

Disaggregating Global Justice

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Abstract: If global distributive justice or injustice is to exist, there must be something that is just or unjust: something to which the moral assessments at issue attach. I argue in this paper against one popular candidate for that role: the “global basic structure.” I argue that principles of distributive justice that target the global basic structure fail to satisfy a crucial “action guidance” desideratum and that this problem points to an alternative target that philosophers of global justice have yet to widely acknowledge. We ought to exclusively direct our principles at subspheres of global politics: disaggregating global justice for a disaggregated world.

Keywords: global; distributive; justice; basic structure; action guidance

In order for global justice or injustice to exist, there must be something in global politics that *is* just or unjust: something to which the moral assessments at issue attach. Which thing or things should play that role in our theory? What should be the “target” of principles of global justice? One popular answer to this question is “the global basic structure.” In this paper I join those who argue against this answer, but my treatment of the issue is distinctive in two ways. First, my reasons for rejecting the global basic structure as global justice’s target differ from those of most other theorists. While most critics focus on denying that the global order constitutes a global basic structure—in the sense of instantiating the same forms of association that ground claims of justice in domestic politics—I argue that resolving that dispute is largely beside the point. This is because, even if a global basic structure in the foregoing sense exists, principles that target it will fail to satisfy a crucial “action guidance” desideratum for principles of justice. This desideratum imposes two requirements that principles pitched at the global order are not well placed to meet: we must be able to use our principles of justice to generate adequately informative answers to well-formed questions of justice in global politics, and we must be able to identify agents who could regulate their conduct in accordance with those principles. I argue that a duty to alter the global basic structure is not a duty with which any agent we currently see, or would want to see, could feasibly comply. And principles target-

ing such a structure are unhelpful in answering the urgent questions of justice that arise within particular sites of transnational governance. Second, I argue that the problems that I identify in the global basic structure as a target point to an alternative that philosophers of global justice have yet to widely acknowledge. We ought to exclusively direct our principles of justice at particular subspheres of global politics: targeting the parts separately, not the whole. I argue for the superiority of this newer alternative over the global basic structure proposal with respect to action guidance and discuss some distinct challenges that it faces. The result of the discussion is a better understanding of the available options in this area and further support for the “pluralistic” approach to global justice that I prefer.¹

1. One Question, Two Answers

Let me begin by clarifying the question. When I speak of *justice* here, I mean to exclude duties to respect human rights and the humanitarian duty to help ensure that all persons attain a minimally decent life (i.e., one including, among other things, adequate nutrition, shelter, education, and healthcare). Although my argument plausibly extends to procedural justice (concerning the processes of collective rule-making and rule-application), for ease of exposition I will focus on distributive justice, that is, justice in the distribution of benefits and burdens across a group of persons. As for the *target* of distributive justice, we can identify that, for any theory under consideration, in two steps.² First, specify the general sphere of social, political, or economic organization—or, as I will call it, the “site” of justice—with which the theory is concerned. A paradigmatic site is the modern political community organized under a state; other instances might be families, associations, firms, regions, or the entire world. Second, narrow in on what it is within that site to which the theory’s principle(s) directly apply: what it is that counts, ultimately, as just or unjust. Targets are parts of sites: specific aspects of spheres of activity. This paper will leave largely open the question of what distributive justice requires of its target(s), assuming only that it requires a specific distribution of socioeconomic goods (whether egalitarian, prioritarian, sufficientarian, or some other kind). The theorists whom this paper critiques uniformly endorse such “substantive” principles, as opposed to principles that require only that a distribution be generated by a proce-

¹See my “The Many, Not the Few: Pluralism about Global Distributive Justice,” *Journal of Political Philosophy* 20 (2012): 314-40.

²John Rawls uses the term “subject” and G.A. Cohen uses the term “site.” Since “subject” can also refer to the persons who have duties or claims of justice and since “site” more naturally fits the concept for which I employ it below, I am coining a term.

ture satisfying certain constraints (e.g., a sequence of voluntary transactions or an open competition).

What is the appropriate target, if any, of substantive principles of distributive justice in the site of global politics? The aim of this paper is to compare two competing answers to this question, one very familiar in the philosophical literature on global justice, the other less so. The more familiar answer selects “the global basic structure” as global justice’s target. The term “basic structure” derives from Rawls’s *A Theory of Justice*, where it refers to the “political constitution and the principal social and economic arrangements”³ of a domestic society (e.g., the fundamental framework of the legal system, basic legal protections, the market system, and norms regulating the permissible forms of the family). Many philosophers believe that we can identify a similarly basic institutional framework at the global level, that “distributes fundamental rights and duties and determines the division of advantages from social cooperation”⁴ in much the same way, abstractly speaking, as does the domestic basic structure highlighted by Rawls. In one summary, this putative “global basic structure” is said to comprise:

regional and international economic agreements (including the General Agreement on Tariffs and Trade, North American Free Trade Agreement, and various European Union treaties), international financial regimes (including the International Monetary Fund, the World Bank, and various treaties governing currency exchange mechanisms), an increasingly global system of private property rights, including intellectual property rights ... and a set of international and regional legal institutions and agencies that play an important role in determining the character of all of the preceding.⁵

We might also include:

treaty- and convention-based rules about security ... human rights, and environment ... the norms and standards associated with territorial sovereignty ... and the security and assistance policies of the world’s most powerful states.⁶

Having made the analogy, and being committed to at least the broad outlines of a Rawlsian approach domestically, it is only natural for many philosophers—call them “GBS theorists”—to treat this structure as the appropriate target of justice within the site of global politics.⁷

³John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1999), p. 7.

⁴*Ibid.*, p. 6.

⁵Allen Buchanan, “Rawls’s Law of Peoples: Rules for a Vanished Westphalian World,” *Ethics* 110 (2000): 669-721, p. 706.

⁶Joshua Cohen, “Philosophy, Social Science, Global Poverty,” in Alison Jaggar (ed.), *Thomas Pogge and His Critics* (Cambridge: Polity Press, 2010), pp. 18-45, at p. 19.

⁷Charles Beitz applies Rawls’s difference principle to the “global scheme of social cooperation” (*Political Theory and International Relations* (Princeton: Princeton Univer-

This first answer to the target question incorporates three core commitments. First, distributive justice is relational: its demands arise only in the presence of certain forms of interaction between persons. This feature follows from the fact that the global basic structure is a form of political and economic organization. To say that it is the target of global justice (as opposed to merely its instrument) is therefore to say that what distributive justice fundamentally requires in global politics is that a form of relationship between persons be organized in a certain way. Second, principles of distributive justice properly target a social structure: at a minimum, an ongoing scheme of coordinated collective behavior, sustained by general adherence to rules or norms. A structural approach of this kind forgoes assessments of particular exchanges, agreements, or interactions, in favor of assessing the broader organizational scheme that enables and constrains them. The first of these commitments concerns the “ground” of socioeconomic justice (relationships between persons); the second stakes out a partial position on its target (a structure of some sort). The third core feature of the GBS proposal concerns the “site” of justice: global politics counts. That is, at least some principles of distributive justice extend across the borders of states.

