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LIBERALISM BEYOND BORDERS

By Loren E. Lomasky

I. Introduction

Political philosophy is an anachronism. The institutional structure that provided its bearings—the *polis*—is more than two millennia defunct. Nonetheless, the discipline carries on, turning its attentions to the workings of empires, principalities, and forms in between. Its modern efflorescence coincides with and focuses on the development of the nation-state. With few exceptions, the subject matter of the preceding four centuries' political philosophy is the inner workings of the sovereign modern state. Those within its borders are clients to be served, and state institutions are assessed in terms of how effectively they vindicate individuals' rights, dispense justice, and promote overall well-being. Nowhere is this characterization more apt than in the theory of liberalism. From Thomas Hobbes and John Locke at one end to John Rawls at the other, the state is conceived as the self-contained object of analysis, whether in the mode of omnipotent leviathan or cooperative venture entered into at birth and exited only at death.

It now can be asked of modern liberal political theory whether it too has become an anachronism. Although the nation-state, unlike the *polis,* is still very much with us, no longer is it the unique juncture at which all political avenues meet. Rather, lines of influence and authority are diverse, including interstate, infrastate and nonstate entities. To do political theory as if the only noteworthy claims of justice are those resolvable within borders is to trade on an increasingly unrealistic conception. As communications and economics have gone global, so too must political philosophy. Otherwise, it risks not only anachronism but also obtuseness and irrelevance.

This should not produce an existential crisis among liberals. The deep structure of liberalism is friendly to a global outlook. Classic liberal manifestos are grounded on universal human rights, with the state and its privileged status derivative therefrom. But because everyone has valid claims on everyone, for noninterference if not for more, there is prima facie plausibility to the idea that a fully adequate model of political justice will have to incorporate bonds of obligation that extend beyond national borders.

That this universalist strand lies mostly latent in the tradition is explicable in terms of the context within which liberal philosophy emerged and evolved. First, its development coincided with the history of the

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burgeoning nation-state as it ascended to political dominance. Because this was the central problem of the seventeenth century (and beyond), it is entirely natural that philosophers would concentrate on the task of exploring its parameters and possibilities. Second, intensity of interaction was once a rapidly decreasing function of distance. In an era when most people lived their entire lives within the county, let alone country, in which they were born, relations across national borders were few and limited. Third, communication was no more rapid than the fastest boat or caravan could travel between population concentrations. Even where there existed a will to extend efficacy abroad, epistemic barriers made it difficult to do so. Fourth, to the extent that a theory of justice in international relations was pursued, it primarily addressed ramifications of traditional just war theory and hospitality to commercial travelers. Any prospect of more extended rule-governed interaction was thoroughly utopian.[1]

It is, perhaps, unnecessary to note that much has changed. The nation-state is mature (some would say verging on senescence),[2] markets for virtually all goods and many services are worldwide, communications across continents proceed at the pace of those conducted across the street, and populations in one country are profoundly affected by legislative enactments and stock-market fluctuations in another. Moreover, individuals are often subject to authority other than that of the sovereign nation-state via international treaties and multinational organizations such as the European Union and the United Nations. It is no longer the case that separate peoples occupy the world in a condition of general detachment from one another. Rather, John Donne's dictum that no man is an island now extends with equal force to communities, regions, nations, continents—and, for that matter, to islands. Along innumerable lines of influence, we affect each other for better and for worse. Because there are substantial gains (or losses) to be incurred through appropriately (or inappropriately) formulated rules of conduct, it seems impossible to deny, or even to ignore, the need to acknowledge principles of justice governing global transactions.

Another change is of special salience to political philosophers. In *A Theory of Justice,* John Rawls developed the theory of justice as fairness for a sovereign nation-state.[3] In that book, he offered only a promissory note concerning the requirements of justice beyond borders. That note was cashed in *The Law of Peoples*.[4] Although the inherent philosophical merits of the latter book are vigorously debated, it is incontrovertible that attention by Rawls to an issue amplifies its visibility many times over. Even prior to the publication of *The Law of Peoples,* philosophical allies of Rawls had endeav-

[1] See Immanuel Kant, *Perpetual Peace,* in H. S. Reiss, ed., *Kant: Political Writings* (Cambridge: Cambridge University Press, 1970), 93–130.

[2] See Christopher Morris, *An Essay on the Modern State* (New York: Cambridge University Press, 1998).

[3] John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971).

[4] John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 1999).

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ored to extend the theory of justice globally.[5] These treatments typically involved application of Rawls's difference principle (privileging the status of the least well-off members of society) to the entire world population, with massive wealth redistribution as the inescapable consequence. However, when Rawls himself decided to extend the theory of justice, his own take on its ramifications was substantially different. *The Law of Peoples* is only modestly redistributive, with the difference principle explicitly rejected as a basis for international cooperation.[6] Those who believe that the extraordinary disparity in access to primary goods between the world's haves and have-nots constitutes a massive injustice that demands rectification find little to cheer in the book. Therefore, the international-justice debate in the philosophical literature is being waged at least as much by Rawlsian against Rawlsian as by Rawlsian against anti-Rawlsian.

This is an essay in developing cross-border implications of liberalism. Both in motivation and in some of its findings it is in sympathy with *The Law of Peoples.* But as with the critics of Rawls, it proposes a theory of international justice that is continuous with national justice. Like those critics of Rawls, it argues that rich states impose grave and systematic injustices on the poorer peoples of the world. However, these are not attributed to insufficient zeal in applying the difference principle beyond borders. Rather, the flaw is rooted more deeply in a transgression against the grounding theory of liberalism: denial of equal liberty to those with whom one transacts.

Section II discusses the relationship between distance and the stringency of moral ties among persons. The world's peoples are strikingly diverse with regard to possession of the ingredients of well-being, and Section III examines some of the conditions that underlie these differences. Section IV is the most extended of the essay. Five guiding principles of a liberal theory of international justice are set out and defended. Section V offers a brief conclusion.

II. Moral Ties and Moral Claims

Many people believe that their obligations to co-nationals are weightier and more extensive than those owed to extra-nationals. This is, of course, a disputable proposition, but it is one of a family of claims that closeness, literal or figurative, matters for morality. Near kin and friends are due more consideration than distant relatives and casual acquaintances. The latter, however, take precedence over anonymous members of one's community,

[5] See, for example, Charles Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979); and Thomas Pogge, *Realizing Rawls* (Ithaca, NY: Cornell University Press, 1990).

[6] The difference principle is, of course, the principle that in a just society, social and economic inequalities are to be arranged so that they work to the greatest benefit of the least advantaged. See Rawls, *A Theory of Justice,* section 13.

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who in turn count for more than distant compatriots, who in turn count for more than residents of foreign lands. Such judgments are in tune with our uninstructed moral sentiments. They also are in tune with the basic precept of rationality that the greater the value one places on some item, the more cost one has reason to bear in order to safeguard that item. Some theorists object that concern for personal interests is trumped by moral principles of impartial concern for the well-being of all persons, regardless of their connection to oneself.[7] Not only is that view counterintuitive, but it also forfeits any prospect of constructing an account of morality, including political morality, built on foundations of rational prudence.

