



HAL
open science

Four liberal-egalitarian models of global justice

Julian Culp

► **To cite this version:**

Julian Culp. Four liberal-egalitarian models of global justice. *Perspectiva filosófica*, 2014, 40 (2), pp.14-29. <hal-04959474>

HAL Id: hal-04959474

<https://hal.science/hal-04959474v1>

Submitted on 29 Mar 2025

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.



HAL Authorization

Four liberal-egalitarian models of global justice

Julian Culp¹

Abstract

This article presents four models of global distributive justice: Globalism, Statism, Internationalism and Transnationalism. All of these models share the liberal-egalitarian premise that all human beings possess equal moral worth. Globalism defends the global validity of egalitarian principles of distributive justice. Statism denies this and holds that a threshold level of sufficiency is all that global distributive justice requires. Internationalism argues for distinct sets of principles of distributive justice that should regulate interactions among societies. Finally, Transnationalism claims that there is a plurality of contexts of distributive justice within and beyond the state, and that each of these contexts gives rise to separate principles of distributive justice.

Keywords: Liberal-egalitarianism; Global distributive justice; John Rawls

Resumo

Este artigo apresenta quatro modelos de justiça distributiva global: Globalismo, Estatismo, Internacionalismo e Transnacionalismo. Todos esses modelos compartilham a premissa liberal-igualitária de que todos os seres humanos possuem igual valor moral. O Globalismo defende a validade global dos princípios igualitários de distribuição de justiça. O Estatismo nega isto e defende que um nível limiar de suficiência é tudo o que a justiça distributiva global requer. O Internacionalismo defende que distintos conjuntos de princípios da justiça distributiva possam regular interações nas sociedades. Finalmente, o Transnacionalismo acredita que há uma pluralidade de contextos de justiça distributiva dentro e além do estado, e que cada um desses contextos permite que existam princípios de justiça distributiva próprios e particulares.

Palavras-chave: Liberal-igualitarismo; justiça distributiva global; John Rawls

¹Postdoctoral Fellow in Normative Theory - University of Toronto Centre for Ethics - 6 Hoskin Avenue M5S 1 H8 Toronto – Canada. Email: julian.culp@utoronto.ca,

Introduction

From a historical vantage point, the question of the *scope of distributive justice*, that is, the question among whom certain principles of distributive justice apply is quite a recent one². For while there has been a very long tradition in the philosophy of international relations regarding the morality of warfare under the heading of “just war theory”, questions of distributive justice have long been confined to the borders of the territorial state. In fact, even John Rawls’s (1971) modern classic *A Theory of Justice* largely bracketed questions of distributive justice beyond state borders. Only after Rawls’s revival of contractualist justice theory has theorizing of distributive justice beyond state borders become the focus of an intense academic debate. Most of these investigations into the possibility and shape of *extensions* of conceptions of distributive justice occurred from within a primarily liberal-egalitarian perspective. The central aim of this article is to provide an overview of the landscape of theories of global distributive justice from such a liberal-egalitarian point of view.

What is presumed to constitute this perspective? A liberal-egalitarian point of view comprises at least three features: normative individualism, moral egalitarianism and moral universalism. Normative individualism implies that human beings are the ultimate units of moral concern. The concern that is owed to human communities is comprised of the concern that is owed to the persons living in this community. The community “as such” deserves no particular moral concern. Secondly, the moral egalitarianism states that all persons deserve *equal* respect. Morally, all human beings are of equal status. And thirdly, the equal respect must be granted to *all* human beings independent of their particular family, ethnic, national or other affiliations. This liberal-egalitarian approach to the question of the scope of social justice is very similar to what has been elsewhere labeled as “moral cosmopolitanism” (POGGE, 1992, p. 48), “moderate moral cosmopolitanism” (KLEINGELD and BROWN, 2009), or a “weak understanding of moral cosmopolitanism” (MILLER, 2007, p. 27). Since the term “cosmopolitanism” is presently employed by many theorists in order to denominate the *global* scope of principles of egalitarian distributive justice,³ it is necessary to stress that the liberal-egalitarian perspective sketched out

² Hugo Grotius is an exemption from this general observation, as he demanded economic redistribution between states and did not focus exclusively on questions of war and peace.

³ See Buchanan (2006) who distinguishes “egalitarian cosmopolitans” from “liberal distributive nationalists” in “International law, philosophy of”; Beitz (2000, p. 677) separates “social liberalism” from “cosmopolitan liberalism”.

here is to be understood as being compatible with quite diverse views on the scope of egalitarian principles of distributive justice. As will become clearer in what follows, a liberal-egalitarian theory of justice may be cosmopolitan in the sense just specified, but nevertheless deny that egalitarian principles of distributive justice apply to the relations among all individuals globally.

There are numerous accounts as to which characteristics of social contexts constitute the conditions for principles of distributive justice to apply. In the following such specific types of conditions will be referred to as *existence conditions* of social justice. This is to say that these social conditions are necessary for problems of distributive justice to arise that call for an adjudication in light of principles of distributive justice. Depending on the existence condition a theorist endorses, and depending on the empirical account she thinks describes most adequately actually existent social contexts, she will hold alternative views on the scope of principles of distributive justice. This article presents four alternative views: Globalism (2.), Statism (3.), Internationalism (4.), and Transnationalism (5.).

1 Globalism

Social Cooperation Based Globalism

Institutional globalists like Charles Beitz and Thomas Pogge argue that due to globalization it is empirically inadequate to hold that states are independent from one another. As a result, these theorists hold that social cooperation does not end at the borders of the state, because there is a “global scheme of social cooperation” (BEITZ, 2008, p. 34). Social cooperation based institutional globalists argue that the upshot of this empirical observation is that egalitarian principles of distributive justice must be applied globally.

Modifying Rawls’s (1971, §58) own approach, they hold that the original position is not to be employed repeatedly, once to ground the inner-state principles of justice with the representatives of different groups of society and once again to ground inter-state principles of justice with the representatives of different societies (see Internationalism (4.) below). Rather, this approach is to be used *only once* (cf. POGGE 1989, p. 246). In such a global original position the representative parties must not know their citizenship. Although citizenship is highly influential for the life chances of individuals, it is arbitrary from a moral point of view. Once the egalitarian principles of global distributive justice are chosen, inner-state relations may still continue to be

regulated by specific principles of domestic distributive justice, but the validity of these domestic principles is now conditional upon their compatibility with the demands of the global distributive principles.

Pervasive Impact Based Globalism

What makes this account of the source of principles of distributive justice problematic for an application to the relations of citizens of different states is that it is hard to make the case empirically that the global interdependencies are cooperative in the sense that they create mutual advantages. Beitz, however, actually has changed his view on the normative significance of social cooperation towards a position that rests on less controversial empirical assumptions.

The circumstance that in some situations *some* people are actually worse off because of global interdependencies while others benefit from it has led him to hold that it is not cooperation, but economic and political structures with pervasive impact that create the conditions for the applicability of principles of distributive justice. Hence even if there is no global scheme of social cooperation, there is clearly a global scheme of interdependence, and thus the conditions for the applicability of global principles of justice are in place. As Beitz (1999, p. 131) puts it, “the requirements of justice apply to institutions and practices (whether or not they are genuinely cooperative) in which social activity produces relative or absolute benefits or burdens that would not exist if the social activity did not take place.” So Beitz views significant interdependence as the condition under which principles of distributive justice apply. Justice is thus limited in scope in the absence of a global social scheme of interaction with significant effect on its participants. The term “significant” indicates that social interdependence ought to have a sufficient amount of impact in order to qualify as conditions to which principles of distributive justice apply. One can call this type of Globalism a *Pervasive Impact Based Globalism*, no matter how a more specific account of the pervasiveness of social institutions may look like.

Interactional Globalism

Interactional Globalism holds that the applicability of principles of distributive justice to relations among persons does not depend on or require the existence of a shared institutionalized practice among these persons. Rather, for principles of distributive justice to

apply, it suffices that these people can individually affect each other and change their living conditions.

One possibility to argue for an Interactional Globalism is to subscribe to an account of distributive justice that builds on a Raz's *interest-theory of rights* and rejects the moral significance of institutional relations. On this account, social and economic rights are ascribed to persons because they protect fundamental interests of these persons (cf. BUCHANAN, 2004, ch. 2; CANEY, 2005, ch. 3). As Raz (1986, p. 166) defines it:

“X has a right’ if and only if X can have rights, and, other things being equal, an aspect of X’s well-being (his interest) is a sufficient reason for holding some other person(s) to be under a duty.”

Hereby the scope of the ascription of these rights is not directly restricted to the boundaries of the state. Instead, if the persons in question are rights-bearers in virtue of morally significant interests that they possess as human beings, then these rights are unaffected by the persons’ citizenship or other types of institutional affiliation.

Egalitarian Interactional Globalism

Egalitarian Interactional Globalism starts with the basic intuition that no one should be worse off than anybody else through no fault of his or her own. This intuition is also to be found in Rawls’s theory of justice. Rawls (1971, p. 74) says at one point, for example, that “once we are troubled by the influence of either social contingencies or natural chance on the determination of distributive shares, we are bound, on reflection, to be bothered by the influence of the other.” Such a deliberation in favor of egalitarianism is normally called the “argument from moral arbitrariness.” Many other theorists have embraced this idea and made it a central building block in their theories of distributive justice. Ronald Dworkin, for one, has strongly defended the view that principles of justice ought to be “endowment-insensitive” and “choice-sensitive”⁴. Stefan Gosepath (2004, p. 365, my translation) has formulated this basic notion of egalitarianism like this:

⁴Dworkin (1981, p.311).

“It is unjust when a person is placed in a condition more unfavorable than another person (based on the measure of his share of resources), except in the case where his condition is the result of conditions, for which he himself is responsible, has made his own free choice or has made an avoidable failure.”

From this characterization follows that it would be considered unjust if persons were situated unequally because of morally arbitrary attributes such as gender, ethnicity or family background. These attributes are morally arbitrary, because persons cannot sensibly be held responsible for carrying them. If it is “brute luck”⁵ that one is either female or male, of one ethnicity or the other, the descendent of rich and powerful or of poor and powerless parents, then these facts may not count as justification for a departure from equality.

But if those facts about persons that have to be attributed to mere chance – and not choice – cannot justify inequality in justice-relevant resources, then citizenship can neither justify these. Persons usually do not choose their citizenship, but are simply born as citizens of a particular state. If one focuses only on the justice of inner-state relations between persons, however, then one does not judge it as unjust that people – by mere chance – are born either into rather wealthy states of the world such as those in western Europe or northern America, while others grow up in an extremely impoverished rural zone or slum of a metropolis of a sub-Saharan African state, even though the alternative places of birth imply radically different life chances.

Prima facie, egalitarian interactional globalists therefore do not restrict justice to the inner-state relations of persons, since citizenship (by and large) is contingent. Thinking otherwise would mean to re-insert the feudal notion of birthright privileges into the core of liberal political theorizing – or so the argument goes (cf. CARENS, 1987, p. 252). To restrict the scope of justice thus is only possible by considerations of the realizability of an – initially – equal distribution of justice-relevant resources. This is captured by the normative premise presented above that the scope of distributive justice is limited to interactional relations, which means relations in which people can individually affect one another significantly. Crucially, this entails a very specific understanding of the range of considerations that are relevant for problems of distributive justice: considerations of distributive justice do not only apply to situations that are the causal result of

⁵ “Brute luck” contrasts with “option luck”. As Dworkin (2000, p. 73) explains: “Option luck is a matter of how deliberate and calculated gambles turn out—whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined.” Brute luck is “a matter of how risks fall out that are not in that sense deliberate gambles.”

human actions, but also to situations that have not been caused by human beings, yet are changeable by human endeavors. As Gosepath (2001, p. 137) points out clearly:

“The most general demarcating line (for circumstances where the concept of justice applies and where it does not) does not run between man-made and non-man-made misfortune, but between an injustice for which human correction and intervention is possible and sheer misfortune, or fate, in which case it is not.”

And to the extent that the advent of the latest wave of globalization enables persons to affect the life circumstances of others globally, principles of egalitarian social justice are global in scope.

2 Statism

In opposition to Globalism, the statist view argues that without a world state, or at least a global political order that is state-like, the scope of principles of distributive justice is not global in scope. It does this on the ground that the relationship between persons who are not part of the same state lacks the characteristics that make it an appropriate subject matter of distributive justice. The statist conception is inspired by Thomas Hobbes’(1962 [1651]), ch. 17) claim that in the state of nature, which is characterized by the absence of a sovereign power, there is no justice at all. As Hobbes (1962 [1651]), p. 129) puts it:

And covenants, without the sword, are but words, and of no strength to secure man at all. Therefore notwithstanding the laws of nature ... if there be no power erected, or not great enough for our security; every man will and may lawfully rely on his own strength and art, for caution against all other man.

Thus Hobbes endorses the view that an *existence condition* of a sovereign power is required before the actual subject matter of justice arises. In a state of nature the sovereign power is needed, for without the assurance that other persons are coerced to act in a specifically coordinated manner, it is impossible to create a stable scheme of social interaction that is capable of securing the collective self-interest. Only when the coercive structure is implemented, the particular conception of justice can be applied to the way in which collective action problems are solved.

Two authors, Michael Blake and Thomas Nagel, have recently proposed views on the scope of distributive justice that both adopt the idea that for a conception of distributive

justice to apply to social relationships, these relationships need to be embedded in institutions of the state that wield *coercive power* (cf. also R. MILLER, 1998).

Coercion and Autonomy – Weak Statism

Blake (2001) bases his approach on an impartial, liberal principle of autonomy that demands respect for all human beings and argues that the requirements of this principle change in accordance to the social context in which people find themselves.

Blake (2001, p. 267) holds that “all human beings have the moral entitlement to exist as autonomous agents, and therefore have entitlements to those circumstances and conditions under which this is possible.” This principle has two implications. One is that all persons who live in circumstances preventing them from living autonomously, like starvation, – where they live below a certain non-relationally specified “threshold” of autonomy – have claims against those who can bring about situations in which persons can exercise their autonomy.⁶ Another is that coercion, which “reduces the will of one person to the will of another”, is *prima facie* forbidden, as “autonomy is incompatible with coercion” (BLAKE, 2001, p. 268). Notably this holds even when it occurs at a “level” of autonomy above the threshold. Coercion is not forbidden, however, if it is justifiable, or, put differently in Scanlon’s terms that Blake (2001, p. 272) also employs, if it “cannot be reasonably rejected” (cf. also SCANLON, 1982, p. 110; 1998, p. 4).

On this basis Blake (2001, p. 271) defends the thesis that the liberal principle of autonomy demands – in terms of justice – that (1) all people owe each other the conditions for the exercise of autonomy independently of the institutional relation among them, and that (2) people who share the institutional context of a state owe each other egalitarian shares of the overall production of the citizens of a state. In short, sufficiency principles of distributive justice must be fulfilled towards people living abroad, while egalitarian distributive justice must be realized at home. Interestingly, thus, Blake does not justify partiality towards co-citizens in the sense that they deserve more respect than foreigners – e.g. in the way in which one may argue for the legitimate preferential treatment of family members or friends within a state. Instead he argues that a proper understanding of what an impartial perspective towards all human beings requires in different contexts leads to the demands for an absolute standard of

⁶ Blake (2001, p. 266-71) follows Raz’s (1986, p. 376-8) account of autonomy.

sufficiencitarian distributive justice globally and for an egalitarian standard of distributive justice domestically. Which features of the domestic realm justify applying one set of principles of distributive justice in it, and another set of sufficiency principles of distributive justice globally? Of what does the disanalogy between the domestic and the global realm consist?

According to Blake (2001, p. 280), the international, or global, realm is distinct from the domestic realm in that the international order does not coerce individuals in the same way that the domestic order coerces its citizens: “[t]here is no ongoing coercion of the sort observed in the domestic arena in the international arena.” Due to the factual difference between international and domestic legal coercion and the need for justifying the specific use of domestic coercion on the basis of the liberal principle of autonomy in a distinctive manner, Blake makes the following argument: the coercion of the domestic legal system as a whole, which uses violence as a measure of last resort, needs to be justified to all of its citizens. Blake (2001, p. 284) states that a minimal requirement for the justifiability of such coercion is that citizens “have relatively equal abilities to influence ... government’s policies”. And given that the domestic legal system includes private law that could in principle direct all belongings to a small fraction of the population – which would inhibit effective political influence for the rest of society – that requires in turn a principle of distributive justice that takes into consideration the relative distribution of holdings. Otherwise the minimal requirement of disposing over relatively equal influence on the setup of the legal system cannot be fulfilled.

On this reading of Blake’s argument, due to the absence of a state-like global order that redistributes material wealth as well as the absence of a global legal *system* that violently imposes its rulings upon “world citizens”, the concern for relative material equality in the domestic arena is necessary for a justification of the coercive power of the domestic legal system, although it is not required in the global realm.⁷

Coercion and Joint Authorship – Strong Statism

Nagel (2005) also differs from Hobbes on the substantive criteria for the assessment of a coercive institutional scheme, but equally follows him in his answer to the question What is justice’s subject matter? He agrees that principles of distributive justice are only directed to patterns of human interaction that are coercively enforced. Nagel (2005, p. 120) labels this view

⁷Brock (2009) also holds that justice demands less globally than it does domestically.

the “political conception” of justice, because it is directed exclusively at the “institutional relation” within which persons stand to each other, however contingently they have entered them. Thus a duty of distributive justice that arises thereof is called an “*associative obligation*” (NAGEL, 2005, p. 121), so as to emphasize its dependency on the specific type of political relation between the rights-carriers and duty-bearers.

Any particular conception of distributive justice is only directed to patterns of human interaction that are coercively enforced, and in which, additionally, those who are subject to the coercive demands are also the *authors* of the coercion. Since coercion involves the will of those who are subject to it, co-authorized coercive schemes of cooperation are subject to justice’s demands. To the extent that citizens of different states are not subject to institutions that use force to secure compliance with the institutions’ demands that have been established jointly, the concept of justice is not employable in the global realm.⁸ And even if it actually is the case empirically that the social order beyond the state also is coercive – as the use of violence to prevent immigration demonstrates –, it is indeed true that those who are subject to the coercive institutional schemes are not the authors of these schemes – at least not on a rich understanding of what institutional authorship requires.

3 Internationalism

Internationalism is characterized by two features: (1) liberal egalitarian principles of social justice are valid only within a liberal society; and (2) other principles apply to inter-societal relations. One prominent defender of this position is Rawls. It is distinct in that it perceives the world to be constituted of a society of societies. This view has been labeled “*social liberalism*” by Beitz (2000, p. 677). Rawls’s (1999, p. 10) aim in *The Law of Peoples* (henceforth abbreviated with LP) is to develop the “ideals and principles of the *foreign policy* of a reasonably just *liberal* people.” He attempts defending the principles of right that should guide the action of liberal societies vis-à-vis other societies. Thus, different from what Beitz (2000, p. 677) has dubbed “*cosmopolitan liberalism*”, social liberalism attributes fundamental normative significance to collective entities.⁹

Based on this understanding of the subject matter of “a particular political conception of right and justice” in the international realm, Rawls (1999, p. 3) constructs principles

⁸ For further discussion of Nagel’s approach, see Charles Sabel and Joshua Cohen, (2006) and A. J. Julius (2006).

⁹ For the view that Rawls remains solely committed to normative individualism in LP, see **Schefczyk** (2007, p. 18)

by extending the “general social contract idea” of liberal societies to the level of inter-societal relations. For this purpose Rawls (1999, p. 33) uses the original position as a “device of representation” in order to model fair conditions under which the parties, i.e. the representatives of societies, are to specify the principles that should guide their relations. In this way the original position is used similarly to its application at the domestic level, but is “tailored given the agents modeled and the subject at hand” (RAWLS, 1999, p. 33). This expresses Rawls’s (1971, p. 29) methodological commitment, namely, that “the correct regulative principle for anything depends on the nature of that thing”. Rawls (1999, p. 63) employs this extension of the original position two times, once for the relations among liberal peoples, resulting in the Law of Peoples, and a second time to show that decent societies would also “accept the same Law of Peoples that liberal societies do.”

Rawls (1999, p. 4) distinguishes between five different types of societies. Only two of them, “*reasonable liberal peoples*” and “*decent peoples*”, however, belong to a “Society of Peoples”. Both societies are well-ordered peoples, the latter, however, do not accept the “liberal idea that persons are citizens and have equal basic rights as equal citizens” (RAWLS, 1999, p. 66) but they do dispose over a “decent consultation hierarchy” (RAWLS, 1999, p. 4). It is part of the Law of Peoples that these societies agree that they respect the “duty to assist other peoples living under unfavorable conditions that prevent their having a just or decent political and social regime” (RAWLS, 1999, p. 37). Societies to whom this duty of assistance is owed are called “burdened societies” (RAWLS, 1999, p. 105-120).

Different from most duties of distributive justice, the duty of assistance has a clear target or cut-off point at which the duty is fulfilled. The duty is fulfilled once the formerly burdened society is well-ordered and belongs to the Society of Peoples (cf. TASIOULAS, 2005). Moreover, this duty is part of nonideal theory and – as a *morality of transition* – therefore ceases to exist once the ideal conditions are in place and the goal is achieved that all societies are part of the Society of Peoples. But even in nonideal theory, again, the duty of assistance is clearly distinct from an egalitarian principle of distributive justice like the *difference principle* that Rawls (2001, p. 42-3) holds to be valid for liberal societies. While distributive principles usually command the distribution of certain goods – like resources, welfare, capabilities or primary goods – in such a way that an increase in the total production of goods yields a prima facie reason that the total increase translates into an increase of those that are situated below the median of the distribution, this is not the case for the duty of assistance. Once the normative threshold that the duty of

assistance requires is fulfilled, no inequality between societies can then possibly trigger a duty to redistribute goods among them.

4 Transnationalism

In order to appreciate the distinctiveness of a transnationalist approach to the question of social justice beyond the state defended by Rainer Forst, it is helpful to sketch very briefly some of the major building blocks of the type of discursive constructivism on which it is grounded.¹⁰

At the very basis of discursive constructivism stands the *principle of justification* (FORST, 2007a, p. 32; 1994, p. 270., p. 358). Taking for granted the absence of ultimate reasons for specific principles of distributive justice, it says that normative answers to practical questions need to be discursively justified in a way that responds to the claim of validity that they raise. This means that the conditions whose fulfillment redeems a certain action and norm discursively justified are precisely those that are contained within the claim of validity of the norm and action. Discursive constructivism can thus be called “recursive” in the sense that the criteria of discursive justification for a norm or action are not external to the norm or action but are immanent to the claims of validity raised by them. What are the claims of validity raised in *moral* contexts? A moral norm holds that every person has the duty to do or to refrain from X because there are no good reasons to violate the norm. Thus moral norms claim to be generally and reciprocally binding, such that according to the recursive approach expressed by the principle of discursive justification, the criteria of discursive justification of moral norms are those of generality and reciprocity (cf. FORST, 2007a, p. 81; 1994, p. 68, p. 133). This principle of general and reciprocal, in turn, corresponds with a fundamental *right to justification* of moral persons and, accordingly a duty of justification of morally relevant actions. To say that moral persons have a right to justification can be expressed by the idea that all moral persons have a “veto right” against those norms and actions that cannot be justified with reciprocal and general reasons. In Scanlon’s (1982, p. 110; 1998, p. 4) terms, moral persons have a right to be subject only to those norms and actions that cannot be reasonably rejected.

On the basis of the fundamental moral right to justification *moral* and *political constructivism* can be employed so as to erect a building of norms, so to speak, that can be accepted

¹⁰ Other authors that in a certain sense could also be called “transnationalists” include Young, (2007); Fraser (2009); and O’Neill (1986; 1991; 2004).

by exactly those who are affected by them. Moral constructivism is meant to identify those norms compliance with which moral persons owe to each other in a strict sense. Moral constructivism “generates” moral rights and duties that express the relations in which moral persons stand to each other as members of the human community. Political constructivism is the form of justification that, again, on the basis of the fundamental moral right to justification, justifies principles of a just social-political structure. While political constructivism, arguably, generates a positive, juridical right to political participation, the fundamental right to justification must be seen as a basis of the justification, specification and recognition of all discursively constructed rights, whether they are political, economic, or social rights. Moral and political constructivism are not to be understood as two separate procedures. Rather, central issues of a social-political structure, e.g. political participation, freedom of conscience or physical integrity, as well as certain procedures of legislation also have to be justified within the criteria of reciprocity and generality in a strict sense. Thereby morality – partly – merges into an institutionalized legal-political structure. Political constructivism, as a discursive practice of political justification, however, also generates demands that go beyond those that are constructed via moral constructivism and, in this political construction, allows for less demanding forms of justification.

In a related manner, Forst distinguishes between *fundamental* and *full justice*. Fundamental justice consists in the realization of those institutions and rights that secure respect among persons and allows them to engage in discursive political justification, which is closely related to the demands of human rights. It aims for a basic structure of justification. Full justice results from the discursive practice of political justifications about various issues of the social, political and legal order that fundamental justice enables. Its goal is a fully justified basic structure.

Another feature of Forst’s discursive constructivism concerns the very concept of justice and is crucial for grasping an understanding of his genuinely transnational perspective on justice beyond the state. According to Forst, the concept of justice consists in the *absence of arbitrary rule* within a social and political order. Therefore, justice does not primarily focus on the distribution of goods among those persons that share a context of justice but rather “on the relationship between the persons involved and their relative standing within a scheme of exercising power.” (FORST, 2007b, p. 260) Figuratively speaking, this implies that those who participate in a social and political order are not viewed as *recipients* of goods but as *agents* that call for justifications of the social order in which they participate. Justice, so Forst (2005, p.33),

essentially centers on “*how you are treated*” and not on “*what you have*”, and so “the *first question of justice*” is “the question of the distribution of power.”

In his article “Towards a Critical Theory of Transnational Justice” Forst (2001, p. 167) also insists that “the question of power is *the first question of justice*.” The implication for an empirical analysis as “to what extent the world as a whole is a *context of justice*, that is, a context characterized by conflicting claims that call for adjudication in light of principles of justice” (FORST, 2001, p. 161), is that those contexts where power is exercised need to be identified. Here, differing from the statist’s and internationalists’ focus on the state, and also from globalists’ denial of any intrinsic significance of the state, Forst (2001, p. 166) advocates to empirically disentangle and uncover a “complex system of one-sided and largely coerced cooperation and dependency” and to examine the multiplicity of the various, interwoven and mutually reinforcing forms of domination. This would reveal that people are not only dominated by their own or other state governments but also by local and regional elites and warlords, who, in turn, interact with other global actors that might be of a governmental, intergovernmental, or nongovernmental kind. Therefore, empirical examinations should focus on the relations of power, and, especially those that are characterized by inequalities and asymmetries that are prone to give rise to experiences of injustice. Normatively, the principle of general and reciprocal justification allows differentiating between those justifications for power relations that are and those that are not justified. This is a principle that, according to Forst (2005, p. 34), “may be demanding in its consequences, but in its conceptual core ... is quite slim.”

Crucial to the transnationalist approach that Forst puts forward, however, is not only the normative critique of existing power relations on the transnational level. It also draws attention to the question as to whether those people that experience an injustice are in a position to voice their claim and to ask for a justification for the norms and institutions that they participate in. The emphasis on this question leads therefore “to a principle of *minimal* [i.e. fundamental] *transnational justice*” that calls for “the establishment of a basic structure of justification both *within* domestic societies and *between* them” (FORST, 2001, p. 174). Such a transnational basic structure of justification could lay the ground for full transnationalist justice that can only be achieved via the transnational practice of discursive justification.

Conclusion

This article has presented four alternative views on global distributive justice, all of which depart from liberal-egalitarian premises. This variety of conceptions of global distributive justice demonstrates the intensity of the recent debate on this theme. The most recent contributions to this steadily growing field of research have focused on the transnationalist perspective, according to which there is a plurality contexts of justice, some of which transcend the boundaries of the state (cf. Wollner 2013 for an overview). However, some theorists also continue to defend one of the other three models. In addition, theorists like Katrin Flikschuh (2014) have recently criticized the liberal-egalitarian framing of the debate, and so all of the models laid out here may be subject to fundamental critiques in the years to come.

References

- BEITZ, Charles. Rawls's law of peoples. **Ethics**, v. 110, p. 669-96, 2000.
- _____. Justice and International Relations. *In*: POGGE, Thomas; MOELLENDORF, Darrel (eds.). **Global justice** – seminal essays. St. Paul: Paragon House, 2008, p. 21-48.
- BLAKE, Michael. Distributive justice, state coercion, and autonomy. **Philosophy & Public Affairs**, p. 257-96, 2001.
- BROCK, GILLIAN. **Global justice** – a cosmopolitan account. Oxford: Oxford, 2009. (University Press).
- BUCHANAN, Allen. Rules for a vanished westphalian order. **Ethics**, v. 110, p. 697-721, 2000.
- _____. **Justice, legitimacy, and self-determination**: moral foundations for international law. Oxford: Oxford University Press, 2004.
- _____. 2006. "International law, philosophy of." *In*: CRAIG, Edward (ed.). **Routledge encyclopedia of philosophy**. London: Routledge, 2006.
- CANEY, Simon. **Justice beyond borders**. Oxford: Oxford University Press, 2005.
- CARENS, Joseph. Aliens and citizens: the case for open borders. **The Review of Politics**, v.49, p. 251-73, 1987.
- COHEN, Joshua ; SABEL, Charles. Extra rempublicam nulla justitia? **Philosophy & Public Affairs**, v.34, p. 147-75, 2006.
- DWORKIN, Ronald. What is equality? Part 2: equality of resources. **Philosophy and Public Affairs**, v.10, p. 283-345, 1981.
- _____. **Sovereign Virtue**. Cambridge: Harvard University Press, 2000..
- FOLLESDAL, Andreas; POGGE, Thomas (eds.). *Real world justice*. Dordrecht: Springer, [s.d], p. 27-37.
- FORST, Rainer. **Kontexte der Gerechtigkeit**. Frankfurt: Suhrkamp, 1994.
- _____. Towards a critical theory of transnational justice. *Metaphilosophy*, v. 32, p. 160-179, 2001.
- _____. Justice, Morality and power in the global context. *In*: **Das Recht auf Rechtfertigung**. Frankfurt.: Suhrkamp, 2007a.
- _____. Radical justice: on Iris Young's critique of the distributive paradigm. **Constellations**, v. 14, n. 2,

p. 260–65, 2007b.

FLIKSCHUH, Katrin. The idea of philosophical fieldwork: global justice, moral ignorance, intellectual attitudes. **Journal of Political Philosophy**, v. 22, n. 1, p. 1–26, 2014.

FRASER, Nancy. **Scales of Justice**. New York: Columbia University Press, 2009.

GOSEPATH, Stefan. The global scope of justice. **Metaphilosophy**, v. 32, p. 135–159, 2001.

_____. **Gleiche Gerechtigkeit**. Frankfurt: Suhrkamp, 2004.

HOBBS, Thomas. **Leviathan**. New York: Macmillan Publishing Company, 1962)

JULIUS, A. J. Nagel's atlas. **Philosophy & Public Affairs** v. 34, p. 176–92, 2006.

KLEINGELD, Pauline ; BROWN, Eric. Cosmopolitanism. *In*: ZALTA, Edward (ed.). **The Stanford Encyclopedia of Philosophy**. URL, 2009. = <http://plato.stanford.edu/archives/sum2009/entries/cosmopolitanism/>.

MILLER, David. **National Responsibility and Global Justice**. Oxford: Oxford University Press, 2007.

MILLER, Richard W. Cosmopolitan respect and patriotic concern. **Philosophy & Public Affairs** v. 27, p. 202–24, 1998.

NAGEL, Thomas. The problem of global justice. **Philosophy & Public Affairs**, v. 33, p. 113–47, 2005.

O'NEILL, Onora. **Faces of Hunger**. London: Allen and Unwin, 1986.

_____. Transnational Justice. *In*: HELD, David (ed.). **Political Theory Today**. Cambridge: Polity Press, 1991, p. 276–304.

_____. 2004. “Global Justice: Whose Obligations?” *In*: CHATTERJEE, Deen (ed.). **The Ethics of Assistance**. Cambridge: Cambridge University Press, 2004, p. 242–59.

POGGE, Thomas. Cosmopolitanism and sovereignty. **Ethics** v. 103, p. 48–75, 1992.

RAWLS, John. **A Theory of Justice**. Cambridge: Harvard University Press, 1971.

_____. **The Law of Peoples**. Cambridge: Harvard University Press, 1999.

_____. **Justice as Fairness – a restatement**. ed. Erin Kelly. Cambridge: Harvard University Press, 2001.

RAZ, Joseph. **The Morality of Freedom**. Oxford: Clarendon Press, 1986.

SCANLON, Thomas. Contractarianism and Utilitarianism. *In*: SEN, Amartya; WILLIAMS, Bernard (eds.). **Utilitarianism and Beyond**. Cambridge: Cambridge University Press, 1982.

SCANLON, Thomas. **What We Owe to Each Other**. Cambridge, MA: Harvard University Press, 1998.

SCHEFCZYK, Michael. Rawls und die Verantwortung von nationen. *In*: BECCHI, PAOLO ET AL. (eds.). **Nationen und Gerechtigkeit**. Frankfurt: Peter Lang, 2007, p. 7–32.

TASIOULAS, John. Global justice without end? **Metaphilosophy** v. 36, p. 1–29, 2005.

WOLLNER, Gabriel. The third wave of theorizing global justice. **Global Justice: Theory Practice Rhetoric** v. 6, p. 21–39, 2013.

YOUNG, Iris. **Global challenges**. Cambridge: Polity, 2007.