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# Globalization, Global Community, and the Possibility of Global Justice

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*(Discussion Draft)*

## Abstract

In this essay, I suggest five ways in which globalization is changing the cosmopolitan/communitarian debate over global justice, by creating, both inter-subjectively and at the regulatory level, the constitutive elements of a limited global community. Members of this global community are increasingly aware of each other's needs and circumstances, increasingly capable of effectively addressing these needs, and increasingly contributing to these circumstances in the first place. They find themselves involved in the same global market society, and together these members look to the same organizations, especially those at the meta-state level, to provide regulatory approaches to addressing problems of global social policy. Thus in global social relations we can begin to see that minimum level of "community" necessary to support relations of justice, at least in certain areas, even if it does not manifest that level of community necessary to speak of "global community" in the fullest communitarian sense.

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## Globalization, Global Community, and the Possibility of Global Justice

### I. Intro

The problem of global inequality<sup>2</sup> has led many commentators to consider the possibility of global justice. One important voice in this debate is the communitarian, objecting to global justice on the ground that justice is a virtue *within* political communities, not *between* them.<sup>3</sup> While this debate continues on, however, the world has changed. Globalization, a social process in which space is essentially eliminated as a factor in social relations,<sup>4</sup> is lifting relationships out of the strictly territorial into the “global” or meta-territorial. The political and legal significance of this change is immediate and fundamental: as the space in which we conduct our social relations changes, our manner of regulating those relations changes as well.<sup>5</sup>

For the purposes of this paper, globalization also means we must re-examine the nature of community, at the national and at the “global” level. As I will argue below, globalization is changing the nature of social relations towards the emergence at the

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<sup>2</sup> Global inequality can be framed as a problem between states or between individuals within states. Both perspectives illuminate important aspects of the problem, although there are obvious theoretical and policy differences between each view. In this paper I am speaking of inequality as experienced between individuals who, through globalization, are suddenly or more dramatically aware of each other’s differing circumstances.

<sup>3</sup> See *infra* section II.B.

<sup>4</sup> See, e.g., Anthony Giddens, *The Consequences of Modernity* (Stanford: Stanford University Press 1990) p. 64 (globalization as interdependence without differentiation of time and space); David Harvey, *The Condition of Post-modernity* (Oxford: Blackwell Publishers 1988) p. 240.

<sup>5</sup> To be effective, regulatory decisions must increasingly involve the meta-state level. Globalization thus requires a fundamental re-examination of social regulation and governance at the global level, leading to a system in which states may still have a preeminent role, but not the only role. See, e.g., Anne Marie Slaughter, *A New World Order* (Princeton: Princeton University Press 2004); Manuel Castells, *The Rise of the Network Society* (Oxford: Blackwell Publishers Ltd. 1996).

global level of elements of the sort of community which communitarians cite as a necessary prerequisite for justice. Thus globalizations is paving the way for global justice, even on communitarian terms.

In Part II of this paper, I will briefly discuss the disagreement over the relationship between global society and global justice at the heart of the cosmopolitan/communitarian debate over global justice, and survey the essential elements of the communitarian position, relying principally on the work of Walzer and Miller. In Part III, I suggest four ways in which globalization is changing the debate over global justice, by creating elements of community at the global level. In extending globally our capacity to help or to harm, globalization is bringing about what Rawls calls the circumstances of justice at the global level, which has implications for global community. Moreover, globalization is creating a community of knowledge, and the sort of shared practices and understandings which are essential for communitarian justice. Finally, I conclude in Part IV with some observations about where these developments take us.

## II. Global Society and Global Justice

The question of global justice requires us to consider the relationship between justice and society, in this case global society.<sup>6</sup> Can we speak of obligations of justice

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<sup>6</sup> In this discussion, I am not speaking of global society in the “society of states” manner, although that is another way the term can be used. Rather, I am speaking of social relations among individuals and groups of individuals, irrespective of territorial boundaries.

independently of the question of whether there is a global society?<sup>7</sup> Moreover, do obligations of justice depend on the prior existence of a certain specific *kind* global social relationship, namely *community*?

A. Society and Justice – Two Views

Traditionally, there are two primary ways of thinking about the relationship between society and justice, the cosmopolitan and the communitarian. The cosmopolitan view, as is well known, holds that we owe obligations of justice to one another as a function of our moral status as human beings, regardless of the nature or extent of social bonds between us.<sup>8</sup> From the point of view of a cosmopolitan, global justice as a concept is not a problem. We owe human beings justice in our social relations, wherever they are found, simply because they are human beings. The problem, of course, is determining what this justice consists of, and how to deliver it.

The other view, the communitarian, asserts that there is an even bigger challenge in the way of global justice, namely the non-existence of global society. For communitarians, concepts of justice depend upon the prior existence of social relationships, which create obligations of justice by defining its principles, subjects and

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<sup>7</sup> David R. Mapel and Terry Nardin, "Introduction," in D. Mapel and T. Nardin (eds.), *International Society* (Princeton: Princeton University Press 1998) pp. 3-4.

