What is Global Justice?

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If you do a literature search on “global justice” you will find that this is a newly prominent expression — there are more books and essays on it in this millennium already than in the preceding one, at least as far as computers can tell. Of course, some of the broad topics currently debated under the heading of ‘global justice’ have been discussed for centuries, back to the beginnings of civilization. But they were discussed under different labels, such as ‘international justice,’ ‘international ethics,’ and ‘the law of nations.’ And this shift in terminology is quite significant — or so I believe.

Obviously, different users of a new expression may have diverse motives and ideas, some of which I may not be familiar with. Thus I must confess to never having read the book — published already in 1977 — entitled No More Plastic Jesus: Global Justice and Christian Lifestyle. As fellow-philosopher Clint Eastwood pronounced so memorably: “A man’s got to know his limitations.” So I won’t pretend to speak for everyone, but will rather say a little about the evolving ideas that motivated me to use the expression “global justice” in the titles of my doctoral dissertation, of my first essay in Philosophy & Public Affairs, and of six subsequent publications.

We can begin with two distinctions. The first is between two different ways of looking at the events of our social world. On the one hand, we can see such events interactionally: as actions, and effects of actions performed by individual and collective agents. On the other hand, we can see them institutionally: as effects of how our social world is structured — of our laws and conventions, practices and social institutions. These two ways of viewing entail different descriptions and explanations of social phenomena, and they also lead to two different kinds of moral analysis or moral diagnostics.
Take some morally salient event, for example the fact that some particular child suffers from malnutrition, that some woman is unemployed, or that some man was hurt in a traffic accident. We can causally trace such events back to the conduct of individual and collective agents, including the person who is suffering the harm. Doing so involves making counterfactual statements about how things would or might have gone differently if this or that agent had acted in some other way. We can then sort through these counterfactual statements in order to determine whether any of the causally relevant agents ought to have acted differently and thus is partly or wholly at fault for the regrettable event. This will involve us in examining whether any such agents could have foreseen that their conduct would lead to the regrettable event and could also reasonably have averted the harm without causing substantial costs to themselves or third parties. I have referred to inquires of this kind as interactional moral analysis or interactional moral diagnostics.

Regrettable events can also be traced back to standing features of the society or social system in which they occur: to its culture, for example, or to its institutional order. In this vein, one might causally trace child malnutrition back to high import duties on foodstuffs, unemployment to a restrictive monetary policy, and traffic accidents to the lack of regular motor vehicle safety inspections. Doing so involves making counterfactual statements about how things would or might have gone differently if this or that set of social rules had been different. We can then sort through these counterfactual statements in order to determine whether the causally relevant rules ought to have been different and whether anyone is responsible for defects in these rules that are partly or wholly to blame for the regrettable events. This will involve us in examining whether those responsible for the design of the relevant rules — for instance, members of the parliament — could have foreseen that they would lead to harm and could reasonably have reformulated the rules without causing substantial harm.
elsewhere. I have referred to inquires of this kind as *institutional* moral analysis or *institutional* moral diagnostics.

This was the first distinction: between interactional and institutional causal explanation and, correspondingly, between interactional and institutional moral analysis.

The second distinction I want to put before you is that between *intranational* and *international* relations. These were traditionally seen as constituting distinct worlds, the former inhabited by persons, households, corporations and associations within one territorially bounded society, the latter inhabited by a small number of actors: sovereign states. National governments provided the link between these two worlds. On the inside such a government was a uniquely important actor within the state, interacting with persons, households, corporations and associations and dominating these other actors by virtue of its special power and authority — its so-called *internal sovereignty*. On the outside, the government *was* the state, recognized as entitled to act in its name, to make binding agreements in its behalf, and so on — its so-called *external sovereignty*. Though linked in this way, the two worlds were seen as separate, and normative assessments unquestioningly took this separation for granted, sharply distinguishing two separate domains of moral theorizing: justice within a state, and international ethics.

