

BROCK, Gillian. *Global Justice: A Cosmopolitan Account*. Oxford, 2009.

RESENHA

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Global Justice is a fascinating and powerful work about what can and ought to be done to achieve a better future for our species. Built on a Rawlsian styled thought experiment and supported by empirical reporting, the book presents a “basic framework of governing the world’s inhabitants” (p. 50). Brock invites her readers to imagine a situation in which delegates from the peoples of the world meet to agree on principles of international justice but are impartial because they remain ignorant of their initial social position and interests. That is, they operate behind a “veil of ignorance” that induces impartiality. *Global Justice* extends the Rawlsian framework to the entire global community in innovative ways and applies it to important policy questions. Brock advocates a trans-boundary, trans-cultural moral concern for others (referred to as “global cosmopolitanism”) against a more traditional notion that our moral obligations are primarily to those in our own group, community, or country (referred to as “liberal nationalism”). As in Rawls’s *Justice as Fairness*, there are two sorts of implications reached from the impartial reasoning within the original position: one concerns rights and liberties, the other concerns the distribution of economic welfare. In this review I will touch upon three aspects of her analysis: distributive justice, rights and liberties, and the role of nationalism in moral theorizing about global justice.

1

With regard to the distributive aspects, and in contrast to other cosmopolitans Brock does not argue for the extension of Rawls’s difference principle to the international level (the

principle that justice requires maximizing the welfare of the worst off). Instead, she supports a more moderate needs-based minimum floor principle (p. 45), which primarily focuses on alleviating poverty. Brock argues that this floor constraint principle is what self-interested individuals would choose were they behind a veil of ignorance, citing strong empirical experimental findings from my own experiments (Frohlich and Oppenheimer *Choosing Justice*, 1992).

These experiments found that individuals in laboratory approximations (undertaken in Communist Poland, the USA, and Canada) of the Rawlsian original position rejected his difference principle and overwhelmingly adopted a floor constraint. These experiments were replicated by many researchers in other countries including the Philippines, Australia, Japan, and Korea. Gillian Brock boldly reinterprets this experimental result as support for the meeting of individuals’ basic needs. This very substantial and justifiable modification leads her directly to a notion of global justice via a change of distributive principles that focus the concerns of the world community on poverty alleviation rather than on equality. Thereby she avoids many of the policy conundrums and dead ends that an egalitarian imperative could generate regarding feasible public responses to global obligations.

Once this modification is made, it is not completely surprising that numerous distributional aspects of the status quo can be investigated and found wanting and ameliorable. Brock carefully leads the reader through a number of these policy arenas, evaluating the material aspects of the status quo and proposing plausible policies to improve them. The book includes illuminating chapters on taxes and

resource revenues, immigration, and economic globalization (that is, trade and its governance) policies. Each of these could well serve other scholars as jumping off points for more in-depth studies.

2

Looking at the second concern of justice theory (rights and liberties), I don't believe Brock nails things down quite as firmly established. As with Rawls, Brock uses the same original position argument to establish fundamental liberties for all. But within the world community there are many different views of both the good life and the good society. Indeed, in the *Law of Peoples*, Rawls' thought experiment with the original position is restricted to those he calls "liberal" peoples. (All this is nicely summarized in Brock's Chapter 2.) One difficulty with Rawls's approach is that it brackets the truly *illiberal* — individuals who hold dissenting world views in which tolerance, innovation, liberty, and the like, are foreign and perhaps even sacrilegious. Brock's argument on rights and liberties, while based on a design that admits the illiberal and the bigoted to the original position, leads to a stronger liberal outcome in that she argues for the global community to support a far stronger set of rights than Rawls did. This is therefore of great interest: were it to work, it would serve as an important step in moral theorizing about the human community; if we find ourselves unconvinced, however, it may be a point that will need further development to support all her conclusions. It is to this conundrum that I now turn.

Of course, in the original position, just like representatives of liberal peoples, the illiberal and the bigoted do not know what sort of society they are going to be living in. So, for example, one might be a devout member of some religion who ideally would like to live in a stable, traditional, theocracy. Brock argues that, faced with uncertainty, everyone would want some guaranteed liberties so as to be ensured that they can live a life in accordance with their own values regardless of the society in which

they live. Whether this properly captures the thought processes of zealots, however, is unclear. If martyrdom is positively valued, perhaps the choices made by delegates would be different.

