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Conceptual Issues in Global Justice

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Abstract

This paper attempts to conceptualise a principle of global justice and address the theoretical challenges that come with such a conceptualisation. It relies on secondary sources, particularly on important works on imminent authors on global justice such as Thomas Pogge, Charles Beitz, Darrel Moellendorf, Vidhu Verma, Laura Valentini and Jon Mandle among others. The study undertakes a qualitative approach and attempts to address the following research questions: (i) how can justice be conceptualised at the global level? (ii) What are the basis for claim of global justice? (iii) How can a notion of global justice reconcile with intimately connected concepts such as nationalism, duties and democracy? The paper concludes that a shared concept of global justice that is inclusive and culturally sensitive can be arrived at and it can harmonise with concomitant concepts of nationalism, duties and democracy.

Keywords: global justice, Vidhu Verma, Charles Beitz

Introduction

In traditional political theory, the concept of justice or more specifically social justice was discussed within the framework of political communities represented by nation- states. International politics studied the relation among sovereign states and fair terms of conduct among the states such as just war, diplomacy, treaties and so on. Nation- states are recognised as having sovereign power over its population and territory. However, in the past few decades, international politics has tended to focus on certain issues that affect human kind as a whole and which are impossible to resolve without collective global efforts. The question of global economic inequality and the need for a principle of global distributive justice is one such issue. Global economic interconnectedness has brought people all over the world into an interdependent relationship thereby constituting a framework of economic association. Moreover, transnational flow of capital, goods and the functioning of global and transnational economic institutions and structures significantly affect the lives of people around the world shaping their live prospects. Thus, the traditional understanding that sovereign states are ultimate political authority shaping life prospects of its people has been challenged. Further huge economic inequalities have been created as a result of global economic interconnectedness. Thus, there is an emerging moral argument that principle of global distributive justice should apply globally as economic association and co-operation have assumed a global dimension. However, justice has conventionally, been understood at the domestic level. Therefore, conceptualising justice at the global level gives rise to various dilemmas. One such dilemma is how to understand justice in the global order. Another such issue is what are the bases for the claim of global justice? The concept of justice is also intimately connected to the notions of nationalism, duties and democracy. Therefore, a theory of global justice should address its conceptual link with nationalism, duties and democracy.

In section I, an attempt to provide a comprehensive understanding of global justice by drawing upon the definitions of global justice provided by Thomas Pogge, Vidhu Verma and Darrel Moellendorf has been made. In section II, a brief assessment of statist's objection to the idea of global justice will be done by drawing upon David Miller and John Rawls. In section III, different bases for the claim of global justice are discussed viz. philosophical or moral basis based on liberal tradition, global economic interconnectedness and uneven distribution of natural resources. In section IV, an attempt will be made on how global justice will address the issues of nationalism, duties and democracy.

1. What is global justice?

Global justice has emerged as one of the most discussed

'concepts' in current political theories and the area is marked by intense debates between the proponents and opponents of global justice. And the debate is very much relevant and vital given the emerging socio-political and economic reality. However there seems to be no convergence on what the concept really implies. In other words, how do we understand global justice or how can global justice be comprehensively defined? Is global justice simply an extension of social justice (or justice within nation-states or among compatriots) to all fellow humans on the earth? Or is global justice an altogether different concept? Does global justice require some form of equality or does it entail only protection of basic human rights and minimum level of material welfare? An attempt will be made to provide answers to all these questions by drawing on different political philosophers and theorists. In *World Poverty and Human Rights*, Thomas Pogge begins with the observation that moral and normative advancement in developed western countries is in contradiction with injustices and human sufferings of the current global order. A significant restructuring of global institutional order is necessary to ensure that moral and normative tradition of the west is in tune with the world. Pogge argues that the question of global justice is primarily a question of institutional reforms. A wide-ranging reform and restructuring of the global institutional order is required to make the global order more favourable for democratic government, economic justice and growth in developing countries ^[1]. While accepting global economic co-operation and competition, he argues that a certain fairness has to be maintained at the level of global institutions and that rich and powerful countries should not attempt to shape these institutions to serve their interest. Pogge thus pursues the idea of global justice through institutional reforms.

Pogge introduces a conception of universal justice where the idea of 'human flourishing' takes a pivotal place. He argues that justice entails that social institutions should be arranged in such a way that lives of humans living under them could flourish. However, he argues that a critical examination and reforming of social institutions of each country or political community so that they can provide justice to its citizens is only a partial solution. This is because the genesis as well as working of these institutions are to great extent shaped by global structures and global institutions. This is especially true of poor countries. Hence Pogge develops a concept of universal justice which could be used to assess social institutions of different countries around the world. Firstly, this universal concept of justice should be based on a thin conception of human flourishing which could be defined in terms of means to flourishing rather than substantive components required for flourishing. The possible disagreement over the means to flourishing can be overcome by agreeing on basic necessities like food, clothing, shelter, certain basic freedom, education and so on. Such a thin concept would provide autonomy to diverse cultures to substantiate on more specific and concrete component of flourishing. Secondly this universal criterion of justice should be modest which requires that justice as a threshold compatible with variety of international institutions and

schemes which require that people be treated in minimally fair and equitable way. Thirdly the universal criterion of justice should not be exhaustive. Rather they should provide the space where different societies can obligate a more substantive and demanding notion of justice on their institutions and also to judge international institutions in light of such an understanding. Lastly such a thin understanding of universal justice however does not entail that this notion will be totally disregarded when it comes into conflict with more local or context-oriented understanding of justice. Therefore, universal criterion of justice should be regarded as binding over a more ambitious national criterion. ²

'Negative duties' is another important conception in Thomas Pogge's understanding of global justice. His argument is that the 'negative duties of not harming others' as result of our actions acquires more moral significance than 'positive duties' of resolving the wrong deeds, in context of global order. This is the moral argument behind the need for wide ranging institutional reforms globally as he argues that the actions of members of developed nations channelized through global institutions are the cause of massive poverty, inequality and hence injustice globally. Other important concept in Pogge's notion of global justice is universal obligations and duties (which are thin). He argues that fulfilment of certain universal obligations and duties assumes primacy for the world to be just. These obligations and duties cannot be overridden in favour of particular duties and ties of family, clan or nationality. But Pogge accepts the importance of particular ties once the universal obligations are fulfilled ^[3].

