

Social justice

Within the Westphalian nation-state or at the global level?



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Date: February 2011
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Abstract

A research within the all-embracing scientific field of global justice has showed me that the core of this field, since its origin beginning of the 1970s, in fact comprises a debate – between cosmopolitan scholars on one side of the spectrum and nationalistic scholars on the other side – about the desirable scope to reach it. Whereas cosmopolitans think that global justice should be reached outside the borders of the Westphalian nation-state, the nationalistic scholars argue until this day that the state has some crucial characteristics, which makes it the only suitable level on which global justice can be reached. Within the light of a more and more globalized world order – focussing on concepts like social justice, Westphalian nation-state, and sovereignty - this thesis will examine arguments from both sides of the field. Because of the comprehensive character of the field of global justice, my main challenge will be to maintain my demarcation and accordingly to get an insight into the most appropriate scope to organize and eventually reach social justice on a global scale. My final conclusion will be that in an era of globalization the nationalistic arguments are difficult to legitimize. Moreover the analysis of the inventory of the debate has demonstrated me that, although initially not part of my research objective, the principle of subsidiarity overcomes many of the knowledge gaps left by cosmopolitan as well as nationalistic scholars.

Introduction

On a global justice conference held in conjunction with the American Philosophical Association in Pasadena, California, in 2004 (Brock and Moellendorf, 2005), the American political philosopher Omar Dahbour gave – in reaction to the question how he thinks the idea of ‘Global Justice’ should be fulfilled – the following answer:

“Communities need to follow a path of ‘deglobalization’ [...] Consequences of this turn inward on the part of autonomous communities would be the strengthening of borders, less capital and labour mobility, restrictions in travel and tourism, and so forth. These changes, among others, should mean a more peaceful and, in some sense of the term, more just world than any globalization scenario could provide.” (Dahbour, 2004)

Philosophical attention to problems about the rather normative idea of global justice - as Charles Beitz has put it - is flourishing in a way it has not in any time in memory. Moreover the scientific debate among scholars on how to reach global justice is generally characterized by an enormous range of standpoints (Beitz, 2004). Although I was sincerely aware of this wide range of arguments within the field of global justice during my first exploratory research into the literature on global justice, the first ‘acquaintance’ with the above-mentioned quote by Dahbour made me be dumbfounded. How is it, in our rapidly globalizing world, still possible that scholars prefer a path of deglobalization to reach a more ‘just’ world? A deeper search into the existing literature on the global justice debate proves that Omar Dahbour by no means is the only scholar who argues for deglobalization in order to reach,

paradoxically, more global justice. Also prominent political theorists like Rawls (1993) and Miller (2004) believe that global justice can be best achieved on the national level.

Especially this above-mentioned quote by Dahbour (2004) made me during the first phase of the development of my thesis very interested in the concept of global justice. Numerous question came into my thoughts, like what is global justice? How should global justice look like? And what is needed to reach it in different parts of the world? Of course I did not need too much time to realize that one can fill a whole library with these question and the all-embracing topic of global justice, and therefore it would be inappropriate to examine within this thesis. However, since I was still extremely interested and curious into the topic of global justice, I decided to take the challenge and to find an appropriate demarcation within the comprehensive global justice debate. I say challenge in here because during the further development of my thesis this demarcation turned out to be the most difficult aspects of all – an acknowledgement on which I will revert to later on in this thesis.

With the goal to find an appropriate demarcation within the field of global justice in mind, I started a second exploratory research into partly the same literature, which showed me that the key aspect within the contemporary debate contains in fact a level discussion - meaning that most scholars in the field, aware or not aware, build their specific argument on a common bottom-line: the scope or level on which we could best organize the fulfilment of global justice. Within the light of globalization (Held et.al., 1999) – a key concept on which I will elaborate on further on in this introductory section – two levels prove to play a determining role. On one side of the debate there are the so-called *cosmopolitans*, who argue that a ‘just’ distribution of the benefits and the hardships in society can be best achieved at the global level. In other words, these scholars go beyond biased concepts like fellow-citizenship or nationality and think that global justice can be best achieved when we do not have eye for borders (Pogge, 1988; Beitz, 1999; Barry, 2005). On the other side of the debate there are the so-called *nationalists*, who argue that a ‘just’ distribution of the benefits and the hardships in society is an issue within nations but not necessarily between them (Rawls, 1971; Dahbour, 2004; Miller, 2004). To be clear, also nationalists scholars strive for a world with more global justice. The main difference however is that nationalists believe that nation-states themselves are the appropriate organiser to reach that goal. Furthermore I found out during my exploratory research into the literature that the scientific debate between cosmopolitans and nationalists does, of course, not take place in a vacuum. On the contrary this contemporary living debate is in its roots highly effected by, and maybe even originated in, the process of *globalization*, which has influenced many aspects of life worldwide (Held et.al., 1999).

Although still quite broad, these theoretical key concepts made me decide to focus on the philosophical debate between cosmopolitans and nationalist scholars and accordingly to try to get an insight into the arguments of both sides of the spectrum within the light of the increasing globalizing world. Before I will translate these key concepts into a research objective, which accordingly will result into the formulation of my main research question, I will first clarify my research demarcation by explicating a brief and coherent theoretical framework. The aim of this framework is dual. In the first place it is meant to define some of the most essential concepts which I will be using throughout this study. Secondly it will function as a demarcation of these same key concepts, because, as I have been explaining before, the highly theoretical and philosophical character of my research within such an comprehensive topic as global justice goes necessary hand in hand with not only a strong demarcation of the research itself, but also of the different concepts which will be discussed.

Clarification of the basic concepts

Social justice

Before elaborating in more detail on the meaning and origin of the concept of social justice, let me first prevent any misunderstanding by emphasizing that, except for their scope of application, the concepts of global justice and social justice are in fact exactly the same. In other words, the relatively recent idea of global justice is nothing more than an expansion of the ‘older’ ideas of social justice to the global level (Novak, 2000). This of course raises different questions, like what is the origin of the idea of social justice in the first place and what does it mean? And even more important with regard to my earlier formulated research demarcation, what used to be the scope of application of social justice *before* this idea has been expanded to the global level? To improve a better understanding of my theoretical research, an answer to these questions is required.

The term ‘social justice’ was first used in 1840 by a Sicilian priest, Luigi Taparelli d’Azeglio, based on the teachings of St. Thomas Aquinas, an Italian priest of the Catholic Church and an immensely influential philosopher and theologian (Zajda et.al., 2006). The famous British philosopher of that age, John Stuart Mill, gave the approach a more modern meaning in his book *Utilitarianism* (1863):

“Society should treat all equally well who have deserved equally well of it, that is, who have deserved equally well absolutely. This is the highest abstract standard of social and distributive justice; towards which all institutions, and the efforts of all virtuous citizens, should be made in the utmost degree to converge.” (Mill, 1863)

This definition still forms the basis for the modern use of the concept. Curiously, however, is that the demand for the term social justice did not arise until modern times, in which more complex societies operate by impersonal rules applied with equal force to all under ‘the rule of law’ (Zajda et.al., 2006). But what does the idea of social justice concretely mean? As is the case with many scientific concepts, the exact meaning of the term social justice is hard to give. Or as Friedrich Hayek already said in his most prominent work *Law Legislation and Liberty: The Mirage of Social Justice* (1976): “Whole books and treatises have been written about social justice without ever offering a definition of it. It is allowed to float in the air as if everyone will recognize an instance of it when it appears. This vagueness seems indispensable. The minute one begins to define social justice, one runs into embarrassing intellectual difficulties.” So I do not have the slightest ambition in here to explain and define all facets of social justice. My goal however is to define and demarcate the concept in the way I will use it throughout this thesis. To provide this definition I like to briefly raise two meaningful descriptions. In his 1999 work *Principles of Social Justice*, David Miller has offered one of the most basic description of the term, arguing that social justice is about the good and the bad things in life which should be distributed among the members of a human society. In this same book he refers to John Rawls (1971) when he argues that more concretely the idea comprises that when we attack some policy or some state of affairs as socially unjust, we are claiming that a person, or more usually a category of persons, enjoys fewer advantages than that person or group of persons ought to enjoy (or bears more of the burdens than they ought to bear), given how other members of the society in question are faring (Rawls, 1971). This descriptions offers me a clear insight into the meaning of social justice and lays a strong basis for the use of the term within my theoretical research. However,

a critical interpretation of the description above raises questions about the apparent normative words, such as ‘we’ and ‘society’, which are being used. Questions like who are ‘we’? and what scope of ‘society’? show the rather normative character of this description. An examination of these questions will be done further on in this thesis, for now however I raise them to show the subjectivity of the term, which for now forces me to also offer a second description. A different interpretation of the subjective words ‘we’ and ‘society’ above has been given by Novak (2000) who has defined the term as follows: “Fair and proper administration of laws conforming to the natural law that all persons, irrespective of ethnic origin, gender, possessions, race, religion, etc., are to be treated equally and without prejudice.” This definition sheds a different light on the idea of social justice than the definitions by Miller and Rawls respectively. The theoretical difference between these definitions will be examined throughout this thesis – important for now is the demarcation of both descriptions.

Globalization

To be able to clarify and define the difference between the ideas of social justice and global justice - and alongside to sketch the theoretical background of the debate between cosmopolitan and nationalistic scholars – a brief explanation of one of the most determining developments of the second half of the 20th century is required. This development is widely known as *globalization*, a concept which is also known by its many interpretations (Held et.al., 1999). Again for the demarcation of this research I will briefly define the concept in the way as I will use it throughout this thesis. I prefer to use the descriptions of globalization given by Held et.al. (1999) for two reasons. Firstly because this book has been used in several courses throughout my Bachelor in International Development Studies – my application of their definition will therefore assure an interpretation of the concept within this thesis in the same way as during my studies – an application which I find significant, since this work comprises my final work of this Bachelor. Secondly because according to many reviews (Dicken et.al., 2000) their book *Global Transformations* is seen as ‘the definitive work on globalization’.