Of course, thinking about all the rules of the global system requires that the delegates have plenty of information. Brock assumes that her delegates are well-educated global citizens, and she explicitly specifies that "delegates will be informed of...our urgent global problems," including increasingly dangerous access to weapons of mass destruction, terrorism, drug trafficking, and environmental threats. Such information is not like informing the delegates of Newtonian physics: the information here is loaded with values: in which some things are classified as problems. But the preservation of the global system looks far more valuable if you are sitting atop it than if it is sitting atop you. Since many a delegate is likely to be coming from a position of degradation and alienation there is no clarity as to the values that would be brought into this original position. There is no unbiased information to be given: it is political and there is no reason to believe that some might not revel in the demise of terrorism or wider access of states to weapons of mass destruction. Of course, knowledge of one's prior social status is excluded from the original position but unless one also excludes all the thought processes that stem from one's nurturing and natural maturation processes, the values of the individual inhere with her at the original position. And if one excludes these values, what is to take their place: the values of the liberal democrat or the jihadist? How does one justify these choices?

The bigger point here is that although delegates would know neither where they come from nor where they will live (Paris, Kabul, etc.) they may not agree as to what constitute "our urgent global problems." The presumption that the information regarding global problems is neutral contradicts the notion that 1) the individuals engage in impartial reasoning and 2) are delegates from all peoples. And so it is not quite clear how the information will lead them all to line up for minimal liberties and peace and justice for all.

In any event, Brock clearly makes a substantial argument in favor of universal minimal liberties and human rights. These claims lead her to consider a number of other failings in the status quo, including the protection of basic liberties and human rights and justice. In doing so, she needs a bit more than the original Rawlsian idea that individuals want minimal rights to protect their ability to practice their religious beliefs and live life in accordance with their values. To support her extended argument, she develops the notion that states, or governments, are there to protect and enhance their citizens, and a failure in this function of a state is a threat to its legitimacy and makes it a target for international intervention.

If my argument is right, this is a controversial point related to the lack of consensus regarding liberties. After all, it was not long ago when most humans thought citizens were there to serve god-chosen political leaders. Further, it should be noted states that fail their citizens and abuse their rights may be largely impregnable and *as states*, quite stable, as was the case of China during the Cultural Revolution and Russia during the peak of Stalin's purges, for example. The global community may be unable to 'interfere' with such states without incurring great costs. In any case, to deal with a state's leadership that abandons its obligation to its citizens welfare (as in such cases as Rwanda and Yugoslavia) Brock argues for the increased use of the International Court of Justice.

3

Brock's reflections on the "liberal nationalist" theorists David Miller and Yael Tamir are a final point worth commenting on. I believe, with her, that these theorists' raising of nationalism or communitarianism to a moral virtue, claiming that similarity breeds obligations, is pernicious. Although I find her reflections and arguments here telling, I wonder whether a more open support of patriotism and nationalism from a different tack could

not more easily catch wind without the moral foundations of the liberal nationalism theorists. Our communities are where we live. They are where we contract our business. As such, we develop a sense of greater comfort, and trust, in our own institutions: they are known to us. We know when our neighbor is needy far more easily than we can establish the need of the pan-handler we have never met before. And the claims of that pan-handler are more easily assessed than those made in some rural Algerian communities. So is it surprising that we "specialize" in our altruistic efforts? Why allow this to have a moral legitimacy rather than simply an efficiency one? Of course, efficiency itself has a role in moral decision making, although it is not usually made explicit in moral argument. Similarly, of course, we require that our political institutions take care of its citizens first, and then consider the welfare of the non-national.

4

Rawls's writings continue to generate innovative thinking regarding our ethical obligations. It was Rawls' key insight that in order to generate more than "localized" maxims about justice we needed to imagine certain limitations regarding our foreknowledge about our position in the world. Brock extends this Rawlsian paradigm, but while she fundamentally refashions his thought experiment, she nevertheless maintains its central role in the formulation of our moral imperatives.

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