

Can there be global justice?

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Abstract

This paper argues that the possibility of global justice is premised on the solutions of three-fold interrelated problem: (1) problem of heterogeneity, (2) problem of inequality, (3) problem of realpolitik. The problem of heterogeneity questions the assumed globality equated as universality or commonality underpinning global justice in view of the empirical human diversity and plurality that cannot be assumed away by the desirability of the normativity of global justice. The problem of inequality highlights the ineradicability of global inequality as a pervasive fact of international life. It also criticizes the fairness argument that tries to make do with the ineradicable inequalities as long as they work towards the least advantaged members of global society mainly by rendering such an attempt as futile considering the inapplicability of principles of justice, Rawls's difference principle for example, in the global context; the unwillingness of powerful states to relinquish their hierarchical positions in the global political structure that benefit them; and the difficulty of not knowing what in/equality would mean for the least well-off when the fairness argument is granted. The problem of realpolitik makes the subordination of realpolitik (power and interest) to idealpolitik (justice) unwarranted given that the global realities point to the converse of subordination, especially the realities of the hierarchical structure of global politics and its concomitant unequal power relations.

In this paper, I argue that the possibility of global justice¹ –defined as justice (either of impartiality, equality, or fairness) applied in the global context encompassing all peoples of the world - is premised on the solutions of three-fold interrelated problem: (1) problem of heterogeneity, (2) problem of inequality, (3) problem of realpolitik.

¹ For a brief conceptual discussion of global justice, see Allan Layug, “Global Justice” *The Global Studies Dictionary* (Moscow: Raduga Publishers, 2006). Available at: <http://www.globalistika.ru/Globalistika/index.htm>

The problem of heterogeneity

The idea of global justice presupposes universality or commonality of values, interests, needs, perspectives. But such grand assumption seems to fly in the face of basic heterogeneity – human, moral, cultural differences, or what Sen would call as “the empirical fact of pervasive human diversity”². Such fundamental empirics of diversity entails different valuation, perspectives, and actuation that, in turn, result to variegated ethical values and obligations, calculation of interests and presentation of needs, and conceptions of the good. In other words, the diversity and pluralism cannot be assumed away. Hence, the logic is straightforward: Global justice is problematical because its assumed globality equated with universality or commonality underpinning it lacks empirical warrantability.

This empirical unwarrantability seems to be resolved by the normativity of global justice. The “oughtness”, that is, what the world ought to be and what humans ought to be, makes less important, if not assumes away, the fact of empirical diversity and plurality that renders global justice a myth or utopia. The argument is that despite the empirical diversity and plurality that makes unreal the globality, universality, and commonality underpinning global justice, human beings and the world can come to terms and set aside differences for mutual advantage. There are problems to this kind of reasoning. First, it risks committing the naturalistic

² Amartya Sen, *Inequality Reexamined* (Oxford: Oxford University Press, 1992), p. xi.

fallacy of deriving “ought” from the “is”, albeit modified in that the ought is derived via sublation and not direct extension or transference of the truth of the “is” to the desirability of the “ought.” Second, it misconstrues empirical diversity as not fundamental enough to make sublation impossible. The lack of disambiguation on basic heterogeneity makes such sublation unwarranted simply for not acknowledging the fact that basic heterogeneity bespeaks of the fundamental differences of human beings, cultures, morals – metaphysical or otherwise. Third, the solution to this second problem has to with the “political”, that is, *a la* Rawls³, sublating the metaphysical and epistemological heterogeneity (moral comprehensive doctrines in Rawls) for a “political homogeneity” or “overlapping consensus” aimed at mutual advantage and the pursuit of public good. But the argument does not tell *to what extent* can this be made possible in the global context, and if this is indeed possible at all. This is the crux of the problem of global justice: the political negotiation and bargaining for mutual benefits and burdens that sets aside some fundamental differences.