According to Held et.al. (1999) globalization, in its simplest sense, refers to the widening, deepening and speeding up of global interconnectedness. A more concrete definition within the same book goes as follows:

“A worldwide movement towards economic, financial, trade, and communications integration, which implies opening out beyond local and nationalistic perspectives to a broader outlook of an interconnected and interdependent world with free transfer of capital, goods, and services across national frontiers.” (Held et.al., 1999)

An important part of this definition consist of the assumption that ‘*the opening out beyond local and nationalistic perspective*’ led to a broader outlook of an interconnected world. This assumption deserves a critical look, because what then used to be the scope of acting before the process of globalization came into development? Held et.al. (1999) explain in their book that this scope used to be, and for a large extent still is, the so-called Westphalian nation-state. Scholars of international relations generally assume the Peace of Westphalia, signed in the German province Westphalia in 1648, as the basis for our modern notion of states. This because from that moment on major European countries agreed to respect the principle of territorial integrity. In the Westphalian system the national interests and goals of states (and later nation-states) were widely assumed to go beyond those of any citizen or any ruler. States

became the primary institutional agents in an interstate system of relations (Held et.al., 1999). The two main agreements of this peace were known to be what we nowadays call *internal* and *external sovereignty*. Held et.al. (1999) define the concept of sovereignty as the quality of having supreme, independent authority over a geographic area, such as a nation-state. External sovereignty says something about the relationship between a sovereign power and other states – e.g. the possibility to intervene into another country. Whereas internal sovereignty contains the relationship between a sovereign power and its own subject – i.e. the scope of power which a government can practice towards its own citizens. So when we answer the above mentioned sub question, the most important scope of acting before the development of globalization used to be the Westphalian nation-state, which could build upon a high level of internal and external sovereignty.

Another important characteristic of globalization refers to the changing role of citizenship within nation-states. Hopenhayn (2001) identifies a so-called new form of citizenship characterized by a new global climate governed by respect for the rules of a State of Law and tolerance for cultural and ethnic differences. According to Hopenhayn a kind of ‘global supervision’ has developed, under which violations of civil, cultural and political rights are seen as being protected not only by the state, but also by citizens themselves who report, denounce and censure them. Also this theoretical background will play an important role within the state of my argumentation throughout this thesis.

Main research question

So what does this theoretical framework offer me with regard to my earlier mentioned goal to set the boundaries around my research objective? And with regard to the final formulation of my main research question? As I have been explicating before, my main research objective will be to focus on the philosophical debate between cosmopolitans and nationalist scholars and accordingly to try to get an insight into the arguments of both sides of the spectrum within the light of the increasing globalizing world. My theoretical framework has clarified some of the main concepts used within this debate and accordingly showed that this debate in fact refers to two preferred scopes of organizing social justice. On the one hand the nationalistic scholars who prefer the scope of the Westphalian nation-state, and on the other hand the cosmopolitans who prefer the global level as a scope to organize social justice – what they accordingly call global justice. This demarcation requires a final crucial clarification, needed for a clear understanding of this thesis and to prevent any misunderstanding for the reader. Both the nationalists as well as the cosmopolitan scholars which I will be discussing throughout this research want to reach social justice on a global level, or global justice. The main difference however is that whereas nationalist scholars argue that social justice for every human being could be best achieved when nation-state organize it solely within their own borders, cosmopolitan scholars on the other hand argue that global justice can be best achieved by means of international cooperation and transnational organizations. Having emphasized this crucial distinction, the boundaries for my research question are set, which allows me to formulate my main research question as follows:

Should we reach social justice within the Westphalian nation-state or at the global level?

To be able to get an insight into this question I have done a quite comprehensive literature study into both sides of the debate between nationalist and cosmopolitan scholars.

Hence the upcoming two chapters will provide an inventory of this debate, in which I will discuss some of the main arguments coming from the most prominent scholars in the field, or at least those scholars who raise arguments which are most representative for their side of the spectrum. Of course this debate – between nationalist scholars on one side of the spectrum and cosmopolitan scholars on the other side – still contains a tip of the iceberg in the whole issue of global justice. Hence I want to emphasize ones more that this strict demarcation within such enormous scientific topic will force me to leave aside many issues within the inventory of the debate. For these ostensible ‘knowledge gaps’ within this thesis I want to apologize with great emphasis. I hope however that the reader realizes and accepts that these ‘knowledge gaps’ have been a logical consequence of my intentional choice to examine a demarcate topic within such a widespread scientific field as global justice. To remain within this demarcation has therefore been my biggest challenge during the process of this research.

The scope of organizing social justice

Nationalists views

John Rawls

The enormous current and growing interest in theorizing about global justice among political theorists over the last ten to twenty years, has got its roots for a large part – just as many other scientific developments – in the work of one influential philosophical text. In the same way as the work of Karl Marx (1818-1883) has played a significant role in the development of modern communism and socialism and the Scottish philosopher Adam Smith (1723–1790) can be seen as a founder of modern political economics, the current lively debate between cosmopolitans and nationalists thinkers about global justice has been framed within John Rawls’s influential work, *A Theory of Justice* (Rawls, 1971). Thanks to this work (generally considered as his magnum opus) – and in lesser extent to his 1993 work *The Law of Peoples* – John Rawls (1921 – 2002) is generally considered to be one of the primary scientists in political philosophy. Referring to the concept of social justice, one of its main starting points has been the argument that *‘most reasonable principles of justice are those everyone would accept and agree to from a fair position’* (Rawls, 1971). Despite the fact that – with the main goal of this inventory of the debate in mind – the work of John Rawls will not be able to provide me with as many useful arguments as the other theorists which will be discussed in more detail in upcoming chapters, his ideas still deserve a prominent place within this research. As Gillian Brock has put it:

‘Because of his enormous influence in shaping the terms of discussion, familiarity with the basic principles of his ideas is important for being able to participate in the current theoretical conversations about global justice and cosmopolitanism.’ (Brock, 2009)

Hence I want to start this chapter with a briefly clarification of some of Rawls’s most important concepts, on which nationalist scholars – like Dahbour and Miller – as well as cosmopolitan scholars - like Pogge and Beitz – have built their argumentations. Subsequently I want to zoom in on the main arguments which he offers with regard to the main question of this research: *should we reach social justice within the Westphalian nation-state or at the global level?* On the basis of these arguments I will finally try to theorize why

one can categorize Rawls within the ‘nationalist camp’ of my research debate and link his arguments to the arguments of other nationalist scholars like Miller and Dahbour. Since, in this inventory debate, one of the biggest challenges is to stay within the demarcation of my main research question, I hope the reader will sympathize the fact that I will not discuss ‘Rawlsian’ concepts in detail. For more interest in his work - and the concepts mentioned in this thesis in particular – I like to refer to his two main publications, *A Theory of Justice* (1971) and *The Law of Peoples* (1993).

Rawls and his foundation for the Global Justice debate

A fundamental example of such a concept is Rawls’s *Duty of Assistance*. According to Rawls societies can be divided between ‘well-ordered societies’ and ‘burdened societies’. He defines the latter as societies burdened by unfavorable conditions, which lack the political and cultural traditions, the human capital and the know-how, and often, the material and technological resources needed to be well-ordered’ (Rawls, 1993, p. 432). Rawls states that it is the duty of ‘well-ordered societies’ to assist ‘burdened societies’. He gives three basic guidelines for this duty of assistance, from which I like to highlight – in the light of my research demarcation – one of them: ‘the political culture of a burdened society is a much more important consideration than the possible scarcity of resources’ (p. 443). Rawls gives Japan as a historic example of a country that has done well despite being resource-poor, while using Argentina as an example of a country that has struggled historically despite being resource-rich. ‘Merely dispensing funds will not solve basic political and social injustices’ he argues. Instead he believes in an emphasis on human rights, particular rights regarding women, within the borders of self-sufficient communities. Rawls offers his *duty of assistance* as an alternative to the principle of global distributive justice, an often used concept within the other school of thinking, the cosmopolitan school.

Another fundamental concept of Rawls’s work, which has laid the basis for many nationalist arguments within the global justice debate, is the concept of *equality*. Within *The Law of Peoples* Rawls discusses two views on equality (Rawls, 1993). The first view is that equality is just and good in itself, whereas the second view states that inequality is not always unjust, but when it is, it is because of its unjust effects. In other words, the gap between rich and poor can be great, but what really matter are the consequences. He says: “The gap cannot be wider than the criterion of reciprocity. The least advantaged should have the means to make intelligent and effective use of their freedoms and lead reasonable and worthwhile lives. Once that situation exists – once the *duty of assistance* is satisfied on a global scale – there is no need to narrow the gap of wealth between people” (Rawls, 1993, p. 462). In *The Law of Peoples* Rawls obviously explicates on this idea in much more detail, but the bottom-line of his notion of equality on a global scale is of significant importance. Firstly he argues that social justice does not necessarily always need equality - as one will read in the next chapter, it has been this basic idea on which David Miller has built his argumentation against global egalitarianism. Secondly he emphasizes that the basis of global justice lies within people’s ability ‘to make intelligent and effective use of their freedoms and lead reasonable and worthwhile lives’, which according to Rawls should be secured within the borders of self-sufficient communities – nation states.

Rawls and his standpoint within this debate

Except for the conceptual foundation which John Rawls had laid for many other scholars within the global justice debate, he obviously also had his own grounded standpoint within it. The attentive reader, of course, already concluded out of the previous section that one can categorize Rawls within the ‘nationalist camp’ of this debate. More relevant for this research, however, is to highlight some of his main arguments for this point of view. In the first place he argues that his concept of a *duty of assistance* should have preference to the other main paradigm of that time, the concept of *distributive justice* – a concept mainly elaborated on by Charles Beitz which will be discussed in more detail in upcoming chapters. In short, the idea of distributive justice says that those societies in areas with ample resources are to redistribute excess to those with resource scarcities (Beitz, 1979). Rawls, however, dismisses this resource distribution principle, stressing that political culture is crucial, not arbitrary resource distribution. Looking critically at this statement forces me to wonder if this statement of Rawls does in fact not contradict his own argument of a duty of assistance? Hence a crucial question will be if it is possible to separate in this context a just political culture and the distribution of resources? As is the case in all sections of this inventory of the debate, a critical analysis of these questions will be explicated in the final chapter of this research. Subsequently he adds that ‘the global principle of distributive justice may seem appealing, but is flawed in the end’ (Rawls, 1993, p. 471). He gives a striking example to defend this claim. This example gives two equal countries, both having high rates of population growth and decent elements of equal justice for women, but the first country stresses these elements more. The first country eventually reaches zero population growth and consequently becomes twice as wealthy as the second nation. According to Rawls it does not seem fair that the first country should have to redistribute their gains to the second country. So to recapitulate his argumentation, Rawls emphasizes that merely dispensing funds will not contribute to solving basic political and cultural injustices – such as the decent elements of equal justice for women within the latter example. These injustices can, according to Rawls, only be tackled within the borders of these nation-states, and the principal of distributive justice will only hide these injustices and make them even worse on the long term (Rawls, 1993, p. 471).