In addressing the conceptual issue of global distributive justice, Vidhu Verma begins by arguing that the international order underpinned by capitalism and democracy accords equal legal recognition to all sovereign states as the unit of international order, regardless of huge economic inequalities (and hence power). This is the international counter-part of domestic liberal-democratic societies where politics and economy are dichotomised. Liberal democracies accord equal legal recognition to all the individuals irrespective of inequalities in income and wealth. Here she brings the argument of Ellen Wood to explain the underlying logic, which is that politics and economics are two independent domains and hence capitalism cannot be regulated by political democracy. The international order legitimizes intervention by the international community when there are violation of human rights but not in cases where people are suffering due to material deprivation and lack of resources ^[4].

Before defining her conception of global justice, Vidhu Verma makes a critical assessment of various causes of huge economic inequality and deprivation on global scale. Firstly, global economic inequality is caused by working of global institutions, norms and global arrangements. The principal economic base underlying all these global norms and institutions is global capitalism. Therefore, the fundamental assumptions of international order such as state sovereignty, resource ownership, free trade and citizenship needs to be questioned. Secondly in addition to working of global capitalist economy, international laws on trade and economic

¹ Thomas W. Pogge, *World Poverty and Human Rights* (Cambridge: Polity press, 2002), 9.

² Ibid., 37.

³ Ibid.

⁴ Vidhu Verma, "The State, Democracy and Global Justice", *Economic and Political Weekly* 41, no. 34 (Aug. 26- Sep. 1, 2006): 3731, accessed July 10, 2017, <http://www.jstor.org/stable/4418625>.

co-operation also favour rich and powerful countries and the big multi-national corporations at expense of poor nations. Institutions like WTO, World Bank and IMF and their policies on trade, tariffs, patenting and loans are also responsible for causing huge inequality on a global scale. Finally globalisation has created a global chain of production, consumption, distribution, trade and flow of financial capital as well as flow of populations. She argues that all these point to the erosion of normative significance of states as the authoritative agency determining distribution of goods among its citizens as well as shaping their life prospects. Global factors and economy shaping life prospects of people are particularly true for poor countries who are not able to address their internal issues through wise policy choices. Therefore she criticizes John Rawls' doctrine that states are self-sufficient, sovereign and integrated units exercising national self-determination^[5].

Therefore, Verma argues that principle of distributive justice as well as democracy can no longer be confined within the boundaries of nation-states and should be applied globally given the contingent factors of global economic interdependence and globalisation and the resultant economic inequalities. However there exist a practical difficulty in conceptualising a workable principle of global justice as there are many conceptions of justice applying in different local contexts. She also discusses two other practical difficulties in realising global justice. The first one concerns the creation and establishment of global institutions. In order to enforce global justice, global institutions are required. However there are practical difficulties in creating global institutions as the current context is very different from historical context of decolonization and national liberation movements when national political institutions were created in the third world. Charismatic leaders enjoying wide popular legitimacy are absent now as opposed to during those times. In the current political context various questions are raised about the legitimacy and efficiency of global institutions^[6].

The second practical difficulty is in realising transnational democracy. Verma argues that transnational democracy is lacking in current global order and the NGOs model of politics, mobilization and activism do not represent transnational democracy. She further argues that attempt to foster transnational democracy and citizenship can actually have negative impacts. Transnational democracy can leave dominant practices untouched or be complacent with it. Moreover transnational democracy and citizenship can weaken membership in national democracies, which will affect citizen's ability to engage in meaningful discussions more intimately and effectively^[7]. Vidhu Verma keeps the definition of global justice open-ended, "Does global justice entail meeting basic needs, equal access to resources for sustainable development, equal control over means of production or equality of human and democratic rights?"^[8] However, finally, she provides her conception of global justice as rectification of the effects or harms caused by economic globalisation but not the causes of inequality between nations. Her conception of global justice also does

not provide a scheme for redistribution at the global level. Her argument is that it will be utopian to imagine such a scheme of global redistribution in the absence of laws of property and access to resources within the nation-states^[9]. According to Darrel Moellendorf, duties of distributive justice arises due to economic association. He argues that people around the world have been coming into close economic association through various historical periods. In the current times, economic association among people across the world have reached a new level with globalisation as trade, exchange and flow of capital occurs in real time. The global economy, its institutions and principles have a profound impact on the life prospects of people and their fundamental moral interests^[10]. Moreover capitalism is globalising production, distribution and exchange in every corner of the world. Therefore he argues that all these contingent facts of economic association among people around the world leads to the moral argument that primary locus of distributive justice should be the planet or the globe rather than the state. Hence economic institutions are to be designed in such a way that they address global economic associations and not only the framework of national economic co-operation. Thus duties of global justice should be at the global level rather than at the national level^[11].

Coming to the question of which principle of distributive justice should apply globally, Moellendorf argues that principle of fair equality of opportunity should be applied at the global level because it is minimally fair egalitarian principle. A fair equality of opportunity at the global level will ensure that individuals have access to an equal playing level to determine their life-prospects and that they are not disadvantaged by inequalities of the previous generation. But this principle allows certain inequality in the present generation that arises out of free choice, fulfilment of contract or desert, within fair institutions. The underlying idea is not to allow inequalities in present generations to disadvantage opportunities for shaping life prospects among individuals in the next generation. Thus a global application of fair equality of opportunity principle will ensure that children born in the poorest region of the world have the same opportunities as children born in rich developed countries to achieve a certain professional career or level of success. However the present scheme of distribution of resources deviate massively from any model of fair equality of opportunity. He concludes by saying that realisation of fair equality of opportunity at the global level will require transfer of wealth from rich individuals of the developed world to poor developing countries in order to mobilise resources for provision of food, education, health and social security^[12].

