

Week 3. The Ethical Landscape: Justice as a Tool for Global Citizenship

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Main debates of Global Justice

Justice became the main topic for discussions in social ethics and political philosophy in the 1970s: John Rawls's *A Theory of Justice*.

Charles Beitz made an effort to apply Rawls theory of justice on a global level said: *Difference Principle* stating that '[...] social and economic inequalities are to be arranged so that they are [...] to the greatest benefit of the least advantaged [...]'

Thomas Pogge applies Rawls's idea of choosing principles of justice under a 'veil of ignorance'.

The Problem of Justice

We do not live in a just world. What does justice on a world scale mean?

What should the hope for justice lead us to want in the domain of international or global institutions?

At international level, who or what can exercise the control?

International Justice has two requirements: **focuses on criminal conduct such as war crimes or crimes against humanity and focuses on socio-economic conduct.**

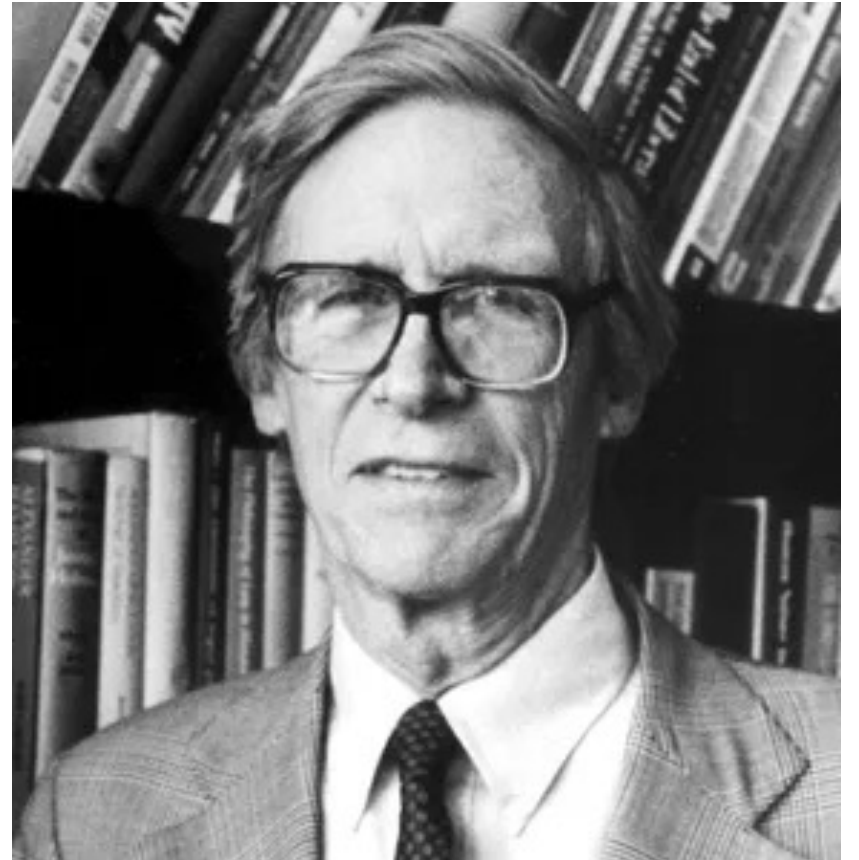
Focuses on socio-economic justice

It studies the relation between justice and sovereignty, and the scope and limits of equality as a demand of justice. (Nigel, 2005).