Another, more philosophical argument, in which he tries to defend his nationalist standpoint within the global justice debate, refers to focus of social justice. He contrasts his Law of Peoples with the cosmopolitan view and argues that in the end the ultimate concern of a cosmopolitan view is exclusively the well-being of individuals, and NOT the justice of societies. As will be elaborated on in upcoming chapters, many cosmopolitan scholars have counter argued this argument by claiming that the nationalist view on the other hand only focuses on societies, and NOT on individual people (Cabrera, 2004). Rawls, however, emphasizes that every society has a sufficient array of human capabilities. It does not call for further raises in the standard of living beyond what is just. In other words, the nationalist view focuses on either societies as well as individuals, with the demarcation that it does not strive for a standard of living beyond ‘what is just’ and beyond peoples capabilities (Rawls, 1993). The demarcation of peoples capabilities seems reasonable – the example of the child growing up in rural Mozambique demonstrated us already that the latter will never be able to speak as many languages as the child of a senior executive at a Swiss bank (Moellendorf, 2002) – but his argument that his nationalist view does not strive for a standard of living beyond ‘what is just’, leaves the question what exactly according to Rawls is ‘just’? With his concept of *Duty of Assistance* he has tried to operationalize this question, in my opinion however this is still a poor definition. Within the conclusion of this research I will try to link

this argument to other arguments which have been elaborated on in previous chapters, hoping to get a clearer picture of what Rawls exactly means with ‘not beyond a standard of living beyond what is just’ (Rawls, 1993).

David Miller

One of the main starting points used by many cosmopolitan scholars like Pogge (2001), Beitz (1979) and Barry (2004) in thinking about social justice has been ‘*global egalitarianism*’. This concept of equality refers to the idea that it is often taken for granted, by at least cosmopolitan scholars, that all valid principles of distributive justice must be egalitarian in form. In his book *Cosmopolitan Justice* (2002) Darrel Moellendorf has put the idea of ‘*egalitarian justice*’ as follows:

“...a child growing up in rural Mozambique would be statistically as likely as the child of a senior executive at a Swiss bank to reach the position of the latter’s parent” (Moellendorf, 2002).

By linking this concept to the main question of my research - whether social justice should be reached within the Westphalian nation-state or at the global level - many cosmopolitan scholars have taken for granted that principles of justice that apply within the nation-state must also apply to the world as a whole, albeit with a different set of institutions to put the principles into practice. (Different examples of these kind of institutions will be discussed in the following chapters, like Luis Cabrera’s ‘Institutional Cosmopolitanism’ (Cabrera, 2004) and the way in which Brian Barry (2001) and Charles Beitz (2004) define their ‘basic structure of society’). One of the first scholars in the field of global justice who ‘dared’ to question the importance of the principle of equality worldwide, has been the British political theorist David Miller. In two of his most prominent works in this field, *Principles of Social Justice* (1999) and *On Nationality and Citizenship and National Identity* (2002), Miller proposes a pluralist account of social justice, arguing that there can be no single measure of justice. Miller argues that in a culturally plural world we have no neutral way of measuring opportunity sets, which makes according to him ‘global egalitarianism’ a utopian vision, which will push justice so far out of reach that most people would abandon the effort to achieve it (Miller, 2004). Miller places equality just as central in thinking about global justice as many of his critics like Pogge, Cabrera and Beitz. He emphasizes, however, that this ‘justice’ should be applied to the basic structure of self-governing political communities, of which nation-states are the main examples in the contemporary world. It is exactly this nationalists view of global justice by David Miller which I want to discuss in more detail in this chapter.

Against ‘global egalitarianism’

As mentioned before, one of the main reasons reflecting David Miller’s nationalistic view on global justice is his aversion against ‘global egalitarianism’ as a way to reach global justice. So if one wants to get a clear picture of Miller’s nationalistic viewpoint towards global justice, the first important step will be to strip down this concept to its exact meaning. In other words, does Miller have the same interpretation of ‘global egalitarianism’ as many of his counterparts? And why does Miller think that ‘global egalitarianism’ is not possible? And finally, what makes him think that self-governing political communities (like the nation-state) are indeed capable of reaching social justice?

One of the main versions of the idea of ‘global egalitarianism’ - and shared by many nationalistic as well as cosmopolitan scholars - is John Rawls definition of ‘fair equality of opportunity’ (Rawls, 1971). It holds that people of similar talent and similar motivation should have the same life chances (in particular access to educational and job opportunities and the rewards they bring) no matter which society they were born into. Although Rawls has been one of the first, in compare to scholars whom I examine in this inventory of the debate, who introduced a definition of the concept of ‘global egalitarianism’, many of his followers have used this same definition to build up their argumentation. However, in my point of view, they all tend to deal with it as if it is a kind of unmentionable goal in itself, which consequently forms the basis on which scholars like Beitz (1979) and Barry (2004) have built on their theory of the ‘Basic structure of society’ and scholars like Cabrera and Brock have elaborated on with regard to their ‘Institutional cosmopolitanism’ (see next chapters). This raises however the question about whether the rather noble idea of ‘global egalitarianism’ should be more questioned in itself. And it is exactly this question where the work of David Miller becomes extremely relevant. In his 2004 article *Against Global Egalitarianism* Miller kind of tries to break the taboo about questioning the relevance of ‘global egalitarianism’.

In the first part of this article he analyses the concept in its most naked form, which means – referring to Moellendorf’s statement, cited earlier, about the child growing up in Mozambique and the child of the Swiss banker – that both should have *identical* opportunity sets. But according to Miller such a requirement would of course be too strong. It would, for instance, require unlimited rights of migration and unrestricted admission to citizenship, because some positions (such as chief executive of *Credit Suisse*, or for example President of the United States of America) presupposes membership of particular societies. Moreover, the child from Mozambique would probably be less fluent in speaking German, French and Italian than the Swiss child, and on that ground alone be less likely to succeed in the competition to become a Swiss banker (Miller, 2004).

Subsequently Miller moves to a second level of analysis, in which he interprets the principle as requiring *equivalent* opportunity sets (instead of equal ones). This means that the child from Mozambique should have the same chance to attain an executive post in a bank somewhere in Mozambique, with the same salary etc. (equally talented and motivated) than the child of the Swiss banker. The question remains however, Miller continues his argumentation, how to compare these different opportunity sets? To make this clear he offers a striking example: suppose we have two relatively isolated villages, broadly similar in size and general composition. Village A has a football pitch but no tennis court, and village B a tennis court not no football pitch. Do members of both communities have equivalent opportunity sets? Most people would probably say yes, because both cases fall naturally under the broader category of ‘sporting facilities’. But now suppose also that village A possesses a school but no church, and village B possesses a church but no school. Can we still say that people in these two villages have equivalent opportunity sets? Probably most people would say that they do not. Because most people would probably think that the opportunities provided by a school are different than the opportunities provided by a church. But of course – and here emerges the main idea of David Miller – the view that a school will provide more opportunities than a church is fully a cultural understanding (for some cultures it might be the other way around). So, according to Miller, we simply live in a culturally too diverse world to be able to compare different sets of opportunities in different contexts, let alone the possibility of ‘global egalitarianism’! In other words, Miller argues, it is essentially the problem of saying what equality of opportunity means in a culturally plural world in which different societies will construct goods in different ways and also rank them in different ways.

Miller's alternative: The nation-state

Although Miller's deeper level-analysis - in which he usefully questions the validity of the concept of 'global egalitarianism' - gives me a broader understanding of my research area, one should remain critical enough and wonder whether Miller is able to underpin his alternative way of reaching social justice: the nation state! What I actually try to say with this is that reasoning that a certain problem cannot be solved by solution A, does not necessarily mean that it will be solved by solution B. In other words, his argumentation in his 2004 work '*Against Global Egalitarianism*' is rather based on arguments *against* the completion of social justice on a global level, instead of an argumentation which is based on arguments showing why social justice should be reached on the national, Westphalian nation-state level. In fact, Miller (2004) mentions only one concrete argument which supports the latter way of reasoning. He argues that nation-states - in compare to the global level - hold a crucial characteristic, necessary to tackle inequality as a source of social injustice, namely equal citizenship: *a common public sphere in which global citizens encounter one another as equals*. According to Miller this characteristic of the 'domestic context' makes it possible to reduce inequality, or prevent it from having unjust consequences, ranging from the regulation of employment contracts, through limitations on the inheritance of wealth, to restrictions on the political uses of money. He emphasizes that it is very difficult to bring about such measures at the global level, because people miss a 'common ground' on this level. Although Miller touches here an interesting point, one can put some question marks with regard to his way of reasoning. In the conclusion of this research I will elaborate in more detail on this, since the aim of this chapter only is to explicate the different arguments between nationalists views on the one hand, and cosmopolitan views on the other hand.

To sum up, Miller reduces his argumentation mainly to arguments *against* the fulfilling of social justice at the global level, instead of concrete arguments showing the advantages of reaching social justice at the national level. The following paragraph – in which I will try to summarize the main arguments of another notable nationalistic political philosopher, Omar Dahbour – will add more of these arguments to the inventory of the debate.

Omar Dahbour

Apart from John Rawls and David Miller, there is a third political theorist who is of significant relevance for the nationalistic side of this global justice debate. As has been set out and explained in detail in the introductory part of this research, the ubiquitous question of how to reach social justice has, in an our globalizing world, mainly moved towards a so-called 'level-question'. By this I mean that the different types of globalization – economic, political, military and cultural globalization (Held et. al., 1999) – which have increasingly determined our world order since the beginning of the 20th century, have changed the debate around global justice mainly towards the question whether we should reach it at the national, regional or global level? And it is exactly in this light that Omar Dahbour, professor in philosophy and history at the University of New York, is of significant value in the inventory of this debate. In his 2004 article '*Three Models of Global Community*' Dahbour argues that in an increasingly globalized world, the solution for global injustice should be found within sovereign nation-states, which he calls 'a community of autonomous communities' (Dahbour, 2004, pp. 202). Instead of an implicit explanation of this nationalistic model towards global justice, he rather criticizes the alternative paradigms, which he refers to as 'a community of trade' and 'a community of law'. These cosmopolitan paradigms, advocated by among others Beitz, Singer and Pogge, are according to Dahbour poorly justified. So in this chapter my aim

is two-sided: In the first place I want to analyze Dahbour's critiques towards both 'a community of trade' as well as 'a community of law', hoping to find parallels with my findings of the cosmopolitan views, which I will elaborate on in upcoming chapters. And in the second place I want to get clear which arguments Dahbour uses for his own solution; 'a community of autonomous communities'.

A Community of Trade

The first model analysed and sharply criticized by Omar Dahbour is the so-called 'community of trade'. This model assumes the value or benefit of the economic growth that supposedly results from opening domestic markets and economies generally to free trade and foreign investments (Held et. al., 1999). The idea that global economic integration resulting from international trade relations will prevent countries from acting belligerently towards one another, dates already back to the 18th-century German philosopher Immanuel Kant in his essay "Perpetual Peace: A Philosophical Sketch" (Kant, 1795). Dahbour (2004, p. 205) states that 'history has not been kind to this view' and indeed, one does not need to be a professor in history to recognize that from the colonial wars to enforce 'free' trade on China, Japan and other recalcitrant countries, to the 'resource wars' of the 21st century, war has frequently been used to rather enforce 'trade' (Held et. al., 1999).

A second claim often made by advocates of trade-based model of global community, which Dahbour tries to break down, is that economic interdependence often forms the basis for a net wealth growth. This economic argument refers to the concept of comparative advantage, which is usually attributed to David Ricardo who explained it in his 1817 book *On the Principles of Political Economy and Taxation*. Without going too deep into the economic meaning of this concept in here, it means in short that trade can create value for big as well as for small countries, even when one can produce all goods with fewer resources than the other. One of the most explicit scholars on this purely economic argument is probably Charles Beitz, who will be discussed in upcoming chapters. In one of his best-known works, *Political Theory and International Relations* (1979), Beitz writes: 'It is clear that interdependence in trade and investment produces substantial aggregate economic benefits in the form of a higher global rate of growth as well as greater productivity efficiency'. Dahbour, however, is very critical on this point. He emphasizes that although the net global growth rates might increase because of international trade, the gap between the richest countries – who have a high stake in international organizations like the World Trade Organization – and the poorest countries will become bigger and bigger (Dahbour, 2004, p. 206).

A third approach which tries to argue that 'a community of trade' can lead to a more just world is to maintain that such a community implies a moral obligation to aid the hungry and poor populations of the world. This argument has been used, both in their own words, by two prominent cosmopolitans. Peter Singer (1972) regards the world as a 'global village' in which the suffering of some (anywhere) is the concern of others (everywhere). Thomas Pogge talks about a 'value overlap' between different societies that can yield a moral consensus about obligations to aid the global poor (Pogge, 1988). Singer as well as Pogge are emphasizing the importance of properly functioning international institutions to regulate this 'global village'. This is exactly where Dahbour starts his critique. According to Dahbour these institutions, needed to make this a genuine political community, are nowhere in evidence. Although Dahbour touches a significant point in here, it is a shame that he does not elaborate in more detail on this in his article. The World Trade Organization for example, is highly dominated by the big powers - like the US, the UK, Germany and China – which tends to give preferential treatment to the latter at the expense of the smaller members.

However, even when one recognizes the two points of critique raised by Dahbour about ‘a community of trade’ – that comparative advantages rather increase the wealth gap between rich and poor countries, and that global institutions tend to function poorly – the main question remains: why does Dahbour think that giving nation-states their sovereignty back, as in his ‘community of autonomous communities’, will be the solution for this? His criticism of ‘a community of law’ might give us a better understanding of this.

A Community of Law

A second form of globalization, which Dahbour has called ‘a community of law’, focuses mainly on the political and legal side. According to Dahbour this global community might in fact be considered as nothing more than an idealization of the current regime of international law. Most important characteristic, he says, is that international institutions try to override the sovereignty of nation-states, in order to create a community of law in a more universal sense (Dahbour, 2004, p. 211). Again Dahbour uses the metaphor of ‘a community of law’ to mention different contemporary cosmopolitan ideas - belonging to scholars such as Bello (2002), Shue (1997) and again Held (1998) – to show that these ideas are all poorly justified and full of problems. One such a cosmopolitan idea, given by Henry Shue (1997), focuses on the supposed scale of global problems without respect for borders. Examples of these kind of global and ‘borderless’ problems could be climate change, malnutrition, financial speculation, environmental pollution, and so forth (Held et. Al., 1999). Among many other cosmopolitans, Shue argues that these kind of ‘borderless’ problems can only be tackled by international institutions. Although Dahbour acknowledges this necessity - restricted to the most concrete ‘borderless’ problems like climate change and financial speculation – he argues that these international institutions also entail a negative result for global justice. According to Dahbour the expansion of international institutions will enlarge the ‘inordinate power and influence of some of them – particularly the imperial US state’. ‘History has proven’ - Dahbour continues - ‘that powerful states have used organizations like the UN and the WTO to increase their power over less powerful countries’ (Dahbour, 2004). Beyond all doubt, he has a point in here. But to come back on the main question and to clarify the discussion, the following dilemma should be raised: which of both arguments - 1) the increase of global injustice caused by global and ‘borderless’ problems, and 2) the increase of global injustice caused the misuse of international institutions by powerful countries – plays a bigger role within this debate? And accordingly how to assess them within the main research question? Again, I will discuss these contrasting arguments within my main conclusion.

Another cosmopolitan argument for a ‘community of law’ is that it is the best means of enshrining and protecting *human rights*, partly because particular states are often the chief culprits in violating these rights (Donnelly, 2003). Donnelly shares this argument with many other cosmopolitans like Pogge (1988) and Beitz (2004). However, Dahbour points to the fact that all of them interpret the idea of human rights on this account by definition as ‘universal’ and therefore applicable to all human beings – and their realization will entail a similarly universal regime, under which such rights are duly recognized (Dahbour, 2004, p. 211). In this respect Dahbour points out two important counterarguments. In the first place we live in a world which is culturally as well as religiously too diverse - Miller frequently gives the same argument (see the previous section) - to ever have the utopian idea that all human beings could live according to the same ‘universal’ human rights. Secondly, even *if* in a globalizing world the interpretation of human rights would ever become less diverse, the problem of enforcement will be raised. Dahbour wonders: “What would give such institutions, dedicated

to the pursuit of human rights, enough weight to encounter opposition from hegemonic or ‘outlaw’ states that refused to recognize their jurisdiction (as the US did with the World Court in the 1980s and the ICC now)?”

Omar Dahbour concludes that with these limitations in mind it will be hardly possible to enforce legal norms that restrict the actions of states and corporations globally. ‘A community of law’ will resemble the current regime of international law, which is according to him only based on a codification of certain moral norms for the behavior of states and individuals. In the end the sovereign nation-state will always draw its own legal and jurisdictional borders and therefore ‘a community of law’ will not contribute to reach social justice on a global scale (Dahbour, 2004, p. 214).

A Community of Autonomous Communities

When according to Omar Dahbour the cosmopolitan models of ‘a community of trade’ as well as ‘a community of law’ will not give us a more just world, which option does he provide to create a world with more social justice? Dahbour proposes a model of autonomous, self-sustaining communities seeking - rather than further integration of global communities – a deglobalization of the world in a way that enables smaller states to support themselves without becoming dependent on dominant states and corporation, who often harbour ulterior motives for supporting development (Dahbour, 2004). Dahbour states that global justice is a result of too much global interdependence rather than too little, meaning that due to the establishment of a community of trade and law, populations all over the world have become heavily dependent on foreign resources. Due to power differences this causes a significant unequal redistribution of these resources. His solution is to erode interdependence, restructuring global society into regions that can support their own populations through their own available resources.

To clarify what Dahbour exactly means with his ‘Community of Autonomous Communities’ – and to distinguish this model from the nation-state model as supported by David Miller in the previous paragraph – it is worthwhile referring to the 18th-century French author and philosopher Jean-Jacques Rousseau. In his work ‘Discourse on the Origin and Foundations of Inequality’ (1754), he distinguishes two conceptions which according to him are required for a just and peaceful world. On the one hand a maxim of ‘reasoned justice’ – basically, the ‘golden rule’ (“do unto others as you would have them do unto you”) – and a maxim of ‘natural goodness’ - (“do what is good for you with as little harm as possible to others”). It is Dahbour himself who admits that this distinction covers exactly the difference which he explains between a world of common concern (cosmopolitan view) and one of mutual indifference (nationalist view). Dahbour believes that the utopian cosmopolitan world vision in which people try to act according to the ‘golden rule of reasoned justice’ will be more unjust in the end. Whereas the maxim of ‘natural goodness’ (“do what is good for you with as little harm as possible to others”) covers exactly that which Dahbour means with his ‘Community of Autonomous Communities’: autonomous communities that strengthen their borders, with less capital and labor mobility, restrictions on trade, a weakening of global communication networks, reduction in travel and tourism, and so forth. Dahbour thinks that instituting a form of ‘common concern’ on the global level will be extremely hard to realize. A world of mutual indifference on the other hand is more realistic and will therefore be more peaceful and, in some sense of the term, will be a more just world than any globalizing scenario could provide (Dahbour, 2004, p. 218).

Cosmopolitan views

Charles Beitz and Brian Barry

In the same way as most nationalist theorists within the global justice debate have drawn their standpoint on a wide range of arguments, also the cosmopolitan sphere within this debate has certainly been characterized by the many roads which lead to Rome – i.e. the many solutions cosmopolitan scholars have put forward to reach social justice on the global level. Philosophical attention to problems about global justice is - as Charles Beitz has put it - flourishing in a way it has not in any time in memory (Beitz, 2004). On the one hand this might seem a blessing for my research, and for elaborating this inventory debate in particular, and indeed it has given me a broad perspective of the debate within the first exploratory phase of this research. However, to ensure that the elaboration of the arguments will be restricted to my main research question – should we reach social justice within the Westphalian nation-state or at the global level? – a demarcation of these different arguments has definitely been required and has taken place in two different ways. Firstly I will elaborate only on the cosmopolitan scholars who have offered in their work concrete arguments referring to the scope of social justice. Secondly, within these scholars, I will only elaborate on arguments which concretely support the opinion that social justice should be reached on the global level. This demarcation clearly reduces the reader's view on the whole global justice debate, and for that I apologize in advance.

Charles Beitz and Brian Barry: '*The basic structure of society*'

One such an argument within the global justice debate has been the concept of '*The basic structure of society*' – defined, although both in their own diction, by two prominent cosmopolitan theorists, Charles Beitz (1999) and Brian Barry (2005). Along with that of Thomas Pogge and Henry Shue, the work of Beitz and Barry has been among the most important and influential in the literature concerning global justice. To avert any kind of misunderstanding, I like to make clear that both scholars in practice do not have anything in common – or at least not have anything more in common compare to the other scholars in their field – except from the fact that I prefer to discuss their concept of '*the basic structure of society*' under the same heading. After first discussing this concept in particular, subsequently also some other crucial concepts of both scholars will be discussed.

