

GLOBAL JUSTICE

Exam Strategies: Distinguish between different bases for affirming global principles of justice and how there are different principles of “justice” and other normative principles, like humanitarian duties. Think outside the box and how this topic might be linked to other issues, e.g. immigration, environmental justice, historical justice. Think carefully and imaginatively about the different dimensions of concepts, e.g. cosmopolitanism, nationalism, citizens of states/of the world...

Questions to think about:

- Does the case for global justice depend on whether economic globalization exists or not?
- Is there a human right to subsistence?
- Are cosmopolitan ideals of justice incompatible with a recognition of the rights of political communities to be self-determining?

My own opinion on the topic: *Relational cosmopolitan. I think that relations matter in determining whom we have duties to, but that relational non-cosmopolitans get their empirical claim wrong. If coercion is indeed what matters for triggering egalitarian duties, then there are relevant relations on the global scale that demand global egalitarian duties as well. Same for cooperation accounts. The increased global interdependence (globalization) creates the need for global distributive justice above a basic level and includes e.g. the compensation for externalities. It requires the better-off to spend proportionally more on alleviation problems created by globalization, e.g. climate change.*

Global justice, furthermore, should not be understood in terms of distributive justice alone, but also in terms of corrective justice, e.g. duties arising from historical injustices (colonialism) as well.

DEFINITIONS AND CLARIFICATIONS

- › What is Global Justice about?
 - > Roughly denotes the **claim that the principles and requirements of justice do not just apply domestically, within states, but also in some significant sense globally**. This is to be distinguished from international justice, where the focus is on justice among nations or states.
 - > Is **concerned with distributive justice** (note that this is not the only way to think about justice) – “*Who should have what?*” and is therefore concerned with the **scope of distributive justice** and whether the same principles of distributive justice apply **domestically as well as internationally**.
 - > **Caney**: any comprehensive analysis of global justice must address: i) Who are the entities, ii) Who are the rightful recipients of goods, and who is to distribute them, iii) What should people have a fair share of, iv) According to what criterion should be distributed?

- › What is the relational/non-relational debate about?
 - > **Relationalists** claim that rights and obligations only arise in terms of relevant relations to others. Justice cannot be formulated independently of the practices they are intended to regulate.
 - > **Non-relationalists** hold that rights and obligations can stand by themselves, we do not need to be in special relations to one another.

- › What is the cosmopolitan **premise**?
 - > There are three premises underlying cosmopolitan positions (**Pogge 1994**): the ultimate units of concern are human beings, the status of ultimate unit of concern attaches to every living human being equally, this special status has global force. To the extent to which we all accept the moral equality of persons, we are cosmopolitans. But this has little bearing on whether we accept substantial distributive egalitarianism!

- > **UN Charter expresses cosmopolitan perspective (Moellendorf 2002)** Preamble reaffirms “*faith in fundamental human rights, in the dignity of worth of the human person, in equal rights of men and women.*”
- > What broad perspectives on international distributive justice exist?
 - > **Social Liberalism:** holds that the problem of international justice is fundamentally one of **fairness to societies (or peoples)** (Beitz 1999). It embodies a two-level conception of international society and regards as the **agents of international justice states or societies**. “*The object is to establish a political equality of states, each committed to and capable of satisfying the legitimate interests of its own people*”.
 - **Advocates:** Rawls, Miller, Nagel, Walzer, Blake, Valentini
 - > **Cosmopolitan Liberalism:** holds that the problem of international justice is **fairness to persons** (Beitz 1999). In contrast to social liberalism, it does not accord an ethical privilege to state-level societies because it views each individual as primary moral unit. Aims to identify principles that are acceptable when each person’s prospects (rather than that of peoples’ prospects) are fairly taken into account. “*Cosmopolitan liberalism effectively extends to the world the criteria of distributive justice that apply within a single society.*”
 - **Advocates:** Beitz, Pogge, O’Neill, Caney, Moellendorf, Steiner
- > What are relevant differences between the domestic and international realm?
 - > Absence of an **effective decision-making and enforcing institution** in the international society (in domestic realm this would be the Supreme Court and the Executive). “International Law” still hinges upon how much states are willing to do. What a coercive institution does is that it conveys the feeling that other parties would make the same sacrifices one has to do now if they were in the same situation – this eliminates free-riding.
 - But in international relations, this assurance often does not exist and undermines the motivational basis for compliance