The GBS proposal was first made in print by Charles Beitz in the late 1970s, when scholarly and public attention had begun to coalesce around the “second wave” of globalization.⁸ Much of the proposal’s appeal derives from its attunement to key features of that continuing historical moment. Many scholars in preceding decades had construed global politics on the “Realist” model, according to which international relations are constituted by the fully independent actions of individual states, operating under conditions of anarchy.⁹ Although that picture was never accurate, its inaccuracies became increasingly glaring as the twentieth century progressed. As most international relations theorists have now acknowledged—in contrast to the Realist picture and in line with the core contentions of GBS theory—modern states are in fact “bound in a tightly woven fabric of international agreements, organizations and institutions that shape their relations with each other and penetrate deeply into their in-

sity Press, 1979), p. 151); Thomas Pogge applies it to “the global institutional order” (*Realizing Rawls* (Ithaca: Cornell University Press, 1989), p. 247); Darrel Moellendorf applies it to “the global economic association” (*Cosmopolitan Justice* (Boulder: Westview Press, 2002), pp. 36-37 and 80-81). The term “global basic structure,” which Buchanan uses for his target (“Rawls’s Law of Peoples,” p. 708), now has common currency in the literature and, I take it, captures the idea shared by each of these theorists.

⁸Beitz, *Political Theory and International Relations*.

⁹See, e.g., Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: Alfred A. Knopf, 1948).

ternal economics and politics.”¹⁰ We can now identify a rough consensus on the nature of contemporary global politics that contains the following distinct threads:

- Global politics involves a variety of consequential *transnational governance activities*—including creation, elaboration, and interpretation of rules; policy coordination and harmonization; program administration; fund-raising and service delivery; monitoring and enforcement of agreements; and dispute resolution.
- These activities cover an extensive range of distinct *issue areas*—trade, finance, product standards, development, human rights, security, transportation, telecommunications, the environment, public health, and so on.
- Governance of these issues takes place within a broad array of *sites or settings*—including intergovernmental regimes founded on a multilateral treaty; formal or informal networks; courts and court-like structures; private associations; and multinational corporations.
- Diverse types of *actors* participate in transnational governance. Much public transnational regulation now occurs not through the traditional medium of interactions between state executives (either in bilateral negotiations or formal delegations to intergovernmental organizations), but through “trans-governmental networks,” in which domestic legislators, regulators, administrators, judges, and law enforcement authorities cooperate directly with their peers in other countries.¹¹ Moreover, many cross-border governance functions are not performed by public officials at all, but instead by private actors: e.g., industry representatives, scientists, NGOs, and social movements.¹²
- Transnational governance sites are *related* in diverse ways. Some have close organizational ties, some loosely coordinate with each other, others operate in isolation or competition.

One conclusion that GBS theorists draw from these facts, *inter alia*, is the conjunction of the three commitments that I highlighted above: relationships that generate concerns of distributive justice are identifiable within the fundamental institutional framework of the global order. A further contention—the one that defines the core of the GBS position—is that

¹⁰Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, Mass.: Harvard University Press, 1998), p. 2.

¹¹Anne-Marie Slaughter, *A New World Order* (Princeton: Princeton University Press, 2004).

¹²For an up-to-date catalog, see Thomas Hale and David Held, *The Handbook of Transnational Governance: Institutions and Innovations* (Cambridge: Polity Press, 2011).

the proper target for those concerns is the global order in its entirety. What is distinctive about the second answer to the target question that I will consider in this paper is that it takes the first of these lessons, but rejects the second. It can be introduced in the following way.

An insufficiently emphasized feature of the GBS proposal is its claim that the global order constitutes a single, unified scheme: a “comprehensive and reasonably self-contained system of social interaction.”¹³ As a corrective to the atomistic picture offered by Realists, this contention has useful rhetorical force. But, in making it, GBS theorists can be accused of overcompensation. Global politics does constitute a dense arena of interlocking spheres of political and economic activity. However, as even the brief description given above suggests, that arena incorporates many distinct forms of relationships and activities, extending across some borders and not others, and characterized by varied qualities and purposes. The spheres in which such relationships and activities occur are insufficiently integrated (taken altogether) for claims about a single, all-encompassing, governed global system to be fully persuasive. We arguably don’t see—yet—the sort of deep and broad integration across all societies to which GBS theorists appeal.

How should philosophers of global justice respond to this fact? One natural suggestion is this: if the workings of global politics are piecemeal, our theories of global justice should be too. We should direct our principles of distributive justice exclusively at particular subspheres of activity in global politics: disaggregating justice for a disaggregated world.¹⁴ Although this option is not well explored in the current philosophical literature on global justice, two examples are illustrative.¹⁵ One is Aaron James’s work on international trade.¹⁶ Whereas GBS theorists derive conclusions about fairness in trade from principles applying to the global order as a whole, James develops fundamental norms of distributive justice specifically for the international trading system (or, more accurately, for what he characterizes as the international social practice of

¹³Pogge, *Realizing Rawls*, p. 21.

¹⁴The phrasing comes from Anne-Marie Slaughter’s talk of disaggregating the state into its component parts when discussing the processes of transnational regulation (*A New World Order*, p. 31).

¹⁵We could also see the proposal under consideration as a way of making concrete the middle way between “a society-by-society application of the difference principle and a global one” that A.J. Julius calls for in “Nagel’s Atlas,” *Philosophy & Public Affairs* 34 (2006): 176-92, p. 192. Julius agrees that the “clustering” of global activity poses problems for the second of these options, but his own brief suggestion of a “gradual redistribution of weight between [domestic and global] standards” is (as he seems to acknowledge) difficult to get a grip on.

¹⁶See Aaron James, *Fairness in Practice: A Social Contract for a Global Economy* (New York: Oxford University Press, 2012).

mutual reliance on global markets). He presents this as one instance of a more general strategy of applying (distinct) principles of justice directly to a plurality of relatively self-contained social practices in global politics, including the property scheme governing the world's natural resources that is built into the state system.¹⁷ We find a second example of the type of approach that I have in mind in Richard Miller's *Globalizing Justice*. Miller focuses sequentially on four spheres of transnational activity—cross-border manufacturing, multilateral trade and financial regimes, the global framework for climate change mitigation, and the wielding of American imperial power over developing country policy—and proposes distinct principles of distributive justice for each. He writes:

The complete fulfillment of all current transnational responsibilities would be a patchwork process, piecing together responsibilities with diverse distinctive emphases ... Because of this diversity ... there is no such thing as "global distributive justice," in the sense of a single, determinate unifying standard concerned with material well-being throughout the world that regulates choice of particular arrangements.¹⁸

These accounts represent a position on the target question—call it "the disaggregated approach"—that is new to the literature on global justice and not yet acknowledged as a major and distinctive contender in the field. Compared to the GBS proposal, its current instances remain underdeveloped in various respects (for instance, they address only a small range of subspheres of global politics¹⁹) and the key move of disaggregation remains relatively undertheorized (for instance, it is vulnerable to some important challenges, several of which I discuss below). But, even in its infancy, it poses an interesting alternative to the GBS approach.

Part of what makes the disaggregated approach interesting is that it is able to share the three core commitments of the GBS proposal that I highlighted earlier: the claim that global politics is a site of distributive justice, of course, but also the claim that principles of distributive justice are grounded in relationships and properly targeted at social structures. My argument in this paper follows that lead. I therefore depart from those who challenge the GBS proposal on the basis of a nonrelational account of justice.²⁰ But I also depart from those, including James and

¹⁷Aaron James, "Equality in a Realistic Utopia," *Social Theory and Practice* 32 (2006): 699-724, p. 712.

¹⁸Richard Miller, *Globalizing Justice* (New York: Oxford University Press, 2010), p. 226.

¹⁹James and Miller both focus on relatively traditional forms of transnational governance: either formal intergovernmental regimes or unilateral foreign policy.

²⁰Kok-Chor Tan (*Justice Without Borders* (Cambridge: Cambridge University Press, 2004)) and Simon Caney (*Justice Beyond Borders* (Oxford: Oxford University Press, 2006)) fall into this category.

Miller, who challenge the GBS proposal on the ground that no global basic structure exists.²¹ I will argue that that contentious debate is beside the point, at least where answering the target question is concerned. Whether or not a global basic structure exists, the global order (the more neutral term that I will use from now on²²) will fail to qualify as a compelling target for substantive principles of distributive justice. Importantly, however, the reasons for its failure in that role do not apply to the disaggregated approach, which therefore emerges as the superior candidate.

2. Justice and Action Guidance

What reason, other than the absence of a justice-generative form of relationship, could a relational theorist of justice give for rejecting the global order as a target of justice? In the following two sections of the paper I will give two arguments, with something important in common. The core of both is the claim that principles of distributive justice are subject to an “action guidance” criterion. Specifically, I will claim that one important factor in evaluating such principles is the extent to which normal human agents are capable both of discerning what they require in particular sites, and of then directing their actions in accordance with those requirements, and that principles targeting the global order are not well suited to pass this test. This appeal to practical considerations will invite resistance. Some believe that to require justice to guide action is to misunderstand its nature. The fact that a principle of justice is difficult or impossible to apply may be frustrating, dispiriting, and so on, but it doesn’t cast doubt on the principle’s content. Justice requires what it requires: whether or not we are able to understand or comply with it is an independent matter.²³ This view is sufficiently widespread that it makes sense for me to briefly defend this core element of my argument at a general level before moving on to the details.

We can appeal to two types of argument in support of the claim that principles of justice should be action-guiding. The first type of argument advances a claim about the general purpose of principles of justice and argues that it follows from that purpose that such principles must provide

²¹See also Thomas Nagel, “The Problem of Global Justice,” *Philosophy & Public Affairs* 33 (2005): 113–47.

²²Everyone agrees that we have a global order, in the sense of a globe-encircling network of political and economic institutions. The disagreement is over whether that order instantiates all of the (abstract) relational features that make the domestic basic structure the appropriate target of justice at the domestic level.

²³For an especially forceful statement of this position, see G.A. Cohen, *Rescuing Justice and Equality* (Cambridge, Mass.: Harvard University Press, 2008).

directions that are reasonably close to earth: goals that it is sensible to suggest that human agents pursue. One way to develop this kind of argument is to begin with Rawls's claim that the role of principles of justice is to enable well-ordered social cooperation.²⁴ An alternative starting point is the "indirect consequentialist" idea that the point of principles of justice is to alleviate the epistemic and practical challenges that arise in applying more fundamental principle(s) of morality.²⁵ On both of these approaches, principles of distributive justice must be capable of guiding action, on pain of losing their *raison d'être*. It is possible to argue, against such arguments, that talk of the point of justice doesn't make sense: justice simply *is*. But the alternative conception of justice that underlies this objection is both mysterious and counterintuitive in its implications. It is difficult to get a grip on what distributive justice would be if it were independent in its basic nature from facts about how humans live and interact,²⁶ and accepting that view would come at the high cost of abandoning the widespread assumption that justice is connected in some significant way to the resolution of real-life problems.²⁷

A second type of argument for applying an action guidance criterion to principles of justice appeals more directly to moral considerations. One of the core tenets of liberalism is a requirement of publicity: those subject to shared public institutions must be able to understand the principles underlying those institutions and discern (in at least core cases) whether or not they are violated.²⁸ This publicity requirement is plausibly grounded in commitments to autonomy and mutual respect that are more basic than principles of distributive justice themselves.²⁹ In order for it to be satisfied, principles of justice must clearly be the sorts of things that

²⁴Rawls, *A Theory of Justice*, inter alia.

²⁵Rather than employing the principle of utility, for instance, on an everyday basis, we should select secondary principles aimed at addressing more limited decision problems (e.g., how should these particular benefits be distributed among this particular group of people?), general compliance with which will produce the desired consequences over the long term. Classic statements of indirect consequentialism include Henry Sidgwick, *The Methods of Ethics* [1874] (Indianapolis: Hackett, 1981), J.S. Mill, *Utilitarianism* [1863] (Indianapolis: Hackett, 2003), and J.J.C. Smart, "Extreme and Restricted Utilitarianism," *Philosophical Quarterly* 6 (1956): 344-54.

²⁶See Andrew Williams, "Justice, Incentives and Constructivism," *Ratio* 21 (2008): 476-93, p. 491.

²⁷See Lisa Herzog, "Ideal and Non-Ideal Theory and the Problem of Knowledge," *Journal of Applied Philosophy* 29 (2012): 271-88, p. 276.

²⁸On this theme, see Jeremy Waldron, "Theoretical Foundations of Liberalism," *The Philosophical Quarterly* 37 (1987): 127-50, pp. 134-35, 146.

²⁹In *Justice and the Social Contract* (New York: Oxford University Press, 2007), Samuel Freeman discusses the various arguments that Rawls gave for his "publicity condition," most of which are closely connected to the value of mutual respect. See pp. 90-98 and 196-97.

human agents *can* actually grasp and implement, in a way that is verifiable by others.³⁰

I believe that, for the foregoing reasons, practical limits on agent capacity and knowledge are highly relevant to the question of which principles (and hence which targets) of justice are appropriate—even at the level of “ideal theory.” That said, there is room for disagreement on how to spell out the “highly relevant” in that last sentence, partly because principles can be deficient in guiding action to different extents and for different reasons. Some action-guiding deficiencies may be so egregious as to entirely condemn the principle that exhibits them (I believe that this is the case with regard to the objection that I give in section 4). In other cases, it may be more appropriate to make the weaker claim that the principle lacks an important desideratum (this might be the line to take on the objection in section 5). The arguments to follow assume that we should take at least that second, weaker position on the relationship of action guidance to distributive justice. To do so is to endorse the minimal but important claim that the failure of a principle of justice to adequately guide action is a significant count against it. If what I argue below is correct, taking this claim seriously advises abandonment of the global basic structure as a target of distributive justice, in favor of the disaggregated approach.

3. The Missing Agent Argument

My first argument against the global order as a target of justice runs as follows:

- 1.1 If a principle of justice is to qualify as “action-guiding,” it must specify an agent (or set of agents) who is (or are) capable of implementing it.
- 1.2 Only a world state could implement substantive principles of distributive justice that target the global order.
- 1.3 A world state is neither feasible nor desirable.
- 1.4 Substantive principles of distributive justice that target the global order fail to be action-guiding. (1, 2, 3)
- 1.5 The failure of a principle of distributive justice to be action-guiding is, at the very least, a serious count against it.

Conclusion. Substantive principles of distributive justice that target the global order are seriously deficient in one important respect. (4, 5)³¹

³⁰See Andrew Williams, “Incentives, Inequality and Publicity,” *Philosophy & Public Affairs* 27 (1998): 225-47.

³¹Saladin Meckled-Garcia and Samuel Freeman have given arguments of roughly this

Premises 1.2, 1.3, and 1.5 are open to serious doubt. I have defended 1.5 above and will leave 1.3 aside, since what little I can say in support of it here will fail to convince those very few amongst us who don't already believe it.³² So I will focus on 1.2.