Charles Beitz

As has been mentioned in preceding chapters, many theorists within the field of global justice have based their work on John Rawls's *Law of Peoples* (1993). Whereas this might have seemed straightforward with regard to nationalist scholars like Miller and Dahbour – since Rawls himself is considered to be a nationalist scholar – it might seem more interesting to conclude that even cosmopolitan scholars have started their argumentation for the level of social justice on the work of John Rawls. One of the main examples of this phenomenon can be seen within the work of Charles Beitz. In *Political Theory and International Relations* (1979) he says literally: 'If you find Rawls's original theory of justice plausible, the facts require you to interpret the theory in a cosmopolitan way (Beitz, 1979, pp. 129). In other words, Beitz states that the original domestic principles of distributive justice – as formulated by Rawls and elaborated on in preceding chapters – would, under certain

circumstances, also apply globally. Beitz main point – compared to Rawls – is that nations are *not* self-sufficient. States are more and more connected to each other in a way that makes them highly dependent on each other, he argues. Since Rawls has considered his nationalistic view on social justice as a ‘cooperative venture for mutual advantage’ (Rawls, 1993), this suggests in fact that the world as a whole is a very similar to the domestic society. So it seems that many of the arguments that require domestic principles of distributive justice support international principles as well, Beitz argues (Beitz, 1979, pp.136-143). The key question, however, with regard to my main research question runs: under which *circumstances* he thinks that John Rawls’s ‘domestic distributive justice’ can be translated to the international sphere?

To be able to answer this question we need to have closer look at Beitz’s concept of a ‘basic structure of society’. In his 2004 essay ‘*Cosmopolitanism and Global Justice*’ (Beitz in Moellendorf, 2004) he advocates an alternative to statism - the term which refers to reaching social justice on the national level – in the form of a so-called *moral cosmopolitanism*. According to Beitz the force of moral cosmopolitanism is clearest when we consider what it rules out: “cosmopolitanism stands opposed to any view that limits the scope of justification to the members of particular types of groups, whether identified by shared political values, communal histories, or ethnic characteristics. It also stands opposed to any view that allows the justification of choices to terminate in considerations about the non-derivative interests of collective entities such as states or social groups” (Beitz, 2004). In other words, *moral cosmopolitanism* stands exactly for the ‘up-levelling’ of social justice outside the borders of the nation-state as examined within my research. Important, however, are the limitations which Beitz raises within his essay. One such an important limitation of cosmopolitanism concerns the significance of the fact that domestic-level political orders are coercive in a way that the global order does not seem to be (Beitz, 2004). A second important limitation of the normative idea of moral cosmopolitanism has been defended by Michael Blake (Blake in Moellendorf, 2004). He states that the institutions of domestic society face a higher burden of justification because they constitute a collectively-imposed coercive scheme. In other words, because of the ‘community spirit’ within the borders of a nation state, the existing institutions within it can count on a much bigger justification than institutions which operate on the global level. The attentive reader possibly already noticed that both of these limitations – for the normative idea of moral cosmopolitanism – contain a common aspect, which accordingly plays a crucial role within the realization of a moral cosmopolitanism: *institutions*.

It is exactly in these international institutions in which Charles Beitz sees his way towards moral cosmopolitanism or, as he also puts it, global distributive justice (Beitz, 2004). In his reasoning again he starts from a ‘Rawlsian’ theory. Writing about institutions for (national) distributive justice, Rawls himself noted that the aim was to design the social system so that, so far as possible, whatever distributions were produced by its normal operation would be acceptable. Direct income transfers were to be relied upon to guarantee a suitable social minimum, but this was a backstop for circumstances in which markets failed (Rawls, 1999). Analogously Beitz reasons that also on the global level we need a theory of distributive justice, primarily concerned with the ‘*basic structure of international society*’. This basic structure, according to Beitz, consist of the economic, political and legal institutions and practices that influence the global distribution of advantages (Beitz, 2004). Different from Rawls, Beitz emphasizes that international transfers (for example, foreign aid programs), it is true also influence this distribution, but in the end are potentially open to political manipulation. The Dutch journalist Linda Polman wrote a superbly good book on this topic, called *De Crisiskaravaan*, in which she exposes the way in which foreign aid programs proved to be highly political manipulated by, for example, the rules of the trade

regime and the system of international property rights (Polman, 2008). Unfortunately I cannot elaborate in more detail on these political manipulations. It supports, however, Beitz's argument that a theory of global distributive justice should concern itself primarily with the 'basic structure of international society', instead of 'short-term' international (money) transfers. His theory encompasses, in short, a translation of the existing national institutional structure to the global level. This analogous structure should, for example, consist of a sovereign executive power, a separated legislature – Trias Politica (Montesquieu) – and an effective police capacity (Beitz, 2004). Disappointing however – at least for my research – is the fact that Beitz concludes his explanation of his theory of global distributive justice with the proposition that it still is a *theory* - meaning that a state-like structure at the global level is unachievable in the foreseeable future and would be undesirable even if it could be achieved. He does not clarify on this conclusion in more detail (Beitz, 2004).

Brian Barry

Another influential political philosopher who has contributed to the global justice debate has been the British theorist Brian Barry (1936 – 2009). Although his work contains a much broader field than the global justice debate - let alone the scope of social justice – I nevertheless consider him as relevant within my research. First, and most important of all, because Barry has also put the concept of '*The basic structure of institutional society*' central in his argumentation in favor of reaching social justice on a global level (Barry, 2005). And secondly because Barry grounds his argumentation using much more present-day examples, compare to scholars like Rawls and Beitz.

In his 2005 work *Why Social Justice Matters* (Barry, 2005) he elaborates on the project he undertook and started in his previous book *Culture and Equality* (2001). Known as a steadfast left-sided social-democrat, he has tried to formulate a conception of social justice that will support the case for the institutional prescriptions of social democracy. These prescriptions include the following:

- 1) The power of capital must be curbed by strong trade unions (perhaps also worker representation) and by regulation to ensure that people come before profit.
- 2) The "welfare state" must ensure (through taxation and transfer) that all receive adequate incomes.
- 3) Quality education and health care must be provided universally. (pp.5-6)

Once more I like to apologize for not being able to elaborate in more detail on these prescriptions, since they move too much outside my research demarcation. However, the way in which he wants to institutionalize these prescriptions from the nation-state level to the global level, does offer me useful arguments within my research.

As has been mentioned before Beitz as well as Barry have put the concept of '*The basic structure of society*' central within their argumentations towards reaching social justice on the global level. But whereas Beitz in the previous paragraph in fact merely concluded that this structure has to consist of international *institutions* which influence the global distribution of advantages – without explaining in more detail *how* these institutions should realize that – Brian Barry on the other hand also offers us a more complete foundation of *how* these institutions can bring about more social justice on the global level. According to Barry social justice on a global level will only be able to succeed if institutions – who act on a global scale – allocate rights, opportunities and resources properly. This distribution of rights, opportunities and resources is what Barry calls the 'basic structure of international society'

(Barry, 2005). This argumentation remains of course quite abstract and raises the question what he exactly means with these three conditions? In order to distinguish his concept of rights from his concept of opportunities, he decides to define rights more narrowly: “To say that people have a *right* to do something is to say only that they are not prohibited from having it or doing it”. So the right for education, according to Barry, is the absence of a prohibition on it is being supplied. The *opportunity* to receive education on the other hand depends on for example the amount of money available from the parents or the intellectual environment. Finally, people as ‘*resourceful*’, he defines as people who are ingenious in finding ways of realizing their ends without being able to call on large material resources. Thus, you may inherit some money from your parents - this is a resource – but another form of good fortune is to have parents who command a large vocabulary, plenty of books around the place, and an environment that encourages curiosity (Barry, 2005).

So to clarify the main idea which I want to raise within this section, Barry argues that the primary subject of global justice is not institutions themselves – which in fact has formed the main conclusion of Charles Beitz in his work on global justice – but the distribution of rights, opportunities and resources that exists in society. Once we are able to get insights into these distributions, we will be better able to judge global institutions on their performances and accordingly let them work together in a more sensible and constructive way.

Thomas Pogge

Within this second part of my inventory debate – considering the different arguments in the field of global justice in favour of social justice at the global level – the focus up till now has been put on the institutional setting, defined as the ‘basic structure of society’ by Charles Beitz as well as Brian Barry. However, to be able to give a valid answer to my main research question within the conclusion of this research, I like to broaden the scope of argumentation to a second level of reasoning. The main contributor to this extra level of reasoning has been the German philosopher Thomas Pogge. In one of his most prominent and controversial books, *World Poverty and Human Rights* (2002), Pogge makes an important distinction between so-called positive duties on the one hand and negative duties on the other hand. After reading this book I have been able to realize that the reasoning of scholars like Beitz and Barry are limited in a certain important way. In my opinion the solutions and conditions they offer in order to improve social justice on a global level are all based on a way of reasoning which Thomas Pogge has named *negative duties*, our duties not to harm (Pogge, 2004). Beitz as well as Barry offer solutions – the basic structure of society – to ensure that countries are being limited in their possibilities to harm other countries. However, Pogge points out that in order to reach global justice one should also pay attention to the so-called *positive duties* (Pogge, 2004). He defines these duties as ‘helping others in need of help when they can at little costs for themselves’. Concretely this means, according to Pogge, that one can speak of global injustice when a nation state or institution leaves social or economic human rights unfulfilled on a massive scale, even when there is a feasible alternative order. Since the distinction between Beitz and Barry (reasoning according to negative duties) and Pogge (reasoning according to positive duties) is a distinction drawn by myself, which therefore needs certainly a clarification, I want to leave a further elaboration on this for the conclusion of this research. Instead, in this section I will focus on the different arguments which Thomas Pogge has given to reach social justice on a global level, trying to show that also solutions seen through a ‘positive duty perspective’ can offer extremely relevant insights in order to answer the main question of this research.

Global Resources Dividend

Thomas Pogge has published over the last two decades a range of books and articles in which he underpins his opinion that world global justice should be reached outside the borders of the ‘old-fashion’ nation state. Especially after reading one of his main publications, *World Poverty and Human Rights* (2002), no one will disagree that one of his most prominent solutions has been his concept of Global Resource Dividend (GRD). Before elaborating in more detail the content and implications of this proposal, I will first summarize the way in which Pogge sees the causal connections between the wealth of the better-off and the poverty of the worst-off, on which he has based his reasoning on global justice (Pogge, 2002).

According to Pogge the better-off countries in our world are engaged in institutionalized practices that are at least in part responsible for radical inequalities and so have a *negative duty* to refrain from those practices, or at least to compensate for their effects (Pogge, 2004). Pogge posits three main kinds of causal connections between the wealth of the better-off and the poverty of the worse-off:

- The effects of a shared institutional order, which is controlled largely by the developed countries in virtue of their vastly superior military and economic strength.
- The continuing effects of ‘a common and violent history’ which has involved colonial plunder and enslavement.
- The uncompensated exclusion of the poor from the use of natural resources.
(Pogge, 2004)

The first as well as the second connection, he notes, supports almost any reform that would improve the circumstances of the global poor. It is emphatically the third source of injustice that Pogge focuses on in his argument for a Global Resource Dividend. This narrowing of his focus in fact yields a more specific idea – which has made an enormous impression on me within the inquiry of his literature:

“Those who make more extensive use of our planet’s resources should compensate those who, involuntarily, use very little.” (World Poverty and Human Rights, p. 204)

This position has Thomas Pogge moved to come up with a proposal, which he has sketched and defended in several publications over a number of years. Already in 1994 Pogge came up with an early formulation of the proposal in ‘*An Egalitarian Law of Peoples*’ (pp. 195-224). A more recent formulation of the concept he gives in chapter 8 of his main work ‘*World Poverty and Human Rights*’ (2002). What it envisages, in brief, is that ‘states and their governments shall not have full libertarian property rights with respect to the natural resources in their territory, but can be required to share a small part of the value of any resources they decide to use or sell’ (Pogge, 2002, p. 196). In his early formulation he called it a tax, but because in the end it is based on the idea that the global poor own an inalienable stake in all limited resources, he has come in the more recent formulation to refer to the payment these better-off countries must make as a *dividend*. An important restriction he has made, however, is that this stake confers no right to participate in decisions about whether or how natural resources are to be used and so does not interfere with national control over resources, or eminent domain. (Pogge, 2002, p. 197). The negative duty of this proposal – to refer to this earlier mentioned, for him characterizing level of reasoning, compare to other cosmopolitan scholars like Beitz and Barry – will be to use the proceeds from GRD to ensure that all human beings can meet their own basic needs. In this context one should consider GRD of course as a negative duty, since it can be interpreted as a compensation for unequal resource distribution in colonial times. Pogge emphasizes his belief that not an impossibly

large amount would need to be raised. He speaks of an initial maximal figure of 1 percent of aggregate global income. Such a sum could be raised, he argues, by targeting a small range of selective chosen resources (Pogge, 2002, p. 205). Unfortunately he does not elaborate in more detail on these selective chosen resources, and therefore neither give any examples of such a resource.

GRD and its implications for global justice

The rather normative idea to levy a tax on the world natural resource stock, to compensate for an unequal share of these resources, sounds at first glance as an acceptable solution to reach social justice on a global level. However to be able to use this argument within the conclusion of my research in a valid way, it necessarily deserves the same critical reflection as applied to arguments in preceding chapters. With the main research question in mind – should we reach social justice within the Westphalian nation-state or at the global level? – this leads me to wonder *how* the money raised by applying GRD can contribute to more global justice? Because Thomas Pogge's idea on GRD has over the last decennium been characterized by the many critical reaction, I will summarize some of Pogge's main arguments (for the contribution of GRD to global justice) together with important critics raised by different scholars over the last decennium. Again I like to emphasize that within this inventory debate I will only elaborate on the existing arguments and counter-arguments in the field – whereas the assessment and conclusion of these different arguments will be addressed in the final chapter of this thesis.

In the first place the most important contribution of GRD, according to Thomas Pogge himself, will be that its proposed amount of 1% of the global product would currently raise about \$320 billion annually, or 86 times what all affluent countries combined are now spending on basic social services in the developing world (Pogge, 2002). The impact of this money on global justice will be enormous, according to Pogge. Within chapter 8 of *World Poverty and Human Rights* (2002) he enumerates a range of possibilities in which this money would reduce the gap between rich and poor countries, ranging from providing basic medical health care in the developing world; incentivize research into the so-called neglected diseases; access to clean water and electricity for every human being; subsidizing micro lending; and to relieve the crushing debt burden that is weighing down many of the poorest countries. These contributions themselves are, of course, not new. What *could*, on the other hand, make the difference is the fact that the amount of money will be 86 times more than the amount of money used for development aid by the affluent countries nowadays.

The American professor of philosophy Joseph Heath, among others, has been one of the relatively many scholars who criticized Pogge's idea of Global Resource Dividend. In one of his most recent article – '*Rawls on Global Distributive Justice: A Defence*' (2007) – Heath has argued that the likely distributive effects of GRD according to Pogge, could in fact be expected to be at best random, and at worst regressive, thus actually disfavoring some of those – the poorest – whom it is intended to assist. 'Even if the proceeds of the dividend go to the poor, it is levied on the extraction of primary resources whose territorial distribution includes both some rich and some poor nations (random effect)'. 'More crucially' - Heath continues - 'in taxing the immediate products of primary extraction, it falls most heavily on those nations dependent on such activities rather than upon those with more capital-intensive production techniques. This means, in practice, it could tend to fall on the poorer rather than the richer nations' (Heath, 2007). Indeed Heath makes here a crucial counterargument, because *if* the GRD will not have the distributive effects as Pogge foresees, it will subsequently not contribute to more global justice, and thus not be a valid argument in favor

of social justice at the global level. Again, I will elaborate on and assess these arguments within the final chapter of this thesis.

The search through the many critical articles on Pogge's idea of GRD, also shows a range of counterarguments, which I prefer to subdivide under the header: economical points of concern. In his *'Global Distributive Justice and the Taxation of Natural Resources: Who Should Pick Up the Tab?'* (2007) Dirk Haubrich argues that there are many economic variables – such as demand elasticity and 'rippling through' effects – which are involved in determining *where* the burden of such a tax should fall. Unfortunately I will not be able to explain these economic variables in too much detail - because that will go far out of my research demarcation – but to be able to give a valid judgment to the concept of GRD within my conclusion, I do like to mention them. An important assumption of Pogge in his *World Poverty and Human Rights* (2002) is the fact that the proposed rate of tax on natural resources should be levied on the extraction of primary resources (Pogge, 2002, p. 206). However – as Hayward (2006) has argued – 'If a tax on natural resources is to have progressive redistributive effects, there is a case for suggesting it should be levied on those who ultimately derive more economic benefit from the exploitation of raw resources rather than on those who, engaged in primary extraction, will generally yield the least added value from the resource'. Since the production of wealthy nations is more capital-intensive (Heath, 2007), this will mean that the 'value-added' by these wealthy nations would be almost entirely untaxed, whereas the poorer nations – generally more dependent on primary resources – will be highly liable to taxes. So in this manner Pogge's GRD will rather contribute to an increasing wealth gap on a global level than the reduction of this gap, as foreseen by Pogge.

State of the argument on GRD

After explicating a range of different arguments and counterarguments regarding Thomas Pogge's ideas on Global Resource Dividend, it might clear the sky to finish this chapter by determining the state of the argument made in this chapter on Pogge. As amply mentioned before, Thomas Pogge is generally seen as one of the main contributors in the field of cosmopolitanism, propagating that the best way to reach social justice will be a way which moves outside the border of the Westphalian nation-state, and seeks to reach social justice on the global level – global justice. As this chapter has hopefully made clear, the main way in which Pogge tries to reach this goal is by means of his concept of GRD – levying a tax on all natural resources extracted, intending to distribute to the poorest people, which should reduce the wealth gap and subsequently contribute to more social justice on a global scale (Pogge, 2002). However, as we have seen in different counter-argumentations, the proposed progressive redistributive effects of GRD have quite some pitfalls (Heath, 2007). So in the end of this chapter the question should be raised whether Pogge's argumentation is valid enough to contribute in favour of reaching social justice on the global level. The assessment and conclusion of this question and its comparison with the other arguments made in this inventory debate will be elaborated on in the final chapter of this research.

Conclusion

and the implications of the debate

Justification

“Few things have played a more fatal part in the history of human thought and action than great imaginative analogies from one sphere, in which a particular principle is applicable and valid, to other provinces, where its effects may be exciting and transforming, but where its consequences may be fallacious in theory and ruinous in practice.” (Miller, 2002)

It has been this quote by David Miller – within Cramme and Diamond (2009) – which has formed the basis for the development of this thesis, and more specific for the demarcation of my research objective within it. Although this quote seems very abstract at first glance, a better consideration shows that Miller in this quote precisely refers to the what, as we have seen, proved to be the key-aspect within the global justice debate: the scope in which to reach it. Before I will start the analysis and draw conclusions on the basis of the inventory of the debate – I like to emphasize an important scientific justification, which concerns the validity of drawing conclusions *within* my research demarcation. As mentioned before, the scientific literature concerning the global justice debate between nationalist scholars and cosmopolitan scholars is quite extensive (Pogge and Moellendorf, 2008). This fact has forced me - even within my research demarcation – to make a selection of the most prominent and contrasting scholars in the field. The choice to restrict my inventory of the debate to six political philosophers (Miller, Dahbour, Rawls, Beitz, Barry, and Pogge) is therefore already a limitation in itself, which increases my awareness of the difficulty to draw conclusions with regard to the scope in which we should try to reach global justice. However two important remarks I like to mention in this light. First of all the primary objective and ambition of this thesis has not been to make a valid generalization for the whole debate on the scope of global justice. Instead the research objective has been to examine some of the main arguments of both sides of the spectrum and to conclude whether or not *these arguments* are legitimized within the light of a globalizing world. However – referring to the second remark which I like to mention – within my quite extensive research into the literature I have tried to distinguish those scholars who are more or less representative for the wider field of scholars within the debate. In other words, my research into the literature has showed that many other scholars have built their argumentation on the foundations placed by most of the scholars which I have been discussing within this thesis. With this in mind I have therefore nevertheless the smallest ambition to use the upcoming conclusion as a modest generalization of my findings to the debate on the scope of global justice as a whole.

Conclusion

After acknowledging the limitations as well as the ambition of this thesis, I will use this section to analyse the different arguments which have been discussed throughout the previous chapter. To be able to draw a valid and useful conclusion at the end of this section, the analysis will be done according to a consistent manner. As I have been explaining within the introduction of this research, my own hypothesis - on which I have based my main research objective - is that in an era of globalization we should try to reach social justice at

the global level (outside the borders of the Westphalian nation-state). Consequently the alternative hypothesis comprises the nationalistic position that we should try to reach social justice within the borders of the Westphalian nation-state. Since it is in this light the alternative hypothesis which I question to a high degree, my consistent strategy will be to firstly raise a nationalistic argument and subsequently to rebut these positions using the different cosmopolitan arguments. With the main research objective in mind – examining the legitimization of arguments on both sides of the spectrum within the light of a globalizing world - the characteristics and consequences of globalization as described within the introduction will serve as a leading guideline for this comparison. In other words whereas in the previous chapter I have profoundly put the different arguments alongside each other, in this concluding chapter I will in fact let both sides enter into a discussion with each other.

A first crucial argument for the nationalistic side of the debate which has been described throughout this thesis, is the argument which states that global egalitarianism is not possible. The key idea of this argument, mainly elaborated on by Miller (1999), is that we live in a cultural too plural world to be ever able to reach social justice organized on a global level. Miller argues that people on a global scale miss a ‘common ground’ – a characteristic which make people within a nation-state tend to priorities their ‘own’ citizens. However thanks to Hopenhayn (2001) I have elaborated in the introduction that the classical concept of citizenship has developed under influence of globalization into new forms of ‘global citizenship’. “This new global citizen is governed by respect for the rules of a State of Law (the nation-state) as well as for tolerance for cultural and ethnic differences. Citizens’ civil, cultural and political rights are seen as being protected not only by the state, but also by a kind of ‘global supervision’ under which violations of those rights are reported, denounced and censured” (Hopenhayn, 2001). These insights by Hopenhayn shed a different light on the argument by Miller, because it supposes that by means of this newly developed form of citizenship, people on a global scale do have a sort of ‘common ground’. This ‘common ground’ makes people willing to report, denounce or censure possible violations of rights on people outside their own nation state. Having said this, the rhetorical question remains whether or not a ‘common ground’ or ‘global supervision’ is enough to be able to organize social justice on a global level? The answer of course is no! In other words this new sense of global commitment is significant, and disproves at least the argument raised by Miller (1999) above, but if rights are violated outside the borders of the nation-state, these citizens will not be able to do anything about it. Identifying this problem Beitz has, as we have seen in the inventory debate, tried to theorize a framework on the global level which, in an ideal-typical manner, could be able to intervene when states violated certain rights (in which a violation of a right is of course highly subjective – an issue on which I will return later on in this conclusion). Beitz has offered his ‘*basic structure of international society*’ which should consist of the economic, political and legal institutions and practices that influence the global violation of human rights. In addition to this useful, yet in my view still quite abstract theoretical foundation, the ideas of Barry can make it more concrete. He has offered a more complete foundation by theorizing *how* these international institution could be able to bring about more social justice at a global level. A proper allocation of rights, opportunities and resources should be their primary objective, Barry argued. With the main research question in mind this theoretical foundation is of course still quite fragile, since it all depends on *how* these institutions in the end distribute these rights, opportunities and resources.

A second aspect which according to many nationalist scholars stands in the way of reaching social justice at the global level, refers to what Miller has called – and as has been elaborated on at the beginning of the inventory debate – equality of opportunity. Miller’s key thought was that it is essentially the problem of saying what equality of opportunity means in

a culturally plural world in which different societies will construct goods in different ways and also rank them in different ways (Miller, 2004). The example of the tennis court and the football pitch vs. the school and the church in two different villages has made this problem quite clear. And in fact I do think that nationalist scholars have a legitimized point in here, because even if international institutions would function ideal-typical in the way proposed by Beitz (1999) and Barry (2005), they would still be forced to act, and more important judge, according to a set of cultural choices, which in the end will always be subjective. My research into the literature has neither found a cosmopolitan scholar who has counter argued this nationalistic argument. Looking critically to this argument I would however say that this encompasses such a deep-rooted characteristic of societies, and even individuals, at all different levels, that although nationalist scholars might be right, the question should be raised if this observation brings global justice any closer? What do I mean with this? In the introduction I explained, thanks to the article of Sharma and Gupta (2006), that the process of globalization goes hand in hand with the rise of so-called borderless problems, such as climate change or terrorism. This notion implies that many issues concerning global justice simply cannot be solved within the borders of the nation-state. Knowing this, I therefore conclude that the argument of nationalists concerning our cultural too plural world is in principal correct, however it is in this context a so-called logical fallacy. This concept, derived from the school of argumentation theory, refers to a valid way of reasoning which cannot lead to the given conclusion. With regard to reaching global justice in case of the earlier mentioned borderless problems this means in my view that nationalists cannot use the it is true valid argument of cultural diversity to propagate a solution *within* the borders of a nation-state, because even if purely hypothetical this cultural diversity could be overcome, these problems have to be solved on a global level anyway. So this logical fallacy delegitimizes in my view the ‘global cultural diversity’ argument of nationalistic scholars, with regard to borderless global justice problems.

In order to move another step closer towards an insights into my main research question, let me shortly repeat the key thought of Dahbour, as elaborated in the inventory of the debate. By means of his metaphors of a ‘Community of Trade’ and a ‘Community of Law’ Dahbour sketched out his main concern when nation-states give away too much of their internal sovereignty (Dahbour, 2004). In the introduction we saw that internal sovereignty refers to the relationship between a sovereign power and its own subject – i.e. the scope of power which a government can practice towards its own citizens (Held te.al., 1999). A comparison with Miller shows that whereas Miller does not even think about a global institutional order to overcome borderless global justice problems – the arguments of ‘no common sense’ and ‘cultural too plural’ stalls his argumentation in fact already in an relatively early stage – Dahbour on the other hand proved to be aware of the ongoing process of globalization, which makes him realize that these arguments, as concluded before, do not legitimize the goal of reaching global justice within the nation-state either. Nevertheless his key thought turned out to be highly skeptical towards reaching global justice outside the nation-state, because according to Dahbour the existing global institutional order (he explained examples of the World Trade Organization in a ‘Community of Trade’ and the International Criminal Court in a ‘Community of Law’) has rather increased global interdependence, which have accordingly made less affluent states highly dependent on affluent states with regard to resources. This interdependence should, according to Dahbour, not have to be a problem (as the explanation of David Ricardo’s theory on comparative advantages made clear in the previous chapter) when affluent states would be able to use their power in a moral responsible manner. However, in the end Dahbour concludes that these affluent states on the contrary use their power to merely increase this interdependence, which

according to Dahbour ultimately will make it only more difficult to reach social justice on a global scale. So in summary I conclude that Dahbour sees power – and more specific the ability of affluent states to use their power in a moral responsible manner – as the main problem towards organizing social justice at a global scale. The key issue in this sub conclusion of course comprises the meaning of using power in a ‘moral responsible manner’. This knowledge gap I will try to fill in below.

A final point of discussion, ensuing from the inventory debate, concerns a frequently adduced argument of many cosmopolitan scholars in favour of organizing social justice at the global level, namely international money transfers (Beitz, 2004; Pogge, 2002). Whereas many nationalist scholars argue that these forms of wealth distribution (most often in the form of foreign aid programs) should instead be leaved upon the government of a ‘receiving’ nation-state itself, who knows best what is going on in its country, many cosmopolitan scholars on the other hand use the argument to fulfil what Pogge has addressed as *positive duties* (Pogge, 2002). As explained in the section about Pogge, the way in which cosmopolitans want to reach global justice can be divided into positive and negative duties. Examples of negative duties, the duty not to harm, can be found in solutions raised by Beitz or Barry in the form of their ‘basic structure of society’ – an institutional order in its basis and ideal-typical meant to control and, when possible, punish states who direct or indirect harm other states. Another example of a negative duty, proposed by Pogge (2002) and elaborated on in the section about Pogge, turned out to be his idea on Global Resources Dividend (GRD). Without explaining again what this idea embraces, its most important sub conclusion for now is that it can and should be seen, although explained in a different manner, as an international money transfer. When accordingly putting this cosmopolitan argument in perspective again by comparing it to a similar nationalistic argument, one almost automatically ends up in Rawls’s *Duty of Assistance* (Rawls, 1993, p. 432). According to Rawls ‘the political culture of a burdened society (less affluent state) is a much more important consideration to focus on for well-ordered societies (affluent state) than their possible scarcity of resources. Rawls offers his theory of the Duty of Assistance as an alternative to the cosmopolitan principle of global distributive justice, often realized by positive duties such as GRD. According to Rawls global injustices can only be tackled *within* the borders of the nation-state, and the principle of distributive justice will only hide these injustices and them even worse on the long term (Rawls, 1993, p. 432). When analysing both theories I must admit that Rawls offers, in my view, a justified and strong argument in here, which indeed shows that negative duties like GRD only tend to hide political injustices in the long term. I like to clarify this sub conclusion by mentioning the recent developments in the Arabic world (BBC News, 29 January 2011). By means of giving almost \$2 billion a year to the government of Egypt, the United States have, among other goals, tried to calm down the region for decades. This transferred money ended up for years in the pocket of the regime, under the leadership of Hosni Mubarak, hiding the injustices which the Egyptian people had to undergo. Eventually it has been the Egyptian people themselves who have been able to remove Mubarak from power on the 11th of February 2011 by means of a massive popular uprising (BBC News, 12 February 2011). So in fact this example shows that the fight for social justice has been revealed from inside – in other words within the borders of the nation-state. Of course I want to emphasize that it is difficult to consider this example in the way I did, free from any context, because of course many other aspects play an important role. However, as I have been mentioning before, this difficulty plays a role throughout this thesis as a whole, which I have been acknowledging at the beginning of this chapter. Nevertheless, when one is aware of this contextual acknowledgement, the key thought of this example shows that positive

duties in the form of money transfers can indeed only hide injustices and therefore do not legitimize, in my view, the argument of many cosmopolitan scholars.

