International Ethical Obligations: The Implications of the U.S. Withdrawal from UNESCO

Karen L. Keltz
INTERNATIONAL ETHICAL OBLIGATIONS:
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I. INTRODUCTION

After active participation in the post-World War II creation of the United Nations Educational, Social and Cultural Organization (UNESCO) and 39 years of involvement in that agency's activities, the U.S. officially withdrew from UNESCO on December 31, 1984. Some political observers disagree with U.S. withdrawal because it could signal the beginning of the end of the present United Nations system. Other UN observers give other reasons for their disagreement. Whether this withdrawal signals the end of the present UN system is not at issue here. Nor is the validity of the underlying reasons given for withdrawal. Instead the U.S. withdrawal from UNESCO serves as a catalyst for writing an article on international ethical obligations. This article uses the UNESCO situation to address the issue of whether nations


1. In December, 1983, the United States Department of State delivered official notice to the Director General of UNESCO that the U.S. would withdraw from UNESCO effective December 31, 1984. This decision to withdraw from a United Nations (hereinafter "UN") body was the second in recent years by the United States. In 1977, the Carter administration withdrew U.S. participation in the International Labor Organization (ILO) in protest over "politicization."

As a qualification to the 1983 announcement, the State Department indicated that the decision to withdraw would be reviewed if major changes took place at UNESCO during 1984. United States concerns articulated in a State Department report dated December 29, 1983, included politicization of UNESCO programs and personnel, anti-Western and anti-Israeli views, budget excesses and mismanagement (specifically, dissatisfaction with Director General Amadou M'Bow), and bureaucratic waste and inefficiency.

Various agencies monitored and investigated UNESCO during 1984. Despite indication of positive change and support by various U.S. organizations for continued participation in UNESCO, the State Department stood by its withdrawal announcement.
have obligations similar to those of individuals. The focus is the ethical obligation of nations to participate in UNESCO-like organizations.

The thesis of this article is that nations do have ethical obligations similar to those of the individual. One of the obligations is to help maintain peace and security, which entails involvement in the international community. Another is to advance the well-being of disadvantaged nations and poor people. Both obligations require international collaboration to further education, science, culture and other areas necessary to help make the international community a more peaceful, just and prosperous one. In the past, the U.S. (and 160 other nations) chose to fulfill these obligations through participation in the United Nations Organization (UN) and various other UN specialized agencies, including UNESCO. The UN Charter reflects the commitment of these nations to promote the following objectives: to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace . . . and, to achieve international cooperation in solving international problems of economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms . . . .”

This article argues that there is a basis for imposing ethical obligations on nations and that there are obligations that the U.S. is presently failing to fulfill because of its withdrawal from UNESCO. Because these obligations are moral obligations, there is a prima facie case to continue participation in UNESCO if no equally effective substitute exists.

Past international practice reflects a recognition of national moral rights and obligations. Since 1945, the commitment to certain moral principles has been evident in the conduct of many nations. Examination of past international involvement demonstrates the extent and the areas of that internationally shared concern.

A. PAST PRACTICE AND COMMITMENT

That human beings are inherently entitled to certain fundamental rights and freedoms is not a new idea, but that moral rights are appropriate subjects for international regulation is a relatively new proposition. From the standpoint of

2. U.N. Charter art. 1, para. 1 & 3.
3. Guide to International Human Rights Practice 4 (H. Han-
international law, questions concerning morality were once regarded as matters within domestic jurisdiction. While there were a few inroads into international human rights questions prior to World War II, most of what we now regard as the law of rights has emerged since 1945.

After World War II the United States became a leader in the international community. The country achieved this status partly because of its tremendous economic and political power and partly because of the moral legitimacy of its stated democratic ideals. Documents such as the United States Constitution, the Bill of Rights, and the Declaration of Independence reflected this nation's commitment to fundamental moral ideals. Equality, liberty, and justice for all are basic values in American society, but there is nothing inherently American about them. Since 1945 the United States and many other nations have remained committed to international documents and institutions which seek to universalize these principles. The body of documents referred to as positive international law reflect an agreement between signatory nations on minimum standards of morality.

International human rights documents constitute the first attempt by the community of nations to build a universal system of values. In the field of human rights, there are over twenty multilateral treaties in force which create legally binding obligations for nations that are parties. These international legal instruments establish particular human rights as a part of the positive international law. There are also a number of international declarations and resolutions important to

num ed. 1984). The terms "human rights" and "moral rights" are used interchangeably. Human rights are a sub-category of moral rights.

4. Id. at 5. Human rights developments prior to World War II included the antislavery movement, concern over Jews in Russia & Armenians in the Turkish empire, provisions of the League of Nations concerning human rights, and establishment and subsequent activity of the International Labor Organization (ILO).

5. Id.


the protection of human rights. While the latter documents are not legally binding, they exhibit some agreement on minimum standards of human rights.

The Nazi denials of human rights during World War II were a stimulus for the creation of the United Nations and resulted in the promotion of moral rights as a principal goal of the post-war international community. While various international bodies have been active in the human rights area, one of the most active is the United Nations Organization.

Planning was in progress for a United Nations organization before the end of World War II as the nations allied against Hitler announced their intention to work together to establish a new international society. Most of the planning took place in America, and the U.S. played an influential role in forming the objectives of the United Nations. The basic structure of the U.N. emerged from a conference held in Washington D.C. in 1944. The final drafting of the U.N. Charter took place in San Francisco in 1945. The document emerged heavily influenced by democratic ideals and


The promotion of international human rights objectives is also evident in many of our domestic institutions, including provisions of the U.S. Constitution and the Bill of Rights; legislation prohibiting discrimination; U.S. implementation of UN sanctions against South Africa; the denial of security assistance to any country whose government engages in a consistent pattern of gross violations of internationally recognized human rights; judicial decisions dealing with aspects of international human rights law; and state or municipal judicial and administrative decisions dealing with aspects of American corporate operations in South Africa.

