

Chapter 1

The Imperative of Justice for States: An Introduction

“Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.”

John Rawls, *A Theory of Justice*

“Something in the world forces us to think. This something is an object not of recognition but of fundamental encounter.”

Gilles Deleuze, *Difference and Repetition*

In an important article, Thomas Nagel says:

We do not live in a just world. This may be the least controversial claim one could make in political theory. But it is much less clear what, if anything, justice on a world scale might mean, or what the hope for justice should lead us to want in the domain of international or global institutions, and in the policies of states that are in a position to affect the world order. I believe that the need for workable ideas about the global or international case presents political theory with its most important current task, and even perhaps with the opportunity to make a practical contribution in the long run....¹

In 2005, when the international realm was characterized by several conflicts, some cross continent such as Operation Desert Storm and others between regional powers, for instance the conflict in Tuzla Island between Ukraine and Russia, the UN Secretary General Kofi Annan reminded world leaders of their obligation to increase overseas development aid to 0.7 percent of each state's gross national income, a target based on an agreement reached at a

2002 Millennium Goals Summit meeting.² Although world leaders voluntarily agreed to that figure, Annan's reminder is part of a larger discourse surrounding foreign aid that is based on a right to development, enshrined in various UN documents and treaties, rather than some vague notion of charity. And yet, whenever, or for much of the time, developed countries regard the issue of distributive justice among states as a question of charity; the developed countries are rarely obliged to increase their levels of foreign aid. Put differently, there is little, if any sense of obligation or entitlement towards justice in the international realm.

If a comparative study were carried out between the focus paid to the issues of war, conflict and diplomacy in the international realm and the attention given to the concern for justice, equality and fairness, it would not be incorrect to conclude that much of the discourse on international politics concerns itself with the former. Over the past several decades, there has been a steady and continuous flow of literature on the issues of war and conflict. To this extent, the attention paid to the issue of war is clearly justifiable. However, in comparison, little attention has been given to the issue of global justice – justice for states. Undoubtedly, war and conflict are important issues not only for territorial integrity but also and more importantly for the establishment of life based on values of human rights and development, the denial of which may also be read as violence, or as experiences of injustice. And yet, in a list of priorities for the sub-discipline of international politics, issues of justice come after, and only following those of war and security.

A major issue which emerges when one begins to determine the basis of international justice or justice for states is how do we legitimize the claim of states to a conception of redistributive or corrective justice? Why are some states, especially when states are considered as sovereign and independent, obliged towards the welfare and equal development

of other states? What is the source of that obligation? In the current international system, state leaders have an obligation first and foremost to their own citizens. Individual citizens of developed countries tend to care more about their fellow citizens than about those in distant places, especially when it concerns policies that impact their wealth and safety. To make an argument that would recognize national allegiances but also provide grounds for caring about individuals around the world is quite a challenge.

In this study, my main concern is to discern the possibility of arriving at principles of justice for states – international justice. I must begin by admitting that in doing so, I may not and probably would not arrive at any comprehensive account of justice. My limited concern would be to begin to suggest possibilities for arriving at such principles, or suggest arguments that could promote the establishment of a just international order. Here, my focus would mainly be on the underlying conception of the self and its relationship with the other – a conception and relationship that lies at the heart of the political as well as of any attempt to theorize justice.

Justice, on one hand, shares a similarity with politics when it assumes a conflict between the self and other over the distribution of goods, whether such goods are economic or social goods, or identities of recognition. However, what is distinct about any argument about justice is that, unlike politics, it would have to include, if not begin from the position of the other. And it is this relationship which this study holds as the central and underlying conception of any account of justice. I would later in this chapter explore the dominant understandings of the relationship between self and other in contemporary political theory.

Perhaps it would be important to begin my study by answering the question, why justice? What makes justice an important value for contemporary political theory, both national and international? In the first section of my study below, I attempt to justify the relevance of justice.

1.1 The Centrality of Justice in Contemporary Political Theory

Justice has for long and in fact from the beginning of political theorizing, been held and regarded as the basic if not the defining value for all social and political institutions. Among the many values and ideals that have come to be regarded as imperative for a legitimate social political setup, justice has often been celebrated and underscored as the most determining and decisive. Justice is not only a value in itself; indeed it is the value of all other values – the determinant of all political ideals and considerations.

The concern with justice has been a dominant factor in political theorizing, since antiquity. Since the dialogues of Plato, and perhaps even earlier, justice has been understood as the fulcrum of all social and political life. The central thematic of Plato's *Republic* remains the working out, legitimizing and establishment of a just political setup; and it is thus that Socrates claimed that "to live well and honourably and justly, are the same thing".³ The state, as understood from earlier times was constituted in terms of an institution committed primarily to the determination and guarantee of the ideal of justice. In fact, this understanding of the state is equally present in almost all strands of political thinking: the idea of a republic in Plato's arguments; the guarantee of *nyaya* and/or the establishment of *dandaniti* and *dharma* in classical Hindu philosophy or even the idea of *dhamma* in Buddhist philosophy. It is interesting and noteworthy that soon after the advent of Enlightenment and the questioning

of theocratic regimes, the idea of a republic – an idea prioritizing the value of justice – emerges dominant, particularly after the French Revolution.

However, for reasons which could be the focus of another independent study, the state's concern with justice was soon eclipsed or overtaken by the imperative of order. This eclipse as many would argue was not unconscious or unplanned. As Philip Bobbitt would argue, the state was consciously worked out and conceptualized as a “war making institution” with power as its basic concern⁴; and this was done to facilitate the setting up and justification of a state which would be geared towards the establishment and sustenance of order among its members. Interestingly, the idea of the subject/citizen was understood as one who, in the absence of the controlling and regulative powers of sovereign authority, merely failed to live in an ordered and well-managed society.

Interestingly, much of modern political theory carves out an understanding of social life to legitimize the desirability and possibility of an order-regulative state. An influential thinker in this regard, and one who is among those considered responsible for the opening of the modern and thereby rationally consensual idea of the state, Thomas Hobbes, works out his understanding of man as one who is engaged in a ceaseless and endless struggle for power and whose life in such a situation is “solitary, poor, nasty, brutish and short”. In this war-like state of nature, men are deprived of the ability and rationality to establish and sustain a well-ordered life, and are therefore driven towards the rational contractual creation of the state, which in turn facilitates the guarantee of a social political setup comparatively free from the exigencies of war.

Similarly, John Locke while inaugurating the philosophical bases of liberalism, paints a comparatively lesser but nevertheless grim picture of mankind. According to Locke, men are unable to live a secure orderly existence, mainly in terms of their freedom and property – life, liberty and labour. Even as the state of nature is not as dark or fearful as Hobbes would have us believe, it is sufficiently threatening, as the absence of law leaves men deprived of the authoritative institutions of resolving conflicts of ownership and freedom. Unsurprisingly then, the state, according to Locke, which is contracted by men had to necessarily be one which would contribute to the guarantee of a secure, orderly and regulated social and political order. For such thinkers, and for much of the canon, for a rather long time, the state and law were essentially instruments for the establishment, sustenance and regulation of order. Drawing and learning from the canon, mainstream political theory went on to focus on the concerns of order, power and war.

This concerted focus on order and war, however, did have within it traces of commentaries on justice, and some of such commentaries were rather comprehensive and profound. For instance, Immanuel Kant's *Perpetual Peace* or "What is Enlightenment?" and Hugo Grotius's *On the Law of War and Peace*, remain texts which continue to influence contemporary theories of justice. However, a major shift in the concern of political theorizing was introduced and initiated with the publication in 1971 of John Rawls's *A Theory of Justice*, wherein justice is recognized and regarded as "the first virtue of all social and political institutions".⁵

Rawls's *A Theory of Justice* is undeniably one of the most important works of political theory in the twentieth century. It not only revived the tradition of political theory, which was considered to be dying, if not dead⁶; it also, and perhaps more importantly restored justice as

the principal and foundational value in the establishment and sustenance of a good/right political setup. Rawls, through his principles of justice, particularly the Principle of Difference, and the ideas of the original position, veil of ignorance and equal primary social goods, has elegantly worked out a theory of justice which aims at the correction of unjust inequalities by maximizing the benefit of the least advantaged.⁷ In fact, much of political theorizing after 1971, has been in terms of a response to, continuation of and/or critique of Rawls's theory of justice. The theoretical arguments of such thinkers as Charles Taylor, Nancy Fraser, Robert Nozick, F A Hayek, Michael Walzer, I M Young, Michael Sandel and Paul Ricoeur, to mention a few, have contributed to the establishment of an extremely rich and potent discursive terrain focused on the claims, claimants and circumstances of justice. Perhaps it may not be entirely incorrect to say that contemporary political theory is distinctive in its commitment to the concern of justice.

Such has been the centrality of justice to contemporary political theory that most of the arguments made by contemporary political thinkers have been in the language of justice. Whether it is concerns for gender equality, or non-discrimination on the bases of racial and ethnic identities, or even class-based inequalities, or misrecognition of certain social cultural identities, justice has been at the heart of them all. The centrality of justice is evident when political thinkers today argue that justice lies at the base of a well-ordered society; put differently, a just society is a well-ordered society. But then, how can we explain the centrality of justice, or the imperative of justice.

As mentioned above, much of the theorizing of politics has focused on the value of order. It was argued by thinkers like Hobbes and Locke that an ordered society governed by the instrument of law would guarantee the bases of justice. However, the institutionalization of

law, in terms of its singularity, objectivity and universality, in many ways has failed to guarantee a society based on justice. Instead, what society has come to witness and experience are more gross forms of injustice and denial, and then sometimes inflicted by the institution of law which is meant to deliver justice. For instance, the natural right to property which Locke upheld and advocated is a right legally guaranteed by many liberal capitalist setups, and rightly so, since property is an expression and product of one's labour, which is natural to life. However, this guarantee of property as natural and inalienable, absolutely fails to guarantee justice when it blinds itself to the history of property acquisition, that is, to how property has come to be distributed, valued and possessed over time. By settling the possession of property as a right, the law not only protects an injustice, it also to some extent legitimizes it. An equally compelling argument can be offered to injustices based on gender, caste, or race, which any formalistic legal provisions of equality fail to correct and address.

Justice, in contemporary societies, therefore has emerged as an attempt to correct past injustices, where injustices are expressed in terms of disadvantage, discrimination, denial or deprivation. It is mainly concerned with giving to each what is due, or more appropriately, and as stated in the codification of Roman Law from the sixth century AD found in the *Institutes of Justinian*, with "the constant and perpetual will to render to each his due." Using this understanding, David Miller has offered four distinct aspects of justice, and below, I make a summary of these aspects.⁸

The first aspect is that of "individual claims", according to which, justice is concerned with how individual people are treated, that is determining what is due to each. Although the word individual is used here, it would be helpful to immediately mention that justice is also about determining what is due to each community, collective, group or even each state. What is due

truly depends on and shifts according to the conception of the self who is making these claims. I will take up this issue in the next section of this chapter. Issues of justice arise in circumstances wherein people can advance such claims as to freedom, opportunities, and resources, to mention a few, that have been unjustly distributed and are therefore the bases of a potentially conflictual relationship. Appeals to justice then, are attempts to resolve such conflicts by determining what each person is properly entitled to have. This claim presupposes a conflict of interests over how such entitlement ought to be made, as well as the fact of a scarcity of resources. As noted by Hume, in a hypothetical state of abundance where “every individual finds himself fully provided with whatever his most voracious appetites can want”...“the cautious, jealous virtue of justice would never once have been dreamed of”.⁹ Similarly, in a situation of complete lack or absence of resources, the imperative of justice would be minimized, if not lost.

The second aspect is that of “Justice, Charity and Enforceable Obligation”, according to which justice “is a matter of claims that can be rightfully made against the agent dispensing justice, whether a person or an institution”. Justice is then different from charity in that while we demand justice, we hope for or plead for charity. Implied in this aspect is the claim that justice is a matter of obligation for the agent dispensing it, and that the agent wrongs the recipient if the latter is denied what is due to her. Inherent to this aspect is the obligatory nature of justice. Justice is not an act of charity or benevolence upon the part of the self towards the other; rather it is the obligation of the self and a due to the other. This obligatory nature of justice is intrinsically linked to the idea of enforceability. This aspect of justice clearly underscores the centrality of the relationship between the self and the other, which is also the concern of the next section.

The third aspect “is the connection between justice and the impartial and consistent application of rules”. This aspect is expressed in that part of the definition of justice which reads as – ‘constant and perpetual will’. Justice is then the opposite of arbitrariness. It requires that where two cases are relevantly alike, they should be treated in the same way; similarly when two cases are different, they ought not to be treated alike. This aspect upholds the relationship between justice and the law: while the former ought to be open and changing; the latter ought to be fixed and stable. Also, the impartiality of justice is often read in terms of the blindness of justice – justice in order to be effective ought to be blind. In recent years, this attribute of justice has come to question its relationship to law: while the former is based on blindness; the latter is based on evidence.

The fourth aspect is that which relates to justice to “agency”, so that injustices are not seen as divine or natural, but rather as political and constructed. Societies guided by religious laws would quickly and perhaps conveniently shun aside claims of injustice by reading them as acts of divine will or natural dispensation. However, for a rational society, any act of injustice is mainly political and constructed, wherein human agency plays a central role, and which therefore can and ought to be corrected. Similarly, any correction to an injustice is also based on human agency, and this is what makes justice a clearly political ideal.

Having worked out the aspects and nature of justice, it may now be appropriate to defend the imperative of justice. Justice is required in any social relationship, since it determines the relationship between the self and the other. Justice is intrinsically political, in that it is concerned with an agent’s determination of what is due to himself and the other, as well as an ideal which is constant and perpetual, never to be closed or crystallized. However, justice is also ethical in that it invokes an obligation on the part of the self to correct any unjust

distribution of resources which may have disadvantaged the other. And finally, justice ought to be impartial and blind in order to be enforceable by law and agreed to by all. Needless to say that any society which organizes itself on the bases of the imperative of justice would inevitably be a well-ordered society.

Even as the contemporary discourse on political theory is in some agreement over the imperative of justice, there seems to be a sharp disagreement or diversity over what justice entails. What is due is a question which has been answered in many different ways. Ranging from the debates over representation, redistribution, recognition, and more recently retribution, justice has been worked out and argued in terms of different perspectives. These differences, I argue, follow from the different conceptions of the relationship between the self and the other – a relationship which as mentioned above constitutes one of the central aspects of justice. In the next section, I will explain the centrality of the relationship of the self and the other to two dominant perspectives of justice, namely redistribution and recognition. In doing so, I would demonstrate how this relationship determines the possibility of justice as well as its efficacy. My concern in doing so is to suggest that any attempt at arriving at principles of justice for states would also and equally convincingly have to employ and begin with a conception of the relationship between the self and the other.

1.2 The Conception of the Self/Other in Contemporary Theories of Justice

In this section, my concern is to examine the relationship between the self and the other in two dominant perspectives of justice. My objective in doing so is to suggest that the relationship between the self and the other is not only a central aspect of justice, rather it determines the nature of justice as well as the correction or remedy it entails. Therefore, any

reading of the possibility of arriving at principles of justice for states would similarly have to begin with a conception of the relationship between the self and the other, and this conception would have to be one which encapsulates the nature of the international realm as well as remain distinctive to it. The two dominant perspectives which I examine are redistribution and recognition.¹⁰ However, before that, it would be important to give a note on the relationship between the self and the other.

Politics, as a disciplinary ideal, focuses on the relationship between the self and the other: while the former is marked as a rational, free, and empowered agent; the latter is identified as a minor, dependent subject, devoid of rational speech and agency. In fact, a reading of much of the arguments on politics would follow from or contribute to this understanding.¹¹ The relationship between the self and the other is clearly not one of mutual autonomy or independent existence, rather this relationship is mutually entwined, resembling and perhaps explaining the Hegelian narrative of the master/slave. The self or the master does not hold his identity without the existence of the other or the slave, and vice versa. They both require the existence of each other, as well as necessitate a relationship in order to establish their identities and existence. And this may be understood as the conceptual heart of the political.

The political, is in fact, an interplay of interests between the self and the other, between the ego and the non-ego. It is this interplay often understood in the form of a conflict, not war, which characterizes the political. In the words of Chantal Mouffe, “in the field of collective identities, we are always dealing with the creation of a ‘we’ which can exist only with the demarcation of a ‘they’”. This does not necessarily mean that this relationship is one of friend/enemy, i.e., an antagonistic one. But, we should acknowledge that in certain conditions, there is always the possibility that this they/we relation can become antagonistic,

i.e. that it can turn into a relation of friend/enemy. This happens when the ‘they’ is perceived as putting into question the identity of the ‘we’ and as threatening its existence.”¹²

Justice, many would claim, remains on the margin of the political, as a concern of ethics or morality.¹³ And this position stems from the way justice is read vis-à-vis the political. While the political begins from the conception of the self – the self as the major determinant, justice begins from a consideration of the position of the other – the other as the main concern. And this is perhaps why justice is often seen a moral enterprise. However, any reading of justice as apolitical or only moral would ignore the essentially entwining nature of the relationship between the self and the other. Beginning with the conception of the self as the other is not entirely apolitical or moralistic, rather it is simply a different and perhaps more just way of reading the political. In fact, the underlying nature of justice depends mainly on how the other is perceived and the manner in which the relationship between the self and the other is understood. As argued by Michael Sandel, “what issues at one end in a theory of justice, must issue at the other in a theory of the person, or more precisely, a theory of the moral subject.”¹⁴ Below, I examine two perspectives of justice to demonstrate this.

The world we inhabit has come to be characterized by different and diverse forms of injustice, some of which include and are based on an increase in material inequality, disproportionate income and property ownership, unequal access to paid work, domestic violence and battery, sexual abuse and assault, experiences of misrecognition and cultural dominance, inequalities in access to health care and leisure time, caloric intake, exposure to environmental toxicity, life expectancy, rates of morbidity and mortality routine instances of racial, gender and ethnic stereotyping and discrimination.

It is possible to categorize and classify most, if not all of these injustices within two broadly conceived analytically distinct understandings of justice: first, socio-economic injustice; and second, cultural injustice. Here, I draw from the arguments of Nancy Fraser. According to Fraser, socio-economic injustice can be understood in terms of experiences and/or circumstances of exploitation – having the fruits of one’s labour appropriated for the benefit of others; economic marginalization – being confined to undesirable or poorly paid work or being denied access to income-generating labour altogether; and deprivation – being denied an adequate material standard of living.

There have been several attempts at theorizing and conceptualizing the nature of these socioeconomic injustices, some of which have come to define and dominate the discourse on justice. These include Marx’s theory of capitalist exploitation, John Rawls’s account of justice as fairness in the distribution of ‘primary good¹⁵’s’, Amartya Sen’s view that justice requires ensuring that people have equal ‘capabilities to function’, and Ronald Dworkin’s view that it requires ‘equality of resources’.¹⁶

Although all these theoretical accounts of justice differ fundamentally in their understanding of injustice and the recommended correction in terms of justice, they can be understood to share a common conceptual base, which is that injustices follow from the unjust unequal treatment of some individuals for unfair reasons. Similarly, there would be different forms of remedy involving redistributing income, reorganizing the division of labour, subjecting investment to democratic decision-making, or transforming other basic economic structures. However, it is possible to categorize all these under the banner of ‘redistribution’. What is common to all these remedies is the conception of the relationship between the self and the other. Socio-economic injustice stems from the treatment of some persons *as others*;

redistribution entails transforming the political identity and politics of such others *as selves*. In other words, justice would be achieved when society does not treat others as others, but rather as selves. In this understanding of justice, the conception and relationship between the self and the other is distinct from other forms of injustice. I emphasize this point by comparing socio-economic injustice and redistribution with cultural injustice and recognition.

The second kind of injustice is cultural or symbolic. It is, as noted by Fraser, rooted in social patterns of representation, interpretation, and communication. Experiences and circumstances of cultural injustice include cultural domination – being subjected to patterns of interpretation and communication that are associated with another culture and are alien and/or hostile to one's own; non-recognition – being rendered invisible via the authoritative representational, communicative, and interpretative practices of one's culture; and disrespect – being routinely maligned or disparaged in stereotypic public cultural representations and/or in everyday life interactions.

Although all these theoretical accounts of justice differ fundamentally in their understanding of injustice and the recommended correction in terms of justice, they can be understood to share a common conceptual base, which is that injustices follow from the unjust unequal recognition of some individuals as groups for unfair reasons. The remedy for cultural injustice can be similarly varied, ranging from upwardly revaluing disrespected identities and the cultural products of maligned groups to recognizing and positively valorising cultural diversity. More radically still, it could involve the wholesale transformation of societal patterns of representation, interpretation and communication in ways that would change everybody's sense of self. These remedies although different may be placed under the banner of 'recognition'. Cultural injustice stems from the denial of selfhood to some groups,

whereby they are treated *as others*. In this understanding of remedial correction, unlike redistribution, the group, in order to be justly recognized, would have to be respected *as other*. Here, rendering the group to become the self would further the injustice, as it would expect the group to ape her oppressor. Cultural injustice and recognition then carry a distinct understanding of the relationship between the self and the other. In this case, the other rather than becoming a self ought to be recognized as the other.

From the above examination of socio-economic injustice and cultural injustice and redistribution and recognition it is possible to suggest that the understanding of injustice and the perception of correction of a just remedy depends on the underlying conception of the relationship between the self and the other. As suggested by Fraser, “recognition claims often take the form of calling attention to, if not performatively creating, the putative specificity of some group, and then of affirming the value of that specificity. Thus they tend to promote group differentiation. Redistribution claims, in contrast, often call for abolishing economic arrangements that underpin group specificity. Thus they tend to promote group de-differentiation. The upshot is that the politics of recognition and the politics of redistribution appear to have mutually contradictory aims. Whereas the first tends to promote group differentiation, the second tends to undermine it.”¹⁷

Any perception of injustice and subsequently any idea of a just remedy depend exclusively on the conception of the relationship between the self and the other. In fact, justice and injustice depend exclusively on the way in which the self and the other are conceptualized and the understanding of the relationship they share with each other. A shift in the nature of this conceptualization and/or the understanding of their relationship results in a consequent shift in the idea of justice. It is this relationship which expresses the underlying notion of injustice

as well as justifies a correction. For instance, in the discussion above, if the understanding of the other in an experience of injustice in terms of maldistribution is read from the perspective of misrecognition, any consequent correction or principle of justice would fail to be effective or valid. It is only through an appropriate reading of the self and its relationship with the other that a valid and effective understanding of injustice is arrived at, as well as a corrective mechanism of justice is achieved.

The idea of international justice or justice for states would similarly have to be based upon a distinct understanding of the conception of the relationship between the self and the other. Justice in the international sphere, in the absence of a credible conception of the relationship between the self and the other would be rather impossible if not implausible. The other, as mentioned above, and her relationship with the self, remains the determining factor of any theory. This study is an attempt to read through different perspectives of international justice to underscore this relationship. However, before doing so, it would be helpful to introduce the imperative for justice among states.

1.3 Introducing the Imperative for Justice among States

Justice among states or international justice has been an important concern from the beginning of recorded history. In fact, it may not be incorrect to say that international justice may be understood as a concern alongside the concern for justice within the city or state. Throughout most of the history of political thought, attempts to discern the principles of justice were pitched mainly at the domestic level – with the distribution of goods and burdens between the inhabitants of a city, the citizens of a country and the members of a society. However, the borders and boundaries of the city and the state have never been closed or

locked to the extent where inter-state relations did not affect internal politics. As the internal dynamics of the city could not be and have never been confined by borders, the ‘outside’ or relations between states have always been a factor. As stated by Philippe van Parijs, “there were fewer and fewer people whose city was their world, and more and more for whom the world had become their city”.¹⁸

It would seem natural and perhaps political too, then that whatever conception of justice was considered plausible for the distribution of resources between members of a particular society should also provide a suitable basis for international justice. Put differently, principles of justice found suitable for members of a state ought to be considered justifiable for members across states. However, this has never been the case. While there has been sufficient theorizing of principles of justice for the relations among members of a state, the same has not been advanced to the international realm. In fact, some thinkers argue that while justice can be discerned for members of a society, the same cannot be applied to the international realm. For instance, and without undermining or questioning the relevance of Rawls’s contribution, it may also be somewhat correct to state that in his seminal work, he worked out principles of justice only for the internal structures of states, leaving unaddressed the injustices of the engendered private space and the international society of states. The circumstances of justice in *A Theory of Justice*, is clearly the internal structure of an advanced liberal capitalist society, and do not hold relevant in Rawls’s work on international justice titled *The Law of Peoples*. The second chapter of this study is devoted to an examination of Rawls’s idea of justice.

As we need principles of justice to regulate the domestic basic structure whose impact on people’s lives, as Rawls suggests, is “profound and present from the start”, so there is a

global basic structure – a structure of states, whose impact on people’s lives, according to Allen Buchanan, is as profound and present that must likewise be regulated.¹⁹ This domestic-global basic structure analogy is obviously not airtight. There is no global government, nor are international economic norms and regulations as fully enforceable as those in domestic society. But what is relevant here is that global institutions and practices do significantly constrain and shape a person’s life chances and options. As suggested by Kok-Chor Tan, “like the domestic basic structure, global institutions define people’s various social positions, and consequently their expectations in life.... The practices and operating assumptions of the global economic arena determine a person’s chances and goals just as profoundly and presently as domestic economic practices and norms, indeed more so.... A mere accident of birth, such as person’s citizenship can drastically affect her entire life expectations and opportunities.”²⁰

The imperative for justice in the international political system is evident from facts stated in the World Development Report 2000/2001, according to which

of the world’s six billion people, 2.8 billion – almost half – live on less than \$2 a day, and 1.2 billion – a fifth – live on less than \$1 a day, with 44 percent living in South Asia. In richer countries fewer than 1 child in 100 does not reach its fifth birthday, while in the poor countries as many as a fifth of children do not. And while in rich countries fewer than 5 percent of all children under five are malnourished, in poor countries as many as 50 percent are. This destitution persists and may have increased even though human conditions have improved more in the past century than in the rest of history – global wealth, global connections, and technological capabilities have never been greater. But the

distribution of these global gains is extraordinarily unequal. The average income in the richest 20 countries is 37 times the average in the poorest 20 – a gap that has doubled in the past 40 years.²¹

Almost half of the world's population of over six billion people live on less than \$2 a day and 1.2 billion – a fifth of the world's population – live in absolute poverty on less than \$1 a day. In developed countries, fewer than five per cent of children under five are malnourished, whereas this figure reaches a staggering fifty per cent for poor countries almost entirely located in and as the developing world. In fact, mortality rates vary across the world. In Sub-Saharan Africa, it is fifteen times that of developed countries. Life expectancy for people living in countries with "high human development" is an average 77.3 year; for those living in countries with "low human development" is 52.6 years. Seventeen million people in developing countries die million are chronically malnourished.²²

Interestingly, such has been the caution with which issues of social justice in the international realm have been approached that while the Covenant on Civil and Political Rights of the Universal Declaration of Human Rights has been regarded as enforceable and justiciable, the Covenant on Economic, Social and Cultural Rights is regarded as programmatic and non-justiciable. As explained by Helen Albrecht,

In the 'Annotation on the Text of the Draft International Covenants on Human Rights, the entire catalogue of later often-cited objections against the Covenant on Economic, Social and Cultural Rights is explored: while 'civil and political rights were enforceable or justiciable, or of an absolute character', economic, social and cultural rights were not or might not be; while the former were rights which

would protect from State interference , the latter urged the State to take position action; while civil and political rights were directly enforceable legal rights, economic, social and cultural rights had to be programmatic, meaning that they required long-term strategies and observance for their promotion. The distinctions manifest themselves in the wording of Article 2 of each of the Covenants and have subsequently led to different forms of implementation: while under the International Covenant for Civil and Political Rights, State parties are obliged to ‘respect and ensure’ the rights and to ‘provide remedies’ in case of violations, provisions under the International Covenant on Economic, Social and Cultural Rights presume that the State parties ‘take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized by the present Covenant by all appropriate means, including particularly the adoption of legislative measures.’²³

Put differently, while civil and political rights are regarded as legal, enforceable and justiciable, social, economic and cultural rights – rights which are equally important to the realization of fully human life, are regarded as programmatic and suggestive. And yet, such issues have rarely occupied a central place in the agendas of global meets, international organizations or transnational summits. Rather than such issues and concerns, what has come to occupy a place of priority are often issues of war, terror and cross border infiltration. I do not intend to suggest that such issues of terror, war and cross border infiltration are of little insignificance. On the contrary, contemporary academic discourses and policy making bodies ought to focus on the mitigation of such acts, which have led to the murder and denial of life, liberties and property of several thousands of people. Over the last century, perhaps it would

not be incorrect to suggest that a substantial number of deaths have occurred due to war and terror.

However, an equally important focus has to be given to the denial of a full human life to scores of people who are left to confront instances of routine violence, denial and destitution, merely because of the borders within which they live. And often these experiences of violence and denial are man-made and state-orchestrated and therefore essentially political. As suggested by Kok-Chor Tan, “principles of distributive justice ought to apply equally and impartially to all persons and ought not to be constrained by the borders of countries.”²⁴

The question that needs to be asked then is should international justice be worked out as an expansion or blow-up of domestic distributive justice? Is the domestic realm decisively different from the international realm, such that while egalitarian distributive justice is appropriate to the former, it is not to the latter?

In spite of being an essentially political issue, international justice has for long been a concern predominantly within moral philosophy. Moral philosophers have come to argue that the debilitating poverty and its resultant human miseries described above are pressing universal concerns, and that it is a moral obligation, and not just a matter of charity that affluent countries should do much more than they are currently doing to assist poorer ones.²⁵

But the crucial question remains: what is the content of this obligation? Do we simply need an account of humanitarian assistance that can ensure that all individuals are able to meet their basic needs? Or do we need to go beyond humanitarianism and critically assess the distributive aspects of the global order against certain principles of justice? As argued by

Kok-Chor Tan, “the central dispute, it seems to me, is now no longer between those who think that the scope of our moral concern ought to extend beyond our borders and those who do not.... The new debate... concerns the content of this moral concern and whether it is grounded on justice. That is, the interesting dispute is now between those who think that we only have humanitarian duties to foreigners, and those who think that we have, in addition to humanitarian duties, duties of distributive justice.”²⁶

Some theorists argue, or at least give the impression, that we do not need principles of global distributive justice, but only principles of humanitarian assistance to tackle the problem of global poverty.²⁷ Yet focusing on humanitarian duties as opposed to justice does not fully locate and/or address the source of global poverty, and hence falls short of offering a complete solution to it. To avoid misunderstanding, it is worth stressing then that a defence of global egalitarianism need not be understood as a defence of the view that all persons are to be equal in well-being or a defence of outcome.

Global egalitarianism as a general ideal holds that unjust social and economic inequalities between persons across borders pose a moral concern which needs to be addressed. A theory of justice for states would thus not only be concerned with the particular actions and foreign policies of individual countries, but, very importantly and more fundamentally, it would be concerned also with the background global institutional context within which countries interact. Duties of global justice, would be, thus, more encompassing and would operate at a more fundamental level than what we may call duties of humanitarian assistance. Instead of only demanding that richer states (through direct income transfers, technology transfers, relief funds and so on) provide needy states with development aid and assistance,

international justice would require the correction of unjust inequalities in the international realm.

A crucial difference between humanitarian duties and justice is thus, as argued by Pogge, that of focus with respect to the root of the problem: while the former assess the interaction between agents (in this case, states); the latter assess the institutional context that shapes and determines “probabilistically” the nature of this interaction.²⁸ Also, taking from Rawls and Dworkin, it is possible to draw a distinction between justice and ethics: while ethics is mainly concerned with personal conduct and decisions at the interactional level, justice is concerned primarily with institutional arrangements. And the international realm is not just an interactional association of states; rather it is one that is firmly institutionalized. An institutional focus will call on us to reevaluate the guiding norms and assumptions of the global social and economic arena, including the current definition of “what justly belongs to a country”.²⁹ The significance of such a ‘paradigm shift’ in how we understand ownership and entitlements is not to be underestimated. To take just one example, we will no longer say that rich countries are required to assist poorer ones by giving away some of their resources but that such transfers are required to correct an antecedently unjust resource allocation. Any attempt at humanitarian assistance would only act as a temporary remedy rather than a correction of the unjust inequalities which characterize the international realm. We clearly need to locate, understand and response to the inequalities among states in terms of the discourse on international justice, on justice for states, as opposed to humanitarian assistance.

We need to differentiate between global ethics and global justice. In fact, much of the earlier important philosophical writings on global poverty have tended to offer theories of global ethics rather than global justice.³⁰ It must be noted that the structural roots of global injustices go beyond the economic sphere narrowly understood. And perhaps this may be the reason

why a conservative Marxist approach would prove to be insufficient. Indeed, they permeate much of the current global background context. For example, existing international law has tended to work against disadvantaged and needy peoples, while maximizing the interests of the privileged and rich. To illustrate, the principle of state sovereignty which underpins international law grants legitimate ownership of a country's resources to whatever regime happens to gain power, and hence entitles it to transfer ownership of these resources to multinational corporations, regardless of the implications of such transactions for citizens in the country. In India, there have been several protests against the transfer of resources to multinational corporations, denying the people a right or a return in this transaction. Given the institutional and structural bases of global poverty and inequality, an interactional focus alone does not go far enough. As rightly put forward by Kok-Chor Tan, "even if all countries were to fulfil their obligations of humanitarian assistance, we would still not get to the root of poverty and inequality if we did not address the global economic structure that brings about and, importantly, legitimizes global maldistribution in the first place."³¹

None of the above should be thought to imply that humanitarian assistance and aid are unimportant or superfluous – to the contrary. But on the institutional view, humanitarian assistance treats only the symptoms of global poverty, and as important and urgent as this is, it does not address the basic cause of poverty – that of structural injustice. To use the words of Andrew Belsey, "of course, in the face of hunger and starvation both development aid and relief should be provided, but the cause of justice is best served by a structural transformation away from unequal global relations based on exploitation and towards equality on recognition of common similar needs."³² Also, as argued by Kok-Chor Tan, "it would be absurd to think that a *complete* account of justice is concerned *only* with the justness of institutions while remaining completely indifferent about interaction at the inter-state or –

personal level.”³³ The difference between humanitarian duties and duties of justice does not concern only the issues of target level of development and a cut-off point, but also the more fundamental one of identifying what rightly belongs to whom. And this is the question of the basic structure, of how that structure allocates benefits and burdens, which in turn is a question that can only be addressed fully by a theory of justice, and not just by a theory of humanitarian ethics.

Many would suggest the possibility and the necessity of establishing a world state or government. And in the past and even today, states have put together such world and/or international bodies as the League of Nations, the United Nations, the European Union, SAARC and even NAFTA, among others, to possibly address the problems of social and economic inequality and injustice. While this study does not deny the need or imperative of establishing such an international or world body, its main concern is to suggest the conceptual and discursive basis on which such bodies would construct, defend and work out their parameters of global justice. While such institutions provide the procedural framework, what also need to be worked out is the conceptual and substantive bases of the idea of justice to be implemented. The concern of the present study is to work on the possibility of principles of justice for states which would provide the conceptual basis of any future idea of a world government. The concern here is that of justice, for which justice will have to be authored by those on whom it will apply.

Perhaps it would be somewhat incorrect to assume that justice has not been a concern for the relationship among states. In fact, political justice, that is, the frequent violations of basic political and civil rights in our world, the guarantee and protection of human rights, and the establishment of democratic regimes based on the principles of freedom and equality, have

received more attention from the media, civil rights groups, statesmen and diplomats and the general public.³⁴ While such attempts are undoubtedly important and need to be strengthened, an equally focused attention ought to be given to the issue of social and economic justice among states. Moreover, given the interdependency of these two aspects of justice, a concern for one must involve a concern for the other. In fact, given that poverty afflicts much of the developing world which is strategically located in the non-west or what is today referred to as the global south, the lopsided focus of the west or the north on political and civil rights to the relative neglect of economic and social rights has prompted leaders and even erstwhile local critics to question the sincerity of the west's efforts to defend and promote human rights globally. Kishore Mahbubani, an outspoken critic of the idea of universal human rights protests as follows:

From the point of view of many Third World citizens, human rights campaigns often have a bizarre quality. For many of them it looks something like this: They are hungry and diseased passengers on a leaky overcrowded boat that is about to perish. The captain of the boat is often harsh, sometimes fairly and sometimes not. On the river banks stand a group of affluent, well-fed and well-intentioned onlookers. As soon as those onlookers witness a passenger being flogged or imprisoned or even deprived of his right to speak, they board the ship to intervene, protecting the passengers from the captain. But those passengers remain hungry and diseased. As soon as they try to swim to the banks into the arms of their benefactors, they are firmly returned to the boat, their primary sufferings unabated.³⁵

Justice cannot be addressed from the position of an onlooker or an outsider. One would have to hold a sincere commitment to a more just world to seriously address the issue of global justice. All states would have to participate equally and effectively in working out and abiding by principles of justice, for which a conception of the relationship between the self and the other is required.

I hope I have in the above pages, outlined though briefly, the imperative of justice for states. The concern of this study is to discern a nuance starting point for authoring, legitimizing and arriving at a consensus over justice for states. In doing so, the study would focus on three dominant perspectives, namely cosmopolitan which regards the individual as the ultimate unit; communitarian which holds the community represented as the nation as the starting point; and Rawls conception of justice which employs the idea of peoples in place of states. But why should justice for states need to transcend the idea of the state? Why should an account of global justice not begin from the conception of the self as the state, or be one that regards nations, or more precisely, states as the basic moral units? Why not take international justice to cover literally *international* justice, rather than justice which has transcended it?

The idea of justice with the state as the starting point has indeed dominated international relations theory for much of its modern history – the ideal of state sovereignty and its corollary principle of non-intervention were historically premised on this ideal of the moral primacy of states. On this view, states are regarded as moral agents in themselves and are the basic moral subjects for the purpose of global justice. But the idea of the state as a moral subject does not withstand close scrutiny. It appears to suggest that global justice is simply domestic justice writ large, except that states or nations are now the basic moral agents instead of individuals. But such a (Hegelian) metaphysical conception of the state as a moral

person magnified, while once dominant in international relations theory, is quickly becoming outmoded. As Beitz argues, “unless some independent sense can be given to the idea of the state as a moral agent, this view (that states are moral subjects in themselves) cannot be very persuasive.”³⁶ The argument however is that we are moved or concerned about justice in the international realm, not mainly, in fact not at all, because of the pain caused to an abstract entity called the state. Rather international justice is an issue mainly because of the misery and suffering experienced by persons, both individually as well as collectively. Therefore, a theory of international relations that treats states as basic in this way shoulders considerable metaphysical burdens of proof. It is for this reason and to begin to address this issue in the political theory of international relations that I, in this study, chose to focus on the conception of the self, other than the sovereign nation state, which could constitute the basis of international justice.

In the next section, I make a select survey of the literature in the ongoing discourse on international justice to underscore the contributions and limitations of some seminal works. In doing so, I hope to mark the somewhat limited intervention and contribution that this study may be understood to make in the ongoing discourse.

1.4 A Brief Survey of the Literature

The idea of international justice or justice in the international realm has been a concern and an issue of debate for several decades now. In fact, some of the more serious and formidable contributions to the discourse on international politics have been directly or sufficiently on the issue of international justice. It would not be entirely incorrect to state that much of international relations studies has been focused on the idea, display and practice of power; it

has been more focused on the narrative of *realpolitik*. The relations among states, although also being a somewhat moral concern has focused mainly on the political aspects, which works such as Hans Morgenthau's *Politics Among Nations* and E H Carr's *The Twenty Years' Crisis* as being the defining texts of international politics. However, there have been and continue to be some interventions in this discourse by such works which focus on the idea and imperative of international justice.

In this section, I review some of the major contributions to the discourse on international relations studies, which focus on the idea and imperative of international justice. I summarize and assess the main arguments of these works, as well as point out to their strengths and contributions. Undoubtedly, these works have contributed immensely to the understanding and practice of international politics; however, as I demonstrate in this section, they all are characterized by a common shortcoming, namely the absence of a credible conception of the self (and perhaps of the other) which, as mentioned above, is so necessary for arriving at and establishing principles of justice for states.

In what may be referred to as a classic in international relations theory, Hedley Bull's *Anarchical Society*, begins with the dictum that "thinking is also research". Bull organized his chief work around the concept of order. Order has special importance because of the dual status which Bull assigns to it: he treats it both as a value and as a fact. This is less apparent in the organization of Bull's book, whose official programme expounds order as a fact, whether as a salient aspect of international society or, more diffusely, as the end to which the mechanisms of international relations answer. Nevertheless, Bull also conceives of order as a value. In the words of Bull, "I do in fact hold that order is desirable, or valuable in human affairs, and *a fortiori* in world politics."³⁷

Bull's work takes as its starting-point the view that "modern states have formed, and continue to form... an international society". Its' status as such is highly significant, for it implies that international relations are such that in at least one aspect the ethical can be realized in them. As Bull takes order to be central to international society, any such realization would not be a peripheral feature, but rather a central feature of international relations. While explaining the idea of order, Bull writes: "To say of a number of things that together they display order is in the simplest and most general sense of the term, to say that they are related to one another according to some pattern ... "an arrangement of social life such that promotes certain goals or values."³⁸ While the author believes that order is a desirable objective, certainly preferable to disorder, it is not always superior to other values. 'Society', in Bull's terms, extends beyond the interior confines of states to embrace a larger society among the states themselves, based upon a recognition by states of common interests.

Bull's major concern is to systematically think through and present an inquiry into the nature of order in world politics. He sets for himself a large task, one as much philosophical as political. Stating his quest in the introduction, he offers three basic questions: first, what is order in world politics? Second, how is order maintained within the present system of sovereign states? And third does the system of sovereign states still provide a viable path to world order? Each question is developed in detail in the three sections of the study.

Justice is, for Bull, another desirable, increasingly necessary goal which can conflict with order. While developed countries stress order, the developing world or what Bull refers to then as the 'Third World' countries place a higher priority on justice even at the price of disorder. Recognizing that the debate over priorities involves value judgments, Bull remains

aloof and detached, even though he does not eschew the controversy. He emphatically states that his purpose is not to prescribe solutions or offer practical advice, which he claims, is "a corrupting element in contemporary study of world politics."

Bull in this work appears more as political philosopher than a political scientist or even a scholar of international relations. However, it is possible to discern the values and conclusions that remain central to the work. The book is an implicit defence of the state system within the international community of nations. According to Bull, within this system, order does exist and is maintained through established means such as balance of power, international law, diplomacy, great power politics, and even war. Bull examines alternatives to the existent system, but finds the contemporary model neither dysfunctional nor in decline. However he does suggest reform, which he contends is possible. Here he discusses such proposed reforms as the "Kissinger Model" of a concert of great powers, the so-called radical global centralists represented by Richard Falk, new models of regionalism emerging from Third World thinkers, and the Marxist model. He notes problems of implementation inherent in all.

This is a tightly focused, contemplative work, and reading it is indeed enlightening especially for one who concerned with the different traditions of theorizing in international relations. The study appears more in the genre of a text in international politics. But there is a limitation: while it is possible to support Bull attempt at scholarly detachment, he does seem to pursue it to an extreme. Interestingly, in the introduction, Bull notes that value-free inquiry is sterile, and yet he does seem to be a victim of such condemnation. In a world desperately seeking alternatives to crises, can one smugly renounce the search for solutions?

More importantly, although Bull does point to the imperative for justice among the developing world, he does fail to provide a convincing theory of international justice. Also, he fails to place the ideal of justice above that of order. Contemporary political theory is distinct in its concern with the ideal of justice. As noted by Philip Bobbitt, the state today is no longer and/or not just “a war-making machine”; rather it is also and more significantly a tool for justice, for correcting the wrongs and violations that have occurred in time and space. Bull fails to address this deeply urgent question in what is otherwise a wonderfully written work.

John Rawls may be rightfully regarded as the most important and elegant theorist of justice in contemporary times. Rawls had indeed set the terms of a nuance discourse on justice, which has shaped, if not defined, the contours of contemporary theorizing of justice. The main question that Rawls focuses on is: What are the principles of association that citizens devoted to different ethical and religious ideals or peoples living under different regimes can find reason to acknowledge together?

Rawls has attempted a response to this question in three of his seminal works. He begins his conceptualization of justice in the first book titled *A Theory of Justice* by working out the idea of a common ground which reasonable people can share, despite their profound disagreements. In his second book titled *Political Liberalism*, Rawls recasts his theory of justice as fairness in a form no longer tied to a Kantian view of the moral life as a whole. "Political liberalism" according to him, revolves around the idea of "public reason", the shared point of view which free and equal citizens assume when, abstracting from their opposing comprehensive doctrines, they decide constitutional essentials and matters of basic justice in the light of a principle of reciprocity. In 1999, Rawls publishes his third and

perhaps equally comprehensive and contentious work titled *The Law of Peoples*. This work is divided into two sections namely “The Law of Peoples” and “The Idea of Public Reason Revisited”: while the latter is Rawls' final statement of his ideal of a just society; the former constitutes an account of the just coexistence of diverse societies, the principles of justice for peoples, or put differently the laws of international justice.

"The Law of Peoples" was the title of the Oxford Amnesty Lecture that Rawls delivered in 1993. Rawls's "Law of Peoples" draws upon the liberal idea of a social contract, extending it from the domestic to the international domain. At the heart of this ideal is the contractarian artefact that lies at the heart of *A Theory of Justice*, wherein Rawls employs the idea of the social contract to arrive at acceptable principles of justice, the most important of which is the Difference Principle. Yet Rawls does not derive his "Law of Peoples" by globalizing or making internationally relevant the argument of that book. Later in this study, I do give a detailed analysis of Rawls's arguments on domestic and international justice, however I also do briefly examine the idea of international justice advocated by Rawls, for the purpose of this literature review.

In Rawls *Law of Peoples* we are not to imagine an Original Position in which all persons, apart from national affiliation, fix the principles of justice that should govern the different political associations they then may enter. Instead, as suggested by Charles Larmore, "the *Law of Peoples* is arrived at by a two-step procedure. First, we use the device of an Original Position for the domestic case and determine the principles which parties representing the citizens of a single society would agree upon, if they were rational but lacked (through a "veil of ignorance") the sort of information we believe irrelevant to questions of fundamental justice. The principles arising from this initial contract, as *A Theory of Justice* shows will be

recognizably liberal in character. Then, at the next stage, we imagine a second Original Position in which the contracting parties represent various liberal societies and work out under similar conditions the terms of their mutual political relations.”³⁹ The principles of international justice, or what Rawls refers to as “the Law of Peoples” which are endorsed comprise of a set of eight principles requiring, in sum, that free and independent peoples respect one another, refrain from war except in self-defence, observe certain restraints when war is necessary, and assist other peoples living under unfavourable conditions.

The content of Rawls’s “Law of Peoples” departs therefore from some familiar notions. While governments, for example, are required to recognize a duty of non-intervention, they do not enjoy complete autonomy, since they are also obligated to assure their citizens the basic human rights. This break with the traditional doctrine of state sovereignty is in his eyes an inescapable consequence of the bitter experiences of the 20th century.

Rawls’s opposition to realism is warranted, perhaps because a world heeding his “Law of Peoples” would be a better world than one of power politics. The realist maxim that international relations have not changed since Thucydides’ day is false to the reality of our world, in which liberal societies have increasingly (if imperfectly) based their foreign policy upon moral principles.

In fact, Rawls is at pains to insist that *peoples*, not *states*, are the true signatories to the “Law of Peoples”.⁴⁰ According to Rawls, “states”, as so-called realist theories of international relations conceive of them, can be understood as essentially competing powers engaged solely in the rational pursuit of their own interests. Lacking a moral nature, they are not moved by the principle of reciprocity or imperative of justice which the citizens of a liberal

society honour, not only among themselves, but also as a corporate body that is – as a "people", in their dealings with other such societies.

And this indeed, may be the most important contribution of Rawls's idea of international justice: that is, shifting the site of politics from the conception of the self as a state to that of "people". Rawls is certain that states, which have been conceptualized, sustained and legitimized on essentially amoral political considerations cannot be expected to legislate or agree upon principles of justice, which are foundationally moral. In fact, for Rawls, the capacity of individuals to work out and agree upon principles of justice in *A Theory of Justice* stem from their moral nature, and this is essentially why Rawls employs the Kantian notion of the individual as a moral, rational and self-determining individual as the agent of his project of justice. To believe that the principles of international justice could be determined by essentially political and self-interested states, in the absence of a sense of morality may be entirely unrealistic if not unjust. And this is why Rawls shifts the conception of the self from that of states to peoples.

However, Rawls does not go too far in this regard. In fact, the distinction between "states" and "peoples" is largely definitional, and the characterization and understanding of the latter depends substantially if not entirely on the former. It is as though Rawls has simply surrendered the word "state" to the realists. A liberal society, he remarks, "is one whose state apparatus is effectively under the political control of its citizens."⁴¹ Ideally, then, a liberal state should be no less a moral agent than the liberal people it serves. There are also a number of deeper, structural questions raised by the approach that Rawls adopts. One difficulty is a wobbly transition from the first to the second step in his derivation of the "Law of Peoples". The parties in *A Theory of Justice*, and/or the domestic Original Position – the first stage of

justice - do select the conception Rawls calls "justice as fairness" (the liberty and difference principles, lexically ordered). Yet the liberal societies represented in the second Original Position are said to embody a variety of views of justice and not merely the one believed to be the best. The essential thing, he claims, is that their idea of justice be "reasonable": it should guarantee certain basic rights and liberties, assure all citizens the primary goods needed to make use of these freedoms, and in general satisfy a criterion of reciprocity, according to which fundamental political principles must be acceptable to all those disposed to seek fair terms of cooperation. Justice as fairness is simply the most egalitarian conception meeting this condition. Perhaps this is his way of acknowledging that the right, no less than the good, has been an enduring object of controversy within liberal thought.

Rawls is openly wary of adopting a cosmopolitan approach to his theory, and for good reasons: a cosmopolitan version would require that all persons everywhere enjoy equal political rights and liberties. As a result, it would entail international principles to which liberal democracies alone could subscribe, thereby excluding a wide gamut of peoples and states from the ambit of international justice – a feat that would itself be unjust. Shifting somewhat from the "cosmopolitan" strategy, and in a clear attempt to be tolerant towards the diversity of peoples that comprise the international world, Rawls holds that a "Law of Peoples" should also embrace what he calls "decent" societies. Such societies are generally associationist in form: they regard their inhabitants, not as free and equal citizens, but as members of various groups (religions, for example), some of which possess greater political privileges, but all of which are consulted in decisions of justice having to do with the common good. Though decent societies are not liberal democracies (Rawls' model is the Ottoman Empire at a certain period), they can affirm all the principles contained in his "Law of Peoples", including the guarantee of basic human rights. They are neither "outlaw states",

pursuing an aggressive foreign policy, nor "burdened societies", too disordered internally to share in a Society of Peoples.

There are several questions which arise from Rawls principles of international justice: why should the "Law of Peoples" be understood as an agreement among peoples? Why should it not be seen as a system of global justice whose validity is determined by the reasons all persons, as individuals, have to endorse? Why does Rawls refuse to devise international principles by expanding the Original Position of *A Theory of Justice* beyond the bounds of a single society so as to encompass the whole of humanity? Why should the "Law of Peoples" aim at being fair to peoples and not to the individuals they comprise?

However, a larger and perhaps more disturbing question about Rawls "Law of Peoples" is about his schema of redistribution in international politics. In a system of international justice geared to be fair to individuals, the duty of assistance to other peoples would have to be as egalitarian as the scheme of distributive justice (the difference principle) which the Original Position yields in the domestic case. Prosperous societies would have to be taxed to aid the worst off in a poorer society, however just the latter's institutions might be. For Rawls, by contrast, "the duty of assistance should extend only so far as to provide outlaw and burdened societies the ability to make responsibly their own economic decisions within a framework of basic human rights and mutual respect among people"⁴². Rawls offers no fundamental arguments for a corrective notion of justice, the obligation of states and/or peoples to the welfare of other states/peoples, or even a credible conception of the self as a starting point in international justice.

The obligation of states, who may have a high degree of development and advancement, to the welfare and uplift of those other states, who may be lesser and/or lower in their progress of development has for long been an issue in the understanding and pursuit of justice in international politics. Although the international political system is comprised of sovereign states, with the absence of single regulatory mechanism of enforcement, there have been, several times, issues raised which do reiterate the need for justice, both corrective and distributive, which would somewhat correct the gross inequalities which citizens and societies of such states are confronted with. In fact, such arguments are often worked out and justified on the bases of rights and responsibilities, rather than as charity and aid. The question, however is, what is the source of that obligation? In the current international system, state leaders have an obligation first and foremost to their own citizens. Individual citizens of developed countries tend to care more about their fellow citizens than about those in distant places, especially when it concerns policies that impact their wealth and safety. To make an argument that would recognize national allegiances but also provide grounds for caring about individuals around the world is quite a challenge.

Kok-Chor Tan takes up this challenge in *Justice without Borders* – a book that has contributed immensely to the discourse on international justice. The book provides a good critical reading of such theorists, as John Rawls, Thomas Pogge, Charles Beitz, Yael Tamir and David Miller, making it a useful text for a course on international political theory. From his engagement with these theorists, Tan develops a philosophical defence for a complementary relationship between cosmopolitanism and liberal nationalism. For long, cosmopolitanism and liberal nationalism have been understood as two different and somewhat conflicting theories of politics: while one focuses on the individualistic notion of the self, the other begins with the understanding of the self as a collective, a community. As

argued by Anthony Lang “Tan identifies himself as a cosmopolitan, but he wants to take seriously the claims of liberal nationalists and theorists of patriotism. His agenda in *Justice without Borders* is a conciliatory one. He believes that the particularistic affections of patriots and nationalists are legitimate and should be taken seriously by cosmopolitans. Yet, he also believes that those same cosmopolitans should not abandon their demands for universal moral concern. The core of his argument is that the particularistic tendencies of nationalism and patriotism need not be replaced by a cosmopolitan ethos. On the other hand, they should be limited and constrained by it.”⁴³

Tan develops his argument by distinguishing different types of cosmopolitanism and claiming that, when these distinctions are understood, they allow cosmopolitans to live with liberal nationalists. First, cosmopolitanism can be the construction of actual "institutional structures" at the global level, or it can be a "moral norm" for critiquing existing structures. Second, it can seek to create a "world culture" into which particular national cultures are dissolved, or it can seek to be a "norm of justice" that provides grounds for critiquing specific manifestations of illiberal nationalism. In both cases, Tan prefers the latter version, that is, he sees cosmopolitanism as a norm rather than a set of institutional structures or a world culture. Seeing cosmopolitanism as a norm, however, need not weaken it, according to Tan. Here his argument relies on a further distinction: between "strong" and "weak" cosmopolitan theory. In this case, Tan prefers the strong version of cosmopolitanism, suggesting that the goal is not simply a minimal level of equality among people but the maximum level possible, no matter where people live. At the same time, however, Tan posits a fourth distinction, claiming that he is interested in a "moderate" rather than an "extreme" version of cosmopolitanism. According to Tan, the extreme version refers to an argument in which cosmopolitanism

becomes the single "unifying source of value", whereas the moderate version "acknowledges the normative independence of certain special obligations"⁴⁴.

These four distinctions allow Tan to critically assess the arguments made by cosmopolitan and nationalist theorists. According to Tan, cosmopolitan theorists can be placed on two extremes of a spectrum: on one extreme, there are those like Rawls fail to live up to real cosmopolitanism; while on the other end, are thinkers like Pogge who remain unfairly painted as being extreme. For the liberal nationalists, Tan claims that theorists like Tamir, in order to work out a defensible theory of justice for states, must also advocate the moderate-strong cosmopolitanism that he proposes. Indeed, according to Tan, because liberal nationalists believe that everyone should have the right to belong to a national community, and because successful communities require some level of economic sufficiency to function, liberal nationalists need to support the type of cosmopolitanism that he advances.

Tan's arguments are persuasive, and *Justice without Borders* is well written. He brings together two bodies of literature through a sophisticated argument that establishes a moral case for being a cosmopolitan nationalist. But, the debates to which he is responding, and in which he himself is a participant, sometimes fail to confront certain elements of the real international system. For example, Tan asserts that his argument is about economic and not political cosmopolitanism, however it is in the political realm that nationalism is most influential.

Tan also wants to critically evaluate global institutions but avoid a world state.⁴⁵ Although this goal serves to pre-empt "realist" critiques of his argument, it also weakens its force. As suggested by Lang, "claiming that his moral cosmopolitanism allows him to be critical by

focusing on the justificatory basis of those institutions rather than how they might actually be constructed, Tan avoids engaging in the hard work of how his critical analysis can function. He cites possible examples, such as the Tobin tax, but never really engages the ideas behind them. In other words, even though Tan's argument avoids being too idealistic, in so doing it becomes a rather weak critique of existing institutions that is devoid of any new ideas about how those institutions might function more effectively. In fact, the theorists whose ideas Tan wants to put together are not, in actuality, that far apart. The real distance lies between those political leaders who believe that their nations come first and those international civil servants who push for reforms that might alleviate poverty.”⁴⁶

Finally, and perhaps the most important limitation of this work, is that even though this type of literature makes useful moral arguments about cosmopolitanism, it does not confront the more difficult task of changing the way in which people think about and see the international system. Put differently, it does not work from or result in a rethinking of the basic conception of the self in international political theory, namely the nation-state. Although globalization has certainly rubbed against the edges of the nation-state, it has not displaced it. We live in a world that is constructed by the nation-state. Moral arguments might help us see some of the problems with this world, but these arguments will have very little impact until we think critically about how our languages of foreign policy, sovereignty, and international organizations continually recreate these structures. Tan's arguments tend to reinforce this constructed world because he writes about policies such as immigration and economic distribution in a way that accepts the international system as it is.

Despite these critiques, *Justice without Borders* is an important and a well-argued book. It demonstrates a facility with a range of literatures in international political theory and the

ability to bring them together in an innovative way. Although it may not lead to concrete suggestions for how to create a cosmopolitan world in which people can defend their status as citizens of specific states, it does force us to think critically about the world we have constructed, and its consequences for wealth and poverty.

An engaging issue in the discourse of international justice has been the possibility and desirability of war. War has been conceptualized by several political thinkers, and particularly by those who work in the realm of peace studies. However, the justness/unjustness of wars is an issue which has received critical attention. Although my study is not directly concerned with the idea of war, it would be helpful to review the contributions of Michael Walzer to the discourse.

An important work which has contributed immensely to the ongoing discourse on just wars is Michael Walzer's *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. This work is about the justness or otherwise unjustness of wars. Walzer begins by pointing to the fact that in spite of the increased occurrences of war in our own times, we have not been able to generate a profound discussion about the distinction between those wars that are just and those that are unjust. As argued by Hedley Bull, "of course, there is no lack of assertion of opinion about the morality of wars: we are told that a particular war that is fought in self-defence or to liberate a subject-nation has a just end, or that a war that does not inflict unnecessary suffering on the innocent is fought by just means."⁴⁷ Nevertheless as Bull points out, there is not much progress in determining the moral bases of declaring a war as just or unjust.

In fact, there still exists a tradition of positive international law whereby existing treaties and customary rules are scrutinized to determine whether, for example, the use of nuclear weapons, or pre-emptive attack, or resort to force by non-state groups, or misconduct under the plea of superior orders, is 'legal' or put differently, justifiable. Chiefly in relation to the conflict between and among the superpowers, a suggestive if largely speculative literature has arisen about "rules of the game or "operational rules" in war and diplomacy-rules for which, however, no moral standing is claimed. And yet there has been a great deal of thought particularly in the dominant Western discourse to the question of how wars can be contained, or limited.

It is no accident that the few serious attempts that have been made to explore the contemporary meaning of the doctrine of morally just war have been written from the point of view of Christian (mainly Catholic) theology? The great debates about just war that took place in Europe in medieval and early modern times occurred against the background of common moral authorities: divine law as revealed in the scriptures, and natural law as evident in the light of reason. However, there has been a broad and widespread neglect to the moral bases of determining the justness of wars. In Bull's words: "It is striking that contemporary philosophers have had nothing to say about the distinction between just and unjust war: at all events, I can think of no work by any philosopher in the English-speaking world, writing from a secular point of view, that is of importance. It is worth asking what the reasons are for this neglect. No doubt, serious discussion of the morality of war has been impeded by the influence of the school of "power politics," which tends to deny both the validity and the effectiveness of moral rules restricting behaviour between states. No doubt also, this kind of inquiry is discouraged by ideological fanaticisms of the left and right, which proclaim the morality or immorality of particular kinds of war, but in dogmatic terms that do not admit of

the possibility of inquiring into the bases of these assertions.... What deters us from embarking upon serious inquiry into these matters is the feeling that there are no authorities to guide us in this field, that arguments about the morality of war – by contrast with arguments about what causes it, what limits it, what policies it serves or what positive legal rules regulate it – are a matter of mere opinion.”⁴⁸

Michael Walzer, in his fine and widely acclaimed work titled *Just and Unjust Wars*, does not pay too much attention to the lack of secure and well established philosophical or ethical foundations for his opinions about the morality of war. He tells us that what he wants to do is to "recapture the just war for political and moral theory".⁴⁹ As rightly opined by Bull, "it is clearly the morally just war that he wants to recapture: not... the "paper world" of the positive international lawyers, or the policy prescriptions of the world order theorists. Nor does he seek to provide us with another history of the concept of just war.”⁵⁰

The book is subtitled *A Moral Argument with Historical Illustrations*, and justifiably so, as it is substantiated with rich and credible historical material and evidences. Walzer tells us that here he seeks "to set out the moral argument about war in a quiet and reflective way", and not to "expound morality from the ground up".⁵¹ Perhaps Walzer is apprehensive about foundations mainly because he may never get beyond them, or more importantly, he is "by no means sure what the foundations are.”

Walzer puts the argument for the justness of wars in a beautiful way: “The clearest evidence for the stability of our values over time is the unchanging character of the lies soldiers and statesmen tell. They lie in order to *justify* themselves, and so they describe for us the lineaments of justice”.⁵² The right to war is the right to resist aggression; aggression being,

for Walzer, the name for any “violation of the territorial integrity or political sovereignty of an independent state” and it is “the only crime that states can commit against other states: everything else is, as it were, a misdemeanour”.⁵³

Walzer, indeed, is quite explicitly addressing himself to those he assumes to share a common morality with him, those to whom he does not have to defend his basic moral premises. He even identifies this group as those who understood the moral condemnation of the Vietnam War, whether or not they agreed with it. This disdain of foundations is the cardinal and perhaps the most vulnerable feature of Walzer's position, as he fails to or rather avoid exploring or rethinking the basic conception of the self in international politics. In not doing so, Walzer does not seem to question the foundational unit of international politics, but goes on to attempt to work out the moral basis of just wars. I will come back to this after I have assessed the larger contribution of this work of Walzer.

Walzer begins by seeking to establish "the moral reality of war." War, Walzer argues, is never without a moral dimension. There is always the possibility of morally questioning an act of war. The "moral reality" of war, according to Walzer, has two parts: on the one hand, the ends or objectives for which it is fought – the sphere of *jus ad bellum*; on the other hand, the means by which it is conducted – the sphere of *jus in bello*. Walzer focuses his discussion of the just ends of war on "the theory of aggression": the idea that aggressive war is a crime, and that wars fought in self-defence against aggression, to enforce the law against aggression, or to punish the aggressor, are justifiable. He formulates a simplified version of "the theory of aggression," which he calls "the legalist paradigm" based on a right of legitimate anticipation of an intended act of aggression: such a right, he thinks, is not conferred by a mere fear of an adverse change in the distribution of power, but is conferred by a situation in which failure to

strike first would seriously put a state's territorial integrity and political independence at risk – for example, the situation in which Israel found itself in June 1967. It can be right to use force to intervene on behalf of a war of secession or "national liberation" – say, for example, India's intervention in the liberation of Bangladesh in 1971. It can be right to intervene forcibly in a civil war when what is at stake is counter-intervention against the prior intervention of other powers: again perhaps, India's involvement in the Sri Lankan crisis.⁵⁴ For Walzer, there is also a right of humanitarian intervention against acts that "shock the conscience of mankind," such as perhaps the American intervention in Kuwait.

Walzer, while working out the moral bases of war also upholds that the right to resist aggressors does not extend to a right to capture and punish them, as was asserted by some in justification of the conquest of North Korea: states are not individuals but collections of individuals, and the domestic conventions of the capture and punishment of criminals cannot be extended to international society. It is on this point that Walzer moves to the means of a just war or *jus in bello*.

When he comes to deal with *jus in bello*, Walzer provides us with a very sympathetic view of "the war convention." War is an activity governed by rules. These rules imply that soldiers are licensed to kill, and also that they are morally bound to "fight well" – and especially bound to respect the rights of non-combatants. The rights of non-combatants have to be upheld as much against the just as against the unjust. The first principle of the war convention, Walzer tells us, is that soldiers – unless they are wounded or have been captured – are subject to attack at any time. For this principle to work, a soldier has to be perceived as a soldier and not simply as a human being.

The second principle is that non-combatants shall not be attacked at any time and it is this principle perhaps above all, that Walzer is concerned to defend: the rights of non-combatants, of the so-called innocent, not to be attacked. Thus, he seeks to reformulate the doctrine of "double effect," according to which an act of war that causes injury to civilian bystanders is justifiable if this effect is not directly intended. It is not enough that the evil effect of the act of war is not an end or a means to an end; there must also be attempts to minimize the evil brought about. According to Walzer, it is wrong to assume – as when submarines are ordered not to pick up survivors of ships that have been torpedoed, or when whole villages are destroyed so that a battalion of infantry can advance with a minimum of casualties – that it is permissible to kill or injure civilian bystanders if this is necessary in order to spare the lives of combatants: "if saving civilian lives means risking soldiers' lives, the risk must be accepted".⁵⁵ A siege, "the oldest form of total war," cannot be justified by the doctrine of double effect, because it is a directly intended onslaught on the civilian population: unless the attackers allow the civilians within a besieged city to leave, a siege is not morally possible. Similarly, guerrillas challenge the whole distinction on which the war convention rests, between those who are soldiers and those who are not. The counter-guerrilla forces are not thereby absolved of the duty to respect the rights of non-combatants; moreover, if a whole people is at war against a tyrannical or alien regime, the struggle against the guerrillas is inherently unjust both in its ends and in its means: in such a war, *jus ad bellum* and *jus in bello* come together. Terrorism, if it is the random killing of innocent people, taking no account of the distinction between official agents of a government who bear some responsibility for its policies and ordinary civilians who do not, is inherently wrong.

Having expounded his main position on just ends and just means, Walzer goes on to consider certain "dilemmas of war." How do we both win and "fight well," in the sense of

scrupulously observing the war convention? According to Walzer, policies of nuclear deterrence rely on the threat of deliberate mass slaughter of the innocent. If our threat of nuclear retaliation means that in certain circumstances we intend actually to carry it out, then the threat is wicked. If collateral damage is central to our threats, it is not collateral. "Nuclear weapons," Walzer writes, "explode the theory of just war ... our familiar notions of *jus in bello* require us to condemn even the threat to use them".⁵⁶ And yet, he acknowledges that "deterrence itself, for all its criminality, falls or may fall under the standard of necessity".⁵⁷

Finally, Walzer insists upon individual responsibility for unjust wars and acts of war. "There can be no justice in war if there are not, ultimately, responsible men and women".⁵⁸ The acts of state with which aggressive wars begin are acts committed by persons. The case of "war crimes" is similar: neither the heat of battle, nor superior orders, nor self-preservation can excuse individual soldiers and officers from being held responsible for violations of the moral rules of war. If here, too, there are times when necessity provides a loophole, and crimes are committed because they have to be, then we should not forget that it is crimes that have been committed. Collective survival sometimes requires the violation of human rights, and political leaders must opt for the former. But they are not free of guilt when they do so: "A moral theory that made their life easier, or that concealed their dilemma from the rest of us, might achieve greater coherence, but it would miss or it would repress the reality of war".⁵⁹ War is not simply a clash of forces; it is a clash between the agents of political groups who are able to recognize one another as such and to direct their force at one another only because of the rules that they understand and apply.

Walzer is most impressive in his tenaciousness, his unwillingness to let go of the possibility of discriminating morally between one outcome and another, even where – as in the choice

between capitulation and nuclear deterrence, between saving soldiers' lives and sparing civilians, or between allowing tyrants to commit atrocities and resorting to military aggression – our instincts tell us that moral principles can offer no guidance.

However elegant Walzer's theory appears, it does have certain shortcomings. First, is what Bull refers to as "the subjectivity of his position".⁶⁰ Put differently, he is unable to convince those critical of his position, for instance the distinction between just and unjust war is of cardinal importance, would be disputed by absolute pacifists, with whose position he makes no attempt to come to grips. Similarly, the very strong emphasis he places upon the obligation to respect the rules of war, by comparison with the obligation to fight for a just cause, would be disputed by those more sympathetic than he is to the revolutionary causes of our time: if one really believes in the obligation to wage a holy war against capitalism or imperialism or white supremacy, the ethics of obeying the rules of war may not be entirely appreciated.

But more importantly, Walzer's entire theory is confined within the universe of the rights and duties of sovereign states, and of the individuals who are their agents. Basic to Walzer's position is his western liberal view according to which questions about the morality of war are ultimately questions about the rights and duties of individual human beings. This view, for example, underlies his strong defence of the rights of non-combatants, which derives from what he calls his "human rights position"; it also underlies his insistence upon individual responsibility for wars of aggression and war crimes. How, then, do Walzer's arguments relate to those that begin with the assumption that the ultimate test concerns the rights and duties not of the individual, but of the kinship group, the nation, or the party?

All this is merely to say that Walzer's position may be disputed from various perspectives. What makes him vulnerable, however, is that he does not provide us with the foundations of his own position, and thus does not have anything to say as to why we should listen to him rather than to someone whose outlook is fundamentally different. As we have seen, his decision not "to expound morality from the ground up" was a deliberate one, and one can see why he was led to it. It is true that his book is about the morality of war, not about the nature of morality. It is true also that if Walzer had elaborated the ethical foundations of his view of just war, it would not have rendered his position any less vulnerable to attack, because today we are as divided about the ethical foundations of our everyday moral judgments as we are about these judgments themselves.

And also, the issue of war, although an important part of the idea of international justice, is certainly not the only or even a central part of it. There has been a more profound and intellectually more muscular debate about the concepts of economic and social justice, not least about the bearing of these concepts on international relations. The debate about just war, although imperative for the present time, cannot be the only parameter for correcting the injustices among states in the international realm. Some of the issues that call for examination are those that lurk beneath the surface of Walzer's argument: between a revolutionist and a legalistic conception of just war; between an individualist and a collectivist approach to obligation in world politics; between just war theory and pacifist theory; and between an absolutist and a relativist conception of morality in war. Walzer has provided us with an elegant theory of just war, but his theory is sufficiently devoid of a credible conception of the self, as well as, an understanding of the imperative to correct and rectify unjust starting places of states.

In the last decade, moral and political theorists have sought to refine and reconsider the effects of these changes on our understanding of the world. How, for example, does globalization affect our responsibilities for alleviating the suffering of world's poor? Is the world system of nation-states morally justifiable, and if not, what kind of institutional structure should replace it? And one contribution to this discourse is the volume, *Global Justice: Seminal Essays* co-edited by Darrel Moellendorf, Thomas Pogge and Keith Horton. This work is a compilation and collection of the most important, original and influential contributions to this debate on global justice over the last forty years. The editors begin with a working definition of global justice, according to which global justice concerns the moral assessment of institutions and the moral responsibilities of states. From here, several questions are raised and worked with, questions such as, what is the nature and scope of the rich world's distributive obligations towards the world's poor; what is the justification of humanitarian military intervention; how can one justify national self-determination and partiality towards compatriots; and how do we address problems of global scope, such as climate change and overpopulation; and is the attempted universality of western liberal conceptions of human rights justifiable? It is in this book's merit that competing arguments on these questions are presented in a challenging and thought-provoking way.

For the purpose of this study I would focus on the question of distributive duties for the world's poor. Peter Singer's classic essay, "Famine, Affluence and Morality," is still, four decades after its publication, one of the most influential pieces in contemporary ethics. Singer criticises our ethical myopia, arguing that while we would endure personal costs to save a (hypothetical) drowning child from a pond, we are idle in rescuing the millions of children dying of poverty worldwide. Peter Unger's supportive contribution argues that morally irrelevant factors lead us to underestimate the moral importance of distant suffering. On the

other spectrum of the debate, Garrett Hardin employs the metaphor of the life boat, arguing that limited resources mean that equal global concern is impossible and would do much more harm than good. Between these two extreme positions, the book is ripe with many refined and subtle arguments by such thinkers as John Rawls, Richard Rorty, David Miller, Alasdair MacIntyre and many others. Pogge himself offers a recent piece on why the moral obligations of affluent countries are not ones of supererogatory nature. Unfortunately, the structure of the book makes following the different debates more difficult than necessary. Naturally, the majority of essays engage with more than one debate, and would not easily fit in a thematic structure. Yet at times it seems that Pogge and Horton's choice to present the essays in a straight chronological order obscures the relations between specific articles, some written as a direct response to others. However, this collection of articles fails to provide a concrete and comprehensive account of the condition and circumstances of global injustice as well as possible resolutions to it. More importantly, all the articles are limited in the sense that they firmly continue with the state as the central conception of the self in international politics.

An important work in complementing the domains of international relations and political theory is Charles Beitz *Political Theory and International Relations*. For long, the discipline of international relations has been guided by three distinct conceptualizations or premises: the Hobbesian account of the state of nature; the international society of states proffered by the natural law tradition; and the Kantian cosmopolitan community of mankind. Beitz's focus is on the normative principles of international practice which flow from each of the three images. Among these three the state of nature premise has remained dominant and has been used to explain much of international relations. According to Beitz, the international moral scepticism suggested by the conception of a state of nature is incorrect for today's world because this conception no longer accurately describes international reality. For Beitz, the

state of nature conception sees states “as purposive and autonomous agents coexisting in an anarchic environment without significant social, political, or economic activity and devoid of stable expectations regarding the agents' behaviour with respect to one another”. For him, this conception “fails to capture either the increasingly complex pattern of social interaction characteristic of international relations or the variety of expectations, practices, and institutions that order these interactions. Indeed, international relations is coming more and more to resemble domestic society in these respects, which are analogous to those on which the justification of normative principles for domestic society depends”.⁶¹ Beitz concludes that under such circumstances one cannot consistently maintain international moral scepticism without being pushed into a more general scepticism about domestic morality as well, an extreme position few contemporary realists take.

Having explained the state of nature conception of international relations as not so positive for international society, Beitz goes on to propose and analyse an alternative: “the morality of states.” At the heart of this view is that “states have some sort of right of autonomy in international relations analogous to the right of autonomy possessed by persons in domestic societies”.⁶² Even as Beitz recognizes that the morality of states framework may be an improvement over international moral scepticism, he maintains that it nevertheless fails to provide an adequate normative basis for world order. The flaw in this view, according to him, is the faulty analogy of states and persons on which it is based. First, states are not sources of ends in the same sense as persons are. Second, the participation of individuals is rarely based upon their prior and active consent. Beitz reasons that since “government inevitably involves the use of coercion without the consent of those against whom it is used,” violation of a state's autonomy by an external agent cannot be deemed illegitimate simply because it involves the exercise of coercion against persons without their consent without at the same

time rendering most of the domestic governments of the world illegitimate.. Having done this, Beitz goes on to reinterpret the major concepts related to the ideal of state autonomy, for example, non-intervention, self-determination, and economic dependence. He concludes that “intervention, colonialism, imperialism, and dependence are not morally objectionable because they offend a right of autonomy, but rather because they are unjust”.⁶³

As an alternative to consent, Beitz introduces the idea of a hypothetical contract to account for governmental legitimacy: “A government is legitimate if it would be consented to by rational persons subject to its rule.... Then the argument against interference is that it violates principles that would be consented to by rational citizens as expressing the terms of their association. One might say that the analogue of the moral autonomy of persons, at the level of states, is a state's conformity with appropriate principles of domestic justice”.⁶⁴

Without sufficiently working out an idea of domestic social justice, Beitz moves on to the problem of global justice. Recognizing this limitation, he defends by suggesting that he has neither time nor space to deal with both domestic and global justice and that the former has already received far more scholarly attention than the latter. However, what he inadvertently does is to juxtapose domestic justice with global justice. Owing to his cosmopolitan leaning, he sees global principles of justice taking precedence over domestic ones.

The concluding part of the book is devoted to an attempt to arrive at a global principle of justice by extending John Rawls's theory of domestic distributive justice to international relations. Beitz imagines rational persons from around the globe meeting in a Rawlsian “original position” to choose among alternative principles. He expands the Rawlsian “veil of ignorance” which surrounds these cosmopolitan souls to exclude knowledge of their national

citizenship, or, more to the point, of the natural resource endowments of their respective countries, as well as knowledge of personal identities, interests, and talents. He argues that “the natural resource distribution is a purer case of something being ‘arbitrary from the moral point of view’ than the distribution of talents”.⁶⁵ Beitz believes that in this global original position the same principles of justice would be chosen as in the domestic original position. Hence, if Rawls's difference principle would be chosen at the domestic level, it would be chosen for the world as a whole too. He believes that adoption of the difference principle would produce “a resource distribution principle that would give each society a fair chance to develop just political institutions and an economy capable of satisfying its members’ basic needs”.⁶⁶

The particular way in which he tries to flesh out the cosmopolitan image, that is, by globalizing Rawls's theory of justice, is interesting, thought provoking and original. However, what Beitz fails to reconcile is his dependence on both a cosmopolitan account as well as on his idea of a global society of states. Also, like the many other scholars mentioned above, he fails to begin with or determine a conception of the self, other than the state, which can be conceived as a legitimate starting point for a global conception of justice.

Another interesting work in the discourse on global justice, and one that also focuses on Rawls’s theory, is Gillian Brock’s *Global Justice, A Cosmopolitan Account*. As rightly put by Katelyn Miner, Brock in this work tries to “develop a viable cosmopolitan model of global justice that takes seriously the equal moral worth of persons, yet leaves scope for a defensible form of nationalism along with other legitimate identifications and affiliations.”⁶⁷ Brock's model of global justice is grounded in moral cosmopolitan theory. She argues that as the world's societies and cultures become more intertwined, typically through the process of

globalization, people must understand that each individual is a “member of a global community of human beings” and, as such, individuals owe certain obligations to all other members, even those distant to them.⁶⁸ According to Brock, moral cosmopolitanism breaks down the barriers that restrict individuals from looking beyond their local allegiances and forces them to acknowledge their responsibilities to the welfare of the global community.

The central assertion of this work is that as members of the global community, we are responsible for ensuring that “all [people] are adequately positioned to enjoy the prospects for a decent life, such that they are enabled to meet their basic needs, their basic liberties are protected, and there are fair terms of cooperation in collective endeavours.”⁶⁹ Brock’s work is important for my study as it depends on two theoretical accounts which are the concerns of this study: cosmopolitanism and communitarianism/nationalism. She interprets both as sceptics and goes on to defend her argument. In her words, while the nationalism sceptic “believes that cosmopolitanism interferes illegitimately with the defensible scope of nationalism and undermines... national self-determination”; the second sceptic would question the success of Brock’s cosmopolitan model of global justice.

Brock’s argument is neatly divided into sections on theory and policy. Borrowing Rawls’s conception of the veil of ignorance, she attempts to arrive at a framework which individuals would agree to be the fairest to govern the inhabitants of the world, or what she refers to as the ‘ideal world’. She imagines a hypothetical global conference where randomly selected delegates attend and debate – delegates who are blind to their situation in the world, or put differently placed behind a veil of ignorance. Brock asserts that “if people do not know what positions they might find themselves in during the lottery of life, they will pay more attention to what would constitute fair arrangements.”⁷⁰ She does this so that her delegates will be

unable to predict with any amount of certainty where they could be positioned in the world as a means to avoid partiality. However, Brock does provide the delegates with some information that she deems indispensable for purposes of determining what would be the most just system for interactions and relations among members of the global community. The delegates know “the data about our urgent global collective problems”, including the severe threats to security and peace, terrorist activities, drug cartels, environmental concerns, and health risks. According to Brock, these hypothetical delegates are more likely to honestly and seriously consider what they would be willing to tolerate in their world given that they do not know what their life situation will be. She claims that as a result, delegates would agree on a framework that ensures each person would, at a minimum, enjoy prospects for a decent life. She claims that this agreement would consist of two central claims: first that all individuals would enjoy some basic freedoms; and second, that all people would be protected from serious harm. Brock reiterates that, in the end, “whatever governing structures the delegates endorse would (at a minimum) have as the central part of their mandate to ensure that people are so positioned that meeting their basic needs is within their reach, and that their basic liberties are protected.”⁷¹

Having done this, Brock goes on to the realm of policy to give nine reasons for supporting her idea of global justice with a policy of global governance. She differentiates global governance from world governance and refers to it as an attempt to “manage interests affecting residents of more than one state in the absence of a world government (or centralized power....”⁷² In doing so, she argues in favour of an institutionalized model of global governance.

What is of particular interest is Brock's response to a question about why the global community will be motivated to pursue the goals of global justice. In response she claims that "all nations have an interest in creating a global structure centred on accountability that prevents corruption and abuse so as to ensure that our collective security can flourish."⁷³ According to her, this interest will motivate nations to support and become involved in institutional reforms that will achieve the goals of global justice.

While her model for global justice is compelling and well developed, there remain a number of practical issues that need to be resolved, the most important of which is what contributes to the moral nature of the state or the unit of global justice? Put differently, why should the state abide by the principles of global justice? What motivates the states to determine, discern and agree to global principles of justice? These questions are important only because Brock fails to review the conception of the self in international politics. She uses the state – that very instrument of political intentionality – as her idea of the self, and goes on to assume that it would appropriate a moral nature.

The discourse on international justice in contemporary international relations studies is indeed substantive and it has contributed significantly to the development of the area. The studies I have reviewed in this section are just a few of the many more in the domain. However, in spite of all that they contribute, they are all characterized by a common limitation, namely the lack of a credible conception of the self from where to work out and legitimize a global conception of justice.

The main concern of this study is to critically engage with at least three different traditions of international justice – Rawlsian, cosmopolitan and communitarian, in order to ascertain

which one of them offers a credible conception of the self for principles of international justice. In doing so, I hope that this study contributes in a rather modest way to this otherwise rich and substantive discourse on justice for states.

1.5 Concerns and Organization of the Study

The main concern of this study is to critically explore the possibility of arriving at principles for international justice – for justice among states, by exploring the relationship between the conceptions of the self and the other in international relations. I must clarify that when raising the issue of justice among states, I am only concerned with the claims that fall under the ambit of social justice. My focus on claims of social justice in the international realm does not in any way suggest that other claims of justice, such as those of the justness of war, the boundaries of states, and/or the concern for refugees, to mention a few, are of lesser importance. In fact, the world we live is witnessing an increased instance of such injustices, which need to be understood conceptually and addressed politically. However, the main concern of this study is only to critically examine and attempt to discern the conditions and possibility of arriving at principles of social justice which can be applied at the international realm. In doing so, the study explores the relationship between the self and the other, which constitutes the basis of the idea of justice. The objective here is to examine the nature of the relationship between the self and the other in dominant understandings of international justice and subsequently begin to suggest an understanding of this relationship which could constitute the basis for justice among states.

The international realm which is constituted by states as the main units has been structured in a way, which is determined historically as well as strategically. An examination of the politics and positioning of the different states today would underscore that although there is a

degree of equality manifest in the membership of the General Assembly of the United Nations, there continues to be a gross and unjustified unequal positioning, or what John Rawls would refer to as ‘starting point’, of different states, which does deeply impact on the standing and leverage that they enjoy. But more importantly, these unequal positions and starting points do also deeply influence the daily life experiences of the citizens and members of these states, in ways which challenge the establishment and guarantee of justice within societies. Even if a society were to fully implement a credible theory of justice for its citizens or members within its boundaries, the influence and impact of the international realm, especially if it were located in a position of disadvantage could harm or hinder the satisfactory application of justice. Put differently, in the world we inhabit today, justice within borders deeply and substantially depends on justice outside borders.

There can be several questions raised when determining the principles of international justice, some of which are: what are the bases for determining just and/or unjust inequalities in the international realm? When can a state be understood to have experienced an unjust inequality which merits or necessitates correction? What are the suitable corrections which a state deserves when responding to a unjust inequality? Or what ought to constitute the bases for ascertaining an equal starting point for all states?

In this study, I focus on the question: What ought to be the conceptualization of the self when determining the bases for justice for states? In other words, in what way should the state be conceived of as when the issue of justice in the international realm is raised or responded to? What is the basis of the political in determining social justice in the international realm? What is and what ought to be the underlying self/other relationship among states when determining principles of social justice. I obviously need to justify my focus on this question.

In an attempt to respond to these questions, I explore the understanding of the relationship between the self and the other in three dominant perspectives on international justice, namely, the Rawlsian perspective, the cosmopolitan perspective and the communitarian perspective. It would be necessary for me to justify my choice of perspectives. The Rawlsian perspective is more self-explanatory. Rawls remains perhaps the most important theorist of justice in our times and someone who has also worked out an argument on international justice. In his work titled *The Law of Peoples*, first published in 1993 and subsequently in 1999, Rawls offers his understanding of international justice, which is based on a distinct conception of the self. My focus on the cosmopolitan and communitarian perspectives follow from recent developments in International Relations Theory which attempt to conceptualize the international political realm through the perspective of cosmopolitanism and communitarianism. A work which is worthy of mention here is Chris Brown's *International Relations Theory*. In this work, Brown uses these perspectives to explain and read through politics in the international realm. According to Brown, "the cosmopolitan/communitarian divide relates directly to the most central question of any normative international relations theory, namely, the moral value to be credited to particularistic political collectivities".⁷⁴ These perspectives, I believe, do offer a credibly different reading and they are relevant for my study mainly because, while examining international political realities, they begin with a conception of the self.

An equal, if not more dominant approach to studying international relations has been the realist-utopian/idealist paradigm. While some of the thinkers who have contributed to the realist school include Carl von Clausewitz, Hans Morgenthau, E H Carr and Reinhold Niebuhr among other, the idealist school has been influenced by the writings and ideas of Woodrow Wilson, Richard Cobben and Margaret Mead, to mention a few. Although this approach has contributed immensely to the study of international relations, I for the purpose

of my study have chosen to avoid it, mainly because it's understanding of international political reality does not follow from a conception of the self. In fact, the difference between these two schools focuses their attention on the structure of states, rather than on the conception of the self underlying this structure. On the other hand, the cosmopolitan and communitarian perspectives carry different readings of the conception of the self in international politics. It is for this reason that I choose these two perspectives along with the Rawlsian perspective for determining the possibility of arriving at principles of justice for states.

It may be important to clarify the sub-disciplinary location of this study within the broad discipline of political studies; that is, does this study which falls within the ambit of political theory or international relations. Although this question may appear redundant or even futile to some, I choose to address it.

In an article which has been considered as seminal to the sub-discipline of international relations titled "Why is there no International Theory?", Martin Wight suggests the absence or lack of a credible international theory.⁷⁵ According to Wight, international theory may be understood as a marginalized twin discourse of political theory, and this is mainly because of the former's strong and ongoing relationship with diplomatic practice. In his words, "international politics is the realm of recurrence and repetition; it is the field in which action is most regularly necessitous... (international) theory that remains true to diplomatic experience will be at a discount in an age when the belief in progress is prevalent."⁷⁶ Wight is then suggesting an uncomfortable relationship between international theory and diplomatic practice.

There have been several criticisms and commentaries on Martin Wight's position on international theory. For the purpose of this study I chose to focus on that of Chris Brown. According to Brown, Wight's reading follows from his state-centric reading of international politics. With the collapse of medieval feudalism and the decline of the authority of the church in the West, the sovereign state came to be the focus of western political thought, and international relations was quick to adopt this perspective, much to its detriment. However, Brown sees this reading as flawed. According to him, "the theory of international relations is not a long-lost, newly invigorated twin of political theory but an integral part of the latter discourse. Wight's mistake was not to misunderstand international theory but to mischaracterize *political theory*.... International relations is not something separate from, running in tandem with, political theory: it *is* political theory, seen from a particularly angle or through a particular filter."⁷⁷ Agreeing with this position, I hold that this study may be understood as work in international relations theory as political theory.

In determining the possibility of arriving at principles for justice among states, this study is divided into five chapters. The First Chapter opens the study by introducing the imperative for justice. Put differently, why justice? A rather dominant argument for some time had been that in the realm of politics there can be no place for justice. In fact, justice was understood to occupy the space of ethical and moral philosophy. In the first section of this Chapter, I introduce the imperative of justice in the contemporary political theory for some time now. It seeks to explain the need and relevance of justice for a good and right political order. In doing so, I critically look at the imperative of justice in political thinking as well as the need for justice in political practice. The second section focuses on the conception of the self/other in contemporary theories of justice. The discourse on justice is rather rich and substantial

with differing theories of the due, and much of these differences follow from a specific reading of the nature of the self and the other and the relationship that binds or behoves them.

For instance, there have been at least four concepts of justice which have dominated the concern of social justice, namely, representation, redistribution, recognition and retribution. These concepts of justice are inherently and essentially different, focusing on different understandings of injustice and working out different ideas of correction. Underlying these differences are basically the conception of self and other and the understanding of the relationship between them. Therefore, while the idea of redistribution considers redistribution to be based on an understanding of the other, which when corrected ought to become like the self, the idea of recognition entails that the justice due to the other ought to be such that respects and accommodates the difference of the other. And it is these understandings of the self/other relationship which contribute to the conceptualization of justice. As such then, the conceptualization of justice for states ought similarly to begin with and follow from an understanding of the self/other relationship. In this section, I underscore the need for an idea of the self and the other in order to work out a credible theory of justice. The third section is devoted to introducing the imperative of justice for the system of states. The international realm has often been defined exclusively and mainly in terms of a struggle for power, wherein there is little, if any place for the moral claims of justice. In this section, I engage with the importance for justice in the international realm by suggesting that much of the claims of justice within states borders depend substantially on justice outside borders. The fourth section carries a brief survey of the literature which is contained in the discourse on international justice. Here, I critically read such works as Hedley Bull's *Anarchical Society*; John Rawls's *The Law of Peoples*; Kok-Chor Tan's *Justice without Borders*; Michael Walzer's *Just and Unjust Wars*; and Andrew Atman and Christopher Heath's *A Liberal*

Theory of International Justice. The last section of the first chapter, that is this section, is devoted to outlining the concerns and organization of the study.

The main concern of this study as mentioned above, is to discern the possibility of arriving at principles of justice for states by working out a credible conception of the self and the other which ought to constitute the bases for international justice? In attempting a response to this question, the study critically examines the relationship between the self and the other in three different traditions of justice in international political theory: the liberal tradition; the cosmopolitan tradition and the communitarian tradition. The Second Chapter is devoted to a critical reading of Rawls's *Law of Peoples*. The first section of the chapter looks at Rawls's conception of Justice as Fairness, a conception which is at the heart of his conception of international justice. Here, attention is given to Rawls's idea of the original position and the principle of difference – a principle which constitutes the bases of Rawls's theory of justice as fairness as well as a subject of critique and/or appreciation by almost every political thinker after Rawls. In exploring Rawls's theory of justice as fairness, the chapter hopes to provide a theoretical basis for examining critically Rawls's position on international justice. The second section explores Rawls's idea of international justice as propounded in the work *The Law of Peoples*. In exploring Rawls's idea of international justice, this study situates it largely within the liberal tradition, and mainly because Rawls has a committed adherence to liberalism, and also because the major conceptual basis of this work can be understood to be liberal in essence. The third section analyses the idea of the self/other in the Rawlsian conceptualization. As mentioned above, Rawls perhaps may be among the few that recognize the need to work out a conception of the self, for which he reads the self in international politics as “peoples” rather than as “states”. In this way, Rawls is able to explore the possibility of arriving at international justice by beginning with a conception of the self. The

issue however, is that the other in the Rawlsian understanding is a fixed category – “outlaw states”, for whom justice per se is denied, for whom justice is not an imperative or for whom justice is not justifiable. In this way, Rawls after working out an alternative conception of the self/other relationship is quick to close the possibility of working with it, when he regards outlaw states as below or outside the question of justice. The chapter concludes with an assessment of the contributions that Rawls has made to the ongoing discourse of justice as well as the credibility of this theory in providing the basis for principles of international justice.

The Third Chapter is concerned with the logic of cosmopolitanism and the imperative of international justice inherent to it. In recent times, there has been a concerted focus on invoking rigor to the theory of cosmopolitanism. In fact, political theorists like David Held have considerably worked out cosmopolitan theory as the newer bases of international politics especially in the light of the globalizing world. The question that this chapter seeks to raise and attempt a response to is: Does cosmopolitanism offer the basis for arriving at principles of justice among states? Put differently, does the concept of cosmopolitanism offer a credible account of the self/other relationship which could be used for arriving at principles of justice for states? The chapter begins with an attempt to introduce the logic of cosmopolitanism. Cosmopolitanism can be traced back to the era of the Enlightenment with the arguments of philosophers like Immanuel Kant. In this section, my concern is only to introduce and explain the logic of cosmopolitanism, rather than to suggest the different arguments of philosophers. Rather than focusing on the differences, the study points to the common and binding arguments of cosmopolitan thinkers. The second section traces the idea of international justice in the logic of cosmopolitan theory. What, in other words, is the understanding of international justice which lies at the heart of cosmopolitanism? Is there a

theory of justice which can be said to be cosmopolitan? What does a cosmopolitan theory of justice involve? The third section attempts to bring out the idea of and relationship between the self and the other in this theory. Needless to say that while cosmopolitanism does offer a substantially notion of the self it fails to offer a credible notion of the other which can be placed at the bottom of the theorizing justice. The chapter concludes by assessing the contributions of cosmopolitanism to the discourse on international justice.

For some time now, the theory of communitarianism has emerged as among the potent critiques and alternatives to the theory of liberalism. In fact, such has been the potency of the critique of communitarianism, that liberal individuals have been forced to rethink the underlying bases of their conception of the self. The arguments of communitarianism begin from a renewed conception of the self – the community, as opposed to the liberal conception of the individual self. The concern of this chapter is even more relevant in contemporary times, whereby culture has come to play a significant role not only in the politics inside states but also and perhaps more crucially among states. Communitarianism, as suggested by Chris Brown, may also be understood as a basis for international political theory. What then is the underlying conception of international justice in the communitarian international political theory? This question constitutes the concern of the Fourth Chapter. In the first section of this chapter, I introduce the communitarian critique of liberal individualism. In doing so, I suggest the importance of communities and the communitarian self to the logic of political thinking and practice. Here, the focus is mainly on the arguments of Michael Sandel and Charles Taylor – two seminal communitarian thinkers. The second section goes on to assess the communitarian basis for international justice, whereby the arguments of community based politics are understood to inform the principles of justice for states. Here, the study looks briefly at the politics of communitarianism alongside the idea of nationalism/patriotism. The

third section reads through the conception of the self and the other which informs the communitarian understanding of international justice. The study reads through the manner in which communitarianism holds a fixed understanding of the self/other relationship – one that does not pay sufficient attention to the concerns of social justice. In fact, if principles of international justice were to be worked out on the communitarian idea of the self/other relationship, it would or perhaps may entail a closed idea of justice. The chapter concludes with an overall assessment of the communitarian conception of the relationship between the self and the other and its position within the theory of justice for states.

The Fifth Chapter is concerned with concluding the study. The chapter begins by reviewing the different conceptions of self/other relationships which characterize the dominant theories of international justice. In this way, the section recollects much of the arguments made in the study. The chapter concludes with the positing of an alternate conception of the self/other relationship which, according to me, could provide the basis for a possible theory of justice for states.

Here I must add that I do not in any way claim to respond to the question of international justice in a comprehensive or conclusive way. In fact, if anything this study is just a modest attempt at beginning to work through a starting point from where principles of justice for states can be conceptualized. Rather than suggest principles of justice in a final closed way, this study only points to the imperative of determining and justifying the imperative for international justice.

The world we live in is characterized by gross and unjust inequalities, most of which are constructed consciously by political, social and economic intent. And among the concerns of

contemporary political research is the need to address these unjust inequalities. Paramount among such inequalities is those that characterize the international realm – the relationship among states. Undeniably, the relation and politics among states does deeply impinge and impact on the lives that we live as ordinary citizens. This study is just a miniscule attempt to begin to address the problem of international justice in order to correct and rectify some of the related injustices we experience in our everyday lives.

ENDNOTES

¹ Thomas Nagel, “The Problem of Global Justice”, p. 113

² Kofi Annan, *In Larger Freedom*, p.16

³ Plato, *Critop.*48. Taken from Richard Bellamy and Angus Ross, *A Textual Introduction to Social and Political Theory*, p. 15

⁴ Philip Bobbitt, *The Shield of Achilles*, p. 43

⁵ John Rawls, *A Theory of Justice*, p.3

⁶ This argument was made by several political philosophers in the 1950s and 1960s, the most prominent of whom was Peter Laslett in his edited work, *Philosophy, Politics and Society*.

⁷ For a detailed study of Rawls theory of justice and his principle of difference please see. A study of this is also offered in Chapter 2 of this study.

⁸ See David Miller, “Justice”

⁹ David Hume, *An Enquiry Concerning the Principles of Morals*, pp.183-184

¹⁰ Other perspectives of justice include that of representation, retribution and reconciliation. There may be other equally compelling perspectives of justice, which this study finds outside its scope.

¹¹ For a detailed view on the relationship between the self and the other, see Chantal Mouffe, *On the Political*.

¹² Chantal Mouffe, *On the Political*, p. 15-16. In arriving at this argument, Mouffe uses the arguments of Carl Schmitt. See Carl Schmitt, *The Concept of the Political*.

¹³ It may not be incorrect to suggest that canonical thinkers like Aristotle and Immanuel Kant did see an inherent link between justice and morality. In the contemporary discourse, this link has been worked out by thinkers like Onora O’Neil and Brian Barry, among others.

¹⁴ Michael Sandel, *Liberalism and the Limits of Justice*, p.47

¹⁵ Nancy Fraser, *Justice Interruptus*, pp. 70-71

¹⁶ See Karl Marx, *Capital Volume I*; John Rawls, *A Theory of Justice*; Ronald Dworkin, “What is Equality?”; and Amartya Sen, *Commodities and Capabilities*.

¹⁷ Nancy Fraser, *Justice Interruptus*, p.74

¹⁸ Philippe van Parijs, “International Distributive Justice”, p.638

¹⁹ See Allen Buchanan, “Rawls’s Law of Peoples”

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- ²⁰ Kok-Chor Tan, *Justice without Borders*, p. 27
- ²¹ World Development Report 2000/2001, p.4
- ²² See World Development Report 2000, pp. 3-4; also see UNDP, *Human Development Report*, p. 144
- ²³ Helene Albrecht, “Beyond Justiciability”, p.4
- ²⁴ Kok-Chor Ta, *Justice without Borders*, p.4
- ²⁵ See for example, Henry Shue, *Basic Rights* and Onora O’Neil, *Faces of Hunger*
- ²⁶ Kok-Chor Tan, *Justice without Borders*, pp. 20-21
- ²⁷ One notable recent proponent of this is John Rawls, *The Law of Peoples*. The second chapter of this study is devoted a comprehensive and critical reading of Rawls’s principles of international justice.
- ²⁸ Thomas Pogge, “Liberalism and Global Justice” , p.68
- ²⁹ Brian Barry, “Humanity and Justice in Global Perspective”, p.248
- ³⁰ For example see Peter Singer, *Famine, Affluence and Morality*; and Henry Shue, *Basic Rights*
- ³¹ Kok-Chor Tan, *Justice without Borders*, p. 26
- ³² Andrew Belsey, “World Poverty, Justice and Equality”. pp. 47-48
- ³³ Kok-Chor Tan, *Justice without Borders*, p.29
- ³⁴ For example, the noted human rights scholar Peter Alston worries that Amnesty International, while to be commended for its efforts, continues to “focus (mainly) on a very specific range of civil and political rights.” See Peter Alston, “The Fortieth Anniversary of the Universal Declaration of Human Rights”, p. 8
- ³⁵ Kishore Mahbubani, *Can Asians Think?*, p. 52
- ³⁶ Charles Beitz, *Political Theory and International Relations*, p.76
- ³⁷ Hedley Bull, *The Anarchical Society*, p.11
- ³⁸ Hedley Bull, *The Anarchical Soceity*, p.3
- ³⁹ Charles Larmore, “Review” of *The Law of Peoples and the “Idea of Public Reason Revisited”*, 241
- ⁴⁰ John Rawls, *The Law of Peoples*, p.23

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- ⁴¹ John Rawls, *The Law of Peoples*, p.23
- ⁴² John Rawls, *The Law of Peoples*, pp. 118-119
- ⁴³ Anthony Lang, Review of Kok-Chor Tan, *Justice without Borders*, p.463
- ⁴⁴ Kok-Chor Tan, *Justice without Borders*, pp.11-12
- ⁴⁵ Kok-Chor Tan, *Justice without Borders*, pp.80-81
- ⁴⁶ Anthony Lang, Review of Kok-Chor Tan, *Justice without Borders*, p.465
- ⁴⁷ Hedley Bull, *The Anarchical Society*, p.588
- ⁴⁸ Hedley Bull, *The Anarchical Society*, p. 589
- ⁴⁹ Michael Walzer, *Just and Unjust Wars*, p.xiv
- ⁵⁰ Hedley Bull, *The Anarchical Society*, p. 590
- ⁵¹ Michael Walzer, *Just and Unjust Wars*, pp.xii-xv
- ⁵² Michael Walzer, *Just and Unjust Wars*, p.19
- ⁵³ Michael Walzer, *Just and Unjust Wars*, pp.51-52
- ⁵⁴ Here Walzer gives the example of the Vietnam Crisis and denies any claim of morality to the American intervention. According to Walzer, the Saigon government was the creature of the United States, whereas counter-intervention is morally possible only on behalf of a government engaged in genuine self-help; moreover, the scale of the American intervention went beyond what was necessary to restore the integrity of a local struggle.
- ⁵⁵ Michael Walzer, *Just and Unjust Wars*, p.156
- ⁵⁶ Michael Walzer, *Just and Unjust Wars*, p.14
- ⁵⁷ Michael Walzer, *Just and Unjust Wars*, p.283
- ⁵⁸ Michael Walzer, *Just and Unjust Wars*, p.288
- ⁵⁹ Michael Walzer, *Just and Unjust Wars*, p.326
- ⁶⁰ Hedley Bull, *The Anarchical Society*, p.596
- ⁶¹ Charles Beitz, *Political Theory and International Relations*, p.179
- ⁶² Charles Beitz, *Political Theory and International Relations*, p.190
- ⁶³ Charles Beitz, *Political Theory and International Relations*, p.69

⁶⁴Charles Beitz, *Political Theory and International Relations*, p.81

⁶⁵Charles Beitz, *Political Theory and International Relations*, p.140

⁶⁶Charles Beitz, *Political Theory and International Relations*, p.141

⁶⁷Katelyn Miner, "Utopian Justice", p.951

⁶⁸Gillian Brock, *Global Justice*, p.8

⁶⁹Gillian Brock, *Global Justice*, p.322

⁷⁰Gillian Brock, *Global Justice*, pp.48-50

⁷¹Gillian Brock, *Global Justice*, p.53

⁷²Gillian Brock, *Global Justice*, p.84

⁷³Gillian Brock, *Global Justice*, p.329

⁷⁴Chris Brown, *International Relations Theory*, p.12

⁷⁵See Martin Wight, "Why is there no International Theory?"

⁷⁶Martin Wight, "Why is there no International Theory?" p.26

⁷⁷Chris Brown, *International Relations Theory*, pp. 6-8