RAWLS ON INTERNATIONAL DISTRIBUTIVE JUSTICE

- > What is Rawls’s position in *The Law of Peoples*?
 - > Critiques cosmopolitan distributive justice and provides an account and explanation of how the domestic realm differs in morally significant ways from the global realm. Actors in Rawls’s international theory are not individuals (citizens) but **societies**.
 - > Thinks that the job of distributive justice is to fairly share out the fruits of social cooperation. As such, it only applies within a particular relational context – specifically: **cooperation for mutual advantage under a basic structure**. Still has an account of **non-relational duties** however, including duty to help another when they are in need or jeopardy, duty not to inflict unnecessary suffering... But this is distinct from the principles of social justice.
 - > Advocates for eight principles that should regulate international interactions of **peoples (= nation)**. These principles acknowledge peoples’ independence and freedom, that peoples have the right to self-defense but also a duty of non-intervention (“*no right to instigate war for reasons other than self-defense*”), that they should honour human rights, and that they have a duty to assist other peoples in establishing institutions to enable people’s self-determination.

Thus, he argues for a **limited duty of assistance** to those in need, but **against a “global egalitarian principles without target”**

 - Peoples in the international original position parallel individuals in the standard original position within justice as fairness. Peoples are free in the sense of being rightfully politically independent; they are equal in regarding themselves as equally deserving of recognition and respect; and they are reasonable in that they will honour fair terms of cooperation with other peoples.

- > **Thought experiment:** Two countries start from similar economic status, one industrialized and gets rich, the other one remains poor. Should the industrialized society be taxed? Rawls thinks not.
 - **Note** here that if we hold a cosmopolitan relationalist position, then we do not necessarily accept the conclusion that the rich society should be taxed. But if the empirical situation is such that the rich country has come to wealth by exploiting the poor country, then they should be taxed.
- > How can Rawls be criticized?
 - > **Caney (2005)** argued that by requiring liberal peoples to respect decent hierarchical societies, Rawls's proposal does not provide adequate protection to individuals. It would result in unjust treatment
 - > **Beitz** puts forward a critique of Rawls and argues that there should be a global hypothetical contract rather than a contract at the domestic level, which is then followed by an international contract. There should be a “**global difference principle**” which thus says that inequalities can be justified only if they maximize the condition of the least-well-off persons in the world.
 - > Can attack from two sides: Attacking **normative statement** and the **empirical premise**, thus asking:
 - Are the principles that Rawls uses to delineate the set of persons between whom distributive justice applies justified?
 - What is the membership of such a set in the real world?
 - > 1. Approach: Challenging Rawls's normative answer (leads to non-relational cosmopolitanism)
 - **Beitz:** Global Difference Principle
 - > 2. Approach: Challenging the empirical claim and assuming, for the sake of argument, that the relational account is correct. Rawls's own principles might lead further than he himself intended
 - **Era of globalization and international interdependence** implies that there are no distinct schemes of social cooperation as Rawls thought: “*If there is a global basic structure – a set of economic and political institutions that has profound and enduring effects on the distribution of burdens and benefits among peoples and individuals around the world – then surely it is a subject of justice and a very important one...*” (**Buchanan 2000**)
 - > 3. Approach: Proposing an alternative relational account.
 - There are cosmopolitan and non-cosmopolitan answers to this.

