Workshop Report

“Notions of Justice in Global Cooperation”
A Workshop with Thomas Pogge
Duisburg, 6th December 2012, 11.30 – 16.00

Organised by Research Unit 3 "Global Governance Revisited",
Käte Hamburger Kolleg / Centre for Global Cooperation Research
“Notions of Justice in Global Cooperation”

Welcome Address and Introductory Remarks

At the beginning of the workshop on global justice at the Centre for Global Cooperation Research (GCR21) Dr. Markus Böckenförde (Executive Director of the Centre) welcomed the guests. He briefly introduced the work of the Centre and had to excuse Prof. Thomas Pogge (Yale University) for joining the workshop later due to a flight delay.

Dr. Rainer Baumann (Head of Research Unit 3, GCR21) gave a short welcome address and introduced the schedule of the workshop.

1st Session: “Justice in a Culturally Diverse World”

The first session of the workshop was moderated by Prof. Lothar Brock (Peace Research Institute Frankfurt) and started with two input statements by Prof. Corinna Mieth (Ruhr-University Bochum) and Prof. Abdolkarim Soroush (guest speaker, GCR 21).

In her statement, Corinna Mieth highlighted two main thoughts of Thomas Pogge’s work on global justice: (1) poverty is a problem of justice; (2) richer citizens from the West are responsible for the injustice. She further elaborated that Pogge insists on not only local reasons causing poverty but also global ones. Pogge argues that Western governments have to be blamed for shaping an unjust world order. As these governments are mostly elected by their people, their citizens are responsible as well. Professor Mieth added that these citizens can only be hold responsible if a feasible, alternative order can be offered to give them a choice.

Abdolkarim Soroush emphasised in his input statement the more philosophical approach of justice with its sources in ethics and politics. He explained that the ethics concept must be combined with the political debate and that morality should not be separated from the political order. His second remark focused on the idea of responsibility as a concept of rights and that justice can be based on responsibility. Professor Soroush further highlighted the issue of justice as a concept of citizenship in the context of nation states. In this concept justice is limited to countries’ law, but in a globalized world citizenship can become a hindrance to global justice. Finally, Abdolkarim Soroush referred to religion as a strong transnational concept and stated that religions are pre-nation state concepts with different notions of justice.
Lothar Brock opened the discussion by addressing the topic of the western domination within the justice-debate. He noted that justice might be a Western concept and asked about the transnational logic of justice. Corinna Mieth responded that the notion of justice is based on human rights and that these rights are Western-shaped but globally accepted. She stressed Pogge’s point that duties and responsibilities relate to foreigners as well and highlighted the universal notion: “You must not harm any people”. Abdolkarim Soroush stated that human rights are universal, but were written by Western people. He explained that these rights could be agreed on despite the philosophical bases being different.

Further stressing the issue on rights, Prof. David Chandler (Senior Fellow, GCR21) pointed to the need to reform the discourse of rights. He criticised the institutional understanding of rights which does not relate to them as individual ones.

Dr. Matthias Goldmann (Max Planck Institute for Comparative Public Law and International Law, Heidelberg) also elaborated on Pogge’s way to use human rights. He explained that citizens can evoke these rights against their states, but the concept of human rights, as understood by Pogge and in the present discussion, differs from legal standards, though they are imbedded in national thinking. Goldmann questioned that they were applicable in an extra-territorial way on international institutions as well.

Corinna Mieth elaborated that Pogge has a moral understanding of human rights. She described the gaps between individual voting – governmental decisions – world order – poverty. So in a complex, globalised world it is difficult to legally trace individually who is harming whom.

The discussion then focused on a more philosophical approach to justice and the issue of cultural relativism. Prof. Anja Weiβ (University of Duisburg-Essen) argued that feasibility is not important for a philosophical discussion about justice, but that feasibility is a political issue. She explained that also without an alternative order it is still possible to assess injustice. Anja Weiβ also addressed cultural relativism and the need for a culturally accepted concept of justice.

In the context of cultural relativism the universality of justice and Human Rights was debated. Arguing that universalism is possible despite diversity, Abdolkarim Soroush emphasised to keep human rights universal, which is more important than cultural relativism.

