

# RECONCEPTUALISING GLOBAL JUSTICE IN A GLOBALISED WORLD

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## **ABSTRACT**

*The study of justice is concerned with what obligations we have to treat one another fairly, and is at play in moral, legal and political philosophy. While philosophers have long been concerned with justice in terms of distributive and ethical matters within sovereign states, serious debates about justice beyond the state in the global context are a relatively new feature of political philosophy. Over the years, philosophers began to explore what justice might look like beyond the state, transferring the principles from their domestic justice and applying them to the international and global realms. However, by failing to understand domestic and global justice as distinct from one another, there is little distinguishing the underlying assumptions between domestic and global theories, having a detrimental impact on contemporary global justice discourse. Because global justice has been conceptualised as an extension of domestic justice, theorists today rarely consider the unique goals, assumptions, and contexts that ought to make an account of global justice different to any other account of justice. Using Rawls' Law of Peoples as an example, we see how failing to begin with a conception of global justice that is distinct from domestic or international justice means these theories are not fit to draw conclusions about the complexities of global justice for today's globalised world.*

## **KEYWORDS**

*Global justice, international justice, globalisation, political philosophy*

## **1. INTRODUCTION**

Previous to the modern era of philosophy dominated by Western thought, the concept of justice was understood and theorised in terms of personal virtue, with the evaluation of one's character being the primary focus, and it was a significant shift when the concept of justice became applicable to an entire social or political community (Risse, 2020). It wasn't until the transition from agrarian to industrial societies presented significant social and political challenges, that philosophers began to question what justice might mean for an entire domestic society, and how various political, legal, economic, or social mechanisms should be used to promote justice (Risse, 2020). It was under this realm of domestic justice, that societies began their battle for equal rights, equality of opportunity, and the welfare state, within the bounds of their national borders, and theorists have remained concerned with these philosophical frameworks, in order to guide policies, institutions, laws, principles and norms of agents with obligations of justice within societies (Lamont & Favor, 2017). But as societies continued to have increasing social, economic, and political relations with one another, theorists then became concerned with what justice might look like between two or more states. Since the publication of Rawls's Theory of Justice (1971) and Law of Peoples (1993) philosophers have paid unprecedented attention the subject of international justice, and more recently, global justice. Just as domestic justice arose as a response to the challenges of industrialisation, the concept of global justice arose as a response to new challenges presented by globalisation, ultimately seeking to define what is just amongst humanity as a whole (Brock, 2017).

When a new political idea appears in the wake of one that has been far longer established, the second is often seen as a development of the first (Miller, 2013). So, when philosophers began to think about what justice might look like on a global scale, they began by taking the familiar principles of domestic or international justice, and transferring them to the global realm (Kissinger, 1966). It has been assumed that the values and principles used by domestically focused theorists, if not absolute, are at least reasonably acceptable in divergent contexts like the global context (Flikschuh, 2014). It is this way of thinking that I wish to challenge. By failing to understand domestic and global justice as distinct from one another, there is little distinguishing the underlying assumptions between domestic and global theories, and this can have detrimental impact on contemporary global justice discourse. Global justice is important because theories of global justice are often used as a starting point beyond philosophical discourse when evaluating legislation, public policies, and navigating the complexities of international cooperation (Miller, 2017).

This paper will not focus on any specific challenges that global justice theories seek to address, such as the cosmopolitan-nationalist debate, determining what principles should guide global action, what responsibilities each actor has in global issues, or how we should address global injustices and inequality. Instead, it will drill down to the ontological core of what global justice is, why viewing global justice as an extension of domestic or international justice is no longer justifiable, and why theorists must reconceptualise global justice in the context of contemporary global phenomena like intensified globalisation (Scheuerman, 2018). While philosophical discussions should be welcoming of differing views regarding what is considered just in a theory of global justice, there must be consensus amongst theorists about what a theory of global justice is: the specific contexts to which the theory should apply, goals that the theory should realise, and assumptions that need to be taken into account when using the theory.

