sketch,” in *Political Writings* (New York: Cambridge University Press, 1991), pp. 41-53, 93-130. Kant argues that if separate states forms one sovereignty, it would become a tyranny.

91 By “humanitarianism’s moral minimum” Cohen and Sabel may be talking about some distributive duties too, but they are statists rather than cosmopolitans so the “humanitarianism’s moral minimum” is definitely different from the requirement of distributive justice.
attributes the “stark division of levels of responsibility” between persons inside and outside a same society toward one another to morality’s being multilayered.\textsuperscript{92} Cohen and Sabel note this feature of morality, and argue that if it is true and if new relations generate new moral requirements, then international institutions and rules with their new mix of coercion and co-authorship would generate new moral requirements of justice. They further contend that Nagel’s arguments based on voluntarism and on arbitrariness denying these requirements of justice have failed.\textsuperscript{93}

As I see it, Cohen and Sabel’s most important disagreements with Nagel concentrate on two questions. First, whether the will of individuals of different sovereign states is implicated in the newer forms of international institutions; and second, whether there are obligations of socioeconomic justice without equal consideration on a global scale. I will examine them respectively.

Cohen and Sabel argue that the involvement of will does not require a sovereign state. They use scenarios about conducts of the International Monetary Fund (IMF) and the World Trade Organization (WTO) to show this. IMF may require a country to make a series of changes as a condition of receiving certain funds in the form of a loan; similarly, WTO will

\textsuperscript{92} Nagel, “The Problem of Global Justice;,” p. 132.
\textsuperscript{93} Cohen and Sabel, “Extra Rempublicam Nulla Justitia?,” pp. 161-64. Laura Valentini also argues against Nagel’s view of coercion, saying that it is misguided. However, Valentini contends that “the notion of coercion employed by contemporary liberals is too narrow to capture the constraints on freedom that need to be justified”, and draws a distinction between interactional and systemic coercion. See Laura Valentini, “Coercion and (Global) Justice,” \textit{American Political Science Review} 105 (2011): 205-220, p. 206.
approve trade sanctions on a country that defies WTO agreements. These measures partly aim to enhance the freedom and well-being of individuals in the country in question. Why can we not say that the will of individuals in such a country is implicated in these international institutions, if, according to Nagel, the will of individuals living under the authority of a colonial or occupying power that purports not to rule by force alone is implicated in the regime?94

I suppose Nagel might reply by mentioning that these international institutions do not claim our active cooperation and normative engagement, they instead claim those from the participating sovereign governments, as they are sustained by those governments rather than by individuals in the world. Cohen and Sabel recognize this consideration (“[citizens’] relationship to the rule-making bodies is entirely mediated by the state’s decisions and thus insufficiently direct to trigger new norms”) but dismiss it easily, contending that “[o]pting out is not a real option … and given that it is not, and that everyone knows it is not, there is a direct rule-making relationship between the global bodies and the citizens of different states”.95 Thus they claim that in an attenuated way our will has been implicated in some international institutions, sufficient to trigger obligations of justice, though may not be egalitarian justice.

These claims seem to me questionable. Not all the states in the world are members of WTO, even if all the states will become members of WTO

94 Ibid., p. 167-69.
95 Ibid., p. 168.
in the foreseeable future. But let us assume that all the states have to participate in certain international institutions, does this require the implication of their citizens’ will in those institutions? In many countries of the world, citizens in fact have little influence on acts of their states; even in democratic countries, citizens’ influence on the government is still limited. Therefore, individuals in the world can hardly determine what their states do; or in other words, acts of the states are somewhat independent of their citizens’ will. Whether citizens of a state support or oppose their state to take part in an international institution, the decision, even though it may reflect some citizens’ opinions, is made entirely at the discretion of the sovereign authority. Some might doubt this has any bearing on the problem of implication of people’s will in any institution. Citizens’ will is implicated in the institutions of separate sovereign states even though the states’ acts are largely independent of their will, why is their will not implicated in the institutions at the international level, which also operate largely independent of their will? But we should keep in mind that the institutions of separate sovereign states make policies in the name of citizens, demand their active cooperation and would enforce laws and rules against them whenever needed. In contrast, international institutions have a similar set of relations with their member states rather than individuals in the world. As a result, obligations triggered through international institutions should be between the governments of member states (and their successors) and the international institutions.
The irrelevance of individuals’ will to international institutions and rules can also be understood from another perspective. Nagel doubts that international institutions and rules are sufficient to trigger demands of socioeconomic justice “even in diluted form” because they are essentially results of bargaining among sovereign state governments or branches of those governments.\textsuperscript{96} I agree with this view for a few reasons. In general, the rules of almost all international institutions are results of negotiations. For instance, “everything the WTO does is the result of negotiations.”\textsuperscript{97} As results of negotiations, the institutions and their rules reflect basically a state of balance of various bargaining powers. It is not uncommon to see states exit international institutions for their own reasons, even though they can hardly exit certain kinds of international institutions. When a sovereign state becomes unsatisfied with the conduct of an international institution of which it is a member, it may first raise an issue, trying to make difference to the institution. But if the institution turns out to be resistant to change, and the state finds that the advantages of remaining a member have been outweighed by the disadvantages, the state may exit unsurprisingly. On the other hand, an international institution can retain its many member states and attract new ones only if they can (or will) benefit from the membership and the cooperation it enables. States cannot opt out institutions such as WTO or even have to undergo unpleasant changes to participate in them.

\textsuperscript{96} Nagel, “The Problem of Global Justice,” p. 141.
\textsuperscript{97} See “Who we are” at The World Trade Organization’s website, https://www.wto.org/english/thewto_e/whatis_e/whatis_e.htm, which at least shows that procedurally WTO make all its decisions through negotiations.
simply because states can benefit from being their members.

But it is the governments of these states who benefit, not all the individual citizens, many of whose interests are in fact harmed. And it is the governments’ will that is involved. One might say that some individuals’ will is indirectly implicated in an international institution if they support their governments’ decisions to engage in it, but this is specious: there are other individuals who oppose the decisions and it is the governments’ will that really matters.98 For example, in the past two decades, many farmers of developing countries have widely protested against rules of WTO and agricultural products from developed countries where governments significantly subsidize farming. Those farmers object to the rules of global agricultural markets because their own interests are harmed, while their governments neglect that in the name of national interests.

Furthermore, a state’s being left no choice but to participate in certain international institutions also seems to be largely irrelevant to its citizens’ will, as it is an external limitation. More important, as Nagel argues about the sufficient conditions for justifying the presumption against arbitrary inequalities in a political society, it is not “the will to become or remain a member, for most people have no choice in that regard”, but the involvement of the will that is essential “in the dual role each member plays both as one of the society’s subjects and as one of those in whose name its

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98 The governments’ decisions on international institutions being congruent with some individuals’ opinions can be regarded as a coincidence in some sense.
authority is exercised” that completes the conditions.\textsuperscript{99} That is to say, being both subjects and co-authors of the sovereign power triggers the citizens’ demands for social justice within it. If this theory about social justice is correct,\textsuperscript{100} correspondingly, at the international level, it is not the will to become or remain a member in a given international institution, for most countries in fact have no choice in that regard, but the involvement of the will that is essential in being both subjects and co-authors of the rules of the institution that triggers the member states’ demands for justice among them in their treatment by the institution if the institution is practically unavoidable. The will involved has to be the will of separate state governments or branches of those governments, who are subjects and co-authors. Given the relative independence of states’ will on their citizens’, it appears implausible to hold that the will of individuals is implicated in the international institutions through the agency of state governments. In other words, citizens are not co-authors of international institutions, even though they are co-authors of the sovereign power of their own country in a sense.

So all in all, Cohen and Sabel at least failed to refute Nagel’s claim on the problem of involvement of will in international institutions; and on a world scale, individuals’ will is probably not implicated in the newer forms of international institutions.

The second key idea of Cohen and Sabel concerns the existence of


\textsuperscript{100} Of course, the theory about social justice is still in doubt. Since Cohen and Sabel argue against Nagel while assuming that the theory is correct, I also assume that the theory is correct in my arguments in this section.
obligations of global socioeconomic justice without equal consideration for individuals. Cohen and Sabel believe that the “discontinuous” political conception defended by Nagel is wrong, arguing that Nagel’s question and answer concerning international institutions which make global economic interaction possible are misleading. The “discontinuous” political conception is that there are gaps between international treaties or conventions and contracts made by self-interested parties within a sovereign state. Nagel’s view is that if international institutions “do not act in the name of all the individuals concerned” and are only indirectly sustained by those individuals, namely those individuals’ will is not implicated in the institutions, no feature of them can create obligations of justice and presumptions against arbitrary inequalities in the individuals. Cohen and Sabel assert, seemingly in contrast, that global economic cooperation made possible by these institutions has affected considerably those individuals’ lives, and features of the institutions and the resultant cooperation create obligations of justice and normative demands beyond basic humanitarianism, if not equal consideration. So their point seems to be that there are norms of global socioeconomic justice without equal consideration for individuals in the world. This is in opposition to Nagel’s view, which holds that global socioeconomic justice requires equal consideration for individuals. On this basis, Cohen and Sabel try to equate Nagel’s view with the Strong Statism they defined, noting that Strong

101 Ibid., pp. 142-143.
Statism is much stronger than the view that “the state is necessary to trigger equal consideration in particular”.\textsuperscript{103} As I see it, this attribution is inappropriate. Nevertheless, the divergence between the two parties has a deeper root.

Global politics, according to Cohen and Sabel, “with its conditions of interdependence, cooperation, and institutional responsibility”, triggers demands of justice beyond basic humanitarianism.\textsuperscript{104} So they disagree with Strong Statism, which makes the existence of a state necessary condition for those demands. Yet Nagel also states that there are some other sorts of international requirements of justice that are not in the scope of global socioeconomic justice; one case is an international requirement of justice against “the complicity of other states in the active support or perpetuation of an unjust regime”.\textsuperscript{105} This is not a requirement of global socioeconomic justice but one of international political justice, and it appears to go beyond basic humanitarianism. So Nagel’s view is more suitable to be counted as a version of statism that is weaker than Strong Statism, for he does recognize international normative demands beyond basic humanitarianism in the absence of a global state. Cohen and Sabel may be correct in pointing out that ‘global politics’ triggers requirements of justice beyond basic

\begin{itemize}
\item \textsuperscript{103} Ibid., p. 163.
\item \textsuperscript{104} Ibid., pp. 164, 169. See also Lea Ypi, Robert E. Goodin, and Christian Barry, “Associative Duties, Global Justice, and the Colonies,” Philosophy & Public Affairs 37 (2009): 103-135. They argue that countries in the world stand “in an ‘associative relation’ of a colonial sort” with other countries; although this does not trigger principle of global distributive justice, the associative relations generate associative duties beyond current state borders between states in the world.
\item \textsuperscript{105} Nagel, “The Problem of Global Justice,” p. 143.
\end{itemize}
humanitarianism, but are those requirements within the scope of global socioeconomic justice?

As we can see, both Nagel and Cohen and Sabel agree that international demands of justice exist beyond basic humanitarianism. The real question seems to be whether any of those demands fall into the scope of global socioeconomic justice. If, as Nagel argues, global socioeconomic justice requires equal consideration for individuals in the world, those demands cannot come from socioeconomic justice. But if, as Cohen and Sabel maintain, global socioeconomic justice does not require equal consideration, some of those demands can be categorized as of socioeconomic justice.

I argue that equal consideration is a necessary condition for socioeconomic justice for a few reasons. Most importantly, socioeconomic justice is essentially a specific limited notion of justice, refers to justice related to social and economic interactions only. Socioeconomic justice is also fundamentally a comparative demand. If there is no equal consideration, there is no fairness in comparison. But if there is no fair comparison, how could the comparative demand of socioeconomic justice exist? Besides, the main content of socioeconomic justice is distributive justice, which deals with the distribution of the benefits and burdens of social cooperation. In the absence of fairness or equal consideration, this distribution is bound to fail. Thus, I think there are obligations of justice without equal consideration, but those obligations do not belong to socioeconomic justice. Socioeconomic justice requires equal
consideration for all the individual persons concerned, whether it being
global or local.

To sum up, Cohen and Sabel’s arguments fail to refute Nagel’s point of
view. However, Cohen and Sabel’s challenge seems to come only from the
inside, namely the larger camp of statism or the political conception. The
earlier questions cannot be answered before more views are examined.
There are views far more different from statism, whatever versions of it. In
what follows I shall consider some arguments from Simon Caney, who
contemplate socioeconomic justice on a world scale from a cosmopolitan
point of view.

4. Caney on Universalism and Cosmopolitan Distributive Justice

Simon Caney first defends a ‘General Argument for Moral
Universalism’, ¹⁰⁶ and then proposes his cosmopolitan principles of
distributive justice on the basis of it. As I see it, his argument for moral
universalism may be sound, as are certain forms of moral universalism; but
that does not entail the truth of any cosmopolitan principles of distributive
justice. As Caney states, moral universalism just confirms that “there are
some moral principles with universal form (the same principles apply) and
universal scope (these principles apply to all)”.¹⁰⁷ That is, some moral
principles apply to persons all over the world. But should principles of

¹⁰⁷ Ibid., p. 36.
distributive justice belong to them? Caney argues that it should through analyzing leading accounts of principles of distributive justice, both domestic and cosmopolitan, and concludes that there are several reasons for holding that.

One reason is that “internal logic of the standard theories of distributive justice generates cosmopolitan principles of distributive justice”.\textsuperscript{108} This seems to me wrong. We know that the internal logic of contractarian theories of distributive justice is rather different from that of consequentialist theories, and they both differ from that of right-based theories. Do they all generate cosmopolitan principles of distributive justice? My earlier argument about Beitz’s extension of Rawls’s contractarian theory of justice to the international level clearly shows that it does not generate cosmopolitan principles of distributive justice as a direct result. More important, Rawls in fact regards a political conception of social cooperation as the basis of his theory of distributive justice, which can hardly generate cosmopolitan principles because global social cooperation is not \textit{political} in the sense. Of course, Caney could contend that only the internal logic of some, but not all, standard theories of distributive justice generates cosmopolitan principles of distributive justice. However, even if this is what Caney means, those cosmopolitan principles derived from some theories of distributive justice still need to be assessed independently before they can be applied to all persons in the world. In other words, even if some

\textsuperscript{108} Ibid., p. 121.
theories of distributive justice imply cosmopolitan principles of distributive justice, this is by no means to say that the cosmopolitan principles derived from them should be correct. Thus it seems unconvincing.

Another reason appears to be more substantial than the first. Caney argues that a universalist conception of moral personality obtains, namely “persons’ entitlements should not be determined by their nationality or citizenship”; this is also implicit in his ‘Principle 2’ of cosmopolitan distributive justice: “persons of different nations should enjoy equal opportunities: no one should face worse opportunities because of their nationality”.109 The conception and the principle seem to be central not only to Caney’s defense of cosmopolitan distributive justice, but also to the appeal of our intuitions about global distributive injustice. However, I would argue that the conception is misleading and the principle is actually untenable.

I argue that, contrary to Caney’s view, some of persons’ entitlements should be determined by their nationality or citizenship. To begin with, are persons’ entitlements all determined by their nationality or citizenship? I believe not. Some entitlements are contingent, coming into being only when persons engage in certain activities, such as signing of a contract or completion of a transaction; these entitlements are simply not determined by their nationality or citizenship, if at all affected. Since these entitlements conform to the conception of moral personality that Caney maintains, no

109 Ibid., p. 122.
principles are triggered.

Other entitlements are more fundamental and related to personality or humanity, such as the entitlements to subsistence, to bodily inviolability, to freedom of conscience, and so on—those entitlements obviously should not be determined by persons’ nationality or citizenship. We know that in some countries these entitlements have been encroached; that is, they are to some extent determined by persons’ nationality or citizenship. This situation is awful and urgently need to be improved. Nevertheless, they are largely irrelevant to distributive justice, their being determined by some persons’ nationality or citizenship lends more support to humanitarian action (including foreign intervention) than principles of cosmopolitan distributive justice, which is far from the best way to improve the situation of these entitlements.\(^1\) The main reason is that the encroachment of those entitlements is obviously violations of human rights.

Thus what Caney conceives by “persons’ entitlements” should be economic entitlements beyond subsistence, as he specifically intends to justify cosmopolitan principles of distributive justice by the conception. But

\(^{1}\) Cf. Martha Nussbaum, “Women and the Law of Peoples,” Politics, Philosophy & Economics 1 (2002): 283-306. Nussbaum argues that “there are no obstacles to justifying the same norms [of Rawlsian social justice], in the area of basic entitlements, for all the world’s people” (p.286, italic added). Nussbaum further contends that “although we may successfully justify certain norms as applicable to persons in all nations of the world, and thus rightly recommend (through international instruments, and so forth) that all nations incorporate these norms into their domestic political structure, there are good reasons why it would be wrong to seek to implement them from without, reasons having to do with the special role of the basic structure of the state in the lives of its citizens and the special character of its accountability” (p. 286).
their nationality or citizenship? They exist only in special cases. Persons generally have economic entitlements beyond subsistence because of their nationality or citizenship, which is a natural guarantee of their level of engagement in social cooperation in their countries.\textsuperscript{111} The reason is that social cooperation, above all else, is what makes economic entitlements possible—persons would have no \textit{economic} entitlements, even to subsistence, in a Hobbesian state of nature.\textsuperscript{112} So for persons living in their own countries, it is reasonable to see their economic entitlements beyond subsistence determined by their nationality or citizenship. Some might argue that social cooperation cannot be limited in one’s native country, since many expatriates live and work in foreign countries; thus economic entitlements should not be determined by persons’ nationality or citizenship but by their countries of residence. This suggestion seems reasonable and some states do grant foreigners economic entitlements if they obtain certain resident statuses, which are also related to their level of engagement in domestic social cooperation in the states concerned. However, by identifying the universalist conception of moral personality, Caney seems to suggest that persons’ economic entitlements be determined by the average

\textsuperscript{111} See Robert E. Goodin, “What Is So Special About Our Fellow Countrymen?,” \textit{Ethics} 98 (1988): 663-86. Goodin acknowledges and criticizes the connection between citizenship and economic entitlements, noting that “formal status is only imperfectly and contingently related to who is actually generating and receiving the benefits of the mutual-benefit society. The mismatch is most glaring as regards resident aliens: they are often net contributors to the society, yet they are equally often denied its full benefits” (p. 676).

\textsuperscript{112} Social cooperation is a necessary condition for economic entitlements. In contrast, coercively imposed legal and political institutions is a necessary condition for claims of social justice. They are different problems. Coercion is necessary for claims of social justice.
level of social cooperation in the world, whatever their own level of engagement in social cooperation and wherever in the separate societies (units of cooperation) they find themselves. I believe this is groundless, since economic entitlements hinge on social cooperation, domestic social cooperation is distinct and separate from global social cooperation, and the level of domestic cooperation in different countries throughout the world varies greatly. To sum up, persons’ most basic entitlements should not be determined by their nationality or citizenship; but some of their other entitlements, which exist as consequences of their nationality or citizenship, should be so determined. Caney’s universalist conception of moral personality confuses the two different sorts of entitlements.

Some problems also occur with Caney’s ‘Principle 2’ of cosmopolitan distributive justice, which demands that persons of different nations enjoy equal opportunities and not suffer from worse opportunities due to their nationality or citizenship. Here we should keep in mind that not all unequal treatment is unjustified, and persons with certain different qualities or features ought to be treated differentially. However, I want to consider opportunities in itself before discussing unequal treatment related to nationality later in the chapter.

There are, without doubt, various kinds of opportunities in the world, and the heterogeneous character of opportunities make it difficult for us to treat them as a whole in some contexts. We can, however, at least distinguish between two groups of opportunities: the natural and the societal. The
former includes opportunities such as picking fruits from a wild plant and lying on a sandy beach, which exist without social cooperation; whereas the latter contains opportunities such as getting a job in an organization and having a meal in a restaurant, which are only made possible through social cooperation. The ‘Principle 2’ would be more credible if it concentrates on the societal opportunities, since nationality or citizenship has in practice a great influence on persons’ access to natural resources and most importantly this is to some extent inevitable as my argument against Beitz’s international resource redistribution principle indicates. But even if ‘Principle 2’ is primarily concerned with the societal opportunities, as we can see, the societal opportunities come into existence only as results of social cooperation, so their quality is determined by the level of social cooperation. The level of social cooperation across the world differs greatly, so quality of the opportunities that persons in different areas of the world can enjoy also varies within a wide range. Given the causal relation between social cooperation and societal opportunities, it seems reasonable to allow persons who engage in different level of social cooperation to enjoy societal opportunities of different quality. If this is correct, the first half of ‘Principle 2’ would be wrong: persons of different nations should not enjoy equal opportunities unless they engage in a same level of social cooperation. And the second half of ‘Principle 2’, even if it is true, seems separable from cosmopolitan distributive justice: no one should face worse opportunities because of their nationality, but some persons have to face worse
opportunities than others because of the lower level of the social cooperation they engage in. This situation is regrettable, but it does not justify cosmopolitan distributive justice, which would even out all societal opportunities among persons in the world, making some face worse opportunities than they ought to. To require that persons of different nations enjoy equal opportunities in general is essentially to require that different nations have a same level of both social cooperation and natural and historical heritage, which is unreasonable.

In short, Caney’s defense and tentative principles of cosmopolitan distributive justice is not as cogent as it is asserted to be.