12. Id. at 5.
13. Id.
14. Id. at 8. In addition to agencies specifically concerned with human rights, international agencies which sporadically deal with human rights issues include the UN General Assembly, the Security Council, the Economic and Social Council, the International Court of Justice; the Organization of American States (OAS); the Council of Europe; and the European Court of Justice. Domestic agencies include legislative bodies; executive branches dealing with foreign relations, defense, and trade; and courts on all levels.

16. Id.
17. Id.
18. Id.
fashioned by American preferences.19

The fifty-one founding members of the United Nations sought to establish a system that would deter international conflict and at the same time would encourage economic growth, social progress, and friendly relations.20 Democratic principles of justice and respect for human dignity were the working principles for advancing the new international society.21 In this respect, the international system rests on fundamental moral values.22

One of the most important international documents, the U.N. Charter, obliges nations to observe and respect human rights.23 The United Nations adopted another important instrument, the Universal Declaration of Human Rights in 1948.4 The Declaration is essentially a political and ethical document, a charter of ideals of justice and common standards to guide the international community.26 The Declaration divides the rights which it seeks to promote into three categories: individual, social, and political. The individual rights include the rights to life, liberty and privacy.27 Social rights include the rights to work and to an education. Political rights include the rights to vote, to hold public office, and due process.28 In recognizing these rights, the Declaration articulates minimum standards of morality, public welfare and general order.29

The Declaration and other international human rights documents reflect an agreement among at least the signatory nations on the existence of shared, fundamental values.30 A

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22. *Id.*
23. Guide to International Human Rights Practice, *supra* note 3, at 7. Specific international human rights obligations are established in a series of UN-sponsored international human rights agreements such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social & Cultural Rights. Other treaties have been concluded under the auspices of the ILO, UNESCO and other UN specialized agencies.
24. *Id.*
26. *Id.* at 232.
27. *Id.*
28. *Id.*
29. *Id.*
consensus on minimum standards also appears to be evolving in the areas of social, economic and cultural rights.\textsuperscript{31} For example, to mark the 25th anniversary of the Universal Declaration of Human Rights, UNESCO solicited from member states and other nations any text pertaining to human rights.\textsuperscript{32} A significant number of common themes emerged.\textsuperscript{33} Although the consensus on a standard of common morality may seem small and unimpressive to some, "it is arguably the largest explicit ideological consensus ever agreed upon."\textsuperscript{34}

The UN has successfully conducted programs which meet some specific international problems that are not susceptible to national or regional action. The United Nations also provides a useful forum for pursuit of common objectives.\textsuperscript{35} For example, funds have been collected by the UN for technical aid to disadvantaged countries, protection of human rights, and collection and circulation of information.\textsuperscript{36} The UN has a long list of accomplishments to its credit in the social and economic fields.\textsuperscript{37} The commitment to world-wide economic and social advancement is written into the U.N. Charter, which states that the United Nations shall promote "[h]igher standards of living, full employment, and conditions of economic and social progress and development; and, solutions of international economic, social, health, and related problems, and international cultural and educational cooperation . . . ."\textsuperscript{38}

The United Nations has fulfilled these objectives through specialized agencies like UNESCO.\textsuperscript{39} UNESCO took shape as the main structure of the United Nations evolved.\textsuperscript{40} In 1943 the Conference of Allied Ministers of Education

\begin{enumerate}
\item\textsuperscript{31} Id.
\item\textsuperscript{33} Id.
\item\textsuperscript{34} Zalaquett, \textit{supra} note 8, at 70.
\item\textsuperscript{35} J. Kaufmann, \textit{United Nations Decision Making} 6 (1980).
\item\textsuperscript{36} Id.
\item\textsuperscript{37} R. Hoggart, \textit{An Idea and Its Servants} 31-41 (1978).
\item\textsuperscript{38} U.N. Charter, art. 55.
\item\textsuperscript{39} UNESCO was founded in 1945 as a specialized agency of the UN. The International Labor Organization (ILO), a surviving organization from the League of Nations, was used as a model for what is now known as UNESCO. Its designers hoped that UNESCO would "shun the minestrewn high road of international politics and concentrate on the safer levels of the universal needs and problems of economic and social man . . . ." H.G. Nicholas, \textit{supra} note 15, at 6.
\item\textsuperscript{40} Id. at 5.
\end{enumerate}
WITHDRAWAL FROM UNESCO

(CAME), the first group to seek formation of UNESCO, \textsuperscript{41} officially requested its Executive Committee to consider creation of a permanent UN Bureau of Education.\textsuperscript{42} The U.S. State Department indicated its willingness to collaborate with CAME to establish the UN organization for educational and cultural reconstruction.\textsuperscript{43} UNESCO’s preliminary design was at the United Nations conference on international organizations held in San Francisco in 1945.\textsuperscript{44}

UNESCO’s purpose is to contribute to peace and security by promoting international collaboration in education, science and culture.\textsuperscript{45} Its developers sought to create an organization that would forward human welfare through aid to disadvantaged countries and expand and circulate knowledge.\textsuperscript{46} Through its programs which have touched virtually every country in the world,\textsuperscript{47} UNESCO has been one of the chief international organizations committed to promotion of social and economic development. Among its highly recognized work has been the enlisting of international support to save endangered monuments.\textsuperscript{48} Other UNESCO programs provide technical assistance and help countries create school