## **2. THE EVOLUTION OF GLOBAL JUSTICE**

The field of global justice is large and continually expanding, and while discussions about obligations beyond the state have been happening throughout history, it's important to distinguish between what contemporary scholars consider to be international and global justice. The primary distinction between the two are the entities among which justice is sought; in international justice, nations or states are the entity of concern, whereas global justice considers all possible agents who might have responsibilities to promote justice for individual human beings regardless of nationality or citizenship (Brock, 2017). Today, while some theories of global justice are purely theoretical, others seek to provide a theory with practical applications for things like policy making. A theory of global justice should, according to Brock (2017), provide an account of what justice on a global scale looks like with the following components:

- (1) identifying what should count as important problems of global justice
- (2) positing solutions to each identified problem
- (3) identifying who might have responsibilities in addressing the identified problem
- (4) arguing for positions about what particular agents (or collections of agents) ought to do in connection with solving each problem and
- (5) providing a normative view which grounds (1)–(4).

Rawls' 1999 Law of Peoples, is credited to have catalysed the global justice debate (Wenar, 2017), and while it may be worthy of such credit, it exemplifies the way in which theorists have typically treated global justice as an extension of domestic justice rather than its own conception of justice, and the implications this can have when theorising global justice. Law of Peoples takes the underlying ideas behind Rawls' 1971 Theory of Justice: that liberal societies have a basic

structure of social, economic, and political institutions, and justice entails a just arrangement of these institutions. Rawls takes these principles of domestic justice and transfers them to the international realm, in Rawls calls the “international basic structure”, and proposes eight principles to guide this international structure;

1. “Peoples are free and independent, and their freedom and independence are to be respected by other peoples.
2. Peoples are to observe treaties and undertakings.
3. Peoples are equal and are parties to the agreements that bind them.
4. Peoples are to observe the duty of nonintervention (except to address grave violations of human rights).
5. Peoples have a right of self-defense, but no right to instigate war for reasons other than self-defense.
6. Peoples are to honor human rights.
7. Peoples are to observe certain specified restrictions in the conduct of war.
8. Peoples have a duty to assist other peoples living under unfavourable conditions that prevent their having a just or decent political and social regime.” (Rawls, 1993, 37)

The principles of Rawls’ International Basic Structure tend to align with the norms that guide international cooperation as we observe today, and because it assumes justice ought to be delivered through social, legal, political or economic arrangements from state institutions (Jones, 2001), Rawls does provides an analysis that has practical applications for international policy-making. However, the theory has limitations, especially in meeting the requirements of a theory of global justice for today’s globalised world. The Rawlsian international structure is limited in its application to matters of state-to-state or state-delivered justice (Jones, 2001), and state-to-state interactions, or state-lead institutions alone are unlikely to be able to utilise the methods or obtain the resources required to address global justice issues, like eradicating serious diseases, promoting and monitoring fair trade, improving governance systems, increasing access to education, or providing development aid (Seglow, 2010). While Rawls’ Law Of People’s may have indeed catalysed the global justice debate, what Rawls ultimately presents is a theory of international justice. Rawls’ basic structure of liberal societies can be transferred to the international context when focusing on state-to-state interactions, but as stated by Goodhart (2012) “the method cannot grapple with the complexities of interdependence, deep pluralism, and socio-cultural diversity that arise in the global context.”

### **3. THE GLOBALISED CONTEXT**

While globalisation is not a recent phenomenon, the intensity at which it exists today so unprecedented that it warranted the rise of global justice to respond to the new challenges it presented. As a direct response to the unique challenges presented by today’s globalised world, global justice cannot be conceptualised beyond, or without considering the globalised context. Furthermore, there is a growing trend in normative global justice theories that favour problem solving over purely theoretical inquiry into the conceivability philosophical theories that are practicable and feasible, so global justice theorists ought to bring empirical findings about the current globalised world to bear on their normative analysis and argument (Flikschuh, 2014).

