

as at 27 June 02

for Reshaping Globalization: A Progressive Agenda, ed. David Held and Mathias Koenig-Archibugi (Oxford: Polity Press, 2003)

Globalizing Justice*

ROBERT E. GOODIN[†]

Abstract: Campaigners for social justice ordinarily bemoan globalization, fearing that it will undo all their hard-won gains. Instead they should embrace it as an opportunity for pursuing justice on a broader scale. Principles of justice have global scope; the globalized political economy offers several good mechanisms for pursuing them.

Economists, with notable exceptions, have been having a persistently pernicious influence all around the world of late. The reason is their constitutional incapacity to keep markets in their place, under proper political control.

Even Chicago economists know deep down that some things can be bought and sold only on condition that other things are not. So, for example, there is no point buying title to property if it would be cheaper to buy off the police and the judges who are supposed to be enforcing claims to property titles.

In recent years, the World Bank has been railing most usefully against corruption.¹ It has been promoting a strong state, in that sense, as a necessary concomitant of the market. But there remains far too little appreciation in that quarter of the need to make sure that other things, besides public officials, are protected from marketeering.

It is not just a matter of preventing the buying and selling of people (though in some corners of the world the slavery conventions could still do with a fair bit more enforcement). It is more fundamentally a matter of preventing the buying and selling of things dear to people. It is a matter of preventing the corrosive influence of the market from diminishing the value of things in the process of allocating them 'efficiently'.

In our personal lives, each of us tries to keep certain spheres safely sequestered from crass commercial considerations. (Richard Titmuss' famous example was the gift of blood.²) So too, do we as a nation try to keep some of our fundamental collective decisions safely sequestered from undue influence by other people's. Different people and peoples value the opportunity to do things differently.

That capacity to do things differently, here from elsewhere, is precisely what old-fashioned trade barriers used to buy us. And that is what is lost with the collapse of those trade barriers and rampant globalization.

Or so economists allege, anyway. Now, I am no expert in international economics. But I do not think that you need to be to see that the wilder claims of globalization just must be false.

Simple experiments are often the most telling. The best I know came in the course of the commission to enquire why the space shuttle Challenger fell from the sky. NASA experts were called to testify. They were asked, 'Could the freezing air temperatures have cracked the rubber "o-rings" connecting stages of the rocket, causing the crash?' NASA officials replied, 'Don't know: haven't done the relevant experiments yet'. At that point Nobel Laureate physicist Richard Feynman (certainly the funniest and probably the smartest member of the commission) piped up, 'Allow me'. He picked up the o-ring material laying on the witness table, plunged it the ice

water in front of him, pulled it out, banged it on the table, and watched it shatter — and with it, NASA's credibility for years to come.

Here is a corresponding globalization experiment. Go to your closet. Look at the labels in your shirts. If globalization is true, why don't all the labels say 'Made in China'? (Indeed, why do none of them say 'Burkina Faso', where unit labour costs there are even lower?) Go to the kitchen. Up-end your favourite half dozen appliances. If globalization is true, why do any of them say, 'Made in Germany', where unit labour costs are so high?

This informal evidence is backed up by rafts of careful empirical work suggesting that the wilder claims of globalization ('hyper-globalization', as it is sometimes called) are indeed unsustainable.³ The fact of the matter seems to be that individual states have more room for independent manoeuvre than hyper-globalizationists would imply. But those are issues for others — empirical political scientists and economists — to resolve.

Here I intend to address issues of globalization as a philosopher, with no special claim to empirical expertise. So for the remainder of this chapter I shall, purely for the sake of argument, assume that the facts of the matter are precisely as hyper-globalizationists allege them to be. Let's assume, for the sake of argument, that the world really is just one big marketplace, characterized by frictionless factor mobility and perfectly free trade in perfectly interchangeable commodities. As I say, I cannot imagine that that is completely true, and I suspect that it may not be even remotely true. But suppose it is. What would follow?

I ask that question from the perspective of a moral philosopher. My concern is with what difference, if any, globalization might make to the theory and practice of

social morality. Would globalization be good news or bad news, from a moral point of view?

That larger question resolves itself into two component questions, potentially quite distinct from one another. One is the 'in principle' question. How would globalization sit with the basic structure of morality? Is it possible, even in principle, that globalization might be good news, morally? Second is the 'in practice' question. Assuming globalization could in principle be morally good news, how (if at all) can that moral potential actually be realized, in practice?

Principles, of course, constitute the moral philosopher's stock in trade. But moral philosophers ignore issues of practice very much at their peril. Moral choice, like any choice — inevitably represents the intersection of desirability considerations and feasibility considerations. Desirable though something may be in principle, it is all just pie in the sky unless you can find some effective way of implementing it.⁴

A central tenet of institutional design which I urge upon my fellow moral philosophers is the proposition that 'mechanisms matter'.⁵ Accordingly, I conclude this chapter with a 'laundry list' of mechanisms by which globalization might — just might— be put in the service of the moral community.

Showing how globalization might be made moral is not to guarantee that it will be. But revealing possibilities is an important first step toward realizing them. Some diffuse sense that 'there is no alternative' (TINA, in Thatcher-speak) often serves to reconcile us to all sorts of unsatisfactory arrangements. But we remain reconciled only so long as that assumption remains unstated and unexamined, far in the background. Once the proposition is put squarely on the table, the claim is open to genuine scrutiny,

in the course of such TINA claims can usually be exposed for the frauds that they usually are.

I. In Principle

Before turning to ways and means, let us first consider ends. As a moral philosopher, the ends I have in view are ethical ends: matters of The Right and The Good. The question that concerns me is whether, from the point of view of The Right and The Good, globalization is good news or bad.

At one level the answer seems straightforward. If there are any truths of morality at all, then surely they are universal (which is to say, global) truths. No doubt morality contains some optional extras; and no doubt there are various equally good ways of filling in even some of its most essential details. But at some suitable level of generality, the truths of morality must surely be the same everywhere. The truths of morality — if truths there be — surely are not indexed to time and place, any more than are the truths of mathematics. We do not say '2 plus 2 equals four, around here'. Neither do we say, 'It's wrong to murder and maim people, around here'.

Shortly I shall provide a little more nuance to that bald universalist claim. But what I want to note first, and most firmly, is just this. If you take the traditional sort of view that I do that morality is universal, then having a socio-economic regime like globalization that has a similarly universal reach is at least *potentially* a good thing, too.

Of course, potentiality is one thing, actuality another. Globalization will actually be a good thing, morally, just if (just because; just insofar as) that

universalizing socio-economic regime can be made to track universal morality. People who are wary of globalization worry on precisely that score, and that is a worry to which I return in the second section of this chapter.

What I want to note first and foremost just *is* the structural isomorphism. If you think of morality in universal terms, then other social forces that operate in the same universalizing fashion should be in principle be good news rather than bad.

Having asserted the claims of universalst morality rather boldly, let me now try to assuage the ghost of Ernest Gellner. Contrary to what he might have thought, I am not asking anyone to sign onto some monotheist cult, or a form of philosophical foundationalism that serves as its academically-respectable equivalent.⁶

My argument can be rendered perfectly consistent with a purely *constructivist* understanding of morality. To do so, you just have to suppose that, while morality is indeed socially conventional, what it is a socially-constructed solution to is a set of problems which have to be faced by all societies, and to which there is a *limited* set of socially stable solutions.

If that is so, then the problems of living together will drive everyone, everywhere to broadly the same solutions — to socially construct broadly the same sets of fundamental rules for themselves. Different societies might fill in the details a little differently; but the basic rules are likely to be socially constructed in pretty much the same way, pretty much everywhere.

The trick to finding this common core of universal morality is to pitch the description at the suitable level of generality — general enough to be universal, but specific enough to have some useful practical content.

That is the trick that Amartya Sen and Martha Nussbaum (and the World Bank following them) hope to pull off with their talk of 'capabilities'.⁷ Different

people in different places might put their capacities to different particular uses; but the same basic capabilities (life, liberty and empowerment in various dimensions) will be needed whatever the particular uses to which they are subsequently put. This is the same trick that John Rawls pulled off (more successfully I think than he himself subsequently thought) in talking about 'primary goods' — things that are necessary preconditions, whatever else one cares to accomplish.⁸

All those are ways of showing how The Good might be morally universal — the same for everyone, everywhere — despite the great diversity of particular goods that different people in different places might pursue. The same strategy can be used to show how The Right might be morally universal — the same for everyone, everywhere — despite the diversity of particular different rights and duties that are imposed on, and by, different peoples in different places. Henry Shue persuasively argues that rights to physical security and subsistence are 'basic rights', in the same Rawlsian sense of being necessary preconditions for any other rights or duties you might have. Security and subsistence are basic rights, Shue argues, because they are logically required to underwrite the sort of human agency that is presupposed by any other more specific rights or duties.⁹

In these sorts of ways, I think we can (at a suitable level of generality, at least) produce a list of human rights that has a credible claim to universal application. It is not just the old Roman *jus gentium*, a list of rights that legal codes all across the world *happen* to have in common.¹⁰ (The trouble with that approach is that the moment some crazy state somewhere strikes a right off of its domestic statute books, that right necessarily falls out of the *jus gentium* as well.) What I have in mind is not just an 'overlapping consensus' of that purely contingent sort. Instead, the universal

human rights derived in my preferred way are right, whether or not everyone (or *in extremis*, anyone) currently respects them.

It is easy enough to persuade most people of that proposition, at least in part. Of course there are always obdurate post-modernists prepared to deny any truths. But most people are usually prepared to agree that there is a common core of moral minimalism — the negative rules of 'Thou Shalt Not' morality — that do have universal application. Most people are prepared to believe that we ought not murder, maim or torture people, whether or not they are 'one of us'.¹¹

Whether we are under any positive moral obligation actually to help people who are 'not one of us' is often regarded as quite another matter. 'Common sense morality' of an unreflective sort almost always tends to assume that our duties toward strangers in general, and foreigners most especially, are almost entirely of the negative ('do no harm') sort. Common-sense morality tends to assume that it is only toward people with whom we have some 'special relationship' that we have any particularly strong positive duties to help.