2. Objections to Global Justice

In *National Responsibility and Global Justice*, David Miller argues that global justice is not simply social justice writ large. Social justice emerged in the context of nation-states where distribution of social goods became possible through working of social institutions, law of property and contract, the organisation of work, tax system, public distribution of

⁵ Ibid., 3732- 34.

⁶ Ibid., 3733.

⁷ Ibid., 3732-34.

⁸ Ibid p. 3733.

⁹ Ibid p. 3734.

¹⁰ Darrel Moellendorf, *Cosmopolitan Justice* (Oxford: Westview Press, 2002), 37.

¹¹ Ibid., 72.

¹² Ibid., 49.

goods and services and so forth. These were alterable by political action, especially by the state. Moreover in context of nation- states, there is a clear understanding of what goods are to be distributed, among whom are such goods to be distributed and by whom ^[13]. Such contingent factors are absent in the context of global order. Thus the concept of social justice cannot be extended in the global order. Miller acknowledges the fact that there have been interaction among people across the world through trade, investment flows, transnational networks and institutions like EU. However he argues that these transnational relationships are not equivalent to that of special relationships and obligations enjoyed by compatriots which is envisaged by a common cultural tradition, citizenship and the obligation and desire to share a common future or right to self- determination. Miller concludes that the conceptualisation of global justice depends on contingent factors present in global order which are far different from those which mark political communities of nation- states. Further Miller argues that just the mere fact that people across the world are in dire need of a principle of justice that will govern the affairs of the world does not justify extending principles of social justice to the global order. There has to be a separate argument that justify how the scope of social justice can be extended from nation- states to encompass relationship between human beings all over the world ^[14].

A central concept that Miller brings in debates on global justice is the concept of 'national responsibility (which is a form of collective responsibility)', employing which he argues that nations can be held collectively responsible for their own poverty or misery if it can be shown that they result from collective choices made by nations ^[15]. Thus Miller argues that global inequality can be justified if it can be shown that those inequalities are a result of collective choices made by nations. However this does not mean that Miller justify all forms of inequalities at the global level ^[16]. David Miller's notion of a just global order or global justice is where basic human rights are adequately safeguarded and there is minimum material inequality. He strongly argues against global egalitarianism. Using the two common matrix of equal access to natural resources and equality of opportunity, he argues that these two models cannot be applied at the global order and hence global egalitarianism is not the solution to global inequality. The reason he provides is that value or importance of both natural resources and 'opportunity' is culturally defined. Thus an attempt to create a culturally neutral notion of value of natural resources or 'opportunity' will fundamentally challenge the idea of national self-determination ^[17]. Hence protection of basic human rights and setting a minimum level of material inequality is his response to demands for global justice.

In *Justice for Earthlings*, David Miller further develops his argument that justice is an imminently political concept. He further goes on to argue that justice is a political concept that

is context oriented and that meaning of justice depends on context or contingent factors. In other words, justice is not a universal concept but its content and meaning vary across different contexts ^[18]. Thus there cannot be a universal concept or principle of justice. According to Miller, justice (or more specifically social justice) as political concept emerged in context of nation states which are marked by certain contingent features. Firstly members of a nation- state share certain similarities in terms of culture, heritage or civilisation that forms common identity and also provide socially shared meanings. Secondly members of a nation- state take part in co- operative economic practices that give rise to duties and obligations. Thirdly members of nation state are subjected to same political authority that restricts their freedom and hence grounds mutual obligations towards one another. Lastly members of a nation state share a commitment to shared collective future and co- existence ^[19]. Thus Miller concludes that social justice, as it is understood in context of nation- states cannot be coherently extended to the global order as the contingent factors are absent. He argues that global morality is taken care of with respect for basic human rights, fair terms of trade and co-operation, respect for sovereignty and non- intervention and assistance in times of need. David Miller also points to practical difficulties that arise when social justice and global justice come into conflict. This conflict can take two forms. Firstly it arises due to limited nature of resources. Duties of justice necessarily involve mobilising and utilisation of resources. How do we decide on whom to utilise our scarce resources- friends, family and compatriots or distant poor and needy others? Secondly conflict arises due to existence of close ties between justice and identity. In other words do we owe our obligations of justice equally to distant other as to our friends, family and compatriots? Or do specific ties and relations command a more stringent obligation of justice? ^[20] An attempt to answer these question will be done in the fourth section of this chapter and the next chapter.

In *Law of Peoples*, John Rawls develops his idea of what global justice and international co-operation requires. It marks a departure from his idea of what justice requires in context of nation- states, developed in *A Theory of Justice*, which has a strong egalitarian thrust. He argues that both liberal societies and decent hierarchical societies should adopt a practice of international co-operation that respect basic human rights ^[21]. But beyond this, robust concerns of distributive justice do not apply at the global order. With regard to global poverty and global economic redistribution, Rawls makes two important observations. Firstly he regards nations as responsible for their own economic affluence or deprivation. According to Rawls, prosperity or deprivation in a nation is caused not by ownership of natural resources but by existence of a political culture which includes philosophical, religious and social attitudes of elites as well as people in general ^[22]. Thus nations are prosperous or

¹³ David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007), 13.

¹⁴ Ibid., 18

¹⁵ Miller develops two models viz. 'like- minded group' and 'co- operative practice group' to argue that nations correspond to this model and collective responsibility can be attributes to members of a nation. For a fuller description, please see, Miller, *National Responsibility and Global Justice*, 124, 25, 31.

¹⁶ Ibid.

¹⁷ Ibid., 61-66.

¹⁸ David Miller, *Justice for Earthlings* (Cambridge, New York: Cambridge University Press, 2013), 169.

¹⁹ Ibid., 170-71.

²⁰ Ibid., 177.

²¹ Rawls, *The Law of Peoples*, 43.