Although there are respects in which it is accurate to characterize Rawls as an egalitarian, commitment to a thoroughgoing universal impartialism is not one of them. Rather, a founding assumption of his theory of justice is that persons possess distinct conceptions of the good that afford them individuated reasons to act on behalf of the ends that are distinctively their own. The possibility of reciprocal benefit prompts construction of principles of justice which, if generally adhered to, generate a cooperative surplus. It is in this respect that the theory of justice is said by Rawls to be "a part, perhaps the most significant part, of the theory of rational choice."[8]

How, then, is the Rawlsian difference principle to be understood? First, it does not annul the conception of justice as cooperation for mutual benefit but rather specifies how the cooperative surplus is to be distributed. Second, it applies only under tightly delimited circumstances. In a striking characterization of its range of applicability, Rawls declares, "In justice as fairness men agree to share one another's fate."[9] The implied corollary is that where dealings among people are too occasional or superficial to constitute the basis of any such fate-sharing agreement, the supposition that they could be obligated one to another by anything as strong as the difference principle lacks foundation. Instead, a basic order of live-and-let-live may be all that is rationally sustainable. How strong a spin should be given to the notion of "sharing fate" is open to debate, as is the feasible scope of application. Even to suppose that the citizens of a populous and diverse sovereign state are drawn together in so tight a circle is far-fetched;[10] it is all the more far-fetched to extend the perimeter to encompass all the peoples of the world. This explains, I believe, why

[7] See, for example, Peter Singer, "Famine, Affluence, and Morality," *Philosophy and Public Affairs* 1 (1972): 229–43; and Larry Temkin, "Thinking about the Needy: Justice and International Organizations," *Journal of Ethics* 8 (2004): 349–95.

[8] Rawls, *A Theory of Justice,* 16. But see also John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 53 n. 7, for a partial retraction of this characterization.

[9] Rawls, *A Theory of Justice,* 102.

[10] I make this objection in "Libertarianism at Twin Harvard," *Social Philosophy and Policy* 22, no. 1 (2005): 178–99. Rawls himself may have been implicitly reconsidering the applicability of this conception when, in the revised edition of *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1999), he omitted without explanation the "share one another's fate" sentence. Possibly, his own later work on international justice had persuaded him to moderate this aspect of the theory, but that is speculation.

when Rawls comes to write *The Law of Peoples,* he eschews grand principles of transnational redistribution in favor of considerably more modest articles mandating respect for the independence and sovereignty of other national units. Aid comes into the picture only to enable disfavored peoples to establish a minimally just and decent social order so that they then might proceed in their own preferred direction.[11] Somewhat surprisingly, such autonomy is accorded not only to liberal democratic regimes but also to old-fashioned autocracies (dubbed here "decent hierarchical peoples").

Rawls, then, is to be located among those theorists who hold that the weight of moral obligation is a decreasing function of distance. This helps to explain what some find a puzzling feature of his theory of international justice: the parties to the global original position are not the world's *people* but its *peoples.* One can, of course, imagine some sort of compact that a conclave of six billion souls might produce behind a veil of ignorance, but why on the other side of the veil they should acknowledge its terms as binding them in their subsequent dealings admits of no satisfactory answer. The qualitative and quantitative dimensions of their interactions are so slight that they can in only the most attenuated sense be described as cooperators for mutual advantage. Peoples, however, at least those that carry recognition as sovereign entities, do regularly interact as parties to treaties, members of international organizations, and transactors in commercial relationships. Therefore, they qualify as potentially reciprocating beneficiaries and so are subject to principles of justice that they would endorse as free and independent parties in a suitably characterized original position. Thus the structure of *The Law of Peoples.*

The preceding sketch is not intended to endorse Rawls's conclusions concerning the terms of international law. As I will argue in Section IV, the articles he presents are at best incomplete, holding for relations between states but silent concerning obligations of justice to individual foreign nationals. My sketch is, however, intended to endorse Rawls's method of attentiveness both to what may be called the supply side as well as the demand side of a theory of justice. Not much moral acuity is required to perceive the massive want and despair that disfigure the global arena. Questions expressing protest and indignation spontaneously follow: "What kind of world order is it in which some 2.8 billion people live on an income of less than two dollars a day, 1.2 billion of whom subsist on less than one dollar a day?" "When 30,000 children die *each day* from disease due to inadequate nutrition, doesn't that show that something is very wrong with the way resources are distributed?" As with other rhetorical questions, these do not invite extended reflection prior to ascertaining the indicated answer. Yet the phenomena adduced do not, as such, signify the existence of an injustice, let alone identify the offending party. Poverty,

[11] Rawls, *The Law of Peoples,* 37.

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hunger, and disease naturally call forth instincts to compassion, but who, if anyone, are the parties accountable either for having brought about or for now addressing these circumstances is a further question, the answer to which is not obvious. The planet's poor, let us agree, no more deserve to bear their misery than do the citizens of rich nations of the West deserve to have been born to the affluence that they enjoy. This is lamentably bad fortune for one, good fortune for the other. On what grounds, though, can a claim for recompense be lodged by the former against the latter? If the better-off owe their wealth to unfair dealings with the worse-off, that would, of course, constitute the basis of a strong claim for reparations. However, the fact of inequality, even very great inequality, does not by itself amount to evidence of any prior injustice. Nor, absent a question-begging egalitarian premise, does it show that the wealthy have any duty to acquiesce in a transfer of some share of their resources to the poor. It may be *kind* of them to do so, a matter of laudable *charity* or *generosity,* but that is not equivalent to maintaining that they *must* (as a requirement of justice) do so. To put it slightly differently, that many people stand in urgent need of aid from those who might be able to provide assistance is unassailable. But why and how that need constitutes a valid claim on the actions of others is less clear. What people owe each other is, in the broadest sense, the subject matter of a theory of justice, and it is only within the framework of such a theory that global inequality and distress can accurately be translated into a language of rights and duties.

Parties intimately joined to each other by shared activities and aspirations are bound by a rich web of moral obligations. At the extreme, the bonds are encapsulated in the dictum "Love your neighbor as yourself." The key word in this injunction is, of course, "neighbor." The degree of neighborly closeness invoked to render the requirement comprehensible even as a counsel of perfection is extreme.[12] Although not quite so extreme, the degree of continuing care that would render it reasonable, in Rawls's words, "to share one another's fate" is high. Therefore, the circumstances under which anything approaching these conditions obtains are special and cannot be extrapolated into a general theory of morality, let alone a theory of justice. Instead, the proper starting point for an account of what human beings as such owe each other will presuppose no antecedent ties of affection or association. On what terms, then, is it reasonable for anonymous individuals to interact?

A plausible general morality is necessarily shaped by attention to *reciprocity.* Rational agents will reject any demand to sacrifice some share of their own good so as to confer benefits on moral strangers. Instead, they will put themselves under only those rules and institutional structures from which they deem themselves to be securing benefits that outweigh

[12] "Good fences make good neighbors" stands at the opposite extreme.

the costs they are obliged to bear. The paradigmatic example of reciprocal transaction is trade. When Jones parts with x units of apples in order to secure from Smith y units of oranges, each party judges herself to be rendered better off. Jones need not care about what Smith will do with the apples or, indeed, about Smith's welfare at all. All she needs to know for the transaction to be well-judged from her point of view is that she herself has improved her prospects by agreeing to give up the apples for the oranges. Vice versa for Smith. Note that the parties need not concur with regard to the relative value of oranges to apples in order to fix a contract price for their transaction; indeed, it is precisely because their valuations differ that they transact.

Liberal theorists bring the contract model to their accounts of political association. In two respects, the social contract differs from trading wares: (1) the contract that grounds civil society is multiparty rather than pairwise; (2) the transactors proffer to each other not some tangible commodity but rather their noninterference.[13] What renders the social contract recognizably contractual, however, is its exemplification of reciprocity understood as mutual benefit. That which each party forgoes is valued from that individual's perspective less than that which is secured. It is only because Jones values Smith's-noninterference-with-Jones more than she does Jones's-interference-with-Smith that it is rational from her perspective to give deference in exchange for getting deference. The result is generalizable.[14]

Although the social contract presents itself as grounding the sovereign state, reciprocal noninterference enjoys a wider, indeed universal, scope in theories of basic human rights. A right is properly basic if and only if it is a claim owed to everyone and held against everyone. Because the relationship in which rights-holders stand to each other is reciprocal, it is also symmetrical. There are no separate classes of givers and receivers, but rather what each gives to others is also received from them. For that reason, duties correlative to basic rights are all negative, refrainings rather than positive performances. Rights to life, liberty, and property are claims not to be killed, not to be imprisoned, not to be stolen from, rather than entitlements to receive life-, liberty-, or property-preserving bounty. The logic of reciprocity supporting universal human rights is identical to that underlying the social contract. That is why it is plausible to extend classical liberalism's regime of noninterference globally, while Rawlsian lib-

[13] A third respect in which they might differ is if the social contract is stipulated to be tacit or hypothetical, perhaps entered into behind a veil of ignorance. No further attention will be paid to these complications.

[14] This is not a theorem of the abstract theory of rationality but rather presupposes a certain view of human nature. Only if people by and large place higher value on being left alone to advance their own projects than they do on meddling with the projects of others will they subscribe to an order of mutual forbearance. Classical social contract theories attempt in different ways to embed mutual and reciprocal willingness to forgo meddling into their accounts.

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eralism, especially its difference principle, does not travel comfortably across borders.

Wherever the further reaches of a theory of international justice lead, if the theory does not commence in an order of reciprocal noninterference, it goes nowhere at all. Perhaps just global institutions can evolve structures transcending noninterference in something like the way that the special relationships among citizens of a liberal regime generate claims and obligations that extend beyond respect for basic rights. However, the indicated analytical starting point is simple noninterference.

This is the method employed by Rawls in developing his law of peoples. At the center of this law are requirements of noninterference, with an additional requirement of fidelity to pacts made and a contingent duty of aid to distressed peoples. Whether the account is inadequate in virtue of lacking strongly egalitarian redistributionist principles is vigorously debated. More open to criticism, I believe, is the absence of principles governing the behavior of peoples toward individual foreign nationals. By his espousal of the case of respect for human rights, Rawls is committed to the seriousness of such principles. Thus, for example, a state/people may not take the life of a foreign national. To do so is not merely to wrong the people to which that individual belongs but, also and more fundamentally, to wrong the person. Similarly, foreigners may not be enslaved, may not be stolen from, and so on. All this may seem too obvious to bear repeating, but if developed in parallel to intranational liberal theory, the consequences are far-reaching. Just as it is impermissible for Williams to interfere with Smith and Jones so as to prevent their transacting, so too is it a violation of liberty rights for the United States or France or Nigeria to block transactions between willing parties.[15] That holds true just as much for interactions across borders as within them. The noninterference requirement is modest, no more than a pro forma geographical extension of familiar principles of freedom of association within a state. However, if consistently put into practice it would force radical revision of the control that states exercise over their citizens' relations with foreign nationals. It would, in a word, be to establish a liberalism beyond borders.

III. Causes of the Wealth (and Woe) of Nations

Some time between the end of the religious wars of the seventeenth century and the present, human circumstances changed profoundly. Whereas wealth was heretofore very much the exception, now it is the

[15] Strictly speaking, this claim should bear a *ceteris paribus* qualifier. If the transaction between A and B incorporates infliction of a material harm on C, then principles of self-defense legitimate C's acting so as to block the arrangement. In this respect, international transactions do not differ from domestic ones.

rule. Or to be more precise: in selected locales it is the rule. But we can be more precise still. To oversimplify only slightly, the representative person's prospects for living a tolerably long, prosperous, and decent life are excellent in virtually every location in which there obtains robust protection of private property under the rule of law—that is, wherever liberal structures hold sway. (The only exceptions of which I am aware result from great natural disasters or war.) This result holds both for small island nations and for continental powers; it holds where natural resources are abundant and where they are scarce; it holds in the heart of the developed West and in recently impoverished corners of Asia. Social science is not physics, and the sort of precision exemplified by physical laws is not to be expected in mappings of social phenomena. Yet here if anywhere we have something approaching the status of a general law of societal achievement. The macro-problem of human misery has been solved—in theory but, in far too many venues, not in practice.

Whatever may have been the case some decades back when general prosperity was the special possession only of a small number of populations bordering the Atlantic, and when socialist fancies were the primary domain in which speculations about transformation of the human condition played themselves out, it is no longer credible to proceed on the assumption that poverty around the globe is a phenomenon to be understood in the first instance as the result of stinginess in transfer payments from the rich. If a people can provide for itself a basically liberal order, then its citizens will do well. Otherwise, they are in jeopardy. More effective than the transfer of financial assets from wealthy to poor lands is transfer of the institutional structures within which such assets are generated. One might imagine that accounts of international justice would automatically take this phenomenon as central to their analyses. Egalitarian theories, however, tend to resist or ignore this result. That calls for explanation.

If the dominant reason why poor countries[16] remain poor is because their own institutions are deficient, then the responsibility for the poverty of some is not the wealth of others. Children in America eat well, often too well for their own good, but in Somalia many starve. American plenty does not, however, explain African dearth. The world's wealth is not zero-sum, and thus to consume more is not to visit a harm on those who consume less. Disparities in holdings are, for the most part, explicable by noting how the rich have made themselves rich and the poor have made

[16] Selecting an appropriate term to refer to those states in which per-capita income hovers perilously close to the destitution line is difficult. Speaking of them as "developing countries" blissfully ignores the key problem that most are conspicuously failing to develop. "Third World nations" was lamentably vague when the Soviet Union pretended to be a functional regime and is just plain innumerate now. "Burdened society" seems to suggest an external burdener; "failed state" is pessimistic and abruptly final. I shall for the most part, then, unimaginatively speak of poor and wealthy countries.

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themselves poor. As Rawls observes, "the problem [of poor countries] is commonly the nature of the public political culture and the religious and philosophical traditions that underlie its institutions. The great social evils in poorer societies are likely to be oppressive government and corrupt elites."[17] This is not to deny that gross inequalities among peoples are evidence of injustice, but it does strongly suggest that the claims of the world's poor are mostly to be addressed against their own governing institutions. However, in a moral environment in which the greatest of all offenses is to "blame the victim," stating this reasonably evident fact strikes some as indecent. Does it mean that the fortunate citizens of the West (and, increasingly, of other parts of the developed world) are at liberty to shrug off the plight of the world's destitute billions by saying, "That's their doing, not ours"? In a word, no. As I will argue, there is quite enough blame to go around, including blame ascribable to wealthy countries for committing injustices against their own citizens which simultaneously visit hardships on those in other countries who are least able to cope. The aim is not to let wealthy nations off the hook but to urge that they be pegged to the right one.

During the 1980s and 1990s, something on the order of 100 million Chinese were lifted above the dollar-a-day income threshold. This represents the single greatest rollback of abject poverty in the history of the world. That Chinese renaissance continues to accelerate, and alongside it a liftoff of comparable magnitude is occurring in India. Compared to these profound changes in the condition of poor peoples, the impact of foreign aid transfers has been minor. What has made the difference in China, as previously in smaller countries of southeast Asia, is security of property holdings coupled with openness to world markets. Conversely, those nations in which access to capital and enterprise formation are jealously controlled by ideological or kleptocratic state bureaucracies remain places in which prospects for leading decent lives have stagnated. Encouragingly, no Periclean exemplars of wise government have been needed to enable escape from general misery. China remains an undemocratic gerontocracy in which respect for human rights is patchy, especially for those entitlements that are deemed to challenge perquisites of the ruling political class. India, although firmly democratic, still has far to go in loosening the bureaucratic hobbles bequeathed by Fabian-inspired colonial overlords and its first generation of indigenous governors. The good news is that no more than a minimal level of political virtue, most especially the virtue of restraint, is needed to catalyze that initial jump into wealth-creation which then, barring backsliding, becomes self-sustaining.

The bad news, of course, is that too many regimes fall conspicuously short of even that minimal level. It seems hideously unfair that populations should suffer grievously from the failures of their domestic institu-

[17] Rawls, *The Law of Peoples*, 77.

tions, institutions over which they themselves have virtually no influence. Unfair indeed it is, but this is not an injustice readily addressable by well-meaning external donors. When tens of millions of Chinese citizens were class-struggle casualties of Mao's Great Leap Forward [*sic*] and then the misbegotten Cultural Revolution of the late 1960s, the injustices from which they suffered were almost entirely domestic in origin. And when they began to benefit from initial forays into the arena of global capitalism, melioration was also predominantly domestic. It is, therefore, misleading to characterize the gross wealth disparities that obtain in different sectors of the world as the subject matter of international (in)justice. These are far more the effect of depredations within borders than across them. That is not to say that poverty in other lands holds no moral relevance for the activities of well-off foreign agencies and individuals, but they are secondary respondents rather than primary instigators. In that restricted capacity, they can do some genuine good, but only if they realistically assess their efficacy.

It is much easier to transfer money than salutary social structures. In the extreme, dollar bills can be shoveled from helicopters to waft to waiting hands below. To the best of my knowledge, foreign aid has never been extended in such aerial form,[18] yet it would have one distinct advantage over formal intergovernmental transfers. Helicopter largesse, despite its windborne randomness, would find its way directly to primary beneficiaries, while aid extended via a stricken population's government passes first into just those hands that have shown themselves to be deficient. At best, funds extended may soften the edges of rough-hewn policies; at worst, they will strengthen the position of whichever thief or tyrant has lately taken up residence in the presidential palace. Because the natural interlocutors of a government are other governments, states are likely to have only limited facility in addressing the plight of distressed foreign populations. Even if there were a requirement of justice to alleviate misfortunes that are not of one's own making, direct foreign aid must be quite far down on the list of measures holding out a promise of efficacy.

A much stronger case can be made, in principle, for direct intervention to force maladroit or malevolent rulers to act on behalf of subject populations. That would be to address the proximate cause of distress rather than to apply financial salve in hit-or-miss fashion. The qualifier, however, looms large. Colonialist paternalism has been out of fashion for the last half-century, and the historical record does not make this a cause of regret. Western powers had their innings in Africa, the Middle East, and Asia; by and large, they did a sorry job of tending to the welfare of those over whom they ruled. There would be no reason at all to feel nostalgic for the reigns of viceroys and colonial governors were it not for the fact

[18] The 1948–49 Berlin airlift comes close.

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that home rule has, in many cases, shown itself to be even more sanguinary and corrupt. Nonetheless, it is now a firmly settled convention of international relations that sovereign states are, apart from exceptional circumstances, to be left alone to make their own way in the world. And when those exceptional circumstances have obtained—in Rwanda in 1994, in Srebrenica in 1995, and now in Darfur—the international community has shown itself to be less than adroit in stemming genocide, let alone establishing the underpinnings of benign social structures. That is not to conclude that foreign intervention is never justified on humanitarian grounds (see Section IV.E), but it is to suggest that this, too, is an uncertain device. America, it seems, did rather well for its client in postwar Japan, rather poorly in Somalia. The jury is still out in Iraq. However, the price of regime change is measured not only in dollars but also in blood. Reluctance on the part of democratic electorates to bear these costs for the sake of benefits that may or may not be bestowed on a distant people is neither surprising nor discreditable. Thus, the role of direct intervention to alter dysfunctional political and economic structures abroad will remain at most a small component of international justice.

IV. Precepts of Liberal International Justice

The preceding section should not be taken as a counsel of despair. The plight of the world's poor does not put them beyond hope. Almost without exception, they are but one step away from getting on the path to prosperity and decency. That step is replacement of malignant sociopolitical structures with tolerably humane and effective ones. With socialist nostrums now consigned to the dustbin of history and with the example of dozens of societies that have successfully made the leap from poverty to adequacy and then along to plenty, it is now well-known what such a transformation entails. It is also well-known what is not required: foreign aid packages, overgrown development bureaucracies, a "third way" that skirts the alleged excesses of both communism and capitalism. These are useless, worse than useless if they are seen as a substitute for commitment to robust property rights and free markets. But to say that embracing market institutions and the rule of law is "all" that is required to lift societies from abject want to increasing plenty is not a prediction that such progress will be widespread or rapid. Cooperation for mutual benefit is one way in which people can seek to advance their interests, but another is predation by the strong on the weak. Where predatory structures are well-established, they can display depressing stability. Those on top are loath to give up their status to those on whom they fatten, and those on the bottom may have no aspiration burning more intensely in their breast than to turn the tables and despoil their despoilers. Predation is supported by ideologies of racial, national, and religious domination, and these are alive and well in the first decade of the twenty-first century.

Moreover, many members of the intelligentsia of wealthy nations partake in esoteric rites of simulated self-flagellation in which they confess the culpability of their societies for the distress of the world's poor. (It is simulation because they exclude themselves from the strata of their societies who are blamed.) Even if not widely believed, they afford cover to those who are content to locate culpability closer to Washington, D.C., and London, say, than to Mogadishu and Damascus. Nor is it a sure thing that those who have leaped onto the train to increasing prosperity will not jump off. Over preceding centuries, peoples have shown a remarkable capacity to wed themselves to policies that lay themselves low; there is no reason except hubris to suppose that we have permanently lost the ability to imitate the lemmings as we jubilantly scramble toward the cliffs.

Nonetheless, and with all disclaimers duly noted, the proper attitude is one of optimism. For the first time in human history, it is at least possible for the entire world's population to live well. This is terrific news! Broadsides headlining wealth disparities between the wealthy 20 percent and the remainder should not be allowed to disguise the epochal significance of this alteration of the human condition. There are innumerable reasons why the world's poor suffer from hunger, disease, and the manifold brutalizations consequent on want and despair, but reluctance by the wealthy societies of the West to admit additional new members into their club is not among them.

If this essay is not a foray into pessimism, neither is it a rationalization of the conduct of the world's wealthy and powerful. To say that they are not the primary perpetrators of global distress is not to find them blameless. I have maintained that most so-called violations of international justice are in fact better understood as rooted in domestic failings, and that nearly all the world's peoples would enjoy lives of decency and prosperity if they were beneficiaries of tolerably adequate internal governance. It is only at the margin that external transactors make a difference—but when summed over billions of persons, these marginal effects are considerable.

Liberalism, especially in its classical version, is a theory about required omissions rather than commissions. To respect the rights of others is first and fundamentally to afford them noninterference. Positive provision of welfare goods is, if present at all, secondary. To extend the theory of liberalism across borders is to commend noninterference by both governments and private parties with foreign nationals. To the extent that this has not been forthcoming, there are justifiable complaints to be lodged against the members of the Organization for Economic Cooperation and Development (OECD) and their fortunate brethren. As with the practice of medicine, the primary and overriding requirement is, first, to do no harm. Insofar as the policies of some states impose harms on the nationals of others, a legitimate claim for redress can be made. This is not the

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occasion to prepare a comprehensive brief on behalf of the world's have-nots against the haves—or, for that matter, the haves against the have-nots—but the points made in the following five subsections convey a sense of the direction that a liberal account of justice across borders will take.

A. Noncooperation with oppression

Both the state acting in its official capacity and citizens in their roles as private actors are to refrain from lending assistance to foreign oppressors. To facilitate the violation of rights is itself to be a rights-violator. This is true globally as well as locally. Murder and theft do not change their nature when committed across borders. They are strictly impermissible.

As a programmatic statement of liberal dicta, the foregoing is impeccable. However, application of the principle of nonfacilitation quickly becomes murky in a world of states that exercise authority in ways that deviate significantly from the paradigm of liberal democracies operating under an impersonal rule of law. Consider, for example, loans across state borders from rich to poor made either by governmental agencies, quasi-governmental instrumentalities such as the World Bank, or private lenders. On the one hand, resultant debt burdens fall on subject populations, sometimes weighing heavily for generations. Typically without any prior concurrence on their part, their meager income streams are encumbered to satisfy the demands of wealthy foreign note holders. On the other hand, access to capital is a necessary ingredient for lifting a people out of want and into contact with the markets in which wealth is generated. To decline to take on external debt is to acquiesce to continued poverty. What, then, is a conscientious lender to do? There exists no algorithm that yields answers satisfactory for all cases. Still, there are some general guidelines for respecting the interests of vulnerable populations. All else equal, loans that create only voluntarily assumed indebtedness are to be preferred to those that inflate tax burdens. Direct investment by foreign corporations or joint ventures with domestic parties satisfy this criterion unless they come attached to "guarantees" offered by the host state. Money extended directly to sovereign borrowers is more suspect, especially when there is no mechanism for containing it within national borders so that it does not take flight to nest in anonymous Swiss bank accounts. However, improvements in infrastructure—roads, education, health-care facilities—that are required for economic advancement and that will pay for themselves many times over in increased national productivity often can only be supplied through public funds. In such cases, it makes good economic and moral sense for responsible states to borrow and for conscientious dispensers of capital to lend. The problem is to tell these cases apart. Perhaps the fairest and most reliable means for getting situations like

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this right is to ensure that much or all of the risk of subsequent inability to repay falls on the lender. That way self-interest, if not a robust sense of justice, will lead lenders to do their homework before extending credit.

Similar considerations apply with regard to transnational corporations' access to labor and physical resources. For rulers who find vexingly slow the rate of cash flow into their coffers generated by taxes extracted from an impoverished citizenry, an occasion to secure personal emoluments from wealthy foreign firms in exchange for concessionary grants will be a welcome windfall. Between functionaries of the state and corporate buccaneers, not much may be left for those who do the laboring. But if exploitation of laborers by their own rulers is avoided, the entry of corporations from abroad affords welcome opportunities. Would-be Western well-wishers are wont to denounce as exploitative the low salaries and onerous working conditions that are offered to employees in developing countries, but those workers who find the terms of employment offered by branches of transnational corporations by far their best available opportunity will wish that they could bask yet more deeply in such "exploitation."[19]

Liberal principles of international justice, then, are friendly to cross-border economic transactions insofar as they do not incorporate coercion by local authorities. Transnational firms themselves do not threaten the rights of host populations, because it is almost never the case that businesses are in a position to exert undue pressure on their workers without the complicity of local authorities. If in pursuit of accommodating labor relations, however, businesses accept authorities' offers of truncheons and prison cells so as to deny laborers an option of free exit, then they stand as co-perpetrators of injustice. Ultimately, estimations of where to draw lines with regard to acceptable lending, investment, and employment must avoid the opposed tendencies of utopianism and a cynicism that passes as realism. Transactional partners are rarely economic or moral paragons. Rejecting deals with parties tainted by oppressive, even murderous activities, would mean that even those states perched toward the high end of the spectrum of respect for individual rights would be barred from dealing with themselves! (Consider, for example, the 1993 killing of David Koresh and his followers by federal agents in Waco, Texas; or the systematic British humiliation of Irish prisoners.) Judgments must always be made at the margin: Is the proposed relationship more likely to nudge subject peoples toward decency and prosperity than to tighten the vise of their misery? Where money and power are at stake, honest responses are hard to come by, but, one must hope, not impossible.

[19] Denunciations of the degrading nature of working conditions abroad are especially suspect when offered by parties such as labor unions who stand as competitors to these foreign enterprises.

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B. Revising the public/private aid mix

Liberal international justice ought to be suspicious of government-to-government aid packages. Typically they come with strings attached. Superpowers shop for allies, and the foreign policy of mid-level states is often in the service of domestic commercial interests. On the recipient side, political elites who control aid distribution may be motivated by private interests that diverge from those of the populations they allegedly serve. States operate in a less ambiguous capacity, however, when they facilitate person-to-person aid between nongovernmental donors and targeted recipients. They are well-positioned to deploy their good offices to persuade rulers of host nations at least not to interfere with such aid arrangements. Simple state noninterference may be all that is needed to make a substantial difference. There is good reason to expect aid offered by private charitable agencies to be more effective and benevolent than that tendered politically. Because nongovernmental agencies are not able to secure funds through coercive extraction, and because they serve a simple agenda of doing some good abroad, they are apt to be more responsive than are state bureaus both to the donors who support their philanthropies and to the intended beneficiaries.

It may be asked whether enough assistance will be forthcoming under general privatization of the international assistance business. The question is ill-defined without some prior specification of what is meant by "enough." Even under the most optimistic forecast, it must be conceded that sums extended by charitable donors will not suffice to put impoverished peoples on a path to prosperity. That is not because individuals acting in a private capacity are less generous than governments, but because the necessary conditions for achieving general well-being are mostly domestic and only secondarily capable of being supplied by external grantors. Even if privatization of aid would result in smaller sums crossing borders, itself a speculative forecast, it is predictable that a much lesser fraction would be diverted to enrich corrupt authorities or be wasted on showy projects that better serve the interests of elites than those of needier segments of the population. Furthermore, private aid would have what from a liberal perspective must be the considerable advantage of being voluntarily tendered rather than coercively extracted. The interests of both givers and recipients count, and these interests are respected by an order of voluntary philanthropic relations.

Although anecdotes can take us only so far in reflecting on principles of international justice, it is worth observing that in response to disasters such as the December 2004 tsunami, individuals and charitable organizations across the world opened their pockets to assist devastated populations. Less spectacular, but no less estimable, are the continuing philanthropies of organizations such as Oxfam and the Bill and Melinda Gates Foundation. Governments and quasi-governmental agencies can genuinely contribute to the

efficacy of those activities by quietly exerting influence on host governments not to block charitable transfers and to desist from siphoning off funds. They also can assist with transportation, communications, and accumulation of materiel in response to acute crises. But basically the role of the state should be secondary.[20] Moreover, it is to be expected that as governmental agencies gradually shed their role as leading players within the aid business, entrepreneurial charities would come up with innovative ways of occupying the territory ceded to them. "Crowding out" would be replaced by "crowding in." Critics will contend that the scenario depicted is rosily optimistic, that the actual accomplishments of an order of privatized aid are apt to fall short of these depictions. These critics may well be correct. However, it is not as if the practice of state-dominated aid that has obtained since the end of the Second World War has shown itself to be signally successful—else it would no longer be needed. Rather than calling for "more of the same," liberal principles of international assistance endorse substantial restructuring of the roles of private and public parties, according priority to the former.

C. Justice in trade

Liberal support for loosening shackles that constrain trade across borders is more crucial than ever. Ready access to foreign markets is not merely an economic desideratum at the fringes of national economies but a necessary condition for lifting populations out of poverty. The argument for free trade has been thoroughly and consistently set out for more than two centuries. If intellectual merit sufficed to generate policy victories, protectionism would now be as defunct as the dodo. But impartial theorizing is apt to take a back seat to the play of interests, and those whose livelihoods depend on buying and selling rarely will oppose on principle measures that promise to shield them from some degree of competition. Thus, freeing up trade is not a battle that is won once and for all, but is rather an endless series of forays, each of which has to be fought anew. Today the campaign against open markets is waged most noticeably in

[20] It might be objected that coercion by the state is needed to overcome what decision theorists call an "assurance problem." Citizens, it is claimed, might individually have some desire to act philanthropically, but they will contribute only if they are confident that others will also contribute. Without some mechanism affording assurance to each citizen of the similar compliance of the others, the philanthropic preference will go unrealized. Mandated tax contributions thus not only bring about a valuable result but also give effect to the predilections people already hold.

The story, although not impossible, is far-fetched. That many people really do strongly desire themselves and their compatriots to be taxed more heavily so as to swell foreign-aid budgets seems to be confirmed neither by opinion polls nor by the observed politics of national budget-making. Nor is it evident that most people's charitable impulses are so strongly contingent on the behavior of others. It is an open question whether an order of privatized international aid would be hobbled by widespread tendencies to free-ride, and it is best answered by putting the hypothesis to the test.

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the media and the streets by "antiglobalization" cadres, an ill-matched assortment from across the political spectrum who unite only on a platform of substituting political for economic parameters in governing production and exchange. One of the banners under which they march, "Fair trade, not free trade," explicitly represents the campaign as one for justice. Liberals will, of course, reject the implied opposition between freedom and fairness. The freedom of willing parties to transact on terms they find mutually agreeable is of the essence of fair dealing. Conversely, imposition of terms by third parties who foist their own interests and ideals on unwilling others is the epitome of injustice. But this is a very old tune that need not be rehearsed here.

However one interprets nuances of fairness and freedom, it is apparent that poor nations suffer from sins against both in the global marketplace. Extensive programs of tariffs, quotas, and subsidies distort markets for those primary commodities, especially agricultural goods, that are mainstays of the fledgling economies of these countries. Not only is it difficult for them to compete against the technological sophistication and efficiency of producers in the United States and Europe, but in addition they must contend with the subsidies these wealthy countries bestow on their own producers. These subsidies lead to underpricing of weaker competitors, which effectively bars them from international markets. The result is that wealthy corporate producers of crops such as cotton earn handsome profits while African workers of the land starve. In the postwar period, the various installments of the General Agreement on Tariffs and Trade (GATT) and its successor, the World Trade Organization (WTO), have enjoyed signal success in lowering trade barriers. The result has been an unprecedented growth of international trade and the prosperity resulting therefrom. Not all parties, however, have benefited at this high level. Too many economies languish. That is not all to be laid at the door of the WTO, but it is presumptive evidence that the job of liberalizing the world market is far from complete.

Because economic activity is positive-sum, all parties are benefited by arrangements that afford them greater scope for undertaking beneficial transactions. Lowering trade barriers is not a "gift" to foreign entrants, but rather advances also the interests of domestic producers and consumers who thereby secure access to desired commercial relations. Therefore, each sovereign entity has self-interested reasons to liberalize markets regardless of what other states do. However, each does better still if those others also eschew protection. This is one reason why the game of trade negotiation often features states refusing to dismantle barriers unless other states reciprocate by offering corresponding relaxations.[21] It is possible, then, especially in a setting where the

[21] Another important reason is that while economies as a whole will benefit from increased openness, there will always be some parties disadvantaged by widening the scope of competition. If they are politically potent, they may be able to block agreement.

number of players is great and their interests diverse, that they remain indefinitely blocked from agreeing on measures that benefit everyone, each player holding out for terms that are yet more favorable from its own perspective. This is a fair characterization of recent stumbling at the 2004 WTO meetings in Doha, Qatar, in which rich countries demanded, among other provisions, enhanced protection for intellectual property rights, poor countries more welcoming markets for agricultural exports, never the twain managing to meet. Liberal theorists have no difficulty in characterizing such nonagreement for mutual disadvantage as ludicrously counterproductive and unjust. The theorists' expertise does not, however, extend to deriving tactics calculated to break such impasses. But as the diplomats continue to play their tortuous games, spectators on the sidelines ought to proclaim in a loud voice that while all protectionism perpetrates injustice, insult is added to injury by those barriers that especially disadvantage the poor. If it is impossible to brush away webs of restriction with one sweeping gesture, then first priority should be given to the elimination of those barriers most directly implicated in destitution and despair.

Some social philosophers, Thomas Pogge chief among them, have argued that deformities in international trade structures constitute actionable wrongs inflicted by the rich on the poor, and that these support a call for massive reparations to be made in the form of cash transfers.[22] For several reasons the call is misdirected. First, the timing is backwards. Before demanding of parties that they repair damages caused by their unjust policies, they must be persuaded that those policies are indeed wrong. In a world in which protection still carries (unmerited) respectability, demands for reparations are, at the very least, premature. Second, this is a thinly disguised plea for intergovernmental aid transfers, a less good medicine for the ills of poverty than is a grant of free access to markets. Third and most fundamentally, it confuses the nature of the harms done by the international trade regime. The OECD high-flyers are labeled culprits who unjustly enrich themselves at the expense of the world's poor. This is to buy into the protectionist fable that a country advances itself by erecting barriers to imports. From the early years of liberal theory, this conception has been put to the test and found wanting. What is objectionable about subsidies, quotas, and tariffs is not that these are techniques of hard-dealing via which the rich get richer and the poor get poorer. Rather, they are no less welfare-diminishing domestically than they are internationally. If, for example, cheap foreign textiles are not allowed into the United States, then would-be American consumers are made worse off for the advantage of American clothes manufacturers. If

[22] See Thomas Pogge, "'Assisting' the Global Poor," in Deen K. Chatterjee, ed., *The Ethics of Assistance: Morality and the Distant Needy* (Cambridge: Cambridge University Press, 2004), 260–88.

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African cotton cannot compete with American cotton because the latter benefits from substantial subsidies, then domestic cotton growers are being unfairly enriched at the expense of all other Americans—and, of course, at the expense of foreign producers. And so on with regard to the myriad gothic adornments of the world trade order. Their primary damage is intranational, not international.

The reason I focus on this point is because it spotlights with special clarity what is distinctive about the liberal understanding—an avowedly *classical liberal* understanding—of international justice advanced in this essay. Using some parties against their will as mere means for the ends of others is wrong wherever it is practiced. Crossing borders does not cleanse the practice. However, domestic forced redistributions that impose costs on some population segments so as to shower benefits on others are enthusiastically cheered by egalitarians of both liberal and antiliberal persuasions. They accord to these redistributions the honorific rubric "social justice." But then when a practice warmly endorsed within states is seen to exacerbate hardships in distant lands, convoluted justificatory scrambling follows. Somehow, what is wrong with the European Union's Common Agricultural Policy has to be spelled out in a manner that does not impugn the EU's commitment to a sweeping range of internal controls and transfers.[23] Without recapitulating the entire social justice debate, starting with the first page of Rawls's *A Theory of Justice,* it is not possible to demonstrate in detail why this is a vain hope. Rawls himself bites the bullet of confining substantial redistribution within national borders, thus disappointing those followers who wish to extend the demands of (re)distributive justice into a seamless cosmopolitan theory.[24] They take the sharp difference between Rawls's theories of domestic and international justice to represent a debilitating inconsistency. Perhaps it does. But a more glaring inconsistency is to defend sacrifices imposed by a national politics of redistribution on some segments of the citizenry in order to benefit others while decrying the same when the victims are foreign nationals. A considerable advantage of the classical liberal theory of justice is that it exhibits greater continuity within and across borders than do any of the rival accounts.

D. Free movement across borders

Most of the reasons supporting free movements of goods and services across borders also support free movement for individuals. The lines on

[23] French opponents of the proposed European Constitution successfully engineered its May 2005 referendum defeat in part by decrying its "extreme Anglo-Saxon liberalism." Despite whatever other grounds on which their appraisal of the proposed constitution was misjudged, they accurately diagnosed the intrinsic opposition between the welfare state's forced redistributions and the fundamental precepts of political and economic liberalism.

[24] See, for example, the authors cited in note 5 above.

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a map that separate Mexicans from Americans or the European-Ins from the European-Outs are morally arbitrary, yet on which side one happens to have landed is liable to make an enormous difference for one's life prospects. To be blocked from buying and selling across borders is an unjustifiable restraint on liberty, but so also are general barriers against cross-border employment and residence agreements.[25]

There are two chief reasons why movement of persons across borders can be more problematic than movement of products: security concerns and financial entailments. A widget purchased from abroad is inert; it lies there until put to the service that widgets perform. But immigrants exercise agency. As no one needs to be reminded post–September 11, 2001, some intend harm to the country they have entered. Migrants who are utterly benign in their intentions need food, shelter, and occasional health services. They produce children who require these basic goods and educational services as well. For those who carry along with them a handsome asset portfolio or who are lucratively remunerated, meeting basic needs is not a problem. But the much greater number who are accompanied across borders only by their poverty may be deemed a significant potential drain on resources. As with the potentially hostile, their exclusion is justified on grounds of self-interest.

It is not possible to offer more than a cursory response to these two worries. Against the former, it is conceded that addressing security concerns is a legitimate function of the state, indeed its central function. The necessity of thwarting would-be malefactors, both domestic and external, should condition all state policies. Freedom of movement is a deeply held liberal principle, but it may permissibly be constrained by legitimate security concerns. Nonetheless, and with all due acknowledgment of the grim realities that have intruded into twenty-first century consciousness, it is simply not credible to maintain that the vast bulk of immigration poses any significant security threat. The tens of thousands of Mexicans who each year cross the Rio Grande, either legally or otherwise, do not enter the United States to do it harm. Their motives of self-advancement are transparent. So too for the vast majority of those who seek to work or study in Europe, Australia, and the other wealthy OECD countries. Reasonable persons will differ concerning the nature of immigration controls needed at entry points to address legitimate security concerns, but on even the most conservative reckoning, such measures will not exclude any large number of potential economic entrants.

The financial drain objection cuts more deeply. With a few dishonorable exceptions (e.g., restrictions on Chinese nationals), the United States throughout the nineteenth century and into the first two decades of the

[25] I develop a fuller response to the implications of morally arbitrary borders for trade and migration in "Toward a Liberal Theory of National Boundaries," in David Miller and Sohail Hashmi, eds., *Boundaries and Justice* (Princeton, NJ: Princeton University Press, 2001), 55–78.

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twentieth was, to its enduring credit, a land that threw open its borders to millions of individuals who wished to commence a new life under new skies. The United States is still one of the world's major recipients of immigration, but with many more restrictions on would-be entrants. What has changed in the interim? Prospects for personal advancement in America have not waned, nor has the ability of the economy to support increased numbers. The U.S. population has not become more insular in its vistas or more viciously nativist in its prejudices. Rather, the transformative process that most strikingly conditions immigration policy in the United States (and other traditional magnets for migrants) is the rise of the welfare state. To be on the lucky side of the border is to be in possession of a brass ring that entitles one to a wide variety of benefits, courtesy of the public treasury. It is no wonder that residents of well-off states in which taxation supports extensive welfare functions are disinclined to welcome impoverished entrants likely to be net subtractors from the pie to be carved up. Professionals and investors, yes; poor, tired, huddled masses, no.

Although some will cast blame on the greed of a grasping, inhospitable bourgeoisie, I do not share that assessment. A desire to possess and augment one's property is both honorable and the engine of economic advance. What is unfortunate is that in combination with the characteristic form of contemporary Western social democracies, this desire harshly damages the prospects of countless individuals who are stymied from relocating to where their lives would go better. I believe that the optimal resolution of this dilemma would be wholesale rolling back of the welfare state. That, of course, is utopian (others will say dystopian!) fantasy—if not forever, then at least for the foreseeable future. However, intermediate means are available for relaxing the firmness of borders while nonetheless maintaining politically popular redistributionist measures. For example, individuals could be allowed to enter at will, but with an express proviso that they and their families would not be permitted to avail themselves of any of the state's welfare services for a stipulated period. Although it is much preferable to current policies of exclusion, such a measure would almost certainly prove to be unsustainable.[26] To observe people sick from hunger and inadequate shelter, who are then denied health services for which they are unable to pay, and who lack the means to provide even basic education for their children, would be intolerable. Of course, such is the plight of vastly greater numbers of individuals living in destitution abroad, people whose prospects would skyrocket if they were allowed to immigrate even under a no-welfare proviso, but not having actually to experience them close-up is wonderful balm to the conscience.

What may under current circumstances be the least bad policy would be to allow entry to all individuals who provide a surety that they are not

[26] Nor would it likely pass muster with courts either in the United States or in the European Union.

likely to be a charge on the public.[27] This condition could, for example, be satisfied by posting a bond. The evident problem with this device is that penniless migrants are in no position to comply. However, others of like nationality, religion, or family connection (or charitable agencies) may choose to vouch for and provide surety for entrants. This has the great advantage of substantially privatizing immigration policy decisions. In addition, those immigrants in possession of a bona fide employment offer on terms such that they are thereby enabled to support themselves at a minimally decent level—where minimal decency is understood not as may be conceived by rich Westerners but relative to the standards that obtain in the countries from which the immigrants fled—would be deemed to have provided the requisite surety. Note that this policy is responsive not only to the interests of those desirous of entering the country but also to the rights of would-be employers to enter into mutually advantageous contractual relationships. To keep a tight lid on borders is to restrict the liberties not only of foreigners but also of citizens. Here again, the conclusions of international justice are congruent with those of intranational justice.

I do not deny that there are numerous complications that will have to be addressed in giving effect to these proposals. What happens when an immigrant loses her job or is exploited by a threat of being fired with deportation to follow? For how long a period must someone reside in the country and post a record of acceptable conduct before being accorded the full rights and privileges of residents? And so on. Without denying that these are legitimate concerns, and without having a grab-bag full of remedies on offer, I content myself with noting that in these considerations we are far from the world of ideal theory. The appropriate question to ask with regard to the desirability of any policy proposal is: Compared to what? Rendering borders less inimical to possibilities of human flourishing, if only at the margin, is a worthwhile aspiration of liberal theorizing.

Let me address two related matters before moving on. First, the principle propounded here radically revises current international legal practices that privilege refugees fleeing persecution over "mere" economic migrants. The former have a right against the host nation to be harbored (assuming that they are able to show their fear of persecution to be well-justified), while the latter do not, even if they can prove that they are escaping destitution. This I take to be backwards. Refugees ought indeed be accorded sanctuary, but the basis of their pull on our moral sensibilities is compassion or pity rather than justice in a strict sense. Observe that refugees must be sheltered even if doing so imposes significant costs on

[27] I say "not likely" because, for example, a net contributor may become a net subtractor by committing a crime and then consuming resources of the judicial and penal systems. This is true for both citizens and immigrants; in fact, citizens may be more likely to become net subtractors, insofar as one available cost-cutting sentence that can be employed against alien felons is deportation.

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the receiver state. Economic migrants who are self-supporting or supported by willing private parties impose no direct costs on unwilling others, and thus their exclusion cannot be justified on grounds of defense of one's property. Why, then, the priority accorded refugees? I believe that the rationale is less a matter of concern for the persecuted than a handy pretext for barring the gates against all others. Is this belief cynical? Yes. Is it more accurate than not? Readers are invited to hazard a response. In saying that, from the perspective of justice, economic migrants possess the more substantial claim, I am not advocating withdrawal of sanctuary from refugees. To shield defenseless victims is admirable. Rather, the contention is that denying means of bettering their lot to those who do not satisfy the lawyers' criteria for being considered refugees is disgraceful.

Second, critics may contend that opening borders does not solve the problems of poor nations, and may indeed exacerbate them by allowing a brain-drain—and a labor-drain, and an ambition-drain—from venues where human as well as physical capital is in short supply. I concede the point. Relaxing border stringency will not erase those yawning inequalities and vast stretches of misery that are generated by the incompetence and brutality of the institutions of dysfunctional states. The problems that beset severely disadvantaged peoples are only slightly softened by the proposal. Unlike Rawls, however, I do not take the primary, let alone exclusive, focus of international justice to be *peoples,* but rather *people.* It is incompatible with basic liberal principles to hold individuals hostage to the collective entities, the "peoples," from which they would separate themselves. Hospitality to migrants is only a small component of international justice, but it is indispensable.

E. Humanitarian intervention

On any given day, deliberate campaigns of murder and despoliation carried out by the powerful against the powerless generate mounds of corpses and crowds of displaced persons. As this paragraph is being composed, the Darfur region of Sudan is a notorious example. A few years earlier, the examples that would have come to mind were genocidal rampage in Rwanda, "ethnic cleansing" in the Balkans, Maoist slaughter of class enemies, and, paradigmatic for our time and perhaps all time, the Holocaust. If there has been any period of recent history in which these barbarisms have been absent, I am not aware of it. Certainly any theory of international justice has to take cognizance of such crimes against humanity. And yet . . .

Some problems do not admit of solution. Massacre is not one of them. Indeed, in virtually every such case the solution is transparently simple: let the perpetrators desist! The derivative problem is that they do not choose to do so, and to this there may indeed be no solution. More specifically, there may be no solution accessible to well-meaning external

parties. What can be done about Darfur? Rephrase the question as: What can the United States/Europe/the United Nations/you-and-I do about Darfur? No doubt there are better and worse responses to each of these question-variations. The dispiriting fact of the matter may be, however, that against these greatest of injustices, no very good response is available to any party able and willing to make a difference. Perhaps sit-ins and public demonstrations are called for, not because they promise to alleviate the distress of those who are suffering, but because the alternative is to lend accommodation to evil by silence.

The best I am able to offer here are platitudes, but because not offering platitudes is offering nothing at all, platitudes it will be. Platitude number one is that those who are in a position effectively (and without imposing undue costs on nonconsenting others) to intervene should do so. This principle has extensive application to officials of those regimes that are superintending the killing, but may have limited scope for all others. The party most capable of addressing the ongoing misery of the North Korean masses is Kim Jong Il. The parties next most capable of taking action are North Korean military officers in a position to stage a coup or an assassination. Perhaps the Chinese government can exercise useful suasion, although even in these post–Tiananmen Square years, their hands are far from clean with regard to the practice of domestic oppression. But beyond these levels, the capacity of others to intervene effectively may be vanishingly small.

Platitude number two is that those unable to rectify the evil ought at least to try not to exacerbate it. Propping up great tyrants is to be avoided, even when those tyrants are useful allies in some international venture. Unfortunately, even this platitude is no better than a prima facie principle. During World War II, it was right and necessary for the Allied powers to lend support to Stalin in the fight against the Axis powers, even though Stalin remains high on the list of World's Greatest Despots. Nonetheless, and with all due acknowledgment of the manifold epistemic hurdles to be surmounted in determining whom to take on as an ally, not every crusade is as crucial for the maintenance of civilization as that against Hitler. There is a very strong presumption in favor of undermining rather than cooperating with tyrants. The leaders of liberal democracies have not always lent to that presumption the weight that it merits.

Platitude number three is that failure to intervene against murderous regimes can carry an exorbitantly high cost, but also that intervention itself can carry an exorbitantly high cost. Which of these is likely to be greater will often be unclear prospectively and even retrospectively. Without wishing to add fuel to contemporary debates, I note that the series of U.S. encounters with Saddam Hussein and Iraq—from initial support in Iraq's war against Iran, through the first Gulf War, the blockade and sanctions, the second Gulf War, and the subsequent reconstruction—has been such that at every stage reasonable persons can and do disagree

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about policy decisions. Issues of trade policy are (relatively) easy; issues surrounding relations with rogue regimes are excruciatingly difficult.

Platitude number four is that between forcibly intervening and refraining from intervention, there exists a standing presumption in favor of the latter. This may indeed be seen as nonplatitudinous, indeed erroneous, by those of a Wilsonian temperament. For them, the presumption is instead to seize opportunities where one finds them to make the world safe for democracy, or safe for whatever other ideal commands the day. The rationale for the platitude is not that Wilsonians are bound to do more harm than good, although I suspect that this may well be the case. Rather, the presumption against intervention appeals because of a very strong underlying presumption against pursuing valued ends by dragooning the lives and resources of others. The broken bodies of conscripts are as much battlefield fodder when the cause is just as when it is not. All-volunteer armies are funded by nonvoluntary taxation. In a world bearing marked affinities to the Hobbesian state of nature, coercive incursions on citizens are sometimes necessary, but they are to be kept to a minimum. That is why this principle is indeed a platitude within liberalism.

Platitude number five commends to all civilized states the task of seeking to devise fairer and more effective means of maintaining international order. There can be little disagreement with the observation that unilateral interventionary thrusts by superpowers for ostensibly humanitarian ends tend to work out rather less well than advertised in advance by their proponents. There can also be little disagreement with the observation that multilateral humanitarian operations also tend to work out less well than might be desired. And, of course, failures to intervene also may prove disastrous. The technology of international cooperation for humanitarian ends remains primitive. Certainly the United Nations as it is currently structured is a weak reed—although in some circumstances the strongest available. It may be that the various special interests of the several states thwarts all possibility of disinterested cooperation for the good of others. If so, then the need is to contrive some mechanism where, as in economic markets, an invisible hand transforms self-interest into the common good. Perhaps no such mechanism can be invented, but this cannot be known prior to serious, sustained attempts to achieve it.

V. Conclusion

Imagine the world as a board with many squares large and small. On some squares, chips are piled high, while others are almost vacant. The difference in size among piles is objectionable. The problem for a theory of justice can be conceived as devising a mechanism for transferring chips from where they are plentiful to where they are few. The viewpoint taken is external, that of a benevolent and impartial spectator rather than that of a square occupant. The viewpoint is also fundamentally prospective.

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Although some attention may be given to the historical record of how the piles grew or shrank, the aim of the exercise is not to evaluate the quality of preceding moves in the game as essayed by the various players, but rather to derive a strategy for moving toward pile equalization.

The checkerboard model is much too simplified to be pinned to any of the sophisticated philosophical theories of international justice that have been advanced over the more than three decades since the appearance of Rawls's *A Theory of Justice.* Nonetheless, both its inclusions and its exclusions provide a useful framework for assessing that literature. Certainly the model cannot be faulted for insisting that the absence in many locales of a minimally sufficient supply of goods constitutes a central issue for political morality, although perhaps it too exclusively assesses the moral imperative under the rubric of justice rather than generosity or compassion. Nor is the model to be faulted for observing that some wealth piles are many times larger than others. That observation is important if for no other reason than to identify these oases of plenty as objects of aspiration and potential emulation. If, however, the model then presumes that some piles are low *because* others are high, and that the well-endowed squares *act unjustly* unless they transfer some quantity of their chips to those that have little, it has taken a step too far. Why penury obtains where it does, which parties are obligated to act to alleviate it, and how that alleviation can be brought about are not data to be brought to the formulation of a theory of justice but rather theorems that are yielded by its construction. Both the externalism and the prospective reasoning of the checkerboard model must be modified by attention to how the occupants of the various squares appraise the trajectories that have landed them on their spots and the reasons they have from these various perspectives to respond to claims that might be lodged against them.

This essay has attempted to supply a framework for such investigations that is recognizably liberal and, thus, that propounds an account of international justice as continuous in the foundational principles it endorses with those of intranational justice. Rawls is frequently held by his critics to have failed to achieve such continuity. They propose to remedy that lapse by instituting a global difference principle or some similarly sweeping structure of cosmopolitan governance. By way of contrast, the account offered here derives from a more traditional liberalism of respect for persons' liberty and property. It contends that the persistence of poverty has much to do with the malformed domestic institutions of dysfunctional states, that hoped-for turnarounds will, therefore, mostly come from internal restructuring (if at all), and that wealthy peoples are obligated to support such efforts but are neither required nor in a position to be their primary engine. As that not-quite-liberal political theorist Deng Xiaoping observed, "To be wealthy is glorious!"—not a mark for recrimination. Acts of commission or omission that deprive others of opportunities to obtain wealth of their own are, however, injustices. Wealthy and

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powerful states have a duty not to lend assistance to despots who despoil subject populations, as well as duties to support (but not supplant) international philanthropies that directly address the needs of indigent persons as distinguished from their governors, to dismantle barriers to trade and migration, and to seek better international structures for precluding and responding to gross human rights violations.

One part of the program of international justice concerns the duties that peoples owe to each other. But another and arguably more fundamental part concerns obligations owed to individual persons both within and beyond national borders. To a much greater extent than is generally acknowledged, mandated transfers among citizens of a state and politically imposed restrictions on their liberty to transact with nonresidents foist burdens on nonconsenting others. Some of these burdens are local; others extend across the globe, with devastating effects on those least able to bear them. It is myopic to decry the latter while complacently accepting the former. I conclude by suggesting that the version of liberalism most suitable as a theoretical grounding for both internal and external dealings more closely resembles that of Adam Smith than that of John Rawls.

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