NON RELATIONAL ACCOUNTS OF GLOBAL JUSTICE

GLOBAL EGALITARIANISM

- > Global egalitarianism denotes a family of views holding that, at a fundamental level, **justice places limits on permissible global inequalities** (**Valentini and Beitz 2009**).
- > **Arg.:** Appeals to the strong intuitive argument that people's life prospects should not be influenced by morally arbitrary factors, such as race, gender and place of birth. But people's life prospects do indeed vary drastically depending on whether they have been born in Africa or Europe. This might be due to luck, but **global inequalities are also the product of human agency**. The scope of distributive equality should therefore be global.
- > **Arg.:** It is morally arbitrary which country you are born in. Principles of justice do not stop at the national borders. Additionally, political communities have themselves evolved in contingent and arbitrary ways that are more connected to power than to moral right (**Young 2006**)
- > **Beitz** challenges Rawls's assumption that the scope of obligations of justice extends only among members of a single political community and argues that **there exists an international society** even in the absence of a comprehensive political constitution to regulate it. Principles of justice like those Rawls argues for apply globally because there are dense global social and economic relationships. Given interdependence, the standard of living of people is profoundly affected by the actions of people living in other countries.
 - > **Young (2006)** interprets Beitz and Pogge as describing **transnational social structures**

- > [Beitz](#) thus says that global justice can be defended. But even if it could not, then global justice can still be argued for on the grounds of the distribution of natural resources. “*Everyone need not be advantaged by the cooperative scheme in order for requirements of justice to apply.*”
- > He claims that **given interdependence, the standard of living of people is profoundly affected by the actions of people living in other countries**. Rawls's assumption of national societies as self-contained is therefore not valid. But he also makes it clear that “*everyone need not be advantaged by the cooperative scheme in order for requirements of justice to apply*”. **This is where non-relational elements enter his account**

NATIONALISM

- > What is a national community?
 - > [Miller](#): “*a community constituted by mutual belief, extended in history, active in character, connected to a particular territory, and thought to be marked off from other communities by its members’ distinct traits.*” Shared sense of national identity among the members of such a community consists in shared sentiments toward each other that amount to the reciprocal belief that members of the national community belong together and to the wish to continue living together.
 - > [Arg.](#): We belong to national communities and that this is an important aspect of how we relate and *ought* to relate to one another. Nations can provide valuable grounding for **social attachment, identity and meaning in life** and can therefore ground special obligations to strengthen national life and assist compatriots.
 - [Obj.](#): People don’t always feel connected to the country that they are living in in that way. You could be a cosmopolitan at heart.
- > Central to nationalism is the **idea that each nation is entitled to determine its own future**.
 - > Reasons to do so may be interests to protect and foster the culture, which members of that community value for a meaningful life. To guard such cultures, those who are part of it should preserve it, and hence have a right to self-determination.
 - > [Objection.](#): It does not have to be a shared “cultural identity” which can create mutual trust and cooperation, but there are alternatives available, like **constitutional patriotism** ([Habermas 1998](#), [Müller 2007](#))
 - The constitution embodies a set of principles which reflects the history of the society in question, which is more appropriate for societies with culturally diverse populations
- > [Miller \(2007\)](#) defends an account of national responsibility which entails that nations may justifiably claim the benefits that their decisions and policies produce, while also being held liable for harms that they inflict on other peoples. **Global justice** should be understood **not in terms of distributive equality**, but in **terms of a minimum set of basic rights that belong to human beings everywhere**.
 - > Argues against the assertion that global justice is simply social justice pursued on a larger scale - thinks that “*conceptions of justice will take different forms in different cultural milieux*”, so each nation-state will employ principles which differ from that of its neighbours. This is because there can be divergences on matters of which goods should be distributed, according to which principles they should be distributed, and in which social context these principles are to be applied.
 - > But this account is still compatible with minimal duties to non-compatriots: What we do owe each and every human being is to respect the conditions that are universally necessary to lead minimally adequate lives - a powerful formulation of this **are human rights**.