Still, to hold a form of statism we need to make clearer why unequal treatment related to nationality can be defended, in addition to the argument grounded in mere social cooperation. Beitz has posed the question to statists in general in a perspicuous way. Beitz emphasizes the role that our conception of moral personality should play in global social justice, but he also notes that this does not rule out the possibility that “parties to a global original position would accept the priority thesis”.113 That is to say, a world of separate states that always give priority to their own citizens might be selected in a global original position. However, Beitz further argues that, even under the most plausible account of the priority thesis—namely, a state

can give its own citizens priority because their interests are part of its interests, and it should have some freedom in pursuing its own interests analogous to an individual—the priority has to be significantly limited.\(^{114}\)

The reason is that by analogy with an individual, who also has the responsibility to do great good for others at trivial costs to oneself, a state has the responsibility to do great good for other states at some costs to itself. So for Beitz, a state must treat people in other states equally in some cases, as their interests at some time can override its own citizens’ interests. Even though this view does not support global egalitarianism such as Caney’s theory of cosmopolitan distributive justice, it does pose a few questions to statists: what exactly is the difference between our responsibility to fellow citizens and citizens of other states? Is our responsibility to citizens of other states defined by principles of socioeconomic justice?

5. Miller’s National Responsibility Approach to Global Justice

Among other writers, David Miller proposes some answers to these questions. Miller’s view on global justice is typical and important; he proposes a noteworthy theory about the difference between our responsibility to fellow citizens and citizens of other states. Therefore I examine it in this section.

Miller examines cosmopolitanism and argues that neither equality of resources nor equality of opportunity on a world scale are viable principles

\(^{114}\) Beitz, “Cosmopolitan Ideals and National Sentiment,” pp. 598-599.
of global justice, since in a culturally plural world different societies will construct goods in different ways and their self-determination should also be respected.\textsuperscript{115} That is, social and global justice are disparate, we cannot simply extrapolate principles of social justice to the global context ignoring the large differences between them. Furthermore, he notes that it is important to distinguish the problem of global inequality from that of global justice, because firstly there are a great deal of complex reasons for global inequality, some of which are not related to injustice, and secondly global inequality by itself does not necessarily constitute a source of injustice. Miller then points out that, in dealing with justice issues, we need to always see two roles of human beings, viewing them as “both patients and agents: needy and vulnerable creatures who cannot survive without the help of others, but at the same time people who can make choices and take responsibility for their lives”.\textsuperscript{116} In order to achieve this goal, Miller draws a distinction between two kinds of responsibility: outcome responsibility and remedial responsibility. Outcome responsibility concentrates on persons’ being agents, so they have to make choices and take responsibility for that; remedial responsibility, in contrast, focuses on persons’ being needy and vulnerable creatures—some of them are deprived and suffering, others should undertake the responsibility of counteracting and relieving their


\textsuperscript{116} Ibid., p. 21.
plight.\textsuperscript{117} Miller emphasizes the importance of striking a balance between the two aspects of human condition and the two corresponding kinds of responsibility in our thinking about either social (domestic) or global justice.

Central to Miller’s proposal to address the issue of global justice, however, is an idea of national responsibility. Miller argues that people are collectively responsible for the results of their behavior if they are like-minded or engage in cooperative practices; then he analyzes the features of a nation, and shows that persons in a nation are collectively responsible for the results of the nation’s behavior, mainly due to the beliefs and benefits that are closely connected with membership of a nation.\textsuperscript{118} This collective national responsibility naturally includes outcome responsibility, requiring people of a nation to take responsibility for what the nation has done internally and externally, in the present and in the past. In addition, national responsibility also incorporates remedial responsibility, which is “the responsibility we may have, as individuals and as members of collective bodies, to respond to human deprivation”.\textsuperscript{119} Thus according to Miller, global justice demands from a nation and its people redress for injustice in the national past and in the present on one side, and respect for and protection of the basic human rights of people the world over on the other side. In addition, Miller argues that in determining the responsibility

\textsuperscript{117} Ibid., Chapter 4, especially p. 108.
\textsuperscript{118} Ibid., Chapter 5.
\textsuperscript{119} Ibid., p. 134.
of global justice on both sides, especially in the protection of basic human rights such as ‘a global minimum’, which includes the freedom of choice and of movement, a nation should also take into consideration the two conceptions of responsibility.

A global minimum is defined as “a minimum bundle of freedoms, opportunities, and resources”, \(^{120}\) which is in fact a set of basic human rights that forms the precondition for pursuing a decent human life for all. In thinking about this, Miller suggests that we should consider the significance of different kinds of freedom, and then find out whether a freedom should be assigned to global minimum. For example, Miller contends that freedom of movement is not absolute but severely restricted, so that a general right to migration does not exist, even though under certain circumstances a nation ought to admit deprived migrants. In a similar way, before its national responsibility to the world poor can be determined a nation needs to take into account among other things not only the needs of the poor people but also the possibility of making institutional change in the poor societies—the poor people are also responsible agents. At the same time, a nation has to carefully weigh the demands of global justice and those of domestic justice before a decision is made in its response to world poverty, since it needs to take responsibility for its citizens, other people in the world, and the results of its own choice. \(^{121}\)

Miller’s answer to the problem of global justice shows that our

\(^{120}\) Ibid., p. 5.

\(^{121}\) Ibid., Chapter 9, especially pp. 259-261.
responsibility to fellow members of a same nation takes priority in some respects over our responsibility to other persons, due to our special relation to our nations. Miller also holds that global justice (including socioeconomic justice) requires us to take responsibility both as individuals and as members of nations (rather than states) for alleviating sufferings in the world. On the basis of this nation-and-responsibility approach to global justice, Miller criticizes certain forms of both cosmopolitanism and statism. Miller particularly contends that Nagel is wrong in holding that principles of socioeconomic justice apply only within the boundaries of a sovereign state, and that there is a tight link between justice and coercion. Miller points out that Nagel holds that the idea of global justice does not apply to the current world because there is no such burden of justification for inequalities between sovereign states or between citizens of different sovereign states as that between citizens of a same sovereign state. Miller further argues that Nagel may be correct in saying that the socioeconomic relationships within a same sovereign state are distinctively coercive in some respects, but justice and coercion does not have so tight a connection as Nagel thinks.\textsuperscript{122} The reason is that in forms of human association other than sovereign states, such as workplaces, schools, questions of distributive justice also arise, but coercion does not play an essential role.\textsuperscript{123}

This argument seems to me not persuasive. The relation between an

\textsuperscript{122} Ibid., p. 277.

\textsuperscript{123} Miller notes that “[q]uestions of distributive justice arise in many forms of human association in which the threat of coercion plays no essential part—workplaces, schools, churches, and even families”. See p. 277.
employee and a company or a student and a school is rather different from that between a citizen and a state; also, the relation between fellow employees or fellow students is different from that between fellow citizens. If principles of distributive justice apply in the sphere of a company or a school, they must be different from principles of distributive justice in a state. Indeed, these sets of principles are of different nature. For example, questions of pay fairness arise in a company because fellow employees work for the same company despite differences in sex, age, ethnicity, location, and so on. A company is generally justified in paying its employees differently according to their different skills and responsibilities; at the same time principles of distributive justice, if they obtain in the context, would require a company to pay employees equally for doing equal work and differentially commensurate with their unequal work. This set of principles of distributive justice clearly differs from that in a state, where citizens neither work for nor are paid by a same organization, instead their lives as a whole have been substantively shaped by a same system of institutions. Moreover, most citizens in a state do not have the freedom to leave it and the social and political institutions are coercively imposed on them before they obtain the ability to make any choice. Employees of a company, by contrast, choose to be and remain a member of the company, and the rules of the company are not coercively imposed on them but are agreed by them as a result of mutually self-interested bargaining. Given the dissimilarity, that coercion is not essential in triggering the sets of principles
of distributive justice in some cases does not mean that it cannot be essential in triggering a set of principles of distributive justice in another case. In fact, as Nagel emphasizes, justice is fundamentally an associative obligation.\textsuperscript{124} It is unsurprising to see different obligations of justice obtain in different forms of human association. Demands of domestic justice cannot be the same as demands of global justice simply because human association in domestic society is different from that in the world as a whole. If we want to apply principles of socioeconomic justice that obtain in a state to a world in general, we need to find out a similar system of human association at the global level, which does not exist at present.

Nevertheless, Miller does not oppose Nagel or other statists’ general view that “there is something special about social justice” in a state;\textsuperscript{125} what he disagrees with them is why there is something special about social justice and what precisely is the difference between domestic social justice and global justice. Miller claims that the confluence of three features in a separate unit makes social justice special: coercion, cooperation for mutual advantage, and shared national identities. As we can see, in the global context, there is social cooperation for mutual advantage, but neither the type of coercion in a sovereign state nor shared identities comparable to national identities;\textsuperscript{126} therefore, for Miller, principles of global justice must be different from principles of domestic social justice. More important,

\begin{itemize}
\item \textsuperscript{124} Nagel, “The Problem of Global Justice,” p. 121.
\item \textsuperscript{125} Miller, \textit{National Responsibility and Global Justice}, p. 278. Italic in the original.
\item \textsuperscript{126} See David Miller, \textit{On Nationality} (Oxford: Oxford University Press, 1995), Chapter 1, where he analyses the distinctiveness of national identities.
\end{itemize}
noting that there are forms of justice other than social justice, Miller claims that “the absence of a world government does not eliminate the very idea of global justice”, and argues for principles of global justice in a world of culturally distinct and politically significantly autonomous nation-states.\textsuperscript{127}

I disagree with Miller’s understanding of global justice as being primarily a sort of responsibility of culturally distinct nation-states in the world. By global justice, Miller means certain principles of justice other than domestic social justice that include socioeconomic justice on a global scale; the obligations of global justice can be performed only through the vehicle of national responsibility. However, national responsibility is actually separable from demands for global justice. It is not responsibility of nations but global interaction that triggers demands for global justice. Miller’s distinction between outcome responsibility and remedial responsibility and his idea of national responsibility having as elements both of them are thus misleading in this regard. For one thing, outcome responsibility requires that a nation be responsible for redressing the injustices that its members and even earlier generations of them have perpetrated; but this falls within the range of rectificatory justice. Rectificatory justice need not be global justice, as a nation can do injustice to its own members rather than outsiders. Even though some of the rectificatory responsibilities are connected with outsiders and for this reason constitute global justice, they mostly stem from wrongs or crimes

\textsuperscript{127} Ibid., p. 278.
committed in international interaction rather than demands for global socioeconomic justice. For another, remedial responsibility demands that a nation should help deprived or suffering people in the world, protecting their basic human rights to the extent that they be lifted above the threshold of decent human living conditions. This responsibility can be construed as a universal humanitarian obligation, if we agree that all human beings have the right to live decent lives. Fulfillment of humanitarian obligations to our fellow human beings can be included in the principles of global justice, but at least part of the remedial responsibility, which merely calls for humanitarian assistance to people in desperate conditions such as starvation, does not constitute global socioeconomic justice.\textsuperscript{128} We can call this \textit{global humanitarian justice}, which is distinct from socioeconomic justice; the latter is supposed to not only concern people in extreme poverty or other desperate conditions, but also apply within a wider scope and in a more general way.\textsuperscript{129} The rest of the remedial responsibility of a nation, if any, aims to lift deprived or suffering people even higher above a minimum level of access to \textit{freedoms, opportunities, and resources}, so it can be regarded as requirements of global socioeconomic justice. Yet why should global socioeconomic justice focus on a set of minimum conditions? If there are

\textsuperscript{128} See Nagel, “The Problem of Global Justice,” p. 118. He indicates, “[w]hatever view one takes of the applicability or inapplicability of standards of justice to such a situation [global poverty], it is clearly a disaster from a more broadly humanitarian point of view”. That is to say, humanitarian considerations are more basic than socioeconomic justice.

\textsuperscript{129} Here I use the term “Global humanitarian justice” rather than “humanitarianism” because it is a technical term in the complex conception of global justice that will be proposed later.
principles of global socioeconomic justice, why do they matter only to deprived or suffering people?

Miller might think that as a principle of global justice, any decent nation, especially rich nation, has prima facie remedial responsibility to protect the basic human rights of all people in the world, to the extent that they could live decent lives. Toward those whose basic human rights are respected and who are leading decent lives, this responsibility also obtains, though it need not be fulfilled. Admittedly, basic human rights contain a minimum of freedoms and resources, but they may not involve a minimum of opportunities as Miller conceives. Among Miller’s incomplete list of basic human rights are education and work and leisure, and the level of education and work needs to be above a minimum so as to enable everyone to lead a decent life in different contexts. However, if a nation fails to build the social cooperation that provides education, work and leisure opportunities above the threshold, this failure does not in itself suggest that members of the nation ought to enjoy education, work and leisure opportunities above a particular level. As I have said earlier, societal opportunities are only made possible through social cooperation, and their quality is determined by the level of social cooperation in question. It is, for the most part, duty of members of a deprived nation (or any nation) to build social cooperation of the level that gives themselves the means to pursue minimally decent human lives, if we really regard persons as responsible

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130 See Miller, National Responsibility and Global Justice, p. 184.
agents. A nation-state has to take responsibility for its own level of development, except for substantial historically and externally imposed injustice, since underdevelopment by itself may be an undesirable but necessary stage of any human association or organization rather than injustice. And it would be supererogatory and ungrounded for members of nations above the threshold to guarantee that all other people in the world will always have a particular level of social cooperation or in Miller’s words “to give fair opportunities to vulnerable people in poor societies”, if aspiration to political self-determination is really one of the most important features of a nation. For these reasons, Miller’s conception of a nation’s remedial responsibility, being a mixture of humanitarian duties and a disputable idea of ‘global minimum’, can hardly be regarded as requirements of global socioeconomic justice.

Therefore, both outcome responsibility and remedial responsibility are probably not within the range of global socioeconomic justice. This is not of course the same as saying that national responsibility, as Miller understands it, cannot be connected with global justice; it just cannot be a reasonable demand of global socioeconomic justice. Miller is right to maintain that the absence of a world government does not rule out the idea of global justice, but Nagel is not wrong to hold that it does rule out the idea

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131 Ibid., p. 269.
132 Of course, as Miller mentions, a despotic or authoritarian government can have self-determination in the bad sense, but that is another question. In general, a self-determining nation should have the freedom (and responsibility) to develop its own social cooperation unaffected by external intervention, with the exception of humanitarian assistance.
of global socioeconomic justice. Socioeconomic justice is a special conception originated in the context of sovereign state, and it has a special form of equal consideration, namely a presumption against arbitrary inequalities, at its core. This equal consideration is comparative by nature. Globally speaking, in the absence of its conditions, this equal consideration does not obtain, so neither does socioeconomic justice.

Another difficulty with Miller’s idea of national responsibility as a vehicle for global justice lies in its special collective character. In short, Miller’s principles of global justice are simply that members of a nation have collective responsibility, both outcome and remedial, to members of other nations. Individuals are not supposed to react directly to global injustice or poverty but to respond through sharing and promoting national responsibility, on the grounds that they are always members of culturally distinct nation-states who share national identities and form national communities. This approach has limited the ways individuals could adopt to fulfill the duty of assistance toward people in extreme poverty or suffering, the duty of rectificatory justice toward victims of historical or contemporary wrongs, and other possible duties of global justice. This deficiency would be very dismaying when a nation fails to fulfill its responsibility in global justice, especially when national identity comes into conflict with the possible developments of global governance. For this reason, the responsibility of global justice is better understood as both collective and individual obligations, which enable individuals to promote global justice in
various ways.

Lastly, Miller’s theory not only starts from but concentrates on cases of extreme human sufferings or poverty. It is definitely a human tragedy that a large number of persons continually risk life and limb for crossing a border, with the hope of living a better life. Nevertheless, we should keep in mind that not only extreme human tragedies are inside the scope of global justice.\(^\text{133}\) There are less urgent but perhaps similarly unjust cases in global contexts, which also need to be tackled. For example, in his protest against rules of open agricultural trade as a result of WTO negotiations, a South Korean farmer stabbed himself and died several hours later; he claims that the WTO, controlled by multinational corporations and big governments, is perpetrating injustice on farmers in many countries throughout the world, with himself being a victim.\(^\text{134}\) This kind of accusation will probably continue even if a global minimum proposed by Miller has been achieved all over the world. The reason is that after a global minimum is achieved throughout the world, there are still gaps—which can be very large—in people’s standard of living and average wealth between citizens of different countries. Those who are relatively poor will protest against policies made by those who are relatively rich aiming to either exploit or control them. Whether particular rules of WTO are instances of global injustice is an open question—some people may benefit, while others suffer, from them. Yet the

\(^{133}\) Miller has advocated some principle to regulate trade in other context, but his theory of global justice in itself concentrates excessively on extreme human sufferings or poverty. This seems to me misguided.

scope of global justice should be wider, including, say, injustice in the rules and decisions of global institutions, and so on. Miller’s theory of global justice might be possible only with a narrowed conception of it focusing on poverty or suffering relief.

6. A Complex Conception of Global Justice

With these ideas in mind, I proceed to suggest a new conception of global justice here. To deal with the numerous and varied injustices on the world scale or from a global point of view, we need a broad and complex conception of global justice rather than a limited and simple one. I believe that global justice should include, but not be limited to, global humanitarian justice, global political justice, and global economic justice. Global humanitarian justice stems from our general duties toward fellow human beings, and requires us to assist to some extent any other person in need. Global political justice and global economic justice are more complicated and have many sources. Most important, global political justice can stem from the common demand for political legitimacy of members of any state in the world, and requires us to assist to some extent any other person who is living under a coercively imposed illegitimate sovereignty. Global economic justice can stem from the demand for fairness in some sense in global economic cooperation for mutual advantage, where sometimes one party of the cooperation has unjustly taken away majority of the resulting

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135 By “to some extent” I mean what justice requires us to do in assisting others who suffer from various injustices should be appropriate in relation to the circumstances.
benefits because of their far greater bargaining power.

By “global economic justice” I mean the justice and fairness in global and international economic interaction, which demands that the resulting profits and burdens of the interaction should be shared by the participating parties in a way that each party’s interests have been given a equal moral status. In contrast, by “global socioeconomic justice” I mean the justice and fairness in obtaining socioeconomic status and good in the world as a whole, which demands that each individual’s interests be given equal consideration in the distribution of benefits and burdens resulting from human social and economic interaction. This is similar to the meaning of what Nagel and many other theorists use by “global socioeconomic justice”. Thus the difference between global economic justice and global socioeconomic justice lies in that the former is about economic interaction between parties from different sovereign states and the latter is about mere inequalities in socioeconomic status between individuals from different states all over the world.

The complex conception of global justice also includes global humanitarian justice, global political justice, and so forth. Global humanitarian justice can be regarded as the requirement of humanitarianism on a world scale, that is, we have responsibility to provide some assistance to our fellow human beings even though most of them are foreigners, and it is unjust if we refuse to discharge this responsibility. The requirement of global humanitarian justice is not only on individuals but also on state
governments. When there are some persons in need and other persons or groups of person can assist them without making themselves so worse off that the achievement of their main goals would be significantly hindered.

Global political justice has several requirements. First of all, sovereign states ought not to harm other states for its own benefits. It is natural that a country tries to compete with other countries in many fields for its own good and other reasons. However, in this competition countries should not harm each other. By “harm” I mean a country deliberately causes damage or ill effects through political, military, or other means to another country. This demand shows that it is unjust if a country endeavors to attack another for its own interests, direct or indirect. Second, global political justice also requires that people and sovereign governments that meet the basic standard of political legitimacy support and assist people who live in politically illegitimate countries such as oppressive countries in pursuing political legitimacy. This demand has a few implications, one of which is that a government should not support a foreign government that is politically unjust. Besides, individuals in politically relatively just countries should also to some extent assist ordinary citizens in politically unjust countries to reform or revolutionize their political systems.

These areas of global justice, humanitarian, economic or political, and the corresponding principles of them are different, but there can be overlaps between them. For example, benefiting from injustice can trigger demands for justice that are connected with both global political justice and global
economic justice, though mainly with the latter.

The complex conception of global justice is preferable to the views examined earlier mainly due to its comprehensiveness. Even though global socioeconomic justice, in the sense comparable to social justice in a single state, is not possible in this day and age, global justice in itself cannot be dismissed. There are other substantial demands of global justice which define our responsibility to fellow humans.

For these reasons, I would note that global socioeconomic justice being a chimera in the absence of a world government does not rule out the possibility that other obligations of global justice would obtain. For one thing, global justice need not be global socioeconomic justice, it may be other sorts of justice on a global scale. Nagel is correct to claim that global socioeconomic justice without global sovereignty is impossible, since the very idea of it requires equal consideration for all individuals in a world of separate states. But global justice, which has a much broader scope, is not impossible in the context. For example, there are many oppressive states in the world, where political injustice is a severe problem: the idea of global political justice would require us to oppose those governments simply because oppression is bad. Similarly, global economic justice would demand fairer trade between international parties, especially for the well-off to take into account the difficult situation of the badly-off.\(^{136}\) Other cases of

\(^{136}\) Nagel has suggested a similar view, but he might think fairer trade between rich and poor states is more suitable to be seen as a requirement of humanitarian justice. He says, “even self-interested bargaining between states should be tempered by considerations of
global justice include principles requiring a sovereign state government not to try to cause problems or harm in other states for its own interests. There are still many other possible principles of global justice, which are to be explored and expressed.

Making clear that global socioeconomic justice is implausible on a world scale in the present and the foreseeable future actually enables us to better improve justice in the world. This movement in our understanding of the nature of the problem of global justice is necessary for an adequate response to it. Probably, we can efficiently reduce injustice and promote justice in the world in the name of a complex rather than simple idea of global justice. Thus, Nagel’s view on global justice by itself is tenable, though a minor flaw exists: he does not seriously explore other obligations of justice that might obtain globally. He concentrates on the possibility of socioeconomic or distributive justice on a global scale, but that is not the whole gamut of the problem of global justice. Both the idea and the content of global justice are possible if we recognize and examine the complexity of justice on a world scale.

humanity, and the best way of doing this in the present world is to allow poor societies to benefit from their comparative advantage in labor costs to become competitors in world markets” (“The Problem of Global Justice,” p. 143).
Chapter Four: Global Economic Interaction, Local Injustices, and
Principle of Global Justice

1. Introduction

Since global justice is possible as a complex conception, we can set out to find the various principles of it. Given that global justice is best conceived as a complex conception, there are presumably various principles of global justice, which can be categorized into global humanitarian justice, global political justice, global economic justice, their overlaps, and so on. In this chapter, I argue that my theory of benefiting from injustice can justify one principle of global justice among others, which is useful for promoting justice on a global scale.

As the preceding chapter shows, principles of global justice as cosmopolitan distributive justice and global distributive justice that grant equal consideration for all individuals in the world with regard to social cooperation and the distribution of its benefits and burdens as a whole is implausible. A version of statism seems to be true, even though extremely strong statism such as Cohen and Sabel’s formulation of Strong Statism can hardly hold. For this reason, if all states in the world are self-sufficient, independent, and unassociated, there would be only humanitarian duties between them, and between their citizens and outsiders. Yet in fact all states are interacting and cooperating with one another to the extent that international and global interaction and cooperation has become an
important part of the contemporary world and human life.

International and global interaction include, among other things, political, cultural, and economic interaction between sovereign states and between their members and organizations globally. I will concentrate on economic interaction in this chapter, since it is of great importance and bears direct relation to global economic justice. However, this is by no means to say that international and global political or cultural interaction does not trigger principles of global justice; rather, under a complex idea of global justice, there are a variety of them, which are simply not the main concerns of this essay.

The question then is, how international and global economic interaction trigger principles of global justice. Some theorists argue that the current rules of international institutions and international trade are in fact harming the poor countries and their citizens, and this generates moral obligations on those living in rich countries to compensate the victims of an unjust world order. But this claim is far from uncontroversial and I will examine in detail the reasons for and against it later. Another ground for principles of global economic justice is argued to be the existence of global structural injustices and the resulting unjust enrichment of ordinary Western citizens. However, although it contains some truth, this view also has some problems with it. This unjust enrichment view will also be examined carefully in this chapter. In the light of these difficulties, I argue that there are less controversial grounds which are sufficient to support principles of global justice
convincingly. It concerns how local injustice in separate sovereign states could give rise to global injustice through international and global economic interaction; and the injustice in turn generates moral obligations upon some people to rectify it through helping correct the original injustice. More specifically, I contend that a great deal of people in developed countries are benefiting from local injustice in underdeveloped countries through international and global economic interaction, they therefore have some responsibility to compensate the victims of injustice in countries other than their own. I believe this ought to be a principle of global justice.

Some might argue that this principle need not be a principle of global justice. There are rival views of global justice, but everyone agrees that there are injustices within societies, including developed and underdeveloped societies. If there are duties to compensate victims of injustices from which you have benefited, then it is of interest whether people in the developed world can be said to benefit from injustices in the underdeveloped world. The resultant principle could be a simple moral principle that applies generally to injustices.\(^\text{137}\) However, although principles of benefiting from injustice are general moral principles, the particular principle that I defend in this chapter, that is, many people in developed countries are benefiting from local injustice in underdeveloped countries through global economic interaction, they therefore have some responsibility to compensate the victims of injustice in those

\(^{137}\) I would like to thank an examiner of the thesis for pointing out this.
underdeveloped countries, is clearly a principle of global justice, as I see it.

Finally, after these discussions, I try to spell out how this responsibility could be fulfilled. As I see it, this responsibility is best carried out as both individual obligations of citizens and collective duties of sovereign states. This principle of global justice and the responsibility it defines represent only one facet of the wider problem of global justice, but it no doubt can contribute to the promotion of justice in the world as a whole.

2. Are Global Poor Harmed in Contemporary Economic Interaction?

Among the theorists who deem the contemporary world order to be unjust is Thomas Pogge. For several different reasons, Pogge contends that the current world order is actually causing poverty and harming the global poor.\(^\text{138}\) If this is correct, supporting the current world order will be regarded as an injustice, as it equals assisting in harming poor people.

Of course, the nature of this claim needs to be explained. Pogge notes that harm is a comparative notion, and to harm people is to make them worse off than in another comparable situation. Given the noticeable improvement of the situation of global poor in general in the past century, if we compare poor people’s contemporary situation with that in the past decades, poor people seem to have benefited from, rather than been harmed by, the current world order. Pogge argues that this reasoning is wrong, as poor people may have benefited from reasons other than the world order,

\(^{138}\) Pogge, World Poverty and Human Rights, p. 13.
and the world order can be harming them nonetheless.\textsuperscript{139} That is to say, the world order may be a background injustice, and the general alleviation of global poverty occurs despite its negative effects. This is logically true, but does not constitute a ground for claiming that the current world order is harming the global poor. Yet Pogge proposes that the comparison of world orders should be subjunctive, that is, a comparison between the status quo and a hypothetical situation which is made up of the same conditions in all respects but a different world order. In other words, Pogge suggests that a hypothetical benchmark, that is, a thinkable just world order, should be used in the assessment of the current world order.

Although it may be difficult to determine the most appropriate hypothetical benchmark, Pogge asserts that contemporary world poverty is so serious that if we just compare the status quo with a “global Lockean state of nature in which all human beings have access to a proportional share of the world’s natural resources”, the latter may not be even worse than the former.\textsuperscript{140} Indeed, if all human beings can have access to a proportional share of natural resources in the world, they may live in situations that are not very bad. However, it seems unlikely that this condition could obtain without difficulty, as the impartial redistribution of natural resources on a global scale requires a particular sort of global cooperation, which has not happened in human history and I believe will not happen in the foreseeable future. Of course, here Pogge is using a

\textsuperscript{139} Ibid., pp. 15-16.
\textsuperscript{140} Ibid., p. 16.
hypothetical benchmark, so his argument does not depend on whether the state in that benchmark could be feasibly reached from the status quo.

Pogge also acknowledges that there may not be convincing way to clarify the factual claim about the comparison between the status quo and a global Lockean state of nature, so he tentatively turns to a narrower question, namely, “is our new global economic order worse or better for the poor than a continuation of its predecessor would have been?” To answer this question, we just need to compare the status quo with the global economic order that was in operation a few decades ago. Since the number of poor people in the world has been declining substantially in the past decades, for example, the number of people living on less than $1.25 a day in the world fell from 1.9 billion to 1 billion between 1990 and 2011 and it is still declining, many people would infer that the new order is benefiting the poor. However, Pogge disagrees with this conclusion, or more specifically he disapproves of the idea of setting as benchmark the continuation of the old order. The reason is that, the old global economic order was harming the poor, even though the new global economic order appears to be better than the old one, it may still be harming the poor; and based on some empirical evidence such as the remarkably protectionist policies of the rich countries, the new global economic order is, according to Pogge, actually

141 Ibid., p. 16.
143 Pogge refers to a report in The Economist, in which some studies reveal that rich countries have much higher tariffs on certain imports from poor countries in comparison
harming the poor.

Without doubt, there is a difference of opinion on this issue. Pogge notes that some might argue for the new global economic order that came into being over the past a few decades on the basis of its overall positive consequences in spite of the negative effects of its particular rules, and points out that if we think of the poor as individuals rather than a group, the new order is harming some poor individuals despite benefiting other poor persons at the same time. Given the weakness and helplessness of the poor, those who have been harmed by the new order may die from poverty; this extreme harm cannot be counterbalanced by the profits that those who have benefited receive, as they are distinct persons. But as I see it, if the old order had carried on, more poor persons would have died from poverty; thus the new order seems more desirable than the old one even though a large amount of global poor still suffer and die under it: sometimes we simply have to choose the lesser of two evils. However, Pogge’s arguments imply that the problem of global economic order need not be a choice between two evils. He admits that for poor countries facing a choice between accepting and declining to join the new order, they have to choose the option that brings about a smaller number of poverty deaths and less sufferings. But for rich countries in the world, especially Western countries, the choice need not be between an old order that allowed hundreds of millions on the edge

with those from similar rich countries, and there are some other difficulties related to the WTO for poor countries to develop their economy. See Pogge, *World Poverty and Human Rights*, p. 17.
of starvation and a new order that is better but still allows hundreds of millions on the edge of starvation. This is particularly worrisome if we find that the rich countries could have lowered their high tariffs on manufacturing imports from poor countries, “could have agreed to open their markets to agricultural, textile, and footwear imports from the poor countries”, and “could have agreed to reduce their farm subsidies”. In other words, Pogge holds that the rich countries have had the option to avoid deaths and sufferings caused by the new global economic order, by “making the WTO Treaty less burdensome on the developing countries.”

The reason they did not choose the option is just that they want to maximize their own profits.

Therefore, according to Pogge, the benchmark for comparing the new world order ought to be a hypothetical world order, in which the rich countries try to avoid most of the harm brought about by the rules of global economic interaction to the poor countries. This hypothetical world order is achievable in the sense that it merely requires the rich countries to spare a portion of the benefits of global cooperation to the poor countries, rather than to give up all the benefits. On the basis of empirical evidence, even the benefits needed to pull all the global poor out of poverty may be less than the whole profits that are produced in global economic interaction.

However, in my view, there are a few difficulties with the plausibility of this hypothetical world order itself. First, rich countries or Western

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145 Ibid., p. 19.
countries, like poor countries, are not a ‘homogeneous mass’ (using Pogge’s term) but separate sovereign states with their own internal and external goals. The global economic order is in fact not determined by rich countries or Western countries as a whole, although they, separately or jointly, are in the most important positions to affect it. In order for the rich countries to act together and reach an agreement to resign part of their gains on behalf of the global poor, they have to not only sacrifice their own interests but also make concessions to one another’s demands on this issue. That is to say, they must make sure that other rich countries are also willing to shoulder their corresponding responsibilities in alleviating or eradicating world poverty through international economic negotiations. Given the natural, historical, and cultural diversity of the rich countries in the world, the agreement seems hard to reach in reality. Yet this should not be a reason against the hypothetical world order, if all the rich countries could be less self-interested: after making concerted efforts in negotiation, they should be able to propose together much more favorable terms to the poor countries who are eager to trade with them.

The second and the seemingly greater difficulty, then, is about the self-interest of the rich states, especially their governments in international interaction: Could they be less self-interested? Pogge explains the harshness of the new global economic order to the poor countries in terms of both self-interest and higher bargaining power and expertise of rich countries in international negotiations. He notes that representatives of rich countries
“do not consider the interests of the global poor as part of their mandate” in negotiations; on the contrary, they are “exclusively devoted to shaping each such agreement in the best interest of the people and corporations of their own country.”

Those representatives and their governments have taken for granted the predominant position of the interests of their own country and citizens in international interaction. Whether this special dedication to national interests is justifiable, to establish and maintain the hypothetical global economic order that is not so harsh to the poor countries, or not harming the global poor, they must be less self-interested. Pogge seems to believe that they not only could, but also should, be less self-interested. Otherwise, the hypothetical order can hardly be achieved in the foreseeable future; and it would fail to serve as a reasonable benchmark because a comparison between the status quo and something unrealistic could not show the genuine defects in the former.

But it is unclear why rich countries should be less self-interested. It would be begging the question if we conclude that the current world order is harming the global poor simply because it is worse than a hypothetical order under which the rich countries do not harm the global poor. We can always imagine a better world order in light of which our existing order is harming the poor, though not necessarily causing poverty deaths. Similarly, it would be begging the question if we conclude that rich countries should be less self-interested because they are too self-interested. To assert that the current

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146 Ibid., p. 20.
world order is worse than a hypothetical order under which the poor would not be on the edge of starvation due mainly to the rich countries’ less self-interested policies is to claim that the rich countries are too self-interested in holding the current world order. But we need some independent reasons to say that. Therefore, we have to identify what is truly wrong with the existing order and the rich countries’ acts, and that would enable us to say that those countries ought to be less self-interested.

Pogge provides us with some arguments in this regard. In general, he has three separate sets of reasons for asserting the wrongness of the existing world order. First, it is through a highly violent history that “the present radical inequality accumulated.” Partly due to the crimes in history, especially in colonialist history, Western countries are now in a dominant position to shape the world order, and this is not legitimate. Many countries are in deep poverty because they have been wronged and sent into disadvantage in the past, and this disadvantage continues in the present. So it seems that the global poor are entitled to require a larger share of the benefits of global economic interaction in the present. This claim is rather reasonable, if global economic interaction is unavoidable. If it is not unavoidable, then the global poor may not be entitled to a larger share of its benefits, for they can simply refuse to take part in it provided that the profits they obtain from it are unsatisfactory. Still, it is legitimate for the poor countries who have been wronged in history to demand compensation for

certain past wrongs from pertinent countries, but that is another question. This restriction may be contested by Pogge on the grounds that it is too idealized and global economic interaction is inevitable for all including the global poor, who have to participate in it even though most of the benefits of interaction goes to the rich.

Second, Pogge argues that the existing world order is wrong on the grounds that the order enables the rich to violate the poor’s freedom to have fair shares of natural resources and it unduly forces the poor into a situation that may be worse than a pre-institutional state of nature.\textsuperscript{148} In the argument, Pogge draws a distinction between positive and negative duties in a certain way and then derives from Kant’s conception of freedom a particular negative duty. According to Pogge’s distinction, negative duty is one’s duty to “ensure that others are not unduly harmed (or wronged) through one’s own conduct” and positive duty is one’s duty to “benefit persons or to shield them from other harms”.\textsuperscript{149} Here ‘positive’ and ‘negative’ refer both to the presence and absence of one’s act in performing the respective duty and to the nature of the effect on others of one’s possible act at issue. Someone will fail to do his or her negative duty if his or her act has harmed others—or in other words, has had negative effect on others—and at the same time the harm is undue. In Pogge’s interpretation, Kant’s conception of freedom means that everyone has equal freedom and should restrict one’s own freedom in order for others to have the equal freedom. So if one

\textsuperscript{149} Ibid., p. 130.
violates the rightful freedom of others, making them unable to enjoy their equal freedom, the person is unduly harming others, and so fails to perform his or her negative duty not to harm others unduly. Pogge argues that under the existing global economic order, the rich have violated the poor’s equal freedom to have fair shares of natural resources in the world through taking possession of excessive resources, so they are unduly harming the poor. But does every person have the freedom to have fair shares of natural resources? On this question, Pogge agrees with Locke’s assumption that “in a pre-institutional state of nature, persons have equal moral claims on all natural resources.”

Thus in a Lockean state of nature, everyone can appropriate natural resources such as land, water, animals and so on insofar as others have been left enough similar resources. In addition, Pogge also points out that, in Locke’s view, unequal appropriation of natural resources as a result of an imposed social order is not impermissible, but it is permissible only when the same social order enables everyone affected to live a better life than the average life of them in a Lockean state of nature, where they “have access to sufficient food, clean water, clothing, and shelter.” In other words, a social order permitting unequal appropriation of natural resources can be imposed on a group of persons only if each of them will be better off under the order than they could be on average in a Lockean state of nature. The existing global economic order, in Pogge’s view, is imposed on persons throughout the world and has engendered

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150 Ibid., p. 137.
151 Ibid., p. 138.
“extreme and increasing international economic inequality” among them to the extent that we cannot say the global poor are better off than they could be in a Lockean state of nature.\textsuperscript{152} For this reason, it fails to meet Locke’s requirement on unequal appropriation of natural resources. Therefore, the rich who take possession of excessive natural resources are violating the poor’s freedom to have fair shares of natural resources and the poor are forced to comply with an undesirable order.

Of course, Kant’s idea of freedom and Locke’s idea of the state of nature are useful, but everyone’s freedom to have an equal share of natural resources in the world or a global Lockean state of nature as benchmark is nevertheless not self-evident. It is far from clear that natural resources belong to all human beings in the world or the human race; if a person needs to consider the equal moral claims of other persons when appropriating natural resources, why he does not need to consider future generations’ claims to natural resources, which may be endless? Furthermore, a global Lockean state of nature also appears to be an imaginary artificial situation, because enough food, clean water, clothing, and shelter usually come into being as a result of people’s work and cooperation, but cooperation on a global scale that ensures a Lockean state of nature is by no means easily realizable. Thus it is not necessarily wrong for a world order to allow some persons living under it to fall below the average living conditions in a Lockean state of nature.

\textsuperscript{152} Ibid., p. 139.
Third and finally, based on some considerable empirical grounds, Pogge criticizes the present global economic institutions and their rules as being unjust. An economic order is unjust, according to Pogge, if it “foreseeably and avoidably gives rise to massive and severe human rights deficits.”\textsuperscript{153} That is to say, if under an economic order, there is foreseeable and avoidable severe poverty, then the order is unjust. Pogge further argues that the existing global economic order is such an order, and the citizens and governments of the rich countries in the world are imposing it on the global poor. As we can see, by ‘foreseeable’ Pogge means that the rules regulating international economic interaction are to some extent causally responsible for the occurrence of world poverty, and by ‘avoidable’ that “there is a feasible institutional alternative under which such severe and extensive poverty would not persist”.\textsuperscript{154} He also holds that many citizens of the rich countries bear responsibility for the world institutional order. The soundness of these claims, as Pogge admits, depends heavily on empirical evidence about the existing global institutions and rules, the governments of rich countries, and their citizens. I will discuss these points in detail in the following sections.

To sum up, the global poor may be harmed in international economic interaction in a sense, but to say that that is caused by the rich countries’


\textsuperscript{154} Pogge, \textit{World Poverty and Human Rights}, pp. 199, 200.
imposition of an *unjust* world order on the global poor and that many citizens of the rich countries ought to take responsibility for the harm, we need further evidence and analysis.

3. Global Economic Order, Feasible Alternative, and Harm

Under the present global economic order, it is relatively uncontroversial that poor countries and their citizens generally obtain much less benefits from global economic interaction than do rich countries and their citizens. Is this unjust or even harmful to the poor? Do the rich have stringent responsibility to alleviate the problem? Pogge argues that this situation is both unjust and harmful on the grounds that there is foreseeable and avoidable severe poverty under the world order and that it is imposed on the global poor by the governments and citizens of the rich countries. So Pogge contends that the rich countries and their citizens are harming the global poor.

Some theorists disagree with Pogge on the degree or nature of the harm, while others disagree about the harm itself. The meaning of ‘to harm’ can be very wide and the normative significance of different harm varies, so Christian Barry and Gerhard Øverland argue that Pogge’s foregoing claim is better understood as that the rich countries and their citizens are contributing to harm, which can be done in several different ways and, in contrast to Pogge’s view, has different normative implications.155 Barry and

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Øverland call the “Feasible Alternative Thesis (FAT)” Pogge’s view that rich countries and their citizens have stringent contribution-based negative duties to alleviate global poverty because they cooperate in establishing and upholding institutions and rules that foreseeably result in more severe poverty than would probably result under feasible alternative institutional arrangements. Then they draw two distinctions about acts connected to a particular kind of harm (severe deprivation), one between allowing and contributing to this harm and the other between two central ways of contributing to this harm, namely doing and enabling this harm and argue that, both as contributions to it, they have different normative implications from one another. According to Barry and Øverland, doing harm involves the presence of two factors, namely “relevant action” and “a spatio-temporally continuous causal chain” connecting the action and the harm; enabling harm involves just relevant action but not a continuous causal chain, while allowing harm involves neither relevant action nor a continuous causal chain. They point out that “the way the affluent contribute ordinarily to poverty via FAT is by enabling these harms [severe deprivations] to occur, and not by doing harm.” That is to say, although the rich countries and their citizens may contribute to global poverty in supporting the present global economic institutions and rules rather than promoting reforms of them, they are not directly causing global poverty, so

156 Ibid., p. 98.
157 Ibid., pp. 100-06. Although the term ‘harm’ may be used for something else, Barry and Øverland specifically use it to refer to severe deprivation in this article.
158 Ibid., p. 114.
their moral duties to alleviate the plight of the global poor seem to be less stringent than Pogge asserts. However, the two distinctions, especially the one between doing and enabling harm, seem to me contentious. There are several reasons for that. First, it is not clear what a spatio-temporally continuous causal chain is like, particularly when we talk about complicated large-scale socioeconomic issues such as global poverty. Barry and Øverland may think that enabling harm differs from doing harm in that the action involved is not one of the causes of the harm at issue. But it is not easy to ascertain the causes of some harms, especially such harms as unjust international economic or political interaction. Second, it is also difficult to find out whether a particular action is relevant to a harm or not in some circumstances. Even if they are good distinctions, Barry and Øverland here just show that contribution to harm can have different forms and Pogge’s FAT has at least to be modified to be true.

Yet in his later work, Øverland criticizes Pogge’s general idea of FAT that the rich countries and their citizens are contributing to harm to the poor countries and their citizens through supporting the present global economic order rather than an alternative order from another perspective.159 Øverland points out that in general, other things being equal, most people accept that contribution-based duties to address global poverty are much more stringent than assistance-based duties to do so, but this is unquestionably true only when two things about the contribution are correct at the same time: “the

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causal story is simple and clear” and “the normative content is uncontroversial”. Then he asserts that the causal link between rich’s contribution to global poverty and global poverty as a whole is complex rather than simple, and the normative content of the contribution is also controversial. For this reason, in order to prove the rich’s more stringent contribution-based duties to alleviate global poverty, Pogge has to show that the rich do contribute to global poverty in simple and uncontroversial particular ways. Øverland claims that Pogge has succeeded in identifying the rich or their forebears’ contribution to global poverty through wars of aggression and colonialism as being simple and uncontroversial. He then argues that Pogge fails to prove that the rich’s “failing to implement a feasible alternative global institutional scheme” is a simple and uncontroversial contribution to harm, and that the relation between the rich countries and the poor countries in global economic interaction is better understood as exploitation rather than the former’s contribution to harm to the latter.

To illustrate his ideas, Øverland provides us with a series of scenarios. He suggests that we suppose there are two countries, call them Rich and Poor; many people in Poor, but almost none in Rich, live in severe poverty and there is no economic interaction between them at the beginning. In this situation, three million people in Poor will die from poverty-related

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160 Ibid., pp. 320-21.
161 Ibid., p. 321.
162 Ibid., pp. 322-25.
reasons each year. Now, both Rich and Poor are interested in setting up trade with one another, for they can foreseeably benefit from that. Suppose there are two possible trading plans for them: Trade and Good-Trade, if they are to change the No-Trade situation. Trade is similar to current rules of WTO and under Trade two million people in Poor would foreseeably die from poverty-related reasons each year; whereas Good-Trade is more advantageous to Poor than Trade and naturally less advantageous to Rich: under Good-Trade one million people in Poor would foreseeably die from poverty-related reasons each year. Rich and Poor agree to adopt Trade after negotiations in which Rich successfully utilizes its superior bargaining power to persuade Poor. Given the one million more annual poverty deaths in Poor under Trade compared to Good-Trade, if Pogge’s FAT is true, then Rich seems to contribute to harm to Poor because they clearly could have chosen Good-Trade instead of Trade. In other words, the government of Rich has established an order that foreseeably result in more severe poverty than would probably result under feasible alternative arrangements.

Øverland contests this claim with different strands of argument. First, he explains the general features of exploitation and analyses the preceding scenario in light of them. Exploitation usually happens between two parties, the exploiter and the exploited; the exploited is in need, while the exploiter presents the exploited with an option to meet the need, which always involves unfair transaction.\textsuperscript{163} The party in need is simply free to decline

\textsuperscript{163} Ibid., pp. 323-24.
the exploitative option proposed by the other party through rejecting the unfair transaction, and if so exploitation will not happen, the party in need has to face the given (original deprivation). In general, the exploitative option is beneficial to both parties; exploitation occurs when the party in need accepts the offer made by the other to avoid the given, which is often more undesirable. The economic interaction between the parties is therefore largely voluntary. So according to Øverland, in the scenario that Rich and Poor agree to adopt Trade, Rich seems to be exploiting people in Poor, as Rich arrives at the trade agreement with Poor through negotiation rather than use of force. And as a result, people in Rich “do not create more suffering than there would have been if they did nothing.”164 After all, under Trade the number of annual poverty-related deaths in Poor is one million less than that under No-Trade, which can be seen as the given. However, Øverland also suggests that there may be a problem in accepting Trade. We call something exploitation precisely because it is in a way unfair; the exploiter could or even should have provided a better option for the exploited. Thus exploitation is morally problematic. As concerns the scenario, Rich could have adopted Good-Trade with Poor, not exploiting people in Poor. Nevertheless, there seems to me a dilemma: exploiting others is bad, but not exploiting others can be even worse. More accurately, from a consequentialist point of view, exploiting in the way of doing something (adopting Trade) is better than not exploiting in the way of doing

164 Ibid., p. 324.
nothing (No-Trade), but worse than not exploiting in the way of doing something different (adopting Good-Trade). If setting up a fair economic interaction with Poor were too burdensome for Rich, what should Rich do?

Second, in order to fully examine the normative content of Rich’s exploitation of Poor, Øverland takes into account another scenario. Suppose Rich fails to persuade Poor to accept Trade despite its superior bargaining position, and then Rich refuses to assist Poor at its moderate cost for no good reason.\textsuperscript{165} In this situation, three million people in Poor continue to die from poverty-related reasons each year. By comparing the two scenarios, we can see that the first scenario where there is trade is better for Poor than the second where there is no trade; in other words, the first scenario is more desirable for Poor. But if Pogge’s FAT is true, Rich contributes to harm to Poor in the first scenario because it could have adopted Good-Trade, and does nothing to Poor in the second since it does not impose anything on Poor, being harmed would become preferable to nothing changed for Poor. This is clearly unreasonable; a plausible explanation will be that Poor is exploited but not harmed in the first scenario, and being exploited is preferable to nothing changed for parties in need. Øverland therefore states that there is “an important difference between doing harm and exploitation”, that is, it is typically better to exploit at a choice between exploiting and doing nothing, but to do nothing at a choice between doing harm and doing

\textsuperscript{165} Ibid., p. 324.
nothing. In short, Øverland shows that exploitation is not doing harm, and so the rich countries are not doing harm to the poor countries in global economic interaction when they fail to arrive at an alternative global order in which the global poor are not exploited.

However, I think Pogge might respond to Øverland’s argument by pointing out that the starting point of the two scenarios is far from what is likely to be found in the real world. As a result (but not because) of historical human interaction, especially colonialism in the past a few centuries, poor countries as a whole are currently in substantial economic interaction with rich countries. So in regard to both scenarios, No-Trade should not be the given, Rich and Poor ought to be in a certain level of trade at the beginning. If this is correct, in the first scenario Rich and Poor agree to adopt Trade, a new trading plan, which reduces the poverty-related deaths in Poor by one million every year; and in the second scenario Rich and Poor continue with the original trading plan. According to Pogge’s FAT, however, Rich contributes to harm to Poor not only in the first case because it could have adopted Good-Trade, but also in the second since it maintains the original trading plan with Poor, causing in part three million poverty-related deaths each year while could have adopted Good-Trade. Although the first case is preferable to the second for Poor, this merely shows that Trade is less harmful than the original trading plan, under which people in Poor seem to be more gravely exploited. There is no choice

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166 Ibid., p. 325.
between exploiting and doing nothing, but a choice between severely exploiting and less severely exploiting. Thus, even if the important difference between doing harm and exploitation asserted by Øverland is true, there may not be a big problem in FAT. The reason is that, as Barry and Øverland’s distinction shows, contribution to harm can be carried out in two different ways, namely doing and enabling harm; exploitation could be a contribution to harm through enabling harm. Being a contribution to harm, exploitation prevails in the current global economic interaction; the rich countries and their citizens are contributing to harm to the poor countries and their citizens through exploitation and supporting the present world order under which exploitation is abundant, rather than implementing a feasible less exploitative order.

Yet Øverland could argue that exploitation is in no way a straightforward contribution to harm; in fact, he insists that it even may not be a contribution to harm at all. Exploitation usually makes the exploited better off rather than worse off, so the moral duty that exploitation gives rise to on the exploiter must be less stringent than that of a simple harm doer, other things being equal. Øverland then juxtaposes exploitation with not providing assistance, arguing that exploitation is no worse than not providing assistance.\(^{167}\) Exploitation makes the exploited better off, while not providing assistance does not make any difference. In addition, he suggests that exploitation is in a sense comparable to providing some but

\(^{167}\) Ibid., pp. 325-26.
not enough assistance. Both exploitation and providing some assistance are doing something to the party in need, making them better off than they were in the original situation. Although the benefits from exploitative transaction or pure assistance may not be enough to eradicate all sufferings, it is always better to have them than not. The inadequate helper’s involvement in the needy party’s sufferings should not generate more responsibilities on his or her part toward the needy than that of a bystander’s, so does the exploiter’s involvement compared to the bystander’s. Øverland concludes that, “[c]onfronted with a choice of failing to assist and exploiting, all else being equal, it is typically better to exploit.”\(^\text{168}\)

This claim is in my view wrong. Exploitation has a complicated influence on the exploited, causing them to become not only receivers of benefits, but also sources of benefits, that is, the party that has been made use of. Exploitation is unlike providing some but not enough assistance or not providing assistance in requiring the exploited party’s contribution and efforts; the exploited party becomes better off largely due to its own work, which at the same time also makes the exploiter better off. By contrast, the inadequate helper is made to some extent worse off by providing assistance to the needy party, while the needy party is made better off by the assistance without doing anything. As for the bystander who withholds any assistance, both its situation and the needy party’s are unchanged. If the needy party is made better off to a same extent by the exploiter and the inadequate helper

\(^{168}\text{Ibid., p. 331.}\)
respectively, the exploiter would have greater responsibility than the helper toward the needy party to alleviate its remaining sufferings, because the inadequate helper simply contributes some to the alleviation of the needy party’s sufferings, whereas the exploiter contributes the same to the alleviation but reaps some benefits out of the needy party’s labor. In other words, the inadequate helper helps the needy party more than the exploiter does, who takes away some of the needy party’s time and labor. And it is possible that exploitation is even worse than not providing assistance in some situations. Øverland asserts that we should compare the duty of an exploiter with that of a bystander who knowingly fails to assist at moderate cost, but we may note that the exploiter also fails to assist at moderate cost, though the exploiter is not a bystander. If the exploitation is very serious, the needy party receives only a tiny portion of the benefits while the exploiter reaps the vastly major portion, the exploiter seems to have a substantial responsibility to alleviate the needy party’s remaining sufferings as both an exploiter and an agent who fails to assist; this responsibility is probably greater than a simple bystander’s responsibility generated by failing to assist. In addition, when the bystander fails to assist, the needy party is still free to work; if finding some opportunities by itself, it could be better off than being exploited by the exploiter. In other words, Øverland underestimates the opportunity cost of the party in need. The needy party becomes better off only after working for and being exploited by the exploiter for a period of time, but could possibly be more better off after the
same period if not being exploited but left unassisted by the bystander and then working by itself. Some might argue that this is not typically true in sweatshop cases. Sweatshop workers work for sweatshops simply because that is the best choice of them. If those who work for sweatshops were left unassisted by the bystander and then worked by themselves, they would usually become worse off than being exploited by the exploiter. However, it is still possible that they become better off than being exploited by the exploiter—they would not necessarily become worse off than they are if they did not work for sweatshops. In general, sweatshop workers work under terrible conditions; their health is almost always seriously damaged after a period of time, and some of them even dies from accidents there. The working condition would be less dangerous if they work by themselves, and so they might be better off. Given that most people who work for sweatshops are not well-educated and can hardly make informed decisions, it is questionable to regard the fact that many needy people work for sweatshops as a solid evidence that they will be worse off if they do not work for sweatshops, especially in the long run. Even if being exploited seems, at a moment, to be the best option for the needy party under certain circumstances, the course of exploitation itself can cause harm to the exploited. For those reasons, exploiting is not typically better than failing to assist.

In spite of that, if the rich countries and their citizens are actually

169 Of course this may not happen in many cases, but the needy party clearly loses the opportunity to do other things when being exploited rather than being left by itself.
exploiting, rather than straightforwardly doing harm to, the global poor under the existing global economic order, then the causal link between their contribution to harm (if any) in exploiting the poor and global poverty is not simple and the normative content not uncontroversial. Pogge would fail to prove the rich’s more stringent contribution-based duties than assistance-based duties to alleviate global poverty via FAT: not implementing a feasible alternative global economic order does not generate more stringent duties, on the rich countries toward the poor, than failing to provide the poor assistance, because (unlike doing harm) exploitation does not necessarily generate more stringent moral obligations than failing to assist. More important, Øverland contends that, in order to discredit the meaning of his scenarios by regarding the current economic interaction between rich and poor countries as the given and to show that the rich is harming the poor, Pogge needs independent reasons other than FAT. But what is interesting is that, if “it could be established on independent grounds that the given option of poor countries is unjust because current rich countries have harmed the global poor”, then Pogge’s FAT would become redundant.170

Both Barry and Øverland’s distinctions and Øverland’s idea of exploitation provide us with sound reasons to object to Pogge’s Feasible Alternative Thesis. Even though the distinctions seem still open to question and the view of seeing the complicated economic relation between the rich

170 Ibid., p. 330.
and poor countries and their citizens in global interaction as exploitation oversimplified, in the light of them Pogge’s conception that the current global economic order is unjust or harming the global poor because there is a feasible alternative order under which severe poverty would not persist appears faulty.

4. Assessing Global Order in History

Pogge can still hold that the current global economic order in itself is unjust on the basis of historical and empirical evidence despite the questions with his Feasible Alternative Thesis. But does the global economic order harm the poor from a historical point of view? Mathias Risse argues that poor people in the world are not harmed by the global order, or at least are not harmed in the ways Pogge suggests.

Risse has a few sets of arguments on this topic. One is that an empirical thesis, the Institutional Thesis, is a very plausible account for the growth and prosperity of most countries, and on the basis of it Pogge’s idea of Feasible Alternatives can only be understood in certain ways to be true.171 The Institutional Thesis is the view that “it is the quality of domestic institutions that primarily explains why a country is rich or poor”; Risse cites empirical research to show that it is more plausible than theses that take geographic situation (including endowment of natural resources) or world market integration as the main determinant of a country’s

If the Institutional Thesis is true, Risse argues, Pogge’s idea of Feasible Alternatives cannot mean that there is a straightforward course of action for improving the global poor’s situation that rich countries who are actually in control of the current global order refuse to adopt. The reason is that a change of global order may not improve the quality of domestic institutions, so the global poor could continue to suffer from the numerous drawbacks of their domestic institutions. Risse therefore suggests that the Feasible Alternatives be better understood as that “there plausibly are numerous ways of improving the situation of the poor through institutional changes (both at the domestic level in poor countries and in international organizations)”.

He points out that this interpretation would not entail that the existing global order actually harms the global poor. The global order may be just not good enough. Thus Pogge’s idea of Feasible Alternatives has at least to be revised.

Although differing from Barry and Øverland or Øverland’s own argument, Risse’s argument also shows that there are problems with Pogge’s Feasible Alternative Thesis. Nevertheless, rejecting Pogge’s idea of Feasible Alternatives does not rule out the possibility that the current global order by itself is harming the global poor. For example, Pogge argues that past crimes including colonialism put Western countries in a dominant position to shape the world order, and developing countries are disadvantaged by this order.

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172 Ibid., pp. 351, 355-57.
173 Ibid., pp. 375-76.
Yet Risse also develops another argument, that is, the global political and economic order not only does not harm the poor but significantly contributes to the improvement of miseries in human life, from a broad historical point of view. The reasons are as follows. First, the misery in human beings in general is continuously decreasing. Risse notes that in the year 1820, after adjustment, 75 percent of the world population lived on less than $1 a day, while in 1950 the percentage has fell to 42 percent and in 1992 to 17 percent. The majority of people in the world in the past lived in poverty, but now it is no longer the case; this is an undeniable fact. Moreover, despite the higher gap between the rich and the poor now than in 1820, the global poor live much better nowadays. WTO is also arguably an improvement over any previous systems of international trade. After these observations, Risse concludes that, “if one looks at the last 200, 100, or 50 years, things have improved dramatically for the poor.” This is probably true, given the comprehensive advances in human technologies and the changes in human societies.

But some such as Pogge disagree squarely with the use of the situation of an earlier time in history as a benchmark for ascertaining harm. It is possible that the current global order is harming the poor against a background of two hundred years’ continuous technological and economic

174 Mathias Risse, “Do We Owe the Global Poor Assistance or Rectification?,” *Ethics & International Affairs* 19 (2005): 9-18.
175 Ibid., p. 10.
176 Ibid., p. 12.
advances. As has been discussed, Pogge holds that the comparison of world orders should be subjunctive.\textsuperscript{177}

However, Risse casts doubt on Pogge’s proposal of drawing the comparison of world orders between the status quo and a hypothetical situation in which the developing countries would not be disadvantaged. To begin with, Risse disagrees with viewing past colonialism as an uncontroversial contribution to present global poverty, contending that it is basically impossible to imagine what the world would be like if European colonists had not invaded the rest of the world; people outside Europe could possibly live much better than they are now, but it is equally possible that they live much worse in the present, as much of the imagined counterfactual situation “turns on exercises of the will of merely possible people”.\textsuperscript{178} This view makes sense to some extent. Conceiving a counterfactual historical process seems not very helpful in assessing the current global order, perhaps because of the contingency, uncertainty, and irreversibility of history. Supposing certain events did not happen in history, we cannot come to the conclusion what would follow from these differences. Apart from this, Risse also asserts that although we can compare a country’s state of affairs inside and outside a system while holding other factors constant, we can

\textsuperscript{177} Pogge, \textit{World Poverty and Human Rights}, p. 16. By “subjunctive” Pogge means that a hypothetical benchmark should be used in the assessment of the current world order.  

\textsuperscript{178} Risse, “Do We Owe the Global Poor Assistance or Rectification?,” p. 12. In a similar vein, Øverland also mentions that, although there were severe injustices in colonial times, “it is not clear that those who live in these past colonies today are worse off than they would otherwise have been.” That is to say, it is possible that those who live in past colonies live worse lives had they not been colonized. See Øverland, “Pogge on Poverty: Contribution or Exploitation,” p. 330.
hardly compare the situations of the whole world with and without the current global order while holding other factors constant, as “[w]e have only this one world to work with”.\textsuperscript{179} This seems to mean that surely we can imagine the world with a different order, but the mere possibility of an alternative world order does not make sense.

Moreover, Risse argues that past colonialism has not created a world order that \textit{clearly} harms the developing countries at present.\textsuperscript{180} There are reasons from two sides. On the one hand, it is not true that people outside Europe would obviously have been better off if European colonists had not intervened in their countries, for it might be difficult for them to successfully industrialize their countries without significant external intervention. On the other hand, in spite of the severe crimes and injustices of past colonialism, some legacies of colonial rule such as education, technology, medicine and public administration appear to be beneficial to the colonized, after the end of colonization.

Here I leave open the question whether colonization can be partly beneficial to former colonies and focus on the possibility of people living outside Europe being better off if European colonists had not intervened in their countries. \textsuperscript{.} Risse’s reason seems to me unconvincing. A country may not be able to successfully industrialize itself without significant external intervention during a certain period of time, but significant external intervention need not be in the form of colonialism. Extensive cooperation

\textsuperscript{179} Risse, “Do We Owe the Global Poor Assistance or Rectification?,” p. 13.
\textsuperscript{180} Ibid., pp. 13-14.
with other countries can also equip a state with the necessary knowledge, technologies and resources to become industrialized, though it usually has to be exploited at least at the beginning. Nevertheless, as I see it, contemporary poor people in developing countries still might not have been better off if European colonists had not intervened in their countries, since European and other developed countries, in their own interests, could have withheld extensive cooperation with these developing countries to better exploit them. On the whole, it is not clear that past colonialism has been the root of the sufferings in contemporary developing countries. Admittedly, past crimes and colonialism have enabled European and other Western countries to shape the world order in the past several centuries, but this does not mean that the developing countries are necessarily harmed by the world order in general. The current developing countries could be even worse off if they did not interact with European and other Western countries or interacted with them in some different ways, as Western countries bring into the rest of the world not only crimes and colonialism but also new sciences and technologies, and new forms of social institutions. It is not easy to assess the virtues and vices of the Western countries’ impacts on the world, but the world order formed in the course of past several centuries’ history does not evidently harm the poor countries.

In general, Risse is not unaware of the seriousness of the current situation of global poverty; however, he points out that the situation itself does not indicate that the existing global order harms the poor. Risse
declares that a historical benchmark is most meaningful in assessing the existing global order; taking into account the great advances in the past several decades or two centuries in technologies including medicine and food production, he concludes, “as far as we can tell, the global order has benefited the poor.”

Pogge has replied to Risse’s critiques in several ways. First, Pogge points out that the question Risse tries to answer is different from his. Pogge argues that his own question is “whether present citizens of the affluent countries, in collusion with the ruling elites of most poor countries, are harming the global poor.” Second, Pogge maintains that Risse’s discussion focuses on the well-being of societies, but his own discussion focuses on the wellbeing of individuals. Third, Pogge argues that the benchmarks used by Risse are different from his own benchmark, which is a justly designed global order. However, these responses do not dispel Risse’s objections. What Risse has argued is just that, to answer Pogge’s question, we should not use a hypothetical benchmark but a historical one. Even if Pogge’s discussion focuses more on the well-being of individuals than societies, the core of Risse’s objection is about the appropriateness of employing a hypothetical benchmark in assessing the present global order, whether in relation to the well-being of individuals or of societies in general.

181 Ibid., p. 12. Italic in the original.
By and large, I agree with Risse’s proposal of using the situation of a historical time as the benchmark for comparing global orders and assessing the current order. A historical benchmark is more appropriate than a hypothetical alternative in this context for a few reasons. First, a historical benchmark has existed in the real world, this shows its practical achievability. When comparing the present situation with a historical one, we are in fact weighing two stages in human history; they are commensurable with one another in a sense that the present situation is not with a hypothetical situation. Second, the differences between the past and the present global orders are relatively clear; we can see the strengths and weaknesses in all respects of either of them through really comparing them. For example, we can straightforwardly compare the rules of the General Agreement on Tariffs and Trade (GATT) and those of the WTO, finding out the dissimilarities between them, such as the latter is more extensive. But comparing the status quo with a hypothetical benchmark would be more difficult and the results very vague. Therefore, in order to assess the current global order, using a historical benchmark is more suitable that using a hypothetical one.

Some might argue that a historical benchmark’s easiness of application does not make it normatively correct. However, I do not argue that a historical benchmark is normatively correct here, but that a historical benchmark is normatively preferable than a hypothetical benchmark, especially Pogge’s hypothetical benchmark, in assessing the global order.
At least at this stage when the world is composed of many separate sovereign states including democracies, the justice or injustice of global order is better viewed from a historical rather than hypothetical viewpoint. After all, justice is a comparative conception, and there are different standards of it.

