The Conditional Feasibility of Global Egalitarian Justice

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Abstract It is often stated that theories of distributive or egalitarian justice face a 'problem of feasibility' when the scope is extended to the global realm. The aim of this article is to evaluate this claim with respect to Pogge's theory of global egalitarian justice, assuming that egalitarian justice is feasible in the domestic realm. The first contribution of this article consists in an encompassing review of the feasibility arguments offered in the philosophical literature on global justice, focusing especially on the arguments offered by Miller, Caney and Nagel. The analysis highlights the fact that feasibility evaluations are mostly justified by a very narrow argumentative basis which can, moreover, be challenged to a significant extent in light of empirical research insights. To compensate for at least some of these shortcomings, it will be shown how including global long-term trends can improve the empirical basis of feasibility evaluations. The second contribution consists in pointing out that existing feasibility evaluations suffer from serious methodological problems since the evaluative standard, time frame and weight of the feasibility criterion are generally neither defined in a clear way nor applied coherently. This article argues that referencing a burden of proof is a more adequate way to move forward since it allows for incorporating the uncertainty of evaluations while leaving the core of the feasibility criterion unchanged. Considering both the empirical arguments offered and the burden of proof, this article concludes that global egalitarian justice should be considered conditionally feasible.

1. Introduction

Theories of distributive or egalitarian global justice are often criticised not only for being undesirable in light of the moral relevance of national identities,[1] but also for being unrealisable. Boswell, for example, claims that universalist moral theories face a 'problem of feasibility' once they are extended from the national to the global realm.[2] The aim of this article is to evaluate this claim by analysing both the underlying definition of the feasibility criterion and the empirical arguments offered in the philosophical literature.

The criticism that universalist theories become unfeasible if they are extended to the global realm will be scrutinised with regard to Pogge's highly

[1] Cf. Miller 1995; Tan 2005.
[2] Boswell 2005, p. 1.

demanding theory of global *egalitarian* justice.[3] The advantage is that if the evaluation leads to a positive result, less demanding theories of global distributive justice should equally be considered feasible; if the result is negative, the same analysis can be carried out with respect to theories of distributive justice. Furthermore, to leave aside the highly contentious debate about the feasibility of domestic egalitarian justice[4] and to focus on the difference of scope between the domestic and the global realm, the analysis will be premised on the assumption that *domestic* egalitarian justice is feasible. The 'conditional feasibility' question of article is thus: If we consider domestic egalitarian justice to be feasible, should global egalitarian justice be equally considered feasible?[5]

The first strand of the analysis consists in an encompassing review of the feasibility arguments offered in the philosophical literature on global justice, focusing especially on the work of Miller, Caney and Nagel.[6] That feasibility evaluations are mostly justified by a very narrow argumentative basis which can, moreover, be challenged to a significant extent in light of empirical research insights will be particularly highlighted. To compensate for at least some of these shortcomings, it will be shown how including global long-term trends can significantly improve the empirical basis of feasibility evaluations. In this respect, it is important to point out that the present analysis is interested in the long-term feasibility of global schemes of justice (where a theory is either feasible or not); this focus has to be distinguished from Lawford-Smith's analysis of 'political feasibility'[7], which inquires into the likelihood that short- or middle-term or institutional proposals or moral theories can be implemented.

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[3] Pogge 1989.

[4] Cf. Nagel 1995; Rawls 1999a.

[5] The conditional feasibility evaluation resembles Caney's 'domestic-compatibility' criterion, which requires philosophers to show 'how one can consistently adopt certain principles at the domestic level and yet not adopt them at the global level' (2005, p. 132). While this criterion can only be used to compare the domestic and global theories of a specific philosopher, the advantage of a conditional feasibility analysis is that it can be led independently of a domestic feasibility evaluation. Note that if the context is clear, 'feasible' will be used as an abbreviation for 'conditionally feasible' in the course of this article.

[6] Miller 1995; 1999; Nagel 1995; Caney 2005.

[7] Lawford-Smith 2011, p. 1.

The second strand consists in an examination of the underlying feasibility framework and its application. With respect to the work of Caney, Miller and Nagel, three methodological problems emerge in light of the uncertainty of evaluations: the evaluative standard, time frame and weight of the feasibility criterion are neither defined in a clear way nor applied coherently. To move forward, this article argues that a burden of proof is a more adequate solution, since it is able to incorporate the uncertainty of evaluations while leaving the core of the feasibility criterion unchanged. Considering both the empirical arguments offered and the burden of proof, this article concludes that global egalitarian justice should be considered conditionally feasible. In sum, this article uncovers various shortcomings with respect to the definition and application of the feasibility criterion in the literature of global egalitarian justice and makes a significant contribution to the literature by filling this gap.

The analysis proceeds as follows. After outlining Pogge's theory of global egalitarian justice (Section 2)[8], a philosophically convincing and empirically applicable definition of the feasibility criterion is offered (Section 3). Subsequently, the empirical[9] arguments outlined in the philosophical literature and the underlying feasibility framework will be scrutinised (Section 4), followed by the discussion of a burden of proof and global long-term trends (Section 5). The final section offers concluding remarks and points to future avenues of research (Section 6).

2. Pogge's theory of global egalitarian justice

To prepare the ground of the feasibility analysis, it is helpful to look at the ideal of global egalitarian justice in some detail. This article focuses on Pogge's theory of global egalitarian justice, since its underlying moral ideal is formulated in a relatively clear way (e.g. compared to Beitz) and since it is more demanding than, for example, Caney's principles of global distributive

[8] Pogge 1989

[9] The term 'empirical' is used to refer to all claims about the feasibility of a moral ideal. These claims are structured about explanatory facts forming the basis of arguments in favour or against the feasibility of a moral ideal.

justice.[10] As mentioned above, a positive evaluation of Pogge's theory implies that less demanding theories of global distributive should equally be considered feasible.

Taking Rawls' conception of domestic egalitarian justice as starting point,[11] Pogge argues that the focus on the basic structure as well as the conception of human beings as free and equal moral persons point to the globalisation of Rawls' principles of justice. Rejecting Rawls' argument for two distinct global original positions,[12] Pogge infers that the most convincing solution is to envision a single, global original position, which considers the relevant closed scheme to be the world at large. Nationality for Pogge is thus to be regarded as 'just one further deep contingency (like genetic endowment, race, gender, and social class), one more potential basis of institutional inequalities that are inescapable and present from birth'.[13] To minimise the arbitrary effects of nationality, Pogge holds that ideally, the parties of the global original position would want a scheme of global justice 'to be maximally supportive of basic rights and liberties, to foster equality of fair opportunity worldwide, and to generate social and economic inequalities only insofar as these optimize the socioeconomic position of the globally least advantaged persons'.[14]

Similarly to Rawls,[15] Pogge describes the ideal of global egalitarian justice by two principles of justice. Incorporating cultural differences, Pogge suggests that the globalised first principle of justice

> might be viewed as requiring a 'thin' set of basic rights and liberties (analogous to the *Universal Declaration of Human Rights* and including an effective right to emigrate), which each national society could, in light of its national conception of domestic justice, "inflate" and specify into its own bill of rights.[16]

For example, the first global principle may allow for enforced religious fasting in some domestic societies. Torture, in contrast, would have to be ruled out by all domestic societies.

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[10] Cf. Beitz 1979; Caney 2005.
[11] Rawls 1999a.
[12] Rawls 1999b.
[13] Pogge 1989, p. 247.
[14] Pogge 1989, p. 254.
[15] Rawls 1999a.
[16] Pogge 1989, p. 272.

Regarding the globalised second principle, the requirements for the organisation of domestic societies

> would be less stringent than Rawls' requirement that each society must satisfy the difference principle internally. This may be so because a country's choice among various forms of economic organization (more or less egalitarian than Rawls's national difference principle would require) does not affect the globally worst representative share of social primary goods or because this choice is protected by the basic political liberties which allow the citizens of each nation to choose, within certain limits, their own mode of economic organization.[17]

In sum, while allowing for some cultural differences and specific deviations from domestic difference principle, Pogge's ideal of the global scheme strongly resemble Rawls' ideal of domestic egalitarian justice. Bearing this ideal in mind, the next challenge is how to evaluate the feasibility of global egalitarian justice. This leads us to the definition of the feasibility criterion.[18]

3. The criterion of feasibility

Complementing the desirability approach to the evaluation of moral ideals, the feasibility criterion deals with the question of whether a social ideal can indeed be realised.[19] The rationale of the feasibility criterion is that neither individuals nor collectives should be obliged to strive for a moral ideal that is beyond their capacities, since such an attempt would be against the very idea of moral obligations. This view is incorporated in the Kantian 'ought-implies-can', namely that 'it would not be a duty to strive after a certain effect of our will if the effect were impossible in experience (whether we envisage the experiences as complete or as progressively approximating to completion)'.[20] This view is also incorporated in Griffin's statement that '[a]ction-guiding principles must fit human capacities, or they become strange in a damaging way: pointless'.[21]

Although the feasibility criterion is widely adopted,[22] a closer look shows that no encompassing standard definition of the feasibility criterion can be

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[17] Pogge 1989, p. 272.
[18] In the following, the term 'global egalitarian justice' is used to refer to Pogge's theory of global egalitarian justice unless indicated otherwise.
[19] Räikkä 1998.
[20] Kant 1991, p. 62.
[21] Griffin 1992, p. 123.
[22] An exception is Cohen, who rejects both the feasibility and 'ought-implies-can' criterion (relating to individual duties), arguing that ultimate normative principles should be fact-insensitive, having the form 'One ought to do A if it is possible to do A' (2008, p. 251). Furthermore, Pogge maintains that the

found in philosophical literature. (cf. Section 4.3). This fact is also highlighted by Lawford-Smith, who points out, for example, that Brock's feasibility defence of cosmopolitan justice resists an explicit feasibility definition, instead relying on a 'commonsense or pre-theoretical notion of feasibility'.[23] In line with Lawford-Smith, however, this article argues that such a clear commonsense definition of feasibility does not exist. Consequently, a core definition of the feasibility criterion which is both philosophically sound and empirically applicable will be offered in the following analysis. The definition comprises the standard, time frame, motive, agency, legitimacy constraint and the weight of the feasibility criterion.

First, the evaluative *standard* refers to the likelihood that a social ideal will be realised within a given time frame. In this respect, Räikkä holds that the feasibility of a theory should be evaluated by judging 'whether it is possible to bring about the ideal world recommended by the theory'.[24] In this respect, 'possible' signifies that the chances of the moral ideal being implemented are unequal to zero (if the moral ideal can also be brought about by legitimate means, the ideal is also 'feasible', see below). This definition of the standard signifies that the form of feasibility evaluations is dichotomous, which means that 'a theory is or is not feasible; it is not more or less feasible'.[25] This use is also in line with the predictive framework of the social sciences, where the question is whether there are any chances that a certain optimistic or pessimistic scenario may come true.[26] This can further be contrasted with the proliferation of imprecise evaluative concepts found in the literature; an example are Boswell's statements that cosmopolitan moral theories are

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feasibility criterion is of limited practical relevance if a theory of justice allows for 'the comparative assessment of alternative feasible institutional schemes' (1989, p. 12). Thus, in his work, Pogge focuses on the short- or middle-term feasibility of alternative institutional schemes like the 'global resources tax' or the introduction of a new health patents system (Pogge 2000; 2005).

[23] Lawford-Smith 2011, p. 1.

[24] Räikkä 1998, p. 31.

[25] Räikkä 1998, p. 32; see also Elster 2007, p. 47. Note that Rawls (1999a, p. 398) splits the feasibility analysis into two parts: the realisability question asks whether a social system can be brought about at all, while the stability question asks whether individuals growing up under just institutions will acquire the necessary 'sense of justice' to comply with the obligations of justice and whether stabilising forces exist if infractions occur.

[26] National Intelligence Council 2008.

'unrealistic', 'unfeasible', 'unattainable', 'hopelessly unfeasible' or 'at best utopian'.[27]

Second, the *time frame* defines the time period in which the possibility exists for a moral ideal to be realised. While the concept of 'political feasibility' refers to the short- or middle-term,[28] it is generally acknowledged that the time frame of feasibility evaluations should be long-term, or the 'indefinite future', as Rawls puts it.[29] With regard to the application of the feasibility criterion, however, neither Rawls nor any other philosopher specifies the time frame by a specific range of years, which means that the research question of the feasibility criterion remains imprecise. But this is problematic since the likelihood of positive feasibility evaluations significantly increases with the length of the period in question. As a working definition, this article takes the long-term to refer to at least three to five hundred years; this period seems to capture what most philosophers have in mind when they make feasibility evaluations (cf. Caney's mentioning of 'earlier periods in history',[30] Section 4.2) and, most importantly, allows for a clear separation with respect to middle-term feasibility analyses (cf. Miller's definition of the time frame in Section 4.2).

Third, most philosophers do not make a strict requirement about the *motive* of compliance.[31] This reflects the view that what ultimately matters is the realisation of desirable states of affairs and not the intrinsic value of the motive of people's behaviour.[32] Fourth, with regard to the *agency* of compliance, the concept of 'broad compliance' is generally endorsed, which means that only a large majority (and not each member) of a given collective must comply 'more or less regularly' with a moral theory, and that effective mechanisms of enforcement may be installed to deal with instances of non-

[27] Boswell 2005, pp. 2, 4, 6, 50.
[28] Räikkä 1998. With respect to the short- or middle-term analysis of political feasibility, Lawford-Smith (2011, p. 8) argues that binary logic of long-term feasibility evaluations should be replaced by 'an account in terms of conditional probabilities', which means that institutional schemes can be more or less feasible. While this suggestion certainly has its merits, it has to be distinguished from the present long-term feasibility evaluation of global egalitarian justice.
[29] Rawls 1987, p. 24.
[30] Caney 2005, p. 133.
[31] Cf. Rawls 1999a; Miller 1995.
[32] Griffin 1992.

compliance.[33] The present analysis subscribes to these rather uncontroversial definitions of the motive and agency of compliance.

Fifth, the *legitimacy constraint* defines the means by which a just society may be brought about; as indicated above, a moral ideal may be 'possible' but not 'feasible' if the realisation of the latter requires the use of illegitimate means such as brainwashing or military conquest.[34] Since the assessment of transformation costs depends on the conception of the underlying morality, 'it becomes partly a *normative matter* to decide which institutional arrangements are feasible and which are not'.[35] In the literature of global justice, most authors endorse at least a moderate legitimacy constraint ruling out the enforced imposition of values;[36] such a legitimacy constraint will equally serve as a background assumption for the analysis to come. Finally, the *weight* of the feasibility criterion defines the consequences for the cogency of a moral theory it is considered to be unfeasible; a discussion of the weight will be offered in relation to the uncertainty of feasibility evaluations (Section 5.1).

Combined with the assumption that egalitarian justice is feasible at the domestic level, the preceding analysis leads to the following feasibility question: *Are the chances that the social ideal of global egalitarian justice will be brought about – by at least moderately legitimate means, within the next three to five hundred years and given the assumption that the ideal of domestic egalitarian justice is feasible – unequal to zero?*

4. Feasibility arguments in the philosophical literature

Having defined the feasibility framework, this Section analyses the philosophical debate about the feasibility of global distributive and egalitarian justice.[37] The analysis begins with an evaluation of the empirical arguments offered by Miller, Caney and Nagel (Section 4.1 and 4.2), followed by an examination of the underlying feasibility framework (Section 4.3).

4.1 The 'nationality argument' and the debate between Miller and Caney

[33] Rawls 1999a, p. 6.
[34] Cf. Elster 2007.
[35] Räikkä1998, p. 37.
[36] Cf. Pogge 1989; Nagel 1991.
[37] Since distributive justice is less demanding than egalitarian justice, the arguments about distributive global justice also challenge the feasibility of egalitarian global justice.

The key claim against the feasibility of global distributive or egalitarian justice is the 'nationality argument', which maintains that a shared nationality is a requirement in order for schemes of distributive justice to function. As Miller puts it, a shared nationality renders schemes of distributive justice feasible since it creates 'bonds of solidarity' strong enough to override individual differences of religion or ethnicity, 'shared understandings' forming the basis for value judgements, and a system of 'trust backed up by compulsion' that guarantees compliance.[38] At the global level, by contrast, the absence of these three features signifies

> that global justice cannot be understood on the model of social justice, at least not in the foreseeable future. Here and now we must continue to think of social justice as applying within national political communities, and understand global justice differently.[39]

In addition, Miller complements this basic version of the 'nationality argument' by the more specific 'rational conviction' argument, which holds that moral universalism rests upon an 'implausible account of ethical motivation' since individuals are 'supposed to act simply out of a rational conviction'.[40] The problem is that

> [f]or the mass of mankind, ethical life must be a social institution whose principles must accommodate natural sentiments towards relatives, colleagues, and so forth, and which must rely on a complex set of motives to get people to comply with its requirements – motives such as love, pride, and shame as well as purely rational conviction.[41]

In philosophical literature, the 'nationality arguments' is challenged in various respects. To begin with, Caney claims that the existence of multinational states shows that 'there are forms of social unity other than national identity' on which systems of distributive justice may be based.[42] Forms of 'civic identity', grounded on the idea of a common citizenship, may equally create the required conditions for distributive justice, which means that assuming that people can only trust co-nationals is 'to mistake a feature of

[38] Miller 1999, p. 18.
[39] Miller 1999, p. 18.
[40] Miller 1995, p. 57.
[41] Miller 1995, pp. 57-58.
[42] Caney 2005, p. 132.

the contemporary world as an unchanging feature of the world for all time'.[43] A similar view is defended by Follesdal, who maintains that it is 'unclear why Miller requires a 'thick' political culture in order to maintain trust in shared institutions'.[44]

Furthermore, Caney criticises Miller's 'model of human motivation' for presupposing 'an ahistorical and unchanging account of human nature, assuming that we are necessarily only willing to make sacrifices for fellow-nationals'.[45] He continues, finding that

> such an account is too static and neglects the fact that people's willingness to adhere to principles depends considerably on political institutions, the behaviour of others, and prevalent social norms. After all, in earlier periods in history the ideas that people would identify with and be willing to make sacrifices for a group of 58 million would have seem quite fantastic.[46]

Finally, Miller's 'rational conviction' argument is challenged by Singer, who maintains that the claim that 'the bond between compatriots is based on any kind of natural love and affection that makes it different in kind from that between members of different countries' is misguided.[47] In both cases, institutions may be set up that give incentives to comply for various (non)moral motives. Accordingly, argument that universalistic principles require rational motivation while principles of domestic justice largely rely on empathetic motivation is invalid and should be replaced by a far more nuanced picture.

4.2 The 'solidarity' and the 'economic gap' argument

Complementing the debate about the 'nationality argument', Nagel offers two further arguments challenging the feasibility of global egalitarian justice. First, the 'solidarity argument' holds solidarity is a necessary source of political allegiance that institutions must rely on. But since solidarity is 'essentially

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43 Caney 2005, p. 175.
44 Follesdal 2000, p. 509.
45 Caney 2005, p. 133.
46 Caney 2005, p. 133. This example can be further expanded by the example of modern India. India is a democratic country with over one billion inhabitants. To reach a world state, we only have to multiply the current size of India by a factor of 6 or 7. Alternatively, the size of an ancient city state, for example of 100.000 inhabitants, must be multiplied by a factor of 10.000 to reach the size of today's India. This comparison shows that the step towards a federal world state is, from an historical perspective, relatively small.
47 Singer 2004, p. 27.

exclusive' (and is even often linked to active hostility to outsiders), and since this exclusiveness is to some extent 'inevitable', global egalitarian justice should be considered unfeasible.[48]

There are, however, strong reasons to challenge the 'solidarity argument'. Individuals can, for example, show different degrees of solidarity to their families and social groups while still feeling enough solidarity towards domestic institutions to comply with obligations of justice. This line of argument is also endorsed by Beck, who claims that the 'national outlook' relies on a false dichotomy between what is native and what is foreign, thus preserving 'the myth that defining and demarcating ourselves over against what is foreign is a precondition of identity, politics, society, community and democracy'.[49] The 'solidarity argument' should thus be considered problematic, at least if solidarity is considered to be 'essentially exclusive'.

Second, the 'economic gap' argument maintains that economic differences between rich and poor countries 'can be so extreme that it makes a legitimate solution unattainable, except possibly over a long period by gradual stages each of which lacks legitimacy, or (improbably) over a shorter period by a cataclysmic revolution which also lacks legitimacy'.[50] The literature on economic growth, however, offers good reasons to reject this argument. Being part of neoclassical models of economic growth, theories of economic convergence argue that the productivity and output levels of countries will converge in the long run.[51] The rationale is that poorer countries benefit from the technological advances of richer countries while at the same time maintaining lower labour costs. The result is that poorer countries have relatively higher productivity increases, leading to a process of catching-up with rich countries. The past growth rates of countries such as China, India and Brazil have resulted in redressing some of the economic balance between 1st world and industrial states.[52]

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[48] Nagel 1991, p. 178.
[49] Beck 2006, p. 5.
[50] Nagel 1991, p. 170.
[51] Cf. Abramovitz 1986.
[52] Cf. Sachs 2005, pp. 26-29.

Summarising the preceding argument about the feasibility of global distributive and egalitarian justice leads to three intermediary conclusions. First, the arguments offered are expressed in quite general terms; therefore, these arguments do not rely on specific empirical theories. To a certain extent, this undermines the convincingness of the arguments and, moreover, renders linkages to scientific debates about social behaviour and global transformations harder to establish.[53] An example is Caney's rather superficial classification of Miller's account of human nature as 'too static'; to move forward, specific arguments must be given what an adequate account of human nature should look like.[54] Second, the analysis has been able to seriously question Miller's 'rational conviction' argument as well as Nagel's 'solidarity' and 'economic gap' arguments. Furthermore, Miller's defence of the 'nationality argument' has relied on a rather thin argumentative basis. Third, it remains surprising how few empirical arguments are offered and that there is, despite this fact, little engagement between philosophers (Caney and Miller, for example, do not take up Nagel's arguments).

Before turning to the question of how the argumentative basis of the feasibility debate be improved by including global long-term trends (Section 5.2), the following subsection analyses the underlying feasibility framework of the arguments outlined so far.

4.3 Methodological analysis of the feasibility framework

As argued in Section 3, an explicit definition and coherent application of the feasibility criterion are preconditions for convincing feasibility evaluations. The following methodological analysis shows that the feasibility arguments outlined above suffer from serious methodological shortcomings with regard to the time frame, standard and weight of the feasibility criterion.

First, examining the underlying definition of the *time frame* in the debate between Miller and Caney, a closer look shows that Miller only claims that

[53] Cf. Polanyi 1957.

[54] In this respect, the usefulness of the concept of 'human nature' is called into question. As Flanagan puts it, 'attention to the scientific literature undermines confidence that there is any such thing as a determinate human nature – any set of universal truths about persons which specify our proper function, purpose, and personality organization' (1991, p. 16). Alternatively, the question of whether a certain moral principle is feasible is more precise, though in the case of global egalitarian justice, even this question is extremely broad.

global distributive justice should be considered unfeasible with regard to the 'foreseeable future' (and not with respect to the long-term).[55] At another place, Miller even adds that he does 'not wish to claim either that national identities are a perennial feature of human life or that the functions they perform could never in any circumstances be served by other means'.[56] Surprisingly, though, Caney's criticism of Miller's account of human nature as being 'too static' neglects the fact that Miller's nationality argument only refers to the foreseeable future. This misunderstanding can be partly attributed to Miller, whose definition of the time frame is unclear, and partly to Caney, who seems to have overlooked Miller's focus on the foreseeable future.

In any case, Miller's motivational argument must be distinguished from long-term feasibility evaluations, and be understood, as Laegaard points out, as a 'realist argument' which 'acknowledges the reliance on a contingent fact about motivation, and only makes a claim about what should be done given this fact'.[57] Furthermore, Laegaard maintains that Miller must be clear about the status he assigns to the motivational argument: 'Considered as realist, the liberal nationalist argument must regard nationally limited solidarity as an unfortunate non-ideal condition to be transcended if possible, other things being equal, at least unless the restriction of scope to co-nationals is part of the ideal itself'.[58]

Second, examining the evaluative *standard* used by Miller and Nagel uncovers a further problem. Miller maintains, for example, that it is 'very difficult to imagine' that people's sense of justice will be forcefully engaged with respect to unities larger than the nation-state,[59] and Nagel claims that 'the world is not a plausible candidate for a single state'.[60] The problem with these statements is that they do not correspond to the dichotomous standard of the

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[55] Miller 1999, p. 18.
[56] Miller 1995, p. 184. In a similar way, Nagel's statement that a legitimate world government is not possible in light of cultural differences becomes ambiguous through the amendment that '[s]o long as the world is divided as it is by now is, by religious and cultural xenophobia, the situation will not change' (1991, p. 170). But the question is exactly whether global egalitarian justice should be considered feasible if an evaluation of the possibility of such changes is included.
[57] Laegaard 2006, p. 413.
[58] Laegaard 2006, p. 414.
[59] Miller 1999, p. 18.
[60] Nagel 1991, p. 174.

feasibility criterion, which requires that moral theories are either classified as feasible or unfeasible. It can be speculated that the rationale behind the use of vague statements is the desire to account for the uncertainty of one's evaluation. But this strategy is unconvincing since its vague statements do not indicate whether the moral ideal should be rejected in light of the feasibility evaluation.

Third, the *weight* of the feasibility criterion – that is the consequences of negative feasibility evaluations – are hardly discussed and mostly not justified in a systematic way. This is shown by the claims that if an ideal is unfeasible, this should 'carry some weight against the ideal',[61] that a feasibility challenge, if successful, constitutes a 'serious and powerful criticism' of a moral ideal,[62] that the desirability and the feasibility criterion are 'equally important',[63] that unfeasible theories are of 'little practical use' or even that they are 'counter-productive'.[64]

On the one hand, this range of diverse statements shows the need to develop a coherent justification of the weight of the feasibility criterion. On the other, there seems to be the tendency – once the feasibility analysis is carried out – to assign less weight to the feasibility criterion if the evaluation is considered to be uncertain. In any case, critics of the feasibility of global distributive or egalitarian justice like Miller and Nagel mostly refrain from spelling out the precise consequences of their feasibility evaluations (which are, as noted above, already stated in a vague form). But this tendency is problematic. The weight must either be defined independently of the moral ideal in question or a justification must be given as to why and, if so, how it should be influenced by the applicability of the feasibility criterion.[65]

In conclusion, the methodological analysis has shown that the feasibility debate in the philosophical literature does not rest on a unified feasibility

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[61] Nagel 1991, p. 21.
[62] Caney 2005, p. 175.
[63] Räikkä 1998, p. 27
[64] Boswell 2005, p. 7. Additionally, Rawls (1999a, pp. 398-399) maintains that an insufficiently stable conception of justice is 'seriously defective' although the criterion of stability is 'not decisive'.

[65] Note that the applicability of the feasibility criterion is not examined systematically; Räikkä, for example, only acknowledges that 'it may be hard to discover which social arrangements can never be accepted' (1998, p. 30).

framework and that various methodological shortcoming strongly undermine the cogency of the evaluations offered. Instead of adapting the time frame, standard and weight of the feasibility criterion, the following section argues that a burden of proof should be used to deal with the uncertainty of evaluations while leaving the core of the feasibility criterion unchanged.

5. Developing the argument: Introducing a burden of proof and considering global long-term trends

Having evaluated the debate on the feasibility of distributive and egalitarian global justice from an empirical and methodological perspective, this section shows how the introduction of a burden of proof (Section 5.1) and the inclusion of global long-term trends (Section 5.2) can significantly improve the cogency of feasibility evaluations.

5.1 Uncertainty and the burden of proof

A burden of proof functions as a device that maximises the expected outcome or limits the negative effects of false evaluations under conditions of uncertainty.[66] If one has the burden of proof on their side, it becomes their responsibility to provide evidence and support for their argument; thus, this relieves the other side, lightening the evidence required for rebuttal.[67] The threshold of the burden of proof is the point where the combination of subjective degree of belief (expressed as a probability) associated with one option outweighs that associated with the other option. Consequently, the threshold can be set 'anywhere along the continuum from 'absolutely convinced that not' to absolute certainty with regard to the relevant beliefs'.[68]

In the philosophical literature on global justice, the burden of proof is assigned in a variety of ways, mostly without a systematic justification, and usually laid on theorists providing an opposite account. While Räikkä maintains that the positions of most theorists 'echo Kant's view, according to

[66] Cf. Walton 1988, p. 233.
[67] In criminal trials, for example, the burden of proof is assigned to the prosecutor who has to prove guilt 'beyond reasonable doubt'; the rationale is that it is a 'greater injustice' to convict an innocent person then to let a guilty person go free (Walton 1988, p. 244).
[68] Hahn and Oaksford 2007, pp. 44-45.

which a 'plan' is feasible until it is 'demonstrably impossible' to fulfil it',[69] Boswell claims that a moral theory is 'deficient' if it is 'unable to show how people are or could be motivated to respect its requirements'.[70] In a similar way, Miller argues that the onus of proof 'is on the universalist to show that, in widening the scope of ethical ties to encompass equally the whole of the human species, he does not also drain them of their binding force'.[71] Finally, Caney advances the ad hominem argument that Miller has to show why social justice and basic global justice are feasible while global egalitarian justice is not.[72]

To lay the groundwork for a systematic and robust justification, this article argues that the burden of proof should be assigned in light of the relative costs of false evaluations: the higher the relative costs of a false positive evaluation are (compared to a false negative evaluation), the more certain a philosopher has to be that a moral ideal is indeed feasible and *vice versa*.[73]

Considering the case of global egalitarian justice, the costs of a *false positive* feasibility evaluation (endorsing a moral ideal that is indeed impossible) consists of three aspects: First, the rationale of the feasibility criterion holds that, for the concept of a moral ideal to make sense, it must be possible to bring about the moral ideal in question (cf. Section 3). By propagating impossible ideals, the point of morality would be lost. Second, demanding the impossible is unfair to those individuals who try to bring the recommended ideal about. Third, the pursuit of impossible ideals might lead to negative consequences (like a global civil war if the establishment of a world government is impossible) and the extreme demandingness might demotivate

[69] Räikkä 1998, p. 32.
[70] Boswell 2005, p. 27.
[71] Miller 1995, p. 80.
[72] Caney 2005, p. 133. Further, Räikkä (1998, p. 32) speculates that the content of a moral ideal might matter: 'Perhaps those who suspect the feasibility of *good* ideals have a burden of proof, but those who suspect the feasibility of bad ideals don't'. Apart from the open question of what a 'bad' ideal is, this speculation is generally unconvincing. Kant's (1991, p. 61) assignment is equally unconvincing, since it is highly unlikely that the impossibility of an individual action or a moral ideal can be demonstrated; the burden of proof specifically relates to cases where conclusive evidence is unavailable
[73] This approach takes up Elster's claim (2007, p. 73) that the costs of false evaluations should be considered under conditions of uncertainty. Elster does not, however, relate this claim to the device of the burden of proof or offer a systematic discussion with respect to ideals of justice.

individual compliance (this argument holds if empirical relations between impossible aims and the motivation of individuals is negative).

Alternatively, the costs of a *false negative* feasibility evaluation (the rejecting of a possible moral ideal) are as follows: First, the erroneous rejection of the most desirable ideal will lead to a world that is less just than it could be. Unjustified inequalities considered impossible to eradicate, for example, will persist and withhold legitimate benefits from some individuals. Second, the absence of a highly promising ideal might demotivate individuals. This argument holds if empirical relation between high aims and the motivation of individuals is positive.

Comparing the relative costs of false evaluations is a highly complex endeavour. One problem is that we have to compare conceptual and broadly consequentialist reasons and that this assessment varies with the kind of moral theory endorsed. Furthermore, it is highly difficult to include the (long-term) consequences of false feasibility evaluations; while it is certain that feasibility evaluations will to a certain extent affect the behaviour of present individuals, it is unclear to what extent present evaluations will indeed shape future behaviour. As time passes, it is likely that new insights will improve and potentially change present feasibility evaluations.[74]

In addition to these costs, two further considerations should be included. On the one hand, Barry's 'vulnerability presumption principle' holds that the interests of individuals should matter more the worse-off they are and that one should, therefore, show 'a willingness to err in favour of the acutely deprived subjects'.[75] On the other, the social scientists emphasise that positive predictions have strong motivational effects and also tend to create the future predicted.[76] Taking all considerations together, this article concludes that the

[74] A final aspect is that various conceptions of global justice might require similar political steps like the eradication of absolute poverty. It may thus be the case that feasibility evaluations regarding ultimate moral ideals are less important with respect to political decisions as with respect to the motivation of individuals. However, the more we focus on the motivational effectiveness of moral theories, the more we leave the area of feasibility issues.

[75] Barry 2005, p. 221.

[76] As Oliner and Oliner put it: 'If we persist in defining ourselves as doomed, human nature as beyond redemption, and social institutions as beyond reform, then we shall create a future that will inexorably proceed in confirming this view' (1988, p. 260; cf. Colby and Damon 1992, p. 4 and Zimbardo 2007, p. 486).

costs of a false negative feasibility evaluation should be considered to weigh more heavily, which means that the burden of proof should be assigned to those who challenge the feasibility of global egalitarian justice. This assignment has to be linked to the caveat that there is an urgent need to further develop the normative and empirical justification of the burden of proof with respect to feasibility evaluations.

5.2 Broadening the empirical basis: including global long-term trends

In addition to the methodological development outlined above, this article argues that global long-term trends should be included to enlarge the argumentative basis of feasibility evaluations. Considering historical trends, as well as the underlying forces responsible for the massive transformations humanity has witnessed, offers new arguments as well as a more distant perspective on what might happen within the centuries to come.[77] In the following, five key trends with regard to development of nation-states, identities and the global institutional will be outlined.[78]

(i) Economic integration: Since the beginning of history, economic interactions between the different parts of the world have, although sometimes discontinuously, tremendously increased.[79] In the long-term, it is likely that economic integration will continue, especially since protectionism offers few advantages once a certain degree of industrialisation is reached. Since economic integration generally strengthens cross-national identities,[80] this trend can be counted as an argument for the feasibility of global egalitarian justice.

(ii) Economic convergence and growth: As outlined above, it is likely (according to the neoclassical theory of economic convergence) or at least

[77] Lawford-Smith (2011, p. 5) cautions that the reference to trends (the 'argument by extrapolation from part to whole', as she puts it) may be too simplistic, since there may be progress in several areas while the overall goal (e.g. installing an encompassing health care system) can still be unfeasible. Although this claim is true in principle, it should be treated carefully, since trends offer information about highly important broad-scale developments which should be used to *inform* (and not replace) feasibility evaluations.

[78] A similar method is used by the National Intelligence Council's Report (2008) *Global Trends 2025*, which opens with an extensive analysis of key trends before exploring how these trends might interact and how strategic interventions can help to make positive scenarios occur and prevent negative scenarios from occurring.

[79] Cf. Landes 1998.

[80] Cf. Hurrell 2001, p. 34.

possible (if alternative explanations of growth are included) that the economic gap between rich and poor countries will strongly diminish within the centuries to come.[81] Since the reduction of economic differences lessens the economic burdens shouldered by richer countries, the adoption of global distributive schemes becomes more likely. Additionally, given the constant economic growth throughout history and its acceleration during the past two hundred years,[82] it is likely that global per capita output, and consequently the absolute living standards, will increase tremendously over the next centuries (e.g. by a factor of 3 or 5) if the ecological crises can be mastered. Such an increase is equally likely to increase the importance of immaterial goods like self-actualisation and further moral values.[83]

(iii) International institutions and global challenges: Over the past century, the world has participated in a 'steady move towards a denser and more integrated network of shared institutions and practices',[84] examples being UN institutions, the World Trade Organisation, the World Bank, the International Monetary Fund, the International Criminal Court, the Kyoto Protocol as well as the increasing strength of international NGOs. Given the increasing need to solve global problems like climate change, epitomized by Beck's notion of the 'world risk society',[85] we are likely to see a further globalisation of politics. In the case of climate change, for instance, institutionalised global collective action seems to be the only way to prevent a fundamental deterioration of the living-conditions of various regions in the world[86].

(iv) Identities and values: The aggressive nationalism dominating the 19th and 20th centuries is generally on the decline: the creation of the EU is the best example.[87] This development is accompanied by a steady trend towards the globalisation of human rights.[88] Combined with continued migration and facilitated by deregulated labour markets and cheaper transport, these

[81] Cf. Abramowitz 1986.
[82] Cf. Landes 1998; Sachs 2005, p. 28.
[83] Cf. Maslow 1954; Doyal 1991.
[84] Hurrell 2001, p. 39.
[85] Beck 2006.
[86] Cf. International Panel on Climate Change 2007.
[87] Cf. Beck 2006, p. 46.
[88] Cf. Beck 2006, p. 47.

developments point to a further strengthening of global moral values and identities.

(v) Global public: The development of the Internet and possible future technological innovations are likely to further facilitate communication between individuals in all parts of the world.[89] This shared communication platform, and the increasing adoption of English as a common secondary language, are likely to increase the probability that the creation of a global public will continue to be facilitated. A global public can be regarded as a requisite (or at least as a supportive factor) for the adoption of global distributive schemes.[90]

Overall, the five trends outlined point to a steady decline of the importance of national identities and to growth of global interactions, values and institutions.

5.3 Evaluating the feasibility of global egalitarian justice

The remaining task of this article is to evaluate the conditional feasibility of principles of global egalitarian justice. In this respect, it is worthwhile to summarise the key findings of the preceding analysis.

First, with regard to the slim basis of empirical arguments offered in the philosophical literature, the findings are that proponents of the 'nationality argument' cannot show in a satisfactory manner that nations and nations-states will *necessarily* play a dominant role in the centuries to come, thus rendering schemes of global egalitarian justice unfeasible. Especially, the often artificial and willful creation of nation-states[91] strongly undermines the claim that nation-states will necessarily endure over the centuries to come. Further arguments advanced by Miller ('rational conviction') and Nagel ('solidarity', 'economic gap') were seriously questioned from an empirical perspective. Alternatively, proponents of global distributive or egalitarian justice equally offered few empirical arguments in defence of their view.

Second, it can be added that the great variation of past and present forms of social life, from egalitarian tribes to totalitarian fascist states, shows

[89] National Intelligence Council 2008, p. 89-92.
[90] Cf. Habermas 2000.
[91] Cf. Anderson 1986.

that institutions can transform human interests and behaviour in many ways.[92] Apart from pointing out that a strict relation between motivation and the content of moral principles does not exist, this fact should also cure us from assigning too much importance to present motivational and institutional schemes.

Third, the analysis of global long-term trends points to a globally integrated market, increasing global wealth (if the ecological crises can be mastered), the rise of global identities and values, a shared secondary language and the need for effective global collective action.

Fourth, the assumption that domestic egalitarian justice is feasible supposes a massive change of values and domestic institutional structures. This kind of moral change, emphasising equal life-chances independently of factors like talent or gender, is equally likely to undermine the view that nationality should be considered to be of strong moral relevance.[93]

Fifth, the methodological analysis has shown that Miller and Nagel shy away from ruling out the feasibility of global egalitarian justice in a clear cut manner. The analysis has also pointed to the crucial importance of the time frame; the longer the time frame, the more likely it is that a moral ideal becomes feasible.

Sixth, comparing the costs of false feasibility evaluations and considering Barry 'vulnerability presumption principle', the burden of proof has been assigned to those challenging the feasibility of theories of global egalitarian justice.

Balancing these arguments in favour of and against the feasibility of global egalitarian justice as well as considering the burden of proof, this article concludes that global egalitarian justice should be considered conditionally feasible. This means that if we consider egalitarian justice feasible at the domestic level, the same evaluation should hold for the global level.

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[92] Cf. Zimbardo 2007.

[93] This argument must, however, be treated distinctively from the other arguments since it does not originate from empirical findings but from the original assumption that domestic egalitarian justice is feasible.

6. Concluding remarks

The aim of this article is to evaluate whether the criticism that universalist theories of global justice become unfeasible once they are extended to the global realm. Focusing on Pogge's theory of global egalitarian justice, the empirical analysis has shown that feasibility evaluations are scarcely justified in a systematic way, that philosophers hardly refer to specific research insights from the social sciences and that a discussion of global long-term is largely absent. On the methodological level, the key finding was that philosophers use various strategies to incorporate the uncertainty of evaluations. Rejecting these strategies in light of the lack of a theoretical foundation, it has been argued that the explicit use of a burden of proof is a more promising way to deal with the uncertainty of evaluations while leaving the core of the feasibility criterion unchanged. This analysis led to the conclusion that the burden of proof should be assigned to those challenging the feasibility of principles of global egalitarian justice and that, taking all empirical arguments together, theories of global egalitarian justice should be considered conditionally feasible.

The findings of this article are of significant relevance for the literature of global justice. On the one hand, carrying out an empirically informed application of the feasibility criterion has not only pointed to significant shortcomings with respect to the definition and application of the feasibility criterion but also shown how these shortcomings can at least partly be overcome. On the other hand, the positive feasibility evaluation has significantly increased the standing of theories of distributive and egalitarian global justice, showing that feasibility criticisms relying on the difference of scope between the national and global realm are largely unconvincing.

To further reduce the uncertainty of feasibility evaluations, future projects may take the research question of the feasibility criterion defined in this article as a starting point; such a basis is especially important for social scientists more interested in the empirical application than in the philosophical definition of metaethical criteria. It would be especially interesting to explore how empirical theories about institutional change and about the creation and possible dissolution of nation-states could further enlarge the empirical basis

of evaluations. Additionally, there is an urgent need for further research on the justification of the burden of proof and of the costs related to false evaluations. To carry out these tasks, the creation of interdisciplinary research groups combining the explanatory understanding and methodological skills from various disciplines appears to be a highly promising endeavour.

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