Interactional moral analysis presumably emerged quite early in the evolution of moral thought. Institutional moral analysis is more demanding, presupposing an understanding of the *conventional nature* of social rules as well as of their, often statistical, comparative effects. Even a mere eighty years ago, the poor and unemployed were still often seen as lazy and delinquent merely on the grounds that others of equally humble birth had risen from dishwasher to millionaire. Many people then did not understand the *structural* constraints on social mobility: that the pathways to riches are limited and that the structure of prevailing markets for capital and labor unavoidably produced certain threshold rates of unemployment and poverty. Nor did they understand that existing rates
of unemployment and poverty could be influenced through intelligent redesign of the rules. Today, after Keynes and after the US New Deal and various similar national transformations, these matters are quite well understood, and governments are held responsible for their decisions regarding institutional design and for the effects of such decisions on the fulfillment or frustration of human needs. This understanding has been — belatedly, yet very admirably — articulated in philosophy through John Rawls’s classic *A Theory of Justice*. In this grand work, Rawls has firmly established social institutions as a separate domain of moral assessment and has marked this domain terminologically by associating it with the terms *justice* and *social justice*. This terminological innovation has taken hold, by and large, at least in Anglophone philosophy, so the term *justice* is now predominantly used in the moral assessment of social rules (laws, practices, social conventions and institutions) and only rarely in the moral assessment of the conduct and character of individual and collective agents. In the wake of Rawls, then, the distinction between *institutional* and *interactional* moral analysis has come to be marked as a distinction between *justice* and *ethics*.

We are quite familiar today with the focus of Rawls’s book: with institutional moral analysis applied to the internal organization of one state. What is still missing, however, or just beginning to emerge in the last few years, is institutional moral analysis extended to the realm of international relations. This time lag is hardly surprising, seeing that the realm of international relations is traditionally conceived as so much smaller and more surveyable than the vast and highly complex inner workings of a modern national society. We don’t need institutional moral analysis, it seems, for a world of a few dozen relevant actors in which, when bad things happen, it is usually pretty clear whose conduct is at fault.

The enduring grip of this traditional framework is nicely displayed by Rawls’s late book on international relations — *The Law of Peoples* — which was published only four years ago and fully 28 years after *A Theory of Justice*. The earlier book exemplifies
Institutional moral analysis applied to the intranational realm: Rawls offers there a proposal for the comparative moral assessment of alternative ways in which a society’s social order might be designed. The later book exemplifies interactional moral analysis applied to the internationa realm: Rawls offers there a proposal for what the rules governing state conduct should be. Institutional moral analysis — the idea of a comparative assessment of alternative such rule systems in light of the morally significant effects each would have — is absent from the later theory.

Just for Rawls buffs, let me add that the asymmetry is nicely apparent in the structure of the two theories. Rawls’s international theory is two-tiered: It has an original-position thought experiment on one level and then a list of rules applying directly to the conduct of states on the other. His domestic theory is three-tiered: It has an original-position thought experiment on Level One, then the two principles of justice (Rawls’s standard for assessing the comparative effects of alternative social institutions) on Level Two, and finally on Level Three concrete institutional arrangements which do not however exhaust themselves in rules for the conduct of individual and collective agents, but importantly include so-called constitutive rules, rules that create and define certain agents, roles, and relationships rather than merely guide preexisting actors within a preexisting option space. Rawls thus complements his domestic theory of justice with an international theory (not of justice but) of ethics.

The concept of global justice breaks down the traditional separation of intranational and internaonal relations and extends institutional moral analysis to the whole field. What motivates this dramatic reorientation? One important motive is the realization that the traditional conception of the world of international relations as inhabited only by states is unsatisfactory. We all know that this conception is rapidly losing its explanatory adequacy through the emergence and increasing stature of other agents on the international stage, such as multinational corporations, international organizations, regional associations. More important for our topic, however, is the realization that the
moral adequacy of this traditional conception has always been lacking. It has never been plausible that the interests of states — that is, the interests of governments — should furnish the only considerations that are morally relevant in international relations.

