<u>Seeing Water: Building International Justice Beyond Embodied Metaphysics</u>

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Two young fish are swimming along one morning, engaged in vigorous debate over who should have the right to relax by the coral, when they encounter an old fish, who greets them – "Hey boys, the water's nice out, aye?" Puzzled, the two fish continue swimming for a bit in silence, before one turns to the other and asks, "What the hell is water?"[1] Although they may have developed an extensive system of coral-occupancy rights, they are unaware that it is a system *built in* and *intelligible in the water*, or even that there is such a thing as water. When the two young fish are thrown out into the air, they will find a new world for which their system is totally incomprehensible. The idea I hope to express with this parable is that the accomplishments of International Justice are not independently existing but have been built within and are therefore conditioned by a particular metaphysical background. For the fish, this background is water; for theorists of International Justice, it is the physical, embodied world. But the technological world that we occupy and experience has come to introduce an alternative disembodied metaphysical plane: our digital existences are regulated by very different axioms of temporality and locality than our physical existences. My aim is to show that the metaphysics of the digital world demands a critical recontextualization of approaches in International Justice, and to propose and clarify several important starting questions for this line of inquiry. By providing a metaphysical reading of political theory, this essay attempts to 'see water'.

A: The Embodied Metaphysics of International Justice

The most basic way in which International Justice demonstrates its location within an embodied metaphysics is in the very subject matter it approaches. International Justice is concerned with "fleshy" questions of the body and the physical world. Peter Singer's seminal "Famine, Affluence, and Morality" can be abstractly taken as an application of the basic moral principle that one should work to prevent bad outcomes if their sacrifice is morally insignificant. This principle only has concrete meaning, however, if its blanks are filled in. (What is "bad"? What is "insignificant"?) When Singer does fill them in, it is with fleshy content: bad outcomes are those which damage the well-being of the embodied

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[1] I co-opt this story from writer David Foster Wallace's speech "This is Water". In the original story, the two young fish are not engaged in a political debate, but I make this insertion for the sake of making it more relevant.
Foster David Wallace, "This is Water," Kenyon College Graduation Speech (Gambion, Ohio: 2005). https://fs.blog/david-foster-wallace-this-is-water/.

human ("poverty, overpopulation, pollution"[2]); the moral insignificancy of an agent's sacrifice is determined by its necessity to the well-being of the embodied human (buying clothes to stay warm or to be chic?[3]). Concretely speaking, Singer's article shows that seemingly detached monetary investments are actually (indefensible) active choices between the body's fleshy desires – food or fashion? Some theorists object that Singer's universality is too unclarified. Some suggest that borders are morally significant, and others that we may owe more to fellow citizens than to humans generally. Even as opposing positions are set forth, each fundamentally addresses the same fleshy questions which Singer set out: what are the bounds upon the well-being of my body and on others' bodies, and what does this mean for the distribution of material goods?[4]

At present, however, it appears as if there is no reason why the principles of International Justice may not be applied to non-embodied problems. What I wish to show, however, is that the very *frameworks* which have been used in International Justice take an embodied metaphysics *a priori*, and are therefore inadequate in uncritical form to address problems situated within a disembodied metaphysics. Firstly, I will clarify what an embodied metaphysics entails, employing the Husserlian phenomenological method as an instrument which centers the ego's experiential world rather than an 'objective' world posited by the 'view from nowhere'. Husserl writes: "any spatiotemporal being exists for me; that is to say, is accepted by me in that I experience it, perceive it, remember it, think somehow, judge about it, value it, desire it..."[5,6] The ego experiences itself as a finite being situated singularly in space and time: it cannot be at two different locations at the same time. It also experiences itself as bound by spatial locality: in moving from an origin to a destination, it must be at locations closer to the origin on the path before it is at the destination. This means that it is more difficult for me to move to farther destinations than closer ones. These two principles – singularity (a principle of existence) and locality (a principle of movement) – capture our intuitive experience of existing-in-a-body-in-the-world ("I wish I could be there but I am here", "I wish I could just go directly there"), although there are no doubt other principles too.

I aim to show that many arguments in International Justice take embodied metaphysics a priori – that is, they use the principles of embodied metaphysics to a) limit the scope of political theorizing, such that conclusions in

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[2] Peter Singer, "Famine, Affluence, and Morality," *Philosophy and Public Affairs* 1, no. 3 (Spring 1972): 233.
[3] Ibid., 235.
[4] Although this may appear only to address problems of distribution, it extends towards problems such as national self-determination, immigration, and colonialism. National self-determination sets forth a fleshy basis (usually culture, language, or history) for the formation of a state, which forms a monopoly on force over its citizens' bodies. Similarly, immigration can be considered a case of resource distribution in which people move to resources rather than vice versa.
[5] Edmund Husserl, *Cartesian Meditations: An Introduction to Phenomenology* (The Hague: Martinus Nijhoff Publishers, 1960), 21.
[6] I acknowledge that this may not be a strictly correct application of Husserl. Elucidating and defending my use of Husserl, however, is not the focus of the essay.

opposition to such principles are not considered at all, or b) use such principles to advance arguments without need for justification. This sort of 'swimming in water without seeing it' works fine enough when problems arise within the water, but becomes a hinderance in different metaphysical terrain. I will discuss arguments in International Justice of two broad characters, particularist and universalist. My focus here is not on categorizing these arguments nor asserting that these categories adequately cover work in International Justice, but rather understanding their shared a priori embodied metaphysical background. Although this process may appear at first to oscillate between splitting hairs and stating the obvious, just as I imagine explaining water to fish might be, I will show subsequently that this metaphysical system is far from the only one governing contemporary problems of International Justice.

The particularist position proposes that we may legitimately owe more to fellow citizens than to humans generally. Particularists often show their reliance on embodied metaphysics in the movement from the universal to the particular, silently legitimized by principles from embodied metaphysics. David Miller argues in "The Ethical Significance of Nationality" that fellow citizens of a nation have more duties towards each other just because they share national membership. Miller begins by noting that ethical universalism posits a *tabula rasa* subject "possessed of the general powers and capacities of human beings... but not fundamentally committed to any particular persons, groups, practices, institutions."[7] However, we find ourselves already embedded in particular social relationships, and therefore we cannot claim to identify with the moral subject of such theories. Rather, we should give "pride of place"[8] to the social relationships we find ourselves in, such as our nation. Miller's use of "place" as a spatial concept reveals a metaphysical dependency on singularity ("I am here in *this place*") and locality ("I move within and around *this place*"). Singularity ensures that I have and can only have one nationality: I exist *here*, under *this* political entity, which has congealed within me *this* national history. Locality ensures that I do not have total control over my nationality: rather, my nationality is a condition *in which* I find myself, not which I find *for myself*. Therefore, Miller's assertion that "nation[ality] as an object of allegiance is not necessarily in much worse shape than... ethnicity"[9] relies on the silent assertion that nationality and ethnicity are both situated in an embodied metaphysics, i.e. that they are experienced as concrete social conditions, even if they are socially constructed. Michael Blake makes a metaphysically similar argument in "Distributive Justice, State

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[7] David Miller, "The Ethical Significance of Nationality," *Ethics* 98, no. 4 (July 1988): 649.
[8] Ibid., 653.
[9] Ibid., 658.

Coercion, and Autonomy" that the state must recognize special rights to its citizens to justify their being subject to coercion.

> To insiders, the state says: Yes, we coerce you, but we do so in accordance with principles you could not reasonably reject. To outsiders, it says: We do not coerce you, and therefore do not apply our principles of liberal justice to you... Both of these, however, reflect a common concern with the liberal principle of autonomy, understood here as a liberal principle global in its reach.[10]

Blake requires singularity to legitimize the partiality of the "global liberal principle" of autonomy: the principle that I must exclusively either be inside or outside of the state means that my whole being may be regulated differently, and therefore owed differently. Some may object that Blake is referring here to state membership (I am 'inside' a country insofar as it recognizes me as a citizen) rather than physical state borders and territories. However, the latter takes precedence over the former for state coercion. Mexican nationals which cross the border into the United States are subject to United States – not Mexican – authority; undocumented immigrants pay billions of tax dollars to the United States government despite not being formally recognized by it.[11] Blake's treatment of the state is similar to Miller's treatment of the nation: these particularist entities are legitimized by the finitude and limitedness we experience in embodied metaphysics ("I find myself embedded in my nation", "I find myself under coercion"). This extends even to a softer, more 'universalist' flavor of particularism: consider Robert Goodin's proposal in "What Is So Special about Our Fellow Countrymen?" that states have special duties to their citizens merely because such a system of distributed responsibility more effectively satisfies general duties than a world state. Goodin uses the analogy of the lifeguard to express this point:

> Suppose, now, that there are hundreds of people on the beach watching the drowning swimmer flounder... If all of them tried to help simultaneously, however they would merely get in each other's way; the probable result of such a melee would be multiple drownings rather than the single one now in prospect. Let us suppose, finally, that there is one person... "socially" picked out as the person who should effect the rescue: the duly-appointed lifeguard. In such a case, it is clearly that person upon whom the general duty of rescue devolves as a special duty.

Goodin relies upon principles of embodied metaphysics to carry across the physical intuition that greater collective involvement can lead towards ineffective outcomes. Firstly, I cannot be at two different places at the same time (singularity), so I need to physically move over to the drowning swimmer to save them. Secondly, I need to pass over

[10] Michael Blake, "Distributive Justice, State Coercion, and Autonomy," *Philosophy and Public Affairs* 30, no. 3 (2001): 287.
[11] Lisa Christensen Gee, Matthew Gardner, and Meg Wiehe, "Adding Up the Billions in Tax Dollars Paid by Undocumented Immigrants," American Immigration Council, April 4, 2016, https://www.americanimmigrationcouncil.org/sites/default/files/research/adding_up_the_billions_in_tax_dollars_paid_by_undocumented_immigrants.pdf.

stretches of beach and shallower water before I can get to deeper water (locality) – stretches which other bodies are also occupying. Yet if such principles did not hold, the analogy would collapse; for instance, if locality did not hold, then many savers could easily navigate around each other and not only save the swimmer but ensure the safety of each other as well. It is not only Goodin's metaphor which presumes an embodied metaphysics, but also the argument it represents: the bureaucratic state as a collection of agents cannot be everywhere at once (singularity); it can best understand and serve individuals within a local area (locality).

Universalists, on the other hand, assert that all individuals across the globe stand in equal moral relation to each other and that this fact should be the primary basis for justice. It might appear as if universalist positions would be in conflict with embodied metaphysics, which limit the phenomenal world of the ego to that of a finite body restricted to a particular location. On the contrary: when Thomas Pogge writes in "Cosmopolitanism and Sovereignty" that the first element shared by all cosmopolitan positions is individualism,[12] he has committed himself to a project which centers the individual and necessarily accommodates its embodied metaphysical baggage. Pogge favors an institutional cosmopolitanism in which we are concerned with ensuring that institutional schemes produce just outcomes for all individuals. Pogge argues that such a position requires vertically dispersed sovereignty, in which power is not merely concentrated at the state level but distributed across various scales of organization (family, neighborhood, city, …). As opposed to the particularists, which employ the finitude expressed by principles of embodied metaphysics to justify particular groups of mutual obligation, universalists declare this very finitude as the basis for justice. The universalist conception of justice can be read as a liberatory political counterweight to the dangers preying upon the metaphysical unfreedom of individuals' embodied existences. This is clear in Pogge's arguments against state-concentrated sovereignty: a) such a setup positions individuals to militaristically identify with singular states (singularity)[13], b) such states can oppress individuals given their inability to physically move across states (locality)[14], and c) global economic injustice proliferates under state chauvinism (singularity)[15].[16] While vertically distributed sovereignty aims to politically rectify the injustices arising from these principles, it would not be necessary if principles of embodied metaphysics did not hold. If individuals were not beholden to locality, for instance, then borders would lose significance and the power of nation-concentrated

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[12] Thomas W. Pogge, "Cosmopolitanism and Sovereignty," Ethics 103, no. 1 (October 1992): 48.

[13] To provide more justification: singularity (that an individual can only be in one place at one time) is a prerequisite for identification with a singular state – recall Miller's "pride of place". Nationalist-militaristic outlooks that Pogge is concerned about can grow only from this prerequisite.

[14] To provide more justification: state borders have legitimacy because individuals cannot suddenly jump out of their country into another, but need to pass through borders.

[15] To provide more justification: State chauvinism requires an "in" and an "out" of the state (recall Blake's "insiders" and "outsiders"), which in return requires singularity.

[16] Ibid., 61-62. These points correspond with "Peace/security", "Reducing oppression", and "Global economic justice'.

sovereignty to oppress its occupants would diminish by virtue of metaphysical fact. (This does not bar the possibility of other oppression, however.) Similarly, Charles Beitz likens the distribution of natural resources across nations to the distribution of talents in individuals in "Justice and International Relations".[17] Under Rawls, individual natural talents are a morally arbitrary distinction – they are given by birth and not acquirable. Likewise, individuals have little to no control over their locality to natural resources, and the task of global justice is to politically rectify this metaphysical impediment with distributive systems.

B: Disembodied Metaphysics in the Digital World

It may appear as if we are inescapably embedded in an embodied metaphysics. I do not wish to attack the point that we are always embodied from a scientific perspective ("you can never transcend your body"); that attack has been made elsewhere. What I argue, however, is that we have come to occupy digital spaces which *appear to us* as worlds with disembodied metaphysics, and that we have come to behave as if it really is so. Ultimately, it is what we believe and how we behave in accordance or conflict with those beliefs which International Justice focuses on, rather than scientific technicalities. There is no independently 'scientific' or 'objective' basis for either nations or justice, yet both are experienced realities and this does not and should not bother theorists of International Justice. Here, I will revisit the principles of singularity and locality, raise concrete digital problems of International Justice which challenge this principle, and identify a corresponding revised principle for a disembodied metaphysics.

Singularity dictates that an individual exists at a singular point in space and time. More specifically, I am phenomenally restricted to the region I currently occupy. Consider the case of Internet pornography: in many African, Asian, and Middle Eastern countries, consuming pornography is illegal and punishable by fines, imprisonment, or – at the extreme – execution.[18] Conventional arguments in International Justice may treat this case as an example of universalism or particularism with respect to state control over individuals: is it morally acceptable for individuals to be subject to different punishment for the same action? This question already assumes a singularity of the sort that Miller and Blake use: that individuals and their activities can be neatly categorized as either "inside" or "outside". But when someone physically situated in the United Arab Emirates (UAE) consumes pornography from PornHub via an Internet connection by pornhub.com, neither the website nor the pornography being accessed is in the UAE. In fact, I contend

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[17] Charles R. Beitz, "Justice and International Relations," *Philosophy and Public Affairs* 4, no. 4 (Summer 1975): 367.
[18] https://en.wikipedia.org/wiki/Pornography_laws_by_region.

that our hypothetical viewer phenomenally violates singularity: they exist both in the UAE physically and outside of it digitally. When the viewer accesses PornHub, their presence is received and logged on PornHub's servers and routed to datacenters throughout North America and Europe which retrieve the desired data and return it;[19] local restrictions on Internet access can be bypassed with direct connections via Virtual Private Networks (VPNs) or satellite dishes.[20] Importantly, PornHub constitutes a different *phenomenal world* altogether. Unlike a finite material pornography magazine, PornHub offers a limitless stream of interactively navigable content – content which is in direct opposition to the prevailing moral and cultural landscape of the UAE – and an international community of fellow viewers. When the viewer closes their connection, their activity persists on foreign servers. The first question which needs to be asked, then, is what moral or legal claim does the UAE, or indeed any state, if any physically existing state at all, have to regulate this transaction which does not even convincingly occur within its territories? How can we reconcile the viewer's simultaneous existence inside and outside of the state? Another such example is the case of international free speech: an activist may post speech on international social media whose content is prohibited by the state that they are physically located in – but neither the speech, the account it was made from, nor the community which access the speech can be said to be in that state's territory.[21] The familiar principle of singularity in our embodied metaphysics passes over into its opposite, a principle of *multiplicity*. An agent can be in different places (physical and digital) at the same time; accounts across applications, devices, and websites accrue views, be interacted with, and *exist* in the digital world even when their physical owner is absent. Digital existence does not clearly occupy a mutually exclusive "in" or "out". As Edward Snowden, the former American who leaked 1.7 million National Security Agency intelligence files[22] and was later granted asylum and citizenship in Russia, declared: "I have to lay my head down in Moscow on a pillow at night, but I live on the Internet and every other city in the world."[23]

Locality dictates that an individual must travel to closer points on a path before farther ones. Physical borders between states require this principle for legitimacy: to travel from Gaza City to Jerusalem, an individual must first pass through the Israeli border before they can be in Jerusalem. As it is more difficult to go to far places than nearer places, individuals generally move and generate economic activity in a limited area, usually within state borders. Consider the case of international digital platform labor. Platforms such as Mechanical Turk, Appen, Scale, and Clickworker allow

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[19] https://www.mindgeek.com/services/services-hosting/.
[20] https://www.salon.com/2010/09/27/bradley_qa/.
[21] For instance, consider the role of international social media in the Arab Spring uprisings.
[22] https://web.archive.org/web/20140110092104/http://www.bloomberg.com/news/2014-01-09/pentagon-finds-snowden-took-1-7-million-files-rogers-says.html.
[23] https://www.youtube.com/watch?v=9_wwzc61qw8&t=3160s.

companies building machine intelligence systems to outsource labeling tasks[24] to a pool of workers who fight to complete piecework.[25] These workers are often from the Global South – the wages for completing each task are too low for individuals in the more affluent Global North.[26] Companies may outsource labor-intensive and low-cognition computer work to international workers through freelance platforms for other purposes, such as in low-level software development or copywriting.[27] These companies provide relatively decent albeit highly volatile employment for reasonably educated individuals in economically impoverished countries. Through an Internet connection, such individuals can turn away from their locally impoverished conditions and generate economic wealth for foreign companies. These companies do not need to have any physical presence in the country and therefore are not directly subject to legislative regulation: there are no factories, but personal computers; the worker owns the domestic means of production themselves. Therefore, in the digital world, economic activity crosses borders without passing through them. An individual can be functionally employed for a foreign organization and be paid a foreign wage without crossing any foreign borders. Distance loses its significance in the digital world: to move from one area of the Internet to another requires a few types and clicks. Purely digital resources like cryptocurrency do not respect locality nor the Federal Reserve and are easily internationally transferable; what does it mean, then, that El Salvador and the Central African Republic have made Bitcoin official currency?[28] We may in fact be more phenomenally familiar with the digital world than the physical world; the Cold War logic of deterrence via mutual surveillance becomes exercised at mass scale – information is no longer privy to "insiders" and kept from "outsiders"; everyone is both an insider and an outsider. The ease of information proliferation has given rise to a logic of production over deprivation in the digital world, whereas it is the opposite in the physical. Thus, the United States accuses China of manipulating its elections by spreading (dis)information on social media platforms, but it is neither the case that China has crossed any state borders nor that the social media communities are (in any whole sense) in the United States.[29] In a world in which spatiality collapses upon itself, the principle of locality passes into its

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[24] For instance, automatically detecting the emotion of text is a valuable model for marketing analysis. With such a model, for instance, one can gather the distribution of customer satisfaction from online reviews or discussion threads 'for free' without classic expensive and often non-candid customer interviews. To train such a model, however, requires first that a large dataset of text samples be manually labelled by emotion (e.g. "happy", "excited", "disappointed", "ambivalent", etc.). Another example is image recognition systems, which require a dataset of manually annotated images (e.g. "this image is of a cat", "this image is of an apple"). Many of the AI models in use today have been trained upon this "knowledge-mapping" labor of individuals in the Global South.

[25] Phil Jones, *Work Without the Worker: Labour in the Age of Platform Capitalism* (London: Verso, 2021), 3.

[26] Ibid., 11-17.

[27] Ironically, these functions are being replaced by AI models built in part also from workers in the Global South.
International Labour Office, The Role of Digital Labour Platforms in Transforming the World of Work (Geneva: ILO, 2021), 18, https://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/—publ/documents/publication/wcms_771749.pdf.

[28] https://qz.com/africa/2160520/bitcoin-becomes-the-official-currency-in-the-central-african-republic.

[29] https://apps.dtic.mil/sti/pdfs/AD1142311.pdf.

opposite, the principle of *nonlocality* – recall Einstein's infamous quip on quantum entanglement: "spooky action at a distance".