Philosophers are famous for crazy examples. Here is one of the most famous. Suppose your house is on fire. Suppose you have time to rescue only one of the two people who are trapped inside. Suppose one of them is Archbishop Fenelon, a great benefactor to mankind. Suppose the other is your own mother. In such a case, common sense morality insists, surely it must be right to rescue your mother in preference to Archbishop Fenelon — and in so doing, to let personal relationships take priority over the demands of abstract, impersonal morality.¹²

Utilitarian philosophers rail mightily against that conclusion, of course. 'What magic is there in the pronoun, "my" that should justify us in overturning the dictates of impartial reason?', roared William Godwin — the eighteenth century anarchist and

utilitarian, partner of Mary Wollstonecraft, father of Mary Shelly and hence grandfather of Frankenstein.¹³ But rail though utilitarians might, common sense morality remains firm in its conclusion that special relationships matter more than impersonal morality, in these sorts of cases — and, by extension, that fellow citizens ought matter more than distant strangers in our moral calculations.

For my own part, of course, I am on the side of Frankenstein. But it does no good for us utilitarian, universalist cosmopolitans merely to rail. It does no good simply to say, 'I just do not see what possible difference a tie of blood (much less mere nationality) might make, morally'. The 'I just don't see...' ploy is like an exposed argumentative chin, inviting the caustic jab in reply, 'Is that a criticism or a confession?'

If we want to defend the claim that the demands of morality are at root universal, despite superficial appearances to the contrary, what we universalists must do is offer critics is some account of why superficial appearances seem otherwise. What sort of story can we tell to square our universalism with the firm common-sense intuition that we owe people in special relationships to us (like our mothers) more, by way of positive assistance, than we owe to people (even morally very worthy people, like Archbishop Fenelon) who stand in no such special relationship to us?

It is not hard to find such a story. All that we moral universalists have to do is to point to the advantages of a moral division of labour.¹⁴ In morality just as in economics, specialization has its advantages. More good gets done when some people concentrate on one thing, and some on another, than when everybody tries to do everything at once. In the case of the positive personal assistance here in view, people who are closest to hand are usually the best situated to know what is needed, and they are usually the best able to act efficaciously to do what is needed.

If all that is true, then it obviously follows that moralists who are in principle universalists would in practice divide up the moral chores, and assign special responsibility for particular people to other particular people, typically those who are physically proximate to them. That gives rise to morally 'special relationships' within families, on the one hand, and within nations, on the other. The superficial structure of social morality will thus seem particularist — it would allow us (indeed, require us) to favour those who are known and near to us over distant strangers. But the deep structure of morality will remain universalist, through and through.

The deep structure matters, though. Here is why. If the superficial particularism went all the way down, then we would never have any reason to provide positive assistance to anyone who was not 'one of us'. All we would ever owe them would be the negative 'Thou Shalt Not' duties of moral minimalism.

That is not true, however, if the particularism is merely on the surface of everyday morality. Suppose that that particularism is in fact underpinned by universalist duties, which have merely been assigned to particular people. Then everyone has at least a residual duty ('residual', in the sense of 'left over' from the universal duty we all had, before any special duties got assigned to anyone) to make sure that those special duties are discharged — in the first instance, by the particular person to whom they have been assigned; but failing that, by the moral community at large, acting through any of many other potential agents.

This is the fundamental premise of the international law of refugees, for one particularly topical example. Whatever may be the ordinary priority of your duty to render positive assistance first and foremost to your own (in this case, your own fellow countryfolk), if there are people who for whatever reason stand outside this ordinary system of protection — people without a country; or people whose fellow

countryfolk cannot or will not help them, or actively threaten to harm them — then a residual duty falls to the moral community at large to assist such persons as if they were one of our own. That is the law of refugees, from Grotius and before.¹⁵

Of course, that is a duty that the whole moral community worldwide shares, and if any one country does it then no other will need to. So the situation naturally invites attempts at buck-passing and free-riding. (Contemporary history is full of examples of that.) But that is just to say that some mechanism is needed to assign special responsibility for discharging these secondary, residual responsibilities, which we can deploy in case of a breakdown in the system of special first-order responsibilities assigned on the basis of things like proximity and nationality.

My point here is simply that, when we look at special responsibilities (toward parents and compatriots and so on) as merely universal duties that have been assigned to particular people, then there remain these residual duties — universal in the first instance — to ensure that the people to whom they have been assigned actually discharge them, and to do something about it ourselves if they do not.

If I am right about that, then it is not only refugees to whom we owe a positive duty of rescue. Refugees are a very special and important case, no doubt. But what is special about them is not just that they have happened to have washed up on our doorstep. Surely what is crucial in activating our residual duties toward refugees — and lots of others as well — is the fact that those who originally had been assigned primary responsibility for helping them are now unable or unwilling to do so.

Many people around the world, not just refugees, find themselves in that unhappy situation. And if we have a residual duty to protect anyone and everyone in that situation, worldwide, then that provides a powerful argument for coordinated international assistance. On that analysis, the First World ought provide aid to the

Third, simply because governments there are unable to 'take care of their own' without such outside assistance.

II. In Practice

Before turning to some practical suggestions for how to implement such international transfers, let us first revisit the theme of globalization issues of how it might impact on morality in the international sphere.

So far I have concentrated exclusively on the 'in principle' issue.

Globalization might be a morally good thing, at least in principle, because its universalizing tendencies line up nicely with the universalism of morality itself. Universalist, cosmopolitan moralists like me say that (at some suitable level of generality) the same rules should apply to everyone, everywhere. Globalization, we are told, will have precisely that universalizing effect. In principle, that looks like a happy coincidence.

Just how happy that coincidence turns out to be, in practice, will depend entirely on which rules globalization imposes universally. According to the conventional wisdom, globalization imposes the rules of the market; and the rules of the unfettered market are diametrically at odds with the rules of true morality, all too often.

That has indeed been the way of globalization, so far. Whether that is necessarily so, or whether there might be some room for moral manoeuvre within the structure of globalization, is the 'in practice' question to which I now turn.

First, some diagnostics.

What worries us about globalization is that it deprives us of our old, familiar ways of pursuing social justice. Universalist and cosmopolitan though their moral principles might be, in practice campaigners for social justice have (with a few honourable exceptions) almost invariably tended to pursue 'The Right and The Good 'one country at a time'.¹⁶

Usually they do so slightly apologetically. In concentrating on securing as much social justice as they can in our own country, and letting global justice take care of itself, they do so more as a matter of prudence than of principle. They know all too well just how hard it is to achieve justice, even in one jurisdiction. They suppose (not unreasonably) that, if they had to achieve justice everywhere at once, in order to achieve it anywhere at all, then their task would be utterly hopeless.

That is how trade barriers were surprisingly defended by none other than John Maynard Keynes, in a 1933 essay arguing for 'National Self-sufficiency',

We ... need to be as free as possible from interference from economic changes elsewhere, in order to make our own favourite experiments towards the ideal social republic of the future; and ... movement towards greater national self-sufficiency and economic isolation will make our task easier...¹⁷

We can see clearly enough how that might be useful in promoting social justice at home. Notice, however, that it might also have been a good strategy for promoting social justice worldwide, provided certain further assumptions were met.

'Compartmentalized cosmopolitanism', as I shall call it. offers a positive, unapologetic defence of the strategy of pursuing justice 'one country at a time'. The basic precepts of that strategy are these:

- 1) Do as much Good as you can, at home.
- 2) Do no harm, abroad.
- 3) Then — just so long as the moral division of labour works the way it is supposed to — that will maximize the amount of Good that gets done, worldwide.

Of course, that appeal to the 'moral division of labour' overlooks the unwritten clause, which I have just been emphasizing, about 'back-up responsibilities'. But set that to one side. This model of 'compartmentalized cosmopolitanism' has further vulnerabilities all its own.

The strategy of compartmentalized cosmopolitanism assumes, first, that the compartments are watertight: that nothing we do in pursuit of justice within our country will impact, positively or negatively, on the pursuit of justice within any other country. In that case (but only in that case) pursuing maximal justice in each place can lead to maximal justice in every place.

That assumption of watertight compartments might have been true at some time in the past. But it is true no longer. Cross-boundary spillovers — political and moral, as well as economic and environmental — are now absolutely endemic.

A second crucial assumption underwriting the strategy of compartmentalized cosmopolitanism is that we can act more effectively at close quarters than we can at a distance. Our information is better, our networks are denser, our capacity to bring pressure is greater, and so on.

Again, all that was once true, but it is true no longer. Most of us probably now know more about what is happening in Paris or Brussels or New York than we do about what is happening in some medium-sized city a fraction of the distance away (Leeds, say, for Londoners). Just as knowledge at a distance is now easier, so too is action at a distance. When Australian environmentalists wanted to stop a dam on a particularly beautiful Tasmanian river, they found it easier to appeal to the UN World Heritage Site listing rather than to the consciences of Tasmanian legislators.

The upshot is that 'compartmentalized cosmopolitanism' — focusing on 'justice in one country', and trusting that that will best promote justice all around — once may have been a viable strategy, but it is no longer. It is no longer morally permissible to pursue domestic justice without any regard for trans-national consequences. Nor is it practically possible, in a globalized world, to pursue policies that are very different, one place from another.

The bad news from a moral point of view is that all the progress that we have made toward justice, domestically, is now at risk from being undermined from abroad. If claims of hyper-globalization is true, we can no longer have 'islands of justice in a sea of injustice'. If claims of hyper-globalization is true, we cannot secure justice among ourselves without securing justice for everyone else worldwide.