The problem of inequality

The idea of global justice presupposes also equality of respect, resources, opportunities. But such presupposition seems unwarranted in view of the

³ The fundamental difference between Rawls’s *A Theory of Justice* and *Political Liberalism* lies in the difference in orientation: the former is moral in focus, while the latter is political. See, John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971) and John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

ineradicability of global inequality⁴ as manifested in hierarchical global structure of power position, economic divide between the global rich and global poor or the North and South⁵, cultural and civilizational cleavage between the East and the West. Unless and until global conditions (power position, changed global political culture, economic restructuring, and shift to cosmopolitan values, for example), global inequality will remain as an ineffaceable fact of international life. And the search for global justice would have to bear this fact, as Nancy Fraser observes:

...in a world of exacerbated inequality – in income and property ownership; in access to paid work, education, health care, and leisure time; but also, more starkly, in caloric intake and exposure to environmental toxicity, and hence in life expectancy and rates of morbidity and mortality. Material inequality is on the rise in most of the world's countries – in the United States and in China, in Sweden and in India, in Russia and in Brazil. It is also increasingly global, most dramatically across the line that divides North from South.⁶

⁴ For a brief conceptual discussion of global justice, see Allan Layug, "Global Inequality" *The Global Studies Dictionary* (Moscow: Raduga Publishers, 2006). Available at: <http://www.globalistika.ru/Globalistika/index.htm>

⁵ The traditional divide between North and South is no longer valid given the fact of capitalists within countries that contribute to domestic as well as global inequality. William Robinson of the University of California, in one of his lectures at the University of the Philippines on January 8, 9, 11, 15, 16, 18, 2008, expounded on this obsolete dichotomy of North and South.

⁶ Nancy Fraser, *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition* (New York: Routledge, 1997), p. 11.

Yet such ineradicability may not be that problematical especially when global justice is viewed not as global equality, although that is no less aspirational, but as global fairness where global inequalities are, *a la* Rawls, offset and made to work towards the least advantaged members of the global society. The idea is that global justice has to do not with eradicating global inequality per se, as that might be unfeasible, but with how to construct principles of global justice governing international life and inequalities. The problem with this is first, as Rawls thought of his Difference Principle applied in the global context⁷, the inapplicability of the principle globally⁸. For Rawls, “different principles would be chosen (in a second original position occupied by the representatives of different peoples) and these would include principles acknowledging peoples’ independence, their equality, that they have a right to self-defence, duties of non-intervention, to observe treaties, to honor human rights, conduct themselves appropriately in war, and to assist other peoples living in unfavourable conditions.”⁹ The second problem associated with this fairness argument is the lack of political will of powerful states to reconfigure the world order in a way that addresses inequities and inequalities and create democratic spaces for equality of opportunities, among other important values for a just world order. Third, even when the fairness argument vis-à-vis difference principle is granted, the question “equality of what?” – what Sen would suppose is not the right question to ask in

⁷ John Rawls, *The Law of Peoples* (Cambridge: Harvard University Press, 1999). For the applicability of Rawls’s idea of justice in the global context, see Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (London: Polity Press, 2002) and Charles Beitz, *Political Theory and International Relations* (Princeton: Princeton University Press, 1973).

⁸ For the applicability or inapplicability of Rawls’s “Difference Principle” in the global context, see Darrel Moellendorf, *Cosmopolitan Justice* (Cambridge: Westview Press, 2002) and Gillian Brock, “What does cosmopolitan justice demand of us?”, *Theory* August 2004, pp. 169-91.

⁹ Gillian Brock, “What does cosmopolitan justice demand of us?”, pp.169-70.

the first place - is not addressed in so far as the kind of equalities that should be made available for the least well-off members of global society is not clearly defined. Which primary goods (Rawls), rights (Nigel Dower), needs (Andrew Belsey), resources (Ronald Dworkin), capabilities and functionings (Sen and Nussbaum) should be made available requires elucidation, for example.