The state of the argument: a short recapture

So what does this analysis of the inventory debate, and the considerations of the different arguments in the field, offer me with regard to the state of the argument and my main research question? To briefly clarify the state of my argument throughout this thesis, I will very shortly recap the different steps of the process thus far. After introducing my research objective framed by the main research background (globalization), I started the introductory part of this thesis with formulating my main research question. Subsequently I have tried to summarize and, even more important, to demarcate the most important arguments in the field of global justice – of course focussing on arguments regarding the scope in which to reach it. Finally, after explicating the most relevant arguments in the field, I have been analysing and comparing both standpoints critically in the light of the changing role of the nation-state in an era of globalization, as explained within the introduction. This extensive literature study and its subsequent analysis have brought me a final answer to my main research question. An answer which, I like to emphasize it again, should be interpreted in the light of my earlier mentioned acknowledgement – meaning that my choice to examine a demarcated topic embraced in such a comprehensive field as the global justice debate, means that the concluding answer to my research question is hard to generalize. However I also explained within the same acknowledgement that I think that the structure and the choices during my demarcation process have validated my research enough to formulate an answer.

The principle of subsidiarity

An extensive exploration of the literature on global justice has showed me at the beginning of my research that the current key aspect within the debate contains in fact a level discussion – meaning that most scholars in the field, aware or not aware, build their specific argument on a common bottom-line: the scope or level on which we could best organize the fulfilment of global justice. Moreover, in the light of the contemporary globalization process which characterizes our era, this scope or level debate proofed to comprise two main levels of organization – the national level and the global level – which made me decide to formulate my main research question as follows:

Should we reach social justice within the Westphalian nation-state or a the global level?

After I have been analysing different arguments from both sides of the debate, my personal conclusion is that we should try to organize social justice on a global level, however backed up by one extremely important precondition: the *principle of subsidiarity*! This principle is worldwide still a bit in its infancy (Gosepath, 2005) and does, probably also therefore, still play a minimal role in the contemporary global justice debate. However, in my opinion this principle fills in for a large extent the knowledge gaps and problems which have arisen from my analysis of the inventory of the debate. Hence I will complete this conclusion with a brief argumentation for my final thought that we should try to organize social justice at a global scale, and explain the added value which the principle of subsidiarity could play in it. Yes it

will be brief, because as broadly explained before, my main research objective has been to make a demarcated inventory of the debate, and not to give my own opinion.

My most important argument for my vision that we should try to organize the concept of social justice, as explained and defined within the introduction, on a global scale refers to what I call in this context a deficiency of realism for contemporary globalization by most nationalist scholars. In arguing that nation-states should have the determining decision power when it is about the distribution of rights, opportunities and resources of their own citizens, many nationalist scholars (and Dahbour in particular) rather give arguments *against* a transnational organizing authority which takes away sovereignty, instead of arguments supporting their own view. In other words, nationalist scholars tend to base their position on the fact that many attempts to create an institutional cosmopolitanism to react on globalization have been failed thus far. Their alternative seems therefore to be that the developments of globalization, as explained within the introduction, should better be ignored as far as possible. If, and I repeat if, the ongoing development of globalization could be ignored, then the different arguments raised by Rawls (1971), Miller (1999) and Dahbour (2004) would be justified, since I am of the opinion that in principle the organization of life should be organized on the lowest possible level (a view which refers already to the earlier mentioned principle of subsidiarity). However, as I have been introducing at the outset of this thesis, many literature shows that the development of globalization worldwide can hardly be ignored (Held et.al., 1999) and should therefore better be replaced for a discussion on how to deal with it. Of course I realize that this refutation of the nationalistic standpoint in fact comprises a vicious circle in itself, because probably many nationalists will argue that this ongoing globalization is in itself a result of earlier efforts to draw decision-making power and sovereignty away from the nation-state, which should be stopped according to them. Held et.al. (1999) have showed on the other hand, as described within the introduction, that globalization has many other causes, which means that – as long as it is possible to consider these developments separated – a rejection of any form of institutional cosmopolitanism in the past decades could not have avert a process of globalization either.

A second correlated argument concerns the increasing amount of borderless problems. As described in the introduction and analysed at the end of this thesis, many problems which go hand in hand with globalization have a so-called borderless character, meaning that a nation-state will never be able to solve such a problem (like climate change or terrorism) on its own. In other words cooperation is inevitable end therefore a transnational institution is in my view absolutely needed to organize the specific problem. David Miller, however, has raised the problem of achieving global egalitarianism in a cultural too plural world, as I have been describing and analysing throughout this thesis. He raises a strong point in my view, because in the introduction we have also seen that globalization does not necessary need to go hand in hand with cultural egalitarianism, which means that the local culture of people still determines to a large extent how these people will interpret and value the problem. Therefore I think that the biggest pitfall for a transnational institution in this context is that it will not be able to know what is exactly going on at the local level, what accordingly can result in an transnational institution which makes decisions based on simply a lack of information. More concrete I think that this problem could be solved by replacing the moral utopian principle of egalitarianism by the principle of subsidiarity (Gosepath in Follesdal et.al., 2005). Because this principle is applicable in many different scientific and non-scientific fields – such as government, management, military and of course social and political science – it is therefore also defined in many different ways. In social and political philosophy however the principle is usually defined in the way as Herzog (in Follesdal et.al., 2005) has put it: the principle of subsidiarity is a principle which states that in the relationship among communities, but also in

the relation of the individual to any form of human community, the smaller social or political entity or institution ought to be given priority (e.g., the individual should come before the community, the community before the state, the state before the federation, and so on). In this context, it is an important, if not the most important, responsibility of the bigger institution to enable the smaller one to perform its tasks and to provide it with any necessary support (Herzog, 1998). If transnational institutions, or ‘the basic structure of society’ as Barry (2005) has put it, take over some parts of the sovereignty of nation-states in order to organize social justice on a global scale, this principle of subsidiarity could overcome (in an ideal-typical manner of course) several of the problems raised by nationalists scholars like Miller and Dahbour. It could for example limit the decision-making power of higher authorities, such as the World Trade Organization (WTO) or the International Criminal Court (ICC), which has turned out to be the main concern of Dahbour when he criticized his metaphors of a ‘Community of Trade’ and a ‘Community of Law’. Moreover the principle could, at least partly, overcome the problem raised by Miller that we simply live in a cultural too divers world. Of course I do not argue that the decision-making will be more easy in the end, because the final decision-making process by the highest authority will have to keep in account much more lower level criteria. When the principle of subsidiarity will be applied, nation-states will be less anxious to give away some of their sovereignty. Of course I am aware of the fact that these last mentioned conclusions and standpoints, with regard to the principle of subsidiarity, lack a scientific foundation or any literature on which I have based them. However, as explained before, this principle has not been part of my research objective, but instead a contribution and partial completion of the knowledge gaps which appeared within my final conclusion.

Bibliography

- Barry, Brian (2005). *Why Social Justice Matters*. Polity Press. Cambridge, p. 27.
- Beitz, Charles R. (1999). *International Liberalism and Distributive Justice: A Survey of Recent Thought*. *World Politics*, 51.2, pp. 269-296.
- Beitz, Charles R. (1979). *Political Theory and International Relations*. Princeton University Press, Princeton, p. 152.
- Cabrera, Luis (2004). *The Cosmopolitan Imperative*. In: *Current Debates in Global Justice*.
- Cramme O. and Diamond P. (2009). *Social Justice in a Global Age*. Cambridge: Polity Press.
- Dahbour, Omar (2004). *Three Models of Global Community*. In: *Current Debates in Global Justice*: Received 14 May 2004; accepted in revised form 7 June 2004.
- Donnelly, Jack (2003). *Universal Human Rights in Theory and Practice*. Cornell University Press, Ithaca.
- Follesdal, Andreas and Pogge, Thomas (2005). *Real World Justice: Grounds, Principles, Human Rights, and Social Institutions*. Springer.
- Haubrich, Derk (2004). *Global Distributive Justice and the Taxation of Natural Resources: Who Should Pick Up the Tab?* *Contemporary Political Theory* 3, pp. 48-69.
- Hayek, Friedrich (1976). *Law Legislation, and Liberty: The Mirage of Social Justice*. University of Chicago Press, Volume 2.
- Hayward, Tim (2006). *Thomas Pogge's Global Resources Dividend: a critique and an alternative*. *Journal of Moral Philosophy*, Volume 2.3, pp. 317-332.
- Heath, Joseph (2007). *Rawls on Global Distributive Justice: A Defence*. *Canadian Journal of Philosophy*, University of Calgary Press, Lethbridge, Supplementary Volume 29.
- Held, David. et al. (1999). *Global Transformations: Politics, Economics and Culture*. Stanford University Press. Stanford, California.
- Hopenhayn, Martin (2001). *Old and new forms of citizenship*. Social Development Division, ECLAC, Cepal review 73.
- Kant, Immanuel (1970). *Perpetual Peace: A Philosophical Sketch*. In: Hans Reiss: *Kant's Political Writings*, Cambridge University Press, p. 114.
- Miller, David (2004). *Against Global Egalitarianism*. *The Journal of Ethics* 9: p. 55 -79.
- Moellendorf, Darrel (2002). *Cosmopolitan Justice*. Boulder: Westview Press, p. 49.
- Novak, Michael (2000). *Defining Social Justice*. University of Chicago's Committee on Social Thought, Chicago, Issue Archive.

- Pogge, Thomas (1988). *Problems of International Justice*. In: Luper-Foy (ed.), Boulder: Westview Press, pp. 290-291 and 300-301.
- Pogge, Thomas (1994). *An Egalitarian Law of Peoples*. *Philosophy and Public Affairs* 23.3, pp. 195-224.
- Pogge, Thomas (2002). *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. Cambridge, Polity Press.
- Polman, Linda (2008). *De Crisiskaravaan. Achter de schermen van de humanitaire hulpverlening*. Uitgeverij Balans.
- Rawls, John (1971). *A Theory of Justice*. Cambridge: Harvard University Press, Section 12, pp. 14-46.
- Rawls, John (1993). *The Law of Peoples*. *Critical Inquiry*. Cambridge: Harvard UP. pp. 36-68.
- Rousseau, Jean-Jacques (1964). *Discourse on the Origin and Foundations of Inequality*. In: *The First and Second Discourse*. New York, Saint Martin's Press, p. 133.
- Sharma, Aradhana. and Gupta, Akhil (2006). *The Anthropology of the State*. Blackwell Publishing, Oxford.
- Shue, Henry (1997). *Eroding Sovereignty: The Advance of Principle*. In: Robert McKim and Jeff McMahan (ed.), *The Morality of Nationalism*. Oxford University Press, pp. 340-359.
- Singer, Peter (1972). *Famine, Affluence, and Morality*. *Philosophy and Public Affairs*, pp. 229-243.
- Zajda, J. and Majhanovich, S. and Rust, V. (2006). *Education and Social Justice*. Springer, Dordrecht, The Netherlands.