Let me start by emphasizing the enormity of the task involved in implementing substantive principles of distributive justice that target the entire global order. We can take as our examples the Rawls-inspired principles that Moellendorf advocates. These are a global principle of fair equality of opportunity, requiring that the global order be set so that "differences in initial condition do not affect the opportunities of persons" with equal talents "across a range of goods, including income, wealth, meaningful productive activity, leisure time, health, security, housing, education and basic liberties,"³³ and a global difference principle, stating that inequalities in life prospects produced by the global order are just only to the extent that they are to the greatest benefit of the least advantaged. These principles range over an extensive variety of activities conducted by a huge number of people in an immense variety of circumstances across a gigantic expanse of territory. Securing their satisfaction would require the manipulation and fine-tuning of each of the multiple parts of the global order to fit a single distributive pattern. Moreover, because the global order is an ongoing form of association, satisfying these principles would require not one-off but *continual periodic adjustment of the entire global system in accordance with the desired distribution*.

Call the italicized phrase "the task." What kind of agent could perform it? In domestic politics, we find an agent able to perform a similar task on a smaller scale. Many states successfully regulate "an extensive variety of activities conducted by a huge number of people in an immense variety of circumstances across a gigantic expanse of territory" (their own) and are arguably capable of adjusting their basic institutional framework over time in accordance with distributive justice. Three features of state sovereignty underlie this capacity. The state is, first, a unified actor; second, it is recognized as the ultimate authority in domestic politics, in the sense that it is capable of directly and effectively assigning rights, duties, and responsibilities; and, third, it enjoys this authority over all aspects of communal life, with respect to all persons within the

form. See Freeman, *Justice and the Social Contract*, pp. 288-89, and Meckled-Garcia, "On the Very Idea of Cosmopolitan Justice: Constructivism and International Agency," *The Journal of Political Philosophy* 16 (2008): 245-71. I highlight the way in which my conclusions differ from theirs in n. 52.

³²My reasons for endorsing 1.3 appear in my "What's Special About the State?" *Utilitas* 23 (2011): 140-60.

³³Darrel Moellendorf, *Global Inequality Matters* (Basingstoke: Palgrave Macmillan, 2009), p. 75.

site in which it acts, and not simply some. These features—*unity*, *supremacy*, and *comprehensiveness*—together allow the state to decisively control the shape of the entire domestic basic structure. When we turn to the site of global politics, we find no agent with this set of features. Although states retain supremacy in most areas of international law (in the sense that they are subject to no higher political authority), they are multiple, and no state has comprehensive authority over all parts of, and persons within, the global order. Could individual states perform the task collectively, by “informally modifying the many particular choices that sustain” the global order “through individual reform and joint efforts of moral argument and social sanction”?³⁴ This suggestion ignores the extent to which the state’s unity and comprehensiveness underlie its capacity to achieve substantive justice across an all-encompassing institutional scheme. In the absence of those features, as Samuel Freeman argues, “[t]he coordination problems of many nations separately trying to tailor their many decisions to affect peoples in distant lands over whom they have no political authority seem insurmountable.”³⁵

I do not mean to argue that states are incapable of implementing any principles of transnational distributive justice (as will become clear shortly). Nor am I claiming that states are the only possible agents for distributive justice principles, period. Instead I am urging the more general point that agents for a principle of distributive justice must be suited to the task that that principle sets them. This requirement involves an appropriate matching of three things: features of the agent, features of the principle (here, a substantive principle of distributive justice), and fea-

³⁴Aaron James, “Distributive Justice Without Sovereign Rule,” *Social Theory and Practice* 31 (2005): 533-59, p. 539. James does not have the global order in mind here.

³⁵Freeman, *Justice and the Social Contract*, p. 289. See also Meckled-Garcia, “On the Very Idea of Cosmopolitan Justice,” p. 267. The policies that Moellendorf proposes for implementing his equality of opportunity principle (“modestly liberalizing immigration restrictions in OECD countries and embarking on a global educational plan to provide instruction in English ... as a common foreign language” (*Global Inequality Matters*, p. 87)), while clearly within the powers of states, are unlikely to ensure anything close to the satisfaction of his principle. The same goes for Tan’s recommendation of a global resource tax or Tobin tax as a way of implementing a cosmopolitan-egalitarian conception of distributive justice (*Justice without Borders*, pp. 81, 95).

The coordination problem is clearest with “comparative” principles such as Moellendorf’s, because how particular people should be treated under such principles changes as the positions of other people in the system change. But noncomparative principles—e.g., a requirement that the global order be arranged to guarantee a threshold level of human capabilities for all—likewise raise extraordinary difficulties in a world of multiple competing political authorities. The problem with pitching substantive principles of distributive justice at the global order is not with the content of any given principle, but with the fact that an entire structure of immense scope needs to be set in a certain way, paired with the absence of any agent or set of agents able to do the job.

tures of the target (on the relational conception, the form of relationship that is to be regulated by the principle). States are suitable agents for substantive principles of distributive justice directed at the domestic basic structure, because they possess special features (unity, supremacy, comprehensiveness) that provide them with special means (mainly public law with universal reach) for aligning the domestic institutional scheme with a specific distribution. States acting internationally, and nonstate agents, lack these features and so need to employ alternative means for achieving specific distributions in relation to targets of justice. This fact restricts both the kinds of distributive aims that global actors can hope to have and the kinds of targets at which they can pitch their principles, but it doesn't rule them out as agents of global distributive justice. The multilateral trading regime provides a useful illustration of this point. States concerned to make this regime distributively fair cannot exert over each other "direct redistributive control on an ongoing basis through the distribution of rights and duties"³⁶—they can only "agree to certain rules, or not agree, and seek to get others to agree or disagree."³⁷ But, as James argues, this form of "informal and decentralized governance"³⁸ can nonetheless direct long-term distributive patterns. Members of the World Trade Organization (WTO) can periodically assess the consequences of the regime on member states and amend it in the direction of a fairer distribution in successive negotiation rounds, via "individual change, decentralized sanction, and moral argument."³⁹ They can achieve these results because the task that they set themselves—that of ensuring that a narrowly focused, issue-oriented international regime treats its participants equitably—is one suited to their powers.

The preceding example motivates the following suggestion. While the absence of a world state is a pressing problem for the global order as a target of global justice, the disaggregated alternative escapes it. This is because the problem is not the decentralized nature of global political authority as such, but decentralized authority *when one is trying to do so much*. Existing international actors would face insuperable coordination problems if they attempted to arrange the global order such that the distribution of benefits and burdens that it generated, across the entire earth, in multiple sectors, lined up with the requirements of a single set of all-encompassing principles of distributive justice. But the difficulty of securing a specific distributive outcome via the combined efforts of a plu-

³⁶Meckled-Garcia, "On the Very Idea of Cosmopolitan Justice," p. 267. See also Freeman, *Justice and the Social Contract*, pp. 288-89.

³⁷Meckled-Garcia, "On the Very Idea of Cosmopolitan Justice," p. 263.

³⁸James, "Distributive Justice Without Sovereign Rule," p. 535.