²² Ibid

deprived based on the political culture that exists in those nations. Hence Rawls hold poor nations responsible for their misery. This leads us to Rawls second observation which concerns duties of assistance and aid to poor nations (hence concerning questions of global distributive justice). Rawls argues that duties of assistance and aid towards poor nations should be limited only to the extent that these nations are able to develop liberal political institutions and public culture which will enable them to usher in economic development and progress. Duties of aid and assistance do not apply beyond this ^[23].

There have been several criticism of Rawls' notion of global justice and co-operation including that Rawls took an increasingly conservative turn when it comes to addressing the issue of justice in international affairs and that the minimalist approach towards global justice, developed in *Law of Peoples* is inconsistent with the more comprehensive and robust principle of justice developed in *A Theory of Justice* ^[24]. Rawls response is that his theory of justice applies only to nation- states which possess the basic structure of a society. Such a basic structure is absent in global order.

It can thus be concluded that global justice cannot be defined in singular terms. What however emerges clear is that certain universal duties and obligations, which takes primacy over particular ties and obligations, have pivotal place in a concept of global justice. The robustness or thickness of universal obligations depend on how one defines what is required by global justice. In next section, the various premises on which claims for global justice are made, are being discussed. The different premises of claims will also determine the thickness of universal obligations.

3. Critical Assessment of the Claims for Global Justice

In this section an attempt will be made to critically examine the various premises for the claim of global justice. Here I consider three different premises. Firstly moral premise: equality of all persons as ultimate unit of moral concern and its universal applicability in the liberal tradition. Second is the claim that social co-operation and economic association are not confined by boundaries of nation- states and hence a principle of justice should apply globally, in order to fairly distribute the burdens and benefits arising out of these socio-economic associations. And lastly, the claim for a global scheme for distribution of natural resources in order to fairly distribute natural resources and, hence taking the shape of global principle of just natural resources distribution.

(A) Philosophical Basis

Philosophical (or more suitably moral) basis for claim of global justice can be constructed from moral commitment of liberalism. A central tenet of liberal thought is that

individuals are equal unit of moral concern and hence are to be treated with equal dignity and respect irrespective of their location or other social factors, which are morally arbitrary. Interpreting politically, it can be argued that political principles such as justice should treat everyone fairly and equally, irrespective of their family, clan, ethnicity or religion. Liberal cosmopolitans stress this moral commitment further to assert that nationality or membership in political communities is also equally arbitrary morally and hence individuals all over the world ought to be treated equally. To interpret moral commitment of liberal cosmopolitan politically, it can also be asserted that political principles such as justice (or certain principles of justice) should apply equally to all individuals globally, irrespective of their membership in political communities or other contingent social factors. However it is important to stress here that all versions of cosmopolitan liberalism do not entail robust principles of distributive justice or far- reaching institutional reforms globally, as a result of the moral commitments ^[25].

The arguments for global justice based on moral equality of individuals are made by non- relational cosmopolitans ^[26]. They make a claim for global application of liberal principle of justice based neither on the social and political facts of interaction nor on a different interpretation of principle of justice, but on a certain moral understanding of persons/individuals in the liberal tradition. Their fundamental argument is that normative importance of individuals in the liberal tradition has a universal significance. Thus the distinction among individuals based on nationality is morally arbitrary and hence principle of justice should apply globally given the universal significance of normative category of individuals. To put it concisely, Charles Beitz argues that Rawls' conception of domestic justice should apply globally because of universal validity of moral personality on which it is based. As capacity for a sense of justice and capacity to form, to revise and rationally to pursue a conception of 'good' are common to all humans, the principles delivered by original position have a global reach ^[27].

For non- relational cosmopolitans, cultural practices, social norms and political institutions are merely instruments of discharging justice. They further argue that contents of justice in the domestic conception can be coherently applied in the global order. Laura Valentini explains the position of non- relational cosmopolitans as: firstly all human beings are owed equal respect as moral persons. Secondly there are certain goods that all human beings should value such as civil and political liberties, opportunities, income and wealth. Thirdly moral equality demands that human beings should not be worst off in above mentioned goods due to arbitrary factors. Fourthly a person's place of birth is a morally arbitrary factor. And lastly equal respect demands that rights, opportunities,

²³ Suppose two nations have same political culture and start from same level of prosperity. One nation decides to save and undergo industrialisation while other continues to exist in modest terms. After certain years, there arise huge economic inequalities between two nations. Rawls argues that it will morally wrong to ask for redistribution and that nations are responsible for their outcome. For a more examples on objections to distributive justice at global level, please see, Rawls, *The Law of Peoples*, 106, 107, 117, 118.

²⁴ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

²⁵ For instance 'moral cosmopolitanism' while arguing that individuals are unit of equal moral concern and thus deserves to be treated with equal respect and dignity, does not endorse radical institutional reforms which are essential

for giving practical significance to treating everyone fairly and equally. Moral cosmopolitanism will be discussed in more detail in the next chapter.

²⁶ Non- relational cosmopolitans refers to those who claim that liberal principle of justice has universal applicability based on moral equality of individuals in the liberal tradition, irrespective of any contingent factors. The position of non- relational cosmopolitans are also explained in greater depth in the next chapter.

²⁷ Charles R. Beitz "Cosmopolitan Ideals and National Sentiment", *The Journal of Philosophy* 80, no. 10 (Oct. 1983): 594-95, accessed May 2, 2010, <http://www.jstor.org/stable/2026155>.

income and wealth should be distributed across the world population in roughly equal terms ^[28].

A global principle of justice can also be argued from the stand point of 'political or institutional cosmopolitanism'. This strand of cosmopolitanism stresses that far reaching institutional reforms are essential in order to realise cosmopolitan ideals and visions ^[29]. An important argument can be made here that institutional reforms globally implicitly states the necessity of a principle of global justice that serve as the normative standard against which global institutions will be reformed so as to become 'more just'. As mentioned earlier such institutional reforms are essential for realising cosmopolitan ideal of treating everyone as equal unit of moral concern. A global principle of distributive justice can be argued from the stand point of 'strong cosmopolitanism' which entails that a stronger global distributive scheme should be put in place so as to effectively redistribute resources and income, over and above what is sufficient for minimally decent lives ^[30].