Consider an example — a long-term contract concerning the exportation of crude oil from Nigeria to the United Kingdom, entered into without coercion by Nigeria’s military dictator Sani Abacha and the British government (or a British oil company). Within the traditional intellectual framework, it is self-evident that such an agreement must be honored: “People are to observe treaties and undertakings” says Rawls’s second principle of state conduct, and the third one adds: “Peoples are equal and are parties to the agreements that bind them.”¹ But here is the reality. The Nigerian government is extremely corrupt and oppressive, and its continuation in power depends to a considerable extent on the military. The oil sales it conducts impose environmental harms and hazards on the Nigerian people but bring them no tangible benefits because the revenues are partly siphoned off by the small political elite and partly spent on weapons needed for military repression — weapons that are supplied by the United States in accordance with another contract executed, without coercion, between the governments of the US and Nigeria.

There is an obvious question here: By what right can a free and fair agreement between a military strongman in Nigeria and the British government or some British oil company entitle these two parties to deprive the Nigerian people of their natural resources and to despoil their environment?

This question is invisible so long as we think of international relations as a separate realm in which each state is identified with its government. Conversely, once we see the question, the old intellectual framework becomes manifestly untenable. We cannot fail to recognize that it is a very substantial disadvantage of the existing international order that

it recognizes rulers, merely because they exercise effective power within a state, as entitled to confer legally valid property rights in this state’s resources and to borrow money in its name. Such recognition accords international borrowing and resource privileges to many governments that are unworthy of the name. These privileges are impoverished, because their exercise often dispossesses a country’s people who are excluded from political participation as well as from the benefits of their government’s borrowing or resource sales. These privileges are moreover oppressive because they often give dictatorial rulers access to the funds they need to keep themselves in power even against near-universal popular opposition. And these privileges are disruptive because they provide strong incentives toward the undemocratic acquisition and exercise of political power, resulting in the kinds of coups and civil wars that are so common in the developing countries.

The concept of global justice, I have said, breaks down the traditional separation of intranational and international relations and extends institutional moral analysis to the whole field. It makes visible how we citizens of affluent countries are potentially implicated in the horrors so many must endure in the so-called less developed countries, potentially implicated in the violence and hunger inflicted upon them.

The old framework was comfortable: We share responsibility for the institutional order of our own society and for any harms this order may inflict upon our fellow citizens. And we also share responsibility for our government’s acting honorably abroad by complying with reasonable international laws and conventions, especially those relating to warfare, and by honoring its contracts and treaties. In this traditional framework, we generally bear no responsibility for the violence and poverty inflicted upon foreigners within the black box of their own state.

The new intellectual framework, associated with the expression “global justice,” may not be so comfortable. Central to this framework is the causal impact of the design of the
global institutional order upon the conditions under which human beings worldwide are living. Since the end of the Cold War, major components of this global institutional order — such as the global trading system and the rules governing military interventions — have been substantially redesigned while other components — such as the international resource and borrowing privileges discussed earlier — have been left in place. There were many alternative ways in which the global institutional order could have been shaped and reshaped when, after the end of the Cold War, the North Atlantic powers found themselves in control. And the question is then: How would other paths of globalization have been different in their effects upon people worldwide, in their effects upon the incidence of violence, oppression, and extreme poverty for example? And how, in light of such a comparative-impact assessment, is the existing global institutional order to be judged in moral terms?

The global institutional order is causally related to the incidence of morally significant harms in two main ways. First, its rules may affect people quite directly. Consider for example the current WTO treaty system which permits the affluent countries to protect their markets against cheap imports (agricultural products, textiles, steel, and so on) through quotas, tariffs, anti-dumping duties, and subsidies to domestic producers. Such protectionist measures reduce the export opportunities of firms in the developing countries by constraining their exports into the affluent countries and also, in the case of subsidies, by allowing less efficient rich-country producers to undersell more efficient poor-country producers in world markets. In the absence of these constraints, the developing countries could realize, according to UNCTAD, an additional $700 billion annually in export revenues, which is 13 times the annual amount of all official development assistance worldwide. This particular aspect of the existing WTO treaty system may thus have a rather large impact on the incidence of severe poverty in the developing countries, understanding “impact” here in a counterfactually comparative way: If the WTO treaty system did not allow the protectionist measures in question, there
would be a great deal less poverty in the world today. This example illustrates the more
*direct* impact of the global institutional order on the living conditions of people
worldwide.

The rules of the global institutional order may also affect people *indirectly*, by co-
shaping the national institutional order under which they live. The international resource
and borrowing privileges accorded to despotic rulers provide an obvious example. By
enabling tyrannical rulers and juntas to entrench themselves in power and by giving
potential such oppressors a strong incentive to try to take power by force, these
privileges facilitate and foster oppressive and corrupt government in many developing
countries where the resource sector is a large part of the national economy and where
ordinary citizens have few means to resist their oppression.

Much more could and should be said about these two examples. But my objective here is
not to demonstrate injustice, but merely to illustrate what institutional moral analysis
applied to the global institutional order would look like.

Now, insofar as the current global institutional order does turn out to entail substantially
more violence and severe poverty than would exist under a better designed alternative
order, we might go on to ask who bears responsibility for this order having been shaped
the way it was shaped and whether these responsible parties could have foreseen and
could reasonably have avoided that excess in violence and severe poverty.

The dominant role in shaping the post-Cold-War global institutional order was played by
the governments of the more powerful developed countries, the so-called G-7 in
particular. In shaping that order, these governments have given much weight to the
interests of their domestic business elites and rather little weight to the interests of the
poor and vulnerable populations of the poor countries. The resulting global institutional
order is arguably unjust insofar as the incidence of violence and severe poverty occurring
under it is much greater than would have been the case under an alternative global
institutional order whose design would have given greater weight to the interests of the poor and vulnerable. Insofar as the G-7 countries are reasonably democratic, their citizens share responsibility for the global order their governments have wrought as well as for the comparative impact of this order upon human lives. At least this is the kind of moral diagnosis that would move center-stage if normative debates about international relations were to shift from the international ethics to the global justice paradigm, if institutional moral analysis were extended beyond the state.

Let me conclude by considering two objections that someone still heavily invested in the old international-ethics framework might want to put forward against the new intellectual paradigm.

Objection One holds that the global institutional order is immune from moral criticism insofar as it has been freely consented to also by the poorer and less powerful states. The objector would allow that, in some cases, the consent given to the WTO treaty system, for example, was perhaps problematic. He would be willing to entertain the possibility that some weak states were negotiating under considerable duress and also lacked the expertise to work out whether the asymmetrical market access rules they were being offered were better or worse for them than remaining outside the WTO. Our objector might even be willing to consider that perhaps the bargaining power of states entering the negotiations was inappropriately affected by historical crimes, such as colonialism. Still, the objector would insist, insofar as states have freely and competently consented to common rules, these rules are morally acceptable. Volenti non fit iniuria.

The proponent of the new global-justice framework could reject this reasoning on three mutually independent grounds. First, the consent in question was given by governments. Such government consent cannot be considered consent by the governed unless the government in question is minimally representative of the interests of those it rules. Many governments in the poor countries lack such minimal representativeness. And their
consent to the WTO treaty system or, more generally, to the present global institutional order cannot then shield this order from moral criticism in behalf of those they governed. The consent of the Mobutos, Sani Abachas, and Suhartos of the developing world, however freely and competently given, could not have given away the rights of their badly oppressed subjects.

Second, the proponent of global justice could point out that a government, even if it is minimally representative of the people it rules, cannot through its freely and competently given consent give away the inalienable rights of its subjects. What these inalienable rights are, is controversial to some extent. But it is widely accepted that persons cannot give up their rights not to be tortured or enslaved and their rights to the most basic necessities of human survival. Insofar as the current global institutional order foreseeably causes such inalienable rights to be more widely unfulfilled than would be reasonably avoidable, this order cannot be defended by appeal to the direct or indirect consent of those whose inalienable rights are now unfulfilled.

Third, even if persons could give up even their most fundamental rights and could authorize their government to give up these rights in their behalf, such persons would have to be of some minimal age. Severe poverty and violence in our world disproportionately affect children. Neither children, nor their parents or governments can validly consent to the imposition upon these children of an institutional order under which their most fundamental rights are foreseeably and avoidably unfulfilled.