\textsuperscript{41} W. LAVES & C. THOMSON, UNESCO: PURPOSE PROGRESS PROSPECTS 18-19 (1957).
\textsuperscript{42} Id. at 20.
\textsuperscript{43} Id. at 21.
\textsuperscript{44} Id. at 25.
\textsuperscript{45} UNESCO Constitution, art. I, para. 1, states: The purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law, and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations.
\textsuperscript{46} Id.
\textsuperscript{47} UNESCO’s five major divisions are communication, culture, science, natural science and education. In these areas, UNESCO conducts 14 major programs: reflection on world problems and future-oriented studies; education for all; communication in the service of man; the formulation and application of education policies; education, training and society; the sciences and their application to development; information systems and access to knowledge; principles, methods and strategies of action for development; science, technology and society; the human environment and terrestrial and marine resources; the elimination of prejudice, intolerance, racism and apartheid; international peace, international and understanding; human rights and the rights of peoples; the status of women; and, culture and the future.
\textsuperscript{48} R. HOGGART, supra note 37, at 35.
systems, eradicate illiteracy and reclaim arid lands.\(^{49}\) UNESCO is also a world resource center which collects facts from all over the world and makes them internationally available.\(^{50}\)

**B. ETHICAL IMPLICATIONS OF U.S. WITHDRAWAL FROM UNESCO**

The United States withdrawal from UNESCO has weakened its ability to fulfill obligations to promote international economic and social development. A replacement for UNESCO involvement is yet to be found. Some U.S. officials have mentioned that the United States may consider continued participation in the copyright, oceanography, literacy, cultural preservation and scientific research programs.\(^{51}\) Additionally, private sector activity and bilateral aid have been suggested as possible alternatives to UNESCO participation.\(^{52}\)

While space limitations prevent a complete defense of the view that international organizations are a more effective means of fulfilling United States obligations than private sector contributions or bilateral aid, the position is defensible. First, international cooperation is necessary because a single nation cannot secure peace and freedom for its citizens when other nations have the ability and the will to disrupt that peace and take away that freedom.\(^{53}\) Second, international administration by UNESCO or other international organizations permits contributing nations to avoid political vicissitudes and classification as “welfare imperialists.”\(^{54}\) Political interference threatens the success of bilateral aid which often will be administered only if certain conditions are met by the recipient nations. The conditions attached to foreign aid are not always in the best interest of the donee nation. Third, international organizations can set and enforce standards with less negative reaction from donee nations and the inter-

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49. *Id.* at 31-41.

50. *Id.*


54. *Id.*
national community than can donor nations which directly provide the aid. Last, the magnitude of the task of aiding those in need is more efficiently carried out by an organization with global reach and abilities. These points merely suggest the outline of an argument that would conclude that international organizations are a more effective means for fulfilling international ethical obligations than is direct bilateral aid.

Demonstrations of a past commitment to certain moral ideals is not used in this article as the justification for imposing present obligations. The existence of moral rights and obligations is independent of their legal recognition or enforcement. The purpose of including historical material is to demonstrate that some nations agree on the existence of certain rights and obligations. Forty years of United States involvement in UNESCO shows that UNESCO was considered as an appropriate way of fulfilling international moral obligations. This past practice and commitment raises a strong presumption that the United States ought to remain a member and shifts the burden to those who favor U.S. withdrawal from UNESCO to prove that withdrawal from UNESCO is morally appropriate and justifiable.

The rights and obligations created by past practice suggest a positivist interpretation of human rights; that is, that moral rights and obligations are what the law says they are. Moral rights and obligations are, however, justifiable independent of those created by positive law. Positive human rights law reflects standards which have been established through various interpretations. These interpretations are conceptually prior to their positivist reflections. The article explores both the rational and theological bases of human rights.

II. INTERNATIONAL ETHICAL OBLIGATIONS

A. Philosophical Reflections

Scholars have paid little attention to moral claims in world affairs, and therefore, there is a scarcity of scholarship on the issue of whether nations should incorporate moral principles into international relations. Policymakers often

55. Id.
discount moral or ethical obligations in foreign affairs because they refuse to view moral considerations as belonging in pragmatic international politics or because they understand the ethical obligations applicable to the individual to be different than the ethical obligations of nations. International moral obligations do exist and should be confronted in order to close the gap between "is" and "ought" in the political arena.

Many philosophical theories support the existence of moral standards governing the conduct of individuals. By extending these standards, some philosophers have imposed similar moral "oughts" on the international community. They argue that all human beings are entitled to certain moral rights by virtue of their personhood, and that other human beings, individually or by association, are responsible for fulfilling the duties correlative to those rights.

This theory requires a two-step analysis: first, an examination of the origin of the right or claim, and second, an understanding of why others should accept the obligations or duties correlative to these claims. The limitations of this article do not allow full discussion of the origin of human rights. However, some discussion of the source of human rights clarifies the second step of the analysis.

All human beings, precisely because they are human beings, are entitled to human rights. A human right is defined by Alan Gewirth as a morally justifiable claim to goods and services necessary for the freedom and well-being of each individual. Gewirth does not specify particular goods or services but says human beings are entitled to those rights, goods and services that will allow them to fulfill important

58. Id. at 18.
61. A. Gewirth, Human Rights 1 (1982). Human rights are a species of moral rights which all persons possess and share equally simply because they are human.
62. Id. at 3. Human rights are of supreme importance. They are necessary conditions of human action, meaning they are conditions that must be fulfilled if human action is possible either at all or with general chances of success. Therefore, they must be respected by every human being. Governments exist primarily to secure these rights.
The general objective of human rights is to secure for each person a fundamental moral status. This status will enable each individual to become a self-developing, self-controlling person who can relate to others on an equal basis.

To have a human right or claim implies the existence of reciprocal obligatory requirements or duties. Duties are divided into two categories, special and general. Special obligations limit demands to certain particular others. An example would be duties created by a contractual relationship or a special duty owed to those related by blood. On the other hand, the duties associated with human rights are general duties and do not depend on any pre-existing relationship for their validity. The obligations are not owed to specific individuals, but generally, that is to all persons. A general obligation would not be affected by exchanging the identity of the duty-holder or the right-holder with any other person.

Why should we allow others to make demands upon us? Why recognize and respond to the claims of others? One answer is altruism. Altruism is unselfish behavior carried out for the benefit of others rather than for oneself. Included in

63. Id. at 4-12.
64. Id.
65. Id.
66. Id.
68. Id.
69. Id.; See also, supra note 60, at 115.
70. Id.

Altruism - concern for others - is a virtually universal value in all human societies and forms the basic tenet of most of the world's greatest religious, social reformist, and revolutionary movements.

The use of altruism as an explanation for moral conduct has been criticized. To some, altruistic behavior is motivated by the "loose" duty of charity, love, or compassion, performed at the option of the agent rather than required of him.

Various forms of libertarian altruism and related theories of moral virtue recommend actions and policies that are personally oriented, since they are for the good of individuals who are in need of help, but the recommendations are not presented as normatively necessary moral requirements. The recommendations are rather, loose duties of charity or love, so that... they are at the option of the agent rather than strictly required of him; they normatively cannot be exacted from him as something owed to their recipients.

this definition would be heroic acts, such as running into a
burning building to save a stranger or diving into icy waters
to rescue drowning victims at the risk of one's own life. Most
theorists argue that requiring acts of this proportion as moral
"oughts" would be an overload of the human capacity, and
therefore, recognize some limitation to moral
requirements.72

A second reason for responding to the demands of
others is that we have a sense that a person's demand or
claim is just. That is, the obligated know that they "ought" to
fulfill the claims of others, because they have a sense that the
entitlements are just and due. John Rawls advocates the view
that persons possess an inherent sense of justice or "an intuitive
conviction of the primacy of justice."
72

To prove his theory, Rawls begins with the notion of a
well-ordered society.74 A society is simply a structure in
which to set the principles of justice,75 and is defined as any
cooporative venture or association for mutual advantage.76 A
well-ordered society is governed by a public conception of
justice.77 Its purpose is to satisfy the principles of justice and
to advance the good of its members.78 Each member of the
society possesses an "inviolability" based on justice which
cannot be overridden, even by the welfare of society as a
whole.79 Since the international community can be defined as
cooporative association for mutual advantage, it therefore fits
within Rawls's definition of a society. As a society, the inter-

Under at least one theory, classical utilitarianism, altruistic conduct may
be required rather than optional. John Rawls argues that even if altruism is
characterized as heroic or supererogatory, it may be required under a utili-
tarian analysis. The utility theory may be read to require an individual to
perform actions which bring about the greatest good for the greatest num-
ber, whatever the cost, as long as the sum of advantages exceeds that of
other possible acts. See J. Rawls, supra note 59, at 117.
72. See J. Rawls, supra note 59, at 114.
Most theorists including John Rawls, John Fishkin, Michael Walzer and
Peter Singer, all discussed in this article, limit individual "altruism" by
some degree of risk to the actor. For a more detailed discussion of this
principle, see J. Fishkin, The Limits of Obligation (1982).
73. J. Rawls, supra note 59, at 133.
74. Id. at 4.
75. Id. "[A] society is a more or less self-sufficient association of persons
who in their relations to one another recognize certain rules of con-
duct as binding . . . ."
76. Id.
77. Id. at 4-5.
78. Id. at 453.
79. Id. at 3.
national society is governed by the principles of justice.

The principles of justice that regulate a well-ordered society are "bargained for" in the original position.\textsuperscript{80} The original position is a hypothetical negotiating session in which members of society agree to the principles of justice to govern their society behind what Rawls calls the "veil of ignorance." The veil of ignorance is characterized as a fair procedure for arriving at "just" principles by which to assign basic rights and duties and to determine the division of social benefits.\textsuperscript{81}

The purpose of the "veil" is to limit information given to the parties in the bargaining process.\textsuperscript{82} Parties to the negotiating session understand the general facts of society, such as political affairs, economic theory, general laws of nature, and other general matters affecting the selection of the principles of justice.\textsuperscript{83} They do not know certain facts particular to themselves, such as their place in society, their generation, their natural assets and abilities, or their intelligence and psychological profile.\textsuperscript{84} The parties also do not know the particular circumstances of their own society, economic or political situation, level of civilization, or culture. By limiting the available information, Rawls believes the parties will use their inherent sense of reciprocity and fairness to arrive at the principles of justice.

The limit on information allows parties to bargain as equal, fairly-situated, and moral persons.\textsuperscript{85} The negotiators will, therefore, develop a public conception of justice unbiased by arbitrary contingencies, such as race, sex, social status or nationality.\textsuperscript{86} Rawls refers to this process as "justice—as

\begin{itemize}
  \item 80. \textit{Id. at 11.}
  \item 81. \textit{Id. at 11-12.}
  \item 82. \textit{Id. at 136-38.}
  \item 83. \textit{Id.}
  \item 84. \textit{Id.}
  \item 85. \textit{Id.}
  \item 86. \textit{Id. at 5.}
\end{itemize}

Men disagree about which principles should define the basic terms of their association: Yet we may still say, despite this disagreement, that they each have a conception of justice. That is, they understand the need for, and they are prepared to affirm, a characteristic set of principles for assigning basic rights and duties . . . . Those who hold different views can still agree that institutions are just when no arbitrary distinctions are made between persons in the assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life.
fairness,” because the negotiators agree to principles in a situation that is fair. Rawls presents two principles of justice which he believes that negotiators will choose in the original agreement. Rawls believes that these principles will protect the fundamental interests of individuals as members of society. First, each person has an equal right to basic liberties compatible with a similar scheme of liberties for all. Second, social and economic inequalities are to meet two conditions; they must be to the greatest “expected” benefit of the least advantaged, and must be attached to offices and positions open to all under conditions of fair or equal opportunity. Primary goods are defined as rights, liberties and opportunities, income and wealth, and the social bases of self-respect. These goods are an extension of the notion of needs, but include more than the basic needs such as food, clothing and shelter. The definition of needs includes rational desires, limited only by the fulfillment of the same for all. Primary goods are goods that a rational person is assumed to want, regardless of whatever else she wants. Individuals are assumed to have a rational plan of life. Although the plan may vary according to the individual, primary goods are required for all rational plans. They are the satisfaction of rational desire.

Rawls’s first principle, equal right to basic liberties, takes priority over the second principle which concerns socio-economic inequalities. Greater social and economic advantage for the majority cannot justify departure from the principle

87. Id. at 12-14. 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.
88. Id. at 13.
89. Id. at 60.
90. Id. at 62.
91. The least advantaged are defined as those who are least favored, which includes persons whose family and class origins are more disadvantaged than others, whose natural endowments have permitted them to fair less well, and whose fortune and luck have been relatively less favorable. See J. Rawls, supra n. 59, at 97-98.
92. Id. at 62.
93. Id. at 62.
94. Id. at 407.
of equal liberty for each individual. Rawls rejects the utilitarian concept of the greatest good for the greatest number. A greater good in the aggregate cannot offset a person's right to a basic level of subsistence.

A well-ordered society need not be economically egalitarian; both economic efficiency and organizational requirements enter the ordering process. Any unequal distribution must be to the advantage of all, and those who gain more must gain on terms consistent with the principles of justice.

For example, if allowing someone to obtain a patent on invention entitling them to receive royalties would be to the advantage of all persons in the society, the unequal distribution of this income would be permissible.

The members of society must deal justly with one another on a public and objective measure of needs. In a well-ordered society no individual is without a basic level of primary goods. Each member of society recognizes and accepts the constraints of the public conception of justice and limits his or her claims to certain things accordingly. The purpose of a well-ordered society is to secure for each of its members a fair share of the primary goods; we might call this "achieving social justice."

In addition to the principles of justice arrived at in the initial agreement, individuals have other obligations referred to as natural duties. These duties are not voluntary and they exist even in the absence of any contractual or blood relationship. Rawls does not provide the basis for the duties that he calls natural duties but cites examples of what he considers some of those duties to be. An example of a natural duty is the duty of mutual aid. Individuals in need have a

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95. J. Rawls, supra note 59, at 61.
96. Id.
97. Id. at 30-60, 33.
98. J. Rawls, supra note 59, at 40-41.
99. Id.
100. J. Rawls, supra note 59, at 114. Natural duties obtain between persons irrespective of their institutional relationships. In this sense the natural duties are owed not only to definite individuals, say to those cooperating together in a particular social arrangement, but to persons generally.
101. Id.
102. Id.
right to expect assistance from others. And, an obligation to help others does not depend upon the ability to identify a specific "needy" other and is not limited to a particular social arrangement; it also extends to all persons generally. Therefore, I would not only be obligated to help those persons I know, but also those in Ethiopia or Sudan whom I do not know. Rawls recognizes the applicability of moral requirements to nations. He argues that a goal of the international law should be to ensure moral conduct of nations: "One aim of the law of nations is to assure recognition of these (natural) duties in the conduct of states." There are limits to the sacrifice that humans can demand of one another as a matter of obligation. These limits are not fully discussed here, but are mentioned for the sake of completeness. Most theorists, including Rawls and Peter Singer, limit the obligation of assistance by excessive risk or loss to oneself. James Fishkin's conception of individual moral obligations resembles that of Rawls and Singer. Fishkin begins with a duty "minimal altruism": individuals have an obligation to assist others if the duty can be carried out at minimal cost. This duty is limited by the "cut-off for heroism," that is, the sacrifice that can be expected of others is limited and any conduct beyond those limits exceeds the call of duty. For example, most people would agree that we can

103. Id. at 114-15.
104. Id. at 115. Rawls does not expand on his basis for imposing duties similar to those applicable to the individual on the conduct of nations. I am attempting to draw out the implications of his theory on international moral obligations. Michael Walzer also argues this principle, see M. WALZER, SPHERES OF JUSTICE (1983). While Walzer does not outline the specific duties owed to strangers, he argues that assistance should be rendered if one of the parties is so in need and the risks of assistance is low, even if there were no prior cooperative arrangement between the two.

"It is moreover, an obligation that can be read out in roughly the same form at the collective level. Groups of people ought to help necessitous strangers whom they somehow discover in their midst or path." Id. at 33.
105. For a more detailed discussion, see J. FISHKIN, THE LIMITS OF OBLIGATION (1982).
106. See generally id.
107. See generally id.
108. Id. at 14.
109. Id.; see also P. SINGER, PRACTICAL ETHICS 158-181 (1979), reprinted as Singer, in Morality in Practice, J. Sterba ed. (1984). Singer poses the following case: On the way to class, an adult passes a shallow pond and notices a small child has fallen in and is in danger of drowning. The question is ought the adult wade in and rescue the child. Singer (and many other theorists) answer by saying that when it is within an individual's
not require a soldier to throw his body on a live grenade to save his comrades. It is admirable for him to do so, but we would not morally require it.

Rawls's theory of justice focuses on social justice or justice for all. Individuals arrive at the principles of justice from behind a veil of ignorance because they possess an inherent sense of what is right and what is wrong. The principles which emerge should be reversible, i.e., ones that will apply regardless of who is making or responding to the claim. The principles of justice have been chosen through rational thought incorporating a rationalized general rule: How would I want to be treated if I turned out to be the least advantaged member of society?

Rawls implies that the inherent sense of justice that we possess results from our nature as rational beings. However, many religious teachings, which have their roots in divinely-inspired principles, also call on us to respond to the needs of others. Catholic social teaching advocates that we, as individuals and as a nations, have a duty to assist others. The Golden Rule is a broader but similar teaching not peculiar to Christian traditions. The Rule appeals to our sense of morality through the principles of reciprocity and fairness.

B. THEOLOGICAL REFLECTIONS

1. The Golden Rule

And if there be any other commandment, it is briefly comprehended in saying, namely, Thou shalt love thy neighbor as thyself. ROMANS XIII:9

The task of compiling notions common to all religious traditions is an impossibility, because when one attempts to speak of "the" Christian tradition it is necessary to include frequent caveats. There does appear, however, almost universal acceptance of one particular principle referred to as the Golden Rule.

The Golden Rule is basically an internalized standard of conduct based on the principles of equity and reciprocity.¹¹⁰

¹¹⁰. A. GEWIRTH, supra note 61, at 128-41.
The Rule is similar to the reciprocity rule of Confucius, "What you do not want done to yourself, do not do to others," and to other ethical theories of reciprocity which appeal to the principle of impartiality arrived at through a reasoning process. A reason-based approach to the Golden Rule is necessary, because the Rule is not substantive. That is, it does not specify what conduct is allowed or disallowed. Without imposing a standard of reasonableness on desires and wants, it is possible to imagine a person wishing something for herself which may run counter to accepted social rules.

C.S. Lewis asserts the universality of the Golden Rule. In that respect he likens it to the natural law, which, to its partisans, is universal simply because it is founded upon our nature insofar as it is natural for humans to pursue truth and justice. Lewis speaks of the Natural Law as an amalgam of its several manifestations in Hellenic, Christian, Oriental teachings. He refers to the collection as the Tao for brevity. The Tao is a way of life which every person should follow: "It is the doctrine of objective value, the belief that certain attitudes are really true, and others are really false, to the kind of thing the universe is and the kind of things we are." These values are derived through a reasoning process, but it is Lewis' belief that the rational thoughts of the mind and the feelings of the heart will be the same.

The Golden Rule is also implicit in Rawls' theory of justice. The purpose of the veil of ignorance is to impose a

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112. Id. at 23-24.
113. Id. at 24; see also A. Geiwirth, supra note 61, at 132-33.
115. Id. at 95.
116. Id. at 28-29.
117. Id. at 29.
118. Id. at 29-30.
119. J. Fishkin, supra note 67, at 66; Kohlberg, Justice as Reversibility, in Philosophy, Politics & Society, 257-272 (Laslett and Fishkin ed.).
hypothetical position of all things being equal. Working outwards from this position of equality results in principles of justice that are reversible. Because I am not aware of who I will be in a well-ordered society, I will create a standard of justice that will be fair to the least advantaged member of that society. This desire to create a just society incorporates the Golden Rule: I judge how to treat the least advantaged by how I would want to be treated if I were the least advantaged member of society.

2. Catholic Social Teaching: "My Brother's Keeper"

Catholic social teaching illustrates the similarities between reason-based and faith-based principles of morality. Close examination reveals that although the principles of theology have not been developed through "rational" thought, the conclusions are quite similar to those of Rawls and other theorists who do not claim to be guided by divine revelation.

By including this section I do not suggest that Catholics have information that other religions lack nor that other religions have not adequately addressed the issue of international ethical obligations in an important and insightful way. Catholic social teaching is the discipline with which I am most familiar.

Throughout this section it may appear to the reader that some assertions are based on unexamined presuppositions. Theologians often state moral principles without offering justifications for them. Many theologians believe, however, that moral conclusions need not result from reasoned analysis, because rational justification for moral principles that are theologically compelling is not necessary. For example, Rawls' theory of justice supports the notion that I have an obligation to be fair to my neighbor. If one rejects Rawls' analysis, however, the theological command "Thou shalt love thy neighbor as thyself" still applies.

Popes Pius XII through John Paul II have emphasized the position of the Catholic church on the need to pursue the common good. One of the most controversial Papal encyclicals concerning international affairs was Peace on Earth (Pacem In Terris), which set the basic frame of reference for Catholic

120. See supra note 83 and accompanying text.
121. See supra note 86 and accompanying text.
122. See J. RAWLS, supra note 59.
teaching on international economic justice. The letter is addressed not only to Catholics, but to “all men of good will.” It speaks not only to all people united by a common creator but to those who share a common responsibility for the earth and a common interest in avoiding nuclear destruction. The significance of the encyclical is its universal application of the traditional social teachings.

*Peace on Earth* begins with the notion of a well-ordered society. As with Rawls’ well-ordered society, this society has no specific boundaries. It includes all members of the human family. Every member of the society by virtue of her personhood has certain rights and obligations in and against the society. These universal, individual rights include the right to life, bodily integrity, and the means suitable for proper development, primarily food, clothing, shelter, rest, medical care and necessary social services. Men and women also have the right to a basic education and to technical and professional training. As in Rawls’ first principle of justice, individual rights are inviolable and inalienable.

For every right there is a reciprocal duty. A well-ordered society requires all men to recognize these mutual rights and duties and to work toward institutions by which to promote and protect these rights. As with Rawls’ well-ordered society, the objective of any such institution is to promote social justice.

As a basis for imposing similar rights and obligations on nations, Catholic social teaching recognizes that the increasing interdependence between nations has necessitated international cooperation. *Peace on Earth* explicitly rejects isolationism, emphasizing that today’s international problems are beyond the capacity of any one nation to address.


125. See id.

126. *Renewing the Earth*, supra note 124, at 118.


128. Id.

129. Id. at no. 11.

130. Id. at no. 13.

131. Id. at no. 9.

132. Id. at no. 31.

133. Id. at no. 130. The recent progress of science and technology, since it has profoundly influenced human conduct, is raising men everywhere in the world to more and more cooperation.
Given these conditions, it is obvious that individual countries cannot rightly seek their own interests and develop themselves in isolation from the rest, for the prosperity and development of one country follows partly in the train of the prosperity and progress of all the rest and partly produces the prosperity and progress.\textsuperscript{134}

The need for a cooperative international network has caused nations to become the subjects of reciprocal rights and duties. Interdependence has created the need for standards by which to hold nations responsible in an international community.\textsuperscript{135} Catholic social teaching does not urge a separate international morality, but suggests that moral principles similar to those used to regulate interaction between individuals be used in the international community.\textsuperscript{136} According to Catholic teachings, heads of state have a duty to carry their moral principles with them into foreign affairs.\textsuperscript{137} They should not depart from principles of morality by which they are bound as individuals when they represent their country.\textsuperscript{138} Constituents should expect national leaders to practice the values for which they were elected.\textsuperscript{139}

The rights of nations include the rights to exist, to develop, and to acquire resources.\textsuperscript{140} Other nations must respect these rights and refrain from actions which violate them: "As men in their private enterprises cannot pursue their own interests to the detriment of others, so too states cannot."\textsuperscript{141} The obligations of nations include the duty of affluent nations to aid those in need.\textsuperscript{142} The end of a just soci-

\begin{enumerate}
\item[134.] \textit{Id.}
\item[135.] \textit{Id.} at no. 80. "This means that their relationships also must be harmonized in truth, in justice, in working solidarity, in liberty. The same natural law, which governs relations between individual human beings, serves also to regulate the relations of nations with one another."
\item[136.] \textit{Id.}
\item[137.] \textit{Id.}
\item[138.] \textit{Id.}
\item[139.] \textit{Id.}
\item[140.] \textit{Id.} at no. 92.
\item[141.] \textit{Id.}
\item[142.] \textit{Id.} at no. 121. \textit{See also} National Conference of Catholic Bishops, \textit{Catholic Social Teaching and the U.S. Economy}, 14 ORIGINS 337 (1984) (first draft). "Because all men are joined together by reason of their common origin . . . We appealed in the Encyclical \textit{Mater et Magistra} [Mother and Teacher] to economically developed nations to come to the aid of those which were in the process of development." \textit{Peace on Earth}, \textit{supra} note 124, no. 121.
\end{enumerate}
ety is to enable all people in the society to live in conditions in keeping with human dignity.\textsuperscript{143} For example, some nations have food surpluses, while others battle wide-spread hunger and malnutrition. The former have a duty to aid the latter.

Acknowledgement of these rights and obligations is not enough. Nations, according to their ability, must help their neighbors acquire the goods necessary to provide minimal sustenance.\textsuperscript{144} Food alone will not solve the problem. Part of eradicating hunger and poverty is the promotion of economic development of disadvantaged countries through scientific, technical and financial aid, which will enable these nations to become self-developing and self-controlling.\textsuperscript{145} Development is not, however, limited to economic growth. Raising the level of economic development will in turn promote other kinds of human development, including intellectual, spiritual, cultural, social and physical growth.\textsuperscript{146} These kinds of development are included in Rawls's index of primary goods.

The conduct of nations in the international society is to be regulated by principles of justice similar to those which regulate the conduct of individuals in their community. Catholic social teaching does not define justice, but inherent in the definition are the principles of equity and fairness. Implicit in these principles is the reciprocity rule or giving to another her due. In other words, nations are now subjects of the Golden Rule.

Catholic social teaching does not identify a specific structure through which nations are required to meet their obligations. It mentions, however, the United Nations organization, and its work in the economic, social, cultural, educational and health fields.\textsuperscript{147} Pope John XXIII saw the U.N. as the guard-

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\textsuperscript{143} \textit{Peace on Earth, supra} note 124, nos. 121-24.
\textsuperscript{144} \textit{Id.} at no. 32.
\textsuperscript{145} \textit{Id.} at nos. 31-33, 121-23.
\textsuperscript{147} \textit{Peace on Earth supra} note 124, no. 91.
\end{flushright}
ian of human rights and urged its development. The church teachings acknowledge the Universal Declaration of Human Rights as an act of highest importance, and emphasize the goals set forth in its preamble.

Examination of Catholic social teaching has shown that while theological reflections are often criticized for lack of reasoned analysis, the results of rationally-inspired and theologically-inspired theories of justice are similar. It may be that no one doctrine is responsible for creation of moral rights and obligations, but that a combination of reason-based and faith-based principles leads us to a common standard of morality.

C. EXTENSION TO THE INTERNATIONAL LEVEL

Should individual principles of morality similar to those of individuals be applicable to the conduct of nations? The response to this inquiry by some political theorists is that the conduct of nations is amoral, and cannot be judged in moral terms. One particular group advocating this view call themselves the "realists." The realists believe that politics means "power politics," and see morality and power as unrelated. To them, the conduct of nations should be guided by amoral requirements, pursuit of the national interests at any cost. This proposition is rejected by Thomas Nagel:

[T]he suggestion that the statesman has a moral obligation to do for his constituency whatever he has implicitly

148. Id. at nos. 142-45.
It is therefore our ardent desire that the United Nations Organization - in its structure and in its means - may become ever more equal to the magnitude and nobility of its tasks, and may the time come as quickly as possible when every human being will find therein an effective safeguard for the rights that deprive directly from his dignity as a person . . . .

149. Id. at no. 145.

Professor Cohen discusses moral skepticism in international relations under two theories. The first concerns the Realists who separate power from morality. The second, Hobbesian skepticism, concerns conditions under which morality applies. Hobbes's view is that nations interact in an international state of nature and, therefore, make things just by commanding them so and unjust by forbidding them. Further discussion of these concepts is beyond the scope of this article.

151. Cohen, supra note 150, at 300.
undertaken to do (on a contract, or as trustee or agent) is
no better than the argument that the corporation president
has an overriding obligation to sell thalidomide for the ben-
efit of his shareholders, or that the Mafia hitman has an
overriding obligation to kill for his employers.  

In contrast to the realist view, a second group of theo-
rists argue that international discourse and conduct are sub-
ject to a morality different from individual morality. The
conduct of nations is guided by a special morality called "po-
itical morality." Others, like David Hume, do not advo-
cate a separate or special morality for nations, but hold that
the rules of justice similar to those applicable to individuals
apply to princes (or nations) with less force. This particular
principle was once called the "morality of princes." Hume ar-
gued that since the intercourse of states is neither so neces-
sary nor so advantageous as the intercourse of individuals,
the mutual interest in abiding by the fundamental rules of
justice is weaker. Therefore, the moral obligation that
arises is weaker, and greater indulgence is allowed, for exam-
ple, to a prince who breaks a promise.

The changing nature of global society has weakened
Hume's theory, whatever force it once had. Nations are no
longer isolated or self-sufficient. The existence of each nation
in today's interdependent world depends on a variety of re-
ciprocal bonds, such as the international trade necessary to
produce certain material goods. In addition, the proliferation
of nuclear weaponry has made the maintenance of peace be-
tween nations at least as important as maintenance of peace
between individuals. As global interdependence increases,
nations will become more vulnerable to each other. A greater
number of nations will come to possess the power to harm or
to destroy others. These developments have made nations' in-
terest in an international system of justice at least as vital as
an individual's interest in interpersonal justice.

A third position, and the one supported by this article, is

152. Id. (quoting Nagel, Ruthlessness in Public Life, in PUBLIC AND PRIVE-
ATE MORALITY 80 (S. Hampshire ed. 1978)).
153. Id. at 301.
154. Id.
155. Id. at 329. See also, HUME, A TREATISE OF HUMAN NATURE 56 (L.
Selby-Bigge ed. 1946).
156. Cohen, supra note 150, at 330.
157. Id. at 330-31.
158. Id. at 338.
159. Id.
that the evolution of the international society into an interdependent association has opened the conduct of nations to moral assessment no less rigorous than the assessment of individuals.\textsuperscript{160} Some standard is necessary by which to judge the conduct of nations. An ethical system is necessary to impose minimal standard of conduct and suppress any tendency that might interfere with harmonious living. I argue that there is no reason to create a "special" system or standard of morality for nations. We as individuals are aware of the obligations due to others, and should not allow or omit at the collective level what we owe (or must refrain from doing) at the individual level. Therefore, it is possible to transpose a standard of morality to the international level similar to that used on the individual level. We as rational beings have a sense of what would be right or wrong conduct on the part of nations, and can, therefore, expect nations to act accordingly. There are exceptions to the principles of morality, and it may be conceded that the obligations of nations may be overridden more often than those of private persons.\textsuperscript{161} But, moral principles similar to those applicable to individuals should apply to nations with no less vigor.\textsuperscript{162}

D. Concluison

In applying this discussion to the facts at hand we begin by placing a nation behind Rawls' veil of ignorance. For example, Americans must concede that they did nothing to deserve being born in America, they just happened to be born here. The fact that they were in America and Ethiopians are in Ethiopia is in this sense arbitrary, and therefore morally irrelevant. The limit on information available to nations behind the veil of ignorance is similar to the limits imposed on information available to individuals. Behind this veil of ignorance nations can decide upon the principles of justice that will govern the international society. Nations are unaware of which nation they will be in the new global community, so in developing the governing system, they must imagine how they would want to be treated as the least advantaged nation.

From behind the veil of ignorance we arrive at global justice through application of the Golden Rule. For example, in deciding how to solve the problems facing nations like

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\item \textsuperscript{160} Id. at 302.
\item \textsuperscript{161} Id. at 340.
\item \textsuperscript{162} Id.
Ethiopia, the U.S. should consider what it would regard as fair treatment if the roles were reversed. Would America want Ethiopia to contribute to the best of its ability to help make global life more just? Would America expect Ethiopia to comply with the principles of global justice? Would America want Ethiopia to support institutions that would most effectively promote the good of all nations? I think so. Forty years of practice have shown that UNESCO-like institutions are the most effective administrators and promoters of social justice. UNESCO might not be an ideal institution, but for now it is the best organization that we have.