From the perspective of universal morality, however, that surely should be good news, at least of a sort. Hyper-globalization would give us (in the hackneyed courtroom formula) both the motive and the opportunity to attack social justice on a grander scale. We merely need to be a little more creative in thinking about what mechanisms to employ, when it is no longer just a matter of mounting a campaign for domestic political leadership (although we should obviously still do that, too: in part

to promote local justice in a less completely globalized world, and in part to activate trans-national mechanisms for pursuing global justice discussed below)..

Here are some illustrative suggestions of how we might pursue truly global social justice in an increasingly globalized world. They are no more than a 'laundry list' of a few possible mechanisms. There undoubtedly are others; others are quite probably better. This list is merely illustrative.

1) International Treaty Regimes

International treaty regimes are perhaps the most familiar, and historically the most influential, mechanisms of international social protection.

We in the industrialized West tend these days to take for granted the great gains of the International Labour Organisation.¹⁸ But in the poorer countries of the world, where sweatshops are still as endemic as cholera, the ILO is still a great force for good. So too is the World Health Organisation, as we increasingly come to realize that the best way of improving people's health is by improving people's standard of living more generally: the best inoculation against a great many diseases of poverty is an injection of hard, cold cash. And even those great holding companies of international capital, the OECD and World Bank, have recently begun pressing for minimal standards of living.

My interest here is not so much in those particular organizations as in the basic strategic option that they represent. What all those organizations have in common is that they are based on multilateral treaties among member states.

Now, we ordinarily tend to think of treaties as flimsy things. The reasons are obvious. In acceding to treaties, states can and often do stipulate 'reservations'; thus exempting themselves from some of the more onerous obligations of the treaty. Furthermore, accession is rarely irreversible; usually states can, with due notice, simply withdraw from the treaty. Self-styled political realists therefore tend to suppose that treaties are pretty weak chains for binding strong states determined to behave badly.

Here as usual, however, *realpolitik* turns out actually to be pretty *unrealistic*. It is really rather rare for states to withdraw from treaty regimes, once they are in them. (The present patch of US history is distinctly odd, in that and many other respects.) The reason states hesitate to withdraw from treaties is that treaties, like contracts (which are their domestic analogues), work to the benefit of all parties. Everyone gets something out of them, in one way or another; and those things they could get only by being in, and staying in, the relationship. Furthermore, the longer you are in the relationship, the more intertwined your affairs become, and the harder it is for you to withdraw. So even though it might formally seem as if treaty regimes have no real power over member states, the informal reality is that they typically provide an awful lot of leverage.

Notice, finally, that treaty regimes often start small and grow. Just think of the European Union. It started out as a miserable little European Coal and Steel Community. It fluffed around for fully two decades over little more than labour mobility within the European Economic Community. But in politics, one thing leads to another. 'Harmonization' is the most magical word in EU-speak; and one of the things that most obviously needs to be 'harmonized', in order to ensure a level playing field for employers across the EU, are the 'social wages' (welfare benefits) paid to

workers in member states. And while we are not quite there yet, it is pretty clear that some such ratcheting-up dynamic might lead, before long, to the EU's becoming (in fact if not in name) the first trans-national welfare state.¹⁹

2) Transnational Networks & NGOs

Treaty regimes are thus one set of mechanisms through which we might pursue social justice on a more global scale. Another works in the in the interstices of those treaty regimes. I am thinking, here, of transnational networks and Non-Governmental Organizations. Transnational networks are more informal alliances among like-minded activists in different countries; Non-Governmental Organizations, as the name implies, are more formally institutionalized.²⁰ Both, however, work in much the same way.

Consider the example of international human rights.²¹ The formal treaty regime — the UN Declaration and associated Conventions, and the various other subject- or region-specific declarations and treaties — create the institutional site at which all this activity occurs. But once that basic apparatus is in place, what drives social change is basically just networking among activists. Within Kenya itself, for example, human rights activists might not have much clout. But, like Per Gynt, they just go round-about. They get onto their chums in Africa Watch, who get onto their chums in Amnesty International, who put pressure on governments in Britain or Sweden or wherever to put pressure on Kenya, in turn.

The same happens in campaigns for international environmental protection. Environmental NGOs lobby corporations, convincing them that reducing pollution is

good business in various ways; and they in turn lobby governments.²² Or, again, foreign NGOs work through US-based NGOs to pressure the American government. And so on. Eventually, Greenpeace experts work themselves into sufficiently central positions in these networks that they get appointed as official delegates of various national governments to international meetings; and important treaties (like the Bamako Convention on Transboundary Movement and Management of Hazardous Wastes) end up getting drafted literally in the Greenpeace office.²³ In short, networking works.

Similar strategies can be deployed in pursuit of global justice more generally. The downtrodden can appeal over the heads of their own national governments, if those are unwilling or unable to help them, to the world community more generally. Through the good offices of transnational networks willing to ‘put pressure for the poor’, those appeals can have real force.

Mere networks, like treaties, may look like pretty flimsy affairs from a *realpolitik* perspective. Non-Government Organizations, by definition, lack the power of the state to punish and to reward. All they have is the power to petition — to talk, and to embarrass. Those may seem paltry powers. But before dismissing them entirely, recall that that is the principal mechanism by which business gets done among states themselves. Our image of international talking-shops like the UN may be as sites of stonewalling, places where nothing ever gets done, where talking *intentionally* replaces doing. And that might well be true of lots of deliberations, in the UN and elsewhere.

But look at the things that do get done, internationally. The *way* that they get done is by working things out, over a moderately protracted period, within ‘webs of

dialogue'. Anyone who doubts it need simply go to Geneva, where one of the major trade blocs that lobbies the World Trade Organization takes its very *name* (the 'Boeuf Rouge Group') from the restaurant where its representatives regularly meet.²⁴ States in the Boeuf Rouge Group know that talk matters. The rest of us should listen.

States resort to the *unique* state resources of threats and coercion only absolutely *in extremis* — and even then, often to no particularly powerful effect. More often, they come to 'understandings', largely tacit and informal, substantially unenforceable in any formal legal sense.²⁵ In all these respects, the informal power of transnational networks and Non-Government Organizations merely to cajole seems to be perfectly on a par with the real way that states most typically exercise their power — the swaggering of *realpolitik* theoreticians notwithstanding.

3) International Taxes & Transfers

A third and more visionary mechanism by which we might pursue global justice would be through formal systems of international taxes and transfers. Various ones have been proposed over the years.

One is the 'resource tax'.²⁶ Its underlying principle is enormously appealing. 'God gave the earth to mankind in common', says Locke.²⁷ And what he *should* have gone on to say (but didn't) is that nature's bounty should therefore belong to the world at large, rather than to any particular people who plopped themselves down on some particular patch and had the audacity to proclaim, 'This is mine!'²⁸

Appealing though the principle may be, in practice a resource tax seems politically doomed. Winners and losers can identify themselves all too clearly from

the outset, when it comes to taxing already-owned resources. When you talk about levying an 'energy tax' on oil or coal extraction, for example, Texas oilmen know exactly how much they stand to lose, and they lobby their friend in the White House accordingly. So do coal men and his Australian counterpart. The upshot is an unholy trans-national alliance, all across the world, to block any substantial tax on energy resources.

Politically, the only remotely promising strategy is to impose an international tax on resources of the world that are as-yet unclaimed. Among the ones that have been mentioned in this connection, at one time or another, are: minerals on the bed of the deep seas; 'wavebands' for broadcasting and communications; and 'slots' for geostationary orbits above the earth.²⁹ The idea behind a 'resource tax' idea, here, would be to vest property rights in those resources in (say) some agency of the UN which would then auction them off to the highest bidders, redistributing the proceeds to the poorer countries of the world.

Still, some people will suppose that even seizing property from no one is more than the UN is up to. The world being what it is, they may well be right. So let me pass quickly over the many interesting variations on those proposals, and skip straight to the one transnational tax that I think should be politically the easiest to sell: the Tobin Tax.

The problem which the Tobin tax was originally supposed to solve was the problem of too many petro-dollars sloshing around from one country to another,³⁰ wrecking havoc with national economies in the process. The idea has been resurrected more recently as a solution to the problem of currency speculators shifting their money madly from one country to another, in search of a quick buck. Tobin's idea was to put a little 'sand in the wheels of international finance' by introducing a

small tax, payable every time you converted money from one currency to another. Even a very little tiny percentage tax would, we are told, be sufficient to erase the speculative gains that drive the most destructive sorts of international financial volatility.

It would also, incidentally, generate an enormous amount of tax revenues. But those revenues are wholly incidental. The benefits for the international financial system derive purely from the tax being collected, and do not at all depend on how the tax monies are subsequently spent. You can give their money to the poor; you can give it to the UN; you can give it to Greenpeace; you can burn it or bury it or dump it in the ocean. The benefits that Tobin has in mind for the international financial system are the same, no matter.

This creates a deliciously win-win situation. The rich countries of the First World are among the principal beneficiaries of having a Tobin tax imposed. (I hardly need remind a British audience of the pernicious effects on the national economy of 'Zurich gnomes' or, more recently, of George Soros betting against the pound.) The poor countries of the Third World are potentially among the principal beneficiaries of how the tax money is most likely to be spent, on any of many current proposals. (The Copenhagen UN Social Development Summit's proposal was the most explicitly pro-poor; but many of the places that would benefit most from UN peacekeeping or expenditures on sustainable development are also in the poorest regions of the Third World.) Thus, on the face of things, it looks as if it should be possible to mobilize a broad coalition between the First World and the Third behind a Tobin tax.

Notice now one other interesting feature of a Tobin tax. Some international mechanisms work only if every country on the world adopts them. In those cases, the

coordination problem is large and the chances of success are slim. Other international mechanisms, in contrast, work perfectly well with only a few key players on board.

