

THOM BROOKS

# GLOBAL JUSTICE

AN INTRODUCTION



WILEY Blackwell



Global Justice



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An Introduction

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**WILEY** Blackwell

This first edition first published 2023  
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*Library of Congress Cataloging-in-Publication Data Applied for:*  
Paperback ISBN: 9781405184427

Cover Design: Wiley  
Cover Images: © jimmyjamesbond/Getty Images

Set in 10.5/13pt Ehrhardt by Straive, Pondicherry, India

*For my students*





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# Preface

When I was an undergraduate student in the 1990s, I developed a lifelong interest in political philosophy. The field has changed in so many ways since. One important way is the shift from a near exclusive look at domestic justice to mainstreaming global justice. With only a handful of exceptions, virtually all talk about justice was really about justice within a state. What was striking at the time is how rarely global justice came up – even though groundbreaking work was ever-present.

Global justice is not new and political philosophers have grappled with it since day one. What is new is the size and scale of interest in the subject over the past few decades. We have always talked about human rights crossing borders, just war theories, climate justice, and much more. But instead of these being fringe topics at the margins of political philosophy, they have moved onto the center stage.

The origins behind this book lie in an earlier book. Nearly two decades ago, there was relatively little in this area for students. I saw a need for a new anthology bringing together the best classic and contemporary work, of readings being widely taught and yet nowhere collected in one place. Blackwell kindly agreed to publish my *The Global Justice Reader* in 2008, and I have been thrilled to see the positive reception it has enjoyed since. This was part of a four-book deal to produce *The Global Justice Reader*, an edited book *Hegel's Philosophy of Right*, a monograph on political philosophy for the Fundamentals in Philosophy series (set to be completed shortly), and a companion introduction – the book in your hands – to

*The Global Justice Reader*. I am more than a little embarrassed by the length of time in bringing all four books to fruition, as life intervened in several ways including my continuing work in Parliament advising on mostly home affairs and justice issues for over a decade. But I am pleased to have at least produced an extra book – a new revised edition of the original *Reader* expanded, revised, and updated – which I hope has kept me in Blackwell's good books notwithstanding the delays.

As I make clear in the following Introduction, this book can be read and understood as a standalone introduction to global justice or as a companion to either the first or revised edition of *The Global Justice Reader*. It is a great pleasure to see this book appear alongside the revised edition of the *Reader*, and I very much hope students will continue to benefit from both for many more years to come.

My first thanks must go to my students. The original reason for putting the *Reader* together with this companion book was to benefit students first and foremost. I owe thanks to those who took my classes on global justice at both Newcastle and Durham universities. Their insights and probing questions in lectures and seminars as we worked through each of the main readings surveyed here has been as illuminating as it is enjoyable.

My next thanks must go to the team at Blackwell, especially the late Nick Bellowini. His multi-book deal offer was one of my biggest first breaks as a budding academic. I still recall our conversation at a café around the corner from St. Edmund Hall, Oxford, where these plans were agreed. Nick's support for me at that time was incredibly important, and I will always owe him a huge debt of gratitude and miss speaking with him. I am also hugely thankful to Charlie Hamlyn not least for his superb patience as I have brought several projects to completion (and at last).

Various papers, comments, and more have been presented or discussed at a number of universities and institutions, including the Carlsberg Akademi, Edinburgh Fringe, Glasgow Skeptics, International Centre for Parliamentary Studies, Juris North, Public Policy Exchange, the UK Parliament's All-Parliamentary Group on Refugees, and the universities of Arizona State, Baltimore, Boston, City University of New York Graduate School, Edinburgh, Georgia State, Ghent, Hull, Indian Institute of Technology, Jagran Lakecity, Leicester, Oslo, St. Andrews, Stirling, Suffolk, Surrey, University College London, and Yale. I owe many thanks to several friends and colleagues for various conversations helping to shape my views, including Robin Attfield, Christian Barry, Lord (David) Blunkett, David Boucher, Gillian Brock, Claire Brooks, Gary Browning, Vittorio Bufacchi, Carolyn Cole Candolera, Simon Caney, Andrew I. Cohen, Andrew Jason Cohen, James Connolly, Rowan Cruft, Fabian Freyenhagen, Christel Fricke, Lisa

## Preface

Fuller, Stephen Gardiner, the late John Gardner, Carol Gould, Les Green, Gina Gustavsson, Bruce Haddock, Iain Hampsher-Monk, Nicole Hassoun, David Held, Clare Heyward, Peter Hulm, Afzal Khan MP, Eva Kittay, Alison Jaggar, Peter Jones, Pauline Kleingeld, Melissa Lane, S. Matthew Liao, Kasper Lippert-Rasmussen, Loren Lomasky, Graham Long, the late Jonathan (E.J.) Lowe, Holly Lynch MP, Ruth Macklin, Jeff McMahan, Raino Malnes, Sandra Marshall, Wayne Martin, David Miller, Margaret Moore, Richard Mullender, Aletta Norval, Martin O'Neill, late Gerhard Øverland, Eric Posner, Jon Quong, Peri Roberts, David Rodin, Michael Rosen, Dominic Roser, Lord (Richard) Rosser, Andrea Sangiovanni, Samuel Scheffler, David Schlosberg, Thomas Schramme, Esther Schubert, Peter Singer, Baroness (Angela) Smith, Matthew Noah Smith, Suzanne Sreedhar, Daniel Star, Keir Starmer KC MP, Kok-Chor Tan, Fernando Teson, Laura Valentini, Martin van Hees, Albert Weale, Kit Wellman, Jo Wolff, Hiro Yamazaki, and Lea Ypi among others.

I owe a large debt to Martha Nussbaum, whose work has had a deep impact on me; to Leif Wenar, who first introduced me to the topic; and to Lord (Bhikhu) Parekh, who has been my guru for nearly 20 years. I am enormously grateful to my family, especially to Claire and Eve, for their patience and support throughout the writing of this book and much else.

*T.A.K.B.*

*Sedgefield, England*

# Introduction

## Justice for the globe

Malaika does not live like other teenagers in Western countries. Since the civil war began in her country that tragically saw her father killed, before famine or debts took what was left of her family's farm, she struggles to earn what money she has left to help feed her unwell mother and younger siblings. They live each day hand to mouth. With these daunting daily struggles to survive, Malaika is unable to attend school and prepare for a future career.

Joseph lives in a home that his family has owned proudly for several generations. But it will sadly not be around much longer to be enjoyed by his children nor any grandchildren. Joseph's problem is not money or a desire to move away but the rising sea level that now reaches his front gate at each high tide. Joseph's island is sinking and his nation is being slowly drowned. He and his family do not know where else they might go. They have never been abroad before and yet face permanent expulsion as nature swallows up their country.

Emma's life is a world away from Malaika and Joseph. Emma lives in a comfortable home in an affluent and desirable town. She was active in sport, winning a scholarship at university and enjoys a well-paid professional job. Emma is able to afford a home in the best part of town where her children thrive. The family enjoys vacations abroad every summer.

## Global Justice

These short biographical snapshots are fictional. None actually exist. However, their circumstances – and their contrasts – are all too real. Malaika, Joseph, and Emma did not choose to be born or where they would grow up. Yet, their future horizons can be shaped by the contexts they find themselves. Growing up in a war-torn famished developing country is different from living on the frontline combatting climate change or enjoying life in an affluent state. But what to do about these differences? If in the same state, we might argue they should have the same life chances and greater equality – but they do not. So, what should justice look like for Malaika, Joseph, and Emma when they have different lives and are citizens of different countries? If you are interested in these issues, then you are interested in *global justice*. Topics like severe poverty, just war, gender global justice, climate change, distributive justice, and much more are all covered in this book.

### What is global justice?

Traditionally, whenever political philosophers thought about justice, they primarily focused on justice within a state. Questions about what freedom, equality, and rights individuals might possess were aimed at citizens of a state. For example, John Rawls's famous *A Theory of Justice* (1971) develops a conception of justice that individuals enter at birth and leave at death. Rawls considers what principles of justice that citizens would agree – and how they would do it. Justice is about setting the boundaries and agreeing how we might regulate our society.

But, of course, this raises big questions about what justice looks like more broadly. Should all states around the globe have the same view about justice – or can there be differences? How might “we” resolve conflicts between states that disagree about fundamental issues of justice without a world government or court?<sup>1</sup> Are there rights that everyone is entitled to, even if my state does not recognize them? These are all the big questions that global justice theories attempt to answer – and which will be discussed in this book.

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<sup>1</sup>A note about the use of “we” at the start. While I write from the perspective of a dual American and British citizen, I do not intend the “we” used here to have any particular characteristics beyond “individuals interested in global justice.” We, those who have interests in global justice as a topic, ask these questions wherever we are from.

Global justice is about justice across borders (Brooks 2012; Brooks 2016a). These issues are some of the most pressing and important as well (see Brooks 2015a). Our world is divided. There are some highly affluent states that control most of the global wealth. Yet, there are many states where individuals suffer in severe poverty. So, what should be done? Some might argue that those who can supply the resources to save others in need should do so, but others claim the primary responsibility should be with those responsible for their severe poverty. Which should we choose?

We live in a world of borders. Nobody chooses where they are born. And yet, where we are born can influence our life chances in terms of health, education, and relative wealth. So, what should we do about immigration? Some might argue that our citizenship at birth is arbitrary because we did not choose where we were born. It is unfair to deny individuals an opportunity to live where they wish and so, it is argued, we should have more open borders. However, others argue how a society is structured is not arbitrary. Communities self-determine themselves and invest in their citizens, such as in public services that require border restrictions for such support to be maintained. Which view to support?

We live in an endangered world (Brooks 2020a). Climate change is threatening our future sustainability in a myriad of ways, such as increased risks of flooding coastal communities, worsening famines, and more severe weather events. Some claim we should turn to conservationism cutting back global emissions substantially, even if it cut economic growth, as a means to bring climate change to a stop. Others argue that we should invest in adaptive technologies to adjust better to changing conditions. Which should be our priority?

These are only a few of the many important issues that global justice deals with – and covered here. This book is an introductory guide surveying the main ideas from some of the key texts in the field by its leading contributors.

## What is this book about?

This book is divided into 11 chapters. In this section, a brief overview of the topics and issues are surveyed. The aim is to provide a general picture of what different areas of global justice are about. Readers are welcome to organize their approach in which order they consider chapters afterward.

The first chapter is about *sovereignty*. This is about the supreme authority within a territory. This is a core concept in global justice. The idea of sovereignty might imply a supreme *legitimate* authority. Some philosophers,

like Thomas Hobbes, argued that sovereignty was built on the consent of the governed. It raises questions about what makes any governing body a legitimate authority – and whether any such body lacking public consent can be considered a supreme authority. Moreover, it also raises questions about whether other states should consider a political community as a sovereign state and why.

The idea of sovereignty, at least in Hobbes's influential work, is connected to his idea of a state of nature. He argues that a world without government where we are each left to fend for ourselves is an environment where life is harsh and short-lived. Hobbes claims we would each crave security in self-preservation and so would come together surrendering our freedom to act as we like in a state of nature to consent to a strong government. Limiting our individual freedom and consenting to having the state regulate our relations is a price worth paying, he argues, for peace.

As will be seen, this idea about how we might legitimize the power of the state for its citizens has been applied to the international sphere. It is regularly argued that there is a global state of nature as individual states fend for themselves without a world government or state to govern their relations. The ensuing debate is whether this analogy of an amoral global sphere is a correct description of foreign affairs or whether there are normative requirements globally as constructed by states in cooperation with each other.

The second chapter is about *rights to self-determination*. This takes discussion about sovereignty a step further. So, what justifies any group of individuals to form a state? What values or principles, if any, must they all accept? Is it necessary that group members recognize each other and, if so, how? And, furthermore, if a group can legitimately form a state, can they do so by seceding from an existing state – and those that state have a say?

The issues are thorny, but fundamental. We often recognize the right of sovereign states to regulate themselves without foreign interference in peacetime. So, what, if any, limits are there to how a state self-determines itself and governs its citizens? And what if citizens are deeply divided on such issues to the extent that agreement on basic governance seems beyond reach? While we might often claim a right to self-determination, it is not always clear how this might work in theory or practice. But it is very clear that – whatever our view – there may be far-reaching consequences for understanding the state and its relation to other states.

The third chapter is about *human rights*. It was once thought that there was a divine right of kings whereby only the monarch had rights – and any rights their subjects enjoyed would be at the pure discretion of a king or queen. Supporters of natural rights objected and claimed that individuals



had rights *naturally*, from birth, and regardless of their nationality. This raises a fundamental question of whether rights are ours from birth – and a part of nature – or whether the rights we have come from social conventions over time.

A further fundamental question is, if I have human rights naturally or socially, which rights do I have? This touches on one distinction between our *rights* versus our *human rights*. The latter are usually thought to be more essential and universal. While many argue that rights to life or liberty are human rights, not every right shares the same status. Plus, there are deep disagreements about what should be seen as a human right. For example, most accept a right to life but not everyone agrees a right to life must mean we abolish the death penalty. Thinking about human rights helps us better understand our most fundamental freedoms, what it is that gives them a special status and reflect on disagreements about their status, number, and justification.

The fourth chapter is about *nationalism and patriotism*.<sup>2</sup> In the political science literature, discussions about (classical) nationalism typically refer to right-wing political movements.<sup>3</sup> But here we refer to a kind of *ethical nationalism* referred to as “liberal nationalism.” In other words, what features and values should members of a nation possess in common – and how can this be justified? Is national membership a matter of birth or how might citizens from other states join the national community? And, more centrally, are we under a greater obligation to help conationals in need over non-nationals?

Patriotism is often held as a kind of virtue – that it is praiseworthy to be patriotic and supportive of the country of your citizenship. But what are the grounds for such commitment – and what are the limits? Do we have equal

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<sup>2</sup> Some readers will notice that I did not name John Rawls’s *The Law of Peoples* and its critics. This was the fourth section of the original edition of *The Global Justice Reader*. As this appears to be covered much less in global justice courses now, I have decided to remove the section from the revised *Reader*. I have added a new section later in the book on Immigration and Citizenship which is getting greater prominence instead and cover it in Chapter 6.

<sup>3</sup> A brief note that this book will take an interdisciplinary perspective. This is because my background is across disciplines with a BA in music and political science, an MA in political science, an MA in philosophy, a PhD in philosophy, eight years working in Politics department, and another decade in a law school, half of which was spent as dean. I will draw on this background throughout this text. For what it is worth, I strongly recommend academic study across disciplines as a way of enriching multidisciplinary studies generally.

duties to everyone – or special duties to compatriots that prioritize them over others? Does a love of country clash with commitments to love non-citizens or not?

The fifth chapter is about *cosmopolitanism* and continues to engage with questions raised about nationalism and patriotism. For example, are liberal nationalists right that we have special duties to our fellow citizens over others – or are cosmopolitans right that we universal duties toward human beings regardless of their nationality? What does cosmopolitan justice look like in an international sphere of separate states?

A major debate in cosmopolitan thought is about whether world peace requires a world government. Can we aspire to a perpetual peace among states without a single global power ruling over all states – and, if not, why not? There are further issues around the importance of the equality of every individual in a world where life chances can differ wildly depending on where someone is born. What does global justice have to say about this? These are some of the questions we will be looking at more closely in that chapter.

The sixth chapter is about *immigration and citizenship*.<sup>4</sup> People are crossing borders more than ever before. This is a topic that is personal to me. I was born in the United States where I had citizenship and then studied and worked in the Republic of Ireland before settling and gaining a second citizenship in the United Kingdom. The first question here is simply why have borders? We live in a bordered world, but where the lines are drawn – and what the rules for entry and settlement might be – differ. What justifies restrictions and exclusions? And how – and why – might we treat refugees differently from other forms of migration? It is worth noting that we frequently do. While most immigration rules fall under domestic law, the rules relating to handling asylum claims fall under international law. The former relates mostly to economic migrants and family reunion, while the latter cover individuals fleeing persecution. Most states treat migrants differently depending on their reasons for seeking entry and residence – how and why might this matter?

The seventh chapter is about *global poverty*. This is possibly *the* biggest topic of interest in global justice. The issue is what to do about severe poverty? There are different views on what is best. One is that we may have a positive duty to help if we can irrespective of whether we have any connection

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<sup>4</sup>Some readers will notice that this is a new section introduced into the revised edition of *The Global Justice Reader* published in 2023. Readers using the original 2008 edition can still follow the references given in this chapter.