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Sleat, M. (2016) *The Value of Global Justice: Realism and Moralism*. *Journal of International Political Theory*, 12 (2). pp. 169-184. ISSN 1755-0882

<https://doi.org/10.1177/1755088216628323>

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The Value of Global Justice: Realism and Moralism

A realist perspective on global justice might sound like something of a misnomer. Realists, after all, think that interests, power and conflict characterise international politics. Moral notions like justice can play no meaningful role in political life: humans are naturally too aggressive or uncooperative (Zolo, 1998) or the character of the international system is such that it would be irrational (possibly even wrong) for states to concern themselves with the welfare of those beyond their borders over their own national security (Art and Waltz, 1983). But as the latest research into realist political thought has demonstrated, this view of realism as an amoral or normatively neutral theory of politics is significantly impoverished and obscures a richer and more complex way of thinking about political life. It is interesting, however, that this recent revival of interest in realist political thought has yet to apply itself to international politics, limiting itself very much to traditional 'domestic' theorising.¹ This paper hopes to make a first attempt to see what, if anything, political realism (properly understood) might have to say about global justice.

Much of what realism has to say is predictably critical and in the first part of the paper I shall set out how realism challenges the familiar statist and cosmopolitan accounts of global justice - and in particular their accounts of the scope and grounds of global justice - on the basis that they are both forms of political moralism. That realism would not be too sympathetic especially to some of the more morally ambitious forms of cosmopolitan accounts of global justice is unlikely to be hugely surprising; the critique of statism may be a little more unexpected, especially as it is often billed as an explicitly 'political' take on global justice.

The second half of the paper attempts to be more constructive insofar as it tries to set out what it would mean to think about global justice as a political value, which is to say what role it has or could have in helping us make sense of international politics (with all that realism takes *politics* to entail). But this will necessarily be very tentative; it is not for no reason that realism is intuitively seen as hostile to global justice. I am conscious that what I shall suggest runs the risk of not saying enough for global justice theorists, and possibly too much for realists. For the latter, it really is far from clear whether realist theory can be applied to the international sphere at all, and maybe especially not in the way I endeavour to do so here. I offer my suggestions very much in the spirit of experimentation. If in the end it turns out that this attempt to think about international politics realistically stretches the concepts of realism too far, then we learn something in the trying. Though what we learn might tell us more about the limits of realism than it does anything else, and I for one would be very disappointed if it turned out realist thought has nothing interesting to say about international politics. And from the other side of the debate, cosmopolitans and statistes alike are liable to find what I do have to say about how we can think politically about global justice insufficient, not least because it does not offer the possibility of a systematic normative theory from which we can develop different conceptions of justice. To that I would stress from the outset that realism asks us to think harder about the sort of political theory we need, and if realism can be normative - and there are some who deny that it can (Erman and Möller, 2015) - it will not be normative in the same way as most other positions within this debate. Realism is not to sit alongside existing theories in offering

alternative conceptions of global justice, but is better thought of as challenging a particular way of thinking about the problem that it addresses in the first place.

Statism, Cosmopolitanism and the Scope of Justice

One of the central debates of global justice, and one that has important ramifications for how we think about justice at the global level, is its scope: to whom do we owe justice? Without reducing discussions of the scope of global justice too crudely, it can be said that there are broadly two positions on this issue, statist and cosmopolitan. Their central disagreement can be characterised as a dispute as to how wide or inclusive the constituency of justice stretches. Do we have obligations of justice to all human beings (cosmopolitanism) or only to those with whom we happen to be co-members of the same state (statists)?

The difference in scope between statists and cosmopolitans is underpinned by a more fundamental theoretical disagreement about the grounds of justice, or the basis on which normative relations of justice arise. For statists, justice only pertains between those who are members of the same political community in virtue of certain morally salient facts about the character of co-membership. Where those facts are absent, justice does not apply. So because relations between people of different states do not have these characteristics, they cannot and should not be regulated by justice. The 'should' here is probably best understood in terms of a category mistake. Just as it would be inappropriate to think that the various rights, responsibilities, duties and expectations that pertain between a parent and child, say, also pertain to that between an employer and an employee, so it would be a mistake to assume that the relationship between those of different states is equivalent to that of those within the same state, writ large.

Statists disagree as to exactly which features of shared political membership are morally relevant in determining that the constituency of justice extends no further than the boundaries of the state. One possibility is that the state represents a very particular form of association that seeks mutual advantage for all members via cooperation. The role of principles of justice is to provide the fair terms of that social cooperation; they 'specify the basic rights and duties to be assigned by the main political and social institutions [the basic structure], and they regulate the division of benefits arising from social cooperation and allot the burdens necessary to sustain it' (Rawls, 1999, p. 7. For a similar argument see Freeman, 2007). Concerns of social justice only arise between people who share the same basic political, legal, social, and economic structures which regulate how they operate and co-operate. Justice does not apply to the rules of any other form of association, churches, clubs, or companies, for instance, as they lack the institutions to which justice relate. Nor can the demands of justice simply be extrapolated from the state and applied at the international level, for while there might be all sort of inter-state institutions none of these create the sort of relationships between persons regulated by a basic structure to which justice applies.

