

A Phenomenological Appropriation of Ricoeur's Critique of Rawlsian Contractualism and Kantian Deontology for the Purposes of Building a New Theory of International Economic Justice

Rajesh Sampath¹

Abstract

This paper explores Ricoeur's critique of Rawls's *A Theory of Justice*, particular it's famous "difference principle" on the justification of social and economic inequalities for the "least advantaged." Ricoeur takes issue with a 'purely procedural theory' from which universal and publically-recognized principles of justice that regulate the basic institutions of society in terms of fairness are alleged to arise. From a technical philosophical perspective, he asks whether the social contract tradition in general (albeit raised to a more 'abstract' form in Rawls's creative thinking) can be blended with the Kantian priority of individual autonomy with each individual as an end in itself worthy of dignity and respect. I then evaluate the limits of Ricoeur's critique of Rawls's philosophy in general by rereading Ricoeur's perspectives on utilitarianism and what Ricoeur calls as its 'teleological doctrine of justice' of the greatest good for the greatest number: this is in contrast to Ricoeur's very elegant restatement of the Rawlsian critique of utilitarianism in terms of the idea of the 'maximin,' or maximizing the benefits of economic inequality for the least advantaged and distributing the burdens of such an undertaking appropriately and fairly. Ricoeur's main issue with Rawlsian deontology based on procedural reasoning is that in fact his theory calls for an 'ethical foundation of justice' but fails to deliver on it. I conclude with the need to surge passed Ricoeur's critique of Rawls and Rawls's philosophy by transferring the search for the 'ethical foundation of justice' to an outline for a new theory of international economic justice, which neither Ricoeur nor Rawls adequately develops.

Introduction

My paper will explore the hermeneutical strategies of Ricoeur's *The Just* (1995) while comparing and contrasting them with the philosophical conceptions in Rawls's influential corpus.

¹PhD, Assistant Professor in the Philosophy of Justice, Rights and Social Change, Brandeis University

Among other major Anglo-American moral and political philosophers, Ricoeur treats Rawls in particularly refreshing detail in his own fascinating work on justice, namely *The Just* (1995) and its follow up companion, *Reflections on The Just* (2001).² However, at the time of Ricoeur's publication, Rawls had yet to publish his statement on international justice, namely *The Law of Peoples* (1999), which is a compilation of previous lectures that spans the time-frame of *A Theory of Justice* (1971) to *Political Liberalism* (1993) and beyond. In particular I want to examine the modes of logic and argumentation in Ricoeur's work to see if some of the concepts in *The Law of Peoples* can respond in kind to the challenges Ricoeur poses to *A Theory of Justice*. In chapters three and four of *The Just*, namely "Is a Purely Procedural Theory of Justice Possible?" and "After Rawls's *A Theory of Justice*," Ricoeur analyzes two of Rawls's major works prior to the publication of *The Law of Peoples* (1999).³

² Originally published in French as *Le Juste* (Paris: Editions Esprit, 1995) and *Le Juste, 2* (Paris: Editions Esprit, 2001). Translated by David Pellauer for the University of Chicago Press editions of 2000 and 2007 respectively. We will work with the English translations.

³ The chapter titled, "Justice and Truth" in *Reflections on The Just*, evaluates the readings of Rawls conducted in *The Just*, particularly the critical treatment of Rawls's *A Theory of Justice*. For a longer version of this paper, most of our focus would be on the second half of the chapter, "Is a Purely Procedural Theory of Justice Possible?," and the full length of "After Rawls's *A Theory of Justice*" from *The Just* because that is where Rawls's two major principles of justice are explored in depth. The first half of the initial chapter on procedural justice plumbs Rawls's philosophical roots, which for Ricoeur, places him, Rawls, more in the camp of Kant and de-ontology rather than Aristotle's substantive views of the good of individuals. For Ricoeur, the issue is whether de-ontology can be coupled with the contractualist tradition and its emphasis on proceduralism rather focusing on the metaphysical grounds of what constitutes the good for individuals or society and its institutions in which real human beings live. To put it plainly, Rawls is not seeking a transcendental foundation for a theory of justice as some 'thing in itself' or essence that is universally valid. (Contrast that with Plato's discussion of the Forms and how justice factors therein in *The Republic*.) In Ricoeur's words: "If Rawls's undertaking is to succeed, we would then have to say that a purely procedural conception of justice can make sense without any presupposition concerning the good and can even free the just from the tutelage of the good first in what concerns institutions and then by implication in what concerns individuals and nation-states considered as individuals." See *The Just*, pg. 36-37. Obviously Rawls wants to consider a 'political conception of the person as a free and equal citizen in a constitutional, legal, democratic order,' which itself is beset by the 'fact of reasonable pluralism,' and hence the principles that regulate justice in institutions within the basic structure of society cannot be grounded in a single metaphysical, religious, and moral 'comprehensive doctrine.' This would include Aristotle's metaphysics. This refusal to derive the principles of justice for actual citizens in a democratic order from pure logic (and hence the logic of metaphysics and the metaphysics of logic) descends from *A Theory of Justice* (Cambridge: Harvard University Press, 1971), pg. 51, through *Political Liberalism* (New York: Columbia University Press, 1993) to *The Law of Peoples* (Cambridge: Harvard University Press, 1999) to *Justice as Fairness* (Cambridge: Harvard University Press, 2001). We will not tackle this extraordinarily complex issue of de-ontology, the demands of the contractualist tradition and the restrictions of a procedural approach to the conception of justice over any metaphysical conception of the good. We want to move straight to Rawls's two principles of justice and therefore derive principles of global economic justice with the aid of Ricoeur on Rawls.

Ricoeur's critical analysis of Rawls's first and second principles of justice will be evaluated while attempting responses to Ricoeur by way of reformulations of those principles within the broader international context that Rawls's *The Law of Peoples* affords. It is obvious that Rawls's first major work, *A Theory of Justice*, points to the domestic case of a constitutional legal-procedural democracy and in particular the United States and its reliance on Anglo-American moral and legal philosophy.⁴ Ricoeur, however, comes out of a twentieth century European context, which itself is the culmination of a longer, broader history of Western philosophy. This indicates an underlying variance in hermeneutical strategies of perhaps a distinctly 'American' political philosophical mindset in Rawls (who readily admits distant European, albeit mostly Anglo-American, forbearers such as Hobbes, Locke, Rousseau, Hume, Kant, Hegel and Mills) and Ricoeur's more contemporary continental European philosophical context spanning the 1940s to the time of his death.

My paper falls under one of the sub-themes of the meeting, namely "Politics, History and the Hermeneutics of Historical Consciousness." It compares and contrasts the hermeneutic contexts of two different socio-cultural-political-economic structures—American and continental European—which has yielded two different types of philosophical expression.⁵

⁴ And this descends from the social contract tradition, which Rawls would like to raise to a 'higher level of abstraction.' *A Theory of Justice*, pg. 3. The social contract dates back to Hobbes and Locke and continues with Rousseau, Hume and Kant. For a critical evaluation on the social contract in Rawls, see one of the earliest reviews of *A Theory of Justice* by Thomas Nagel, "Rawls on Justice," *The Philosophical Review* 82:2 (1973): 220-234. For a more recent evaluation of attempts to critique Rawls's use of the contract tradition, a grand attempt such as Sen's *The Idea of Justice* (2009), see Onora O' Neill's book review, "The Idea of Justice," *Journal of Philosophy* (2010): 384-388.

⁵ It is not appropriate for philosophers of history to speculate about such empirically-verifiable matters in policy and economists' circles, but one can ask how differing philosophical conditions of thought in two major civilizations--American and the European Union—shape their assumptions about economic distributive justice, fairness and equality and how fiscal and legislative decisions are made in both contexts. This gets at the root of the question of what founds justice in different societies and the role of government in securing justice in a society's institutions. No doubt, both civilizations have serious issues with debt accrual, fiscal stimulus to improve the employment rates, issues of migration and immigration, curbing declining employment, improving educational competitiveness with Asian nations for example while handling questions of energy generation and consumption and environmental sustainability. But this is a separate matter for another time. One would have to compare the socialist democracies of Europe with the more free-market driven capitalist democracy of America, which has accorded enormous power and influence to both corporations and Wall Street's financial sector over government policies in the economy. No doubt, Rawls tries to test the viability of what kinds of societies can best implement his two principles of justice, and in fact he does compare a 'capitalist/property-owning democracy' with 'socialist democracies' in Part IV of *Justice as Fairness*, pg. 135. We hope to comment on that on another occasion.

Technically speaking I will focus on Ricoeur's questioning of the second principle in Rawls's *A Theory of Justice*, namely the 'difference principle.' Here Rawls tries to justify income inequalities—first part of the second principle—in terms of fairness for the 'least advantaged' and 'authority and responsibility'—as Ricoeur puts it in *The Just*—in the second part of the second principle on 'offices and positions open to all under conditions of fair equality of opportunity' (*A Theory of Justice*).⁶ How can the import of Ricoeur's hermeneutic strategies for a theory of global economic distributive justice be met by proposals that Rawls offers on the topic of economic fairness and international justice in *The Law of Peoples*? I hope to show that a comparison of the hermeneutic mechanisms that underlie the philosophical-historical consciousness of Rawls's theories of justice (from *A Theory of Justice* to *The Law of Peoples* and beyond) and Ricoeur's critical analysis of Rawls in *The Just* can help advance a new philosophical theory of international justice, particular on the issue of resolving global economic inequalities and distribution of the world's resources. Ultimately, I will attempt a synthesis of Ricoeur's 'hermeneutic reason' with Rawls' idea of 'public reason.'

Main Text

The Just is a curious work by an agile and subtle mind. It shows Ricoeur's undeniable talent to maneuver within the hermeneutic, existentialist, structuralist, semiotic, French phenomenological, French Hegelian and proto-poststructuralist environments in continental Europe from which he arose and his adroitness to move within Anglo-American philosophical environments with ease and fluency.⁷

⁶ Actually, in *A Theory of Justice* 'economic inequality' is the second part of the second principle and 'offices and positions' are the first part because just as the first principle ('each person has an equal right to extensive total system of equal basic liberties') takes precedent over the second principle, the first part of the second principle takes priority over the second part of the second principle. What is confusing to the first-time reader is that Rawls does order the two sub-clauses of the second principle on pages 60 and 302 of *A Theory of Justice* in which income inequalities precedes fair equality of opportunity ('offices and positions open to all'); but then he reinstates their originally intended sequence in *Justice as Fairness*, pg. 42. Regardless the first principle of liberties takes precedent over the second principle of justice, and one part of the second principle, namely fair equality of opportunity, takes precedent over the other part of the second principle, namely the distribution of burdens and benefits from social-economic inequality so the least advantaged are better off in one scheme than they would be in any other scheme. The consequences for this are enormous in explaining how Rawls responds to Marxism and utilitarianism at the same time, and for that matter any other existing school of thought or paradigm at the time he composed his major treatise. Even today it would be difficult to situate Rawls in global justice debates, such as the garden variety of cosmopolitans for development issues or realist or idealist international relations theoretical frameworks on the prerogatives and obligations of nation-states.

⁷ From Frege, Russell, Wittgenstein and the logical positivists to the present, Anglo-American analytic philosophy has a minimal fidelity to the virtues of scientific logic (without replicating it) and the methods of reasoning in the empirical sciences and takes seriously achievements in moral psychology and other natural sciences as does Rawls. But they also set their own criteria for philosophical reasoning, especially in moral and political philosophy, so it is not simply reduced to a caricature of the

Ricoeur never intends to obfuscate in language and pass that off as philosophical innovation even though his ideas and intuitions are remarkably complex and nuanced while pushing the boundaries of linguistic resource. Each tradition mutually reinforces the other and brings to light new insights: this in itself is an interesting hermeneutic phenomenon, namely the eclectic mind of Ricoeur. One of his hallmark achievements in the eyes of Anglo-Americans is the clarity, precision and analytic rigor of his thought and expression.⁸ Ricoeur's thought scintillates with surprise moves and counter-intuitive gestures that aim earnestly to clarify and enlighten and not to play or deceive.⁹ Ricoeur is a thinker par excellence. Yet what are we to make of his attempts to directly confront some of the most difficult issues in the monumental work of an Anglo-American political philosopher such as John Rawls?

Let us turn to the *The Just* as we conduct a careful reading of Ricoeur's reading of Rawls. Ricoeur is very sympathetic, respectful and gracious towards Rawls's tradition as is he with most authors' views he dissects through his methodological suspicions. Such suspicions (not to be confused with skepticism) undergird his hermeneutic strategies as a strident form of creative decomposition. As stated before, Ricoeur is the ethical thinker par excellence: that is a thinker who illustrates a proper ethical orientation precisely in his critical reflections on other ethical philosophers.

natural sciences. Contrast that with continental European philosophy, which from at least Hegel to Nietzsche to Heidegger would call into question the entire history of Western philosophy that led to the birth of modern science and modern logic. Kant's transcendental philosophical revolution appeals to both the continentalists for the radical, searching nature of its inquiry into the possibility of the foundations of metaphysics after having destroyed dogmatic metaphysical conceptions from long-standing traditions of thought (idealism and materialism) AND Anglo-Americans who appreciate his de-ontology; that his ability to logically raise the conditions of possibility for any concept to have any content whatsoever prior to any empirical sensibility and hence any simple subjective or personal account of what someone's moral conception is based on a concrete experiences of outcomes based on decisions that are made. Rawls certainly appreciates this in Kant, especially his *Foundations of the Metaphysics of Morals*.

