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A PRÉCIS OF *ON GLOBAL JUSTICE*, WITH EMPHASIS ON IMPLICATIONS FOR INTERNATIONAL INSTITUTIONS

MATHIAS RISSE*

Abstract: In an increasingly globalized world, philosophers have had to broaden their focus from what is a just distribution of holdings within a state to what is a just distribution of holdings globally. The traditional debate centers on whether distributive justice applies only at the state level or whether it extends to all human beings. The view I defend—which can be called “pluralist internationalism”—transcends this debate by acknowledging that multiple grounds of justice exist, so that in different contexts, different principles of justice apply. This Article offers a brief summary of my view, which is fully developed in my book, *On Global Justice*. After setting forth five grounds of justice, this Article examines which principles of justice apply to the state and to the World Trade Organization.

INTRODUCTION

In an increasingly politically and economically interconnected world, it is hard to ascertain what justice requires. It is difficult to spell out how principles of justice apply, to begin with, and hard to assess what they entail for pressing political questions ranging from immigration to trade to climate change. The two traditional ways of thinking about justice at the global level either limit the applicability of justice to states—the only distributions that can be just or unjust, strictly speaking, are within the state—or else extend it to all human beings. The view I defend rejects both of these approaches and instead recognizes different considerations or conditions based on which individuals are in the scope of different principles of justice.¹ Finding a philosophically convincing alternative to those approaches is the most demanding and important challenge contemporary political philosophy faces; it is one

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¹ This Article provides a brief introduction to my theory of global justice, which is fully explored in my recent book, *On Global Justice*. See generally MATHIAS RISSE, *ON GLOBAL JUSTICE* (2012) (arguing for pluralist internationalism as a new theory of global distributive justice where, in different contexts, different principles of justice apply).

that, in turn, reflects the significance of the political issues that are at stake.

My own view, and thus my attempt at meeting the aforementioned challenge—a theory called “pluralist internationalism”—acknowledges the existence of multiple *grounds* of justice.² My view grants particular normative relevance to the state, but qualifies this relevance by embedding the state into other grounds that are associated with their own principles of justice and that thus impose additional obligations on those who share membership in a state.³ The grounds I discuss are: (1) shared membership in a state; (2) common humanity; (3) humanity’s collective ownership of the earth; (4) shared membership in the global order; and (5) shared involvement in the global trading system.⁴ I inquire about the state only in a global perspective, and my view is probably most unique in its conceptualization of common ownership as a ground of justice.

My theory is about global justice as a philosophical problem and about political problems on which principles of justice bear at the global level. As a result, I do not explore familiar questions about the state’s constitution and internal structure beyond what is required to show that shared membership in a state is a ground of justice to which particular principles of justice apply. Nonetheless, my view does regard the state as special within a theory of global justice, and this distinguishes my approach from more “cosmopolitan” approaches.⁵

² See *id.* at 10. To demonstrate its philosophical fruitfulness, *On Global Justice* develops my view for a broad range of topics, including immigration, fairness in trade, obligations resulting from climate change, human rights, obligations to future generations, and others. See *id.* at 152–66 (immigration); *id.* at 167–86 (obligations to future generations); *id.* at 187–206 (climate change); *id.* at 209–60 (human rights); *id.* at 261–78 (fairness in trade).

³ See *id.* at 9, 326–29.

⁴ I explore each of these grounds in depth in *On Global Justice*. See *id.* at 23–40 (shared membership in a state); *id.* at 63–85 (common humanity); *id.* at 89–129 (collective ownership of the earth); *id.* at 209–31 (membership in the global order); *id.* at 261–78 (shared involvement in the global trading system); see also *infra* note 43 and accompanying text (discussing these grounds).

⁵ Thomas Pogge provided a widely quoted definition of such cosmopolitan approaches:

Three elements are shared by all cosmopolitan positions. First, *individualism*: the ultimate units of concern are *human beings*, or *persons* Second, *universality*: the status of ultimate unit of concern attaches to *every* living human being *equally*—not merely to some sub-set, such as men, aristocrats, Aryans, whites, or Muslims. Third, *generality*: this special status has global force.

Thomas Pogge, *Cosmopolitanism and Sovereignty*, in *POLITICAL RESTRUCTURING IN EUROPE: ETHICAL PERSPECTIVES* 89, 89 (Chris Brown ed., 1994) (endnotes omitted). Unlike pluralist internationalism, cosmopolitans do not view the state as having moral significance in a theory of justice.

My presentation of pluralist internationalism is meant to exemplify the kind of work philosophers can, and must, do to help solve the world's political and economic problems, including problems raised by globalization. Attempts at solving such problems inevitably lead to questions about what kind of world we should have. Philosophical inquiry rarely leads to concrete policy advice unless much of what most people currently believe and much of how our institutions work is taken as constraining what such advice could look like. Nonetheless, we need visions for the future of the world. If such visions try to dispense with political philosophy, they forfeit conceptual tools that are plainly needed to develop and defend them. At the same time, political thought that proceeds with too little connection to the problems that preoccupy those who want to change the world often is complacent and boring—as is philosophical inquiry that mostly investigates its own nature and thinks of political discourse only as one source of input for metaethical analysis.

This Article explores the obligations of justice that states and international organizations owe in a globalized world. Part I summarizes and defines the various approaches that philosophers have taken to determine what principles of justice apply to various institutions.⁶ Part II explains how my theory of pluralist internationalism recognizes multiple grounds of justice and thereby transcends the debate among those approaches.⁷ Finally, Part III examines how these grounds of justice apply to states and to the World Trade Organization (WTO) to determine those institutions' obligations of justice in a global world.⁸

I. JUSTICE AND THE STATE

The most striking fact about the political organization of humanity in the modern era is that we live in states. States are organized societies with a government and a territory. The state's territory is a region where the government can successfully enforce its rules because it can gener-

⁶ See *infra* notes 9–40 and accompanying text.

⁷ See *infra* notes 41–57 and accompanying text. See generally RISSE, *supra* note 1 (providing a detailed explication and more comprehensive defense of my theory of pluralist internationalism). It is beyond the scope of this Article to explain definitions in detail and state all arguments at appropriate length. In my book, *Global Political Philosophy*, I present more fully some of the major themes underlying my theory. See generally MATHIAS RISSE, *GLOBAL POLITICAL PHILOSOPHY* (2012) (exploring the major issues and prominent positions on a range of topics within global political philosophy). Although a textbook in its nature, the book takes a view on the issues discussed and so advocates for pluralist internationalism. See *id.*

⁸ See *infra* notes 58–82 and accompanying text.

ally physically overpower internal competitors and discourage aggression by outsiders. Needless to say, many countries in Africa, Central and South America, Western and Southern Asia, and Eastern Europe have low state capabilities—in a number of cases, so low that they are sometimes called “quasi-states.”⁹ And of course, other political arrangements are possible and have existed historically. Political organizations that predate states include city-states, city leagues, empires (which lack the relatively tight and unified organizational structure of states), and feudal structures (which normally include complex internal structures). In a world of increasing political and economic interconnectedness, possible (if perhaps not politically realistic) alternatives to the state system include a world state, a world with federative structures stronger than the United Nations, a world with a more comprehensive system of collective security, a world where jurisdictions are disaggregated, or a world where border control is collectively administered or abandoned entirely. Reflection on such structures is of great import in an interconnected world where enormous differences in life prospects persist. Nonetheless, the state has been the politically dominant mode of organization in recent centuries.

Two central philosophical questions arise about the state: (1) whether its existence can be justified to its citizens to begin with, and (2) what constitutes a just distribution of goods within it.¹⁰ As far as the first question is concerned, a state is justified to its citizens if it is rationally or morally acceptable to them.¹¹ Philosophical anarchists reject the legitimacy of the state,¹² but philosophers from Thomas Hobbes onward have focused on rebutting that position.¹³ Both sides of the de-

⁹ Joel Migdal has defined state capabilities as “the ability of state leaders to use the agencies of the state to get people in the society to do what they want them to do.” JOEL S. MIGDAL, *STRONG SOCIETIES AND WEAK STATES: STATE-SOCIETY RELATIONS AND STATE CAPABILITIES IN THE THIRD WORLD*, at xiii (1988).

¹⁰ See Risse, *supra* note 1, at 1.

¹¹ See Risse, *supra* note 7, at 63 (citing A. JOHN SIMMONS, *JUSTIFICATION AND LEGITIMACY: ESSAYS ON RIGHTS AND OBLIGATIONS* 123 (2001)).

¹² See, e.g., SIMMONS, *supra* note 11, at 102–21 (explaining and defending the theory of philosophical anarchism); ROBERT PAUL WOLFF, *IN DEFENSE OF ANARCHISM* 69–82 (rev. ed. 1998) (arguing that no government can be legitimate).

¹³ See, e.g., THOMAS HOBBS, *LEVIATHAN* 117 (Richard Tuck ed., Cambridge Univ. Press 1991) (1651) (“The final Cause, End, or Designe of men, (who naturally love Liberty, and Dominion over others,) in the introduction of that restraint upon themselves, (in which we see them live in Commonwealths,) is the foresight of their own preservation, and of a more contented life thereby . . .”); see also IMMANUEL KANT, *Perpetual Peace: A Philosophical Sketch*, in KANT: *POLITICAL WRITINGS* 93, 103 (Hans Reiss ed., H.B. Nisbet trans., 1991) (stating that not submitting to the state is to “prefer the freedom of folly to the freedom of

bate, however, presume that state power must be justified to those living within its frontiers. The second philosophical question—the question of justice—has also been widely discussed since Hobbes, but has gained centrality in the last fifty years, in part because of the rejuvenating effect of John Rawls’s 1971 work, *A Theory of Justice*.¹⁴ Hobbes’s focus on the state allowed him to set much of the agenda for subsequent political philosophy. Rawls’s work preserved (at least initially) the emphasis on the state and renewed debates in political philosophy.¹⁵

Real-world changes, however, grouped together under the label “globalization,” have in recent decades forced philosophers to broaden the focus of these two central questions. First, in a world in which goods and people cross borders routinely, philosophers have had to consider whether the existence of state power can be justified not merely to people living within a given state, but also to people excluded from it (e.g., by border controls). Moreover, because states share the world stage with a network of treaties and global institutions, philosophers have had to consider whether the whole global political and economic order, consisting of multiple states and global institutions, can be justified to those living under it. Second, in a world in which the most salient inequalities are not within states but among them, philosophers have had to broaden their focus for justice, too, by asking not only what counts as a just distribution of holdings within the state, but also what counts as a just distribution of holdings *globally*.

A theory of a just distribution of holdings—“distributive justice”¹⁶—explains why certain individuals have particularly stringent claims to certain relative or absolute shares, quantities, or amounts of

reason”); JOHN RAWLS, *THE LAW OF PEOPLES: WITH “THE IDEA OF PUBLIC REASON REVISITED”* 10, 36 (1999) (endorsing a system of multiple states).

¹⁴ See *infra* note 20. See generally JOHN RAWLS, *A THEORY OF JUSTICE* (rev. ed. 1999) (asserting that individuals ignorant of their prospective social positions would adopt two principles of justice—termed the liberty principle and the difference principle—in which they would seek to maximize the share of social primary goods for those in the worst-off position because individuals could find themselves in that very position when the so-called “veil of ignorance” is lifted).

¹⁵ See *id.* at 274–84 (providing examples of a variety of necessary institutions in a properly organized democratic state). See generally DAVID MILLER, *ON NATIONALITY* (1995) (arguing that shared nationality is a powerful source of identity). But see ROBERT NOZICK, *ANARCHY, STATE, AND UTOPIA* 149, 183–231 (1974) (responding to Rawls and arguing for a minimal state).

¹⁶ All references to “justice” in this piece refer to “distributive justice.” Distributive justice determines what counts as an acceptable distribution of holdings. See RISSE, *supra* note 1, at 4. Principles of distributive justice are propositions in the first instance about the distribution of some good in some population. See *id.* These principles entail further propositions about duties (of agents and institutions) and claims (of individuals). See *id.*

something.¹⁷ Alan Ryan reminds us that in William Shakespeare's *Merchant of Venice*, Shylock makes his demand for a pound of his delinquent debtor's flesh in terms of justice, and until the clever Portia finds a device for voiding the contract, the presumption is that it must be granted.¹⁸ Immanuel Kant went too far when he insisted that without justice, life was not worth living at all,¹⁹ but in any event, demands of justice are the hardest to overrule or suspend. Justice plays its central role in human affairs precisely because it enables persons to present claims of such stringency.

Consider now some distinctions that characterize much of the current debate about justice at the global level, but that, as this Article demonstrates, pluralist internationalism transcends. Distributive justice is the genus of which relationism and nonrelationism are species. Relationists and nonrelationists disagree about the grounds of justice.²⁰ The *grounds* of justice are the features of the population (exclusively held) that cause the principles of justice to apply within that population. Relationists hold that principles of justice apply only among individuals who stand in a certain essentially practice-mediated relation, such as people who share political structures.²¹ Nonrelationists contend that principles of justice apply without recourse to such relations.²² Nonre-

¹⁷ RISSE, *supra* note 7, at 88.

¹⁸ RISSE, *supra* note 1, at 5; see WILLIAM SHAKESPEARE, *THE MERCHANT OF VENICE* act 4, sc. 1; Alan Ryan, *Introduction to JUSTICE* 1–2 (Alan Ryan ed., 1993).

¹⁹ Compare IMMANUEL KANT, *THE METAPHYSICS OF MORALS* 141 (Mary Gregor ed. & trans., 1996) (1797) (“For if justice goes, there is no longer any value in men’s living on the earth.”), with BRIAN OREND, *WAR AND INTERNATIONAL JUSTICE: A KANTIAN PERSPECTIVE* 65–66 (2000) (doubting the correctness of Kant’s claim), and RISSE, *supra* note 1, at 6 (same).

²⁰ Compare CHARLES R. BEITZ, *POLITICAL THEORY AND INTERNATIONAL RELATIONS* 129–36 (1999) (relationist view), Michael Blake, *Distributive Justice, State Coercion, and Autonomy*, 30 PHIL. & PUB. AFF. 257, 289–94 (2002) (same), Thomas Nagel, *The Problem of Global Justice*, 33 PHIL. & PUB. AFF. 113, 126 (2005) (same), and Andrea Sangiovanni, *Global Justice, Reciprocity, and the State*, 35 PHIL. & PUB. AFF. 3, 3–4 (2007) (same), with SIMON CANEY, *JUSTICE BEYOND BORDERS: A GLOBAL POLITICAL THEORY* 102–41 (2005) (nonrelationist view).

²¹ See RISSE, *supra* note 1, at 41–62 (discussing the positions of several relationists). A reference to “practices” keeps nonrelationism from collapsing into relationism. By “practices,” I roughly mean patterns of behavior that involve rule-following and are governed by mutual expectations. *Id.* at 362 n.7. For example, the relation of “being within 100,000 kilometers of each other” is not essentially practice-mediated, nor is, more relevantly, that of “being a fellow human.” *Id.* at 8. Whether a relation is essentially practice-mediated may be ambiguous, but that question does not matter deeply because internationalism transcends the distinction between relationism and nonrelationism. *Id.* at 362 n.7.

²² See, e.g., CANEY, *supra* note 20, at 107 (“[T]he very logic that underpins most domestic theories of justice actually implies that these theories of distributive justice should be enacted at the global, and not (or not simply) the domestic, level.”); Samuel Black, *Individualism at an Impasse*, 21 CANADIAN J. PHIL. 347, 357 (1991) (“A distributive theory, that

lationists and relationists (including both statist and globalists) agree that there is only one ground of justice.²³ Offering a theory of justice, then, means assessing what the uniquely determined ground of justice is and then assessing what principles apply to relevant populations.

Relationists may hold a range of views about the nature of the relevant relations, and they may think there is only one relational ground or several.²⁴ Relationists are motivated by concerns about the moral “relevance” of practices in which certain individuals stand.²⁵ Such practices may include not only those that individuals chose to adopt, but also some in which they have never chosen to participate.²⁶ Nonrelationists deny that the truth about justice depends on relations.²⁷ They think principles of justice depend on features that are shared by all members of the global population, independent of whatever relations they happen to be in.²⁸ Rather than focusing on relevance, nonrelationists seek to avoid the “arbitrariness” of restricting justice to regulating practices. Globalization may have drawn our attention to the fact that justice applies globally, say the nonrelationists, but in fact it always did.²⁹

The term “relationists,” as noted above, includes both “globalists,” who think the relevant relation holds among all human beings, and “statists,” who think it holds among those who share a state. Globalists think there is only one relevant relation, and that relation holds among all human beings in virtue of there being a global order.³⁰ Statists, too,

ascribes rights and claims on the basis of certain universal attributes of persons, cannot at the same time restrict the grounds for those claims to a person’s membership or status within a given society.”)

²³ Risse, *supra* note 1, at 2.

²⁴ For example, Thomas Nagel believes that the state is the single relevant relation. See Nagel, *supra* note 20, at 126. Charles Beitz, in contrast, believes that the relevant relation is the global order. See BEITZ, *supra* note 20, at 128.

²⁵ Compare Blake, *supra* note 20, at 272–94 (arguing that the state’s coerciveness accounts for its moral relevance), with Sangiovanni, *supra* note 20, at 19–38 (arguing that reciprocity accounts for the state’s moral relevance).

²⁶ Nagel, for example, rightly argues that a difference between citizenship in a state and membership in an international organization is that one does not generally assume the former voluntarily but does so assume the latter. See RISSE, *supra* note 1, at 45; Nagel, *supra* note 20, at 128, 133, 139–40.

²⁷ See CANEY, *supra* note 20, at 102–41.

²⁸ See *id.*

²⁹ See *id.* at 111 (arguing that principles of distributive justice apply universally regardless of economic interaction).

³⁰ See, e.g., BEITZ, *supra* note 20, at 127–83 (arguing that Rawls’s principles of justice apply globally). To remember its relationist meaning, readers should connote the term “globalist” with “global political and economic order” rather than with “globe.”

think there is only one relevant relation, but think that relation holds only among individuals who share membership in a state.³¹ Statists endorse what I call the “normative peculiarity” of the state; globalists and nonrelationists deny it. Nonrelationists agree with statists and globalists, however, that there is only one ground of justice.

Although statists and globalists disagree about what relation is relevant for the applicability of principles of justice, they both are relationists, resting claims of justice on nationally or globally shared practices, respectively. As a result, to some extent they use similar arguments to defend their views. Globalists attempt to show how involvement with, or subjection to, the global order generates demands of justice.³² Statists attempt to show how shared membership in states (exclusively) generates demands of justice.³³ Statists argue that principles of justice do not apply unless a certain condition—one that exclusively applies within states—holds.³⁴

Central to statists’ arguments is the “normative peculiarity” of the state—that is, why especially demanding principles of justice apply within states.³⁵ Two proposed accounts of the normative peculiarity of the state are “coercion-based statism,” according to which a state’s coerciveness distinguishes it,³⁶ and “reciprocity-based statism,” according to which a state’s intense form of cooperation distinguishes it.³⁷ Both of these accounts, however, face the challenge that forms of coercion and cooperation also hold within the global order as such, which makes it problematic to argue that principles of justice only govern the relations among those who share a state. Different conditions create redistributive demands, and these conditions might occur in degrees or otherwise take on different forms in the global order. Coerciveness might be

³¹ See, e.g., RAWLS, *supra* note 14, at 54–60; Nagel, *supra* note 20, at 126–30.

³² RISSE, *supra* note 1, at 53–61; see BEITZ, *supra* note 20, at 143–53.

³³ RISSE, *supra* note 1, at 42–48; see Nagel, *supra* note 20, at 126–30.

³⁴ RISSE, *supra* note 1, at 42–48; see Nagel, *supra* note 20, at 126–30.

³⁵ In previous work, I have described the normative peculiarity of an entity to mean that

members of that group or entity share a property X such that (a) it is in virtue of X that they can make claims on each other, but (b) X does not hold between them and individuals outside of that group or entity, or at any rate does not hold in a way that allows for claims on each other to be made.

Mathias Risse, *What to Say About the State*, 32 SOC. THEORY & PRAC. 671, 677 (2006).

³⁶ See, e.g., Blake, *supra* note 20, at 265 (acknowledging an immediacy of the coercive interaction between individuals and the state); Nagel, *supra* note 20, at 133 (same).

³⁷ See, e.g., JOHN RAWLS, JUSTICE AS FAIRNESS: A RESTATEMENT 5 (Erin Kelly ed., 2001) (recognizing the “fundamental idea of society as a fair system of cooperation”).

more or less profound or pervasive, and similarly for forms of cooperation. For instance, like the state, the WTO is both coercive and cooperative, but is so in very different ways than the state.³⁸ Statists can respond by arguing that the normative peculiarity of the state is based on its particular kind of coerciveness or cooperativeness.³⁹ Globalists still question, however, why such a distinction matters for justice. Specifically, they question how a particular kind of coerciveness or cooperativeness can explain why principles of justice apply only among those who share a state.⁴⁰

II. THE ARGUMENT FOR PLURALIST INTERNATIONALISM

One way to progress beyond the debate among statists and globalists is to deny that there is a single justice relationship in which any two individuals either do or do not stand. Instead, one may use “principles of justice” as a collective term for multiple principles, each with their respective ground and scope. Let us call “non-graded” or “monist internationalism” the view that principles of justice either do or do not apply, that they do apply within states, and thus among people who share membership in a state, and only then. Non-graded or monist internationalism is simply the same as statism. Introducing this additional terminology allows us to connect statism to other views that endorse the normative peculiarity of the state. Coercion-based and reciprocity-based statism are versions of monist or non-graded internationalism.

“Graded” internationalism contends that *different* principles of justice apply depending on the associational (i.e., social, legal, political, or economic) arrangements. It allows for associations such as the WTO, the European Union, or the global order as such to be governed by principles of justice, but endorses the normative peculiarity of the state. Among the principles that apply within other associations we find weakened versions of principles that apply within states. For this reason, I talk about graded internationalism.⁴¹ For example, all those who live

³⁸ For example, like states, the WTO is characterized by *coercion* because its members are subject to its threats, and it is also characterized by *reciprocity* because its members participate in its maintenance and reproduction. See RISSE, *supra* note 1, at 25, 29.

³⁹ For example, in *What to Say About the State*, I accounted for the state’s coerciveness in terms of legal and political immediacy. Risse, *supra* note 35, at 683–89. The legal aspect consists in the directness and pervasiveness of law enforcement. The political aspect consists in the crucial importance of the environment provided by the state for the realization of basic moral rights, capturing the profundity of this relationship.

⁴⁰ See BETZ, *supra* note 20, at 151, 154.

⁴¹ RISSE, *supra* note 1, at 48–53 (providing a more developed explanation of the graded view).

under the WTO are tied to each other much more loosely than individuals who respectively share a state. It is therefore plausible to think that the principles of justice that hold within the WTO are weakened versions of those that hold within a state.

Now that we have introduced a non-monist view, however, we also must take seriously the idea that some grounds could be relational, whereas others would not be. We must consider the possibility that there is no deep conflict between relationism and nonrelationism. Perhaps advocates have respectively overemphasized facets of an overall plausible theory that recognizes both relationist and nonrelationist grounds. Integrating relationist grounds into a theory of justice pays homage to the idea that individuals find themselves in, or join, associations, and that membership in some of them generates duties. Integrating nonrelationist grounds means taking seriously the idea that some duties of justice do not depend on the existence of associations. One obvious nonrelational ground to add is common humanity.

Pluralist internationalism transcends the distinction between relationism and nonrelationism. It offers one way of preserving the plausible aspects of nonrelationism, globalism, and statism, but in so doing, it sacrifices the uniqueness of the justice relationship.⁴² The use of the term “internationalism” for this position acknowledges the applicability of principles of justice outside of and among (“inter”) states. Although this view endorses the state’s normative peculiarity, it recognizes multiple other grounds of justice, some relational (e.g., subjection to the global trade regime) and others not (e.g., common humanity). Respectively different principles are associated with these different grounds, and should bind both states and international organizations.

Altogether I explore five grounds of justice. I recognize individuals (1) as members of states, (2) as human beings, (3) as co-owners of the earth, (4) as subject to the global order, and (5) as subject to a global trading system.⁴³ The *distribuendum*—the things with whose distribu-

⁴² Obviously, making this view credible and proving its fruitfulness requires detailed discussions of its implications for a wide range of areas. The costs of making such a move are considerable because it gives up on the uniqueness of the justice relationship. One would also have to meet the challenge that such a pluralist view does not, one way or another, collapse into one of the original views. My defense of pluralist internationalism accepts a twofold challenge: first, to show why statism, globalism, and nonrelationism are insufficient, and why a view combining relational and nonrelational grounds is promising; and second, to illustrate the fruitfulness of my view by assessing constructively what principles are associated with different grounds.

⁴³ These grounds are more fully developed in *On Global Justice*. See RISSE, *supra* note 1, at 23–40 (shared membership in a state); *id.* at 63–85 (common humanity); *id.* at 89–129

tion the principles of justice are concerned—varies for each of these grounds. For shared membership in a state, the distribuendum is Rawlsian primary goods (rights and liberties, opportunities and powers, wealth and income, and the social bases of self-respect—all those things that people collectively bring about within a state);⁴⁴ for common humanity, it is the range of things to which a certain set of natural rights entitles us; for common ownership of the earth, it is the resources and spaces of the earth; for membership in the global order, it is again the range of things to which a set of rights generates entitlements; and for subjection to the global trading system, it is gains from trade.

I do not claim to have identified all grounds: membership in the European Union is a contender, or more generally, different forms of membership in transnational entities. Certain grounds stand out because human affairs render them salient before the background of political realities and philosophical sensitivities. “Social justice” relies on the relevance of membership. “Global justice” emphasizes the salience of not one but several grounds: those mentioned and possibly others for which one must argue.

One might worry that my approach brings under the purview of “distributive justice” much that may fit under justice, but not *distributive* justice. Indeed, common humanity, for instance, does not stand in contrast to justice, but is rather one ground. Thereby, my view acknowledges an important truth in nonrelationism. The issues that I claim fall under distributive justice are tied. The connection is that all grounds bear on the distribution of *something* that is both significant for individuals and salient at the political level, and that all claims based on different grounds place stringent demands on states and other agents. It is possible to think of humanitarian duties as opposed to justice for a narrowly conceived notion of justice. However, there is pressure to think of these duties as stringent, which renders this contrast unconvincing. Internationalism contrasts humanitarian duties with *other* duties of justice. There does remain some awkwardness in thinking of all the issues under this theory in terms of distributive justice. Nonetheless, on balance, there is good reason to do so.

My approach makes central the normative peculiarity of states, as well as the existence of a system of multiple states. States, however, exist only contingently. If it were morally desirable for the state system to

(collective ownership); *id.* at 209–31 (membership in the global order); *id.* at 261–78 (shared involvement in the global trading system).

⁴⁴ See RAWLS, *supra* note 14, at 92.

cease to exist, then my theory of global justice could not offer us an ultimate ideal of justice. That ideal would be offered by a vision of the political arrangement that should replace the system of states. There remains a nagging doubt about whether there ought to be states at all. Nevertheless, morally—and not merely pragmatically—speaking, we ought not abandon states now, nor ought we aspire to do so eventually.⁴⁵

We must take as given a global political order whose principal subdivisions consist of units roughly like the current state, but be open to the possibility that the best justification for doing so requires (possibly considerable) modifications in the norms of the system as we find them. We cannot pretend to be able to invent a global order from scratch. After starting with the state, we can ask what is normatively peculiar about it, and whether there ought to be states, as well as bring into focus the state's duties to those outside it. But we do not, therefore, need to agree with John Rawls that there are principles of distributive justice that apply domestically and must be articulated first, and that then there may well be other principles of justice (not distributive justice) that apply globally.⁴⁶ Contrary to Rawls—and this is one major difference between his approach and mine—I argue that states are subject to principles of distributive justice also on account of the other considerations reflected in the grounds-of-justice approach, and that there are several grounds of justice, of which some are relational and some are nonrelational.

Pluralist internationalism emphasizes justifying the state to those excluded from it. This focus on the state aligns pluralist internationalism with the approaches of, for example, John Rawls and David Miller.⁴⁷ My approach differs from theirs, however, especially in its emphasis on collective ownership, by supporting further-reaching duties outside of shared membership in a state based on other grounds of justice, and, as a matter of general philosophical outlook, by seeking to justify states not merely to those included in them, but also to those excluded.⁴⁸ The support for such duties to those outside the state and the goal of justifying states aligns pluralist internationalism with cosmopolitan approaches such as those from Charles Beitz, Simon Caney,

⁴⁵ A discussion of whether there ought to be states at all is more fully developed in *On Global Justice*. See RISSE, *supra* note 1, at 304–24.

⁴⁶ See RAWLS, *supra* note 14, at 110.

⁴⁷ See MILLER, *supra* note 15, at 73–80; RAWLS, *supra* note 13, at 80–81, 122–23.

⁴⁸ See RISSE, *supra* note 1, at 16, 108–29, 304–24.

and Thomas Pogge.⁴⁹ It differs from them, however, in its emphasis on collective ownership and in its vindication of the moral significance of the state. By acknowledging different grounds of justice, pluralist internationalism preserves valid insights from all those approaches, but also substantially diverges from each.

My approach is most distinctive in the significance I give to humanity's collective ownership of the earth. Thereby, I revitalize and secularize an approach dominant in the seventeenth century⁵⁰ that has never again reached as much prominence, and that has largely (though not entirely⁵¹) dropped out of sight since the Rawlsian Renaissance of political philosophy.⁵² Suppose, for example, that the U.S. population shrank to two, but the United States was capable of controlling borders through electronic equipment. Surely it should permit immigration. If so, we should theorize about the space humanity jointly inhabits, and about what entitlements there can be to parts of it. Such theorizing takes us to a suitable notion of collective ownership of the earth. Humanity's collective ownership of the earth was the pivotal idea of the political philosophy of the seventeenth century.⁵³ European expansionism had come into its own, so questions of global reach entered political thought and needed to be addressed from a standpoint that was

⁴⁹ See BEITZ, *supra* note 20, at 143–53; CANEY, *supra* note 20, at 102–41; Pogge, *supra* note 5, at 90, 93–96.

⁵⁰ Hugo Grotius, Thomas Hobbes, John Locke, Samuel Pufendorf, and others debated how to capture the ownership status of the earth and the conditions under which parts of the Global Common could be privatized. RISSE, *supra* note 1, at 89. See generally STEPHEN BUCKLE, *NATURAL LAW AND THE THEORY OF PROPERTY: GROTIUS TO HUME* (1991) (discussing the work of Grotius, Locke, and Pufendorf, among others); RICHARD TUCK, *THE RIGHTS OF WAR AND PEACE: POLITICAL THOUGHT AND INTERNATIONAL ORDER FROM GROTIUS TO KANT* (1999) (same).

⁵¹ See generally *LEFT-LIBERTARIANISM AND ITS CRITICS: THE CONTEMPORARY DEBATE* (Peter Vallentyne & Hillel Steiner eds., 2000) (collecting contemporary writings addressing left-libertarianism, which holds that natural resources are owned in an egalitarian manner).

⁵² We have much to gain from revitalizing this idea. What is at stake is ownership of, as John Passmore put it, “our sole habitation . . . in which we live and move and have our being,” JOHN PASSMORE, *MAN’S RESPONSIBILITY FOR NATURE: ECOLOGICAL PROBLEMS AND WESTERN TRADITIONS* 3 (1974), or in Henry George’s words, of “the storehouse upon which [man] must draw for all his needs, and the material to which his labor must be applied for the supply of all his desires.” HENRY GEORGE, *PROGRESS AND POVERTY* 211 (Cosimo 2005) (1879). Or, as Hannah Arendt said in *The Human Condition*, “The earth is the very quintessence of the human condition, and earthly nature, for all we know, may be unique in the universe in providing human beings with a habitat in which they can move and breathe without effort and without artifice.” HANNAH ARENDT, *THE HUMAN CONDITION* 2 (1958).

⁵³ See RISSE, *supra* note 1, at 88–107.

nonparochial (not essentially partial to one of their viewpoints) as far as European powers were concerned.⁵⁴ At the same time, appealing to God's gift of the earth—as reported in the Old Testament—was as secure a starting point as these troubled times permitted.⁵⁵ Many questions could be addressed through an interpretation of that gift, such as concerns about the possibility of owning the sea and the conditions under which territory could legitimately be claimed. Philosophers such as Hugo Grotius, John Locke, and Samuel Pufendorf saw questions of collective ownership as central to their work.⁵⁶ This approach is also present in international law, where for about forty years the term “common heritage of mankind” has been applied to the high seas, the ocean floor, Antarctica, and outer space.⁵⁷ Central questions include how to make sense of this ownership status without recourse to a divine gift, and how to select the philosophically preferred one from among different versions of it. Immigration is one topic to which this approach applies. Less obvious ones include human rights, as well as obligations toward future generations, and obligations arising from climate change. At this stage, not only do we face problems of global reach, but humanity as a whole confronts problems that have put our planet as such in peril. It is therefore only appropriate to find a suitable place in moral and political philosophy for theorizing about all human beings' symmetrical claims to the earth.

⁵⁴ See *id.*

⁵⁵ *Genesis* 1:26 (King James) (“And God said, Let us make man in our image, after our likeness: and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.”).

⁵⁶ See generally HUGO GROTIUS, *THE FREE SEA* (David Armitage ed., Richard Hakluyt trans., Liberty Fund 2004) (1609) (arguing that no one had the right to deny access to the sea to others); JOHN LOCKE, *TWO TREATISES OF GOVERNMENT* (Peter Laslett ed., Cambridge Univ. Press 1988) (1689) (arguing that the earth is for the collective use of all people); SAMUEL PUFENDORF, *DE JURE NATURAE ET GENTIUM LIBRI OCTO* (C.H. Oldfather & W.A. Oldfather trans., Clarendon Press 1934) (1672) (arguing that in nature, goods cannot be owned by anyone in particular). Although that debate took the biblical standpoint that God had *given* the earth to humankind, some protagonists, such as Grotius and Locke, thought this matter was also plain enough for reason alone to grasp. And indeed, the view that the earth originally belonged to humankind collectively is plausible without religious input.

⁵⁷ See PETER MALANCZUK, *AKEHURST'S MODERN INTRODUCTION TO INTERNATIONAL LAW* 207–08 (7th ed. 1997) (collecting examples of references to the “common heritage of mankind” in international law).

III. TWO APPLICATIONS OF PLURALIST INTERNATIONALISM

This Part explores how pluralist internationalism applies to two institutions: the state and the WTO. This application addresses what obligations institutions have to bring about justice, and also whether they have a further duty to give an account of their action. Section A provides an overview of how the grounds of justice intersect with the key principles of justice to determine the distributive justice obligations of a given institution.⁵⁸ Section B applies this process to the state to establish a prioritized ranking of a state's obligations of justice.⁵⁹ Section C describes the importance of account-giving obligations for states and other institutions in their global obligations of justice.⁶⁰ Section D concludes by applying the process described in Section B in light of the significance of account-giving obligations described in Section C to establish the WTO's obligations of justice.⁶¹

A. *The Intersection of the Grounds and Principles of Justice*

Within a theory of justice, there are different grounds of justice that entitle a population to respectively different principles of justice. For example, for the ground of shared membership in a state, I assume that something like John Rawls's two principles of justice applies.⁶² Unlike Rawls, however, I argue that more than one ground can apply to an institution. I argue that the five grounds of justice⁶³ are associated with the following principles of justice:

Shared membership in a state: Rawls's two principles of justice provide:

- (a) Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and
- (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity;

⁵⁸ See *infra* notes 62–68 and accompanying text.

⁵⁹ See *infra* notes 69–74 and accompanying text.

⁶⁰ See *infra* notes 75–78 and accompanying text.

⁶¹ See *infra* notes 79–82 and accompanying text.

⁶² See RAWLS, *supra* note 37, at 42.

⁶³ See *supra* notes 43–44 (discussing the five grounds of justice: (1) shared membership in a state; (2) common humanity; (3) collective ownership; (4) membership in the global order; and (5) shared involvement in the global trading system).

and second, they are to be to the greatest benefit of the least-advantaged members of society.⁶⁴

Common humanity: The distribution among the global population of the things to which human rights—understood as rights needed to protect the distinctively human life—generate entitlements is just only if everyone has enough of them to lead a distinctively human life.⁶⁵

Collective ownership: The distribution among the global population of original resources and spaces of the earth is just only if everyone has the opportunity to use them to satisfy her or his basic needs, or otherwise lives under a property arrangement that provides the opportunity to satisfy basic needs.⁶⁶

Membership in the global order: The distribution among the global population of the things to which human rights (understood as membership rights) generate entitlements is just only if everyone has enough of these things for these rights to be realized.⁶⁷

Shared involvement in the global trading system: The distribution of gains from trade among states is just only if no country enjoys gains that occur *at the expense* of certain people if either (1) their contributions to the production of goods or the provision of services for export do not make them better off to an extent warranted by the value of these contributions (and they did not voluntarily accept such an arrangement), or (2) their involvement in the trade has emerged through human rights violations, or both.⁶⁸

Every agent and institution has the duty to do what it can, within limits, to bring about the necessary conditions of just distributions, as described in the principles of justice. Institutions have particular purposes, limited time and resources, and more power and competence to influence things in some areas than in others. They may also have their own concerns of justice to which they may show partiality in their execution of their general duty to try to bring about justice. I assume, however, that all principles of justice can be satisfied at once within a world of multiple states, and therefore, the problematic aspects of

⁶⁴ RAWLS, *supra* note 37, at 42; RISSE, *supra* note 1, at 23–40 (describing the ground of shared membership in a state in greater detail).

⁶⁵ See RISSE, *supra* note 1, at 63–85 (describing the ground of common humanity in greater detail).

⁶⁶ See *id.* at 89–129 (describing the ground of collective ownership in greater detail).

⁶⁷ See *id.* at 209–31 (describing the ground of membership in the global order in greater detail).

⁶⁸ See *id.* at 261–78 (describing the ground of shared involvement in the global trading system in greater detail).

granting some partiality are much less troublesome than they otherwise would be.

The first task when asking how institutions (or any entity with obligations of justice) ought to contribute to justice is to ask, for *which* principles do they have this obligation to do what they can, within limits, to bring about justice? The second question is, what is the priority ranking of those principles for this institution? When talking about priority among principles, I do not have in mind that from the standpoint of the universe, achieving justice is more important in some distributions than in others. Such a standpoint generates no priority ranking among the principles. But we can ask whether, for a given agent or institution charged with trying to bring about justice, there is a priority among these principles.

B. *Application to the State*

1. For Which Principles of Justice Does the State Have Corresponding Obligations?

To answer this question, we must first find the ground most closely linked with the institution—in this case, the ground of state membership. A ground is “linked” with an institution if the operations of the institution are primarily directed at, or most directly affect, the people within the scope of that ground. For instance, the operations of a state (or its government) are primarily directed at members of that state. Next, we ask what principles are broadly associated with that ground. A principle is associated with a ground if it either arises from the ground directly (e.g., as the Rawlsian principles arise from the ground of state membership), or, more broadly, arises from another ground in which the first ground is embedded.⁶⁹ Finally, we apply this rule: an institution has duties corresponding to all principles broadly associated with the ground linked to the institution. This approach is more restrictive than the view that entities with obligations of justice are responsible for all principles. States, for instance, have no obligations relating to Rawlsian principles in other states, or, say, principles applying to people on another planet.

⁶⁹ A ground may be embedded in another ground if the individuals in the scope of the primary ground—call it “G”—are also in the scope of any of the other grounds. For example, if G is membership in a state, G is embedded in the other four grounds because each of those includes all individuals in the global population.

2. What Is the Priority Ranking of These Principles?

I submit the following list of principles of justice that ascribe obligations to states, in order of priority, reflecting my own considered judgment:⁷⁰

1. Within the state, each person has the same inalienable claim to an adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.
2. (a) The distribution in the global population of the things to which human rights (understood as membership rights) generate entitlements is just only if everyone has enough of them for these rights to be realized. (b) The distribution of original resources and spaces of the earth among the global population is just only if everyone has the opportunity to use them to satisfy her or his basic needs, or otherwise lives under a property arrangement that provides the opportunity to satisfy basic needs.⁷¹
3. Within the state, each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all.⁷²
4. Social and economic inequalities are to be arranged so that they are both (a) attached to offices and positions open to all under conditions of fair equality of opportunity, and (b) to the greatest benefit of the least advantaged.⁷³

Two grounds do not appear on this list of principles as they apply to the state: common humanity and subjection to the trade regime. The implications of common humanity are subsumed under principle

⁷⁰ Once again, the discussions throughout a number of chapters in *On Global Justice* provide an extended commentary on the meaning and implications of these principles, especially for items 2(a) and 2(b), which have a rather complex background, and also have implications with regard to future generations. See RISSE, *supra* note 1, at 152–66 (discussing the distribution of original resources and spaces of the earth); *id.* at 167–86 (discussing obligations to future generations); *id.* at 209–31 (discussing human rights as membership rights in the global order); *id.* at 326–35 (discussing principles of justice generally as they apply to states).

⁷¹ Principles 2(a) and 2(b) are at the same level of priority.

⁷² Principle 3 and principle 4 are Rawls's two principles. Principle 1 is a variation on Rawls's first principle, but omits the word "fully." See RAWLS, *supra* note 14, at 302. Accordingly, a state may realize a *broadly* adequate scheme of basic liberties to its own citizens before helping to improve the fate of noncitizens. See RISSE, *supra* note 7, at 195. The *fully* adequate scheme that Rawls describes, however, is prioritized below these first two principles.

⁷³ Principle 4(a) has priority over principle 4(b).

2(a). To the extent that trade creates obligations for states pertaining to other states, they too are subsumed under principle 2(a). To the extent that trade creates domestic obligations, they are subsumed under principle 4. This does not mean that trade does not generate demands of justice; it merely means that the principles on this list are sufficiently general to absorb these demands to the extent that they apply to states.⁷⁴

C. *The Importance of Account Giving in Distributive Justice*

In addition to obligations of justice (and of reasonable conduct), entities like the state also have an additional duty to *give account* for what they do to realize their obligations of justice, and they have this duty toward those who are in the scope of the relevant principles of justice. That is, entity A, with an obligation of justice to entity B, owes an actual justification to entity B for what it does to realize this duty. Such account giving may take on rather different forms depending on whether it involves immediate interaction between the parties in this relationship. Moreover, such account giving can be more or less effective depending on (roughly speaking) whether the account recipient can impose sanctions on the account giver as appropriate, and thereby set incentives for the account giver to make sure the duties in question are executed.

⁷⁴ In addition to principles of justice, I also argue for some demands of reasonable conduct that are weaker than the demands of justice. Those demands concern immigration policies and intergenerational equality:

- (1) Immigration: if the territory of state S is relatively underused, co-owners elsewhere have a *pro tanto* claim to immigration.
- (2) Intergenerational equality: each generation can reasonably be expected to leave a nondeclining stock of natural capital behind (strong sustainability).
- (3) Absorptive capacity: regulation of access to the absorptive capacity of the atmosphere ought to be done in terms of ideas of fair division.

The grounds-of-justice approach dilutes the contrast between domestic and foreign policy. To ensure acceptability of the global order, governments can reasonably be expected to assume responsibility for a globally evenhanded (and to some extent harmonized) immigration policy. Ensuring acceptability also requires the implementation of a climate change policy. Governments must not neglect duties with regard to immigration, climate change, or future generations even if, given current policies, discharging such duties threatens disproportionately to affect disadvantaged segments of society. Social policy must be reformed, then, and domestic tax codes in particular must be adjusted accordingly. Inheritance taxes and other taxes targeting the increasingly large share of the very wealthy in rich countries' economies are particularly suitable sources of income that could help with discharging international duties. Governments must think of matters of domestic and global justice together rather than in isolation and with distinct priority for domestic matters.

There are two arguments for why the presence of obligations of justice implies obligations to give account.⁷⁵ One is an argument from respect. Too much is at stake when claims of justice are under consideration, so respect for those to whom these particular duties are owed requires that an actual account be given. Arguments from respect are ubiquitous, but it is in the context of a theory of justice that they do real work. Second, there is the instrumental argument that the requirement of an actual justification increases the chances that justice will be done.

Within states, democratic mechanisms offer the appropriate form for governments to give account to their citizens for what they do to realize the principles of justice that only concern the members of the given society. However, a government that is democratically accountable to its citizens for domestic justice has strong incentives to neglect other duties. The problem is not merely that the dynamics of electoral politics—the ability and willingness of political parties to make promises they can realize only by neglecting other duties—might *occasionally* interfere with other values. The real problem is that voters are preoccupied with their own concerns. Politicians cater to these preoccupations, running the risk of being penalized in elections if they fail to do so. This normally implies a high degree of political inward-directedness. To the extent that domestic politics seeks to realize justice, efforts focus on domestic principles. The problem we have detected concerns both the pursuit of justice as far as it involves noncitizens and the state's ability to give account to them. Yet not only do governments have other duties, but they are also accountable to those in the scope of other principles of justice. Thus, the fact that governments are accountable in this way for principles of *domestic* justice creates a challenge for finding accountability mechanisms related to *other* principles of justice.

Because governments have a disincentive to give account to people other than their own citizens, would not *global democracy* be the appropriate accountability mechanism? For instance, the global population might elect representatives who would be ultimately accountable to them, whereas states would be intermediately accountable to them. Another, more demanding possibility would be that noncitizens join citizens in having voting rights with respect to the government of each

⁷⁵ These arguments are more fully developed in *On Global Justice*. See RISSE, *supra* note 1, at 325–45.

state. Each government would be ultimately accountable to the world population.⁷⁶

In recent decades, much work has been done to explore whether some kind of democratic governance would be appropriate or required outside of states.⁷⁷ Cosmopolitan democrats, for example, think of states as units within a multilayered governance system.⁷⁸ That system includes intergovernmental institutions whose members are states, as well as cosmopolitan institutions that are ultimately accountable to all human beings on a “one citizen, one vote” basis. World citizenship and national citizenship would coexist in a system of autonomous but complementary units. Representation in the United Nations and elsewhere would be strengthened. Transnational civil society and especially nongovernmental organizations (NGOs) would participate in governance.

One may muster a number of reasons for a cosmopolitan democracy. For example, one could argue that an appropriate consideration of the interests of all involved requires global democracy, or that international society is already thickly institutionalized, and individuals increasingly have multilayered identities, corresponding to economic globalization. Alternatively, one could argue that democracy has bestowed more benefits than other forms of governments in domains in which it has been tried (city-states, territorial states), and there is reason to think that this will be true at the global level. These potentially overlapping identities provide the basis for participation in global civil society. In due course, states will “wither away,” the “demoi” of domestic politics submitting to the global “demos.” Crucially, cosmopolitan democrats might say that the current absence of a global demos does not affect their argument. A global demos does not need to precede global democratic institutions. Instead, their creation may help with the for-

⁷⁶ Although the ideas behind democracy apply to all human beings, they have institutional implications only for appropriately organized groups that share a sense of common destiny and communicate with one another on issues of public policy.

⁷⁷ See generally, e.g., DANIELE ARCHIBUGI, *THE GLOBAL COMMONWEALTH OF CITIZENS: TOWARD COSMOPOLITAN DEMOCRACY* (2008) (exploring the theory of cosmopolitan democracy and examining its application in the political reality); RICHARD A. FALK, *ON HUMANE GOVERNANCE: TOWARD A NEW GLOBAL POLITICS* (1995) (arguing that humane governance can be achieved without world government, though more institutionalization may be necessary); DAVID HELD, *GLOBAL COVENANT: THE SOCIAL DEMOCRATIC ALTERNATIVE TO THE WASHINGTON CONSENSUS* (2004) (analyzing trends and problems in economics, politics, and law against the backdrop of increasing globalization); MARY KALDOR, *GLOBAL CIVIL SOCIETY: AN ANSWER TO WAR* (2003) (arguing that the concept of a civil society must be considered outside national borders).

⁷⁸ See *supra* note 77 (noting the work of cosmopolitan democrats).

mation of such a demos. More plausibly, gradual reform toward global democratic institutions would also gradually lead to a global demos.

Cosmopolitan democrats are partly right: account giving to non-citizens is not sensibly placed into a domestic institutional framework. Justice requires accountability, and requires it to be as effective as reasonably possible. Domestic institutions are not effective in this regard given the disincentives that democratic domestic politics creates for governments to pursue justice if it concerns only noncitizens. Cosmopolitan democrats are also correct that the absence of a global demos does not answer the question of how account giving should occur in a way that does not merely address fellow citizens.

Cosmopolitan democrats are not correct, however, to the extent they argue that we should aim for the kind of fundamental change involved in creating a global demos. Crucially, we do not understand a world with a global demos well enough to take a vision of such a world to be action-guiding. The point is not merely that we should not seek to create such a world immediately, but that we should not now actively aim to create it at all, even step by step, given that we do not understand well enough what such a world would be like. We can of course simply stipulate that it would be a world with a global demos, much like in a mathematical model we can make any assumptions we like (as long as they are consistent), but we do not have enough historical and social scientific experience to tell us what kind of change such a world would bring about, and thus what such a world would be like. These results critically supplement the point that there currently is no global demos. Perhaps states will wither away, and we must then reconsider what counts as realistic utopia. But saying that is strikingly different from now urging reforms designed to create a global demos. We must find ways of holding states accountable for such matters, short of presupposing or aiming for a global demos.

Thus, neither domestic politics nor a form of global democracy is the right setting for states to give account to noncitizens. Therefore, international organizations or other entities of global administrative law most plausibly create the context in which states give account to noncitizens for their contributions to justice. Those entities would be transnational or even global in nature, but would neither presuppose nor seek to bring about a global demos. In one way or another, they would critically involve states, or at least respect their presence. At the same time, giving account within such entities is different from, and considerably more effective than, simply giving account to other states directly, without an institutional framework that structures the relevant activities and could impose sanctions. Similarly, giving account within

such entities is more effective than giving account to NGOs that cannot enlist the sanctioning power of states. When we think about the design of such entities, we must be aware that centuries of learning about democracy teach little for global institutions. These global institutions must go through a learning process that is entirely their own. My theory of pluralist internationalism seeks to shed light on the proper functioning of international organizations in their role in realizing justice on a global scale.

D. *Application of Pluralist Internationalism to the WTO*

In addition to providing a forum for states to account for their obligations regarding matters of justice in trade, pluralist internationalism helps to define the WTO's own obligations of justice. Again, every institution has the duty to do what it can, within limits, to bring about the necessary conditions of just distributions. The first step under pluralist internationalism is to determine which of the various principles the WTO has a duty to try to realize. As in the case of states, we begin by identifying the ground of justice most closely linked with the WTO, which is (obviously) shared involvement in the global trading system.⁷⁹ Next, this ground is embedded in the grounds of common humanity, collective ownership of the earth, and membership in the global order. Finally, we conclude that the relevant principles to which the WTO has obligations are those associated with shared involvement in the global trading system and the three grounds in which that ground is embedded. These obligations of justice contradict views that limit the WTO to trade liberalization.⁸⁰ Just as states cannot limit themselves to duties in virtue of shared membership, the WTO cannot *ex ante* limit itself to trade regulation. Because the WTO has duties to realize principles that have all of humanity in their scope, it has obligations to the citizens of nonmember countries as well as to those of member countries. The

⁷⁹ States have obligations to bring about justice in trade, and so does the WTO. In fact, the relationship between the WTO and this principle is parallel to that between states and the Rawlsian principles. I noted earlier that this principle of justice in trade drops out of the list of principles that apply to *states*—not because trade does not generate demands of justice, but because the principles on that list are general enough to absorb them. Given the policy domain for which the WTO has been put in place, however, that is not the case here.

⁸⁰ See WORLD TRADE ORG., UNDERSTANDING THE WTO 75 (2011), available at http://www.wto.org/english/thewto_e/whatis_e/tif_e/understanding_e.pdf (explaining that many developing countries believe that issues like labor standards have no place in the WTO framework). Nonetheless, the extent to which the WTO must be guided by principles associated with those other grounds is bounded by what trade can achieve, which is an empirical question.

WTO is already officially concerned with more than trade or efficiency. For example, the preamble of the Marrakesh Agreement states that “reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade” should be pursued “with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand,” and ensuring that “developing countries, and especially the least developed among them, secure a share in the growth in international trade commensurate with the needs of their economic development.”⁸¹ Limited as it is, moral language, such as encouraging access to basic human necessities like employment and income, appears in the WTO’s mandate. This language ought to include justice. Most importantly, given the set of principles of justice that pluralist internationalism advances, the WTO must have a human rights-oriented mandate.⁸²

Further, institutions that are empowered by states, and whose activities affect the satisfaction of the obligations to which states are subject, ought to assist states with their duties. In virtue of having been founded and empowered by states, such institutions are subject to the demands of justice that apply to states, namely, those with regard to the domain for which they were founded. Therefore, the WTO ought to help states realize obligations *they* have in virtue of being involved with the trade system, even with regard to the *purely domestic* obligations of trade. In addition to helping define the WTO’s own obligations of justice, pluralist internationalism also recognizes the WTO’s role as providing a forum for states to give account of their obligations regarding matters of justice in trade. International institutions like the WTO are the most plausible places where states can give account for how they fulfill their obligations of justice to those who are not their citizens. Which international organization is best suited to be the place where such account giving occurs depends on the content of the duties in question. To the extent a state’s duties turn on trade, as well as for the realization of other principles that can be effectively pursued via trade instruments, the WTO should be utilized to hold the state accountable.

⁸¹ Marrakesh Agreement Establishing the World Trade Organization, Apr. 15, 1994, 1867 U.N.T.S. 154.

⁸² The view of human rights that I defend in *On Global Justice* implies a duty of assistance in building institutions. See Risse, *supra* note 1, at 179–81 (arguing that earlier generations, if they can satisfy their own basic needs, must leave behind institutions within which future people can exercise human rights). Therefore, the WTO also has a development-oriented mandate that derives from this human rights-oriented mandate.

Governments should participate in the WTO partly as account givers, and partly as recipients qua representatives of their people. Within WTO structures, governments should explain how they seek to realize justice, subjecting themselves to scrutiny by other governments, WTO staff, and plausibly also NGOs or independent experts. States would be intermediately accountable to the WTO, which would be utilized to achieve effectiveness, but would ultimately be accountable to the global population. To be accountable to the WTO would mean to be accountable to other states organized within the WTO, but also to WTO staff and suitable NGOs. For instance, for the principle of justice in trade—that the distribution of gains from trade is just only if no country enjoys gains that have come at the expense of people involved with the trade—states should have to give periodic reports on whether or not their benefits from imports or exports are tainted in this way. WTO expertise should help determine what kind of gains would count as tainted. NGOs and independent experts may also help with the problem that many governments do not represent their people. Care must be taken that NGOs increase the effectiveness of account giving rather than that of special interests. Effective account giving requires that the recipients be in a position to pass informed judgment and impose sanctions. Empowerment of poor members is essential to ensure that the WTO takes seriously its duties in pursuit of justice and that effective account giving occurs. Poor countries must have standing in the WTO. At least, they must be properly represented. This requires financial and logistical support, which richer members must provide.

CONCLUSION

Inquiries into what we ought to do to realize justice may call for new institutions. For trade, there already exists an institution we can charge with some relevant tasks. The WTO is only one of the organizations whose role we must reconsider in light of what pluralist internationalism requires. And formal organizations are only one among several kinds of entities in global administrative law whose role in the realization of justice we must either reconsider or explore in the first place. This Article has only sketched a few themes from my own approach to these questions about institutions and the larger context of global justice into which those questions are embedded. I develop these themes in detail in my previous work, *On Global Justice*, and, in my book, *Global Political Philosophy*, offer an introduction to the field of political philosophy that makes questions of global justice central. Needless to say, much work remains to be done.