The other familiar statist account of the grounds of justice focuses on the place of coercion within states. The moral significance of coercion is a little difficult to pin down.

Thomas Nagel, for instance, who is a key advocate of this position claims (and it is worth quoting in full):

A sovereign state is not just a cooperative enterprise for mutual advantage. The societal rules determining its basic structure are coercively imposed: it is not a voluntary association. I submit that it is this complex fact—that we are both putative joint authors of the coercively imposed system, and subject to its norms, i.e., expected to accept their authority even when the collective decision diverges from our personal preferences—that creates the special presumption against arbitrary inequalities in our treatment by the system.

Without being given a choice, we are assigned a role in the collective life of a particular society. The society makes us responsible for its acts, which are taken in our name and on which, in a democracy, we may even have some influence; and it holds us responsible for obeying its laws and conforming to its norms, thereby supporting the institutions through which advantages and disadvantages are created and distributed. Insofar as those institutions admit arbitrary inequalities, we are, even though the responsibility has been simply handed to us, responsible for them, and we therefore have standing to ask why we should accept them. This request for justification has moral weight even if we have in practice no choice but to live under the existing regime. The reason is that its requirements claim our active cooperation, and this cannot be legitimately done without justification—otherwise it is pure coercion (2005, p. 128-9).

Nagel's claim is that states are coercive because they impose a basic structure upon us. But in order to be able to make sense of the claim that we bear some responsibility for that structure, as well as reason to obey it (so that it is not merely imposed upon us), we are entitled to demand that that structure, and in particular the inequalities that it produces, be in accordance with principles of justice. Co-membership of a state therefore places us under a common coercive structure which creates the moral relationships that are properly regulated by justice.

Both accounts of these statist position are attempts to limit the scope of justice by demonstrating that the moral constituency of people to whom we owe duties of justice extend no further than the boundaries of the state. While statism is often called political this is because it takes justice to apply exclusively in certain political contexts (however identified). It is in that sense that justice is a political virtue. But identifying the scope of justice itself becomes a moral question, and statism is only political insofar as certain political relationships (i.e. state membership) happen to be *morally* salient for the purposes of justice. Nagel is unequivocal about this. He asks 'What is the overall moral outlook that best fits the political conception of justice?' (2005, p. 131) and suggests that the answer to that lies in a vision of morality that is 'essentially multilayered'. There is one layer that consists of a set of noncontingent universal relations in which we stand to everyone, and which generates a right for all to live in a just society, and then a 'new moral level' in which special obligations arise from contingent personal relations of co-

membership of the same state ('once the state exists, we are in a new moral situation'). The right to live in a just society is the right that the society one lives in be justly governed, and does not generate any obligation to live in a just society with everyone. (2005, p. 132-3) These contingent moral relations remain governed by a universal requirement of equality but one that is strictly conditional in form insofar as we 'are required to accord equal status to anyone with whom we are joined in a strong and coercively imposed political community'. This does not subtract from the prior condition of universal moral concern we have for all persons (and which are best thought of in terms of humanitarianism rather than justice, Nagel thinks), it only moves our moral relations to a different level. But Nagel is keen to stress that these different layers of morality remain part of coherent conception of morality, 'shaped by the Kantian ideal of a kingdom of ends whose members do not share a common set of ends' (2005, p. 132).

Cosmopolitans, on the other hand, disregard any notion that membership of a particular state creates morally significant relationships that limit the scope of justice. While varieties of cosmopolitanism abound, at the heart of them all lies a 'denial that membership of a society is of deep moral significance when the claims that people can legitimately make on one another are assessed (Barry, 1998: 145). This denial is grounded in the central ideal 'that every human being has a global stature as an ultimate unit of moral concern' (Pogge, 1992: 48) and hence that duties of justice apply between all people regardless of state or other group membership (voluntary or involuntary). Cosmopolitans disagree as to what justice requires, both in terms of the goods or ills that justice is to be concerned with (e.g. basic needs, human rights, preference satisfaction, the avoidance of pain, wealth) and the relative or absolute standards that any just system must meet in relation to those, as well as the forms of international government or governance best suited to realise the principles of justice in practice. They also hold differing accounts of the moral grounds of this universal moral equality, with contractarianism, rights and consequentialism being three of the most familiar theoretical foundations (see Caney, 2001). But it is of the essence of any cosmopolitanism that the scope of justice extends to all humanity, grounded in a moral-ontological account of the primacy and equal moral value of all individuals.

Cosmopolitanism and Statism as Moralism

Realism has re-emerged as a form of political theorising largely in response to what has been interpreted as an excessive moralism in much contemporary political philosophy, especially in that neo-Kantian strand of theory that came to dominate the discipline in the final third of the twentieth-century exemplified in different ways by the work of John Rawls (1999) and Jürgen Habermas (1997). What is of particular concern is the manner in which such theorising reduces politics to morality, and in doing so is unable to consider politics as anything other than a secondary activity through which moral ideals are realised in practice. Politics becomes merely the instrument of the moral. There is little specific about politics itself for (normative) political theorists to concern themselves with: their task is either to identify the moral ends which politics should serve (freedom, rights, justice, etc.) or to demarcate the moral limits of rightful political action (Williams, 2005). Yet this overlooks the extent to which the political is a distinct sphere of human activity that has its own discrete origins, character, sources of normativity, and ends. This need not imply bold and implausible assertions that politics is completely autonomous from all

other human activities, in particular of morality (Scheuerman 2013). But it does mean that something is missing from our understanding of politics if we lose sight of the ways in which it cannot be reduced to morality and adopt the correlative account of political theory as applied ethics (Geuss 2008).