The discussion then focused on the relation between rights and responsibilities/duties. Dr. Clara Brandi (German Development Institute) highlighted in her statement the difference of the negative duty not to
harm anyone and the positive duty to help others. She noted the empirical difficulties that come along with this concept.

Questioning the assumption that all citizens share the notion of human rights, Dr. Hung-Jen Wang (Postdoc Fellow, GCR 21) asked about the influence of citizens on their governments’ decisions.

Dr. Rainer Baumann raised the issue of global justice and climate change as a matter of responsibility and rights.

The dominant discourse of rights will be changed by the notion of responsibility, was argued by Prof. Soroush. He stated that a balance of rights and obligations must be brought back in and that duties come before rights.

Raising the issue of an institutionalised concept of rights again Prof. David Chandler addressed the matter of feasibility and criticised the institutionalised understanding of human rights. He pointed out that the reproduction of institutions might lead to other outcomes but also to unintended consequences. Anja Weiß argued that conflicts may come up when individuals start questioning the unjust settings of institutions.

In his final statement, Matthias Goldmann raised the under-examined distinction between justice and law. The latter is independent of individual moral notions and is the mutual basis to stabilise order. In response, Abdolkarim Soroush emphasised that there has to be a balance between the two in practice.

2nd Session: “Justice and Cooperation beyond the Nation State: Do Good Things Go Together?”

The second session of the workshop, which was moderated by Dr. Cornelia Ulbert (Executive Director INEF, University Duisburg-Essen), started with an input by Mathias Goldmann. He addressed the correlation between the financial crisis and the crisis of democracy. Introducing the issue of justice as a “goal” of democracy with the two approaches of output-oriented consequentialism and input-oriented deontology, Goldmann proceeded to the capability approach of Amartya Sen as a rather output-orientated approach. Matthias Goldmann argued that Sen’s capabilities can be defined and ensured in terms of public reasoning. Furthermore, democracy fosters public reasoning with accountability, transparency, free speech and value pluralism.

Measuring capabilities with resource-based indicators, Goldmann claimed that the financial crisis has had a negative impact on the capabilities of people, since resources are pre-conditions of capabilities. With the following assessment of democracies’ performance during the...
financial crisis, Goldmann showed that there are indicators for both approaches: democracy leading to more and less financial crises, respectively more and less capabilities.

In the last part of his input, Goldmann stated that some of the causes of the latest financial crisis can be interpreted as “deficits in public reasoning”, while referring to the overreliance on misleading indicators (e.g. capital requirements, stress tests, government deficits) and the factor that decision making was brought up to de facto decretive institutions, where self-interests and partiality were pre-dominant.

The second input was given by David Chandler. Speaking about the clash between justice and democracy, Chandler elaborated that the sovereignty regime has to be problematized today. The issue of sovereignty would often be ignored when looking on international organisations and relations. Thus institutional fixes should be used to answer the questions of injustice and sovereignty, since “the West” is responsible for the global injustice.

Following the idea of a world without public reasoning and a private understanding of democracy, Chandler guessed that individuals “can give something back” by means of individual activism and their indirect consequences on institutional structures. The legal system and global formal institutions were indirect consequences of individual choices. Equally informal institutions are influenced.

Prof. Thomas Pogge (Yale University) supported the idea of an interlinkage between the financial crisis and a decline in democracy, since there is a shift towards the international level. In response to Professor Pogge, two issues were discussed with regard to the problem of sovereignty: first, whether countries should have sovereignty over their resources and second, who is the appropriate bearer of this
sovereignty, hence how can one immunise against a predatory takeover (e.g. the constitutional court).

Regarding the individual perspective and the predictability of consequences of the personal conduct, Thomas Pogge differentiated between cases where the consequences are obvious (e.g. ethnic flip-over of US-neighbourhoods) and those where consequences are not (e.g. effects of imported goods).

Subsequently, David Chandler distinguished two different frameworks: on the one hand the institutional framework of democracy (with responsibility) and on the other hand a kind of paternalism. He stressed that any kind of external intervention represents such paternalism.

Discussing the point of public reasoning, Dr. Daniel Gaus (Fellow, GCR21) asked Thomas Pogge to which extent global democracy has a role in curing the problems of global injustice. Professor Pogge divided his answer into the philosophical reply which points to the demand for a UN-Parliament and the more difficult realistic reply with concrete political advice. With mentioning the neglected interests of the Bottom Billion and the preponderance of interests of a few lobbying groups (e.g. in the U.S.), Pogge saw a need of a democratisation of the articulation of interests. This democratisation had to include gradual political reforms with an inclusion of interests of the broader population and the adjustment of global injustice.

Rainer Baumann asked if there is a trade-off between the ideal of inclusion in light of a growing complexity of global institutions on the one hand and the growing difficulty to achieve effective cooperation, since there “is less room for talks behind closed doors”. Thomas Pogge responded sceptically and argued that there was no general answer and
that selectivity was advisable. Moreover one had to deal with a collective action problem, where e.g. the influence of the rich cannot be seen as a homogenous group but nevertheless has strong influence on institutional rule-making.

In this context, Lothar Brock noted that cooperation and justice go hand in hand and that there was a normative and technical approach towards cooperation. Professor Pogge took up this point and added that democracy does not only manifest in cooperation, but it is a pre-condition of cooperation.

Coming back to the topic of paternalistic intervention, David Chandler distinguished paternalist and rationalist decisions and claimed that for ensuring democracy not only the regulation of consequences was necessary but also paternalism was unavoidable. Questioning this point, Prof. Pogge suggested a non-paternalistic solution to shaping society: “Let the others decide”; combined with necessary structures and institutions. Anja Weiβ supported the idea of a democratic alternative and elaborated the case in which democracy ends when it tries to overcome democracy.

Abdolkarim Soroush addressed the question to David Chandler whether there can be “good and bad paternalism”. Professor Chandler replied that there was something like “new paternalism” with the provision of institutional frameworks and capacity building e.g. in fragile states. But since the competences are unequal in the world, sovereignty becomes conditional. When Daniel Gaus asked whether unconditional sovereignty was possible, David Chandler added that “someone has to have the power to accept sovereignty”.

Hung-Jen Wang asked how to behave in the context of relations to dictatorships and the contradiction of cultural positions with the universalistic human rights. Thomas Pogge replied that one had to deal with two topics: firstly it is possible to agree to disagree (“We do not want the Chinese system.”) and secondly finding a consensus (e.g. on trade or international law). Furthermore one had to include other cultural positions on rights and injustice into the discourse and the process of shaping global institutions.

Referring to Matthias Goldmann’s input, Dr. Gianluca Grimalda (University Jaume I of Castellón) emphasised that “our” institutions were more fit to deal with the financial crisis than they were in the 1950s. Poverty has not increased unlike in the 1950s, but inequality has. Grimalda questioned whether it was unjust to use trade to raise the living standards of the poor as long as basic human rights are given. Goldmann stressed that there should not be a mix-up of trade freedom with human rights and likewise questioned whether the economic benefits could came up without harm.

Subsequently commenting on the input of Matthias Goldmann, Prof. Jan Aart Scholte (Senior Fellow, GCR21) criticized that there was no clear definition of democracy but only manifesting indicators. Where Goldmann referred to democracy and the modern liberal state Prof.
Scholte claimed that the financial crisis was caused not by a problem of the state but by a problem of private and supranational regulation. Lastly Prof. Scholte noted that civil society organizations in the financial sector were less unimportant than stated by Goldmann.

At the end of the second session and the workshop, Rainer Baumann drew the conclusion that it had been easier to come to a consensus in the first session with the universalistic understanding of justice. Concerning the topic of the second session and the democratisation of international institutions one could “agree to disagree”.

The workshop was followed by the Köte Hamburger Lecture “Beyond 2015: Getting Serious about Global Justice” held by Thomas Pogge at the Duisburger Hof. The lecture was commented by Margret Thalwitz, Prof. Jan Aart Scholte (both Senior Fellows at the Centre) and moderated by Prof. Thomas Spitzley (University of Duisburg-Essen).