<sup>8</sup> There is a rich cosmopolitan literature. See Simon Caney, "International Distributive Justice," *Political Studies* 49 (2001) pp. 975-9; Jeremy Waldron, "What is Cosmopolitanism?," *Journal of Political Philosophy* 8 (2000), pp. 227-43 (surveying cosmopolitanism). The strength and institutionality of such social bonds does, of course, affect the degree to which we can realize our obligations of justice, as do instrumental and practical concerns. Nevertheless, the obligations are asserted on this view to exist, independent of such concerns. One can further distinguish between moral cosmopolitanism, which advocates individual cosmopolitan duties to be realized through existing institutional structures, and institutional cosmopolitanism, which advocates reform of existing institutions along cosmopolitan lines. Charles Beitz, "Social and Cosmopolitan Liberalism," *International Affairs* 75 (1999) pp. 515-29.

objects.<sup>9</sup> In other words, society is more than the field of application for justice: it creates justice itself. No society, no justice.

To be more precise, communitarians speak of the absence of *community* at the global level, as something “deeper” than mere society. Communitarians maintain that although we may share a common humanity and mutual interests, we do not share obligations of justice unless we already share certain kinds of social relations, usually identified with the nation, and generally expressed in terms of shared traditions, practices and understandings.<sup>10</sup> Put another way, communitarians might grant the existence of some kind of global society, consisting of associations for mutual self-interest, but distinguishable from true “community,” which requires something more, reserving “justice” for the latter.<sup>11</sup>

Since the concept of global justice is congenial to cosmopolitans, I want to focus in this paper on the communitarian position. If we can find a way to satisfy, even in part, the requirements imposed by this view, then we can see a way forward towards global justice on cosmopolitan *or* communitarian grounds. As will be discussed further below, my main contention is that globalization itself suggests a way forward.

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<sup>9</sup> See, e.g., David Miller, *On Nationality* (Oxford: Clarendon Press 1995); Michael Walzer, *Spheres of Justice* (New York: Basic Books 1983). The communitarian critique of cosmopolitan global justice is only part of its larger critique of liberal justice, and liberalism generally. See Allen E. Buchanan, “Assessing the Communitarian Critique of Liberalism,” *Ethics* 99 (1989) pp. 852-82 (summarizing this critique).

<sup>10</sup> Communitarian theorists differ on the precise nature of these necessary relations, and in general this aspect of communitarianism is under-theorized. See Buchanan, “Assessing” 867.

<sup>11</sup> What that something more consists of, depends on the theorist. See *infra* section II.B.

## B. Justice and Community

The communitarian position is that global justice is not possible because we lack the sort of social relations on a global level, which make justice possible in domestic society.<sup>12</sup> Only in domestic societies do we find community: the shared practices, traditions and understandings which help create individual identity, and the social solidarity and sense of common purpose necessary to support the sacrifices and obligations of justice. Moreover, for these essential relationships to work, it is necessary that we prefer each other in the distribution of resources, which also undercuts the notion of global justice outside these communities. Unless these kinds of social relationships exist globally, there is no possibility of global justice.

Communitarian theories of justice presuppose social cooperation, or society. However, society by itself is not enough for community, or justice.<sup>13</sup> That something more is generally expressed as a sense of common purpose, or solidarity.<sup>14</sup> Walzer's account of community, for example, relies on a distinction between associations and communities, which turns on the question of self-interest. Society can exist associationally whenever two or more gather for the same reason, but community exists,

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<sup>12</sup> I reserve for another day the various theoretical objections one can raise about communitarianism, such as the question of whether social criteria drawn from domestic society are equally applicable to the global level. They might be, but they might not be. Global society may not resemble domestic society in all respects, but constitute a society nonetheless, in much the same way that international law does not resemble domestic law in all respects, but we are now comfortable that it is law all the same. In either case, the point needs to be argued separately, and it usually is not.

<sup>13</sup> Here communitarians part company with liberals, who assert justice as a virtue of society, defined as a "cooperative venture for mutual advantage," leaving questions of solidarity and common ends to smaller voluntary associations. See John Rawls, *A Theory of Justice* (Cambridge: Belknap Press 1971), p. 14.

<sup>14</sup> Buchanan, "Assessing" 856-57 (community requires more than association – shared common ends).

in his view, only when people gather, or come to understand that they have gathered, for a common purpose. In other words, community is not created by mutual self-interest; it begins there, since such can create society, but must grow into something more: a view of the common good, growing out of shared traditions, practices and understandings rooted in a shared history.<sup>15</sup>

Justice therefore requires a prior community, in which all relevant distributive decisions take place according to shared traditions, practices and understandings of justice. In Walzer's words, justice "is rooted in the distinct understandings of places, honors, jobs, things of all sorts, that constitute a shared way of life."<sup>16</sup> On this view, distributive justice "presupposes a bounded world within which distribution can take place: a group of people committed to dividing, exchanging, and sharing social goods, first of all among themselves."<sup>17</sup> For Miller, this bounded world is the nation.<sup>18</sup>

Nationality consists of the shared beliefs of a set of people: that each belongs with the others, that the association is neither transitory nor instrumental, but rooted in a long shared history of living together that (one expects) will continue into the future; and a sense of loyalty adequate to justify sacrificing individual interests for the group.<sup>19</sup>

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<sup>15</sup> For Walzer, it is a society's shared life which determine justice, and not the other way around. "Over a long period of time," he writes, "shared experiences and cooperative activity of many different kinds shape a common life." Michael Walzer, *Just and Unjust Wars* (New York: Basic Books 1977), p. 54.

<sup>16</sup> Walzer, *Spheres* 314.

<sup>17</sup> Walzer, *Spheres* 31.

<sup>18</sup> This concept of nationality is a subjective concept of identity more than geography, not necessarily coterminous with the territorial state. Not all nations have states, although all nations might desire statehood.

<sup>19</sup> David Miller, "The Ethical Significance of Nationality," *Ethics* 98 (1988), p. 648. In *On Nationality*, Miller joins this concept of nation as ethical community, with a notion of self-determination, bringing the idea of "nation" closer to Rawls' notion of a "people." Miller, *On Nationality* 11.



Within this community, justice consists of distributions made according to the community's shared understandings.<sup>20</sup> The social basis of justice means that there are necessary limits to the scope of justice.<sup>21</sup> Thus Miller argues that it is only within the nation that justice makes sense, and that national boundaries have ethical significance, and.<sup>22</sup>

Communitarians offer two basic kinds of arguments for why national community is in fact important to the pursuit of justice, and justified partiality therefore incompatible with cosmopolitan justice. First, Miller argues that national community is the necessary basis for solidarity, which is necessary to support the individual sacrifices which justice demands.<sup>23</sup> In a similar sense, Walzer's notion of the common good is necessary for the sacrifices of justice, since almost by definition justice will be invoked when someone has failed, or perceives themselves as having failed, to secure their individual self-interest.

Second, it is only within particular communities that you can determine what justice consists of, and who owes it to whom. For Miller, it is only within national communities that you can determine which people are to have their needs considered and

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<sup>20</sup> Walzer, *Spheres* 313.

<sup>21</sup> Communitarians also object that even within these communities, justice is not their "first virtue," but more remedial in nature, responding to break-downs in community. Buchanan, "Assessing" 853.

<sup>22</sup> Miller, *On Nationality* 65-79, 104-8. His larger point is a particularist one: we must pursue justice as we find ourselves, not as we would like to imagine ourselves, and we find ourselves embedded in communities, particularly national communities, whose well-being matters to us. This suggests the larger argument that the communitarian sort of ethical particularism is simply more accurate in capturing how we actually reason morally, than the universalist attempt at disembodied rationality. Thus underlying the debate about global justice there is a disagreement about the proper way to reason about moral obligations, particularly or universally. See Michael Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press 1982).

<sup>23</sup> Miller, *On Nationality* 90-96; see Charles Jones, *Global Justice* (Oxford: Oxford University Press 1999), pp.157-158.

the necessary consensus over what counts as “need,” since these are social and not determined facts.<sup>24</sup> Similarly in Walzer’s view, justice as a formal concept requires that a society’s “substantive life is lived in a certain way – that is, in a way faithful to the shared understandings of its members.”<sup>25</sup> Determining what that way might be requires an historical analysis of that society’s shared life, not an *a priori* argument or a rational reconstruction of their beliefs. In other words, justice requires a shared understanding of social goods. Only political communities have such shared understandings, and the pre-eminent example is the nation-state. We are therefore justified in preferring compatriots over non-compatriots in many sorts of distributions.<sup>26</sup>

Advocates of communitarian justice must face challenges posed by the empirical reality of disagreement over social understandings, the evolution of new understandings,

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<sup>24</sup> Miller, “Ethical Significance” 661.

<sup>25</sup> Walzer, *Spheres* 313.

<sup>26</sup> It is not clear, however, that cosmopolitan approaches to global justice are incompatible with special relationships. Martha Nussbaum argues that “[n]one of the major thinkers in the cosmopolitan tradition denied that we can and should give special attention to our own families and to our own ties of religious and national belonging.” “Patriotism and Cosmopolitanism,” in J. Brown (ed.), *For Love of Country* (Boston: Beacon Press 1996), p. 135; see also Charles Beitz, “Cosmopolitan Liberalism and the States System,” in Chris Brown (ed.) *Political Restructuring in Europe* (London and New York: Routledge 1994), pp. 29-30 (cosmopolitanism can and should take into account role of communities in human flourishing – the disagreement is only over how). We are no stranger to multiple, overlapping, sometimes conflicting categories of obligation - think of obligations to family and to country, for example - and if the mere fact of the former doesn’t defeat the possibility of the latter, then overlapping commitments are not by themselves obstacles to global justice. This does assume, however, that we can articulate and follow principles for balancing the conflicting interests presented by conflict among the different levels – an assumption which philosophers accuse legal writers on justice of being too ready to make. See Lawrence C. Becker, “Economic Justice: Three Problems,” *Ethics* 89 (1979) pp. 385-88. If cosmopolitanism is consistent with certain forms of partiality, then global justice is possible even in the presence of other significant sub-global community obligations.

and the problem of false consciousness.<sup>27</sup> All three call into question the empirical reality of community, and therefore the credibility of linking community to justice.<sup>28</sup> When responding to the fact of social conflict, particularly conflict over what are purportedly “shared” understandings, communitarians shift the level of analysis to a secondary set of practices and understandings, a system for managing conflicts over understandings and their application.

Walzer suggests that disagreement over the meaning of social goods - where a given social understanding is controversial - triggers a sort of “second order” set of understandings concerning how disputes are to be expressed, managed and adjudicated, and even mechanisms for “alternative distributions.”<sup>29</sup> In addressing a similar problem with the relation between nationality and ethnicity, Miller creates a similar distinction, between public and private culture. Noting that nationality as a fact is often created out of disparate ethnic groups and even forced upon minority ethnic groups with prior existing identities of their own, Miller posits a bifurcation of national culture, between a shared public culture and differing private cultures.<sup>30</sup> Both approaches suggest a hierarchy of shared understandings, reminiscent of HLA Hart’s distinction between primary and secondary legal rules.

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<sup>27</sup> See Joshua Cohen, “Review: *Spheres of Justice*,” *Journal of Philosophy* 83 (1986) pp. 457-468 (addressing issues in communitarian theory).

<sup>28</sup> Walzer notes the problem of apparent disagreement over a social practice or outcome, citing the example of lower caste villagers’ indignation at social distributions that, although unequal, were unequal in a way that allegedly matched the shared understandings of the community. Such indignation must “have a part” in village justice, but it is not clear how. *Spheres* 314.

<sup>29</sup> *Id.* at 313.

<sup>30</sup> Miller, “Ethical Significance” 657-8.

This move to a second or public set of shared understandings about justice is important for the question of global justice, because it suggests a location for understandings about global justice independent of primary understandings or nationality-based commitments. If we understand Walzer and Miller to say that shared understandings of justice in fact involve agreements over the priority of public over private culture, or agreements about the institutional management of conflicting claims, then we can look for global justice, and the *a priori* community for global justice, by looking at the meta-state or public culture level for shared understandings concerning conflicting global claims. In other words, global community as far as justice is concerned, may look less like a single global community in the national sense, and more like a global set of shared understandings about claims and conflicts, or a global public culture.<sup>31</sup> We may find more consensus over this public culture and these secondary understandings, than a simple survey of primary understandings and private cultures would suggest.<sup>32</sup>

### III. Globalization and the Possibility of Global Justice

Communitarianism does not categorically foreclose the possibility of global justice: if global community exists, then we are free to proceed to determine its' justice. However, communitarians would argue, we don't have global society, let alone global community: we evidently don't live in a single world state or society in the traditional

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<sup>31</sup> This might resemble, for example, what Sebastiano Maffetone calls the creation of a global public reason. "The Fragile Fabric of Public Reason," unpublished manuscript on file with the author.

<sup>32</sup> This starts to look more like the liberal commitment to institutions for managing social conflicts among people with differing visions of the good, and suggests more common ground with communitarians than may at first be apparent.

sense. This leaves us with only one option: we can come up with some ground rules for how we cooperate, or not, with different societies, but that is not justice. It is coexistence, a *modus vivendi* - an accommodation to the facts.

However, is it correct to characterize the global social environment as lacking in the elements that communitarians identify as necessary preconditions for the applicability of justice? Globalization itself is relevant to this analysis. There are compelling reasons to see globalization as creating some version of global *society*: globalization certainly involves global social cooperation, and international law today consists of many regimes best characterized as associations for mutual self-interest.<sup>33</sup> What about global *community*?

I am not suggesting that at this point in our history global social relations form the sort of full-blown political community which communitarians find in domestic social relations as their exemplar. In my view, however, globalization is creating a third alternative: global society understood as containing “limited” degrees of community in specific functional areas. If we disaggregate the notion of community, we can see that globalization is creating certain *elements* of community at the global level, such as knowledge of inter-connectedness and the circumstances of the other; and creating community in certain *areas* of global social relations, such as humanitarian relief and economic relations, by establishing that degree of social bond necessary to support justice. This means that global society taken as a whole may not rise in all cases to the level of community which communitarians posit, but has *enough* elements of community,

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<sup>33</sup> Leading examples include the WTO and Bretton Woods institutions and, regionally, the European Union.

and contains enough *pockets* of community, to support an inquiry into justice in at least in some areas of global social relations.<sup>34</sup>

#### A. Globalization and the Circumstances of Justice

As a threshold matter, it is important to understand how globalization is getting us to society before we look at how it is getting us to community. I cannot do more than suggest a way to approach this question within the scope of this paper, and will do so utilizing Rawls' concept of the circumstances of justice. In this view, global social space has certain key features which make global justice both possible, and necessary, leading to an understanding of globalization as consisting of numerous cooperative schemes for mutual advantage.<sup>35</sup> For a contractarian this cooperation may be adequate to make justice relevant, but for communitarians such social cooperation is not by itself enough to establish community as they define it. However, such cooperation is a fundamental *pre-requisite* of community, and can in certain cases also lead to the emergence of community, as I will suggest below.

##### 1. Rawls' Circumstances of Justice

The circumstances of justice are those conditions of our situation which make cooperation both possible, and necessary.<sup>36</sup> Where they obtain, and where we find such cooperation, justice is relevant. What are those circumstances?

Rawls divides them into two categories. The first, objective circumstances, are three: a moderate scarcity of resources, a shared geographical territory, and a capacity to

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<sup>34</sup> International economic relations offers a powerful example for institutional reasons, and should therefore be subject to distributive justice criteria, as I have argued elsewhere. Frank J. Garcia, *Trade, Inequality and Justice* (Ardsley: Transnational Press 2003).

<sup>35</sup> In fact, one definition of globalization is global social cooperation.

<sup>36</sup> Rawls, *Theory* p, 126-130 et seq., following Hume.

help or harm each other. In other words, there is not enough to go around for everything we want to do; we are going to be looking for these resources in the same places; and we have the capacity to unite to defeat one another's goals, or work together to achieve many of them.

The second, subjective, set of circumstances consists of two: people are mutually disinterested, and they have conflicting claims. In other words, we are not generally altruistic – we want what we want; and to get it, we go after what each other has.

Because of these five circumstances, we are led to cooperation as the most rational means towards achieving our individual ends. This, in essence, is society, which Rawls defines as a cooperative ventures for mutual advantage. The principles which guide the distribution of the fruits of this venture are principles of justice.

## 2. Globalization and the Global Circumstances of Justice

Globalization is bringing about the same circumstances of justice at the global level, which Rawls described at the domestic level. To begin with, there is of course the same basic scarcity of resources at the global level. Through globalization, people are increasingly competing for these resources on a global scale in a shared territory: our planet. That they are mutually disinterested and assert conflicting claims over these resources does not need to be argued.

### a. Capacity to Help

Because of globalization, in particular its technical and economic revolutions, we increasingly find that we have a capacity to effectively respond to the needs and concerns of others beyond our boundaries, through the transnational mobilization of information, power, capital, or public opinion, in ways that hitherto we could not. Commentators have

suggested that earlier in our history, talk of global justice was premature, in the sense that our capacity to redistribute resources across the globe was weak.<sup>37</sup> Globalization and its technological revolutions creates the technical ability to affect global resource distribution, making the question of its justice now quite relevant.<sup>38</sup>

By creating a real capacity to respond to another's needs and concerns, globalization contributes to an important element of the rationale for both society and justice – in Rawls' terms, the capacity to help.<sup>39</sup> For communitarians, this is a critical element in the creation of global solidarity as well. But is such solidarity emerging? I would argue that we see contemporary evidence of this in our common response to global needs and atrocities. This level of response, even if at times still limited, weak and inadequate, suggests an emerging sense of solidarity or sense of community at the global level, that for all its weaknesses would not have happened at all one hundred years ago.<sup>40</sup>

b. Capacity to Harm

Because of globalization, we also increasingly find that our state's policies, and our own political and consumer choices, are influencing the life prospects of others in direct and dramatic ways. The globalization of markets means that in many cases we are directly profiting from the economic and social conditions in other parts of the world,

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<sup>37</sup> See, e.g., Jones, *Global* 9.

<sup>38</sup> *Id.*, 10.

<sup>39</sup> *Id.*, at 9. Even David Miller, a communitarian critic of global justice, acknowledges that the “prosaic observation that the rich countries now have the technical capacity to transfer large quantities of resources to the poorer countries,” makes a prima facie case that such transfers have become morally obligatory. “The Limits of Cosmopolitan Justice,” in Mapel and Nardin, *International Society* 164.

<sup>40</sup> Bruno Simma and Andreas L. Paulus list Rwanda and Somalia as examples of a weak solidarity which can suggest either that the concept of global community is either half-full, or half empty. They decide it is half full, asking “After all, who would have cared - and how - a hundred years ago.” *European Journal of International Law* 9 (1998), p. 276.



through outsourced services, low wages, multinational production processes, mutual fund and pension plan investment returns, etc. The very fabric of global society – its division of territory and jurisdiction to political entities called states – is a social arrangement we are collectively responsible for.<sup>41</sup> Thus, completing Rawls' basic conditions, we have the capacity to harm each other as well.

This capacity to harm each other globally is an important element in creating a sense of solidarity, understood as a sense of responsibility for one other. Through our economic interdependence, we have to take seriously the possibility that we are contributing to the socioeconomic circumstances of others, a basic criteria of community.<sup>42</sup> Our responsibility over the effects, even attenuated, of our own conduct at the global level, is a rationale for global justice that, it has been suggested, transcends the entire cosmopolitan-communitarian divide.<sup>43</sup>

Together, these global circumstances of justice, especially our capacity to both help and harm each other, make justice both possible and necessary at the global level. Moreover, in their contribution to the creation of solidarity, understood as fellow-responsibility, they lay the foundation for global community. I would now like to turn more directly to two further aspects of globalization which bring us even closer to meeting the criteria communitarians lay down for obligations of justice.

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<sup>41</sup> Jon Mandle, "Globalization and Justice," *Annals of the American Academy of Political & Social Science* 570 (2000), pp 129-30.

<sup>42</sup> This is also a basic element of justice in the social contract tradition: obligations apply when one has accepted the benefits of the social arrangement, or taken advantage of the opportunities it offers to further one's interests.

<sup>43</sup> Mandle, "Globalization" 29; Richard Miller, "Globalizing Civic Duties" (unpublished manuscript on file with author).

## B. Global Community of Knowledge

Globalization is creating a community of knowledge. Through globalization, we know so much more, immediately and intimately, about the plight of people in other parts of the world.<sup>44</sup> Such knowledge satisfies a basic requirement for community – that we have the capacity to know another’s needs, concerns and preferences.<sup>45</sup>

This kind of knowledge is also an important element in the communitarian argument for community as a prerequisite of justice. Community matters to justice in part because it is within community that we have the knowledge of each other necessary for justice to work at all. This knowledge forms the basis for the social determination of “need” and “whose needs count” which Miller cites, as well as the basis for Walzer’s shared understandings. In this way, knowing this about each other is the basis for creating solidarity, that leap of the moral imagination which says that your concerns are my concerns.

### 1. Community of Risks

One specific type of shared knowledge important to globalization is the growing recognition of the risks we share as human beings on this planet, and our shared interest in addressing those risks. In this sense, globalization is creating what has been called a “community of risk.”<sup>46</sup> The literature is remarkably consistent in its listing of common

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<sup>44</sup> David Held, et al., *Global Transformations* (Stanford: Stanford University Press 1999), p. 58 (globalization and telecommunications revolution bring people into other social realities they otherwise would not know).

<sup>45</sup> See Miller, “Ethical Significance,” 653 (citing Benedict Anderson, *Imagined Communities* (London: Verso 1991) (noting importance of media in allowing dispersed bodies of people to think of themselves as belonging to a single community)

<sup>46</sup> Paul Kennedy, et al., *Global Trends and Global Governance* (London: Pluto Press 2002) pp. 158-9.

risks facing all human beings.<sup>47</sup> The desire for security, environmental health and sustainable development are not unique to any one specific culture.<sup>48</sup>

The mere fact of shared risks is not by itself enough to create community. Even a realist like Stanley Hoffman acknowledges that international conditions lead to a shared interest in survival and development.<sup>49</sup> It is significant, however, that such shared interests exist and are recognized as such, since this creates conditions favoring increased cooperation, which can lead to a sense of common purpose in fighting these risks.

In order to see a sense of community emerge from the mere recognition of shared risks, however, we need to look at *how* we are responding. This necessitates a look at the modern global regulatory system.

### C. Shared Traditions, Practices and Understandings

This community of knowledge and risk is also, increasingly, becoming a community of shared traditions, practices and understandings. These grow, both spontaneously and institutionally, out of our perception of shared needs and interests, of our capacity to help and to harm, and our awareness of each other's plight – in short, our understanding of globalization as interlocking our fates.

It would be a mistake to understate the reality of conflict over social practices and values, which contributes at least at the rhetorical level to actual political conflicts

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<sup>47</sup> *Id.*

<sup>48</sup> See Simma and Paulus, "International Community," p. 272 (listing bases for a dialogue on a minimal set of common values).

<sup>49</sup> *Duties Beyond Borders* (Syracuse: Syracuse University Press 1981), p. 37.

today.<sup>50</sup> However, at the cultural level, many have noted the harmonizing tendencies of globalization towards a more homogeneous popular culture.<sup>51</sup> At the social level, and regardless of what state we find ourselves in, we are increasingly a part of global social networks such as MNC's, NGO's, and enterprises such as global scientific cooperation, all of which contribute to the development of such shared traditions and practices as can support global community.<sup>52</sup> At the level of positive law, the universal recognition of international human rights plays a particularly important role in international law's status as a global shared practice.<sup>53</sup> Finally, commentators suggest that at least at the political level, there is an emerging consensus, or shared understanding, around the importance of markets, democracy and human rights.<sup>54</sup>

I would like to focus on two particular aspects of contemporary globalization, markets and meta-state institutions, as particularly indicative of the emergence of global community, at least in their respective realms.

1. Market Society as a Shared Practice

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<sup>50</sup> Huntington's "clash of civilizations" may be overbroad, but the reality of conflict between groups with different normative communities is undeniable, even if might be more accurately explained as a clash between tradition and modernity, or local control and globalizing capitalism, or developed versus underdeveloped.

<sup>51</sup> See, e.g., Richard Barnet and John Cavanagh, "Homogenization of Global Culture," in J. Mander and E. Goldsmith (eds.), *The Case Against the Global Economy* (San Francisco: Sierra Club Books 1996), pp. 71-77.

<sup>52</sup> Indeed, Castells has argued that globalization is bringing about a new form of nation-state, the "network state," whose principle duty is to successfully manage on our behalf this web of networks. *The Power of Identity* (Oxford: Blackwell Publishers 1997), pp. 242-273.

<sup>53</sup> Terry Nardin, "Legal Positivism as a Theory of Global Society," in Mapel and Nardin, *International Society* pp. 17-35.

<sup>54</sup> This consensus can be seen at the level of positive international law, and also normatively, insofar as the world's leading religious and philosophical traditions can be said to converge around this triad. David R. Mapel, "Justice Diversity and Law in International Society," in Mapel and Nardin, *International Society* 247.

To the extent that globalization is creating a global market society, this in itself is another shared practice, albeit a very complex one, contributing to a community of interests. The advanced capitalist form of market society practiced by the most developed countries is not, of course, implemented in identical ways in all market societies (indeed, not even uniformly within this category, if one compares U.S. versus Western European capitalism).<sup>55</sup>

Nevertheless, market society has certain attributes – the need for bureaucratic regulation, recognition of private property, civil courts, to name a few – which by virtue of their pronounced spill-over effects contribute to shared interests among participants.<sup>56</sup> Not the least of these is an interest in considering institutions which supplement and mitigate the rigors of capitalism, compensating the “losers” through some form of wealth transfer. In this sense, even the anti-globalization protests contribute to the community globalization is creating, insofar as they take up one part of a larger global debate over the most humane ideology for global market society.

## 2. Shared Understanding of the Need for Meta-State Institutions

Perhaps the strongest force for, and evidence of, an emerging global limited community involves our recognition of a shared need to look to institutions beyond the state in order to frame an adequate social response to many of the problems and challenges we face. In other words, the need for increased global governance is itself a

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<sup>55</sup> Indeed, markets have been touted on instrumental grounds precisely because they can facilitate efficient transfers among people who do *not* share conceptions of the good. Mandle, “Global Justice” 130.

<sup>56</sup> See e.g. Don Slater and Fran Tonkiss, *Market Society* (Cambridge: Polity Press 2001) pp. 92-116 (surveying range of institutions which markets require/are embedded in).

shared understanding, and the reality of global governance by nature constitutes a shared practice.

Globalization's many aspects are together pushing us towards increased cooperation at the meta-state level. In Rawls' account of the circumstances of justice, our response to these circumstances is to enter into systems of social cooperation for mutual advantage. Through this cooperation we create the "basic structure," the institutions which we create to allocate resources and opportunities, and which thereby directly affect our life prospects. By leading us to create new institutions and shift responsibility for many social allocations to the meta-state level, globalization is creating a global basic structure.<sup>57</sup> Social allocation today is increasingly conducted through a complex partnership, consisting of states and their constituent units; international organizations; and non-state actors through mechanisms such as the market - all regulated or established through international law.<sup>58</sup> Through globalization we find ourselves in precisely the sort of cooperative venture for mutual advantage that is the subject of justice, and sharing the fruits of social cooperation (trade opportunities, for example), through meta-state institutions such as the WTO and the EU.

This move to the meta-state level could be seen as *merely* creating global society, which in the communitarian view does not entail global community. However, I would

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<sup>57</sup> For an interesting analysis of the issues presented by the possibility of a global basic structure, see Simon Caney, "The Global Basis Structure: Its Nature and Moral Relevance," unpublished paper on file with the author.

<sup>58</sup> "The institutions and quasi-formal arrangements affecting persons life prospects throughout the world are increasingly international ones – IFI's, MNC's, the G-8, the WTO – and the restricted Rawlsian view fails to assess the moral character of those institutions." Jones, *Global Justice* 8.

like to suggest that this shift towards the meta-state level has profound communitarian consequences, in three ways.

First, this shift indicates that the communitarian assumption of bounded distributive communities no longer holds at the nation-state level, necessitating a shift to a “higher” or “more inclusive” level of community in which all relevant distributive decisions are taken – the global level. Recall that Walzer describes the political community of justice as one “capable of arranging [its] own patterns of division and exchange, justly or unjustly.”<sup>59</sup> When a community is no longer capable of fixing its own patterns of division and exchange, it is no longer sufficient to analyze the justice of that community with sole reference to itself. In other words, unable to fix its own distributions entirely itself, it is not capable of delivering its own justice. We must therefore look to that further level of institutions which is affecting that community’s distributions, and to its justice.

This is precisely the effect of globalization. From a distributive perspective, globalization is revealing domestic society to be an incomplete community, incapable of securing the overall well-being of its members by itself, leading to a higher level of community as part of group effort to secure well being.<sup>60</sup> The many anti-globalization protests focused on Bretton Woods institutions indicates the growing awareness that these institutions are increasingly constraining allocative decision-making at the national level, as well as engaging themselves (through the allocation of trade benefits, critical currencies and development aid, for example) in positive distributive functions.

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<sup>59</sup> Walzer, *Spheres* 31.

<sup>60</sup> See also Robert P. George, “Natural Law and International Order,” in Mapel and Nardin, *International Society* pp. 54-69.

Second, the fact that globalization is forcing us to look to international institutions such as the UN and the WTO for global policy solutions has a community-building effect. The role played by common institutions sharing a common language in building polities out of disparate peoples has long been recognized in domestic politics as “nation-building.”<sup>61</sup> For example, in the U.S. we reinforce our shared identity as a nation when we together look to the federal level for an answer, as in the case of natural disasters or security crises. Similarly, our tendency to look at least in part to meta-state institutions for responses to global social and environmental problems constitutes a shared understanding that such institutions will increasingly formulate or channel social policy decisions and orchestrate social welfare responses, and that few states can act without them on any important social issue. Even the many recent anti-globalization protests, by turning up on the doorsteps of the same international institutions again and again, emphasize the emergence of this shared understanding.

These changes have significant communitarian consequences regarding justice, based on new meta-national claims for our loyalty. For example, David Miller defends our partiality to compatriots in part on the basis of the many fundamental roles that the nation plays in the identity and flourishing of its members. To the extent that global meta-state institutions both constrain the nation’s role, and abrogate elements of this role to themselves, they create corresponding claims on our loyalties, and upon our distribution of goods and resources. In a similar way, Richard Miller also attempts to justify a limited form of partiality on the basis of shared institutions, on the basis of

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<sup>61</sup> Will Kymlicka, “Territorial Boundaries: A Liberal Egalitarian Perspective,” in D. Miller and S. Hashmi (eds.), *Boundaries and Justice* (Princeton: Princeton University Press 2001), p. 256.



mutual expectations: if we are relying on people's loyalty in a shared enterprise, we had better be loyal to them.<sup>62</sup> At the global level, this means that to the extent we share institutions, we owe each other some degree of partiality at the global level.

Third, this shift to meta-state institutions represents the emergence of a shared understanding with respect to regulating global social conflict. This brings to mind the distinction between first- and second-order social understandings in both Walzer and Miller with respect to how we manage conflicts over "shared" understandings in domestic communities, and suggests how globalization may be creating a broader shared understanding with respect to how we manage conflicting claims.

In domestic communities, one answer to the problem of conflict is to change the level of analysis to "understandings about understandings," or "shared public cultures," which might help resolve the problem but also casts the community's identity in a different light. When viewed this way, it seems communitarians are actually linking justice to a kind of shared institutional culture, rather than a true community of shared primary beliefs.<sup>63</sup>

If so, this shift to meta-state institutions has profound consequences for global justice. In the development of new forms of meta-state institutional governance, we are also developing a new form of shared understanding, or rules about rules, at the global level. When global social relations involve conflicts between incomplete national communities of justice over allocative decisions, globalization bumps us up a level, invoking a new shared understanding that the meta-state level is the place to resolve this

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<sup>62</sup> "Globalizing Civic Duties," unpublished manuscript on file with author.

<sup>63</sup> Perhaps what communitarians are identifying when they speak of the common good, is really a commitment to this second-order set of understandings about disputes, the rules about rules, the public culture.

conflict, according to new understandings regarding appropriate distributions at the global level. Insofar as these global practices deepen and extend, we see stronger shared traditions and practices of global social policy formation and allocative decision-making.

#### D. Globalization and the Pace of History

Thus far I have not commented on the role of shared history in forming communities of justice. Communitarians like Walzer cite “time” as a key ingredient in the formation of community out of a hodge-podge of shared experiences and cooperative activity, the raw material of mutual self-interest, and in a similar vein Miller writes of the importance of shared history.<sup>64</sup>

Globalization’s transformation of time and space is changing the role of time in the creation of community, making global community possible at a relatively fast clip. Communitarians mention time or history as a necessary ingredient in community for two reasons: first, and less importantly, as a substitute for a more thorough explanation of the formation of communal bonds (a sort of “waving of the magic wand”); and second, and more significantly, because a period of time was necessary under pre-globalization conditions for social contact and social knowledge to attain the sort of cumulative intensity necessary for the creation of more intimate bonds. As we have noted, globalization today is characterized by the elimination of time and space as factors in many significant human social relations. Because of globalization, we would therefore expect to see this process occur at a much faster rate, meaning that a common life might be shaped more rapidly during periods of globalization than otherwise thought possible. Thus it is quite possible to see global community emerge in a matter of decades.

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<sup>64</sup> See, e.g., Walzer, *Just and Unjust* 54; Miller, *On Nationality* 23-24.

#### IV. Conclusion

In global relations we see, both inter-subjectively and at the regulatory level, the constitutive elements of a limited global community emerging. One finds that globalization itself is in the process of creating a new global identity, consisting of shared understandings, practices and traditions capable of supporting obligations of justice. Members of this global society are increasingly aware of each other's needs and circumstances, increasingly capable of effectively addressing these needs, and increasingly contributing to these circumstances in the first place. They find themselves involved in the same global market society, and together these members look to the same organizations, especially those at the meta-state level, to provide regulatory approaches to addressing problems of global social policy. These organizations, in addressing such needs, are involved in allocating the benefits and burdens of social cooperation, such as rights, opportunities, privileges, membership and resources, activities that have been traditionally understood in the domestic sphere to make justice both relevant and necessary.

All of this is not to argue that global community has emerged fully formed, with the richness and force of the national community. However, in important ways we can begin to speak of limited degrees of community, or spheres of justice to borrow Walzer's phrase, with respect to different issues, institutions or sets of social relations within the global social space. Thus we can speak of "limited global community" as embracing that level of "community" necessary to support relations of justice, even if it does not

manifest that level of community necessary to speak of “global community” in the fullest communitarian sense.

It is in this sense that I have sought to establish that traditional communitarian objections to the possibility of global justice are being weakened by globalization itself. In doing so, I have deliberately refrained from arguing for a particular substantive view of global justice. My goal, instead, has been to suggest why globalization is itself changing the very nature of the phenomena which moral and political theories of global justice seek to explore. I would be satisfied to establish a link between our evaluation of the claims of communitarian theory, and our empirical evaluation of the social changes of globalization.

If we go a step farther and accept the idea of global justice, the work ahead is to elaborate appropriate principles of justice for a global community. From a communitarian perspective, this requires comparative research, a sort of “anthropology of justice.” Then we can proceed to identifying appropriate institutions to deliver on this commitment, and devising the political strategies to see them implemented.