Rawls’s Duty of Assistance: Transitional not Humanitarian or Sufficientarian

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(Published 12 Nov. 2012)
Abstract:

As part of his conception of global justice, the Law of Peoples, John Rawls proposes a duty of assistance to ‘burdened’ societies. This duty of assistance has been criticized by cosmopolitan theorists as being objectionably minimalist: some claim that assistance is owed as a mere duty of humanity, leaving the current global distribution of property rights untouched by moral evaluation and criticism. Others claim that the duty expresses a sufficientarian distributive principle which merely requires the global poor to be raised to some non-comparative threshold defined by subsistence or basic needs. I argue that when the duty of assistance is properly understood as a duty of transitional justice, grounded in the natural duty to support and further just institutions, these critical attacks are blunted. Moreover, the true bases of the disagreement between Rawls and his cosmopolitan critics are revealed.

Keywords: Global justice; John Rawls; duties of humanity; sufficientarianism; cosmopolitanism

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I. INTRODUCTION

In a statement of the eight principles of the Law of Peoples, Rawls declares that ‘[p]eoples have a duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime.’¹ In this article, I offer an account of Rawls’s duty of assistance. I propose that the duty should be understood in the context of the non-ideal theory of the Law of Peoples. This non-ideal theory, I suggest, is concerned with transitional justice; with how to move from an unjust status quo to the ideal social world, namely ‘a world where all societies come to accept and follow the Law of Peoples.’² Well-ordered peoples’ duty to assist burdened societies in establishing just (or decent) institutions is one part of that project of transition, a project which we are bound to engage in by the natural duty of justice.

Two, related, interpretative currents are prominent in the literature on the duty of assistance. Some claim that the duty of assistance is a humanitarian duty which calls on wealthy societies to relieve global poverty with the resources they own. Others claim that the duty of assistance is a sufficientarian principle which is fully discharged once the subsistence or basic needs of the global poor are met. I do not believe these claims are well supported. To the extent that Rawls’s critics have attacked the duty of assistance by following these interpretative currents, their arguments miss their target.

II. RAWLS’S LAW OF PEOPLES

I will prepare the ground for my main arguments with an exposition of a number of key ideas found in the Law of Peoples which may be unfamiliar, a deeper understanding of which will help us better grasp Rawls’s overall conception of global justice and his proposed duty of assistance in particular. Among the crucial ideas are: the idea of a burdened society; the idea of a well-ordered society or people and relatedly the ideas of a liberal people and of a decent people; the

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² LP, p. 90.
idea of *basic needs*; and the idea of a world *Society of well-ordered Peoples* united in mutually accepting and adhering to a reasonable *Law of Peoples*.

Consider first the idea of a burdened society. These are domestic societies which are burdened in the sense that they face what Rawls calls ‘unfavorable conditions’, namely conditions that make it ‘difficult if not impossible’ for the society in question to establish and stabilize the basic arrangements required for that society to be well-ordered. A society may face ‘historical, social, and economic circumstances’ which result in a lack of the required ‘political and cultural traditions, the human capital and know-how’ and ‘often, the material and technological resources’ which make it possible to sustain a well-ordered regime.³

Note that a burdened society is not simply a poor society, though societal poverty may be one kind of unfavourable circumstance. Rawls stresses that ‘not all [burdened] societies are poor’, for a society which is wealthy may nevertheless be burdened by its defective ‘political traditions, law, and property and class structure with their underlying religious and moral beliefs and culture’.⁴ What is distinctive about a burdened society, and what gives it a claim to the assistance of other societies according to the duty of assistance, is not societal poverty, but the difficulty it faces in establishing a well-ordered regime.

We need, then, to understand the idea of a well-ordered society, particularly as it appears in the *Law of Peoples*. I suggest that this idea has a domestic and an international aspect: a well-ordered society is both an ideal kind of domestic society, and an ideal member of international society. To elaborate, a well-ordered society satisfies what Rawls calls the *criterion of reciprocity* both domestically, in the relations among its citizens or members, and internationally, in its relations with other societies. Liberal societies and ‘decent’ non-liberal societies both satisfy this criterion at both the domestic and international levels, and therefore count as well-ordered in the *Law of Peoples*.⁵

³ *LP*, p. 5, p. 90, p. 106.
⁴ *LP*, p. 106.
⁵ See *LP*, p. 63.
Consider first the international aspect of a well-ordered society. Rawls calls a society that is well-ordered at the international level a ‘people’, as opposed to a ‘state’. A ‘people’, unlike a ‘state’, has what Rawls calls ‘a moral nature’. What this moral nature comes to is primarily a motivation that a people has in its foreign policy: it is willing to ‘offer to other peoples fair terms of political and social cooperation’ and ‘to honor these terms when assured that other peoples will do so as well.’ Rawls calls societies that have this moral motivation in their relations with other societies ‘reasonable’; for clarity’s sake I will call this *international reasonableness*.

Hence, although internationally reasonable peoples, like states, have interests which they pursue in their foreign policy, unlike states, they are willing to ‘limit their basic interests as required by the reasonable’. These ‘reasonable interests’ are those that are ‘guided by and congruent with a fair equality and a due respect for all peoples’. An important point to note for our subsequent discussion is that among the reasonable interests of well-ordered peoples is to ‘assure reasonable justice for … all peoples’.

Being internationally reasonable, therefore, does not simply involve imposing moral constraints on an otherwise wholly self-interested foreign policy: it also involves a positive concern to secure justice for other societies. This concern, I will argue, is grounded in the natural duty of justice.

We can also express this moral motivation of peoples in terms of a criterion of reciprocity among peoples: Rawls sees internationally reasonable peoples as willing to satisfy what he calls the ‘criterion of reciprocity’ in their mutual relations as peoples. Among internationally reasonable peoples, the principles which each people propose to regulate the ‘mutual relations among peoples’ are those they believe ‘it is reasonable for them to propose’ and also that ‘it is reasonable for other peoples to accept’, conceiving peoples as free and equal. We will return to this criterion of reciprocity among peoples later in this section.

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6 *LP*, pp. 23-5.
7 *LP*, p. 25, p. 35.
8 *LP*, p. 29.
9 *LP*, pp. 44-5.
10 *LP*, p. 29, emphasis added.
11 See *LP*, p. 35, p. 57, p. 121.
For now, consider the domestic aspect of a well-ordered society. In his early work, Rawls writes that a society is (domestically) well-ordered when it is (a) ‘designed to advance the good of its members’; and (b) ‘effectively regulated by a public conception’. This latter condition comprises two further requirements: that everyone in the society ‘accepts and knows that the others accept the same principles of justice’, and that ‘basic social institutions satisfy and are known to satisfy these principles.’ However, this account of a domestically well-ordered society is problematic. As we will see, Rawls came to believe that this way of conceiving of a well-ordered domestic society is unrealistic, at least in the case of liberal societies. Moreover, laying out the idea of a well-ordered society with reference to these various conditions may cast the idea in an overly technical light.

I therefore propose, as a way of grasping the intuitive idea at stake, the following line of thought. A well-ordered society, for Rawls, is a fair system of social and political cooperation. Such a system of cooperation is fair when it advances the good of each cooperating member according to terms all members can accept; each member therefore does her part in society in some sense willingly, and not merely under coercion. The basic social and political relation among members in such a society is one of reciprocity in social and political cooperation, rather than the domination or exploitation of some by others. To the extent that cooperating members seek common principles of justice, they do so because they see the need for a mutually acknowledged standpoint from which competing claims to the advantages of social life can be adjudicated in a way that preserves relations of reciprocity among members.

I believe that this social ideal, or something like it, underlies Rawls’s general notion of a well-ordered society. Consistent with this general notion, Rawls believes that a well-ordered society may be either liberal or decent. I will first explain the idea of a well-ordered liberal society. As I mentioned above, although in his earlier work Rawls characterizes a well-ordered liberal society as one in which everyone accepts the same principles of liberal justice, he subsequently came to believe that, under the free institutions of a liberal society, the ideal of a society united in affirming a single conception of justice is unrealistic.

In the absence of political oppression or manipulation, citizens will disagree not only about comprehensive doctrines and ideas of the good, but also about justice. Rawls therefore revised the idea of a well-ordered liberal society: he came to hold that even in an ideal liberal society, we can only expect that citizens who endorse one variant of liberalism among the family of reasonable liberal conceptions of justice are in an ‘enduring majority’ with respect to those who reject liberal justice. Hence, basic social and political institutions in such a society will be regulated by ‘one of a family of reasonable liberal conceptions of justice (or a mix thereof)’.  

What makes a liberal society well-ordered, therefore, is not that all its citizens converge on a single conception of justice. Rather, its citizens are (domestically) reasonable; they are committed to offering and abiding by fair terms of social and political cooperation with their co-citizens, taking fair terms to be those which satisfy the criterion of *reciprocity among citizens*. What this criterion requires is that the citizen-to-citizen relation be one of cooperation on terms of mutual respect between free and equal citizens: no one should be forced to accept the basic arrangements of society, and its laws and regulations as enforced by coercive political power, simply as ‘dominated or manipulated, or under the pressure of an inferior political or social position’. Instead, when the criterion is satisfied, the fundamental terms of cooperation in society are those which are mutually acceptable among reasonable citizens who view each other as free and equal.

Note that, on this revised conception of a well-ordered liberal society, social arrangements need not satisfy the difference principle, since that principle is a feature of only one of many reasonable liberal conceptions, namely justice as fairness. Nevertheless, a society which fails to at least assure to all citizens ‘the requisite primary goods to enable them to make intelligent and

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16 As Rawls puts it, the criterion of reciprocity (among citizens) requires that when reasonable citizens propose terms as ‘the most reasonable terms of fair cooperation, those proposing them must also think it at least reasonable for others to accept them, as free and equal citizens’ (*CP*, p. 578).
effective use of their freedoms’ is not well-ordered since its social arrangements are not reasonably thought to satisfy the criterion of reciprocity among citizens.\(^{17}\) A condition for a liberal society to be well-ordered is therefore that it guarantees at least a ‘social minimum providing for the \textit{basic needs} of all citizens’; without meeting basic needs, a society’s distributive arrangements do not ensure that all citizens can participate as full members, and hence violate reciprocity among citizens.\(^{18}\)

It is crucial to note that the idea of basic needs invoked here does not refer to the ‘needs of human nature taken psychologically (or biologically) apart from any particular social world’ – what we might call \textit{pre-social needs}.\(^{19}\) Rather, Rawls is referring to the social goods required for a citizen to effectively exercise her fundamental rights as an equal citizen and thereby to ‘take part in political and social life’.\(^{20}\) The thought here is that even if someone is formally guaranteed her basic rights as a citizen, if she falls ‘below a certain level of material and social well-being, and of training and education’, she will nonetheless be unable to take part in society as a free and equal citizen in any meaningful sense. The fulfilment of basic needs is therefore a condition for society to be a fair system of cooperation between free and equal citizens – that is, to satisfy the criterion of reciprocity among citizens – in effect and not merely ‘as so much rhetoric’.\(^{21}\)

Consider now the idea of a well-ordered non-liberal, or ‘decent’, society. Recall the intuitive general notion of a well-ordered society: all members of society engage in social and political cooperation on terms of reciprocity and mutual respect, with no individuals or groups being dominated or manipulated by others. In a liberal society, this criterion of reciprocity in social and political cooperation is specified as one of reciprocity among reasonable citizens, who view each other as free and equal. Beginning from this liberal idea of the reasonable, Rawls suggests that we can specify a ‘weaker’ or more ‘minimal’ idea of reciprocity in social and political cooperation, which he calls \textit{decency}. In a ‘decent scheme of social and political cooperation’, the


\(^{18}\) \textit{PL}, pp. 228-9, emphasis added; \textit{LP}, p. 49.

\(^{19}\) \textit{JF}, p. 132.

\(^{20}\) \textit{PL}, p. 166.

\(^{21}\) \textit{Ibid.}
criterion of reciprocity in cooperation will not necessarily follow ‘the liberal idea that persons are citizens first and have equal basic rights as equal citizens’.\(^{22}\)

Despite this, the members of a decent society genuinely cooperate on the basis of reciprocity and mutual respect, and therefore such a society is indeed well-ordered; it does not simply amount to the domination or exploitation, through the legal and economic systems, of some individuals and groups by others. This is why Rawls primarily contrasts a decent society with what he calls a ‘slave system’, that is, one in which economic and other cooperative activity is ‘driven by a scheme of commands imposed by force.’ Members of a well-ordered decent society do not see the practical requirements of their society’s laws – which presumably structure their cooperative activities and their social and political relations – as ‘mere commands imposed by force’, but take them to be the source of ‘\textit{bona fide} moral duties and obligations’.\(^{23}\)

Moreover, that members of society do not see the scheme of social and political cooperation they are engaged in as merely the rule of force is not the upshot of false consciousness or bad faith. Three objective features of decent societies make it possible for us to sincerely judge that a criterion of reciprocity among decent members is indeed satisfied, even if the liberal criterion of reciprocity among reasonable citizens is not. Firstly, basic arrangements are effectively ‘guided by a common good idea of justice … which assigns human rights to all members’. Note that Rawls’s idea of human rights is itself tied to the contrast between a well-ordered system of cooperation and the mere rule of force: they are the ‘necessary conditions of any system of social cooperation’, without which a society is based only on ‘command by force’.\(^{24}\)

Secondly, even though it will not be fully democratic, the law-making procedures in a decent society will allow ‘an opportunity for different voices to be heard’. The right of dissent is protected, and legal officials have a duty to ‘defend publicly’ legally binding laws and decisions, and to ‘give a conscientious reply’ to dissenting voices, addressing their objections by appeal to

\(^{22}\) \textit{LP}, pp. 66-7.

\(^{23}\) \textit{LP}, pp. 65-6.

\(^{24}\) \textit{LP}, p. 66-8.
the guiding common good idea of justice.\textsuperscript{25} Hence, the idea that the basic arrangements of their society satisfy the (decent) criterion of reciprocity and have a legitimate claim on their allegiance is not one that members passively accept, but is in some sense publicly justified to them.

Thirdly, a decent society meets at least the basic needs of all its members.\textsuperscript{26} Recall that we should not understand basic needs as pre-social needs. Rather, they are essentially social and political: they cover the resources necessary for any given individual to effectively exercise her basic rights and opportunities as a member of her society and to be, in effect and not only formally, a fully cooperating member of her society. Hence, they specify the minimal distributive conditions which satisfy the criterion of reciprocity among members of a decent society. As Rawls indicates, the idea of basic needs expresses the concept of a ‘social minimum based on an idea of reciprocity’.\textsuperscript{27}

Having grasped the idea of a well-ordered society, decent and liberal, we are now in a position to understand Rawls’s ideal: a world \textit{Society of well-ordered Peoples} whose members in good standing mutually accept and abide by the \textit{Law of Peoples}, the principles of which constitute what different well-ordered liberal and decent societies would accept as ‘fair among peoples’ in specifying their ‘basic terms of cooperation’.\textsuperscript{28} Now, if well-ordered peoples are internationally reasonable and thus are willing to offer and abide by fair terms of cooperation among peoples according to a criterion of reciprocity among peoples, then the principles which regulate their mutual relations must be those that ‘can be shared by different peoples’. The principles of the Law of Peoples are those each society can ‘reasonably endorse’, provided that ‘they are prepared to stand in a relation of fair equality with all other societies.’\textsuperscript{29}

This idea of reciprocity or fair equality among peoples is crucial. We are, Rawls insists, to ‘view peoples as conceiving of themselves as free and equal peoples in the Society of Peoples’. Well-

\begin{itemize}
  \item \textsuperscript{25} \textit{LP}, pp. 66-7, p. 72.
  \item \textsuperscript{26} See \textit{LP}, p. 38, p. 116.
  \item \textsuperscript{27} \textit{JF}, p. 132.
  \item \textsuperscript{28} \textit{LP}, pp. 32-3, p. 69.
  \item \textsuperscript{29} \textit{LP}, p. 55, pp. 121-2.
\end{itemize}
ordered people see themselves as having a fundamental interest in ‘receiving from other peoples a proper respect and recognition of their equality’, but are also ‘prepared to grant the very same proper respect and recognition to other peoples as equals.’

30 The ideal of a world Society of Peoples mutually accepting and abiding by the Law of Peoples expresses, at its heart, this idea of reciprocity among free and equal peoples. Just as a domestic society satisfying reciprocity among its members is ordered according to terms acceptable to all, rather than on the mere rule of force, so also when international society satisfies reciprocity among peoples, the foreign policy and mutual relations of peoples are ordered according to terms that each people can accept ‘without submitting to a position of inferiority or domination.’

31 To conclude this section, consider that in a world that fully realizes the ideal of a Society of well-ordered Peoples, all societies throughout the world will be well-ordered, in both domestic and international aspects. As such, all individuals in the world will either be citizens of a liberal society, or members of a decent society, entitled to the basic rights, liberties and opportunities recognized in their society. Since their basic needs will be met, their society will be a system of cooperation which satisfies some idea of reciprocity, in an effective sense and not only formally. Moreover, in their relations with each other, all societies will follow a Law of Peoples that they can mutually accept as free and equal peoples. Thus, the criterion of reciprocity will hold both domestically and internationally: ‘both between citizens as citizens and between peoples as peoples’.  

III. THE DUTY OF ASSISTANCE AS A TRANSITIONAL PRINCIPLE

With an understanding of the broad framework of Rawls’s theory of global justice in hand, we can now turn our attention to the duty of assistance. On my understanding of this duty, it has three key features: (1) It is a principle of transitional justice which calls for well-ordered peoples to assist burdened societies in overcoming unfavourable conditions in order for each society (a) to establish a liberal or decent regime, and (b) to take its place as an independent and equal

30 LP, pp. 33-5, emphases removed.
31 LP, p. 121.
32 LP, p. 57.
member of the Society of Peoples;\(^3^3\) (2) While it may involve making transfer payments or otherwise offering assistance to help burdened societies meet the basic needs of their members, meeting basic needs is not the fundamental aim of the duty, and does not exhaust its demands; (3) It is grounded in the natural duty of justice.

This account of the duty of assistance might seem to conflict with one particular passage from *The Law of Peoples* where Rawls appears to suggest that the duty of assistance is not owed by well-ordered societies to burdened societies but rather between well-ordered societies, and that it aims only to insure against the possibility that such societies will be unable to meet the basic needs of their members without external help, in cases of natural disasters and other contingencies.\(^3^4\) Here the duty of assistance seems merely to require a mutual assistance scheme among well-ordered peoples, aimed at helping each other ‘stay above the economic minimum necessary to make a well-ordered society possible’, as Thomas Pogge writes.\(^3^5\)

However, it seems clear that this principle, which we might call the *mutual assistance principle*, is intended to *supplement* the eight principles of the Law of Peoples, and is not in itself the duty of assistance. Rawls says that mutual assistance is among the principles that ‘need to be added’ to the eight principles.\(^3^6\) The duty of assistance properly speaking – as specified in the eighth principle of the Law of Peoples – is distinct: rather than being owed between well-ordered peoples, it is owed by well-ordered peoples to burdened societies as a principle of transitional justice which falls within the domain of *non-ideal theory*.

The intuitive thought here is that political theorizing can be divided into ideal and non-ideal parts. Ideal theory tries to work out a conception of justice as a realistically utopian goal, while non-ideal theory is primarily concerned with how to work from the status quo, which is plagued by both deliberate injustice and unfavourable conditions, to the final realization of the goal

\(^3^3\) See *LP*, p. 59.
\(^3^4\) See *LP*, p. 38.
\(^3^6\) *LP*, p. 37.
specified by ideal theory. Rawls notes that non-ideal theory ‘presupposes that ideal theory is already on hand’, since ideal theory specifies the ‘objective’, ‘aim’, or ‘long-term goal’ which it is the task of non-ideal theory to ask how to achieve.\(^{37}\) In this way, ideal theory provides ‘guidance in thinking about nonideal theory’ by clarifying ‘the goal of reform’.\(^{38}\) Within this framework, non-ideal theory seeks to specify transitional principles: these guide us as agents with a sense of justice when we deliberate about how to carry through the transition, through various stages of reform, from an unjust status quo to the eventual realization of the ideal conception.\(^{39}\)

This transitional understanding of Rawls’s non-ideal theory echoes the account offered by A. John Simmons, for whom ‘Rawlsian nonideal theory [is] strongly transitional’. Simmons suggests that Rawls’s non-ideal theory is concerned with finding ‘transitionally just’ policies, namely those which can be ‘a morally permissible part of a feasible overall program to achieve perfect justice’ as an ‘ultimate goal’.\(^{40}\) Similarly, Gopal Sreenivasan identifies one part of Rawls’s non-ideal theory as ‘transitional theory’, which specifies what obligations individuals have ‘to bring just institutions into existence’ from an unjust status quo.\(^{41}\) As we shall see, these obligations are grounded in the natural duty of justice.

Applying this division between ideal and non-ideal parts to his theory of global justice, Rawls begins by working out an ideal conception for the international case: as we have seen, this is a world where all societies are well-ordered in both domestic and international aspects, such that the criterion of reciprocity is satisfied ‘both between citizen as citizens and peoples as peoples.’\(^{42}\)

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\(^{37}\) \textit{LP}, pp. 89-90. See also \textit{TJ}, pp. 245-6.

\(^{38}\) \textit{JF}, p. 13.

\(^{39}\) I do not mean to imply that transitional principles are, for Rawls, exhaustive of the concerns of non-ideal theory. As Gopal Sreenivasan rightly points out, Rawlsian non-ideal theory also deals with, among other questions, punishment, restitution, and the proper response to individual-level partial compliance in an otherwise just distributive scheme. See Sreenivasan, ‘What is Non-Ideal Theory?’, in M. S. Williams, R. Nagy, and J. Elster (eds.), \textit{Transitional Justice: NOMOS LI} (New York: New York University Press, 2012).


\(^{41}\) Sreenivasan, ‘Non-Ideal Theory’, p. 234.

\(^{42}\) \textit{LP}, p. 41, p. 57.
When he turns to non-ideal theory, this ideal of a world Society of well-ordered Peoples serves as the long-term goal which is to guide reform; he writes that the ‘aim of the Law of Peoples would be fully achieved when all societies have been able to establish either a liberal or a decent regime’. 43

In the non-ideal theory of the Law of Peoples, then, we take the perspective of well-ordered peoples who ‘wish to live in a world in which all peoples accept and follow the (ideal of the) Law of Peoples.’ Noticing that the status quo contains departures from the ideal in the form of outlaw states and burdened societies, we ask how we are to ‘work from a world containing outlaw states and societies suffering from unfavorable conditions to a world in which all societies come to accept and follow the Law of Peoples.’ Rawls is explicit about the transitional concerns of the non-ideal theory of the Law of Peoples: its problems and questions, he reminds us, are ‘questions of transition’. 44

The duty of assistance must be understood in this context. The question of transition to which this duty is addressed is that of how to reform a status quo in which some societies are burdened by conditions unfavourable to the establishment of liberal or decent regimes. I am in agreement with Sreenivasan when he writes that Rawls’s duty of assistance is ‘explicitly an obligation of transitional justice, since its aim is to assist “burdened societies” to become “well-ordered”’. 45 Rawls calls the duty of assistance a ‘principle of transition’, which requires extending assistance to burdened societies until ‘all societies have achieved just liberal or decent basic institutions’ and therefore have the standing to be ‘full members of the Society of Peoples’, each capable of ‘[determining] the path of their own future for themselves.’ 46

We can state the two prongs of the duty of assistance as follows:

43 *LP*, p. 5.
44 *LP*, pp. 89-90, emphasis added.
45 Sreenivasan, ‘Non-Ideal Theory’, p. 244.
46 *LP*, p. 118.
The domestic aspect: To help burdened societies establish a well-ordered liberal (or decent) regime; and

The international aspect: To help burdened societies become free and equal members in good standing of the Society of well-ordered Peoples.

IV. NOT HUMANITARIAN ASSISTANCE

Having reviewed my account of the duty of assistance as a principle of transitional justice, we can turn to examine some rival accounts. Consider the common characterization of the duty of assistance as a humanitarian duty. Rawls’s cosmopolitan critics often contrast the robust demands of the egalitarian principles of global distributive justice that they defend with what they take to be a less demanding duty of humanitarian assistance affirmed in Rawls’s Law of Peoples. While my focus will be on replying to Rawls’s cosmopolitan critics, we should note that some of Rawls’s most vocal defenders also contrast the ‘duties of humanitarian assistance’ that are owed to burdened societies with the duties of ‘distributive justice’ that apply within systems of social cooperation.47

Consider the account of the duty of assistance offered by Laura Valentini, who claims that for Rawls, wealthy societies have ‘only duties of humanity aimed at assisting needy societies’.48 For her, Rawls’s duty of assistance imposes the ‘weaker – though still obligatory – demands’ of a duty of humanity, which she contrasts with the ‘more stringent’ demands of a duty of global distributive justice.49 The special stringency or weightiness of duties of justice can be explained, she suggests, by the correlativity of such duties to the rights or entitlements of those to whom such duties are owed. While duties of justice determine entitlements to distributive shares, duties of humanity simply call on duty-bearers to ‘use their own entitlements to promote the good of

49 Ibid., p. 8, p. 52.
others’ – these entitlements having presumably been established by some prior structure of duties of justice.\textsuperscript{50} Valentini further suggests that because duties of humanity are imperfect – they do not correlate to the rights of others – they are ‘paradigmatically non-enforceable’, whereas duties of justice are ‘enforceable without wrongdoing’.\textsuperscript{51}

Similarly, Kok-Chor Tan claims that Rawls ‘rejects the idea of global distributive justice’, and instead his international theory makes ‘only’ the weaker demand that well-ordered peoples assist burdened societies as ‘a matter of decency’; well-ordered peoples have ‘duties of humanitarian assistance’ to ensure that individuals in burdened societies have their basic needs met. For Tan, duties of global (distributive) justice and humanitarian assistance are importantly distinct. Humanitarian duties are drawn from the domain of ‘ethics’ and are concerned with ‘personal conduct and decisions at the interactional level’, whereas justice claims to regulate the ‘institutional arrangements’ within which these interactions take place.\textsuperscript{52} The idea seems to be that humanitarian duties take background institutions and the property rights they establish as given, whereas principles of justice may call into question this background institutional framework.

Indeed, to accept ‘only a duty of humanity to poorer countries’, Tan suggests, is to accept ‘the existing baseline resource and wealth distribution [as] just’; as a mere humanitarian duty, the duty of assistance is confined to calling on wealthier societies ‘to redistribute wealth’ over which they have ‘rightful ownership’, as a humane response to severe need. In contrast, the duties of global justice that cosmopolitans favour seek to settle the more fundamental question of ‘what counts as a just distribution in the first place’, and therefore invite us to ‘reconceive our present global basic structure’.\textsuperscript{53}

\textsuperscript{50} Ibid., p. 8, p. 181.

\textsuperscript{51} Ibid., pp. 52-3, emphasis removed.

\textsuperscript{52} Tan, \textit{Justice without Borders}, pp. 21-3.

The two main claims of this account of Rawls’s duty of assistance seem to be: (1) that the requirements of the duty apply only after the global distribution of property rights has been fully specified by independent principles of distributive justice, and hence they take as given this prior assignment of entitlements to property in income, wealth and other material resources; (2) that the duty to assist burdened societies is aimed at relieving suffering, and is grounded in some value drawn from personal ethics, such as compassion, mutual aid, or common decency; as such, it is a less stringent or non-enforceable imperfect duty. Tan in particular takes the first claim further and suggests: (1*) that the duty of assistance takes as given the actual global assignment of property rights in the status quo. All of these interpretative claims strike me as mistaken.

Consider to begin with claims (1) and (1*). It is certainly true that for Rawls, principles of justice requiring that relations of economic production, exchange, transfer and consumption be arranged on terms of reciprocity among individuals principally apply at the level of domestic societies. Moreover, the respect that well-ordered peoples have for each other’s political autonomy means that each people refrains from intervening in the affairs of other societies to enforce its preferred distributive scheme, except in cases where the human right to subsistence is at stake. Hence, the determination of property rights within any given well-ordered society will depend on the relevant legitimate political decisions made in that society.

However, this does not imply that property rights are to be fully assigned before the demands of the duty of assistance have been taken into account, as claims (1) and (1*) suggest. Rather, the demands of the duty of assistance are to in some way constrain the final assignment of property rights in each domestic society. When the legislators in a well-ordered people deliberate about how to arrange relations of production, exchange, transfer and consumption to be in accordance with some domestic distributive principle, they must also take into account the demands of the duty of assistance before finally determining how the laws they enact will assign property rights.

Here I am largely in agreement with Samuel Freeman, who suggests that in a liberal society well-ordered by justice as fairness, ‘the duty of assistance … is to be satisfied, like the just savings principle, before determining the distributive shares of the least advantaged … under the
difference principle.’\textsuperscript{54} My minor disagreement with Freeman is that there seems to be no reason to think that the duty of assistance should have priority over the difference principle or any other domestic distributive principle; rather, a more plausible way of accommodating the demands of both domestic distributive justice and the duty of assistance is to give them \textit{co-priority}.\textsuperscript{55}

As Freeman suggests, while Rawls does not discuss the question directly, his treatment of the principle of just savings in the context of domestic justice provides a plausible framework to understand the appropriate priority rule for the duty of assistance as against domestic distributive justice. In the case of the just savings principle, we need to specify a priority rule between duties to future generations and the requirements of, for example, the difference principle. The solution Rawls proposes to this problem of setting a priority rule between these competing demands of justice could guide us in interpreting how Rawls understands the priority rule between domestic distributive justice and the duty of assistance.

Rawls writes that the just savings principle ‘constrains the difference principle’, in the sense that the difference principle should not be understood to require maximizing current consumption for the least advantaged, since citizens of a liberal society have a duty to future generations to jointly save enough to maintain conditions favourable to the preservation of a just basic structure over time.\textsuperscript{56} The proposal is to balance the claims of future generations against the claims of the least advantaged in any given generation by interpreting the difference principle so that it does not conflict with the demands of the just savings principle.

On this approach, the difference principle deems inequalities in life prospects between citizens of the same generation permissible if they benefit the least advantaged, no matter what the overall level of societal wealth is – ‘whether high or low’ – provided of course that the required ‘material base’ to sustain just institutions is preserved.\textsuperscript{57} When interpreted in this way, the difference principle is made compatible with a just savings principle, and the claims of

\textsuperscript{54} Freeman, ‘Distributive Justice and The Law of Peoples’, p. 309, emphasis added.
\textsuperscript{55} I am indebted to Stephen Macedo for this formulation.
\textsuperscript{57} \textit{JF}, p. 64; \textit{TJ}, p. 287.
reciprocity among citizens and of justice for future generations are each given their due. In the same way, we might think that in well-ordered societies, the final assignment of property rights is to be sensitive not only by the domestic distributive principles affirmed in each society, but also to the demands of the duty of assistance: the difference principle, or any other domestic distributive principle, is to be interpreted as leaving space for the costs of discharging the duty of assistance. Thus, in well-ordered liberal societies, the assignment of property rights is to conform to some distributive principle satisfying the criterion of reciprocity among citizens, while also ensuring that, as a society, (i) enough is saved to satisfy the just savings principle and (ii) enough is set aside to discharge the duty of assistance.

If this understanding of the duty of assistance is correct, then claim (1), that the duty takes as given a prior assignment of property rights within domestic societies, is mistaken. In a well-ordered society, a just assignment of property rights domestically will take seriously the demands of the duty of assistance internationally. *A fortiori*, claim (1*) is mistaken. To accept Rawls’s duty of assistance is not to accept the global distribution of wealth and material resources found in the current status quo as ‘more or less sound’; quite clearly, even in existing liberal democratic societies, the domestic demands of liberal distributive justice and the international demands of the duty of assistance are not taken seriously.

Like well-ordered peoples, existing societies expect other societies to respect their political autonomy over their territories, including their jurisdiction over the domestic assignment of property rights in various material resources. Unlike well-ordered peoples, they do not ‘take responsibility for their territory’ and its resources, so as to discharge in good faith their various duties of domestic distributive justice, international transitional justice and justice to future generations. Rather, to varying degrees they abuse their political autonomy to enact distributive regimes which favour the already privileged few at the expense of the legitimate claims of the global poor and of future generations. Far from endorsing the global status quo, Rawls’s theory — including his proposed duty of assistance — clearly condemns it as unjust.

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Consider now claim (2), that Rawls’s duty of assistance is grounded in values, such as compassion, mutual aid, or common decency, which are drawn from the sphere of personal ethics. Against this claim, I suggest that if we understand the duty of assistance as a principle of transitional justice, we can plausibly see the duty as grounded in the natural duty to support and establish just institutions, and not in some personal ethical ideal. For Rawls, the main principle of justice which applies to individuals – rather than to institutions – is the natural duty of justice. Rawls formulates the duty as follows:

‘This duty has two parts: first, we are to comply with and to do our share in just institutions when they exist and apply to us; and second, we are to assist in the establishment of just arrangements when they do not exist, at least when this can be done with little cost to ourselves.’

My suggestion is that the two parts of the natural duty of justice correspond to the two parts of political theory: ideal and non-ideal. While much attention has focused on whether the first part of the duty, corresponding to ideal theory, can establish individuals’ political obligations, the second part of the natural duty of justice, concerned with the non-ideal case, has been relatively neglected. I suggest that the transitional principles of Rawls’s non-ideal theory – including the duty of assistance – should be understood as grounded in this second part of the natural duty of justice.

Recall that in non-ideal theory we seek to realize, as a long-term goal of reform, a social world which conforms to the conception of justice worked out in ideal theory. This transitional project is not a mere aspiration but a requirement of justice; Rawls claims that individuals ‘have a natural duty to remove any injustices, beginning with the most grievous as identified by the extent of deviation from perfect justice.’ This natural duty to participate in projects of reform aimed at realizing ideal justice is surely just the duty ‘to assist in the establishment of just arrangements when they do not exist’ that formed the second part of the natural duty of justice. Call this the natural duty of transitional justice.

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60 TJ, p. 334. See also TJ, p. 115.
61 TJ, p. 246.
Notice that this natural duty of transitional justice, unlike its ideal theory counterpart, is not limited to those institutions that ‘apply to us’; its scope of application is left unbounded; at least implicitly, the duty calls on us to assist in establishing just institutions everywhere. We might say that the natural duty of transitional justice has *global scope*. It is therefore highly plausible to think that the duty of assistance, as a transitional principle of the non-ideal theory of the Law of Peoples, is grounded in this natural duty of transitional justice with global scope. Burdened societies find it difficult or impossible to establish a just (or decent) regime, and hence the natural duty of transitional justice calls on the members of well-ordered peoples to assist them in the establishment of just (or decent) institutions.62 Indeed, more generally the moral motivation of well-ordered peoples to carry through the transition from a world in which outlaw regimes and burdened societies exist to a world where all societies are full members of the Society of Peoples should be understood in terms of this natural duty of transitional justice.

Now although Rawls does not explicitly invoke the natural duty of justice in discussing the non-ideal theory of the Law of Peoples, it is instructive to note how he stresses the similarity between well-ordered peoples’ international duty of assistance and their domestic duty of just savings. Both duties share the same aim, namely to ‘to realize and preserve just (or decent) institutions’; in this sense, the two duties ‘express the same underlying idea’.63 It is striking, therefore, that Rawls also claims that the just savings principle is ‘an interpretation’ of the ‘natural duty to uphold and to further just institutions’.64 This again suggests that Rawls takes the duty of assistance – like the just savings principle – to be grounded in, or an application of, the natural duty of transitional justice.

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62 The extension of the natural duty of transitional justice to include the establishment of *decent* institutions in the Law of Peoples can be explained, I would suggest, as the consequence of Rawls’s thesis that liberal peoples should tolerate decent non-liberal societies and accept them as full members of the Society of Peoples. I am unfortunately unable to pursue this point further in this article.

63 See *LP*, pp. 106-7.

64 *TJ*, p. 289.
Notice also that the natural duty of transitional justice, in contrast to the duty for the ideal case, is constrained by a cost proviso. In a society well-ordered by liberal justice, the basic institutional arrangements will reflect the criterion of reciprocity among citizens, and therefore complying with what they direct will not be unreasonably demanding for any given individual. In contrast, for any given individual the establishment of just institutions will represent a long-term goal of reform that can only be meaningfully advanced through the joint efforts of many similarly motivated individuals – indeed, that the work of transitional justice is a collective task is suggested by the idea that individuals are called to ‘assist in’ the establishment of just institutions; presumably each individual assists in some joint project of reform. That Rawls sees transitional justice as primarily a collective task or responsibility is the upshot, I suggest, not only of the idea that all individuals are bound by the natural duty of justice, but also of his insistence that non-ideal theory should look for policies that are ‘likely to be effective’. The effectiveness of discrete and uncoordinated actions by individuals is simply likely to be low.

Note that this idea that the work of transitional justice, though grounded in a natural duty that applies to individuals, is to be primarily accomplished through collective or joint efforts, helps to clarify my suggestion that the duty of assistance owed by well-ordered peoples to burdened societies is grounded in that natural duty. At the global or international level, the primary agents of reform are whole societies, organized politically. Yet the claim that the work of reform should, for reasons of efficacy, be primarily carried out by well-ordered peoples is quite compatible with the claim that the moral motivation for this work is a natural duty of justice which applies to individuals. The idea that a liberal people ‘tries to assure reasonable justice … for all peoples’, therefore, is grounded in the fact that the citizens of a liberal people take seriously their natural duty to establish just institutions globally.

In this context, the cost proviso attached to the natural duty of transitional justice is aimed at ensuring that for any particular individual, the demands of the duty are not excessive. Although Rawls does not elaborate on how to specify the cost proviso, one plausible way to think about the proviso is that it protects individuals from having to contribute more than their fair share to the

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65 LP, p. 89.
66 LP, p. 29.
joint or collective task of reform. I stress here, however, that the cost proviso does not imply that the long-term goal of transitional justice in non-ideal theory is, as it were, to be discounted or diminished. As I understand it, the cost proviso does not affect the specification of the long-term goal of reform – for that is task of ideal theory – but rather limits the expected contribution from any particular individual to her fair share in the joint work of transitional justice.

In concluding this section, I want to point out that understanding the duty of assistance as a transitional principle of non-ideal theory grounded in the natural duty of justice helps to fill what has seemed to many of Rawls’s critics to be a lacuna in the argument for the duty of assistance. On the (I have been arguing, flawed) assumption that the duty to assist burdened societies is motivated by humanitarianism or altruism of some kind, it is puzzling why the duty of assistance would be adopted in the international-level original position. The objection is that since only well-ordered peoples are represented, and their representatives are modelled as ‘rational’ – that is, as guided in their choice of principles by the fundamental interests of liberal and decent peoples as peoples – they would not choose a principle requiring assistance to burdened societies. Philip Pettit complains that it is ‘unclear’ why the representatives of well-ordered peoples ‘would have a rational motive for endorsing such altruism’.

The answer to this puzzle is that the duty of assistance is not an altruistic or humanitarian principle, but a principle grounded in the natural duty of transitional justice. Well-ordered peoples take as one of their interests the discharge of their members’ natural duty of justice to both preserve their own just (or decent) institutions, and also to establish such institutions in other societies where they do not yet exist. If so, the representatives of well-ordered peoples, guided by their interests as peoples in the international-level original position, would choose the duty of assistance understood as a principle of transitional justice.

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V. NOT SUFFICIENTARIAN DISTRIBUTION

Having seen that the duty of assistance is not a less weighty or less stringent ‘humanitarian’ principle motivated by personal ethical ideals, but rather a transitional principle of non-ideal theory motivated by the natural duty of justice, we can turn to consider the second major interpretative claim made by Rawls’s critics. This is the claim that the duty of assistance should be understood as a global sufficientarian principle, to be contrasted with the global egalitarianism favoured by cosmopolitans.

For example, Lea Ypi claims that Rawls ‘only allow[s] for sufficientarian principles of assistance to burdened societies’, in contrast to cosmopolitans who ‘defend global distributive justice.’ For Ypi, Rawls’s conception of global distributive can be captured in the following slogan: ‘sufficientarian justice is global, whereas egalitarian justice is not.’ I suggest that the idea of a global sufficientarian principle to which Ypi refers, and which I believe is implicitly imputed to Rawls by many of his other critics, can be expressed in the following two claims: (3) positively, its demands are exhaustively satisfied when all persons in the world have sufficient resources to meet at least the minimal threshold of subsistence needs; and (4) negatively, it does not impose any constraints on substantive global inequalities. Again, neither of these claims accurately characterizes Rawls’s position.

Note that claim (3) should not be understood merely to mean that the demands of the duty of assistance are in some sense satiable; if that is all that sufficientarianism means, then the duty of assistance is indeed sufficientarian, since Rawls is clear that the duty has a ‘target and cutoff point’. Nor should claim (4) be understood merely to mean that the duty of assistance does not require, as a global principle applying between all persons in the world, that the resources controlled by the least advantaged be maximized, or that substantive global inequalities be continually reduced or constrained within some range. If all that Rawls’s putative global

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70 Ibid., p. 115.
71 LP, p. 119.
sufficientarianism means is that he rejects a global difference principle or some other global principle of egalitarian distribution between persons, then that is surely correct.

In general, however, Rawls’s critics do not simply claim that he rejects a global principle of egalitarian distribution among persons. They argue that the Law of Peoples, and specifically the duty of assistance, should be rejected as implying an objectionably minimalist level of moral concern for the material claims of those who live in societies with less developed economies, and they urge that this moral minimalism is incompatible with taking seriously the equal moral status of all persons globally. This stronger claim seems to me better captured by the conception of global sufficientarianism I outlined above. My approach in this section will therefore be to ask if Rawls’s duty of assistance should indeed be understood according to this sufficientarian conception.

Consider claim (3): that the duty of assistance is fully satisfied once all persons have access to at least the amount of resources sufficient to meet a certain minimal level of well-being, understood in terms of subsistence needs. Simon Caney, for example, claims that the satisfaction of the duty of assistance is consistent with some persons being reduced to a level ‘just above subsistence’, having just ‘enough to live on’.72 Similarly, Tan takes the duty of assistance to cease ‘once a defined threshold of subsistence is secured’.73 Likewise, when she elaborates on the ‘sufficientarian principles with global scope’ that she takes Rawls and other ‘statists’ to endorse, Ypi explains that these principles commit us to provide all persons with ‘enough to have basic subsistence claims satisfied’.74

There is no textual support, however, for the claim that the duty of assistance aims at meeting only subsistence needs. The threshold of subsistence is invoked in the Law of Peoples only in connection with the doctrine of human rights – the human right to life is taken to cover the

73 Tan, Justice without Borders, p. 116.
74 Ypi, Global Justice, p. 108.
means to subsistence. Here it is crucial to remember that for Rawls, human rights have a ‘special role’ in the theory of global justice, namely to set ‘limits to a regime’s internal autonomy’: if a political society honours human rights, that is sufficient to render ‘forceful intervention’ in its affairs by other societies unjustified.

Hence, human rights in the Law of Peoples do not serve to specify – as they do, for example, in David Miller’s conception – the minimum level of social and political concern that all persons globally owe to each other. As we have seen, on Rawls’s view there is a natural duty of transitional justice with global scope, which requires well-ordered peoples to assist in the establishment of just (and decent) regimes globally; it is this goal of non-ideal theory that specifies the global minimum, at least over the long term. Rawls’s claim that there is human right to subsistence concerns a much narrower issue: he means to suggest that a regime which systematically fails to secure the subsistence needs of all members is an outlaw state that is open to justified external intervention. The duty of assistance, however, is not concerned with forceful intervention in outlaw states but with peaceful assistance to burdened societies, and hence the threshold of subsistence needs has no connection with the duty’s target.

Besides the possible confusion engendered by Rawls’s idea of a human right to subsistence, I believe that many of Rawls’s critics have also been misled by his claim that in well-ordered societies the basic needs of all members will be met. Since the duty of assistance aims to help burdened societies become well-ordered, this implies that when the duty is fully satisfied, the basic needs of all persons in the world will be met. In this way, taking the global satisfaction of basic needs as a kind of global sufficientarian minimum, the duty of assistance might be said, following Charles Beitz, to ‘incorporate the material minimum by reference’. However, even if the duty of assistance incorporates the standard of meeting basic needs, this obviously does not

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75 LP, p. 65.  
76 LP, pp. 78-80.  
77 See David Miller, National Responsibility and Global Justice (Oxford: Oxford University Press, 2007), especially Ch. 7.  
78 LP, p. 38, p. 116.  
imply that meeting basic needs exhausts the duty of assistance. The target of the duty is not only to help members of burdened societies meet their basic needs; more broadly, it seeks to help burdened societies establish just (or decent) institutions.

Moreover, it is important here to be clear about Rawls’s idea of basic needs, for even if (counterfactually) the duty of assistance aims solely at meeting the basic needs of all persons globally, it does not strike me as an objectionably minimalist standard; indeed, it is not even an essentially non-comparative standard. Recall that the idea of basic needs in Rawls must be distinguished from the distinct idea of pre-social needs: basic needs go beyond what is required for human biological and psychological functioning, taking human persons as essentially pre-social beings. This distinction is important since Rawls’s idea of basic needs is easily conflated with the idea of pre-social needs, which features for example in Ypi’s characterization of sufficientarian views as being concerned with providing persons with enough resources to escape their ‘natural vulnerabilities’ and thereby to live a ‘functioning’ life or a ‘minimally adequate life’. While the goal of meeting only pre-social needs is indeed objectionably minimalist, since it implausibly conceives of human persons as simply biological beings, Rawls’s idea of basic needs takes seriously the fact that persons are enmeshed in social and political relations, and is therefore not objectionably minimalist in this way.

Indeed, once we see that Rawls’s idea of basic needs does not appeal to a conception of human persons as biological beings whose claims are defined by some globally invariant suite of biological functionings, we will see that a threshold of meeting basic needs will not even be necessarily non-comparative. To the extent that it is concerned to meet basic needs in burdened societies, the duty of assistance ‘seeks to raise the world’s poor until they are either free and equal citizens of a reasonably liberal society or members of a decent hierarchical society’. If we understand non-comparative claims to be those whose content can be specified without reference to any relational facts about the claimants, it seems clear that basic needs do not specify a non-comparative threshold. The bundle of social goods an individual needs to be a free and equal

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80 Ypi, *Global Justice*, pp. 112-3.
81 *LP*, p. 119.
citizen of a well-ordered liberal society, for example, cannot be specified without knowledge of any relational facts about that individual.

Consider finally claim (4): that the Law of Peoples does not impose any constraints on substantive global inequalities. This is what Ypi calls ‘pure sufficientarianism’ at the global level – the view that we have no reasons grounded in justice to constrain inequalities of distributive shares between (individuals in) different societies.\(^{83}\) Now, Rawls indeed rejects the idea that justice commits us to the indefinite reduction of substantive international inequalities \textit{beyond that required by the ideal of a world Society of well-ordered Peoples}; once all societies are able to be full – that is, free and equal – members of the Society of Peoples, ‘there is … no reason to narrow the gap between the average wealth of different peoples.’\(^{84}\) This is the significance of Rawls’s claim that the duty of assistance has ‘a cutoff point’.\(^{85}\)

Crucially, however, to say that the duty of assistance does not require the indefinite reduction of international inequalities is not to say that it is a principle of global pure sufficientarianism. In fact, the duty of assistance partly aims to achieve \textit{equality (or reciprocity) among politically autonomous peoples}. As a transitional principle, the duty calls on well-ordered peoples to help realize the ideal of a world Society of well-ordered Peoples. Hence, the ‘final aim’ of the duty of assistance is to achieve ‘freedom and equality for [a] formerly burdened society’, allowing it to take its place a full member of the Society of Peoples.\(^{86}\) It is only once equality is secured among all peoples, including the formerly burdened, that further reductions in substantive inequalities are no longer called for.

To be sure, the equality among peoples that the duty of assistance aims at is not fundamentally equality of societal wealth. Rather, the ideal of equality or reciprocity among peoples is closely tied to the \textit{political autonomy} of societies. The essential thought is that when a society is unable to order its own affairs – including its economic affairs and trade relations – without undue

\(^{83}\) \textit{Ibid.}, p. 112.  
\(^{84}\) \textit{LP}, p. 114.  
\(^{85}\) \textit{LP}, p. 119.  
\(^{86}\) \textit{LP}, p. 111.
dependence on the decisions of external agents, then it cannot be a full and equal member of the Society of Peoples. This explains why, for Rawls, the aim of the duty of assistance can also be described as helping burdened societies to ‘determine the path of their own future for themselves’, and to ‘stand on [their] own’.  

Nevertheless, Rawls recognizes that inequalities in societal wealth can undermine the conditions for the political autonomy of poorer societies. While the Law of Peoples rejects the view that substantive inequalities among peoples are unjust in themselves, there is room for the recognition that excessive inequalities may have ‘unjust effects on the basic structure of the Society of Peoples, and on relations among peoples’. What Rawls seems to have in mind are inequalities in societal wealth that give some societies an unfair advantage in bargaining power over others in trade negotiations, or which make some societies dependent on others economically or politically.

This recognition might explain Rawls’s remark that global justice includes certain standards of fairness in trade, as well as principles to correct for any ‘unjustified distributive effects’ which arise from international cooperation. Presumably, trade is unfair and distributive effects unjustified when they lead to international inequalities that undermine the political autonomy of (poorer) societies. Even without taking into consideration these supplementary principles, however, it is plausible that discharging the duty of assistance will in itself require the reduction of substantive inequalities between societies to the extent that this is necessary to achieve political autonomy for burdened societies. Hence, the claim that Rawls’s duty of assistance licenses unlimited international inequalities above some minimal non-comparative threshold is incorrect.

87 LP, pp. 118-9.
88 LP, p. 113.
89 LP, p. 115.
VI. CONCLUSION

I have argued that we cannot understand the disagreement between Rawls and his cosmopolitan critics in terms of a contrast between global sufficientarianism and global egalitarianism. Nor can we understand their disagreement in terms of the distinction between global duties of humanity and duties of justice. The eighth principle of the Law of Peoples is not a sufficientarian principle based on humanitarianism, but is rather a principle of transitional justice – its aims to realize as a long-term goal the establishment of a world Society of free and equal well-ordered Peoples.

The fundamental divide between Rawls and his cosmopolitan critics lies in their different ideal conceptions of the global social world. Cosmopolitan liberals largely affirm a single-level global ideal of reciprocity between all individuals in the world, conceived as free and equal persons. Rawls, by contrast, affirms a two-level ideal: at the domestic level, he affirms an idea of reciprocity among cooperating members of society; at the international level, he affirms an idea of reciprocity among well-ordered peoples. I have not been able to mount a full defence of Rawls’s ideal conception here, but I hope to have shown at least that it is an attractive and plausible alternative to the cosmopolitan view. It is this ideal that the duty of assistance calls on us to realize.

Acknowledgements:

For helpful discussion, I am grateful to Ted Lechterman, Stephen Macedo, David Miller, Lea Ypi, and participants at the Political Theory Workshop at Nuffield College, Oxford.