An important moral objection can be made against claims of global justice based on moral commitment of liberalism. The argument is that it is bound to uproot special ties and obligations among cultural communities, nations and other groups, which in fact form the basis for development and flourishing of individuals. This criticism is not only limited to claims of global justice premise on moral equality of individuals, but to all claims of a principle of global justice based on any premise. The theoretical issues arising out of possible conflict between universal obligations of global justice and particular duties, especially to that of compatriots shall be discussed in the next section.

To conclude it can be argued that moral basis for claim of global justice (particularly those of non- relational cosmopolitans) rest on weak grounds. It is not able to distinguish between humanitarian aid and duties of justice. Justice is essentially based on importance of moral agents who must take responsibility for the harms or benefits they have caused on other agents. In absence of such concept of responsibility, concept of global justice cannot be forcefully established ^[31]. An attempt will be made to develop a conception of responsibility that can ground duties of global justice in the next section. In the next sub- section, duties of justice arising from the need to fairly distribute benefits and burdens among agents who are engaged in co-operative practices globally is being discussed.

(B) Global Economic Interconnectedness

The most important factor from which claim for a principle of global distributive justice can be persuasively argued is global economic interconnectedness and interdependence of current times. It is a known fact that individuals, people, organisations and political communities are engaged in interdependent relationships, interactions and obligations that are not confined by boundaries of existing nation- states. The volume and intensity of these global interconnectedness and

relationships have only accelerated with the advent of globalisation in current times. Given this socio- political reality and the premise that obligations of social justice among compatriots in a nation- state arises in order to fairly distribute the benefits and burdens resulting from co- operative ventures among them, it can be asserted that principle of distributive justice should apply globally. This is because individuals, communities and organisations across the world are engaged in co- operative ventures and enterprises that produce benefits and burdens among these actors which are not confined by boundaries of national communities ^[32]. To put it more aptly, global interdependence involves a complex pattern of social interaction and interdependence, producing benefits and burdens that are not confined within the boundaries of nation- states. Hence principle of distributive justice should have a global scope in order to fairly distribute these burdens and benefits.

Here it will be relevant to state the contingent facts of global interconnectedness resulting from globalisation. Firstly international trade has increased dramatically as a result of significant decline in both tariff and non- tariff barrier to trade of both goods and services ^[33]. Secondly global financial flows are increasing at a tremendous rate due to foreign direct investment by multinational firms. This is creating a complex global financial network that ultimately shapes the distribution of capital and production at a global scale ^[34]. Thirdly various political and legal arrangements are at place in the global order to effectively regulate global trade, flow of global capital and finances as well as International Property Rights ^[35]. Last but not least, a number of transnational organisations and networks have emerged which work as common platforms to address collective problems such as global poverty, terrorism, environmental problems and human rights violations. Global economic interconnectedness and interdependence has significantly shaped life prospects of people around the world and worse, it has produced drastic economic inequalities (both within and among nations), unemployment and environmental degradation. Picking up the issue of global economic inequality (since it is crucial in discussion of global distributive justice), it can be asserted that global economic interconnectedness has worsened the economic prospects of poor nations. To this assertion, an objection can be made that it is not economic interdependence per se but the contingent factors of domestic political system such as access to technology, ability to effectively tax multinational firms and others that account for increasing economic inequality among nations ^[36].

To respond to this objection, an important argument can be made that in the specific context of resource- poor developing countries, the fact that international economic interdependence has worsened domestic economy can be effectively established. Firstly resource poor developing nations are no longer able to effectively control and manage

²⁸ Valentini, *Justice in a Globalised World*, 47.

²⁹ Ibid.

³⁰ Strong cosmopolitanism can be contrasted with 'weak cosmopolitanism' which argues that task of global justice is only to create universally necessary conditions for human beings to lead minimally decent lives. For a detail discussion of distinction between the two, please see, Brock, *Global Justice*, 13.

³¹ Miller, *National Responsibility and Global Justice*, 22.

³² Charles R. Beitz, *Political Theory and International Relations* (Princeton, New Jersey: Princeton University Press, 1979), 144.

³³ Ibid., 145.

³⁴ Robert Gilpin and Jean M. Gilpin, *Global Political Economy: Understanding the International Economic Order* (Princeton: Princeton University Press, 2001), 7.

³⁵ Beitz, *Political Theory and International Relations*, 147.

³⁶ Ibid., 146.

their own economies as developments elsewhere significantly shape the behaviour and functioning of domestic economies. Moreover lack of resources and capital disables these countries from effectively negotiating terms of trade and fiscal arrangements that significantly impact their economies. Secondly participation by these countries in the world economy has the structural effect of increasing inequality of income distribution in their domestic economies. This can be more clearly established from the third finding that benefits and gains from global economic interconnectedness and presence of multinational corporations (MNCs) in these countries have been largely concentrated in upper income classes. Lastly political influence of MNCs and foreign investors have led to the establishment of regimes which are not committed to egalitarian distribution in domestic economy^[37]. Moreover, MNCs have exclusive control over technology, access to capital and have been successful in securing profits from different parts of the world. They are also able to produce monopoly through price fixing. Further they are able to avoid effort by national governments to capture domestic profit through corporate taxes^[38].

As mentioned earlier, with global interdependence and interconnectedness, national boundaries are no longer co-extensive with social co-operation nor do they mark the limits of social co-operation. Thus national boundaries are losing their moral significance. More importantly, all these developments and facts point increasingly towards the erosion of normative significance of nation- states as self-sufficient political units (but which are seen more starkly in case of resource- poor developing countries) and as arbitrator of social justice. Given these developments, Charles Beitz argues that Rawls fundamental contention that justice in global order is taken care of with respect for basic human rights and mutual aid and assistance in times of need, misses the point of international justice. Rawls' argument that obligations of justice outside members of nation- states can justifiably be curtailed if it can be shown that these were done to create 'just regimes' cannot be morally defended. This is because affluence of one society is connected to misery and deprivation of another society in an interdependent and interconnected global economy. Thus curtailing obligations of justice towards members of poor nations cannot be justifiably defended in name of erecting just regimes domestically. In doing so, domestic obligations of justice will come into conflict with international commitment of justice and will also violate the morality of justice. Thus Charles Beitz argues that global economic interdependence entails that principles of distributive justice should command obligations beyond the boundaries of existing nation- states^[39].

Having resolved the issue of scope of distributive justice in favour of global application, another important question that arises is with regard to principles of justice that has to be adopted. Charles Beitz argues that two principles (viz. liberty principle and difference principle) of Rawls' theory of justice^[40] should be applied globally. The argument is that Rawls' principle of justice applies to co- operative schemes in order to fairly distribute cost and burdens arising out of such social

co-operation and global interdependence and interconnectedness constitute such a social co-operation. Thus given the understanding that social co-operation and other co-operative ventures are not limited by boundaries of nation- states, parties to 'international original position' will choose principles keeping in mind that these principles will have global relevance and will not be confined to particular nation- states. Thus, in enlarging the scope of justice, Rawls' two principle of justice will still hold in the global order. In particular the difference principle (social and economic inequalities are to be arranged such that they are to greatest benefit of least advantaged) will hold and have significance in global order^[41].

A second important question is whether the difference principle should be applied to states or to individuals. Beitz argues that difference principles should be applied individually to the most disadvantaged persons globally, since they are the concern of global distributive justice. He further argues that making globally disadvantaged persons the concerns of distributive justice will prevent global redistribution from taking the form of transfer among states. It will also not bring up the question of membership in national communities as globally least advantaged need not belong to any particular national communities. However nation- states can play a very important role in such a global redistribution as in intra- state redistribution and transfer can act as the first and most significant step for redistribution and states can be most effective agency in redistribution in absence of better agencies for redistribution^[42].

Before concluding, another important objection that can be taken is that principle of global distributive justice which will have far reaching implications cannot be based on weak empirical foundations. It can, however, be responded that global economic interconnectedness constitute interdependent relationships among persons around the world. The fundamental moral argument is not whether global economic interconnectedness constitute particular pattern of social interaction or produce injustice (though it does produce injustice) but that global interdependence constitute a co- operative scheme from which benefits and burdens arise, which are not confined to national boundaries. These gains and burdens are not simply aggregates but fall on particular agents. Thus principle of distributive justice should apply globally to fairly distribute these burdens and benefits. To conclude, owing to the fact that social co-operation are not confined to national boundaries and such co-operation produces produce burdens and benefits among participants, a principle of distributive justice should apply globally fairly distribute these burdens and benefits.

(C) Uneven Distribution of Natural Resources

An interesting perspective from which claim for a global distributive justice can be made is with regard to scarcity of natural resources. It is known fact that natural resources are scarce and are unevenly distributed over the earth. Moreover exploitation and appropriation of these resources by some will leave others in an abysmal state. Charles Beitz makes an important argument that natural resources are unevenly and arbitrarily distributed over the earth. He further goes on to assert that it is unjustified if persons and more importantly

³⁷ Ibid., 146- 47.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Rawls, *A Theory of Justice*.

⁴¹ Beitz, *Political Theory and International Relations*, 151.

⁴² Ibid p. 153.

political communities (nation- states) have an exclusive claim over natural resources and benefits accruing from them within their territory, merely based on the fact of location of these resources ^[43]. He further argues that access to natural resources is required for all societies or political communities to operate and undertake co- operative activities. Thus appropriation of these resources by few groups of people or few political communities will severely disadvantaged others, hindering their economic progress and development of just social and political institutions. And those who are deprived of resources will legitimately press for equitable claims.

Here Beitz considers two possible objections. First is that nations are self- sufficient units in international order and hence have exclusive control over resources within their own respective territories. Second is that there is no need of justification for appropriation of resources in 'global state of nature', since no obligations arising from social co-operation apply here. He replies to the first possible objection by arguing that just the mere fact that nations are self- sufficient units do not imply that they can have exclusive claim over natural resources in their territory. Self- sufficiency can mean that they can prevent other nations from exploiting those resources but it does not confer exclusive rights of ownership or exploitation, because distribution of natural resources is arbitrary in the first place. He replies to the second possible objection by arguing that duties and moral obligations do not always arise from social co- operative schemes. Duties and obligations can also arise independently of any social co- operation ^[44].

In order to develop his argument theoretically, Charles Beitz uses the concept of 'international original position' which was developed by John Rawls. Beitz argues that parties to 'international original position' will have in their minds certain contingent facts. The first fact is that natural resources are scarce and unevenly distributed over the earth. Second is that access to natural resources is essential for economic progress and development of just social and political institutions for all societies. Third is the recognition that nation- states cannot legitimately claim exclusive control over natural resources or benefits accruing from these resources in their respective territories. Thus a justification is required when natural resources are appropriated by persons or political communities. Given all these contingent facts, it can be concluded that a fair scheme of global resource redistribution will be demanded by parties to the 'international original position' ^[45]. The underlying moral argument is that every individual and society (or political community) ought to have equal access to natural resources over the earth.

Further developing his theory, Charles Beitz argues that 'equity standard' in global resource redistribution scheme can take various forms. It can be based on size of population of

various societies. It can also be a scheme where societies are rewarded based on their members' efforts in extracting natural resources or taking account of different economic needs of societies with different economies ^[46]. As mentioned above the moral rationale behind such a 'global resource redistribution scheme' is that each person or society has an equal access to natural resources on the earth. However deviation from such 'equitable standards' can be justified if it can be shown that such differences in global resource redistribution were to the benefit of the 'least advantaged' (difference principle). Beitz argues that such a global resource redistribution scheme will provide assurance to resource poor nations that their lack of resources will not adversely affect them in developing just social institutions and protection of human rights ^[47]. Hence a global scheme/ principle of natural resources redistribution is essential given the scarce and arbitrary nature of natural resources distribution and their vitality in economic, social and political flourishing of societies.