RELATIONAL ACCOUNTS OF GLOBAL JUSTICE

Two ways of grounding associative duties have been suggested: (Ypi, Goodin, Barry 2009)

- **Cooperation account:** Associative duties are rooted in the fact that members of the association are cooperating in some joint venture.
- **Coercion account:** Associative duties are rooted in the fact that members of the association are all subject to the same coercive authority. Since coercion threatens the liberal idea of autonomy, it is often claimed that citizens can justify the use of force by the state only if that is paired with an institutional concern for relative deprivation among fellow associates (Blake)

NON-COSMOPOLITAN RELATIONALISM

- › **Claim:** States have a special role because they facilitate the coordinated conduct of large numbers of people within their borders. Therefore, states are the only suitable objects of justice
 - > **Justice is a relational obligation**, something that we owe through our shared institutions only to those with whom we stand in a strong political relation.
 - > Consequence: We have obligations of justice to compatriots that are **obligations of justice**, our obligations to foreigners are merely **humanitarian obligations**.
Any non-cosmopolitan relationalist view needs to answer the question what the relevant relation is and why it does not hold for people outside of one's own state.
 - Actually this has a lot of overlap with the political obligation topic because in it we have this whole branch about fair play theory – so arguments against the cooperativist view (Rawls) can be advanced just like against fair play theory.
- › Seems to be based on what **Sabel and Cohen** term “**strong statism**”, according to which “*normative requirements beyond humanitarianism only emerge with the state*”
 - > **Egalitarian objection:** Inequalities between members of different states may give rise to differences in status, to forms of domination and to **offensive forms of social relations**. Thus, we have reason to reduce or eradicate those inequalities. Those reasons can be over and above the minimal normative requirement of humanitarianism (O'Neill 2008). *This seems to be a relational objection.*

VARIETIES OF THE NON-COSMOPOLITAN RELATIONALIST VIEW

- › **Nagel: Joint authorship of coercive law:** Because we are putative joint authors of the coercively imposed system of our state and subject to its norms (i.e. we have to accept its decisions even if we disagree with them), we are particularly responsible for inequalities created by our domestic political system because we have played a part in creating it (and sustaining it) and therefore also the following inequalities. It is the “**complex fact**” that we are **both responsible for and subject to the coercive laws** of the state which is significant: society takes, and imposes, decisions *in our names*, and as such we are entitled to reject arbitrary inequalities between societal members.

Because there is no coercive authority on the international level, no claims of justice can be made on the international level (Nagel 2005). We have some obligations toward other people, e.g. preventing them from starving, however those are humanitarian duties, not derived from justice.

- > **Obj.** by **Sangiovanni (2007):** Coercion is not a necessary condition for equality as a demand of justice to apply – it does not make membership in an association non-voluntary in the relevant sense. Consider a tennis club: Here we shape the rules too and are coerced by them. But it would be silly to argue that for all members of the club, principles of equality of opportunity, rights to participation etc. are requirements of justice. The reason for this is that the tennis club is a **voluntary and non-coercive** association, whereas the state **is non-voluntary and coercive**.
- > **Obj.:** We are clearly not authors of the law!

- ii) it would undermine national self-determination and
- iii) it would disincentivise political communities from taking responsibility for their fate and lead to less prudent behaviour generally, making all or most people worse off as a result.

“*Why be an ant, if the grasshoppers are guaranteed equal access to your store of winter provisions?*” (Miller 2007)