Objection One therefore fails. A global institutional order that — foreseeably and avoidably — produces a large excess of violence and severe poverty, such an order cannot be justified by even the unanimous consent of all governments.

Objection Two holds that it is the very point and purpose of governments to represent and promote the interests of their people. It is therefore entirely appropriate and
permissible for rich countries’ governments to do their utmost to shape the global institutional order in the best interest of their citizens.

There is evidently some truth in this objection. Surely a government is not required to give equal weight to the interests of all human beings worldwide, but rather is permitted to be partial by showing special concern for the interests of its own people, present and future. But such permissible partiality has its limits.

There are obvious ethical or interactional limits to a government’s partiality: Insofar as it is impermissible for us citizens to kill innocent people in order to advance our own interests, it is likewise impermissible for our government to do the same in our behalf.

The limits on permissible government partiality with regard to the shaping of the global institutional order are less familiar but no less indisputable. Quite generally, partiality is legitimate only in the context of a “level playing field,” broadly conceived as including fair rules impartially administered. This idea is familiar and widely accepted in many contexts: It is perfectly all right for persons to concentrate on promoting the interests of themselves or of their group, sports team, or relatives, provided they do so in the context of a fair competition. Because such a fair setting is a moral precondition for permissible partiality, such partiality cannot permissibly extend to the subversion of the level playing field. To the contrary, those who are partial in favor of their own group must, as a condition of the permissibility of such partiality, also be impartially concerned for preserving the fairness of the larger social setting. In a domestic setting, for example, it is entirely permissible for you to concentrate your time and money on securing a good education for your own children, at the expense of other children whose education you might also promote. Yet it would be morally wrong for you to seek to promote your children’s prospects by using your political influence to oppose equal access to education for children whose gender, color, or class differs from that of your own children. In short: partiality of concern is alright within a minimally fair setting, but not
alright when it seeks to undermine the minimal fairness of this setting itself. The minimal fairness of the terms of the competition must not itself become an object of this competition. And the justice limit, the institutional limit, to a government’s partiality in favor of its own citizens is then that its partial conduct must not undermine the minimal fairness of the global institutional order. An appeal to permissible partiality cannot justify the imposition, by the most powerful governments on the rest of the world, of an unjust global institutional order under which a majority of humankind are foreseeably and avoidably deprived of anything resembling a fair start in life.

I have tried to give you a sense of the intellectual framework associated with the increasingly prominent expression “global justice.” Distinctive of this framework is the focus on the causal and moral analysis of the global institutional order against the background of its feasible alternatives. Within this general global-justice approach, distinct conceptions of global justice will differ in the specific criteria of global justice they propose. But such criteria will coincide in their emphasis on the question how well our global institutional order is doing, compared to its feasible alternatives, in regard to the fundamental human interests that matter from a moral point of view. Extending institutional moral analysis beyond the state, this question focuses attention on how the massive incidence of extreme poverty and violence in the world today might be alleviated not merely through better government behavior, internally and internationally, but also, and much more effectively, through global institutional reforms that would, among other things, elevate such government behavior by modifying the options governments have and the incentives they face.

The importance of this global-justice approach reaches well beyond philosophy. It is crucial for enabling ordinary citizens – in the developed countries especially – to come to an adequate understanding of their moral situation and responsibilities. And it is very helpful also for pushing social scientists, and development economists especially, to overcome their bias toward what I have called explanatory nationalism, their tendency to
explain poverty and hunger in terms of causal factors that are domestic to the societies in which they occur. However valid and useful, such nationalist explanations must be complemented by substantial inquiries into the comparative effects of global institutional factors upon the incidence of severe poverty worldwide. It is very satisfying that the development of the global-justice approach for once shows the owl of Minerva spreading its wings well before the falling of dusk, that philosophy can give an important conceptual impulse to economics, political science, and politics. What effect this impulse will have, however, remains to be seen.

Bibliography:


