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RADICAL APPROACHES TO GLOBAL JUSTICE: IS THERE A NEW PARADIGM?

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The publication of Gillian Brock's *Global Justice: A Cosmopolitan Account* in 2009 and of Richard Miller's *Globalizing Justice: The Ethics of Poverty and Power* in 2010 have created an important occasion for reassessing the discourse about global justice that has arisen in the last decade. Above all, these books have moved the debate about what constitutes global justice in an exciting new direction by introducing important considerations previously lacking. But most essentially, these books give us an opportunity to assess whether the concept of global justice is amenable, not only to exercises in liberal moral thinking, but also to radical social theorizing about deprivation and powerlessness on the international scale. Is there a new paradigm of *radical* global justice?

While I will argue that, ultimately, neither author makes a definitive break with the liberal paradigm, this is not so much a result of faintheartedness or failure of imagination as a deficiency with the concept of global justice itself. I think it may turn out, once these exciting new works have been fully digested, that they are actually pointing the way beyond concern for global justice, in any sense of the term currently extant. What may lie "beyond" global justice will be the object of some brief speculations at the end of this essay.

WHAT IS GLOBAL JUSTICE?

First, we need to consider the concept of global justice itself, before we can understand what separates Brock and Miller from previous accounts. The concept of global justice has tended to replace an earlier conception of international ethics that was used to frame questions about the ethics of various processes—nationalism, imperialism, globalism, international trade, development and underdevelopment, war and peace—taking place between peoples and countries. We should consider, first, how the term "global justice" differs from this.

There are at least three ways. First, persons count more than peoples; as Gillian Brock puts it, every person has "global stature, as the ultimate unit of moral concern" (p. 3). For those schooled in the main tendencies of modern moral

philosophy (i.e., since Hume and Kant), this may seem to be stating the obvious. What could have primary moral standing, other than persons? But what it means to be an object of moral concern, for these authors (and other adherents of global justice) is less than obvious. It is, among other things, to be the object of interpersonal comparisons across boundaries and between countries. So the second feature of global justice is that it is an exercise in making such comparisons between persons (and their relative states of well-being), *not between countries*. But this comparison is not about persons' status as "abstract" persons—or as moral philosophers might state it, as moral beings or agents. It is a comparison of persons' actual, particular conditions of livelihood; and for this to be meaningful, there must be some basis for the comparison, some state of affairs within which such a comparison becomes as significant as comparisons within countries (between citizens). Such a state of affairs, and this is the third feature of the concept of global justice, is encapsulated in the term "international community." There must be such a community (rather than the state of anarchy that some have traditionally regarded international relations to be) in order for cross-border comparisons of personal well-being to be ethically relevant.

The basic problem, to anticipate my conclusion, is that one will look in vain for any explicit justification of these fundaments or presuppositions of the idea of global justice. The existence of persons as "global" moral agents, the ethical relevance of comparisons between them, and the reality of an international community within which these comparisons could make sense, are simply assumed in the discourse. But there is an implicit tension here. Some veer toward emphasizing the entitlements of persons in very strong terms, with relatively little attention to the difficulties of implementation. For instance, Brock states that when governments fail to protect persons' interests, it is the responsibility of the international community (who? what? where?) to do so (p. 293). Others (e.g., Richard Miller) veer toward a more concrete characterization of such a community, but usually in negative terms (as hegemony, imperialism, or global capital). But this then raises the question of how we can expect such a community to play any role (other than a negative one) in the pursuit of global justice.

PROBLEMS WITH LIBERAL APPROACHES

Liberal global justice theorists have tried to resolve this tension in one of two ways: either by making strong enough assumptions about moral obligation to bridge the gap between persons, even in the absence of (international) communal institutions, or by maintaining that such institutions do in fact exist and mandate moral obligations, which they ought to recognize (for some reason or other). But the radical theorists reject such reasoning, and for good reason. Since their own conceptions of global justice are the subject here, a cursory mention of the problems with the liberal views should be enough for present purposes.

The first strand of liberal theory generally uses some utilitarian calculus, in which all persons (regardless of locality or citizenship) count equally, in order to yield a principle of redistribution of wealth. This principle in turn generates stringent moral obligations for persons with greater wealth—what Richard Miller calls a principle of sacrifice. But, as Miller argues, the cosmopolitan perspective, while it generates a principle of sympathy (for destitute others, globally), does not adequately justify this more extreme principle of sacrifice. The reason is that such a principle overrides our deeper ethical commitments to compatriots and other persons near and dear to us, without giving us good (enough) reasons for doing so. Furthermore, while the principle of sympathy does generate some obligations, it is not to a massive redistribution intended to equalize wealth distribution, so much as to an impulse to end the domination of the powerful globally, especially through the actions of social movements in wealthy countries (Miller 2010, p. 240).

The second strand of liberal theory is based on the idea that international institutions—diplomatic (e.g., the United Nations), financial (the World Bank), military (NATO), and commercial (the WTO)—exist in enough variety and density to warrant discussion of the appropriate distribution of goods (to which these institutions are committed) globally. The intuitive idea is that even if these institutions are very imperfect (in their current incarnations, anyway), they still indicate that there is a discernible international community that can form the basis for judgments about the validity of current arrangements and distributions of goods. This is, of course, a controversial point: there are those, and Miller is one, who reject the idea that just because there are global commercial transactions (even a lot of them), that this in itself provides a mandate for redistribution, at least for anything more than the specific goods traded (Miller 2010, p. 57).

Yet, liberal theorists usually proceed from this assumption to the formulation of some contractarian proposals for agreeing to a global distribution (really, a redistribution) of goods. Since John Rawls's early work, the contractarian approach has usually been to posit a global "original position" within which a thought experiment under conditions of temporary ignorance as to real assets and possible outcomes would yield a determinate judgment about a fair distribution. Although Rawls famously rejected this application of his earlier theory in *The Law of Peoples*, others have followed the pioneering work of Charles Beitz in arguing for a global difference principle that redistributes to the least advantaged up to the point at which *they* would suffer from additional allocations of goods. One of the interesting features of Brock's more radical approach is that while she uses the idea of the global original position, she believes that it will not generate a global difference principle, a view that brings her closer to Rawls than to the latter-day Rawlsians whom she criticizes. Rather, Brock argues that a global contractarianism, properly understood, would generate a "needs-based minimum floor" principle that would ensure the basic needs and an equal opportunity to develop further beyond this minimum (p. 57).

There are a number of problems with the idea of a difference principle, some having to do with the very notion of the original position, others with extending the principle to an international scale. It is the latter type of problem that Brock highlights. In particular, the idea that the difference principle is the best understanding of equality (of opportunity) is faulted. The reason is important: on an international scale, the definition of opportunity is too various and locally (or culturally) specific and particular to yield a sound basis for comparison. Since “different cultures value different ends or goods,” the best that *should* be done is to provide all with sufficient freedom to have an opportunity for achieving the goods that *they* value highly (Brock 2009, p. 59). And, as Miller concurs, the needs of the global poor are too variously defined to yield a “single all-purpose enduring distributive standard for resolving trade-offs” (Miller 2010, p. 229).

IS RADICAL GLOBAL JUSTICE A POSITIVE OR NEGATIVE CONCEPTION?

What, then, is to be done? The critique of liberal cosmopolitanism or globalism, already implicit in radical anti-globalization discourse (Brock 2009, p. 11), has been brought to bear in a strikingly direct and effective way by Brock and Miller. The discourse of global justice will not be the same after this. But a problem soon arises when a better formulation of global justice is sought. Here, a little background is necessary: radical conceptions of justice have generally been what are considered to be *negative* conceptions—that is, they have been ideas about reducing or eliminating barriers, blocks, inhibitions, and so on to a more just society. A classic statement of this is found in Iris Young’s important work *Justice and the Politics of Difference*. Young, following Marx and other radical philosophers in this respect, argues that justice is the *elimination* of (political) domination and (social) oppression in their myriad forms (pp. 15–16). Much of Young’s work is an insightful and sensitive description of these forms; but the relevance here is the general definition. There is no thought experiment about perfect or ideal justice, but the dogged attention to the presence of domination and/or oppression wherever and however they may appear (given, of course, general definitions of these phenomena).

It might be expected that radical theories of *global* justice would follow in the footsteps of Marx, Young et al.: the critique of injustice on the international scale, followed by the call for its elimination (or at least, reduction) where it appears. But, while Brock and Miller start out in this way, they both ultimately *reject* such a negative definition of justice for a positive account that brings them back more closely to the liberal theories that they had previously rejected. The reason for this, to anticipate my conclusion again, is that, to operate with a conception of global justice—as opposed to a radical critique of globalization, for instance—*just is* to advocate such a positive conception that involves comprehensive (global) transfers

or redistributions of various sorts. But before I can argue this, the reasons Brock and Miller give for advocating a positive conception should be considered.

Brock begins articulating her own conception of global justice by showing the difficulties of various versions of the positive conception. Her critique is telling, in that it shows the positive conceptions of such liberal cosmopolitans as Darrel Moellendorf and Simon Caney to be caught on the horns of a dilemma—either of insufficient attention to cultural differences in the definition of goods or of too much acceptance of diverse forms of social oppression. The conclusion to this telling critique is that “it might be best to go back to the negative account of the ideal and see what can be done to remove barriers to developing a range of skills and capacities that would be useful no matter what goals people set themselves” (Brock 2009, p. 62).

So far, so good: this is consistent with the view of justice held by Young and other radical critics. Yet, when Brock gives a more specific account in the second half of her book, of the changes necessary to allow such self-development, the emphasis has shifted from removal of barriers to institution of positive benefits—or at least the resources to fund them. Rather than emphasizing the critique of the global and local institutions that maintain injustices, she focuses on establishing new positive laws and entitlements to generate income for global redistribution. This is perhaps why, at the end of the book, Brock admits that her position is not just a moral one, but one that requires the establishment and/or use of global political institutions—a “quasi-institutional cosmopolitanism,” as she calls it (p. 316).

Why the change? In part, it is because she views the lack or loss of resources as a barrier to development, turning a negative problem into a matter for positive redress (how to generate and use the missing resources). Her favorite solution along these lines is tax reform, specifically through the imposition of new “global” taxes on, among other things, carbon-based energy use, air traffic, Internet communication, and arms sales (Brock 2009, pp. 132–135). Brock argues, quite reasonably, that these measures are superior to other proposals, for instance for a “global resources dividend” (GRD) that would generate a huge income transfer from resource-rich to resource-poor people(s). While the institutional framework to do this does not exist, it does exist in the case of tax reform, since such taxes could be instituted by agreement between already existing taxing agencies in various states (Brock 2009, pp. 121–124).

However, this begs a couple of questions. First, much of this taxation will take place in wealthy countries, because they possess the resources and because the taxed transactions will often be between such countries anyway. How then to get the revenue to the globally needy, other than through foreign aid, a problematic means (see below)—and in any case not that different from how a GRD-type scheme would be enacted? Second, to make such taxes effective, they would have to be imposed universally or nearly so, to avoid tax evasion—the very problem that Brock sees at the heart of much global disparity. But how to do that—other

than via enforcement measures of some global institutions that, in any event, do not currently exist?

While Brock moves from espousal of a negative conception of justice to an effectively positive one (with the usual attendant problems), Miller moves from an initial critique of negative conceptions to adopt one that is itself largely negative (though with special problems of its own). Early in his book, Miller employs an analogy with the slave trade to generate a more compelling version of global justice than one that simply highlights the presence of "abject suffering." The latter does not entail a "substantial duty to help," partly because it does not establish the culpability of those with more and partly because it does not trump other obligations that may obtain for those who are not presently suffering. What would, according to Miller, establish such a duty is "the need to live up to responsibilities due to further transnational interactions, analogues of the responsibility to end the slave trade" (p. 58).

Now this is a promising beginning, precisely because the abolition of slavery fits the radical negative definition of justice as the eradication of domination/oppression mentioned earlier. It avoids the problems that plague every attempt to define positive redress for injustices and inequities on the international scale. But Miller surprisingly dissents from such an understanding of abolitionism: "Merely freeing developing countries from obstacles to commerce and development . . . would be as irresponsible as freeing the slaves at the end of the US Civil War without further help to cope with challenges slavery had created" (p. 81). A seminal example of radical/negative justice has been used to make an argument for liberal/positive justice!

Yet, when Miller comes to his "positive" proposals, they still have the character of the removal of barriers—specifically, in this case, tariff and immigration barriers in the developed countries (p. 220). He argues that, by fully opening such countries to imports and immigrants from underdeveloped countries—by removal of barriers that prevent such countries from maximizing their resources (cheap goods and workers)—positive redress will be achieved, over time and without the need for imposition of measures by global governing institutions or via foreign aid schemes of limited effectiveness. But—and to Miller's credit, this is a deep concern for him—such changes may cause significant injuries to the disadvantaged in developed countries. How is this to be justified?

PROBLEMS WITH POSITIVE REDRESS FOR INJUSTICES

Since our authors have advocated either a version of positive redress for global injustices with the familiar disadvantages of such schemes, or a pseudo-negative redress with a different set of problems, we need to look more closely at the general notion of positive redress, why it is problematic and how to think about an alternative that does not lead to new dilemmas of theory and practice. There are

two problems that are particularly worrying: first, that of the ultimate necessity for local forms of needs-satisfaction, and second, that of the effects of positive redistributions on the legitimate interests of locally needy persons. To use somewhat inaccurate labels for these problems (their inaccuracies will be discussed shortly), these are the problems of imperialism and nationalism, respectively.

Why are dire needs best satisfied locally? This concerns what is today referred to as the principle of sustainability: only if political economies and ecologies are organized in accordance with long-term sustainable patterns of land use, energy consumption, transport, food production, and so forth, can there be any assurance that needs satisfactions will be available (barring emergencies and disasters, of course). While Brock, for instance, sees this as a question of skepticism about the feasibility of global solutions, this somewhat misses the point. Of course, such solutions require political will and social institutions that, even on Brock's optimistic assessment, do not (yet?) exist. Why the calls for greater "social trust" across borders, if the political impulses and social mechanisms are already there, at least in embryo (Brock 2009, p. 282)? The proposals for "global" taxes are an attempt to get around this question of institutional feasibility, but it in turn requires international mechanisms for enforcement and coordination that make these proposals not that different from directly redistributive ideas.

But more importantly, even if feasibility worries can be assuaged, there are the problems of the effectiveness and desirability of such solutions. On this point, Miller is much less sanguine than Brock, who blithely asserts the greater effectiveness of global over local solutions. Yet, this position seems irresponsible for two reasons, aside from feasibility concerns. First, there are the well-known deficiencies of foreign aid that, in Miller's words, "distort and undermine local initiatives, pouring funds into vast projects with long gestation periods that cannot be adequately monitored, managed, and adjusted to local needs" (p. 219). Second, there is the imperialistic nature of foreign aid itself, which often involves benefits to corporations and governments in developed countries that profit from these vast projects (and the scale would be increased by many orders of magnitude if any of the globalist schemes under consideration were adopted). There is now a considerable literature—for example, in the work of Harold James, David Harvey, Peter Gowan, and Danilo Zolo—that demonstrates the intimate connection between schemes of greater global interdependence (including those with a redistributive intent) and a neo-imperialistic pattern of continued domination, if not outright exploitation. While neither of our authors is unaware of this problem, how exactly would the funds generated, for example, from global taxes, be distributed otherwise than through the very institutions (the United Nations, the World Bank) that have often been responsible for much of the problem in the first place?

Miller, in particular, is aware of this; yet, he seems unwilling to fully endorse the agenda of de-globalization, to use Walden Bello's evocative term. Rather, he advocates social protest and focused campaigns targeting specific abuses of

neo-imperial or hegemonic powers, in particular, the United States (Miller 2010, pp. 247–251). But while this may curb the worst abuses, without an alternative vision of a world without hegemonies—or at least with their power drastically reduced—such movements will inevitably limit their own effectiveness in mobilizing support.

The second major problem with schemes for positive redress concerns their effects upon the local working and poor populations of the wealthy countries that would presumably be the benefactors of the “global” poor. What obligations do the wealthy owe their “own” needy, and do these trump those of the more distant needy populations? Much has been written about this, and I won’t reiterate the arguments at any length. But a couple of points can be made about the specific positive proposals under consideration here.

First, Brock is surely right that the claims of nationalists do not, on any reasonable assessment, override the claims of social justice more generally, including its global aspects. Of course, she is not the only one to make this point, and the literature about it has reached considerable proportions in the last twenty years. But the reasons she provides for her conclusion indicate a basic confusion about the nature of the problem. The reason that nationalist claims do not, as “liberal nationalists” such as David Miller, Michael Walzer, and others assert, stand up against other ethical considerations is because such claims are essentially part of a discredited, culturalist theory about the necessity of national identities for political allegiances. There is no such necessity, and attempts to connect national identity with political community have had the most horrendous consequences, from the nineteenth century up to the Yugoslav civil wars and the Palestinian conflict today.

But this does not mean that the claims of localities and particular communities do not have any purchase against claims for global justice. On the contrary, it is not clear how considerations of justice can even be separated from the needs, interests, and aspirations of peoples in their particularity and locality. To put it somewhat crudely, how is justice possible without democracy? And how is democracy possible without a community in which democratic institutions can function as the expression of a people’s will? Of course, Brock could refer to the literature of “cosmopolitan democracy” upon which to base her espousal of global solutions; but this is an extremely shaky foundation upon which to rely in espousing considerations of justice—and I think Brock knows this and so does not emphasize the point.

Miller does separate the issues of national identity and local community early on, and so is not prey to this confusion. He also clearly recognizes the problem: any scheme of redistribution is going to come down hard on workers and the poor in developed countries, not only undercutting any political consensus about engaging in the scheme, but also opening it up to charges of unfairness and, yes, injustice. What is his response? He acknowledges that “in developed as in

developing countries, people rightly want to get ahead self-reliantly, continuing in the way of life with which they identify” (p. 221). Isn’t this the goal of social justice, after all? No: “these countries can afford payments and facilities within their borders that soften the domestic blows.” So, in the end, what is required is “extra help for disadvantaged compatriots to moderate the impact of transnational justice” (Miller 2010, p. 222). But is “transnational justice” to be dependent upon such help? And, if not, which takes priority? Having gotten this far, Miller is forced back to the same crude interpersonal comparisons that the utilitarians use: global justice gets priority just in case the disparity in “global” incomes is greater than the disparity within localities.

IS THERE AN ALTERNATIVE TO GLOBAL-JUSTICE DISCOURSE?

Can we do better than this? I think we can—but only if we are willing to question the idea that such interpersonal comparisons should override inter-communal comparisons. This is why John Rawls, for all the other faults of his theory of international justice, was right about the basic difference between social justice and international law. The latter is distinct from the former, and requires a distinct set of ethical considerations, not simply an extrapolation of the same principles from the local scale to the global. This is also an insight of the anti-globalization movement, as Brock explicitly recognizes. But I agree with her that this does *not* mean that one must reject the (cosmopolitan) value of the dignity of all persons. We (philosophers) are, as I think Brock would agree, all cosmopolitans, *in some sense*. But what sense is that? The real question continues to be political, not moral: what are the institutions that would best allow cosmopolitan values to be respected? And it is here where the divisions arise: to be a “quasi-institutionalist,” as Brock asserts, or a “quasi-cosmopolitan,” as Miller does, is to take seriously the prospect of distinct global political institutions (or, at a minimum, obligations) as desirable (and, of course, feasible).

Such institutions exist. But they are part of the problem, not the solution, and they are likely to remain so, perhaps inherently so (there could be some disagreement about this, but it does not change much). So what to do? First, as the doctors say, do no harm. That is to say, defund and delegitimize institutions that are doing harm. It is a long list, since virtually all international institutions are complicit in hegemonic power. But the point is that, on balance, we will be better off with a *weaker* United Nations, WTO, World Bank, NATO (and when did that become a “global” institution?), etc. This is the negative conception of justice that mandates the reduction or elimination of entrenched patterns (and institutions) of domination and oppression—hard enough to accomplish, but a necessary goal, certainly.

Second, recognize that there is a *minimum* standard of social justice applicable globally that mandates aid and redress of dire conditions. How this is defined—

whether in terms of needs satisfaction, human rights, or some other concept—is less important than the recognition that it at most justifies aid and assistance of a fairly traditional kind. In cases of emergencies and disasters, whether locally or globally, there is a duty to assist; but precisely because of the basic standard, this is not a duty to assist *development*, but rather *survival*.

Third, do not forget a basic desideratum of international relations, the self-determination of peoples, with its attendant dispositions of patriotism and sovereignty. This is the stuff of which democracy, sustainability, security, and other values of political and communal life consists, and it is banished from a conception of justice at our peril. The idea, for instance, that sovereignty, in Brock's words, is about "protecting individuals over states" (p. 174), misses the important point that, as Rawls for instance emphasized, self-determination and sovereignty (as correlative notions) pertain to peoples, not persons *or* states as such. It is only peoples that can be self-governing; and it is they that need protecting—both from states, in certain instances, and from the superstate institutions that sometimes speak in the name of all persons, human beings, etc.

Finally, and this is a consideration that merits more thought than it has been given here (particularly in Brock's work), the minimization (though not the elimination, inevitably) of political violence must rank high on the desiderata to be encompassed by a notion of "global" justice. Here it is with some chagrin that I note Brock's favorable commentary on the notorious idea of humanitarian intervention. Miller is better on this matter because he recognizes the close (and obvious!) connection between so much of the political violence in the world and the nature of imperial rule. A considerable literature has shown this connection in exhaustive detail about intervention, humanitarian or otherwise, as well as the "war on terror," and other more banal but no less lethal exercises in military might. And, of course, non-hegemonic forces, often using terror of various kinds, are capable of horrendous violence as well. It is certainly one feature of humanitarianism, as with justice, to do no harm, above all. Though Brock is surely right that the most important consideration in humanitarian crises is protecting the vulnerable (p. 186), thinking that the way to do this is with bombs and troops rather than with food and medicine is surely a mistake.

Of course, this rudimentary program does not look much like current schemes for global justice—in particular, because it will be seen as slighting the interpersonal comparisons of income disparities and entitlements that are essential to most such schemes. But that is the point: nothing written here ignores the dire emergencies that have been and perhaps will be increasingly, in this age of environmental collapse, a part of the international scene. But it does not take a theory of global justice, just an ordinary, though cosmopolitan-oriented, idea of moral obligation, to aid the destitute under such conditions.

It is about what (if any) sense of obligation lies beyond this that the questions (and problems) begin. It is to the immense credit of these stimulating books that

their authors have brought us to the point of raising such questions. Without a doubt, they have, in their different ways, advanced the debate about what global justice could be. We are finally free of the moral platitudes, dubious thought experiments, grandiose reforms, and other paraphernalia that have been an accompaniment of the discourse—and are now free to think in more concrete and politically sophisticated ways about what is undoubtedly the central issue of our time.

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