⁸ See *Paul Ricoeur: Honoring and Continuing the Work*, ed., Farhang Efrani (Lanham: Lexington Books, 2001). Most of the contributors are Anglo-Americans.

⁹ Some may see Ricoeur as a great forerunner of Derrida's destruction, and indeed both can be considered masters of paradox and the aporia in all attempts to resist comfortable, dialectical syntheses. Both inhabit new spaces within oppositions without collapsing the opposition or hypostatizing the difference. But in our perception, Ricoeur's hermeneutics do not have any of the causes, motivations, structures, processes and phenomenological orientations that permit Derrida's deconstruction to engage in 'free-play.'

Such an orientation requires a serious, critical encounter with the *ethical content* of other's philosophies and especially the *philosophical content* of their ethics. The relation between the two contents form the horizon of Ricoeur's own ethics. This constitutes the hermeneutic nucleus of Ricoeur's own mode of philosophizing.

In the case of Rawls, Ricoeur genuinely wants to tease out the possibility of 'an ethical foundation for the concept of justice'¹⁰ even though this goes against the grain of Rawls's stated goals in *A Theory of Justice* as thoroughly de-ontological from the outset. Although the theory of justice can try to approximate an 'ideal,' it cannot arrive at a sure foundation, which precisely endorses the restrictive limits that makes possible fairness in a democratic order and the intrinsic plurality of values, ideologies and world-views that have to compete with one another.¹¹ Ricoeur, the ever faithful classicist, sees great value in the entire heritage of Western philosophy, particularly in its twin foundations in Aristotle and Plato.¹² Whereas for Rawls, his attack is limited for the most part to late nineteenth century utilitarianism (Mill and Sidgwick) and its modern-day variants: what Ricoeur clearly acknowledges in the statement "utilitarianism is a teleological doctrine inasmuch as it defines justice by the maximization of the good for the greatest number."¹³ Here we have a foreshadowing of what is to come, namely Rawls'sstartling opposition and departure from utilitarianism, namely the justification for income inequality in the distribution of burdens and benefits so that the 'least advantaged' are better off and hence the minimum is maximized. This will be important as we enter into the subject of global economic justice, which complicates the domestic case for which *A Theory of Justice* was intended.

¹⁰ *The Just*, pg. 38.

¹¹ See the concluding moments of *A Theory of Justice*.

¹² For someone like Heidegger, Western metaphysics is constituted 'onto-theologically,' which means the question of truth and the question of being are pursued logically but in interrelated categories that transcend human, sensory experience. Metaphysics has a transcendental horizon analogous to the theological exploration of something 'divine' even if it is not dogmatically religious. One can say this is the case for Plato's and Aristotle's metaphysics. For the latter says in his introduction to *Metaphysics* that 'if a divine being were to have a divine science of itself, then that would be metaphysics' in contrast to all other forms of knowing that descend from the human realm—or the traditional categories derived from his *Nichomachean Ethics*: namely 'scientific knowing/episteme,' 'craft-knowledge/techne,' 'intelligence/phronesis,' 'understanding/nous,' 'wisdom/Sophia.' Taken from excerpts in Aristotle's *Metaphysics and Nichomachean Ethics* in Robert C. Sharff and Val Dusek, eds., *Philosophy of Technology: The Technological Condition- An Anthology* (Oxford: Blackwell, 2003), pgs. 19-24.

¹³ *The Just*, pg. 38.

Ricoeur exhibits great passion in his inquiry as to why Rawls has to restrict his attack on utilitarianism while making the fact of justice primary over the question of the good (presumably when handled in the realm of metaphysics). This is where the procedural will always dominate the transcendental definition of any concept of 'fairness.' I agree with Ricoeur because from the opening moments of *A Theory of Justice* to deep into its inner conceptual devices a profound search for meaning is underway. But it is also foreclosed in the way Rawls's famous constructions are set up – namely the 'basic idea of justice as fairness,' 'the primary subject of justice as the basic structure of society (and its institutions),' 'the theory as a more 'abstract form of the social contract tradition,' 'the original position and the veil of ignorance that preempts bias, unfair bargaining and self-interest,' 'the primary goods (as near-universal, basic needs of citizens which are not natural goods),' 'the overlapping consensus', 'the reflective equilibrium as a perpetual purification process of correcting moral judgments,' 'the derivation of the two principles of justice' and 'the two moral powers of the citizen unfolding their rational plan of life, namely the sense of justice and the conception of the good.' Ricoeur astutely assesses the inner-oscillation and tension between the promise of an idea of justice as fairness that can be realized in actual societies' institutions, which (unlike utilitarianism) takes seriously the 'distinctness of persons,' *and* the necessary insufficiencies in philosophical creative expansion that keeps Rawls' theory right below the ideal of a binding conceptual definition, and hence ironically below its practical realization. As a matter of fact, Rawls's 'circularity' of pushing the heights of philosophy to new levels while restricting the content of his original constructions 'constitutes an indirect plea'¹⁴ for this deeper philosophical search for the 'ethical foundation of justice.'

Let us turn to the first moment in which the issue of Rawls's second principle arises in Ricoeur's text, namely the famous difference principle on justifying economic inequalities. Ricoeur draws an immediate contrast with classic utilitarianism. We will provide the full long passage in which the utilitarian and Rawlsian definitions are contra-posed in their fine granularity. And then we will dissect each component of Ricoeur's formulations as to extrapolate their hidden seeds for a theory of international economic justice and the conditions that have to be secured based on what such a theory would demand.¹⁵

¹⁴ Ibid.

¹⁵ That is what a theory would demand today after Rawls and not a mere discussion, analysis, critique or adaptation of Rawls's domestic theory in a theory of international justice. Examples of the latter are

Ricoeur states:

Utilitarianism is a teleological doctrine inasmuch as it defines justice by the maximization of the good for the greatest number. As applied to institutions, this doctrine is merely the extrapolation of a principle of choice constructed at the level of the individual, according to which a simple pleasure or an immediate satisfaction ought to be sacrificed to the benefit of a greater but more distant satisfaction. We shall see below in what way Rawls's second principle of justice is diametrically opposed to this utilitarian version of justice: to maximize the minimal share in a situation of unequal shares—a rule called the maximin—differs completely from the rule of maximizing the interest of the greatest number.¹⁶

In this part of the analysis, our objective is to take each component within each statement (say the teleological dimension of the utilitarian approach) and assess Ricoeur's critical evaluation of Rawls's difference principle on the justification of economic inequalities.

To reiterate, Ricoeur obviously appreciates the Rawlsian departure from utilitarianism. He also recognizes the importance of the Kantian de-ontological ethic, which underpins Rawls's critique of utilitarianism: this respects the autonomy and dignity of every individual without superimposing an external law (from either God or the state or the economy). [To recall: the goal for Kant is threefold: to maximize freedom, act from duty and not for the imagined consequence of one's choice to execute a duty based on personal decision or satisfaction for some mentally desired outcome, and the will to act on a maxim that whatever one wills they will this as a universal for all, i.e. the categorical imperative.¹⁷ The greatest form of freedom is humans giving themselves laws that they willingly obey from duty and not for the desired outcome from the duty to act in a specific context.]

Ricoeur, however, as the master hermeneutic thinker, finds a tension or an inscrutable aporia and tries to probe it for its inner-depths precisely so greater philosophical meaning is excavated within complex, rich systems of thought and great texts such as Rawls's *A Theory of Justice*.

the works of Nagel, O'Neill, Sen, Pogge, Barry, Miller, Nussbaum, Caney, Crocker and Beitz. (Nagel, O'Neill, Sen, Pogge, Nussbaum and Crocker were all Rawls's students at one point or another.)

¹⁶ *The Just*, pg. 38.

¹⁷ See Lewis White Beck's Introduction to Kant, *Foundations of the Metaphysics of Morals*, trans. Lewis White Beck (Upper Saddle River, NJ: Prentice-Hall, 1997), pgs. ix- xiii.

Indeed Ricoeur's main concern is profound to its core: however daring Rawls's advanced contractualism is for our contemporary age mixed with Kant's moral priority of individual freedom drawn from the late 18th century heritage of transcendental-ideal philosophy and its critical logic (the analytic and dialectic), Rawls's framework suffers from an internal schism. At rock bottom, the hidden internal division concerns the philosophical possibility or impossibility of defining an 'ethical foundation for justice.' Let us state it plainly: even if Rawls's idea of 'justice as fairness' is drawn from procedures that are equitable and must guarantee fairness in the social cooperation and mutual advantage of citizens (who choose a la Kant's imperative to abide by the principles of justice and recognize that choice publically), a difficult trade-off follows. And this unfortunate turn leads to an unwarranted insecurity. None of the procedures for guaranteeing the fair choice of the just principles in an anonymous, 'original position' (where no one knows which group or class they represent) and rational and reasonable methods to test the atomic validity of moral judgments in general can be based on a single comprehensive or metaphysical doctrine—whether deductively or inductively produced. Justice takes priority before any transcendental foundation of the conception of the good, which is then never sought.¹⁸ With Rawls, justice in society stares us in the face as the most real of possibilities; and yet it is impossible to define the substance behind proclamations -- that in principle do not have to be justified metaphysically -- even though they are announced as philosophical principles with their own binding force. (Every citizen in the society acknowledges the universality of the principles and accepts being regulated by them.)

¹⁸ And as we stated earlier, transcendental philosophies that abound in continental Europe, say Heidegger's fundamental ontology or Husserl's phenomenological analysis, does not occur in a distinctly Anglo-American tradition of pragmatism, logical positivism, philosophical scientism, empirical philosophy and analytic philosophy in general. Analytics like to solve problems by probing the structure of propositions and the internal consistencies and inconsistencies of reasoning in deductive and inductive terms: this is the legacy of the later Wittgenstein. Transcendental continentalists take it upon themselves to transcend all philosophical systems prior to them while originating their own question, method and results and often times their own novel neologisms as in the case of Heidegger's *Being and Time*. (They also tend to draw on the metaphysical resources of ancient languages such as pre-Socratic Greek.) But to repeat Ricoeur's critical evaluation of Rawls's framework as thoroughly non-transcendental: "it is a deontology without a transcendental foundation." *The Just*, pg. 39. And to belabor the point of Rawls's trade-off, Ricoeur further affirms: "it is the function of the social contract to derive the contents of the principle of justice from a fair procedure without any commitment regarding the objective criteria of the just, at the price, according to Rawls, of ultimately reintroducing some presuppositions concerning the good." *Ibid*.

Rawls offers the passage to something beyond utilitarianism but also leaves us at the impasse in which the ethical foundation of the entire theory leaves us wanting more.¹⁹

Coming back to Ricoeur and his passage, curious questions arise. Just as Ricoeur unpacks this massively complex structural entanglement in Rawls can we do the same with regard to the great polarization and distinction Ricoeur makes between utilitarianism and Rawls in the eloquent and powerful passage offered above? Can we discern the inner-motivations of Ricoeur's hermeneutics of Rawls's *A Theory* and therefore take the theory passed its proper domain into a forbidden territory—namely a theory of international economic justice that also seeks what Ricoeur demands of Rawls's domestic theory—namely the ever elusive 'ethical foundation of justice?'²⁰

¹⁹ And no doubt, Rawls confesses that his *A Theory of Justice* is quite 'mad.' He did not expect it to be nearly 600 pages long—a process of revisions of insights that date back to his essays of 1951, "Outline of a Decision Procedure for Ethics," and 1958, "*Justice as Fairness*," which after that then took thirteen years of essays, teaching and composition to ultimately yield his final treatise of 1971. And yet he spent the rest of his life trying to respond to objections raised about the first two parts of the work (namely the celebrated principles of justice), and never had an opportunity to really develop what he wanted, which was his full-blown 'theory of the good' in part III. See Samuel Freeman, *Rawls* (New York: Routledge, 2007), pg. 6. Rawls said he really wanted to get into moral psychology. Ibid. Even with this confession dated from a 1990 interview (twenty years after *A Theory* appeared), it is clear that Rawls did not intend a metaphysical articulation of the good but a theory that maintained fidelity to Kant's de-ontology and Rawls's notion of political liberalism, namely the 'fact of reasonable pluralism' where incompatible metaphysical doctrines of what we value in life and society will always have to compete for supremacy with victory never secured. The competition is ongoing and never complete even though the principles regulating the institutions of society are passed on peacefully from one generation to another. This ensures the robustness of a 'legal, constitutional, well-ordered democratic regime.' See *Justice as Fairness*, pg. 4. The two party-system in the U.S. is a good example of not being able to imagine a single doctrine that they would both agree to for pursuing all future legislation, i.e. on healthcare, education, taxation, immigration, etc.

²⁰ This means we do not follow Ricoeur but decompose his thought as well. Ricoeur sets up his philosophical question in terms of a polarization, which he will then set out to resolve or at least decide on in terms of a yes or no. We would not begin with such a distinction, let alone attempt to solve it. Rather, we would have to imagine a Hegelian aufheben-synthesis of Ricoeur and Rawls, which Ricoeur does not accomplish. Ricoeur's distinction is this: "the philosophical question posed above, namely, whether and to what extent a purely procedural conception of justice can be substituted for an ethical foundation of our sociopolitical sense of justice." *The Just*, pg. 41. Hence the title of the chapter in his book is "Is a Procedural Theory of Justice Possible?" What Ricoeur does not produce in this chapter as we will eventually see is a third categorical structure beyond the phrases- "pure procedural conception of justice" and "ethical foundation of our sociopolitical sense of justice." Rawls for his part admits that the third part in *A Theory* failed to arrive at a theory of the good, which could be tantamount to discovering Ricoeur's 'ethical foundation of justice.' Of course as Rawls admit, he never go around to that.

This remains unaccomplished in Rawls's political (liberal) philosophy for reasons just expounded and unaddressed in Ricoeur's analysis of Rawls. That is the question we will pursue for the remainder of this paper.

Let us begin with the first part of the passage in Ricoeur's text. Ricoeur reveals several dimensions of the utilitarian argument, which are ripe for critical analysis:

Utilitarianism is a teleological doctrine inasmuch as it defines justice by the maximization of the good for the greatest number. As applied to institutions, this doctrine is merely the extrapolation of a principle of choice constructed at the level of the individual, according to which a simple pleasure or an immediate satisfaction ought to be sacrificed to the benefit of a greater but more distant satisfaction.²¹

Indeed utilitarianism is teleological. It tends towards an end, which is already presupposed as something inherently good, and this is the 'maximization of the good for the greatest number.' Leaving aside the complex mechanics of how this maximization occurs where individuals comprise an aggregate measure for the whole of society's happiness and well-being, we have the issue of how justice is defined in the 'teleological doctrine.'²² So what does Ricoeur say about the utilitarian process that attempts to concretize justice? There is a leap from the individual to the institution, but it appears to be more of a false 'extrapolation' in purely quantitative terms rather than an ontological reconsideration of substances such as 'well-being' and 'happiness' and what they can actually mean for an institution or a whole society rather than an individual.²³

²¹ Ibid., pg. 38.

²² There are many modern-day justifications for utilitarianism and how the calculus of an aggregate of happiness occurs. This spans a defense of rational choice theory, which may support free-market capitalism and neoliberal economic growth (Harsanyi and Adams), to cosmopolitanism, which extends moral obligations to all citizens and not just those within one's nation-state (Singer). But we will not go into these debates here. We want to focus on Ricoeur's conceptual apparatus of how utilitarianism works as teleology of realizing justice and how Rawls offers a vastly different way to think about justice and the burdens and benefits of economic distribution in non-consequentialist terms. For a good overview surrounding debates about utilitarianism and Rawls' critique, see Amartya Sen, *The Idea of Justice* (Cambridge: Harvard University Press, 2009), especially Part I.

²³ This will be an important consideration when we saw how Rawls tries to make a leap from the wealth and well-being of individual nation-states to the conditions for international justice for all societies, particularly those 'burdened' societies to which wealthy liberal democratic societies and other 'decent, hierarchic but non-liberal' societies have a duty of assistance. See the *The Law of Peoples*. For a

The base-line is the individual's choice to do only those things that lead to satisfaction and happiness and avoid those things that may hurt the individual or others in the process (the legacy of the 'Lockean proviso'). The interesting insight by Ricoeur is that we assume this is how individuals decide—whether through rational preferences and decision-making or irrational, unpredictable desires. But what the utilitarian does not ask is whether one can even begin with individuals rather than interrelational units (relations between relations of individuals). What makes a person distinct is precisely the relations within which the person find himself within society. The sleight of hand occurring is quite subtle: the justification for the individual to do and consume only those things that lead to pleasure is subverted in the idea of a 'sacrifice' when considering the deferral of individual pleasure as an achievement of personal choice for the 'benefit of a greater but more distant satisfaction.' The individual wants to satisfy himself and the idea of satisfaction is broadened to encompass the notion of sacrifice, which postpones the immediate act of satisfaction for the individual for a much broader ideal of satisfaction of the whole. How this actually occurs is the mystery. Satisfaction of the individual is also its deferral and sacrifice, which is the justification for a greater satisfaction that will reward the individual in the long run.²⁴ The institutions of society, which comprise a society's entire economy, becomes the site of satisfaction justified by individual choice to achieve an even greater satisfaction by foregoing the immediate satisfaction in front of him, i.e. me buying an apple at the apple stand today. Again, this says nothing about fairness or justice in institutions and how the realities of individuals are actually affected in terms of their well-being regardless of the overall aggregate or wealth of the society, i.e. its GDP. This is where Rawls's massive departure from utilitarianism commences.

critical evaluation of the limits of Rawls's thinking to handle problems in international justice, see Thomas Nagel, "The Problem of Global Justice," *Philosophy and Public Affairs* 33:2 (2005): 113-147. For a critique and extension of it, see Thomas Pogge, "An Egalitarian Law of Peoples," in Thom Brooks, ed., *The Global Justice Reader* (Oxford: Blackwell, 2008), pgs. 237-257.

²⁴ Simply put: by participating in a economy that aims to increase its overall GDP by individuals making individual (not group) choices of consumption to achieve satisfactions means that the GNI per capita (Gross National Income per capita) has to rise if the overall wealth of a society rises in comparison to another society, say the U.S. at a \$48,000 average per individual with a population over 300 million compared to Bangladesh at a \$770 average per individual with a population over 150 million. For an audacious critique of the long-standing use of the GDP as a measurement of the social and economic well-being of nations and attempt to think through alternative models of measurement, see The Report by the Commission on the Measurement of Economic Performance and Social Progress by Joseph E. Stiglitz, Amartya Sen and Jean-Paul Fitoussi, *Mis-measuring Our Lives: Why GDP Doesn't Add Up* (New York: The New Press, 2010).

For the utilitarian, the teleology of an individual pursuit of happiness is submerged with an aggregate that stands for a higher satisfaction for both the individual and the whole; and to use Hegelian language, the mediating factor is 'sacrifice' or a type of negation or deprivation that negates the original incompleteness of the act of individual satisfaction (executing an immediate choice for oneself like buying a cup of coffee) while raising it to a higher level, namely the satisfaction of the whole of society measured by its entire consumption. Justice is the secret of this negation and raising (the famous Hegelian 'aufheben') in the overall teleological process of utilitarianism maximizing happiness for the greatest number. Leaving aside the standard of critique of utilitarianism in that the actual well-being of many individuals has to be sacrificed in the process for the whole to grow, we can isolate the question of how justice and the sacrifice relate to one another with regard to the teleological process itself. Rawls's intervention and opposition to utilitarianism as Ricoeur eloquently summarizes takes the subject of justice and economic wealth creation into a whole new domain.²⁵

To conclude the discussion on utilitarianism we can raise some critical questions, which Ricoeur's formulation inspires us to do. This will set up the passage to the Rawlsian difference principle, which opens up a whole other set of interesting paradoxes and questions about justice and maximizing for the least advantaged. (And it does not take a PhD in economics to know the simple fact that even the highest-producing and hence wealthiest countries measured by income concentrates that income's assets in a small percentage of the entire population while 'the least advantaged' would comprise the majority. For the utilitarian, the aggregate must tell us about the overall happiness of society, which would have to include the majority, which is the least well-off.)²⁶

²⁵ Rawls will tackle the issue of sacrifice in his critique of utilitarianism when he explores how real savings work for individuals and his own principle of 'just savings' works between generations to guarantee that the principles of justice endure in the basic structure over time. See paragraph 44—"The Problem of Justice between Generations"—of Chapter V—"Distributive Shares"—in Part II—"Institutions"—in *A Theory of Justice*, pg. 284. Also see the discussion on savings in *Justice as Fairness*, pg. 159. We will get to this all important moment in Rawls's philosophical framework later after we probe Ricoeur's nice conceptualization of the difference principle: to repeat this principle justifies income inequality for the betterment of the least advantaged in total contrast to the utilitarian teleology of maximizing the good for the greatest number.

²⁶ For example, here in the U.S., the average income of the top 1% (the private wealth of a few hundred families) is \$1 million per year just based on turnover in investments and not new income earned by producing anything, i.e. physical commodities. Contrast that with 80% of the population whose average income is about \$35,000 per year. The poverty line set in the U.S. is \$20,000 per year

The 'least advantaged'—as the majority of people in many wealthy societies and even self-proclaimed communist societies (i.e. China as the second largest economy in the world, which should in principle be classless)—cannot avoid the concentration of wealth in the hands of a few. The issue, however, is not so much a Marxist critique of utilitarianism but the proper set of questions to frame the issue of justice as teleology, justice as this doctrine of teleology, the leap of faith so to speak from basing the notion of 'happiness and well-being' in individual satisfaction choices and their outcomes, and then the great deferral of the immediacy of that satisfaction for the more distant satisfaction when the whole (society and its institutions) increases its happiness. The greatest good for the greatest number of people is also a number used to measure a society's happiness, say the GDP.

Let us move to Ricoeur's brilliant formulation of Rawls's difference principle and see how that contrasts with the strained mechanics of utilitarian reasoning. In principle, justice is something Rawls strives to make concrete by exposing the fallacies in thinking behind the utilitarian argument and its teleology about arriving at the 'good.' However, given our broader objective of producing a theory of international economic justice, we must bracket a departure, ironically, from Ricoeur who is rather clear about his critique of Rawls's suspect philosophical foundations. Ricoeur states "my objection seems to challenge the whole contractualist school, for which the procedural dimension must be independent of any presupposition concerning the good in a teleological approach to a concept of justice or even concerning the just in a transcendental version of deontology."²⁷ In essence, we are not concerned with Ricoeur's concerns so to speak: that Rawls is trapped within a contractualist tradition but paradoxically tries to mix it with the Kantian moral priority of individual autonomy. In this nebulous admixture, the Rawlsian maneuver conceals the fact that its 'purely procedural conception of justice' in its de-ontological character is neither concerned with the mental substance of what constitutes the good nor the objective consequence of how the good is constructed or discovered based on a moral duty to act.

for a family of four. Regardless of which taxation scheme is in place at any given time (be it Democrat or Republican), it would not be far-fetched to include the great majority (80% of the population) in the category of the 'least advantaged' even though they are slightly above the poverty line. For Rawls, the 'least advantaged' are defined as 'the lowest class with the least expectations.' See *Justice as Fairness*, pg. 59.

²⁷ *The Just*, pg. 51.

The procedural fairness of choosing principles of justice cannot admit presuppositions in advance that would determine the content of those principles, and hence the unviable and unenviable ensues: left in suspense is both the 'teleological approach to a concept of justice or concerning the just in a transcendental version of deontology.' One can say this is Ricoeur's circular quandary just as he alleges Rawls's 'circularity': once again the latter is the impossibility of separating procedural fairness in decision-making about principles of justice (that free and equal citizens would agree to in regulating a mutually advantageous approach to rational place of life for autonomous individuals) from certain philosophical presuppositions about what is good and right.

Instead, we need to appropriate Ricoeur's formulation of Rawls's difference principle and submerge back into the critique of utilitarian teleology of arriving at the good. And then we can catapult ourselves into a space of reflection that is irreducible to Ricoeur's two sets of extremes: a.) the utilitarian settling of the idea of justice in a teleological doctrine of the good for the greatest number by sacrificing immediate individual choice vs. the Rawlsian maximization of the minimum or how a distribution of burdens and benefits in unequal wealth creation will make the least advantaged better off in one scheme compared to another; b.) Rawls's procedural conception of justice, which is bereft of philosophical assumptions about the content of the good but only in a false manner, vs. the possibility of another Rawls in which procedural reasoning of choice of principles of justice in a fair way can also be grounded in Ricoeur's longing for an 'ethical foundation of justice.'

Let us reproduce the Ricoeur quote about Rawls' difference principle: We shall see below in what way Rawls's second principle of justice is diametrically opposed to this utilitarian version of justice: to maximize the minimal share in a situation of unequal shares—a rule called the maximin—differs completely from the rule of maximizing the interest of the greatest number.²⁸

Given the surfeit of attempts to analyze the difference principle²⁹, we will pause at certain moments of Ricoeur's exciting formulation to creatively expand potentialities buried in each of its segments.

²⁸ *The Just*, pg. 38.

²⁹ Major figures who come to mind are Thomas Nagel, Robert Nozick, Charles Beitz, Thomas Pogge, Brian Barry, Amartya Sen, G.A. Cohen, Joshua Cohen, Michael Sandel and Onora O'Neill.

What is given before one enters the original position to choose the principles of justice, one of which is stated here, namely the difference principle, are some fairly grand assumptions about human nature and the reality of human beings existing in any social or economic system.³⁰ One admits to the creation of unequal social and economic wealth (say 1% of the population owning 40% of the land, resources, assets and income of a country). The distribution of wealth and income may be unequal, but the *distribution of the burdens and benefits* of how that difference (wealth inequality) is maintained must be to the advantage of everyone, especially the least well-off. Moreover, this must be fair as one generation passes to the next in the fair system of social cooperation that maintains the stability of the basic structure and its agreed upon institutions, i.e. 'the just savings principle.' But unlike the sacrifice of the individual for the greater good of the whole's measurement, and therefore a principle of justice linked to a consequence that can be measured (say how much a country has consumed in a year), we have something else at a stake. Even if it is true – as many argue – that the utilitarian aggregate fails to look at different outcomes for actual individuals even after the whole's measurement is seen in terms of a certain level of happiness or well-being for everyone, the differences within the whole are not readily acknowledged. In Rawls, they are stated upfront. For Rawls, the goal is not to overcome all difference in the inequality of wealth, say the Marxist dream of a classless society and a pure distribution of everything to everyone in equal portions³¹; then again, the difference is not sublated from the individual choice of satisfaction to a whole aggregate (or 'sum total of individual welfares') in which the satisfaction of the whole makes up for the individual's deferral of immediate choice for the greater good. The Rawlsian formulation is irreducible to both as much as it is an attempted critique of both perspectives.

Returning to the complex reality buried in Ricoeur's formulation of the Rawlsian difference principle is a concept called the 'maximin.'³²

³⁰ At least since the dawn of industrialization or from the late 18th century to the globalized present.

³¹ Ricoeur cites a 'quasi-Marxist' response to Rawls's notion of distribution in the work of Robert-Paul Wolff, *Understanding Rawls* (Princeton: Princeton University Press, 1977). Another 'analytic Marxist's critique of Rawls is the work of G.A. Cohen.

³² This is not the place to go in to the extensive discussion Rawls gives to economic theories and game-theory (of that time) in *A Theory of Justice* (1971): that is how choices are made between worst outcomes assuming that one has to gamble in everyday transactions with others who may not have one's best interests at heart. Presumably the original position—in which no one is competing against one another because they do not know whose biases and interests they represent—will create the requisite procedural fairness that can lead to an agreement of principles of justice, one of which will justify social and economic wealth disparities or inequalities. See the discussion on the maximin in *A Theory of Justice*, pg. 152.

The goal is that everyone has to be better off in a distributional scheme, which admits to economic inequalities (say assets, land and income inequality). This requires a distribution of the burdens and benefits of maintaining that scheme of inequality so the least well-off are maximized, hence the maximization of the minimum, or the least equal economic share in a system of unequal shares within a whole society. This has nothing to do with law, legislation, policy or politics of how much the wealth created and retained gets taxed and how much the government must spend on entitlements (i.e. unemployment insurance) to ensure protection of the middle and working classes in cyclical economic downturns, say the one we are experiencing here in the U.S. economy. The questions that arise for us as we consider a theory of international economic justice will require further probing of this maximin, but beyond borders of national economies.³³ An intuition needs an idea to avoid blindness and an idea needs an intuition to avert boredom to recall Kant's famous phrase. Indeed we must enter into depths of our metaphysical tradition and the canon of great philosophers if a radical breakthrough or creative explosion is to occur.³⁴

³³ Of course we acknowledge that many have attempted a theory of international justice in response to Rawls. One prominent example would be Charles Beitz's 'global difference principle' and 'global redistribution principle.' See his *Political Theory and International Relations* (Princeton: Princeton University Press, 1977) and Rawls's response to Beitz in *The Law of Peoples*, pg. 115. Another would be the analytic Marxist, G.A. Cohen, whom we already mentioned, and Thomas Pogge's work on extreme poverty as a violation of a human right. Nussbaum responds to Rawls's *The Law of Peoples* in her *Frontiers of Justice* (2006) arguing that its idea of a moral obligation to developing countries, and poor women in developing countries in particular, is too limiting. Simon Caney's work on global justice is also indebted to a critical appropriation of Rawls. See his defense of cosmopolitanism in *Justice Beyond Borders* (Cambridge: Cambridge University Press, 2005). We, however, do not situate our work in any of these sectors. We want to follow through with Ricoeur's search for the 'ethical foundation of justice' and the continental philosophical apotheosis of great thinkers such as Plato and Aristotle in antiquity and Hegel in the modern age, not to mention some of the great critiques of Western metaphysics such as Nietzsche and Heidegger. It is this continental philosophical tradition that is missing in Anglo-American 'political theories of international justice.' The only contemporary continental European philosopher to enter into the Anglo-American dialogue, particularly in debate with Rawls, is Jürgen Habermas. But even he does not restructure the difference principle in any complex or original way. Instead he focuses the debate on the justifications for public reason and hence a defense of a legal, constitutional, democratic order that is well-ordered to use Rawlsian language. That debate is about the nature of political liberalism. See Rawls's *Political Liberalism* (New York: Columbia University Press, 1992). We hope to address that debate in a future work.

³⁴ To use a Heideggerian term 'ereignen'- means event, appropriation, and taking over of one's own but also through a creative destruction and total transcendental pursuit of something unthinkable or entirely other in the passage from the first beginning of Western thought to an-other beginning: this is how we would structure a penetrating phenomenological encounter with the greats that Rawls himself read- namely Plato, Aristotle, Hume, Rousseau, Kant, Hegel, Marx- before he imbibed and mounted his critique of classical utilitarianism, namely Mill and Sidgwick. But we are not pursuing truth or being, but rather a pure conception of international justice appropriate for our age and its incumbent global problems.

Within the Rawlsian domestic case, as Ricoeur notes, the economic inequality arrangement is one part of the second principle of justice, a part that is subordinate to the major part called 'fair equality of opportunity.' To reaffirm Rawls's interesting point: no matter how the benefits and burdens of maintaining a scheme of unequal wealth creation occurs, no one should be foreclosed from the possibility and life-chances of assuming positions of authority and responsibility. Inversely no one should manipulate wealth concentration and inequality to control and close off these positions of authority and responsibility. They must be held open to all and to everyone's advantage to ensure against implicit and explicit, informal and formal exploitation and hence injustice.³⁵ Wealth cannot control positions in society, and hence they are open to all. But inversely wealth inequality must exist for everyone's benefit, which means once again that everyone—regardless of where they begin in life (for society is not something they voluntarily enter into) and what resources, assets, privileges they may or may not command—should not preclude the fair equality of opportunity for everyone to go as far as they can. So unlike a completely unrestrained concentration of wealth and power, say in a purely idealistic free-market of competition where no state exists to protect or compensate or distribute, justice is procured with two basic assumptions: people live in a scheme where the distribution is to everyone's advantage and everyone has an equal chance to assume power whether they choose to do so or not.

It is here we can begin our departure from many discussions about how the two parts of the second principle relate- namely the fair equality of opportunity and arrangement of social and economic inequalities, or the distribution of the burdens and benefits of economic inequality maintenance conducted in a manner that is to everyone's advantage.

³⁵ The main quote Ricoeur offers from Rawls's *A Theory of Justice* on the how arrangement of social and economic inequalities is subordinate to 'fair equality of opportunity' is this: "The second principle applies, in the authority and responsibility, to the distribution of income and wealth and to the design of organizations that make use of differences in authority and responsibility, or chains of command [Whence the name "difference principle."] While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and offices must be accessible to all. One applies the second principle by holding positions open, and then, subject to this constraint, arranges social and economic inequalities so that everyone benefits." *A Theory of Justice*, pg. 61.

The quest for Ricoeur's 'ethical foundation of justice' will not take place in how the internal parts of this second principle reinforce each other, thus providing coherence to the very sense of justice embedded in Rawls's famous proposition.³⁶ Rather, 'the ethical foundation of justice' must be transferred to the domain of international economic justice, which would then require a reconfiguration of how the difference principle is structured, which for Rawls only has two components. We will add more and explain why they are necessary if a theory of international economic justice were to be considered coherent, rational, reasonable and hence justifiable.

Expansion of the eternal components of the principle of international justice for a new theory:

- Global social and economic inequalities are to be arranged so that that maximum (rich countries' wealth) is minimized but in away where the burdens and benefits that are distributed for the betterment of the least advantaged (improving poor countries' wealth to handle problems of poverty and health disparities) leave open the possibility of fair and equal public deliberation in a global state regarding the scope and structure of that distribution, i.e. international taxation schemes of the global financial markets or minimization or elimination of interests on debt payments for loans given to poor countries as examples.

³⁶ In other words, we do not want to get into the issue of how Rawls justifies income inequality in way that everyone benefits because the priority is fair equality of opportunity, which keeps open the opportunity for people to succeed in life rather than forcing people to maximize upwards indefinitely; the latter can occur by creating enormous wealth like a driven entrepreneur (i.e. Bill Gates) or an ambitious politician who seeks to become president (i.e. Mitt Romney). We are also not concerned with how the distributional arrangement of social and economic inequalities occurs in which we can measure how everyone is better off, which require the maximization of the least well-off's unequal shares. For us, that is speculative and would veer towards the consequentialism that Rawls refuses to engage. Rather, Rawls cares about the principles of justice to regulate the institutions of the basic structure of society construed as a fair system of social cooperation based on mutual advantage. Furthermore, all citizens have the free and equal opportunity to exercise their 'moral powers' ('sense of justice and conception of the good') while publically recognizing the validity of the mutual enterprise they all live by, namely society and its institutions. Rawls is not concerned with what types of empirical shapes societies actually take, say a Scandinavian socialist democracy like Norway.

- Global social and economic inequalities are to be arranged so that the maximum is minimized and the minimum is maximized for all countries in the middle who are not the topproducing wealthiest countries (measured by GDP and value of resources) or the bottom(measured not exclusively by GDP but indicators of least development, which includes income poverty, lack of resources, and inability to meet basic-physical-needs of citizens due to lack of governance or corruption or conflict-traps or other burdensome factors). The middle moves in a two-way direction within the scheme of global and economic inequalities in the distribution of burden and benefits so that everyone is better off- the top, the middle and the bottom.
- Rawls's classic statement about how maximization of the minimum whereby social and economic inequalities are arranged so the least advantaged are better off in one scheme vs. another and the distribution of the burdens and benefits of maintaining this economic inequality leaves open fair equality of opportunity for all nations to succeed as much or as little as they want to. Hence over time, the least advantaged (least developed nations) can move as far as they can based on how much they want to achieve (slightly better than they are now, or into the middle, if not the top).
- The relation between the three components can thereby be summarized as the minimization of the maximum (top), the two way movement of the middle (maximization of the minimum and the minimization of the maximum), and maximization of the minimum (bottom).

The objective is to work out logically how all three components relate in the fourth synthesis: this is the speculative-ideal space in which nations emerge from a global original position to decide on the structural elements of the principles of international justice that will regulate international institutions for a global state and thereby do for the globe what Rawls does for the domestic case: namely ensure a fair global system of social cooperation based on the four-way venture (top to the bottom, bottom to the top, and middle to top and middle to bottom)of intrinsic mutual advantage while adhering to the values of reciprocity, tolerance and mutual respect that can respect different outcomes *if* we were to create a global state to govern a global society. Here we must break open and expand what Rawls summarizes as the two principles of justice in *A Theory of Justice* in their fullest statement after his attempt at various formulations prior in the text.³⁷

³⁷*A Theory of Justice*, pg. 302.

However our objective is to formulate a full-blown *A Theory of International Justice*, which from the outset declares against all other positions today, the philosophical possibility of justifying the creation of a one world state and not just a cosmopolitan ethic that defines obligations of all us to all of humanity beyond the nation-states we reside in as citizens.

We conclude with Ricoeur's wonderful selection of a passage in Rousseau's magisterial *On the Social Contract* but one that neither he nor Rawls would ever dream to fulfill:

Discovering the rules of society best suited for nations would require a superior intelligence that beheld all passions of men without feeling any of them; who had no affinity with our nation, yet knew it through and through; whose happiness was independent of us, yet who nevertheless was willing to concern itself with ours; finally, who, in the passage of time, procures for himself a distant glory, being able to labor in one's age and find enjoyment in another. Gods would be needed to give men laws.³⁸

³⁸ Taken from footnote two of Ricoeur's "Is a Purely Procedural Theory of Justice Possible" in *The Just*, pg. 40. The Rousseau reference is *On the Social Contract*, trans. Donald A. Cress (Indianapolis: Hackett, 1987), Book II, chap. 7, pgs. 38-39. To master Rousseau's paradox of the legislator would not only require a point-by-point response to Rousseau's brilliant insights but an expansion of those points for the theoretical demands required to meet conditions for justifying morally and objectively the necessity of forming a one-world state. No one today is seriously entertaining that possibility, especially thinkers like Rawls or Sen. And those who speak of global justice and reforms of global economic institutions (Pogge) are not crying for a world constitution to be written to establish a world state. (One can only imagine widespread misperception of such an endeavor given the horrors of the twentieth century, i.e. Hitler's National Socialism and Stalinist Communism. Of course such an apprehension against a one-world state in that regard would be entirely justified.) And then those that continue to rely on the instruments of multilateral institutions to maintain the balance, peace and interests of nation-states, say the work of the UN, would also have to admit the risk of obsolescence if a self-sufficient, sovereign, one-world state were to form. Others may continue to believe beyond traditional international relations theories about the self-interest of nation-states vying for power, prestige, and wealth in the 'fault-lines' that separate seven or eight major civilizational groups that transcend nation-states, namely Huntington's *Clash of Civilizations*. However, we spoke of Heidegger's radical yet incomplete voyage from the first beginning to another beginning, namely the Ereignis-Event/Appropriation, the Turning of Being and a New Sense of the Truth/Un-Concealing of Being. For us, this means appropriating-turning-taking over the giants of philosophy (Plato, Aristotle, Hume, Rousseau, Kant and Hegel) for a new sense of justice—one that can justify a one world-state (and a one-world society that would contain it) in which all humans are better off.