

Not just, unjust, just

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1. An inconsistent triad

Here's an inconsistent triad:

- (1) There is a world basic structure, and it's unjust.
- (2) No person has a currently effective obligation to try to make the world basic structure just.
- (3) For any thing, it's the case either that there are people who have an effective obligation to try to make that thing just or that the thing is neither just nor unjust.

Cosmopolitans tend to accept (1) and (3) while rejecting (2). Anticosmopolitans tend to accept (2) and (3) while rejecting (1). This paper explores the possibility of rejecting (3) so that (1) hangs together with (2).

2. Injustice as the failure to satisfy principles of justice

The anticosmopolitan denial of international injustice, and the cosmopolitan assertion of a presently effective duty to aim for a just world society, are strong, expensive polar views. Several writers have wondered recently whether there's a way between them. I expect they'd find (1) and (2) an attractive alternative if they thought it were available.

But it's not available to someone who accepts (3). And (3) is the result of a familiar and credible way of thinking about injustice. You begin by considering a society of which it's true that its members should aim to make it just. You find out which principles the society must satisfy in order to be just. And you conclude that the society is unjust if it fails to satisfy them. On the view that I have in mind, the appropriateness of this *order of inquiry* is explained by the *nature* of injustice. A society's injustice is constituted by its failure to satisfy principles of justice whose satisfaction by the society people are obligated to try to bring about. The moral import of the charge of injustice is that people are failing to meet the obligations they have to achieve justice.

If we're to give up (3), we'll need a different understanding of injustice. I will offer one later in this paper. But it's worth mentioning that, even if I'm wrong about the nature of injustice—if injustice is after all identical with a failure to meet obligations of justice—there is an independent, epistemic argument for reversing the order of inquiry so that injustice comes first.

3. Write what you know

The history of hitherto-existing society is a history of injustices. The political beliefs that form the starting point of current reflection about justice are the products of people's past efforts to rid their societies of slavery, serfdom, caste division, official intolerance, state predation, hierarchy rooted in the unequal distribution of property, and the domination of women by men. These beliefs include a lot of good information about what makes these things wrong in a special way different from the wrongness of infrainstitutional lying or murder. People have for a long time been asking themselves, "What's wrong with an established church, or suffrage limited to male property-owners, or the enclosure of pastures that had been open to all herds? How does their wrongness affect my relations with the other people who share these circumstances? Why should we go out of our way to try to change them? Which changes should we make?" The moral problem of *justice*—the problem of choosing a design for a whole society—is a much rarer figure of actual politics. It's happened a few times that large groups of people have addressed themselves in a pure and uncompromising spirit to the question of how they were all to live together. But we have far less experience of this problem than of the narrower, uglier problems of what's to be done about the king's new tax, the expansion of slavery into the western territories, the razing of the slums to punish their inhabitants for voting against the president.

From this fact about our history and the principle that, other things being equal, people who have thought more about x than about y are likely to know more about x than about y, it follows that that we likely know more about which things are unjust than about which things are or ought to be just. And that suggests that, if we want to learn whether the world is unjust, we might skip over the question of whether the basic structure of the

world is the sort of thing that we should be trying to make just and go directly to compare it with the central examples of injustice.

I'm here to defend (2) as well as (1), though. So I'll need to say something about justice.

4. Associative obligations of justice

You might defend (2) by claiming that, while every person has reason to aim for a just world distribution of resources, this reason is overridden or outweighed by obligations to her neighbors or her fellow citizens. I agree with Richard Arneson that this strategy seems unlikely to succeed.¹

A better one proposes that all obligations of justice are *associative*. If A owes it to B that A aim to help bring it about that A and B interact on just terms, then A and B are already interacting in some special way that makes this the case. I think that a version of this associative claim is correct. Though I don't have time to argue for the version I like, let me say extremely roughly how it goes.

Each member of a set of persons might, referring to all members of the set, ask this question: "What should we all do?" She might ask the further question, "What answer to the first question should each of us accept given that she aims to accept an answer that each person should accept given that *she* aims to accept ... [and so on] ... ?" Call this second question "the we-question". Say that people form a *justificatory community* if they're all asking this question and trying to act as a good answer to it recommends.

