

Societas Ethica's Annual Conference 2015:  
*Globalisation and Global Justice*

Societas Ethica Jahrestagung 2015:  
Globalisierung und globale Gerechtigkeit

Lunnevads folkhögskola. Linköping, Sweden, August 20-23, 2015

Editor

Göran Collste

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# Introduction

The proceedings from the Societas Ethica's annual conference 2015 looks different than previous years. We do not publish the full papers this year. The reason for this change is that less and less papers have been submitted the last years due to the fact that most academic journals are hesitant to publish articles that already have been published in conference proceedings. So, in order to be able to mirror the conferences, the board of Societas Ethica decided that it is better that the conference proceedings contain the paper abstracts.

The proceedings contain three parts; first, the thematic introduction by the President, then the key note speeches and the responses to the key notes and finally, the conference paper abstracts.

I want to thank all who contributed to the conference proceedings. Thank you key note speakers and respondents for your willingness to share your contributions and thank you paper presenters for letting us publish your abstracts!

Linköping in October 2015

Göran Collste

President of Societas Ethica 2011-2015.

# Welcome address and thematic introduction

*Göran Collste, President of Societas Ethica*

Welcome to Sweden, to Linköping and its university and to the Centre for Applied Ethics that is hosting this year's Societas Ethica conference! Linköping's university celebrate this year it's 40<sup>th</sup> anniversary. The university has three faculties; art, technology and medicine and at present around 30 000 students. The Centre for Applied Ethics celebrated last year its 20<sup>th</sup> anniversary – it was founded in 1994. The centre serves the university with courses in technology and ethics, research ethics and bioethics, its staff is involved in research in different fields of applied ethics, among them global justice and ethics and migration and we participate in a number of EU-projects. The centre is also responsible for an international master's programme in applied ethics.

The city of Linköping was for many centuries – and still is - a central municipality in this part of Sweden. In fact, at least according to some historians one can find the cradle of the Sweden in Östergötland, this region! The city's past and present is also in different ways traced by globalisation. The city was founded more than 700 years ago and the main impetus was the immigration of Franciscan monks – truly a globalizing movement! The city's greatest treasure - the cathedral - dates back to the 12<sup>th</sup> Century – I hope you will have time to visit it.

At the present, the city earns part of its living from military export; SAAB aircraft Gripen, missiles, drones etc. are found all over the world- this is also one aspect of globalisation – and indeed a very problematic one!

This takes me over to the theme of this year's conference: Globalisation and global justice. "Globalisation" is a buzzword often used in today's political and economic rhetoric, but also a word that catches something important that has happened the last say 30 – 40 years. We live in an era marked by globalisation. Human practices are increasingly transnational and global in scope. Globalisation refers to processes and relations in a range of spheres (including social, economic, political and cultural) that transcend national boundaries and link distant places and people. What then are the implications for ethics?

- We are better informed about peoples' lives in different parts of the world; about human rights violations, about terrorism, natural disasters and wars. When informed – we are also involved: but how do we handle this? What are our obligations? What are their limits?
- Our collective actions have increasingly global reverberations – the climate change is perhaps the most obvious and frightening example: our individual disseminations are neglectible but the collective disseminations of CO<sub>2</sub> gases of the industrialised countries pose a risk for the survival of the planet - what does this imply for our responsibilities? Is it foreseeable and feasible that we who live in the industrialised part of the globe and who as collective agents have caused and still causes the damage, also take a collective responsibility to set things right?
- As globalisation connects people, it also raises associated responsibilities between them. Until recently, political philosophers' and social ethicists' interest in justice were mainly focused on the nation state. However, this is no longer feasible. Since economic globalisation affects how wealth and power is globally distributed, - and the gaps between



the global rich and the global poor widens - it has become indispensable to discuss social ethics in a global context and to develop principles of global justice. Global justice, therefore, entails an assessment of the benefits and burdens of the structural relations and institutional arrangements that constitute and govern globalisation.

- Globalisation also leads to cleavages between – to use Sigmund Bauman’s words – “the globals” and “the locals”, in both poor and rich countries. Many challenges follows from this: how can all sectors of a society benefit from globalisation? How should we meet the growing resistance against immigration and multiculturalism in our wealthy part of the globe?
- As connections and exchanges over cultural and religious borders intensifies, so does the encounter of values and beliefs. Does globalisation mean dialogue and better understandings of the Others, or does it imply value imperialism and ideological dominance?

Globalisation involves both promising potentials and risks. It has the potential – through the spread of human rights, the migration of people and ideas, and the integration of diverse economies – to improve human wellbeing and enhance the protection of human rights worldwide. But globalisation also incurs risks; for example global environmental risks (such as the climate change), the creation of new centres of power with limited legitimacy, options for tax evasions ruining poor but resource rich countries in the global South, a “race to the bottom” regarding workers’ safety and rights, as exemplified by the tragic Rana Plaza catastrophe in Bangladesh in 2013, risky journeys of thousands of migrants over the Mediterranean and elsewhere as they attempt to reach Europe, North America and Australia, and not least growing global inequalities.

Another facet of globalisation are the creation of global networks; including social forums like Facebook and LinkedIn, virtual communities campaigning peace and justice like Avaaz, and global jihadist and terrorist networks. The world is connected – for better and for worse.

Globalisation, therefore, is a key factor for today’s questions of justice. As a matter of fact; at least for applied ethics and political theory, discussions of justice cannot avoid taking globalisation into the picture. With the expanding reach of international economic and political activities and the inclusion of the whole world in one economic global structure, the questions of how to uphold laws, implement human rights and combat poverty and inequality have become acute.

Globalisation poses challenges to both theoretical and applied ethics: it raises the question of universalism and particularism in ethics anew, as well as the role of ecumenism and inter-religious dialogue; is it possible to achieve common understandings and shared ethical values and principles across cultural borders, or does globalisation lead to value conflicts and a “clash of civilizations”?

A central facet of globalisation is the increasing power of global financial institutions, transnational economic organizations and multinational corporations. What are the implications of this “supraterritoriality” – to use Jan Aart Scholte’s term - for accountability and democracy? Is there a need for cosmopolitan political institutions?

The stream of migrants from the global South to the global North – refugees from wars, repression and poverty – challenges established principles of sovereignty and citizenship. Have we in the receiving countries earned our welfare or is it not rather a result of luck in the Natural lottery? How could we then justify keeping them out? What does *Justice Without Borders* – to cite the title of Kok Chor Tan’s book – imply?

Before the present globalisation, Europe had indeed a long history of global relations. During colonialism, relations between Europe and Africa, Asia and Latin America were established, that still endure. The colonial relations were predominantly based on violence and domination and implied unequal access to resources and political and economic influence. How should we today respond to the victims' claims for rectification? What does global rectificatory justice mean?

This conference is organised by Societas Ethica. Societas Ethica is the academic society for ethicists in Europe and among its members one find philosophers, theologians and applied ethicists. Societas Ethica was founded in 1964 and our conference is the 52<sup>nd</sup> annual conference of Societas Ethica. It is not the first conference dealing with international ethics and justice. The conferences organised during this presidency have in different ways tackled questions of globalisation and justice; in Sibiu in 2012 *Ethics and migration*, in Soesterberg in 2013 *Climate Change, Sustainability, and an Ethics of an Open Future* and in Maribor in 2014 *The Ethics of War and Peace*. In this way, our conference could be seen as a summing up of our discussions in Societas Ethica the last four years. However, similar questions have been discussed earlier in Societas Ethica. Already in 1969 in Strasbourg the theme was *Was heisst heute: "Du sollst nicht stehlen" in Blick auf das Verhältnis zwischen reichen und armen nationen?* and in 2006 in Oxford the conference theme was *Political ethics and international order*.

The conference also marks the end of the present presidency of Societas Ethica. When the General Assembly meets on Friday evening a new President will be elected. The General Assembly is open for everyone and we hope of course that you who are not yet members will apply for membership!

We can look forward to an exciting and rewarding conference! We are very happy that we manage to have some of the world's leading scholars as key note speakers. In a moment, Jan Aart Scholte, the author of *Globalisation- a critical introduction* will talk about social responsibility in a globalized world.

Tomorrow, we will listen to Kok Chor Tan, who is the author of the book *Justice Without Borders*. On Saturday, Lea Ypi from London School of Economics will lecture on structural injustices and the (ir)relevance of attachments and finally on Sunday, Bill Schweiker will raise the question of the relation between globalisation and the enhancement of life. Our conference also entails two panels, one on ethics and migration and one on global rectificatory justice. However, the main contributions come from most of you who will present papers that in different ways are related to the conference theme.

The paper sessions follow different thematical slots. We have put them in pairs. The idea is that to avoid too much running between individual paper presentations, two papers are presented after each other. However, still each paper presentation is followed by a question and answer session and the allotted time for each paper is 30 minutes including discussion.

We want to thank the following organisations that have financially supported our conference: the Church of Sweden, the Swedish Research Council, Swedish Research Links, Toyota Material Handling and the city of Linköping.



# Key Note Speeches



# Rethinking Social Justices for a Global World

*Jan Aart Scholte, University of Gothenburg*

## Introduction

Globality substantially alters ontologies of society and methodologies of social research, which in turn also reshapes ethical framings of social knowledge and action. A global world – as is increasingly unfolding in contemporary history – invites different notions of social justice and different kinds of social responsibility. It is not merely a question of ‘scaling up’ ethical principles and practices that were previously developed in relation to country-nation-state societies. Rather, global social relations call for reconstructions of justice that go well beyond the injunctions of liberal-universalist cosmopolitanism.

## A Global World

As understood here, ‘global’ affairs have a ‘transplanetary’ quality. That is, they connect people in social spaces that encompass the earth as a whole. In this way ‘global’ relations (within a planetary unit) are qualitatively different from ‘international’ relations (between country units). Thus, for example, today many artistic genres, belief systems, communicable diseases, digital communications, ecological conditions, financial markets, governance regimes, military strategies, and social solidarities significantly transcend territorial spheres with transplanetary connectivity.

To be sure, global social relations are not new to the present generation. Transplanetary migration, intercontinental trade, long-distance empires, and world religions go back many centuries. However, society today involves far greater amounts, ranges, frequencies, speeds, intensities and impacts of global connectivity. To this extent it is understandable that narratives of ‘globalization’ have risen since the late twentieth century and not before.

Today’s world is therefore suitably characterized as a global world. In other historical contexts the social world has encompassed a locality (e.g. the village world) or a region (e.g. the Mediterranean world). Now the term ‘world’ for most people conjures up images of the globe and is equated with planet earth.

Affirming the importance of globality is by no means to suggest that territorial place, territorial distance and territorial borders have become irrelevant in contemporary society. On the contrary, globalization has in no way erased territorial frontiers, national identities or state governments. However, large-scale global, planetary, supraterritorial connections mean that contemporary society cannot be reduced to the conventional modern framing of a country-nation-state. Instead, social geography has a ‘transscalar’ quality in which global and national (as well as regional, local and proximate) connections between people are densely interlinked.

The ethical implications of such a reconfigured (understanding of) society are far-reaching. If social transactions and interdependencies are substantially of a planetary scale, then adjustments of ideas and practices of social justice and social responsibility are needed to address this global condition. Partly this modification involves shifting ‘levels’ of thinking and action, so that social ethics are related to global arenas as well as smaller spheres of collective life. In addition, however, adding a global dimension to social justice involves rethinking the character of that justice.

## Rethinking (Global) Distributive Justice

Take for instance distributive justice. Conventionally economic inequalities have been measured in relation to country units. So, for example, one calculates a Gini co-efficient (a standard econometric calculation of income distribution) for Sweden, Japan, Togo, etc. However, the significance of global connections in resource allocation today suggests the relevance of also examining material inequalities in relation to a planetary population, where ‘the world is one country’. Then it is discovered that the global Gini co-efficient (variously calculated to be between 61 and 70) is far higher than that of countries in Europe (typically between 25 and 35) and even exceeds the Gini coefficient for highly unequal national societies such as Brazil (52) and South Africa (65). Indeed, Crédit Suisse has calculated that, in 2014, the wealthiest 1 per cent of the global population owned 48.2 per cent of assets, while the poorest 50 per cent owned less than 1 per cent.

What to do about such global material inequalities, which leave large swathes of humanity living in squalor while tiny minorities occupy airport lounges? Conventional redistributive schemes through the nation-state – as extensively practiced in Europe – only address inequalities within countries. True, official development assistance (‘aid’) brings some additional resource transfers between countries; however, the amounts are relatively small and do not always reach people living in poverty.

Much greater planetary redistribution could be effected by changing the rules and governing institutions of the global economy. Indeed, global regimes for communications, finance, intellectual property, migration, money and trade have often been structurally skewed in favour of wealthy persons and countries. Global distributive justice would demand that these arbitrary advantages are reversed with major change in the rules and regulatory processes of the global economy.

## Rethinking (Global) Cognitive Justice

Another area of reinvented ethics for a more global society is cognitive justice: that is, how to deal fairly with diversity and difference in the ways that people know their world. Conventional approaches to this issue have prescribed monoculturalist assimilation, multiculturalist segregation, or interculturalist celebration of differences. However, assimilation tends to involve a hegemonic erasure of subordinated life-worlds (as occurred with colonialism). For its part, a multiculturalism of mutual tolerance does not offer sufficient basis for cooperation in the face of major global challenges. Meanwhile, interculturalist celebrations of exchange and mutual learning insufficiently appreciate knowledge/power links and offer no guidance on dealing with cultural differences that are regarded to be immoral and unpalatable.

An alternative approach to global cognitive justice might be offered by ‘transculturalism’, which is here understood to involve seven guiding principles. First, intense reflexivity urges that all parties are constantly alert to, and questioning of, the particularity (i.e. not universality) of their own ideas and practices. Second, explicit attention to knowledge/power relations means that parties openly recognize power hierarchies among cultural positions and actively seek to minimize the effects of any arbitrary structures of dominance and subordination. Third, recognition of cultural complexity entails that parties refuse simplistic binary oppositions (of countries, civilizations, races, etc.), given that ‘culture’ does not map neatly onto distinct groups. Fourth, the positive embrace of cultural diversity regards cultural variety as a significant resource which should be actively promoted to obtain creative responses to global challenges. Fifth, cultivation of humility in the face of cultural clashes responds to difference with an acknowledgement of the narrow limits of one’s cultural understanding, with hesitation

to cast aspersions, and with readiness to accommodate incommensurability wherever possible. Sixth, deep listening suggests to address cultural differences with openness, respect, empathy and care, so that differences may foster solidarity rather than division. Seventh, transcultural learning for positive social change makes encounters of difference a process of revealing that new and enhanced ways of global life are possible, without requiring that all parties converge on a single universal cultural framework.

## Rethinking (Global) Procedural Justice

A further area for ethical exploration in the face of globalization is democracy. How can all affected people in global affairs obtain due participation in and control over the decision-taking that shapes their collective (planetary) existence? On this question, too, conventional political philosophy offers unsatisfactory answers. For example, communitarianism provides only a defeatist diagnosis that democracy beyond country-nation-state units is impossible. Given that de-globalization hardly seems feasible in current times of climate change, digital communication, electronic finance and the like, communitarianism in effect marks a surrender of democracy. Somewhat more hopefully, liberal multilateralism suggests that global democracy might be achieved when democratic nation-states combine forces in intergovernmental institutions. However, such bodies are usually very distant from the people whom they impact, and they generally lack the resources and legitimacy for an effective regulation of global spaces. More optimistically still, the liberal-cosmopolitan alternative of world federalism suggests to secure planetary people's power with global citizenship and global elected government. Yet global parliamentary democracy seems a very distant prospect, and this approach is moreover vulnerable to a cultural-imperialist critique about imposing western-modern ways of democracy where they are not appreciated.

Still, three newer perspectives might, particularly in combination, offer enhanced prospects for democracy in a global world. First, global stakeholder governance brings representatives of the various affected constituencies directly into the global policymaking process. This approach has already shown promise in several areas of global governance, including communications, environment and health. However, stakeholder governance also involves substantial challenges with respect to coherence, compliance, diversity and accountability. Second, global deliberative democracy urges to foster new public spaces where citizens may meet and discuss challenges and responses in global politics. Likewise, this perspective has inspired some important initiatives (such as the World Social Forum), although the links between talk and policy change are often underdeveloped. Third, counter-hegemonic resistance affirms that global democracy requires continual struggles against established power. This principle of insistent subversion has been pursued *inter alia* in the so-called 'anti-globalization movement' and 'Occupy!', albeit that their visions of alternative social orders have often been rather vague.

An encouraging feature in all of the newer thinking on global democracy is their more plural conceptions of the demos. Whereas communitarianism and multilateralism have generally restricted 'the people' to the nation, recent initiatives on stakeholder, deliberative and resistance lines have opened global politics to solidarities rooted in age, caste, class, disability, faith, gender, language, race, religion, sexuality and more. This more complex construction of 'the global public' sits well with the logics of transculturalism set out earlier.

## Rethinking Ecological Justice

Finally, today's global world wants reconstructed social ethics in the face of the ecological challenges that it confronts. Human population increases, species extinctions, resource depletions, pollutions and climate change all call into acute question the anthropocentrism that



has defined modern approaches to ecology. Anthropocentrism presumes: (a) the separation of humanity and its society from nature; (b) the superiority and greater importance of humanity over other life; (c) humanity's prerogative to exploit the rest of the web of life with impunity for its sole benefit; and (d) a promotion of the ability to master and indeed alter nature as the highest human achievement.

Critics from Spinoza onwards have for centuries challenged the morality of anthropocentrism. In addition, contemporary global ecological destruction raises pragmatic imperatives deeply to rethink anthropocentric ecological ethics. The 'environmentalism' of 'sustainable development' would appear to offer only old wine in new bottles, given that this approach continues to separate humanity from 'the environment' and persists in exalting 'development'. In a more radical transformative move, 'post-human' eco-centrism refutes anthropocentrism and reintegrates *homo sapiens* within the overall web of life, endowing people with new ethics of care towards and co-existence within a planetary biosphere.

## Getting There

Reinventions of distributive, cognitive, procedural and ecological justice have significant mutual dependencies in the construction of a good global society. For example, deeper global democracy – where all affected parties have due voice and influence – is unreachable without a more positive engagement of cultural difference, and vice versa. Likewise, global distributive justice needs to occur in a context of global ecological justice: fairer planetary resource allocation among people cannot rest on intensified extractivism vis-à-vis the rest of life on earth. Transculturalist ethics could do well to engage with the eco-centric life-worlds of certain indigenous peoples, while meaningful global democracy (on whatever model) will remain elusive unless global material inequalities are substantially reduced. In short, what is proposed here is a single vision of rethought global justice with interrelated economic, cultural, procedural and ecological dimensions.

The further question remains of linking this vision to implementation. Which agents can bring new global ethics into practice? Nation-states remain among the most powerful actors in today's more global world; yet, however creative some of their policies might be, states remain rooted in territorial geographies and national cultures that at some point contradict key realities and challenges of globalization. Global governance institutions would seem in principle to offer a tighter fit with global needs than nation-states, but their material resources and their legitimacy fall way below the levels required to effect systemic change. Global business corporations have far greater resources than global governance bodies; yet the capitalist dynamics of corporate activity are difficult if not impossible to reconcile with the ethics of distributive justice and eco-centrism. 'Civil society' of NGOs has often highlighted problems of maldistribution, ecological destruction and democratic accountability in global relations; however, NGO resources are generally meagre, and their sociological profile is generally one of white middle-class privilege, which can raise doubts about their readiness to push through transformative change. Subaltern social movements arguably have least to lose and most to gain from new global ethics; however, important exceptions duly noted, the dispossessed often have limited global awareness and global networks.

Thus the prospects for new global ethics-in-practice must be faced with some sobriety. Looking ahead, one can urge greater elaboration of and experimentation with alternative ethical visions of the kind set out here. In addition, change agents would do well to explore coalitions across sympathetic elements in social movements, NGOs, business, and governance institutions across local, national, regional and global scales. For the rest it is a question of nurturing moments of transformational possibility and grasping them when they arise.

# Global Responsibility and the Enhancement of Life

*William Schweiker, The University of Chicago*

I want to thank Professor Göran Collste and the organizers of this conference and the membership of Societas Ethica for the invitation to give this lecture. I am also honored to have Professor Hilla Haker as my respondent. I have admired her work for some time and look forward to our discussion. I am also happy to bring greetings from the Society of Christian Ethics, your sister society on the other side of the Atlantic. As the current President of the SCE, I can also say that we too are dedicated to the work of ethics and the struggle for justice in our global times. The theme that I have chosen for the annual meeting of the SCE to be held in January 2016 in Toronto, Canada is this: “Humanity and the Global Future.” We would be honored if any of Societas Ethica’s members could join us for that conference. In any case, thank you for inviting me to your annual meeting.

I have given this lecture the following title: “Global Responsibility and the Enhancement of Life.” I hope by the end of my remarks that you will have grasped the meaning of this title and also why it is important for the current work of ethics. But let me begin by clarifying the direction and method of this lecture so that you will have some orientation to the steps of my argument.

## Introduction

The purpose of this conference is to address the question of globalization and global justice. There are of course many different understandings of globalization ranging from economic ones to those that emphasize cultural patterns, global media forces, and the emergence of the so-called post-secular age. These different descriptions of our time highlight diverse challenges facing people around the world. It is obvious, then, that forms of consumption, production, banking, and travel have global impacts that challenge traditional and contemporary forms of economic ethics. The same is true of climate change, the global spread of disease, and religiously motivated terrorism now confronting those who work on environmental and religious ethics. In a more general sense, as I have put it elsewhere, we live “in the time of many worlds,” that is, we live in a globalized, shared time in which people live at the intersections of many determinate domains of meaning and value or “worlds.”<sup>1</sup> Since the forms of globalization affect how power is globally distributed, it has become indispensable that we develop principles of global justice.

The factors of our age indicate in the starkest of terms the need for a “global ethics.” Yet the very same forces seem to indicate the impossibility of developing that kind of ethics due to the wild diversity of normative outlooks around the global. Not surprisingly, in this situation there are also theologians and philosophers who advocate some form of communal or particularistic ethics. For them the meaning and validity of moral norms and values are internal to the form of life found in some specific community. Membership is the key to moral understanding. Yet even those positions must show—and usually do show—how the moral outlook of a community, say the Christian churches, can and must respond in responsible ways to other communities. In sum, both cosmopolitan and particularistic forms of ethics seek to meet the challenges of the global age. While true, it is also the case, as the philosopher Hans Jonas noted

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<sup>1</sup> William Schweiker, *Theological Ethics and Global Dynamics: In The Time of Many Worlds* (Oxford: Blackwell, 2004).

some years ago, that we are hampered by forms of ethics unable to address the challenges posed by the radical increase of human power and the ways in which that power threatens future generations.<sup>2</sup> How then are we to carry on the work of ethics, and, especially, reflection on global justice that is the theme of this meeting?

My reflections today enter this thicket of ethical problems at a basic level of reflection, specifically, the connection between conceptions of human well-being and the normative principles consistent with those conceptions. To that end, I want to contrast my position on these interlocking topics with two other dominant forms of global ethics, namely, Human Rights discourse and also the so-called Capabilities Approach developed differently by Amartya Sen and Martha Nussbaum.<sup>3</sup> I realize that engaging my topic in this way might seem far afield of the pressing challenges now bearing down on peoples around the world. I hope to show that is not the case. You will have to judge the success or failure of my attempt. Likewise, due to the constraints of time, I will have to leave aside the insights and oversights of particularistic forms of ethics. I have addressed those forms of thought in other writings. Today I want to keep the focus on global or cosmopolitan ethics.

Now, whatever your final judgment might be about the adequacy of my argument, the rest of this lecture rests on two assumptions that I want to state at the outset since I cannot in this lecture take the time to justify them. They are assumptions that are also shared by Human Rights discourse and the so-called Capabilities Approach. The first assumption is that human beings are embedded within wider systems of life and therefore the concern for social justice and human well-being cannot work against worries about climate change and ecological sustainability. Global justice must include ecological justice and commitments to sustainable development. Sen and Nussbaum are explicit about this connection; Human Rights discourse has developed throughout the years in ways to account for cultural, ecological, and social rights. Put otherwise, the days of unreflective anthropocentrism are surely now past at least among sensitive religious and non-religious thinkers. What would it benefit human beings to gain the whole world and to lose the earth? The connection between human well-being and a sustainable future is indicated in my concern in this lecture for the “Enhancement of Life,” and that means not only human life. Yet while that is the case, I do share with the Capabilities Approach and Human Rights discourse a focus of the distinctly human ability to take responsibility for one’s own and other forms of life, including future generations. There is, we might say, an anthropocentrism of responsibility rather than an anthropocentrism of value.

The second and closely related operative assumption of this lecture seems to be under-theorized by Human Rights discourse and the Capabilities Approach. The assumption is that human beings make distinctive claims on us and that they are thereby the subjects of rights, exercise forms of freedom, and can live by the demands of responsibilities in ways distinct if not separate from other living beings. While human beings are not utterly unique as living beings insofar as we participate in wider systems of life, we are, nonetheless, a distinctive form of living beings. It is human distinctiveness that is the real focus of my comparative argument in this lecture and what that distinctiveness means for global justice. Why are claims about the

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<sup>2</sup> Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age* (Chicago: The University of Chicago Press, 1985).

<sup>3</sup> UN Declaration on Human Rights is available in many forms. For succinct statements of Sen’s and Nussbaum’s position see, Amartya Sen, *Development as Freedom* (Anchor Books, 2000) and *Identity and Violence: The Illusion of Destiny* (New York, NY: W & W Norton, 2007) and Martha Nussbaum, *Creating Capabilities: The Human Development Approach* (Cambridge, MA: Belknap, 2013).

distinctive moral standing of human beings eschewed by Human Rights advocates and also by the Capabilities Approach? Obviously, in one sense they are not. The concern, after all, is about “human rights” and the focus for Sen and Nussbaum is on “human capabilities.” Yet while that is no doubt true, it is also the case that both of these forms of thought avoid any connection to a comprehensive doctrine, as John Rawls dubbed it, about human nature and the good advanced on philosophical or religious grounds.<sup>4</sup> That is to say, the connection between human rights and capabilities, on the one hand, and, on the other hand, some idea of the good is intentionally under-theorized by these other approaches to global justice. The fact that these approaches eschew any strong or comprehensive claims about the human good thereby indicates the “thesis” I want to advance in the remainder of this lecture. I hope to show how a theological perspective can and must contribute to reflection on global justice and that. Come what may, we need to make some claims about the moral meaning of our shared existence as human beings. However, part of my point is that Human Rights discourse and the Capabilities Approach should be seen as fellow travelers in this reflective journey in ethics rather than opposing moral stances that ought to be rejected wholesale. Put otherwise, like the Capabilities Approach and Human Rights, I aim to advance a global or cosmopolitan ethics and I see these other forms of ethics as allies in the struggle for justice on the global scale.

Finally, I should also note at the outset of this lecture that my tactic of reflection is a rather classical one. As the philosopher Susan Wolf has noted,

Aristotle is well known for his use of the endoxic method in

defending moral and conceptual claims. That is, he takes the *endoxa*, “the things which are accepted by everyone, or by most

people, or the wise” as a starting point in his inquiries.<sup>5</sup>

St. Augustine, in texts like “On the Morals of the Christian Church” and *The City of God*, adopts this method but gives it a crucial theological twist. That is, he begins by bracketing distinctly Christian claims and examines *endoxa* about the human good and justice, but as the argument proceeds he removes the brackets and shows the indispensable contribution Christian convictions make to the shared topic of inquiry. Human Rights discourse and the Capabilities Approach are, for the purpose of this lecture, expressions of the *endoxa*, the widely accepted beliefs, about global justice with respect to which I want to make a theological contribution. In this way, the lecture is meant not only to be about global justice and enhancing life, but also to enact a method for theological reflection on the topic.

Preliminary matters in hand, I want to turn next to give a brief account of beliefs about global justice emblematically expression in Human Rights and the Capabilities Approach. That account will allow me in a second step of reflection to outline a conception of responsibility for the integrity of life. I conclude, at the far end of the lecture, with a response to the critics of any form of religious ethics. Again, we start with the *endoxa* about global justice.

## Rights and Capabilities

We are all aware of the basic outlines of Human Rights discourse. Originally crafted after World War II and its various atrocities, the idea was to clarify those claims inherent in human dignity that demand protection from State coercion and also claims to those things or goods

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<sup>4</sup> John Rawls, *Political Liberalism*, 2<sup>nd</sup> Ed. (New York, NY: Columbia University Press, 2005)

<sup>5</sup> Susan Wolf, *Meaning in Life and Why It Matters* (Princeton, NJ: Princeton University Press, 2010), 10.

consistent with human dignity. As Lynn Hunt has argued in her book *Inventing Human Rights: A History*, Human Rights articulate not only the ideals of the great Declarations of the 18<sup>th</sup> Century, like the American “Declaration of Independence” and the French “Declaration of the Rights of Man,” but also the spread of the sense of individuality in the 19<sup>th</sup> Century and also empathy for persons expressed in the literature of the time. Repulsion over torture was a driving factor in the development of rights talk.<sup>6</sup> One has, then, a widening of the scope of moral standing to include all people but also a deepening of empathy for the victims of atrocities. While Hunt’s case is persuasive, at least to me, we also know that there was little agreement in Human Rights discourse on basic philosophical or religious claims, including the nature and grounds of dignity.

Furthermore, Human Rights discourse has long been criticized as a vehicle of Western values, religious and secular. Especially worrisome for some traditions and societies has been the “individualism” of Human Rights that could clash with a more communal or communitarian outlook found in many societies. It is also probably correct to see some form of political liberalism embedded in the 1947 Declaration given its concerns to protect people from State power under something like John Stuart Mills’ “harm principle.” That is, freedom extends only so far as neither an individual nor a state inflicts unjustified harm on persons.<sup>7</sup> Not surprisingly, as rights thought developed, other forms of “rights” have been promulgated that are seen as more consistent with indigenous cultures and communal outlooks even while carrying on some loose form of political liberalism.

Finally there have been longstanding criticisms of the very idea of human or natural rights ranging from Jeremy Bentham, who famously said that such rights were “nonsense on stilts,” to contemporary theorists and critics of liberalism like Alasdair MacIntyre and Stanley Hauerwas, just to name a few.<sup>8</sup> The critics of Human Rights often charge it with a “possessive individualism” which elides concern for the common good and devolves too easily into protracted conflicts over peoples’ different and competing rights. More pointedly for our deliberations today is Hannah Arendt’s insight that for rights to matter at all, they must be enforced, and, yet, it is hard to imagine who or what could enforce all rights. Because of this political lacuna in rights talk, Arendt concluded that a human being is a creature with the “right to have rights” but that the actual institution of those rights was a political question.<sup>9</sup>

My task here is not to engage in an analysis of specific human rights, the development of human rights regimes, or even the many criticisms of human rights made by philosophers and theologians. Those topics have been explored in detail by many thinkers. My point is simply that Human Rights discourse has advanced the work of global justice by specifying the specific claims or rights persons possess in virtue of their humanity against the powers that be and

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<sup>6</sup> Lynn Hunt, *Inventing Human Rights: A History* (New York, NY: W&W Norton, 2008).

<sup>7</sup> John Stuart Mill, *On Liberty and Other Essays* (Oxford: Oxford University Press, 1991). Article 29 of the UN Declaration puts it like this: “In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.”

<sup>8</sup> Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry: Encyclopedia, Genealogy, and Tradition* (Notre Dame, IN: University of Notre Dame Press, 1990) and Stanley Hauerwas, *Christian Existence Today: Essays on Church, World, and Living in Between* (Durham, NC: Labyrinth Press, 1989).

<sup>9</sup> Hannah Arendt, *The Origins of Totalitarianism* (New York, NY: Harcourt, Inc., 1968). Also see *Universalism vs Relativism: Making Moral Judgments in a Changing, Pluralistic, and Threatening World* eds. D. S. Browning (New York, NY: Rowman and Littlefield, 2006) and Nicholas Waltersdorff, *Justice* (Princeton, NJ: Princeton University Press, 2008).

therefore protect the domain of freedom from untold and unwarranted intrusion. As the Preamble to the UN Universal Declaration of Human Rights (1947) puts it: “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” The burden of argument thereby shifts to those who want to exclude some human beings from moral standing—a tactic we find in religious and state sponsored terrorism, the systematic rape of women and girls by ISIS, ongoing regional conflicts, and the torture of political prisoners by countries, including the USA.

Of course, I have already noted that as rights talk developed there has been the concern to expand ideas found in the UN Declaration to include communal and indigenous rights. This inclusion, it seems to me, can be rooted in Article 29 of the Declaration which reads: “Everyone has duties to the community in which alone the free and full development of his personality is possible.” Human Rights discourse articulates the complex relation between dignity, rights and social life, on the one hand, with, on the other hand, freedom, justice, and peace as the expression of human dignity and with it social responsibility. In this respect, Human Rights discourse provides what Michael Walzer would call a “thin” account of the requirements of global justice.<sup>10</sup> That “thinness” is consistent with the form of political liberalism implicit in the Declaration. Yet in this respect, it has been admitted even by the critics that Human Rights discourse that rights talk has become the ethical *lingua franca* of the global age. It is a factor in the assessment of nations, the plight of failed states and internally displaced persons, terrorism and rape as well as instances of genocide. While often affirmed only in the breach, it is no doubt the case that “human rights” talk provides a necessary conceptual vehicle for expressing and backing struggles for justice and recognition around the world. This discourse expresses and also reflexively reaffirms an ethical outlook inclusive of all human beings and therefore is a necessary instrument in conceiving of global justice. That is why I noted before that Human Rights discourse is a fellow traveler on the road to a truly global theological ethics.

It is also at this juncture, it seems to me, that the Capabilities Approach intervenes in the discussion of global ethics. It does so, if I understand correctly, for two reasons. The first reason for an intervention is internal to the UN Declaration itself. Recall that Article 29 of the Declaration notes that only in the community is “the free and full development of [one’s] personality. . . possible.” That is to say, rights and duties are not only socially embedded, but so too is the aim of human, personal development. Insofar as that is the case, then, in order to properly conceive and enact human rights, one needs some conception of human development. In this respect, one can specify the necessary link between Human Rights and the Capabilities Approach since the task of the later is precisely to examine and articulate what is entailed in human development. And here too are implied liberal values. Recall that Mill in his *On Liberty* argued that liberty or freedom is, in his words, “to live one’s own life in one’s own way.” And, further, he conceived of human beings as “progressive beings,” creatures who can and ought to struggle to form and enhance their lives through the exercise of distinctive capacities. While the Capabilities Approach differs at points from Mill’s liberalism, it is still the case that human development is understood in relation to capabilities necessary for a person to be an agent in her or his own life and the life of a community.

However, while the UN Declaration opens within its own lines of thought reflection on human development, advocates of the Capabilities Approach argue that their tactic is not simply a matter of filling out Human Rights discourse. There is, in a word, a second reason to intervene in the discussion of global justice. One difficulty with Human Rights discourse is its relative lack of suitable measurement of the exercise of human rights. That is to say, how is one to

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<sup>10</sup> Michael Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame: University of Notre Dame Press, 2006).

show that in a specific social, political, or economic situation, human rights have in fact supported the “free and full development” of persons? Often, rights are measured economically in terms of Gross Domestic Product (GDP). An increase in a nation’s GDP means that people can claim and assert their rights to a greater extent. Yet how are we sure that if GDP increases so too will peoples’ rights to education, self-determination, opportunities for social participation and recognition, and also health care? Put differently, if political instruments are necessary to insure respect for basic rights, as Arendt noted, then it is clear that economic growth in terms of GDP does not in itself find political expression. Conventional economic means of measuring progress in human rights too easily ignore basic human needs required for the kinds of freedom and dignity that ground human rights and are also the aim of human development.

It is here, on my understanding, that the Capabilities Approach is linked to a larger debate among philosophers and theologians, including myself, about basic goods and a naturalistic theory of ethics.<sup>11</sup> The idea is that whatever we mean by “goodness” or “flourishing” must be keyed to the fundamental needs or functions for a creature’s well-being given the kind of creature it is. Thinkers differ on a list of basic goods, but most draw a distinction between *pre-moral basic goods*, that is, those goods which are not dependent on human choice, like having a body, and *moral basic goods* that do depend on choice, say, what we do with our bodies. The Capabilities Approach understands human development in terms of those goods needed for people to exercise their capabilities and therefore measures development not simply in terms of GDP, but, rather, in terms of access to resources needed to exercise capabilities. While Nussbaum and Sen differ in their lists of “capabilities,” just as “basic goods” theorists differ on their lists of such goods, all sides of the argument agree that human freedom and development or flourishing require some account of those needs, good, or capabilities human beings must fulfill in order to live a recognizably good human life. And that idea, so the argument goes, is also essential to any robust conception of social justice.

