Introduction

In the decades following the end of World War 2, especially during the past 30 years or so, the world has undergone massive social and technological change as a result of which social arrangements and living conditions associated with the modern age have for the first time reached genuinely global proportions, affecting and shaping the life prospects of the majority of people around the world. This change, I argue, ushers in a new stage in the history of modernity, the stage of global modernity. A half century ago, modernity was concentrated in the West and a few other locations. Now, it has spread to all parts of the world.

The breakthrough of global modernity is an event of seismic proportions whose significance the world has barely begun to understand. Despite this significance, it has not yet received much attention in the social sciences, two decades of research and theorizing about globalization notwithstanding. The reason is probably that the globalization literature captures only selected aspects of this sweeping change. Elsewhere, I have proposed a scheme for conceptualizing global modernity in its entirety (Schmidt 2012a; 2013), as well as gathered empirical data lending support to the claim that its breakthrough is indeed a landmark event in the history of humankind (Schmidt 2007, 2012b). Here, I only mention it as a background condition – as a condition that has enabled, and is arguably forcing, us to think humankind as one community – for what I will have to say about the relevance of the idea of global justice.

In what follows, I will not dwell on global modernity any further except noting a temporal coincidence between its onset and the emergence of various theories of world society that, while still contentious, have slowly gained ground in sociology since the early 1970s. Initially rather skeptical, I now think the concept of world society is well suited to making sense of current global trends and developments. In my own work I draw primarily on the conceptualizations of Niklas Luhmann (see especially Luhmann 1997) on the one hand, and John Meyer and his collaborators (Meyer et al. 1997) on the other. Again, I won’t go into detail here. Suffice it to say that I consider the capitalist global economy as but one manifestation of world society. Other subsystems of society whose operations increasingly project global

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horizons and which have evolved institutions of global reach and significance are the political system, the sciences, religion, the mass media, sports, and, perhaps somewhat surprisingly, even the law and education. All of these systems are engaged in global activities which, collectively, can be thought of as constituting a world society.

In keeping with the conventions of methodological nationalism, most contemporary conceptions of justice view the scope of social justice as being delimited by the boundaries of the nation-state. If we follow these conventions, then society itself is to be equated with the nation-state. Arguably, this line of reasoning had much to say for it until recently, but has been rendered increasingly outdated by the various waves of globalization that set in roughly around the early 1980s. Or to put it another way: it has been surpassed by social reality. For one of the effects of globalization has indeed been the emergence of a world society, which cannot be adequately understood with the help of analytic tools tailored to making sense of societies in the plural – in short, of national societies.

If principles of justice are to regulate societal arrangements and conditions, and if we have reason to believe society itself has gone global, then so must justice. The notion of global justice advocated by a small but growing number of cosmopolitan scholars reflects precisely this mindset. They argue a global societal order with far reaching consequences is now in place. If this order cannot be reduced to the actions of states, and if it affects different categories of people around the world differently, then questions once directed at states must now be asked about it (Risse 2005).

The notion of global justice, just like that of world society, initially met with great skepticism, and only few professional philosophers openly advocate it today. Popular or not, I believe world developments have put global justice on the agenda. But rather than stipulating what it means or requires, I will restrict myself to discussing what I consider to be some of the strongest objections that have been raised against either the concept of global justice itself or against treating global justice on a par with national justice. More specifically, I will be looking at the pertinent work of two eminent political philosophers, Thomas Nagel and David Miller, and confront it with recent social science findings which shed a critical light on the premises underlying their objections. If it can be shown that the strongest cases made against global justice are unsustainable, then we have no reason to marginalize global justice as an object of study.

Both authors treat the nation-state as the privileged site of justice, but focus on different aspects to argue their case. For the sake of simplicity, I divide their objections into two types that I call statist and communitarian, respectively, with Nagel standing for the former and Miller for the latter. I begin with Thomas Nagel’s position, laid down 2005 in the article “The Problems

**Two objections to global justice**

Here is a brief summary of the key points behind Nagel’s statist objection.

1. The nation-state is the primary locus of political legitimacy and/or justice.
2. The subject matter of justice is institutions, and just institutions depend on sovereign government to enforce their rules.
3. Global justice would require global sovereignty. In the absence of a world government, global justice is a chimera.
4. International organizations with some capacity to regulate the global economy have arisen, but depend for the success of their activities on governments that fund them and that command coercive power. International organizations have not risen to the level of statehood, and while they may eventually dislodge the sovereignty of nation-states, they currently fall short of global sovereignty. Global governance hence depends on states.
5. Sovereign states are not only important as enforcement agents, but also give value to justice by putting fellow national citizens into strong associative relations which generate reciprocal responsibilities/obligations.
6. Associative relations and obligations are the basis of positive rights which citizens grant each other in their roles as both putative authors of just laws and individuals who are subject to them – neither of which conditions applies to non-citizens.
7. Negative rights, on the other hand, do not require any special relations but depend simply on people’s capacity to put themselves into the shoes of others. They apply to people’s relation to all others. This makes them suitable for grounding human rights. Granting everyone human rights, however, is not a matter of justice but of humanitarian concern for the plight of suffering people.

As we shall see, some of the issues raised by Nagel overlap with Miller’s objections. With these aspects I will deal in my discussion of Miller. My main reply to Nagel will be that his notion of sovereignty is overstated. If we make justice dependent on it, then national justice is no less a chimera than global justice. Moreover, the scope of justice would be severely circumscribed, as even the most powerful states fall far short of the ideal, to say nothing of the rest (on the latter, see Risse 2011). So if sovereignty were a necessary condition of justice, then justice would have to be denied precisely to those who need it most.
Let me now turn to David Miller. Miller puts the community component at the heart of his defense of the nation-state. He does not reject the idea of global justice as such, but treats it as subordinate to national justice, which trumps it and is also more demanding in terms of the claims it supports. Substantively, his position appears to be close to Nagel’s given that he grounds any justice claims that non-citizens might have against citizens in human rights. Moreover, like Nagel, he argues that non-citizens are only owed negative duties, not positive duties whose scope is to be reserved to fellow members of the national community. However, as justice norms they possess stronger moral force than in Nagel’s account because they are non-discretionary. Giving to others out of humanitarian concern rather than as a requirement of justice, by contrast, can be likened to acts of charity that we may or may not feel obliged to commit. Here is my summary of Miller’s position:

(1) As political communities of citizens, nations possess intrinsic value. They establish special relationships among the insiders who cherish their allegiance toward one another, the ties between them and the opportunity to place their lives in the context of a collective project that has been handed down to them from generation to generation.

(2) People who share a common national identity feel special loyalties toward their compatriots and value their difference from others/outsiders. They are emotionally attached to those features – language, cultural traditions, etc. – that embody this difference. The world community invoked by cosmopolitan thinkers appears far-fetched in comparison.

(3) National communities ground national responsibilities, both rooted and expressed in shared citizenship. National citizenship forges solidaristic bonds for which no equivalents exist in transnational, not to mention global political spaces.

(4) Social justice refers to the distribution of rights, opportunities and resources among members of large societies=nation-states. Global justice is not social justice with a wider scope because there is no global equivalent to the domestic political community that serves as its basis.

(5) The positive duties owed to fellow citizens are delivered through a battery of measures that commonly go by the name of social policies (including the regulation of employment contracts, the inheritance of wealth, etc.). To non-citizens we owe largely negative duties, institutionalized as fairly basic human rights. Human rights, in turn, are best understood as reflecting basic needs, i.e. whatever is required for leading a minimally decent life.

My response to Miller’s objection is twofold. First, by naturalizing the nation, Miller fails to recognize, at least acknowledge, its constructed character, the fact that nations are made, rather than found, entities, imagined communities which come into being only by design. Given the strong sentiments they can arouse, it is easy to forget the artificial conditions that
generated national forms of consciousness and solidarity in the first place. Second, Miller’s propositions regarding the demands of human rights are incoherent. On the one hand, he pleads for only very basic, negative human rights. On the other, his needs-based approach leads him to interpret human rights in a way that clearly exceeds what would commonly qualify as claims/obligations deriving from negative duties. They include access to goods such as food and water, clothing and shelter, physical security, health care, education, even work and leisure. To provide these goods requires positive action, active intervention; not just inaction or abstention from interference in people’s affairs as mandated by negative duties.

Critical commentaries on Nagel and Miller

I now discuss the two authors’ objections at slightly greater length. Once again, I begin with Nagel.

The main problem with Nagel’s assumptions concerns the notion of the sovereign state itself. This notion projects the image of a unitary actor who is able to speak with one voice and to execute chosen policies/programs consistently across spheres of society, levels of decision-making, time and space. This image overstates the internal coherence of statutory regulation, and it understates, or leads us to underestimate, the extent to which different state bodies, divisions, departments, jurisdictions, authorities etc. pursue agendas independent of, as well as enjoy autonomy from, central governments, partly complementing, partly subverting the latter’s goals. Moreover, as society becomes more complex, tasks performed by state agencies require greater expertise, specialization and professionalization of staff, resulting in the flattening of bureaucratic hierarchies and a wide diffusion of power sources, thus rendering central control difficult. In short, even in the absence of globalization, governance is a much messier business than the notion of sovereignty implies. The government may well govern, but it comprises only the highest level of a multi-layered and highly differentiated system of governance over which the “chief executives” (Max Weber) of the administration (heads of state, ministers, etc.), not to mention the legislature, command only limited and probably decreasing control.

This is a problem afflicting even the most powerful states. Globalization further intensifies it; in at least two ways: First, as society’s subsystems go global, a growing number of government agencies engage in cross-border cooperation because the solution of problems affecting states and their citizens escape the regulatory capacities of single states. Sometimes such cooperation results from government level agreements which spur meetings between lower-level officials, sometimes it is initiated by particular bureaucrats themselves who in pragmatic responses to specific problems directly contact their counterparts in other jurisdictions. Over time, their
cooperation evolves into regulatory networks of professionals with recognized expertise and the partly delegated, partly assumed competence/authority to devise rules for their domain. These rules change not only the external, but also the internal environment of states as they become binding both domestically and abroad, often without any formal ratification by national or subnational legislative bodies (see especially Slaughter 2004). Further reducing the sovereignty of states is a second development associated with globalization, namely the rapid proliferation of supranational, in many cases fully global, trans-governmental and non-governmental organizations. Here, I will touch only on the first type.

Trans-governmental organizations – the organizations that Nagel calls international organizations – have much greater power than he suggests. Well known examples are the OECD, the International Monetary Fund, the World Bank, the World Trade Organization, the United Nations, especially its security council but also several of its sub-organizations and programs such as the World Health Organization, UNESCO or the International Labor Office, and many others. Sometimes portrayed as little more than servants of the states that fund them and on whose power they ultimately rely for enforcement of policies or norms they propose, they are increasingly recognized as political actors in their own right who shape political realities beyond and above the nation-state. Once established, they change and grow over time, adapt to new circumstances, adopt new functions without requesting or getting approval from their formal stakeholders. They expand their inevitably vague mandates, and they possess considerable autonomy which they exercise against the overt or covert preferences of states whose action it is their purpose to shape. Sometimes they build alliances with civil society organizations to protect policies from powerful governments opposing them. They make authoritative decisions that reach every corner of the globe, they define problems that require solutions, they construct best practices addressing these problems effectively and legitimately, and they set agendas for global governance, based on their putative neutrality and technical knowledge/competence. Taken together, they constitute a world order of their own wherein states are construed as organs of the global community and governments as the enactors and enforcers, rather than authors, of globally binding rules (see Barnett and Finnmore 2004; Pal 2012).

The emerging global political system is coupled to an increasingly autonomous legal system, which, much like the political and economic systems, shows growing signs of constitutionalization. Here, an increasingly global constitutional jurisprudence is seen as taking the initiative, with the European Convention sometimes treated as a model and an instrument used by the European Court of Justice for the making of rulings which have begun to change the shape of the laws of member countries. Indeed, European institutions, including the Commission and the Council of Ministers, have thrown a heavy network of regulations over the participating states, some of whose administrative bodies have been reduced to agencies that
implement EU law (see Fassbender 1998; Fischer-Lescano and Teubner 2004; Slaughter 2004; Cohen 2012). The system of laws and institutions comprising the economic world order similarly has been likened to a constitutional order, not least because its purpose is precisely to insulate global imperatives from national policies and politics that are bound by them (Schneiderman 2008).

In short, national sovereignty is severely circumscribed, and a powerful global order beyond the regulatory reach of any nation-state exists according to the findings of a growing body of social science work. To the extent that political philosophy’s normative reflections are based on empirical assumptions, these findings must be taken into account.

I now turn to David Miller’s considerations about the special importance of the nation. Miller treats the nation as an organically grown community of fate, thus neglecting the constructive effort and political mobilization it has taken, and continues to take, to (re-)produce it and to transform the subjects of princely rulers into the citizens of modern states. Like Nagel’s insistence on a sovereignty that has been rendered obsolete or at least tenuous by the forces of globalization, his argument is not only admittedly conservative, but also unhistorical because it downplays the artificiality of the administrative processes that created the conditions wherein persons who had until then been strangers to one another could view themselves as fellow members of the same national community. National traditions are made and invented, linguistic unity across local dialects is achieved through the standardization of written language, national identity requires the abstraction from more particularized communities and allegiances, etc. (see e.g. Anderson 1983; Hobsbawm and Ranger 1983; Hobsbawm 1990).

To emphasize the constructive nature of processes of nation-building and to deconstruct the invisibilization of the ongoing effort it takes to sustain it is not to devalue the national community as a source of solidarity or as a site of social justice. It is, however, to dethrone it, to question the taken for grantedness of its privileged status, both in political philosophy and sociology, by demonstrating its contingency. To most of our ancestors, the idea of a national community would have appeared as far-fetched as the idea of a world community appears to David Miller and numerous likeminded scholars today. Moreover, as Habermas (1998) has argued, convincingly to my mind, it is precisely the artificiality of the conditions under which national consciousness arose that renders doubtful the assumption that the nation is the only form of organized community that can generate a solidarity among strangers strong enough for grounding claims of justice.

Nor is citizenship necessarily tied to the nation. In Europe, the earliest forms of what we now associate with citizenship rights developed in towns and cities. Only during the last two centuries were such rights gradually extended to all members of the emerging nation-state. And it took until the 20th century before the rights of national citizens began to incorporate
entitlements to a modicum of socio-economic benefits as well; in short, before ideas of social justice could gain a real foothold in state-funded and/or regulated institutions (see the classic account of Marshall 1964). Global citizenship and the global community are already being invoked in a growing number of public and private documents, are taken to be the appropriate referents for the regulatory activities of numerous governmental and non-governmental organizations, and human rights are interpreted in ever more expansive ways, in ways that include some positive entitlements rooted in ideas of social justice – just as David Miller suggests but cannot acknowledge because his narrow conceptualization of social justice rules out the possibility of viewing them as instances of justice.

**Concluding remarks**

In conclusion, it seems that the reasons held against conceptualizing social justice on a global scale are less compelling than the critics argue. A global order and a system of global governance have emerged that powerfully affect and shape the lives of ever more people around the world. Being made by humans, institutional orders contain an element of choice and hence have to be justified to those affected by them. Moreover, as globalization has shrunk the planet into one multiply interconnected world, notions of a world community are no longer utopian and have in fact begun to orient the action of a growing number of individual and collective actors, not least numerous non-governmental organizations, such as Amnesty International, Medecins Sans Frontiers, and many others that I can only mention in passing here but that play a crucial role in paving the ground for rendering the idea of global social justice plausible even in the absence of a world state.