A problem arises about which historical benchmarks to utilize, that of 200, 100, 50, or 20 years before? Perhaps all these benchmarks are useful for different purposes. The situation of two hundred years ago differs from that of today in involving far less interaction between nations and persons all over the world and the fast expansion of European colonialism; technologies and global markets of that time were seriously underdeveloped compared to the present. One hundred years ago, there were a great number of European colonies in Asia and Africa, and large-scale wars broke out in many places in the world. Fifty years ago, many former colonies had become independent countries, international institutions were established, and global trading was increasing quickly. Twenty years ago, new forms of international institutions evolved from old ones, while most countries were substantially included in global economic interaction. The 50 or 20 year’s benchmark may be more appropriate for assessing whether the existing global order harms the poor countries and their citizens. The decrease in both absolute number and proportion of people living in extreme poverty over the past 50 or 20 years shows that the current global order is not
noticeably harmful to the global poor—at least more poor persons have become better off than those who have fell into poverty.

But I also doubt the global order itself is, as Risse implies, definitely beneficial to the poor. We should keep in mind that it is not only the global economic (or including political) order that determines the prosperity or poverty of persons all over the world. In fact, it seems not clear how important a factor the global order is, in proportion to the domestic political, social and economic order of a country or other factors, in determining the prosperity or poverty of persons living in the country in a statistical sense. And on a world scale, all the persons live in many different countries, the relative importance of the influence of the global order on the prosperity or poverty of them as a whole is still unclear in comparison to that of the domestic orders and other factors such as technological improvements. Perhaps there are different answers for people in different countries to this question, and empirical research is needed to find the answers. In the past 50 or 20 years, technologies were developing continuously and rapidly, many former poor countries benefited from these developments; at the same time, local political and social reforms, revolutions or upheavals also lead some countries to prosper, others to collapse. There are so many reasons for a country and its citizens to become better or worse off that the influence of the global order on them can only be ascertained properly on a case-by-case basis. For these reasons, the global order is not surely beneficial to the
global poor from a historical point of view, even though both the number and proportion of the global poor continue to reduce.

Furthermore, employing a historical benchmark has its own limitations: we may be in danger of being blinkered by the reality and failing to actively improve the prevailing situation, in which many people are still suffering from poverty. To avoid that, it would be important for us to also assess the present global order separately. Under the present global order, developed countries clearly have superior bargaining power over underdeveloped countries in global interaction, and they normally make use of this advantage in international negotiations. Have the underdeveloped countries been harmed under this order? The answer will be in the positive if by ‘to harm’ we mean ‘to disadvantage’, and this is true in relation to transactions between the developed and the underdeveloped countries, where in most cases the former obtains the greater part of the resulting benefits while the latter pays the majority of the cost of generating these benefits, such as human labor and environment degradation. However, harm usually does not mean disadvantage or unfair treatment but something worse. Moreover, at the same time, the underdeveloped countries also benefit from global economic interaction, receiving income through exporting to a market that is much larger than their often limited local markets. The underdeveloped countries try to participate in global transaction simply because they could profit from both export and import; otherwise, the global order itself is not powerful enough to command their obedience. Overall, the influence of the
existing global order on underdeveloped countries is two-sided, neither straightforwardly harmful nor simply beneficial; it can be more harmful than beneficial to some poor countries than to others or to a single country at one time than at another time, and vice versa.183

Finally, we can see that Pogge’s grounds for asserting that the existing global order is truly wrong and harms the poor all turn out to be improbable. The idea of a feasible alternative order under which severe poverty would not persist at best shows that the current order is improvable and at worst is redundant itself. The fact of a highly violent colonist history does not make the current order, which was originally developed out of the consequences of the history, wrong; the order is not clearly harming the poor, if not clearly benefiting them either. That the present order allows some persons living under it to fall below the average living condition of a certain pre-institutional state of nature also should not be equated with its wrongness. It is therefore not an unjust or harmful world order in Pogge’s sense that triggers principles of global economic justice.

5. Unjust Enrichment and Restitutionary Responsibility

There can be other causes for principles of global economic justice. For example, Todd Calder observes that a sneaking suspicion exists among

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183 There is another different kind of view about global order. In “The Global Order: A Case of Background Injustice? A Practice-Dependent Account,” *Philosophy and Public Affairs* 37 (2009): 229-56, Miriam Ronzoni argues that based on certain empirical conditions, “background justice may arise at the global level”, so we have obligation to establish “a supranational basic structure” (p. 230). That is to say, we should set up a global order to counteract injustice.
“[m]ost reasonably well-informed citizens of affluent Western countries” that they “share responsibility for injustices suffered by poor people living in developing countries”,\textsuperscript{184} he tries to explain this feeling through relating their unjust enrichment to a shared responsibility of them to pay restitution to the global poor working in sweatshops who suffer from structural injustices.

First of all, Calder argues that a moral principle of unjust enrichment applies to persons, both locally and globally. Calder notes that there is a law of restitution and unjust enrichment in common law countries such as American, as a matter of fact. According to a somewhat authoritative restatement of the law made by the American Law Institute that he cites, the legal principle of unjust enrichment is that “a person who has been unjustly enriched at the expense of another is required to make restitution to the other.”\textsuperscript{185} Calder asserts that this principle focuses on the unjust gain of an agent, not the unjust loss of another agent. According to Calder, this feature can be seen from two things: firstly the agent who has been unjustly enriched need not have done anything wrong, she has to make restitution as long as she is not entitled to the gain; and secondly the agent at whose expense the other has been unjustly enriched need not have suffered any material loss either. Moreover and more importantly, Calder recognizes that a moral principle differs from a legal principle, and provides us with some consideration for accepting a moral principle of unjust enrichment. Calder

\textsuperscript{184} Calder, “Shared Responsibility, Global Structural Injustice, and Restitution,” p. 263.

\textsuperscript{185} Ibid., pp. 283-84.
suggests we imagine that two persons are on a deserted island, one has a boat while the other does not; if the one without a boat takes the other’s boat to catch some fish without the other’s consent, he seems to have a responsibility to pay the other restitution (perhaps some of the fish caught) in the absence of any legal system on the island. What matters here appears to be that an agent is unjustly enriched, and this directly triggers the agent’s moral obligation to pay restitution to another at whose expense the enrichment or benefit is produced. In short, where there is unjust gain, there applies the moral principle of unjust enrichment.

The next step of Calder’s argument concerns the thesis that ordinary citizens of affluent Western countries have been unjustly enriched at the expense of sweatshop workers living in developing countries, who suffer from “structural injustice”. To prove this thesis, Calder discusses the relation between sweatshops and structural injustice, and the influence of products and services created by sweatshops in developing countries on the lives of ordinary citizens of affluent Western countries.

As Iris Young accurately describes, sweatshops are workplaces where employees typically work excessively long hours a day and excessive days a week under strict rules such as restrictions on talking and going to the toilet, and under other terrible conditions including:

Working conditions are often dangerous, with poorly ventilated, overheated spaces and little protective equipment. Women workers often suffer sexual harassment or verbal abuse. Workers who protest their exploitation or attempt to organize unions are typically intimidated,

186 Ibid., pp. 271-72.
beaten, or fired. Wages for these workers are often below the local legal minimum wage, and even when they are not, the wages fall below what the workers need for subsistence. Health benefits and pension plans are a fantastic dream, and there is no job security.\textsuperscript{187} The picture is rather grim. A question naturally arises: Why do people work in sweatshops if the work-related conditions are so undesirable? The answer is even grimmer in a sense. As Calder suggests, many very poor people in developing countries simply have to do any work available to them in order to maintain themselves and their family, and sweatshop work is often the only kind of work at hand when a country lacks either the legislation and regulations on labor, health, and safety or the enforcement of them.\textsuperscript{188} As I see it, there are at least two causes for this situation. On the one hand, the underdeveloped countries are poor, have a relatively high unemployment rate because of its own economic level and structure, that is, the domestic job markets are bad. On the other hand, local elites and foreign capitals try to benefit from the cheap labor cost through operating manufacturing sweatshops and doing export business in the global market, they need cheap workers. Thus, many poor people who have difficulty maintaining their own livelihoods end up in sweatshops.

Calder observes that many developing countries are made poor and dependent on international trade as a result of Western countries’ imperialism and corporate activities in the nineteenth and twentieth century. Their poverty and dependence make “poor developing countries must


\textsuperscript{188} Calder, “Shared Responsibility, Global Structural Injustice, and Restitution,” p. 265.
compete with each other for foreign investment and export business” by using “lax labor, health, safety and environmental regulations to entice corporations to do business in their country.” Besides, poor people living in poor countries gradually lose their land, so they have to go to cities for employment. Calder argues that all these factors combine to constitute an instance of “structural injustices”. The term “structural injustices” is defined by Young as that social processes “put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities” while enabling others to dominate or develop easily. That is to say, structural injustices are those highly partial but legal social practices that generate severe inequality between different groups in a country or in the world in general. Calder suggests that sweatshops result from structural injustices and their workers suffer from injustices result from “a confluence of policies and institutions at least as much as or more than they do from the intentional actions of individuals.” By utilizing the notion of structural injustices, Calder seems to maintain that social institutions of a country or international institutions form at least part of the cause or foundation of sweatshops. In a nutshell, Calder believes that sweatshop workers suffer more from injustices that are structural and systematic than that are individual.

189 Ibid., p. 266.
Apart from the close connection between structural injustices and sweatshops, Calder also provides us with some separate reasons for the injustice of sweatshops. He notes that theorists have argued for the injustice of sweatshops in various ways; sweatshops are unjust because they result in “vast inequalities of wealth or opportunities between people”, “preventable suffering”, “the violation of human rights” or “some people lacking capacities required for basic human flourishing”.\textsuperscript{192} He himself argues that sweatshops are unjust because the implicit labor contracts between sweatshops and the workers are made under duress when there is no reasonable alternative. In addition, Calder points out that even though workers freely choose to work in sweatshops, that does not mean sweatshops are just because people often freely choose to engage in unjust activities; rather, it more likely means that “sweatshop workers face a system of institutions and policies that leave them with little choice but to accept an unfair deal in the global marketplace.”\textsuperscript{193} All the reasons for the injustice of sweatshops seem to me sound, and I believe that in most cases sweatshops must be unjust.

Structural injustices in developing countries and in the world as a whole, understood in the sense Young and Calder use the term, probably contribute to the making of a great number of sweatshop workers in developing countries. Yet there appear to be other causes of many people working in sweatshops, under other undesirable conditions, or simply in deprivation in

\textsuperscript{192} Ibid., p. 275.
\textsuperscript{193} Ibid., p. 277.
developing countries. A dominantly large portion of the employed population of many poor countries works for sweatshops because most jobs in private or even public employment there are like sweatshop jobs in a broad sense. Besides, it is easy to see poor peasant farmers, laborers in construction or other sorts of unskilled labor, street vendors, and so on, work in hardship in poor countries. The underdeveloped social and economic circumstances, as a contingent historical matter of fact, also account for the existence of cheap labor in general and sweatshops in particular. Thus, there seem to be various causes of many people working in sweatshops or under other undesirable conditions, some of which are not structural injustices. To attribute the existence of sweatshops solely to global or domestic “structural injustices” may not be useful for understanding the issue in question, especially if we can be convinced on other independent reasons that sweatshops and the huge gap between the rich elites and the paupers in developing countries are almost certainly unjust. At bottom, the moral principle of unjust enrichment, as Calder interprets it, concentrates on the unjust gain of one party rather than the unjust loss of the other. As long as the gain is derived from injustice, it is unjust gain, and the moral principle should apply.

The more important problem seems to concern how ordinary citizens of affluent Western countries are _unjustly enriched_ at the expense of sweatshop workers in developing countries. On that score, Calder has something to say. First, Calder argues that if a person living in affluent
Western countries always tries to get the best prices for goods and services but care little about the sources of the goods and services that he or she purchases, the person is unjustly enriched.\textsuperscript{194} The reason might be straightforward. Many corporations operating in affluent Western countries import goods from sweatshops in developing countries and sell them at low prices in Western markets. Since the costs of these goods are relatively very low compared to similar goods made in Western countries, the Western importers are able to make huge profits even though they often sell them at the lowest prices among similar goods. But the profits are made through “[taking] advantage of sweatshops and unsustainable environmental policies in developing countries”,\textsuperscript{195} or more accurately, made at the expense of sweatshop workers and environment in developing countries. As I see it, the costs of these goods are very low mainly because the labor is cheap, the workers work under exploitative, harmful and unsafe conditions, and the local environment is largely unprotected so that the sweatshop owners effectively minimize the expenses. The Western importers therefore make profits unjustly, on the basis of unjust sweatshop operation. The person who lives in rich Western countries and always buys goods and services at the best prices consequently saved money unjustly, he or she should have paid more for the same goods and services were it not for the exploitative and injurious utilization of poor workers as well as environment degradation in developing countries. The person is therefore unjustly enriched at the

\textsuperscript{194} Ibid., pp. 267-270.
\textsuperscript{195} Ibid., p. 268.
expense of sweatshop workers living in poor developing countries and the environment there. However, against this view, it might be argued that the person who always seeks goods and services at the best prices does not profit unjustly, since the Western importers may sell those goods at the average prices of similar products made in Western countries: it is the importers that are unjustly enriched. But this is unlikely in general. Consumers often take the place of origin of products as an indicator of their quality, so most goods from sweatshops in developing countries have to be sold at lower, if not the lowest, prices, even if their quality is not far from similar goods made in Western countries.

Second, Calder is not unaware of the fact that some persons living in affluent Western countries try their best to avoid being enriched in the foregoing ways. He takes account of another person living in Western countries who endeavors to remove global structural injustices. The person is a self-employed craftsman, “buys only second-hand, organic, local, or fairly traded products”, tries to make other persons living in rich countries aware of global structural injustices, and literally acts against structural injustices in other ways. Could we confidently assert that this person is not unjustly enriched at the expense of sweatshop workers in developing countries, since he almost acts against sweatshops to the full? Calder does not think so; rather, he argues that the person is nevertheless still enriched, “simply by living in a wealthy country that benefits from global structural injustices.”

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196 Ibid., p. 269.
Western countries, their corporations, and their citizens all become richer because of the cheap imported goods from developing countries; this increase in their income enables Western governments to “provide better infrastructures and social programs than they could without this wealth” and Western citizens to interact economically with one another (for example, others hire the self-employed craftsman and sell second-hand products to him) on better terms.\(^{198}\)

This view is probably correct, as many low-priced imported goods from developing countries are consumed by a sizeable proportion of Western citizens, Western societies as a whole save some wealth which benefits every Western citizen in public and private forms. As a result, ordinary citizens of affluent Western countries have been enriched by the imported goods from developing countries, directly or obliquely. Since a great deal of the imported goods are made in sweatshops or under other exploitative and harmful conditions, that is, they are the results of unjust processes, ordinary citizens of affluent Western countries are unjustly enriched at the expense of sweatshop workers and, I believe should also include, other poor workers in developing countries, whatever injustices they suffer from. The reason is that most poor people in developing countries are unjustly disadvantaged in their domestic social cooperation, whose proper operation is a necessary condition for sweatshops and their production.

\(^{197}\) Ibid., p. 274.

\(^{198}\) Ibid., p. 274.
Given the unjust gain of ordinary citizens of affluent Western countries, Calder concludes that the moral principle of unjust enrichment applies, “people living in affluent Western countries owe restitution to sweatshop workers.”\textsuperscript{199} Both the moral principle of unjust enrichment and ordinary Western citizens’ unjust gain seem credible to me, so I agree that people living in affluent Western countries owe restitution to sweatshop workers in developing countries.

However, I disagree on Calder’s certain understanding of the unjust enrichment itself and the nature of the resulting responsibility. As I have argued earlier, the cause of Western citizens’ unjust enrichment cannot be equated with global structural injustices; unjust acts and processes in developing countries by themselves are instead sufficient to prove the injustice of the benefits Western citizens receive through consuming goods imported from developing countries. The varied unjust circumstances in the numerous developing countries should not be covered by a single overarching notion such as structural injustices. Moreover, receiving benefits through seemingly just and voluntary transaction can be unjust enrichment, if the traded goods or services are products of any types of injustices.

The other problem concerns Calder’s view on a central feature of ordinary Western citizens’ moral responsibility to pay restitution to poor people living in developing countries. Following some theorists, Calder

\textsuperscript{199} Ibid., p. 277.
distinguishes between two senses of moral responsibility, namely a forward-looking sense and a backward-looking sense, and then argues that ordinary Western citizens share responsibility, in the forward-looking sense, to pay restitution to poor people living in developing countries who suffer from global structural injustices. According to Calder, moral responsibility in the backward-looking sense assigns blame or praise for past happenings, and persons have moral responsibility in this sense only if they are “intentionally, voluntarily, and knowingly” involved in bringing about the happening in question.\(^{200}\) By contrast, moral responsibility in the forward-looking sense assigns an agent something that the agent must complete. Moreover, Calder claims that “if we are responsible in the forward-looking sense and fail to live up to our responsibilities, we are then responsible in the backward-looking sense for the consequences of our failure.”\(^{201}\) Then he addresses the case of the self-employed Western craftsman who almost acts against sweatshops to the full, asserts that the person does not share responsibility for injustices suffered by sweatshop workers in developing countries in the backward-looking sense because he does not contribute to the injustices in question, but he does share responsibility in the forward-looking sense under the moral principle of unjust enrichment.

It seems to me that this view and the distinction between forward-looking backward-looking responsibility are at best misleading and

\(^{200}\) Ibid., p. 269.

\(^{201}\) Ibid., p. 270.
at worst misguided. First of all, moral duty is primarily about oughtness, and only secondarily about blameworthiness or praiseworthiness. Blameworthiness or praiseworthiness can be related to moral duty in terms of its sources or fulfillment, but not itself. If an agent does something blameworthy, this usually gives rise to a moral duty on the agent’s part to fix the consequence. Or, if an agent has a moral duty to do something or avoid doing something but fails to do or avoid that, that is usually blameworthy. However, the moral duty itself in both cases is neither blameworthy nor praiseworthy. Of course, we can assign blame or praise to someone when we think that he or she should take responsibility for something bad or good, yet moral duty in itself does not essentially assign blame or praise but oughtness. For that reason, the distinction between a forward-looking sense and a backward-looking sense of moral responsibility should not be regarded as a fundamental distinction between two straightforwardly different types of moral responsibility. Rather, they probably reflect different ways of looking at moral responsibility.

Second, Calder argues that moral responsibility in both senses is “assigned because of something that happened in the past”, and the difference lies in that responsibility in one sense is “focused on the future” while in the other sense is “[focused] on the past”. He also mentions that if someone could have reasonably avoided something bad from happening but did not do that, the person is responsible in both senses, being

\[\text{Ibid., p. 269.}\]
blameworthy for past actions or omissions and being required to rectify the consequence.\(^\text{203}\) By contrast, if a person simply could not have acted otherwise under some circumstances and gave rise to bad results, the person is responsible only in the forward-looking sense. So, perhaps what Calder means is that some moral responsibility is accompanied by blameworthiness while other is not. In other words, we can have moral responsibility because we did something wrongly or we came to some situation without being morally wrong. For example, if one receives a payment from another who has made the payment in error, one has moral responsibility only in the forward-looking sense to return the mistaken amount to the other, since one is not morally wrong coming to the situation. However, if one fails to carry out the responsibility, one will then be responsible also in the backward-looking sense for the result of the failure, which constitutes a wrongful action or omission. This appears to be reasonable.\(^\text{204}\) However, does it imply that the self-employed Western craftsman who almost acts against sweatshops to the full has responsibility only in the forward-looking sense to pay restitution to the poor people in developing countries?

Perhaps not. If as Calder asserts, we shall be responsible in the backward-looking sense for the consequence of our failure to carry out our

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\(^{203}\) Ibid., p. 279.

\(^{204}\) In general, I maintain that someone may be blameworthy for doing or omitting something and therefore has a moral responsibility; another may be less blameworthy for doing or omitting something and therefore has a smaller moral responsibility. Besides, another may be blameless for coming to a situation, but has a moral responsibility to do something to change the situation; the agent would be blameworthy later if he or she fails to carry out the responsibility in a reasonable period of time.
past responsibility in the forward-looking sense, then the Western craftsman may well have responsibility in the backward-looking sense. The reason is as follows. We know that the craftsman had moral responsibility, in the forward-looking sense, to pay restitution to poor people living in developing countries last year because he was then unjustly enriched at their expense. However, so far as we know, although he almost acted against sweatshops to the full, he did not pay the restitution—that is the very reason that Calder uses him as a key example to argue for the responsibility. That is to say, he failed to carry out his responsibility in the forward-looking sense last year; he is therefore blameworthy and has responsibility in the backward-looking sense now. Since he is still unjustly enriched at the expense of poor people living in developing countries, he also has moral responsibility, in the forward-looking sense, to pay restitution to them. Thus, the self-employed Western craftsman who almost acts against sweatshops to the full has moral responsibility in both the forward-looking and backward-looking senses with regard to the alleviation of sufferings of poor people living in developing countries. He could not free himself from the responsibility until he pays restitution to those poor people on a regular basis. To sum up, the distinction between moral responsibility in the two senses does not make good sense in talking about ordinary Western citizens’ moral responsibility to pay restitution to poor people living in developing countries.

Although a moral principle of unjust enrichment seems correct, the ideas of global structural injustices serving as the cause and the resulting
moral responsibility being in the forward-looking sense are unlikely to be true.

