# CHAPTER FIVE

# POVERTY AS A MATTER OF JUSTICE

When John Rawls published his book, *A Theory of Justice,* in 1971, he restored the concept of justice as a primary moral concept for dealing with social issues. The restoration of the concept of justice in moral evaluation was confirmed by the subsequent debates and discussions generated by Rawls's work. Christian ethics cannot ignore the significance of debates on justice for its own work on social issues. Taking philosophical debates on justice into account, can deepen understanding of the moral issues of poverty and help articulate the unique contribution that Christian ethics can make.

What is justice all about? What is the scope of the concept of justice? What are the issues that can legitimately be discussed and evaluated in terms of justice? In this chapter I will first explain why the concept of justice has primary significance as moral category dealing with social issues. Thereafter I will show how a moral evaluation in terms of justice illuminates the moral issues involved in poverty. If theological ethics wants to be taken seriously, it will have to address some of these issues.

## 1. The Primacy of Justice

John Rawls affirms the important role of justice in society. The powerful opening statement in Rawls's book states that justice is "the first virtue of social institutions, as truth is of systems of thought" (Rawls 1971: 3). Through this strong statement Rawls stresses the conviction that justice is primary in the moral evaluation of a society. Rawls (1971: 9) sees justice as providing the moral standard for assessing a society. Iris Marion Young (1990: 24) concurs with Rawls about justice as primary normative concept for judging social insti-

tutions. But why is justice so important for judging human societies? In what follows, I want to give three reasons for the primacy of justice. These reasons are [1] the role of a conception of justice in dealing with conflict in a society, [2] the nature of justice as public decisions about matters of shared interest, and [3] the function of justice to achieve and regulate a well-ordered society.

### 1.1 Justice Deals with Conflict in a Society

Stuart Hampshire (1989: 90) argues that all moral judgements and arguments presuppose that the great evils experienced by human beings must be avoided. Although background to all moral theorising, Hampshire says the concept of justice in particular can only be fully understood when the "forces of destruction" that justice intends to avert, are taken into account (Hampshire 1989: 68). For this reason Hampshire thinks that justice, in one sense, is a negative virtue, as it aims to prevent negative and harmful acts and experiences. In agreement with Michael J. Sandel (1982: 30–35), Hampshire argues that justice comes into play to resolve conflict peacefully where friendship, kinship, or shared communal values break down (Hampshire 1989: 55). Justice is thus necessary to human associations for preventing minor conflicts escalating into major disasters.

Rawls agrees that justice comes into play when people's claims to the division of the advantages of social life conflict (Rawls 1971: 128). Young also argues that justice plays the role of resolving conflict that result from the claims, calls, and pleas for justice that people make to their fellow beings (Young 1990:5).

Although the role of justice in conflict resolution is important, the significance thereof heightens when the general aims of conflicting claims for justice are understood. Claimants for justice conflict, because they have the intention [1] to secure for themselves treatment that recognises them as human beings or [2] to gain access to conditions under which they can live the best lives they

are capable of (Frankena 1962: 21; Rossouw 1995: 7). So while the impetus for a conception of justice is the goal of avoiding the great evils of human experience through resolving conflict, the sustaining power of the quest for justice is the endeavour for a society where each claimant of justice can enjoy the fullest life possible for, and worthy of, human beings (Frankena 1962: 26). In this sense, justice becomes a positive virtue. For this reason, ideals of justice stimulate people to imaginatively conceptualise their society as more "liberating and enabling" and to evaluate current injustices in the light of such imaginary visions (Young 1990: 35). Ideals of justice are continuously reformulated and given new content throughout history, enabling citizens to revise their evaluations of the capacity of their society to provide them adequate space to live worthy lives, appropriately reflecting their human dignity.

### 1.2 Justice as Public Decisions about Matters of Shared Interest

People use the concept of justice in a society both to prevent harm to themselves (and others), to claim treatment that respect their humanity, and to establish the conditions to live lives worthy of human beings. This quest for justice must be qualified. Issues of justice are public concerns, i.e. problems and conditions that human beings can decide on collectively through normative means. This can be explained as follows.

Social conditions and problems only come onto agendas as matters of justice when they are widely perceived as problematic and judged to be remediable through public action (Pitkin 1981: 329). Debates on justice do not focus on issues that cannot be changed by collective (or individual) human action. Stuart Hampshire explains blindness to injustice with reference to the fallacy of false fixity (Hampshire 1989: 59). What this fallacy does is to represent particular social arrangements in a specific society as being unalterable or unavoidable features of human life, as they are part of a natural, divine, or societal order

that cannot be changed or made otherwise through deliberate, conscious human action (Hampshire 1989: 59).

Hampshire gives a good example of the continual shifting judgement in societies concerning what is avoidable or alterable and what not. He imagines the current generation's grandchildren will "no doubt" ask the following question about their grandparents:

> "How can they have failed to see the injustice of allowing billionaires to multiply while the very same economy allowed abject poverty to persist uncorrected next-door to preposterous luxury?" (Hampshire 1989: 59).

Hampshire argues that this question does not present itself to the current generation as an intelligent one to ask, because the maldistribution it refers to is understood as an "uncontrollable natural phenomenon." (Hampshire 1989: 59). For this reason the question is too abstract with no meaningful link to current practice. The question will only become a real issue once poor people mobilise themselves to exert strong influence and to advance convincing arguments to strengthen their claims to become part of the main agenda of justice (Hampshire 1989: 59). Then only serious public debate on the justice of the issue will commence. It seems as if Hampshire reckons that normative debates about wealth and poverty in political philosophy have not yet penetrated public consciousness sufficiently to make any difference in practice.

In Hanna Pitkin's terms justice becomes possible when people realise that they must take charge of, and responsibility for, the social forces which they produce, sometimes as by-products of private, individual decisions and sometimes as result of inadequate or wrong collective decisions (Pitkin 1981: 344). If these forces are left unattended, they can "dominate our lives and limit our options" (Pitkin 1981: 345).

If poor people, for example, want their claims for justice accepted as legitimate, they must be able to establish a common point of view from which their claims may be adjudicated (Rawls 1971: 5). Judging the justice of a particular case requires people to choose concepts and language that express a point of view common to themselves and their fellow beings in society (Frankena 1962: 26). More than that, they must try to convince others that their proposed common point of view deserves support from all who are free and equal citizens committed to the already embodied principles of justice in their society (cf. Frankena 1962: 29).

The process of arriving at a common point of view requires that citizens become aware of the mutuality needed to sustain any society. Citizens must also become skilled in designing norms, rules, and policies with others who have different views, values, and interests (Pitkin 1981: 345). The ongoing process of determining aspects of the comprehensive conception of justice guiding societal life is an important part of the collective self-definition of a society, through which members of a society establish "who we shall be, for what shall we stand" (Pitkin 1981: 346).

The common point of view that establishes a conception of justice to guide a society in its public decisions can be embodied in a constitution, laws, rules, and norms. But exactly how far does the scope of the common point of view reach? What properly falls under the scope of justice? Furthermore, where is the conception of justice embodied and how does it function?

In a sense, the answer to the scope of justice has already been given. Matters of justice are issues that can be judged in terms of public morality, are remediable by human action, and are of public interest. Public interest does not only mean matters relevant to a broader public. The well-being of individuals, negatively affected by acts like violence against women, sexual abuse of children,

or marital rape, can become public concerns, regardless of the privacy of family life where they take place. Societies have an important stake in the well-being and dignity of their citizens and protection against harms might make aspects of private life open to public inspection and control.

In a sense, then, the scope of justice concerns any aspect of human life where people's lives can be harmed, their dignity be violated, or their development be constrained. Rawls and Young broadly concur on the scope of justice, though they use different terms to depict this scope and both focus only on certain aspects of the scope of justice in their theories. Young argues that the scope of justice is co-extensive with that of politics, including "all aspects of institutional organisation, public action, social practices and habits, and cultural meanings, insofar as they are potentially subject to collective evaluation and decision making" (Young 1990: 9).

Although Rawls focuses his theory of justice on the important issue that he calls the "basic structure of society", he adds the following to Young's already mentioned list of the scope of justice: laws, and particular actions, such as "decisions, judgments, and imputations" (Rawls 1971: 7). Rawls also acknowledges that the attitudes and dispositions of persons can be unjust, as well as persons themselves. People like judges can be unjust when they do not adhere to the appropriate rules, or interpretations thereof, when they decide cases. Rawls would label such a person unjust because "from character and inclination he is disposed to such actions" (Rawls 1971: 59). Rawls has an intuitive feeling that the justice of institutions might differ from the justice applicable to individuals and must be discussed separately. Nevertheless, he judges that the justice applicable to persons might be derived from the justice of social institutions and the legitimate expectations they elicit (Rawls 1971: 10).

Although most aspects of human life can fall under the public moral evaluation of a conception of justice, not all principles or rules of justice have a wide ap-

plication across all aspects of society. Some, like treating people according to merit, apply to certain practices, sectors or spheres only; others, like respecting people's human dignity, apply everywhere (Heller 1987: 51). People are treated equally if they are defined to belong to a societal cluster, such as people in a certain category of income or of a certain age, and specific norms and rules apply consistently to every member (Heller 1987: 51).

Societal clusters are usually determined by one or more characteristics that make those belonging to the cluster similar, whilst outsiders are dissimilar because of the absence of those characteristics. Gender and sex are good examples. Frankena points out that not every similarity calls for similar treatment, nor every dissimilarity for dissimilar treatment. Throughout history, Frankena points out, political actors like feminists, aimed to convince their fellow beings that they are using the wrong differences and similarities in their public conceptions of justice (Frankena 1962: 10). To establish a more just society, the similarities used for similar treatment had to be removed and the dissimilarities used for different treatment needed to be abolished (Frankena 1962: 10).

Just as the scope of application of different principles of justice may vary, so the complexity of the cases of injustice may vary. The injustice of denying a class of people the right to vote in elections for a new government on arbitrary grounds such as eye or skin colour is easy to pinpoint. However, the injustice of the oppression of a group, such as women in contemporary constitutional democracies, might require sophisticated analyses of different dimensions of oppression, such as Young's "five faces of oppression" (Young 1990: 39–65). Each of these faces, such as cultural imperialism, needs further analysis to determine all factors involved and actors responsible (see Young 1990: 58–61). In the end, a multiple of detailed principles of justice might be needed for judging the various facets of injustice concentrated in the phenomenon of women's oppression. In this complex case, the injustice of oppression consists of a conglomerate of smaller issues combining to constrain people's self-de-

velopment. To understand, evaluate, and ameliorate oppression, these issues must be disentangled and scrutinised in terms of appropriately applicable principles of justice.

Not only are all principles of justice not equally applicable to every aspect of society, but all matters of justice do not belong to one category either. Young's critique of the dominance of metaphors drawn from distributive justice rightly points to the fact that different categories of justice exist. For this reason appropriate metaphors must be found for the different categories that will not distort the issues involved, nor allow anyone to treat one category in a way appropriate to another kind of justice.

Roughly six categories of justice can be distinguished. The first category deals with justice as recognition. The main issue involved is to find ways of appropriately recognising the humanity of fellow beings. The second category is the oft discussed one of justice as distribution. In this case justice deals with the equitable distribution of goods that can be distributed like and analogously to material possessions. The third category is justice as reciprocity. In this category issues arise that deal with the nature, scope, and contents of fair terms of co-operation at interpersonal, social, and institutional levels. The terms of co-operation can be raised knowingly and voluntarily as expectations by us through our own conduct, presupposed in social conventions, embodied in promises, agreements, and contracts, or specified in responsibilities and obligations (cf. Mill 1962: 299–300).

A fourth category of justice can be called, following Young, justice as enablement. In this category, institutions and behaviour are judged according to the degree which people's self-development and self-determination are enabled or constrained. The fifth category comprises justice as transformation. Here problems of changing existing institutions, practices, and behaviour are explored. Matters such as rectifying past injustices, compensating victims of seri-

ous injustices, and dealing with the legacy of physical, social, and emotional harm inflicted by past injustice are discussed. The last category is justice as retribution. Retribution has its focus on appropriate sanctions, penalties, or punishment for those persons who violate society's accepted principles of justice.

The most fundamental aspects of a conception of justice in a modern constitutional democracy are embodied in the constitution. Authoritative interpretations of the constitution by the highest court signifies another important embodiment of justice, as do the laws and policies of successive governments. What is important to note is that these are not the only embodiments of a conception of justice in a society. Institutions in the economy and civil society, like schools, universities, companies, cultural organisations, and trade unions ought to embody the already mentioned aspects of a public conception of justice. Just persons too need to embody the public conception of justice in their everyday lives, as issues of justice also surface in interpersonal relationships.

The embodiment of a public conception of justice refers to the currently accepted conception of justice. Rawls points out that aspects of such a conception are always in dispute. Part of such disputes are attempts to apply currently accepted norms and rules of justice to new groups of people or new areas of human interaction. Racial discrimination by institutions, whether political, cultural, economic, or educational, was first judged to be unjust. The reason was that racial discrimination was seen as a violation of the equal respect owed to the human dignity of every citizen. Afterwards individual citizens imaginatively applied similar standards of justice to interpersonal relationships. Then individual acts of racial discrimination of one person towards another became something to be resisted.

Another aspect of the ever-present disputes about justice in a society are claims for the imaginative discovery and creative development of new ideas of

justice that intend to make citizens aware of injustices previously not noticed. To qualify as new ideas of justice, these ideas must gain general acceptance in society and be reasonably coherent with existing, well-established ideas of justice.

### 1.3  Justice Regulates a Well-Ordered Society

The third reason why justice is the primary normative concept for evaluating a society is the enormous impact of a legitimate conception of justice on the stability and peace of a society. This can be explained best by John Rawls's definition of a well-ordered society and the stabilising role of a conception of justice (Rawls 1971: 4, 5, 453–455).

A conception of justice dealing with public matters and reached through legitimate decision making procedures specifies the terms of co-operation for members of a society. Fundamental guiding rules for social interaction and peaceful co-existence create mutual expectations of the patterns of relationships and actions allowed by a conception of justice (Rossouw 1995: 3). These fundamental guiding rules not only establish what is right to do and wrong not to do; they also give individual citizens a moral right to make claims on other citizens to be treated according to these rules. The duties imposed on citizens by these rules are thus strong enough to generate a correlative right in fellow citizens enabling them to legitimately claim to be treated justly (Mill 1962: 305).

Despite historical variations and conflicting contemporary interpretations of what a just society is, there are four constant elements belonging to the concept of justice that are found as part of any conception of justice. These elements are necessary for any conception of public morality to qualify as just. Although these elements have a formal rather than a substantive character, they do establish stable patterns of interaction that create legitimate expectations of the kinds of action, behaviour, and attitudes to expect from other mem-

bers of the society. These four elements will be discussed next.

The first element is formal justice that requires that the same norms and rules should be applied consistently and equally to every member of a defined class (Rossouw 1995: 4; Ralws 1971: 58). Similar cases must be handled similarly (Frankena 1962: 8). Formal justice eliminates arbitrariness and thus creates security as people know what to expect from those applying the rules (Rossouw 1995: 3).

The second constant element of the concept of justice is that justice means that every person ought to get that which is due to them (Rossouw 1995: 4; Rawls 1971: 10; Frankena 1962: 3). John Stuart Mill (1962: 299) thought this element is one of the clearest and most definite ways in which people understand the idea of justice. Ordinary people, he says, consider as just that every person should get what they deserve and as unjust that persons should get something good or undergo something evil which they do not deserve (Mill 1962: 299).

The formula that every person ought to get that which is due to them sounds empty, as it must still be determined what exactly every person is due in different societal spheres and what justifications can be provided. Nevertheless, giving people what is due to them presuppose detailed arguments to convince others of what people ought to have a right to. Hanna Pitkin (1972: 303) is quite correct when she says, the "real problems and subtleties of justice only begin, and therefore its real nature can only be studied or displayed, where we find unequal, different people, with different needs and abilities, different claims and deserts, so that the problem is assigning different, but precisely appropriate, things to each." What are due to persons can often be derived from the principles and rules underlying public political, economic, educational, and family institutions (Rawls 1971: 10). As the quote from Pitkin suggests, the interpretation and application of these principles might be difficult and lead to

conflicting opinions and results. Nevertheless, the need for convincing public arguments and the public nature of the principles provide secure knowledge and settled expectations.

The third constant element of the concept of justice specifies that differences and inequalities may be recognised in some cases. The condition for unequal treatment is that any differentiation between people must have publicly known criteria that can be justified to all concerned (Rossouw 1995: 5). A common set of rules and norms – appropriate to the issue in question – must be presented for equally measuring differences in merit or excellence, for example. The final constant element is that any concept of justice has as aim to recognise people's humanity and to improve the conditions in which people can live a life worthy of human beings (Rossouw 1995: 9).

A conception of justice with these constant elements aims to protect the fundamental interests of all members of society and therefore serves as a pact of reconciliation between persons from diverse groups, such as ethnic, religious, cultural, racial, or other groups (Rawls 1971: 221; Rawls 1985: 207). Through protection of everyone's interests, reconciling opposing groups, and creating expectations of stable behaviour and actions, a public conception of justice creates a well-ordered and peaceful society where members are generally inclined to act justly. A well-ordered society is one that advances the good of its members by protecting their interests and is effectively regulated by a conception of justice (Rawls 1971: 5). Effectively regulated means that everyone accepts the principles of justice and knows that the other members of society do the same. Furthermore, institutions generally satisfy the principles of justice (Rawls 1971: 5). As a result, members of the society develop a strong desire to act justly.

The effect of a well-ordered society is stability (Rawls 1971: 454–455). Stability flows from the general tendency of members to acquire a sense of

justice and to live accordingly. Rawls points out that a well-ordered society offers protection against three dangers in any society. One danger is disruptive inclinations to act unjustly (Rawls 1971: 454). In a well-ordered society these inclinations are overridden by the strong sense of justice that develops in citizens. Another danger is the excessive demands that citizens place on one another that might lead to conflict if not satisfactorily dealt with. The publicly accepted conception of justice followed by all in a well-ordered society provides a common point of view from which to adjudicate even excessive demands (Rawls 1971: 5). As all members of society acquire a sense of justice, including a desire to uphold their conception of justice, they will abide by the outcome of the adjudication of their claims.

A further danger is the perennial inclination to self-interest present in all societies which requires members to be vigilant to the destructive behaviour of their fellow beings. By averting these dangers, reducing conflict, and stabilising societal interaction, a public conception secures lasting peace. Lasting peace results from peaceful resolution of conflict in the context of a just society where people's fundamental interests are safeguarded. A strong sense of justice thus enables people to establish a secure association that can create bonds of civic friendship (Rawls 1971: 5).

## 1.4 Justice: Intrastate and Interstate?

Most of the influential contributions to the contemporary debates on justice discuss intrastate issues of justice, i.e., issues of justice internal to a sovereign state. It is citizens of a sovereign state who owe duties and obligations of justice toward one another, but not toward people outside their borders. The tacit assumption seems to be that states are not subject to moral evaluation from the international community of states, as individual states represent "separate, discrete political orders with no common authority among them" (Beitz 1979: 25).

Two examples show the limited attention given to issues of interstate justice by theorists dealing in detail with issues of intrastate justice. Problems of inter- state, or international, justice are discussed by Michael Walzer (1983: 31–63) in the context of membership of political communities, refugees, and immi- grants – the issue of whom should be accepted to a particular state and how many of them. Iris Marion Young (1990: 257–260) makes a few references to global issues of justice in a short chapter devoted to the applicability of her theory to the context of international relations. She acknowledges the impor- tance of distributive issues in a global context where gross distributive injus- tices abound (1990: 257–258). She reiterates her criticism that the focus should not only be on distributive issues of justice in the international context. Young then argues for the need to evaluate the justice of decision-making power in the international world, the division of labour between countries, and the role of cultural imperialism in global context, but does not do so herself.

In general though, participants in the contemporary debates on justice confine the debate within national boundaries. This exclusion of international justice is done differently by theorists of different persuasion, as described by Onora O'- Neill (1992: 61). She says liberals confine their debates to national issues "self-consciously and provisionally, communitarians on principle and apologetically, others tacitly and without discussion."

The exclusion of the issue of justice between states is understandable, as its inclusion severely complicates discussions of intrastate justice. For this reason, a few political philosophers have designed moral theories designed for exclusive application to issues of interstate justice. Mervyn Frost (1996), for example, argues for an inescapable normative dimension to international politics that are currently ignored by political scientists to the great detriment of the study of international politics. Charles Beitz argues for the necessity of an international theory of justice due to the wide-ranging influence that

international interactions have on human well-being across the world today (Beitz 1979). The assumption might be correct that our moral relationships towards those with whom we live together in one political community differ from those towards people living in other countries. Nevertheless, the exclusion and separation of issues of interstate justice from debates on intrastate justice is wrong.

In our contemporary global village the members of one political community are in continual interaction with people from other states, be it for trade, recreation, education, tourism, war, aid, or whatever other reason. The exclusion of the issues regarding international justice denies this interaction, as well as the complex ways in which issues of domestic justice intersect with those of international justice. In many cases, for example, issues of domestic justice have become internationalised, such as South Africa's apartheid policies, and frequently the resolution of issues of international justice has major impacts on domestic justice in the countries concerned, such as the nature of development aid agreed upon between donor and recipient countries.

In this section I want to argue that interstate, or international, justice is a special case of intrastate justice and that the two kinds of justice ought to become inextricably linked. My argument will proceed as follows. I will first make an empirical argument that says the increased contact in the global village between citizens from different states calls forth reflection on the issues of justice involved. The second argument states that the function and scope of the concept of justice, as worked out earlier for intrastate justice, also apply to the issues of interstate justice. The next argument is similar. I argue that the six categories for classifying issues of intrastate justice also apply to interstate justice. The argument that then follows presents normative justifications for interstate justice. I conclude the section by pointing to the complicating factors that disallow an easy transference of modes of thinking about intrastate justice to matters of interstate justice.

The large, unknown, threatening world of a few centuries ago has become the global village of today, connected through communication media aided by satellites, telephone networks, and radio transmitters, as well as through transport networks of global air routes, intercontinental railway lines, and border-crossing highways. The new instant communication possibilities, and opportunities for human movement across boundaries, facilitate human interaction of all kinds between people from different countries all over the world.

The far more limited contact between people from different countries in earlier centuries resulted especially in trade, tourism (exploration), and war. The extent of current trade and tourism between countries far apart geographically, has grown exponentially during the past century or so. Unfortunately the same is true of wars. Not only wars, but colonisation of sovereign countries and military intervention in independent states have proliferated during the past two centuries, leaving legacies many people are still trying to get to grips with.

Besides the intensification of perennial issues of interstate justice, several new forms of interaction have arisen. Beitz (1979: 179) refers to the increasingly "complex pattern of social interaction characteristic of international relations." Some of the moral issues raised by these interactions flow forth from the perennial issues sketched above. Trade between nations has had major effects on the environment. The effects of new modes of production inaugurated by the industrial revolution and reinforced by the resource requirements of modern societies have led to a depletion of natural resources and have caused severe environmental pollution and degradation across national boundaries. Contemporary wars have similarly had disastrous effects, leading to millions of refugees flooding neighbouring countries. Some wars have called forth military interventions by foreign countries who try to minimise the harm done to innocent citizens threatened with murder by their own governments, sometimes with the

extermination of their group through ethnic cleansing. Wars often result from conflicts about valuable, scarce resources, as even states have conflicting claims against other states for larger shares of resources than they currently have.

Diverse kinds of international organisations have been set up to deal with co-operation on matters of shared interest and the injustices of trade, war, and environmental damage that affect many countries minding their own business and not directly involved with the causes of these negative effects. The kinds of international organisations established in the past few decades include the fol-lowing. International political organisations like the United Nations, international non-governmental environmental organisations like Greenpeace, specialist agencies like the World Health Organisation, and regional trade and development organisations like the European Union and the Organisation for African Unity. These organisations have all been established [1] to facilitate co-operation and [2] to prevent or rectify the injustices that some states commit, or allow their citizens to commit, that negatively affect citizens in other countries. These organisations and other peace brokers craft peace treaties, accords, and agreements in attempts to stop injustice, unfair trade, and violence as method of problem-solving. They aim to promote co-operation for mutual benefit, negotiation, diplomacy, and dialogue instead.

States share interests in peace, a peace that enables co-operation leading to well-being and prosperity, while minimising the loss of lives, disruptions, and the expenses required by destructive conflicts. The interests of states conflict when they lay claim to greater benefits of international trade or more land rich in natural resources or human capital. For these reasons the Rawlsian circum-stances of justice do indeed apply to interstate justice as well (Nielsen 1992: 28). Thus, an empirical argument about the high degree of interaction between states today can emphasise the need for an effective conception of justice to lay down ground rules for fair interaction between states that enable the best

possible life for all involved.

Another argument for interstate justice goes as follows. The functions and scope of intrastate justice are similarly applicable to interstate justice. As within sovereign states, so a conception of justice between states aims to resolve conflict peacefully and to create conditions within which human beings can enjoy the fullest life possible for them. To do this, such a conception of justice must be limited to those public issues that could be decided through public means and are remediable through public action. A successful conception of justice aims to establish a common point of view with which to judge whether claims to justice are legitimate or not. This common point of view gets embodied in fundamental guiding rules for social interaction and peaceful co-existence. These rules do not necessarily have wide application to all social practices, but can nevertheless have an enormous impact on stability and peace.

There is no doubt that the above scope and functions of the concept of justice apply to virtually all aspects of interstate justice. Peaceful conflict resolution rather than devastating wars with loss of life and property is a high priority in international relations. To create conditions – through international co-operation – to enable citizens to flourish motivate many bilateral and multilateral agreements on trade relations, cultural exchange, and scientific co-operation between states. Regional organisations, like the European Union and the Organisation of African Unity, and global organisations, like the United Nations, all have charters that establish shared points of view used for dealing with conflict and regulating social interaction. Thus, the scope and functions of the concept of justice applies to international justice as much as they do to intrastate justice.

The similarity of matters of intrastate and interstate justice is also found in the categories of justice they can be divided into. All six categories of intrastate justice are also found in interstate or international justice. Some examples will

illustrate the point. The justice of recognition has to do with the way that one state recognises the humanity and rights of people from another state. At this point intrastate and interstate justice intersect, as many states make it their business to somehow intervene in the internal affairs of another state when the government of that state seriously violates the humanity and rights of its own citizens. The justice of distribution comes into play concerning land, resources, and wealth. Many bitter wars are still being fought about land or other natural resources. Many conflicts are about multi-national companies exploiting the natural resources of developing countries, without giving adequate returns to host nations. Again intrastate and interstate justice intersect. Many countries make it their business to somehow intervene in the domestic affairs of another country if the government of that country distribute goods so unequally as to impoverish or neglect sections of its population to such an extent that their basic human needs are not met.

The justice of reciprocity surfaces in the requirements that governments keep the myriad international treaties, agreements, and charters on various issues that they have committed themselves and their countries to. The justice of enablement refers to ways in which one country's government can constrain the development of people in another country, for example, through colonial oppression or punitive economic and cultural sanctions. The justice of transformation comes into play when injustices of the past, such as war damage or colonial plundering, have to be rectified. It also features in demands for changing existing international institutions, like the Security Council of the United Nations, to be more representative and fair to all countries involved. The justice of retribution has to do with sanctions, penalties, or punishment for violations of agreed upon principles of justice.

Thus far I have established that the multiple interactions between states necessitate a shared point of view for regulating their interaction to benefit all to co-operate harmoniously and live in peaceful co-existence. This shared point

of view embodies the aims and function of the concept of justice on intrastate level and manifest in the same six categories as identified earlier in intrastate justice. Several moral arguments can be advanced to strengthen the argument for the need for interstate justice already established. They will be critically examined to determine their worth.

Belsey (1992) shows one way of deriving principles of interstate justice. He argues that the demand for global justice flows from the ideals of care and concern for others which are deeply embedded in the religious and secular ethical traditions of Northern First World countries (Belsey 1992: 46). His point is demonstrated by the principles of justice presented by himself, Kai Nielsen, and Onora O'Neill.

Belsey presents two alternative principles of justice both based on reciprocity and an acknowledgement of our common humanity. The principle of reciprocity focuses our attention on the human ability to recognise the full extent of other people's suffering as being similar to your own. Once that is done, it follows that people in the Northern First World countries will demand that such suffering be treated similarly to how they would want their suffering treated. His second principle for global justice is to focus on another aspect of our common humanity, viz. the acknowledgement that people everywhere have similar needs in order to be able to live a worthwhile life. If human beings are equal, having similar needs imply having them met equally at a basic level (Belsey 1992: 47). Global justice thus demands that the needs of people in poor countries must be met in such a way that they can live worthwhile lives.

Nielsen also focuses on moral equality and reciprocity, which he finds best expressed in one of Immanuel Kant's ethical principles. Thus, for Nielsen (1992: 27) global justice must rest on the idea that we should treat all people as persons, and thus treat them as we ourselves would reasonably want to be treated. This implies that we must support universal principles of justice appli-

cable to all people in the world and we must be willing to engage in role reversal, i.e. we must ask ourselves whether we would accept the desperate living conditions in many Third World countries. If we cannot accept such conditions for ourselves, neither can we be satisfied that other people live in them. Thus, we must be prepared to accept global principles and obligations of justice, and their full implications, as plain extensions of domestic justice.

Onora O'Neill also draws on the ethical tradition of care and concern for other people in her proposed principle for global justice, although she gives a significant role for vulnerable and weak people in the design of her principles of interstate justice. O'Neill (1992:67–72) avoids idealised theory which ascribes certain capacities and opportunities to people as though everyone everywhere has the same. She correctly notes that many poor women lack such ascribed capacities, as they are weakened by their vulnerable positions as care-takers of children, sick and aged people, as well as their economic dependence on men. Therefore she is aware that such people can rarely dissent to political and social arrangements, as such dissent would only further endanger their existing vulnerable position. In order to do justice to such people, emphasis must be on acting according to principles that everyone can share. A practical way of determining whether a principle can be shared, is not to bypass people in weak and vulnerable positions, who have no loud protesting voices. Rather, one should ask of any principle of justice whether those constrained by them can or would refuse, or re-negotiate, them if they were in a strong enough position to stand up for themselves without disastrous consequences. In this way O'Neill gives voice to frail and dependent people to protest the social policies and institutional arrangements on whose receiving end they are.

The proposed principles for global justice by Belsey, Nielsen, and O'Neill are too utopian and simplified for dealing with the complexity of relations between different states. In all three cases principles appropriate for interpersonal relationships are extrapolated to the intricacies of relations between states, without

adequate adaptation. As alternative to theories focusing on intrastate issues of justice, these attempts at tackling interstate issues of justice assume that intra-state and interstate issues of justice can be treated simultaneously as one set of issues. Adequate analyses of the intricate relationships between states that result from their shared history, current trade, ideological similarities and differ-ences, and their geographical proximity are absent. The role of multinational corporations, global and regional organisations, and the effects of bilateral and multilateral treaties are not mentioned either. Similarly, no interrogation of the often recurring prejudice against immigrants takes place that could shed light on the strong presumption that obligations of justice are a home affair. Only when matters like these are analysed and discussed in full, will we be able to begin addressing the tensions between the moral obligations imposed by our conceptions of justice on intrastate and interstate issues of justice. Neverthe-less, the proposals by Belsey, O'Neill, and Nielsen are attempts to create philosophical debates about global concerns and to utilise the conceptual in-struments, such as theories and principles, yielded by the philosophical de-bates on intrastate justice, for addressing pressing global issues.

More satisfactory approaches to issues concerning interstate justice come from Peter Singer, Janna Thompson, and John Rawls.

One way of justifying the moral obligation of non-poor people or countries to alleviate or eradicate poverty is given by the Australian philosopher, Peter Singer. He gives a clear answer by articulating moral values he believes are implicit in democratic societies, although he does not articulate his views ex-plicitly in terms of justice. In his argument he appeals to moral intuitions shared by most democrats. Singer (1972, 1981, 1993) formulates ethical principles designed to motivate individuals, organisations, and governments to be in-volved in dealing with poverty close by and far away. His argument runs as follows.

Suffering and death from lack of food, shelter, and medical care are bad. If we are able to prevent something bad from happening, without sacrificing anything of comparable moral importance, we have a moral obligation to do so. Our distance (geographically near or far) from suffering and death makes no difference to our moral responsibility. The number of other people with a similar moral responsibility does not lessen or increase our moral responsibility to do something about suffering and death. Therefore, all non-poor people of the world have a moral obligation to help poor people wherever they are in the world.

Singer compares non-poor people's lack of response to media exposure of people desperately suffering from poverty with the public values these non-poor people's societies are committed to. He believes that watching people die from poverty is incompatible with "taking rights to life seriously" (Singer 1981: 166). Doing nothing while watching millions of people die on television Singer judges to be the end of "all notions of human equality and respect for human life" (Singer 1981: 176). Singer is convinced that non-poor people with a moral obligation to address poverty are allowing desperately poor people to die through acts of omission. Allowing people to die while being able to prevent that without serious risk or harm to oneself violates the important democratic value of equal respect for individual persons.

In her book *Justice and World Order: A Philosophical Inquiry* Janna Thompson's insight in international relations far surpasses those displayed by Belsey, O'Neill, and Nielsen. Thompson (1992) engages important views on ethics and international relations and explores the history of philosophy for views applicable to interstate relations. Discussions of Hobbes, Kant, Rousseau, Hegel, Marx, Mill, Fichte, and Rawls are evaluated in terms of their explanatory value and applicability to the difficulties and developments of politics within and between states in the last 200 years (see Thompson 1992: 58). The use of appropriate background knowledge for evaluation of proposals for interstate jus-

tice leads to far more appropriate sophisticated arguments and proposals.

Thompson's (1992: 189) moral objectives for interstate relations are as follows. Individual liberty must be promoted, communities which individuals value must be respected, peaceful relations between states based on procedures on which all can agree, and resources distributed so that the individual liberty and group involvement can be maintained. Thompson (1992: 191) acknowledges the difficulties of reconciling these moral objectives. Reconciling individual freedom, communal self-determination, and the relief of poverty are indeed "one of the most difficult challenges facing a theory of international justice" (Thompson 1992: 191). Thompson discusses this issue only in two paragraphs and ends up with an unsatisfactory solution that is too abstract and general.

Thompson relies on existing communities and the formation of new communities to solve the above conflict. New communities with members from rich and poor countries will be formed over national boundaries. Within these communities goods and services will be distributed "according to principles which members collectively endorse" (Thompson 1992: 191). This vague idea is not explained, no evidence is forthcoming to substantiate this abstract notion, nor is any examples given. Thompson further relies on relations between existing states to prohibit poverty and exploitation. Again a superficial comment unworthy of a book filled with detailed and sophisticated arguments addressing issues of interstate justice in depth. Thompson eventually sacrifices inequalities within and between states for a conception of interstate justice that gives more value to the autonomy and diversity of communities than to addressing poverty (see also Thompson 1992: 186–187). Despite considerable merit in developing a global theory of justice, Thompson's book is disappointingly weak when discussing the complex issues of global poverty.

John Rawls (1993) formulates a variety of principles of justice for interstate relations that he derives in a different manner than those formulated by Belsey,

O'Neill, Nielsen, Singer, and Thompson. Rawls wants to construct principles of interstate justice through a reasonable procedure that he calls the original position. The original position is a device of representation that models what Rawls regards as fair conditions for states to be placed in to decide on principles of interstate justice that will govern their relations with one another. Through this device he can create an imaginary decision-making situation where free and equal states are reasonably situated and appropriate restrictions are placed on reasons that they may advance to support a conception of justice for interstate relations. Representatives of states deliberate with one another, subject to a veil of ignorance. This veil of ignorance implies that their deliberations are conducted as if they do not know the size of their territories or populations, do not know the strength of their people, the extent of their natural resources, nor their level of economic development. This amnesia about their society is necessary so that they will not choose and support principles tailored to their unique circumstances. They are rather forced to imagine themselves to be in the position of any one of the possible states present. In this way Rawls hopes that his imaginary representatives will be fair to all the kinds of states present. For this reason he calls his conception of justice "justice as fairness" and argues for its acceptability as a view that can be accepted by citizens on due reflection as a view that ties together our political convictions and moral judgements into a coherent view.

Rawls's principles of justice for interstate relations flowing from his original position of states belong to two categories. One category is minimal moral requirements for the treatment of the state's own citizens. The other category deals with relations between states. The link between the two consists in the good standing gained or lost within the society of states depending on the way a state treats its own citizens.

There are two minimal moral requirements for the treatment of citizens that will secure a state's good standing in the world community of states. One require-

ment is that the state must have a legal system that is legitimate in the eyes of its citizens. The second requirement is that the state must uphold and enforce basic human rights. Rawls distinguishes basic human rights from what he calls constitutional rights or the rights of democratic citizenship. The idea of basic human rights is not an exclusively Western notion, as they can be universally applied and is not controversial in what they intend to establish. Such basic rights must secure the following things for all persons: "certain minimum rights to means of subsistence and security (right to life), to liberty (freedom from slavery, serfdom and forced occupations) and (personal) property, as well as to formal equality ...(e.g. that similar cases must be treated similarly)" (Rawls 1993).

To be a well-ordered society in good standing in the world community of states, a state must also follow moral rules in its conduct towards other states. These rules form the charter of the association of states. Rawls lists a number of rules, while acknowledging that they are incomplete and in need of much explanation and interpretation. These rules are as follows. States must recognise and respect the freedom and independence of other states. Such recognition implies that other states will not intervene in the internal affairs of another country, unless that state subjugates some of its citizens or seriously violates their rights. A state whose independence is recognised has a right to self-defence when any other state wants to take that independence – or part of it – away. The right to self-defence is limited by specified restrictions on conduct while engaging in war. States must be peaceful in their conduct towards others in the absence of any external threat to their independence or security. Reciprocal obligations between states defining their relationships include that states must observe treaties and undertakings that they are party to.

The value of Rawls's approach to interstate justice is that he starts to show how interstate justice is linked to intrastate justice. The standing of a state in the international arena is determined by the degree to which its government

protects the rights of the citizens. This notion that conceptions of interstate and intrastate justice are intertwined needs considerable expansion to be more in line with our current notions of interstate fairness.

Although none of the moral arguments presented above is entirely satisfying to serve as comprehensive guide for interstate justice, they do serve to add a strong moral impetus to the other arguments for the inescapable need to develop a conception of interstate justice that needs to function in conjunction with a conception of intrastate justice. Despite their shortcomings, these theories show that dominant moral values current in liberal democracies support the idea that justice is not only an internal affair of sovereign states.

Despite the arguments that can be made in favour of the strong need for intersecting intrastate and interstate theories of justice, the difficulties involved in designing an interstate theory of justice must be acknowledged and not be underestimated. What makes the development of an interstate theory of justice more complex and more difficult are the following factors. The actors involved in matters of interstate justice are not individuals, but the governments of modern states representing their citizens who differ in numbers, wealth, values, and culture. Not all governments are equally representative of their citizens, while some are at war with sections of their own citizens.

Another complicating factor for interstate justice is that nothing similar to the overarching institution of the state exists at global level. As a result institutions and practices at international level are less efficient, perform less tasks, and are less capable of co-ordinating those tasks (Beitz 1979: 50). These consequences follow from international institutions that are far weaker in terms of making and enforcing decisions than their counterparts in sovereign states (Beitz 1979: 154). For example, there is no world government that can lay down a shared conception of justice to regulate the interaction between states. The United Nations tries to fulfil this kind of role, but its effectiveness is hin-

dered by the limited scope of its activities, the unwillingness of many states to abide by decisions, and the difficulties of enforcing its decisions on states refusing to comply. These problems are faced by many international organisations dealing with issues like sport, science, trade, health, tourism, and human rights. Beitz (1979: 46–48) argues that various devices are available to the international community for enforcing compliance with established norms. He concedes that these procedures are not as effective as those available within the hierarchical ordering of authority in sovereign states. Nevertheless, the horizontal ordering of authority between states in the international community still provide "substantial expectations of reciprocal compliance with rules of cooperation" (Beitz 1979: 48).

The difficulties of constructing a theory of justice for both intrastate and interstate justice and the problems involved in implementation is no reason to abandon the quest. Rather, the difficulties and problems present a challenge to explore ways of making normative reflection relevant to the details of complex situations and to find the means of putting normative ideals to work (cf. Beitz 1979: 158).

## 2. Understanding Poverty as a Conglomerate of Injustices

Using the concept of justice as analytical tool to highlight the issues of public morality involved in the phenomenon of poverty is justified by the primacy of justice as normative concept for evaluating society. Understanding poverty in terms of the normative requirements of justice operative in many contemporary constitutional democracies, illuminates many of the moral issues raised by the phenomenon of poverty.

The concept of justice is useful for analysing poverty for three reasons, established in the previous section. One reason is the role of justice as one of the primary means available to citizens of contemporary constitutional democra-

cies for dealing fairly and peacefully with conflict. Part of the reason for its ability to resolve conflict is the fact that a societal conception of justice rests on legitimate public decisions on matters of shared interest. Through such decisions a society establishes shared values that regulate and stabilise interaction and create legitimate expectations from one another and society as a whole.

Two additional reasons for the use of the concept of justice as analytical tool can be provided. One concerns the functions of the concept in everyday language and the other the access to information the application of the concept provides. The use of the concept of justice in everyday language often consists of demands that justice must be done. Such demands are usually made in "the face of wrong," when it is "cried out for ... with passion and intensity" (Wolgast 1987: 128–129). To demand justice means to protest against wrongdoing and ask for action and rectification in situations where people are being wronged by other people. If no action is taken against identified injustices, it amounts to accepting and condoning such wrongs.

Raising questions of justice provides an apt point of departure for investigating, examining, and discussing socio-political issues relevant to a specific society. Asking questions of justice directs the attention of theorists to a valuable range of issues crucial to the life of a human society. These issues include [1] the relations between individuals, groups, and the community, [2] shared and conflicting values, [3] conflicting claims to the resources of the society, [4] fair distribution of benefits as well as burdens, [5] the assignment of rights and duties, and [6] economic organisation and circumstances.

In the next six sections, I will analyse the moral dimensions of poverty in terms of the six categories of justice specified earlier.