³⁹*Ibid.*, p. 552.

rality of agents subject to no common higher authority can be reduced to a manageable level if we opt for less encompassing targets for our distributive principles.⁴⁰ When we focus on securing justice within smaller-scale subspheres of global politics, rather than across the entire global order, an array of apparently capable agents of justice come into view. Some will be the traditional actors of international relations: state executives and diplomats, working cooperatively within intergovernmental settings. Others will be the more recent entrants to transnational governance mentioned earlier: domestic regulatory officials, firms, industry representatives, NGOs, and others working within functionally specific regimes and networks. Such agents don't have the slightest hope of adjusting the global order as a whole in accordance with all-encompassing principles of justice (even if they all wanted to). But adjusting the fundamental terms of the smaller-scale transnational governance sites within which they interact is something that they not only can do, but in fact already do.

4. The Missing Content Argument

The foregoing argument parallels objections previously made by Saladin Meckled-Garcia and Freeman to the idea of pitching substantive principles of distributive justice at the global order. This next section introduces a second, hitherto unemphasized, way in which principles targeting the global order fail to be action-guiding. This additional problem arises not when we try to locate an agent who might be charged with pursuing justice, but at a prior stage: when we are working out what the content of the requirements of justice is (i.e., what it is that that agent ought to be doing). The argument runs as follows:

- 2.1 If a principle of justice is to qualify as action-guiding, normal human agents must be able to use it to generate adequately informative answers to well-formed questions of justice that arise in the site for which the principle is formulated.
- 2.2 There are a large number of well-formed questions about what distributive justice requires within certain specific areas of global politics (e.g., international trade, immigration policy, transnational

⁴⁰We can present this as a choice. Either you can have a unified, supreme, comprehensive global political authority, in which case the need for coordination in securing justice in an immense, all-encompassing target does not arise, or you can have multiple agents with limited powers charged with securing justice in targets that are restricted in scope so as to make coordination manageable. What you cannot have, if justice is to be achievable, is an immense target and multiple weakly powered agents.

- property rights, climate change negotiations).
- 2.3 Normal human agents cannot use substantive principles of distributive justice that target the global order to generate adequately informative answers to these well-formed questions.
 - 2.4 Substantive principles of distributive justice that target the global order fail to be action-guiding. (1, 2, 3)
 - 2.5 The failure of a principle of distributive justice to be action-guiding is, at the very least, a serious count against it.

Conclusion. Substantive principles of distributive justice that target the global order are seriously deficient in one important respect (4, 5)

2.1 requires elaboration. Using principles of distributive justice to answer specific questions about what we ought to do requires us to combine those principles (and other principles or values) with empirical information about the likely effects of the courses of action or institutional options available to us. The absence or unreliability of such information in any particular case need not cast doubt on the principles themselves. But this obvious fact doesn't show that informational constraints are irrelevant, in general, to the assessment of principles of justice. As I claimed in section 2, a principle whose application is *routinely* intractable is deficient as a principle of justice. One potential source of such routine intractability is the fact that applying the principle in question requires information to which normal human agents do not have access. As I intend it, premise 2.3 claims that principles of distributive justice that target the global order fail in this respect. Because their application is epistemically overdemanding, they do not guide action in the desired way.

It is highly plausible that information that is unavailable in principle poses a fundamental problem for principles of justice whose application depends on it. But information that is merely unavailable in practice (for instance, due to ongoing research or contestation among experts) can produce the same result, provided that the unavailability is stubborn and systematic. As Lisa Herzog has recently argued, this means that even quite mundane informational obstacles, such as the current limitations of statistical methods, might require us to revise core tenets of "ideal" theories of justice.⁴¹ It is an informational problem of this broadly "practical" type that underlies premise 2.3. More specifically, the problem at issue is an instance of what Herzog refers to as "knowledge unavailable because of problems of predicting the consequences of institutional changes."⁴² Difficulties of this sort increase in step with the *complexity* and the *scale*

⁴¹Herzog, "Ideal and Non-Ideal Theory," p. 284.

⁴²*Ibid.*, p. 281.

of the institutional system under consideration. The behavior of a system containing an intricate arrangement of many distinct parts tends to be nonlinear: minor changes in one part of the system are apt to produce multiple effects throughout, in a way that is difficult to model. As a complex system increases in size (either in terms of the number of parts or the scope of operations of existing parts) more and more interconnections between the system's parts must be taken into account when predicting its behavior. My argument for premise 2.3, in a sentence, is that the global order exhibits these two features to such a high degree that selecting it as the target of substantive principles of distributive justice generates insuperable informational obstacles.

Recognizing the force of this problem requires us to get clear on how, in the abstract, the process of applying principles of justice that target the global order is supposed to work. Standard practical questions of global distributive justice directly concern subparts of the global order. For instance, they focus on fairness in the multilateral trading regime, rather than the justice of the overall global resource distribution, and, moreover, on specific aspects of that specific regime.⁴³ The divergence between the narrow focus of these practical concerns and the broad target of their principles requires GBS theorists to explain the relationship between justice in the global order as a whole to justice in its parts. Although GBS theorists don't address this question explicitly, I take it that they have the following instrumental relationship in mind: the parts of the global order are just when they contribute to the justice of the order as a whole.⁴⁴ If this is correct, to generate conclusions about what justice requires of a particular part, *x*, of the global order, we need to assess the effects of different arrangements of *x* on the global order, taken as a single entity, and select the arrangement of *x* that best lines up that order with the principle of justice that applies to it (perhaps subject to certain procedural constraints).

⁴³For example: Does fairness in trade require that the WTO amend or annul the Agreement on Trade-Related Aspects of Intellectual Property, given that it imposes special burdens on developing countries? Are the tariff structures of developed countries unfairly biased against products in which developing countries have a comparative advantage? Is it unfair for developed countries to use WTO-permissible non-tariff barriers to restrict competitive imports from developing countries?

⁴⁴The following quotations (my italics) from Moellendorf's *Cosmopolitan Justice* suggest this: "Because limitations on immigration impose barriers to the pursuit of goals on some people because of where they are born, but not upon others, they have the *effect* of distributing opportunities for personal advancement in a morally arbitrary way" (p. 61); "One of the *ways in which global inequalities get perpetuated* is through transfers of wealth from regimes in the developing world to financial institutions in the developed world in order to service the debt of the former" (p. 93); "The global market does not ensure equality of opportunity, let alone limit inequalities. Protectionist policies do not *serve this function* either and cannot therefore be justified on this basis" (p. 58).

When one squarely confronts this fact, it becomes apparent that the task of deriving practical recommendations from principles applying to the entire global order is extraordinarily difficult. Say, for instance, that you are considering whether the WTO's practice of offering variable terms of accession to the organization violates a version of the difference principle pitched at the global order.⁴⁵ Where would you start in answering this question? It is not enough, for an affirmative answer, to show that this practice worsens the life prospects of some of the world's poorest people, by comparison with a more uniform alternative (which it arguably does). What needs to be shown is that the practice prevents the global order as a whole from generating only those inequalities in life prospects that are to the greatest benefit of the least advantaged. I suggest that however unjust the WTO practice seems on its face, the task of *showing* that it is so on the basis of a principle directed at this global target imposes informational demands that exceed our powers. The global order is simply too complex and large a target to allow substantive principles of distributive justice directed at it to do the work that we need them to do.⁴⁶ If so, the problem is not principle- but target-specific: it applies not only to the difference principle, but to any substantive principle of distributive justice directed at the global order.

GBS theorists have responded to the difficulty of applying their principles in one of two unsatisfactory ways. Often they restrict themselves to abstract questions concerning large-scale features of the global order (e.g., are special duties to compatriots compatible in principle with duties to the global poor?) and do not attempt the task of answering finer-grained questions specific to its parts. Other times, GBS theorists do discuss the implications of their global principles for subspheres of global politics, but they do insufficient work to convincingly show how their recommendations are in fact derived from their principles. The recommendations may be intuitively attractive—they may even be what justice requires—but the justifications provided for them are weak. If I am right, this should not be surprising. Generating helpful answers to concrete,

⁴⁵Incumbent WTO members place more demanding requirements on Least Developed Countries eager to join the organization than those applying to current members. Such "WTO-plus" and "WTO-minus" conditions have included stricter tariff bindings and lower tariff peaks, much more extensive liberalization of service sectors and denial of accepted "special and differential treatment" rights. See United Nations Development Program, *Trade on Human Terms: Transforming Trade for Human Development in Asia and the Pacific* (India: Macmillan, 2006), pp. 131-33.

⁴⁶Note that the problem isn't that we know what justice requires in trade, but don't know how to get there practically (as in the case of revolutionaries debating the best means for overthrowing a dictator). Here the problem is that we don't even have a grip on what justice requires (i.e., what the goal of action is), in a way specific enough to be relevant to our collective behavior.

practical questions of global justice is not something that we can reasonably expect principles targeting the global order to do.

The informational problems posed by complex institutional schemes vary, as we can see by turning to the domestic case. The domestic basic structure is, like the global order, a complex entity. It is standardly taken to include, among other things, “legislature, courts, administration and at least some administrative agencies, laws defining the institution of the family and allocating privileges to its members, the system of taxation and welfare, the overall structure of the economic system [and] the criminal justice system.”⁴⁷ However, despite this complexity, it appears possible to generate relatively precise and well-supported conclusions about what justice requires of each of these individual domains, by appeal to a principle targeted at the domestic basic structure as a whole. When Susan Okin argues, for example, that the Rawlsian difference principle condemns the gendered division of labor and legal provisions built into the traditional American family, she is able to employ a number of empirical claims about the relationship between family structure and the broader social distribution of primary goods that are, if not uncontroversial, at least relevant, testable, and to many of us convincing.⁴⁸ The obvious explanation for this difference is that the domestic basic structure is less complex and smaller in scale than the global order: it has fewer distinguishable parts and the scope of its operations is more limited. As a result, fewer cross-linkages between distinct components of the system need to be taken into account, those that do need to be taken into account can be more easily tracked, and the ensuing informational challenges, albeit significant, are manageable.

It should not be too difficult, at this point in the paper, to see where the above argument is heading. I submit that, once again, the disaggregated approach scores much better than the GBS proposal does on the action-guiding criterion under discussion. One of the prime advantages of the disaggregated alternative, as in the case of the domestic basic structure, is that it substantially lessens the empirical load required to apply our principles. We no longer have to survey the entire global insti-

⁴⁷Martha Nussbaum, “Beyond the Social Contract: Capabilities and Global Justice,” *Oxford Development Studies* 32 (2004): 3-18, p. 15.

⁴⁸Susan Moller Okin, *Justice, Gender and the Family* (New York: Basic Books, 1991). Some would reject the domestic/global disanalogy that I’m proposing here, at least where the difference principle is concerned. See, e.g., G.A. Cohen’s reference to “the extraordinary (and surely unobtainable) knowledge that a government would need to have to enable it to satisfy the difference principle” in domestic politics (*Rescuing Justice and Equality*, p. 362). But whether or not information problems make the difference principle difficult to effectively apply domestically, any such problems are surely massively magnified at the global level.

tutional order to work out what justice requires of any given part of that order: instead we appeal to principles directed more narrowly at those parts themselves. As a result, in contrast to the GBS proposal, the disaggregated approach presents challenges of application that are better suited to our cognitive powers.⁴⁹ It is true that, on “structural” versions of the disaggregated approach, we still need to move from principles applying to (subglobal) structures to recommendations about particular parts of those structures, but such tasks are likely to impose informational requirements that are no more demanding—perhaps, in some sites, much less demanding—than those that we face in the case of the domestic basic structure. We find a helpful (albeit abstract) illustration of this advantage in tractability in James’s persuasive discussion of the way in which a variety of specific practical concerns about fairness in trade (e.g., relating to “fair bargaining,” “fair wages,” “fair prices,” and “fair competition”) can be sympathetically recast as aspects of a broader concern with “structural equity” in the trading system as a whole.⁵⁰ It is much harder to see how such concerns could be either supported or undermined by reference to a much more distant set of principles that took the entire global order in their sway.

5. The Parts, Not the Whole: Four Challenges

If what I have argued above is correct, theories of global distributive justice that target the “global basic structure” are problematic. This is not because no global basic structure exists, a question on which I take no

⁴⁹Could a GBS theorist respond to this alternative by partly co-opting it? Perhaps global politics incorporates multiple targets of justice, including the global order as a whole along with various distinct structures found within subspheres of that order. This proposal would continue to suffer from the action-guiding deficiencies of its globally targeted principles. It’s also implausible as an interpretation of what GBS theorists actually say. Moellendorf is typical in moving straight from arguments for the existence of a global economic association to which egalitarian norms apply to recommendations about what justice requires specifically in the trade domain. See Darrel Moellendorf, “The World Trade Organization and Egalitarian Justice,” *Metaphilosophy* 36 (2005): 145-62. There’s no suggestion here that trade might require its own separate principles of justice. Interestingly, in his more recent book, *Global Equality Matters*, Moellendorf does move away from the exclusive focus on the “global economic association” present in his *Cosmopolitan Justice*, and presents “a new global climate change regime” (p. 110) as a second distinct target of global distributive justice, to which an apparently entirely independent principle applies (p. 127). However, Moellendorf doesn’t explain the relationship between this principle and the principle that applies to the global economic association, and the latter is still treated in a monolithic fashion. It’s unclear why we should go this far in the direction of pluralism, yet not much further.

⁵⁰James, *Fairness in Practice*, pp. 156-63.

position here. The global order may well be properly characterized as a global basic structure: it may instantiate the same relational features that ground claims of justice in domestic politics. Regardless, the global order is not a compelling target for principles of global justice, because principles directed at it cannot guide action in the desirable way.⁵¹

If giving up on the global order as a target of distributive justice meant giving up on distributive justice in global politics, period, my argument for abandoning the GBS proposal would not be convincing. It is extremely plausible that principles of distributive justice apply within transnational settings. That conviction is so strong for many of us that we would be willing to opt for missing agents and missing content in our principles rather than give it up. But I have argued that there is a distinct answer to the target question—the disaggregated approach—that shares the commitment to transnational distributive justice built into the global basic structure proposal, while at the same time avoiding that proposal’s practical deficiencies. Due to their more limited focus, principles of justice that target particular subspheres of global politics directly score much better on the action-guiding desideratum defended above than do principles that aim for global application.⁵²

⁵¹Both the “missing agent” and the “missing content” arguments depend on contingent empirical claims about deficiencies in agent capacity and knowledge. So if institutions or methods capable of remedying those deficiencies develop in the future, the conclusion to which both arguments lead might cease to hold. For this reason, debates about whether or not justice-generative relationships are present at the fully global level are not entirely beside the point. It is plausible that we have duties to attempt to remedy deficiencies of at least the informational sort, and tempting to conclude that principles of justice (from which those duties might be said to derive) do target the global order. But this inference would be overly hasty. There are several other sources in which one might ground a duty to improve our ability to model and predict the behavior of the global economy.

⁵²Freeman’s and Meckled-Garcia’s preferred alternative to the GBS proposal is the position adopted by Rawls in *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999). The closest thing to a principle of distributive justice in Rawls’s account is the “duty of assistance,” which requires peoples to assist “burdened societies” in attaining just or decent institutions. This duty doesn’t point to a distributive principle that the entire global scheme must satisfy; instead, it is directed specifically at the foreign policy of liberal and decent peoples and concerns how they ought to treat a subset of other societies. The duty of assistance clearly identifies the agents who are to be charged with it and those agents can plausibly make progress toward fulfilling the duty incrementally without encountering serious coordination problems. As a result, the duty of assistance avoids the “missing agent” problem faced by principles pitched at the global order (See Meckled-Garcia, “On the Very Idea of Cosmopolitan Justice,” p. 270). However, Rawls’s theory does less well in relation to the “missing content” objection. Although Rawls briefly calls for principles to regulate “cooperative organizations” resembling the WTO, UN, and World Bank, he provides no detail on that front (*The Law of Peoples*, pp. 36, 38, 42–43, 70). And the subjects of his account of justice are solely “peoples.” The characterization of contemporary global politics sketched earlier motivates much finer discriminations than this regarding the sites, agents, and functions of transnational governance.

Although the disaggregated alternative is preferable on this action guidance ground, it faces serious challenges of its own that must be overcome if it is not to fall at other hurdles. So I will close by considering four important objections to the idea of pitching principles of global justice at less than global targets.⁵³ I will claim that while the disaggregated approach requires further development, we have no good reason at present to think that these four challenges cannot be met. If so, we can hope to do justice to the conviction that the global order raises serious concerns of justice without accepting that our principles of justice need to take in the whole thing in one go.

5.1. Target-individuation

The first challenge in disaggregating global justice is that of deciding on what basis to divide up the terrain. I have been assuming that principles of global justice should primarily target transnational social structures, as opposed to individual actions or transactions or the foreign policies of states. But which structures, exactly, should we target? An obvious first thought is to go for the underlying structure of the formal intergovernmental organization (IGO) that is the center of governance in a given sector (e.g., the WTO for trade or the World Health Organization for health). However, this proposal will not do. Not only is there no one-to-one correlation between apparently justice-relevant issue areas and single centralized IGOs, but even in cases such as trade, where one large formal organization is clearly the key player, focusing on the structure of that institution alone will fail to capture much of what is going on in the relevant issue area. Global politics incorporates loosely coordinated networks as well as IGOs, informal along with formal rules, and multiple types of both private and public agents. Perhaps we might move, then, from targeting single institutions to targeting “regime complexes,”⁵⁴ encompassing a variety of governance activities in a given sector. This suggestion is in line with James’s claim that the appropriate target of fairness in trade is not the WTO itself, but the social practice of mutual market reliance that the WTO partly administers. However, the pressure towards expansion persists. To stick to the trade illustration, not only do the justice concerns raised by international trade in goods and services plausibly extend into neighboring areas of transnational *economic* governance (e.g., capital markets, international loans, and the monetary re-

⁵³A full defense of the disaggregated approach requires arguing for the three commitments that the approach shares with the global basic structure proposal. Since my main target audience here is GBS theorists, I set aside that set of shared challenges here.

⁵⁴See Kal Raustiala and David G. Victor, “The Regime Complex for Plant Genetic Resources,” *International Organization* 58 (2004): 277-309.

serve system), they also connect to concerns relating to public health, labor standards, national security, and the environment. The general worry should be clear. If, as Chayes and Chayes put it, “even the most powerful states subsist in a lattice of relationships and issue areas in which everything seems ultimately to be linked in some way to everything else,”⁵⁵ it may seem impossible to give any concrete content to the proposal that principles of justice target specific parts of the global order instead of the whole.

The disaggregated theorist should preface her response with a warning against exaggerating the problem: if the picture of global politics sketched earlier is correct, what we see is only “partial integration”⁵⁶ of spheres of transnational activity. But the bulk of the response should be the following. It is hard to know whether it is possible to cleanly demarcate a plurality of targets for principles of global distributive justice without trying to do so, and so far the project has not in fact been attempted on any large scale. Although space prohibits me from making much progress on that attempt here, let me say something at a general level about how I see it proceeding. The success of the disaggregated approach depends on our ability to do two things. First, we must be able to give *descriptive* accounts of multiple spheres of transnational activity that adequately characterize each sphere’s operations without making constant reference to external features. The sensible aim here should be to identify relative rather than complete autonomy, given the fact of partial integration. Second, we must be able to provide *normative* accounts (sets of principles of justice) that capture the central moral concerns operative within those spheres without constantly “referring out” either. While some moral concerns may recur in each sphere, the principles that cash them out must be recognizable as in some way peculiar to the target that they regulate. The project of satisfying these two requirements should presumably proceed by identifying initially plausible candidate targets for semi-autonomous loci of justice, developing principles for those targets, and then broadening or narrowing the scope of the targets as necessary, guided by the two requirements. My bet, still pending falsification, is that a theory of global justice organized around such loci will generate more actionable recommendations than a theory that targets them as a group.⁵⁷

⁵⁵Chayes and Chayes, *The New Sovereignty*, p. 105.

⁵⁶James, *Fairness in Practice*, p. 222.

⁵⁷We might draw hope concerning the likely success of this project from other cases where it has seemed possible to generate compelling normative criteria that apply internally to particular “spheres” of a site of justice. See for instance (the more plausible parts of) Michael Walzer, *Spheres of Justice* (New York: Basic Books, 1984) and Jon Elster, *Local Justice* (New York: Russell Sage Foundation, 1993).

5.2. System-level injustice

Suppose that we can identify a plurality of structures with relatively clear boundaries to which it makes sense to apply our principles. A second challenge for the disaggregated approach claims that a theory that restricts itself to principles for each of these structures, taken individually, will be unable to accommodate valid justice concerns of a “system-level” nature. We can distinguish two variants of this challenge. The first begins by noting that the global order is made up not only of specific issue-oriented regimes, but also of “the lacunae between regimes and ... the principles, norms, rules and procedures that come into play when two or more regimes overlap, conflict, or otherwise require arrangements that facilitate accommodation among the competing interests.”⁵⁸ Some of these interstices may fall into the scope of our sphere-specific principles if we take “regime complexes” rather than single regimes as our targets. But others might not, and—the challenge runs—our disaggregated theory will be unable to accommodate any justice concerns about the way in which they are arranged.

The disaggregated theorist should respond that positing a fully global (set of) principle(s) is not the only way for a theory of distributive justice to address the potentially normatively significant connections between distinct transnational governance sites. Instead, we can generate recommendations about the appropriate form of those connections on the basis of principles that apply internally to the sites themselves. For instance, perhaps the only way to make the multilateral trading regime just, according to the principles of justice that apply specifically to that practice, is to strengthen the links between it and more robust international environmental or labor regimes (or to create entirely new regimes in their place). This means that the disaggregated theorist is no less able than the GBS theorist to endorse well-motivated calls for greater institutional coherence in transnational governance.⁵⁹ To the extent that we can actually work out what GBS theory recommends concerning institutional design (a matter on which I expressed skepticism in section 4), we may find considerable scope for overlap between the two approaches in this domain. However, the disaggregated approach remains importantly distinct, conceptually, from the GBS proposal: the task of institutional design proceeds by moving “outward” (in limited ways) from multiple smaller-scale targets of justice, rather than “inward” from a single all-

⁵⁸James N. Rosenau, “Governance, Order, and Change in World Politics,” in James N. Rosenau and Ernst-Otto Czempiel (eds.), *Governance Without Government: Order and Change in World Politics* (Cambridge: Cambridge University Press, 1992), chap. 1, p. 9.

⁵⁹See, e.g., chapter 6 of Kent Jones, *Doha Blues: Institutional Crisis and Reform in the WTO* (New York: Oxford University Press, 2009).

encompassing target. And this conceptual distinction brings with it important practical advantages. If we ground justice in narrowly focused structures involving a limited set of goods, aims and agents, we are much more likely to find its institutional implications both comprehensible and realistically pursuable.

The second variant of the system-level challenge points to an international analog of the need to maintain “background justice” that Rawls highlights in his domestic theory. The initially fair operation of one particular transnational structure might produce effects over time that cumulatively erode the features of the global system that are a necessary condition of that structure, and perhaps others within the system, remaining fair. For this reason, subsphere-specific principles may be insufficient to sustainably guarantee justice: our principles must instead be focused on the broader scheme within which subsphere activities play out.

The possibility of what we might call “justice erosion” is a genuine problem in many spheres, including domestic politics. Because of it, we should always pitch a principle of justice for a given site at the most encompassing structure within that site at which it makes sense to pitch a principle of justice—no smaller and no larger. But, the disaggregated theorist should urge, the global order does not satisfy this requirement in the site of global politics. I argued in sections 3 and 4 that it doesn’t make sense to pitch a substantive principle of distributive justice at the global order as a whole—such principles are incapable of generating sufficiently helpful recommendations for sphere-specific problems of justice and there is no agent competent to implement them in any case. If problems of justice erosion do arise in global politics, these are not problems, unfortunately, for which principles targeted at the global order are a viable solution. As a result, disaggregated theorists are right to go for the next most encompassing target: that is, structures within diverse transnational governance settings.

5.3. Conflict

A third concern is that of how we are to integrate a set of distinct sphere-specific principles of global justice into a single, coherent theory. In particular, on what basis are we to settle any conflicts that may arise between their recommendations? Due to its lack of an overarching (set of) principle(s) for performing this task, the disaggregated approach is apt to summon a vision of distinct transnational institutions working at perennially crossed purposes, all sanctioned, all the while, by justice.⁶⁰

⁶⁰Pogge’s argument for developing principles of justice via a single global original position, rather than one for national and another for international institutions, is moti-

The disaggregated theorist can employ three lines of response. For one, it is unclear how frequently conflicts between principles applying to distinct targets of global justice will in fact arise on a disaggregated account. Miller argues that the principles that he proposes for his four distinct spheres of global politics ultimately point in exactly the same direction: they together support a secondary “quasi-cosmopolitan” duty to assist the global poor.⁶¹ Second, even if (as I suspect) sphere-specific principles won’t merge into essentially the same duty, a system of multiple duties may increase the likelihood, in practice, of each duty being performed. Provided that there is some overlap in the content of the duties, difficulties in fulfilling one at one time may be compensated for by the concurrent ease of fulfilling others.⁶² Finally, if some apparent conflicts do arise, that may point to a virtue of, rather than a problem for, the disaggregated approach. It is plausible that the demands of justice in distinct parts of the global order do sometimes come into tension, resulting in hard choices. The GBS approach does not lend itself to the recognition of such tensions: indeed, the assumption is that they can be ruled out in advance. Arguably, there is both a theoretical and a practical advantage to making them explicit.

5.4. Conservatism

A fourth and final concern is that a theory of global distributive justice that focuses directly on currently existing sites of transnational governance will take for granted features of contemporary global politics that ought to be morally questioned. As instances of the relational conception, both the GBS proposal and the disaggregated approach assume that our duties of global distributive justice arise from, and are therefore attuned to, existing features of international relations. But GBS theorists can make fewer specific institutional assumptions than can disaggregated theorists, because any characterization of the global basic structure is necessarily more abstract than are characterizations of particular transnational governance sites. It is reasonable to worry, then, that by virtue of explicitly singling out particular contemporary institutional structures as targets for its principles, the disaggregated approach threatens to rule

vated by a similar concern. See *Realizing Rawls*, p. 258.

⁶¹Miller, *Globalizing Justice*, p. 228.

⁶²Compare de Sombre on the advantages of diffuse governance in the environmental sector: “It may be that overlapping institutions provide conflicting advice and divide time and resources, increasing the difficulty of conservation. Or it may be that individual species or ecosystems stand a greater chance of successful protection because they are protected in different ways under different institutional structures. Or both.” Elizabeth de Sombre, *Global Environmental Institutions* (New York: Routledge, 2006), p. 66.

out in advance the radical restructuring of the international order (including, perhaps, massive cross-border resource redistribution) that justice may require.

The disaggregated approach will indeed take significant aspects of contemporary global politics (e.g., some fundamental features of the state system) for granted. However, the conservatism that this produces only goes so far, and not far at that, for three reasons. For one, as I mentioned in response to the first variant of the “system-level injustice” challenge, sphere-specific principles of distributive justice may call for significant adjustments in the existing relationships between distinct spheres. For another, as James and Miller argue, such principles (for instance, those applying to trade or the international property regime) may impose extensive cross-border redistributive demands. And for yet another, the non-justice portions of global political morality—in particular, our demanding and urgent duty to raise our fellow humans to a minimally decent level of welfare—may do so too. Humanitarian principles do not target the global order. Rather than requiring that the entire global institutional scheme be set in a certain way—with all of the difficulties that that demand poses in a complex world governed by independent political authorities—they call for a morally desirable state of affairs to be progressively achieved, via some set of instruments or other. Nothing that I have said here undermines the validity and force of such a demand. Of course, any redistributive demands arising from humanitarian duties will not count as demands of justice. But, if we take our humanitarian duties as seriously as we should, it is hard to see why this might matter.

Conclusion

When the world is unjust, as it is right now, what must we alter to make it right? This paper has argued that one popular answer to that question—“the global basic structure”—is misguided. No agent that we see, or would want to see, could successfully take on a duty to alter the global basic structure. And distributive principles that target the global order in its entirety are unable to generate adequate answers to the urgent questions of justice that arise within particular subspheres of global politics. These very flaws in the global basic structure proposal point toward a more promising answer. Philosophical work on global distributive justice ought to focus on structures within a plurality of transnational governance settings: structures that a plurality of global actors can and do alter, for better or for worse. This way we have a better chance of both asking and answering pressing questions of global justice—and we can have our agents too.

These two parts of my argument are independent. One could endorse my positive proposal, but reject my specific criticisms of the global order as a target of justice, perhaps on the ground that they are overly “practical.” Or one could agree with my criticisms of the global order proposal, but reject my alternative, perhaps on the basis of the four challenges to it that I discussed above. While both of these options are possible, I recommend the package deal. Those taking it up need neither affirm nor deny that considerations other than the action-guiding criterion undermine the status of the global order as a target of justice. My argument here is only that the practical concerns suffice to do so. And, I suggest, the project of disaggregating global justice is worth a try. The result, if successful, will be a theory that cleaves attractively closely to the actual world: one that focuses directly on the diverse sites of transnational governance where, if anywhere, the messy, conflictual, compromised, yet hopeful work of advancing global justice is taking place.⁶³

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