

12. GLOBAL JUSTICE, GLOBAL INSTITUTIONS AND GLOBAL CITIZENSHIP

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INTRODUCTION

A debate on global justice, global institutions and global citizenship is especially relevant at the present moment. The context of the end of the Cold War, the contested process of economic, political and social-cultural globalisation and changing relationships between citizens and their governments within nation-states provide a background to the present debate. For some time optimism has been expressed about the growing sense of global responsibility that is shown by both the international community and by global civil society. Examples often mentioned are the increased willingness of states to contribute to international intervention and punishment in cases of human rights violations and international regime-building to cope with global environmental change. Some view these developments as indicators of a form of global citizenship developing, whereas others see them merely as an illustration of the need to develop stronger global institutions.

Political theory and especially theories of justice are needed to develop moral perspectives and just policies in response to a changing world, yet the changes in the world today pose new challenges to theories, too. Therefore, this chapter reflects on the accounts of global citizenship implied by recent theories of global distributive justice and puts forward an analysis of the present state of global citizenship and some normative arguments regarding global citizenship as required by cosmopolitan principles of global justice.

The chapter is structured in the following way. The first section outlines the

main theories of global justice coming out of the Rawlsian debate on distributive justice. In the second section the institutional implications of these theories of global justice are discussed and in the third section they are linked to a discussion of conceptions of global citizenship. In conclusion it is suggested that although we are not global citizens institutionally yet, we are global citizens in a moral sense and therefore we have an obligation to build global institutions that are effective in implementing the duties created by global principles of distributive justice. Those institutions should be accountable and based on democratic participation. This conception therefore differs from a traditional notion of citizenship linked to the government of a nation-state in at least two important respects. First, in the context of a nation-state citizenship is based on legal rights and duties instead of on moral norms only; and second, solidarity is mainly focused on fellow citizens of one state instead of humanity at large.

COSMOPOLITAN VIEWS OF GLOBAL JUSTICE

Recent debates on distributive justice have their origin in the publication of John Rawls' *A Theory of Justice* in 1972. The scope of justice in this debate was one nation-state. The boundaries of the nation-state were implicitly considered to be the boundaries of principles of distributive justice. The debate focused on the content of the principles as defended by Rawls and on the method of deriving those principles as the right ones for a Western democratic society (Kukathas and Pettit 1990; Daniels 1974; Barry 1973).

The Rawlsian framework for a theory of justice proposed to use a hypothetical 'Original Position', where the principles of justice for the basic institutions of society were chosen under circumstances of rough equality and risk aversion. The people in the Original Position were assumed to be under a veil of ignorance, which hid their knowledge of their social status in life from them. According to Rawls, people would choose a principle of equal liberty with all positions open to all and, second, a principle that would distribute benefits and burdens equally to all, unless inequalities could be justified on the grounds that they were to the advantage of the worst off in society. Implicitly, Rawls relied on a theory of trickle down of wealth, in the sense that he foresees that inequalities will be justified on those grounds. Talented people need incentives to remain economically active in society and it would be to the advantage of the worst off, according to him, to provide those incentives. Egalitarians have criticised this position, arguing that wealth may not trickle down automatically and incentives could be given in ways other than monetary rewards (Baker 1987). Further criticisms ranged from external critics disagreeing with an abstract derivation of principles of justice unrelated to the specific traditions of a particular community to internal critics arguing for variations in the specification of the Original Position (Mulhall and Swift 1992; Kukathas and Pettit 1990).

Some of the critics of Rawls' theory of justice noted that the method used by Rawls was useful and his principles were valid but that the scope of justice as limited to one nation-state was too restrictive. Especially in the light of concerns over increasing global poverty and inequality, a theory with a wider scope was required. Beitz, Pogge and Barry developed theories of justice with a global scope, partly developing and extending Rawlsian ideas, partly as a criticism of Rawls (Beitz 1979; 1983; 1999; Pogge 1989; 1992; 1998; Barry 1995).

In the context of this chapter it will not be possible to analyse the wide variety of recent theories of global justice in detail. As Charles Beitz has noted: 'International liberalism is at an early stage compared with the more familiar liberalism of the territorial state. But [...] there is evidence of progress in both the richness and the diversity of recent liberal thought about the distributive aspects of international relations' (Beitz 1999: 292). In addition, there are now many publications on global justice from other backgrounds than liberalism, too (for example, Lensu 2000).

In his *A Theory of Justice*, Rawls commented on the issue of international justice and stated that what was needed was a second original position of representatives of states to choose principles of international justice (Rawls 1972). However, this method was criticised by two authors who were to set the terms of debate for a long time to come. Beitz and Pogge each developed their own theories of international justice based on a Rawlsian framework but altered to such an extent that the principles of justice defended were quite different to Rawls'.