That cosmopolitanism will be identified as a form of political moralism is hardly surprising. To think about politics from a cosmopolitan perspective is not to think in terms of conflict, interests and power, but in terms of foundational universal moral principles. The politics of conflict, interests and power only become relevant when we get to the institutional question of how we implement cosmopolitan ideals in the non-ideal world (regrettably) characterised by such features. And this view of the relationship between morality and politics gives structure to much of the contemporary cosmopolitan literature, enabling an avowed division of labour between the foundational theoretical work carried out on *moral* cosmopolitanism - what the grounds of our moral commitments to others might be, their scope, and content - and the *political* or institutional cosmopolitanism that explores which institutions and political frameworks might satisfy those commitments in practice (see, for instance: Beitz, 1994; Barry, 1998; Miller, 2007; Tan, 2004). Politics is only attended to at the second stage of applying the moral theory of cosmopolitanism in practice. It is relevant only when it comes to the questions of how our actual political world might create certain feasibility constraints on what is possible or the motivational limits of states and people to act in accordance with the demands of justice. But politics itself does not enter the picture at the initial stage of deciding the grounds, scope and content of those principles themselves. That is a purely moral question.

To be clear, the problem with cosmopolitanism is *not* that it erroneously thinks politics can or should strive towards moral ends. Any realistic theory that overlooked, say, the importance and influence of the rights discourse in setting the agenda in international politics over the past six decades would be deeply unrealistic. What realism takes umbrage with is that the moral grounds on which cosmopolitanism is based, the liberal view of the autonomous person, for instance, or human rights, are taken to be the normative foundations of politics *per se*. Kok-Chor Tan, for instance, sees no difficulty in asserting 'It is a common view that *any* plausible political philosophy ... must begin from the premise that citizens are entitled to equal respect and concern ... [A]ny defensible political philosophy must endorse this so-called "egalitarian plateau"' (emphasis added), and within the space of a page move from there to the claim that 'if one accepts egalitarian liberalism in its general form, one ought also to be a cosmopolitan' (2004: 6-7). This leaves no space for the thought, simple but significant, that cosmopolitanism might represent a contested and controversial moral and political position in the real world (regardless of whether it is morally and philosophically right or not), and that any plausible political philosophy might actually need to start from the fact of disagreement about foundational moral principles rather than simply assume one particular and contentious set of values and work up from there.ⁱⁱ Not only is this an insufficient way of conceptualising politics (as 'applied ethics'), it also leaves cosmopolitanism unable to satisfactorily think through other aspects of our political experience such as power.

To give an illustration of this: At the more idealistic end of the cosmopolitan spectrum, Daniel Archibugi recommends we 'delegate to structures devoid of coercive powers (international judicial bodies, institutions of world citizens) the job of establishing when force

should be used, while asking states, who monopolise the means of military might, to acquiesce in their decisions' (2003, p. 12). To this Geoffrey Hawthorn rightly responded, 'everything here depends on the 'asking'. Any one may ask. But if they may only ask, none need listen' (2003, p. 20). If such an assembly is to be anything more than a toothless talking-shop then it would need the capacity to enforce its orders, which entails that it would need to be armed (probably including with nuclear weapons), so as to represent the sort of threat that states would not dare disobey, and have the means to finance its operation. Such a cosmopolitan assembly would need power in order to impose its cosmopolitan wishes on recalcitrant states. And such a vast global institution, legislature and executive at the same time, would itself become managed by professional politicians who would, as is the fate of all bureaucracies, develop its own interests and will to power. It would become a player in the game of international politics; an immensely powerful one, though not one that transcends politics but instead furthers a particular contested and partisan political agenda. Archibugi's vision of the institutions of cosmopolitan democracy is clearly and consciously utopian, and it goes without saying that not all (indeed, not many) cosmopolitans would endorse such a position. But even those less ambitious cosmopolitan visions of global governance have to reckon with the fact that existing institutions ostensibly committed to universal moral ends that cosmopolitans endorse (financial institutions like the World Bank, or the IMF, intergovernmental organisations like the EU or UN, or even international NGOs such as Oxfam, Amnesty International or Greenpeace) - no doubt all manned by virtuous and right-minded people - have had to become political agents in their own right seeking power and influence to further their often noble but always contested causes.

As a way of thinking about politics, cosmopolitanism therefore seems naturally inclined towards being moralistic in giving priority to morality over politics through taking moral values to represent the proper ends and limits of political action. Ethics settles the question of value and principle which then inform the principles of justice that are taken to be normatively authoritative for the political domain. For its supporters, this is the strength of cosmopolitanism: the promise of a politics that serves truly universal moral ends in the service of all people across the globe. Yet the worry is that this evacuates much that is specific to politics from the theory, relegating the political to a secondary question of how we implement moral theory in practice rather than representing any discrete ends, values, or concerns in its own right that are relevant to how we theorise politics itself.