In the above lines, three independent arguments for applying a common principle of distributive justice at the global level were given based on premises on moral equality of individuals in liberal tradition, global economic interconnectedness and association and the uneven distribution of resources. Having explained the premises from which an argument for global justice can be made, however, there remains theoretical difficulties in conceptualising global justice. These theoretical difficulties arises due to intimate connection of justice with notion of nationalism, duties and democracy. In the next section, it will be discussed how a concept of global justice ought to address the conceptual categories mentioned above.

4. Global Justice, Nationalism, Duties and Democracy

Traditionally justice or social justice in the liberalism has an intimate link with other concepts like nationalism, duty and democracy. Justice cannot be conceptualised and realised without addressing these issues. Hence when justice is extended to the global order, it needs to be seen how global justice reconcile with these concepts. This will be done in this section.

(A) Global Justice and Nationalism

Nationalist such as David Miller argues that justice entails thick obligations and special duties that can be only be pursued among people having special relationship such as common nationality. It is different from other obligations of humanity like assistance or compassion. He argues that there are certain factors that grounds special duties of justice among compatriots such as sharing a common nationality. Firstly members of nation are part of the same culture, civilization and heritage that forges common identity and a shared meaning. Secondly members of a nation also share a

⁴³Charles Beitz makes an important distinction between distribution of natural talents and distribution of natural resources. While both are arbitrary, possession of natural talents and making optimum use of them do not require justification. Moreover development and nurturing of talents are undertaken by a person through discipline and self- training. Thus talents are part of persons that define their individuality. And interfering with talents can tantamount to interfering in one's personal liberty. On the other hand, natural

resources are somewhat remotely connected to persons. There are no contingent factors that bind natural resources to persons or political communities. Just the fact that resources are located under one's feet do not justify exclusive access and claim to these resources. For further discussion, please see, Beitz, *Political Theory and International Relations*, 138-39.

⁴⁴ Ibid., 140-41.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid., 142.

commitment to collective future and co-existence. Such factors are absent in relationship among people in different parts of the world. Hence justice cannot be applied globally [48].

An objection to such an argument is made by Laura Valentini where she stresses the obligation for distributive justice cannot be based on such subjective factors [49]. Cosmopolitans argue that nationality cannot be the basis of justice as it is a morally arbitrary factor like race, ethnicity or gender. In accordance to the liberal tradition of justice, individuals cannot be disadvantaged due to factors which are outside his or her control. Since nationality or membership in national communities is morally arbitrary in nature, principle of justice cannot be limited by membership in national communities but it ought to apply globally. David responds to such a charge by arguing that nationality is not just a morally arbitrary factor like hair colour but actually groups which can ground special duties. He further argues that special duties of among compatriots cannot be dismissed by arguing that nationality is a morally arbitrary factor as nationality can be conceptualised as a special need [50]. The relationship between nationality and justice is further discussed in the next chapter on cosmopolitanism.

(B) Global Justice and Duties

The notion of duties or obligations is central to any conception of justice. This is because justice is essentially a claim that imposes coercive obligations on others. In case of social justice, duties of justice are derived from special relationship that exist among compatriots as mentioned above and are discharged through coercive institutions. And compatriots have both negative and positive duties [51] to uphold justice, with a much more stringent negative duty. As arguments for extending justice globally is made, certain questions can be raised such as, (i) what is the moral basis for duties of global justice? (ii) How are these duties of global justice to be discharged, in the absence of global institutions similar to that of state institutions at the domestic level, (iii) how stringent are duties of global justice generally and how stringent are negative and positive duties of global justice? In response to the first question an argument can be made that there are certain general or universal obligations and duties that human beings owe to each other, owing to being human which are above the particular obligations and special duties. The argument made in the first part of third section by non-relational cosmopolitans on moral equality of all individuals in the liberal tradition can ground egalitarian duties of justice. With regard to the second question, cosmopolitans argue that national duties and institutional arrangement of the domestic state are institutional mechanism or arrangement to give effect to this national or particular duties of justice are institutional arrangements or means to discharge or observe the universal obligations of justice. Thus duties of global justice can be observed by fulfilling duties of justice at the national or state level. To the third question it can be argued that global justice entails fulfilling of certain universal duties

and obligations. After fulfilling these universal or general obligations, particular and special duties among compatriots or any association can be pursued. Global justice imposes strict moral duties on individuals not to perpetuate injustice to others through their voluntary actions directly or mediated through global arrangements or institutions [52]. Thus negative duties takes a central place in a theory of global justice and is more stringent than positive duties as it is independent of relationship among parties, causality or distance [53].

(C) Global Justice and Democracy

Justice and democracy are also intimately linked. In liberal democracies, it is the participation of citizens in political process of decision making that makes the government legitimate, thereby making it just. Political participation by citizens can occur at two levels, firstly citizens choosing the government which will exercise authority over them through free and fair elections. Secondly citizens express their legitimate demand from and grievances against the government through civil societies which the government must address from time to time. Thus, coming to distributive justice, democracy ensures citizens participate in political process to ensure that basic goods, services, resources and so on are allocated in a fair manner in the society. This may not hold in every democracy. However this explains how democracy is indispensable for justice theoretically. A question can therefore be raised that how can transnational democracy be achieved for ensuring global justice, given the fact there is a lack of democratic participation in transnational or global arena.

Moreover as argued by Vidhu Verma in the first section, the attempt to construct transnational democracy can actually be counter-productive as political efforts and resources are shifted away from domestic politics to the transnational arena. This will hinder political participation of citizens in domestic democracies where political participation can be more effective [54]. Another objection to the idea of global justice is that enforcing justice globally will require a global state like authority thereby making realisation of democracy impossible at the global level.

To the second objection, an argument can be given that realising global justice do not necessitate creation of global state like institution or a global sovereign. The fundamental challenge of global justice is to the indispensable sovereignty of nation-states that makes addressing of some collective issues impossible, for example that of global distributive inequality. Sovereignty of nation-states can be challenged by decentralizing power and sovereignty at different levels of government below and above the national government with more power and sovereignty at local level governments [55]. Thus democracy and political participation by people can be effectively ensured when sovereignty and power is decentralised at local level of government. David Held argues that global justice entails that all the individuals around the world should be governed by a cosmopolitan democratic law

⁴⁸ Miller, *Justice For Earthlings*, 170-71.