Beitz originally based his theory on the growing interdependence in the world economy (Beitz 1979). The form this global interaction has taken led, according to Beitz, to a strong argument for global duties of redistribution. He argued that since nation-states are no longer self-contained (as Rawls assumed in his theory) justice becomes a global matter and cannot be coherently theorised within models of one society.

... [I]f evidence of global economic and political interdependence shows the existence of a global scheme of social co-operation, we should not view national boundaries as having fundamental moral significance. Since boundaries are not co-extensive with the scope of social co-operation, they do not make the limits of social obligations. Thus, the parties to the Original Position cannot be assumed to know that they are members of a particular national society, choosing principles of justice for that society. The veil of ignorance must extend to all matters of national citizenship. (Beitz 1985: 298)

In addition to matters of national citizenship being part of the veil of ignorance, Beitz also argued that the distribution of natural resources between states is arbitrary from a moral point of view. Therefore Beitz concluded that

these are two good reasons why the Rawlsian principles should apply globally.

Critics have pointed out that global interdependence cannot be the basis for principles of global justice. There are two arguments here: one of a methodological nature and one empirical (van den Anker 1999). The methodological argument holds that principles of justice are universal in both time and space and cannot therefore be dependent on the empirical fact of globalisation or growing interdependence. This is sometimes argued by strictly Kantian positions. The empirical argument holds that, despite growing interdependence, there is also growing fragmentation and increasing reliance upon particularistic points of view that lead to conflict. For example, Brown argues that a sense of obligation towards people across borders is not 'something that can be expected to emerge simply as a result of individuals and peoples coming to have more contact with one another, because such contact need not generate the essentially moral consciousness of common identity that is required' (Brown 1995a: 94). Although this empirical argument can be answered by arguing that if the necessary moral motivation is not present yet, the fact of interdependence could still justify moral obligations, Beitz has revised his argument and relies in his later work on a notion of human equality to justify principles of global justice (Beitz 1983).

Pogge arrives at similar conclusions to Beitz but his theory is different in important respects (Pogge 1989; 1994; 1998). He gives an interpretation of the Rawlsian framework whereby he argues that Rawls would be committed to a global scope of justice if he took his own starting point of taking people to be free and equal moral beings seriously. Pogge therefore holds that justice is owed across borders and he would defend that position even if we lived in a world of isolated nation-states. In Pogge's view a global Original Position would arrive at a principle for the compensation of having a lesser share of natural resources than other countries. Yet we live in an interdependent world and this fact makes it even clearer, according to Pogge, that justice ought to be approached globally. The global Original Position would make the position of the globally worst off a central concern.

Barry argues for a theory of justice as impartiality with a global scope (Barry 1989; 1995). The main argument is that, given the motivation of all people to justify their behaviour to others, agreement can be reached on principles of justice by looking for those principles that cannot be reasonably rejected by others. This theory has the advantage that there is no need for a complicated argument specifying the Original Position. It also moves beyond the Rawlsian assumption that justice becomes an issue only in situations where people cooperate for mutual advantage. Therefore, in Barry's theory the existence of a global system of cooperation does not have to be shown for principles of global justice to be valid.

An important criticism of cosmopolitan theories of justice is put forward by the position of liberal-nationalism. This position holds that the duties

generated by global principles of justice cannot be realised without jeopardising the obligations people have towards their fellow citizens within a nation-state (Miller 1995; Tamir 1993). Since the ties with fellow nationals are very important to people, they argue, people ought to be allowed to prioritise them over helping others outside the nation-state. In addition, the kind of solidarity present in a national scheme of redistribution is simply not available on a global scale, according to Miller. Although the balance between duties on different levels is an important issue to be the focus of further research, the immediate answer to the nationalist objection to cosmopolitan theories of justice is that moral motivation may need to be developed. But the lack of this motivation cannot in itself be an argument against the justice of the principles proposed (Freeman 1994).

INSTITUTIONAL IMPLICATIONS OF THEORIES OF GLOBAL JUSTICE

Theories of global justice vary with respect to their position on global political and economic institutions. Some cosmopolitans argue for some form of world government or supranational institutions instead of the present system of sovereign nation-states. However, other cosmopolitan theories focus on the principles underlying institutional arrangements rather than institutions themselves. This moral cosmopolitanism does not necessarily adhere to some form of political cosmopolitanism (Pogge 1992: 49).