However, at this juncture a question arises about whether or not the Capabilities Approach and arguments about basic goods cross the line drawn by Rawls and thereby step into offering some “comprehensive doctrine.” Is the idea of a “liberal naturalism,” if I can name it such, a coherent idea or are liberalism and naturalism necessarily opposed because of political liberalism’s restriction on comprehensive doctrines? Despite philosophical and religious differences, Nussbaum and others, including myself, think not; what I am calling “liberal naturalism” is a coherent, if so far unnamed, moral and political outlook that is important, maybe crucial, for global justice. And that is because claims about capabilities or basic goods as well as freedom and development are rooted in a humanistic commitment that in principle any liberal ought to endorse. Nussbaum, for instance, writes this in the preface to *Sex and Social Justice*:

The view developed here seeks justice for human beings as such,  
believing all human beings to be fundamentally equal in worth. It  
also holds that human beings have common resources and common  
problems wherever they live, and that their special dilemmas can

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<sup>11</sup> For thinkers who advance some form of naturalism in ethics see, for instance, Philippa Foot, Mary Midgely, James M. Gustafson, Lisa Cahill, Germain Grizes, Don Browning, John Finnis, Jean Porter, and, also, my work.

best be seen as growing out of special circumstances, rather than out of nature or identity that is altogether unlike that of other humans.<sup>12</sup>

Now, if I am right that the Capabilities Approach is linked to but also advances Human Rights discourse by providing a robust conception of human development, then, I can lift a bit my self-imposed methodological brackets and step beyond the Capabilities Approach. And I do so not in terms of rights or capabilities, but, surprisingly, with regard to the shared humanistic commitment that demands further reflection.

Admittedly, this next step in my argument might seem counter-intuitive to many people, including Nussbaum, given the strident sectarianism and anti-humanism of so much contemporary religious practice. Accordingly, I must turn to make sense of this claim about humanistic commitments and thereby also to clarify the theological contribution to an ethics of global responsibility.

## Responsibility and the Enhancement of Life

It has long been noted that fundamental patterns of moral and religious thought about life, often expressed metaphorically, connect reflection about human existence, social life, and even claims about the universe. These patterns are usually deeply embedded in a culture and society; they constitute what has been called “the social imaginary.”<sup>13</sup> However, it makes a difference, as W. Clark Gilpin has noted, whether a thinker begins human existence or social life or metaphysics and the universe.<sup>14</sup> The critics of Human Rights—charging it with “individualism”—often begin their reflection on the “pattern of life” within the social life of some community whereas, as we have seen, Human Rights discourse and also the Capabilities Approach articulate a fundamental pattern by beginning with the human person and her or his rights and capabilities. Not surprisingly, some theologians and philosophers have sought to articulate the “pattern of life” from a metaphysical beginning point.<sup>15</sup> The metaphysical gambit is cut off, so it would seem, if John Rawls’ restriction on comprehensive doctrines within “political liberalism” is accepted root and branch, as both Human Rights discourse and the Capabilities Approach seem to do.

Is that all that can be said for a humanistic viewpoint developed through what I have called “liberal naturalism” in moral theory? In other words, is it the case that conceptions of the interrelations between self and society so important for the Capabilities Approach and Human Rights discourse can be sustained without any account, metaphorically articulated of course, of the moral space, the encompassing environment, of social and individual life?

Despite beginning with what human beings share and the development of capabilities along with rights needed for the development of individual’s life in community, it is the case that

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<sup>12</sup> Martha C. Nussbaum, *Sex and Social Justice* (Oxford: Oxford University Press, 1999): 7.

<sup>13</sup> See Charles Taylor, *Modern Social Imaginaries* (Durham, NC: Duke University Press, 2004) and David E. Klemm and William Schweiker, *Religion and the Human Future: An Essay on Theological Humanism* (Oxford: Wiley-Blackwell, 2008).

<sup>14</sup> W. Clark Gilpin, *Religion Around Emily Dickinson* (University Park, PA: Pennsylvania State University Press, 2015). The attempt to specify heuristic patterns of thought is found among many American theologians ranging from the work of Jonathan Edwards in the 18<sup>th</sup> Century to, in our time, H. Richard Niebuhr, James Gustafson, Sallie McFague, and, most recently, Kristine Culp.

<sup>15</sup> See Iris Murdoch, *Metaphysics as a Guide to Morals* (London, Allen Lane, 1992) and Franklin I. Gamwell, *The Divine Good: Modern Moral Theory and the Necessity of God* (San Francisco, CA: HarperSanFrancisco, 1990).



some conception of the scope of the environment of life is to be found in both Human Rights discourse and the Capabilities Approach. What is at stake, we can say, is the extent of our relations that constitute the moral space, the background pattern, for our lives and the struggle for global justice. Nussbaum is especially clear on this point. In several works, she has insisted that human transcendence, that is, our distinctive ability or freedom to go beyond oneself and our needs in order to connect with others and their needs, is strictly and solely a “lateral transcendence.” That is to say, the only object or end of human transcendence is other human beings. These acts of lateral transcendence, she further argues, are suffused with emotion, imagination, freedom, and also our rational capabilities. The religions, on this account, misrepresent the object or term of transcendence identifying it, wrong, with gods, heavenly beings and the like. This religious misrepresentation is a dangerous threat to social justice because it means, Nussbaum contends, that religious people use other people as a mere means to a religious end. In other words, a religious conception of transcendence necessarily denies human dignity and persons as “ends in themselves.” Given this fact, it is important to clip the wings of human transcendence, one might say, and restrict transcendence to our lateral relations to others or what Charles Taylor has nicely called “the immanent frame.”<sup>16</sup>

Now, I do not wish to deny the fact that too often religious people have demeaned the lives of others in both violent and non-violent ways. That religious people have so acted is a simple empirical fact. The danger that fact poses to social justice is also why I want to reclaim some form of religious humanism, what I have called, for a variety of reasons, “theological humanism” as the standpoint from which to examine and articulate a “pattern of life.” But precisely by insisting on the human as the beginning point for reflection on self-society-and-universe, that is, on a “pattern of life,” the question becomes whether human transcendence is always and only “lateral transcendence.” The background assumption of claims about lateral transcendence would seem to be a form of naïve realism, that is, that what we sense and know empirically demarcates the scope and depth of reality. Obviously, that is not the case for the religions which, as the sociologist of religion Robert Bellah has argued, create other worlds that interact and shape and are shaped by the everyday world.<sup>17</sup> These “other worlds,” are, importantly, crucial to human evolution and human aspiration.<sup>18</sup> And Bellah goes so far as to claim that human beings can only endure certain periods of “dreadful immanence” marked by loss and death. In order to meet the reality of death and to forge a future, human beings must move among worlds. On a religious account, human beings have the ability to move in and between and among multiple worlds through ritual, play, imagination, emotions, social encounters and the like. This is one reason why I have called our global age “the time of many worlds.” The point to note, then, is that religion is one form of cross-worldly movement and thereby is crucial to human evolution.

In order to answer Nussbaum’s quite justified worry about the moral danger of “religious transcendence” one must, I contend, develop a way to think about the relation between rights and capabilities as markers of human “dignity” where that “dignity” backs rights and funds human development. That is to say, if the idea of free human development opened discourse on Human Rights to revision in terms of the Capabilities Approach, then the question of human

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<sup>16</sup> Charles Taylor, *A Secular Age* (Cambridge, MA: Harvard University Press, 2007).

<sup>17</sup> See Robert N. Bellah, *Religion in Human Evolution: From the Paleolithic to the Axial Age* (Cambridge, MA: Harvard University Press, 2011). In the John Templeton Foundation funded The Enhancing Life Project of which I am a Principle Investigator, we call these “counter-worlds” and to live rightly among them requires following various “spiritual laws.” On this see [www.enhancinglife.uchicago.edu](http://www.enhancinglife.uchicago.edu).

<sup>18</sup> See *Theological Reflection and the Pursuit of Ideals: Theology, Human Flourishing, and Freedom*, Eds. David Jasper and Dale Wright (Farnham, UK: Ashgate, 2013).

transcendence and its scope begs for theological reflection. Accordingly, I can now lift completely the methodological brackets on our inquiry and enter into theological reflection, but I do so, mindful of my fellow travelers, from a humanistic perspective.

At issue, I believe, is how one makes sense of the human ability to move between worlds, between determinate domains of meaning, however created—by God, through the human imagination, in metaphysical speculation, by play and ritual, through revelation, or in moods, sensibilities, and emotions—say, love, care, or concern—and the moral claims enumerated in Human Rights discourse and also the Capabilities Approach. If time allowed, I would at this step in the argument provide an account of five different “types,” including “sub-types,” of basic goods (pre-moral and moral) that must be integrated in order for a recognizably human personal and social life to endure. I could also show that a distinctive form of freedom or liberty is implied in the work of “integration” meaning that the diversity of ways people can and do integrate their lives is itself a fundamental good and correlate right. That argument, just hinted at here, would fill out my version of “liberal naturalism,” as I have called it. But the more immediate challenge for this lecture is how the integrity of one’s own life and the lives of others makes a claim on a person and how, if at all, that claims expands the range of human transcendence beyond its constriction to the “immanent frame.” In order to do so, I want to examine briefly the idea of “conscience” and the moral claim on us by others, ourselves, and the divine. Conscience is a mode of being a moral creature and also subject of a human right.<sup>19</sup>

Conscience, from the Latin *conscientia*, has meant many things in philosophical and theological thought—too many meanings to examine here. However, one feature, conceived differently, is that it demarcates a “doubleness” in the self. That is, self-knowledge is always with knowledge of another and the claim of that other on the self. Kant spoke of its terms of a person in the person; Martin Heidegger talked about the call of conscience as the call of the authentic self to the fallen self; the Stoics spoke of a divine spark in the self; St. Paul thought it was knowledge of the Law written on the heart, as did John Calvin; and Paul also worried about offending the conscience of others, even while Luther spoke of the terrified conscience. My point here is not to rehearse names, but, rather, to note that “conscience” usefully articulates a conception of humanity in which we know ourself in and with the claim of another on us as itself a movement between domains of meaning, between worlds. Conscience is a term for the scope of human transcendence operative within and beyond the “immanent frame” or “dreadful immanence” in which the claims of the “integrity” of life, one’s own and that of others, is constitutive of the self. In the religions, this means that “conscience” is a communication among and between worlds, including the divine world. And this is why, on my account, the right to freedom of conscience finds many of its historical roots in the freedom of religion, that is, the freedom to follow or to reject the claims of a religious or political community.

In other words, the claims of conscience provide a humanistic beginning point for a “pattern of life” linking self, society, and the ultimate environment of life, whether divine or not, in a way that makes responsibility the condition for peoples’ specific identities rather than their specific identities constituting the conditions for and limits of responsibility. And that is a point, as far as I can see, that Human Rights discourse and the Capabilities Approach must endorse as two humanistic but also global outlooks on social justice. Lifting the brackets on our inquiry thereby lets us see the constitutive contribution theological reflection on conscience makes to the shared effort to fashion a global ethics. In this light, I think we can rightly speak of the cosmopolitan conscience important for our global age.

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<sup>19</sup> For a further discussion see William Schweiker, *Dust That Breathes: Christian Faith and the New Humanisms* (Oxford: Wiley-Blackwell, 2010).

## Conclusion

I want to conclude these reflections with a brief response to an obvious objection to my argument, especially insofar as it is developed theologically around the ideas of multiple worlds and also a religious conception of conscience. The critic of my position might state that the symbolic, ritual, and narrative resources of the religions that are used by them to imagine and conceive of their “pattern of life” are too awash in blood and authoritarian interpretation ever to be of any use in forging a humane global ethics. For example, ISIS, or the Islamic State, claims, as reported in *The New York Times*, to find warrant in the Qur’an to allow, and even to demand, the rape of non-Muslim women and girls and to use that teaching to recruit young men to their cause.<sup>20</sup> Such violent and authoritarian interpretations of Islam seem, the critic holds, endemic to Islam and therefore that religion cannot serve the purpose of global justice. And the critic would further argue that such atrocities are not found in Islam alone; they are found, if truth be told, in virtually all of the world’s religions. The conclusion to draw, then, is that it is best to reject religious resources in developing a global ethics.

I admit that this is indeed an incredible problem facing anyone daring enough to use religious resources in ethical reflection. But the critic, it seems to me, has missed a crucial point of my argument. Conscience, I have argued, is a concept for the movement between worlds as the human mode of moral being and that mode of being communicates the claim of the integrity of life, one’s own and that of other living beings, as constitutive of self. From this idea, I have specified a human right and capacity to determine the humane use of religious resources and also the norm for the reject of inhumane expressions of religion. Religions—Islam, Christianity, Buddhism, and others—are not self-interpreting. They are interpreted and lived by human beings. The claims of the cosmopolitan conscience, I am arguing, provide the norms for the interpretation of a religion’s resources and orientation for how to live in our global times. I suspect that even non-religious traditions face some version of the critic’s challenge. I have merely tried in this lecture to suggest how an ethics funded by religious resources might meet the criticism for the sake of enhancing life in the global age.

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<sup>20</sup> Rukmini Callimachi, “Enslaving Young Girls, The Islamic State Builds a Vast System of Rape,” *The New York Times*, vol. CLXIV no. 56, 958, pp, A1, A12-13.

# Response to W. Schweiker: Global Responsibility and the enhancement of life

*Hille Haker, Loyola University Chicago*

Let me start my comment with my thanks to Bill for giving this paper at our annual meeting, and my thanks to the Board for a wonderful conference. Thank you!

The challenge of globalization – or an ethics of justice for and in a globalized world – has been the theme of our conference, and we have heard and discussed it from multiple perspectives. Bill Schweiker’s presentation has taken a step back from the more concrete issues in order to address two connected tensions within ethics. It seems to me that they are, at the same time, at the heart of what *Societas Ethica* is about: exploring the possibilities of philosophical and theological or religious ethics to analyze and respond to the challenges of our time, and to collaborate on shared grounds, while at the same time respecting what may separate us – both within our respective traditions and between our different ethical approaches.

BS identifies the challenge of globalization, in my words, as increased complexity, increased diversity or at least an increased awareness thereof, and the tension between a cosmopolitan and communitarian ethics, or between universalism and particularism. BS rests his argument on two premises that he does not spell out further in his talk: the first premise takes it that the embeddedness of humans includes the eco-environment, which – given its ongoing destruction – becomes the object of human responsibility. Second, humans are distinct from other creatures in their susceptibility to the claims of others. Hence, the object of responsibility is defined by the conditions for human well-being or, as he says with Nussbaum and Sen, for human flourishing on the one hand, and by the capacity of humans to attend to the claims others make on them.

In my reading, BS follows the Human Rights tradition insofar as it determines what human dignity means, put in the language of rights, first individual rights, complemented by communal and indigenous rights. Let me note in passing that even though he does not want to analyze the history of human rights, or present a ‘genealogy’ as Joas would have it – BS may too quickly link the UNDHR with the tradition of political liberalism. This, however, cannot entirely explain the social, economic, and cultural rights, or more generally, the positive rights that have caused so many problems for liberal theories. We can leave this to the discussion – important for BS is the common ground between his religious ethics and non-religious approaches: human rights are a necessary “conceptual vehicle for expressing and backing struggles for justice and recognition around the world.” (9) Furthermore, because the human rights framework offers an inclusive concept of human dignity for everyone, it “is a fellow traveler on the road to a truly global theological ethics” (ibid.)

While human rights theories, conceived from a liberal tradition, lack a ‘comprehensive’ theory of the good, Nussbaum’s version of the Capabilities Approach does in fact depart from this restriction, integrating an Aristotelian concept of the good though not in the terms BS uses, which is, in his words, the effort to identify the “moral meaning of our shared existence as human beings” (5).

Human rights discourse has specified the claims individuals can make on others, and I want to emphasize, with BS, that this reverses the burden of proof: those who want to deny human rights to any individual or group must provide the argument, not vice versa, and it is its universal scope that renders it a central element of any theory of justice.

Now, in BS's interpretation, the Capabilities Approach goes beyond the Human Rights Declaration in reconnecting rights to goods or, put differently, to an anthropological understanding of well-being that resembles, to say the least, the natural law or 'naturalistic' ethics. For Nussbaum, this re-turn to a concept of the good is not problematic; instead, she emphasizes the common nature of human beings, reflected in her list of goods necessary to flourish as a human being. Yet, I see BS argue that she still ties these goods to the rights tradition, which leaves the concept of responsibilities, as belonging to the human condition, underdeveloped.

It is here that the theological ethics BS argues for is reintroduced. But how is responsibility to be understood? How can we transcend our own needs and desires and 'make room' for the claims of others? Lately, Nussbaum has returned to her early work on 'love' and emotions, and connected the concept of political emotions and/or compassion to her theory of justice. This means, human beings are indeed capable of transcending their own self-interest, and they are guided by the empathy they can develop for others. BS would certainly agree, and yet, he would maintain that this 'going beyond' oneself, seen from a religious perspective, would entail a stronger theory of the good. As he has argued in his book on Responsibility and the Integrity of Life, ethical reflection informs the moral life in integrating different types and different kinds of goods into one's life, resulting in the end of integrity as the telos of the good life.

In his presentation, however, BS offers another line of thought, going back to the concept of conscience that stands for the moral claim of others, reflected as a claim that emerges within oneself. Conscience is understood as a form of communication between different worlds. This ability to communicate or, as BS says in a beautiful metaphor, this ability to move between different worlds and domains of meaning, is the "human mode of moral being", and it integrates that what is 'beyond oneself', human and non-human, into one's self-identity. As our life has become globalized, so will our conscience transform into a "cosmopolitan conscience", enabling us to communicate and move between multiple different worlds, the human world with the social and natural environment, and the world of the divine. This ability will not in itself change the normative framework of human rights – but it will explain why responsibility, rather than rights, is the core concept – or may I say: principle - of global ethics.

I hope this is a fair account of BS's proposal. Now, let me add a few thoughts:

First, I want to stress alongside with you that responsibility must be emphasized as a foundational concept. It is, however, much more than the ability to transcend oneself: I would hold that it is first and foremost to be conceived as the capacity to 'respond': this response-ability, as I want to call it, is not to be mistaken with the narrower concept of accountability for one's actions, but rather, it entails the acknowledgment that the self is always and already addressed. Response-ability goes also beyond the concept of the social self that merely emphasizes the social embeddedness of one's actions or identity; likewise, it does not constitute the self in the mere subjectivation to the social norms, as Foucault had it, but rather it constitutes the moral self in the response to the other-than-oneself, whoever and whatever this may be. Conscience functions as a reminder of moral agency as responsibility. But this alone does not explain the relation between rights and goods, and I would be curious to hear how you bridge this gap between the hermeneutical 'meaning making of different worlds', the voice of conscience that reminds the individual of her moral agency, and responsibility as a principle of global justice. I would hold that however one maps out the good and the rights, within a theory of *justice*, rights determine the normative status of goods, because the goods come with a claim or demand on others: the goods, including the good of positive care, should be provided by others when I cannot achieve them myself. This means: while all rights are necessarily goods for the person claiming them, not all goods we may strive for are at the same time rights. Put

differently: not all goods come with a demand on the conscience of the moral agents. You seem to argue for a non-communitarian version of the primacy of the good, but I cannot really see it as part of a theory of justice, and I would like to press you a bit to say more. For if you define categories of goods, such as basic or non-basic goods, you end up in the same trouble as Nussbaum does with her constant reinterpretation what human flourishing means, and with the difficulty to define the threshold of a good life, and the range of those goods who can in fact count as rights.

Second, I am not sure how to understand the two concepts you did not spell out in your presentation: integrity of life, on the one hand, and enhancement of life, on the other. Let me only allude to the first concept, integrity, from the perspective of responsibility: If I am to respond to others, it is not at all clear to whom I must respond or, put differently, whose and what claims are justified, and whose or what perspectives I must integrate into my self-concept – the reference to a ‘cosmopolitan conscience’ does not say more than that ‘everything’ *may* have to be integrated; it does not say what (or who) *must* be integrated. Neither is it clear that my responsibility – which I now take as the integration of the *claims* of others into my self-concept – is linked to the integrity of life. There are assumptions in your account of responsibility – informed by a specific notion of the good that you presuppose – that need to be spelled out.

This is all the more important, thirdly, because you seem to link the integrity concept to the enhancement of life. I would, however, be very cautious here, because I see the concept of enhancement used so bluntly in liberal and utilitarian bioethics – there, enhancement is understood as biomedical, pharmacological, cognitive, or genetic enhancement. While you don’t seem to go there, you still need to explicate what enhancement means and how you relate this to the technological possibilities of enhancement, including what has been called by Julian Savulescu and John Harris ‘moral enhancement’, the emotional or cognitive enhancement of empathy and moral judgment via biomedicine. Since ‘human nature’ is not a fixed concept but mediated by the social and cultural conditions of self-constitution, it is crucial to define whether enhancement of life means the same as enhancement of life *conditions* or standards of living – as Sen understands it –, or whether it means more than that. Again, unless it is spelled out, it leaves too much room for speculation.

Finally, the assumption that the rights discourse rests upon a concept of the good is different from the claim that the rights discourse rests upon the human capability to respond to others and the ability to move between different domains of meaning. The former seems to offer a particular moral content, as Nussbaum does in her list of goods that define a good human life, and to which you seem to be very sympathetic. The latter understanding, however, the claim that the rights discourse rests upon the moral self, only establishes moral agency as responsibility: in this version, human beings are defined as the response-able beings, and it leaves it to the ethical discourse to judge (and justify) what a responsible response may be. If I had the time, I would try to argue that I am not convinced by Nussbaum’s attempt to translate her list of goods back into rights. I would therefore prefer to stick to the human rights framework that is more clearly tied to justifiable claims on others. More importantly, however, I would argue, in modification of Onora O’Neill’s Kantian interpretation of duties, that it is the concept of responsibility and not the concept of the good that is complementary to the concept of rights.

I prefer responsibility to duties, because if I understand it as response-ability, it goes beyond rights: in my response to the other, rights only define the scope and limits of my obligations, whereas my ability to respond rests upon a relation that is not constituted by my action only. Rights and justice, one could say, are constitutive concepts of ethics, but they do not entail all

that morality has to say. In other words, my question to you is this: do you perhaps still overestimate the potential of the concept of the good and underestimate the potential of the concept of responsibility that you already in your hand, in tying it too much to self-integrity and the integrity of life instead of the demands of others?

# Does Global Justice Require More than Just Global Institutions?

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## Introduction

1. Does global economic justice require individuals and their associations to do more than support and comply with the rules of just global institutions? On what we may call the institutional approach to justice, where just institutions are in place, individuals' responsibility of justice is primarily to comply with and maintain these institutions. Within the rules of just institutions, they may do as they wish so long as background institutions are preserved.<sup>21</sup>
  - 1.1 If we extend the institutional approach to the global context, then global justice does not require more than just global institutions in this sense. Our collective responsibility of global justice is discharged and exhausted where just global institutions are established and supported, and not upset by the cumulative effects of our actions.
2. I believe the institutional approach provides a plausible and defensible picture of justice in the global as well as domestic contexts. Of course this understanding of justice has its detractors. Some critics object that the demands of justice are not exhausted simply because individuals are playing by and sustaining the rules of just structures. Others could accept the institutional view in the domestic case, but reject it as an ideal of global justice on the ground that there aren't the relevant regulative institutions in the global plane.
3. I will bracket these objections here, and start with a question that arises even if we accept the institutional view in its ideal form. What responsibility of justice do individuals have when just institutions are absent? So even if we assume the possibility of establishing just global institutions, the question can still be asked: what responsibility of justice do persons and associations have in the absence of just global arrangements?
4. One institutional response says the following: in the absence of just arrangements, individuals have the responsibility of justice to do their part to help create just arrangements, and when they do their share in this regard, they adequately fulfill their responsibility of justice.
5. Let us call the duty to create just institutions an institutional duty, in contrast with an interactional duty which involves providing aid or assistance directly to needy others. The institutional duty, as I am presenting it, has two prongs. One prong says that this duty is a necessary requirement of justice, such that an individual fails to do her part to promote justice if she neglects her institutional responsibility even if she is doing good interactionally. The other prong holds that the institutional duty sufficiently exhausts the requirements of justice, such that even if one can do more interactionally to promote the good, one's responsibility of justice is fulfilled when one does her institutional share.<sup>22</sup>

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<sup>21</sup> See Rawls, *Justice as Fairness* (Harvard University Press, 2001), p. 50.

<sup>22</sup> These contrasting terms and their cognates have been used by Pogge and Young, among others. I don't claim that I am using them in the same sense.



6. The institutional duty stated above recalls Rawls's famous remark, that "[f]rom the standpoint of the theory of justice, the most important natural duty is that to support and to further just institutions." The statement goes on to clarify the latter: "we are to assist in the establishment of just arrangements when they do not exist, at least when this can be done with little cost to ourselves".<sup>23</sup> But the institutional duty I have stated, that takes this duty to be both necessary and sufficient for justice, offers a strong reading of the Rawlsian statement. My goal is not to get into Rawls interpretation (e.g., what does Rawls mean by "most important"?), but to examine independently the plausibility of the strong reading.
7. A qualification before proceeding. My claim regarding the significance of institutions is limited to the special case of economic or distributive justice. How far and with what qualifications the institutional thesis can be extended to justice more generally is something I leave aside. Thus "Justice" here refers specifically to "economic [or distributive] justice" unless otherwise qualified or contextualized, and by "institutions" or "social structures" I include the wide array of social institutions, rules, policies, and the like that affect economic distribution in a social order.

## The Institutional Approach

Since the present discussion concerns the implications of the institutional approach for the non-ideal condition where just arrangements are absent, it will be useful to recount some of the relevant assumptions behind the institutional approach as an ideal. Recollecting these assumptions, of course, does not amount to a reply to critics who reject these very assumptions in the first place. But keeping these underlying motivations in mind will provide a clearer understanding of the institutional duty and why it is not as straightforwardly implausible as some commentators think.<sup>24</sup>

1. The first and oft cited motivation for the institutional view derives from the fact of the "profound and pervasive" impact of background social institutions on individuals' lives. The central political, economic and social institutions of a society determine individuals' fundamental rights, entitlements and responsibilities. Given this impact of institutions on people's life prospects, institutions must be subject to the regulation of justice (e.g. Rawls).
2. The second relevant motivation for the institutional approach invokes the idea of background justice. In the absence of background justice, individuals on their own cannot know with adequate specificity how to respond to injustice or the needs of justice.
  - 2.1 One reason is that distributive justice, as a matter of social justice, will require certain coordination among individuals in a social order regarding how each is to best discharge her respective responsibility of justice. Without the coordinating function that

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<sup>23</sup> Rawls, *A Theory of Justice* (Harvard University Press, 1971), p. 334. My italics. In full, it reads: "From the standpoint of the theory of justice, the most important natural duty is that to support and to further just institutions. This duty has two parts: first we are to comply with and to do our share in just institutions when they exist and apply to us; and second, we are to assist in the establishment of just arrangements when they do not exist, at least when this can be done with little cost to ourselves".

<sup>24</sup> Here I draw on my *Justice, Institutions and Luck* (Oxford University Press, 2012), which in turn draws on Rawls, Nagel, Scheffler, Freeman, and others. The main critics I have in mind are Liam Murphy and G.A. Cohen.

institutions provide, interpersonal efforts risk inefficiency as well as the danger of cancelling another out.

- 2.2 The second reason is more significant. Institutions do more than coordinate individual activity for the cause of justice. More fundamentally, they have the function of determining individuals' rights and entitlements and duties. The institutional view stands in contrast with the Lockean picture that economic justice (e.g., individuals' rights of ownership and transaction) is pre-institutional, and that the role of social institutions is basically to secure and enforce the economic rights that individuals can have in nature. The institutionalist (following the tradition of Hume, Rousseau, and Kant) holds, to the contrary, that economic rights and the terms of economic justice are provided institutionally. For instance, there has to be a "public system of rules" (Kant) in place before we can together determine each of our economic rights and duties, including our property rights, the rights of transfers and the like.
- 2.3 This view of justice does not implausibly say: "whatever existing institutions say goes". Institutions can fulfill their purpose of determining economic entitlements only if they are appropriately organized, and hence the necessity of regulating institutions against principles of justice. What the institutionalist holds is that in the absence of an adequately structured institutional order, it remains under-determined what it is that individuals are entitled to and what it is that they owe to each other as a matter of distributive justice.
- 2.4 The institutional view also affirms that justice is a social and public ideal and enterprise. A just distributive order is not something we can each personally pursue in isolation from each other, but is something we collectively and publicly aim to affect.
3. While the above two motivating assumptions are largely familiar, the third relevant assumption is perhaps less discussed. This is that the institutional approach provides an interpretation of the demands of justice that preserves moral room for individual (personal or associational) pursuits and commitments. By locating and confining the site of distributive justice to institutions, it makes room within the parameters of just institutional rules for individual pursuits and relational commitments.
- 3.1 The underlying idea here is that while justice is a regulative ideal, it is not a dominant good in the sense that all valuable human pursuit must be for the cause of justice. To the contrary, the aim of justice is to provide the maximal space for individuals to each pursue freely but fairly their own ends in life. Justice sets the limits for the kinds of ends we may have and the means by which we may pursue them. With background justice in place, we can try to realize our conceptions of the good fervently, confident that we are doing so rightly.
- 3.2 This assumption of pluralism combined with the requirement that we pursue our competing ends on terms that are right by others explain why justice has a certain primacy over other values but is nonetheless not a dominant end in itself. The institutional focus supports an account of justice that affirms its regulative primacy without subsuming all other values under it.
4. These three motivating reasons are interdependent in the following ways. Since institutions profoundly and pervasively impact the lives of individuals, they ought to be regulated by some ideal of justice. Since it is justly regulated institutions that correctly determine individuals' rights and duties, there must be some appropriate institutional

arrangements in the background to define these rights and duties. And since institutions frame individual responsibilities in this way, limiting the site of justice to institutions provides a way for demarcating the demands of justice from the demands and prerogatives of individual personal or associational lives. These assumptions together clarify why it is that the basic structure is “the primary subject of justice” (Rawls).

## The Necessity of an Institutional Response

With these assumptions in place, I turn to the claim that an institutional response is necessary for justice. Rather than a case of confusing means for ends, as some critics have alleged, the necessity claim holds that just institutions are constitutive of a just state of affairs and is not merely instrumental in this regard.

1. The first reason for the necessity of an institutional duty concerns the profound and pervasive effects of institutions on individuals. Institutions assign persons their fundamental entitlements and responsibilities. Thus, when existing arrangements are unjust, responding to the effects of these arrangements seem at best to be palliative rather than corrective of the injustice. It is akin to addressing the symptoms of injustice without also attending to its (institutional) cause.
  - 1.1 This is not to dismiss the importance of palliative responses in certain moral situations. But it has to be acknowledged that nonetheless justice is not being realized so long as we are only attending to the effects of injustice and not addressing the inherently institutional source of the injustice.
2. The ideal of background justice behind the institutional view is another reason for the necessity of an institutional duty. In the absence of institutional rules coordinating the diversity of individual efforts towards a shared just end, there is the obvious problem of efficiency as well as the bigger danger of one response canceling another out.
  - 2.1 But, as mentioned above, more significant than the coordinating role of shared institutions is the role of institutions in determining and specifying individual rights and duties. Without adequate background institutions, individuals not only are unable to coordinate their joint objective of promoting justice. They will be left in the dark as to what it is that they owe to one another. What is rightly mine that I may rightly redistribute in the name of economic justice? Which of the many needy individuals should I redistribute resources to? And to which particular problem of social injustice - - abject poverty; inequality in education; or lack of access to healthcare -- do I devote my attention?
  - 2.2 These three questions -- what is rightly mine, to whom I owe, and to which injustice I should be committed -- highlight the necessity of social institutions. Without social arrangements in the background, individuals cannot know precisely what they rightly own and what they owe to others. Without just distributive institutions that are publicly affirmed, there is the danger of partiality regarding the recipients of redistribution, as when a philanthropist decides on her own which subset of individuals to assist. And social programs and causes that are identified and pursued privately rather than publicly through shared institutions are prone to a certain arbitrariness and the lack of accountability.

3. Institutions, in specifying the conditions of background justice, not only identify the aspiration of justice. They also set the parameters within which we may permissibly realize these aspirations. Even when we are certain what justice requires at minimal, it is not obvious that we may do whatever it takes to realize this in the name of promoting justice.
  - 3.1 As a clear illustration, consider a flawed criminal justice system that disproportionately sentences members of a minority group to lengthy prison terms. We may be confident that this system is unjust, but it does not follow that we are entitled to act unilaterally to repair the effects of this unjust arrangement. It is not obvious, for example, that private persons may attempt to break out prisons those they believe to be wrongly sentenced. This is an institutional institution, the resolution of which requires an institutional response.
  - 3.2 Or, to consider an example within distributive justice: Suppose you know that the economic institutions in your society are unjust, and that whatever the institutional details of your duties, you know with confidence that the top 1% say is not entitled to the entirety of their holdings, and that the least advantaged are in fact entitled to some of these. Still it would not be permitted for you to assume the role of a Robin Hood, and rob from the 1% to give to the poor.
  - 3.3 I think we would reject the above interactional responses to these injustices for the same reason we reject *vigilante* justice in general. The vigilante sets goals that ought to be publicly identified; and she relies on means (e.g., the use of force) whose appropriateness are matters of public decision. Acting on her own discretion on a problem that is a social one, her actions lack publicity and therefore also accountability. Acting through institutions help ensure that just steps are taken in the cause of justice.
  - 3.4 Furthermore, to reiterate an earlier point, even if some good is achieved through vigilantism (e.g., an innocent person is freed, the undeserving rich is forced to redistribute) such responses are ad hoc, they affect only an arbitrary number of individuals, and they target only the symptoms of injustice and not its source. Even if we are prepared to say that the vigilante is doing some good, we can still say that she is not helping to realize social justice. And in some cases, as in some forms of vigilantism, she is moreover acting unjustly.
  - 3.5 These remarks do not apply to acts of civil disobedience. Civil disobedience is a public rather than a private and unilateral activity, and is aimed, I will stress, at correcting an unjust arrangement.<sup>25</sup> Civil disobedience thus falls under that class of institutional responses. The acts of vigilantism I oppose above -- unilateral, uncoordinated, non-public and not aimed at reforming institutions -- do not share the form or the goal of civil disobedience.
  - 3.6 I should also note that the above is not meant to condemn vigilantism in all cases. In extreme cases of injustice, we can allow that certain forms of vigilantism are permissible if not even required. It would be absurd to say, for example, that using force unilaterally as a private individual to free slaves in a slave society is a violation of justice, or that it does not in some ways at least serve the cause of social justice. (For example, the

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<sup>25</sup> Civil disobedience, to cite Rawls, “is a mode of address taking place in the public forum” (Rawls, 376; my emphasis).

abolitionist John Brown). But this is because, in cases of extreme injustices, especially (but not limited to) injustices that violate very basic civil and political rights, the very social order fails to meet the basic conditions of legitimacy, and unilateral acts against such a system should be seen as an attempt in the first instance to dismantle the thoroughly corrupt order with the ultimate goal of establishing an alternate just order in its place. Vigilantism in some extreme cases can be seen as revolutionary acts, and a revolution is an institutional response to extreme injustice in that it ultimately aims to replace one institutional arrangement with another.

4. Finally, institutions secure a state of affairs that is not contingent on the happenstance good will of private individuals. Imagine a society whose economic institutions are unjust, but whose advantaged members happen to have an enlarged sense of “noblesse oblige”. So they privately redistribute their (unjust) gains to their least advantaged compatriots, and in doing so achieve a distributional state of affairs not different from that which a just set of institutions would obtain (assuming that this is possible without public institutions to impartially affect the redistribution, a problem as discussed above). So we have an end state that would be preferable to that of a similar society with the same kind of unjust institutions but whose inhabitants lack the same degree of generosity. Still we wouldn’t say that justice is realized in that society. The unjust effects of its institutions are offset by the good will of its inhabitants, to be sure, but this is hardly a stable situation or one that the disadvantaged can confidently count on and build expectations around. The happy distributional outcome is wholly contingent on the whim and fancy of the privileged. Just arrangements, on the other hand, ensure that a just distributional outcome does not hinge on the “arbitrary will” of others (adapting here from Philip Pettit).<sup>26</sup> While interpersonally the inhabitants might appear to be on equal terms, the background institutions in fact betray a hierarchical society, in which the domination of some by others remains in place.
  - 4.1 Indeed we would prefer a society where persons grudgingly (but out of a sense of justice) comply with the requirements of just institutions, then one with unjust institutions but very nice people. There is a certain stability, reliability and legitimacy in the first that is absent in the latter.
5. I do not argue that in all cases, an institutional duty has to be performed. I only claim that the performance of this duty is necessary if the realization of distributive justice is our goal.
  - 5.1 It is entirely possible under some cases of moral trade-offs that we may, or even ought to, pursue ends other than that of distributive justice. We can easily imagine scenarios where it seems preferable to act interactionally than institutionally if we have to choose. The main point is that we have to concede in these unfortunate cases that justice is neglected.
  - 5.2 One way of accepting the possibility of such trade-offs without surrendering the primacy of justice is to invoke the argument that the circumstances of justice need not obtain under certain severe moral situations. For example, following Hume, we can accept that in extreme desert island situations (where there is abject and absolute scarcity), concerns of distributive justice cannot arise. Hence other moral responses, in particular interactional ones, will be more appropriate. The key point is that even though an

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<sup>26</sup> Philip Pettit, *Republicanism* (Oxford University Press, 1997).

interactional response in such cases does more good, and is perhaps even the morally preferred course of action, this is compatible with the institutional thesis that justice is not being realized.

## The Sufficiency of Institutional Responses

I now turn to the other prong of the strong reading of the institutional duty. This, to recall, is that the institutional duty sufficiently exhausts individuals' responsibility of justice. I'd suggest that this sufficiency claim is not as problematic as it might seem at first glance.

1. First, the institutional duty provides a target and a cut-off for one's duty of justice. Defining our responsibility institutionally thus allows a way of balancing both the demands of justice and our individual pursuits. An alternative view that says we ought to do all we personally can to promote justice in society will require that we give up personal and associational pursuits that are part of any rich moral life. Even if the alternative does not say that we have to do all we can in our personal actions, that it requires personal actions beyond working together with others towards better institutions seems to eliminate a practicable way of marking the limits of the duty of justice. If the ends of justice have to be balanced against reasonable personal permissions (to pursue ends other than that of justice), an institutional focus provides an account of the site of justice that allows for this balance.
2. But even though the institutional duty offers a way of reasonably limiting our responsibility of justice, it can hardly be faulted for trivializing or downplaying this responsibility. The duty to do one's part to create just shared arrangements can be, to the contrary, quite demanding on individuals. And the more extreme the absence of just institutions, the more demanding this institutional requirement of justice is.
  - 2.1 Where just arrangements are in place, the institutional approach provides a means of demarcating the demands of justice and the demands and concerns of personal life. The institutional approach thus preserves room for individual pursuits consistent with the needs of justice. But where just institutional rules are absent, the institutional view does not insist that individuals may do whatever it is they could do were just arrangements counterfactually present. Rather, since the space for individual pursuits is defined against the requirements of justice, the division between the needs of justice and personal life space for individual pursuits has to be recalibrated under non-ideal conditions.
  - 2.2 Where there is injustice to be responded to institutionally, instead of simply complying with and supporting just institutional rules as in the ideal case, individuals are now required to take more active and additional steps of helping to establish just institutions. We can expect this additional demand of justice to be more exacting than the injunction to support and comply with existing just rules. Accordingly, since the duties of justice set the parameters for personal pursuits, we can expect that the space for personal pursuits will be reduced in the context of injustice. For a crude example, time that could be given over to personal pursuits when there are just institutions will now have to be devoted to the cause of furthering just institutions.
  - 2.3 Thus the institutional duty, even though it provides a method by means of which to preserve space for personal pursuits alongside the pursuit of justice, it cannot be faulted for trivializing the responsibility for justice.

3. In addition to the institutional duty not being objectionably under-demanding, it should be pointed out that this duty does not exhaust all moral duties persons can have. Even in an ideally just society, there will be plenty of occasions for interpersonal acts of beneficence. A neighbor can suffer misfortunes like a sudden illness, unforeseen economic difficulties and so on, even where just institutions are in place. The institutional approach does not deny then that beyond our duties of justice (to comply with just institutional rules in this case) that there will also be other moral duties we owe to others interactionally. A fortiori, there is no reason to think that the space and need for interactional duties of beneficence shrinks or disappears where just arrangements are absent. (One might even make the stronger claim that demands of beneficence will likely increase in context of injustice, but I will leave aside this complicated point here).
  - 3.1 Thus the sufficiency claim, that doing our part institutionally sufficiently discharges our responsibility of justice, is not as morally parochial as it might sound if we recognize that there are other moral demands on us beyond the demands of justice.
  - 3.2 Now this might sound like a mere semantic move – an attempt to rescue the institutional thesis by calling other moral duties another name. But, in reply, the distinction between duties of beneficence and duties of justice is more than semantic. Call these classes of duties what we want, there are nonetheless important substantive differences between them.
  - 3.3 A key one is that duties of beneficence are imperfect and subject to agential discretion. An imperfect duty is still a duty, but, to cite Kant, it gives “permission to limit one’s maxim of duty by another (e.g., love of one’s neighbor in general by love of one’s parents)...”.<sup>27</sup> But an institutional duty, as a duty of justice, does not permit the limiting of the maxim of this duty by another.
  - 3.4 That duties of justice are perfect and duties of beneficence are imperfect supports a second important substantive difference between the two. This is that justice has a certain primacy over beneficence. The institutional view notes two ways in which justice has primacy over beneficence. It has normative primacy in that acts of beneficence that are contrary to the requirements of justice are in general prohibited. That is, I have a *pro tanto* obligation not to steal that which is rightly Jane’s to give to needy John. And justice has what we can call ontological primacy in that it is justice that determines the possibility and scope of beneficence. Beneficence is the redistribution of something that is mine to another who needs it. But this means that we need first of all an account of what is mine, and this requires in turn some account of distributive justice.
4. Finally, an institutional response can also incorporate duties of reparations for past or prevailing injustice. The sufficiency claim does not deny this. What it will say is that reparative duties, in so far as they are in response to the results of unjust arrangements, must themselves be institutional in form. The effects of unjust economic institutions are diverse – it can result in the lack of access to decent education, adequate nutrition, good health care, fair equality of opportunity and so on. And it will affect many individuals in different ways. So which social cause (i.e., which injustice) do we take up and try to readdress, and for which particular set of individuals? To take reparative duties for institutional injustices into our own private hands risks violating the impartiality and

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<sup>27</sup> Kant, *The Metaphysics of Morals*, trs. Mary Gregor (Cambridge: Cambridge University Press, 1991), p. 194.

publicity conditions of justice. The sufficiency claim affirms that unjust arrangements can generate reparative obligations on us. What it maintains is that to be properly reparative duties of justice in response to structural injustice, they have to be directed at, and enacted via, institutions. Thus reparative duties are to be counted as part of our overall institutional duty, and when all dimensions of our institutional duty are discharged, we have sufficiently realized our responsibility for justice.

- 4.1 The discussion here focuses on reparations due to unjust arrangements. The case of reparations due to an agent's failure to comply with existing just rules can of course take the form of an interactional response.
5. In sum, the claim that an institutional response exhausts an individual's responsibility of justice sounds less objectionable if we note that (i) this duty is hardly minor or trivial, (ii) that it does not exhaust all moral commitments that we can owe to each other, and (iii) that it does not deny the importance of reparative justice. (What it holds, with regard to the last, to reiterate, is that reparations for structural injustice should also be institutional in form, not interactional).
6. The advantage of the institutional view is that it maintains that even when just arrangements are absent, individuals are still entitled to realize their ends so long as they are doing their share to create just arrangements. It does not require individuals to morally impoverish their personal and associational lives in the furtherance of economic justice in their society.

## Global Beneficence v. Global Justice

1. I have been speaking abstractly about economic justice and institutions. But the implications of my remarks for global justice more specifically can be easily inferred.
2. The obvious one is that in the absence of just global arrangements, our individual responsibility of global justice is to do our part (personally but more realistically in association as citizens of states) to help bring about just arrangements. Interactional responses on their own cannot secure global justice, and stand in risk of violating the ideals of publicity, accountability and impartiality. Thus, global philanthropy, by this I refer to programs and actions taken by private associations to promote certain causes of their own choosing, can present certain moral challenges. An implication of this is any theory of global beneficence or ethics has to presuppose some account of global justice.
3. The more controversial point is that when we are doing our share to create just institutions, global justice requires no more of us. (That is, global justice does not require more than just global institutions). The appeal of this claim is that it allows personal and associational life to proceed even when economic justice is not fully realized. The immediate worry with this claim however is that it seems too glib, especially in the face of the gross global injustice we face. To temper this concern, I reiterate that doing our share to create just institutions is hardly insignificant and under-demanding. It can require a lot from us, and in the current global order, it will require a significant recalibration of our understanding of personal and national pursuits. It should also be reiterated that global justice does not exhaust the whole of our global moral responsibility to each other. Duties of global beneficence remain at play whether we live in a just global order or not.



- 3.1 But the scope and content of global beneficence presuppose some account of global justice, and the institutional view holds that our responsibility of global justice is necessarily and sufficiently institutional in its focus.

# Response to Kok-Chor Tan's presentation

*Nigel Dower, University of Aberdeen*

## Introduction

I have found Kok-Chor's presentation engaging, and it has challenged me to think further about this important issue. I have restricted myself to making the points I made in my reply at the conference rather than developing this into a full-blown paper. Whilst I think we do differ in our main approach to global justice, there is much that I would agree with in his paper.

I agree with Kok-Chor that there is a duty of justice to further global just institutions and it is a significant duty. I also agree that there are also duties of benevolence in addition to duties of justice, but that the duty to act justly has a certain primacy in the sense that, in normal circumstances, it would be wrong to act benevolently if that involved acting against the norms of justice, for instance in violating someone else's rights. Furthermore there is a significant 'moral space' that lies beyond both these duties: whatever duties I have, they do not exhaust my sphere of action; there is much in my life to do with my interests, relationships and so on which is neither morally required nor morally forbidden. Indeed an adequate account of cosmopolitanism needs to recognise that the good of all people with whom we are concerned is a good that contains this space.

But I am not convinced that the duty to promote just distributive institutions globally is either something that is necessary to or sufficient for what individuals should do as matter of global justice.

First three preliminary points need to be made which form part of the background to why I say this.

## Preliminary points

The primacy issue only relates to acting justly, it does not relate to promoting justice or combatting injustice. There is a distinction to be drawn between acting in accordance with a moral value and promoting it; acting peacefully is for instance different from promoting peace, and respecting human rights is different from promoting human rights or reacting to human rights violations. Indeed sometimes people promote peace and human rights and their means include acting unpeacefully and violating the rights of others (and for some this is justified). Likewise acting in accordance with the requirement of justice is one thing, it is another to engage in a range of actions – campaigning, advocacy, quiet diplomacy or more mundane forms of engaging with others – that either further or sustain just institutions/practices/culture and opposes unjust institutions or unjust practices e.g. by showing solidarity with oppressed people or groups.

If it is accepted that acting justly has primacy over acting benevolently, it does not follow that other kind of action 'for the sake of (global) justice' have the same primacy. Indeed if acting justly has a certain primacy, it can be argued that it has the same primacy over promoting justice too. If this is right, then furthering just global institutions may be no more important than global benevolence, and both are only to be done if they are consistent with acting justly. So even if we accept Kok-Chor's claim that acting justly is a perfect duty and acting benevolently is an imperfect duty, this does not apply to furthering justice which is to be seen as an imperfect duty (since the occasion and manner of exercise like acting benevolently is to some extent discretionary).

My second preliminary point is this. An institutional account of justice is not required, as Kok-Chor appears to argue, in order to guarantee moral space in an individual's life. If general beneficence is also accepted (and this means that we have duties in addition to what duties of justice require), there is still a line to be drawn well short of the 'do as much as you can' approach of Singer and others which severely limit the moral space we have. How one draws that line is a complex issue, but an institutional account of justice is not essential to it. Indeed insofar as an institutional account goes, there is nothing in the approach as such to rule out a relentless, moral space-compressing, duty to promote just institutions: Rawls thought of course 'without too much cost' but that doesn't settle the matter (Rawls 1971: 115).

Third, it is worth asking the question: do global distributive just institutions exist? At one level the answer is obviously 'no': there is no global welfare state, official foreign Aid is discretionary (charity not justice) and economic rules presided over by the World Trade Organisation and other international institutions are about endorsing relatively unregulated free trade, and are not about distribution. At another level the institutional framework does exist: the human rights framework, as articulated in the Universal Declaration (1948) and subsequent Covenants (1966) and conventions indicates what people have a legal right to, and the assumption is that nations ought to work towards full realisation of these. There is clearly some flexibility over what is meant by an 'institution' here.

Is then the duty to promote just distributive institutions globally something that is necessary to what individuals should do as a matter of global justice?

At one level obviously this is true: since global distributive institutions will not come about (and continue once established) without human agency creating (and sustaining) them, then action to create them is necessary. Indeed the actions of many agents are necessary – both leaders in the vanguard and others applying pressure and giving support as needed. Whether it is the duty of everyone to do this is another question. I think it is this stronger claim that Kok-Chor wishes to maintain.

I suggest that it is not the case that all individuals have a duty to promote such institutions. I should note that my argument is from a perspective of global ethics, not a perspective that denies that we can talk of global justice or global obligation. Indeed I want to introduce three cases which will be used to test both the necessity and sufficiency claims. They are all three examples of active global citizens trying to act on their global ethic for the sake of global justice.

Alice campaigns to improve international trade laws, e.g. she might be fighting the TTIP (Transatlantic Trade and Investment Partnership) deal between the USA and the EU on the grounds that it is unjust to give transnational companies such power. She is clearly furthering globally just institutions (though we should note that others might think that such a deal was indeed an important part of a 'just' global order).

Beth puts time and money into a charity improving access to water in rural villages and reasons as follows: these people have right to water (not just a moral right but one enshrined in international law) and I am helping to realise this.

Cathy engages in and campaigns for Fairtrade, not because of any existing HR framework or out of a desire to create new stronger institutions, but simply because she does not want to be involved in unfair practices. The employment and trading practices of many large companies, whether or not they are technically within international law or the laws of the host countries they operate in, often push workers into unacceptably low wages or determine unacceptably low and fluctuating prices for their goods, and do not uphold health and safety and other aspects of workers' rights etc. These practices, irrespective of whether they do or do not accord with

international law, are, according to Cathy's understanding, unjust: Fairtrade practices largely avoid these features, so she can opt for these as a way reducing her dependency on unjust practices in the world.

## Necessity claim

Since promoting justice does not have a primacy over beneficence, it is not clear that Alice is morally better than Beth or Cathy, or that Beth and Cathy in not doing what Alice does are morally failing. Global responsibility takes many forms. In Beth's case she is acting in the context of the framework of Human Rights institutions, but she is not promoting the institutional realisation of human rights; rather what she is doing is promoting the realisation of human rights themselves. That is an important difference. The recognition of the difference helps to show that the interactionist account of human rights as for instance put forward by Henry Shue should have some traction when we think of acting for the sake of justice (Shue 1996), in contrast to the more institutionalist account of Thomas Pogge (Pogge 2002). (Kok-Chor's approach is not exactly aligned with that of Pogge, but he is clearly on the Pogge side of the contrast between Pogge's and Shue's account.)

If this is right, there is no moral necessity (such that an individual is morally failing if she does not promote just institutions) in furthering just institutions – but rather there are at least two other ways in which an individual can act for the sake of global justice, quite apart from the fact that significant benevolent action may be on a par with promoting justice, and all these kinds of action lie beyond the requirement of acting justly.

## Sufficiency Claim

The same examples also illustrate how the duty of global justice for individuals is not fully covered by the duty to promote globally just institutions.

There is for instance the duty to reduce one's dependence on what one regards as unjust global practices, like Cathy's commitment to Fairtrade, but going well beyond those items that happen to attract the Fairtrade label. If for instance the wealth of a country is partly dependent on the arms trade and one happens to hold that the arms trade helps to fuel conflict in the world, one may be troubled that part of one's own wellbeing is embedded in this (consider the complex interpenetration of many kinds of investments in pension funds). If one thinks that high carbon consumption exceeds one's right to a share of goods of the atmospheric commons and contributes to the undermining of basic human rights in other part of the world where changes in weather patterns are causing havoc already), then this too may be seen as an area for acting for the sake of global justice. This duty to reduce one's dependence on or involvement in unjust practices then is more complicated than the duty not to act unjustly. Whether or not companies break international laws, one's moral disquiet at what is seen as unfair leads to action.

Promoting the realisation of human rights may be seen as the promoting of just institutions, but it need not be (as in the case of Beth). If we consider Articles 25 and 28 of the Universal Declaration of Human Rights (1948), we can see an informal expressions of Kok-Chor's idea: after article 25 (Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care) we have Article 28 (Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized). People like Alice might indeed be doing all manner of things to promote such a social and international order, where 'order' clearly implies a range of international institutions. But many others such as Beth and Cathy are acting in order to promote human rights themselves, either with the institutional framework in the background or without any regard to such institutions. And arguably someone like Alice

who was busy promoting just institutions through political engagement might be seen as somehow lacking if she meantime disregarded Fairtrade or failed altogether in supporting rights-realising charities.

But my main point is not to say she should do all three: rather to emphasize that acting for the sake of global justice takes many forms. It may be sufficient for any individual to do just one of these kinds of things: but it cannot be a sufficient account of acting for the sake of global justice to simply focus on promoting just institutions, important as that is.

## The case of slavery

In the 18<sup>th</sup> century slavery including the slave trade was part of the institutional order, with both national and international dimensions. Clearly slavery and the slave trade existed because an awful lot of people believed it not unjust – it was not merely naked power of some over others but was legitimised. But from the point of view of those who wanted to abolish slavery and the trade, it was deeply unjust. There is a kind of parallel in the modern world in that many nowadays would say the global economy is seriously flawed in terms of the massive failures of many in the world to achieve their basic human rights. There is an important difference of course: massive human rights failure is largely a consequence of the institutional order and (partly) malpractice, whereas the evil of slavery was largely because of its institutional status. Furthermore then there was then no internationally agreed HR convention which can be appealed to by those who wish to show how deficient the global economy is. The institutional order then was totally unfavourable. But there was a wide range of activities in the name of combatting injustice, some promoting a just order but many others not doing this but still acting in the name of justice (e.g. to help slaves in different ways).

This illustrates a number of things: clearly the abolition of slavery required an institutional change and it required the concentrated efforts of many abolitionists to campaign for that institutional change; Kok-Chor is right about the importance of this. But still there were many other forms of acting for the sake of justice that people engaged in. Furthermore the injustice of slavery was, for those who saw it this way, prior to any institutional facts: it was a fundamental moral insight. However this example also illustrates another point: what global justice requires was then, as it is now, deeply contested. So even the promoting of globally just institutions is not settled at all. So the supposed contrast between the clarity of the institutionalist account and the confusion and arbitrariness of the interactionist account is I think overdrawn. This final passing comment is of course a reminder that there is a much bigger discussion to be had: but I hope that Henry Shue would welcome this covert defence of his approach!

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# Structural injustice and the irrelevance of attachment

*Lea Ypi, London School of Economics*

Reflection on the historical injustice inflicted on many formerly colonized groups has left us with a peculiar account of their claims to material objects. One important upshot of that account, relevant to present day justice, is that many people seem to think that members of indigenous groups have special claims to the use of particular external objects by virtue of their attachment to them. In the first part of this paper I argue against that attachment-based claim. In the second part I suggest that, to provide a normatively defensible account of why sometimes agents who are attached to certain external objects might also have special claims over them, the most important consideration is whether the agents making such claims suffer from structural injustice in the present. In the third part I try to explain why structural injustice matters, in what way attachment-based claims relate to it and when they count.

# Comments on "Structural Injustice and the Irrelevance of Attachment"

Marcus Agnafors, University of Borås

Prof. Ypi's paper is a very persuasive one. However, I should of course offer some critical comments and questions. I've selected three comments and questions, which I hope that Prof. Ypi can use as points of departures for further elaboration of her thesis.

A) First, let me begin by noting that I have no quarrel with your claim that past and present injustices *can* ground legitimate claims over external resources. While some philosophers and ethicists would certainly dispute such claim, or at least point to some associated difficulties, I'll simply leave that question for others to debate.

Instead, I'm a bit reluctant to accept that claims of attachments are "easily dismissed", and, on a stronger claim, carry no relevance at all. Ponder the following case:

A person, let's call her Charlotte, finds a photograph lying under a tree in a forest. As it happens, it is a photograph of Charlotte's sister, who died many years ago. It is the only photograph that exists of Charlotte's sister, and it is unowned (so there is no property rights complicating things). However, in the area, there is also an old tribe living. The peculiar thing with this tribe is that, in the past, a colonial power forced it to burn every picture and photo its members possessed. The only people competent to own dangerous things such as pictures and photos, the colonisers claim, were themselves. Now, the tribe is informed that Charlotte has found a photo on land that they consider theirs (not legally so, however), and demands that she hands them the photo of her sister, so that they can burn the photo as a symbolic (and material) act of empowerment. Given what we know of the tribe and the injustices it has suffered, burning the photo will, for sure (both subjectively and objectively), help reducing the effects of the injustices.

Now, on your account, Charlotte has no valid claim, or only a very weak claim, to the photo of her sister in virtue of attachment. The tribe on the other hand, has a strong and legitimate claim to the photo in virtue of suffering the consequences of injustice.

This is of course a simplified case – we should actually replace Charlotte with a group of some kind, perhaps an extended family or a clan, in which the sister were a part and in which a photo of the sister would occupy a now vacant but central position.

Now, I must confess that I'm not comfortable with handing over the photo to the tribe. I think that the fact that there is an attachment between Charlotte and the photo, even described in very loose and general terms, is a *strong* to give the photo to Charlotte/the family rather than to the tribe, which lacks any attachment to that *particular* object.

Second, I would, or at least I think I would, stand by that position *even* if Charlotte/the family are to some extent responsible for the injustice suffered by the tribe. While being responsible for the injustice suffered by the tribe will surely imply that the tribe can make legitimate claims to compensation by Charlotte, they cannot – at least in my view – legitimately claim *any object they want* of the objects owned by Charlotte. Attachment is, in my view, a (very) strong factor that has to be weighted against claims based on injustice – it is not replaced by them.

So, that would be my first question: how would you handle similar cases? Are our (or at least my) moral intuitions misguided here?

**B)** The last remark brings me to my second point: Besides from mentioning the internal complexity of groups, you say very little on how attachment is *related* to the group and all of its complexity, and to the *pedigree* of an attachment. Naturally so, since you seem to be claiming that the internal structure of the group is irrelevant, as is the history of the attachment to particular external objects.

I find this a bit problematic, since by speaking of attachment without exploring a specific attachment's relation to the group having it, and without studying its history, one runs the risk of constructing a straw man argument. Without pretending to know the field of theories on the normative significance of attachment, it seems to me that any minimally plausible such theory must also separate between normatively legitimate and normatively illegitimate attachments (or allow for degrees of legitimacy).

We don't need to bring up the complex internal structure of a group; a first and basic constraint would, perhaps, be to require the attachment to be consistent with the standards of the minimally morally acceptable. Sustaining an arguably decadent lifestyle by killing foxes for fun is arguably well outside such limits. The Inuits, on the other hand, kill seals because living requires – or, more correctly, once required – killing seals. That seems to me as being a morally acceptable pedigree of that attachment, while I see no equivalent pedigree behind the attachment to foxhunting.

Now, I fully understand, and to some extent agree with, that you, in your account where structural injustices are central, dismiss internal structures of groups and the pedigree of their special claims over external objects. However, my point is that when wishing to dismiss attachments as normatively relevant, a proponent of attachments could – and should, I would say – emphasize that attachments vary in normative status, depending on their relation to the group members, the shared life of the group, and its pedigree. If taking such things into account, then an account of normatively relevant attachments can help us to make sense of our intuition regarding the seal-hunt and the foxhunt, and could perhaps also make good sense of the Kunapa's claim – without having to concede that they might be entitled to tare down the Opera House in Sydney.

So, my second question is this: Is the idea of normatively important attachments of groups – attachments that cannot be easily overridden – beyond rescue? Can an account of such attachments be improved?

**C)** My third and last point concerns colonialism in new clothes, and ties in to a much larger debate. However, I would still like to mention it.

At the end of your presentation, you state that it is the claims of the group suffering structural injustices that should be given priority; not the well-meaning solutions that the dominant group (or groups) in society often suggests. “They” want a piece of rock or some ancient ritual or practice protected by law; “we” want to offer education, healthcare, and so on instead, as compensation and mitigation.

Now, I agree that it is *undesirable* to force “our” solution or compensation upon the group suffering from our actions, past or present. Doing so is easily interpreted as yet another form of injustice, breach of autonomy, colonialism, and so on.

But I wonder if such unilaterally decided solutions should always be avoided. And I'm not talking of groups that are somehow perceived as decision incompetent, because, say, consisting only of minors. Rather, I think, without arguing for it, that any compensation or remedies should adhere to universal and minimal standards of justice; something that may very well imply providing education rather than a particular external object, contrary to the preferences of the group suffering from structural injustices.



Now, there are many reasons for or against such (any) universal moral standard. What I would like to question here is instead the *motivation* behind our often-quick acceptance of the victim's claims. In the case of indigenous people, I suspect that we do so because it is the easiest way out, and, more to the point, because we prefer to have various "exotic" groups around. Just like in secularized countries, where most people don't want to go to church but still have a strong wish that *others* do (vicarious religion), we prefer "indigenous" people(s) and groups that can be described as, somehow, "other", to continue their traditional ways of life, and we are quick to rush to their defence, while we would never dream of living such life ourselves. We want such ways of life to exist, but preferable at a safe distance – although not that far away so that we cannot make a visit while on vacation.

In a way then, "exotic" groups that have often been victims of injustices, and still suffer from structural injustices, are still the victims of our *present* colonial structures – in the sense that we happily do our best to maintain their "otherness" by "respecting" their autonomy.

Now, I don't expect you to have a decisive reply to this comment (I'm not sure there is a decent "solution"), but I would very much like to hear your thoughts on the subject.

So, that's my three comments and questions. Thank you.



# Paper Abstracts



# The Art of Global Solidarity

*Anna Abram, Heythrop College, University of London, UK*

This paper aims to unfold the following set of inter-related claims: 1) solidarity is one of the key concepts without which a meaningful global ethical discourse is impossible; 2) although the term ‘solidarity’ is widely used, its meaning is often ambiguous, especially its social and cultural connotations which are not only elusive but sometimes even exclusive; 3) a more inclusive and constructive understanding of solidarity is, therefore, needed.

The root of the word ‘solidarity’ is more suggestive than its common meanings; ‘solid’ suggests that solidarity has something to do with strength and reliability. In Latin *solidum* connotes wholeness or entirety. It is worth noting that the term ‘solidarity’ is relatively new. Even if its origin can be traced to the Roman and feudal law, it post-dates the French Revolution. In the Nineteen Century, in his *The Division of Labour in Society*, Emile Durkheim uses *solidarité* freely, although without defining it. He writes about ‘mechanical’ and ‘organic’ solidarity and explores the concept of ‘human fraternity’. For Durkheim, solidarity and fraternity are the same. Solidarity-as-fraternity depends on the existence of personal bonds which are needed for realisation of common goals or ideals within groups. Unlike justice, which tends to focus on rules and principles without specific references to personal bonds, solidarity does require an acknowledgement of subjective bonds. It involves a degree of feeling (a fellow-feeling) which is shared by subjects within or between groups. Lawrence Wilde offers an appraisal of this idea in his *Global Solidarity* (Wilde 2013, p. 2). Exploring the politics of globalisation and the conditions for the development of global solidarity, Wilde focuses on areas of social division associated with nationalism, gender, religion and culture. Both Durkheim and Wilde (as well as several others to be mentioned in the paper) -- though they capture several important dimensions of ‘fellow-feelingness’ in solidarity -- fail to give a proper account of the solidarity of the human qua human type, with which this paper is primarily concerned. The shortcoming just identified will be addressed in three steps.

First, I shall argue that solidarity understood simply as fraternity (or a certain kind of benevolence) is limited. I will look into a poem, ‘Campo dei Fiori’ by Czeslaw Milosz, to illustrate this point.

Secondly, I shall suggest that the central obstacle to realising solidarity in human interactions is not so much rational ignorance of commonalities in human nature but an inability to adequately *imagine* human *interconnectedness* and *interdependence*. If solidarity is to be designated as ‘human’, it has to involve passion for the human form. But, is such passion attainable in the context of global solidarity? It has to be: there are certain moral nonnegotiables to which, by virtue of being human, we should be responsive. I will substantiate this last point (and will draw attention to some difficulties with it) by turning to David Wiggins’ influential paper ‘Solidarity and The Root of the Ethical’. Wiggins, offers an illuminating approach to moral nonnegotiables by rejecting a morality permitted by utilitarians that allows one to sanction the automatic sacrifice of the one for the good of the many. He appeals to ideas such as ‘moral space’ and ‘power of human presence’ through which a person can be recognized as a person. For Wiggins, it is important that we don’t invade or that we preserve that space in which our humanness becomes conscious and creates something like a benchmark for all our moral activities. In other words, it is important that we don’t miss what I call the ‘opportunity of human recognition’. ‘Recognition’ involves seeing with all our capacities, cognitive, affective and sensual. This kind of seeing is the product of the moral imagination (a brief account of the moral imagination will be offered).

Thirdly, I will conclude that fostering or building human solidarity is a form of art (art is used broadly, as the art of good life); its medium is moral imagination. How do we practice the art of global solidarity? As with all art, there is no single technique. Different theories of ethics can be seen as different tools or techniques -- as we practice the art of global solidarity we discover that some techniques are more useful than others. The notion of techniques in the practice of global solidarity will be informed by the works of Zygmunt Bauman and Amartya Sen though my own approach is close to what some call an 'anti-theorist' position (this position is convincingly articulated by Timothy Chappell in his latest *Knowing What to Do: Imagination, Virtue, and Platonism in Ethics*, OUP 2014).

The paper will end with a sample of questions which a truly solid (solidarity-based) global ethic ought to consider.

**Keywords:** solidarity, global solidarity, fraternity, benevolence, moral imagination, global ethics, interdependence, interconnectedness, art.

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# Weltethos für die globalisierte Welt

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Schon Nikolaus Cusanus stellte trotz sonst großer Unterschiede zwischen den Religionen deren Übereinstimmung in einem allgemeinen Ethos fest. Er betrachtete die Ethik aus der Sicht der *lex naturalis* und stellte fest<sup>28</sup>, dass vor allem die Gerechtigkeit und die Reziprozität der goldenen Regel als Fundament der Ethik in allen Religionen gleich seien.<sup>29</sup> Der Entwicklung der globalisierten Welt gemäß hat das Weltethos seit 1990 diese Übereinstimmung genauer untersucht und inzwischen ein ganzes System ausgearbeitet.

Die wichtigste Basis ist eine Deklaration, welche vom katholischen Theologen Hans Küng zusammen mit Vertretern der Religionen vom Parlament der Weltreligionen in Chicago 1993 diskutiert und formuliert wurde, welche das gemeinsame Ethos aller Religionen und humanistischen Weltanschauungen<sup>30</sup> sichtbar macht und heute unter dem Namen „Weltethos-Erklärung“<sup>31</sup> bekannt ist.

Die technisch-wirtschaftlich globalisierte Welt führt die Menschheit immer stärker zusammen. Doch die konkreten Formen der Globalisierung bieten nicht nur Chancen, sondern schaffen auch Probleme bis hin zur Gefahr für den Bestand des Planeten<sup>32</sup>. Am Anfang der genannten Deklaration heißt es unter anderem: „Die Welt liegt in Agonie. Diese Agonie ist ... durchdringend und bedrängend ... Der Friede entzieht sich uns – der Planet wird zerstört ... Wir verurteilen den Missbrauch der Ökosysteme unserer Erde. Wir verurteilen die Armut, die Lebenschancen erstickt ... Diese Agonie muss nicht sein. Sie muss nicht sein, weil die Grundlage für ein Ethos bereits existiert.“

Prof. Hans Küng, der mit einer Buchveröffentlichung 1990 das Projekt Weltethos<sup>33</sup> initiiert hat, meint, das Weltethos sei kein moraltheologisches oder philosophisches System wie bei Aristoteles, Thomas von Aquin oder Immanuel Kant. Die Prinzipien sind: Nicht morden, nicht lügen, nicht stehlen, die Sexualität missbrauchen – das sind die vier Imperative der Menschlichkeit und die Grundprinzipien des Weltethos. Es handelt sich um Prinzipien der Vernunft, nach denen auch die Wirtschaft, sofern sie glattgeht, arbeiten soll.

Küng versucht neuerdings, die Prinzipien auch auf die Wirtschaft<sup>34</sup> anzuwenden. Alle wirtschaftlichen Strukturen, inwiefern sie nicht zur Zunahme sozialer Spannungen, sondern zum Aufbau und Erhalt des globalen ökologischen und menschlichen Lebens beitragen,

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<sup>28</sup> Nikolaus Cusanus: Vom Frieden zwischen den Religionen (*De pace fidei*, 1453), Frankfurt-Leipzig 2002.

<sup>29</sup> Vgl. Markus Riedener: Pluralität und Rationalität. Die Herausforderung der Vernunft durch religiöse und kulturelle Vielfalt nach Nikolaus Cusanus, Stuttgart 2007, S. 251ff.

<sup>30</sup> Hans Küng – Karl-Josef Kusche (Hrsg.): *A Global Ethic. The Declaration of the Parliament of the World's Religions*, London / New York 1993.

<sup>31</sup> Vgl. u. a.: Hans-Martin Schönherr-Mann: *Globale Normen und individuelles Handeln. Die Idee des Weltethos aus emanzipatorischer Perspektive*, Würzburg 2010; Hans Küng: *Ja zum Weltethos, Perspektiven für die Suche nach Orientierung*, Piper Verlag, München, 1996; Erwin Bader (Hrsg.): *Weltethos und Globalisierung*, Wien 2008.

<sup>32</sup> Erwin Bader: *Das Weltethos und die Verantwortung für die Erde*; in: Helga Kromp-Kolb und Thomas Gerersdorfer (Hrsg.): *Ethik und Ressourcenverknappung*, Wien-Berlin 2013, S. 21-45.

<sup>33</sup> Hans Küng: *Projekt Weltethos*, München 1990, Neuauflage 2010.

<sup>34</sup> *Globales Wirtschaftsethos – Konsequenzen für die Weltwirtschaft*, UN-Hauptquartier, New York, 6. Oktober 2009.

beruhen einzig auf gelebter Ethik, welche die Wirtschaft immer faktisch voraussetzt<sup>35</sup>, aber dennoch nicht fördert, sondern vielfach durch Korruption etc. hemmt. Die goldene Regel, die in allen Religionen bekannt ist, ist nicht nur das Grundgesetz der Ethik, sondern auch die Grundlage der wirtschaftlichen Vernunft. Solange sich die Wirtschaft im Großen und Ganzen daran hält, funktioniert sie. Seit es zur besonderen Erosion der Moral im finanzwirtschaftlichen Bereich kam<sup>36</sup>, kommt es zu jener Finanzkrise, die noch kein Ende zu nehmen scheint.

Die wirtschaftlichen Probleme sind nicht unbeteiligt an vielen Konflikten, die sich als religiöse Konflikte äußern und zu Verfolgungen, Vertreibungen und anderen Arten dieser Konflikte führen. Das Ausmaß des Anstiegs solcher Konflikte ist erschreckend. Die heute weltweit anwachsende Kriegsgefahr ist oft mit Konflikten zwischen Angehörigen unterschiedlicher Religionen verbunden. Kann die militärische Bekämpfung von IS, Boko Haram etc. die endgültige Lösung bringen?

Die UNO, der es heute zunehmend schwerer fällt, den Weltfrieden aufrecht zu erhalten, beobachtet die gegenwärtige Entwicklung mit Sorge. Sollte nicht auch eine andere Methode gewählt werden, um Religionskonflikte zu lindern? Eine Chance erkenne ich im beobachtbaren zunehmenden Interesse vieler Staaten aller Kontinente (bis hin nach China) am Weltethos, dessen Prinzip lautet: Ohne Frieden zwischen den Weltreligionen kein Weltfrieden!

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<sup>35</sup> Peter Koslowski: Ethik des Kapitalismus, 1982, 7. Aufl. 2010.

<sup>36</sup> Vgl. Geoffrey Sax: Vorwort zur deutsch- und englischsprachigen Ausgabe des globalen Wirtschaftsmanifests, 2009.



# Catholicism and Cosmopolitanism: The Symmetry of Three Catholic Scholars and the Cosmopolitan Democrats Regarding Nation-State Sovereignty

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One of the central questions in international relations today is the status of the sovereign nation-state. The notion of sovereignty—“supreme authority within a territory,” as Daniel Philpott defines it—has been with us at least since the Treaty of Westphalia in 1648 as a result of which the late medieval crisis of pluralism was settled. But recent changes in the international order, such as the technological advances that have spurred globalization, have cast the notion of sovereignty into an unclear light. The purpose of this paper is to contribute to the current debate regarding nation-state sovereignty by exploring the thought of two schools of thought on the matter: first, the thought of three Catholic scholars of the past century, namely Luigi Sturzo, Jacques Maritain, and John Courtney Murray, S.J.; and, second, the thought of a contemporary school of political theorists known as cosmopolitan democrats. In the latter case, I have in mind scholars such as Daniele Archibugi, Allen Buchanan, Simon Caney, David Held, and Thomas Pogge. I will argue that there is symmetry between the two schools. Consequently, my thesis will be that these two schools, taken together, can make a significant contribution to the debate.

Sturzo, Maritain, and Murray—three twentieth century heirs of the Catholic tradition regarding global governance—reflected deeply about international affairs and shared a resistance to the traditional notion of sovereignty. For Sturzo, the international community is one of the forms of human society and has, therefore, its general laws. In the case of the international community, these laws serve as the foundation of international law, the fount of which, for Sturzo, is not the State (or even the international community) but the social nature of the human *person*. Accordingly, Sturzo claims it is no longer possible to speak of state sovereignty in the traditional sense. This is not to say that there is no role for the state in international affairs—Sturzo discusses at some length the *interdependence of states*—but it does mean that the international realm as conceived by Sturzo is more complex than the post-Westphalian sovereign states system would allow.

Like Sturzo, Maritain discards the notion of state sovereignty, which he defines as a natural and inalienable right to a supreme power that is *separate from* and *above* its subjects. Such a notion serves only to superimpose power on society—or, as Maritain puts it, the body politic—as a result of having removed the connection between the ruler and the ruled. Maritain defends the autonomy of the body politic—and, with it, a certain role for the state as an instrument of the body politic—but he stresses the fact that no body politic governs itself *separately from itself* and *from above* itself. Maritain also notes that the right of any body politic to such autonomy derives from its nature as a perfect or self-sufficient society (a notion he takes from Aristotle), which in his own day referred to the international community alone. Maritain thus develops these insights into a fully political theory of world organization premised on the dignity and rights of the human person and the concomitant ideal of universal brotherhood.

Murray’s concern was less with the international order *per se* than with the moral principles that he thought should underlie post-World War Two American foreign policy. However, like Sturzo and Maritain, Murray was convinced that the attainment of post-war peace could be achieved only through a widely accepted sense of human unity premised on the moral law. As a result, he firmly resisted any ascription of *absolute* sovereignty to the nation state. Murray retains a role for the state—unlike Sturzo and Maritain, he is prepared to maintain the

nomenclature of “sovereignty”—on the grounds that there tends to be a natural sociability among the members of particular groups within a state and among the members of a national community. Consequently, Murray insists that the international community be organized in terms of its natural political units (the “sovereign” states). But he is equally insistent that it be *truly organized*, that is, *juridically organized* for the sake of its proper end. Thus he defines national sovereignty as the free acceptance of the obligation to make the family of nations a good family.

The cosmopolitan democrats argue not only that the modern nation state has broken down, but that there needs to be a fundamental rethinking of democracy at the global level to protect the interests—the rights and duties—of individual persons across the globe. Here the symmetry between Sturzo, Maritain, and Murray and the cosmopolitan theorists clearly emerges. Indeed, as I will suggest, the Catholic vision can enhance cosmopolitanism by fostering the sense of community needed to generate global democratic norms.

**Keywords:** Nationalism, cosmopolitanism, and global governance

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# Mobile Borders and ‘Trust’ in Technology

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“The border is everywhere” is a catchphrase coined by David Lyon in his work on identity documents, surveillance, and borders. Lyon describes how new technological systems that connect identity documents to government databases help create expansive surveillance nets and create borders beyond the geographical ones we expect to find on a map. Building on Lyon’s work, I suggest that we need to investigate the concepts of “trust” and “trustworthy technology” in addition to issues of privacy and “biopower” (using the body itself, via biometry, as a password) in order to fully capture how modern identity management is implicated in the construction of delocalized, flexible borders in a globalized world.

Modern identity management relies on various technological means; many contemporary passports, for instance, contain biometric information about their holder (in addition to their personal data) and are able to communicate with remote databases. The high security standard for these passports is now also increasingly becoming a model for other identity documents, such as national identity cards (David Lyon’s focus), birth certificates, and possibly digital identities used for commercial online services (e-business). “Trustworthy technology” in all of these contexts is frequently taken to refer to the reliability of the technological systems involved, and the security of the systems against attackers (impersonators or fraudsters trying to acquire sensitive information).

This conception of trustworthy technology relies on a simplistic, and in my view mistaken, notion of trust as calculated risk. To understand trust merely as calculated risk obscures two central aspects of technologically mediated identity management:

- a) The end-users of these systems (I am thinking here of end-users in both “controlling” and “controlled” groups, such as travelers and border guards) are normally not in a position to make an informed assessment of their reliability and security. Their use of them necessarily implies a “leap of faith,” that is, a non-cognitive element to their trust when they use the technological means in question.
- b) The social functions of trust are not at all considered in this analysis, but they are crucial in order to understand the role these modern identity management systems play in our current global order when it comes to the freedom of movement.

Niklas Luhmann has described mistrust as the functional equivalent of trust, and emphasizes that the social benefits of trusting (namely reduction of complexity in personal and administrative decision-making) could not be achieved without a certain level of mistrust. Certain objects or persons already have to be marked as “trustworthy” or “untrustworthy” in order to make effective trusting possible.

This Luhmannian analysis applies to identity management systems as well. Modern identity documents do not simply generate surplus trust (such that a border guard can do their job more effectively). These documents are a specific response to a notion of who or what is not to be trusted. In the case of international travel, the two most common notions of this kind are that of a universal terrorist threat, and that of fraudulent “economic” migration. The “surplus trust” generated by modern identity documents (designed to mark the law-abiding citizen from the potential terrorist, and the “honest migrant” from the “economic refugee”) depends in its turn on additional mistrust toward certain classes of international travelers (mistrust which may or may not have a rational basis).

The result is a global order in which highly secure and thus highly trustworthy travel documents (from a “trustworthy” country of origin) typically provide easy access to most other countries, with minimal interruptions at geographical borders. On the other hand, there is an entire class of persons with “untrustworthy” documents or none at all, whose movement is limited and obstructed far beyond the reach of international borders. This concerns, for instance, police actions against “paperless” migrants throughout Europe, the constant threat of deportation for “illegal” migrants in the U.S. (and their consequent inability to access many government services), the internment of refugees on remote islands and in third countries by the Australian government, or the German practice of confining asylum seekers to one *Kreis* (county) while their claim is being assessed.

In other words: The “trustworthy technology” that forms the backbone of our current identity management systems has helped create a political and legal order in which borders shift from being geographic entities (the lines on a map, the checkpoint on an international highway) to virtual and mobile entities (entries in a database, police and private security agents acting as de-facto border guards). This insight has become relatively commonplace in fields like surveillance studies and political geography, but it has yet to fully impact the ethics of migration and the philosophical discussion of freedom of movement.

**Keywords:** Ethics of Migration, Ethics of Technology, Trust, Risk, Borders

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# Extraordinary Rendition and Ethical Complicity in a Globalised World

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It is important to start with the position that torture is prohibited absolutely. However, in recent years it has been alleged that the American Central Intelligence Agency (CIA) flew individuals to countries including Egypt, Jordan and Syria with the knowledge, and even intent, that they would be interrogated in ways far too extreme to be allowed under any American jurisdiction. Indeed, in September 2006 President Bush admitted that the CIA operated a secret network of 'black sites' in which those suspected of terrorist activity were subjected to 'alternative procedures'.<sup>37</sup> The implication is that people are being systematically abducted from locations across the world, transferred by American intelligence operatives to other countries, held in detention without charge for indefinite amounts of time and subjected to torture. It has been estimated that since 2001 more than 150 suspects have been renditioned using this process.<sup>38</sup> This 'rendition process' as a means of facilitating torture to collect intelligence therefore raises important ethical concerns regarding who should be blamed in a globalised world.

The ethical blame levied at the USA, or at least at the CIA, at this point seems unproblematic. The capture, transportation or housing of an individual with the intent to inflict extreme levels of physical, psychological and emotional pain to gain intelligence means that the USA has placed itself as a key factor in the harm caused and so can be directly blamed as a result. However, claims have also been made against other, mainly European states, claiming that they aided in these rendition programs, raising questions regarding the extent to which we should condemn those who aid, assist or are even just aware of the rendition program but fail to act. Indeed, Swiss MP Dick Marty, author of the Council of Europe report *Secret Detentions and Illegal Transfers of Detainees Involving Council of Europe Member States*, identified a complex 'global spider web' used for 'targeting, apprehending and detaining terrorist suspects'.<sup>39</sup> This report outlined the vast range of roles that different actors have played in the overall rendition program, from those who shared the intelligence that instigated the process to those who allowed the use of their facilities before, during or after the rendition. Placing this blame on these states, however, is increasingly difficult as their involvement is less clear. With so many states being involved in a variety of ways, ascribing blame becomes difficult. Those implicated claim either ignorance of their involvement or report that their role was so far removed from the actual torture that they should not be blamed as a result. This raises important questions regarding how ethical blame should be distributed through globalised chains when many states are involved to varying degrees.

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<sup>37</sup> Transcript of a Background Briefing by a Senior Administration Official and a Senior Intelligence Official on the Transfer of CIA Detainees to the Department of Defence's Guantanamo Bay Detention Facility, The White House Conference Centre Briefing Room. Reprieve 'Enforced Disappearance, Illegal Interstate Transfer, and Other Human Rights Abuses Involving the UK Overseas Territories' (2007). Available at: <http://www.statewatch.org/news/2008/feb/uk-usa-reprieve-submission-FASC.pdf> p.4

<sup>38</sup> Mayer, J. 'Outsourcing Torture', The New Yorker (14<sup>th</sup> Feb 2005) Available at: <http://www.kuwaitifreedom.org/media/pdf/Outsourcing%20Torture.pdf>

<sup>39</sup> Council of Europe, Parliamentary Assembly (2007) 'Secret Detentions and Illegal Transfers of Detainees Involving Council of Europe Member States' Report by Rapporteur Dick Marty, Doc.11302 [http://assembly.coe.int/committeeDocs/2007/Emarty\\_20070608\\_noEmbargo.pdf](http://assembly.coe.int/committeeDocs/2007/Emarty_20070608_noEmbargo.pdf) (hereinafter 'Marty Second Report 2007') p.7 §29

Many definitions of blame act in a binary fashion so that once the main culprit is found others are released from their contributions to the harm caused. This has great merit in that it offers both legal as well as moral clarity in that blame can be ascribed and retributions – whether financial or punitive – can be dealt out. However, situations are rarely as clear-cut. Activities often have multiple authors and by ascribing all the blame to the most immediate insufficiently takes into account the wrongs other actors have performed. Instead, by understanding complicity in another’s act as a spectrum the amount of moral blame attributed becomes more flexible and retribution can be distributed more readily. So, by exploring some hard cases regarding state involvement in the extraordinary rendition program it will be possible to, first, understand the proposed spectrum of blame better while, second, giving detailed statements on the type of blame these states should face as a result of their (in)action. In order to achieve this the paper will create a ‘spectrum of blame’ based on varying levels of care that one state holds to those harmed; the degree to which it is reasonable to expect those involved to have foresaw the harm; and the proximity of the state to the harm caused. By understanding complicity as a spectrum in this way the amount of moral blame attributed becomes more flexible and can retribution can be distributed more readily. This will give a more nuanced understanding on how global justice should be distributed.

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# Reframing Governance of Global Finance Through Cosmopolitan Ethics

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Lives that we lead are not just determined by our bodies, but also by the environment in which those bodies reside. The mere fact that the birth of persons of the same physical and mental abilities at different places on Earth leads to their completely different life opportunities, should make us deeply concerned. While the sheer physicality (still) cannot and should not be equalized to achieve fairness in opportunities that individuals have in society, relations within and among political communities can and must change if we want a more just world.

Various challenges hinder the attempts to alleviate divergences between political communities, among which one of the most daunting is the conceptual framework of global economy with its excessive *financialization*. As strikingly demonstrated by the recent global financial meltdown, not everyone shares the same risks when financial empires fail and while profits are privatized, risks are borne by the society. Thus the rich get richer and the poor poorer, and the same applies to states, not only individuals. And since crises are a terrible thing to waste, scholars have started to question once again the paradigms underpinning the global economic system of financial capitalism. On the one side, there are advocates of its abolishment, and on the other, there are those who opt for its conceptual upgrade, for the creation of a so called “capitalism 2.0”. If we agree with the arguments of the latter group, then we face an overwhelming question: “how are we to transform the global financial system in order to alleviate weaknesses of the global economy and allow a more just development for humanity?”

To answer this question we must steer away from a narrow economic focus to global finance and primarily reflect on the various nature of its flaws, such as the institutional, political and most importantly, ethical. The ethical aspect is particularly pronounced as evidenced by messages sent by protestors in the “Western” part of the world. A strong sense of urgency prevails dictating that “something” needs to be changed with the manner global finance is governed. But what exactly is this “something” and what could constitute the “common ground” on which change would be founded, is difficult to determine. Judging by the buoyant amount of “post-crisis scholarship”, many envisage future improvements of global governance by evoking deliberative democracy, political equality and cosmopolitanism. Henceforth, in this paper we examine the prospects of reframing the conceptual frameworks of global financial governance through the perspective of cosmopolitan ethics. Firstly we discuss ethical ambiguities affecting contemporary global economy and its financial system, addressing primarily the issues of *marketization* and *financialization*. We then present a historical narrative of the cosmopolitan idea and its different modes (cultural, political, ethical) emphasizing the principles of “fairness” and “accountability” within cosmopolitan ethics. Thirdly, we give an overview of the governance arrangements in global finance, tracing their development and determining challenges in light of cosmopolitan principles. We also discuss some of the proposed policy reforms for a more just global financial order (such as the redesign of the International Monetary Fund and its Special Drawing Rights, the proposal for an international investment fund for emerging economies or a “sentinel” acting on behalf of the public and improving regulatory governance).

Finally we argue that the extension of cosmopolitan ethics to governance arrangements of global finance would create a more ethical context in which negative effects of global economic interdependencies can be levelled out. Instead of a utopian search for universal morality in



global finance, principles of cosmopolitan ethics can provide pragmatic solutions to the urgent imperatives of greater participation and accountability.

**Keywords:** cosmopolitanism, cosmopolitan ethics, governance, global financial system

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# The Paradox of Demos Constitution: Is there a Solution Within the Democratic Theory?

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The boundary problem in democratic theory refers to the issue of how we should define the membership in a political community that is relevant for democratic decision making. How should we decide who has the right to membership in a demos and who should be excluded? If "democracy" is government "by the people", who are those included among "the people"? Democratic theory has usually neglected this issue, discussing features of democracy on already established demos, whose composition emerged at one point without using some kind of a democratic procedure. The solution that comes to mind is to try to solve this problem simply by using democratic method. However, we are immediately faced with a difficulty of constituting a demos through a vote before knowing who the members of the relevant demos should be. While demos could be reconstituted through voting in the later stages, the initial demos cannot be delineated in the usual democratic way. Frederic G. Whelan, in his seminal work on this issue, argues that this poses a serious problem for democratic theory, since it shows that such a foundational question cannot be resolved within its own limits. Nonetheless, it seems that it is not necessary to determine the relevant demos by application of a democratic method in order to constitute a demos democratically. It can be done by establishing some kind of principle for demos constitution that will be in line with, or even inherent to, democracy. The question of who constitutes the demos is far from trivial even in the world of real-life politics. The claims for secession that have been present in many places around the globe seem to be (un)resolved on case-by-case basis. Therefore, it seems that the principle that could serve as a guideline for resolving these crises could be more than welcome in the international politics. Issue of demos composition does not only refer to the outer boundaries of a democratic regime; it also refers to the possibility of widening the scope of people who have the right to vote within the borders of the demos, such as resident aliens. Whatever criterion we choose as the principle for demos constitution, the consequence will be the radical reconsideration of the present state of affairs. To address this question, this paper will explore some of the usually proposed demarcation criteria for demos constitution, while focusing especially on one of the most popular proposals for solution of the boundary problem: All Affected Interests Principle. After discussing the main points and entailments of this principle, as well as its main criticisms, it is argued that demos constitution problem cannot be solved within democratic theory (alone). All Affected Interests Principle, although providing a direct connection with a certain idea of justice, cannot provide the same for democratic method, which is after all, a distinguishing feature of democratic regimes as opposed to, for example, enlightened absolutism. All Affected Interests Principle could be used as part of the justification for some form of a democratic regime, but in order to establish a necessity of democracy in such a regime, we would have to make some further claims and introduce some further principles and considerations. After examining these considerations, I will argue that most of our moral concerns about territorial disputes, as well as the issue of inclusion in the demos, are actually not about democratic deficit, but about pervasive global inequalities. The major source of present problems is the huge global inequalities and lack of equal treatment in both internal and external matters of the present states. If we could tackle these inequalities, the position on one or another side of the border would stop being the issue of life and death and a good deal of our concerns about democratic inclusion/exclusion would be diminished, allowing us to assess the central causes of global concerns.

**Keywords:** boundary problem, demos constitution, global democracy, democratic theory, global justice

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# Heideggerian Virtue Ethics as a Global Ethics

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This paper has two principal aims: First to consider the reasons as to why traditional moral theory, and virtue ethics in particular, has had such great difficulty in providing us with an adequate account of global ethics and second, to use this analysis for the development of an alternative approach to virtue ethics, one that abandons neo-Aristotelianism in favour of a largely Heideggerian approach based on an ethical reading of *Being and Time*.

I argue that the challenges of global ethics expose certain underlying metaphysical assumptions of traditional ethical theories that must be given up if any progress can be made. Those assumptions center around the enlightenment idea of a free-standing subject metaphysically detached from the world, which in turn is responsible for (1) the failure of both universalist as well as communitarian approaches to global ethics to provide a substantive method for dealing with cross-cultural moral discourse, and (2) the conceptual gap between rationality and human flourishing in neo-Aristotelian virtue ethical approaches to global ethics.<sup>40</sup> I claim that despite the recent controversy surrounding Heidegger, his early work can be used as a departure for developing an account that not only avoids the pitfalls of our traditional approaches to global ethics, but also explains why those pitfalls are inevitable.

I therefore make a case for a Heideggerian alternative on the basis of an ethical reading of *Being and Time*, one that centers around the argument that Heidegger's term of *authenticity* has both a structural as well as a normative dimension.<sup>41</sup> I show how alternative readings that deny a normative dimension to authenticity cannot make sense of Heidegger's ambivalent use of the term and run contrary to our textual evidence.

On my proposed reading, normative authenticity implies taking a stand on one's own being (*Dasein*) in an excellent manner.<sup>42</sup> However, according to Heidegger, our own being is existentially *finite* in two ways:<sup>43</sup> First in terms of our inability to escape our own historically contingent background and secondly in terms of our inability to determine an essential human nature to fix ethical ideas on – both of which correspond to Heidegger's analysis of *Dasein* as existentially *guilty* and *dying*. From this I argue that to be authentic means to resolutely embrace one's own historically contingent forms of life while remaining flexible enough to potentially revise or reject them. This ethical openness, insofar as it provides us with the critical capacity to evaluate our own forms of life in the face of ethical challenges and because it precludes any dogmatic adherence to one's own values, is therefore one important precondition for genuine intercultural dialogue.

Since embracing our contingent forms of life cannot be confused with merely following cultural dogma, so authenticity links with Heidegger's notion of *historicality*, which requires of us to take up certain possible ways of life from within our *heritage* and apply them to our contemporary, unique situation.<sup>44</sup> This in turn does not reject our inescapable cultural background as an impediment for moral criticism, but instead takes it up as the second precondition for genuine intercultural dialogue. The concept of authenticity therefore provides

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<sup>40</sup> I most explicitly take issue with Annas (2005) and Hursthouse (1999).

<sup>41</sup> Cf. also Guignon (1984) and Dreyfus (1995).

<sup>42</sup> Heidegger (1927), p. 12.

<sup>43</sup> Ibid. pp. 384f., 296f.

<sup>44</sup> Heidegger (1927), p. 383.

us with both the means for moral criticism as well as a deep appreciation for the necessity and inescapability of our cultural backgrounds.

The virtue ethical character of this approach becomes apparent if we consider that our cultural background is made up of spheres of activity with internal standards of excellence, which are accompanied by virtues internal to those respective practices, insofar as they are expressions of what Heidegger calls *anticipatory resoluteness*. Those vague virtues provide us with general, abstract outlines of what is to be done within certain spheres of activity, but cannot provide us concrete guidance due to our existential finitude.<sup>45</sup> Instead, the concrete realization of those virtues only ever happens in the context of our cultural background. That concrete realization can come into conflict with the way our vague virtues are understood, both from within a certain cultural sphere as well as from outside of it. This conflict in turn leads to an ethical breakdown, one that structurally parallels Heidegger's discussion of practical breakdowns in *Being and Time*,<sup>46</sup> with the resolution being a unique application of traditional forms of life to contemporary situations.

**Keywords:** global ethics, Heidegger, virtue, authenticity, existentialism, value theory

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<sup>45</sup> Cf. Nussbaum (1992).

<sup>46</sup> Heidegger (1927), p. 76.

# Women Migration & the Problem of Left-behind: A Socio-ethical Perspective

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Movement of people, as a natural expression of desire to choose a better life for economic, political and social reasons, is as old as humankind. However, a prevailing misconception has been that men migrate and women do not. Thus, women migrants have often been *invisible* in the document of migratory history. However, the present paper, addressing this particular case of gender inequality in the field of migration, focuses and analyzes whether and how permanent migration reduces or increases vulnerability and risk of children in left-behind households, especially where migrant parent is a mother.

Generally speaking, migration of a parent or family member can have both positive and negative effects on non-migrant children on either their health or education or in both, in the home country. On one hand, there is the possibility that remittances sent from abroad will relax the household budget constraint and result in an increase in child schooling, child health, and a corresponding decrease in child labor. On the other hand, consistent with this positive aspect, it is also viewed that parental migration has a huge negative impact on children left behind.

Women, who migrate, bare huge psychological and emotional burden when leaving their children in order to support them. They provide love and affection to their employer's children or relatives in order to improve the quality of the lives of their own children, whom they (sometimes) never see for many years. They try to compensate their love and care by providing material goods. Thus, Migrant mothers become '*mere providers of material goods*' instead of '*primary care-takers*'. Consequently, maternal migration promotes, in the country of origin, a new generation of children (so-called mobility orphans) who grow up without the tangible presence and influence of their mothers in their lives. It is a '*deficit care*' syndrome where sudden and untimely departures of parent(s), especially mothers, even with the best intentions to secure the future of the family significantly *affect* non-migrant children if they are being deprived of the basic nurture needed during the formative period of their psychosocial and moral development. These children are unable to go through formative care during the period when they need it most in terms of their developmental psychosocial growth. It has been noted that such situations pose a threat to the psycho-social development of the personality of the child with long-term effects on individuals and societies. Unfortunately, the situation is worse for children with mental and physical disabilities. Their already marginalized position in society can degenerate further in the absence of a parent.

However, much of the literature has focused on the father's contributions to the family and connects the resulting loss when he becomes a migrant. But significantly, it has been observed that maternal migration has an overall negative effect on children's psycho-social development and conclusion can be made that maternal absence is more detrimental than paternal absence.

The present article, by pointing out the societal gender discrimination on women migration, depicts and analyses the massive effects of maternal migration on left-behind children. In discussion all, the paper speculates a challenging socio-ethical question: Does migration lead to betterment at all?

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# Is Rectification for Colonial Wrongs Reasonable? The Case of the Caribbean

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Efforts for rectification after colonialism have been most energetic in the Caribbean. The initiative to demand rectification for slavery and the slave trade gained force at the bicentenary of the abolition of the British transatlantic slave trade in 2007. Representatives of Caribbean governments claimed rectification from Britain and other European nations that had benefitted from the slave trade (Beckles 2013, 223-229).

In July 2013 the heads of governments of the Caribbean Community (CARICOM) issued a declaration demanding reparation for genocide of the indigenous population and for slavery and slave trade during colonialism. They set up the CARICOM Reparation Commission with representatives of the governments to prepare reparatory demands. The chair, Prime Minister Baldwin Spencer of Antigua, declared at the meeting:

We know that our constant search and struggle for development resources is linked directly to the historical inability of our nations to accumulate wealth from the efforts of our peoples during slavery and colonialism. These nations that have been the major producers of wealth for the European slave-owning economies during the enslavement and colonial periods entered Independence with dependency straddling their economic, cultural, social and even political lives (Caricom 2013 [http://www.caricom.org/jsp/pressreleases/press\\_releases\\_2013/pres147\\_13.jsp](http://www.caricom.org/jsp/pressreleases/press_releases_2013/pres147_13.jsp)).

The Commission has addressed not only Britain, but also France for its colonial legacy in Haiti and the Netherlands in Surinam, and other European nations that were involved in the slave trade like Spain, Portugal, Norway, Denmark and Sweden.

Are the demands of the Caribbean heads of governments reasonable? I will discuss two interrelated objections to the demands for rectification. The first argument I call “the argument of diminution of the transferability of compensation”. This argument is based on an article by George Sher. According to the argument, for “ancient wrongs” it is impossible to distinguish between harms due to the acts of a perpetrator and harms that are due to the subsequent choices of the victim. When harm was done long time ago the consequences of the harm diminish and the choices of the victims and of their ancestors becomes more and more important for their living conditions. Applied to the issue of rectification for wrongs during colonialism, Sher’s argument implies that the further back in history an injustice was done and the more choices made by the colonized themselves after independence, the less responsibility has the colonizers for the former colonized’ present situation. Does this imply that the claims of CARICOM are groundless?

What would have happened if America, Africa and Asia had never been colonized? Would the continents have remained poor or would they have developed? How would the quality of life of their peoples have been today compared to the present situation? Can we really assume that an alternative historical path would have been better than what really happened? Are not the claims for rectification after colonialism depending on the questionable assumption that these countries would have fared better without colonialism?

One type of arguments against claims for historical justice focuses on problems connected to counterfactual explanations. This argument is among others developed by Jeremy Waldron. His critique of rectification for historical injustices can be summarized as follows: counterfactuals are impossible to verify, entitlements fade over time and injustices are evened out by



circumstances. While it is impossible to estimate what would have happened to the Caribbean islands if colonialism never had happened - perhaps their history would have been even worse - there is perhaps no ground for the CARICOM demands for rectification?

In my presentation I will discuss these arguments against the CARICOM claim for rectification.

**Keywords:** global justice, rectificatory justice, colonialism

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# Globalization and Responsibility for Human Rights

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In 2011, 2.2 billion people were living under the \$2 poverty line, just over 1 billion of whom had to live with even less than \$1.25 per day (World Bank 2014). Moreover, the characterization of anthropogenic climate change as a violation of the basic human rights to life, physical security, subsistence and health is gaining wide recognition (Caney 2010; Bell 2011: 100). Faced with this harmful situation, the question “who must do what for whom?” is of vital importance. In this paper, we will examine to what extent globalization has altered responsibilities for human rights.

Human rights are traditionally divided into negative rights of non-interference and positive rights of assistance or charity. We will give priority to negative rights, a minimalist normative position which is widely accepted. We take the active violation of negative human rights as our baseline for determining harm, and we defend this conception of harm as the decisive benchmark between obligations of charity and obligations of justice. We argue that we are in a special relationship with the people whose human rights we violate and that we bear responsibility towards them, regardless of whether we actually value this relationship or not.

We will focus on the global economic order and on climate change and examine whether these aspects of globalization provide us with new reasons to value our relationships with distant others. With regard to climate change, our responsibility is difficult to deny. Through our contribution to climate change, we are violating the human rights of a specific and large subset of persons and, consequently, we bear a special responsibility towards them. At the least, we bear the stringent obligation of justice to recompense those harmed and to enable them to adapt to climate change, i.e. this should no longer be characterized as a duty of charity or aid.

With regard to the global economic order, the nature of our responsibility is more controversial. We will assess Pogge’s claim that we, the global rich, are harming the global poor through the global economic order we uphold. He argues that we are not merely failing to fulfill a positive duty of charity or assistance; we actively violate our negative duty not to harm other people. Our economic order foreseeably and avoidably causes human rights deficits and everyone who participates in its creation or imposition consequently harms those affected negatively ([Pogge 2008: 25-26](#)). The question arises, however, as to whether we are indeed failing to fulfill a negative duty, or whether, as argued by Patten (2005: 27), Pogge ‘[stretches] the concept of harm awkwardly to make space for duties of assistance [i.e. positive duties]?’ Risse (2005: 14) distinguishes three different possibilities as the significant benchmark for harm and concludes that the historical benchmark is the only one we can make sense of. He argues that the global order has brought tremendous advances in relation to this benchmark.

Whether or not we are violating our negative duty not to harm distant others through upholding the global economic order thus seems to depend on the interpretation of the historical benchmark that we use. So how should we conceptualize the nature of our responsibility?

Faced with this dilemma, we argue that using harm as the decisive benchmark requires caution, since whether or not something is considered a harm determines the status of the corresponding positive duties and, consequently, their normative force. Barry’s ‘vulnerability presumption principle’ (2005) can play an important role in this regard. It strengthens our account of characterizing the positive duties of mitigating climate change as special obligations of justice. With respect to the global economic order, however, the vulnerability presumption principle could act as a tiebreaker. If we are considering whether to interpret the historical benchmark in relative or absolute numbers, Barry’s principle could convince us to favor the most vulnerable.

It urges us to concede that we are indeed violating our negative duties and that we therefore bear special obligations of justice. For those who still want to continue using the relative interpretation of the historical benchmark, Barry's vulnerability presumption principle should make them aware of the strict standards of application they use and the fact that this indicates their willingness to err at the expense of the global poor and the most vulnerable. At the least, Barry's principle seems to provide all of us with a strong reason to accept stronger positive obligations of charity or assistance to deliver on human rights.

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# Global Justice and the Legitimacy of TRIPS ‘Plus’ Agreements

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International economic governance is of pivotal importance. Economic activity and economic distribution have an enormous impact on human well-being and hence, economic distribution is a key component of theories of justice. The last three decades we have witnessed a rapid increase in the numbers of bilateral investment treaties (BITs) and free trade agreements (FTAs), expanding the international economic legal framework. More importantly, there is a strong tendency to broaden the scope of these agreements, supplementing principles of liberalization and non-discrimination with regulatory harmonization.

For a long time, international trade law and intellectual property law were perceived as distinct fields of law. Today, intellectual property protection has become an important aspect of economic globalization, especially as the world moves towards a knowledge economy. How we regulate this impacts how the economy works and who benefits. ([Stiglitz 2008](#)) Despite reluctance and protests of many developing and least-developed countries, the “trade-relatedness” of intellectual property has been employed to push intellectual property protection into the international regulatory arena. The conclusion of the *TRIPS Agreement* and the inclusion of IP in numerous bilateral agreements (“TRIPS Plus agreements”) have dramatically changed the global regime. ([Hestermeyer 2007](#)) In the context of global health and access to medicines, increased protection and enforceability of intellectual property – and more specifically pharmaceutical patents – have proved to be problematic. High prices of medicines, facilitated by this increased protection, add to the world’s poor inadequate access to medicines. ([Pogge, Rimmer et al. 2010](#))

How can we evaluate the legitimacy of TRIPS Plus Agreements? Whether something is legitimate mostly depends on the questions asked and the standards set. For example, one might define the legitimacy of a law or institution based on its capability to accomplish its objective. However important an ‘*effectiveness assessment*’, more important question needs to be asked. Often economic activity and regulation are perceived as a matter of ‘economic’ and even ‘mathematical’ necessity, denying the ideological and normative background assumptions. However, international economic law and policies show us that the global economic system has been made and continues to be made. ([Schneiderman 2011](#)) Although it is commonly held that duties of justice only arise between people living under a common constitution in a political community, we agree with Moellendorf that duties of justice arise between persons by virtue of the economic associations that connect them. ([Moellendorf 2005](#))

To evaluate international economic law, Garcia and Ciko make a general distinction between internal and external normative evaluations. ([Garcia and Ciko 2013](#)) An external evaluation is based on a concept of moral obligations and justice grounded in ethical and political theory.

For example, a consequentialist assessment would have to weigh the economic consequences of TRIPS Plus agreements (‘cost-benefit’) and, more importantly, the broad societal impact and impact on human wellbeing. An internal evaluation, on the other hand, is based on principles accepted within relevant institutions and policy domains and assesses the effective compliance with these principles. These can be abstract principles, such as ‘democracy’ and ‘consent’, which would allow for an assessment of these agreements based on its formulation, negotiation and conclusion. Alternatively, a legitimacy assessment can be based on other legally codified principles such as international human rights conventions. Many philosophical approaches to

global justice set the global and effective fulfillment of human rights as an important benchmark.

In order to shed light on the normative significance of recent developments, this paper evaluates the institutional structure and the relation between TRIPS Plus agreements and international human rights law. This paper develops a critical 'anti-constitutionalist' account ([Schneiderman 2008](#)) to indicate that the protection of intellectual property rights is not merely 'globalizing' but does so via a specific legal and political mechanism, which clearly undermines its legitimacy.

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# What Makes FairTrade Fair?

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I shall approach this question via another question: what ethical reasons do consumers have for buying FairTrade bananas, coffee, tea etc.? At one level it is a humanitarian concern for supporting farmers and enabling them to have a sufficient price on a secure basis for their products (we might call it 'humane trade'). But at another it is about promoting greater justice in the world and reducing injustice, including understanding this as reducing one's own dependence on unfair or unjust practices. What is unjust about typical production of such foods? At one level it is about a farmer's rights being either violated or undermined: the unequal power relations undermine genuinely free contracts of employment or exchange, and leave him/her with insufficient money to meet the subsistence rights of him/herself and his/her family.

What may lie behind a simple act of buying FairTrade bananas may be a whole theory of global justice, whatever that theory is. Even a relatively libertarian or non-radical theory of global justice can recognise that if farmer's or other workers' rights are undermined because of lack of freedom, then there is an issue of unfairness. But a more radical account of global justice will go beyond the specific rights of the worker involved and either present a general assessment of global economic power relations as being unjust, or develop in a more Rawlsian way an account of global distribution of goods/resources by which measure the world falls seriously short of meeting global social justice.

But whichever theory one favours, exploring this is important for two reasons. First, it takes all but the least reflective of consumers into a recognition that what they do is not just about forward-looking charity/benevolence/aid but about their more complicated relationships to global economic relations of which they are a part. Second, once we think about Fair Trade in this way, we should quickly be drawn into recognising that fair trade in the range of commodities that are currently conspicuous is merely the tip of the iceberg of a much wider range of globally traded goods that have negative impacts on people and planet: doing our best by FairTrade merely reduces but does not get rid of our dependence on ethically troubling global impacts. Both these reasons illustrate how for individuals in richer countries a key challenge of development ethics is how they behave as consumers.

# Global Ethics and Communication

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In this paper I make a short presentation of a recently finished research project on global ethics. The main aim of the paper is to present the results of the study, namely a suggestion for a tenable version of global ethics. The main contention is that a global ethic should be communicable, and that a central aim for global ethics is cross-cultural communication. An essential contribution that the study makes to the ongoing discussion on global ethics is that it identifies and emphasizes the importance of considering questions regarding ethical theory and different views of human beings within this field of inquiry. This means that it in addition to an assessment of substance in terms of norms and values, the study stresses the need to scrutinize different proposals for global ethics by also considering the ethical theories and views of human beings that are related to them. The study further works with the question of whether a global ethic supports epistemological universalism, or whether global ethics could instead be combined with a form of ethical contextualism.

The main purpose of the study is then to seek an answer to the question of what constitutes a tenable model for global ethics. This is done in part by a critical engagement with four different models of global ethics; two proposals from political philosophy and two contributions from theological ethics. The models analyzed in the study are: (1) the capabilities approach as developed by Martha Nussbaum, (2) Seyla Benhabib's discourse ethics and model of cosmopolitan federalism, (3) David Hollenbach's model of the common good and human rights, and (4) the model for responsibility ethics and theological humanism as developed by William Schweiker. These models contain different understandings of global justice, human rights, and sustainable development.

The study works with six primary problems: (1) Which are the main moral problems associated with different processes of globalization? (2) What should be the response to these problems, in the form of a normative ethical model? (3) What is the relation between global ethics and universalism? (4) What kind of institutional vision for the international arena does a tenable global ethic promote? (5) Given the human diversity and global pluralism, what would be a reasonable view of the human being included in a global ethic? (6) What kind of ethical theory is sustainable for global ethical reflection? These questions also form the basis for the analysis of the models.

The study uses a set of criteria in order to assess the answers that the models offer for these questions. These criteria also constitute the framework within which the study's contribution to the discussion on global ethics is phrased. The criteria are founded on an idea of what characterizes global ethical reflection. The contention is that a tenable global ethic should be relevant, and it should also be related to a reasonable view of human beings and a plausible ethical theory. Together these support the criterion of communicability, which argues that a global ethic should above all be communicable, i.e. capable of enabling cross-cultural communication. A central argument that the study makes is that a kind of ethical contextualism is more reasonable than an epistemological universalism.

**Keywords:** Global ethics, global justice, universalism and contextualism, ethical theory

# Action Guidance in Theorizing Global Justice: Social Contract vs. Social Choice Approach

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Gabriel Wollner identifies a number of common virtues of the recent literature on theorizing global justice, which he calls the third wave. The third wave theorists, he points out, offer methodological alternatives that go beyond the conceptual and normative disagreements between the standard statist and cosmopolitan views. At the same time, they take seriously the question of action guidance and offer practical suggestions for improving particular aspects of the international order. (Wollner 2013, 27) In this paper, I emphasize that the methodological novelties of the third wave in fact render the theorists more able to capture the complexities regarding questions of global justice. Hence, the third wave theorizing has better action guidance potential compared with both the statist and cosmopolitan views. Nevertheless, I argue that they are unable to provide guidance in alleviating actual injustices. This is due to their commitment to the Rawlsian social contract approach, which entails first identifying ideal principles, and then implementing them in actual circumstances. As an alternative, I develop Sen's social choice approach.

First, I briefly discuss the guidance critique raised against the standard views. In very simple terms, statist views assume that the unit of moral concern is the states, or 'peoples' when thinking about global problems. Principles of distributive justice do not apply beyond the borders of the states. Instead of distributive principles, we can theorize principles that regulate the relation between the states, such as principles that are limited to sustaining mutual aid and respect. Cosmopolitan views, on the other hand, assume that the unit of moral concern is the individual. Hence, they can extend the principles of distributive justice to apply to all of humanity. Critics argue that both statist and cosmopolitan views have serious drawbacks in guiding action. The former are unable to address important global problems such as global poverty due to status quo biased assumptions. The latter are not able to motivate people in taking action because the institutional reforms required in order to implement them are unrealistic. (Valentini 2011, 13)

Then, I examine how the third wave theorists are able to go beyond the two views by novel methodological assumptions. They recognize both that the principles of justice are grounded in multiple ways and that different grounds of justice lead to diverse principles. In the domestic context, we are assured that principles of distributive justice apply because the domain is overdetermined by a plurality of grounds. (Wollner 2013, 27-30) In theorizing global problems, we need to first identify the particular grounds that call for considerations of justice. Then, we can construct principles appropriate for that domain. For example, Aaron James grounds his principles that aim to regulate the global economy in the existence of "an international social practice in which societies mutually rely on common market" (James 2002, 3) Hence, third wave theorizing is able address global problems with a critical eye of the current order, and at the same time, recognize the distinctiveness of the domestic context. Moreover, by singling out different grounds of justice and constructing principles exclusively for those domains, the third way theorists construct partial ideal theories. In turn, they are more able to relate to actual problems of injustices.

After that, I identify the method of the third wave theorizing with the method of Rawlsian social contract approach. The first step is specifying the ideal principles that govern the particular domain that is theorized. Then, a sequence is determined through which more particular subjects in actual circumstances are assessed. Due to reasonable disagreement in both



identifying ideal principles and competing valuations in tradeoff situations in the sequences, the method entails a set of legitimate courses of action. Hence, it is not able to provide a determinate choice among alternative courses of action. Rather, it demarcates the set of legitimate actions. Within the legitimate set each course of action is morally as good as the other.

Finally, I develop Amartya Sen's social choice approach as an alternative methodology. The difference between the two approaches results from their different aims of theorizing. Social choice approach does not aim to identify the perfectly just social state. Rather, it aims to guide action by pointing out better alternatives for the particular question at hand. Hence, disagreements do not need to be fully resolved for the domain in question. In other words, the outcome of deliberation need not specify a complete ordering of alternatives. I show that for a number of cases, social choice approach is able to morally distinguish between actions within the legitimate set. This implies that Rawlsian social contract approach's is mistaken in asserting that the social states within the legitimate set are morally indistinguishable. And action guidance of the third wave of theorizing global justice is seriously undermined.

**Keywords:** Global Justice, Third Wave, Action Guidance, Social Contract, Social Choice

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# The Ethics of Monetary Incentives for Refugee Repatriation

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Over the past decade, there has been an increase in governments paying asylum seekers to return to their countries of origin. In Israel, anyone agreeing to return to Eritrea, Ethiopia, or Sudan can receive \$4,000 per family member.<sup>47</sup> Australia has recently proposed paying asylum seekers \$10,000 to go back to their countries of origin or a third country.<sup>48</sup> In 2011 the United Kingdom paid \$3,500 per family member to asylum seekers who agreed to return to Zimbabwe.<sup>49</sup> Many of those returning are refugees, in that their life will be threatened from poverty or persecution if they repatriate.<sup>50</sup> The money is often paid by NGOs who hope to help with return, sponsored by governments who hope to encourage it.

Are such payments unjust?

At first glance, it might seem that there is no ethical issue. Even if forced deportation is unjust,<sup>51</sup> paying a given refugees to leave is a voluntary transaction. Nor are such payments indicative of exploitation. Vulnerable migrants are accepting money, but not to give something back, like an organ, sex, or their labor.<sup>52</sup> Refugees and migrants are getting money to get something else: a free ticket home. Surely there is no wrong in giving money to someone so they consent to get something else. Yet, such payment schemes may be motivating high-risk repatriation that places refugees' lives at risk. Furthermore, many repatriation schemes may seem voluntary, but are often facilitated while refugees are in detention, unable to work or live in freedom.

This article considers not only whether the payments themselves are unjust, but whether the UN and NGOs act unjustly when they facilitate such schemes. I focus on these actors because payments, unlike deportations, are increasingly implemented by such humanitarian actors on behalf of governments.

I raise and attempt to resolve three ethical dilemmas concerning repatriation by the UN and NGOs. These dilemmas are based on original data gathered in South Sudan, Uganda, and Ethiopia. First, there is what we may call the "Voluntariness Dilemma." Sometimes, return is coerced and unsafe. This may seem like a reason for NGOs and the UN to refuse to support

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<sup>47</sup> Ilan Lior, "Israel to Offer African Migrants \$5,000 to Leave," *Haaretz* 30 October 2013

<sup>48</sup> Sarah Whyte "Abbott offers asylum seekers \$10K to go home," *The Sydney Morning Herald* 21 June 2014

<sup>49</sup> Frances Webber, "How Voluntary are Voluntary Returns?" *Race and Class* 52(4) (2011): 98-107

<sup>50</sup> For a description of this "minimal standard," of those who have a claim to residency, see Javier Hidalgo "Resistance to Unjust Immigration Restrictions." *The Journal of Political Philosophy* (Forthcoming). Both those supportive of more open borders, and those supportive of closed borders, tend to agree that forced return is unjust if those returning would lack basic necessities. See David Miller. "Immigration: The Case for Its Limits" in (ed.) A. Cohen and C. Wellman *Contemporary Debates in Applied Ethics*, Malden, MA: Blackwell Publishing 2005, pp. 193–206; Joseph Carens, "Aliens and Citizens: The case for open borders." *Review of Politics* 49 (1987):251-73; Matthew Gibney, *The Ethics and Politics of Asylum*, Cambridge: Cambridge University Press 2004

<sup>51</sup> Carens *ibid*, Gibney *ibid*;

<sup>52</sup> Alan Wertheimer and Franklin Miller, "Payments for Research Participation: A Coercive Offer?" *Journal of Medical Ethics* 34(2008)389-392; Anne Phillips. *Our Bodies, Whose Property?* Princeton: Princeton University Press 2013; Matt Zwolinski, "Sweatshops, Choice, and Exploitation," *Business Ethics Quarterly* 17 (4)(2007): 689–727

government payments. Yet, if deportation is inevitable, perhaps this is precisely why NGOs and the UN should support payments; better to leave with some money, than none at all.

Second, there is the “Motivation Dilemma.” The money may motivate return that is not in the best interests of the individual returning. If so, it is not clear if such payments are just. Yet, money may help ensure that return is slightly less dangerous than it otherwise would be. Payments can help fund healthcare, food, and shelter immediately after return. If the payments are significant, they can provide investment for small businesses that secure livelihoods in the long-run.

Thirdly, there is the “Freedom of Movement Dilemma.” Some refugees cannot return to their countries of origin without money. NGOs and the UN, when they support repatriation payment schemes, may be protecting the freedom of movement of refugees and migrants who wish to repatriate. Yet, it is unclear whether freedom of movement entails a right to return to one’s country of origin. Even if it does, it is unclear if this right is a positive right, where NGOs and the UN have a correlative duty to assist with transport costs.

Each of these three dilemmas will be discussed, along with possible policy solutions to mitigate the extent of injustice in repatriation payments.

# The Ethics of Albert Schweitzer as an Inspiration for the Global Ethics

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Albert Schweitzer (1875 – 1965) was a fascinating person, a multivalent icon, mostly known as a doctor in primeval forest in Africa. He left behind his very promising career of university professor, pastor and musician to serve poor people in need in Gabon. In Africa, he elaborated the ethics of boundless responsibility towards all living beings as a treatment for the restoration of the decadent civilization. It was actually at the University of Uppsala where Schweitzer in 1920 presented his *Ethics of Reverence for Life* in the academic sphere for the first time.

He criticized the anthropocentric view of western philosophy and proposed “ethical mysticism” that calls every man to devote themselves to all living beings (not just humans) to promote fullness of life and alleviate suffering. His life and ethical works generate hope and also inspire many people today at the beginning of the 21<sup>st</sup> century in the area of ecological ethics, education and global solidarity.

Why? Just some key words: primacy of direct experience, importance of will (desire), holistic rationality, responsibility for all living beings, ecological interdependence, relationality as a basis for ethics, importance of moral attitude instead of concrete norm.

Schweitzer begins his analysis with the basic experience of life for each man. “True philosophy must start from the most immediate and comprehensive fact of consciousness, which says: ‘I am life that wills to live, in the midst of life that wills to live.’” (Schweitzer 1987: 309). The basic experience of a human being is not an absence from the world, but experience of affinity and connectedness with the life surrounding her or him in the world.

Because the events in nature are ambivalent, beauty and logic intertwine with horrors and illogicality, we cannot establish clear guidelines for our life based on our knowledge of nature, but must find the guidelines for an ethical life in our internal will-to-live that is in Schweitzer’s opinion an innate element of each man.

The task of ethics is to provide individuals with a basic moral principle that serves as a compass, showing the direction in every single case, but not making or assuming the decision in advance. He is convinced that, through his basic principle of “devotion to life inspired by reverence for life” (Schweitzer 1987: 311), he provided universal material contents to the formal ethical imperative. The basic ethical principle shall read: “It is good to maintain and encourage life; it is bad to destroy life or obstruct it” (Schweitzer 1987: 309). Ethics is defined as “responsibility without limit towards all that lives” (Schweitzer 1987: 311). No matter wherever and for whatever purpose man harms or destroys a life, any form of it, (s)he acts unethically and is guilty. Schweitzer did not allow any scale of values for living creatures. For such conflict situations, Schweitzer created the following guideline: “Whenever I injure life of any sort, I must be quite clear whether it is necessary. Beyond the unavoidable I must never go, not even with what seems insignificant” (Schweitzer 1987: 318). The *Ethics of Reverence for Life* requires the individual to respect the fundamental principle: “to maintain and promote life,” whereby the concrete realization of this principle is up to the individual.

Until his death, Schweitzer was struggling to elaborate a worldview of reverence for life that would be embraced by all religions and cultures. His ethics should be universally true for all people, regardless of time, place, or cultural background. He wrote more than 1,000 pages on this topic. The edition in two books, published in 1999 and 2000, reveals that he rewrote the same chapter several times as he could not bring his project to a successful end.

His worldview of reverence of life will be presented in a critical way. It will be emphasized that Schweitzer was not aware enough that his philosophy was culturally, religiously, historically and also personally (biographically) conditioned, since it is impossible for anybody to step out of his or her historical and cultural backgrounds. He limited his ethical reflection to the individual sphere and did not allow any ranking among living beings on the theoretical level. Despite these critical observations, reflection of the immediate experience of the human condition could be in our opinion a good starting point to understand the shared common morality of all humans. We are convinced that his ethical thoughts and seeing him as a role model can stimulate the search for global ethics today. We will point out some elements of global ethics that complement Schweitzer's proposal (dignity of the human being, human rights, international justice, intercultural and inter-religious dialogue, sustainability).

**Keywords:** reverence for life, ethical mysticism, responsibility, intercultural dialogue, universal ethics, nature

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# Global Justice and Administrative Law

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A prominent feature of liberal, and also most republican, theories of global justice is that they begin from the consent of state actors to the global order.<sup>53</sup> The idea that consent, coercion, and joint authorship are properties which obtain at the level of states, and neither above or below it, is essential to the realist conception of the state and this conception of global justice. In this paper I argue that the concept of consent by states to the global order masks considerable changes to the nature of international law.<sup>54</sup> Most notably, in this paper, I will consider the problem of the legitimacy of administrative law.

International treaties have become increasingly complicated, signaling an emerging problems for theorists of the legitimacy of international law.<sup>55</sup> Underlying this change in treaties, and in other *ad hoc* agreements between states, is the emergence of what has been called global administrative law. Global administrative law comprises those principles and practices that underline the international institutions created by law-making treaties.<sup>56</sup> It emerges from the various transnational systems of regulation which have been set up under treaty law and comprises the mechanisms put in place to bind states through dispute resolution and the issuing of binding regulations. As Benedict Kingsbury and others have argued, “[u]nderlying the emergence of global administrative law is the vast increase in the reach and forms of transgovernmental regulation and administration designed to address the consequences of globalized interdependence in such fields as security, the conditions on development and financial assistance to developing countries, environmental protection, banking and financial regulation, law enforcement, telecommunications, trade in products and services, intellectual property, labor standards, and cross-border movements of populations, including refugees.”<sup>57</sup>

While not purporting to propose a solution to the problem, I will show how the legal framework underlying various administrative law entities – including the Competition Commission of the European Union (in cases such as Wood Pulp), the work of the Basel Committee on Banking Supervision, the International Organization of Security Commissioners, the International Organization of Insurance Supervisors, and the dispute resolution mechanism of NAFTA – undermines both the state-centered model of global justice and the consensualist model of international law. The administrative law tribunals and institutions achieve their legitimation

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<sup>53</sup> J. Rawls, *The Law of Peoples* (2001); R. Dworkin, “A New Philosophy for International Law”, 41 *Philosophy & Public Affairs* 1 (2013): 2-30; T. Nagel, “The Problem of Global Justice,” 33 *Philosophy & Public Affairs* 2 (2005): 113-147. D. Held, *Democracy and the Global Order* (1995). For republican theories, see: J. Bohman, “Republican Cosmopolitanism,” 12 *The Journal of Political Philosophy* 3 (2004): 336-352; A. Sangiovanni “Global Justice Reciprocity and the State,” *Philosophy & Public Affairs* 35 (2007) 3-39, 8; M. Blake, “Distributive Justice, State Coercion, and Autonomy,” *Philosophy & Public Affairs* 30 (2001): 257–96, 265. See also: D. Moellendorf, *Cosmopolitan Justice* (2002), p. 30 et passim; L. Wenar, “Contractualism and Global Economic Justice,” in *Global Justice*, ed. Thomas Pogge (2001); Charles R. Beitz, *Political Theory and International Relations* (1999).

<sup>54</sup> Representative realist discussions of the relationship between state consent and international law include: H. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (2<sup>nd</sup> edition 1954); K. Waltz, *Theory of International Politics* (1979).

<sup>55</sup> B. Kingsbury, N. Krisch and R. Stewart, “The Emergence of Global Administrative Law,” 68 *Law and Contemporary Problems* (2005):15-61, at 15 [Hereinafter Kingsbury et al.].

<sup>56</sup> Kingsbury et al. 17.

<sup>57</sup> Kingsbury et al. 16.

not through the acts of states, but through the acts of various sub-state actors (e.g. central banks) which act at arms-length from democratic procedures and elected officials. Taken together, these twin problems suggest that the emergence of new models of governance cannot be accounted for under the largely Rawlsian inspired models of global justice in existence today.

# Global Justice in Lutheran Political Theology

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## Abstract

Different theories of global justice have been elaborated both within political philosophy and theological ethics. Several of these theories take their starting point within the social contract tradition, and often justice is understood to mean an equal distribution of liberty, power and welfare. In this paper the purpose is to examine the contributions that might be given by Lutheran political theology to this discourse on global justice. Is there any particular perspective on global justice that can be derived from Lutheran political ethics?

The first part of the paper will critically examine three different theories of global justice within political philosophy. Thomas Pogge and Charles Beitz have elaborated such a theory from a contractarian perspective. They apply the original position directly to the world as a whole and extend the difference principle to become a principle beyond the confines of national borders. An important critique of this contractarian theory is given by Martha Nussbaum who argues that we need an alternative approach to global justice. This is the capabilities approach. However, an even more plausible alternative is proposed by Iris Marion Young. She argues that justice refers not only to a distribution of social goods, but also to the institutional conditions necessary for the realization of self-development and self-determination. This means that global justice can be understood as liberation from oppression and domination.

What then might be a Lutheran contribution to this ongoing philosophical discourse on global justice? The second part of the paper will give a critical examination of previous theories of justice within Lutheran ethics. Political ethics in Lutheran tradition has mainly been characterized by a patriarchal principle, according to which the authorities should care for the subordinate and those who are subordinate should respect the authority of those in power. This principle is related to a sharp distinction between law and gospel, which means that the equality between humans before God has no relevance for the meaning of social justice.

A conception of justice which is in accordance with a hierarchical view of society and the patriarchal principle is developed by Helmut Thielicke. He argues that justice should take into consideration the equal worth of human beings, but it should also consider the actual differences between humans. This means that justice is not arithmetical but geometrical. Justice is not an equal distribution but a social arrangement where the differences between superiors and subordinates are respected.

Lutheran political theology has often taken a legitimizing position, which means that it has supported the existing society and the authorities in power. The state has been regarded as an authority, and justice has not been interpreted as an equal distribution of social goods. This patriarchal interpretation of justice is related to the ideal that ethics is based upon reason alone and the doctrine of creation. There is a sharp distinction between law and gospel, which means that the gospel does not give any contribution to political ethics.

If Lutheran political theology aims to give a constructive contribution to theories of global justice it is necessary to take a different approach. The third part of the paper will give a proposal for such an alternative interpretation of Lutheran ethics. A main thesis is that Lutheran ethics cannot be based upon Creation and reason alone, in order to avoid a legitimizing position. It should also be based upon Christology and Eschatology. This means that we should abandon the sharp difference between law and gospel within ethics.



The message about God's love in Christ is related to an idea of equality, according to which all humans have an equal worth before God independent of their merits. This idea of equality should also be applied within political ethics. From the perspective of God's sacrificial love in Christ it is possible to develop a sharp critique of the established authorities in society. This means that Christology will give arguments in favor of a principle of equal human dignity. It will also give arguments in favor of an understanding of justice as liberation from oppression. Global justice is not only an equal distribution of welfare and liberty, it is also a radical change of existing power structures.

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# Mehr haben und mehr wollen: Eine gerechtigkeitsethische Auseinandersetzung mit den Annahmen über die Tätigkeiten von Wohlhabenden

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Wohlhabende wollen mehr. Sie wollen immerzu, was mit dem identisch zu sein scheint, dass sie immer mehr wollen. Jedoch, wovon ist dieses Immerzu-Wollen ein Ausdruck? Von der unersättlichen Gier derjenigen, die viel haben, so viel, dass sie immer noch mehr haben können und diesem Können wie einem Trieb folgen? Oder aber, und diese Seite wollen meine Ausführungen beleuchten, ist dieses MehrWollen nicht der Ausdruck einer grundsätzlichen anthropologischen Größe? Menschen sind wollende, begehrende Wesen. Das gilt auch für Menschen, die Viel bis sehr Viel haben. Gilt für jene damit automatisch, dass sie niemals durch das Nadelöhr passen, das zum Himmel führt? Wollten sie jedoch durch besagtes Nadelöhr, würde das dann heißen, dass sie Menschen ohne Wollen werden müssten, also keine Menschen mehr sein dürften?

Dürfen Ethiker und Menschen mit der Leidenschaft für Gerechtigkeit wohlhabenden Menschen also das WeiteresWollen einfach deshalb absprechen, weil sie haben? Dann sind also nur diejenigen Wollenden und Begehrenden moralisch gerechtfertigt, die nichts, zumindest kaum etwas haben?

Schon bei Platon lernen wir, dass es für die moralische Einschätzung des Habens ebenso wie für die des Mangels falsch ist, den Mangel zum Ausgangspunkt zu nehmen. Egal ob Mangel oder Haben, Eigentumslose oder Besitzer, für Platon bleibt für beide Positionen die gleiche Gretchenfrage: Aufgrund welchen Selbstbildes, folglich aufgrund welcher Motivationen und im Zusammenhang mit welcher politisch-ökonomischen Kultur heraus wird wie gehandelt und das Gemeinsame organisiert?

Haben&mehrWollen ist die Grundfigur, die sich aufgrund Platons Ausführungen in der *Politeia* dafür nutzen lässt, das Haben&mehrWollen der Habenden moralisch und ethisch im Sinne der menschlichen Leidenschaft für Gerechtigkeit zu profilieren. So wird mit der Denkfigur Haben&mehrWollen sehr genau unterscheidbar, wie das Wollen gesellschaftlich eingebettet ist. Wird es nämlich auf Trieb und Getriebensein, auf Gier, Ehrgeiz und (im neoliberalen Sinne) auf Leistung reduziert, wird es grundsätzlich falsch konzipiert. Versteht man es hingegen als grundsätzlich immer in eine Kultur eingebettet, werden die kulturbildenden Größen des Wollens und des Habens befragbar.

Die Relevanz, zwischen Trieb-Natur und unterschiedlichen (politisch-ökonomischen) Wollens-Kulturen zu unterscheiden, führt der Vergleich von Platon und der modernen politischen Philosophie der Sozialität vor Augen. Während Hobbes davon spricht, dass der Mensch *im Naturzustand* dem Menschen ein Wolf ist, hat Platon herausgeschält: Der Mensch ist dem Menschen ein Wolf *unter der Bedingung der Tyrannei*. Einen Naturzustand hatte Platon wie kein anderer dekonstruiert, ein jeder „Naturzustand“ erweist sich als Reflex einer bestimmten politisch-ökonomischen Verfassung. Was nun die kapitalistischen ökonomischen Verhältnisse betrifft, so kann dieser „Naturzustand“ als ein Zustand analysiert werden, in dem der Kapitalismus demokratische Kulturen außer Kraft setzen, die Oligarchie (die Herrschaft der Ehrgeizigen) mit der Tyrannei verbindet muss.

Statt „Natur“ und „Trieb“ also: die Verfassungen dekonstruieren, die das Haben und Wollen organisieren (sollen). Denn es sind diese, die die Menschen, die grundsätzlich aufeinander

bezogen sind, auf sehr unterschiedliche Arten und Weisen miteinander in Beziehung setzen. Und je nach Verfassung versteht man die anderen als Gefährdung der eigenen Position (von Haben und Wollen) oder aber als grundsätzlich immer gemeinsam Teilhabende in unterschiedlichen Teilhabekulturen und -verfassungen.

Mit einem solchen Perspektivenwechsel können falsche Vokabeln dekonstruiert werden, Beschreibungs- und Erzählmuster also, die zwar kritisch sein wollen, aber das neoliberal-kapitalistische Positionierung des Haben&Wollens weiter erzählen: In einer Kultur der gemeinsamen Teilhabe ist die zu organisierende Teilhabe von unterschiedlich Habenden keine „Einschränkung“ des Eigenen, „Beteiligung“ muss nicht hergestellt, sondern neu organisiert werden und ist auf jeden Fall als Zwang zu bewerten, usw.

Der Schritt, diese a-soziale Semantik zu kritisieren, ist einfach. Sehr viel schwieriger ist es, das gemeinsame Teilhaben von unterschiedlich Habenden und Wollenden neu zu benennen und letztlich neu zu organisieren. Für die Kritik an der heutigen Praxis von Reichen, Reichtum und Armut zu gestalten, kann allerdings aufgezeigt werden: Wenn Habende ihr MehrHabenWollen zum Haben erkennen *können*, können sie sich als gemeinsam Habende verstehen. Wenn ihnen dies kulturell zugleich zugestanden und zugesprochen wird, dann hat sich die Kultur des gemeinsamen Seins und Habens verändert. Auf diese Weise kann die Perspektive des Habens&MehrWollens dazu beitragen die Ideologie zu überwinden, dass Reiche nichts zum Gemeinwohl beitragen wollten. Wie solche Kulturen perspektiviert werden können, lässt sich entlang von Platons Analyse der Wertedynamiken innerhalb von unterschiedlichsten Verfassungen in den Blick nehmen.

**Keywords:** Gerechtigkeit, Reichtum, Kapitalismuskritik, Wollen, Platon

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Platon: *Politeia*, verschiedene Ausgaben

# Disobedience in the Theory of International Society: Ethics and Security

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This paper deals with the problem of disobedience in international society. It is not difficult to find examples of both legitimate and illegitimate disobedience. One example of this is the NATO bombing of Kosovo in 1999 which were afterwards widely regarded as illegal but legitimate. More contested is the practice of intervention and the responsibility to protect in the case of Libya. Finally, the Russian annexation of Crimea in March 2014 was rejected by a vast majority of the UN General Assembly. While there is not difficult to find examples of both legitimate and illegitimate disobedience it remains a puzzle if and how practices of disobedience can be justified and internalised into international society. It is clear that the consequences of such actions can be both negative, in the sense that the actions pose threats to the security of states and peoples, and have positive consequences contributing to improving the rules and institutions of international society for the good of peoples and communities. Accordingly, the general political theory literature views the practice of civil disobedience as both a potential threat to order and at the same time as a vitalising element of social and political life.

The application of civil disobedience to international society theory has not been much developed. The argument of this paper is that when doing this a number of critical issues arises, not only about the justification and legitimacy of disobedience, but also about international society more generally. Legitimate disobedience involves the rights for governments (and possibly other actors) to sometimes violate international rules and institutions in the conduct of their policy. While international order, like any social order in general, necessitates the general obedience of the actors towards the rules and institutions sustaining the order, there are sometimes situations where particular rules and institutions can be justly and legitimately ignored. For this paper I suggest the following preliminary definition:

States have a right to disobey international rules and institutions if such disobedience can be justified in a way that overrides the considerations upon which the rules and institutions in question are based and if the action is recognised as legitimate according the basic norms of international community.

The definition brings to the fore two necessary elements: *justification* and *legitimacy*. Justification refers to the normative propositions offering arguments, on moral or pragmatic grounds, to support a concept or practice while legitimacy refers to general accounts of practices and understandings of states and the international community. Hence, justification falls mainly into the area of normative theory and legitimacy in the realm of the empirical. For that reason the two dimensions have to be kept analytically separated

This paper argues that the problem of disobedience in international society: First, the practice of legitimate disobedience in any association put strains on the rules of conduct which make up the association; second, the unequal power of states make disobedience not so much an instrument of the weak but perhaps mainly an instrument of the strong.

As for the first problem, a lot seems to hinge on the density of the institutions and to what extent international institutions can possibly harbour practices of disobedience, e.g., to limit the amount of political discretion available and to contain the use of power within the legitimate normative framework. The question simply is whether international society obtains a framework robust enough to be able to sustain such a practice, or whether a notion of legitimate

disobedience merely opens the door to an increased use of illegitimate actions of power and violence. As for the problem of inequality of power it is argued that while practices of disobedience are often thought to be instruments of the weak and marginalised the same practices rather seem to apply to the strong rather than the weak if applied to international society. Two dimensions are involved here: First, the distinction between high and low status, focusing mainly on the capacity to exercise influence in world politics and international security; second, the distinction between, on the one hand, the leading powers mastering the hegemonic narrative – the powers that shape and utilise the dominant discourse – and powers attempting to present a counter narrative. While disobedience is never trivial, the disobedience of leading actors is likely to be more acceptable and reflects the importance of being on the right or the wrong side of dominant world opinion.

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# Trafficking of Human Beings for the Purpose of Organ Removal

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In a very general sense, one could say that issues of ‘migration’ for the purpose of taking advantage of the ‘emigrants’ – *aka* exploitation or slavery – stretches back unto the beginning of ‘civilization’ and that the development and especially the maintenance of ‘empires’ are not possible without such ‘enforced labour’.

However, next to the more contemporary phenomenon of massive ‘forced migration’ due to civil wars (Syria, Libia, Afghanistan...) and/or economically and politically failed states (most of Sub-Sahara Africa, Mexico, Belarus...) and the concomitant exponential growth of criminally organized human trafficking of these fugitives, there has also been a much more marginal but not unimportant increase in the trafficking of humans for the purpose of organ removal – and subsequent transplantation of the removed organs.

The paper comes in two parts (and a very short third). In the first part the reasons behind the growing ‘market’ for transplantable organs are investigated. This investigation makes clear that from the middle of 20<sup>th</sup> century on, it is justified to talk about the bio-medical success story of organ transplantation. Driving this success story are the vast improvements of surgical techniques, the cross matching of tissues, medical management and coordination, the development of immunosuppressive drugs and last but not least the setting up and implementation of legislation of donation and transplantation ending up in organ transplantation becoming a ‘standard therapy’. However, at the same time and exactly because of these developments, the success story turns out to have its own ‘shadow side’ in the form of the ever growing waiting lists. These explain the rise in demand, which because of the gap between demand and regulated supply leads to a ‘market’ for transplantable organs, a market benefitting from the flow of information and communication facilitated by the internet. Looking into this market also clarifies the main profiles of the organ seekers: 1° well off males, aged beyond 50 with a good medical insurance but no family members who are capable or willing to donate an organ and who are therefore prone to ‘organ tourism’; 2° old, very ill and desperate patients no longer eligible for an official/therapeutic transplantation and who therefore are ready ‘to risk everything’.

Research done in the context of the HOTT-Project (full disclosure: this paper proposal is presented by a scholar who is in no way whatsoever connected to this project) shows that the trafficking of human persons with the purpose to remove transplantable organs is globally on the rise and is being driven not for medical reasons but mainly for financial gain. Therefore, the second part of the paper traces the kinds of commodification of human bodies and persons implied by this market. On the one hand, this commodification exists in offering poor people a large amount of money for making them to ‘consent’ to the removal of a non-vital organ. On the other hand, the commodification takes the form of human trafficking to bring the ‘donor’ and recipient together in a medical setting where the explantation and transplantation can be performed. In both cases, additional medical-ethical concerns are the safety of the surgical procedures themselves and the necessary follow-up.

A very brief third part will raise the question if other responses to the shadow side are possible which would also be to the benefit of the human dignity of the organ seekers.

**Keywords:** human trafficking; organ removal & transplantation; commodification of the body; dignity of organ seekers

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# Can You Know Justice Without Knowing Specific Facts? An Epistemic Criticism of Rawls Veil of Ignorance

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In *A Theory of Justice* Rawls presents an original position of fairness, modelled by certain constraints on information, from which parties should choose a set of principles to govern the basic structure of society. A veil of ignorance illustrates these constraints. Behind it the parties are denied knowledge of *specific* facts of their lives, such as what class, gender, race they belong to or what skills and level of health they possess. It is a construction aimed at explaining and deriving our considered judgements of the just and the unjust. The veil of ignorance, despite its name, does however allow for quite substantial knowledge of the *general* type such as knowledge of natural and social science as well as the biological and psychological basic needs of humans. The choosers are also equipped with rationality and know that the circumstances of justice obtain, i.e. relative scarcity of resources, relative equality, and mutual disinterestedness. The constraints of the veil is construed to hinder the agents from being biased and choosing principles that they would benefit from knowing about specific facts of their lives. The idea is: you don't know who you are in society, only that you will be in one of the positions in that society, hence governed by the principles of justice you shall choose. The question I am posing is: will knowledge of general fact and rationality suffice in order to determine and assess principles of social justice? My conjecture is no, specific facts are also required and I believe Rawls is unjustified in excluding them. I mean that specific facts are necessary for at least two reasons;

1. to provide the parties with competence needed to **determine** principles of justice, and
2. as a warrant for relevance to circumstances in society, needed when **assessing** the principles

The (1) competence is gained thru experience or testimonies of situations of justice or injustice, which I take to be superior to general fact both in regard to quality as well as quantity. Quantity, because it is hardly disputed that a lived experience is richer in information than general knowledge is, and quality, because specific situations of justice and injustice have a superior capacity to arouse intuitions in us as well as providing motivation to act justly. General knowledge on the other hand is, I take it, knowledge stripped of cognitive content. What then does it mean to know **in general** what it is like to be a woman, black or disabled, I wonder? I suggest this general fact will be a construction influenced by prevailing social structures and will therefore serve us poorly if we want to remedy structural injustice. I also suggest that general fact only can enlighten us in so far as they spur an association to an experienced situation. Remember, Rawls asks us not only to *disregard* specific facts but to *not know* them. The second argument concerns relevance and is connected to the assessment of the principles. To see whether they are doing the job intended, I claim the proper level of investigation seems to be from the real, specific circumstances of society rather than assessing from a general level since the general level will not surpass speculation.

**Keywords:** social justice, original position, veil of ignorance, epistemic awareness, deliberative democracy, considered judgment, practical reason



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# Right Claims in Public Critique Against the Expulsion of Asylum Seeking Children

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This paper is driven by the fact that children and asylum has emerged as an urgent political, moral and legal question target of heated debates in a number of European and Western countries over the last years.<sup>58</sup> Sweden is one, among several countries, that has experienced a series of strong public reactions and political controversies regarding authority decisions to deny asylum seeking children residence permits. The rejections have been argued to be inhumane, immoral and in conflict with Swedish commitments to international law such as the UNCRC or ECHR simultaneously as the dominating and right-wing parties argue for maintaining a restrictive immigration policy to protect the general state interest of welfare and security. On still another part, Swedish migration agencies and courts claims that they are following laws and procedures in accordance with democratic institutions and international commitments.

The normative questions about who has a right to admission and who has not, based on what reasons and what moral, political or legal orders has been puzzling for both politicians and political theorists over the last decades<sup>59</sup> but with scant theoretical interest paid to children as political and moral subjects in their own right.<sup>60</sup> The regulation of immigration in post-war Europe has given rise to a complex set of policies and practices of inclusion and exclusion of non-citizens where children at a political rhetorical and policy level have developed into a category with specific rights and a special moral status distinct from that of adults but at the same time accompanied by controversies and only marginal *de facto* changes for their opportunity to get residence permit.<sup>61</sup>

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<sup>58</sup> Public and academic debates about children and asylum have over the last years also been a recurrent theme in countries such as Norway, Denmark, France, UK, Australia and the US. The debates vary to some extent in character and need to be put in respectively context. But nevertheless, what unites the public debates, anti-deportation campaigns and immigration enforcement policies about children is the focus on children as a category that in one or another way is of a particular vulnerable situation, having a special moral or public value that provokes political controversies about immigration policy. In the UK: See e.g. Andersson 2012, Giner 2007, The US: E.g. <http://www.vox.com/2014/6/16/5813482/the-child-migrant-crisis>, Bhabha 2014 : In Norway: E.g. Stålsett 2012, <http://sverigemotrasism.se/opinion/flyktingbloggen/2014/04/24/behandlingen-av-asylsokande-barn-i-norge/>, In France: See e.g. Marie le pen - France in Swedish radio 10<sup>th</sup> of nov 2013, In Denmark: E.g. Vitus and Liden 2011, and Vitus 2012.

<sup>59</sup> See e.g. Carens 1987, 2013, Miller 1993, Benhabib 2004, Schotl 2012, Lindahl 2013, Ranciere 2004, Näsström 2014

<sup>60</sup> Josefsson 2014

<sup>61</sup> T Lindahl 2009, Fassin 2012 (Humanitarian Reason), 2013 (The Precarious Truth of Asylum, Public Culture, 69 (1) : 39-63.) E.g. Fassin discusses in a line of articles and lectures about the nature and development of different regimes of recognition to asylum during the 20<sup>th</sup> century where humanitarian reason has turned out as an even more important path to asylum then those absolute rights to protection laid down in the international conventions such as the Convention relating to the Status of Refugees (1951) and Protocol Relating to the Status of Refugees (1967) Regarding the special status of children this is notable in the interest paid by media in a range of western countries to the question of children and asylum, the adoption of child specific provisions in national and international policy, in court decision-making in national courts and the ECHR as

It is in light of the political and legal attention to the category of children and the public controversies that this paper sets to map out and empirically explore contemporary claims against the expulsion of asylum seeking as they unfold in the Swedish public sphere through media reporting. The purpose is to use these claims to provide new impetus to a theoretical discussion about children as objects and subjects of rights to asylum and the child as a political subject. The analysis of cases reported in *Dagens Nyheter*<sup>62</sup> 2000-2013 demonstrates how children's claims of asylum can be categorized into three lines of arguments what I call: claims of well-being, claims of health and claims of community. The paper finally discuss some theoretical implications of the findings for how we conceptualize right claims of children, the political enforcement of these rights as well as the moral and political status of children as objects and subjects of rights.

**Keywords:** Children, rights, asylum, inclusion/exclusion, children´s rights, subjects of rights

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well as in a growing academic interest in childhood and migration(e.g. Bak 2013, Watters 2008, Bhabha 2014). However, looking into statistical figures at EU level or in a Swedish context, there is no significant increase in the percentage of children granted residence permits in relation to adults over the last 10 years at an aggregated level (Eurostat 2014, Migrationsverket 2014).

<sup>62</sup> The largest Swedish morning paper

# Realizing Global Justice: Reconciling Rawlsian and Nozickian views Justice

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This paper attempts to bridge the divergence between the Rawlsian and Nozickian views on the entitlement aspect of justice by: i) generating a re-considered definition of justice; and ii) re-articulating the idea of ‘fairness’ as realizable in both views of justice. To that end the paper generates a re-configured definition of justice which captures and resolves the contentious elements between distributive and entitlement views of justice. It differentiates and uses the concepts of i) existential fairness and ii) earned fairness as conceptual avenues for reconciling the two views towards a global view of justice: it aims at reconciling the main arguments of the dominant theorists of either view i.e. Rawls and Nozick. Firstly, the analysis of the concepts of ‘fairness’ and ‘entitlement’ within their visions of justice yields the observation that their views are two sides of the same coin, justice. To achieve a reconciled position, it necessitates adjudicating that being or becoming a subject that merits fairness ought not be restricted to the ‘earned’ type only; rather additionally by virtue of ‘existence’ one requires fairness if their existence is to be meaningful and contributive to the overall social good. Secondly, it is unjust for contemporary society to attribute the ‘goods’ of society to the so-called ‘hardworking and talented’ group of people whilst whenever society encounters some ‘misfortune’ it is required of everyone to contribute to resolve them. The attempt to bridge the divergence between the liberal-equality and right-libertarian views on entitlement uses examples from selected political discourses.

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# Two Incompatible Doctrines of Sufficiency

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In this paper, I argue for the incompatibility of two understandings of sufficiency as found in distributive justice ('sufficientarianism') and environmental discourse ('eco-sufficiency'). Introduced by Harry Frankfurt in the 1980's, a number of authors in distributive justice have endorsed the doctrine of sufficientarianism (Frankfurt 1987, Huseby 2010, Axelsen and Nielsen 2014, Shields 2012). In a nutshell, sufficientarianism holds that securing enough of some good(s) for everyone is of special importance. Once everyone has secured enough, no (or at least weaker) distributive criteria apply to additional benefits.

However, distributive justice is not the only field where discussion on sufficiency has intensified. Since the 1990's, the concept of (eco-)sufficiency is discussed in the ecological sphere, e.g. by ecological economists, climate activists, sustainability scientists and green think tanks (Daly 1996; Princen 2005; Schneidewind *et al.* 2013; Salleh 2009; Lamberton 2005). In a nutshell, advocates of eco-sufficiency and related views (e.g., degrowth, steady-state economics, environmental virtue ethics) demand that individuals, states and humanity as a whole adopt a lifestyle of material simplicity that reduces resource consumption to a level that respects the earth's ecological boundaries.

While the two understandings of sufficiency have been discussed separately so far, they have a number of overlapping issues. On the one hand, sufficientarianism is increasingly discussed in a global environmental justice context ('emissions sufficientarianism'). On the other hand, advocates of eco-sufficiency increasingly often take a stance on climate and environmental justice, including distributive questions. Additionally, both doctrines have implications for social and economic policies on a national and global level. Given these overlaps, an investigation of their relationship is due.

However, it turns out that the two notions of sufficiency are incompatible due to their conflicting understanding of the good life. Advocates of eco-sufficiency hold perfectionist views about the good life. Perfectionists argue that certain states of human beings are good independently from any welfare they may bring, and we have reasons to promote the realization of these states. Advocates of eco-sufficiency use a narrow perfectionist ideal of human nature to demand and justify modifications in consumption. A simplicity-based, self-restraining lifestyle should be aimed at for its own sake but is prevented by the current organization of the economy and a 'more is better' thinking. It is hard to see how the doctrine of eco-sufficiency could be spelled out in empirical or terms or other normative frameworks.

In contrast, all varieties of contemporary sufficientarianism (capabilities, needs, contentment, welfare / compassion) spell out the notion of sufficiency with a particular combination of pluralism and moderate perfectionism (for the notion of extreme vs. moderate perfectionism, see Chan 2000). That is, sufficientarianism is perfectionist only up until the point of sufficiency, but it is not 'maximizing' perfection in any sense. Further, the sufficiency minimum is not narrow or specific, but should be understood as a baseline to enable a variety of lifestyles. Sufficientarian perfectionism is not coercive, is not a political ideal and does not even *prima facie* advocate any view of the good life. Rather, it defines the boundaries of justice, i.e. what can be claimed in terms of justice and what cannot.

The theories of good life behind these two views are theoretically incompatible. In particular, sufficientarianism does not involve a negative judgment on materialist conceptions of the good life. There is no reason to *prima facie* discriminate against such accounts, i.e. to coerce people onto different paths of life. To put it differently: unlike advocates of eco-sufficiency,

sufficientarians use their theory of the good life in order to define what ought to be provided to everyone but not how anyone should live. This means that both doctrines are incompatible from a theoretical point of view but neither that sufficientarians cannot take ecological considerations into account nor that sufficientarianism is incompatible with some of the empirical claims made by advocates of eco-sufficiency.

The incompatibility argument applies to the understanding of eco-sufficiency and sufficientarianism as typically discussed in the respective literature, but not necessarily to all potential understandings of these doctrines. One may hence object that the incompatibility is somewhat contingent. Yet, there is a deeper, conceptual reason for the incompatibility, as it can be traced back to two different meanings of the term ‘sufficiency’. ‘Sufficiency’ can either be understood in terms of limits (eco-sufficiency) or minimum requirements (sufficientarianism). Limits as proposed by advocates of eco-sufficiency cannot have intrinsic but only instrumental value for sufficientarians, i.e. their rationale is ultimately to make the realization of the minimum threshold possible.

If the argument proves successful, it establishes that sufficientarianism and eco-sufficiency have to be carefully distinguished in discussions on environmental justice, socio-economic policy and elsewhere. It should be kept in mind that they draw on entirely different understandings of sufficiency.

**Keywords:** Eco-sufficiency, sufficientarianism, distributive justice, environmental justice

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# Globale Gerechtigkeit aus einer finanzethischen Perspektive

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„Soziale Gerechtigkeit“ (Gerechtigkeit einer Gesellschaft) und die „globale Gerechtigkeit“ (Gerechtigkeit der einzelnen Gesellschaften untereinander bzw. der globalen Gesellschaft) stehen in einem engen begrifflichen Zusammenhang.<sup>63</sup> Dabei bilden sie ein asymmetrisches Verhältnis, wie Peter Koller festhält: „Globale Gerechtigkeit schliesst ein hinreichendes Mass an sozialer Gerechtigkeit ein, nicht aber umgekehrt.“<sup>64</sup> Diese Asymmetrie wird auf der normativen Ebene zur Priorität. „Soziale Gerechtigkeit muss mit der globalen Gerechtigkeit vereinbar sein und darf nicht auf deren Kosten gehen.“<sup>65</sup> Koller stellt zu Recht klar, dass diese Priorität normativen Charakter hat und nicht deshalb keine Geltung besitzt, weil die Realität anders ist. Auch kann auf der faktischen Ebene gezeigt werden, „dass gravierende Ungerechtigkeiten in den einzelnen Gesellschaften die Realisierungschancen einer gerechten internationalen Ordnung erschweren, während die Existenz einer solchen Ordnung die Bemühungen in den einzelnen Gesellschaften um gerechtere soziale Verhältnisse fördert.“<sup>66</sup> Gerade weil eine funktionierende soziale Gerechtigkeit vor Ort ohne globale Gerechtigkeit nicht zu haben ist – sie bedingen und ergänzen einander –, muss es nach Koller in dem Interesse aller sein, auch die globale Gerechtigkeit anzustreben. „Während der sich mit fortschreitender Globalisierung verschärfende internationale Wettbewerb die politische Entscheidungs- und Handlungsfähigkeit der einzelnen Nationen immer weiter reduziert, entsteht auf internationaler und globaler Ebene ein wachsender Regelungsbedarf, der gegenwärtig mangels entsprechender inter- und supranationaler Institutionen unerledigt bleibt.“<sup>67</sup>

Die von Peter Koller in seinen Untersuchungen zur globalen Gerechtigkeit aufgeworfenen Problemstellungen gilt es, aus einer finanzethischen Perspektive zu betrachten. Dabei soll auch sein Begriffsverständnis zur Diskussion gestellt werden.

Warum legt sich eine finanzethische Perspektive nahe? In der Wirtschaftsethik und der Unternehmensethik kommen der Finanzethik angesichts ihrer wachsenden Bedeutung in den bisherigen ethischen Untersuchungen wenig Stellenwert zu.<sup>68</sup> Eine tiefergehende ethische Auseinandersetzung mit diesem Themenfeld wäre angezeigt, um den spezifischen Charakter finanzethischer Frage- und Problemstellungen hinsichtlich globaler Gerechtigkeit zu berücksichtigen. Diese gehen weit über die Themen der allgemeinen Wirtschaftsethik<sup>69</sup> und der ethischen Reflexion von Corporate Social Responsibility hinaus.<sup>70</sup> Es bestehen dazu jedoch grosse inhaltliche Unterschiede, die sich aus den spezifischen Charakteristika der Finanzwirtschaft ergeben:

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<sup>63</sup> Vgl. Koller, Gerechtigkeit 89–120.

<sup>64</sup> Koller, Gerechtigkeit 114.

<sup>65</sup> Koller, Gerechtigkeit 114.

<sup>66</sup> Koller, Gerechtigkeit 115.

<sup>67</sup> Koller, Gerechtigkeit 115.

<sup>68</sup> Eine Ausnahme bildet beispielsweise Emunds/Reichert, Geldschleier.

<sup>69</sup> Vgl. dazu u. a. Gabriel/Steinmair-Pösel, Gerechtigkeit; Vogt, Maximen 13-28.

<sup>70</sup> Vgl. dazu Mermod/Idowu, Responsibility; Ulshöfer, Responsibility 139-161; Habisch, Citizenship.

- Der Finanzmarkt wird von einer höheren Komplexität geprägt, die sogar bis hin zur angeblichen Unüberschaubarkeit für einzelne Akteure reichen kann (z. B. Finanzinstitute, Individuen, ...).
- Finanzwirtschaftliche Abläufe weisen eine höhere Abstraktion auf, was die ethische Auseinandersetzung mit ihnen schwieriger gestaltet.
- Aus der höheren Abstraktion folgt, dass die ethische Auseinandersetzung mit Verantwortungsrelationen und deren Bestimmung oftmals äusserst schwer fällt. Wenn Verantwortung in einer siebendimensionalen Matrix verstanden wird,<sup>71</sup> ergeben sich aufgrund der unterschiedlichen Bestimmung der einzelnen Dimensionen und der Kombination untereinander sowie aufgrund des relationalen Charakters der Verantwortung verschiedene Ausprägungen. Bleiben diese Verantwortungsrelationen jedoch unter- bzw. gar nicht bestimmt, führt dies zu einer Verwässerung der Zuordnung von Verantwortung. Dies bedeutet, dass z. B. die eigentlichen Verantwortungssubjekte vermeintlich unbekannt bleiben oder behaupten können, dass sie keinen Entscheidungs- und Handlungsspielraum mehr besitzen – um sich so der Verantwortung und der Rechenschaft zu entziehen.
- Als finanzethisch von besonderer Relevanz erweist sich auch die Bestimmung der Rolle und der Beitrag der Finanzwirtschaft für die Realwirtschaft und für das Entrepreneurship, die u. a. die Ermöglichung von Innovation umfasst.
- Während computer- bzw. roboterbasierte Unterstützung bei finanzwirtschaftlichen Abläufen zu viel grösseren auswertbaren Datenmengen, zu mehr Präzision und zu höherer Geschwindigkeit führt, was schliesslich der ethischen Bewertung ein genaueres Bild der Ausgangslage vermitteln kann, löst sie gleichzeitig auch den Eindruck aus, dass computer- bzw. roboterbasierter Steuerung von finanzwirtschaftlichen Abläufen und von Finanzberatung keine freien menschlichen Entscheidungen zugrundeliegt, sondern diese Abläufe „vollendete Tatsachen“ darstellen. Überdies erweisen sich diese Abläufe nicht von Rationalität geprägt.
- In der Folge führt computer- bzw. roboterbasierte Steuerung von finanzwirtschaftlichen Abläufen und von Finanzberatung aufgrund des damit erwarteten Ausschlusses von menschlichen Fehlern und Willkür nur vermeintlich zu höherer Objektivität der Ergebnisse. Diese Täuschung kann zwar aufgelöst werden, indem Regress auf die programmierenden Menschen genommen wird und Letztere als Verantwortungssubjekte identifiziert werden. Dies entspricht jedoch nicht ihrem Selbstverständnis als schlicht ausführende Programmierer (und somit weder als Entscheidungsträger noch als Adressaten einer Ethik der Algorithmen). So wird die Trias Freiheit, Rationalität und Verantwortung<sup>72</sup> untergraben.
- Schliesslich gilt es, das wachsende Segment des Socially Responsible Investing (SRI) und seine Bedeutung für die Finanzwirtschaft an sich intensiver zu reflektieren.

Auch die mit der finanzethischen Perspektive verbundene neue Betrachtung von Entrepreneurship und seiner positiven wertschöpferischen und lösungsorientierten Kraft aus ethischer Perspektive eröffnet innovative Möglichkeiten für die ethische Auseinandersetzung mit globaler Gerechtigkeit.

Mein Beitrag setzt sich in einem ersten Schritt mit dem Begriff der globalen Gerechtigkeit auseinander. In einem zweiten Schritt stellt er grundsätzliche finanzethische Überlegungen an,

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<sup>71</sup> Im Einzelnen sind das die folgenden Dimensionen: Verantwortungssubjekt, Verantwortungsform, Verantwortungsobjekt, Verantwortungsumfang, Verantwortungsart, Massstab der Verantwortung und bewertende Instanz: Vgl. dazu P. G. Kirchschräger, Verantwortung 29-54.

<sup>72</sup> Vgl. Nida-Rümelin, Verantwortung 14-18.



um schliesslich in einem dritten Schritt globale Gerechtigkeit aus einer finanzethischen Perspektive zu beleuchten.

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# Global Waste Management and the Responsibility of Global Corporations

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Alarming rate of waste generation has become a major concern to the present-day world. The threat from waste is distinctly correlated with ever-growing rate of consumption and urbanization. Accordingly, municipal areas are largely affected by air pollution, water contamination and massive landfill. Impacts of waste generation, however, are not confined to developed regions alone. The global scenario of waste generation is so disturbing that it introduces serious challenges to environmental justice. A major share of waste is generated from consumer goods such as food packaging, plastic bags, containers, bottles, damaged appliances, toys and electronic items. “Rubbish is being generated faster than other environmental pollutants” (Hoorweg, Bhada-Tata & Kennedy, 2013), and an average person in affluent regions throws out each month a quantity of rubbish equivalent to her body weight. Recent studies, however, affirm that waste materials are nothing to be scared of, but convertible into rich sources of additional revenue. Yet, this effort requires well-designed waste management strategies which involve technological interventions, efficient regulatory mechanisms, more inclusive policy formulation and enforcement, social engineering, and additionally, the effort to redefine the idea of responsibility.

The crisis induced by the act of waste generation prompts us to think about the dual nature of human agency involved, viz., as the producer and as the consumer, and any meaningful discussion of waste management must pay enough attention to the accountability of the producer and the user as well. The present paper examines the role of global corporations, the dominant group of producers, in reducing waste generation and thereby combating environmental crimes. It is argued that the responsibility of global corporations is so significant since they hold enormous power over global politics and global economy. For instance, if the Fortune 500 were seen as a nation they would have the second largest economy in the world (US Pages, 2015). With the ever-expanding worldwide network, global corporations retain monopoly on the major share of goods produced. When waste management becomes the concern, however, some corporations adopt a double standard; that is to say, they act responsibly in those markets that have rigid environmental policies, whereas they are neglectful if environmental regulations are weak. The paper takes up this inconsistency quite seriously in analyzing the responsibility of global corporations to positively engage in waste management activities such as reducing, recycling, and converting waste materials. Additionally, presenting a few cases, the paper substantiates the problem of regulatory gap and policy vacuum existing in the global market. Among other things, the paper discusses the urgency of formulating better efficient regulations and policies for global corporations, limits of the minimalist account in explaining the responsibility of corporations, advantages of explicating environmental obligations with reference to the precepts of common morality, and the need of our times to have more visionary corporations that are guided by core values.

**Keywords:** global waste management, corporations, responsibility, regulations, environmental justice, environmental crimes

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# The Borders of Egalitarian Justice

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The on-going debate about international distributive justice is dominated by the view that duties of egalitarian justice exist only when certain relations hold between people (eg. Rawls 2001; Nagel 2005; Miller 2007; Scheffler 2002). While there are different views about what the relevant kind of relation is, most philosophers agree that an argument about the scope of egalitarian duties must also contain an empirical premise about who actually stand in that relation. These two questions, about the normative basis for egalitarian duties and the empirical facts about where that basis obtains, have been discussed extensively in recent years.

However, critics have pointed out that since arbitrary delimitations could be matters of injustice, a full account about the scope of egalitarian justice must also show who *ought* to be included in the relevant relation (Abizadeh 2007; Nussbaum 2002; Fraser 2009). Even if we could show that a relation R, and only R, give rise to duties of egalitarian justice, a complete argument must also state who have a right-claim to be included in R. Purportedly, none of the philosophers who attribute duties of egalitarian justice to the most prominent relations – cooperation, pervasive impact, coercion or common identity – have provided a satisfactory answer to this second normative question.

I will argue that we can answer this question by making some additions to Andrea Sangiovanni's reciprocity-based account of justice (Sangiovanni 2007). Sangiovanni hold that duties of egalitarian justice arise from relations of reciprocity. According to Sangiovanni, members of a state contribute to the state's functions, by paying taxes, participating in democratic processes and complying with the law. Therefore, the state has an obligation to requite this by providing its members with a chance to develop and act on a plan of life. The latter requires that the state limit the level of permissible social inequalities, which entails a requirement of equality.

Sangiovanni does not himself show who ought to be granted state membership. I claim, however, that a further analysis of state reciprocity can help us answer that question. The key lies in viewing state reciprocity as a prisoner's dilemma: State functions can only exist through the contributions of the state's members. Furthermore, the members benefit from the state functions. But each member's individual contribution is costly and barely makes any difference to the individual benefit of the state functions. The state can solve this dilemma by making it more valuable to contribute than to defect: either by increasing the cost for those who fail to contribute or by rewarding contribution. To do so is a practical necessity that most states already do, primarily through punishments but sometimes also through social benefits.

The prisoner's dilemma model provides a cohesive and lucid analysis of Sangiovanni's conception of state reciprocity. But it is merely descriptive. To reveal the normative aspect of the equality-requirement, we must consider the difference between people's actual motivation to contribute on the one hand, and facts about whether that motivation could be grounded in actual facts (contrary to false beliefs) about whether contribution is more valuable than defection. The former suffices for the state to continue to function. I intend to argue from Darrel Moellendorf's notion of justificatory respect that it would be morally wrong of an institution, such as a state, to rely on the contribution from people whose motivation to contribute arises as a result of false beliefs or irrational judgments (Moellendorf 2009; 2011). I claim that the state ought to requite those who contribute, to the extent that they would accept to continue to contribute even if they came to know all the relevant facts. Otherwise, the state fails to acknowledge people's inherent dignity as persons in possession of practical reason.

This account of how duties of egalitarian justice arise within the state allows us to answer the question about the delimitation of the relevant relation: Inclusion becomes a demand of justice when the state relies on people's contributions. Thus, if the functions of a state rely on contributions from persons who neither reside nor are citizens of the state, then the state ought to grant those persons access to the state's functions, for example by offering state membership. I intend to finish my presentation by presenting some real-world examples where this may be the case.

By expounding Sangiovanni's reciprocity-based internationalism, I thus claim that we can answer the questions of delimitation, and show that the scope of egalitarian justice expands to include more people the further globalisation progresses and international interdependencies become stronger.

**Keywords:** International Justice, Distributive Justice, Prisoner's Dilemma, Reciprocity, Egalitarianism

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# Enjeux internationaux et éthiques de la crise Ebola, gestion systémique: Un exemple de questionnement éthique complexe

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En automne 2014, la fièvre Ebola a fait la Une des journaux, et ce à travers la planète. Le nombre de morts ne cessait d'augmenter et des tentatives diverses et multiples d'éradication ont été entreprises. Actuellement et fort heureusement, il semblerait que l'épidémie soit en train de s'estomper (Le Monde, 4 mars 2015). Mais, en pleine crise, de multiples questions se sont posées. Par exemple : Comment soigner ? Qui prioriser dans les soins ? Qui mettre en quarantaine et où ? Quels impacts pour les trois pays les plus touchés ? Pour les autres pays africains ? Pour les pays occidentaux ? Qui va financer ? Qui décide ? Très vite, nous voyons que la « globalisation » est au centre de la problématique puisque de nombreux pays sont concernés et que des interactions « Nord-Sud » sont monopolisées.

Cette communication propose de présenter la complexité de la situation et de faire ressortir une pluralité de questions éthiques et aux dimensions internationales. Pour ce faire, la pensée d'Edgar Morin sur la complexité (Morin & Lemoigne, 1999; Morin, 2005) ainsi que les résultats de recherches sur les caractéristiques du questionnement éthique en situation complexe (Lecourt, 2014) donnent des grilles d'analyse intéressantes. Ainsi cette communication permet de croiser plusieurs données qui sont résumés ci-après.

De fait, les enjeux auxquels nous pensons immédiatement sont médicaux ou de santé publique. Mais ce ne sont pas les seuls. Ils sont également organisationnels : Comment organiser une campagne de vaccination dans différents pays en même temps ? Comment coordonner une pluralité d'acteurs répartis dans plusieurs pays du monde, tant en Afrique qu'en Occident. Peut-on interdire une circulation des populations et organiser la « mise en quarantaine » d'un pays sur plusieurs jours sans qu'il soit paralysé économiquement ?

Les enjeux sont aussi politiques et géostratégiques puisque les trois pays de la sous-région ne peuvent s'en sortir sans l'aide des structures internationales. Jusqu'à quel point alors cette aide ne cultive-t-elle pas une dépendance « Nord-Sud » ? Mais devant la gravité de la situation, les pays dits riches peuvent-ils rester indifférents ? Jusqu'où intervenir ?

Ils sont aussi anthropologiques. Soulignons rapidement le fait que le virus se propage en particulier par le fait de toucher des personnes décédées de ce virus. Or les rites funéraires sont très importants. Est-il alors possible d'envisager d'interrompre ces rites pour éviter la propagation ? Peut-on l'imposer ? qui peut le demander ?

Les enjeux sont communicationnels. Notons par exemple l'importance de trouver les personnes favorisant la communication entre le corps médical lorsqu'il vient de l'étranger et « pour l'occasion », et les populations locales. L'enjeu est double : pour que d'une part les populations locales comprennent ce qui se passe et consentent à ce qui leur est demandé; et d'autre part, pour que le corps médical et humanitaire puisse comprendre les us et coutumes de ces populations. Mais ces enjeux de communication sont également internationaux et journalistiques : Que diffuser pour que les pays soient dans une information juste et réelle, sans créer de panique qui conduisent à des décisions non-ajustées ? Pensons simplement à l'arrêt des vols internationaux en direction du Libéria; pensons également aux familles refusant que leur enfant soit en contact avec des enfants africains dans des écoles parisiennes ?

Les enjeux sont évidemment économiques : Qui va payer la recherche, la distribution du ou des vaccins ? Quels laboratoires vont être choisis et par qui le seront-ils ? Qui fixera le prix d'un tel vaccin ? Les conséquences économiques, scientifiques et réputationnelles sont considérables. De plus comment l'économie des pays touchés peut continuer si les déplacements sont limités ?

Pour terminer, regardons également les enjeux autour de la prise de décision. En effet, les acteurs sont très nombreux. Nous pensons évidemment immédiatement aux populations des trois pays les plus touchés. Mais à l'intérieur de ces populations, il existe des distinctions : les personnes atteintes, leur famille, les acteurs politiques, médicaux ou religieux. Mais il y a également les instances internationales médicales, politiques, économiques et financières (Banque Mondiale, l'OMS, le FMI). Enfin, soulignons les acteurs humanitaires locaux et internationaux, sur place et de retour dans leur pays d'origine. L'une des questions centrales est évidemment de savoir qui décide et pour qui, et quels sont les critères décisionnels.

Ainsi nous voyons que la dimension internationale est au cœur de chacun de ces enjeux. Aussi, cette crise du virus Ebola analysée dans une approche transdisciplinaire (Nicolescu, 2011), c'est-à-dire médicale, organisationnelle, communicationnelle, anthropologique ou encore économique, politique, et décisionnelle, met en relief une certaine complexité et permet de faire ressortir de multiples questions éthiques. Ainsi cette pluralité d'éléments permet d'aborder ce fait d'actualité dans une approche systémique aux interactions et interdépendances nombreuses (Thiéart, 2000).

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# Do I Need to Identify Myself With the Whole of Humanity in Order to Feel Solidarity on a Global Level?

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For most of us it is agreeable that every human being has, among other rights, a right not to suffer from hunger. We do also recognise that for this right, there is a correlative duty that someone has to bear. Although in principle we seem to designate an equal moral worth to every individual and recognize the cosmopolitan principles of justice, there still persists a notable lack of motivation when it comes to acting on these principles in practice (Lenard, Straehle and Ypi, 2010)<sup>73</sup>. To overcome the obstacle concerning the motivational problem, the cosmopolitan theorists have turned their attention to the concept of solidarity, to examine whether it would be possible to expand the group of people we feel strongly connected to.

However, the attempt to bring the solidarity from the domestic level to a global level has not been able to escape difficulties. One of the objections to the normative goal of the global solidarity has been given by David Heyd (Wilde, L. 2013). In his article '*Justice and Solidarity: The Contractarian Case against Global Justice*' Heyd defines solidarity as '*a social force which contributes to the sustenance of the unity of a group of people*' (Heyd, 2007, p. 118). According to Heyd, '*solidarity is created in the course of a struggle for a collective cause, it is necessary exclusive, presupposing the existence of competing causes*' (Heyd, 2007, p. 119). By competing causes Heyd refers to other groups as rivals or adversaries, which emphasize the relational nature of solidarity. Heyd perceives solidarity in its essence partial, local and biased, thus being opposite to universal and impartial. For Heyd there is no possibility for solidarity to be universal. Heyd argues that humanity cannot be the object of identification: people identify themselves *as* human beings, not *with* human beings as such (Heyd, 2007, p. 119). According to Heyd: '*The idea of a "human community" is as misleading as it is attractive*' (Heyd, 2007, p. 119). In Heyd's view the cosmopolitan theorist is conceptually misguided and the concept of solidarity, while being totally useful within the domestic sphere, is unable to contribute to the attempt to solve the motivational problems we face while addressing the global responsibilities.

The aim of this paper is to begin with a critical assessment on Heyd's conceptual analysis on solidarity. In my assessment I will adopt a perspective that gives solidarity a different understanding and be more sensitive for example to the accounts that hold the normative use of the concept of solidarity emphasizing the feelings of empathy and feelings of sympathy for each other (Straehle, 2010, p. 112). I will concentrate on examining Heyd's argument that humanity cannot be the object of identification, and claim that in order for one to feel solidarity on a global level it is not a necessary condition to identify oneself *with* the whole of humanity.

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<sup>73</sup> The lack of motivation has been explained by two reasons: the feasibility argument states that the global environment we live in prevents us from acting according the cosmopolitan principles, that is, there simply does not exist the global institutions that are needed to carry out the responsibilities. The other argument poses that we must concentrate in unrevealing the source of the moral motivation, for once we understand the source, it will be easier to persuade ourselves to act on the cosmopolitan principles (Lenard, 2010, p. 100).



**Keywords:** solidarity, Heyd, humanity, object of identification, shared identity, cosmopolitan justice

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# Ethik der Globalökonomie : *Diagnose* einer Krise

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Der hier vorgeschlagene Vortrag möchte die oft gestellte Frage nach dem Verhältnis von Ethik und Ökonomie neu aufgreifen und im Hinblick auf eine mögliche *Diagnose* der gegenwärtigen Krise hin entwickeln. Die gegenwärtige Krise wird vor allem als Krise der Globalökonomie erfahren, wobei es der Ethik vorbehalten bleibt, die gegenwärtige Art des Wirtschaftens in ihren problematischen Auswirkungen auf die soziale Gerechtigkeit und das ökologische Gleichgewicht zu thematisieren.

Während die Ethik traditionellerweise das Wissen um die letzten Zwecke menschlichen Handelns ist und die Ökonomie das Wissen um eine möglichst optimale Bereitstellung der Mittel zur Verwirklichung dieser Zweck, zeigt sich anhand des Phänomens der Globalisierung, dass sich dieses traditionelle Verhältnis verschoben hat – u. z. dahingehend, dass sich ein Prinzip ins Recht setzt, welches das menschliche Handeln in allen Bereichen und auf allen Ebenen unter den Anspruch der Verwirklichung eines möglichst optimalen Verhältnisses von Aufwand und Wirkung stellt. Ökonomie und Informationstechnik sind so gesehen nicht zuletzt deswegen tonangebende Wissenschaften, weil sie diesem Anspruch in besonderer Weise entgegenkommen und seine Umsetzung dadurch zu fördern wissen, dass sie die Wirklichkeit wertmäßig erschließen. In der Bereitstellung anwendungsorientierter Modelle sucht auch die Ethik entsprechende Wege. Im Rahmen der hier vorgeschlagenen *Diagnose* soll in einem *ersten Schritt* gezeigt werden, dass die genannte Verschiebung des traditionellen Verhältnisses von Ethik und Ökonomie nicht eine Folge der oben genannten Krise ist, sondern wesentlicher Bestandteil derselben. Die Krise der Globalökonomie erweist sich dabei vor allem als Krise einer bestimmten Art der Wirklichkeitserschließung – nämlich, als Krise einer bloß wertmäßigen Wirklichkeitserschließung. Exemplarisch zeigt sich eine solche "Krise des Verstehens" (Gedinat, 2012) dort, wo sich menschliches Handeln ausschließlich an Evaluationen, Rankings und Indizes orientiert.

Obgleich die modernen Wirtschaftswissenschaften durchaus von sich aus in der Lage sind, die Krise zu analysieren und im Zusammenspiel mit der Politik als Finanz-, Währungs- oder Bankenkrise zu bekämpfen, bemerken wir im Zuge des Fortschreitens der Krise ein vermehrtes Interesse an Ethik und eine gesteigerte Nachfrage an Expertise in den Bereichen Wirtschaft-, Sozial- und Umweltethik. Gerade in diesen Bereichen wird der Leitwert unseres Zeitalters – die Nachhaltigkeit – geprägt und auf seine korrektiven und funktionalen Aspekte hin untersucht. Offensichtlich wird von der Ethik also immer noch und trotz der oben angezeigten Verschiebung des Verhältnisses von Ethik und Ökonomie eine über die eingeschränkte Analyse der Wirtschaftswissenschaft hinausgehendes – und in diesem Sinne grundlegendes – Verständnis der gegenwärtigen Krise erhofft. Im Hinblick auf die Frage, wie sich ein solches Verständnis bilden kann, sollen in einem *zweiten Schritt* Quellen aus der Tradition der Ethik vorgestellt werden, die ein genuin ökonomisches Wissen offenlegen. Die genannten Quellen bewahren einen für das menschliche Dasein konstitutiven Reichtum, welcher an eine, im Vergleich zu einer ausschließlich wertmäßigen Erfassung der Wirklichkeit, wie sie durch die Entfaltung der modernen Wirtschaftswissenschaft vorgegeben ist, großzügiger und freundlichere – d. h. wirtliche – Ökonomie denken lässt. So gesehen wäre ein genuin ökonomisches Wissen ein Wissen, das über die wertmäßige Erschließung der Wirklichkeit hinaus den eigentlich ethischen Möglichkeitssinn der "oiko-nomia" anzusprechen weiß.

Die hier vorgeschlagene Themenstellung gehört in ein auf drei Jahre angelegtes Forschungsprojekt, das neben der Auffindung und Erschließung der oben genannten Quellen auch an einer informationstechnischen Nutzbarmachung und Bereitstellung derselben arbeitet.

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# Objectification and Rectification

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Rectificatory justice for colonialism in Africa is an idea that has been gaining ground in the last few years. It is argued that former colonial powers owe a duty of reparation to former colonies. However, there are several objections to this type of justice and the focus of this paper will be on the counterfactual objection. This objection is based on the claim that it would be impossible to quantify the effects of colonialism, as well as the claim that former colonies may not have fared any better in the absence of colonialism.

The paper will suggest that counterfactual objection results from a Eurocentric perspective that dominates the discussion on global justice. This results in the idea that contact with the European powers was on the whole, beneficial to the African countries. It will be claimed that, just like it was during colonialism, Africans are still not considered as equals. Martha Nussbaum's 'objectification theory' will be used to support this claim. Further, reference will be made to Ypi's argument about colonialism's unequal political relations.

It will be concluded that the unequal global order and in particular the development state of Africa countries, is in part, a legacy of colonialism. As such this should provide additional motivation for rectification.

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# How Justice Works? A Model in the Confucian Ethics

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The Chinese equivalent of **justice** may be **Yi** (righteousness) which is one of the five constant virtues or the five cardinal virtues in Confucianism. The Five Confucian Virtues are conventionally expressed in five words, i.e. **Ren** (benevolence), **Yi** (righteousness), **Li** (propriety to rituals), **Zhi** (wisdom) and **Xin** (fidelity). Each of these Chinese words does not have a single meaning but carries a package of meanings. They are interdependent and mutually supporting in practical life, being regarded as the moral pillars of traditional Chinese society.

**Ren** is an idea in Chinese history far earlier before Confucius. It refers to the affectionate feelings such as love, friendship, sympathy, compassion and respect among human relationships. Despite of the good-evil dispute about human nature, such benevolent attitude and behavior are first advocated between family members, and then supposed to family relatives, friends and fellow villagers in a developmental perspective. However, **Ren** is not a purely subjective matter. It is guided and measured by **Li** (propriety to rituals). When a society is governed by rituals or rules, it moves smoothly. According to the *Book of Rites*, **Li** helps people to distinguish between the close and far relationship, to make correct judgments, to reveal the same and the different, and to determine the right and the wrong. As long as we learn about what the rituals are, we will understand that it is not necessarily or purely altruistic to abide by the benevolent principle of **Ren**.

**Yi** means righteousness or justice in the social life. It plays the most essential role in one's moral reasoning and performance. Rituals can be changed or created according to **Yi**. (That is the process of social legislation in the modern term.) Therefore, **Yi** is more than a personal trait or quality. Its power and importance lie in that individuals of the same moral identity make up the collective morality. It functions like the moral atmosphere in the community building which goes beyond a single family or clan. In Aristotle's *Nicomachean Ethics*, justice is regarded the core value in making social and institutional legitimization. In Confucianism, **Yi** is both an individual virtue and a state virtue by which nowadays China proudly claims to be a ritualistic and just state.

**Zhi** (wisdom) means learning and prudence for one's moral growth that helps people to understand their situations and solve their problems. Wisdom is a narrow sense of **Zhi**, although we have a quotation from Plato that 'Of divine goods, the first and chiefest is wisdom; and next after it, sobriety of spirit; a third, resultant from the blending of both these with valour, is righteousness; and valour itself is fourth.' **Xin** (fidelity) as integrity and trustworthiness of one's character means that, on one hand, a person should abide by the rites; on the other hand, he should understand how the rites work as laws at home and in the state. It must be emphasized here that **Xin** is the individual feature of being a social and political participant. It enlarges one's personal life from family to society, being the basis for state building and governance.

It is argued in this paper that the Five Confucian Virtues can be analyzed in three categories. **Ren** and **Li** are the first category, bearing the specific values and standards of behavior. **Yi** is the second category. It runs or functions very much in accordance with what Aristotle defines as intellectual virtue. It is not simply a personal quality that is necessary for right action and correct thinking. It is an interactive development between and of the individual virtue and social regulation. **Zhi** and **Xin** are the third category. If we want to shed light on this category from Aristotelian ethics, we may compare it to his moral virtues. They are much more considered as the practical competence of the individuals who are expected to fulfill his social roles in the right way. Henceforth, the five virtues may be made into a systematic scheme by being

categorized and relisted in the order of *Ren* (benevolence), *Li* (propriety to rituals), *Yi* (righteousness or justice), *Zhi* (wisdom) and *Xin* (fidelity).

The lesson we learn from this model of Confucian virtues is that justice is an individual-centered quality, but measured and empowered in at least other four aspects among which the first category emphasizes social demands and the third category emphasizes personal characters. Justice is therefore a core value in dealing with the different requirements or qualities for a life of moral excellence. Although there is still deficiency of social practice and institutional reform for the global community and governance, the theory and practice of global justice will play an important role in promoting our ongoing concern with the cultivation of human virtues and prosperity.

**Keywords:** Confucian virtues; justice; righteousness; moral development; global community

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# Preservation of Threatened Species as a Global Ethical Challenge

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One of the most important ethical challenges that humanity faces today is how we should handle the current high rate of extinction of species of animals and plants. This is an issue which requires cooperation over national borders, partly for the reason that many threatened species exist in developing countries which have limited resources for preserving them. According to the Millennium Ecosystem Assessment (2005), a report on the current status of the world's ecosystems written by a large number of scientific experts, the extinction rate has increased dramatically during the last hundred years. The scientists' estimates indicate that the extinction rate during the last century has been at least 100 times greater than rates characteristic of species in the fossil record. Furthermore, the extinction rate is expected to become at least 1000 times greater in the near future (Hassan et al. 2005). WWF's Living Planet Index (LPI) shows an average decline of 52% in 10 380 populations of mammals, birds, reptiles, amphibians and fish since 1970 (McLelland 2014).

The current rate of extinction gives rise to the questions of how many and which species we should preserve, and for what reasons. In the political discourse on sustainability, the preservation of biodiversity has become an increasingly important goal. The reasons presented within the political discourse for preserving species are mainly anthropocentric, in the sense that they are based on the values species can have for humans, either as material resources or as objects of aesthetic enjoyment. The anthropocentric reasons for preserving species have also been defended from a philosophical point of view (see, for example, Norton 1978). However, during recent decades an increasing number of philosophers and theologians have argued that we can also have reasons for preserving those species, which are of limited value for humans. Some of these arguments are based on the moral principle of biocentrism, that is, the moral belief that all individual living beings should be taken into account for their own sake (see, for example, Varner 1998, Agar 2001), while other arguments are based on the moral principle of ecocentrism, that is, the moral belief that we should also take collective entities, such as species, into account for their own sake since they are objectively existing entities with moral standing (see, for example, Rolston 1988, Johnson 1993). However, there are problems with both these biocentric and ecocentric approaches to the question of why we should preserve threatened species. As for biocentrism, its individualist orientation does not always give us reason for prioritizing individuals which belong to threatened species. As for ecocentrism, it is problematic to defend since it can be questioned whether species are objectively existing entities and not only human constructions. This paper will explore whether there are other more convincing answers to the question of why we should preserve threatened species.

**Keywords:** threatened species, anthropocentrism, biocentrism, ecocentrism

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# “I Have to Remain Here” : Dignity in the End of Life

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In my research on human dignity, I have used a qualitative interview study as the starting-point for ethical analysis. I have interviewed physicians in palliative care and neonatal care as well as hospital chaplains concerning dignity in the beginning of life and in the end of life. In my opinion, these experiences can give nuances, concretisations and complementary views that are important to take into consideration in a discussion concerning the meaning and the role of human dignity within medical ethics. The results from my research show different understandings of the meaning of dignity; dignity cannot be reduced to meaning only, for example, respect for someone's autonomy.

In the last decade, the discussion on the notion of dignity and its importance as an ethical principle within medical ethics has been much debated. In a now well-known article by Ruth Macklin it is claimed that dignity is a “useless concept” and that it means no more than respect for autonomy, and as a consequence thereof, that the concept can be eliminated (Macklin 2003, 1419). In contrast, others have claimed that the notion of dignity is of great importance within medical ethics and they have conducted studies aimed at a conceptual analysis of dignity and also at how the notion can be applied to medical-ethical concerns (Barilan 2012; Jacobson 2009; Sulmasy 2009).

The results in this paper are drawn from my empirical study focussing on dignity in the end of life. The patients in question have incurable, deadly diseases and are in palliative care. A patient in such a situation is highly vulnerable in many respects. Judith Butler points to the understanding that a human being is attached to and connected to others, rather than being separated and independent. Therefore, there is always an uncertainty connected to bodily life; one's life is always vulnerable to the actions of others (Butler 2004, 31). I find this to be an applicable characterisation of what the situation at hand involves. With regard to this, my analysis of the empirical material indicates that it is dignified for the patient that persons - the staff included - are present with the patient in this vulnerable situation and that they remain and share this situation.

In the analysis I have also shown that an important aspect is the individual's responsibility to treat the patient with dignity in this particular sense. An excerpt from one of the interviewees, a physician in palliative care, can illustrate this:

It can, of course, also concretely be the case that one cannot face this, this resistance one can have towards going there [to the patient in the end of life], meet the sorrow and the despair. It is both a feeling, and we are simply faced with a choice then... The basic idea you have is that you are not allowed to let someone down just because you yourself find it difficult. You can't let someone down just because you can't do anything, you know you can't; you must realize that 'I have to remain here'... Then I sometimes reflect that what I do or what we do is that we sustain human dignity.

I find the Bakhtinian discussion on responsibility (answerability) to have a bearing on this analysis as his understanding of responsibility is always directed to the other: when facing the vulnerability of the other, one's own unique responsibility is recognized (Namli 2009, 37). Responsibility in a Bakhtinian sense means that a person has to take his/her unique place in Being and see that no one else can act from this unique position (Bakhtin 1993, 39). Ruth Coates describes answerability thus: “What can be accomplished by me cannot ever be accomplished by anyone else” (Coates 1998, 28). One stays with the patient in the vulnerable situation even

if one does not want to; one is present, one remains and in doing so one treats the patient with dignity.

**Keywords:** Dignity in the end of life, dignity and presence, responsibility, narrative method and analysis

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# Human Dignity and Protection of Rights: A Case Against Legalistic Reductionism

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The main purpose of this paper is to scrutinize current criticism of the concept of human dignity that interprets human dignity as merely a tool for legal reasoning. I will argue that an ethical dimension of human dignity is fundamental for any plausible interpretation of what respect for human dignity means and how it should be protected.

Behind a great part of current skepticism towards the notion of human dignity lays dissatisfaction with Kant's view of human dignity. It is often criticized for being too rationalistic and lacking applicability in political and legal spheres. As is well known Kant believed that human dignity is a categorical moral principle stating that humanity in every person should always be treated as an end in itself. Human dignity in Kant is a pure moral principle, i.e. principle that guides pure volition in the realm of freedom.

Trying to transform Kantian notion of human dignity in order to function in the realm of the political and not just in the realm of (Kantian) pure freedom Habermas defines it as "the 'portal' through which the egalitarian and universalistic substance of morality is imported into law." (Habermas, 2012: 66) Such import, according to Habermas, can only be secured by human dignity related to institutional protection of human rights and understood as *social status*.

When Habermas seeks to reclaim human dignity beyond the Kantian rationalism he simultaneously suggests an answer to Carl Schmitt's devastating criticism of human rights as "above all [...] the ideology that incriminates war as a legitimate means for resolving international conflicts". According to Schmitt human rights contributes to the "total" distinction between friend and foe and therefore justifies wars. (Habermas, 2012: 76) Up to nowadays many critics of human rights argue that human rights is just an excuse for aggressive international politics that needs the "moral" legitimization that human rights can offer.

Habermas responds to this critique by connecting the moral principle of human dignity to the institutional protection of rights. Contrarily to Schmitt who radically rejects morality as a genuine part of the political Habermas believes that politics and morality can and should be linked together. He understands the law, and especially constitutional law, as expression of political will which is not separated from will in the moral sense.

I cannot but agree with the idea that human dignity should be interpreted in a way that relates it to social institutions – legal institutions included. However, I am critical of interpretations that tend to reduce human dignity to a concept of legal reasoning. Any such reduction weakens the critical potential of the moral principle of human dignity. Only as such principle can human dignity be efficiently used as a tool for improvement of legislation as well as for fair implementation of law. Legal reasoning, although never separated from morality, is always limited by will of the legislator as holder of power and therefore tends to reduce radical ethical concepts to conventionally approved norms.

Contrarily to the current trend in the philosophy of human rights that questions the legitimacy of variation in practical interpretations of human dignity this paper states that the moral principle of human dignity should be open for different interpretations in both political and legal spheres. Although judicial reasoning justifiably demands uniformity of interpretations of propositions of law, human dignity should not be reduced to a legal statement. This paper demonstrates that even in the legal sphere the principle of human dignity is most functional when understood as a grounding moral norm.

In addition it will be argued that the interpretation of human dignity that on the one hand views it as a moral principle that should be institutionalized by law and on the other hand rejects any monopoly on implementation is a crucial prerequisite for a reasonable understanding of the universality of human rights.

# International Proxy Agency: A New Framework for Ethical Analysis of Peacebuilding Processes

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Within the context of peacebuilding efforts after war or humanitarian disasters, external actors are a crucial part of supporting the society in the recovering process. Even though these initiatives are designed to support the national authorities, the power they exercise is inevitably intrusive, no matter how well intentioned they may be (Paris 2009:1). This leads to a moral dilemma because even if the engagement is well intended, its very presence could be seen as paternalistic. Peacebuilding activities are mainly motivated by an underlying logic of a duty of care and most often based on the principle of do no harm. Next to this, there are also different political and/or economic interests that are playing a crucial role in creating motivation and initiatives. Given the different driving forces behind the initiatives, as well as the complexity of the inter-relational aspects within the strategies, the actors' agency is framed in similar ways but filled and shaped with different content. Agency is here understood as an actors' maneuvering space, i.e. the possibilities and capabilities the actor have to take decisions, act and behave. When it comes to proxy agency<sup>74</sup> it could, as argued in this paper, be conceptualised as a notion where actors or in this case states, are able to invite other, external actors to take on some of the responsibilities which normally lies within the hosting state. By accepting the invitation, the external actor fills up the maneuvering space of the host state, i.e. its agency and acts as a proxy for the hosting state.

The research question in this paper is if, and if yes, how proxy agency could bring something new to the debate on international paternalism in the context of peacebuilding. The main working hypothesis is that the concept of international proxy agency functions as a fruitful way of conceptualising the engagement of external actors within peacebuilding processes, especially since this goes beyond the explanations provided by paternalistic arguments. Proxy agency is in itself undermining the principle of sovereignty, but it is based on a mutual understanding to some degree and oftentimes an invitation by the host state. The hosting state is by inviting external actors giving consent to certain degrees of proxy agency, which is further explained by a model provided in the paper. The role of the invitation is crucial here, since it contrasts the notion of proxy agency to paternalism. Paternalism is instead defined by the very factor of the absence of consent. The argument that proxy agency help identify the importance of invitation and consent undermines the inherent interference problems in paternalism. By using proxy agency there are instead possibilities to capture and analyse the larger maneuvering space actors are managing and using.

This paper argues that the notion of international proxy agency provides a better way of conceptualising what is happening after a civil war in the nexus between the local government and the external actors, than previous accounts of paternalism. The aim of the paper is therefore to scrutinise arguments within paternalism and set them in relation to arguments created within international proxy agency. The focus is therefore the nexus between local ownership and external assistance. This nexus is connected to the question of when it could be morally wrong or morally right to take decisions for other actors, which have been discussed in the literature of intervention and paternalism (see for example Barnett 2012; Cunliffe 2010, Dworkin 1972, Dworkin 2005, Dworkin 2013).

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<sup>74</sup> The term first being introduced in Hewson 2010

The approach in the paper is strengthened by an understanding of individual agency as translatable to the level of group or collective agency when it comes to decision-making and accountability. This is further explained in the paper. Another argument being made is that when analysing peacebuilding engagement it is crucial to take the actors networks into consideration, since this reasonably have explanatory power, which is another aspect not fully being captured within the arguments based in paternalism. The paper is stressing the importance of taking the risk of paternalism in any type of peace interventions very seriously, but also to acknowledge the crucial importance of consent when it comes to peacebuilding initiatives after war. International proxy agency is therefore a new framework for ethical analysis to better understand the ethics of peacebuilding and the role of external actors in peacebuilding processes.

**Keywords:** Ethics of peacebuilding, international proxy agency, paternalism, justification

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# Irregular Migration: A Sign of our Globalized Times

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Clandestine migration from North Africa to Europe was temporarily slowed down as a result of collaboration between EU member states and Libya regarding naval border control, for instance in the form of the Rome – Tripoli accord. In the wake of the Arabic Spring, and in particular with the fall of the Gaddafi regime, cross-Mediterranean migration has plummeted.<sup>75</sup> Today, Libya is the main point of embarkation for unauthorized journeys across the Mediterranean sea and Italian coast guards are facing an unprecedented flow of irregular migrants seeking entry. Concomitantly, casualties at sea have peaked. In October 2013, 366 undocumented migrants lost their lives in a shipwreck outside Lampedusa and in April 2015, more than 700 persons drowned in the same region when an overloaded fishing boat smuggling migrants sank. In response to the 2013 Lampedusa tragedy, the European Council Chairman, Herman Van Rompuy emphasized the need to “*prevent the loss of lives at sea and avoid that such tragedies happen again*”. Action should be “*based on the imperative of prevention and protection and guided by the principle of solidarity and fair sharing of responsibility* (Council Conclusion 24/25 October 2013)”. European Commissioner for Home Affairs Cecilia Malmström warranted a rethinking of European immigration policy<sup>76</sup> and emphasized the need for collaboration with sender countries, extended naval search and rescue patrols, together with more powerful measures to combat human trafficking in order to tackle challenges related to irregular migration.

From the perspective of ethics, this paper investigates the acceptability of EU migration governance, looking at the case of the North Africa – Southern Europe migration corridor. The case will be made that the European Union cannot *choose* to accept responsibility for third country nationals as an expression of solidarity as indicated in the EC communication. To the contrary, taking due responsibility for causes and effects of transnational migration is a moral obligation that the EU member states owe sending and transit countries due to a certain causal involvement in the affairs of non-member states, triggering transnational migration. More to the point, the frequency and magnitude of the migration-related tragedies at sea occur due to an increased criminalization of migration with militarized borders (reinforced border patrols and surveillance) (Stumpf, 2006) and restrictive immigration policies within the Schengen region (Huysmans, 2000, Pécoud and de Guchteneire, 2006). Many of the remedies suggested by the EC exacerbate the vulnerability of irregular migrants undertaking desperate maritime journeys to Europe. That is, the European Union both triggers transnational migration and acts in ways that endanger the lives of forced migrants. Drawing on cosmopolitan theory (Pogge, 2008), principles of justice that should underpin EU migration governance are explicated in this paper together with an articulation of what this responsibility requires. Policies and task forces launched by the European Commission with the ambition to tackle transnational migration after the April 2015 Lampedusa tragedy will be critically discussed, including attempts to assist third countries in protecting their borders and ambitions to reinforce the capacities of Triton and Poseidon – programs aiming at rescuing people in distress.

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<sup>75</sup>The Tripoli – Rome accord <http://euro-police.noblogs.org/2009/10/italy-and-france-see-eu-libya-accord-to-curb-illegal-immigration/>

<sup>76</sup> Tragic accident outside Lampedusa: Statement by European Commissioner for Home Affairs, Cecilia Malmström, European Commission - MEMO/13/849 03/10/2013

**Keywords:** crimmigration, cosmopolitanism, ethics, EU migration governance, irregular migration

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# Countering Contemporary Racism: The Essential Ethical Dimension of Human Rights

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Increased migration is one of several consequences of globalization. Independently if the move is forced or voluntarily, whether for work, family reunion or political upheavals, migrants often face a vulnerable position where they are at risk being exposed to human rights violations - racism being one of those. As stated in the outcome document of the *World Conference against Racism* held in Durban, South Africa 2001:

xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices.<sup>77</sup>

Such human rights violations are taking place all over the world and with growing anti-migration sentiment, contemporary racism is a global concern.

Human rights, as they have been developed under the United Nations, propose global moral norms that aim to tackle different global challenges. However, the human rights regime is facing multiple challenges when it comes to contemporary racism. The multifaceted expressions and forms of racism being one, the way human rights are interpreted and implemented in present discourse, being another.

In this paper my point of departure will be that the way human rights are understood and interpreted can be more or less compatible with contemporary racism. With examples of racist events directed towards migrants taking place in Sweden, South Africa and Russia, I will critically analyze some of the principal challenges the human rights regime are facing in relation to racism and make a claim for the necessity of the ethical dimension of the human rights discourse.

I will argue that the central moral principles of human dignity and equal rights - formulated on an abstract level as an egalitarian ideal - are crucial for the human rights regime's ability to address racism globally. In dialogue with thinkers such as Jürgen Habermas, Makau Mutua, Iris Marion Young and others I will propose what I believe to be a plausible conception of human rights that can be more efficient for countering racism than the current discourse, which due to the reigning liberal reductionist view of human rights, the claim of moral universalism as well as legalization of rights is at risk of promoting instead of countering racism.

Hence, the perspective I will offer in this paper is threefold. Firstly it recognizes the prominent position of human dignity in human rights discourse. That is human dignity understood by virtue of our common humanity, not primarily because we are of a given species but because we share certain human conditions. As such, human dignity is to be understood as an egalitarian value that goes beyond borders such as nationality or race. Secondly the paper identifies, in the light of Habermas, human rights as building on the egalitarian value and as a response to tyranny, oppression and humiliation. Thirdly, it endorses the ethical perspective as a prominent part of human rights that effectively can counter racism and is able to address the multifaceted expressions and forms of racism. The uniqueness of the ethical perspective, I will show, lies in its capability of identifying racist oppression, such as structural discrimination, and that it can

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<sup>77</sup> United Nations, Durban Declaration and Action Plan, 2001

take note to group affiliation and political injustice which a reductionist view of human rights are less capable of.

**Keywords:** human rights, racism, racial discrimination, human dignity, migration, equality.

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# Nationalism, Complex Belongings and Cosmopolitan Encounters in the Australian Context

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In the context of ongoing debates regarding the interplay between sentiments of cosmopolitanism and nationalism, this paper provides an account of the competing repertoires people draw on to negotiate encounters with diversity. In Australia it has been argued that diversity constitutes an integral part of national identity, formalized through various multicultural policies (Brett and Moran 2011; Stratton & Ang 1994) which have historically engendered rights and obligations associated with membership in the national community. In the context of rapid changes wrought by globalization, the continuing weight of this symbolic and legal arrangement has been brought into question. In addition to this, and running somewhat counter, questions of the residual influence and cultural relevance of the nation have been vigorously reasserted in public discourses and everyday settings. Drawing on interviews and focus groups we first explore the notion of Australianness espoused by our participants. We then systematically analyse the themes emerging from our analysis corresponding to the dimensions articulated in multicultural policy including notions of Australia as moral community guided by the principle of ‘fairness’. We critically interrogate how inclusive notions of being Australian are inflected by exclusive conceptualizations of the nation as a nativist, ancestral or ethnic community of predominantly white Anglo-Saxon origin. Our analysis allows us to identify elements of Australian national identity that facilitate cosmopolitan associations and those that prevent the actualization of cosmopolitan dispositions in encounters with diversity. We argue that nationalism, as articulated by participants in our study, bears the potential to both complement and hinder cosmopolitan openness and practices.

## Proposal

Scholarly work on cosmopolitanism and nationalism has been charged with treating both as competing concepts (Nussbaum 1994; Beck 2002). This analytical division is increasingly subject to exploration. Recent empirical work expands our understanding of interactions between cosmopolitanism and nationalism in the context of how people engage with strangers in everyday life (Lamont & Aksartova 2002; Moran 2011; Brett & Moran 2011). Lamont and Aksartova demonstrate that cosmopolitanism *is* practiced within national contexts and inflected by particular nationalisms and particular universalisms (2002). Brett and Moran (2011) maintain that belonging to the nation serves as an imaginary symbolic device to grasp the origins of diversity and settle anxieties associated with it. Considering these developments, a renewed engagement with conceptions of the nation within cosmopolitan studies is called for. In this paper we examine how people make flexible use of repertoires of national belonging and particular universalisms to negotiate cosmopolitan encounters in the Australian context.

It has been debated whether diversity constitutes an integral part of national identity. Notions of the Australian nation understood in terms of multicultural principles conflict with conceptualizations of it as a nativist, ancestral or ethnic community of predominantly white Anglo-Saxon origins. Moran (2011) argues that multiculturalism in Australia was conceived as a nation-building project and a way to reinvent national identity in the light of unprecedented intake of migrants from a variety of cultural backgrounds (Moran 2011). Turner (2008: 572) states “the Australian imaginary has increasingly defined itself as a multicultural, cosmopolitan,

pluralizing and hybrid field of identities”. Others paint a critical picture. Ommundsen claims multiculturalism was “tolerated rather than actively embraced by the majority of the Australian population” (Ommundsen 2011: 134), with symbolic and social exclusion of both indigenous and migrant cultures (Hage, 2000; Keddie 2014). In this paper, we empirically explore the ways everyday discourses of the nation and multicultural diversity are both constraining and enabling for the way people conceive of diversity in their local contexts.

## Data and Methods

Our research is part of the nationwide qualitative project ‘Cosmopolitan Encounters in Contemporary Australia’ funded by an Australian Research Council (ARC) Discovery Project Grant. Our analysis draws on 93 semi-structured interviews and 17 focus groups conducted in 10 locations across Australia. These include metropolitan settings as well as remote communities. Altogether 195 participants from all walks of life were recruited for the data collection between 2013 and 2014.

## Findings and Discussion

It is debated whether diversity constitutes an integral part of Australian identity formalized in the multicultural policies of the last quarter of the previous century (Brett and Moran 2011; Stratton & Ang 1994). Formulated around dimensions of cultural identity, social justice and economic efficiency, the political discourse of multiculturalism engenders both rights and obligations associated with membership in the national community. The ambivalences surrounding these principles are reflected in our empirical findings. We focus on three themes emerging from our data that correspond to or clash with those principles and discuss their implications for cosmopolitan encounters.

The first theme focusses on the ‘fair go’ principle, which is a widely used Australian concept centred on fairness. Participants viewed Australia as ‘the lucky country’ associated with egalitarianism, prosperity, hospitality and equal opportunity. Our analysis shows that the ‘fair-go’-principle is also deployed to exclude people perceived as a threat to economic growth and resources, unwilling to contribute financially or as unfairly violating bureaucratic procedures, such as the perception that ‘boat’ refugees are ‘queue jumpers’.

The second theme is one of multiculturalism being ‘a fact of life’. There was consensus that a specifically Australian way of life exists, however, its characteristics were only vaguely articulated in comparison to racialized ethnic cultures. Most participants viewed diversity as enriching national culture and compensating for a perceived lack of ‘Australian culture’ resulting in some allowances for cultural idiosyncrasies. Yet, simultaneously participants voiced parochial feelings of Australianness under threat.

The third theme was one of racialized notions of (white) Australian identity. Conceptualizations of Australia as a contested ethnic community were most problematic in their implications for cosmopolitan practices. We found that our sample was split between (mostly) White/Anglo-Saxon participants allocating implicitly or explicitly perpetual migrant status to non-white Australians and other Australians expressing multiple identities transcending national boundaries while laying claim to membership in the Australian community. For the latter group “Australianness” was acquired through long-term residency or birth in Australia and identification with its cultural values, while for the first group white normativity imposed limitations on who can be(come) Australian. In short, white Australians can embrace diversity and view it as mainstream and even mundane, whereas non-white Australians are viewed as outside the mainstream and are only selectively and conditionally seen as part of the lucky

country's identity. Discourses on Australianness were both mobilized to argue in favour of embracing diversity but also to formulate conditions for hospitality and conviviality.

**Keywords:** Cosmopolitanism, Nationalism, Australia, Globalization, Interviews; Focus Groups

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# Talents in the Service of Justice? Capabilities, Compliance, and Responsible Ownership

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Economic inequality has reached long term heights in most countries across the globe. The distribution of wealth has indeed accumulated to the narrow top: the richest centile of people owns about half of the global wealth today (Piketty 2014). Simultaneously, virtually all states even in the global North are struggling under heavy debt burdens and thereby are at the risk of losing their positions as the primary responsible agents of justice (Ferguson 2014). In this situation it is a necessity of justice to reconsider the responsibilities of the affluent class to promote human development. What kind of virtues among the wealthy and the capable could legitimately strengthen and complement states as the primary responsible agents for social rights, in particular?

In *Rescuing Justice and Equality* (2008), Oxford philosopher G. A. Cohen presented one of the theoretically most elaborated attempts to integrate individual responsibilities in the discussion of reasonably egalitarian social justice. Albeit still assuming a mainly Western liberal democratic context, he importantly clarified the logics of voluntary compliance of the talented in support of justice. The representatives of the human capabilities approach to development, centrally including Amartya Sen (2009) and Martha Nussbaum (2011), have instead adopted essentially global approaches and also made interesting openings about responsibilities to secure and promote human capabilities. By and large, however, a lot is still open about the capabilities approach to human development when it comes to responsibilities.

In the present paper, human capabilities will be conceptualized as a resource for both legitimate ownership and just development under conditions of relative public sector austerity. I will call particular attention to the global affluent class and argue for its reasonable responsibility to support democratic states as the primary responsible agents of just development, calling this approach an *ethics of generous compliance*. I will here refer to the Gates Foundation and certain faith-related humanitarian and development agencies as possible instruments of development along these lines.

Varieties of people in the global affluent class have acquired their wealth without any major effort of their own, for example as an inheritance or through almost riskless capital gains, not to speak of those who have become rich illegitimately. Perhaps ethically more intriguing, however, is the situation of those who have created their fortunes for the large part on their own and have deliberately expressed concern for human development. Would the primary responsibility of such people, perhaps beginning with Bill Gates, be only to comply with the existing legislation and its legitimate reforms for justice? Or should global high-earners be expected to actively use their talents and financial assets to promote development?

I will argue, first, that it is reasonable to anticipate the talented wealthy to contribute just development at least to a degree that resonates to what others have contributed to enable their success. This is rarely little: to paraphrase President Barack Obama (as quoted by Ferguson 2014), the rule of law, great teachers, roads and bridges, and the originally government-created Internet have all usually helped the successful to create their businesses. Hence it is quite reasonable to expect them to pay substantially back to others, and often within their home countries. On these grounds, a kind of minimum level request might be that of compliance to reasonable taxing schemes.

Second, I will point out how a comprehensive faith-rooted understanding of human life can make an impact this field. Within Christian theology, thankfulness to God as the origin of life in general and of individual talents in particular have been articulated as reasons of faith in strengthening the case for one's use of assets to serve the others, or the common good. Making use of the recent literature on religion and development (e.g. Carbonnier et al. 2013) and certain documents by faith-based organizations especially in the field of health (e.g. DIFAEM 2014), I will show how religious organizations have also functioned as channels for talented people of some affluence to assume responsibilities in the promotion of just development.

Third, I will defend a kind of dynamic ethics of ownership that boils down neither to compliance nor to value-based humanitarian action but also encourages active support to state-centered justice. I will call this an ethics of generous compliance. Such a view suggests that democratic states still are best positioned to serve as the key responsible agents of social justice—and the talented wealthy do well to support them in this role. Although mainly privately funded humanitarian and development organizations do a lot of good, lacking firm democratic accountability they suit better to the roles of secondary responsible agents of just development. Yet in times of public sector austerity, altruistic humanitarianism is usually a very welcome way to complement states in the implementation of humanly most salient social rights.

**Keywords:** Global ethics, distributive justice, human development, human capabilities, responsible ownership, faith-based organizations

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# Political Virtues and Recreational Vices: The Impact of International Drug Traffic on the Democratic Institutional Ordering of Vulnerable Societies

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Good institutional democratic functioning is a valuable goal for both instrumental and non-instrumental reasons. On the one hand, stable domestic institutions generate adequate conditions for economic growth and development. On the other hand, they operate as mediating mechanisms that, if governed by adequate principles of justice, may enable citizens to share political power under conditions of political equality. Democratic institutions respect the equal status of associates as self-governing agents that have an entitlement to have an adequate degree of control over the political institutions that claims their allegiance.

Good institutional functioning is seen by some approaches to global justice as the threshold that determines the content of duties of international assistance. According to this approach, associates of domestic political entities that are beyond the sufficiency threshold have no weighty demands against other more prosperous societies, independently of the relative levels of wealth of each society. Once individuals are able to interact within a fair democratic institutional order that protects the equal standing of each member and that provides them with essential goods and services, the differences in economic growth among societies have no moral significance. The latter is a normative approach that aims to specify the content, scope and grounds of duties of international assistance.

One of the greatest threats to the democratic functioning of some countries is drug traffic. Drug-producing countries have the burden of implementing and sustaining democratic institutions under ferocious conditions of violence and corruption that have as one of its sources drug trafficking. Drug cartels generate serious threats to the stable implementation of just democratic institutions. These criminal organization upset institutional stability by providing financial support to political campaigns of politicians that they will be able to control and bribe, by coercing and intimidating potential voters, by assassinating candidates, and so on. Politicians, journalist, judges, trade union leaders, students and other civilians that oppose to the political interests of drug cartels are under great risk of violent retaliation. In this context, the worth of political liberties is seriously undermined and the functions that democratic institutional mechanisms aim to serve are nullified by the material conditions of violence and fear that are triggered by drug traffic.

Drug traffic is a criminal economic activity that has a global scope; it is sustained by the interactions of individuals of different nationalities that participate in the activity either as suppliers or consumers. The market for this illegal product generates outcomes that undermine the institutional democratic functioning of drug-producing countries and that pose a serious threat to the minimum humanitarian standards of their citizens. Since the outcomes are the product of an economic transnational activity and the background rules that govern it, all those who participate in the illegal commercial practice share responsibility for the harms it produces.

Developed drug-consuming countries are part of a causal chain that ends in criminal activities beyond their borders that are related to drug traffic. Although associates of these societies are not normally the direct perpetrators of these crimes, they participate in an economic practice that generates the incentives for the criminal activity and provides drug cartels with the financial power needed to (i) destabilize the domestic institutional functioning of drug-producing

societies (ii) to exercise violent control over the population and (iii) to dispute the monopoly of force of the state.

The concept of remote harm is relevant to allocate substantive responsibility for the outcomes of drug traffic. A remote harm emerges from innocuous actions that are not harmful in themselves but that increase the likelihood that someone else will cause a harm. I will argue that developed countries are remotely harming citizens and residents of drug producing countries by imposing serious obstacles to their democratic stability.

**Key words:** Democratic Functioning, Drug Traffic, Remote Harm, Duty of Assistance, Moral Substantive Responsibility, Institutions and Development, International Cooperation, Global Distributive Justice, Political Equality, Political Liberties, Sufficiency Threshold, Vulnerable Societies

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# Human Rights as *ius cosmopolitanicum*

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## Parte superior do formulário

Are human rights cosmopolitan or state-centred? In other words, the idea of human rights points to a world in which states are the fundamental moral and legal units or, on the contrary, human rights prefigure a world in which the fundamental moral and legal unit is the individual and states have only secondary importance? Some people speak of human rights as implying a purely cosmopolitan ideal, while others believe that they were designed for a world of states. Which one of these two interpretations is more robust?

In this paper, I show that the answer to this question is not linear and that the linear answers are wrong. One cannot say, categorically, that human rights are the values of a cosmopolitan world, or that these rights only account for a world based on the existence of states.

I point to the following conclusions:

1) Human rights construed as legal and moral rights, as they should be understood today in their actual practice, are at the same time cosmopolitan and state-centred. They could hardly be conceived and implemented without the existence of states, but they also have cosmopolitan dimensions that cannot be limited to the role of states in the international order.

2) Second, one can go a bit further and suggest, in line with Joseph Raz, that there would be no place for human rights in a world without states. If there were a global state with guaranteed fundamental rights, they would certainly be the citizen's rights of this global state in particular, but would not be human rights as we know them today, in a world of several states, in which they serve to limit, but not to abolish, the existence of these same states. But we should also remember that, in a world of purely sovereign states, there would be no place for human rights, as it occurred until 1948.

3) Finally, if we accept that human rights are, at the same time, cosmopolitan and state-centred, one can also say that they expand the Kantian idea of a *ius cosmopolitanicum*. The *ius cosmopolitanicum* of Kant coexists with states in the international order, requiring only that they gain republican form and relate to each other according to the law.

Hence, human rights configure the right type of cosmopolitanism for a world that remains, by and large, state-centred (as in Kant's view)

**Keywords:** human rights; sovereignty; cosmopolitanism; *ius cosmopolitanicum*; Kant

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# Responsibility to Protect: From the Perspective of Applied Ethics

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It has been ten years since 191 heads of states and government representatives endorsed Responsibility to Protect (R2P) doctrine in 60<sup>th</sup> session of the UN General Assembly. Since then, R2P in general and its third pillar in particular, has been one of the most discussed topics in terms of its legal, ethical and political implications. This third pillar of R2P outlines reasons and justifications for (allowing) international community to use force against/in the states that fail to protect their populations from human rights violations and mass atrocity crimes (namely crime against humanity, ethnic cleansing, war crimes and genocide). In ten years, neither R2P has been fully internalized as a norm, nor has it evolved into binding International Humanitarian Law. Over the years, international community has shown its commitment to this doctrine but R2P has not achieved collective legal, political and ethical legitimacy. This is mainly due to the mechanism of implementation of this doctrine and its potential abuse. In this regard, this paper will first revisit the debate surrounding ethical implications of this doctrine with respect to its third pillar and will discuss if the international community has a responsibility to protect and, if international community have a responsibility, how does this responsibility entail. Michal Walzer (2009), for example, is of the view that if ‘common conscience’ is shocked, anyone can act, even unilaterally. Noam Chomsky (2009), on the other hand, relying on historical accounts of usage of notion of protection, emphasizes on possible abuse of R2P doctrine by super powers. In response to this objection, Walzer (2009) stresses on importance of collective decision-making and argues for creation of specific criteria and plans for intervention to prevent any kind of abuse of this doctrine. Nigel Dower (2014) argues that humanitarian military intervention involves inadequate consequentialist reasoning. According to Dower (2014), consequentialism does not take the right approach to the relationship between means and ends. In this vein, Dower prefers a non-consequentialist account that recognizes that the means ought to be ethically consistent with the ends pursued. Dower is also of the view that, in the case of humanitarian intervention, unjustified privilege is given to a duty or responsibility to respond to violation of human rights by other humans over promoting human rights fulfillments generally.

In the second part of this paper, issue of interference in state sovereignty (in the case of coercive actions in order to protect populations from human rights violations and mass atrocity crimes) will be discussed. In this respect, The Constitutive Act of the African Union adopted in 2000 is considered as a milestone in the evolution of R2P doctrine. It articulates, “Union reserves the right to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.” This involves a discussion about which right has more weight over the other i.e. sovereignty of a state or human rights. It is believed here that human rights are more important than any other right including the sovereignty of a state. However, how and when it could invoke the responsibility to protect in terms of military intervention is a point of concern here. This paper will conclude with discussion on the capacity and potential of this doctrine to become a genuine legal and moral commitment to protect at risk populations in the world. Emphasis in this paper will be on analyzing the mentioned issues in the wake of globalization when traditional concepts of state sovereignty and nation-state are already fading.

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# The Challenge of Feeding a Hungry World: The UN Global Compact and Catholic Social Teaching in Dialogue

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Four decades ago Monika Hellwig drew attention to the hunger of the world, and meeting that human need for food remains essential for human flourishing around the world now and in the future. Grass roots movements have drawn attention to sustainable food production, and agricultural businesses have begun making commitments to engage in sustainable food production, as reflected in the Food and Agriculture Business principles of the UN Global Compact developed in 2014. The first two of these principles focus on businesses using sustainable agricultural practices to meet food security, health and nutritional needs. The principles provide an important ideal without attending to the tensions associated with methods of reaching the goal of responding to the basic human right to food.

The Second Vatican Council's Pastoral Constitution on the Church in the Modern World *Gaudium et Spes* highlights that the church's mission involves solidarity with the poor and their concerns. While the rights language of John XXIII in *Pacem in Terris* could easily enter into dialogue with that of the UN, Pope Francis's encyclical on the environment might pose a challenge. If this encyclical reflects his previous writing, it will provide a more evangelical perspective that may be an obstacle to dialogue with corporations of the UN Global Compact because of Francis's explicitly religious language. This paper will evaluate the reception of this encyclical by corporate leaders, particularly those participating in the UN Global Compact.

**Keywords:** corporate responsibility, sustainable agriculture, food security, Catholic social teaching, human rights, environment

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# Aesthetic Reflexivity: A Way Toward Ethics and Global Community

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In an important book published in 1994 (*Reflexive Modernization*), Anthony Giddens, Ulrich Beck and Scott Lash connected the modernization process to the development of various practices of reflexive type. Specifically, the authors identified in their book three modalities of reflexivity connected to just as many forms of interaction between subject and community: the liberation of the ego from the structure through reflexive practices that affirm its individuality (cognitive reflexivity); the mimetic adhesion of the ego to the objectifications in which it is introduced (aesthetic reflexivity); and the introjection of practices and meanings already present in the original context of the ego (hermeneutic reflexivity). Scott Lash, in his contribution to the book, effectively illustrates these three trends, referring each of them to some authors. Along the entire course of his research, Lash has always privileged the hermeneutic current, the only one he believes able to lead to a genuine concept of community. In some important points, his thought mixes with that of the American communitaristic philosophy, which identifies the foundation of the community in the historic-cultural values that form it and determine a pre-reflexive adhesion to it by the subjects that are part of it.

In this paper, we would like to show how, through aesthetic reflexivity, it is possible, contrary to Lash's conviction, to reach a genuine form of community.

Specifically, we will try to show how deconstructionist philosophy contains a paradigm of aesthetic reflexivity that includes some characteristics that Lash seems to exclude: among these, the reflexive mediation (that is, the subject's adhesion to the world is not immediate) and, most of all, the reference to the community considered as cosmopolitan community that goes past specific origins. We will develop our explanation focusing especially on the philosophy of Jean-Luc Nancy and Jacques Derrida.

We will also try to highlight how the aesthetic reflexivity model developed in the deconstructionist philosophy can be a valid foundation for a theory of the community that goes past any notion of belonging and gains a global dimension. The analysis of the different relation between reflexivity and power present in aesthetic reflexivity and hermeneutic reflexivity is fundamental to our purpose. The latter, which Lash borrows from Bourdieu and that, as we have seen, is implicit also in the American communitarianism, is in fact based on background practices and on the predispositions that the subject introjects in a pre-reflexive way, which he/she cannot actually criticize.

We will try to prove this point through an analysis of some passages of Bourdieu's work as well as Lash's. Bourdieu, in particular, seems to identify in the introjection of background practices a sort of class direction that tends to crystalize the existing social order, preventing the formation in the subjects of a reflexive consciousness that could lead to the subversion of such order.

On the contrary, aesthetic reflexivity implies a different relation with the power: here, the subject has the reflexive means to criticize the structures to which he/she belongs and, consequently, has also the possibility to intervene and change them. We will show this different relation between subject and power, especially through a text of Nancy entitled *The Creation of the World or Globalization*, in which the philosopher develops a paradigm of cosmopolitan community formed by subjects in immediate relation between them, but still able to criticize

the global dimension when an external power (for instance, some forms of financial capitalism) makes it a domain for few.

Therefore, the purpose of this paper is not only to provide a historical reconstruction of the notion of aesthetic reflexivity, but also to try to understand which model, among the various models of reflexivity, can be considered best suited for a scenario of an ever increasing transnational interconnection, in which belonging to an individual historical-geographic community is no longer a sufficient response to the challenges required by a global ethics.

The aesthetic paradigm herein examined may in fact lead to a form of ethics that we could define the “ethics of aesthetics”.

The expression “ethics of aesthetics” is also used by Lash, as well as by other authors such as Baumann and Featherstone, with reference to deconstructionists and to their principle of division of the ego. However, these authors are missing a thorough study of how the ethics of deconstructionist aesthetics are organized with respect to a community of cosmopolitan type, and of how it differs from other theoretical models that join the two spheres. Among them, we will mention in the paper the model of Michel Maffesoli, which talks of “ethics of aesthetics” not in terms of cosmopolitanism, but rather in terms of communities that he defines “neotribalisms”. Here, the aesthetics are intended as “feel-with”, thus it refers to forms of aggregation based on affectivity and shared feelings that are necessarily based on a relation of inclusion/exclusion that cannot lead to a global ethics.

In our opinion, the theoretical “aesthetic” paradigm of deconstructionism allows instead to critically rethink the way by which the forms of reflexivity and critics can respond to the challenges posed by ethics in the era of globalization.

**Keywords:** Aesthetics, Ethics, Community, Deconstruction, Reflexivity, Cosmopolitanism

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# Bringing the ‘Responsibility to Protect’ Home: General and Special Responsibilities to Protect Refugees Fleeing Mass Atrocities

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The ‘responsibility to protect’ (R2P) doctrine, agreed at the United Nations in 2005, attributes a responsibility to protect populations against mass atrocities, such as genocide and crimes against humanity, to the international society of states as a whole. Forming part of a broader process of normative globalisation that has occurred as human rights and cosmopolitan ideals have gained ground in international affairs throughout the twentieth century, R2P has come to play an important role both in contemporary debates over global justice, and the practice of states in their responses to atrocities.

In this paper, I examine two striking elements of the formulation and interpretation of the R2P to date. The first is that R2P establishes only a *general* and arguably *imperfect* responsibility to protect that is shared among the international community, and does not specify which particular actors should discharge this responsibility. As has been observed (e.g. Pattison 2009; Tan 2006), this creates a collective action problem in which every state can support R2P in principle while claiming that it is not *its* particular responsibility to intervene in any particular case. Furthermore, states can use the notion that R2P is a general responsibility as a rhetorical and instrumental means of denying any more demanding special responsibilities they might have to particular populations at risk of mass atrocities. For instance, discourse in states such as the US, UK and Australia around the proper response to the threat of Islamic State in Iraq has focused on the idea of these countries doing their ‘fair share’ to meet a general responsibility, rather than admitting any more demanding special responsibility based on their role in creating Iraq’s vulnerability through their invasion in 2003 and its aftermath. Thus, the prevailing view of R2P as being general in character can stymie its effective implementation, and allow states to shirk their special responsibilities to protect.

The second element I examine is that R2P is standardly regarded as a *foreign policy* issue: that is, something that states do beyond their own borders (Welsh 2014). Although the tendency to conflate R2P with military intervention has been dwindling in recent years, the range of measures to tackle atrocities that are thought potentially to come under the R2P banner, from early-warning systems to humanitarian aid, are generally conducted in the zone of violence itself. While states are of course obliged to protect refugees under international law, such as the 1951 Refugee Convention, viewing R2P and asylum as separate domains also gives states one less reason to provide robust protection to large numbers of refugees (see Barbour and Gorlick 2008). ‘Bringing R2P home’, as it were, is a means through which states can better fulfill their responsibilities to vulnerable populations through offers of asylum.

Using these two elements of the R2P doctrine as my point of departure, and drawing on philosophical literature on special responsibilities and global justice (e.g. Scheffler 2001; Miller 2007), I argue that R2P should be seen as encompassing asylum and refugee protection, given that asylum is an obvious, immediate and relatively unproblematic mechanism through which protection can be provided to civilians at risk of atrocities. This, I suggest, is the case if a particular state bears only a *general* responsibility to protect. However, given that special responsibilities are, in common moral thought, seen as more demanding than merely general responsibilities (e.g. Kagan 1988), when a state bears a special responsibility to protect a particular population, offers of asylum become an *even more* important element of meeting the

demands of R2P. Such a special responsibility may be established on the basis of particular connections that link a state to a vulnerable group, whether that is from a past relationship of harm that requires reparation, a historical affinity, or a simple capability to remedy the situation (Miller 2001).

For instance, NATO's intervention in Libya in 2011 may well have prevented Colonel Gaddafi from committing atrocities, but it also led to a power vacuum that has allowed for the commission of further atrocities during Libya's subsequent civil war, and to attempted migration across the Mediterranean to Europe, with deadly results for refugees. As the European Union is an actor committed to upholding the R2P, framing this responsibility as including an obligation to offer asylum and to prevent deaths at sea, and as a *special* responsibility to refugees fleeing the effects of Western action, has the potential to motivate more strenuous efforts to protect Libyans forced to flee than have been undertaken to date. Thus, I argue that linking R2P with asylum, and emphasising states' special responsibility to protect certain populations, is not only morally sound in its own right, but may also potentially strengthen calls for more robust protection for individuals at great risk.

**Keywords:** responsibility to protect; general and special responsibilities; reparation; asylum; refugees

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# A Social Constructivist Account of Bestowed Moral Equality

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Human dignity is often mentioned as the cornerstone of global justice. What justice entails is arguably best determined in the terms of what is due each and every human being when seen as moral equals. This is one important reason to ponder on whether convictions of human dignity can be justified. The other major reason is that as of today ethicists disagree on the best way to justify human dignity and on whether validating it is at all possible.

This paper argues that a constructivist account of bestowed dignity is preferable to theistic alternatives and to conceptions of appraised dignity. The thesis is defended in critical dialogue with primarily Nicholas Wolterstorff's account of how bestowal of worth can work. Wolterstorff utilizes the old distinction between appraised and bestowed dignity. He shows why appraised dignity arguments fail, and against this background, he argues that a theistic explication of bestowed dignity is preferable. This paper concedes that appraised dignity accounts miss the mark. However, it also shows why theistic accounts are wanting too. Basically they are found inadequate because it is the moral qualities of the bestower, rather than her or its power, that can make a bestowal morally valid. And yet in e.g. Wolterstorff's account, it is sheer power that elevates. This is so since this version of bestowal is bound to imitate the workings of ordinary societal status orders. This is fatal, since arguably being the recognized friend of a loving but powerless person makes no status difference compared to the difference friendship with someone powerful can make. In order to avoid this power makes right logic, it is suggested that we better turn directly towards explicating the conceptual resources that actually validate *our* commitment to the importance of moral equality. These are the conceptual lenses that allow us to see being human as sufficient for being an important moral equal. They participate in constituting a net of relations where every member is recognized as important because of his common vulnerable bodily nature, not because of her capacities. The suggested account is constructivist since the warrant for believing in moral equality is supposed to inhere in the linguistically available meaning of equality, and in nothing else.

**Keywords:** Human dignity, justification, human worth, appraised dignity, bestowed dignity, theism, social constructivism, realism, theocentric ethics, power.

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# Le commerce international fournit-il une raison de mondialiser la justice sociale? Trois modèles

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La mondialisation commerciale et financière peut-elle servir de justification historique aux théories de la justice mondiale ? Cet argument sous-tend les approches cosmopolitiques qui, depuis Kant, voient dans le développement du commerce (circulation des idées, des personnes, des marchandises et des capitaux) un signe favorable à l'institution de relations juridiques entre les habitants de la terre<sup>78</sup>. Cette approche a l'avantage de ne pas dépendre d'une interprétation trop lourde du rôle historique qu'a joué la colonisation dans la définition de l'ordre économique mondial<sup>79</sup> ; elle se contente d'affirmer que les acteurs liés par un commerce régulier participent d'un nouveau contexte de justice.

Peut-on cependant défendre que la mondialisation constitue une étape propice au développement de principes de justice supranationaux alors même que le visage qu'elle revêt aujourd'hui est celui d'une société profondément « stratifiée<sup>80</sup> » par le marché ? Pour répondre à cette question, nous proposons d'analyser le rôle que joue le commerce dans la justification des théories de la justice mondiale à travers trois modèles distincts : la coopération sociale mondiale, les échelles de la domination et enfin l'ordre institutionnel mondial. Nous affirmons qu'ils permettent ensemble d'offrir une raison valable de mondialiser la justice sociale.

## 1. La coopération sociale mondiale

Selon ce premier modèle, l'intensification des échanges commerciaux a progressivement défini les contours d'une nouvelle « coopération sociale<sup>81</sup> » mondiale en raison de l'interdépendance qui s'est tissée par les réseaux de production et de consommation transnationaux. Puisque les « relations économiques internationales produisent un ensemble important de bénéfices et de coûts qui n'existerait pas si les Etats étaient économiquement auto-suffisants », il convient de répartir équitablement ces bénéfices entre tous les acteurs de la coopération<sup>82</sup>. La notion d'interdépendance indique en effet que l'argument du libre commerce engagé à la faveur des intérêts nationaux n'épuise pas tout ce que l'on peut dire sur le partage des bénéfices et des charges qui en résultent. Fondée sur la notion rawlsienne d'« entreprise de coopération en vue d'un profit mutuel<sup>83</sup> », l'idée est convaincante car elle s'appuie sur des liens qui existent effectivement entre les acteurs dans la pratique et qui pourraient justifier deux principes de réciprocité : celui de l'échange équitable<sup>84</sup> et celui de *fair play*. Nous montrons que ce modèle

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<sup>78</sup> Projet de paix perpétuelle, dans Emmanuel. KANT, Œuvres philosophiques III., Paris, Gallimard, 1986, p. 350.

<sup>79</sup> Sur les vertus rhétoriques des arguments historiques, voir Kok-Chor TAN, « National responsibility, reparations and distributive justice », *Critical Review of International Social and Political Philosophy*, 2008, vol. 11, n° 4, p. 449-464.

<sup>80</sup> Jürgen HABERMAS, *L'intégration républicaine: essais de théorie politique*, Paris, Fayard, 1998, p. 183.

<sup>81</sup> Charles R BEITZ, *Political theory and international relations*, Princeton, N.J., Princeton University Press, 1979., p. 132.

<sup>82</sup> *Ibid.*, p. 152.

<sup>83</sup> John RAWLS, *Théorie de la justice*, Paris, Seuil, 1997, p. 159.

<sup>84</sup> Aaron JAMES, *Fairness in practice: a social contract for a global economy*, New York, Oxford University Press, 2012.

échoue toutefois à prendre en compte les inégalités indépendantes du commerce<sup>85</sup> et qu'il sous-estime les niveaux d'intégration très inégaux des différents pays au marché mondial.

## 2. Les échelles de la domination

En gardant sa dépendance à la pratique, il faudrait ajouter au modèle de la coopération une plus grande attention au caractère asymétrique des interactions sociales et aux différentes échelles auxquelles s'exercent ces dominations<sup>86</sup>. Le premier modèle réduit les problèmes de justice à la redistribution de biens créés collectivement alors que les injustices se logent dans des relations sociales fortement déséquilibrées. Il faut analyser la manière dont le marché façonne l'arrière-plan des interactions internationales et transnationales et sapent l'autonomie des Etats et des personnes. Comme le marché ne peut constituer un agent de domination classique, nous l'analysons comme un réseau ou un système dont les effets sont présents à différents niveaux<sup>87</sup>. Les traités commerciaux entre Etats portent la marque d'un pouvoir de négociation déséquilibré et les conditions de travail locales pâtissent d'une mise en concurrence de la main d'œuvre sur un marché international. Ces différents commerces donnent lieu à des conflits qui demandent un arbitrage au niveau supranational et constituent un contexte de justice. Le problème reste d'identifier les agents qui devraient s'en charger en priorité.

## 3. L'ordre institutionnel mondial

La faiblesse de ce modèle est de ne pas désigner clairement une entité responsable d'arbitrer entre ces revendications ou de réguler les effets du marché. Cela procède de l'attention insuffisante de l'analyse pour les ancrages institutionnels qui façonnent le marché à l'échelle mondiale. Nous suggérons, dans un troisième modèle, que le commerce produit un nouveau contexte de justice en tant qu'il résulte d'accords internationaux, et plus précisément de ceux qui fondent les principes de l'OMC<sup>88</sup>. La libéralisation des échanges, encouragée sous son égide, expose les pays producteurs les plus pauvres à une concurrence qui leur est néfaste et comprend des privilèges (mesures antidumping, subventions) qui protègent la production dans les pays les plus puissants<sup>89</sup>. L'abaissement des douanes met plus généralement en concurrence les différentes législations fiscales et sociales nationales. Le pouvoir de sanction dont dispose l'organisation nous autorise en outre à interpréter ses effets comme coercitifs – bien que ce terme soit traditionnellement réservé aux Etats.

## Conclusion

Les trois modèles -- qui s'enrichissent plutôt que de se réfuter – répondent à notre question première : même si l'on abandonne une conception providentialiste de l'histoire, qui fait de la mondialisation des échanges la réalisation historique d'un dessein cosmopolitique inscrit dans la nature, le visage contemporain du commerce nous donne des raisons valables d'affirmer l'existence d'un contexte de justice supranational, voire mondial.

**Mots clés:** cosmopolitisme, justice mondiale, commerce, histoire, dépendance à la pratique.

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<sup>85</sup> 'Humanity and Justice in Global Perspective', in Brian BARRY, Democracy, power, and justice: essays in political theory, Oxford; New York, Clarendon Press ; Oxford University Press, 1989.

<sup>86</sup> Rainer FORST, « Towards a Critical Theory of Transnational Justice », *Metaphilosophy*, 2001, vol. 32, n° 1-2, p. 160-179.

<sup>87</sup> Cécile LABORDE, « Republicanism and Global Justice A Sketch », *European Journal of Political Theory*, 2010, vol. 9, n° 1, p. 48-69 ; Iris Marion YOUNG, « Responsibility and Global Justice: a Social Connection Model », *Social Philosophy and Policy*, 2006, vol. 23, n° 01, p. 102-130.

<sup>88</sup> Organisation mondiale du commerce.

<sup>89</sup> Thomas POGGE, *World poverty and human rights: cosmopolitan responsibilities and reforms*, Cambridge, Polity, 2008 introduction générale.



# Distributive Goals in Climate Justice: Equality, Priority, or Sufficiency

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In the past two decades, a growing number of moral and political philosophers as well as environmental thinkers have explored the issue of climate justice, namely a group of moral questions surrounding climate change. A much debated issue in the realm of climate justice concerns the question of how we should distribute the rights to emit greenhouse gases (GHGs) among nations or individuals around the world. Many authors object to the grandfather view that claims that the distribution of GHG emission rights should reflect the allocation of actual emissions at a point in the recent past. Instead they propose different versions of emission rights distribution that favours peoples in developing countries. Some writers maintain that every person holds the right to emit equal per capita GHGs, whichever society she lives in (e.g., Singer 2004). Others hold that everyone has the right to emit GHGs to meet his basic needs (e.g., Shue 1993). While approving the emission rights founded on basic needs satisfaction, still others invokes the idea of the right to develop, which seems to imply that people have higher moral priority in emitting GHGs, as they live in a less developed country (e.g., Caney 2011).

This tripartite of views on the distribution of emission rights seems to correlate with that of theories on goals in distributive justice. Egalitarianism contends that the default is the situation in which every person is in the same level of well-being. Prioritarianism regards it more important to improve the well-being of a person, as she is worse off in a non-comparative sense. Sufficiency argues that what matters is that anyone does not fall below a reasonably defined threshold of well-being. Despite the correlation between different forms of the position favouring developing countries in terms of GHG emission rights and three major views on distributive goals, few efforts have been made to assess these forms in connection with the goals. To fill this gap in the literature on climate justice, this paper utilizes philosophical findings made in the distributive value controversy to scrutinize both the equal per capita view and the right-to-develop view. Based on revealed flaws of these positions, the paper then tries to develop a new form of the basic needs view by refining sufficientarianism.

To begin with, this paper notes that the equal emission view is similar to egalitarianism, the right-to-develop view to prioritarianism, and the basic needs view to sufficientarianism. Next, it is argued that the equal emission view is vulnerable to the levelling down objection, which was originally raised by Derek Parfit (2002) against consequentialist egalitarianism. Several attempts to reply to this criticism (e.g., Mason 2001) are also assessed in terms of their own force and their applicability to the equal emission view. Then, I turn to the examination of the right-to-develop view based on observations on prioritarianism. Prioritarianism is charged that it has several difficulties, notably the levelling down objection (Persson 2008), the counterintuitiveness in the case of one person (Otsuka and Voorhoeve 2009), and the inconsistency of judgment (Hirose 2011). I argue that the third objection can apply to the right-to-develop view as well, while the first charge is incorrect and the second irrelevant to the context of emission rights distribution. Finally, the paper seeks to develop a novel form of the basic needs view by refining several aspects of sufficientarianism. Many sufficientarians share the welfarist premises and the considerably high threshold of welfare (e.g., Frankfurt 1987; Crisp 2003). Instead of these current features, I offer a refined version of sufficientarianism, which is resourcist and sets up a low threshold. The paper concludes by noting that a debate over distributive goals can provide the study on climate justice with significant philosophical insights.

**Keywords:** greenhouse gas emission rights, equal per capita emissions, right to develop, basic needs, egalitarianism, prioritarianism, sufficientarianism

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# To Care For Justice: Care Ethics as a Link Between Moral Philosophy and Theology in the Global Duties Debate

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Under the influence of a growing awareness on global poverty and inequality and in the wake of John Rawls' groundbreaking work *A Theory of Justice* (1971), moral philosophy has since the 1970s begun to debate the obligations of wealthy nations towards the so-called 'distant poor'. Although Rawls himself considered distributive justice the result of the cooperative scheme established by autonomous individuals within a so-called closed society, even in his *The Law of Peoples* (1999), his first book fostered reflection on the international implications and global application of this concept of justice (e.g. Charles Beitz, 1979; Thomas Pogge, 2002; Amartya Sen, 2009). Ever since, the question of duties to people outside our national and even international borders (cf. European Union) is on the philosophical agenda, and by extension, the political agenda.

This debate on obligations towards the distant poor is traditionally framed in the moral categories of charity, humanitarianism and justice. While charity as supererogation goes beyond duty in the strictest sense (as something one *could* do as a voluntary and individualistic choice), humanitarianism and justice refer to obligations – and thus acts one *should do*. Justice refers to a strict obligation to act, taking into account the need for structural changes; humanitarianism, as the middle ground between charity and justice, implies a moral argument to fulfil obligations, i.e. a duty of assistance or aid, while glossing over the need for structural and institutional reforms (e.g. Rawls' *duty of assistance*). As such, "it serves only to treat the symptoms of injustice, rather than to tackle the underlying cause of it" (Tan 2004, 68). While adversaries (Rawlsians, nationalists or communitarians) argue with cosmopolitans over the scope and content of global justice, neither of these two groups questions the idea of justice itself being a suitable premise in the first place.

With its critique on justice and the introduction of the notion of care, care ethics challenges this dominant moral philosophical framework. Because the care ethics discourse intrinsically focuses on particularity and emotions, this viewpoint is often neglected in the debate on global duties. However, internal criticism of the limited understanding of care as an ethic for private life has led to a political moral theory of care ethics, showing care's relevance and contribution to public debates (Tronto, 1993). In this paper, I aim to show how this public/political understanding of care can contribute to the debate on global duties in two ways. First, by introducing the notion of care, and the relational anthropology which undergirds it, this care approach offers a relational anthropology enabling to consider the motivation for acting and struggling for justice on behalf of others, without requiring an immediate, emotional connection (Miller, 2010). By contrast, why would the 'mutually disinterested' individuals in Rawls' framework even care for the needs of the 'distant poor'? Second, care becomes a specific morality: a political care theory aims not to reject the idea of global justice, but rather underpins a specific interpretation of this idea. Taking the dignity and needs of the human individual as the starting point of the analysis, care ethicists conceive of justice as participation: justice consists in empowering people so that they can become participants in building their life and our global society (Held, 2006; Robinson, 1999). Hence, the question is not so much 'what do we have to do for the *distant poor*?', but rather 'what do *they* have a right to as fellow human beings in *our* world?'. As I aim to show, the care approach is not trying to reject the notion of justice, but is it mainly trying to underpin a specific view of justice that is globally applicable.

Care ethics' connection of love/care and justice is also interesting for Catholic theology. Asserting a dynamic relationship between justice and love that is paralleled in recent papal thinking on the matter of pope Francis, care ethics criticize certain tendencies in theology which consider charity and justice as mutually exclusive and which thereby favor charity as the 'opus proprium' of the Church as pope Benedict stated (2005). In addition, it will become clear how care ethics' conceptualization of justice relates to a theological interpretation of the notion. This care approach critiques certain philosophical and theological views on the relationship between love and justice, while at the same time developing within moral philosophy a specific perspective that resonates theological streams of thought. When this appears to be true, care ethics provides a crucial starting point for fruitful dialogue between both disciplines with regard to the question of global duties.

**Keywords:** care ethics, charity, love, global justice, global duties, Catholic theology

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# ‘Greening Islam’: Religious Metanarratives and Practices of Sustainability

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Why do we really need to change the ways in which we produce, consume or even interpret ourselves and the world? As we realize that we are living in a permanent state of uncertainty due to physical and economic threats and losses, that is to say, in a world where biodiversity loss, resource depletion, species extinction, pollution growth, climate change, overpopulation and overconsumption are increasingly associated with environmental peril, we must understand that a deep transformation is the only applicable strategy for effectively facing the environmental and social crises of the 21<sup>st</sup> century (Gardner 2006, Gottlieb 2006).

Recognizing religions as major and central social forces that might have a profound impact upon people’s worldviews (Tucker and Grim 2001, 13), this paper considers whether or not Islamic attitudes toward nature — whose symbolic, scriptural and ethical dimensions are typically imbued with a sense of holism — can be employed for the purpose of leading humans to a shared and sustaining pattern of life (Petersen 1999, 199). Given that religions can offer a general order of existence and can “provide the premises for equity or social justice” (*ibid.*) through the development of an ethics of interpersonal, social and ecological care (Harper 2008, 7), they not only could have the potential to tackle the great moral issues raised by the current ecocrisis but they might also promote a collective social (and, indeed, religious) change towards sustainability (Gardner 2006, 21; as cited in Harper 2008, 7).

The expression ‘greening Islam’ refers to the process through which the Islamic quest for eco-justice is intended to guide and support social change towards sustainability in both Muslim and non-Muslim majority contexts. Some eminent eco-Islamic pioneers, activists, eco-theologians and eco-philosophers (Seyyed Hossein Nasr, Ibrahim Özdemir, Mawil Izzi Dien, just to mention a few) basically invite Muslims to re-sacralize Nature as prescribed by Revelation (Qur’anic teachings on nature) and to appreciate the moral and ethical dimensions of the divine Creation in the face of the current environmental crisis. As recently observed by Saniotis (2012, 166), the Iranian philosopher Seyyed Hossein Nasr contends that: (a) a human “reflection on the cosmos is a key method in enacting responsibility” and stewardship over nature; and (b) an Islamic anti-materialistic metaphysics and meta-science must be restored in order to effectively respond to ecological degradation. Social reorientation and innovative reformist proposals have also been encouraged by progressive authors like Fazlun Khalid, founder and director of the Islamic Foundation for Ecology and Environmental Sciences (IFEES), a UK-based charitable organization whose activities began in the mid-1980s with the goal of diffusing an holistic, integrated and comprehensive Islamic environmental ethics through several educational and training projects implemented at the grassroots level. In sum, an Islamic eco-ethics is said to help fostering a long-term socio-ecological transition, i.e. a “radical change in the structures, cultures and practices of the socio-ecological system” (Frantzeskaki, van Daalen and Slinger 2008, 1).

The eco-Islamic perspective also dictates that human free-will and motives ought to be ‘purified’ from moral corruption by going back to the original and natural state of purity (*fitra*) of God’s Creation. The primordial essence of Creation generates a sense of equality between human beings and Nature (the latter viewed as an interconnected whole led by a stable, balanced and ordered pattern of immutable natural laws) and prevents exploitative and aggressive human attitudes toward the non-human world since humans are entitled to be the Guardians of the Earth (*khalifa*). This religious interpretation of ecology highlights the holistic and

interconnected nature of the Earth's ecosystems "in which everything has a 'natural' or 'proper' place" (Bauman *et al.* 2010, 54). However, no single religion has the ultimate solution to environmental degradation and global unsustainability. Sustainability, as stated by Petersen (1999, 201), "demands a global ethics".

The ambition of this paper is to prove that a *renewed* Islamic ecological theory aimed at rejecting the so-called 'decentralization' of humankind from Creation (Hussain 2004, 3) may represent a unique opportunity to find a common universal ground to settle the practical ecological problems facing humanity in the Anthropocene era. By examining two case studies (the Renewal Project Documentary in the US; the Misali Ethics Pilot Project in Zanzibar), I will investigate how and to what extent contemporary Muslim eco-communities, which are profoundly inspired by this numinous view of reality, link environmental work to social justice concerns; as a matter of fact, collective global fights against human poverty, hunger and disease are never detached from the search for environmental health and justice (Grim and Tucker 2011, 87).

**Keywords:** ecology; world religions; eco-Islam; eco-ethics; environmentalism

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# Towards Cosmopolitan Democracy: Reconceptualizing Cosmopolitan Citizenship from an Anarchist Lens

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While writing about women's transnational organizing, Reilly reminds the reader that David Held focuses on the legal aspects of cosmopolitan democracy rather than "new forms of cosmopolitan participation" (2007, 191). Held and other proponents of cosmopolitan democracy have good reason to highlight the legal aspects of cosmopolitanism. As Brown (2010) has argued, legal reform might serve as the necessary "linchpin" between cosmopolitan theory and the institutionalization of cosmopolitan practice. Without rejecting the legal approach, Reilly reminds the reader that it is also necessary for citizens to have an active role within such a democratic system of global governance. With this in mind, the aim of the proposed paper is to develop a conception of citizenship for cosmopolitan democracy. I will develop this conception of citizenship by introducing the political philosophy of anarchist thinker Murray Bookchin to that of David Held. In particular, I will draw upon Bookchin's theory of citizenship in order to supplement Held's cosmopolitan democracy. My goal in illustrating such a citizenship will be to demonstrate that its employment by advocates of cosmopolitan democracy could also serve as a "linchpin" – to borrow Brown's term – between cosmopolitan theory and practice. From this vantage point, citizen action is required in conjunction with cosmopolitan legal reform in order to bring about a cosmopolitan order wherein the nation-state "withers away."

In using Bookchin's work to bolster cosmopolitan democracy, I will be building upon the work of Levy (2011) and other anarchist scholars who have begun to draw significant connections between anarchism and cosmopolitanism. According to Levy (2011), these connections have historical roots as well as modern expressions in global justice movements. I will also build upon the work of Prichard (2010), who has already approached Held's cosmopolitan democracy from an anarchist lens. Prichard reveals important similarities between anarchism and Held's cosmopolitan democracy, including "an attempt to mediate a course between liberalism and Marxism, the centrality of the principle of autonomy to [Held's] political theory, a similar critique of the state and the economy based on this principle, and a vision for politics that is decentralized, multi-level and federal" (2010, 439). Prichard further postulates that Held's commitment to the principle of autonomy would be strengthened if he were to take anarchist literature into account. By all accounts, it is not only anarchist scholars who have begun to investigate how anarchism and cosmopolitanism might mutually benefit from their integration. In fact, Prichard points to Andrew Linklater as a proponent of cosmopolitan democracy who "calls for more research into anarchist conceptions of citizenship and community in a post-Westphalian era" (2010, 440).

Murray Bookchin is one such anarchist thinker whose conceptions of citizenship and community might interest Linklater and other proponents of cosmopolitan democracy. Bookchin developed and promoted a brand of anarchism known as Libertarian Municipalism. Libertarian Municipalism calls for the direct, participatory, democratic governance of municipalities, and for the binding of these municipalities into non-hierarchical and non-representative confederations based on environmental precepts and the protection of human rights (Bookchin 1996).

Given that anarchism is a highly participatory form of governance, there are other anarchist thinkers – apart from Bookchin – who are able to supplement the theory of cosmopolitan democracy with a conception of citizenship. However, I will argue that Libertarian

Municipalism, as an anarchist political theory, is uniquely compatible with Held's cosmopolitan democracy due to Bookchin's insistence on majority rule and multi-level governance. This sets Bookchin apart from many anarchists, yet brings his thinking closer to Held's cosmopolitanism. Moreover, Bookchin was Held's contemporary while he developed Libertarian Municipalism. For this reason, both thinkers developed a political philosophy in the same historical context with the goal of combatting neoliberal globalization.

While Bookchin's ultimate vision of Libertarian Municipalism is notably vague, he details, to great extent, the form of citizenship necessary in such a political arrangement. Bookchin's emphasis on citizenship is intentional because his conception of citizenship is intended to serve as the means of development of his Libertarian Municipalist project. In other words, Bookchin seeks political transformation through the collective enactment of his anarchist-inspired citizenship. Specifically, an active citizenry would engage in decentralized and confederated politics to form new institutions outside of the realm of the nation-state. This would develop into a system of dual power, in which these new institutions exist alongside the nation-state. Ultimately, the nation-state would cease to exist as it loses its legitimacy to these new institutions.

Understood alongside the parallels between Libertarian Municipalism and cosmopolitan democracy, Bookchin's theory of political transformation can be applied to cosmopolitan democracy. For this reason, my primary goal in illustrating such a citizenship is the legitimization of this conception as a tool to advance Held's vision of cosmopolitan democracy. Correspondingly, as I mention above, I hope to demonstrate how this conception of citizenship might function as a sort of "linchpin" to bring about a cosmopolitan political order.

**Keywords:** citizenship, cosmopolitan democracy, anarchism, David Held, Murray Bookchin, libertarian municipalism

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# What is Human Right to Mobility? Interests, Prospects, and Limitations

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With the fundamental assumption that current international borders regime is morally problematic, this paper is an attempt for a comprehensive bottom-up reconceptualization of human right to mobility. Hence, I appeal to republican ideal of freedom as non-domination that I reconstruct with an emphasis on the social-relational egalitarian literature on alienation, exploitation and vulnerability. In the end I call for strengthening the right to mobility – if not open borders – through a transnational migration governance through which immigration protocols tackle both formal and non-formal domination.

The appeal to non-domination has three aims. First, the current debates on migration needs a revision in light of complex global economic and migratory regime (Wilcox, 2014), and how the international borders regime in different levels and degrees tend to preserve instances of domination. An appeal to domination has a methodological advantage to map the moral issues relevant to current migration regime as it enables us to start a ground-up analysis through seeking and casting light upon the actual instances of domination. Second, and more theoretically, the mere appeal to liberal notion of freedom as non-interference does not grasp how the international borders regime work, distribute opportunities and goods, affects aspirations and agency (Glick Schiller, 2010; De Haas, 2014). Third, as a relatively minor methodological point, most of the theorizing on ethics of migration still take a ‘methodologically nationalist’ position (Sager, 2014). This is not to be mistaken with the conventional statist stance where one’s moral concern starts with a territorially bounded community (Rawls, 1971). Rather the issue is that the methodological assumptions as such in the literature paves a way for neglecting the transnational nature of migration, and how there are many informal mechanisms behind in which social and material inequalities continue to prevail (Faist, 2014). I argue that, despite the communitarian characteristic of republican tradition (Fine, 2014), a certain cosmopolitan understanding of non-domination (Bohman, 2008) to argue for human right to mobility can also deal with such informal forms of domination taking place in transnational migration networks.

As I take human rights as institutionalization of protections of our autonomy (Griffin, 2008; Beitz, 2009), I argue that human right to mobility is best recognized as strengthening the protection of individuals from the domination of current international borders regime. I defend that human right to mobility is intrinsically valuable not only in the way it promotes autonomy in the form of non-interference, yet in the way that it empowers individuals in the face of institutional dependence and domination the current system of international borders tend to preserve. This way many morally relevant interests; intrinsic and extrinsic reasons, and distributive considerations, otherwise neglected in the face of real-life challenges will be recognized. In the end, this paper moves beyond the predominating statist approach taking sovereign nation states as the starting-point for analysis, and instead introduces the prospects of cosmopolitan and non-domination based principles for transnational migration governance.

**Keywords:** right to mobility, non-domination, migration theory, social egalitarianism, borders, ethics

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