6. Benefiting from Injustice Through Global Economic Interaction

Keeping in mind these difficulties, we may start to consider the application of theories of benefiting from injustice on a global scale. There can be a number of causes that trigger principles of global economic justice. I believe that one of them is that ordinary citizens of developed countries in one way or another benefit from the domestic injustices in underdeveloped countries through global economic interaction.205

It is not an overstatement to say that in most underdeveloped countries people live in unjust socioeconomic conditions. While the majority of citizens of those countries have to work under undesirable conditions to make a living since domestic social welfare is usually kept to a minimum or even does not exist at all, a small number of elites enjoy a wide range of privileges and the lion’s share of the profits of domestic social cooperation. This inequality is obviously an injustice, and there are a few reasons for its prevalence. First and foremost, many governments of underdeveloped countries are oppressive in nature. Most citizens of these countries are forced to live and work under political oppression to some extent. The political oppression is related to economic exploitation so far as the

205 Of course, there are also numerous domestic injustices in developed countries, but they usually do not constitute a significant source of benefit for ordinary people living in other countries.
oppressors take advantage of the socioeconomic inequality between themselves and the majority and try to perpetuate it. In order to effectively bolster their political authority and carry through the oppression, they have every reason to do so. Or, perhaps they become political oppressors mainly with the purpose of reaping the benefits of possible political oppression. Second, the social and economic structure of many underdeveloped countries makes the majority of their citizens live and work under undesirable conditions and enables some small groups of their people to prosper. There may be different reasons for that in different poor countries, such as the influence of severe social class stratification in the past and the accumulation of wealth over generations together with social stagnation; however, the insufficiency of industrialization and relatively low productive capacity on the one hand, and the ineffectiveness, incompetence or corruption of their social institutions on the other, seem to be more important. As a result, in underdeveloped countries, the majority of people live and work under unjust circumstances. This is one of the many prominent domestic injustices in poor countries, and can be regarded as embodiment of local political and socioeconomic injustices.

The injustice is connected to ordinary citizens of developed and rich countries in the world through global economic interaction. The social cooperation in underdeveloped and poor countries makes it possible for companies operating in these countries to produce a large amount of goods at low costs, part of which is exported to rich countries for sale. The costs of
those goods are always much lower than those of similar goods made in rich countries, and they are sold at relatively lower prices in rich countries’ market. The sale of them generates large profits for the producers, exporters, importers, distributors, and retailers in general; at the same time, the consumers in rich countries also benefit from the relatively cheap prices. Among those actors, the importers, distributors, retailers, and consumers are mostly organizations and citizens of rich countries. Those goods made in poor countries have therefore benefited rich countries in general. It need not pose a problem when voluntary interaction takes place between mutually self-interested parties, as we can see that the producers and exporters also benefit from the sale of those goods. Since large portions of the producers and exporters are organizations and citizens of poor countries, the sale have also benefited poor countries in general. However, given the severe socioeconomic injustices in poor countries, most of the resulting benefits go to the owners of producers and exporters, not their ordinary workers. In fact, producers and exporters operating in poor countries are able to keep the costs of their goods and services at a low level partly because the workers they employ work under unjust conditions: some companies are just sweatshops, others are also severely exploitative. The majority of citizens of poor countries live and work in injustices, but their active participation in domestic social activities constitutes a necessary condition for the functioning of local social cooperation, which in turn makes those low-cost goods possible. In other words, although only the persons who are hired by
companies that produce or export goods to rich countries directly contribute to the low costs of the goods and services and the resulting benefits at their own expense (suffering exploitative wages, harmful working conditions, etc.), many of these workers’ compatriots who work for themselves or other organizations together make the situation possible through suffering various injustices in the same country. In fact, the participation in social activities of ordinary citizens in underdeveloped countries such as peasant farmers, street vendors, other unskilled and skilled workers, and self-employed persons as a whole satisfies not only the socioeconomic but also the \textit{biological} conditions of large-scale businesses that employ workers under exploitative situations and harmful working conditions. It is therefore the domestic injustices, viewed as a whole, suffered by not only specific workers, but the majority living in poor countries that constitute significantly in part the source of benefits enjoyed by ordinary citizens of rich countries through the low-cost imports.

It might be argued that organizations and ordinaries citizens in rich countries simply benefit from the cheap labor in poor countries. The labor cost of underdeveloped countries would still be cheaper than developed countries even if most injustices in them were eliminated or rectified. But what I precisely argue is not that rich countries and their citizens are benefiting from low-cost imports, but that they are benefiting from low-cost imports partly made possible by the numerous injustices in poor countries. If most of those injustices are eliminated or rectified, that is, most people
living in poor countries that export to rich countries do not suffer from exploitative wages and harmful working conditions, the costs of rich countries’ imports could not be such low, and the resulting benefits rich countries and their citizens enjoy would be significantly reduced. For example, if there are no sweatshops in poor countries, prices of some clothes, shoes, electrical appliances and electronic devices in rich countries cannot be as low as they are now, neither does prices of these in poor countries, though the systems of price vary.

In short, ordinary citizens of developed countries benefit from the domestic injustices in underdeveloped countries that are suffered by the majority of their citizens through global economic interaction.

Besides, it is important to know that, in this day and age, foreign investment in various forms plays an important role in the domestic economic activity in many poor countries. I believe that involves another type of benefiting from injustice in underdeveloped countries through global economic interaction. The invested capital from foreign countries, mostly developed foreign countries, is essentially aimed at returns. Although some foreign investors sincerely care about the employment terms and working conditions of domestic workers in underdeveloped countries and the natural and societal effects of their investment, they still pursue their financial goals. So, when there is conflict between the two ends, they must make concessions on one side or the other, to avoid a failure on either of them. However, since there are always other foreign investors and many
local organizations who concentrate on profit making, in a competitive market, companies with foreign investment that do not impose exploitative terms and unsafe working conditions on workers will usually be unsuccessful and have to leave the market. Most foreign investment in underdeveloped countries therefore finally increases the local injustices while benefiting from them. Global capital’s participation in local economic activity in underdeveloped countries that involves exploitative employment and unsafe working conditions is a straightforward form of benefiting from injustice. Part of the return on the invested capital derives from the unjust suffering of ordinary citizens in underdeveloped countries.

Of course, there may be other ways in which developed countries and their citizens could benefit from injustices that are suffered by underdeveloped countries and their citizens through global economic interaction. For example, on the basis of empirical evidence, Joseph E. Stiglitz and Andrew Charlton argue that developed countries have used, and will possibly continue to use, “their superior bargaining power in trade negotiations to exploit developing countries”. They point out that, in some past round of WTO trade negotiations, developed countries have used their bargaining power to achieve agreements that advantage themselves and disadvantage underdeveloped countries. They regard this as an injustice and argue that developed countries should provide more assistance to

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underdeveloped countries in an increasingly integrated global economy. The kind of injustice in international institutions appears to be more contentious than injustices in a single state.

7. Rectificatory Responsibility as Principle of Global Justice and Its Fulfillment

I have argued that ordinary citizens in developed countries benefit from local injustices in underdeveloped countries through global economic interaction. If theories of benefiting from injustice apply to this case, ordinary citizens in rich countries may have responsibility to compensate the victims of those injustices. The victims are the majority of citizens of underdeveloped countries that export goods and services to rich countries; they work under undesirable circumstances which are shaped by domestic political and socioeconomic injustices. I will here firstly focus on the application to some cases of benefiting from injustice on a global scale of my earlier proposed Intention-Benefits theory, and then argue that it should be a principle of global economic justice.

The basic moral reason for a theory of benefiting from injustice which defends beneficiaries’ moral responsibility to compensate victims under certain conditions, as I have said earlier, is that we have a general moral duty to promote justice and we have received some benefits as a basic result of injustice. Rather, when injustices are inflicted upon us, we all want them

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207 Ibid., p. 9.
to be rectified. If we are sensible, we should want injustices on others to be also rectified. If this is correct, we have responsibility to promote justice and the rectification of injustice in general. Where we have benefited from injustices that are suffered by others, the responsibility may become more stringent and concrete.

The Intention-Benefits theory of benefiting from injustice is that, if two necessary conditions are met, that is, the perpetrator of an injustice is not to compensate the victim (perpetrator-absence) and the victim’s loss basically profit the beneficiary (loss-turned-benefit), the beneficiary would have rectificatory responsibility to compensate the victim of the injustice to some extent. More precisely, the responsibility will be determined in accordance with the category of the benefiting case: unknowingly, unintentionally or intentionally benefiting from injustice.

The case of ordinary citizens in developed countries benefiting from local injustices in underdeveloped countries through global economic interaction satisfies the necessary conditions of my theory (and similar benefiting theories). In this case, the victims are the many ordinary citizens of underdeveloped countries which export goods and services to developed countries, and the injustices they suffer are, incontrovertibly, various

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208 The “beneficiary pays” principle is different from Calder’s unjust enrichment view in that the former does not require beneficiaries to compensate victims if perpetrators have fully rectified the injustices. In addition, Calder’s unjust enrichment view is connected with his particular idea of a resulting moral responsibility being in the forward-looking sense, which I argue is incorrect.
domestic political, socioeconomic, and other kinds of injustices.\textsuperscript{209} The perpetrators of those injustices seem to be the political and social institutions and business organizations, or more accurately, leaders and policymakers of those institutions and owners of those organizations. About the first precondition, obviously, the perpetrators are not to rectify those injustices, not because they are not able to do so but because they carry out these mainly in order to reap the resulting benefits, in other words, they are unwilling to rectify those injustices. If they rectify the injustices by fully compensating the victims, there would be much less benefits, if any, left for them. More important, they will lose all their privileges—if not all their advantages—over ordinary citizens of their countries if they rectify the injustices, and this is probably unacceptable from their standpoint. Whatever reason they have, in the end, they have not rectified those injustices. Of course, in this case, we should first pursue the enforcement of corrective justice by enaction of laws and regulations. However, this is usually ineffective in unjust underdeveloped countries. Under this undesirable circumstance, one important condition of the “beneficiary pays” principles is met. The second precondition is also met in the case. The benefits generated by the sale of the exported goods or services (which is common in international outsourcing) are received by ordinary citizens in developed countries in a natural way. To developed countries, it is the

\textsuperscript{209} They may also indirectly suffer global injustices such as another nation-state government’s conditional or unconditional support of their oppressive government, but that is another problem.
cheapness of goods and services imported from underdeveloped countries that makes it possible for some of their citizens to save money on expense, for some of their citizens to earn large profits, for all their citizens to enjoy better social services provided by various public and private organizations, and for all their citizens to have the advantage of better domestic social cooperation. The cheap costs of those goods and services are always in part the natural results of exploitative wages, unsafe working conditions, and environment degradation suffered by ordinary citizens in underdeveloped countries. If ordinary workers in underdeveloped countries are fairly paid and work under safe conditions, and the environment is properly protected, a considerably larger amount of costs would have been caused: that would naturally raise the prices of goods and services imported by developed countries. So the two preconditions are meet in the case; the Intention-Benefits theory therefore applies to the case.

Then, in order to ascertain the responsibility, we need to figure out which category of benefiting from injustice the case at issue falls into. The two criteria for the categorization are the criterion of knowledge and criterion of participation. Most ordinary citizens in developed countries gradually learned that the injustices suffered by ordinary citizens in underdeveloped countries through various ways such as education, mass media, personal experience, and so on. So, as beneficiaries, the majority of them know the injustices in question, while a small number of them do not know the injustices because they are too young or unusually ill-informed.
But ordinary citizens in developed countries generally have not encouraged or assisted the perpetrators to conduct the injustices. The leaders and policymakers of political and social institutions and owners of business organizations in underdeveloped countries impose various domestic political, socioeconomic, and other kinds of injustices on their ordinary compatriots out of self-interest, long before exports on a large scale are possible. Even though the developed countries’ large demand for their exports means that some business organizations in underdeveloped countries are in the position to make or provide them, these goods and services need not be products of injustice, and can be made under fair conditions. So the beneficiaries living in developed countries did not encourage or assist the perpetrators to do the injustices per se. For these reasons, most ordinary citizens in developed countries are unintentionally benefiting from domestic injustices in underdeveloped countries, while a small number of ordinary citizens in developed countries are unknowingly benefiting from that.

As unintentional and unknowing beneficiaries of injustice, while the perpetrator-absence and loss-turned-benefit preconditions are both met, the general responsibility of ordinary citizens in developed countries to promote justice develops, with regard to this case, into their stringent and concrete responsibility to at least partly rectify the domestic injustices suffered by ordinary citizens in underdeveloped countries through compensating them.

210 We can also say that most ordinary citizens in developed countries do not actively intend to benefit from those injustices in underdeveloped countries.
to some extent. The Intention-Benefits theory shows that the unintentional beneficiary’s responsibility toward the victim stems from whichever of his or her two roles (being an accessory or being a beneficiary) generates greater responsibility. In the case at issue, most ordinary citizens in developed countries assume their role of beneficiary through their receipt of the benefits, that is, the saved money on expense or the improved social services and so forth. At the same time, they also play their role of accessory by not coming out against the injustices and accepting the benefits or merely by accepting (not rejecting) the benefits.  

Not much responsibility stems from the act of accepting the benefits. The act is not only legal but also morally acceptable if considered only inside developed countries. But it is obviously problematic when viewed from a different perspective, namely, on a global scale: it then becomes a special form of abetment, in the sense of causing the agent who accepts the benefits to be morally an accessory after the fact. However, through accepting the benefits, ordinary citizens in developed countries are just culpable distant bystanders in regard to the domestic injustices in underdeveloped countries. Not coming out against the injustices is an omission in a similar vein. Of course, not coming out against an injustice

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211 Of course, there are some individuals in developed countries—similar to (Calder’s example) the self-employed Western craftsman who almost acts against sweatshops to the full—who have come out against the various domestic injustices in underdeveloped countries. Nevertheless, so long as these persons have not rejected the resulting benefits—that is, they have accepted the benefits of improved social services and so on in their own countries, they, being unintentional beneficiaries, have still played accessory’s roles by accepting (not rejecting) the benefits in the case.
does not mean that one endorses the injustice, but it does not mean that one opposes the injustice either. Many of the citizens in developed countries do not come out against the injustices and accept the benefits; as accessories, however, these persons are simply among the millions of culpable distant bystanders in foreign countries from the point of view of the victims at the most. Their responsibility to compensate the victims in their role of being, morally, *accessories after the fact* is therefore limited.

On the other hand, most ordinary citizens in developed countries, in their role as *beneficiaries*, have substantial responsibility to compensate the victims of injustice. The reason is that the benefits they received, that is, the improved social services and so forth for all of them and the saved money on expense for those who try to get the best prices for goods and services, are considerable. Those benefits could not have been such should the injustices not happen. When the perpetrators are not to rectify the injustices, those who receive considerable benefits as a natural result of the injustices have substantial responsibility to at least partly rectify the injustices by compensating the victims. I believe this responsibility is greater than their responsibility to compensate the victims stems from their role of being accessories after the fact in the case. If that is correct, being unintentional beneficiaries, most ordinary citizens in developed countries should take the responsibility that stems from their role of being beneficiaries to compensate the victims.
The responsibility is the same as an unknowing beneficiary’s responsibility in the same situation, which simply stems from the substantial benefits. As regards the small number of ordinary citizens in developed countries who do not know the injustices suffered by ordinary citizens in underdeveloped countries, they are unknowing beneficiaries and their responsibility to partly rectify the injustices stems from the improved social services and so forth. But what exactly is the responsibility of those unknowing beneficiaries? I have asserted that it should be determined in accordance with the beneficiaries’ subjective and sincere scale of valuation in light of the benefits they received and the sufferings inflicted on the victims.

Apart from these beneficiaries, some citizens of developed countries do invest in or operate business organizations in underdeveloped countries. Some might argue that these persons are intentional beneficiaries of injustices occurred in the underdeveloped countries because they have encouraged or assisted the leaders or business owners in underdeveloped countries to conduct the injustices themselves through their business engagement. However, I take it that they are better categorized as either perpetrators or unintentional beneficiaries of injustice. The reason lies in that, on one side, if the foreign investors or high-level mangers employed workers on exploitative terms, made them work under unsafe conditions, and left the environment unprotected, then they would be perpetrating injustices. On the other side, if they employed workers on fair terms,
provided them with safe working conditions, and protected the environment, then they would not be aiding and abetting domestic injustices—the leaders and policymakers of political and social institutions and owners of business organizations in underdeveloped countries impose various injustices on ordinary citizens in their countries, whether there be foreign investment or not. Those foreign investors or high-level managers from developed countries would be unintentionally benefiting from these injustices.

Finally, I will attempt to sketch out a plan for fulfilling the responsibility of ordinary citizens in developed countries to partly rectify the domestic injustices in underdeveloped countries that export goods and services to them. I believe that the responsibility is best fulfilled in a twofold way of contributing to the rectification of the injustices, namely to the compensation of ordinary citizens in underdeveloped countries who suffer from those injustices. To properly compensate the victims, ordinary citizens in developed countries should both individually contribute to the rectification of the injustices in underdeveloped countries that export goods and services to them and urge their governments to do so on a state scale, the government of developed countries should also set up mechanisms to promote the fulfillment of the responsibility. In other words, this is a responsibility whose fulfillment requires not only personal actions but also governmental actions.

As individuals, most ordinary citizens in developed countries unintentionally benefit from injustices in underdeveloped countries while a
few citizens of developed countries perpetrate injustices there. They therefore have different responsibilities toward the victims in question. Moreover, all being unintentional beneficiaries, some citizens in developed countries buy more goods and services imported from underdeveloped countries than others, and some (such as the conscientious self-employed Western craftsman who almost acts against sweatshops to the full) even do not buy any. Since their responsibility to compensate the victims should be determined in accordance with their subjective and sincere scale of valuation in light of several factors including the benefits they received, which vary individually, their responsibility differs from one another. Thus, in order for them to discharge their non-identical responsibilities, it is necessary to allow them to contribute to the rectification of the injustices separately. On the other hand, they all benefit almost identically from the improved social services as a result of the economic interaction between their home countries and the underdeveloped countries. We can say that those developed countries, on a state scale, have benefited differently from injustices in underdeveloped countries. For that reason, the governments of developed countries should also take on their responsibility to partly rectify the injustices in underdeveloped countries. Yet governments consist of individuals, and the policies of a government, especially those of a developed democratic state’s government, are considerably influenced by its citizens’ common ideas. Urging one’s government to adopt some policies
through one’s legitimate political activities such as voting for a certain party appears to be a good approach to the discharge of the responsibility.

Individuals could compensate the victims through personal payments to international and local organizations which pursue to rectify the injustices in underdeveloped countries. For example, an ordinary citizen of developed countries can donate to international and local non-governmental organizations that deal with the problems of injustices in underdeveloped countries. If they donate an amount according to their subjective and sincere assessment on a regular basis, and urge their own countries to adopt policies to tackle the problem, then their responsibility would be discharged. Governments of developed countries also benefit from the taxes on many goods and services imported from underdeveloped countries, they could compensate the victims through adopting policies such as tariff reduction, trade regulation which requires the goods and services to meet the standards of fair trade including working conditions, fair payment, and environment protection, and so on. But those governments of developed countries should not make direct payments to governments of underdeveloped countries where the victims live, since the latter are among the perpetrators of the injustices in question. In a nutshell, both citizens and governments of developed countries in which many goods and services imported from underdeveloped countries are traded should, and could practically, compensate the victims of local injustices in those underdeveloped countries.
This ought to be a principle of global justice, for a few reasons. First and foremost, in the context at issue, benefiting from injustice does give rise to responsibility on the part of beneficiaries to contribute to the rectification of injustice. That is to say, certain principles of benefiting from injustice obtain on a global scale. Even though the victims of injustice are persons in countries other than that of the beneficiaries, the responsibility remains valid, as the national boundaries does not matter here: some have received benefits because of others’ unjustifiable sufferings, that is unjust and should be rectified if possible. This way of viewing benefiting from injustice mainly adopts an economic perspective, and the principles are largely principles of global economic justice. Second, however, as the foregoing chapter shows, global justice also includes global political justice, which demands, inter alia, unoppressive government. But we know that many governments of underdeveloped countries are oppressive, ordinary citizens of these countries have to live and work under various forms of oppression. That is, they live in internally politically unjust societies, and suffer from domestic political injustices. The wealth of the rich persons in internally politically unjust societies is at least partly attained by exploiting their poor and powerless compatriots through various means, such as abuse of official power for personal gains, persecution, legal and illegal tax avoidance, politically imposed exploitative forms of labor, and so on. Citizens in internally politically just or near-just countries, as is the case of most developed countries, thus have a responsibility of global political justice to
oppose oppressive governments in other countries, which are mostly underdeveloped countries. When they also benefit from goods and services imported from underdeveloped oppressive countries, their responsibility to oppose oppression in these countries would become more stringent, requiring them to compensate the victims of domestic oppression through returning some of the benefits to the victims.

Global economic justice and global political justice are both defensible goals, though their achievement needs further explorations. Among other things, principles about the responsibilities of citizens in developed countries who benefit from injustices in underdeveloped countries through global economic interaction can contribute to the fulfillment of global economic as well as political justice. In a more general sense, if we have benefited from injustices in any other sovereign state through global interaction, under certain circumstances, we may have responsibility to contribute to the rectification of the injustices. These are real responsibilities.
Chapter Five: Theories in the Real World

1. Introduction

In this chapter, I will consider and respond to some possible objections to and doubts about my earlier claims, except the Luck Egalitarian objections which have been replied to in chapter two. The objections are (1) that the proposed theory of benefiting from injustice per se is too idealized in certain senses and has some false assumptions and premises, such as humans have a desire to avoid suffering injustice, humans know that they are potential victims of injustice and humans desire more to avoid suffering than to obtain benefit from injustice; (2) that the complex conception of global justice ignores the foundation of global justice, so the proposed principles about benefiting from injustice through global economic interaction do not constitute principles of global justice; and (3) that the theory of benefiting from injustice and its application cannot be useful in the real world. The doubts are (4) whether the theory could guide our actions under situations such as partial compliance and (5) whether the suggested way of discharging our responsibilities can ensure that the victims of global injustice be properly compensated. Although the objections and doubts take widely different forms, all of them point to the possible faultiness or uselessness of my ideas. Responding to them would therefore be helpful in elucidating and justifying my claims.
2. Universalist Assumptions and Moral Reasoning

First of all, some might contend that the starting points and the way I argue for principles of benefiting from injustice in general are faulty. Similar to other theories of justice, my theory may be overly idealized in the sense that “it assumes away some crucial facts characterizing real-world politics,”212 that is to say, some of my assumptions are false due to negligence in theoretical construction. Although my theory of benefiting from injustice is, according to Rawls’s definition, a nonideal theory, which consists of “principles for meeting injustice” under unfavorable circumstances,213 it can still contain false idealized assumptions in a sense.

As Onora O’Neill observes, there seems to be considerable difficulty in the way of carrying out ethical reasoning and judgment through partly appealing to “certain ethical principles or standards which hold for all, and not merely for some cases.”214 That way of conducting ethical reasoning is usually called universalist, in contrast to the particularist way of reasoning, which appeal to particular situations rather than universal principles. As O’Neill argues, although recent universalists like Rawls claim that they can make universal claims without vindicating substantial metaphysical ideals, elements of the metaphysical ideals still remain in the background of their

arguments for universal principles.\textsuperscript{215} For that reason, particularists and other critics of universalists doubt that universalists can sustain their universal principles without first arguing for their implicit metaphysical ideals. Indeed, O’Neill points out, particularists argue that universalist theories of justice fail to propose inclusively universal ethical principles in general and principles of responsibility in particular.\textsuperscript{216} The failure lies in the two steps of universalist arguments: firstly universalist theories of justice assume “an inadequate, abstract (sometimes: ‘atomistic’ or ‘deontological’) view of the human agent, whose social relations [are] denied”, and secondly the universal principles of responsibility “prescribe rigidly uniform action” without concern for the particular situations.\textsuperscript{217} In other words, universalists are criticized for adopting distorted ideas of humans and applying their principles without regard to the inevitable differences between real-world cases. Of course, universalists might argue that their ideas of humans and the ways of application of their principles are sound, yet it would not be unreasonable for the critics to insist that universalists have a fundamental flaw, namely their theories of justice “covertly draw on demanding assumptions about self, action or reason”,\textsuperscript{218}

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\textsuperscript{215} Ibid., p. 12.
\textsuperscript{216} Ibid., p. 18.
\textsuperscript{217} Ibid., pp. 18-19.
\textsuperscript{218} Ibid., p. 19. Cf. G. A. Cohen, “Facts and Principles,” Philosophy & Public Affairs 31 (2003): 211-45. Cohen argues that “the question for political philosophy is not what we should do but what we should think, even when what we should think makes no practical difference” (p. 243). This view seems to be wrong, although his argument is not easy to refute. See also Miller’s argument against Cohen in “Political Philosophy for Earthlings,” in Political Theory: Methods and Approaches Eds. D. Leopold and M. Stears (Oxford:
for which they fail to provide adequate metaphysical foundations.

This criticism can be reasonably made about my Intention-Benefits theory of benefiting from injustice. The IB theory does have some assumptions about humans and reason. A basic premise of the IB theory of benefiting from injustice is that humans have a general moral duty to promote justice and the rectification of injustice. As I have indicated, our general moral duty to promote justice is partially established as a prima facie moral principle, partially based on empathy, and partially based on prudence. In relation to its prudence grounds, the duty seems to have two assumptions: that humans have a desire to avoid suffering injustice and that humans know that they are potential victims of injustice (or they will possibly suffer injustice in the future). If humans want to avoid suffering injustice, and if they know that they are potential victims of injustice, they should want injustices in the world to be rectified because there are clearly so many injustices which can be imposed on and suffered by them. Thus they would have a general moral responsibility to promote justice as well as the rectification of injustice. I contend that this is an ethical principle, or more precisely an ethical principle of responsibility, which holds for all situations. In other words, the premise that humans have a general moral duty to promote justice and the rectification of injustice, is universalist.

Accordingly, the IB theory of benefiting from injustice is essentially a

universalist theory of justice. Like other universalist theories, the theory could be criticized for failing to provide adequate metaphysical foundations for its assumptions about humans and reason.

However, O’Neill further asserts that it is incorrect for critics to indiscriminately challenge all assumptions used by universalists. Rather, she draws a distinction between two types of assumption, and argues for their different value in our ethical reasoning. O’Neill holds that the critics of universalist theories of justice have overlooked the important difference between abstraction and idealization. Just as any use of language involves abstraction in a sense, in our reasoning abstraction is “theoretically and practically unavoidable”, it identifies and summarizes some truths about human beings and their actions.219 Abstraction is therefore not only harmless but necessary for our reasoning. By contrast, idealization is the ascription of idealized predicates “that are false of the case in hand, and so denies predicates that are true of that case.”220 So idealization, as false assumption, inevitably gives rise to problems in our reasoning. For example, O’Neill points out that if we assume that human beings in general have some capacities or capabilities that many humans in fact do not have, then we make a false assumption because of idealization in our reasoning.221 In that case, the critics would be correct to condemn the universalists for starting from idealization without foundation, as the resulting theories

219 Ibid., pp. 38, 40.
220 Ibid., p. 41.
221 Ibid., p. 41.
would fail to apply to human beings. Moreover, O’Neill notes that idealization has different value in theoretical reasoning (in natural sciences) than in practical reasoning (in ethics or political philosophy). In theoretical reasoning we seek explanation, and can largely test theories through assessing their fitness for the world, but in practical reasoning we make theories in order to guide action rather than to attain explanation, and false theories might lead us to want to change the world instead of wanting to reassess the theories themselves. This view seems to me tenable, though I think practical reasoning can also aims at attaining explanation, in addition to guiding action.

O’Neill agrees that critics of universalist theories of justice can reasonably “complain of covert and unargued idealizations” in the assumptions of those theories, insofar as they are not criticizing abstraction. Some critics, however, do criticize abstraction. O’Neill contends that they make a mistake with regard to abstraction, since their own reasoning also involves abstraction. One of the important things of practical reasoning, as O’Neill sees it, is whether the assumptions or starting points of reasoning include unvindicated ideals or not—mere abstraction should be all right.

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222 Ibid., pp. 41-42. Compare Valentini’s discussion about the possible problems of a theory of justice in guiding action. See Laura Valentini, “On the Apparent Paradox of Ideal Theory,” Journal of Political Philosophy 17 (2009): 332-55, where she notes that a typical worry is that “[p]rinciples designed assuming ideal conditions … are ill-suited to guide action in the real world, where such conditions do not hold” (p. 333).

223 Ibid., p. 43.

224 O’Neill asserts that abstract starting points are insufficient for practical reasoning, a
If O’Neill’s view is correct, to properly criticize a theory for failing to provide adequate metaphysical foundations for its assumptions, a critic needs to identify idealization in the assumptions. The IB theory of benefiting from injustice, as I have said, can be regarded as involving two assumptions about humans and reason, since a basic premise of it can be regarded as having the two assumptions. Are the two assumptions abstractions or idealizations? If they are idealizations, then the grounds of the IB theory would be partly undermined. But they are, I think, probably abstractions rather than idealizations. That is to say, the two assumptions about humans and reason—that humans have a desire to avoid suffering injustice and that humans know that they are potential victims of injustice—are both true. However, it is difficult to argue for their truth. As a substitute, let me suppose they are not abstractions, but idealizations, and see what follows from this supposition.

On the condition that the two assumptions are idealizations, that is, they are not justified or supported by metaphysical foundations, we can more easily proceed to examine their possible problems. About the first assumption, that humans have a desire to avoid suffering injustice, the reasons or foundations for it appear to be that human beings want to avoid suffering in itself and that injustice brings about suffering. The first reason can be regarded as a summary of truth about humans and their actions, while the second a truth about human lives. Thus, the assumption that vindicable conception of how to proceed is another important aspect of a theory. But that is a different problem. See Ibid., p. 44.
humans have a desire to avoid suffering injustice is not unjustified, since the two reasons provide grounds for belief. Finally, the first assumption seems to have sound bases, and it should be regarded as abstraction in O’Neill’s definition.

The second assumption, that is, humans know that they are potential victims of injustice, seems to be more complex; and the reasons for it may vary corresponding to our way of thinking. Nevertheless, we might adopt the following a few reasons: that humans, as spatio-temporally continuous beings, have the conception of the future, that they are well aware of the ongoing interaction between themselves and other fellow humans, that the constraints of human nature cause injustices, and that injustice benefits some at the expense of others, making them victims. These reasons are probably all true, and humans would know that they are the possible victims of future injustice carried out by others because of the unavoidable interaction between persons and the constraints of human nature, and so they will possibly suffer future injustices. However, some might argue that they are in positions that make it unlikely for them to be victims of injustice in the future, so they do not think that they are potential victims of injustice. But the second assumption is about their knowledge of their potential for becoming victims of injustice, not about their opinions or beliefs of that. There may even be knowledge without beliefs. Furthermore, the possibility of some persons being victims of injustice in the future may be extremely low, but it still exist. Of course, the assumption and those reasons for it are
not obviously true, and I admit there may be unvindicated ideals that some critics of my theory could target. But they are not clearly false either. In short, there may be unargued epistemological foundations for some of my assumptions about humans and reason, but those foundations are not impossible to be true.

More important, we may not be able to argue for all metaphysical or epistemological foundations for moral reasoning; rather, we probably have to start from something whose truth requires no further argument. In this regard, O’Neill’s distinction between abstraction and idealization might not be good. The main difference between abstraction and idealization, as O’Neill puts it, appears to be that abstraction is true while idealization is false, not that abstraction is justified while idealization is not—we can hardly justify abstraction, which is simply a prerequisite for our reasoning. In this sense, to criticize a theory of justice for using idealizations as assumptions is equivalent to saying that it contains false assumptions. What matters is ultimately whether the assumptions and premises of a theory are true or false. In light of this view, the possible problems of my theory of benefiting from injustice lie, as usual, in the truthfulness of its assumptions and premises as well as the validity of the process of argument.

It might be argued that even if the two assumptions of my theory are true, it does not follow that humans have a general moral duty to promote justice yet. A third, and more controversial, assumption is needed to achieve the conclusion. Humans may have a desire to avoid suffering injustice and
they know that they are potential victims of injustice, but they may also have a desire to benefit from injustice at the same time. Where there is conflict between the two desires, the former does not always override the latter in our moral reasoning. So, even if humans want to avoid suffering injustice and they know that they are potential victims of injustice, a third assumption—that humans desire more to avoid suffering than to obtain benefit from injustice—may be necessary for supporting their duty to promote justice and the rectification of injustice. In fact, many people do not promote justice but perpetrate or aid injustice simply out of the conviction that they will not suffer more than benefit from injustice, hence not promoting justice or the rectification of injustice.

But this third assumption seems to me debatable. First, humans may really desire more to avoid suffering than to obtain benefit from injustice, so the general moral duty to promote justice is justified. But even if this is not the case, so long as humans do not desire more suffering than benefit from injustice, the duty to promote justice can still be sound from a prudent point of view. The reason is that, although humans may weigh and compare the effects of a possible occurrence on themselves before making a decision about what to do in the situation, none of them wants to suffer more than benefit from the occurrence. Admittedly, many people do not promote justice but perpetrate or aid injustice instead; yet the reason for these actions might not be the conviction that they will benefit more than suffer from injustice in general or specific injustices in particular. Rather, the reason
seems to be that they simply want to benefit from specific injustices, whatever consequences will come out, since it is not always easy to know the ultimate consequences of any injustice. However, if none of them wants to suffer injustice, it would be a mistake to want to benefit from specific injustices, even though they are definitely sure that they will not ultimately suffer more than benefit from those injustices or any other injustice in the future. It is important to know that the world and our situations will change, slightly or dramatically, over the course of time; our earlier sensible predictions may turn out to be false in the future. If one does not want to suffer injustice, one should not want to benefit from injustice: the mere existence of injustice will possibly cause one more suffering than benefit. And you never know when that will happen.

Taking these observations into account, the premises and possible assumptions of my theory of benefiting from injustice seem not implausible, and my position in general is defensible.

3. Global Poverty and Principles of Global Justice

Unlike the first sort of objection, some might agree to my theory of benefiting from injustice (or take it for granted) but raise questions about my view on global justice and my principles of benefiting from global injustices. They may contend that although ordinary citizens in developed countries do benefit from local injustices in underdeveloped countries through global economic interaction, and they have rectificatory
responsibility to compensate victims of local injustices in underdeveloped countries as specified by the Intention-Benefits theory of benefiting from injustice, this should not be a principle of global justice. Specifically, they would point out that a sound principle of global justice ought to address injustice in the world in general, rather than specific injustices in some places, and should alleviate global poverty, which is the most severe global injustice in the world.

For example, as discussed in an earlier chapter, Miller seems to maintain that a primary principle of global justice is that nations, especially rich nations, should take responsibility to protect the basic human rights of all people in the world, to the extent that they could live decent lives. Miller argues that a global minimum, that is, a set of basic human rights, is necessary for a decent human life; and since every human being is entitled to a decent human life as a matter of justice, a global minimum should be protected for all people—this constitutes a fundamental principle of global justice.\textsuperscript{225} Thus, if a principle of global justice fails to support a global minimum, which is a minimum set of freedoms, opportunities, and resources in Miller’s theory, it would probably be regarded as faulty by Miller.

For another example, Pablo Gilabert has proposed a view similar to Miller’s. Regarding global justice, Gilabert suggests that we should draw a distinction between basic and nonbasic global justice; basic global justice

\textsuperscript{225} Miller, \textit{National Responsibility and Global Justice}, Chapter 7.
means that “everyone has access to what they need for their fundamental human rights to be fulfilled”, while a form of nonbasic global justice is that “everyone has equal access to important advantages”.\textsuperscript{226} He then argues that we ought to at least promote basic global justice, since it specifies a necessary condition for people to live “a minimally decent life”.\textsuperscript{227} In other words, Gilabert asserts that a principle of basic global justice obtains: “We should pursue institutional schemes under which everyone has access to what they need for their fundamental human rights to be fulfilled.”\textsuperscript{228} By contrast, nonbasic global justice is more than necessary for a minimally decent life, and so the claim that we are required to promote it is more controversial; Gilabert keeps the question of whether we should pursue institutional schemes which ensure everyone equal access to important advantages open.

After identifying the principle of basic global justice, Gilabert proceeds to assert that two principles follow from it. The first is a principle of global poverty relief, which specifies that we should “pursue institutional schemes under which everyone has access to what they need to avoid severe poverty”.\textsuperscript{229} And the second is a principle that requires us to take action for the application of the first principle, namely the implementation of the principle of global poverty relief. Besides, he also emphasizes that our duty

\textsuperscript{227} Ibid., p. 420.
\textsuperscript{228} Ibid., p. 419.
\textsuperscript{229} Ibid., p. 420.
to remove global poverty stems from justice rather than humanitarian concerns. So the relief of global poverty is, in Gilabert’s view, not only a principle of basic global justice, but also a basic principle of global justice.

Both Miller and Gilabert regard the provision for all humans of a lowest level of certain resources as a fundamental principle of global justice. Although developed countries in the world have met the requirement of this principle, most underdeveloped countries still fail to do so, leaving millions of their citizens in destitute situations. Thus, any legitimate principle of global justice must deal with the problem of global poverty. For that reason, theorists such as Miller and Gilabert might oppose recognizing principles of benefiting from global injustice that are derivative of the IB theory of benefiting from injustice as principles of global justice, for they fail to deal with the problem of global poverty.²³⁰

There are, I think, some misunderstandings in the relation between global poverty and principles of global justice. First of all, the problem of global poverty is different from that of global justice (or injustice). This point is relatively uncontroversial, since global poverty can well be global injustice while global injustice need not be global poverty. As Nagel points out, in our ordinary understanding, “injustice can exist without anyone being on the verge of starvation.”²³¹ That is to say, injustice occurs among

²³⁰ Some proponents of the “beneficiary pays” principle seem to hold that basic human needs should be satisfied before the “beneficiary pays” principle comes into play. However, I think the “beneficiary pays” principle is a moral principle distinct from and not necessarily inferior to humanitarian principles.

persons whose minimum needs have been satisfied, and will occur even if all persons’ minimum needs are satisfied. I believe this is correct. Injustice often takes the form of persons or institutions favoring some persons or groups of people, making them better off while causing others harm and making them worse off. But the victims of injustice can still have a living standard above the minimum, without being reduced to poverty. Specifically, some injustices in international or global interaction are not related to global poverty, like the injustice occurs between two countries that are relatively not poor. For example, one sovereign state government’s attempt to cause problems or harm in another country for its own interests is a global injustice to the citizens in that country. In addition, there are various causes for global poverty, and not all of these causes can be regarded as global injustice. For example, a country may be poor largely due to the aftermath of past colonization by another country; in this case colonization, which is international injustice (a sort of global injustice), has caused global poverty. However, another country may be poor mainly as a result of its scarcity of natural resources and the constraints of its own culture and level of social development. Although some would argue that global poverty per se constitutes a kind of global injustice, global injustice also contains a wide range of occurrences that are outside the ambit of global poverty. Therefore, a principle of global justice can be different from a principle of global poverty relief.

Of course, Miller and Gilabert are not unaware of the difference
between global poverty and global injustice; their contention is not that principles of global poverty relief amount to those of global justice, but that global poverty or extreme suffering relief should be the basis of any principle of global justice. Miller has referred to outrageous human tragedies such as desperate African migrants risking their lives and limbs to enter Europe, suggesting that we should deal with the extreme suffering of people born in different countries in the world. Then he proposes a theory of global justice which aims to provide all human beings with a set of minimum resources and conditions to pursue a decent life, in light of the undesirable and unfortunate lack of that worldwide. But this view seems to me problematic. It would be great if all humans have what they absolutely need to pursue a decent life; yet if that is not easily achievable, a principle that fails to promote this goal can still be a legitimate principle of global justice so long as it deals with injustices on a global scale. Eliminating poverty in the world will no doubt advance global justice, so does alleviation of other injustices on a global scale, even though their respective contributions to global justice vary in degree and type. So, it would not be irrational to draw a distinction between principles that address global poverty and principles that address global injustice—the former is probably part of the latter, since in my conception of global justice, global poverty relief is an important part of global humanitarian justice.

Second, there may be many different sorts of principles of global justice, as well as various principles of global poverty relief, rather than a
single set of principles of global justice or global poverty relief. It is easy to see that my conception of global justice diverges from that of Miller or Gilabert. They argue that a principle of global poverty or extreme suffering relief should be the foundation of principles of global justice, since their conceptions of global justice have a key element in common. The element is, I think, that all human beings in the world have the same (or similar) basic rights, in both natural and societal terms. Once some person’s basic natural or societal rights are violated, injustices come into being. Given that plenty of basic human rights are violated in numerous areas in the world, there is global injustice with regard to basic human rights. In order to promote justice on a global scale, we therefore must try to rectify this kind of fundamental and widespread global injustice.

However, even if all human beings have the same basic rights, this is not necessarily a ground against recognizing principles of benefiting from global injustice as legitimate principles of global justice. If my earlier argument about global justice is correct, a plausible idea of global justice cannot be a simple but a complex conception, in the absence of a world government. A complex conception of global justice means that global justice consists of different strands of justice, such as global humanitarian justice, global political justice and global economic justice, each of them triggers different moral and political principles. What Miller or Gilabert argues for is in fact global humanitarian justice in my conception. Admittedly, the violation of basic human rights on a global scale is certainly
regrettable and prevents such a great number of people from living decent lives; principles of global humanitarian justice obviously require us to contribute to the rectification of it. But this responsibility does not seem to be so stringent that it clearly precedes or overrides all other responsibilities of global justice. More important, these responsibilities of global justice stem from different sources, we therefore need to examine those sources and the relations between these responsibilities before ascertaining their relative gravity or priority. Even if, after investigation, we finally find that global humanitarian justice should always take priority over global political justice or global economic justice in the fulfillment of our responsibilities of global justice, which I doubt, principles of global justice other than principles of global poverty or extreme suffering relief can still be sound. To put it bluntly, I believe that there cannot be a fundamental or basic principle of global justice insofar as a global sovereignty is absent; rather, we can only arrive at various separate principles of global justice, whose combination embodies a complex idea of global justice. Thus addressing global poverty or extreme suffering can be the requirement of global humanitarian justice in my understanding, and that is distinct from the requirements of other principles of global justice such as global political and economic justice. In particular the set of principles governing cases of benefiting from domestic injustices in other countries through global economic interaction, derived from the IB theory of benefiting from injustice, is just one of the many principles of global justice. Although this
principle will have to come into conflict with principles of global poverty or extreme suffering relief in some circumstances, this is quite normal for many other moral principles such as utilitarianism. The conflict can only be resolved on a case-by-case basis by weighing both considerations.

Finally, given the complex conception of global justice, my goal in this essay is not to provide a general theory of global justice, but to explore the possibility of global justice and to develop certain principles of global justice that matter, morally and practically, under the current circumstances. In this sense, the application of the IB theory of benefiting from injustice on a world scale not only generates principles of global economic or political justice, calling for beneficiaries in developed countries of political and socioeconomic injustices in underdeveloped countries to compensate those global victims, but also contributes to the alleviation of global poverty and extreme suffering, more or less. It is clear that most poor persons in the world living in underdeveloped countries whose economy is not advanced and where social welfare is either deficient or does not exist at all, and if measured with the extreme poverty standard of World Bank, almost all extreme poor persons live in underdeveloped countries. If my proposed principles of benefiting from global injustice can be applied, ordinary citizens of underdeveloped countries will be compensated by beneficiaries in developed countries, and this contributes to the elevation of the global poor to better positions. So, although principles of benefiting from global

I would like to thank an examiner of the thesis for pointing out this.
injustice fail to directly respond to global poverty or suffering relief and do not deal with the worldwide violation of the basic human rights, those principles can still contribute significantly to the promotion of global justice and the rectification of global injustice.