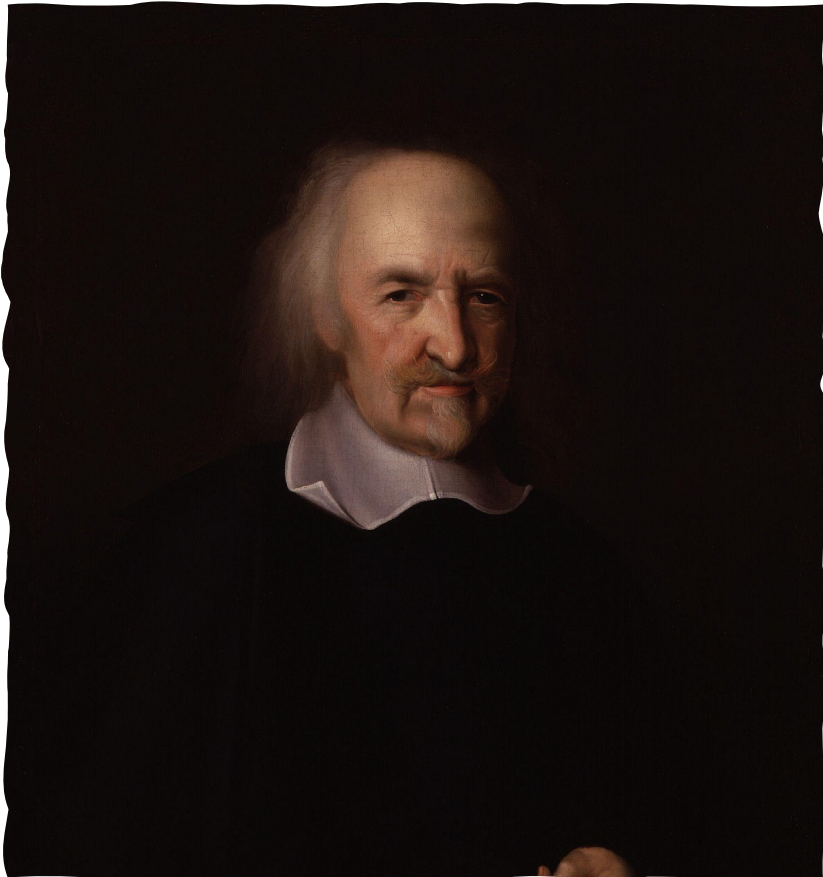
Hobbes: justice and sovereignty.

John Rawls (1921-2002)

- Liberal requirements of justice include a strong component of equality among citizens.
- This is a specifically political demand beyond a moral demand.
- It does not apply to the personal (nonpolitical) choices of individuals living in such a society,
- It does not apply to the relations between one society and another, or between the members of different societies.
- Egalitarian justice is a requirement on the internal political, economic, and social structure of nation-states
- It cannot be extrapolated to different contexts
- The ideal of a just world for Rawls would have to be the ideal of a world of internally just states.



Thomas Hobbes (1588-1679)



- What is key to the law is conformity of all – without it the law is unworkable.
- Principles of justice, and more broadly the moral law, as a set of rules and practices that would serve everyone's interest if everyone conformed to them.
- Key to the law for Hobbes is the external incentive provided by a sovereign.
- Why bother conforming to a system of justice?
- Foundation of justice is collective self-interest and the attachment of any individual to just institutions is based solely on his own good.



Is global justice a moral problem?

Justice: **includes much more than a condition of legally enforced peace and security among interacting individuals, together with stable property rights and the reliability of contracts.** Most modern conceptions of justice impose some limits on the powers of sovereignty.

The urgent current issue is what can be done in the world economy to reduce extreme global poverty?

Justice as ordinarily understood requires more than mere humanitarian assistance to those in desperate need, and injustice can exist without anyone being on the verge of starvation.

How to respond to world inequality in general from the point of view of justice and injustice rather than humanity alone? Nigel, 2005

Justice and sovereignty

Cosmopolitanism

- Justice derives from an equal concern or a duty of fairness.
- Common system of institutions to deliver justice.
- The existence of separate sovereign states is an unfortunate obstacle.
- Federal system of justice in which the members of individual nation-states had special responsibilities toward one another.

Political Conception of Justice (Rawls)

- Justice is a political value rather than being derived from a comprehensive moral system.
- Sovereign states are not instruments for realising the preinstitutional value of justice among human beings.
- Their existence is precisely what gives the value of justice its application.
- Justice as an associative obligation - duty of justice.

Cosmopolitanism and Political Conception of Justice

The full standards of justice apply only within the boundaries of a sovereign state: Global justice would require global sovereignty.

On the political view, the absence of global justice need not be a matter of regret.

On the cosmopolitan view, it is, and the obstacles to global sovereignty pose a serious moral problem.

Rawls on Domestic Justice

- Anti-monism: his two principles of justice are designed to regulate neither the personal conduct of individuals living in a just society, nor the governance of private associations, nor the international relations of societies to one another, but only the basic structure of separate nation-states.
- Rawls's egalitarianism: the principles cannot be reached by extending to the international case the principles of domestic justice.
- It is the nature of sovereign states and in particular their comprehensive control over the framework of their citizens' lives that creates the special demands for the requirements of justice.
- Internationally, Rawls finds the main expression of moral constraints not in a relation among individuals but among peoples.

