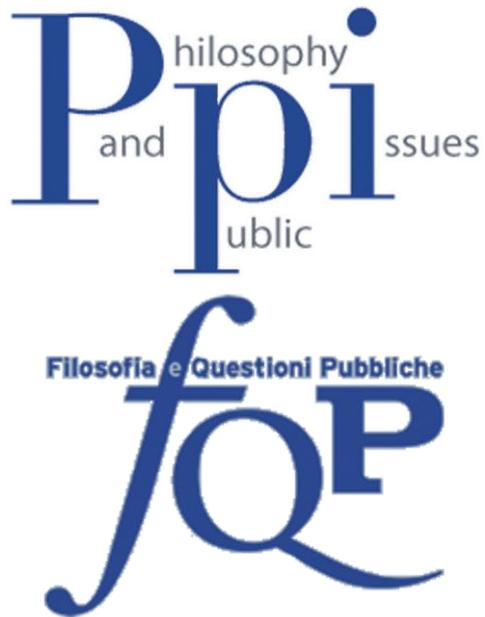


PROBLEMS AND METHODS IN GLOBAL THINKING



IS THERE A UNIVERSAL GRAMMAR OF JUSTICE?

BY

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Is There a Universal Grammar of Justice?*

Julian Culp

Introduction

Ever changing social, economic and cultural relationships continuously modify the social struggles that need to be fought and critically analyzed. A case in point are recent processes of globalization. These processes consist of the intensification of economic, social and cultural exchanges across national borders and have been facilitated by international political integration, liberalizing economic policies and advances in information and transportation technology from the mid-20th century onwards. As a consequence, contemporary political and social struggles tend to involve persons and groups from different countries more frequently and to a greater extent (cf. Held 2010). Consider, for example, the alter-

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globalization movements that became particularly visible in the protests in Seattle (1999), Montreal (2001), Heiligendamm (2007) and Hamburg (2017). Over the past twenty years these movements have been assembling annually in different locations throughout the Global South at the World Social Forum. They have been calling for alternative arrangements of the global economy and world politics as well as explored possibilities of a just world order.

In light of such transnational social movements the question arises relative to which rules the political and economic conflicts that these movements address should be resolved, e.g. the conflict between the International Monetary Fund and public service workers in highly indebted countries. After all, since these movements and conflicts involve persons and groups from many different parts of the world, it is insufficient to point to those rules that are apt for resolving social and political conflicts in Western societies. Or at least it cannot simply be taken for granted that the rules that have been used for addressing conflicts in Western societies can be used for evaluating conflicts across national borders that include persons and groups from Western and, say, African or Asian contexts. Consequently, in order to critically analyze transnational relationships that cut across Western, African, Asian and other contexts, it is important to explore the rules of a *universal moral grammar*. The rules of this grammar must determine – without being subject a nationalist or Western bias – the appropriate uses of normative terms like domination, justice or oppression.

In this paper I maintain that the so-called global justice debate in contemporary political philosophy and normative political theory has contributed to answering the question of how to conceive such a universal grammar. After all, one central question of this debate is how, if at all, we should conceive certain universal rules of justice for solving social and political conflicts that

transcend the borders of nation-states as well as of Western societies. In Section I, I reconstruct the key developments of this debate so as to illustrate the way in which this debate can be understood as an attempt to articulate a universal grammar of justice. In particular, I contrast the so-called cosmopolitan liberal and the social liberal conceptions of global justice, which have mainly disagreed as to whether an interpersonal, egalitarian conception of distributive justice should be recognized as globally valid or not. In Section II, I argue that one central limitation of this framing of the global justice debate has been its focus on the distributive question “*Who should receive what?*”, since it has led to the neglect of the political and more fundamental question “*Who decides who should receive what?*”. I therefore unfold Rainer Forst’s (2001, 2012, 2014) discourse-theoretic conception of global justice, which takes the latter, political question about justice as its starting point, and illustrate how his conception can be understood as a conceptualization of a universal grammar of justice.

Then I turn to two critiques of viewing the global justice debate as an apt source for articulating a universal moral grammar. One critique, which I address in Section III, claims that the debate is Western-centric. I recognize that a significant part of the philosophical global justice debate has been Western-centric and that there are very strong reasons for finding this problematic. I highlight, however, that influential philosophers like Amartya Sen have already engaged with Indian conceptions of political morality. In addition, I point out that the discourse theorists like Forst and Nancy Fraser (2009), who have actively participated in the global justice debate, have always been urging to democratize the debate about global justice by including many more voices in the formulation of a conception of global justice.

The other critique, which I analyze in Section IV, maintains that the global justice debate suffers from liberal parochialism. In

response to this critique I challenge, in particular, Katrin Flikschuh's (2014, 2017) claim that the global justice debate has extrapolated liberal principles of justice from the domestic to the global realm without considering whether the domestic and the global contexts differ in normatively relevant ways. I defend that this claim amounts to a misunderstanding of the global justice debate, because the key question of this debate has been precisely whether or not it is appropriate to extend liberal principles of justice from the domestic to the global context. Thus, the participants of the global justice debate have neither unanimously endorsed the extension of a domestic liberal conception of distributive justice to the world at large nor have they simply assumed that such an extension was justified.

I

Cosmopolitan and Social Liberalism as Universal Grammar of Justice

In the beginning of the academic debate on global justice Charles Beitz (1975, 1999a [1979], 2008 [1983]) and Thomas Pogge (1989, 1994) have argued that due to the fundamental transformations of economic and political life since the end of World War II, which have led to much greater global economic integration and increased levels of global governance, John Rawls' liberal-egalitarian conception of distributive justice should be extended to the world at large.¹ Thus, Beitz (1999a [1979], 128) and Pogge (1989, ch. 6) have argued that global distributive justice

¹ Cf. Rawls (2001, 42-3) for the definitive formulation of the principles that define the liberal-egalitarian content of the conception of "justice as fairness." These principles are the equal liberties principle, the fair equality of opportunity principle and the difference principle.

required arranging the global institutional order in such a way that the members of the socioeconomically worst-off group, irrespective of their citizenship, would be as well off in terms of income and wealth as they possibly could. By employing what Simon Caney (2001b, 117-8; 2005, 270-1) has dubbed “analogy arguments,” they have maintained that a reflection as to why one supports Rawls’s liberal egalitarian principles of distributive justice domestically draws one towards accepting the global validity of such principles. By arguing in this manner, Beitz and Pogge have effectively stated that the entire world should be regarded as proper “context” of justice in which conflicts of distributive justice arise.² Because of their globalization of the “content” of Rawls’ *liberal* theory of justice, Beitz and Pogge, as well as, later on, Darrel Moellendorf (2002) and Kok-Chor Tan (2004) were labeled “liberal cosmopolitans” (Beitz 1999b; 2000, 667; cf. also Brown 1992, Thompson 1992, Chwaszcza 1996, Caney 2001a, Buchanan 2006) or simply “globalists” (Risse 2012).³

² Following Forst (2001, 161), “contexts of justice” are social relations constituted by certain populations that can be assessed from the point of view of distributive justice. For example, a state and its citizens may be viewed as a context and a population of distributive justice. Further examples of possible contexts of distributive justice include sports teams, universities, religious associations, and economic corporations. The populations of which these contexts consist contain different kinds of actors, including individuals in their capacity both as members of these populations as well as collective agents, such as families, governments, or boards of directors.

³ The “content of justice” refers to the requirements of justice expressed by a certain metric (resources, primary goods, capabilities, opportunities, etc.) and certain principles (egalitarian, prioritarian, sufficiencyarian, etc.) (cf. Anderson 2010). For example, the content of an egalitarian theory of distributive justice may call for an equal distribution of resources such as income or wealth. By contrast, the content of a prioritarian theory of distributive justice may hold that,

However, there was a considerable variety in terms of how these liberal cosmopolitans or globalists understood the universal grammar of justice. This variety arose, in particular, from differing understandings of the “grounds of justice,” that is, alternative views as to *when and why* a particular content of justice should be regarded as valid within a certain context (cf. Julius 2006, 176; Sangiovanni 2007, 8; Risse 2012, 2; and DeBres 2012, 316). Beitz (1975), for example, has argued initially that Rawls’s principles of social justice would have to apply globally because of a *global scheme of social cooperation* from which everyone benefits. After all, since the point of a conception of justice is to identify, as Rawls (1971, 4) has put it, “the appropriate distribution of the benefits and burdens of social cooperation,” the existence of a global scheme of social cooperation would render Rawls’s principles of distributive justice globally valid.

Later on, however, Beitz (1999a, 131) dropped this claim, because he maintained that questions of global distributive justice would arise even in the absence of truly cooperative arrangements that benefit all who are participating in them. Exclusively recognizing (global) schemes of cooperation as contexts to which Rawls’s two principles of justice apply, he maintained, would mean to say that social contexts that were not truly cooperative, that is, not mutually beneficial, could not be deemed unjust, even if these contexts were dominating, exploitative or oppressive. Even slavery could not be said to be unjust. The problem with viewing cooperation as ground of justice, hence, is that this view conflates the conditions of ideal justice, which it conceives as cooperative,

from the point of view of distributive justice, the level of resources or opportunities available to the least-advantaged group matters most (cf. Parfit (1997) on the distinction between prioritarian and egalitarian principles of justice).

with the conditions under which questions of (in-)justice arise in the first place.⁴ Beitz as well as Pogge (1989, 241) and Moellendorf (2002, 30–2) have therefore argued that due to a *global scheme of interdependence* with pervasive impact, rather than due to a global scheme of cooperation, liberal principles of justice should be extended to the world as a whole. Because human beings pervasively impact on one another globally through a variety of economic, political and cultural exchanges, liberal principles must be extended globally.