I assume that entering into a justificatory community with other people is an excellent thing to do. It gives every member new ways of responding to the reasons she is given by her own and other persons' interests *via* her participation in the profile of all the members' actions. Of course it also conserves whatever opportunities of response she had outside the community, since it might be that the answer to the we-question is that people should go on doing as they'd done before.

(Notice in particular that it leaves it open that each of us should, from day to day, submit our action to principles that take no direct account of other persons' interests. The point's that, if a good answer to the we-question tells you to mind your own business in that way, this secures a new justification for minding your own business, by showing that the policy of minding your own business survives such scrutiny from the point of view of others' interests as it receives when we ask whether every person has reason to accept it. Justificatory community is a kind of totalitarianism—it relativizes the assessment and guidance of individual action to its participation in the whole community's way of doing things—but this totalitarianism can be as liberal as we should want it to be, since good reasons for preserving zones of individual freedom and discretion will be good reasons for rejecting answers to the we-question that transgress them.)

The thing to notice is that I can do as the answer to a we-question recommends only if the others also play their parts. I can't play my part unless they play theirs. I can perform the individual action that's assigned to me by the answer, but this counts as part of the joint action recommended by the answer only if the others perform the actions assigned to them. I have good reason to do my part only if I have good reason to believe that the others will do their parts. And so it's plausible that I have no effective obligation, outside a justificatory community, to do as the answer to its we-question recommends.

Suppose on the other hand that I'm in a justificatory community with some people and that the answer to our we-question recommends that over time I follow certain principles. If I ignore this recommendation and yet go on to act in ways that affect the interests of people in the community, what I do to them is plausibly condemned on the ground that it fails to take proper heed of the reasons I am given by their interests. It's also plausible that I can draw a similar condemnation if I've been doing things to others that matter for their interests in the context of a justificatory community, and if I now break off all contact with them rather than continue to follow the principles; this is in particular condemned if the we-question we've been asking takes as its scope an unbounded future of interaction among its members.

By identifying principles of justice with principles that help to answer the we-question for a justificatory community, you'd arrive at the conclusion that a person has an obligation to try to satisfy principles of justice only in combination with people who share with her a justificatory community. And (2) would follow given that the people of the world don't form a justificatory community.

In fact there are many *national* societies within which you'd be hardpressed to find justificatory communities. The view of justice that I have in mind implies that people in those societies aren't obligated to make even those societies just. If injustice were identified with the failure to meet such obligations, the view would have the apologetic consequence that those societies are not unjust. But this is not how we should understand this moral kind, injustice.

5. Requirements on an account of injustice

The hypothesis is that injustice is a moral kind. Injustice is that property shared by most of the things that we've been condemning as unjust which accounts for our having a special moral reason to avoid bringing them about. An adequate theory of injustice would explain the special moral importance of avoiding injustice by identifying it with a property in virtue of which we have such a reason.

A good theory should also explain the systematic connection between judgments of injustice and judgments of justice. These judgments are related in the following way: Necessarily, if a form of society is just, it's not unjust. And, necessarily, a person who is aiming to affect the form of her society can avoid a charge of injustice by aiming to make the society just. I imagine that these facts are no coincidence: the properties of a just society in virtue of which we can have obligations to aim for that society just are the properties in virtue of which you avoid injustice by aiming for justice. It should turn out, on an adequate theory, that, as a matter of the nature of justice and injustice as the theory conceives them, justice is a solution to the moral problem of injustice.

6. Injustice as the unauthorizable direction of others' action

Say that *I direct your action* if I do something that I intend as helping to bring it about that you do something. I claim that, because you're a free, rational person, I owe it to you that I ensure that, if I direct your action, *you* have reason to want the sequence of my acts and your acts that I then set in motion to come about. I believe that this claim about the direction of action generalizes the root liberal idea that acts of *coercion* are wrong unless they're justified in special ways. Rather than argue for it here I will just sketch the ways in which it can explain the wrongness of paradigm injustices and the fact of their systematic connection to justice.

If slavery is not unjust, nothing is unjust. In thinking this, what I have been thinking? Daily life in the slave society is suffused with wrongs that we should distinguish from the specific fact of slavery's injustice; the individual slaveholder violates the preinstitutional basic moral rights of his slave, and he intentionally harms her in other ways that are immediately condemned by general standards of minimally decent treatment. But the slaveholders have also acted together to shape the circumstances of their slaves so that each slave will act to serve the interests of the slaveholders. The slave situation is so designed that the slave normally has no choice but to devote a great fraction of her time and activity to serving the interests of her master, and, by making this the case, the slaveholders systematically frustrate the slave's own interest in leading a good life. It follows, I think, that the slaveholders are directing the slaves' action in ways that can't be justified by appeal to reasons the slaves have for endorsing the whole trajectory of the slaves' and the slaveholders' acts that ensues.

Turning from slavery to a system of free exchange organized by coercively enforced property in alienable goods and condemned for the unjustly skewed distribution of those goods that it generates, I find a (far paler) version of the same complaint. A community's characteristic purpose in recognizing and enforcing individual claims of property is to secure the benefits of the economic activity that the going assignment of property makes possible. People intend by the enforcement of property to lead others to contribute their labor and savings to production. If injustice consists in the institutionally routinized direction of action that the directed actors have no good reason to authorize, inequality

grounds a complaint of injustice by implying that the poor can't accept a trajectory of acts of lawmaking, law enforcement, production, and distribution that leaves them poor.

So I propose to identify an institution's being unjust with its being such that by aiming for that institution people are directing others' action in a way that those people have no good reason to accept. The moral point of flagging the institution as unjust is to warn against this danger of misdirection. The announcement of injustice announces that people who take the institution as their intentional object are making use of others' action in ways that can't be authorized by the actors.

This proposal realizes the ambition I described in section 2: it accounts for the moral interest of injustice without mentioning any obligations to aim for a just society. But it also answers the challenge I described in section 5: it explains why a society's being just implies that by aiming for that society you avoid injustice.

By folding our action into a justificatory community and following the principles that answer its we-question, we succeed in directing others' action in ways that can be justified by appeal to the reasons they have. For they have reason to play their part in the program that answers our community's we-question. Suppose we take the suggestion of section 4, then, identifying just terms with those that every member of a justificatory community composed of the people who live under those terms can accept. Then the label of justice on an institution tells us that we can aim for that institution without wrongfully directing the members' action. The label tells us that it's one that everyone can accept as part of a generally acceptable program for living together.

But justice is not the only way in which to avoid injustice. An alternative is simply to abstain from trying to get other people to do things. Because the obligation not to aim for an unjust society can be met in this second way, by abstinence, and because it counts only against the creation and maintenance of unjust institutions by people trying to get others to do thing, it's not a universally binding, currently effective obligation to make the whole world justice.

7. Two contingencies

The discussion has turned up two reasons for steering toward justice and away from injustice. Each has a force that's contingent on an antecedent interactive relation to others. But each rests on a different contingency.

First, if you're already in the business of pursuing institutional arrangements, you can avoid wrongfully directing others' action by aiming for generally acceptable ones. But as I've claimed in 6 you can also avoid this by getting out of that business. Second, if you're already in a justificatory community, you have reason to aim for a pattern of living with the other members that survives scrutiny from the point of view of each member's reasons. But as I've claimed in 4 this reason has the force of an obligation only given that you're related to the others via the justificatory community.

These two contingencies are complementary. In combination they promise to explain some complications of our political morality that neither can make sense of alone.

A theory that derives reasons for aiming for the just society solely from the negative requirement that a person avoid wrongfully directing others' action draws the objection that a person can face obligations of justice even if she doesn't intend to organize her society's institutions so as to get others to do things. However that obligation *can* be explained by pointing out that, if the group is a justificatory community, she has good reason to submit her interaction with the others to the community's standards even if she doesn't already intend what she does as directing others' action.

A theory that traces the complaint of injustice exclusively to people's failure to meet the obligations faced by members of a justificatory community draws the objection that it can't call a society unjust unless the people who live there already make up a justificatory community. However that verdict *can* be sustained by identifying injustice with the wrongful direction of others' action, since I can wrong you by manipulating your action even if we're not already trying to live together on jointly acceptable terms.

8. The international property system: an example of injustice

I won't try to make a detailed case for (1). I hope it's apparent how you would make one from the ideas about injustice that I've just sketched.

The world is broken up into territories governed by states. Each state acts to exclude foreigners from doing things with citizens on its territory and to exclude citizens and foreigners alike from using the goods in which it assigns property to particular citizens. This system of the coercive exclusion of persons from association with other people and from access to the goods claimed by others has two kinds of important effects. One is direct and strictly negative. The people who are excluded then lack opportunities for association and production that they might have pursued had they not been coerced into giving them up. A second consequence is indirect and goes beyond the mere subtraction of opportunities. By shaping outsiders' incentives for association and production, the system of exclusion leads them to associate with insiders and to produce goods enjoyed by the insiders in ways that the outsiders would not have chosen had they not been excluded.

The internationalization of economic activity has made the second effect causally more salient. Transactions between persons separated by a border and secured in their holdings by the mutually recognized property systems of their respective states now account for a larger share of the world product. But the productive and associative incentives created by exclusion have also come to play a bigger part in the *intentions* of policymakers, and the relevant intentions take in a bigger region of the total network of these transactions.

The example that keeps me up at night is the United States. It's the policy of my government and all its modern predecessors to shore up the world's present partition into states and to patrol the system of control over goods constituted by the sum of their mutually recognized property regimes. One purpose for this policy is purely exclusive. It's simply to prevent foreign nationals from trying to live near us and from taking our stuff away. But there's a second motive that came into its own during the last century. The policy is also meant to establish and stabilize specific terms of association between

foreigners and the citizens who will invest in their economies or borrow from their savers or import the goods they produce or travel to their countries for business or pleasure.

There is a paranoid vision of world politics according to which (a) countries like the US generally *succeed* in realizing their designs for international relations and (b) these projects play a big part in explaining why these countries are rich and others are poor. Both claims are resistable. Against (a) we should remember that geopolitical campaigns, like human efforts in general, fail more often than they succeed. And to (b) it's plausible to reply that, for many pairings of rich and poor regions of the world, trade, migration, and cross-border investment play only a secondary role in explaining the divergence of their growth paths since 1750 or so. Of course there are other rich-country/poor-country pairs whose past interdependence was decisive for their present wealth and poverty. Capitalism is too young, the time series are too short, to support confident generalizations by people who know what they're talking about.

But we need not be paranoid, and we need not accept unqualified versions of (a) or (b), to notice that world commerce, migration, and the transnational finance of production unfold on terms concerted by national policymakers so as to harness them to the advantage of domestic or transnational interests. The design and regulation of these modes of cross-border intercourse call for justification from the special moral source that I've been discussing. I hope you'll agree that current arrangements are incapable of that kind of approval. My point has been that you can agree to this, and conclude from it that there's an unjust world basic structure, without supposing that everyone in the world has a currently effective obligation to aim for world justice. Would-be authors of the world's basic structure should stop aiming for the features in virtue of which it's unjust, but this is the only effective obligation that the judgment of injustice commits you to recognize.

9. Come together

It's surely a mistake to stop here, however. We want more from the future of our relations with people throughout the world than a retreat to mutual indifference. On the contrary it seems we'd be making a great moral improvement were we to treat the world as the domain of a single justificatory community pointing us toward a way of living together

that everyone can accept. The point of this hope is not hard to understand. By pooling my action with the things the others are doing, and by subjecting what we all do to scrutiny from all these points of view, I'd be able better to respond to the reasons I am given by the interests of persons.

The trouble is that each of us is now responsible only for living up to the standards worked out in the communities to which she already belongs. None is responsible for making new communities, let alone ushering in the universal one. So what could bring us together?

One answer, it seems, is international injustice.² The people on whom the world's unacceptable institutions are imposed will, we can hope, answer that imposition by insisting on acceptable ones. By doing this they will have made a universal community. They will have set for the world the challenge of finding institutions authorizable from every position within it, a challenge that each of us can meet only by casting her lot with a just world society.

Notes

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1. Richard Arneson, "Do patriotic ties limit global justice duties?" *Journal of ethics*, 9 (2005), pp. 127-150.

2. Cf. Thomas Nagel, "The problem of global justice," *Philosophy and public affairs*,