Political Conception of Justice vs Cosmopolitanism on international system of justice

- Rawls: the moral units of the order are peoples, not individuals.
- What we owe to other inhabitants of the globe through our society's respect for the societies of which they are citizens is different both from what we owe to our fellow citizens and from what we as individuals owe to all our fellow human beings.
- Principles for all under the same state/nation: nonaggression and fidelity to treaties, but also some developmental assistance to “peoples living under unfavourable conditions”.



Political Conception of Justice vs Cosmopolitanism on international system of justice

The monist idea is that the basic constituency for all morality must be individuals, not societies or peoples, and that whatever moral requirements apply either to social institutions or to international relations.



Rawls: One should favour a global difference principle, perhaps backed up by a global original position in which all individuals are represented behind the veil of ignorance.



Rawls: Strong condition of associative responsibility created by specific and contingent relations such as fellow citizenship, and that there is no general moral requirement.



Thomas Nagel's proposal

The protection, under sovereign power, of negative rights like bodily inviolability, freedom of expression, and freedom of religion is morally accepted. Socioeconomic justice is different: On the political conception it is fully associative.

There is a coercively imposed system and subject to its norms. Without being given a choice, we are assigned a role in the collective life of a particular society: the society makes us responsible for its acts, which are taken in our name and on which, in a democracy, we may even have some influence; and it holds us responsible for obeying its laws and conforming to its norms.

Thomas Nagel's proposal

- The capacity for justice is based on our capacity to put ourselves in other people's shoes.
- This minimal humanitarian morality governs our relation to all other persons.
- We need institutions to enable us to fulfil the duty of rescue toward people in dire straits all over the world.
- Different roles facing the problem of global justice:
 - a. Rescue. i.e., NGOs.
 - b. Protection of rights. i.e., UN agencies.
- Everyone may have the right to live in a just society, but we do not have an obligation to live in a just society with everyone.
- This conception does not subtract from a prior condition of universal concern, but rather move our moral relations selectively to a new level, at which more ends and responsibilities are shared.

Dilemmas of global justice

- The source of that pressure lies both in existing global or international institutions and in the increasingly felt need to strengthen such institutions and to create new ones, for three types of purpose:
 - a. Protection of human rights
 - b. Provision of humanitarian aid
 - c. Provision of global public goods : free trade collective security and environmental protection.
- Institutions that serve these purposes are not designed to extend democratic legitimacy and socioeconomic justice, but they naturally give rise to claims for both, in respect to their design and functioning.
- Wealthy nations want more governance on a world scale, but they do not want the increased obligations.
- The absence of sovereign authority over participant states and their members not only makes it practically infeasible for such institutions to pursue justice but also makes them, under the political conception, an inappropriate site for claims of justice.

How do we establish a global governance?

- According to the political conception is crucial for the application and implementation of standards of justice: They are not collectively enacted and coercively imposed in the name of all the individuals. Instead, they are set up by bargaining among mutually self-interested sovereign parties.
- Networks of this kind, which link the disaggregated subparts of sovereign states sharing common competences and responsibilities rather than the unitary states themselves.
- Justice applies only to a form of organization that claims political legitimacy and the right to impose decisions by force.
- We are all participating members of the network of international institutions.

Would international authority be desirable?

- Resources for development aid and emergency relief could be more effectively obtained.
- Global public goods like environmental protection and free trade.
- The prevention of massive violence and the relief of famine.

But all these types of increased international authority would bring with them increased responsibilities.

For the moment, we do not see such a possibility, though perhaps it can be invented.

Nagel believes the most likely path toward some version of global justice is through **the creation of patently unjust and illegitimate global structures of power** that are tolerable to the interests of the most powerful current nation-states.

Key Questions

Can global citizenship lead to global justice?

How do rules and the law shape, facilitate and constrain the practice of global citizenship?

Is it possible to have duties of justice without the global institutional mechanisms in place to enforce those duties?

Is it possible to be both a 'patriot' to one's state and a cosmopolitan dedicated to fostering a condition of global citizen?