COSMOPOLITAN RELATIONALISTS

- › **Moellendorf 2002: Association.** Arises when people interact in certain ways through politics or commerce: “*if ... established social practices or institutions regularly affect the highest order moral interests of a person, that person is in association with all of the others who act within the constraints of those practices or institutions.*” As such, duties of justice are duties about the nature of an association – those arise if and only if: Persons are in association with one another, and persons in general have moral duties to one another
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- › **Nussbaum 1996:** As human beings, we belong to a global community of human persons. While love for one’s country might have a legitimate place in people’s conceptions of a good life, we should not overlook the many other relationships we are in which connect us to others in the world. We need to see ourselves as members of overlapping communities which also have important claims on us.
- › **Coercion.**
 - > **Sabel and Cohen (2006):** Agree with Nagel that coercion is indeed relevant in triggering duties of egalitarian justice, but since this is rampant at the global level, it activates global and not just national egalitarian duties.
 - The collective activities of various states have created international organizations (such as the WTO) that can essentially issue coercive threats: follow WTO rules or suffer impoverishment as a consequence of being denied access to global markets
- › **A Social Connection Model of Responsibility (Young 2006):** All agents who contribute by their actions to the **structural processes that produce injustice** have responsibilities to work to remedy these injustices. “*Structural injustice exists when social processes put large categories of persons under a systematic threat of domination or deprivation of the means to develop and exercise their capacities, at the same time as these processes enable others to dominate or have a wide range of opportunities for developing and exercising their capacities ... it occurs as a consequence of many individuals and institutions acting in pursuit of their particular goals and interests, within given institutional rules and accepted norms.*”
 - > Because global social and economic processes bring individuals and institutions into ongoing structural connection with one another that transcend national boundaries, we **need to adopt a conception of responsibility that recognizes this connection.** A **liability model would not be able to do so**, as it assigns responsibility to a particular agent whose actions can be shown to be causally connected to the injustice in question. It is primarily backward-looking, whereas social responsibility emphasizes forward-looking issues, since we are concerned with an ongoing set of processes likely to continue producing harms
 - **Example Sweatshops:** Sweatshops are places where quite evidently human rights are violated – but the structure of the global apparel industry diffuses responsibility for sweatshop conditions, as big companies selling the products in North America or Europe rarely themselves own or operate the factories in which they are made. The practices of the fashion system are reinforced by most producers and consumers. The responsibility for the injustice then, is essentially shared.
 - > **My Addition:** Another example would be that of climate change. People in industrialized countries have duties of mitigation, adaptation and compensation when it comes to environmental pollution. We are connected with individuals on other sides of the globe in relevant ways, and we are depriving them of

the means to develop and exercise their capacities (since they will be severely affected by climate change consequences).

- > **Mills**: given the **history of colonisation** and that there were practically no countries that were neither colonial powers nor colonized, the idea that we can have some ideal theory which assumes that states stand in fair relations to each other and have always been in such relations is flawed. We can have an ideal approach to individuals because they don't come with injustice attached but modelling states as communities that just came about by free association without any history misses an important part of what they are.
- > **Associative Duties between colonies and colonizers** (Ypi, Goodin, Barry 2009): Those who are linked in **political associations of a colonial sort** have claims against one another under exactly that heading. This is interesting because usually the argument from associative duties is raised to refuse applying the same principles of distributive justice globally as within a state. Associative duties morally do not vary merely on account of how distant you are from those who exercise power and authority within your association.
 - > **On the coercion account**, those people who are bound together within the same colonial association have associative duties to one another – the Mother Country and the colonies are **all under the same legal web**.
 - *“It would be perverse to hold that coercively imposing alien rule on colonial subjects precludes those subjects from being owed the same associative duties as everyone else within the political association whose coercive authority pervasively impacts them.”*
 - > **On the cooperation account**, it is similar: associates in the Mother Country and the colonies all contribute to creating public goods which allow each other's life prospects
 - > Special associative duties of distributive justice extend far more widely than previously supposed: to everyone in one's colonies, ex-colonies and indeed fellow colonies and fellow ex-colonies
 - Though this does not give distributive justice *quite* the global scope that cosmopolitan liberalism calls for, it does **extend its scope well beyond current state borders**.
 - > Even after the colonial ties have ended, those associative duties still exist, because there has been harm created that needs to be rectified, and because there is a duty to share fairly the benefits of a cooperative venture during the period of association of all parties.

GLOBAL DUTIES AND HUMAN RIGHTS

- > How do **human rights enter** the discussion of global justice?
 - > Both nationalists and cosmopolitans frequently agree that a good way to think about some of our duties to one another is via human rights – they can therefore serve as an important discourse for furthering discussion about our global responsibilities (SEP)
- > What kinds of duties do we have to others?
 - > Pogge (2002) argues that our current global order perpetuates global poverty on a massive scale, and our failure to make reforms not only implicates us in the misery but also in the violation of the rights of the poor. As such, **severe poverty is an ongoing harm we inflict upon the global poor**. We thus have extensive obligations to reform our global order so that the rights of the poor can be fulfilled. Note that these are negative duties which are infringed, not positive obligations that we fail to fulfil.
 - > On the hierarchy of moral reasons, the **negative duty not to wrong or unduly harm others is right on top** and above other positive duties to protect others. Yet, we are failing this negative duty in the case of not harming the global poor.
 - These **negative duties apply to everyone in the world**, not just people in our home country.
 - > It is not the case that poverty and oppression are problems which can all be traced back to "bad domestic policies and institutions" (corruption, bad economic governance etc.) - **global economic order** plays a role and as citizens of the rich countries we are deeply implicated in these harms.