⁴⁹ Valentini, *Justice in a Globalised World*, 62- 63.

⁵⁰ Miller, *National Responsibility and Global Justice*, 34.

⁵¹ Negative duties refer to refraining from voluntarily causing harm or injustice to others through their actions, whereas positive duties refer to actively engaging in activities to ensure that justice is ensured through their

acts. For a fuller description, please refer to Jon Mandle, *Global Justice* (Cambridge: Polity Press, 2006) [7], 48.

⁵² Pogge, *World Poverty and Human Rights*, 37.

⁵³ Mandle, *Global Justice*, 38.

⁵⁴ Verma, *The State, Democracy and Global Justice*, 3734.

⁵⁵ Pogge, "Cosmopolitanism and Sovereignty", 58.

[56]. This can also be effectively implemented when this cosmopolitan democratic law is enforced by local level governments. The first challenge of ensuring democracy in transnational political arenas remains. However it can be responded that an attempt to construct transnational democracy can be pursued on the lines of European Union. Before concluding an attempt can be made to address whether global justice should adopt a universal principle of justice or a shared principle of justice. A universal principle of justice will entail application of certain principle or conception of justice throughout the world across all people and society. Such a conception of justice will therefore not be able to accommodate cultural differences in understanding of justice in different cultural and social circumstances. More importantly conceiving global justice in terms of universal principle reflects a monistic understanding, which can actually be derived from a particular philosophical, cultural, political or religious doctrine, thereby being extremely unaccommodating. Hence the application of universal principle of justice can lead to cultural oppression and thereby injustice, instead of justice. Finally a universal principle of justice can be insensitive to local context, thereby being ineffective in addressing specific issues.

On the other hand, principle of justice that is shared by different people, cultures and traditions can actually uphold justice as the notion of justice is shared by different cultures and traditions and hence applicable to problems of injustice in the local context. A shared principle of justice will be based on consent of different cultures and people and hence the question of cultural imperialism will not arise. And finally a comprehensive shared principles of justice will be based on elements from different political, religious or ideological doctrines and hence it will be diverse and accommodative. However a universal principle of justice can also be shared by different cultures, doctrines, people and civilization. In order to ensure this the proposed universal principle of justice should be general, thin and broadly- defined so as to allow different local cultures or people to substantiate the precise contents of justice. Therefore a universal principle of justice can be shared by different peoples and culture. Alternatively principle of justice shared by different people and cultures can also take the form of universal principle of justice.

5. Conclusion

To summarise global justice has been defined in different ways by different political theorists. Thomas Pogge provides a conception of universal justice centred on the notion of human flourishing. According to him a concept of universal justice should be thin, defined in terms of means to human flourishing, it should be a modest conception defined in terms of a threshold compatible with various international institutions that treat all the humans in a minimally fair way, it should not be exhaustive, but it shall be binding and stringent above the more substantive aspects of local justice. According to Vidhu Verma, global justice should be designed in such a way that it rectifies the harms and effects of economic globalisation but not the causes of inequality among nations. A concept of global justice should not also provide a scheme for global redistribution of resources as it

will utopian to imagine a scheme of global redistribution in the absence of laws of property and access to resources in all the nation- states. Darrel Moellendorf argues that duties of distributive justice should be global in scope as economic association has reached a global dimension. He argues for a principle of global fair equality of opportunity as it will ensure a level playing for all individuals around the world regardless of their social location. However John Rawls objects to a principle of global distributive justice by arguing that material inequality between nations is caused by 'political culture' of respective nations. Thus it will be unfair for some nations to compensate for misery of others. Similarly David Miller argues that global inequality can be justified if it can be shown that it is a result of collective choices made by nations. He argues against a principle of global justice because the contingent factors for applying justice are absent in the global order. He substantiates this point by illustrating the absence of both authoritative agency to define property laws, taxes or to set the terms and conditions of economic exchange and co-operation, as well as the absence of special ties like that of national community to ground duties of justice.

Three normative reasons have been provided for a global principle of justice. Firstly a principle of global justice can be claimed based on moral equality of individuals and universal force of this doctrine, in liberal tradition. The argument is that all individuals are ultimate unit of moral concern and hence are to be treated with equal respect and dignity regardless of family, clan, class or nationality. Politically, this can imply that principle of justice should apply globally as nationality is also a morally arbitrary factor. Secondly it can be argued that social co-operation and other co-operative ventures are no longer confined within nation- states, but extend beyond those. Further as a result of global structural processes, nation- states are no longer able to distinctively shape the life prospects of their citizens. This points to the erosion of normative significance of nation- states as primary provider of justice. Thus a principle of distributive justice should apply globally so as to fairly distribute benefits and burdens arising out of co-operative ventures that are beyond boundaries of nation- states, given global interconnectedness and flows exist in the background. Lastly a global scheme for distribution of natural resources is essential to fairly distribute natural resources as natural resources are scarce and arbitrarily distributed across the earth. Moreover resources are vital for progress and development of all societies. Thus appropriation of resources by few societies will leave others in misery. Thus a global scheme of resource redistribution (which can be a type of global distributive justice) is essential so that every society and individual has a fair chance to develop and progress.

Global justice can also effectively reconcile with the challenges of nationalism as it argues that making nationality the basis of justice make some individuals worst off, by no voluntary choice of theirs. With regard to democracy it can be argued that a scheme of vertical dispersal of sovereignty at different level of government can ensure a more effective democratic participation. As far as duties are concerned, it can be argued that there are certain universal or general duties

⁵⁶ David Held, *Democracy and the Global Order: From Modern State to Cosmopolitan Governance* (Stanford, California: Stanford University Press, 1995).

of humanity which are above particular obligations and special duties. However there are still theoretical challenges to global justice posed from notion of duties, democracy and nationality.

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