But this *global interdependence* line of reasoning did not continue convincing the liberal cosmopolitans. Beitz (2008 [1983], 111) has eventually claimed that global interdependence mattered not as an existence condition, but rather as a feasibility condition for the globalized version of Rawls’s conception of justice as fairness (cf. also Richards 1982; Jones 1999, 61–2). By that he meant to say that although a scheme of interdependence with pervasive impact matters indeed for realizing a conception of global justice, questions about global (in-)justice would nevertheless also exist in the absence of such a scheme. For Beitz (2008 [1983], 111) and also Moellendorf (2002, 24) the fact alone that human beings have the two moral powers to follow moral demands and to formulate, revise and follow a certain conception of the good constitutes the ground of liberal cosmopolitan justice.⁵

In response to the liberal cosmopolitan articulation of a universal grammar of justice, Michael Blake (2001) and Thomas Nagel (2005) have claimed, however, that none of the liberal cosmopolitans would get this grammar right. Instead, they have argued that Rawls’ liberal principles of domestic justice would only be “triggered” within schemes of state coercion. They have

⁴ Cf. Buchanan (1990) and Nussbaum (2006) for an extensive critique of the view of justice as fair cooperation or mutual advantage.

⁵ Cf. Rawls (2001, 18–19) for this understanding of the two moral powers.

therefore been labeled “statists” (Risse 2012) or “social liberals” (Beitz 2000, 667). Nagel (2005, 122) refers to his conception as “political view” that claims that there is something special about demands of justice that distinguishes them from other demands of morality. This is a compelling view, given that the phenomenology of morally problematic situations strongly suggests a categorical difference between, on the one hand, situations in which persons require *assistance* and need to rely on others’ humanitarian response and, on the other hand, those situations where persons are victims of an injustice that others have inflicted upon them and ask for *rectification*. There is a difference, then, between what is owed simply as a matter of humanity and what is owed as a matter of justice.⁶ This difference between humanity and justice speaks in favor of “multilayered” (Nagel 2005, 132, 133, 141) or “pluralistic” (*ibid.*, 122) moral theories that draw a distinction between humanity (or obligatory assistance) on the one hand and justice on the other. Yet the liberal cosmopolitan conceptions of global distributive justice, according to Nagel (*ibid.*, 117-22), view all normative demands as originating from one single moral source, and thereby fail to properly differentiate between demands of justice proper and (other) demands of morality.⁷

Different from Nagel, Blake does not distinguish between humanity and justice, but instead argues for a dualism regarding the requirements of justice. Blake’s (2001, 266, 288, 295) “dualist” view is based on the general duty of equal respect for autonomy, which entails different requirements depending on the social relations in which people find themselves. This general duty

⁶ On this distinction, cf. also Beitz 1999a [1979], 128; Forst 2014, ch. 1.

⁷ Cf. also Rawls (1971, 54-60, 108-14) for a similar distinction that Caney (2005, 112; 2007, 278) and Pogge (2002, 169-17; 2010, 15) refer to as “institutional” as opposed to merely “interactional moral diagnostics.”

implies firstly that all people globally, as a matter of justice, owe each other the conditions for the exercise of autonomy independently of the practices that they share (cf. *ibid.*, 266-71).⁸ Secondly, Blake's general duty entails, like Nagel's ("monistic") view about justice, that all people who are as co-citizens subject to state coercion must arrange the domestic economic institutions according to the difference principle (*ibid.*, 271, 294-5).

In order to support their position, Nagel and Blake point out that the state's coercion is a particular form of coercion, which is carried out in the name of the citizens (Nagel 2005, 114, 128) and which can potentially affect any aspect of private property (Blake 2005, 282). Due to these special features, the statist argue that this form of coercion can only be deemed just if the state's basic structure fulfills Rawls's domestic principles of justice. So the statist's arguments are meant to show that liberal principles of justice do not have global but merely national validity. Nevertheless, neither Blake (2001, 266, 288, 294) nor Nagel (2005, sect. IV) deny the existence of a universal grammar of justice. Both claim, in effect, that Rawls's liberal principles of domestic justice are valid in all countries in which the state coerces its citizens in their names and determines private property. This statist understanding of the contexts, content and ground of justice is universal, although it rejects the global extension of Rawls's domestic liberal principles of justice to the relations between all persons and differs from the liberal cosmopolitans' understandings of the grounds of justice.

Thus far this illustration of the liberal cosmopolitan and social liberal theories of global justice has provided us with a conceptualization of a universal grammar of justice, which distinguishes between the contexts, contents and grounds of

⁸ For Nagel, by contrast, this requirement would count as a demand of humanity.

justice in order to demarcate distinct understandings of the relevant populations (contexts), metric and principles (contents) as well as empirical and normative considerations (grounds) for the validity of certain contents of justice within particular contexts. The liberal cosmopolitans agree that the relationships among all individuals globally constitute a context of justice as well as that distributive justice demands a form of interpersonal socioeconomic equality. But they endorse different grounds of justice. As we have seen, Beitz initially focused on cooperation or interdependence as ground of justice, but then eventually adopted humanity as the definitive ground of liberal cosmopolitanism.⁹

The social liberals hold that egalitarian principles of distributive are valid only within the state, but disagree whether outside the state any further principles of justice apply. Whereas Nagel denies that any further principles of distributive justice apply outside the state, Blake maintains that non-egalitarian demands of distributive justice are globally valid. Thus, Nagel recognizes only one ground of justice, i.e. state coercion, which corresponds to a certain understanding of the context and the content of justice, i.e. the state and interpersonal distributive equality, respectively. Blake, by contrast, holds that in addition to the state the world at large is also a distinct context of justice which, due to the importance of personal autonomy as ground of justice, gives rise to non-egalitarian demands of distributive justice worldwide. In these ways the global justice debate between the liberal cosmopolitans and the

⁹ Pogge (2002, 2010) has further developed his view in later writings, in which he emphasizes that those who impose a coercive and non-voluntary institutional order upon others are responsible for ensuring the realization of human rights of those who live under such an institutional order. Likewise, Moellendorf (2009) has elaborated on his view in a way that allows for a plurality of requirements of justice in various spheres of inter- and transnational interaction. Yet he still maintains that a Rawlsian, egalitarian principle of equality of opportunity should regulate the global economy.

social liberals has contributed to articulating a universal grammar of justice by determining a set of relevant concepts for speaking the language of justice across national borders. These concepts are the grounds, contexts, and contents of justice. The articulation of their substantive understandings enables a clear and precise formulation of a universal grammar.

II

Justifiable Rule as Universal Grammar of Justice

One of the central limitations of the global justice debate between the cosmopolitan liberals and the social liberals, however, has been its narrow focus on the exclusively national or global validity of an egalitarian understanding of distributive justice. As Samuel Scheffler (2014, 23) has recently observed, this focus “has exerted a limiting and distorting influence on the discussion of the topic to date.” In fact, due to this focus the debate has been subject to what Iris Young (1990) has dubbed the “distributive paradigm” of thinking about justice. This way of thinking about justice neglects not only issues of just production but also moral concerns regarding the political structures in which debates about just distribution (and production) are carried out. Young (1990, 37) has therefore suggested that it is necessary to displace “the distributive paradigm in favor of a wider, process-oriented understanding of society, which focuses on [...] decision-making structures.” Likewise, Forst (2014, ch. 1) has defended the philosophical relevance of refraining from a purely distributive “picture” of justice and has highlighted the centrality of a political “picture” that concentrates on questions of political decision-making – not only domestically but also across and beyond national borders. By further unfolding Forst’s discourse theory of global justice, we can discover yet another conceptualization of a universal grammar of

justice, one which circumvents the limitations of the distributive paradigm¹⁰.

Calling for a “political turn” (Forst 2007a, 300) in the theorizing of justice, Forst (2007b, 260) insists that justice primarily centers on “*how you are treated*” as a political subject and not so much on “*what you have*”. His rationale behind this prioritizing of an appropriate political treatment over distributional outcomes is that human beings are not simply “needy” or “greedy” beings that are mainly interested in receiving and enjoying certain goods. Instead, they are reasoning beings that call for and deserve proper justifications for the ways in which others relate to them (cf. Forst 2012, ch. 1). Indeed, Forst conceives the provision of mutual justifications for the ways in which individuals affect one another as a matter of fundamental moral respect. He relies on a deontological understanding of such respect, according to which human beings must treat each other in ways that they can rationally and reasonably perceive as justifiable. This justification-based understanding of equal moral respect is in line with Rawls’s (1971, 586) statement that “respect for persons is shown by treating them in ways that they can see to be justified.” It is crucial to recognize, however, that what persons “can see to be justified” must be understood according to a *moralized notion of justification*, which is to say that a justification that someone gives to someone else for his or her behavior does not express respect simply in virtue of the fact that the addressee of the justification actually accepts, or might actually accept, the justification. Instead, the justification-based understanding of moral respect means that persons express respect to each other by providing each other with justifications that, as Thomas Scanlon (1982, 110; 1998, 4-5) puts it, “cannot be reasonably rejected.”

¹⁰ The next three paragraphs draw on Culp (2014, 79-83, 122-8), where I analyze and further develop Forst’s discourse-theoretic conception.

This moralized notion of justification can be further specified by the criteria of generality and reciprocity (cf. Forst 2002, 68-9, 133-4; 2012, 80-1). Generality means that, for a justification to count as an expression of moral respect, it must not be justifiable only to some persons in light of their particular socio-political contexts and conceptions of the good. Rather, generality requires the justification to be justifiable to all persons, regardless of their particular socio-political contexts and conceptions of the good. Further, reciprocity requires that the justifications given must not be one-sided. This means that justifications should not be formulated in such a way that exempts some persons from certain moral demands while other, similarly placed persons are not exempted from them. It also means that justifications may not treat certain interests as natural facts beyond critical scrutiny.

In the domain of justice, the justification-based understanding of respect deems only those kinds of social or political orders as just forms of rule that all those who are subject to them can view as justifiable. Now, any justification, to count as a morally justifiable one, must pass the test of being reciprocally justifiable to all, and hence it does not count as valid because some person with an alleged natural right to rule has articulated it. This means that social and political institutions must be justifiable to their members in such a way that they can come to see themselves as co-authors of their institutions. And in order for the institutions to count as co-authored, the principles of justice laying the foundation for the proper regulation of such institutions must be perceivable as the result of a reasoning process in which nobody has been arbitrarily excluded and nobody has enjoyed the privilege of counting as a greater justificatory authority than anyone else. Everyone ought to be able “to demand and provide justifications and to challenge false legitimations” (Forst, 2011, 9). Therefore, just social and political orders must afford all their members appropriate social and political roles through which they can

effectively engage in the exchange of reasons concerning their common institutions on an equal footing.

What does this understanding of justice imply regarding the content, ground and context of justice? The grammar of this discourse theory of justice recognizes as basic or fundamental content of justice that all human beings should enjoy sufficient decision-making power whenever, as Forst (2012, 196) puts it, “central justifications” are at stake that “determine social life in its entirety.” So the basic or fundamental justice of a social and political order hinges upon a properly arranged “basic structure of justification” (Forst 2001, 174, 176; 2012, *passim*) that empowers persons to engage discursively in practices of justification. This is merely a basic or fundamental requirement of justice, however, because once that this requirement is met, further requirements can be autonomously justified by those who are participating in such structures of justification. Different from the fulfillment of the conditions of a conception of full or ideal justice, hence, the satisfaction of these essential conditions does not render the social and political order fully or completely just (cf. Forst 2001, 172).¹¹

The grounds of justice consist in the existence of “relations of justification” (Forst 2007a, 299), that is, relationships in which the basic principles for the ordering of a particular social context are discursively determined. Such relations of justification matter normatively because human beings – as reasoning beings – possess an equal moral status as normative authorities about questions of morality and justice. Finally, there are multiple contexts of justice

¹¹ This distinction between fundamental or basic and full or ideal justice is strongly similar to Rawls’s distinction between political issues that concern “constitutional essentials and basic justice” (2001, 41-2, 89-91) and other issues that do not. In a similar fashion Nussbaum (2011, 19) defends a conception of “basic social justice,” which contains a list of “fundamental political entitlements,” and does not specify what ideal justice requires.

given that there are various local, national, inter- and transnational contexts in which justifications are given for arranging the rule making of political orders in particular ways. In all of these contexts justice requires that they be arranged in ways so that individuals are properly respected as equal justificatory authorities. Possible such contexts are the nation-state, local politics in cities, regional politics in geographic areas like Europe and also the global institutional order as a whole.

III

The Western Centrism of the Global Justice Debate

A recent academic trend is to criticize that the philosophical debate on global justice has been conducted primarily from Western or liberal perspectives (cf. Kohn 2012; Flikschuh 2014, 2017; Okeja 2017; El-Kholi and Kwak 2019). Thus, one critique is Western centrism and posits that the global justice debate has systematically neglected philosophical theories from non-Western scholars; another critique is liberal parochialism, that is, the supposed problem that global justice theorists have extrapolated domestic liberal principles to the global context without considering the principles' suitability for this context. I discuss the Western centrism critique in this section and the liberal parochialism critique in the next section.

Flikschuh puts the Western centrism critique in the form of the following questions:

Why should a nominally *global* debate be conducted exclusively within the terms of Western political theory? Why are normative theorists so concerned to engage powerful international agents and so disinterested in engaging distant peers intellectually? Why

the evident desire to influence global policy-making and the apparent lack of interest in finding out what – and how – distant others think? (Flikschuh 2014, 3)

I agree with Flikschuh that a significant part of the global justice discourse has been conducted primarily within a Western framework as well as that this framework is insufficient for exploring the border-crossing topics that this discourse aims at illuminating. As Flikschuh (2014, 14) points out correctly, topics that appear particularly relevant from a Western perspective, e.g. global governance, may be of lesser importance in African contexts in which state-building might matter more.¹² What is more, the inclusion of, for example, Asian perspectives can also give rise to the discussion of certain issues, which the predominantly Western discourse has neglected thus far. In addition, and this is what Flikschuh (2014, 14-15) regards as the most important point, globalizing the global justice discourse would also involve learning “how distant others [...] *conceive* their particular social and political contexts, and what differences at the level of general philosophical conceptualization may imply for global normative theorizing.” This kind of learning Flikschuh describes as philosophical fieldwork, by which she means the conceptual discovery of what could be called intellectual terra incognita. I agree with Flikschuh that the theorizing of global justice should indeed consist of a dialogue among thinkers from the African, Asian, Western and other philosophical traditions.

¹² Note, however, that Achille Mbembe (2001, ch. 1) suggests that a multi-level approach that explores the national, inter-, sub- and transnational governance structures and their interconnectedness in a historical perspective is best. Interestingly, Mbembe’s position is highly congenial to those theorists like Young (2006) and Catherine Lu (2011) that favor a structural approach to theorizing global justice.

Nevertheless, her critique of the global justice debate as Western centric nevertheless strikes me as exaggerated. A first reason is simply that central figures in the global justice discourse like Martha Nussbaum and Amartya Sen (1987) have intensively engaged with Indian conceptions of political morality, precisely in order to counter the objection that their democratic understanding of justice is Western centric. Indeed, Sen has focused to a considerable extent on Indian conceptions of democracy rather than Indian conceptions of justice. But still, this focus is of crucial relevance for responding to the Western centrism critique of the debate on global justice, given that not only Sen (2009, ch. XX) but also discourse theorists like Forst and Fraser understand global justice in a democratic manner. Hence contrary to Flikschuh's judgment regarding the Western bias of the Western philosophical discourse of global justice, there has actually been an engagement with other philosophical traditions.¹³

To elaborate, in *The Argumentative Indian* Sen (2006) has demonstrated that a considerable number of Indian theorists also articulate and defend democratic ideas (cf. also Sen 2003). In order to properly perceive this, Sen pointed out, it is necessary to move beyond the narrow view that voting is the most defining feature of democracy and recognize instead the vital importance that public reasoning has for democratic arrangements. Once we accept, as Sen (2006, 13) has argued, "that democracy is intimately connected with public discussion and interactive reasoning" we can observe that democratic practices "exist across the world, not just in the West."

¹³ Similarly, Jürgen Habermas (2001) has discussed the potential Western parochialism of his defense of human rights as universal moral standards in the context of the so-called Eastern values debate in the 1990s. The next four paragraphs draw on Culp (2019, 166-7).

Regarding the particular case of India Sen (2006, 15) mentions that as early as the 4th century BCE the “Buddhist councils” already had regarded dialogue as an instrument for resolving conflicts and advancing knowledge. Likewise, in the 3rd century BCE India’s Buddhist emperor Ashoka emphasized as well the importance of tolerating other religions:

[A] person must not do reverence to his own sect or disparage the beliefs of another without reason. [...] [F]or he who does reverence to his own sect while disparaging the sects of others wholly from attachment to his own sect, in reality inflicts, by such conduct, the severest injury on his own sect. (Smith, 1909, 170-1, cited from Sen 2006, 18))

In addition, in the early 20th century the Indian poet and artist Radindrantah Tagore (2013) characterizes in *Gitanjali* the democratic features of the country that he wishes India to be:

Where the mind is without fear and head is held high;

Where knowledge is free;

Where the world has not been broken up into fragments by narrow domestic walls; ...

Where the clear steam of reason has not lost its way into the dreary desert sand of dead habit; ...

Into that heaven of freedom, my Father, let my country awake.

By drawing on these multiple sources of democratic ideas in India, Sen (2006, 12) concludes that “the tradition of argument [...] shapes our [Indian] culture. It has helped to make heterodoxy the

natural state of affairs in India [...] . [P]ersistent arguments are an important part of our public life.” In these ways Sen has effectively shown that a democratic political morality is not distinctively Western, since it can also be found in the South Asian context.

A second reason why the global justice debate is not as Western centric as Flikschuh suggests is that the discourse theorists like Forst and Fraser have always been urging to render the debate about global justice more inclusive. Recall that for Forst the primary requirement of justice is to establish structures of justification that would allow all those who are subject to social and political processes of rulemaking to participate in the give-and-take of reasons that identifies the relevant justification for one or another form of social and political rule. Notably, such deliberations of how to justify social and political rulemaking do not only occur within formal political procedures but also within the more informal channels of public as well as academic discussion. Hence it is a direct implication of the discourse-theoretic view on global justice, which I have presented in the previous section, that thinkers from African, Asian and other philosophical traditions should debate on equal terms with thinkers from the Western philosophical tradition about the best justification for solving social and political conflicts that cross national borders (cf. Williams and Warren 2014). In that way the primarily Western discourse of global justice has already accepted its own philosophical limitations, which indicates that it is not entirely Western centric. But indeed, Forst and others could have been more explicit regarding the normative, academic implications of their discourse theoretic conceptions of global justice and could have engaged themselves to a greater extent with African, Asian or other philosophical theories. This is why I nevertheless agree with Flikschuh that the continued Western centrism of the global justice debate is a shortcoming.

IV

The Liberal Parochialism of the Global Justice Debate

The second type of critique of the global justice debate that I have already mentioned is that this debate is parochial because it extrapolates without further justification domestic liberal principles of justice to the global context. Flikschuh formulates this objection by positing that “global theorists ... proceed on the assumption that [liberal] values and principles, if not absolutely true, are nonetheless widely shared, or reasonably acceptable, or sufficiently abstract in general [...] to be adaptable to divergent contexts” (Flikschuh 2014, 2). Furthermore, she also points out the “neglect of, and even often impatience with, necessary prior reflection on the adequacy of our available political theories to theorizing the unfamiliar, global domain” (Flikschuh 2017, ix). In addition, she expresses her “sense ... that much current global theorizing takes the global political context to be the domestic liberal one writ large” (2017, x). Similar to my response to the Western centrism critique, in this section I question that this parochialism critique adequately represents the global justice discourse.

To begin, Rawls’s *The Law of Peoples* (1999) marked a key contribution to the philosophical global justice debate, since it has led the way for the social liberal, statist position that Blake and Nagel have eventually adopted. Rawls’s (1999, 82) work did so by criticizing as intolerant the (humanity-based) liberal cosmopolitan conception of justice that started from the liberal idea that all persons possess the two moral powers to comply with moral demands and to form, revise and follow a conception of the good. What is distinctive about Rawls’s conception of global justice, hence, is that it rejects the idea that liberal understandings of personhood should be viewed as globally valid. Contrary to how his conception is sometimes understood (e.g. Kreide 2016), Rawls

was acutely aware of the fact that whichever principles he would seek to justify as principles of global justice, he could not simply argue from a liberal point of view and then expect that this point of view actually was, or could be, universally shared.

Instead, Rawls held that it was necessary to ask whether there could be non-liberal societies that are worthy of toleration. For if there were such societies, then, according to Rawls, they should be welcomed into the so-called Society of Peoples without having to change. As Rawls did believe that there could be non-liberal societies worthy of toleration, he argued for an internationalist conception of global justice – the “Law of Peoples” – that would also be acceptable to non-liberal but “decent” societies.¹⁴ Thus, Rawls not only considered the possibility of a reasonable non-liberal point of view, but ended up envisioning a just global order consisting of both liberal and non-liberal societies.¹⁵ Accordingly, he regarded it as a central task of a theory of global justice to determine principles that could regulate the interactions between

¹⁴ The nonliberal societies that Rawls (1999, 64-7) thinks liberal societies should tolerate are not aggressive toward other peoples and respect those peoples’ socio-political political orders, including their civic and religious liberties. While a decent society respects other societies as equals in its political relations, it does not treat its own members as politically equal. This is because decent societies follow a “common good idea of justice” (Rawls 1999, 65) that affords their members a very limited right to political participation and dissent. Members of decent societies are recognized within a “consultation hierarchy” that enables them to participate in political affairs by having a voice that is mediated by the representatives of the social groups to which they belong. Yet to the extent that members of certain religious groups are not entitled to participate in the higher levels of government, decent societies can display considerable inequities of political power and deny many of their members an equal political status.

¹⁵ So the foreign policy that aims at making all societies liberal should not be pursued (cf. Rawls 1999, 59). Rawls (1999, 84–5) even doubts the permissibility of offering incentives to nonliberal societies to urge them to become liberal.

liberal societies and non-liberal societies. *Pace* Flikschuh, therefore, Rawls did not believe that principles of liberal morality are “absolutely true”, “widely shared”, or “reasonably acceptable.” Rawls (1999, 75) not only assumed but argued that it would be “not fully unreasonable” for some individuals and groups to *reject* liberal morality.

Two additional reasons for scepticism regarding the liberal parochialism critique are that the argumentative structure as well as the development of the global justice debate reflect that it actually did not proceed in said parochial manner. The liberal cosmopolitans mentioned above did not, as Flikschuh (2017, ix) posits, avoid “prior reflection on the adequacy of our available political theories to theorizing the unfamiliar, global domain.”¹⁶ To the contrary, by relying on analogy arguments, they have put forward argumentations so as to show that the extension of liberal principles to the global context is justified on the ground that due its particular features the global context is in normatively relevant ways analogous to the domestic context. All of their analogy arguments – whether they relied on social cooperation, interdependence or shared humanity – *aimed to establish* that the kind of reasoning that leads one to recognize as valid certain liberal principles in the domestic domain also leads one to recognize their validity in the global context. Hence, the global validity of liberal principles of justice was neither simply taken for granted nor “readily ... assume[d]” (*ibid.*, 1), but the result of a careful reflection to what extent the normatively significant features of the domestic context – the grounds of justice – are present as well at the global level. Hence there was no, as Flikschuh (*ibid.*, 3) puts it, “presumption in favour of a supposedly global outlook that is all

¹⁶ Likewise, Nussbaum’s (1987, 1992) early Aristotelian virtue ethicist approach to questions of global justice also included an extensive discussion of the potential parochialism of her perspective on justice.

but indistinguishable, in terms of underlying value commitments, from traditions of domestic liberal theorizing.” Instead, the liberal cosmopolitans provided detailed analyses of the nature of world politics and the global economy in order *justify*, on the basis of analogy arguments, the global use of liberal principles of justice which have previously been recognized as valid solely domestically.

What is more, the shift from the liberal cosmopolitan to the social liberal conceptions of global justice (as well as the more recent shift to intermediate positions on global justice) also shows that the theorists and philosophers of the global justice debate have not unanimously viewed “the global political context to be the domestic liberal one writ large” (*ibid.*, x). By appealing to the normative significance of state coercion, the social liberals have accepted that the context of the state is normatively fundamentally different from the global context and that principles *other* than those of domestic liberal morality must apply globally. Furthermore, a number of intermediate positions have recently proliferated in the global justice debate, precisely because neither the liberal cosmopolitans nor the social liberals seem to have adequately captured the normatively relevant features of the global context (cf. e.g. Ronzoni 2009, Valentini 2011, DeBres 2012, 2015). This dynamic development of the global justice debate also demonstrates that the domestic liberal political morality is neither “readily assumed” nor “unquestioned,” but modified in light of the argumentations available relative to the specific character and normative relevance of the global context.

Conclusion

I have started this article by observing that due to processes of globalization social and political conflicts and struggles, like those of the alter-globalization movements, frequently transcend the borders of nation-states and Western societies. Thus, scholars who are interested in articulating a moral grammar that can be employed to better understand and eventually resolve such conflicts must construe a *universal* moral grammar that has neither a nationalist nor a Western bias. In this article I have maintained that the recent philosophical discourse on global justice has made an important contribution to the articulation of such a universal grammar. To that effect I have first of all laid out the ways in which the discussion between the liberal cosmopolitans and the social liberals has provided us with a conceptual framework – consisting of contexts, contents and grounds of justice – for thinking about a universal grammar of justice. However, I have argued that the initial discussion between the liberal cosmopolitans and the social liberals has excessively focused on the question “*Who should receive what?*” and has thereby neglected the political question “*Who decides who should receive what?*”. I have therefore defended Forst’s discourse theory of global justice as a more appropriate way of conceiving the universal grammar of justice, since it prioritizes this political question about justice when developing a substantive understanding of the contexts, contents and grounds of justice.

Furthermore, I have defended the philosophical global justice debate as an apt source for construing a universal moral grammar against the objections that this debate is Western centric and suffers from liberal parochialism. Although I agree, at least to a certain extent, with the Western centrism objection, I have put forward several considerations that counter both of these objections. For that purpose, I have offered a characterization of how the philosophical global justice debate has unfolded that is

more ample than the characterizations of those, like Flikschuh, who voice these objections. More specifically, regarding the Western centrism critique, I have highlighted that Nussbaum and Sen have engaged with South Asian conceptions of political morality in order to avoid the problem of Western centrism. In addition, I have also pointed out that several participants in the global justice debate have been conscious of its Western bias and have urged avoiding it. In response to the critique of liberal parochialism I have maintained that one of the central contributions to the philosophical global justice debate, Rawls's *The Law of Peoples*, tries to avoid such parochialism. Plus, I have also argued that the argumentative structure as well as the development of the global justice debate demonstrate that liberal philosophers have not simply taken for granted the global validity of a liberal conception of domestic justice. Instead, by drawing on analogy arguments, they have tried to identify the reasons as to why or why not the extension of domestic liberal principles to the global context is or is not justified.

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