Turning to the question of the scope of justice, statism and cosmopolitanism share the common theoretical strategy of identifying those morally salient facts which determine that (moral) constituency of persons to whom we owe duties of justice. The question of the scope of justice is a moral question to be given a moral answer. *If* it is a political question also, maybe insofar as it answers something like 'What should be done?', the 'should' is nevertheless the equivalent of a moral ought. The politics of the question of whom we stand to in relations of justice is reduced to a moral inquiry into which relationships between persons possess the right sort of ethical features to ground such relationships. That realism should be critical of the statist position on global justice might be surprising, especially as its limiting the scope of justice to within states based on the nature of the relationship created between individuals who are co-members of the same political association has often led it to be described as 'political' (Nagel, 2005). Intuitively we might think that realism would support the statist position in global justice.

Yet these political accounts of global justice are but variations on a moralist theme. Statism does not call into question the notion that justice is a virtue that applies to people who sit in a certain sort of *moral* relationship. It disagrees with cosmopolitanism on what that relationship is, its scope and grounds, but it does not question that justice is a moral virtue. The political relationship of state membership is of importance insofar as it generates networks of moral rights and obligations. Statism is 'political' only in the sense that it takes aspects of politics - cooperation or coercion - to be *morally* significant. Justice remains a moral relationship, albeit one limited to the boundaries of political associations (states). Or put differently, justice pertains to those relationships that we call political - which are a sub-category of moral relationships.

To be sure, statism's focus on particular aspects of the political, coercion in particular, ensure that it won't be as easily vulnerable to the charge that it overlooks features of our real political experience. That said, what Nagel, a key advocate of this position, takes to be significant about coercion seems to be the classic liberal concern about being forced to live according to wills other than our own. If such coercion remains unjustified then we cannot make sense of ourselves as 'putative joint authors of the coercively imposed system'. States would be nothing other than pure coercive systems. This may sound similar to the claims made by realists regarding the basic legitimation demand, but they are importantly different: For Nagel coercive power must be justified in light of individuals' status as moral autonomous agents (what we might call the moral right to justification). The legitimation of power is a moral issue. In realism, as we shall see, the demand that coercive power be justified arises from within politics as intrinsic to determining whether a form of rule is political or not. The legitimation of power is a political issue. It is impossible to say more about why this is so, and how it differs from cosmopolitanism and statism, without saying more about realism's account of politics, to which we now turn.

Realism and the Political

Unless one thinks that politics is epiphenomenal on some other more basic activity, morality or economics for instance, then it would seem appropriate that our thinking about politics should be suitably sensitive to the manner in which it can be understood, as far as is possible, in terms that are internal to the political itself. This is not to deny that politics is related to these other activities, only that it can be reduced to them. One good place to start is with a fairly basic conceptual point that there is a normative difference between politics and domination, rule by right and rule by coercion. Might is not right; the ability to rule is not as the same as the right to do so. Politics is a form of governing through authoritative order, with the corollary right to expect the obedience of those subject to that rule in recognition of that right; domination is a form of governing through might - force alone - through which we can only expect others to obey out of fear of violence and coercion.ⁱⁱⁱ The character of political rule is therefore significantly different from order created through domination. Although they might share the same function of resolving conflict, of providing a determinate decision on matters over which we disagree, the attempt (for it is not always successful) to rule politically necessarily implies the appeal to authority rather than brute coercion in order to explain or justify why those who would not otherwise be compliant should obey.

Such appeals to authority, to the right to rule, will need to be justified with reference to specific or principled grounds in order to explain why those subject to such rule should recognise it as authoritative, that is to say, deserving of their obedience and their refraining from resisting or rebelling in cases where they might disagree. Providing these legitimisation stories, a response to what Bernard Williams called the 'basic legitimisation demand (BLD)', is inherent in any form of order being properly speaking political (Williams 2005, p. 5. See also Philp 2007: 56; Sleat 2014). It is for this reason that it is the *first* political question, first in the sense that it is the question to which an answer must be provided so that we can talk of political rule and politics at all. Any political form of rule must therefore offer a response to the basic legitimisation demand that enables those subject to it to recognise it as authoritative. And so with the issue of the legitimisation of power, which follows from the basic distinction between politics and domination, we have a theoretical foundation for thinking about politics that starts within the political itself.

The legitimisation of power is a concrete and necessarily local practice that takes place in relation to a particular constituency of people and the institutional structures that claim the right to rule over them. Hence what counts as normatively salient in terms of justifying a form of rule as legitimate (and therefore political) can be expected to differ significantly between people across time and space. For us, faced with the prospect of making sense of liberal orders as legitimate, we have a series of normative resources (the autonomous view of the person, human rights, the rejection of natural accounts of slavery or gender hierarchy, etc.) that we can draw upon that help us recognise them as such. Not all people will take the same reasons to have any normative purchase when it comes to the task of legitimating order (the liberal vision of the autonomous individual would not have any salience in many pre-modern societies, and is hardly universally accepted today), and likewise justifications we once recognised as powerful, for instance of natural hierarchies of authority or the divine right of kings, no longer have any normative pull upon us. Furthermore, the category of reasons that can be drawn upon to legitimate power are not limited to the moral. Other reasons, such as economic growth, stability, efficiency, or keeping with tradition or established procedures, may also be relevant depending on the context, maybe even more so than moral concerns. The point is that there are a plethora of resources, only some of which will be moral, that people can draw upon to legitimate power but that they will always have only local force. The search for universal grounds of legitimate rule that will be true for all people in all places and times will necessarily be a misguided endeavour.

One great advantage of starting our thinking about politics within the political itself (via the question of the legitimisation of power) is that it allows theory to be sufficiently sensitive to the context in which politics arises and the specific means that it employs. Politics provides *authoritative* order in conditions of disagreement where there are questions of public or common concern yet we hold conflicting ideas about what should be done. It enables us to live together under authoritative and collectively binding decisions without which humans would be fated to communal lives of domination. Which disagreements demand collective decisions is itself a political question (and so requires a political answer); philosophy cannot determine these in advance. But the necessarily partisan nature of politics, the fact that it is a sphere of competition between different interests and values regulated by authoritative order, means that the political will always be characterised by power, the struggle to obtain it and to influence the way in which it is employed (Weber, 1994). Once we accept that politics takes place in conditions of

disagreement, the most basic notion of power - of being forced to act in ways you otherwise would not - becomes inevitable. Politics always requires forcing some to act according to the will of others. To ground our theoretical accounts of politics in morality is to fall foul of the illusion that there is a sure foundation upon which a form of politics can be built that evades the sources of disagreement in human life and in doing so cleanse the political of partial interests, conflicts, and power.

Realism and Global Justice

Politics is a form of order via authority and hence must be recognisable as legitimate to those who are subject to it. This means that we must be able to understand our political authority - our state - as authoritative according to reasons that have normative force for us. It is at this point, as a normative resource for responding to the first political question, that justice *can* enter the realist picture. But before I go on to discuss this it is worth making a detour to ensure that the same realist picture which we have just described at the domestic level in the previous section can also be applied to the international sphere, for it is not immediately obvious that it can. Once this has been established we can come back to the question of the role of justice, global and domestic.

Political developments since the end of the Second World War such as the creation of international organisations like the United Nations (UN), International Criminal Court (ICC), and the World Bank, alongside the post-Cold War economic trend towards neo-liberal globalisation, are often used to evidence the new era of a truly *global* politics. Regardless of whether one is sceptical about these claims, or the extent to which they represent anything new, nevertheless, as Philp states:

it is possible to see in this context a rather traditional set of concerns - with the management of conflict, the ordering of relations between global forces, the effect of trans-state activities on the lives and welfare of members of one's own nation-state, and the creation of a degree of collective action and coordination. There may be more governance than government, more conciliation and networking than authoritative imposition of rules and regulations, but the attempt to allocate values continues (2007: 63).

If that is true, then it would seem proper that we do speak here of something like global or international *politics*. That the international institutions that are part of this global politics have developed into sites of political authority, or at least make claims to being authoritative, therefore poses the first political question as to whether such governance is authoritative. And those institutions have authority when states recognise their right to make binding decisions as to how they can act (domestic and international) even when those decisions run counter to states' own policies and interests. So it would seem that we can tell a suitably analogous story of claims of

authority and demands for legitimacy at the international level in order to get the realist story going.

Yet one difference worth noting between the domestic and global realist picture is that it is not the case - at least not yet - that the first political question poses itself in quite the same way in both instances. And there are a few reasons for this. The first is that what we are trying to make sense of vis-à-vis international institutions is not quite the same as what we need to make sense of in relation to the state. Global governance is a political order different from the state. The authority that stands in need of legitimation lacks a monopoly on the legitimate use of coercive power (Zürn and Stephen, 2010, p. 93). Hence the question we are faced with is not, as it is at the domestic level, whether the institutions that claim authority are a form of politics or domination. Unlike the domestic sphere, in which we find ourselves confronted with an existent state with the *de facto* ability to rule through coercion and hence the question of whether this is political order or mere domination is particularly pressing, at the international level we have the different scenario in which forms of governance claim *de jure* authority but lack the ability to impose their will via coercion on any recalcitrant members of the international community. Or, at least, the capacity of organisations like the UN to enforce its resolutions in the face of non-compliance remains so dependent on powerful states' interests that it significantly undermines any claims to their *de facto* ability to coerce obedience (it may also undermine, as many of its critics charge, its claims to being authoritative given how beholden it is to the will of the members of the Security Council). So the question posed at the international level is not, crudely put, politics or domination, but rather something else, something like politics or not-politics.

Whether this actually makes a difference is far from clear, though is likely to be an issue of some contention between realists and with implications for their conceptions of politics. For my part, I think we need to separate out the conceptual claim that politics is a form of rule through authority, and so the BLD arises where any person, group or institution claims authority, from the related but importantly different claim that where there is an existent coercive power that rules over us, such as the modern state, it can only be a form of political rule if the BLD is met. That it be a coercive institution which claims authority is a sufficient but not necessary condition to generate the BLD. Realists have tended to focus on the second claim in large part because the state provides a context in which the BLD arises in the most urgent and direct manner (we all live in states and, for most of us at least, their coercive power is such that disobedience comes with incredibly high costs). The question of whether an association has the ability to rule may be an important part of any answer to the BLD, and possibly more so at the state level because (as Hobbes saw) the consequences - individual and communal - of life without effective order might be far more unfavourable than any similar absence in the international sphere. But it does not follow from this that the BLD only arises in those contexts where we already face a *de facto* form of rule.^{iv}

The other related point worth making is that any realistic account of modern politics needs to recognise the plethora of authority claims that are now made at the international level. A lot of what goes on in international politics can probably quite straightforwardly be presented in terms of activity geared towards mutual advantage. This applies most clearly in terms of the global economy and the creation and maintenance of the conditions for international commerce (e.g. regulation of financial markets to permit the flow of capital, the rules of international trade,

etc.). It may also be true for much consent-based international law (i.e. laws that states have themselves agreed to abide by). In these cases it is not clear that there are claims to authority being made that generate the BLD. But there are some international organisations, maybe the UN most notably, that do claim authority over states on certain matters and whose resolutions are considered binding (in the case of the UN those made under Charter VII). Then there are forms of customary international law that states are taken to be bound by regardless of whether they have signed up to them or not.^v And it is also important to note the further difference that these are claims that are made in relation to states rather than individuals - and hence it is to states that any answer to the BLD must be addressed. That said, there are some, like the ICC, that do explicitly claim the right to indict, try and sentence *individuals* for their actions. The nuances of these different forms of international governance, in terms both of who they claim authority over and the nature of their claims to authority themselves, is not something I can pursue here (nor am I qualified to do so). Nor can I follow up on how such differences with domestic politics might cash out in terms of what kind of response will satisfy the BLD with reference to each international institutional. Exactly who has to be satisfied that the BLD has been met at the international level is a good question, for instance, though, as Williams says of groups at the domestic level, not one that philosophy can answer; it is a political question (2005, p. 135-6. For an interesting discussion of how old and new powers may require different legitimisation stories for international institutions see Zürn and Stephen, 2010). Nevertheless, the basic point I want to make is that a realistic account of international politics clearly needs to consider the manner in which existing institutions and forms of governance do make claims to authority in practice and the principled ground on which such authority is justified. They do not all pose the BLD in the same way, with the same degree of urgency, or to the same agents, but they do pose it all the same.

Taking these considerations into account means that the BLD does arise at the international level, though it does so in a plethora of different forms and in relation to a multifaceted arrangement of diverse agents in various relations of authority/coercion. As such different institutions will need to provide accounts of their authority to different agents; there quite clearly will not be one answer that will justify all forms of international authority to all the various agents subject to it. So now we can return to the question of the role of justice in answering the BLD.

Among the justifications that might be made for any form of political order and its authority may include outcomes based on expertise, the accountability of power-holders, participation in the selection of decision-makers and the decision-making process, public debate, and the acceptance of individual rights and legality (Zürn and Stephen, 2010, p. 94). They may also include claims of justice. Such claims can take a myriad of different forms, from claims regarding the procedural justice of their rule (that they came to rule via just means - hereditary succession, democratic election, lottery, etc.), to substantive claims regarding the quality of the rule itself, that it respects the limits of what justice requires (rule of law, fairness, democratic equality, deference to social or natural hierarchy, etc.) or actively seeks to instantiate justice through political action (just distribution of rights, wealth, or opportunities, or to promote one particular form of religious belief at home or abroad). If widely enough accepted, such claims could be a significant source of legitimacy for political rule.

But while this would seem to promise something of an important role for justice, including global justice, in realist thought, there is good reason to be sceptical about the sort of significance that it can really have. This is for the simple but powerful reason that we profoundly disagree about justice and what it demands of us (Waldron, 1999). We hold radically opposing views as to what would count as a fair distribution of resources, indeed as to what resources justice should distribute at all. We cannot agree what we owe each other in terms of toleration, forbearance, assistance, respect, co-operation, and mutual aid. And if such disagreements are prevalent within states, it is even greater between states (and between people of different states), including opposing views as to whether it is the appropriate role of international institutions to be pursuing a just world at all. It is also the case, rightly or wrongly, that actions undertaken in the name of justice (or rights, freedom, etc.) are often viewed with a high degree of scepticism by many states and people across the world. One does not need to be of a particularly cynical disposition to understand the worry here, bluntly put that some appeals to moral values are simply justificatory masks for the pursuit of powerful states' interests. It is true that such cynicism regularly surfaces at the domestic level also, say when decisions taken ostensibly in the name of the common good might serve only a particular section of society or when policies deemed 'necessary' or 'unavoidable' actually further specific ideological goals. However, in most stable democracies such decisions, even when their true motives are widely-known, rarely have the disruptive effect of undermining their legitimacy largely because we evidently have a plethora of other reasons for thinking the state and its government's actions legitimate. The same depth of reasons for thinking international institutions are legitimate has yet to emerge (and may never do so). The cynicism of justice is therefore likely to be much more disruptive of legitimacy at the international than domestic level.

If all this is true, then it is unlikely that justice is going to be able to play too prevalent a role in answering the BLD in relation to international institutions, especially not thick forms of distributive justice over which there is considerable disagreement about what goods are to be distributed and according to which principles. What there might be scope for is a more negative account of justice, however, that focuses on the evils that international institutions are designed to avoid, war, poverty, genocide, war crimes, crimes against humanity, refugee crises, global pandemics, and so on, around which there is likely to be a greater degree of consensus. And of course many international organisations already pursue such legitimations to greater or lesser extents (ICC, UNICEF, World Bank, WHO, etc.). This need not be taken as a necessary truth of global politics, that it is inevitably limited to pursuing negative ends of avoiding evils rather than pursuing the good. But it does seem to be a fact of international political life as it now stands that only such justifications have any plausible, which is not to say necessarily successful, claim to widespread global purchase. Though even then there are still further questions that would need to be asked of those authorities, such as whether they are actually efficient or accountable, as part of any reflection on their authority and which may count significantly against them being legitimate. So not only do we need to pay greater attention on what functions international institutions are designed to perform, or which we want them to perform, but we also need to take account of how they actually work in practice.

This alters what we should want from a theory of international politics, moving us away from the emphasis on developing complete normative conceptions of distributive justice in the

vein of much of the contemporary liberal egalitarian work in this field, towards focusing much more attention on the available legitimations of existing international institutions and the prospects for developing these forms of global governance in light of prevalent state and individual motivations, interests and values. Starting with the first political question tells us that the primary question we should ask of global politics is whether its key institutions are legitimate, not, at least in the first instance, whether they are just. Furthermore, this approach urges us to move away from accounts of their legitimacy that are grounded in universal moral values such as human rights or the liberal view of the autonomous agent, and instead seek to examine the variety of resources, moral and non-moral, that might be drawn upon to legitimate those institutions given agents' prevailing understandings of international politics, their values and motivations. It means taking seriously the disagreements and disputes that exist between states and their people, and the question of what reasons will count as having normative force *for them* (rather than idealised rational, moral or autonomous agents). So the legitimation of power calls for a very different sort of theoretical project and approach to understanding global politics, one that must avoid the sort of moral foundationalism of many contemporary (especially cosmopolitan) theories and remain suitably sensitive to the realities of international political life as it is actually constituted.

The obvious retort at this point will be that all of this is to make the classic anti-utopian error of allowing the actual to limit the possible. This is to not to see the matter quite right. What it does is put political constraints on the moral, insofar as the question of what can be legitimated necessarily restrains which moral values and ends can be pursued in practice *through the authoritative means of politics* (and that proviso is important, for reasons we shall come to). Expressed in this way, the choice is not between affirming the status quo or pursuit of the ideal but rather between choosing to work within the political or not. To be political the moral must work within the practical limits of what can be legitimated. If this choice seems overdrawn, I should make it clear that I do not intend to imply that it is always obvious that one *should* act within the bounds of politics. There might be many reasons for not wishing to do that, especially if what one wants to do is precisely to alter the considerations that will have normative force for us when thinking about the legitimacy of international institutions - which is what I take to be an implicit objective of cosmopolitanism in particular (i.e. to recognise that we have duties to those beyond our borders). It is a feature of politics that political agency itself can create and sustain authority through making particular claims and principles normative for others (Philp 2007: 61). Likewise, the creation of new institutions will often exceed the legitimations that can sustain their authority. It may be that further development of institutions designed to foster global justice will need to precede the possibility of their being widely accepted as legitimate, such that, to paraphrase Nagel (2005: 147), the path from morality to politics must go through illegitimacy. This is not to endorse the Realpolitik position that 'nothing succeeds like success', for it still remains the case that such institutions will need to offer a response to the BLD *ex post* if they are to then come to be seen as forms of authoritative political order (which is a not inconsiderable constraint on what should be done). But it does give space to the role of human agency in creating a new, maybe more just, political reality, and in doing so hopefully assuage the false impression that realism must necessarily be bound to the status quo.

Conclusion

While the first half of the paper critiqued cosmopolitan and statist approaches to global justice for being overly moralistic, the second half of the paper focused on how we might think of global justice as a political value. This does not represent a third position in the ongoing statist/cosmopolitan debate, but rather requires a more fundamental shift away from constructing normative conceptions of justice to a focus on making sense of the role of global justice in experience of life under a political order at the international level which includes political disagreement and conflict as well as the need to provide a legitimation for those institutions that make claims to political authority. The questions we need to ask are not so much who owes what to whom, but what role claims of justice can play in the legitimation of international power relations. In the end the paper gave with the one hand by saying that justice could play such an important role as a source of such legitimacy but took with the other by being sceptical for fairly familiar reasons about its current and future prospects for doing so. But the application of justice, where and when it will be relevant and its force in everyday politics, is not a question that political theory itself can answer: it may turn out that justice comes to play exactly the role that I have denied it, a turn-of-events that any realistic theory of international politics would then have to adapt itself to.

