EDITED BY THOM BROOKS

THE GLOBAL JUSTICE READER

REVISED EDITION

WILEY Blackwell

The Global Justice Reader

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Revised Edition

Edited by

Thom Brooks

WILEY Blackwell

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Preface for the First Edition

I have accumulated many debts in preparing *The Global Justice Reader*. First, I must thank Fabian Freyenhagen and Peter Jones for first encouraging me to pursue this volume: it would never have been possible without their help from the start. Second, I must thank my friends at Wiley–Blackwell, principally Nick Bellorini and Kelvin Matthews, for their tireless efforts at making this project a reality. In particular, I owe a special debt of gratitude to Nick for his support from the very beginning. I cannot be more thankful.

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T.B.

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I have been overwhelmed by the positive reception of the original edition and wish to thank you, the readers of this Reader, for making this work a top resource for students new and old exploring global justice. I have updated and expanded the Reader's contents so that it will continue to stimulate debates and play the leading role it has enjoyed since the first edition appeared in 2008. There is an extended bibliography of top publications in the field at the end reflecting continuing developments in global justice.

Durham, UK 2022

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Introduction

I

The Global Justice Reader brings together the best work in the area of contemporary political philosophy and its history. This newly revised and expanded Revised Edition is divided into 39 chapters across 11 parts. These parts are (1) sovereignty, (2) rights to self-determination, (3) human rights, (4) nationalism and patriotism, (5) cosmopolitanism, (6) immigration and citizenship, (7) global poverty, (8) just war, (9) terrorism, (10) women and global justice, and (11) climate change. The authors surveyed here include the most influential writers on global justice. In this introduction, I will offer a brief overview of important themes covered in this *Reader*'s Revised Edition.[1]

II

The history of political philosophy has been marked by an interest in domestic justice within the state. Indeed, the vast majority of what philosophers had to say about justice did not extend to considerations of global justice outside the state. Coincidentally, the vast literature on justice and rights that developed over the years had focused on questions of distributive justice within a single society, rather than across several societies or states.

However, it is certainly true that many philosophers in the past had an interest in matters of international justice, too. For example, both St Augustine (in his *The City of God*) and St Thomas Aquinas (in his *Summa Theologiae*) offer revealing and influential theories on what constitutes a 'just war' (see Chapter 26).[2] Thus, Aquinas argues that a just war requires several elements: the legitimacy of government, a just cause, and a right intention. A government cannot wage a just war if it is illegitimate. Legitimate governments, in turn, can only wage just war with both a just cause and just intent. That is, the offending state must have performed some act of wrongdoing, a wrong that is in need of being put right by others. Moreover, a state must not only be legitimate and wage war for a just cause, but it must also have a just intent. Our intention must be to spread good or help avert evil. We cannot wage just war if we lack righteous intentions even if the state that we want to attack deserves punishment for its actions. Thus, we have two justificatory grounds for a just war: *jus ad bellum* (the justifiability of the war) and *jus in bello* (the justifiability of the way war is waged).

This body of work on just war and international affairs by Augustine and Aquinas was extended by others, including Hugo Grotius and Samuel Pufendorf, and continues in recent contributions to the debate over just war by Jeff McMahan, Thomas Nagel, and Seth Lazar (see Part VIII).[3] These philosophers defend very different views of what can amount to just war. For example, Nagel opts for strict 'absolutist' limits on what might

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serve as a justification for war and its justified conduct, such as an absolute prohibition on the killing of innocent non-combatants (Chapter 29). McMahan makes an argument for the view that a war which lacks a just cause cannot be fought justly (Chapter 30). In other words, just war theorists separate the distinctions of (a) *jus ad bellum* and (b) *jus in bello*. For McMahan, these distinctions are not equal partners. If *jus ad bellum* is not satisfied, then it does not matter how virtuous we conduct the battle because it cannot be considered a just war. Contemporary commentators move in different directions and alert us to the importance of various distinctions contributing to our understanding of just war. However, the link with the past work of Aquinas remains strong. Our work today benefits clearly from earlier work by canonical figures. The issue of just war theory is not unique in this respect.

Of course, just war theorists offer us various accounts of how war might be justified. This position takes for granted the possibility of war being justifiable.[4] Some philosophers have argued against the justifiability of war. Thus, for example, John Stuart Mill presents us with a distinctly unique perspective in his essay 'A Few Words on Non-Intervention' (Chapter 27). We might often think that we sometimes do a favour to countries when we conquer them. After all, perhaps these states are authoritarian or worse. Perhaps they lack the know-how or political will to transform their economy and political institutions to bring benefit to their citizens and the world community. If going to war brought with it good consequences like these, then we might think these good reasons to go to war.

Mill disagrees. He argues that battles may be won, but a people's freedom is to be won only by their own toil: 'No people ever was and remained free, but because it was determined to be so … for, unless the spirit of liberty is strong in a people, those who have the executive in their hands easily work any institutions to the purposes of despotism'. Thus, freedom is something a people earn and not something they can simply be given by others.

It is true that part of Mill's argument rests on more than a moral claim about legitimate justifications to invade others and, instead, on an empirical matter of fact: the political stability of a country will be undermined if its freedoms and constitution are imposed from outside and not fought for and developed by a country's own citizens. Of course, Mill is far from alone in believing history helps to prove his point. In fact, G.W.F. Hegel argues that:

> For a constitution is not simply made: it is the work of centuries, the Idea and consciousness of the [nation] … What Napoleon gave to the Spanish was more rational than what they had before, and yet they rejected it as something alien … The constitution of a nation must embody the nation's feeling for its rights and [present] condition; otherwise it will have no meaning or value.[5]

If history does prove this view of Hegel's and Mill's, then this poses a threat to just war theorists who claim war might be justified in the effort of nation-building.[6] Thus far, the tragic experiences of Afghanistan, Iraq, and Syria do not yet appear to correct this view even if it is unclear why history has acted with such 'cunning'.

There is a further powerful argument often made by those who oppose war in general. This argument is made by Albert Camus in his often-overlooked essay 'Neither Victims Nor Executioners'.[7] Camus also grounds his argument on an empirical claim. He begins by claiming that every war entails a loss of innocent life. That is, every military conflict will involve the deaths of *both* combatants and innocent non-combatants without exception, no matter how careful we are to avoid harm to innocents. This, in turn, raises an important consideration that we tend to overlook when deciding whether or not a war is a just war. That is, if it follows that whenever we lend support behind a decision to go to war that will inevitably lead to innocent non-combatants as a casualty of the conflict, then whenever we support the decision to go to war I am deciding that innocent people elsewhere can be killed. Of course, I would not be choosing which innocent persons were killed during the course of any conflict: these persons would be selected randomly.

Therefore, for Camus, we condemn to death innocent people elsewhere selected at random whenever we support the decision to go to war. These innocent people will become victims of any support of a 'justified' war and we become their executioner: these innocent people might live if only we had not supported military conflict. Camus then makes a startling argument. If *I* am to ever support a decision to go to war, then *I* must likewise be willing to become an innocent non-combatant death during this war.[8] For Camus, I am inconsistent at best (and immoral at worst) to support a war that will have the consequence of the innocent deaths of randomly selected civilians if I were unwilling to die similarly from such an attack. Camus importantly reminds us that the decision to go to war is more than an intellectual exercise. Innocent people die in every conflict. In supporting

a conflict, we must be willing not only to support the deaths of these innocent victims, but be willing to die ourselves – taking personal responsibility for our choice – as an innocent victim of their military if all innocent people share equal moral worth. Camus concludes that pacificism is the only path where all human beings are 'neither victims nor executioners' and we escape this moral problem. Whether or not we are persuaded by this argument, Camus does well to highlight an important consideration that is too often overlooked. Indeed, the main casualties of every conflict seem always to be the innocent.

Philosophers in the past have made important contributions to how we think about issues in the present and most especially on the justifiability of war. At present, politicians have argued for just war as a response to terrorism. This has offered many problems of its own. The first problem is perhaps definitional, namely, what precisely *is* terrorism? For one thing, terrorism appears to be rather similar to sedition and treason. In other words, terrorism seems to be a distinctly political activity aimed at political change. The traitor is interested in betraying his country, contributing to its demise. Those engaged in sedition aspire to undermine their political leaders.

And, yet, terrorism seems much more. For one thing, 'terror' seems essential to 'terrorism'. Indeed, an act that did not attempt to instil fear might be best categorised rather differently. If a person was involved in a random murder spree, then we would understand that person to be a murderer, not a terrorist. However, we might then think that what makes a terrorist is not simply *causing* terror but *intending to cause* terror. In other words, we might think that a person or group of persons must intend to cause terror for their act to be a terrorist act. However, David Rodin persuasively argues that what such persons intend is immaterial: we can be terrorists without intending to cause terror (Chapter 32). Just as we might be found guilty of murder if we killed someone through reckless or negligent behaviour, Rodin believes that terrorism is terrorism even if performed out of recklessness or negligence.

The next question concerns whether or not such activities might ever be justified. If innocent non-combatants can become legitimate *military* targets, then we might wonder if it follows that they can become legitimate *terrorist* targets. Terrorism does not aim exclusively at spreading terror, but its victims are often innocent non-combatants. If their deaths can be justified at all, then perhaps they can become legitimate targets for terrorists. Saul Smilansky examines the major cases of terrorism in the world today, such as the activities of the Irish Republican Army, Palestinian liberation fighters, and al-Qaeda (chapter 33). In all cases, Smilansky argues that these groups lack justification for their terror. This is not to say that he then believes terrorism is never justified; instead, he argues it is only justified in response to a clear and present danger. That said, a strong reason to argue against ever legitimising terrorism is that the vast majority of what passes for terrorism is unjustified.

III

In his *Leviathan*, Thomas Hobbes makes several fundamental contributions to how we conceive international affairs (Chapter 1). Hobbes introduces the idea of 'a state of nature': a world without a common source of authoritative power where individuals compete against each other to further their advantage. Hobbes argues that there is no justice in international affairs because there is no world body that can judge whether a state acts rightly or wrongly. Whether or not states should abide by any treaties with other states is a judgement left to individual states. Thus, the international sphere is characterised by anarchy where states compete against one another in pursuit of self-interest. This classical 'realist' understanding of international politics continues to be highly influential to this day.

Moreover, Hobbes offers an important contribution to how we understand sovereignty as well. He argues that a state has legitimate authority over its members if, and only if, it has the consent of all members. This consent takes the form of a social contract where all members consent to the authority of a monarch or assembly. It is now commonplace (and perhaps modern common sense) that any legitimate government remains a sovereign power over its members only if it has the consent of its members. This fact speaks clearly to the great contribution that Hobbes's work on consent and sovereignty offers us today, raising new questions about justified political authority and rights, if any, to secession and self-determination (see Part II).

In the late eighteenth century, Immanuel Kant published his *Perpetual Peace* and this remains a defining moment in the development of work on global justice (Chapter 13). *Perpetual Peace* marks a distinct departure from Hobbes's *Leviathan*. While both agree on the importance of consent, Kant denies that the lack of a world government must lead to international

anarchy and the absence of international justice. Instead, Kant argues that a state needs the consent of its people in order for it to justify going to war. However, citizens will only rarely agree to engaging in war given the many costs involved. There will therefore be great pressure to avoid war and create 'a league of nations', a body where states engage in diplomacy. A 'perpetual peace' amongst states is possible and without a world-state.

This Kantian view that we can have international justice in the absence of a world-state is also developed by later writers, such as Charles Beitz (Chapter 2) and Thomas Pogge (Chapter 3), and remains an endearing legacy of Kant's work. Beitz agrees with Kant against Hobbes: the international sphere may lack a political body with authority over all member states, but it is not a realm of anarchy. In fact, there are a variety of international norms that continue to govern our activities, not least with respect to the rules of war. The fact that we lack a world-state does not discredit the fact about the absence of anarchy in the international sphere: we are bound by rules that member states should recognise and uphold.

Pogge agrees with this perspective and argues that one important implication is that some states have a negative duty to assist those in severe poverty. Our world is not governed by anarchy nor a world-state, but a world order that is supported and maintained by wealthy states. This world order contributes to severe poverty in poor states. Wealthy states harm poor states in maintaining a coercive global order that contributes to severe poverty. Wealthy states have a negative duty to refrain from contributing to harm and rectifying the damage caused, eradicating severe poverty. Economic justice is not something that exists alone within a particular state, but something we can extend across borders.

The Hobbesian and Kantian perspectives on international justice present us with two different vantage points with which to consider the international realm. The Hobbesian is largely nationalist, claiming no duties to distant others beyond a state's borders. My duties are only to my countrymen with whom I share an important relation, namely, our shared identity as citizens of our state. The Kantian is more cosmopolitan. This person argues that the individual person is the highest unity of concern, not the realm of the state. Justice for all exists beyond state borders given that people live in other states and, as people, they are entitled to equal concern and respect. Thus, we should extend equal status to all.

Martha C. Nussbaum argues for a modified cosmopolitanism (Chapter 11).[9] She does not deny that we have special connections with those in relation to us, whether family or friends or fellow citizens. What she denies is that we lack any relation to humanity as a whole. Our task, for Nussbaum, is to bring these different layers of connection together so that all share equal status.

What is curious about this debate is how close the two positions might appear. Most nationalists do not deny that we have obligations beyond our borders. Instead, nationalism often amounts to the position that we have obligations to all and special duties to a few, namely, our fellow citizens. Most cosmopolitans, similarly, do not deny that we have special duties to people with whom we share a special connection (see Chapter 14).

For example, suppose our child was drowning in one lake and someone else's child was drowning in a second lake. We stand equidistant between each drowning child and are only able to rescue one of them. We may believe that each child has an equal moral right to life, while we also believe that, if we must choose to save but one of these lives, we ought to choose to save the life of our own child. In fact, many of us would be uneasy with someone who thought this fact made no difference and used a coin toss to decide whom to save.[10] Cosmopolitans might both choose to save their own child *and* claim all people have an equal right to life. Given these general characterisations, it can be difficult to discriminate sharply between these two views as *both* most nationalists *and* most cosmopolitans *agree* that duties exist beyond our borders and that we have a special connection with those nearest and dearest to us. The difference then only lies with how highly we prize our obligations to compatriots and how strong our commitments to non-citizens are.

This naturally raises questions about citizenship and immigration. What barriers, if any, should be established for migrants wanting to become full members of a new political community? We do not live in a borderless world. Each polity has developed a view on what is required from migrants to become citizens, as well as the requirements for admission. One issue is to consider the legitimate grounds for excluding individuals from becoming citizens of a new country (see Chapter 18). A second issue is to consider what obligations fall on newcomers – and on the state – when individuals are admitted (see Chapter 17). A third issue considers whether we should have concerns about any clash of culture and identity (see Chapter 19). These issues do not exist in a vacuum and are relevant to wider considerations of justice.

IV

If most commentators on global justice – whether nationalist or cosmopolitan – accept duties to persons elsewhere, then this raises the question of international distributive justice and our obligations to the global poor. The plight of the global poor is perhaps the leading moral problem of our times. Peter Singer argues that we have a duty to extend assistance to the global poor (Chapter 20). If preventing something bad from happening to other people involves relatively minor costs, then we are obliged to act and prevent harm. Thus, wealthy nations that can alleviate global poverty are under an obligation to the poor as the costs are relatively minor. Singer's work was revolutionary at the time and heralded a new attention to issues of global justice.

Of course, we may have a moral obligation to the global poor that requires us to contribute help whether or not it is a positive duty as conceived by Singer. For example, David Miller argues that states have 'remedial' responsibilities to provide support to those in severe poverty based on several factors, such as their causal or moral responsibility for the poverty, the ability to provide remedy, shared culture or history, and geographical proximity (Chapter 21). We weigh these factors together and assign responsibilities to rescue based on these connections.

But we might go further. Thom Brooks notes that these different connections are not of the same weight as an inability to provide remedy would rule out any state from providing support whatever the relative strength of other connections.[11] Moreover, Brooks highlights that not only states can provide rescue and, in some specific circumstances, we might prefer non-states to act. Therefore, Miller's connection theory of remedial responsibilities extends beyond nations and states providing a greater reach. Our practices matter and can help shape how we support and implement global justice (see Chapter 24).

Some argue, following Thomas Nagel, that whatever the institutions we will need in order to bring about greater global equality we must recognise that these institutions will be first unjust and serve the interests of affluent states before contributing to the cause of good (chapter 23). The path to justice must lead through injustice. Once these institutions are in place (even if most likely for less justified reasons) then and only then can a global institutional order be constructed that can address global inequalities, such as global poverty.

Nevertheless, even if we have international institutions that might help facilitate our effectively providing resources to the poor, a question still remains as to how we should best choose these resources. For example, Amartya Sen argues that we should not look at development solely in terms of resources. He reminds us that a lack of resources does not explain, say, long life expectancy, literacy, and other features that we expect to find only in affluent, not poor, communities. Instead, we can locate communities that are financially prosperous who score low on these counts and communities who are not financially prosperous who score well.

For example, the United States is wealthier and possesses more resources than either Kerala, India, or China and, yet, the survival rates of African American men fare worse than men in Kerala, China, and white men in the United States. Instead of focusing only on resources, we should adopt a view of 'poverty as a deprivation of basic capabilities, rather than merely as low income'.[12] Thus, the best measure of a people's development is their ability to pursue basic capabilities: development is freedom, not merely resources. Sen's well-known and powerful example is that no democracy has ever suffered a famine.[13]

Most importantly, the use of the capabilities approach is not meant only to provide us with a better understanding of development, but of universal freedom: the capabilities of someone living in the United States are no different for those of us living in the United Kingdom, China, India, or Brazil. Thus, the capability approach is universalistic in its application to all cultures and men equally as women. Governments are under a duty to permit its citizens the opportunities to exercise their capabilities, leaving this choice to the individuals' discretion.

Thus, one view is that our assistance to others should be aimed at expanding the possibilities that others have to exercise their full range of capabilities. A second view is less ambitious and more traditional: our assistance should be targeted at the protection of human rights or capabilities. Human rights are universal: they are rights that all possess in virtue of being a human being. It makes no difference whether we are rich or poor, tall or short, nor male or female. Our rights are shared in equal measure.

The question is then how to determine what are our human rights. One attempt to set out what are our human rights is the Universal Declaration of Human Rights (UDHR) (Chapter 6). The UDHR enshrines a number of rights as the rights of all human beings

everywhere as agreed by virtually all countries in the world irrespective of wealth, ethnicity, religion, or continent. These rights include rights, such as less controversial rights to life and employment and more controversial rights to choosing one's marriage partner. The specification of rights is, of course, itself of tremendous importance given that most of us argue that states possess legitimacy when they respect the rights of their citizens (see Chapters 7 and 8). Similarly, we believe states are damaged when they use torture as torture is a serious abuse of human rights (see Chapter 10)

Leif Wenar examines the nature of rights clarifying our understanding of rights (Chapter 7). He offers us a 'several functions theory of rights' where not all 'Hohfeldian' incidents are rights, but all rights are incidents.[14] Hohfeldian incidents support one or more particular functions, such as the exemption, discretion, authorisation, protection, provision, and performance. Wenar's several functions theory of rights is meant to overcome 'single-function' theories of rights, such as the will theory (e.g., rights are incidents that offer the rights holder specific varieties of choices) and the interest theory (e.g., rights are incidents that further the well-being of the rights holder). A several functions theory can acknowledge that all rights must serve at least one function without claiming that all rights must serve at least a particular function.

Of course, a several functions theory (or, indeed, a theory of capabilities) does not reject the possibility of non-individualistic rights. One importance of rights is that they capture something of significance to human beings (see Chapter 8). Part of what is of significance to us is our identity in particular groups. According to Peter Jones, if this view is correct, then rights can belong both to individuals and the groups to which they belong (Chapter 9). That is, we have individual rights – and group rights.

But although these various contributions support our making great strides of progress in better understanding global justice, there might be some areas that appear overlooked. The first is the curiosity of how non-global our theories of global justice are. Too often we work out from within our own approaches as part of a particular philosophical tradition various norms to be applied globally. It raises questions of why only the approaches or resources found in one tradition should help determine our views on justice for all individuals no matter their traditions. Thom Brooks has these concerns and claims we should offer a more 'global' view of global justice (Chapter 16). Traditions should engage with one another and share philosophical resources where relevant to help address global problems. In this way, a more global philosophy might emerge which is better suited to these issues.

We might believe something is missing in what has been said thus far. Global justice may demand that we have duties to those in dire need. It may demand that protect the rights and capabilities of all. However, we must not only give special concern to the plight of the global poor who so often visibly command our attention, but also to the status of women who seem almost invisible in far too many discussions of global justice. Indeed, women make up half the world's population and yet they possess secondary status everywhere. For nearly every state, no woman has held top positions of power and many of the few occasions where women have so risen it is as a widow or daughter of an important previous male politician.

We might suppose that a greater respect for women would entail a greater respect for group rights and multiculturalism. Full respect of groups, such as women and multicultural groups, may help correct the problem of a male-dominated society that has harmed the status of women and these groups. Susan Moller Okin alerts us to an important reservation that a respect for multiculturalism may be harmful to women (Chapter 34). Her argument is that many groups perpetuate violations of the rights of women, taking the form of practices such as female genital mutilation, polygamy, forced marriages, and much worse.[15] The fact that these practices are part of a culture is an insufficient reason to respect the right of a culture to continue such practices. We harm the rights of women if we permit these group rights. Instead, we should only respect group rights insofar as they do not violate individual rights, not least the rights of women.

Gender inequalities take shape on the global stage as well. Okin points out that our theories about development do not account for the gendered practices and discriminatory division of labour that we find globally (Chapter 35). Gender is central to our understanding of severe poverty and must be recognised as such. In direct reply, Nussbaum advocates her capabilities approach as sufficiently responsive to cultural differences and the specificity of women living in developing countries (Chapter 36). If we seek to better allow the voices of the poor and disadvantaged to be heard in promoting global justice, then Nussbaum claims we should endorse her capabilities approach as the best way forward.

V

The final section of this *Reader* focuses on climate change. There is an increasingly rich and diverse literature erupting in this area worthy of concern and interest. Indeed, issues of environmental justice are certain to gain an increasing priority in our discussions of justice as the signs of environmental degradation become ever clearer.

But what to do? This requires a firmer handle on the kind of problem that climate change poses for us. Stephen Gardiner argues that it is a perfect moral storm of epic proportions. He refers to the tragedy of the commons, whereby our increasing consumption of resources through population growth undermines sustainability (Chapter 37). Gardiner rightly notes the issue is not so much the population number, but its total environmental impact.

Part of this impact is intergenerational. This is because a key source of impact on the environment comes from carbon emissions. The problem is that these emissions can remain in the atmosphere for several decades. This raises the issue of how we might assign 'just emissions' considered by Simon Caney in Chapter 38. How should we distribute the right to emit greenhouse gases against the backdrop of the responsibility to reduce these emissions? Caney considers various critiques and argues against any equal per capita basis. However, any such distribution must not be determined separately, in his view, from other issues of justice.

One criticism of all of these views is that they tend to see environmental degradation as an exclusively anthropocentric problem where the only harms we consider are to human beings, not nature itself. Indeed, this may strike us as a curious position to take as surely part of the damage caused by environmental degradation is the harm caused to the earth's creatures and landscape. Moreover, it may strike us that if human activities contribute to global climate change and if this change has resulted in harm to human beings, then it does not necessarily follow that we should then pollute the planet less than we do. If the problem is the harm caused to fellow human beings through rising sea levels, higher rates of cholera, and withering crops, then one solution is to resolve these harms: we might relocate threatened coastal communities, provide free inoculations to all, and create new genetically modified crops that can survive in greater heat in more arid climates. If harm to human beings is the problem, then one solution is to stop generating harms by addressing the problem of climate change. Or perhaps a second solution is to make the planet more adaptable to climate change.

Thom Brooks makes a wide-ranging critique developing these problems in rejecting proposed policy ideas by political theorists for combatting climate change (Chapter 39). Brooks shows that if we agree, as we should, that human-caused climate change is happening, most policies mistakenly see themselves as offering what he calls a permanent 'end-state solution' which neglects the fact that our planet does not need humans to produce an ice age.

VI

This brief discussion sets out the many issues of pressing concern to global justice theorists. *The Global Justice Reader* brings together the best work in political philosophy concerning global justice from both antiquity and contemporary contributions. This book concludes with an extended bibliography, which has been updated for this revised edition. Any *Reader* must be selective and it cannot include all the best work in any area. For this reason, the bibliography has been expanded to include most of the important work in global justice in print since Plato with a special focus on contemporary writings. Students of global justice who become interested in the topics and contents of this *Reader* are encouraged to leisurely read through the bibliography to help supplement their further reading into the evermore important issue of global justice.

The area of global justice is expanding at an ever-increasing rate. It is my hope that this collection makes the task of those coming to work in this area for the first time far easier by bringing together the best in the field at present. Few things in life are certain. However, one thing that is certain is that the topic of global justice will continue to remain a dominant area of concern for contemporary political philosophers for some time to come.

As our world continues to shrink, the need for clear thinking on matters of global justice becomes ever pressing. Let us hope that work in this area inspires us all to rise to this important challenge.

Notes

1 *The Global Justice Reader*, revised edition, has an accompanying introductory textbook – Thom Brooks, *Global Justice: An Introduction* (Oxford: Blackwell, 2023) – that may be of interest.
2 See St Augustine, *The City of God Against the Pagans*, ed. R.W. Dyson (Cambridge: Cambridge University Press, 1998) and St Thomas Aquinas, *Political Writings*, ed. R.W. Dyson (Cambridge: Cambridge University Press, 2002).
3 See Hugo Grotius, *Rights of War and Peace: Books 1–3*, ed. Richard Tuck (New York: Liberty Fund, 2005) and Samuel Pufendorf, *On the Duty of Man and Citizen According to Natural Law*, ed. James Tully (Cambridge: Cambridge University Press, 1991).
4 I remain very sceptical of accounts supporting just war theories based on the right to self-defence. As anyone who has taught criminal law knows, the right to self-defence is best understood as a defence against future prosecution. Such defences serve to excuse conduct that would otherwise be wrongful rather than promote it. Interested readers may contact me for a draught paper setting out the full view.
5 G.W.F. Hegel, *Elements of the Philosophy of Right*, ed. Allen W. Wood, trans. H.B. Nisbet (Cambridge: Cambridge University Press, 1991): §274 Addition. On Hegel's views on global justice, see Thom Brooks, *Hegel's Political Philosophy: A Systematic Reading of the Philosophy of Right*, 2nd edn (Edinburgh: Edinburgh University Press, 2013), chapter 8.
6 Or, in the words of my former colleague, Martin Harrop, we might prefer the term 'nation-destroying' to 'nation-building'.
7 See Albert Camus, *Neither Victims Nor Executions*, trans. Dwight Macdonald (Philadelphia: New Society Publishers, 1986).
8 In my view, Camus's argument is one of the most neglected in the just war theory literature.
9 See Thom Brooks, 'Cosmopolitanism and Distributing Responsibilities', *Critical Review of International Social and Political Philosophy* 5 (2002): 92–97.
10 Of course, this example becomes perhaps more revealing if we suppose the rescuer flips a coin, chooses to save the child that is not his own, and does rescue that child successfully. Meanwhile, emergency personnel arrive on the scene and resuscitate the rescuer's child who lives despite initially drowning. In this addition to the original example, we might think that not only was the rescuer wrong not to save his own child, but this wrong becomes further manifest when the rescuer tries to convince his child why he chose to save someone else – witnessed by the child – as his child drowns. None of this is to claim that the second child has any less right to live, but only that if we must choose only one child to save it is less arbitrary (and perhaps even justified) to save someone with a closer relation or kinship to oneself than someone without as close a relation.
11 See Thom Brooks, 'Rethinking Remedial Responsibilities', *Ethics and Global Politics* 4 (2011): 195–202.
12 See Amartya Sen, *Development as Freedom* (Oxford: Oxford University Press, 1999), pp. 20–24.
13 Ibid., chapter 7.
14 Wesley Hohfeld distinguishes between various rights claims, or 'incidents', including the privilege, the claim, the power, and the immunity. See Wesley Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning* (New Haven, CT: Yale University Press, 1919).
15 See Thom Brooks, 'The Problem with Polygamy', *Philosophical Topics* 37 (2009): 109–122.

PART I

Sovereignty

Sovereignty is a central concept in global justice, focusing on the exercise of legitimate power over others, defining the limits for the exercise of legitimate power, and the forms that legitimate power may adopt. The first selection is from Thomas Hobbes's classic *Leviathan* first published in 1651. In the *Leviathan*, Hobbes speaks of a 'state of nature'. This is a world without political states, authority, or security. A person's rights exist only to the degree that they are able to exercise them through their own power. People relate to each other in a condition of war, a war of one against all. Hobbes argues that any reasonable person would choose to leave the state of nature for a political state. We would all much prefer to limit our freedom in a political state in order to make our freedoms more secure, rather than remain in a state of nature where our unlimited freedoms are insecure and constantly under threat. Thus, our movement from the state of nature to the political state is a transition from a state of war to a state of peace. The legitimacy of the state is built on our consent to be governed. We may be less free, but our freedoms are made more permanent and secure when protected and regulated by the state. We consent to such an arrangement in a social contract. The contract transfers the right to a common power that alone has the authority to govern members of the state.

This discussion of the social contract is hypothetical. No data exists when individuals gathered together to sign an actual contract binding themselves and future generations to live under a sovereign government, waiving certain freedoms in exchange for the security and protection of a state. Instead, our contractual obligation is hypothetical, but our obligation is no less real. All that is required is that we *would* have freely agreed to such a contract. For Hobbes, no reasonable person would reject consenting to a social contract. When we come to form a state, it may take many shapes, such as a monarchy or an assembly. What makes the state sovereign is that it possesses the consent of 'every one, with every one' in the community. The leaders of the political state then become authorized to legitimately act on behalf of the members of the state.

Hobbes offers us a number of incredibly useful concepts that will appear again and again in future readings, namely, the idea of a state of nature and the importance of popular consent to justify state authority. Indeed, Hobbes's views of *individual persons* in a state of nature is often discussed within the international realm as a state of nature composed of *individual states*. Whereas individual persons have reason to come together and agree to a common power through popular consent, 'realist' scholars have argued that states have no common power

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to appeal to and the international sphere remains a state of nature and a realm of anarchy.

In the second chapter, Charles Beitz considers the international sphere as a state of nature. Beitz argues that in a Hobbesian state of nature we may lack an obligation to adhere to moral principles in the absence of a central political authority, but this is not to say that moral principles do not exist: in fact, Hobbes claims 'laws of nature' exist in a state of nature. A common authority is necessary only to enforce compliance with these laws by threat of punishment.

Beitz provides us with a case in favour of an international morality. We live in an interdependent world. Contemporary states relate with one another more than ever, not least in terms of trade, taking part in a variety of international economic organizations, such as the International Monetary Fund and the World Bank. Our world is not a Hobbesian world of atomistic states fully independent from each other. In our interdependent world, states voluntarily comply with a variety of international norms and rules taking the form of international organization memberships, such as membership in the World Health Organization, NATO or the European Union. Moreover, a set of international norms that guide the conduct of states in the international sphere has arisen, defining the rules of war and conventions of diplomacy. Thus, Beitz presents us with a strong challenge to the Hobbesian understanding of international politics.

Finally, in Chapter 3, Thomas Pogge argues in favour of an institutional understanding of moral cosmopolitanism. Moral cosmopolitanism is the view that a human being is the 'ultimate unit of moral concern'. This view is institutional for the following reason. In virtue of the fact of a global order within which we all participate, the rights of all human beings have become the concern of all human beings. Thus, our concern is not simply with regards the protection and safeguarding of human rights for their own sake, insofar as human rights violations are created 'by social institutions in which we are significant participants'. Those of us in the developed world have a collective responsibility to the global poor insofar as we support a global order that contributes to human rights violations amongst the global poor. If we are responsible for harm to others in upholding the global order, then we have a duty to cease causing them harm and repairing our damage.

However, we might then worry that, however compelling the moral justification for this cosmopolitan perspective on harm caused to the global poor through the global institutional order we uphold, our cosmopolitan solution violates state sovereignty and, therefore, should be abandoned. Alternatively, we might think that, if correct, Pogge's views would lead us to endorse a world state: an effective political body that would have legitimate control over all peoples in order to protect the rights of human beings, defending the person as our ultimate unit of moral concern. On the contrary, Pogge does not defend a world state largely on the grounds that such a body would be impractical. Instead, he favours a wide distribution of sovereignty amongst individual (democratic) states, rather than one body.

All three chapters argue for the importance of sovereignty. For Hobbes, sovereignty is best situated within the state, not the international sphere. Beitz argues that the international sphere is a place where authoritative norms arise that constrain states, driven by the interests of the states themselves. For Pogge, when we respect sovereignty, we must first respect the rights of individuals. States do not have any right to create human rights violations, but nor do they have any right to foster human rights violations through a coercive global order. The respect of state sovereignty is not merely the task of respecting the sovereignty of other states, but of respecting the relationship of states to each other within a global order. Whichever view we find most persuasive, each account offers a compelling picture of how we should consider sovereignty.

1

Leviathan

Thomas Hobbes

Chapter XIV

The Right of Nature, which Writers commonly call *Jus Naturale*, is the Liberty each man hath, to use his own powers, as he will himself, for the preservation of his own Nature; that is to say, of his own Life; and consequently, of doing any thing, which in his own Judgement, and Reason, hee shall conceive to be the aptest means thereunto.

By Liberty, is understood, according to the proper signification of the word, the absence of externall Impediments: which Impediments, may oft take away part of a mans power to do what hee would; but cannot hinder him from using the power left him, according as his judgement, and reason shall dictate to him.

A Law of Nature (*Lex Naturalis*) is a Precept, or generall Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of his life, or taketh away the means of preserving the same; and to omit, that, by which he thinketh it may be best preserved. For though they that speak of this subject, use to confound *Jus*, and *Lex*, *Right* and *Law*; yet they ought to be distinguished; because Right, consisteth in liberty to do, or to forbeare; Whereas Law, determineth, and bindeth to one of them: so that Law, and Right, differ as much, as Obligation, and Liberty; which in one and the same matter are inconsistent.

And because the condition of Man … is a condition of Warre of every one against every one; in which case every one is governed by his own Reason; and there is nothing he can make use of, that may not be a help unto him, in preserving his life against his enemyes; It followeth, that in such a condition, every man has a Right to every thing; even to one anothers body. And therefore, as long as this naturall Right of every man to every thing endureth, there can be no security to any man (how strong or wise soever he be) of living out the time, which Nature ordinarily alloweth men to live. And consequently it is a precept, or generall rule of Reason, *That every man, ought to endeavour Peace, as farre as he has hope of obtaining it; and when he cannot obtain it, that he may seek, and use, all helps, and advantages of Warre*. The first branch of which Rule, containeth the first, and Fundamentall Law of Nature; which is, *to seek Peace, and follow it*. The Second, the summe of the Right of Nature; which is, *By all means we can, to defend our selves*.

Original publication details: Thomas Hobbes, Chapters 14, 17–18 (pp. 91–99, 117–129) from *Leviathan*, edited by Richard Tuck (Cambridge: Cambridge University Press, 1996). Reproduced with permission of Cambridge University Press.

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From this Fundamentall Law of Nature, by which men are commanded to endeavour Peace, is derived this second Law; *That a man be willing, when others are so too, as farre-forth, as for Peace, and defence of himself he shall think it necessary, to lay down this right to all things; and be contented with so much liberty against other men, as he would allow other men against himselfe*. For as long as every man holdeth this Right, of doing any thing he liketh; so long are all men in the condition of Warre. But if other men will not lay down their Right, as well as he; then there is no Reason for any one, to devest himselfe of his: For that were to expose himselfe to Prey (which no man is bound to) rather than to dispose himselfe to Peace. This is that Law of the Gospell; *Whatsoever you require that others should do to you, that do ye to them*. And that Law of all men, *Quod tibi fieri non vis, alteri ne feceris*.

To *lay downe a mans Right* to any thing, is to *devest* himselfe of the *Liberty*, of hindring another of the benefit of his own Right to the same. For he that renounceth, or passeth away his Right, giveth not to any other man a Right which he had not before; because there is nothing to which every man had not Right by Nature: but onely standeth out of his way, that he may enjoy his own originall Right, without hindrance from him; not without hindrance from another. So that the effect which redoundeth to one man, by another mans defect of Right, is but so much diminution of impediments to the use of his own Right originall.

Right is layd aside, either by simply Renouncing it; or by Transferring it to another. By *Simply* RENOUNCING; when he cares not to whom the benefit thereof redoundeth. By TRANSFERRING; when he intendeth the benefit thereof to some certain person, or persons. And when a man hath in either manner abandoned, or granted away his Right; then is he said to be OBLIGED, or BOUND, not to hinder those, to whom such Right is granted, or abandoned, from the benefit of it: and that he *Ought*, and it is his DUTY, not to make voyd that voluntary act of his own: and that such hindrance is INJUSTICE, and INJURY, as being *Sine Jure;* the Right being before renounced, or transferred. So that *Injury*, or *Injustice*, in the controversies of the world, is somewhat like to that, which in the disputations of Scholers is called *Absurdity*. For as it is there called an Absurdity, to contradict what one maintained in the Beginning: so in the world, it is called Injustice, and Injury, voluntarily to undo that, which from the beginning he had voluntarily done. The way by which a man either simply Renounceth, or Transferreth his Right, is a Declaration, or Signification, by some voluntary and sufficient signe, or signes, that he doth so Renounce, or Transferre; or hath so Renounced, or Transferred the same, to him that accepteth it. And these Signes are either Words onely, or Actions onely; or (as it happeneth most often) both Words, and Actions. And the same are the BONDS, by which men are bound, and obliged: Bonds, that have their strength, not from their own Nature (for nothing is more easily broken than a mans word) but from Feare of some evill consequence upon the rupture.

Whensoever a man Transferreth his Right, or Renounceth it; it is either in consideration of some Right reciprocally transferred to himselfe; or for some other good he hopeth for thereby. For it is a voluntary act: and of the voluntary acts of every man, the object is some *Good to himselfe*. And therefore there be some Rights, which no man can be understood by any words, or other signes, to have abandoned, or transferred. As first a man cannot lay down the right of resisting them, that assault him by force, to take away his life; because he cannot be understood to ayme thereby, at any Good to himself. The same may be sayd of Wounds, and Chayns, and Imprisonment; both because there is no benefit consequent to such patience; as there is to the patience of suffering another to be wounded, or imprisoned: as also because a man cannot tell, when he seeth men proceed against him by violence, whether they intend his death or not. And lastly the motive, and end for which this renouncing and transferring of Right is introduced, is nothing else but the security of a mans person, in his life, and in the means of so preserving life, as not to be weary of it. And therefore if a man by words, or other signes, seem to despoyle himselfe of the End, for which those signes were intended; he is not to be understood as if he meant it, or that it was his will; but that he was ignorant of how such words and actions were to be interpreted.

The mutuall transferring of Right, is that which men call CONTRACT.

There is difference, between transferring of Right to the Thing; and transferring, or tradition, that is, delivery of the Thing it selfe. For the Thing may be delivered together with the Translation of the Right; as in buying and selling with ready mony, or exchange of goods, or lands: and it may be delivered some time after.

Again, one of the Contractors, may deliver the Thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the mean time be trusted; and then the Contract on his part, is called PACT, or COVENANT: Or both parts may contract now, to performe hereafter: in which cases, he that is to performe in time to come, being trusted, his performance

is called *Keeping of Promise,* or Faith; and the fayling of performance (if it be voluntary) *Violation of Faith*.

When the transferring of Right, is not mutuall; but one of the parties transferreth, in hope to gain thereby friendship, or service from another, or from his friends; or in hope to gain the reputation of Charity, or Magnanimity; or to deliver his mind from the pain of compassion; or in hope of reward in heaven; This is not Contract, but GIFT, FREE–GIFT, GRACE: which words signifie one and the same thing.

Signes of Contract, are either *Expresse,* or *by Inference*. Expresse, are words spoken with understanding of what they signifie: And such words are either of the time *Present,* or *Past;* as, *I Give, I Grant, I have Given, I have Granted, I will that this be yours:* Or of the future; as, *I will Give, I will Grant:* which words of the future are called PROMISE.

Signes by Inference, are sometimes the consequence of Words; sometimes the consequence of Silence; sometimes the consequence of Actions; sometimes the consequence of Forbearing an Action: and generally a signe by Inference, of any Contract, is whatsoever sufficiently argues the will of the Contractor.

Words alone, if they be of the time to come, and contain a bare promise, are an insufficient signe of a Free-gift and therefore not obligatory. For if they be of the time to Come, as, *To morrow I will Give*, they are a signe I have not given yet, and consequently that my right is not transferred, but remaineth till I transferre it by some other Act. But if the words be of the time Present, or Past, as, *I have given, or do give to be delivered to morrow,* then is my to morrows Right given away to day; and that by the vertue of the words, though there were no other argument of my will. And there is a great difference in the signification of these words, *Volo hoc tuum esse cras,* and *Cras dabo*; that is, between *I will that this be thine to morrow*, and, *I will give it thee to morrow*: For the word *I will*, in the former manner of speech, signifies an act of the will Present; but in the later, it signifies a promise of an act of the will to Come: and therefore the former words, being of the Present, transferre a future right; the later, that be of the Future, transferre nothing. But if there be other signes of the Will to transferre a Right, besides Words; then, though the gift be Free, yet may the Right be understood to passe by words of the future: as if a man propound a Prize to him that comes first to the end of a race, The gift is Free; and though the words be of the Future, yet the Right passeth: for if he would not have his words so understood, he should not have let them runne.

In Contracts, the right passeth, not onely where the words are of the time Present, or Past; but also where they are of the Future: because all Contract is mutuall translation, or change of Right; and therefore he that promiseth onely, because he hath already received the benefit for which he promiseth, is to be understood as if he intended the Right should passe: for unlesse he had been content to have his words so understood, the other would not have performed his part first. And for that cause, in buying, and selling, and other acts of Contract, a Promise is equivalent to a Covenant; and therefore obligatory.

[…]

If a Covenant be made, wherein neither of the parties performe presently, but trust one another; in the condition of meer Nature (which is a condition of Warre of every man against every man), upon any reasonable suspition, it is Voyd: But if there be a common Power set over them both, with right and force sufficient to compell performance; it is not Voyd. For he that performeth first, has no assurance the other will performe after; because the bonds of words are too weak to bridle mens ambition, avarice, anger, and other Passions, without the feare of some coërcive Power; which in the condition of meer Nature, where all men are equall, and judges of the justnesse of their own fears, cannot possibly be supposed. And therfore he which performeth first, does but betray himselfe to his enemy; contrary to the Right (he can never abandon) of defending his life, and means of living.

But in a civill estate, where there is a Power set up to constrain those that would otherwise violate their faith, that feare is no more reasonable; and for that cause, he which by the Covenant is to perform first, is obliged so to do.

The cause of feare, which maketh such a Covenant invalid, must be alwayes something arising after the Covenant made; as some new fact, or other signe of the Will not to performe: else it cannot make the Covenant voyd. For that which could not hinder a man from promising, ought not to be admitted as a hindrance of performing.

He that transferreth any Right, transferreth the Means of enjoying it, as farre as lyeth in his power. As he that selleth Land, is understood to transferre the Herbage, and whatsoever growes upon it; Nor can he that sells a Mill turn away the Stream that drives it. And they that give to a man the Right of government in Soveraignty, are understood to give him the right of levying mony to maintain Souldiers; and of appointing Magistrates for the administration of Justice.

To make Covenants with bruit Beasts, is impossible; because not understanding our speech, they understand not, nor accept of any translation of Right; nor can translate any Right to another: and without mutuall acceptation, there is no Covenant.

[…]

The matter, or subject of a Covenant, is alwayes something that falleth under deliberation (for to Covenant, is an act of the Will; that is to say an act, and the last act, of deliberation) and is therefore alwayes understood to be something to come; and which is judged Possible for him that Covenanteth, to performe.

And therefore, to promise that which is known to be Impossible, is no Covenant. But if that prove impossible afterwards, which before was thought possible, the Covenant is valid, and bindeth (though not to the thing it selfe) yet to the value; or, if that also be impossible, to the unfeigned endeavour of performing as much as is possible: for to more no man can be obliged.

Men are freed of their Covenants two wayes; by Performing; or by being Forgiven. For Performance, is the naturall end of obligation; and Forgivenesse, the restitution of liberty; as being a re-transferring of that Right, in which the obligation consisted.

Covenants entred into by fear, in the condition of meer Nature, are obligatory. For example, if I Covenant to pay a ransome, or service for my life, to an enemy; I am bound by it. For it is a Contract, wherein one receiveth the benefit of life; the other is to receive mony, or service for it; and consequently, where no other Law (as in the condition, of meer Nature) forbiddeth the performance, the Covenant is valid. Therefore Prisoners of warre, if trusted with the payment of their Ransome, are obliged to pay it: And if a weaker Prince, make a disadvantageous peace with a stronger, for feare; he is bound to keep it; unlesse (as hath been sayd before) there ariseth some new, and just cause of feare, to renew the war. And even in Common-wealths, if I be forced to redeem my selfe from a Theefe by promising him money, I am bound to pay it, till the Civill Law discharge me. For whatsoever I may lawfully do without Obligation, the same I may lawfully Covenant to do through feare: and what I lawfully Covenant, I cannot lawfully break.

A former Covenant, makes voyd a later. For a man that hath passed away his Right to one man to day, hath it not to passe to morrow to another: and therefore the later promise passeth no Right, but is null.

A Covenant not to defend my selfe from force, by force, is alwayes voyd. For … no man can transferre, or lay down his Right to save himselfe from Death, Wounds, and Imprisonment (the avoyding whereof is the onely End of laying down any Right) and therefore the promise of not resisting force, in no Covenant transferreth any right; nor is obliging. For though a man may Covenant thus, *Unless I do so, or so, kill me*; he cannot Covenant, thus, *Unlesse I do so, or so, I will not resist you, when you come to kill me*. For man by nature chooseth the lesser evill, which is danger of death in resisting; rather than the greater, which is certain and present death in not resisting. And this is granted to be true by all men, in that they lead Criminals to Execution, and Prison, with armed men, notwithstanding that such Criminals have consented to the Law, by which they are condemned.

A Covenant to accuse ones selfe, without assurance of pardon, is likewise invalide. For in the condition of Nature, where every man is Judge, there is no place for Accusation: and in the Civil State, the Accusation is followed with Punishment; which being Force, a man is not obliged not to resist. The same is also true, of the Accusation of those, by whose Condemnation a man falls into misery; as of a Father, Wife, or Benefactor. For the Testimony of such an Accuser, if it be not willingly given, is praesumed to be corrupted by Nature; and therefore not to be received: and where a mans Testimony is not to be credited, he is not bound to give it. Also Accusations upon Torture, are not to be reputed as Testimonies. For Torture is to be used but as means of conjecture, and light, in the further examination, and search of truth: and what is in that case confessed, tendeth to the ease of him that is Tortured; not to the informing of the Torturers: and therefore ought not to have the credit of a sufficient Testimony: for whether he deliver himselfe by true, or false Accusation, he does it by the Right of preserving his own life.

[…]

Chapter XVII

The finall Cause, End, or Designe of men (who naturally love Liberty, and Dominion over others), in the introduction of that restraint upon themselves (in which wee see them live in Common-wealths), is the foresight of their own preservation, and of a more contented life thereby; that is to say, of getting themselves out from that miserable condition of Warre, which is necessarily consequent (as hath been shewn) to the naturall Passions of men, when there is no visible Power to keep them in awe, and tye them by feare of punishment to the performance of their Covenants […].