A second important general point regarding cosmopolitan theories of justice and political institutions is that a theory of justice does not necessarily link up with one specific form of institution. There is room for a plurality of institutional forms within the scope of the principles of justice as defined. This means that rather than prescribing institutional arrangements, theories of justice can be used to restrict the range of institutional set-ups that are considered to be just (Follesdal 2000a).

Institutions can be understood in several ways. Some people would define institutions as all rules and social practices present in a social system. Although this can be useful in other contexts, in this chapter institutions are defined as those bodies that can enforce rules. This means that a national government is taken to be an institution, as well as subnational institutions like the church or a school system and supranational institutions like the United Nations or the World Bank and the International Monetary Fund (IMF). However, the social practice of greeting one's neighbours is not included nor the social practice of providing development aid. In the context of global justice it is important to make a sharp distinction between the enforcement of principles of justice by institutions and the encouragement of social practices such as giving to charities and other matters in the domain of personal morality. Even when recognising the importance of a flourishing civil society and an active attitude of citizens, justice must be backed up by a set of political and economic institutions with the power to enforce. However,

enforcement need not be based on violence or the threat of violence; there is an important role to be played in the enforcement of international law by social norms, diplomacy, public pressure or trade sanctions, for example. This is analogue to the enforcement of national laws as only partially based on the state's monopoly of violence and to a larger extent on the socialisation of people into the law-abiding behaviour they generally show in a democracy.

Institutional prescriptions vary from one cosmopolitan theory to another. According to Rawls' *The Law of Peoples*, international law should not go beyond the existing arrangements protecting sovereignty and a strong principle of non-intervention (Rawls 1993a; 2000). Others defend some form of global taxation, generating resources to be redistributed to poor people (not necessarily via their national governments). Beitz, for example, defends a global difference principle and a natural resources fund. Pogge argues for a global resources dividend and Barry would ideally like to see global progressive taxation and reform of the United Nations. In order to implement any of these proposals, some institutions of global governance need to be created that would have the responsibility for the taxation and redistribution on a global scale.

Some theorists have proposed to establish a cosmopolitan democracy. One of the most well-known advocates of such a project is David Held. His argument is based on the idea that in the present global order there is increasingly less symmetry between the effects of a policy and the people included in the forum of decision-making. In other words, decisions by one jurisdiction increasingly influence people outside that jurisdiction. In order to restore the symmetry between the decision-makers and those affected by the decisions, Held argues for several changes to the present system of political decision-making. He calls, for instance, for a new Charter of Rights and Obligations, a Global Parliament with limited revenue-raising capacity and an interconnected global legal system, including an international criminal court (Held 1995a: 279).

Other recent proposals for global democracy and global governance have been put forward in the context of the United Nations. The United Nations Development Programme (UNDP) in its 1999 *Human Development Report* argues for several long-term proposals, such as a stronger and more coherent United Nations including a two-chamber general assembly to allow for civil society representation, a global central bank, a World Trade Organisation with a mandate extending to global competition policy with anti-trust provisions and a code of conduct for multinational corporations, a world environmental agency, a world investment trust with redistributive functions and an international criminal court with a broader mandate for human rights (UNDP 1999).

It could be argued that cosmopolitan democracy is needed to implement principles of global justice. To make the proposals of Pogge, Beitz and Barry feasible, it is clear that the present institutions will not suffice. More

importantly, these proposals show that there is an urgent need to rethink global institutions beyond the traditional terms of debate on global government. Falk's world orders project is relevant in this respect but more generally the increasingly interdisciplinary debate between international relations, international law and political theory is promising (Falk 1987).

One of the dilemmas in the proposals for cosmopolitan democracy is the place of sovereignty. On the one side, current international law is built on sovereign states making agreements voluntarily. On the other side, a global government would impose rules even if they were decided upon democratically. In the middle, for fear of authoritarianism, global governance is commonly preferred over global government. The task of the advocates of cosmopolitan democracy is to show how their proposals avoid the possible lack of accountability of global government and the lack of adequate provision of binding norms and enforcement mechanisms of the current system.

International law creates binding norms through treaties or through customary law. Since non-binding declarations of rights may take a long time to become part of customary law and the content of customary law is contested between international lawyers, in order to create global justice global institutions of governance may need to have more authority than in the present system. For example, the United Nations' *Universal Declaration of Human Rights* of 1948 contains only a few rights that are widely considered to be binding and cannot be derogated from under any circumstances: the right to life, the prohibition of slavery, the prohibition of torture and the prohibition of retroactive legislation. Other rights that cannot be derogated from but are not binding are freedom of religion and the right to be a person under the law. Rights that can be derogated from but are binding under customary law are the right to be presumed innocent and the prohibition of arbitrary detention (van den Anker 1990: 57). This list of rights is too short from the perspective of global justice and it does not include any of the social rights protected under international law. Moreover, international law in its present form suffers from lack of enforcement mechanisms. These problems would need to be overcome by a new system of global governance based on principles of global justice.

Kaldor has suggested that horizontal institutions would overcome the above dilemma. Horizontal institutions have a degree of sovereignty so they can interfere with the behaviour of nation-states. Kaldor envisages horizontal institutions as based on democratic principles and not relying on some external threat for legitimacy. This means that (i) their field of competence needs to be defined; (ii) as many decisions as possible are taken by the smallest political unit (subsidiarity); and (iii) they have to be open and accountable to public opinion. In order to implement this, those new institutions need to have enabling mechanisms that essentially provide the conditions through which local institutions can solve problems. In addition, a horizontal network of non-governmental organisations should be developed that can engage with

international institutions (Kaldor 1998). In the context of global institutions, a similar case could be made.

Finally, the debate on global institutions implementing principles of justice could look into suggestions of non-territorial citizenship. This would have significant effects on migration and the status of refugees and asylum-seekers, as well as on people who are presently stateless.

GLOBAL CITIZENSHIP: LEGAL RIGHTS OR MORAL DUTIES?

Citizenship is traditionally understood as membership of a nation-state. Although citizenship existed in the ancient Greek city-states, who already debated notions of cosmopolitan citizenship, women and slaves were excluded. Historically, modern notions of equal citizenship have their origin in the process of building sovereign nation-states. Initially, the emphasis of citizenship was on the struggle for formal rights such as the right to be a subject under the law (important for the right to ownership and access to adjudication in conflict) and the right to political participation. Again women, poorer men and slaves were excluded for a long time and had their rights recognised much later than tax-paying men. Later still, in the period of industrialisation, claims for social rights were made. Collective struggle resulted in the right to union organisation and a social minimum guaranteed by the state. This whole process has led to our main identification of citizenship with the context of the state, rather than with units on other levels of politics. It also resulted in the identification of citizenship with legal rights. At present this conceptualisation of citizenship can still be observed in debates over citizenship rights for immigrants. Citizenship is linked with obtaining the nationality of the country of residence and sharing full and equal rights with the 'original' citizens.

More recently the duties linked with citizenship have been a focus of debate. For immigrants this requires some level of integration and for 'traditional' citizens it requires active participation in the moral and political culture of society.

In recent debates on citizenship this conceptualisation of citizenship as a set of national rights and duties has been challenged in several ways. Linklater, for example, has identified a new characteristic of citizenship in recent times. Although traditionally the struggle for rights and justice took place mainly within national boundaries, increasingly there are 'global citizens' as part of a global civil society fighting for justice independent of the boundaries between states (Linklater 1992). Human rights organisations are an obvious example. Others have challenged the national conception of citizenship by pointing at the development of supranational identities such as the European one. One could conceive of a European citizenship whereas there is (as yet) no European central government (Lehning and Weale 1997). This illustrates that the possibility of a global citizenship is not as far-fetched as it was once regarded

to be, since there is no necessary link between the defence of a global government and global citizenship anymore.

So how could we conceptualise global citizenship in the present? At this moment in time there is no global government but there are global institutions that together generate a set of regimes of global governance. Examples are the human rights regimes in the United Nations and the Council of Europe. The way in which citizens globally interact with those institutions (for example, through non-governmental organisations (NGOs) with consultative status) could be seen as a form of global citizenship. There are many different NGOs that are working towards justice globally and lobby the IMF, the World Bank, the United Nations and the World Trade Organisation, amongst others. Some have argued that this global concern of an increasing number of people is a form of global citizenship. The major demonstrations in Seattle and Geneva to protest unfettered economic globalisation can also be seen as an expression of a sense of global citizenship.

However, there are conceptions of global citizenship that broaden the notion of citizenship so far that we may not recognise any of the central elements of the traditional conceptions of citizenship at all. For example, it is sometimes argued that the development of a sense of justice that includes people across national borders in the present institutional set-up is already a meaningful form of global citizenship (Dower 2000). This means that institutional change is not required for global citizenship to become relevant. Although such a sense of responsibility across borders may be conducive to developing notions of global citizenship, the meaning of citizenship is stretched too far if these sentiments and the actions they motivate are seen as indications of global citizenship existing. Such a broad notion of citizenship confuses the debate. Citizenship is related to political institutions if it adds anything to the duties fellow humans feel and act upon towards one another. We can then distinguish clearly between global ethics as based on common humanity and global citizenship as requiring some form of shared political institutions and governance.

How does global citizenship relate to global distributive justice? There is a link between citizenship, democracy and social justice on the national level (Held 1991). The state has been portrayed as the most powerful actor to tame the forces of private capitalism. Yet people also need protection from the state violating their human rights. Citizenship combines both elements. It relies on democratic participation and equal formal rights as well as on a notion of social justice. Once social justice comes in, we move beyond the model of liberal citizenship as formal equal rights towards the role of the state as redistributor. There is a parallel development internationally, with civil and political rights being accepted more readily as human rights than economic, social and cultural rights. However, at present the latter category of rights has an official equal standing to the former and in practice social rights are more emphasised internationally. Claims for global justice are phrased in terms of both political freedom and social protection.

Interestingly, the struggle for global citizenship has not started with claims for democratic participation, although the human rights doctrine places stronger emphasis on liberty than on equality. Democratic participation is often still seen as an issue on the level of nation-states, although recent protests have emphasised the undemocratic nature of decision-making in international organisations and in the international community as a whole.

What kind of political institutions are required for a complete account of global citizenship? A new model of global citizenship would not require the existence of a global state but of a global community that provides protection against the overwhelming power of the nation-state to its own citizens and the power of multinational corporations over people's lives. A model of global citizenship involving protection by global institutions implementing global principles of justice can be seen in parallel to the national model: protection from the state in the form of universal human rights and protection from full-blown liberal market capitalism by a scheme of redistribution worldwide. Then the global community could also play a role as the 'redistributor' of resources. It alone is said to be powerful enough to tame global capital. In such a model people would be global citizens with rights and duties parallel to rights of citizenship as we know them from the national cases.

Finally, it is sometimes objected that global governance does not exist in relevant forms for global citizenship to become meaningful. However, in the tradition of moral and political theory concerned with issues of justice, it is not necessary to have the right type of institutions yet, since they can be an aim to work towards. Questions of political feasibility and of motivation need to be resolved but the construction of a viable theory of justice which can be used in conceptualising these changes is very useful in itself and necessary for the first stage. New institutions need to be imagined before people can be attracted to them by a political strategy.

CONCLUSION

The main argument in this chapter aimed to show that theories of global justice make a case for global institutions of a democratic nature which would create a form of global citizenship. At this moment in time this form of global citizenship does not exist yet, although there is a large and increasing group of people who already take their role as future global citizens seriously in their actions to influence global institutions and multinational companies. This fight for justice through non-governmental organisations, however, cannot substitute a full global citizenship where individual people have rights and duties globally. These would include rights to democratic participation in global decision-making and duties to contribute resources to a fund for global redistribution. This does not necessarily mean that the way forward is to create a global government. As this chapter has shown, global governance can be a valuable alternative, although accountability can only be achieved

through active participation of all and not through non-representative non-governmental organisations. The risk of non-governmental organisations as representatives of global citizens is that existing power structures are reflected in their membership. There must be participation by and accountability to the people with least power in global decision-making. This needs an institutional safeguard that is the democratic participation of all.

One objection to this way of imagining a fully inclusive global citizenship might be that it relies on the model of national citizenship too much. It still links citizenship to a state-like institution on a global scale. However, this is not necessarily the case. Interesting proposals have been made for thinking about citizenship in non-territorial ways. Democratic representation may take place on the basis of non-territorial constitutions. However, the detailed development of such a proposal falls outside the scope of this chapter. Another innovation that would be interesting to follow up is the idea that democratic representation does not necessarily mean copying the current system of party representation. A new model of leadership and accountability could take care of some of the problems of scale of a global democracy. Unfortunately, the development of such an innovative approach also falls outside the scope of this chapter.

Therefore, global citizenship should mean that people show their sense of justice and responsibility to care for all other human beings anywhere in the world; but it also has a component of accountability of global decision-making and a component of duties to contribute to global redistribution.

QUESTIONS

1. Do you think that justice is a concept that should apply globally?
2. Does justice depend on equal citizenship rights nationally? And globally?
3. Would you find a theory of justice more attractive if it concentrated on duties or on rights?
4. Is your conception of citizenship more focused on duties or on rights?
5. Does global citizenship depend on global institutions, such as a global government?
6. What do you think motivates people to feel a duty towards people who are not their fellow citizens? Would global citizenship motivate more people to feel a duty beyond their fellow nationals?
7. Are you active yourself in changing the world? If so, what motivates you? If not at all, then why not?
8. Do you feel you are a global citizen?