References

- Art, R. and Waltz, K. (1983) Technology Strategy and the uses of Force. In: Art, R. and Waltz, K. (eds) *The Use of Force - International Politics and Foreign Policy*. Lanham MD: University Press of America, pp. 1-32.
- Barry, B. (1998) International Society from a Cosmopolitan Perspective. In: Mapel, D. and Nardin, T. (eds.) *International Society: Diverse Ethical Perspectives*. Princeton: Princeton University Press.
- Beitz, C. R. (1994) Cosmopolitan Liberalism and the State System. In: Brown, C. (ed.) *Political Restructuring in Europe: Ethical Perspectives*. London: Routledge: 123-36.
- Caney, S. (2001) *International Distributive Justice: A Review*. *Political Studies* 49: 974-89.
- Erman, E and Möller, N. (2015) Political Legitimacy in the Real Normative World: The Priority of Morality and the Autonomy of the Political. *British Journal of Political Science* 45(1): 215-33.
- Freeman, S. (2007) *Justice and the Social Contract - Essays on Rawlsian Political Philosophy*. Oxford: Oxford University Press.
- Geuss, R. (2008) *Philosophy and Real Politics*. Oxford: Princeton University Press.
- Habermas, J. (1997) *Between Facts and Norms - New Edition*. Cambridge: Polity.
- Hall, E. (Forthcoming) Bernard Williams and the Basic Legitimation Demand: A Defence. *Political Studies*
- Miller, D. (2007) *National Responsibilities and Global Justice*. Oxford: Oxford University Press.
- Nagel, T. (2005) The Problem of Global Justice. *Philosophy & Public Affairs* 33(2): 113-47.
- Nardin, T. (2013) Realism and Right: Sketch for a Theory of Global Justice. In: Navari, C. (ed.) *Ethical Reasoning in International Affairs: Arguments from the Middle Ground*. Basingstoke: Palgrave Macmillan, pp. 43-63.

- Philp, M. (2012) Realism without Illusions. *Political Theory* 40(5): 629-49.
- Philp, M. (2007) *Political Conduct* (London: Harvard University Press).
- Pogge, T. (1992) Cosmopolitanism and Sovereignty. *Ethics* 103(1): 48-75.
- Rawls, J. (1996) *Political Liberalism* (New York: Columbia University Press).
- Rawls, J. (1999) *A Theory of Justice – Revised Edition*. Oxford: Oxford University Press.
- Rossi, E. and Sleat, M. (2014) Realism in Normative Political Theory. *Philosophy Compass* 9(10): 689-701.
- Sagar, P. (Forthcoming) From Scepticism to Liberalism? Bernard Williams, the Foundations of Liberalism and Political Realism. *Political Studies*
- Scheuerman, W. E. (2013) The Realist Revival in Political Philosophy, or: Why New is not Always Improved. *International Politics* 50(6): 798-814.
- Sleat, M. (forthcoming) Realism, Liberalism and Non-Ideal Theory: Or, Are there Two Ways to do Realistic Political Theory?. *Political Studies*
- Sleat, M. (2014) Legitimacy in Realist Thought: Between Moralism and Realpolitik. *Political Theory* 42(3): 314-37.
- Tan, K. (2004) *Justice without Borders*. Cambridge: Cambridge University Press.
- Waldron, J. (1999) *Law and Disagreement*. Oxford: Oxford University Press.
- Weber, M. (1994) The Profession and Vocation of Politics. In: Lassman, P. and Speirs, R. (eds.) *Weber - Political Writings*. Cambridge: Cambridge University Press: 309-69.
- Williams, B. (2005) *In the Beginning was the Deed*. Oxford: Princeton University Press.
- Ypi, L. (2010) On the Confusion Between Ideal and Non-Ideal in Recent Debates on Global Justice. *Political Studies* 58(3): 536-55.
- Zolo, D. (1998) *Cosmopolis: Prospects for World Government* (Cambridge: Polity).
- Zürn, M. and Stephen, M. (2010) The View of Old and New Powers on the Legitimacy of International Institutions. *Politics* 30: 91-101.

ⁱ The only exception to this that I am aware of is offered by Terry Nardin (2013). It is important to stress that for reasons I have explored in detail elsewhere (Rossi and Sleat, 2014; Sleat, forthcoming) I do not take realism to be synonymous with non-ideal theory concerns about feasibility and utopianism, the implications of which for global justice certainly have been explored in much detail (for an excellent discussion of this see: Ypi, 2010).

ⁱⁱ There is a separate issue which nevertheless draws attention to the same point here, that even cosmopolitans who agree on the foundational values of freedom and equality emphatically do not accept the same interpretations of those values and what they demand in practice.

ⁱⁱⁱ There might be many reasons, most of them moral, for thinking that domination is undesirable, but it is important to recognise that those reasons do not justify the distinction itself. It is rather a distinction that follows simply if we accept the fairly uncontroversial claim (the axiomatic truth) that there is a difference between might does not equal right.

^{iv} This might also reflect the different ways in which the BLD can be interpreted as 'basic'. It can either be basic insofar as it is a response to a Hobbesian scenario of war and brute coercion (and so providing order must be the first thing politics does before it can go on to secure any further moral or political goods), or in a more conceptual sense that the BLD is a claim that is simply inherent within politics itself as an activity (which does not imply anything about the nature of the human condition without politics).

^v Again, whether such resolutions and laws can actually be enforced is not immediately pertinent here. While this issue might affect how we answer the question of the authority of the UN or the International Court of Justice, for example, concerns about their enforceability does not prevent the question of the grounds of their authority arising in the first place.