What exactly global justice might mean is a question I have to leave open; not only because, as a sociologist, I am ill prepared to answer it, but also because serious scholarly reflection about global justice has only just begun. So I will simply end with five brief and very preliminary propositions:

1. To the extent that political philosophers are treating global justice as a concern and concept, they have thus far tended to focus on the global poor and the question of what “we” owe them – with the “we” typically referring to the more developed and rich parts of the world, if not simply the West. A well-known example is the work of Thomas Pogge (see especially Pogge 2008). Pogge argues the global order is bad for the poor and hence requires remedial action on the part of its main beneficiaries in the form of redistribution of some of their wealth to the poor. Others, such as Mathias Risse (2005), while accepting the premises that a global order exists and that it is a proper subject of considerations of justice, find this order has actually benefited the poor, suggesting
action is warranted not so much at the global level but rather at the more local level of weak states whose failings bear considerable responsibility for the poor’s misery.

(2) As a point of departure, the focus on the poor seems well taken. When ideas of social justice came up within the context of nation-states, the misery of the poor was a concern that substantially drove and energized their development – first in Europe, then globally (in the sense of increasingly directing state action in all parts of the world; see e.g. Leisering and Barrientos 2013). Gradually, however, they expanded their purview, asking about the conditions that need to be met for safeguarding everyone’s full and equal membership in a national community. As the world is beginning to reconfigure itself as a global society and to view its population as one community, the question of what we owe the global poor will ultimately have to be rephrased into “What do we owe one another as global citizens?”

(3) This question cannot be directed at a world state. For the foreseeable future, political world society will continue to be segmentally differentiated into nation-states. To the extent that social justice is found to demand mechanisms of administrative redistribution, state organizations will probably remain key actors. But world culture, whose main carriers are private organizations, increasingly construes states and their governments as organs of a global order bound by rules and principles rather than sovereign authors of public order. Moreover, they constitute only one of several such organs, partly subordinate and answerable to higher-level bodies of governance, partly overseeing and regulating the conduct of lower-level bodies.

(4) Local justice, i.e. justice within private and public organizations commanding access to valued social goods, has long been known to be a rather messy business (Elster 1992; Schmidt 1994). Following the discussion of state sovereignty, and given the complexity of any given state as well as the multitude of actors involved in the delivery of justice, it must be concluded that national social justice is even messier. The same applies on a yet grander scale to the dispersed and disintegrated set of organizations and institutions that, collectively, constitute the order of global governance. Social justice, regardless of the level of aggregation considered, is thus inevitably a messy business, and no single actor or authority can bundle all relevant concerns into one coherent package of norms and services applied consistently across jurisdictions.

(5) The messiness of global justice cannot be reasonably held against attempts to systematize its meaning at the theoretical level. To be sure, “thinking” global justice appears difficult at the moment, but the breakthrough of global modernity and the emergence of world society are putting the topic on the agenda. If I am not mistaken, then the social sciences and the humanities, including political philosophy, are in the midst of a Kuhnian-style scientific revolution. They are locked in “conceptual jails” (Rosenau 2000) that they themselves have erected at a time when equating society and
the nation-state seemed “natural”, but that are no longer good enough analytical prisms through which to comprehend the realities of global modernity and world society. Hence the notion of “jails”: they tie us to a past that has been surpassed by recent developments, thus misleading us and misdirecting us in our search for solutions to current social problems. The sense that we need new analytical tools is growing, but we are still in an early stage of concept-formation for the changed realities. This creates uncertainties and unease. But clinging to the familiar, while understandable, does not help; epistemological conservatism is a poor guide for traveling uncharted terrain. We need to move beyond it. This is also the way that conceptions of global justice are likely to evolve. At some point in the not-too-distant future thinking in terms of global categories may appear just as normal and self-evident as thinking in national categories is to most of us today. But before we reach that stage, a lot of conceptual work needs yet to be done. Global justice is one of the concepts that will almost certainly gain growing prominence as this work proceeds – step by step.

References:


