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## Prolegomena to a critical theory of the global order

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### ABSTRACT

We start from, and expand on, a basic insight in negative dialectic, namely, that our main concern should be with the absolute worst in political life. We then consider how this might have an impact on the way we understand the role and grounds of moral equality. Subsequently, we move on to explain the importance of decency in political morality. Finally, we take a closer look to basic data about global poverty and inequality and what these might tell us in light of our analysis of the foundations of moral equality and its relationship to social cruelty.

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'We may not know what absolute good is or the absolute norm, we may not even know what man is or the human or humanity – but what the inhuman is we know very well indeed. I would say that the place of moral philosophy today lies more in the concrete denunciation of the inhuman, than in vague and abstract attempts to situate man in his existence.' (Adorno, *Problems of Moral Philosophy*)

### In Memory of David Held

This paper is a revised version of the work David and I intended to pursue on a Critical Theory of the global order. We discussed the intellectual bases of the essay, and traded draft material, until a few weeks before his untimely death on March the 2<sup>nd</sup> 2019. No doubt, the final result of our work would have been very different, and much improved, had our conversation not been interrupted so abruptly. David was a friend and a mentor to me, so I would like to take the opportunity to say a few words about him.

David was not the typical academic. Of late, academic life has become increasingly specialized. Instead, David's contributions addressed the big picture. His major works included one of the finest reconstructions of the tradition of Critical Theory, an intellectual history of the idea of democracy from ancient Greece to present days, an account of the meaning and impact of globalization and cosmopolitanism, and one of the first significant explorations of the relationship between the modern state, global politics and democratic rule beyond borders. Another feature of modern academia is the extent to which professional debates often dictate intellectual trends. For David, instead, professional debates were largely instrumental. He was, self-consciously, a public intellectual, and the development of his ideas was naturally guided by the desire to address real political issues. As a political theorist David was concerned with how the world should be, not just with how the world is. And yet, he believed that we should never sever the link between the positive and the normative aspects of political life. David was also atypical in another respect. He was a brilliant and prolific writer. He was wonderful teacher and mentor to scores of graduate students from all over the world. But he was also a real entrepreneur. He co-founded Polity Press in 1984. He was one of the founding editors of the journal *Global Policy*. He developed countless public lecture series (most recently, the Castle Lectures at Durham University) and several degree programmes and research institutes (his most recent ones: the MSc Global Politics and the Global Policy Institute, both at Durham University). He was, in a nutshell, creative beyond the remit of ideas and publications.

Finally, allow me to strike a more personal note. As I mentioned at the beginning of the paragraph, David was a mentor and a friend. My gratitude for his support over the years is truly hard to express in words. I left my country (Italy) aged 24 and with no clear road ahead of me, certainly not one that lead to an academic career. Once I started thinking about an academic career, the odds of starting such career in a favourable way seemed to be small. My doubts kept on growing stronger living through the 'privileged hardship' that writing a thesis often involves. David's support was unflinching and invaluable all along. The only thing left to say is, I think, 'thank you, David'.

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## Introduction

We live in a world where poverty is still a widespread source of misery, broken lives and ultimately death. We also live in a very unequal world – one in which disparities of wealth and income are staggering. In this essay we would like to bring to bear some of the insights of Critical Theory broadly construed on these aforementioned facts.<sup>1</sup> Since Critical Theory is a broad and complex church, it might be worth saying something more about which specific aspect of it we intend to draw upon. Our starting point is a capacious interpretation of Adorno's idea of a negative dialectics. Negative dialectics is understood, for the purposes of this essay, as a commitment to the avoidance of certain moral bads. Our interpretation of negative dialectics is capacious since, contrary to the traditional understanding of the idea, we tend to think that it can offer a more positive account of what to aim for; one that is not limited to the desire to avoid what is, morally, the absolute worst (see Freyenhagen 2013).

To understand the importance of negative dialectics it is helpful to contrast it with some of the more mainstream approaches that have dominated political and moral philosophy in recent decades. These approaches are, in our view, deeply attractive given the kind of picture of ideal political societies that they offer; our purpose in offering this contrast is not to detract from them in absolute terms. Rather, we wish to underline how these approaches are different from what we are attempting here. Liberal egalitarian approaches often start from some form of commitment to the moral equality of all human beings. Furthermore, they tend to explain the idea of moral equality in terms of dignity or in terms of the possession of certain positive characteristics on the part of all human beings (e.g. rational agency, see Griffin 2008; see also Forst 2017, 2018). Second, these approaches have often seen justice as the main object of concern for political morality. That is, they tend to portray justice, as Rawls famously argued, as the first virtue of social and political institutions ([1971] 1999, 3).

In the approach we take in this essay, we will attempt to offer an alternative narrative, one that sees the basic commitments to moral equality we have as grounded in human vulnerability, rather than dignity or rational agency (see Sangiovanni 2017). Furthermore, we shall argue that the first virtue of social and political institutions is decency, not justice, and that the principal objective of political practice is the avoidance of indecency, that is, of the indecent treatment of the living.

Adorno famously argued that our new categorical imperative was to avoid a second Auschwitz. This certainly is a stark way to explain the contrast between the traditional Kantian view and the idea of negative dialectics, between the 'fact of reason' and the 'fact of unreason', or suffering in all its forms. Expanding the latter insight further than Adorno's initial statement we can claim that the primary task of a Critical Theory of the global order is to find a compelling set of moral and political ideas to ground our negative judgement concerning the current state of the global political domain. These moral and political ideas will, however, differ from the standard liberal egalitarian accounts. Unlike most liberal egalitarian accounts, the core of our proposal lies in the things we should try to avoid rather than the ideals we should strive for; in what is most urgent for us to achieve rather than in what we should ideally achieve. As Adorno wrote, 'no recollection of transcendence is possible any more, save by way of perdition; eternity appears, not as such, but diffracted through the most perishable' (1973, 360).

<sup>1</sup>We are, needless to say, not the first authors to attempt to approach global politics from a critical perspective. For a *locus classicus* see Andrew Linklater's *Critical Theory and World Politics* (2007).

Adorno would certainly suggest that the main fault with liberal egalitarian approaches is that they take for granted something that should not be taken for granted, namely, that we can even begin to think about what morality requires of us in the broken world we presently inhabit. We partly disagree. In our view, Adorno puts the contrast too starkly. A crucial source of his reflections is the catastrophic impact of the first half of the twentieth century on our capacity to imagine and achieve a better world. We are required to think and act to ensure that such atrocities could not happen again (1973, 365). At the same time, Adorno believes, philosophy must not simply validate particular utopian aspirations or pathways forward since such validation can undermine the need for relentless critique and struggle for change (Lambert 2015; Held 1980, ch.7).

Contrary to this view, we think a more capacious version of negative dialectics can both focus on the avoidance of certain key bads and yet, at the same time, offer more positive guidance when it comes to the goals that social and political institutions should aim for. However, and precisely because those bads are central to the overall picture, they will influence the nature of the goals that social and political institutions are required to pursue. At the very least, they will offer us a different understanding of what grounds some of these goals and of their relative urgency or claim to priority. In opposition to Adorno, whose focus throughout his life was the immediate trauma of Nazism and the negative dialectics of political struggle, the focus here is on the socio-economic conditions that empower, erode or destroy the basic life chances of all.

### *Moral equality: from dignity to cruelty*

Moral equality is the cornerstone of contemporary liberalism. In a celebrated passage, Ronald Dworkin once wrote that all contemporary political philosophy rested on egalitarian foundations (1986, 296–7). The idea of moral equality, in Dworkin's own words, provided 'a kind of plateau in political argument' (1983, 25). Why should we accept the idea of moral equality? The canonical answer is that moral equality is an articulation, or a codification, of the recognition of human dignity. The latter is a powerful story. Dignity is what philosophers call a status concept. The very word 'dignity' originates from the Latin word 'dignus' often translated as 'worthy'. The basic claims of dignitarian accounts is then that, simply put, we are all worth it. In fact, we are all equally worth it. The equal moral standing of all human beings is the affirmation of a particular status; the status of having moral worth and possessing it equally.

One may pause and ask: in virtue of what do we possess this equal moral worth? Of course, this might simply prove to be, paraphrasing Bernard Williams, 'one thought too many' (1981). In the end all moral systems need axioms, and axioms, by definition, cannot be proven. Yet, things are not that simple. The basic reason is that the main feature of axioms is, usually, that they are self-evidently true, not self-evidently controversial. However, the latter does not seem to apply to the idea of moral equality. As soon as a form of 'human equality' is affirmed one is immediately compelled to ask in virtue of what the claim can be sustained. 'In virtue of what property are human beings considered morally equal?' thus seems a legitimate question to ask. And this is where perplexities about the truth of the axiom soon emerge, since one of the most powerful elements of our experience is how diverse people are. Numerous solutions to this problem have been proposed over the past fifty years.

Perhaps the most ingenious, is Rawls' approach in *A Theory of Justice* (Rawls [1971] 1999). There, Rawls claimed that we are not morally equal in virtue of our equal possession of a given 'first order' property (e.g. rational agency, moral strength, intelligence), but rather, we are morally equal in virtue of our possession of a 'supervenient' property. Such supervenient property individuates the relevant range to which the value of an agent's (relevant) first order property should belong. To illustrate, intelligence is a scalar property that clearly comes in degrees. If intelligence were to be the basis of moral equality, the problem of variation would loom large, for human beings are emphatically not all equally intelligent. Yet, we might develop the following non-scalar, or range, property: that one's intelligence falls within a specified range. Any person whose intelligence falls within that range would, then, display the range property equally.

It is clearly true that whether you are in Sunderland, close to the Scottish border, or in Birmingham, you are equally in the UK. The issue, however, is why we should care about range properties when they are applied not to things such as geographical locations and jurisdictional separations, but to the moral and intellectual qualities of human beings. In other words, the problem with this kind of approach, as Ian Carter (2011) has authoritatively argued, is that unless we have some independent justification to value the range property, we are entitled to ask: why should we care about it rather than about the scalar property over which the range property 'supervenies'? To illustrate, why should one care, normatively speaking, that a person's intelligence lies within a range instead of just caring about the intelligence itself? The impression is that Rawls is replacing something we normally care about, but that is subject to the problem of variation, with something that isn't normally our primary concern, the range property, precisely because it is not subject to the problem of variation.

We shall not address the finer points of that debate here, but we would like to contend that, given the controversial nature of the standardly accepted justifications for moral equality within the cosmopolitan camp, it would be worth widening the approach by considering an alternative proposal. This proposal has a long and distinguished pedigree yet it has been (comparatively) neglected of late. This is the tradition of what we can call, with Judith Shklar (1982), negative egalitarianism. Negative egalitarianism has been recently revitalized by Andrea Sangiovanni (2017). His powerful and brilliantly defended argument in *Humanity without Dignity* is that dignity, either secularly or religiously understood, is not the right basis for moral equality. Instead, we should start from the wrongness of specific forms of treating others as morally inferior. Treating someone as morally inferior involves *wrongful* stigmatization, dehumanization, infantilization, instrumentalization or objectification. Sangiovanni's account is complex and cleverly constructed, yet the core of its message is simply that we should change perspective in our thinking about moral equality. It is the badness of certain forms of 'morally inferiorizing' treatment that best explains our commitment to moral equality. Put differently, it is precisely by exploring the badness of specific forms of unequal treatment that we can ground a commitment to moral equality. If negative egalitarianism had to be captured in a slogan, the slogan would be 'inequality first'; for it is by understanding how bad some forms of unequal treatment can be that we can fully understand why a commitment to moral equality is so important.

Sangiovanni goes on to claim that what is common to the relevant forms of inferiorizing treatment is what he calls their social cruelty (2017, 75). At the most abstract level,

according to Sangiovanni, cruelty always involves ‘the unauthorized and wrongful use of another’s vulnerability to cause severe harm or suffering’ (2017, 75). Yet his primary concern is a narrower account of cruelty, one that focuses more directly on human beings as social and political creatures. Sangiovanni calls the latter social cruelty and defines it as follows:

“... social cruelty, involves the *unauthorized, harmful, and wrongful use of another’s vulnerability to attack or obliterate their capacity to develop and maintain an integral sense of self.*” (Sangiovanni 2017, 76).

Three comments are in order concerning Sangiovanni’s approach, his understanding of cruelty, and its relationship with moral equality. The first is that, following Sangiovanni, our conception of moral equality, and perhaps even more ambitiously of what grounds moral status, changes. The central feature of human beings is not the possession of a given status-conferring property, but rather, their vulnerability. The centrality of vulnerability to the human condition is worth emphasizing. Both the Aristotelian and the Utilitarian traditions have, in their own peculiar ways, stressed the importance that vulnerability should play in understanding the appropriate source of moral concern for sentient beings (Singer 1979) and the nature of the good life (Nussbaum 1986). What seems less frequent and much less explored is the relevance that the idea can play within a broadly Kantian framework, such as the one developed by Sangiovanni. The second comment concerns the very definition of cruelty that Sangiovanni puts forward. The comment equally applies to both the broad and to the narrow definitions. The basic point is that the definitions do not easily lend themselves to portray the relevance that indifference can have to some forms of cruelty. We shall have more to say about this in the following sections, but the essence is that cruelty can be a moral crime of omission not just commission. The language used by Sangiovanni may suggest otherwise (but see Sangiovanni 2017, ch., 3). Yet, arguably, one of the most common forms of cruelty is an agent’s indifference to the plight of another. Finally, note that it is when cruelty is invoked as a category within social and political life that Shklar’s liberalism of fear (1989) meets our understanding of negative dialectics: by paying attention to cruelty we will start to build our normative theorizing from what we think we must avoid at all cost, rather than what we think is ideal or worth pursuing.

Allow us to highlight in what sense the badness of some forms of unequal treatment can lead us, so to speak, to moral equality. Here too, we shall follow Andrea Sangiovanni. According to Sangiovanni our ‘(...) status as moral equals (...) is composed of the distinctive set of *moral* rights that protects us from being treated as inferior’ (2017, p. 101, emphasis added). And the rights that are constitutive of this equal moral status are rights to equal treatment for they are rights that protect us against specific forms of inferiorizing treatment (i.e. those forms instantiated by social cruelty). Put differently, moral equality is still centre stage in this kind of account, but simply not for the reasons we are used to see it as the beacon of our moral thinking. We do not, in this picture, start from something human beings possess equally and is worth protecting. Rather, we start from their vulnerability, and from the ways in which it might be exploited and/or neglected by socially cruel forms of treatment. We then portray our moral status as a bundle of moral rights that protect our interests in not being treated in a (socially) cruel way. And, to repeat, this moral status is a status as moral equals in the peculiar sense that the bundle of moral rights that constitute it are rights against inferiorizing treatment by

others, be them natural or artificial persons. In this picture, then, moral equality is not part of our axioms but is explained in terms of our refusal of social cruelty. Moral equality is thus still central in this kind of moral system, and yet it is a derivative notion, not a primitive one:

“Our commitment to moral equality therefore is both grounded in and constituted by our rejection of inequality. It is for this reason (...) that inequality is prior to equality. It is prior, more precisely, in two senses. First, equal moral status is constituted by or consists in a bundle of rights against certain kinds of inferiorizing treatment (rather than the other way around), and, second, our commitment to moral equality is explained by or grounded in the rejection of inferiorizing treatment as socially cruel (rather than the other way around).” (Sangivooani, 2017, 103).

### *Political morality: beyond justice?*

Let us take stock. Human beings are morally equal. Their moral equality is not, however, to be found in the possession of a given property or set of properties that they possess equally. Rather, it is derived from their shared vulnerabilities and the risk that such vulnerabilities will be exploited and/or neglected by other human beings (individually or collectively). This approach, in our view, provides the basis for an attractive account of moral equality. Yet, as it stands, this account is too abstract. Human lives are not conducted in a vacuum. Human beings relate to each other in the context of social and political life and their interactions are mediated by the work of social, political and economic institutions. It thus seems crucial to understand what shape those institutions should take. That is, what form such institutions should take in order to be compatible with the protection of the equal moral status of all those who live under them.

Put differently, what kinds of institutions are congruent with a recognition of the moral equality of all? The question, it has to be stressed, is not one of straightforward ‘derivation’. In other words, it is not the case that we are offering an airtight argument to the effect that moral equality ‘entails’ features X or Y in a political context. Rather, the point is to think about what features, at a minimum, a social and political system should display for us to believe that it is compatible with respecting the value of equal moral status, and thus with the effective prevention of social cruelty.

It would be tempting to simply argue that those institutions should be ‘just’, that they should show equal respect and concern for all, that they should guarantee equal liberal rights, and perhaps add that they should be egalitarian in the way they assign the benefits and burdens of social cooperation, including resources and/or welfare and/or opportunities. However, our sense is that this answer would be at the very least incomplete. We cannot hope to offer conclusive arguments in support of this view. Instead, our aim is to suggest initial reasons that might push one to be sceptical about the role of justice in this particular context. Why? First, because the derivation of institutional and distributive commitments from an account of moral equality has proven to be very controversial. If five decades of debates between liberal egalitarians and libertarians have taught us nothing else, they have certainly allowed us to see that going from some form of basic moral equality to a specific set of entitlements is not an easy task. Reasonable disagreement about what justice requires is clearly not something we should be concerned about in the abstract, but if the goal is to establish the institutional requirements that a system of

institutions should display in order to avoid social cruelty, then, one might expect more convergence.

Second, because we believe that moral equality is compatible with a wider set of institutional and political arrangements. The class of social systems that are congruent with the demands of moral equality is wider than the class of social systems that are justly organized. This may sound counterintuitive, but looking beyond the confines of Western societies, one would be hard pressed to argue, that the only permissible approach to organize social and political institutions in ways that are congruent with moral equality is a broadly liberal one. To illustrate, Singapore is certainly not a liberal society. And one can convincingly argue that it is not a just one, for that reason. But it is not at all self-evident that this allows us to conclude that it violates the requirements imposed on social and political institutions by the idea of moral equality. And, we should add, this is especially the case if we consider that the underlying rationale for protecting equal moral status is captured by our rejection of wrongful forms of inferiorizing treatment.

Third, because we are sceptical about the relative impoverishment of our normative language that might undergird the temptation to 'reach for justice' as soon and as quickly as possible (Kukathas 2018; Tomasi 2001). Social arrangements might be just or unjust, but they might also be good or bad, conducive to virtue or not, legitimate or illegitimate, and, as we shall argue, decent or indecent. The latter point is worth stressing. For it is certainly possible to argue that different kinds of institutional systems are further away or closer to what justice (however defined) requires. To illustrate, and barring problems of classification, it is certainly possible to compare different existing political communities as more or less just, based on a specification of the meaning of justice (see Doyle 2006; see also Coakley and Maffettone 2016). The point is, in our view, slightly more subtle, and pertains to whether it makes sense to claim that the only (or even the most salient) judgement we can offer whenever we examine a system of institutions is its 'distance' from a single benchmark. We think not, for we are inclined to believe that even when it comes to concepts in political morality, some version of value pluralism applies (see Mason 2018). There might not be a 'mastervalue' in political morality. And if that is the case, one should invoke an aspect of political morality to assess institutions in light of what one believes the evaluation to be for.

Some would object that the latter idea is incompatible with much of recent liberal political philosophy. Many would instinctively cite Rawls' opening statement in *A Theory of Justice*; the idea that 'Justice is the first virtue of social institutions' ([1971] 1999). However, we would argue that while the above statement has undeniable appeal, it is open to interpretation. Declaring justice to be the 'first virtue' of social institutions is ambiguous: 'first virtue' could stand for 'most important' or for 'most urgent'. Put differently, to state that X is the first virtue of agents of the kind Y does not clarify whether X is the most important virtue that agents of the kind Y should display or, alternatively, whether X is the one virtue that agents of the kind Y are required most urgently to display given facts about the world as we know it. In our view, it is not implausible to think that: a) the most important obligations of an agent are connected to one's understanding of the nature of the agent in question (see James 2005); while at the same time believing that b) judgements about the relative urgency of the duties and obligations that apply to the agent depend on the connection between the agent's nature and the structural conditions of the environment in which the agent is placed. And, in the world as it is, the greatest moral tragedy we witness



is not that many if not most do not live within the bounds of just liberal institutions, but rather, that most are not protected from social cruelty.

Here, the reader is entitled to ask what place would justice occupy in the kind of view that we are presenting. She might be worried, in other words, that we are discounting the value of justice altogether. We disagree. Justice is still, in our view, a central value in political morality. Instead, our claim is more modest. We argue that justice is not the only value in political morality, and that there are thus other such values. And if one believes some form of value pluralism to apply, then, it is not obvious that one can rank, or commensurate such values. Thus, our account simply does not address the question of what justice is or requires of us, nor, to be clear, it discounts the value of pursuing justice.

To reiterate and expand on a point that we have expressed above, which value we take to be salient will depend on the circumstances in which we find ourselves and on the features of the system of institutions we are trying to assess. Consider a country like North Korea. Clearly enough North Korea is not a just system of institutions. Nor can we plausibly claim that the way power is exercised by the government over its citizens is legitimate, or that it allows them to lead a good or virtuous life etc. And yet one might be tempted to argue, as we are, that there is something even more fundamentally wrong with how the basic structure of North Korean institutions treat its citizens. Such treatment is so appalling, so ‘socially cruel’, that one might feel that the label ‘unjust’, for example, might not fully capture what is at stake, from the point of view of political morality. For imagine that we consider justice to be the understood in terms of the bundle of rights that is familiar from the liberal constitutional tradition, then, it would seem at least to us, that the main concern we have with North Korean institutions is not that they are simply unjust. To reiterate, the point is emphatically not to absolve North Korean institutions. Quite the opposite in fact. The point is that their moral assessment calls into question aspects of human life in political society that are even more pressing, and thus reveals problems that are even more fundamental.

### *Decency, basic rights and reconciliation*

Let us take stock and reiterate the argument so far. We started by suggesting that moral equality is central to our approach, but that it should be understood through the lenses of negative egalitarianism. Put differently, moral equality can be understood as a status characterized by a set or bundle of moral rights and such rights are individuated as the ones that would protect persons from social cruelty (i.e. protect them from specific forms of inferiorizing treatment). Thus, in the picture we have offered, it is social cruelty and the vulnerability of human beings that are foundational, while moral equality, while a central ideal, is derivative. The question might then arise, and it certainly is a question that typically arises within the confines of political philosophy, of what kind of social and political arrangements would be recommended by a negative egalitarian approach. And, given the structure of recent debates in the discipline, one might very well be tempted to think that the answer lies in a given (liberal) conception of justice. Without denying that justice is a central political ideal (nor the considerable attraction of a broadly liberal approach to justice), we have suggested otherwise. Negatively, we have suggested that, at least insofar as one’s goal is to establish minimal congruence between a system of political institutions and negative egalitarianism, justice is not the most salient concept.

More positively, in this part of the essay, we would like to suggest that decency might be more salient. The next obvious question would then be what decency stands for. In this section of the essay we argue for two distinct ideas. First, that the content of decency, at least if one understands decency the way we do (for clearly, there are other ways to understand the idea, see below), is given by basic human rights. Second, that decent institutions recommend a specific kind of attitude towards them, one that we shall call 'weak reconciliation'.

As we have just seen, and as the title of this section suggests, we are inclined to think that the idea of decency (see Rawls 1999; Margalit 1998) should take centre stage.<sup>2</sup> More precisely, we shall claim that a decent system of institutions is congruent with (or at the very least not in conflict with) the moral equality of persons because, or more specifically when (at a minimum), it protects them from social cruelty by guaranteeing their basic human rights. Or, to use the language we have adopted in the previous sections of the essay, decent institutions and political systems protect the basic interest of human beings in not seeing their vulnerabilities exploited or neglected and they do so by protecting their basic human rights (see Sangiovanni 2017).

It is important to clarify why basic rights are central to decency as we have defined it. The beginning of an answer lies, in our view, in the kind of role or function that rights<sup>3</sup> tend to have within our political cultures. And here too, the best way forward is to start by thinking about what a world without the protection of rights would be like. According to Joel Feinberg, that kind of world would one in which:

"Persons would no longer hope for decent treatment from others on the ground of desert or rightful claim. Indeed, they would come to think of themselves as having no special claim to kindness or consideration from others, so that whenever even minimally decent treatment is forthcoming they would think themselves lucky rather than inherently deserving, and their benefactors extraordinarily virtuous and worthy of great gratitude." (Feinberg 1973, quoted in Shue 1996, 113)".

Feinberg goes on to state that this kind of world would dramatically damage the self-esteem of those who are on the receiving end of benevolent treatment, should it be available. Yet, a slightly different interpretation is that a world in which at least some basic rights are not guaranteed is a world in which the vulnerability of human beings is not really or convincingly protected from exploitation and/or neglect. For real protection of a vulnerability, we contend, can only come from a form of reliable assurance that such vulnerability will not be exploited and/or neglected. And, in the political cultures we now inhabit, this reliable assurance is usually couched in the language of rights.

Vulnerability, we have claimed, is central to understanding the foundations of moral equality, and of the human condition more broadly. Thus, vulnerability is not something we can eliminate. What can be tamed is the extent to which social and political institutions allow, by commission or by omission, that vulnerability to be exploited or neglected. The question, then, is: what would it take for this not to be the case? And the answer we suggest is that basic human rights, understood as the stable protection of basic interests

<sup>2</sup>Our account of decency is indebted to both Rawls' (1999) and Margalit's (1998) accounts. Our view of decency is, however, much more minimal.

<sup>3</sup>Feinberg concentrates on claim rights because he focuses on their counterpart, directed duties. But we believe the point he is making has broader significance.

against standard social threats, to borrow Henry Shue's language (1996), would play an important part in the answer. Protection against the exploitation or neglect of human vulnerability is clearly linked to the offer of a reasonable assurance that exploitation or neglect will not happen.

Perhaps even more importantly, it is worth stating the question that decency provides an answer to in a broader sense. The question is not 'what world would we like to live in morally speaking?', rather, the question is 'what world could we live with morally speaking?'. That the two questions are different is relatively easy to grasp. And yet the importance of the latter has often been overshadowed by contemporary political philosophy's attention to the former. For it is by asking the former that one is naturally led to ideal theories of social and political institutions. Thinking about ideal theory is not, per se, something that we wish to criticize. The point is not, then, that we should avoid a certain way of theorizing. Rather, the point is to consider a different purpose for normative theories, namely, the determination of a self-standing normative benchmark that explains a different subset of our evaluative judgements towards our social and political institutions.

This kind of benchmark, the one provided by decency, is probably closer to a different and well-developed idea in political philosophy, namely, legitimacy. So, it is worth saying a few words about their relationship. In the current literature there is deep disagreement concerning both the concept of legitimacy and about the content of the best conception of legitimacy (see Christiano 2008; Peter 2008). Yet, it is probably fair to say that most theorists would coalesce around the idea that legitimacy is to be understood as the right to rule and that such right is bestowed by democratic forms of governance (but see Simmons 2001, for a different account). Legitimacy and justice are then portrayed as distinct and yet related, with the former considered as a weaker standard of normative evaluation: laws and institutions, in this picture, can be legitimate without being just. If legitimacy is understood in those terms, then, clearly decency as we have defined it is a much weaker standard; one that is twice removed, so to speak, from justice. Decency is thus distinct from legitimacy, at least from the standard picture of legitimacy we have offered, because decency does not mandate the acceptance of a right to rule by institutions, and because decency requires respect for basic human rights, not democracy.

It is perhaps more difficult to ascertain what legitimacy demands in terms of one's attitude towards social and political institutions, and yet, clearly, institutions that have a right to rule cannot be overthrown, or revolted against. They certainly can be the object of attempts to reform and substantively change them, and, depending on one's role with respect to the institution, even public and vigorous protest may be an option. Nonetheless, there is a sense in which, despite all their possible faults, legitimate institutions command some of our support and respect, if not for what they do at any point in time, at least for what they are and stand for.

What kind of (moral) attitude best captures the relationship between persons and decent institutions? Our sense is that decent institutions are ones that, as we have suggested above, we can live with morally speaking. So, negatively, decent institutions, just like legitimate ones may not be the object of revolution and revolt. Yet, unlike legitimate institutions, decent institutions are not necessarily ones that claim our support or respect, even at the very abstract level that a wholistic judgement of an institution may provide.

Perhaps the best concept to describe one's attitude to decent institutions is what we would call 'weak reconciliation'. According to Hegel's political theodicy (see Hardimon 1994)<sup>4</sup> human beings are often alienated from their social contexts and political philosophy may work to provide them with the tools to assuage their subjective sense of alienation. Alienation from one's social world can, however, also be objective insofar as basic social and political arrangements are inhospitable to persons' sense of being at home in the social world. Ultimately, Hegel thought that we could be reconciled, both subjectively and objectively, to modern basic political institutions, notwithstanding their obvious faults, and the evils, such as war and especially poverty, that they allowed to occur. Yet such reconciliation is not to be confused with a sense of full acceptance. Reconciliation, at least in Hegel's sense, contains both an element of affirmation and a deep sense of melancholy. Being reconciled to one's social world does not require the construction of a rosy picture of basic political arrangements and it certainly is not premised on forgetting some of the aforementioned evils that they allow.

In this (very coarse) picture of Hegel's view, we understand weak reconciliation to be composed of melancholy for the evils merely decent institutions no doubt are compatible with, and by a different and much more minimal sense of endorsement compared to Hegel's account of reconciliation. Decent institutions protect the basic human rights of their subjects and in so doing protect them from social cruelty. That is certainly one important form of achievement, and yet it is a very partial one. Decent institutions merely protect us from the moral abyss, they do not allow us to live well or rationally together. And yet, given that we know that the moral abyss is often a reality of social life, we may be reconciled to decent institutions in the very limited sense in which one is reconciled to something one believes he or she ought not to resent.

### *Global poverty, indifference and cruelty*<sup>5</sup>

Once we raise our gaze from the immediate surroundings offered to (some of) us by advanced industrialized societies, we find a world of immense suffering and destitution. Human life, at least looked at from a global perspective, is a tale of pain and insecurity. And, while it is true that some progress has been achieved over the past few decades, it seems difficult to be reconciled, even in the weak sense we have specified above, to a global order that still allows so many of our fellow human beings to needlessly suffer or die. Stated differently, we live in a world where millions live in absolute poverty and where wealth and income inequalities are staggering. The presence of large disparities in economic wellbeing allows us to point out that the most important moral feature of the global economic order is its cruelty: the indifference it regularly displays for the basic rights to subsistence of some of its weakest members. As we have pointed out above, we are mostly inclined to think about cruelty as a crime of commission. Yet, indifference to suffering can allow us to see it instead as a crime of omission.

According to recent World Bank figures (2015), roughly 10% of the global population lives in severe poverty. More specifically, the data suggests that circa 736 million people globally live below the \$1.90 per day international poverty line, characterized by World Bank as extreme poverty. Even taking this data at face value, one is bound to be struck by the sheer

<sup>4</sup>Hardimon uses the expression 'social theodicy' but we believe that nothing hangs on this difference, at least, not for the purposes of the argument laid out in our text.

<sup>5</sup>Parts of this section are adapted from Held and Maffettone, *Inequality and Global Justice*, forthcoming.

magnitude of the implied human suffering. Yet, thinking about what the data means for a moment longer makes for an even more morally depressing experience for two reasons.

First, consider what the international poverty line set by the World Bank actually means. The \$1.90/day poverty line is not an exchange rate value. The Bank is not suggesting that a person is among the global poor if he or she fails to secure 1.90 U.S. dollars each day. In fact, the figure refers to purchasing power parity values (P.P.P. values); that is to say, \$1.90/day refers to the equivalent basket of goods one could buy in the US with \$1.90. The reason for using P.P.P. values is that we are typically interested in what people can actually consume through their income. The P.P.P. exchange rate is the exchange rate which allows for approximately the same bundle of goods and services to be purchased in all countries of the world. For poor countries, P.P.P. exchange rates will tend to be smaller than the market exchange rates, reflecting lower price levels in those countries (Milanovic 2016, 15).

Second, consider what the international poverty line and the related headcount of the world's poor cannot tell us. The data we highlight are, in some sense, static. They offer a snapshot of how many people are poor at any given point in time. Even when the World Bank provides trends concerning the evolution of global poverty numbers over several years, it simply offers a comparison between two static pictures. Yet what the data simply cannot tell us is how many people have been poor as a percentage of the global population at any point in time over the course of their lives. This is important as it clearly would affect our judgement of the problem to know that, for example, while 10% of the global population lives in absolute poverty today, 20% as opposed to 30% or 50% of the world's population is likely to have experienced severe poverty over the course of their lives. This is because, in the end, when we judge the global economic order, we care not only about how many people can be lifted out of poverty at a certain point in time, but also about how precarious their lives are and what their chances are of experiencing extreme poverty. Put differently, not being deprived, in our judgement, does not simply entail being able to consume certain things at a certain point in time, but also to feel secure over the life cycle.

The aforementioned data is a useful reminder of what human life can be like in the world as it is. Note, though, that poverty, more precisely absolute poverty, is a condition, not a relationship. Anyone can be (absolutely) poor in splendid isolation. Instead, cruelty is a relationship. We need more than one agent for cruelty to occur. So, in order to claim that the global economic order is cruel, we need to say something about the condition of those who are not absolutely poor. And part of the reason we have to care about global inequalities in wealth and income is that they reassure us, so to speak, that we are not strictly speaking unable to help those who have less (see Scanlon, 2018). Put differently, how far basic rights to subsistence can be upheld will depend, in our view, on whether the global economic order is affluent enough to make the protection of these rights against standard social threats a plausible endeavour.

According to the 2018 World Inequality Report (WIR, 2018), the income share of the global top 1% has risen from 16% of global income to over 20% of global income since 1980. Within the same timeframe, the income share of the poorest 50% of the global income distribution has remained stable at about 9% (WIR 2018, 7). The figures are even starker when it comes to global wealth distribution given that 'the world's top 1% wealthiest people increased from 28% to 33%, while the share commanded by the bottom 75% oscillated around 10% between 1980 and 2016' (World Inequality Lab 2018, 13). And, if recent trends continue, the '[t]op 1% global wealth share would reach 39% by 2050, while the top 0.1%

wealth owners would own nearly as much wealth (26%) as the middle class (27%)' (World Inequality Lab 2018: figure, 9). In a nutshell, global inequality data offers ample empirical reassurance that, bluntly put, humanity can afford to save and protect the insecure and destitute. One possible conclusion we can draw is that not doing so is a matter of indifference with respect to the live prospects of the very poor.

Some would argue that five decades of international aid and assistance provide clear evidence that indifference is not the issue (See Deaton 2013; Duflo and Banerjee, 2011; Easterly 2007). We would disagree, for the real question is not whether anyone has tried to alter the condition of the global poor. What one should ask is how far such a goal has featured as a priority in global political deliberations and decision-making. Indifference can come in degrees, and the more what we witness is morally outrageous, the more we are required to prioritize our response to it in order not to be accused of being indifferent to its consequences. The real question, then, is not whether helping the poor has been attempted. Rather, it is whether it has been given the appropriate kind of priority in our moral and political deliberations.

In fact, the very arguments of those who, often correctly, criticize international aid efforts as ineffective and paternalistic reveal that the real issue we face is that the political costs of addressing global poverty are considered too high, not that we are, strictly speaking, unable to affect outcomes. For if we believe that institutions and market incentives rather than redistributive measures are all important, then we are bound to ask why efforts aimed at following those prescriptions to their logical conclusions have not been prioritized. To offer just a few examples, consider the following issues. The resource curse still plagues many poor countries in the world, yet, as it has been authoritatively argued by Leif Wenar (2016), the resource curse is a violation of basic property rights (and those rights are central to the functioning of any market). The borrowing privileges of callous governments pile up debts for future generations (see Pogge 2008) to repay with no clear gains in the present for the average citizens of their countries, yet efficiency would suggest that at least some debts be forgiven and that lenders themselves avoid moral hazard. The global trading system is often skewed towards the interest of the wealthy. It excessively protects intellectual property rights, thus stifling innovation and technology transfers to developing countries and shields the agricultural sector of developed countries from competition by imposing tariffs (See Stiglitz and Carlton, 2007). Yet the one thing that most economists agree upon is that free trade should be the norm (see Krugman, Melitz, and Obstfeld 2018). In a world where capital moves freely almost everywhere, we still have very restrictive immigration policies that decrease global welfare, and especially the welfare of poor immigrants (Rodrik 2017).

The list could go on (see Held and Maffettone 2016). What all these issues have in common is that they are deeply institutional in nature. Altering them requires time and patience, and is politically difficult. Yet, and this is the upshot of our discussion, the case for decisive change is pressing, and is not going to require unreasonable levels of sacrifice by those who stand to lose as a result of these changes.

## Conclusion

Immanuel Kant once wrote that 'If justice perishes, then it is no longer worthwhile for men to live upon the earth' (Kant, 1996, *Rechtslehre*, remark E following paragraph 49). Perhaps a better way to capture our predicament in global politics today is to say that if decency is

not urgently achieved, then there might be no coming back from the moral loss incurred by humankind. In a critical and dark tone Adorno wrote:

“Universal history must be construed and denied. After the catastrophes that have happened, and in view of the catastrophes to come, it would be cynical to say that a plan for a better world is manifested in history and unites it. Not to be denied for that reason, however, is the unity that cements the discontinuous, chaotically splintered moments and phases of history – the unity of the control of nature, progressing to rule over men, and finally to that over men’s inner nature. No universal history leads from savagery to humanitarianism, but there is one leading from the slingshot to the megaton bomb” (1973, 320).

The only way in which history can be conceived, he says, is negatively. Having noted that, and while recognizing the force of the argument, the emphasis of our argument is different in important respects. It is hard to deny that if poverty and destitution were a thing of the past, global politics could begin to claim a progressive mantle. Establishing common standards of decency provides the means to specify the elements that the global order must display if all human beings are to be free of the appalling conditions that, all too often today, rob them of their basic rights and, ultimately, of their lives. Until then, as Adorno rightly argued, ‘the need to let suffering speak is a condition of all truth. For suffering is objectivity that weighs upon the subject ...’ (1973, 17–18). Philosophy must not rest before ‘wretched existence’, and before indecency is brought to an end in all its forms. Once the struggle for decency is over, the struggle for justice can of course begin.

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## References

- Adorno, T. W. 1973. *Negative Dialectics*. New York: Seabury Press.
- Banerjee, A. V., and E. Duflo. 2011. *Poor Economics*. New York: Public Affairs.
- Carter, I. 2011. “Respect and the Basis of Equality.” *Ethics* 121 (3): 538–571. University of Chicago Press: Chicago. doi:10.1086/658897.
- Charlton, A., and J. E. Stiglitz. 2007. *Fair Trade for All*. Oxford: Oxford University Press.
- Christiano, T. 2008. *The Constitution of Equality*. Oxford: Oxford University Press.
- Coakley, M., and P. Maffettone. 2016. “Classifying States.” *Ethics and Global Politics* 10 (1): 58–76. Oxford University Press: Oxford. doi:10.1080/16544951.2017.1341793.
- Deaton, A. 2013. *The Great Escape: Health, Wealth and the Origins of Inequality*. Princeton, NJ: Princeton University Press.
- Doyle, M. W. 2006. “One World, Many Peoples: International Justice in John Rawls’s the Law of Peoples.” *Perspectives on Politics* 4 (1): 109–120. Cambridge University Press: Cambridge. doi:10.1017/S1537592706060117.
- Dworkin, R. 1983. “Comment on Narveson: In Defense of Equality.” *Social Philosophy and Policy* 1: 24–40. Cambridge University Press: Cambridge. doi:10.1017/S0265052500003307.

- Dworkin, R. 1986. *Law's Empire*. Cambridge: Cambridge University Press.
- Easterly, W. 2007. *The White Man's Burden*. Oxford: Oxford University Press.
- Feinberg, J. 1973. *Social Philosophy*. London: Pearson.
- Forst, R. 2017. "Political Liberalism: A Kantian View." *Ethics* 128 (1): 123–144. University of Chicago Press: Chicago. doi:10.1086/692945.
- Forst, R. 2018. "Human Rights in Context: A Comment on Sangiovanni." In *Human Rights: Moral or Political*, edited by A. Etinson, 200–208. Oxford: Oxford University Press.
- Freyenhagen, F. 2013. *Adorno's Practical Philosophy*. Cambridge: Cambridge University Press.
- Griffin, J. 2008. *On Human Rights*. Oxford: Oxford University Press.
- Hardimon, M. O. 1994. *Hegel's Social Philosophy: The Project of Reconciliation*. Cambridge: Cambridge University Press.
- Held, D. 1980. *Introduction to Critical Theory: Horkheimer to Habermas*. London: Hutchinson.
- Held, D., and P. Maffettone. 2016. *Global Political Theory*. Cambridge: Polity.
- James, A. 2005. "Constructing Justice for Existing Practice: Rawls Ad the Status Quo." *Philosophy & Public Affairs* 33 (3): 281–316. Wiley: Hoboken. doi:10.1111/j.1088-4963.2005.00034.x.
- Kant, I. 1996. *The Metaphysics of Morals*, M. Gregor, ed. Cambridge: Cambridge University Press.
- Krugman, P. R., M. Melitz, and M. Obstfeld. 2018. *International Economics: Theory and Policy*. London: Pearson.
- Kukathas, C. 2018. "New Perspectives on Distributive Justice: Deep Disagreements, Pluralism, and the Problem of Consensus." In *Justicitis*, edited by M. Knoll, N. Şimsek, and S. Snyder, 187–204. Berlin: De Gruyter.
- Lambert, Z. 2015. *The Stanford Encyclopedia of Philosophy*. [online] T. W. Adorno and E. N. Zalta, ed. <https://plato.stanford.edu/archives/win2015/entries/adorno/>
- Linklater, A. 2007. *Critical Theory and World Politics*. Abingdon-on-Thames: Routledge.
- Margalit, A. 1998. *The Decent Society*, trans. Goldblum N. Cambridge, MA: Harvard University Press.
- Mason, E. 2018. "Value Pluralism." In *The Stanford Encyclopedia of Philosophy*, edited by E. N. Zalta. <https://plato.stanford.edu/archives/spr2018/entries/value-pluralism/>
- Milanovic, B. 2016. *Global Inequality*. Cambridge, MA: Harvard University Press.
- Nussbaum, M. 1986. *The Fragility of Goodness*. Cambridge: Cambridge University Press.
- Peter, F. 2008. *Democratic Legitimacy*. Abingdon-on-Thames: Routledge.
- Pogge, T. 2008. *World Poverty and Human Rights*. Cambridge: Polity.
- Rawls, J. [1971] 1999. *A Theory of Justice*. Cambridge, MA: Harvard University Press.
- Rawls, J. 1999. *The Law of Peoples*. Cambridge, MA: Harvard University Press.
- Rodrik, D. 2017. "Is Global Economy the Enemy of National Equality." [online], <https://drodrik.scholar.harvard.edu/publications/global-equality-enemy-national-equality>
- Sangiovanni, A. 2017. *Humanity Without Dignity*. Cambridge: Harvard University Press.
- Scanlon, T M. (2018), *Why Does Inequality Matter?*, Oxford University Press. doi:10.1093/oso/9780198812692.001.0001
- Shklar, J. 1982. *Putting Cruelty First* [online], Cambridge, MA: MIT Press. [https://www.jstor.org/stable/20024800?seq=1#metadata\\_info\\_tab\\_contents](https://www.jstor.org/stable/20024800?seq=1#metadata_info_tab_contents)
- Shklar, J. 1989. *The liberalism of fear*. [online], Cambridge, MA: Harvard University Press. <https://philpapers.org/archive/SHKTLO.pdf>
- Shue, H. 1996. *Basic Rights*. Oxford: Oxford University Press.
- Simmons, A. J. 2001. *Justification and Legitimacy: Essays on Rights and Obligations*. Cambridge: Cambridge University Press.
- Singer, P. 1979. *Practical Ethics*. Cambridge: Cambridge University Press.
- Tomasi, J. 2001. *Liberalism beyond Justice: Citizen, Society, and the Boundaries of Political Theory*. Princeton, N.J: Princeton University Press.
- Wenar, L. 2016. *Blood Oil*. Oxford: Oxford University Press.
- Williams, B. 1981. *Moral Luck*. Cambridge: Cambridge University Press.
- World Bank. 2015. *Annual Report 2015*. [online] <http://www.worldbank.org/en/about/annual-report-2015>
- World Inequality Lab. 2018. *World Inequality Report*. [online], <https://wir2018.wid.world/files/download/wir2018-full-report-english.pdf>