Globalisation is an ambiguous concept, and many scholars have offered their own interpretation of the concept. The most clear and renowned definition of globalisation is that offered by Held, et al. (1999) in their acclaimed book *Global Transformations: Politics, Economics and Culture*. This book was the first comprehensive study of globalisation as it is commonly understood today, in which the authors offered a new model for understanding globalisation by focusing on the social,

economic, political, and technological factors that have reshaped global relationships (Scheuerman, 2018). Held, et al. (1999, 15) describe globalisation as “processes of change which underpin a transformation in the organization of human affairs by linking together and expanding human activity across regions and continents.” Globalisation is not a totalising condition or endpoint that can be reached, but rather it encompasses a series of relations and patterns (James, 2013). With such variation in the way globalisation is understood and theorised in academic literature, some kind of consensus must be reached for how globalisation ought to be understood in the context of defending a theory of global justice. Most theorists endorse the view that the phenomenon of globalisation refers to changes in the spatial and temporal contours of social existence, with increasing interconnectedness being a defining characteristic (Scheuerman, 2018).

While globalisation is no doubt a process that has occurred across time and throughout history, or at least been largely influenced by historical processes relating to trade, travel, and technology, the increasingly globalised nature of the world as it exists today is comprised of changes that have occurred in recent decades, which Ferguson (2014) outlines in four stages throughout history as follows. The oldest form of globalisation was the movement of people across borders, known as embodied globalisation, describing the flows of refugees, migrants, and travellers around the world. Agency-extended globalisation was the movement of institutions like corporations, intergovernmental bodies, organisations, and states, tracing as far back as the expansionist empire of Rome. The movement of objects, such as commodities traded beyond borders, was object-extended globalisation, which began with the Silk Road and continued until the development of modern trade and transport. Finally, disembodied-extended globalisation is the expansion of social relations across borders, through immaterial means and processes such as digital media, communications, and rapid spreading of information, which is the dominant form of globalisation that has occurred in recent decades, where the world has seen a shift from internationalisation to globalisation, as we understand it today.

Today, globalisation presents unique problems for global justice that are not seen in the domestic or international realms. Globalisation has seen an increase in the power of global financial institutions and multinational corporations, whose “supraterritoriality” has implications for state power, authority, and democracy, which have traditionally been important in domestic and international justice. Globalisation has changed how information and news is spread, making us better informed about injustices in other’s lives, like human rights violations, terrorist attacks, natural disasters and wars, and being informed may influence the obligations we have to act. Our collective actions also have increasing global impacts, climate change being a significant example as collective greenhouse gas emissions pose a risk to the survival of the entire planet, which presents new ethical questions like what are our responsibilities as individuals, and should the responsibility fall on those who collectively cause greenhouse gas emissions to act on behalf of those who are facing the negative impacts? While globalisation has the potential to improve the wellbeing of people through universal human rights, flows of people and ideas across borders, and the integration of poor and wealthy economies, it also poses risks, like environmental destruction, new central powers, opportunities for exploitation of the poor or tax evasion, and health and safety risks like the spread of diseases, risky journeys for those seeking asylum, and disregard for workers’ rights. Globalisation has brought with it an unprecedented level of global interconnectedness, which challenges the traditional role of sovereignty and citizenship in theories of domestic or international justice and ethics. As such, the context of globalisation is central to developing a theory of global justice and must be used to distinguish global justice theories from other justice theories (Collste, 2005).

#### **4. DISTINGUISHING DOMESTIC, INTERNATIONAL, AND GLOBAL JUSTICE**

Any conception of justice ought to regard different things as just depending on “what is being distributed, by whom and among who” (Miller, 2013, 170). The idea that justice is the same in all contexts is false, because sometimes it demands that people are treated the same, while other contexts demand they are treated differently. For example, the principles that guide justice in economic institutions are not the same as the principles that guide health institutions. The ultimate goal of economic justice in a particular society might be to create equal opportunities for each individual to lead a productive life, with a strong emphasis on the principle of equity. Conversely, the ultimate goal of justice in the healthcare system might be to ensure an equal distribution of resources and ensure that those with the greatest need have their needs addressed first. Neither conception of justice should be understood as an extension of the other, nor should the underlying assumptions of one apply to the other, but rather, they are their own distinct conceptions of justice. As Miller states, (2013, 169) “this complexity cannot be reduced to some underlying master-principle, or even to a fixed set of principles that apply whenever justice is being invoked.” In order to truly determine what is just in the global context, this must be distinct from any conception of justice in the domestic or international context.

What makes domestic, international, and global justice distinct are their inputs– the starting point for the theory, which includes the specific contexts to which the theory should apply, goals that the theory should realize, and assumptions that need to be taken into account when utilising the theory (Nili, 2015, 58). The following is a simple distinction between domestic, international, and global justice, and their specific inputs as a theory of justice.

- (1) Domestic justice is justice within the bounds of a society. It assumes the referent object of justice is the members of the national community. Domestic justice problems include poverty and inequality, and the allocation of goods and services within the bounds of a particular state. Agents who have duties of justice may be individuals, groups, or institutions within a single state.
- (2) International justice is justice between states, delivered by state-actors. It assumes the referent object of justice is two or more entire national communities. International justice problems range from poverty and inequality, genocide, war crimes, crimes against humanity, or the promotion of human rights between states. Agents who have duties of justice are state-led institutions. Unlike other types of justice, international justice theorists must deal with internationalisation: the increasing and changing nature of state-to-state relationships between individual countries.
- (3) Global justice is justice among humanity as a whole. It assumes that the referent object of justice is individuals. Global justice problems range from poverty to war, humanitarian intervention, and immigration, and by their global nature they involve individuals from different countries. Agents who have duties of justice include individuals, groups, and global institutions across the public sector, private sector, and civil society sector (Brock, 2017). Unlike other types of justice, global justice theorists must deal with globalisation: the increasing economic, social, and cultural relations between individuals, state and non-state institutions that cross or transcend borders.

While distinguishing what global justice is from other types of justice may seem simple, it has significant implications for contemporary global justice discourse. Any theory that attempts to address a global justice challenge without considering the role of all agents or the increasing economic, social, and cultural relations in a globalised world, and without the goal of promoting

justice amongst humanity as a whole is by this definition, not a theory of global justice. As such, even renowned theories like Rawls Law Of Peoples that transfer the same principles from their domestic justice theories to the international/global realm, do not provide a sufficient account of a theory of justice.

By using Rawls' international basic structure from Law Of People, and referring to the components that Brock (2017) describes as being essential for a theory of global justice, it becomes clear that theories that are not specifically theories of global justice, are unfit to provide an account of what justice on a global scale looks like. The Rawlsian international structure cannot adequately identify what should count as important problems of global justice; because it doesn't explicitly consider the unique context of the globalised world, and thus cannot posit solutions to global justice problems. It also fails to identify who might have responsibilities in addressing any identified problem, because it is limited in its application to matters of state-to-state or state-delivered justice, and thus cannot argue for positions about what particular agents that have responsibilities in global justice ought to do in connection with solving problems. Finally, the normative view which it grounds these on can also not be justified, because the goals, agents, and context used as a starting point for domestic, international, and global justice theories are all different, and can't be used interchangeably or rely on the same underlying principles.

## **5. CONCLUSION**

Global justice emerged to respond to the unique and unprecedented challenges from disembodied-extended globalisation, where the world has seen a shift from internationalisation to globalisation. Justice is not a universal concept, and as with all types of theories of justice, it is critical that philosophers ensure theories of global justice are in fact fit for the global realm. What we understand to be just in the domestic context should not shape what we understand to be just in the global; the definition of what constitutes a global justice problem, and the criteria to solve it would likely be very different without the influence of domestic principles and underlying assumptions. While what is considered just in each of these global justice challenges should provide fruitful debate amongst theorists, what shouldn't be up for debate is what global justice is— it's goals as a normative theory, any underlying assumptions, and the contexts that must be considered. Global justice, as I have explored, is justice among humanity as a whole. It assumes that the referent object of justice is individuals, and agents who have duties of justice include individuals, groups, and global institutions across the public sector, private sector, and civil society sector. Unlike other types of justice, global justice must deal with globalisation: the increasing economic, social, and cultural relations between individuals, state and non-state institutions that cross or transcend borders. It is only if philosophers begin with a conception of global justice that is distinct from domestic or international justice as a starting point in their theorising, that they can begin to draw conclusions about the complexities of global justice that are practicably feasible and suitable for today's globalised world.

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