- *“Poverty so extensive and severe as to cause 18 million deaths a year requires a reflective moral response from each and every one of us. It requires that we morally situate ourselves in respect to it and choose how to act or fail to act in the face of it.”*
- > How could this look like practice? Pogge argues for a Global Resource Dividend, a tax which is spend on improving the lives of the poor throughout the world.

Even non-cosmopolitans assert that we have *some* negative duties not to harm others. So in this way, it can still be argued that we owe something to foreigners, even if those might not be obligations of justice.

BEYOND DISTRIBUTIVE JUSTICE (LINK TO APTJ)

Refer to APTJ Summary sheet of Historical Justice

- > Inequalities are not coming from nowhere – it is because the present and past are linked in relevant ways.
 - > Via entitlement, benefit or responsibility.
- > We should care about **corrective justice**, rather than purely distributive justice, because there have been wrongful invasions of legitimate entitlements that people hold – we need to restore a moral equilibrium.
- > Butt (2009) argues that much historic injustice has been committed by members of some nation-state against another natio-state, and the benefits of injustice continue to be distributed according to national borders
 - > Thus, one can argue that national borders continue to have relevance due to their role in continuing historic injustice, even if they have no relevance in determining forward-looking accounts of distributive justice.
 - Theories of corrective justice need to rely on the units of nation-states, as collective entities, to make the right judgements.

MAIN AUTHORS

BEITZ, POLITICAL THEORY AND INTERNATIONAL RELATIONS PART III (1979)

CANEY, JUSTICE BEYOND BORDERS: A GLOBAL POLITICAL THEORY (2005) - [LINK](#)

- > Thinks institutionalism to be questionable, firstly because it is not obvious why economic interactions have any moral relevance from the point of view of distributive justice:
 - > Thought experiment: Consider two individuals which are identical in their abilities and needs but live in two separate systems of interaction without any contact - one is prosperous, the other impoverished. It is difficult to see why this would be fair according to an institutionalist approach - there is no ground on which the member of the prosperous society can claim to be entitled to more.
 - > *"Institutional schemes do not track any properties that would generate entitlements and as such they treat people unfairly, denying some their entitlements."*
 - > Challenges the “impact argument” of institutionalism, which claims that institutional frameworks have moral significance because they have an enormous impact on people and on their fundamental interest and options and which thus says that membership of global systems is morally significant. But Caney thinks this is problematic, because persons external to an economic-political system may also have an effect on people’s interests.

MILLER, NATIONAL RESPONSIBILITY AND GLOBAL JUSTICE (2007) & CITIZENSHIP AND NATIONAL IDENTITY

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SANGIOVANNI, GLOBAL JUSTICE, RECIPROCITY AND THE STATE (2007)

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SABEL AND COHEN, EXTRA REMPUBLICAM NULLA JUSTITIA?

VALENTINI AND BARRY EGALITARIAN CHALLENGES TO GLOBAL EGALITARIANISM: A CRITIQUE (2009) – [LINK](#)

BLAKE, DISTRIBUTIVE JUSTICE, STATE COERCION AND AUTONOMY (2002)

MOELLENDORF, COSMOPOLITAN JUSTICE (2002)

YOUNG, RESPONSIBILITY AND GLOBAL JUSTICE: A SOCIAL CONNECTION MODEL- [LINK](#)

YPI, GOODIN, AND BARRY, ASSOCIATIVE DUTIES, GLOBAL JUSTICE, AND THE COLONIES (2009) - [LINK](#)