One example of that is international environmental protection. As George Kennan argued long ago, if the twenty heaviest-polluting countries in the world could get together and limit their emissions, that would make a major difference to world pollution — regardless of what the rest of the world did.³¹ The 1987 Montreal Protocol for preventing ozone depletion was built on precisely that proposition: it stipulated that it would come into force once ratified, not by some fixed number of countries (as is standard for international agreements), but rather by some weighted proportion of the heaviest emitters of greenhouse gasses.³²

The Tobin tax is, I suggest, another example of an international regime that could work without the cooperation of absolutely every country in the world. It would work perfectly well just so long as (say) the top twenty trading nations were party to the regime. Of course, people could always then avoid the Tobin tax by holding their financial reserves in some other currency: escudos or pesos or bahts or whatever. But the risks associated with dodgy currencies would presumably make that a relatively untempting option.

Of course, getting the Swiss on board is always going to be tricky. More generally, there is always a great incentive to try to be the one country with a reliable currency that is not in the Tobin tax regime. I do not mean to trivialize the hard politics that will be required to overcome the temptations of gaming, in such situations. By the same token, we ought not exaggerate those obstacles — which are frankly no different in kind from any of a range of other temptations that inevitably threaten to stand in the way of international cooperation virtually on any topic. Bluffs can be called, pressure brought to bear: the international community knows how to

do that, whenever its mind is sufficiently concentrated.³³ Even the Swiss eventually coughed up the Third Reich booty, after all.

Among these three sorts of mechanisms for pursuing social justice on a global scale, the one that I find most attractive is, obviously, the Tobin tax. But either of the other mechanisms — international treaty regimes, or formal or informal transnational networks — might work equally well. In the very short term, they would probably work even better.

This list of mechanisms is not exhaustive, merely a sample. These examples establish what might be thought of as an 'existence theorem': it is possible, not only in principle but also in practice, to pursue social justice in a global world. We know it is possible, because here is one way of doing it. Indeed, here are three: and there may be many more which may be even better. We might in any of those ways reasonably hope to globalize justice, at the same time as globalizing everything else.

Possibility is not certainty. Whether we succeed depends on how we play our cards, and on how others play theirs. Certainly we cannot expect to succeed instantly. My point is merely that there is no need to despair. There is room for moral manoeuvre, even within a hyper-globalized world — and all the more, of course, in the less-than-fully-globalized world that I think we actually inhabit.

III. Conclusion

In closing, let me recall an early petition against globalization of a rather different sort. The French satirist Bastiat, writing in 1846, has the 'manufacturers of candles,

tapers, lanterns, etc.' appealing to French Chamber of Deputies for relief, complaining:

We are suffering from the ruinous competition of a foreign rival who apparently works under conditions so far superior to our own for the production of light that he is flooding the domestic market with it, at an incredibly low price... [T]he moment he appears, our sales cease, all the consumers turn to him, and a branch of French industry ... is all at once reduced to complete stagnation. This rival... is none other than the sun....

We ask you to be so good as to pass a law requiring the closing of all windows, dormers, skylights, inside and outside shutters, curtains, casements ... in short, all openings, ... through which the light of the sun is want to enter houses, to the detriment of [our] fair industries....³⁴

If theorists of globalization are correct—and remember, I have queried to what extent they are— then it would be just as pointless to appeal for a return to the days of trade preferences and currency controls. The world in which nations are economically autonomous, and hence have a free hand to pursue social policies completely of their own choosing, is gone forever.

If hyper-globalizationists are right in that, then it is a sad day indeed for social justice. All of our hard-won gains at home will thus be undone. But campaigners for social justice should take heart.

- As a matter of moral principle, principles of justice are properly seen as being global in scope.

- As a matter of political practice, globalizing justice through any of the three mechanisms I have been discussing should be seen as a feasible ambition.

Notes

* I am grateful to audiences at the University of Bergen and the London

School of Economics for illuminating discussions of these issues.

† Professor of Social & Political Theory and of Philosophy, Research School of Social Sciences, Australian National University.

¹ World Bank, World Development Report 1997: The State in a Changing world (Washington, D.C. Oxford University Press for the World Bank, 1997).

² Richard M. Titmuss, The Gift Relationship (London: Allen & Unwin, 1971). Some economists get the point, most do not. Compare James Tobin, 'On limiting the domain of inequality' Journal of Law and Economics, 13 (1970), 263-78 with Kenneth J. Arrow, 'Gifts and exchanges', Philosophy & Public Affairs, 1 (1972), 343-62 to which Peter Singer replies, 2 (1973), 312-20.

³ For evidence, see: Alfred Pfaller, Ian Gough and Göran Therborn, Can the Welfare State Compete? A Comparative Study of Five Advanced Capitalist Countries (London: Macmillan, 1991); and David Held, Anthony McGrew, David Goldblatt and Jonathan Perraton, Global Transformations (Oxford: Polity, 1999).

⁴ Robert E. Goodin, 'Political ideals and political practice', British Journal of Political Science, 25 (1995), 37-56.

⁵ Robert E. Goodin, ed., The Theory of Institutional Design (Cambridge: Cambridge University Press, 1996).

⁶ Ernest Gellner, Reason and Culture: The Historic Role of rationality and Rationalism (Oxford: Blackwell, 1992).

⁷ Amartya Sen, Freedom and Development (Cambridge: Cambridge University Press, 2000). Martha C. Nussbaum, Women and Human Development (Cambridge: Cambridge University Press, 2000). World Bank, 'Index of Indicators', World Development Indicators 2001, at <http://www.worldbank.org/data/wdi2001/pdfs/index.pdf> (accessed 22 Dec. 2001).

⁸ John Rawls, A Theory of Justice (Cambridge, Mass.: Harvard University Press, 1971), pp. 90-5; cf. Political Liberalism (New York: Columbia University Press, 1993), lecture 5.

⁹ Henry Shue, Basic Rights (Princeton, N.J.: Princeton University Press, 1980).

¹⁰ A. P. D'Entreves, Natural Law (London: Hutchinson, 19**).

¹¹ At least most people were inclined to think that way until the mad aftermath of September 11th: of which the less said the better.

¹² Michael Walzer, Spheres of Justice (Oxford: Martin Robertson, 1983), ch. 2. David Miller, On Nationality (Oxford: Clarendon Press, 1995). Henry Sidgwick, The Methods of Ethics, 7th ed. (London: Macmillan, 1907).

¹³ William Godwin, Enquiry Concerning Political Justice (1793), bk. 2, ch. 2.

¹⁴ This is an argument that I have pursued at length elsewhere, in 'What is so special about our fellow countrymen?' Ethics, 98 (1988), 663-86 and, with Philip Pettit, 'The possibility of special duties', Canadian Journal of Philosophy, 16 (1986), 651-76.

-
- ¹⁵¹⁵ Hugo Grotius, The Law of War and Peace (1625), bk. 2, ch. 2, sec. 16. See further Christian Wolff, The Law of Nations Treated According to a Scientific Method (1749), secs. 147-50.
- ¹⁶ Robert E. Goodin, 'Justice in one jurisdiction, no more', Philosophical Topics, (2003), forthcoming
- ¹⁷ John Maynard Keynes, 'National self-sufficiency' (1933), Collected Writings, ed. Donald Moggeridge (London: Macmillan, 1982), vol. 21, pp. 233-46. See similarly James Meade, 'The exchange policy of a socialist government' (1934), Collected Papers, ed. Susan Howson (London: Unwin Hyman, 1988), vol. 3, pp. 11-26.
- ¹⁸ John Braithwaite and Peter Drahos, Global Business Regulation (Cambridge: Cambridge University Press, 2000), ch. 11.
- ¹⁹ Stephan Leibfried and Paul Pierson, 'Prospects for social Europe', Politics & Society, 20 (1992), 333-66.
- ²⁰ Sidney Tarrow, 'Transnational politics: contention and institutions in international politics', Annual Review of Political Science, 4 (2001), 1-20. Margret Keck and Kathleen Sikkink, Activists Beyond Borders: Advocacy Networks in International Politics (Ithaca, N.Y.: Cornell University Press, 1998).
- ²¹ Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, ed., The Power of Human Rights: International Norms & Domestic Change (Cambridge: Cambridge University Press, 1999).
- ²² Braithwaite and Drahos, Global Business Regulation, ch. 23.
- ²³ *ibid.*, p. 277.

²⁴ *ibid.*, p. 184.

²⁵ Charles Lipson, 'Why are some international agreements informal?'

International Organization, 45 (1991), 495-538.

²⁶ Thomas W. Pogge, Realizing Rawls (Ithaca, N.Y.: Cornell University Press, 1989).

²⁷ John Locke, Second Treatise on Government (1690), para. 25.

²⁸ Jean-Jacques Rousseau, Discourse on the Origin of Inequality (1755), pt. 2, para. 1.

²⁹ Thomas M. Franck, Fairness in International Law & Institutions (Oxford: Clarendon Press, 1995), pp. 399-405, 430-4.

³⁰ James Tobin, 'A proposal for international monetary reform', Eastern Economic Journal, nos. 3-4 (July-Oct 1978). Barry Eichengreen, James Tobin and Charles Wyplosz, 'Two cases for sand in the wheels of international finance', Economic Journal 105 (1995), 162-72. Mahbub ul Haq, Inge Kaul and Isabelle Grunberg, eds., The Tobin Tax: Coping with Financial Volatility (New York: Oxford University Press, 1996).

³¹ George F. Kennan, 'To prevent a world wasteland', Foreign Affairs, 48 (1970), 401-13.

³² Montreal Protocol, 'Protocol on substances that deplete the ozone layer.', International Legal Materials, 26 (1987), 1550-61. Robert E. Goodin, 'International ethics and the environmental crisis', Ethics & International Affairs, 4 (1990), 91-105.

³³ Michael Taylor and Hugh Ward, 'Chickens, whales and lumpy public goods: alternative models of public-goods provision', Political Studies, 30 (1982), 350-70.

³⁴ Frédéric Bastiat, 'A petition' (1846), Economic Sophisms, trans. & ed. Arthur Goodard (Irvington-on-Hudson, N.Y.: Foundation for Economic Education, 1996), pp. 56-60.