When faced with the objection that we are better suited to judge and therefore to help the poor in our own town than the much poorer global poor (i.e. the principle of locality), Peter Singer responded that the world had become a "global village" built by "instant communication and swift transportation".[30] Half a century later, it is not only that technology has built a more densely connected world, but that it is ruptured open a new experiential plane governed with metaphysical principles foreign to our familiar embodied ones.

C: Philosophical Problems for a Digital International Justice

A host of important philosophical problems for International Justice are opened up by the emergent disembodied metaphysical plane. I do not have answers to these questions; rather, I seek only to elucidate their content and justify their importance.

Thus far, I have painted a stark picture of the shared embodied metaphysical principles of previous work in International Justice to make the point that it cannot be simply uncritically applied to digital problems. I recognize, however, that this is much too simple an argument. Paul Ricœur theorizes two modes of hermeneutics: the hermeneutics of suspicion, which skeptically examines texts for their underlying assumptions and meanings; and the hermeneutics of faith, which approaches texts with charity and give voice to their meaning(s). I have provided something of a hermeneutics of suspicion; next, a hermeneutics of faith is needed. Does existing work on International Justice express, even if 'unconsciously', principles from a disembodied metaphysics which can be excavated? One candidate might be Iris Marion Young's social connection model, which is applied to comment on fleshy problems of inhumane working conditions in sweatshops under global consumer capitalism[31] but which may have the flexibility to bridge alternate metaphysical planes. Another question is if the disembodied metaphysics of the digital world align more with universalist positions than particularist ones, as my previous analysis is inclined to affirm. While particularist positions take principles of embodied metaphysics as descriptive givens, universalist positions politically overcome them: the universalist response to locality (bodies cannot easily move to far resources), for instance, is resource distribution (resources should be

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[30] Singer, 232.
[31] Iris Marion Young, "Responsibility and Global Justice: A Social Connection Model," Social Philosophy and Policy 23, no. 1 (2006): 105, https://doi.org/10.1017/S0265052506060043.

distributed to bodies situated far from them). Perhaps the International Justice of the digital world will be sympathetic to universalism or cosmopolitanism in the physical world.

Another challenge, then, is to understand how particularism might emerge or be justified in a digital world which seems to be so metaphysically universalizing. Do Miller-like social conditions giving rise to "pride of place" exist in the digital world, or are all agents utterly free to choose their associations? Part of explicating these relationships is understanding the metaphysical and political tensions between the physical and the digital worlds. What is the political nature of the tension between digital and physical existences? – for instance, is there any meaningful sense in which a digital existence can be colonized, or in which digital existence can separate itself from physical existence? Does the digital world truly represent a more universal social organization with freer access by all, or is totally subject to the political control of the states in the physical world within which the data-centers are stored? Can we hold both to be true without diluting the significance of either statement? Is there a sense in which entities in the digital world can acquire political sovereignty congruent to that of states in the physical world? Tuvalu, a low-lying island nation which is expected to be underwater by 2100 due to rising sea levels, is undergoing the process of digitizing itself.[32] Will Tuvalu have any real political sovereignty when its physical territories become submerged? Another pressing question: 37% of occupants in the physical world remain disconnected to the digital world[33] – is access to the digital world a legitimate concern of International Justice? Even more radically, do individuals have a 'right' to a digital existence, and if so, what is the nature of this right and under which conditions is it given or recognized?

The technological apparatuses constituting the digital world we have come to live a large part of our lives in can no longer be merely considered the latest progression in a series of technological developments connecting the physical world. Disembodied existence in the digital world observes the principles of multiplicity and nonlocality, in direct conflict with the familiar embodied principles of singularity and locality. Political questions of the digital world will only continue to become more pressing with time, and it does International Justice a disservice not to pay close attention to the metaphysical basis of its existing work. As the fish only really understands what water is when they are thrown out of it, perhaps International Justice will better grasp what the object it has been pursuing all along when it develops itself beyond embodied metaphysics.

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[32] https://longnow.org/ideas/the-first-digital-nation/.
[33] https://www.un.org/en/delegate/itu-29-billion-people-still-offline.

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