4. Reality, Mutual Benefit, and Responsibility

A complaint against my view might come from another direction, which is more realistic in nature. Although my theory has taken into consideration some of the unfavorable real world situations, for someone who is more hard-headed or who gives a different weight to the reality in moral or political thinking, it may not be sufficiently informed, has intentionally and mistakenly disregarded certain important factors in formulating the principles of benefiting from injustice on a world scale through global economic interaction. There is a basic idea of the realist approaches to political philosophy which I think offers an explanation for some people’s misgivings about the value of justice theories (both ideal and nonideal) in the real world, that is, to use Andrea Sangiovanni’s phrase, “politics is prior to morality”. In a sense, this idea can be the basis of objections to the application of my theory of benefiting from injustice to cases of global economic interaction.

One of the strongest objections on this view seems to be grounded on the fact that, in the real world, separate underdeveloped countries compete

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with one another to export goods and services to developed countries, and the exports are pivotal for their development, if not survival, which in turn has a dominant influence on the majority of their citizens’ lives. In other words, most underdeveloped countries in fact depend significantly on the economic interaction between them and the developed countries to grow or carry on; they would be worse off if they failed to secure certain amount of purchase orders from developed countries and export goods and services to them.

From realist points of view, this fact might pose serious problems to the principles of my theory of benefiting from injustice in regard to global economic interaction. Bernard Williams, for example, argues for political realism, declaring that “the ‘first’ political question [is] the securing of order, protection, safety, trust, and the conditions of cooperation.” By the first political question, I think, he means that order and security is the foundation of all political activities, and it must be solved before we could proceed to address any other political question. According to William Galston, this claim means that “justice enjoys nothing like an absolute priority over other valued features of political life”; rather, it is order that constitutes the first virtue of politics. A similar view was famously defended by the modern English philosophers Thomas Hobbes. Hobbes argues that given the nature of mankind, if “men live without a common


power to keep them all in awe”, they will be in a condition of war against one another, hence no security; and in such condition, no valuable things can be expected, human life will be “solitary, poor, nasty, brutish, and short”.236 That is to say, security is the precondition of any other valuable things human beings can hope for. Moreover, Raymond Geuss argues that not only Hobbes but also many other thinkers, including classical liberalist J. S. Mill, all regard justice as a minor issue in politics.237 Geuss contends that Rawls has made a serious mistake to “moralize politics”, and asserts that “[p]rima facie, it seems highly unlikely that the analysis of a concept like ‘justice,’ … could give one any real grasp on the central phenomena of politics”.238

Of course, Williams, Galston, Hobbes, and Geuss are mainly talking about political activities in a separate human society here. However, the realist positions and arguments may be extrapolated to the problem of global economic interaction. Indeed, it might be argued that the first virtue of global economic interaction should not be justice, but mutual benefit, without which any other question or valuable things in this domain is impossible. Justice, therefore, should not take an absolute priority over other values in global economic interaction in general.

If this analysis is correct, given the role that underdeveloped countries’ exports to developed countries play in their development and their ordinary citizens’ lives, it would be unreasonable to demand compensation from ordinary citizens of developed countries to those of underdeveloped countries. The reason is that both developed and underdeveloped countries and their citizens receive benefits from global economic interaction; mutual benefit should take priority over demands of principles of justice, which are only secondary in the issue of global economic interaction. If they were required to compensate ordinary citizens in underdeveloped countries who export to developed countries, citizens in developed countries might sensibly determine to reduce the amount of their purchase of those goods and services imported from underdeveloped countries, and businesses would in turn reduce the amount of imports, or even cease to import, from those countries. As a result, underdeveloped countries and their citizens would probably suffer far more than if their exports to developed countries were normal and they were not compensated. So, the objection goes as follows: the principles of the IB theory of benefiting from injustice therefore should not be applied to global economic interaction, since it will inhibit developed countries’ imports from underdeveloped countries, causing great damage to the economy of underdeveloped countries and the lives of their ordinary citizens. After all, in the formulation of principles governing or guiding real world activities, we must consider their outcome.

However, this objection adopts an oversimplified view of global
economic interaction as well as the relation between reality and our moral responsibility. My first response will be about mutual benefit and the economic interdependence of the two groups of countries, the developed and the underdeveloped. Admittedly, both groups of countries benefit from the global economic interaction between them. And particularly, in a sense, underdeveloped countries benefit more from global trade and investment because of their comparatively lower level of economic, technological, and social development, despite the greater part of the resultant tangible benefits of global economic cooperation between the two groups almost always going to the developed countries. But it is important to recognize that although the developed countries have more options than the underdeveloped countries with regard to global economic cooperation, and they can better stand the loss of benefits coming from the reduction of cooperation between the two groups, they will inevitably suffer significant loss if the reduction takes place. The present extensive global economic cooperation is in place only because most separate sovereign states find it beneficial for them to engage in it. In the real world, developed countries do not cooperate economically with underdeveloped countries mainly in order to help them and their citizens; rather, each developed country (or the government and business organizations of it) aims to benefit from its cooperation with any other parties, including similar developed countries and dissimilar underdeveloped countries. Thus, when citizens of developed countries are required by certain principles of global justice to compensate
citizens in underdeveloped countries who export to developed countries, they may initially reduce the amount of their purchase of those imported goods and services to avoid the corresponding burdensome compensatory responsibility. However, if later they find that similar goods and services provided domestically or imported from other developed countries are less economical in comparison with those imported from underdeveloped countries while taking the corresponding compensatory responsibility into account, they would probably return to the consumption of the latter. It is unclear that the underdeveloped countries and their citizens would be worse off, rather than better off, if citizens in developed countries fulfill their compensatory responsibility as demanded by the principles of benefiting from injustice on a global scale.

The actual economic *interdependence* between developed and underdeveloped countries should also be considered, if we really take a realist perspective on the issue of global interaction. With the rapid advancement of global economic interaction in the past several decades, especially in the past twenty years after the formation of the World Trade Organization, economic interdependence between countries in the world has increased greatly and reached a comparatively high level. Not only underdeveloped countries but also developed countries would have to depend on global economic cooperation with others. It is therefore not easy for all those countries to do without their economic dependence on others, despite their relative freedom to choose which countries to cooperate with.
In fact, large companies in developed countries often outsource a large proportion of the manufacture of goods (or components of goods) from companies in underdeveloped countries, or simply operate branches or factories there, hiring a great number of people to work for them. Outsourcing is primarily aimed at reducing costs or improving efficiency. While one of the reasons for operating branches or factories in underdeveloped countries is presumably to make more profits through market expansion, another important cause must be the underdeveloped countries’ advantage in labor costs over developed countries. By outsourcing certain work from underdeveloped countries or running branches there, companies in developed countries are thereby able to make more net profits than producing goods and services only in their own countries and other developed countries. Given that almost all developed countries are market economies, they would naturally search for goods and services worldwide, import considerable amount of products from underdeveloped countries where the prices are the lowest. It would be unreasonable or even impossible for them to stop imports and outsourcing that are beneficial to them.

An example may be helpful to illustrate this point. The Apple Inc., which is now one of the largest technology companies in the world, has rapidly developed into its current striking scale over the past only a few decades. The company has many different suppliers and contractors all over the world, who provide raw material for, manufacture components of, and
assemble, the company’s numerous popular products which are sold worldwide. More than half of those suppliers are in China, the world’s largest underdeveloped country by population. Some might ask the question why a company founded in America outsources so much of its work to foreign companies, rather than employing domestic workers. After interviewing many individuals including Apple employees and contractors, industry analysts, academic researchers, and government officials, journalists Charles Duhigg and Keith Bradsher assert that the reason is not just “that workers are cheaper abroad”, but “Apple’s executives believe the vast scale of overseas factories as well as the flexibility, diligence and industrial skills of foreign workers have so outpaced their American counterparts that “Made in the U.S.A.” is no longer a viable option for most Apple products”.

The answer seems to me correct. Workers in underdeveloped countries are not only cheaper in terms of labor cost, but also much more diligent and compliant as a result of the various blatant injustices and the poverty in their own countries. They therefore become an excellent source of labor force for sizable companies in developed countries in a globalized world. After utilizing them for a period, those companies would find it highly unreasonable to employ workers in developed countries for the same sorts of work. Where could you find either skilled or unskilled workers, in the

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developed world, who are willing to work 10 hours every day and 6 days every week at such low wages after all? Thus if citizens of developed countries are required by principles of benefiting from global justice to compensate ordinary citizens in underdeveloped countries, so long as the labor costs in underdeveloped countries do not rise to a very high level—which is unlikely while those countries are still not fully developed—large companies in developed countries will continue to give work to suppliers and contractors in the underdeveloped world. The same logic applies to importers, distributors, and retailers in developed countries. Many kinds of goods and services such as footwear, clothing, ceramics and furniture made in developed countries are far more expensive than those of similar quality imported from underdeveloped countries. The imports of those things from underdeveloped countries are unlikely to decrease, as it is clearly infeasible, in terms of business operation, to acquire those from manufacturers in the developed world. To sum up, under the present circumstances, mutual benefit does not prevent my principles of benefiting from global injustice from coming into play.

Furthermore, at a fundamental level, even though mutual benefit is the first virtue of global economic interaction, this does not rule out principles of global justice as a possibility, including my principles governing benefiting from injustices in other countries through global economic interaction. The responsibilities defined by those principles are ultimately moral responsibilities. In the event that being exploited (without
compensation) is the best option for ordinary citizens of underdeveloped countries, that is to say, supposing that ordinary citizens of underdeveloped countries would be worse off if my principles of benefiting from injustice were applied to global economic interaction, the principles may still be sound. The reason is that the status quo is by no means enough to invalidate moral principles. There were moral responsibilities people fail to recognize and discharge which have been proved to be true. We ought to take the status quo into account in moral reasoning, but should also be wary of regarding the status quo as a critical touchstone.

5. Partial Compliance, Individual Action, and Compensation of Victims

Some critics of my view may, alternatively, raise doubts about the fulfillment of the responsibilities defined by principles of benefiting from injustices on a global scale: Whether the ways I propose for the fulfillment of these responsibilities are good or appropriate? In the previous chapter, I argue that ordinary citizens in developed countries have benefited from local injustices in underdeveloped countries that export goods and services to them, and they have responsibility to partly rectify the domestic injustices in underdeveloped countries. I also suggest that they should discharge the responsibility in two ways: through regularly making personal payments to international and local organizations which seek to rectify the injustices in those underdeveloped countries and by urging their own governments to adopt policies that counteract those injustices through one’s legitimate
political activities. But some might contend that those ways of fulfilling one’s responsibility to rectify global injustice are neither good nor appropriate, for a few reasons.

First, admitting that the responsibility is convincing, some might doubt whether the victims of those injustices will be properly compensated if the beneficiaries are required to *individually* make payments to certain organizations and urge their governments to make suitable redress. Since all the citizens in developed countries have at least benefited from the improved social services and social cooperation in their countries that are brought about by the cheap imports from some underdeveloped countries, they all have some responsibility to partly rectify the injustices in those underdeveloped countries. However, some citizens in developed countries would no doubt avoid fulfilling their rectificatory responsibilities out of human selfishness or other motivations, and other citizens’ fulfillment of their responsibilities is not enough to ensure that the victims will be compensated properly. According to this view, requiring those beneficiaries to make *individual* compensation *by themselves* is not a good idea, as many would not comply with the principles. It is more suitable to set up an institution that has mechanisms to make all the beneficiaries discharge their responsibility through it collectively.

This doubt actually concerns the problem of partial compliance in theories of justice. Partial compliance happens when some people refuse to discharge their responsibilities as demanded by principles of justice or the
rectification of injustice. Here the problem appears to be that, if some beneficiaries discharge, but others do not discharge, their responsibility for partly rectifying those injustices, the injustices will remain insufficiently rectified; and it is unfair for some to avoid discharging their responsibility while others discharge theirs. A better solution ought to make all agents who have the same sort of responsibility to discharge it correspondingly. In order to achieve this, an institution that enables them to collectively and fairly discharge the responsibility to the victims of the injustices has to be established.

But this doubt of discharging the responsibility seems to me contentious. First of all, the responsibility in question can be regarded as having two parts, a personal part and a collective part. As I argued in the previous chapter, ordinary citizens in developed countries benefit from social and political injustices in some underdeveloped countries through imported goods and services in different ways. On the one hand, some of the citizens in developed countries like to buy a lot of imports from underdeveloped countries while others of them rarely buy any; in other words, they benefit separately and differentially from those imports through their individual purchases. Thus they have different responsibilities as unintentional beneficiaries of injustice because of the varying benefits they have received as a result of their non-identical purchases of those goods and services which were made under unjust conditions. On the other hand, as citizens they all benefit from the improved social services provided by their
governments and the advantage of the better domestic social cooperation, which are both brought about by the cheap imports from underdeveloped countries. The improvements of social services and social cooperation are no doubt results of collective acts and have an influence on everyone’s life, so ordinary citizens in developed countries have also collectively and similarly benefited, in a more indirect way, from injustices in underdeveloped countries that export to them. According to the IB theory of benefiting from injustice, in this case a beneficiary’s responsibility to compensate the victims stems from the sum of the two kinds of benefit that he or she variously receives, and the responsibility should be ascertained through his or her subjective and sincere scale of valuation in light of the benefits received and the resultant sufferings. Different citizens in developed countries therefore have different rectificatory responsibility toward the victims of injustices in the underdeveloped countries that export to them.

The difference in those beneficiaries’ rectificatory responsibility makes it difficult to create an institution to force them to collectively and fairly discharge their responsibility toward the victims. Those beneficiaries do not fairly share a collective responsibility together; rather, each of them has a single responsibility, which can be seen as consisting of a personal part and a collective part. Given that the personal part of the responsibility widely differs between individuals, even though the collective part is almost the same for all, an institution can hardly determine each individuals’
appropriate whole responsibility, especially when we find that the ascertaining of the responsibility involves subjective and sincere scale of valuation.

It might be further contended that people could establish an institution to collectively discharge the collective part of the beneficiaries’ responsibility, which can be fairly shared by all the beneficiaries; for the remaining personal part of the responsibility, the beneficiaries can discharge it by themselves separately. This can assure the discharge of the collective part of their responsibility, and they can discharge the personal part of their responsibility through urging their own governments to adopt policies that counteract the injustices in question and making personal payments to international and local organizations as well. I think this is the ideal solution, but it is not without difficulty, in light of Miller’s consideration in a comparable situation. In his attempt to answer the question of what justice would require of an agent who fairly shares responsibility for avoiding harm or injustice with many others when some of the others do not discharge their fair shares of the responsibility, Miller argues against the solution of preventing the question from arising through setting up some mechanism “that can oblige people to contribute their fair share”. Miller’s reason is that, in many cases, “even if setting up such a mechanism were justifiable in

principle, it would not be feasible." That is to say, a mechanism that can successfully force people to discharge their shares of a collective responsibility may be too difficult to establish in some circumstances. Indeed, if a responsibility is moral, rather than legal, then it would not always be enforceable. In the case of benefiting from global injustice, the responsibility of the beneficiaries to compensate the victims of injustices in other countries is clearly a moral responsibility, and in addition both the collective part and the personal part of the responsibility are determined through subjective valuation in light of several factors. Setting up an institution to enforce the discharge of the whole responsibility therefore seems impracticable. However, a mechanism to enforce the discharge of the collective part of the responsibility is desirable, though its introduction requires many efforts.

If the beneficiaries are just required to discharge their responsibility by themselves, and some of them would no doubt fail to comply, how could we achieve global justice on this issue? This question cannot be treated separately from a more general consideration of the goals of moral or political theories. In a sense we discover or formulate moral or political principles in order to guide people’s action. If a person fails to follow some principle, the principle is either unpersuasive to the person or persuasive but the person lacks motivations for acting in accordance with the principle. I will put the former case aside, as I have supposed that the principles of

242 Ibid., p. 233.
243 I would like to thank an examiner of the thesis for pointing out this.
benefiting from global injustice are accepted in discussing the ways of discharging the responsibilities it defines. In the latter case, the principles are convincing to the agent but such features of human nature as weakness of will and selfishness hinder the fulfillment of responsibility. However, this should not be a reason against the principle and the fulfillment of its requirements. Furthermore, moral and political theories also aim to change people’s minds in a rational way; that is to say, they are supposed to involve rational persuasion. To achieve this goal it would be necessary to allow the agents to somehow make their own judgments freely. Those agents who do not comply with the demands of the principles, avoiding compensating the victims by themselves, may be moved by other agents’ separate discharge of the responsibility to finally act. Global justice on this issue cannot be realized until most beneficiaries discharge their responsibility—but that is not implausible in the foreseeable future after a mechanism to enforce the discharge of the collective part of the responsibility is proposed, established, and beneficiaries in the developed countries gradually take serious the discharge of the personal part of the responsibility.

There may be another doubt about whether the responsibilities derived from benefiting from global injustices could be accomplished in the way I suggested. Suppose that most citizens in developed countries that import from the underdeveloped world make regular payments to their local government and international and domestic organizations that seek to rectify the injustices in underdeveloped countries and always urge their
governments to adopt policies that counteract injustices in underdeveloped countries that export to them. But, in this case, are ordinary citizens who suffer from various injustices in underdeveloped countries that export to the developed world properly compensated? We have to recognize that there are more than one hundred underdeveloped (or developing) countries in the world, and they export to different developed countries variously. It is not easy for an ordinary citizen in developed countries to determine from injustices in which countries, and to what extent, he or she has benefited. To keep a record of the source countries of one’s purchases of imported goods seems troublesome; and one also needs to know to what extent the social services and domestic social cooperation in one’s own country have improved by virtue of specific underdeveloped countries’ goods and services. Relevant information may be obtained through making personal efforts and checking government statistics, and then ordinary citizens in developed countries could assess and determine their respective rectificatory responsibility to victims in different underdeveloped countries more exactly. Yet it is still impossible for them to discharge their compensatory responsibilities to the victims in different underdeveloped countries correspondingly through the agency of local government and international and domestic organizations. Those governmental and non-governmental organizations have their own rules and procedures in regard to the use of donations, and more importantly they can only compensate or assist specific persons, not all the ordinary citizens in a
particular underdeveloped country. So those ordinary citizens who suffer from various injustices in underdeveloped countries that export to the developed world would not be properly and equally compensated, even if the beneficiaries in developed countries have appropriately discharged their responsibilities in the suggested way—this is clearly unsatisfactory.

My response to this question is that the way to discharge the responsibility I suggested is one of the handful of ways that are both sensible and accessible; other ways are even worse. First, it does not make sense for beneficiaries in developed countries to pay their compensation to the victims of injustices in underdeveloped countries through the agency of governments of underdeveloped countries. If the governments in developed countries set up some funds, collect theirs citizens’ payments to the funds, and then distribute those to the governments of underdeveloped countries differentially, victims in underdeveloped countries can hardly be compensated yet. The reason is that those governments in underdeveloped countries and their leaders are usually the very perpetrators of the injustices in question; they thus are unlikely to compensate the victims with the funds. And my earlier argument shows that setting up an institution or a fund to enforce this compensatory responsibility is impracticable, so it does not work for governments in developed countries to collect their citizens’ contributions and then give the funds to international and domestic organizations either. Second, it is right to note the difficulty in properly distributing the compensation to victims in different underdeveloped
countries; but the compensation to some citizens there is a good beginning, leaving space for improvement. If the beneficiaries of global injustices make personal payments to their own governments and international and local non-governmental organizations that deal with those injustices, the governments and organizations would use the fund to compensate the worst off in underdeveloped countries, usually in order of seriousness of their sufferings. This tactic is not without grounds. To assist the worst-off class to live better is to improve the economic and social equality in those societies, which might turn out to be a cornerstone of the elimination of extensive injustices there in the future. Apart from these considerations, we can still hope for the development of current international and local non-governmental organizations, as well as the emergence of new types of organization, as reactions to the need to fulfill the compensatory responsibility. Indeed, fulfilling the responsibility through specialized non-governmental organizations would be much better than by using the way I suggested. But at this first stage it seems impracticable to set up organizations for this purpose. The proposed way of discharging the responsibility is therefore acceptable.

6. Conclusion

It is not uncommon for a country to put its own interests in the first place in making internal and external policies, and for an individual to take himself or herself more seriously than others. Yet this is not to say that countries
and individuals should not really promote the right and the good, rather they probably ought to do so for some reason, despite their need to weigh different values and interests. Against such a background, I argue in this essay that an Intention-Benefits theory of benefiting from injustice should apply in certain circumstances where an agent benefits from injustice imposed on another agent. I further explore the possibility of global justice and argue that global justice is best conceived as a complex conception which includes global humanitarian justice, global political justice, global economic justice, and so forth. Then I contend that the theory of benefiting from injustice implies that people who benefit from domestic social and political injustices in other countries through global economic interaction should compensate the victims in those foreign countries, and that is a principle of global justice. Finally, I respond to some possible objections and doubts about my view. The theory of benefiting from injustice is mainly about personal morality, but it does have significant implications for political philosophy, especially global justice theories, for the world is composed of individuals who are largely autonomous. As a nonideal theory of justice, it can advise us to correctly react to injustices, and perhaps help make the world better.
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