



DIGITAL ACCESS TO SCHOLARSHIP AT HARVARD

A Précis of On Global Justice, With Emphasis on Implications for International Institutions

The Harvard community has made this article openly available.
[Please share](#) how this access benefits you. Your story matters.

Citation	Risse, Mathias. Forthcoming, 2012. A Précis of On Global Justice, With Emphasis on Implications for International Institutions. Boston College Law Review
Accessed	February 19, 2015 10:48:14 AM EST
Citable Link	http://nrs.harvard.edu/urn-3:HUL.InstRepos:9767978
Terms of Use	This article was downloaded from Harvard University's DASH repository, and is made available under the terms and conditions applicable to Open Access Policy Articles, as set forth at http://nrs.harvard.edu/urn-3:HUL.InstRepos:dash.current.terms-of-use#OAP

(Article begins on next page)

A Précis of *On Global Justice*,
With Emphasis on Implications for International Institutions

Mathias Risse, Harvard University

October 9, 2012

1. In an increasingly politically and economically interconnected world, it is hard to ascertain what justice requires.¹ It is difficult to spell out how principles of justice apply, to begin with, and hard to assess what they entail for pressing political questions ranging from immigration to trade and climate change. The two traditional ways of thinking about justice at the global level either limit the applicability of justice to states -- the only distributions that can be just or unjust, strictly speaking, are within the state -- or else extend it to all human beings. The view I defend in *On Global Justice* (Princeton University Press, 2012) rejects both of these approaches and instead recognizes different considerations or conditions based on which individuals are in the scope of different principles of justice. Finding a philosophically convincing alternative to those approaches is the most demanding and important challenge contemporary political philosophy faces, one that in turn reflects the significance of the political issues that are at stake.

My own view, and thus my attempt at meeting the aforementioned challenge, acknowledges the existence of multiple *grounds* of justice. *On Global Justice* seeks to present a foundational theory that makes it plausible that there could be multiple grounds of justice and to defend a specific view of the grounds I call *internationalism* or *pluralist internationalism*. Internationalism grants particular normative relevance to the state but qualifies this relevance by embedding the state into other grounds that are associated with their own principles of justice and that thus impose additional obligations on those who share membership in a state. The grounds I discuss are shared membership in a state, common humanity, shared membership in the global order, shared involvement with the global trading system and humanity's collective ownership of the earth. Other than shared membership in a state, it is humanity's common

¹ Prepared for a panel on "Globalization, Deregulation, Power and Agency," which is part of a symposium on "The Future of Law and Power in a Globalized World," held at Boston College Law School on October 12, 2012.

ownership of the earth that receives the most sustained treatment. And it is probably in the conceptualization of common ownership as a ground of justice that my view seems strangest.

To demonstrate its philosophical fruitfulness, the book develops my view for a broad range of topics, including immigration, fairness in trade, and obligations resulting from climate change, but also human rights, obligations to future generations, among others. *On Global Justice* does not explore familiar questions about the state's constitution and internal structure beyond what is required to show that shared membership in a state is a ground of justice to which particular principles of justice apply. I inquire about the state only in a global perspective. The book is about global justice as a philosophical problem, and about political problems on which principles of justice bear at the global level. Nonetheless, my view does regard the state as special within a theory of global justice, and this distinguishes my approach from more cosmopolitan approaches.

On Global Justice is meant to exemplify the kind of work philosophers can, and must, do to help solve the world's political and economic problems, including problems raised by globalization. Attempts at solving such problems inevitably lead to questions about what kind of world we should have. Philosophical inquiry rarely leads to concrete policy advice unless much of what most people currently believe and much of how our institutions work is taken as constraining what such advice could look like. Nonetheless, we need visions for the future of the world. If such visions try to dispense with political philosophy, they forfeit conceptual tools that are plainly needed to develop and defend them. At the same time, political thought that proceeds with too little connection to the problems that preoccupy those who want to change the world often is complacent and boring, as is philosophical inquiry that mostly investigates its own nature and thinks of political discourse only as one source of input for metaethical analysis.

This précis offers an outline of central themes in *On Global Justice* to help make the book accessible. This article puts special emphasis on what my approach implies for international institutions. The book offers plenty of references to connect my work to the thought of others, but here I do little of that sort. And as is in the nature of a précis, more often than not I fail to pause and explain definitions in detail and state arguments at appropriate length. That is what the book is for. I also develop some of the major themes of *On Global Justice* in another book. *Global Political Philosophy* (Palgrave Macmillan, 2012) is an introduction to political philosophy. Most such introductions start with questions about the state, stay with such

questions, and then add a chapter or two about global issues. This book proceeds the other way round, beginning at the global level and addressing questions about the state where appropriate. While *Global Political Philosophy* is meant to be a kind of textbook it takes a view on the issues discussed, and so, unsurprisingly, it also ends up advocating pluralist internationalism.

2. The most striking fact about the political organization of humanity in the modern era is that we live in states. States are organized societies with a government and a territory. The state's territory is a region where the government can successfully enforce its rules because it can generally physically overpower internal competitors and discourage aggression by outsiders. Needless to say, many countries in Africa, Central and South America, Western and Southern Asia, and Eastern Europe have low state capabilities, in a number of cases so low that they are sometimes called "quasi-states." And of course, other political arrangements are possible and have existed historically. Political organizations that predate states include city-states (which lack the territorial aspect of states), city leagues, empires (which lack the relatively tight and unified organizational structure of states), or feudal structures (which normally include complex internal structures). In a world of increasing political and economic interconnectedness debatable (if perhaps not politically realistic) alternatives to the state system include a world state, a world with federative structures stronger than the United Nations, one with a more comprehensive system of collective security, one where jurisdictions are disaggregated, or one where border control is collectively administered or abandoned entirely. Reflection on such structures matters greatly in an interconnected world where enormous differences in life prospects persist.

Nonetheless, it is the state that has been the politically dominant mode of organization in recent centuries. Two central philosophical questions arise about the state: whether its existence can be justified to its citizens to begin with, and what is a just distribution of goods within it. As far as the first question is concerned, philosophers from Thomas Hobbes onward have focused on rebutting the philosophical anarchist, who rejects the concentrated power of the state as illegitimate. For both sides of the debate, however, the presumption has been that those to whom state power had to be justified were those living within its frontiers. The question of justice, too, has been much on the agenda since Hobbes, but it gained centrality in the last fifty years, in part because of the rejuvenating effect of John Rawls's 1971 *A Theory of Justice*. It is because of his focus on the state that Hobbes got to set much of the agenda for subsequent political philosophy.

And that emphasis was preserved (at least initially) when Rawls did so much to renew debates in political philosophy.

However, real-world changes, grouped together under the label “globalization,” have in recent decades forced philosophers to broaden their focus. In a world in which goods and people cross borders routinely, philosophers have had to consider whether the existence of state power can be justified not merely to people living within a given state but also to people excluded from it (e.g., by border controls). At a time when states share the world stage with a network of treaties and global institutions, philosophers have had to consider not only whether the state can be justified to those living under it but whether the whole global political and economic order consisting of multiple states and global institutions can be justified to those living under it. And in a world in which the most salient inequalities are not within states but among them, philosophers have had to broaden their focus for justice, too, asking not only what counts as a just distribution within the state but also what counts as a just distribution *globally*.

In what follows “justice” will always be “distributive justice.” A theory of distributive justice explains why certain individuals have particularly stringent claims to certain relative or absolute shares, quantities, or amounts of something. In Shakespeare’s *Merchant of Venice*, Shylock makes his demand for a pound of his delinquent debtor’s flesh in terms of justice, and until the clever Portia finds a device for voiding the contract, the presumption is that it must be granted. Kant went too far when he insisted that without justice life was not worth living at all, but in any event, demands of justice are the hardest to overrule or suspend. Justice plays its central role in human affairs precisely because it enables persons to present claims of such stringency.

Consider now some distinctions that characterize much of the current debate about justice at the global level but that, as we will see, pluralist internationalism transcends. Distributive justice is the genus of which *relationism* and *nonrelationism* are species. Relationists and nonrelationists disagree about the grounds of justice. The *grounds* of justice are the features of the population (exclusively held) that make it the case that the principles of justice hold within that population. “Relationists” about the grounds of justice apply principles of justice only among individuals who stand in a certain essentially practice-mediated relation; “non-relationists” account for principles of justice without recourse to such relations. A reference to practices keeps nonrelationism from collapsing into relationism. The relation of “being within

100,000 kilometers of each other” is not essentially practice-mediated, nor is, more relevantly, that of “being a fellow human.”

Relationists may hold a range of views about the nature of the relevant relations, and they may think there is only one relational ground or several. Relationists are motivated by concerns about “relevance,” the moral relevance of practices in which certain individuals stand. Such practices may include not only those that individuals chose to adopt but also some in which they have never chosen to participate. Nonrelationists deny that the truth about justice depends on relations. They think principles of justice depend on features that are shared by all members of the global population, independent of whatever relations they happen to be in. Rather than focusing on relevance, nonrelationists seek to avoid the “arbitrariness” of restricting justice to regulating practices. Globalization may have drawn our attention to the fact that justice applies globally, say the nonrelationists, but in fact it always did.

“Globalists” are relationists who think the relevant relation holds among all human beings; “statists” think it holds among those who share a state. Globalists think there is only one relevant relation, and that relation holds among all human beings in virtue of there being a global order. (To remember its relationist meaning, readers should connote this term with *global political and economic order* rather than with *globe*.) Statists, too, think there is only one relevant relation, and think that relation holds (only) among individuals who share membership in a state. Statists endorse what I call the *normative peculiarity* of the state; globalists and nonrelationists deny it. However, nonrelationists agree with statists and globalist that there is only one ground of justice. Offering a theory of justice then means to assess what the uniquely determined ground of justice is and then to assess what principles apply to relevant populations.

3. Statists and globalists disagree about what relation is relevant for the applicability of principles of justice. Nonetheless, they both are relationists, resting claims of justice on nationally or globally shared practices, respectively, and thus to some extent use similar arguments to defend their views. Globalists owe an account of what it is about involvement with, or subjection to, the global order that generates demands of justice. Statists owe an account of what it is (exclusively) about shared membership in states that generates demands of justice. Statists tend to hold that principles of justice do not apply unless a certain condition holds, one that exclusively applies within states. Two proposed accounts of the normative peculiarity of the

state are *coercion-based statism*, according to which what distinguishes membership in a state is its coerciveness; and *reciprocity-based statism*, according to which it is its intense form of cooperation. Principles of justice then either apply, or they do not.

However, both of these versions face the challenge that forms of coercion and cooperation also hold within the global order as such, which makes it problematic to argue that principles of justice *only* govern the relation among those who share a state. Different conditions create redistributive demands, and these conditions might occur in degrees or otherwise take on different forms. Coerciveness might be more or less profound or pervasive, and similarly for forms of cooperation. For instance, like the state the World Trade Organization (WTO) is both coercive and cooperative, but is so in very different ways than the state. Statists can respond by arguing that the normative peculiarity of the state is based on its particular kind of coerciveness or cooperativeness. In earlier work (Risse (2006)), I, for one, have accounted for the state's coerciveness in terms of legal and political immediacy. The legal aspect consists in the directness and pervasiveness of law enforcement. The political aspect consists in the crucial importance of the environment provided by the state for the realization of basic moral rights, capturing the profundity of this relationship. However, assuming that something like my account succeeds in explaining what is morally special about shared membership in states, one must still wonder whether this account matters *for justice*, that is, can explain why principles of justice apply *only* among those who share a state. That is the point that globalists push at that stage of the debate.

One way of making progress in light of the debate among statists and globalists is to deny that there is a single justice relationship in which any two individuals either do or do not stand. One may use "principles of justice" as a collective term for different principles with their *respective* ground and scope. Let us call *non-graded* or *monist internationalism* the view that principles of justice either do or do not apply, that they do apply within states, and thus among people who share membership in a state, and only then. Non-graded or monist internationalism is simply the same as statism. Introducing this additional terminology allows us to connect statism to other views that endorse the normative peculiarity of the state. Coercion-based and reciprocity-based statism are versions of monist or non-graded internationalism.

Graded internationalism holds that *different* principles of justice apply depending on the associational (i.e., social, legal, political, or economical) arrangements. Graded internationalism allows for associations such as the WTO, the European Union, or the global order as such to be

governed by principles of justice, but endorses the *normative peculiarity* of the state. Among the principles that apply within other associations we find weakened versions of principles that apply within states. For this reason I talk about *graded* internationalism in this case. I am lacking the space to motivate the graded view in detail here. Suffice it to say that all those who live, say, under WTO are tied to each other much more loosely than individuals who respectively share a state. It is therefore plausible to think that the principles of justice that hold within the WTO are weakened versions of those that hold within a state.

However, now that we have introduced a non-monist view, we also must take seriously the idea that some grounds could be relational, whereas others would not be. We must consider the possibility that there is no deep conflict between relationism and nonrelationism. Perhaps advocates have respectively overemphasized facets of an overall plausible theory that recognizes both relationist and nonrelationist grounds. Integrating relationist grounds into a theory of justice pays homage to the idea that individuals find themselves in, or join, associations and that membership in some of them generates duties. Integrating nonrelationist grounds means taking seriously the idea that some duties of justice do not depend on the existence of associations. One obvious non-relational ground to add is common humanity. One view that develops these ideas could be called *pluralist internationalism*, or plainly *internationalism*. The use of the term “internationalism” for this position acknowledges the applicability of principles of justice *outside of* and *among* (“inter”) states. This view endorses the state’s normative peculiarity (and articulates it the same way in which Risse (2006) did earlier), but recognizes multiple other grounds of justice, some relational (e.g., subjection to the global trade regime) and others not (e.g., common humanity). Respectively different principles are associated with these different grounds, all of which binding, say, for states and international organizations. Internationalism transcends the distinction between relationism and nonrelationism.

Internationalism offers one way of preserving the plausible aspects of nonrelationism, globalism, and statism. Obviously, making this view credible, and proving its fruitfulness, requires detailed discussions of its implications for a wide range of areas. The costs of making such a move are considerable because it gives up on the uniqueness of the justice relationship. One would also have to meet the challenge that such a pluralist view does not, one way or another, collapse into one of the original views.

4. My defense of pluralist internationalism in *On Global Justice* accepts a twofold challenge: first, to show why statism, globalism, and nonrelationism are insufficient and why a view combining relational and nonrelational grounds is promising; and second, to illustrate the fruitfulness of my view by assessing constructively what principles are associated with different grounds. Altogether I explore five grounds. I recognize individuals as human beings, members of states, co-owners of the earth, as subject to the global order, and as subject to a global trading system. For common humanity, the *distribuendum* – the things whose distribution principles of justice are concerned with -- is the range of things to which a certain set of natural rights entitles us; for shared membership in a state, it is Rawlsian primary goods (rights and liberties, opportunities and powers, wealth and income, and the social bases of self-respect – all those things that people collectively bring about within a state); for common ownership of the earth, it is the resources and spaces of the earth; for membership in the global order, it is again the range of things to which a set of rights generates entitlements; and for subjection to the global trading system, it is gains from trade.

I do not claim to have identified all grounds: membership in the European Union is a contender, or more generally, different forms of membership in transnational entities. Certain grounds stand out because human affairs render them salient before the background of political realities and philosophical sensitivities. “Social justice” demarcates the relevance of membership. “Global justice” demarcates the salience of not one but several grounds: those mentioned and possibly others for which one must argue.

One might worry that my approach brings under the purview of “distributive justice” much that may fit under justice, but not *distributive* justice. Indeed, common humanity, for instance, does not stand in contrast to justice but is one ground. Thereby my view acknowledges an important truth in nonrelationism. The issues that I claim fall under distributive justice are tied. The connection is that all grounds bear on the distribution of *something* that is both significant for individuals and salient at the political level, and that all claims based on different grounds place stringent demands on states and other agents. It is possible to think of humanitarian duties as opposed to justice for a narrowly conceived notion of justice. However, there is pressure to think of these duties as stringent, which renders this contrast unconvincing. Internationalism contrasts humanitarian with *other* duties of justice. There does remain some

awkwardness in thinking of all the issues in this book in terms of distributive justice. Nonetheless, on balance, there is good reason to do so.

We must take as given a global political order whose principal subdivisions consist of units roughly like the current state, but be open to the possibility that the best justification for doing so requires (possibly considerable) modifications in the norms of the system as we find them. We cannot pretend to be able to invent a global order from scratch. After starting with the state, we can ask what is normatively peculiar about it, and whether there ought to be states, as well as bring into focus the state's duties to those outside it. But in particular we do not therefore need to agree with John Rawls that there are principles of distributive justice that apply domestically and must be articulated first, and that then there may well be other principles of justice (not distributive justice) that apply globally. Contrary to Rawls—and this is one major difference between his approach and mine—I argue that states are subject to principles of distributive justice also on account of the other considerations reflected in the grounds-of-justice approach, and that there are several grounds of justice, of which some are relational and some are nonrelational.

The emphasis throughout *On Global Justice* is on justifying the state to those respectively *excluded* from it. As far as the focus on the state is concerned, my work is aligned (e.g.) with that of John Rawls and David Miller, but differs from them especially in its emphasis on collective ownership, by supporting further-reaching duties outside of shared membership in a state based on other grounds of justice, and, as matter of general philosophical outlook, by seeking to justify states not merely to those respectively included in them, but also to those excluded. As far as the support for such duties and that goal of justifications of states are concerned, my work is aligned with that of cosmopolitans such as Charles Beitz, Thomas Pogge, and Simon Caney, but differs from them again in its emphasis on collective ownership as well as in its vindication of the moral significance of the state. By acknowledging different grounds of justice, pluralist internationalism preserves valid insights from all those approaches, but also substantially diverges from each.

What is indeed most distinctive about my approach is the significance I give to humanity's collective ownership of the earth. Thereby I revitalize and secularize an approach dominant in the 17th century that has never again reached as much prominence, and that has largely (though not entirely) dropped out of sight since the Rawlsian Renaissance of political

philosophy. Suppose the US population shrank to two, capable, however, of controlling borders through electronic equipment. Surely they should permit immigration. If so, we should theorize about the space humanity jointly inhabits, and about what entitlements there can be to parts of it. Such theorizing takes us to a suitable notion of collective ownership of the earth. In the 17th century, the motivation for this approach was obvious: the Bible states that God gave the earth to humankind in common. Many questions could be addressed through an interpretation of that gift, such as concerns about the possibility of owning the sea and the conditions under which territory could legitimately be claimed. Philosophers such as Hugo Grotius, John Locke, and Samuel Pufendorf saw questions of collective ownership as central to their work. This approach is also present in international law, where for about forty years the term “common heritage of mankind” has been applied to the high seas, the ocean floor, Antarctica, and Outer Space. Central questions include how to make sense of this ownership status without recourse to a divine gift, and how to select the philosophically preferred one from among different versions of it. Immigration is one topic to which this approach applies. Less obvious ones include human rights, as well as obligations towards future generations and obligations arising from climate change. At this stage, not only do we face problems of global reach, but humanity as a whole confronts problems that have put our planet as such in peril. It is therefore only appropriate to find a suitable place in moral and political philosophy for theorizing about all human beings’ symmetrical claims to the earth.

Humanity’s collective ownership of the earth was the pivotal idea of the political philosophy of the 17th century. European expansionism had come into its own, so questions of global reach entered political thought and needed to be addressed from a standpoint that was nonparochial (not essentially partial to one of their viewpoints) as far as European powers were concerned. At the same time, appealing to God’s gift of the earth—as reported in the Old Testament—was as secure a starting point as these troubled times permitted. Although that debate took the biblical standpoint that God had *given* the earth to humankind, some protagonists, such as Grotius and Locke, thought this matter was also plain enough for reason alone to grasp. And indeed, the view that the earth originally belongs to humankind collectively is plausible without religious input. We have much to gain from revitalizing this idea. What is at stake is ownership of, as John Passmore put it, “our sole habitation . . . in which we live and move and have our being” (1974, 3), or in Henry George’s words, of “the storehouse upon which

[man] must draw for all his needs, and the material to which his labor must be applied for the supply of all his desires” (1871, 27). Or, as Hannah Arendt said in *The Human Condition*, “The earth is the very quintessence of the human condition, and earthly nature, for all we know, may be unique in the universe in providing human beings with a habitat in which they can move and breathe without effort and without artifice” (1958, 2).

5. Now that I have introduced some of the main themes of *On Global Justice* let me go over it part by part and then chapter by chapter to give readers a more concrete sense of the train of thought the book develops. Part 1 primarily discusses the state, and thus shared membership in a state as a ground of justice, but that discussion also includes an account of common humanity as a ground (chapters 2–4). Then part 2 explores humanity’s collective ownership of the earth (chapters 5–10). Part 3 turns to international structures, the global order and the international trade regime (chapters 11–14). Finally, I explore two remaining questions that arise from my view, both pertaining to institutions. First, I assess whether there ought to be a system of multiple states to begin with, and second, I explore how the state’s various obligations to bring about a just world mesh together, and start doing the same for global institutions (part 4, chapters 15–18). Throughout, I successively develop a theory of human rights, to the extent required to explain how such a theory fits into a theory of global justice. I fall short of offering a complete list of human rights. Chapter 4 introduces a conception of human rights as rights that persons have in virtue of the distinctively human life. Chapter 7 begins work toward another conception that understands such rights as membership rights in the global order. Collective ownership of the earth is one source of such rights. Chapter 11 continues the work on this conception and integrates the distinctively human life as another source of rights. The conception from chapter 4 will therefore be fully integrated into the conception of human rights as membership rights in the global order, the conception I propose in this book. Chapters 12 and 13 explore how my conception makes sense of certain human rights.

Let me summarize chapter by chapter. In part 1, chapter 2 characterizes shared membership in a state as a ground and explores how this characterization bears on the selection of domestic principles of justice. Chapter 3 elaborates on differences among my pluralist view, statism, and globalism by looking at contemporary debates involving statism and globalism. Together, chapters 2 and 3 establish the state’s normative peculiarity. They also show that the

principles of justice that hold in a state are especially demanding (broadly egalitarian) principles of justice. Chapter 4 explores what justice requires in virtue of common humanity and defends my pluralist view against a prominent version of nonrelationism. To that end, I develop a conception of human rights that individuals hold in virtue of being human. The grounds in part 1 are shared membership in a state and common humanity. Part 2 explores collective ownership of the earth. Since this approach is now uncommon, chapter 5 explores how one of its protagonists, Hugo Grotius, put it to work. Grotius is also a source of inspiration for my discussions of duties from climate change, in chapter 10, and of a human right to pharmaceuticals, in chapter 12. Chapter 6 systematically develops the idea that humanity collectively owns the earth, selecting a conception I call Common Ownership.

Chapter 7 begins work on my conception of human rights as membership rights in the global order. Common Ownership is one source from which to derive such rights. Chapter 8 applies the ownership approach to immigration, arguing that states can reasonably be expected to allow immigration to the extent that they are underusing their share of three-dimensional space. Chapter 9 explores how Common Ownership illuminates duties toward future generations, and chapter 10 assesses the implications of Common Ownership for duties resulting from climate change. Part 3 turns to international structures, discussing two remaining grounds, shared membership in the global order and shared subjection to the global trading system. Thinking of membership in the global order as a ground of justice acknowledges that the earth is covered by a system of states and that there are international organizations that aim to be of global reach. World trade is highly structured and subject to numerous conventions. Involvement with the trading system too constitutes a ground. The trading system is part of that order. States too are parts of it. Nevertheless, particular principles of justice apply to them, and the same is true for the global trading system. Chapter 11 continues to develop the account of human rights as membership rights in the global order. Part 3 includes two studies of how to apply this conception to questions of the sort, “Is there a human right to X?” (Chapter 7 also offers one such study, concerning the question of whether there is a human right to relocation for inhabitants of disappearing island nations.) Chapter 12 explores whether there is a human right to essential pharmaceuticals. Chapter 13 assesses whether labor rights are human rights. Exploring the fifth ground, chapter 14 discusses how justice applies to trading. Chapter 18, in part 4, completes the discussion of trade by assessing the WTO.

Parts 1–3 explore the different grounds. Taking internationalism as established, Part 4 addresses two remaining questions, both pertaining to institutions. My approach makes the normative peculiarity of states central, as well as the existence of a system of multiple states. But states exist only contingently. If it were morally desirable for the state system to cease to exist, then my theory of global justice could not offer us an ultimate ideal of justice. That ideal would be offered by a vision of the political arrangement that should replace the system of states. So we must explore whether it is true that morally there ought to be no system of states but instead there ought to be either no states or else a global state. Answering that question is also relevant to answering the two questions concerning justification posed earlier in chapter 1. If there ought to be no state system, then it cannot be justified to people subject to it. Chapter 15 considers several arguments that find fault with the way we live now, the system of states. We explore four strategies one may deploy (a) to identify faults of the state system and (b) to use the identified moral failings to reach the conclusion that there ought to be no system of states, and thus no global order. Chapter 16 offers a sweeping objection to any attempt to argue toward the conclusion that the state system ought to cease to exist. There remains a nagging doubt about whether there ought to be states at all; nevertheless, morally and not merely pragmatically speaking, we ought not abandon states now, nor ought we aspire to do so eventually. Chapters 17 and 18 explore a question that we also encounter at several points throughout the book: what obligations do various institutions have to bring about a just world? In chapter 17 I focus on the state, drawing together the threads of my discussion and asking how the various obligations on the state to bring about a just world mesh together. In chapter 18 I begin the task of doing the same for global institutions by focusing on one, the WTO. In addition to questions of justice, we also encounter questions of accountability, on which I say a bit more now in what follows.

6. So indeed, then, there are different grounds that come with their respectively different principles of justice. For the shared membership in a state I assume that something like Rawls's two principles of justice is correct. The principles I argue in the course of this book are associated with different grounds of justice are the following:

- (1) *Shared membership in a state*: 1. Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all. 2. Social and economic inequalities are to be arranged so that

they are both (a) attached to offices and positions open to all under conditions of fair equality of opportunity and (b) to the greatest benefit of the least advantaged.

- (2) *Common humanity*: The distribution in the global population of the things to which human rights (understood as rights needed to protect the distinctively human life) generate entitlements is just only if everyone has enough of them to lead a distinctively human life (and thus if those rights are satisfied).
- (3) *Collective ownership*: The distribution of original resources and spaces of the earth among the global population is just only if everyone has the opportunity to use them to satisfy her or his basic needs, or otherwise lives under a property arrangement that provides the opportunity to satisfy basic needs.
- (4) *Membership in the global order*: The distribution in the global population of the things to which human rights (understood as membership rights) generate entitlements is just only if everyone has enough of these things for these rights to be realized.
- (5) *Trade*: The distribution of gains from trade among states is just only if no country enjoys gains that have come at the expense of people involved with the trade, where these gains occur *at the expense* of certain people if either (a) their contributions to the production of goods or the provision of services for export do not make them better off (than if they were not producing those goods at all) to an extent warranted by the value of these contributions (and they did not voluntarily accept such an arrangement), or (b) their involvement in the trade has emerged through human rights violations, or both.

I hope these principles are sufficiently intelligible for our purposes. A number of chapters in the book offer extensive commentary on them.

Every agent and institution has the duty to do what it can, within limits, to bring about the necessary conditions of just distributions, as described in the principles of justice. The first task when asking how institutions (or any entity with obligations of justice) ought to contribute to justice is to ask, for *which* principles do they have this obligation to do what they can, within limits, to bring about justice? The second question is, what is the priority ranking of those principles for this institution? When talking about priority among principles, I do not have in mind that from the standpoint of the universe, achieving justice is more important in some distributions than in others. Such a standpoint generates no priority ranking among the principles. But we can ask whether for a given agent or institution charged with trying to bring about justice there is a priority among these principles. Institutions have particular purposes (that other entities may or may not also have), have limited time and resources, and have more power and competence to influence things in some areas than in others. They may plausibly also have

their own concerns of justice that would not stand out from the standpoint of the universe but to which entities may show partiality in their execution of their general duty to do what they can to bring about justice. I assume all principles of justice can be satisfied at once within a world of multiple states. Given this assumption, the problematic aspects of granting a kind of partiality especially to states are much less troublesome than they otherwise would be.

Let us say that ground G is *embedded* in H if the individuals in the scope of G are also in the scope of H. I introduce this notion to answer the question, for which principles of justice does an institution (e.g., the state) have corresponding obligations? I respond as follows. First, we find the ground G most closely linked with the institution (in the case of the state, the ground of state membership). A ground is “linked” with an institution if the operations of the institution are primarily directed at, or most directly affect, the people in the scope associated with that ground. For instance, the operations of a state (or its government) are primarily directed at members of that state. We ask then what principles are associated with that ground, where a principle is associated with a ground if it either arises from the ground in the familiar way (e.g., as the Rawlsian principles arise from the ground of state membership) or arises from another ground in which the first ground is embedded. So this sense of a principle’s being associated with a ground is broader than what we are familiar with. Then we apply this rule: An institution has duties corresponding to all principles associated (in the broader sense) with the ground linked to the institution. This approach to deciding which principles an institution has duties to try to bring about is more restrictive than the view that entities with obligations of justice are responsible for all principles. States, for instance, have no obligations relating to Rawlsian principles in other states or, say, principles applying to people on another planet.

As far as states are concerned, I submit the following list of principles of justice that ascribe obligations to states, in order of priority (which reflects my own considered judgment):

1. Within the state, each person has the same infeasible claim to an adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.
2. (a) The distribution in the global population of the things to which human rights (understood as membership rights) generate entitlements is just only if everyone has enough of them for these rights to be realized. (b) The distribution of original resources and spaces of the earth among the global population is just only if everyone has the

opportunity to use them to satisfy her or his basic needs, or otherwise lives under a property arrangement that provides the opportunity to satisfy basic needs.

(Principles 2(a) and 2(b) are at the same level of priority.)

3. Within the state, each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.

4. Social and economic inequalities are to be arranged so that they are both (a) attached to offices and positions open to all under conditions of fair equality of opportunity, and (b) to the greatest benefit of the least advantaged.

(4 (a) has priority over 4 (b).)

Once again the discussions throughout a number of chapters in *On Global Justice* provide an extended commentary on their meaning and implications, especially for items 2 (a) and 2 (b), which have a rather complex background, and also have implications with regard to future generations. But in this case too I hope that the statement is clear enough for present purposes. Two grounds do not appear on this list of principles as they apply to the state: common humanity and subjection to the trade regime. The implications of common humanity are subsumed under 2 (a). To the extent that trade creates obligations for states pertaining to other states, they too are subsumed under 2 (a). To the extent that trade creates domestic obligations, they are subsumed under principle 4. This does not mean that trade does not generate demands of justice; it merely means that the principles on this list are sufficiently general to absorb these demands to the extent that they apply *to states*.

Rawls's first principle appears in two versions. Principle 1 omits the word "fully." States need not help improve the fates of noncitizens if circumstances do not allow them to realize a *broadly adequate* scheme of equal basic liberties for their citizens, but this scheme does not need to be *fully* adequate before obligations to help improve the fates of others apply. If citizens of a state are in a position to enjoy a broadly adequate scheme of equal basic liberties, the duties generated by principle 2 have greater importance than the provision of a *fully* adequate scheme of equal basic liberties. A certain level of deficiency in the realization of Rawls's original first principle should not discourage states from doing their share for obligations under principle 2. Principle 3 restates Rawls's first principle, including the word "fully," to capture his own

prioritizing of his principle over his second principle (my principle 4). Principle 2 requires *considerable* policy changes vis-à-vis the status quo.

In addition to principles of justice *On Global Justice* also argues for some demands of reasonable conduct that are weaker than the demands of justice. Those demands – which I again state without elaboration -- concern immigration policies and intergenerational equality:

(α) *Immigration*: If the territory of state S is relatively underused, co-owners elsewhere have a pro tanto claim to immigration.

(β) *Intergenerational equality*: Each generation can reasonably be expected to leave a nondeclining stock of natural capital behind (*strong sustainability*).

(γ) *Absorptive capacity*: Regulation of access to the absorptive capacity of the atmosphere ought to be done in terms of ideas of fair division.

The grounds-of-justice approach dilutes the contrast between domestic and foreign policy. To ensure acceptability of the global order, governments can reasonably be expected to assume responsibility for a globally even-handed (and to some extent harmonized) immigration policy. Ensuring acceptability also requires the implementation of a climate change policy. Governments must not neglect duties with regard to immigration, climate change or future generations even if (given *current* policies) discharging such duties threatens disproportionately to affect disadvantaged segments of society. Social policy must be reformed, then, and especially domestic tax codes must be adjusted accordingly. Inheritance taxes and other taxes targeting the increasingly large share of the very wealthy in rich countries' economies are particularly suitable sources of income that could help with discharging international duties. Governments must think of matters of domestic and global justice together rather than in isolation and with distinct priority for domestic matters.

But entities like the state do not only have obligations of justice (and of reasonable conduct). They also have an additional duty to *give account* for what they do to realize their obligations of justice, and have this duty towards those who are in the scope of the relevant principles of justice. That is, an entity A with an obligation of justice to entity B owes an actual justification to B for what it does to realize this duty. Such account giving may take on rather different forms depending on whether it involves immediate interaction between the parties in this relationship. Moreover, such account giving can be more or less effective, depending on (roughly speaking) whether the account recipient can impose sanctions on the account giver as

appropriate and thereby set incentives for the account giver to make sure the duties in question are executed. Chapter 17 of *On Global Justice* argues in detail why the presence of obligations of justice implies obligations to give account. In a nutshell, there are two arguments. One is an argument from respect. Too much is at stake when claims of justice are under consideration. So respect for those to whom these particular duties are owed requires that an actual account be given. Arguments from respect are ubiquitous, but it is in the context of a theory of justice that they do real work. Furthermore, there is the instrumental argument that the requirement of an actual justification increases chances that justice will be done.

7. Within states, *democratic* mechanisms offer the appropriate form for governments to give account to its citizens for what they do to realize the principles of justice that only concern the members of the given society. However, a government that is democratically accountable to its citizens for domestic justice has strong incentives to neglect other duties. The problem is not merely that the dynamics of electoral politics—the ability and willingness of political parties to make promises they can realize only by neglecting other duties—might *occasionally* interfere with other values. The real problem is that voters are preoccupied with their own concerns. Politicians cater to these preoccupations, running the risk of being penalized in elections if they fail to do so. This normally implies a high degree of political inward-directedness. To the extent that domestic politics seeks to realize justice, efforts focus on domestic principles. The problem we have detected concerns both the pursuit of justice as far as it involves noncitizens and the state's ability to give account to them. Yet not only do governments have other duties, they are also accountable to those in the scope of other principles of justice. Thus the fact that governments are accountable in this way for principles of *domestic* justice creates a challenge for finding accountability mechanisms related to *other* principles of justice.

Since governments have a disincentive to give account to people other than their own citizens, would not *global democracy* be the appropriate accountability mechanism? For instance, the global population might elect representatives who would be ultimately accountable to them while states would be intermediately accountable to them. Another, more demanding possibility would be that noncitizens join citizens in having voting rights with respect to the government of each state. Each government would be ultimately accountable to the world population.

However, while the ideas behind democracy apply to all human beings, they have institutional implications respectively only for appropriately organized groups, groups that share a sense of common destiny and communicate with one another on issues of public policy. Nonetheless, in recent decades much work has been done to explore whether some kind of democratic governance would be appropriate or required outside of states. To be sure, cosmopolitan democrats do not generally seek to abandon states. They think of states as units within a multilayered governance system. That system includes intergovernmental institutions whose members are states, as well as cosmopolitan institutions that are ultimately accountable to all human beings on a “one citizen, one vote” basis. World citizenship and national citizenship would coexist in a system of autonomous but complementary units. Representation in the UN and elsewhere should be strengthened. Transnational civil society and especially nongovernmental organizations (NGOs) should participate in governance.

One may muster a number of reasons for a cosmopolitan democracy: an appropriate consideration of the interests of all involved requires global democracy; democracy has bestowed more benefits than other forms of governments in domains in which it has been tried (city-states, territorial states), and there is reason to think that this will be true at the global level; international society is already thickly institutionalized, and individuals increasingly have multilayered identities, corresponding to economic globalization. These potentially overlapping identities provide the basis for participation in global civil society. In due course, states will “wither away,” the demoi of domestic politics submitting to the global demos. Crucially, cosmopolitan democrats might say that the current absence of a global demos does not affect their argument. A global demos does not need to precede global democratic institutions. Instead, their creation may help with the formation of such a demos. More plausibly, gradual reform toward global democratic institutions would also gradually lead toward a global demos.

Cosmopolitan democrats are partly right. On the one hand, justice requires accountability, and requires it to be as effective as reasonably possible. Given the disincentives that democratic domestic politics creates for governments to pursue justice if it concerns only noncitizens, account giving to noncitizens is not sensibly placed into a domestic institutional framework. It is as far as these matters are concerned that the cosmopolitan democrats are correct. They are also correct that the absence of a global demos does not settle the question of how account giving should occur that does not merely address fellow citizens. But on the other

hand, the results from chapter 16 of *On Global Justice* – which I presuppose now -- imply that we should not now aim for the kind of fundamental change involved in creating a global demos. Crucially, we do not understand a world with a global demos well enough to take a vision of such a world to be action guiding. The point is not merely that we should not seek to create such a world immediately, but that we should *not now actively aim* to create it at all, even step by step, given that we do not understand well enough what such a world would be like. We can of course simply *stipulate* that it would be a world *with a global demos*, much like in a mathematical model we can make any assumptions we like (as long as they are consistent), but we do not have enough historical and social scientific experience to tell us what kind of change steps we might take towards creating such a world would bring about, and thus what, taken altogether, such a world would be like. These results critically supplement the point that there currently is no global demos. Perhaps states will wither away, and we must then reconsider what counts as realistic utopia. But saying *that* is strikingly different from *now* urging reforms designed to create a global demos. We must find ways of holding states accountable for such matters, short of presupposing or aiming for a global demos.

The considerations of the last paragraphs lead to the conclusion that it is *international organizations* or other entities of global administrative law that most plausibly create the context in which states give account to noncitizens for their contributions to justice. After all, domestic politics is not the right setting, nor is a form of global democracy. Those entities would be transnational or even global in nature but would neither presuppose nor seek to bring about a global demos. In one way or another, they would critically involve states, or at least respect their presence. At the same time, giving account within such entities is different from, and considerably more effective than, simply giving account to other states directly, without an institutional framework that structures the relevant activities and could impose sanctions. Similarly, giving account within such entities is more effective than giving account to NGOs that cannot enlist the sanctioning power of states. When we think about the design of such entities, we must be aware that centuries of learning about democracy teach little for global institutions. Those must go through a learning process that is entirely their own.

8. We have now begun to discuss how international organizations enter into my theory of global justice. One important role they play is that they are the most plausible place where states can

give account for how they go about certain obligations of justice that pertain to those who are not members of the state in question. Which international organization is best suited to be the place where such account giving occurs depends on the content of the duties in question. The WTO, for instance, is the natural place where states should give account for how they go about their obligations regarding matters of justice in trade. But there is more to be said about international organizations within the confines of my theory. Let me discuss these matters further using the WTO as an example.

What duties of justice does the WTO have? Again, every institution has the duty to do what it can, within limits, to bring about the necessary conditions of just distributions. To answer the question of what duties the WTO has, the first step, in my pluralistic theory, is to ask, which of the various principles does the WTO have a duty to do what it can, within limits, to try to realize? As for states, we must ask whether there is a ground most closely linked with the WTO. This is (obviously) shared subjection to the global trading system. States have obligations to bring about justice in trade (see above for a statement of the relevant principle), and so does the WTO. In fact, the relationship between the WTO and this principle is parallel to that between states and the Rawlsian principles. We noted earlier that this principle of justice in trade drops out of the list of principles that apply to *states*—not because trade does not generate demands of justice but because the principles on that list are general enough to absorb them. But given the policy domain for which the WTO has been put in place, that is not the case here. Next we ask in which other grounds that first ground is embedded, and are directed to collective ownership of the earth, membership in the global order, and common humanity. We conclude that the relevant principles with regard to which the WTO has obligations are those associated with these four grounds.

These results contradict views that limit the WTO to trade liberalization. Nonetheless, the extent to which the WTO must be guided by principles associated with those other grounds is bounded by what trade can achieve, which is an empirical question. Still, just as states cannot limit themselves to duties in virtue of shared membership, the WTO cannot *ex ante* limit itself to trade regulation. One striking consequence of the result that the WTO has duties to realize principles that have all of humanity in their scope is that the WTO has obligations to the citizens of nonmember countries as well as to those of member countries. The WTO is already officially concerned with more than trade or efficiency. The preamble of the Marrakesh Agreement talks

about “reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade.” Yet these goals should be pursued “with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand,” as well as with a view to ensuring that “developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development.” Limited as it is, moral language appears in the WTO’s mandate. This language ought to include justice.

We can make another argument to assess what duties the WTO has when it comes to justice. Entities that are empowered by states and whose activities affect the satisfaction of the obligations to which states are subject ought to assist states with their duties. In virtue of having been founded by and receiving power from states, such entities are subject to demands of justice that apply to states, namely, those with regard to the domain for which they were founded. Therefore, the WTO ought to help states realize obligations *they* have in virtue of being involved with the trade system. What is important to note is that this implication also concerns *purely domestic* obligations of trade. We have yet to discuss how the WTO ought to be accountable, which adds demands on the organization. However, a commitment to *justice* ought to be added to the moral commitments in the mandate. Most important, given the set of principles of justice that internationalism advances, the WTO must have a human rights–oriented mandate. Since the view of human rights that I defend implies a duty of assistance in building institutions, the WTO also has a development-oriented mandate that derives from this human rights–oriented mandate.

As we already noted, the organization devoted to regulating trade is also the natural candidate within which states ought to account for their pursuit of fairness in trade, as well as for the realization of other principles that can be effectively pursued via trade instruments. Governments should participate in the WTO partly as account givers, partly as recipients qua representatives of their people. Within WTO structures, governments should explain how they seek to realize justice, subjecting themselves to scrutiny by other governments, WTO staff, and plausibly also NGOs or independent experts. States would be intermediately accountable to the WTO (which would be utilized to achieve effectiveness) but would ultimately be accountable to the global population. To be accountable to the WTO would mean to be accountable to other states organized within the WTO, but also to WTO staff and suitable NGOs. For instance, for the principle of justice in trade—that the distribution of gains from trade is just only if no country

enjoys gains that have come at the expense of people involved with the trade—states should have to give periodic reports on whether or not their benefits from imports or exports are tainted in this way. WTO expertise should help determine what kind of gains would count as tainted. NGOs and independent experts may also help with the problem that many governments do not represent their people. Care must be taken that NGOs increase the effectiveness of account giving rather than that of special interests. Effective account giving requires that the recipients be in a position to pass informed judgment and impose sanctions. Empowerment of poor members is essential, to make sure the WTO takes seriously its duties in pursuit of justice, and to make sure effective account giving occurs. Poor countries must have standing in the WTO. At least, they must be properly represented. This requires financial and logistical support, which richer members must provide.

Inquiries into what we ought to do to realize justice may call for new institutions. For trade, there already exists an institution we can charge with some relevant tasks. The WTO is only one of the organizations whose role we must reconsider in light of what pluralist internationalism requires. And formal organizations are only one among several kinds of entities in global administrative law whose role in the realization of justice we must either reconsider or explore in the first place. This précis has only sketched a few themes from my own approach to these questions about institutions and the larger context of global justice into which those questions are embedded. *On Global Justice* develops these themes in detail, and *Global Political Philosophy* offers an introduction to the field of political philosophy that makes questions of global justice central. Needless to say, much work remains to be done.

Works Cited

- Arendt, Hannah. 1958. *The Human Condition*. Chicago: University of Chicago Press
- George, Henry. 1871. *Our Land and Land Policy, National and State*. San Francisco: White & Bauer
- Passmore, John. 1974. *Man's Responsibility for Nature. Ecological Problems and Western Traditions*. London: Duckworth

Risse, Mathias. 2006. "What to Say about the State." *Social Theory and Practice* 32 (4): 671-698