The problem of *realpolitik*

The idea of global justice further presupposes that *realpolitik* (power) is subordinated to *idealpolitik* (justice). Corollary to such a presupposition is the so-called pivotal place of ethics in international politics. But such presupposition is at best, an assumption worthy to be tested against realities, conditions, circumstances of international life; and at worst, an ideal bordering on utopia for lacking any empirical warrant for its assumed normativity. For the realists in international relations such as Morgenthau, Waltz, Gilpin, Mearsheimer as influenced mainly by Hobbes and Machiavelli, power-based order is the be-all and end-all of international life and politics, and such values as morality, justice, and normative order are unrealistic ideals and unworthy pursuits. Gilpin encapsulates the realist perspective: "Anarchy is the rule; order, justice, and morality are the exceptions."¹⁰ Absent world republic (*civitas gentium*), *realpolitik* and *raison 'd etat* become the games nation-states play, and justice a tool of the strong and of statecraft. Global justice, or the rhetoric of it as a universal

¹⁰ Robert Gilpin, "The Richness of the Tradition of Political Realism", in Robert Keohane (ed.), *Neorealism and its Critics* (New York: Columbia University Press, 1986), p. 304.

principle, lacks universal meaning and, at best, is epiphenomenal vis-à-vis the interests of powerful states. Morgenthau puts it thus: “The appeal to moral principles in the international sphere has no universal meaning. It is either so vague as to have no concrete meaning that could provide rational guidance for political action, or it will be nothing but the reflection of the moral perceptions of a particular nation.”¹¹ Nowhere is this made more sense than in Thucydides’s observation that “the strong do what they want and the weak accept what they must.” Given this realist supposition, justice then, either domestic or global, is in the “interest of the strong” as Thrasymachus argues in Plato’s *Republic*¹².

But this realist argument is criticized for lacking any space for the possibility of change in international politics. This argument presupposes the power of norms over power politics. It is argued that norms do matter and their mattering would lead to the possibility of global justice. Yet on closer scrutiny, this argument is found unconvincing. For one, it begs the questions, “How indeed can norms change the behavior of states from being statist to being cosmopolitan?” and “How can norms eradicate/mitigate the pull of anarchy and uncertainty that define international life to make states less concerned about security, self-help and survivability?” Second, even granting the assumption that norms have power to make possible global justice, the argument loses sight of the *limited* power of norms in view of the power politics that states are circumscribed to behave. And third, related to the second premise, the problem not addressed is the fact that

¹¹ Hans Morgenthau, *American Foreign Policy* (New York: Knopf, 1951), p. 35.

¹² Edith Hamilton and Huntington Cairns (eds.), *Plato: The Collected Dialogues* (Princeton: Princeton University Press, 1961), pp. 1225-1513.

this limited power of norms is primarily based on the willingness of powerful states, particularly the hegemon, to imbue power in them, say in the norms of human rights, non-intervention, self-determination for example, as well as allow democratic rules and procedures to underpin the decisions made in international institutions as such International Monetary Fund, World Bank, United Nations, World Trade Organization, etc. This third premise presupposes the hierarchical structure of global politics and its concomitant unequal power relations.

Conclusion

The possibility of global justice or desirability of its realization is not at all bad, but it becomes misplaced once viewed from the prism that takes into serious account the three problems discussed. Its potentiality is not at all discouraged but need caution considering the fact that such is contingent on different global conditions that the present realities do not at all resemble or warrant, empirically and normatively. Needless to say, until and unless global conditions (power politics, human diversity, inequality and inequity, and limited power of norms) and circumstances (moderate scarcity, possibility of conflict) change, then we cannot but be realistic in our claims, assumptions, and aspirations. Given such realism, being cautious about the possibility of global justice is one good suggestion on how to pursue and deal with what can be realized with the ambit of the possible in a globalizing world. As Lucas puts it: "We need, therefore, to be cautious but not skeptical about international justice. We need to think clearly before speaking

grandiloquently... But caution is not skepticism. We should not eschew the language of justice altogether. Great wrongs can be, and have been, done by one nation to another, and we should not hesitate to brand injustice as such...But much work and hard thinking is required before we shall even begin to understand it."¹³

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References

¹³ J.R. Lucas, *On Justice* (Oxford: Clarendon Press, 1980), p. 256.