Principles or Imagination? Two Approaches to Global Justice

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What does it mean to introduce the notion of imagination in the discussion about global justice? What is gained by studying the role of imagination in thinking about global justice? Does a focus on imagination imply that we must replace existing influential principle-centred approaches such as that of John Rawls and his critics?

We can distinguish between two approaches to global justice. One approach is Rawlsian and Kantian in inspiration. Discussions within this tradition typically focus on the question whether Rawls’s theory of justice (1971), designed for the national level, can or should be applied to the global level. Can and should Rawls’s Difference Principle be globalized, as Thomas Pogge argues? Is this proposal superior to Rawls’s Law of Peoples (1999)? Another approach to global justice has been developed by Martha Nussbaum in Cultivating Humanity (1997), Poetic Justice (1995), and other work. I will construct her view and critically examine it by looking at her arguments about the relation between empathy, literature, and global justice.

At first sight, these two approaches seem to be opposed. The former puts an emphasis on principles, universal reason, and the moral aspects of institutions and their policies, whereas the latter is rather concerned with the relation between imagination and justice, with the particular, and with the individual moral development. But is this necessarily so? I will show that both approaches could benefit from each other’s insights to strengthen their own position. Moreover, I will argue for middle way between, or an integration of the two approaches that combines principles and imagination. In this way, we can move towards a more comprehensive account of global justice.

Introduction

What does it mean to introduce the notion of imagination in the discussion about global justice? What is gained by studying the role of imagination in thinking about global justice? Does a focus on imagination imply that we must replace existing influential principle-centred approaches such as that of John Rawls and his critics?
Imagination

Let me first offer a brief summary of the discussion about imagination and morality that forms an important part of the background of this paper. During the last decades we can observe an increasing attention for imagination in moral and political philosophy. For example, imagination can refer to the projection of future scenarios, to the creation of new action options, and to empathy as perspective-shifting from the self to the other. Some use the term ‘moral imagination’ to indicate the moral importance of these functions. For instance, deliberation and judgement concerning moral issues seems to require, among other things, that we test action options in our imagination. And to the extent that deliberation is inter-subjective and social, it appears to demand that we try to understand the perspective of others by imaginatively shifting to their position.

Since many authors who argue for more recognition of imagination’s role in morality criticize principle-based or principle-centred reasoning and take a particularist or even relativist stance, we may be left with the impression that we must choose between imagination and principles. This issue touches the long-standing controversy in moral theory between particularism and universalism, and imagination and principles seem to be at opposite sides of the dividing line. Is this impression right? What is the relation between imagination and principles? The same questions can be asked with regard to the political roles of imagination. What are these roles, what do we mean by imagination, and does a focus on imagination require us to abandon principle-based reasoning or even moral foundations?

The field of inquiry I sketch here is vast, and a note on the limitation of my scope in this paper is in order. First, from all possible ways that imagination can be understood, I will select imagination as empathy. I do not understand empathy as an emotion, but rather as the capacity to shift one’s perspective to that of another person. I take Martha Nussbaum to employ such a notion in her arguments about social justice. Second, this use of the term imagination is connected in Nussbaum’s work with a different way of speaking of imagination and moral imagination: the role of literature and art in moral development. They can be understood as products of what sometimes is called the creative or productive imagination. It would be interesting to compare Nussbaum’s claims in this respect with those of Rorty, who argued for a ‘sentimental education’ (Rorty 1998), but I will limit my discussion to some remarks where appropriate. Third, I restrict my discussion of the relation between imagination and principles to the issue of global justice. Elsewhere, I offer a more comprehensive framework to think about this relation (Coeckelbergh 2007). Finally, I limit my discussion of global justice to (approaches inspired by) Nussbaum and Rawls—not only because their views are highly influential in this debate, but also and especially since I discern opportunities for comparison that allow us to get more insight into thinking about global justice and the relation between imagination and principles. There are other ways of studying this relation, For example, elsewhere I also analyse Hannah Arendt’s view of judgment, which offers another interpretation of Kantian justice (Coeckelbergh 2007). And as I said, one could also discuss Rorty’s sentimental
Global Justice

It seems that Rawls and Nussbaum stand for two distinct approaches to global justice. One is Rawlsian and Kantian in inspiration. Discussions within this tradition typically focus on the question whether or not Rawls’s theory of justice (1971), designed for the national level, can or should be applied to the global level. For example, an important question is whether Rawls’s Difference Principle can be globalized. Another approach to global justice has been developed by Martha Nussbaum in *Cultivating Humanity* (1997), *Poetic Justice* (1995), and other work. Her account of global justice emphasizes the role of empathy and literature, rather than principles.

At first sight, these two approaches seem to be opposed. The former puts an emphasis on principles, universal reason, and the moral aspects of institutions and their policies, whereas the latter is rather concerned with the relation between imagination and justice, with the particular and individual moral development. As I suggested above, the tension between these approaches is one that can be found within moral and political theory, in general. But how strong is this tension, and how strong is the tension between imagination and principles? How are they related? By focussing on the issue of global justice, I argue in this paper that the opposition between principles and imagination is weaker than may be assumed on the basis of the few connections between them that are made in the literature. I will also show how attention to imagination and its relation to principles can contribute to a better understanding of the issue of global justice.

First, I will outline the two approaches to global justice. I will sketch the positions in this debate, including Rawls’s own proposal in *The Law of Peoples* (1999), and I will construct and critically examine Nussbaum’s position by looking at her arguments about the relation between empathy, literature, and global justice.

Second, I will offer the outcome of my own efforts to close the apparent gap between principles and imagination, which rests on an interpretation of the contractarian model. I will argue that the Rawlsian original position is a procedural tool that involves the use of imagination. I will also draw attention to Rawls’s notion of a ‘realistic utopia’ in *The Law of Peoples* and to the role of imagination in Pogge’s cosmopolitan development of Rawlsian contractarianism.

Third, I examine Nussbaum’s recent work *Frontiers of Justice* (2006), in which she argues for her capability approach and against the contractarian approach. I will show how her arguments both support and undermine my proposal to start from the contractarian side and work my way up to the imagination side; and how her capability approach puts the workload on principles, aided by imagination.

Fourth, I discuss some remaining problems related to the tension between universalist and particularist accounts of ethics.
Finally, I conclude that rather than seeing principled approaches as the enemy of imagination-based approaches, thinking about global justice is served better by an account of the precise relationship between imagination and principles.

Note that although my focus in this paper is on global justice, my arguments about the relation between imagination and principles are not restricted to the global level but are also relevant to broader discussions of justice.

The Contractarian Approach

The most influential theory of justice on the level of the nation-state takes a contractarian approach. In his famous work *A Theory of Justice* (1971) John Rawls presents a conception of justice that stands firmly within the social contract tradition. The idea is that the principles of justice for the basic structure of society 'are the principles that free and rational persons concerned to further their own interests would accept in an initial position' (Rawls 1971, p. 11). 'Just as each person must decide by rational reflection what constitutes his good [...], so a group of persons must decide once and for all what is to count among them as just and unjust' (Rawls 1971, pp. 11–12). Thus, the original position is a hypothetical situation, corresponding to the state of nature in traditional contract theory, which leads to a certain conception of justice. Rawls describes the features of this hypothetical situation as follows:

> no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. [...] The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to design to favour his particular condition, the principles of justice are the result of a fair agreement or bargain. [...] This explains the propriety of the name of 'justice as fairness': it conveys the idea that the principles of justice are agreed to in an initial situation that is fair. (Rawls 1971, p. 12)

Since its publication, Rawls’ theory of justice as fairness has received much discussion and criticism, and I do not intend to present a comprehensive overview of its reception history here. I wish to draw attention to three features of Rawls’ theory. First, the principles rational persons would accept are the principles for the basic structure of a society. They are not designed for the global level. Secondly, the decision in the initial situation is made by rational persons concerned to further their own interests. Thirdly, the principles are chosen behind a veil of ignorance that is meant to ensure what is often called ‘impartiality’. The fairness of the initial position derives from this impartiality, since the veil of ignorance is designed to exclude the choice of principles to one’s own advantage.

For thinking about global justice, then, Rawls’s procedural model can be, and is, a fertile source of inspiration. There are at least two ways to proceed. The most obvious way is to think about using the Rawlsian procedure, including the original position, on a global level. Thomas Pogge chooses this route. He argues for a global difference
principle. The application of the procedure on a global level would deliver a principle of justice that ‘assesses alternative global economic orders in terms of their distributive effects, just as his [Rawls’s] difference principle assesses alternative ways of structuring a national economy’ (Pogge 2001, p. 16). Surprisingly, Rawls himself has rejected such a principle or the global application of his difference principle. His resistance to such an outcome is directly related to his rejection of applying the procedure on a global level. In contrast to Pogge and others, he has proposed a two-step approach, which restricts the justice-as-fairness procedure to the national or societal level and looks at global justice in a different way. His ‘Society of Peoples’, as described in The Law of Peoples (1999), is shaped by free bargaining, not structured by an ‘international analogue to a democratic process’, which would allow people to restructure the order if it favours the rich too much, as Pogge demands. While Rawls at national level—with his difference principle—refuses to assign the sole responsibility for poverty to the individual alone, he does suggest, on a global level, that each society should take care of itself, that it should bear ‘sole responsibility for its own place in the economic rank-order’ (Pogge 2001, p. 16). Such a view is as controversial as Pogge’s. In discussions about distributive global justice, then, there are at least two camps. As Wilfried Hinsch expresses it in his essay ‘Global Distributive Justice’ (Hinsch 2001)

There are two opposed views as to the appropriate domain of principles of distributive justice. On the first view, distributive justice is an exclusively domestic idea, regulating social and economic inequalities within states or societies. […] John Rawls develops a view of this kind in his The Law of Peoples (1999). On the second view, principles of distributive apply irrespective of national borders, directly and primarily to the global community of world citizens at large . . . (Hinsch 2001, p. 55)

The latter view has been called ‘cosmopolitan’, the former ‘nationalist’, and there is an ongoing discussion about them. I am sympathetic to the cosmopolitan position, but I do not argue for it in this section. Here, my point is that neither of these contractarian positions seem to involve anything like imagination. They are an example of principled moral reasoning. The procedures are designed to lead to moral principles as an outcome. Problems with this approach are typically seen as problems of justification of principles (the procedure) or the application of principles (those gained by means of the procedure). While Rawls and his cosmopolitan critics may be prepared—in principle—to acknowledge imagination’s role (I will provide a charitable interpretation of Rawls and Pogge below to show that they can), they fail to do so explicitly. Imagination is simply not on the menu.

Nussbaum I

A very different approach to global justice has been offered by Martha Nussbaum. Unlike her contractarian opponents, she explicitly considers the role of imagination in relation to global justice. With imagination Nussbaum mainly refers to our capacity for empathy. Let me explain what she means by empathy and how the exercise of this capacity relates to global justice.
In *Upheavals of Thought* (2001) Nussbaum defines empathy as the ‘imaginative reconstruction of the experience of the sufferer’ (Nussbaum 2001, p. 327). For example, we may imagine the suffering of someone who is in pain. Following Nussbaum, we can further clarify empathy by distinguishing between empathy and identification, by distinguishing between empathy and compassion, and by asking the question whether empathy is morally neutral.

First, imagining the sufferer’s experience does not mean that we become the other. Although she allows for the possibility of a kind of mysterious fusion of responses and a removal of the distinction between me and the other (she takes Schopenhauer to hold such a view), she argues that most of the time empathy is comparable to acting—involving ‘the participatory enactment of the situation of the sufferer’ (Nussbaum 2001, p. 327). In most cases, then, we are very well aware of the difference between ourselves and the sufferer—there is no identification. For example, if I imagine someone suffering, I know that I am not the one who suffers (Nussbaum 2001, p. 327).

What is wanted, it seems, is a kind of ‘twofold attention’, in which one both imagines what it is like to be in the sufferer’s place and, at the same time, retains securely the awareness that one is not in that place. (Nussbaum 2001, p. 328)

Secondly, we can use empathy without (feeling) compassion. Nussbaum offers the example of an empathetic torturer who enjoys the suffering of the victim without feeling any compassion (Nussbaum 2001, p. 329).

Thirdly, this example also shows that empathy is value neutral (Nussbaum 2001, p. 331), but—according to Nussbaum—not completely. Nussbaum argues that ‘if I allow my mind to be formed into the shape of your experience, even in a playful way and even without concern for you, I am still in a very basic way acknowledging your reality and humanity’ (Nussbaum 2001, p. 333).

Empathy, then, appears to be something we should cultivate if we want to become morally better persons (even if it may not be sufficient for moral excellence, as the empathetic torturer example shows).

Nussbaum is famous for her view that literature can help us cultivate this function of the imagination. Why literature? In *Poetic Justice* (1995) she argues that literature stimulates the active emotions and imagination of the reader (Nussbaum 1995, p. 5). She chooses the novel, in particular, since she sees it as ‘the central morally serious yet popularly engaging fictional form of our culture’ (Nussbaum 1995, p. 6). Nussbaum discusses novels (for example from Dickens’s *Hard Times*) to argue that literature forces us to consider the other. ‘Others’ includes strangers, people who are not similar to ourselves. We come to understand that others are different and similar, and get the insight that we are all vulnerable. Circumstances may change, and (I infer) since we consider that we may end up in a position similar to that of the other, we care more for them.

How can this notion of empathy and its relation to literature shed light on thinking about global justice? In *Poetic Justice*, Nussbaum claims that the literary imagination is ‘an essential ingredient of an ethical stance that asks us to concern ourselves with the
good of other people whose lives are distant from our own’ (Nussbaum 1995, p. xvi), and that, therefore, cultivating this imagination is ‘an essential bridge to social justice’ (Nussbaum 1995, p. xviii).

In a similar vein, Nussbaum argues, in *Cultivating Humanity* (1997), for empathetic world citizenship. Empathy allows us ‘to comprehend the motives and choices of people different from ourselves, seeing them not as forbiddingly alien and other, but as sharing many problems and possibilities with us’ (Nussbaum 1997, p. 85). Thus, if global justice requires the kind of ‘ethical stance’ described above, it appears that our thinking about global justice will be more adequate if we use our capacity for empathy to understand people of different religion, gender, national origin, etc. She refers to Rousseau’s *Émile* (1762) to argue that education can help us to acquire the right kind of attitude: it can make us aware of the contingency of life and our own vulnerability. ‘Rousseau argues that a good education, which acquaints one with all the usual vicissitudes of fortune, will make it difficult to refuse acknowledgement to the poor or the sick, or slaves, or members of lower classes. It is easy to see that any one of those might really have been me, given a change of circumstances’ (Nussbaum 1997, p. 92).

In *Cultivating Humanity*, Nussbaum further develops her argument that reading literature is a way of cultivating empathy and furthering global justice. Literature ‘can transport us, while remaining ourselves, into the life of another, revealing similarities but also profound differences between the life and thought of that other and myself and making them comprehensible, or at least more nearly comprehensible’ (Nussbaum 1997, p. 111). Stories can show the dependence of our well-being on a change of circumstances. Nussbaum gives examples from ancient Greek tragedy and from modern novels. Literature can give a voice to outcast or oppressed people. Using the metaphor in Nussbaum’s quotation of Walt Whitman’s poem *Song of Myself* (Nussbaum 1997, p. 96), we may express this function of literature as one that allows us to hear the voices silenced by injustice. The imaginative activity of author and reader promotes ‘awareness of need and disadvantage, and in that sense gives substance to the abstract desire for justice’ (Nussbaum 1997, p. 97). Literature allows us the access to the minds of ‘people who seem alien and frightening’ (Nussbaum 1997, p. 98)—it enhances our capacity for openness and responsiveness.

Let me summarize my construction of Nussbaum’s argument as a view of global justice. Cultivating our capacity for empathy is essential for achieving the right kind of ethical stance that furthers (our thinking about) global justice, since this cultivation helps us to understand how others are different and similar to ourselves, and promotes our openness and responsiveness to voices from outcast and oppressed people.

**The Imagination Trick (One Way to Close the Gap)**

As they stand, the contractarian approach and Nussbaum’s approach seem to be very different. If I want to defend a cosmopolitan position on global justice, it seems that I have to either engage in discussions of the justification and application of principles, or focus on the question how we can become empathetic cosmopolitans. But is this a
dilemma? Do these approaches exclude each other? In a weak way, of course, they do not. For example, I could claim that we need an account of a global original position, that the outcome of that procedure is the difference principle, which should be applied globally. At the same time, I could defend the normative claim that we should all become more empathic, that the world would be a better—here, more just—place, if we developed and exercised this capacity. This ‘parallel’ solution does not suppose any connection between the two approaches, except in the outcome (more justice). Then, there is no dilemma in practice, but thinking about justice remains divided, polarized by the ‘principles versus imagination’ ordering power. Is a stronger connection between the two approaches, and between principles and imagination, thinkable? I believe I can show that such a strong claim is defensible.

One way to close the gap between the two approaches is to re-interpret the contractarian method of justice as an imaginative exercise in the justification and application of principles. I will show how the Rawlsian procedure and the application of its outcome crucially depends on the use of imagination. I will also discuss imagination in relation to Rawls’s notion of a ‘realistic utopia’ and Pogge’s defence of cosmopolitanism.

**Imagination and the Original Position**

If we consider the original position, so central in the Rawlsian procedure, the gap between Rawls and Nussbaum seems at first sight unbridgeable. Nussbaum’s ethical stance requires concrete, substantial engagement, it is directed to particular people with particular needs. The person is involved with the particular circumstances of the other. Empathy enables one to hear the voices of particular people. And the outcome of thinking from this ethical stance is not a set of abstract principles, but direct action in the form of support for their needs. In Rawls’ approach the justice exercise, in the original position, leads to a set of abstract principles. Furthermore, Rawls designs the original position to allow detached attitudes only: the persons are detached from particular circumstances, they should not take into account particular people at all. Whereas empathy allows us to gain knowledge of the other and his/her situation, the veil of ignorance seems to prevent this. You do not know your own position or that of others. Nussbaum seems to argue to remove the veil that separates us from others, Rawls appears to promote such a veil.

Despite this apparent divergence, however, the basic ethical intuitions that support the two approaches are surprisingly similar. Both approaches (Rawls and Nussbaum) contain the thought that what fuels the person’s motivation for designing fair principles or for helping people in need is the idea that I could be, or could have been, in a different social position, that my well-being is highly contingent. This is fundamental to Rawls’ concept of the veil of ignorance and its implications for the principles of justice—I could end up as a beggar, therefore, I will maximize the worst off position. This shows that the veil of ignorance is not really about ignorance but supposes that I am aware, that I have knowledge of, the contingency of life in general—in abstracto, and this knowledge I can only get through using my imagination—in concreto.
I imagine how it would be to be a beggar. I use my capacity for empathy. Here Rawls ‘meets’ Nussbaum (at least partly). So ‘before’ I can do, or in order to do, the ‘veil of ignorance’ exercise, I have to construct, create a global social world, and ‘then’ I can draw the veil. First knowledge through partial imagination, then impartial ignorance. Contingency awareness is at the heart of both approaches. Through the employment of my imagination, empathy, I become aware that my life could have been the life of that beggar. By reading, I construct an imaginary world, which allows me the knowledge of the contingency of life in general, and of the particular misfortunes of this or that person. Thus, both Nussbaum and Rawls recommend the following method for deciding about abstract principles of justice (Rawls) and about whether or not to help people in need, relieve concrete injustices—construct, with your imagination, a possible world similar to our own, with many differences between people (economic position, genetic, gender, etc.) and put yourself in the shoes of the worst off. Feel what this person feels. Become aware, also, that you could be in that position. Now, having done this exercise, return to the real world—which principles of justice do you recommend? And are you going to do something to relieve suffering brought about by injustice? The practical results of this method, the actions of the agent, may well be the same as what a Nussbaumian may end up with. An important difference is that Rawls’s free rational agent ends up with abstract principles by which to structure society (that’s the outcome of the process on the rational—theoretical level), whereas Nussbaum’s world citizen will feel compassion and try to do something concrete about concrete, particular circumstances of persons (that’s the outcome on the emotional—practical level). These are two different approaches to justice, but the end-result in terms of motivation is the same. This end-result can be put in abstract terms—I am motivated to maximize the position of the worst-off when designing principles for a just society—or in concrete terms—I feel compassion for this person and am motivated to help him or her. Both ways do not contradict each other. The consequence of the one is that I am motivated to change the structure of society by principles, the consequence of the other is that I am motivated to help people in concrete circumstances. The first way motivates me in an abstract, formal way. The second way motivates me in a substantial, concrete way. Furthermore, both ways provide not only a motivation but also a justification for action. The outcomes in terms of motivation and action are the outcomes of one method to think about social justice, one that relies heavily on the use of imagination—we are asked to construct a global world with many social positions, including that of the worst-off, this makes us aware of our own social contingency, and this eventually motivates and justifies us to direct our attention to the worst-off in the design of abstract principles for a just society (Rawls) and in compassionate responses to concrete needs (Nussbaum). Both approaches, then, not only meet each other in the ideas that lie at the heart of their method, but also in the outcomes—both thinking about principles and responding to needs are core political activities. The method Rawls and Nussbaum share is essential to motivate and justify the actions of persons as world citizens.
Imaginative Application

A second way in which the gap between the two approaches can be bridged is by considering how we apply principles of justice to the real world. The difference principle, the principle of equal opportunities, basic freedoms, etc. are not supposed to remain up in the air. They have to be applied to concrete situations and concrete people. Thinking about global justice does not stop with having principles. We need to interpret them and apply them. Such interpretation and application is imaginative, in the sense that general principles do not directly tell us what to do in a given case and situation. We need to imaginatively apply them. This is one lesson we can learn from pragmatist accounts of moral imagination (Johnson 1993; Fesmire 2003), without having to downplay the role of principles, as pragmatists tend to do. The kind of reasoning I argue for here is both principled and imaginative.

This mixed account is different from the two approaches I started off with. It is no longer Rawlsian but inspired by Rawls—my description of the original position in terms of imagination is a major adaptation of Rawls. But it also departs from Nussbaum's account sketched above, which I shall call Nussbaum I. Nussbaum I wants to do the job without principles, whereas I suggested an account of global justice (and indeed national justice) that is both imaginative and principled. Whereas, Rawls needs imagination, Nussbaum needs principles. Nussbaum I, by itself, is insufficient as well. I believe this is, so far, at least three reasons.

First, if empathy itself is morally neutral, we need a criterion for justice that is not neutral. Empathy alone may be necessary but not sufficient for global justice. This argument is supported by the case of the imaginative torturer, but also by the case of someone who is empathic at one moment, for example, when seeing a suffering person on TV and totally indifferent at another moment. Empathy is simply not enough. Second, theories of moral sentiment such as Nussbaum's but also Adam Smith's face the problem that they are unable to solve the tension between partiality (empathy for this particular person) and impartiality (the figure of the judicious spectator). I suggest that one way to deal with this tension is to have principles next to empathy to avoid radical partiality. If empathy alone were to govern our relations to strangers, we may become very partial towards those we do (not) empathize with. Principles are needed to ensure impartiality. Furthermore, principles are needed to guide the work of institutions. Let me unpack these claims. While imagination as empathy can generate a general sensibility that can motivate people to care for others and that can make them sensitive to injustice, the justification of policies cannot rely on empathy alone. For example, resources for aid that international governmental and non-governmental organizations have are usually limited (often too limited, arguably). This means that choices must be made who to help first. Empathy can help here but can also be misleading. For example, the suffering of some people is shown by the media, but others remain 'off screen'. Imaginative empathy relies on the information, images, memories, and experiences that are available to us and in our culture. In the past, complete categories of people (slaves, women, etc.) have been excluded from empathetic attention, since they were not on the 'screen' of humanity. Those who
ruled the world were unable to imagine that they were humans, people like themselves. Principles such as equality based on membership of the human species can correct such narrowness of vision. Imagination can be a means to overcome such narrowness, but it can also be limited by other factors. If our reasoning and our actions are guided by both principles and imagination, it is likely to be more just. Third, Nussbaum needs a criterion to distinguish between literature (and, for that matter, TV programs, videogames, websites, etc.) that is or is not suitable for the cultivation of empathy and global justice. Again, this is possible by means of principles.

Though not in response to these objections, Nussbaum has turned to principles in her recent work in which she further develops her version of the capability approach.5 I will discuss that work in the next section.

A Realistic Utopia or Cosmopolitanism? Imagination in the Discussion Between Rawls and Pogge

Above, I already referred to the debate about global justice between Rawls and cosmopolitans such as Pogge. In addition to my arguments about the role of imagination at the heart of the Rawlsian method, which are applicable to social justice in general, it is worth taking another look at some of Rawls’s and Pogge’s arguments about global justice to further highlight the role of imagination in their work.

First, in The Law of Peoples Rawls calls his Society of Peoples a ‘realistic utopia’ (Rawls 1999, p. 4): ‘The idea of this society is realistically utopian in that it depicts an achievable social world that combines political right and justice for all liberal and decent peoples in a Society of Peoples’ (Rawls 1999, p. 6). For Rawls, such a society is realistic since ‘it could and may exist’ and it is utopian since ‘it joins reasonableness and justice with conditions enabling citizens to realize their fundamental interests’ (Rawls 1999, p. 7). Rawls employs his idea of a realistic utopia to argue for his liberalism. He argues that the Society of Peoples is possible by referring to ‘four basic facts’ (Rawls 1999, p. 124), and his description of these ‘facts’ express his view of what a reasonable and liberal society should be—there is pluralism, there are different and irreconcilable comprehensive doctrines, but ‘when citizens are discussing fundamental political questions, they appeal not to those doctrines, but to a reasonable family of political conceptions of right and justice’ (Rawls 1999, p. 125) and they engage in war only in self-defence ‘or in an alliance defending other liberal or decent peoples’ (Rawls 1999, p. 125).

In so far as Rawls’s idea of a Society of Peoples is utopian, imagination obviously plays a key role—he imagines a better world, one in which ‘political injustice has been eliminated’, which he thinks will terminate ‘the great evils of human history’ such as unjust war and oppression (Rawls 1999, p. 126). In so far as his idea is realistic, cosmopolitans may say that his idea is too unimaginative. This critique is partly justified, given for example his refusal to have a global difference principle. But if we interpret his realistic strand as a defence of the ideals of liberalism, as a normative position, it must be granted that this view involves some use of imagination—Rawls’s
Society of Peoples does not exist yet. His realism cannot be separated from his utopianism, which implies that imagination plays a role.

Second, in *World Poverty and Human Rights* (2002) Pogge defines radical equality by reference to five conditions. The third condition reads as follows: ‘The inequality is impervious: it is difficult of impossible for the worse-off substantially to improve their lot; and most of the better-off never experience life at the bottom for even a few months and have no vivid idea of what it is like to live in that way’ (Pogge 2002, p. 198). An in a later article with the same name in *Ethics & International Affairs* (2005) he says

> That world poverty is an ongoing harm we inflict seems completely incredible to most citizens of the affluent countries. We call it tragic that the basic human rights of so many remain unfulfilled, and are willing to admit that we should do more to help. But it is unthinkable to us that we are actively responsible for this catastrophe. (Pogge 2005, p. 1)

How, then, should we get a ‘vivid idea’, ‘think about the unthinkable’ (Pogge 2005, p. 2) and take steps to reduce poverty? I propose to see this problem as a problem of imagination. In his *Émile* (1762) Rousseau argued that the rich and powerful are so hard towards the poor since they believe that they could never be in their position. But he thinks this belief is false. Therefore, he recommends the following education.

> Make him [*Émile*] understand well that the fate of these unhappy men can be his, that all their ills are there in the ground beneath his feet, that countless unforeseen and inevitable events can plunge him into them from one moment to the next. […]

> Let him see, let him feel the human calamities. Unsettle and frighten his imagination with the perils by which every man is constantly surrounded. (Rousseau 1762, p. 224)

Nussbaum also refers to this passage (Nussbaum 1997, p. 93) and approves of this solution. I believe it provides a helpful way to further develop Pogge’s cosmopolitan position. If Pogge is right that the problem is that people have no vivid idea of what it is to live ‘at the bottom’, they should be more imaginative. An appropriate education can help to ‘unsettle and frighten’ their imagination, as Rousseau puts it. This solution is congruent with my re-interpretation of the Original Position—to realize the contingency of one’s life and position with the help of imagination is of central importance to how we should reason about global justice.

### Nussbaum II (Another Way to Close the Gap)

In her recent book *Frontiers of Justice* (2006), Nussbaum has developed an account of global justice that she presents as an alternative to the contractarian approach. She identifies three problems of social justice that are difficult to solve for Rawls’s contractarian theory—doing justice to people with physical and mental impairments, extending justice to all world citizens, and doing justice to animals. Her project is to show that these problems cannot be handled by applying Rawls’s theory, but that we need an alternative theory—the capabilities approach, which offers ‘promising insights,
and insights superior to those suggested, for those particular problems, by the social contract tradition’ (Nussbaum 2006, p. 5). The account Nussbaum offers in this book is more systematic than her observations about the relation between empathy, literature, and global justice made in her earlier work (Nussbaum I, see above), and it relies on principles rather than imagination and moral sentiment alone. I will show now how Nussbaum II is another way to close the gap between imagination and principles.

First, in Frontiers of Justice Nussbaum offers many arguments against the contractarian approach. Let me summarize some of them. According to Nussbaum, the contractarian idea that principles of justice are the principles that free and rational persons concerned to further their own interest would accept in an initial position of equality (Rawls) is ill suited to the three problems. It means that people with disabilities and non-humans are omitted from the contract (Nussbaum 2006, pp. 15–17). Since the contract is made among rational human adults, there is no room for other human and non-human creatures (Nussbaum 2006, p. 21). Moreover, the contract model ‘is typically used to construct a single society, which is imagined as self-sufficient and not interdependent with any other society’ (Nussbaum 2006, p. 18). Contractarians pose the question of issues of justice between nations derivatively only. Moreover, there is no equality on a global level. According to Nussbaum, a contract for mutual advantage does not guarantee that we would include agents whose contribution to overall well-being is low, such as extremely needy nations (Nussbaum 2006, p. 20). On the contrary, ‘we do not need to cooperate with people who are much weaker than the normal case, because we can simply dominate them, as we now dominate non-human animals’ (Nussbaum 2006, p. 61). Thus, the problem with the contractarian theory with regard to the three problems is that the parties of the social contract are seen as free, equal, and independent, and that mutual advantage is the purpose of social cooperation (Nussbaum 2006, pp. 28–34). These conditions exclude people who are ‘not normal’ and non-human, and exclude cooperation with people and nations that is not to our own advantage. Nussbaum concludes that we need alternative theories (Nussbaum 2006, p. 25) and offers the ‘capabilities approach’ as an alternative.

Second, that capabilities approach is not so much imagination-based, but competes with the contractarian approach by means of principles. The capabilities approach has been developed by Nussbaum and Amartya Sen. In Sen’s economic version, it rejects the utilitarian method of comparing countries in terms of their Gross National Product (GNP) and other measures such as GDP that look at the overall wealth and development of a nation. Rather, Sen measures the quality of life between people on the basis of human needs and corresponding entitlements. In Nussbaum’s version, is a normative philosophical account of ‘core human entitlements that should be respected and implemented by the governments of all nations, as a bare minimum of what respect for human dignity requires’ (Nussbaum 2006, p. 70). To define the bare minimum, Nussbaum identifies a list of central human capabilities: life, bodily health, bodily integrity, senses/imagination/thought, emotions, practical reason, affiliation, other species, play, and political and material control over one’s environment (Nussbaum 2006, pp. 76–78). Nussbaum holds that these capabilities are
entitlements, and that they should become the source of political principles for a liberal pluralistic society. The social goal should be to get people above the capability threshold. She believes that the capabilities 'can become the object of an overlapping consensus among people who otherwise have very different comprehensive conceptions of the good' (Nussbaum 2006, p. 70). According to her, the overlapping consensus is possible since there is no reliance on 'metaphysical and epistemological doctrines [...] that would divide citizens along lines of religion or comprehensive ethical doctrine' (Nussbaum 2006, p. 163).

The capability approach is principled but very different from Rawlsian contractarianism, since it is not procedural but outcome-based. There is no hypothetical initial situation. Rather, it starts 'with an intuitive grasp of a particular content, as having a necessary connection to a life worthy of human dignity' (Nussbaum 2006, p. 81) and then seeks the political procedures that will best achieve that result (Nussbaum 2006, p. 82).

The capability approach [takes the value of people's opportunities to live good lives to be primary, and the account of political justification to be posterior to an account of what makes lives in accordance with human dignity possible (Nussbaum 2006, p. 154).

This allows for historical and circumstantial variation in procedural and institutional arrangements. But 'justice is the outcome, and the procedure is a good one to the extent that it promotes this outcome' (Nussbaum 2006, p. 82). Furthermore, this approach insists on a plurality of elements that constitute a life with human dignity, which implies that there is also a plurality of social entitlements (Nussbaum 2006, p. 84).

Third, there is a link between Nussbaum II and Nussbaum I, but this link is underdeveloped in *Frontiers of Justice* (I believe she will do that in her next book). At some points in the text, she refers to the role of compassion and imagination. She does suggest some combination of principles and imagination, but not in the way I have proposed above. But rather than starting from the contractarian position, she rejects that position and presents her view as an alternative. Let me unfold this point by looking at what she says about compassion and imagination.

According to Nussbaum, we feel compassion for people who suffer capability failure not as a constraint on the pursuit of self-interest, but as part of our own good (Nussbaum 2006, p. 91). She follows Aristotle’s idea that ‘a strong commitment to the good of others is a part of the shared public conception of the person from the start. The person [...] cannot imagine living well without shared ends and a shared life’ (Nussbaum 2006, p. 158). In this way Nussbaum connects her capability approach to her stress on the role of imagination and compassion in earlier work. She calls for a scheme of moral education to extend such sentiments. However, she also highlights that the political principles of the capability approach are not based on these sentiments alone. Rather, they are supported independently by her argument about human dignity.
We do not try to generate principles out of compassion alone, but, instead, we seek to support them and render them stable through the development of a compassion that is attuned to the political principles for which we have argued. (Nussbaum 2006, p. 91)

Furthermore, Nussbaum stresses the role of imagination in applying the capabilities approach. Again she follows Aristotle:

One aspect of the Aristotelian type of method that is not emphasized in Rawls's discussion is its use of the imagination. Frequently we inform ourselves about alternative possibilities by imagining the form of life that these possibilities would construct, asking ourselves what suffering or flourishing there would be in lives governed by these political principles. Rawls's Original Position requires such an exercise, since the parties must take the measure of life opportunities in the different social positions they construct for people. Such imaginings will not be used uncritically; always they are held up against both theories and considered judgments. And yet they can often inform us, as we consider what is at stake in the choice to follow a theory, or to revise one of our considered judgments. (Nussbaum 2006, p. 353)

This argument seems to support the position I tried to defend above, that is, one which assigns a role to both principles and imagination by re-interpreting the Rawlsian procedure as requiring imagination. Still, it is different since, on the whole, Nussbaum prefers her capability approach as an alternative rather than adapting the Rawlsian approach. She starts from principles, rather than from a procedure that is supposed to produce them.

I believe we should not reject the procedural approach very quickly (although quick is the last one can say of Nussbaum's elaborate arguments). One strong objection to Nussbaum's position in Frontiers of Justice is that she underestimates the difficulty of reaching a consensus on the list of capabilities and entitlements she offers. The advantage of a procedural approach as opposed to her 'outcome-based' approach is that the contractarian principles are the outcome of something (of a procedure). In the final analysis both approaches rest on intuition, as Nussbaum recognizes, so that is not my criticism, but the advantage of contractarianism is that it manages a 'thinner' approach—procedures are always thinner than outcomes. Although this is no guarantee for wide acceptance, and although a procedural approach may not be the only way to meet the need for a thinner approach, a consensus on a procedure seems to me more likely than on a list of principles, which are always a little 'thicker'. Nussbaum claims that the entitlements can be the object of an overlapping consensus among citizens who otherwise have different comprehensive views (Nussbaum 2006, p. 163), but such comprehensive views do play an important role not only in the interpretation and application of the entitlements she proposes, but also in their acceptance.

A further advantage of the procedural, contractarian approach is that it manages to avoid the issue of real-world consensus by making a distinction between the virtual, imaginative exercise of the procedure, on the one hand, and the real-world problems of justice, on the other hand. I believe that the contractarian approach can be saved if we take seriously the important distinction between 'by whom' the principles of justice
are made and ‘for whom’ they are made, suggested by Nussbaum in the beginning of her book (Nussbaum 2006, p. 17). Disabled people, people from developing countries, and animals could be included in the ‘for whom’ category. But who is in the ‘by whom’ category? I propose to interpret that contractarian idea as follows. The ‘by whom’ of the Original Position is a virtual category and subject, it does not refer to real persons. The procedure could be executed by one single person, or rather, it is a part of what we are. With a Kantian twist, we could say that it is the reasonable part of us that realizes that we could all have been in a different position, and that, therefore, it is reasonable and morally just to maximize the position of the worst-off. The virtual agent uses her imagination and projects herself in various social positions, including the worst-off. Such agent also looks at herself and realizes that she is vulnerable too. This vulnerability awareness is the epistemological basis for the principles of justice. Nussbaum mistakenly interprets the original position as a real rather than a virtual procedure. I suggest that we interpret the contractarian theory as an expression of the core of Kantian moral theory—the categorical imperative. That, too, is a procedural device. The contractarian virtual subject asks herself if she could will that people who, by no choice of their own, are in a worse position, should stay in that position. And the principles ensure that we can all live together—in the real world. But there is a veil between the real and the virtual. If this interpretation is sound, Nussbaum confuses the real, political living together problems of justice with the virtual, procedural, and moral solution (principles). This is the moral core of the Rawlsian procedure we need to save. Here, too, an intuition (a moral intuition) lies at the basis of the procedure and its outcome, and here, too, it is human dignity.

Note that the term ‘position’ is to be measured by a plurality of criteria. It is a merit of Nussbaum’s approach that she measures positions in other terms of wealth or income alone. This is a valuable insight, which should be used to adapt the contractarian approach.

Some Remaining Problems

Any defence of a ‘middle way’ exposes itself to objections that attempt to push it back into one of the two extreme positions. My proposal is no exception, as it positions itself on the battlefield in ethical theory between universalism and particularism. It is impossible to intervene in this long-standing philosophical debate without receiving objections from both sides. Given my attempt to save Rawlsian contractarianism in this section, I need to pay particular attention to possible criticism from the particularist side. First, one may criticize the Original Position procedure for being monological: even if it is interpreted as requiring imagination, the assumption remains that this imaginative exercise can be carried out by one single person. But why is this a problem? The Kantian Rawlsian could argue that the monological procedure of moral justification has to be separated from real existing dialogical political discussions. But this, secondly, is part of the particularist’s criticism—the procedure is too remote from real existing problems of particular people. Moreover, the contractarian model assumes a Kantian conception of self or personhood, and it remains unclear if
and to what extent such a conception is tenable given the modifications I have made. My response to these criticisms is twofold. First, by considering the role of imagination in the Original Position, I have made room for attention to particular needs in the way explained above. I admit that this has not completely solved the tension between universalism and particularism. More thinking is needed to work out the exact relation between imagination and principles, and between the universal and the particular. I also need to further inquire into what kind of model of the self or the person is needed in the approach to justice I proposed. Secondly, the objection against the monological character can be met by turning to an interactive model, as Habermas has proposed. In many ways Habermas’s work can be seen as an attempt to reconcile universalism with particularism, and principles with imagination, and this proximity to my project deserves further work. However, at first sight it seems to me that the Kantian and universalist side of the Habermasian solution is equally vulnerable to the objections from those who believe that particular problems can only be tackled by a particularist ethical theory. In this paper I have offered an argument that weakens such a position, without claiming that my suggestions about the relation between imagination and principles do not stand in need of further improvement and development.

Conclusion

I started this paper with a description of two approaches to global justice, the contractarian approach and the approach taken by Nussbaum I. At first sight, these approaches seemed opposed to one another, reflecting a tension between the role of imagination and the role of principles in moral reasoning. I have argued that this impression is false, that the two approaches should not be regarded as constituting a dichotomy. For that purpose, I offered my own interpretation of Rawlsian contractarianism and discussed Nussbaum’s earlier and recent work on global justice. I have shown that rather than being opposed to each other, principles need imagination and imagination cannot do without principles. The principled Rawlsian approach (and the cosmopolitan arguments responding to it) turned out to be an exercise of the imagination as a procedure to arrive at principles of justice. I have also pointed to other roles of imagination in Rawls and Pogge. And Nussbaum’s principled capabilities approach can be usefully interpreted and further developed as a comprehensive answer to the insufficiency of her one-sided empathy-based approach. We may want to start from principles (outcome), or we may want to work towards principles (procedure), but in both cases we cannot do without imagination. I have also argued that there is no reason to give up the contractarian approach if we imaginatively rethink it so as to account for a role of imagination. It is also worth keeping in mind Nussbaum’s point that human dignity depends on a variety, a plurality of human good(s) that is not limited to income or welfare—although it would be great if we could ever reach that minimum for all human beings. Furthermore, I discussed some remaining problems with finding a ‘middle way’ between the two approaches and with my particular conception of such a middle way. Moreover, my arguments in the course of the paper
seem to support more than a middle way. Perhaps we should consider not a middle way between, but rather an integration of both approaches. Of course, this option faces even more difficulties. More thinking is needed to better cope with the tension between universalism and particularism that shapes much of the background of the ‘imagination versus principles’ problem. But I believe this makes the discussion about global justice all the more interesting. Finally, although I recommend a middle way or one integrative approach as the way forward in this particular discussion, I hope that there will always be more than one or two approaches to global justice. But, whichever approach is chosen, thinking about the role of imagination and its relation to principles is one of the challenges it faces.

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Notes

[1] Fesmire (2003) and Johnson (1993) argue against Kant, Nussbaum defends what she calls ‘the priority of the particular’ (Nussbaum 1990), and Rorty combines relativism with a defence of a ‘sentimental education’ (Rorty 1998).


[3] In ‘Human Rights, Rationality, and Sentimentality’ (1998) Rorty has argued that human rights are better served by appealing to emotions than reasons. He proposes a ‘sentimental education’, which enhances our ability to see other people as belonging to the same moral community. He writes that ‘most people are simply unable to understand why membership in a biological species is supposed to suffice for membership in a moral community’ (Rorty 1998, p. 178). In the light of the issue of global justice (and cosmopolitanism), this passage deserves further discussion. Rorty is right that it is not enough to tell people about biological facts; imagining oneself in the position of others (or better: imagining others in their position), and literature and art indeed does a lot to make us understand that we are all part of the same (moral) world, that others are all ‘people like us’ (p. 176), and that they, therefore, have to be treated accordingly. Indeed, perhaps this has to be shown to people, not just ‘argued’ in the narrow sense of the word. (To make a comparison: recently one film (by Al Gore) has done more for environmental ethics than decades of good arguments by philosophers and political activists.) However, his sentimentalism appears to me a little simplistic. Surely he cannot mean that moral education is sufficient for global justice. Furthermore, as Michael Freeman argues, Rorty confuses motivation and justification (Freeman 2002, p. 56). A ‘sentimental education’ may enhance motivation, but justification does not depend on sentiment (alone). Although the line between motivation and justification may be thinner than some suppose, I think it is helpful to distinguish between them. Note that this is also a problem in other versions of sentimentalism, thus also in Nussbaum, but I suggest that her view is more sophisticated and certainly leaves more room for reconciliation with principle-based or principle-centred accounts. It certainly avoids the relativism that is connected with Rorty’s position (for example, in
Love’s Knowledge Nussbaum rejects generalism but not universalism. Finally, it is odd that Rorty urges us to concentrate on ‘manipulating sentiments’. Surely education usually involves some form of manipulation (e.g., Rousseau’s Émile), but the relationship with literature Nussbaum recommends us to have cannot be reduced to the (self?)manipulation of sentiments.

[4] This is not to suggest an equation between Rawlsian and Kantian theories. For example, Hannah Arendt offers a non-Rawlsian and non-contractarian interpretation of Kant.

[5] Nussbaum has been working on capability from the late 1980s until now.

[6] Perhaps this can be regarded as a possible interpretation of the biblical passage concerning nudity.

[7] Habermas tried this by using Mead’s idea of the ‘generalized other’, and combined this model, which relies on imagination, with a principled approach. However, I have no space here to elaborate this point.

References


