

## Contents

<i>Preface</i>	<i>page</i> xi
<i>Acknowledgments</i>	xix
Introduction	I
Global Poverty and Inequality: How Deeply Should We Be Concerned?	I
Unmet Duties	14
Human Rights and Social Justice: Two Overlapping Approaches to Understanding Our Global Duties	16
Controversial Claims	25
A Critical Theory of Injustice and Underdevelopment	29
PART I AGENCY AND DEVELOPMENT	
I Recognition, Rational Accountability, and Agency	47
Autonomy and Identity-Based Normative Agency	48
Hegel on Recognition and Self-Certainty: Freedom and Identity as Conditions of Agency	51
Rational Discourse and Autonomy Agency	58
Pathologies of Abstract Individualism	61
Honneth on Recognition as an Ethical Category	63
Honneth's Theory of Recognition	65
Recognition: Ascription or Perception?	69
Recognition, Redistribution, and Participatory Parity: The Honneth-Fraser Debate	74
Conflicted Agency and the Self-Subordination Social Recognition Paradox: Emancipating Women in Developing Countries through Micro-Finance	78

2	Agency and Coercion: Empowering the Poor through Poverty Expertise and Development Policy	85
	The Culture of Poverty: The American Debate	87
	The Culture of Poverty: The Global Debate	90
	Poverty Expertise as Ideology: The American Experience	93
	Development Theory as Ideology: The Global Experience	95
	The Social Contractarian Foundations of Development Theory and the Limits of Rational Choice	101
	Coercive Environments as the Hidden Foundation of Injustice and Social Pathology	106
	Discourse Ethics and the Disclosure of Coercive Environments: Toward a Reform of Poverty Expertise	109
	Applying Discourse Ethics and Recognition Theory to Global Development Policy	114
	Concluding Remarks on the Structural Obstacles to Implementing Development Policy	120
PART II GLOBAL CRISIS		
3	Forced Migration: Toward a Discourse Theoretic Policy Governing Political and Economic Refugees	125
	Political Refugees: A Humanitarian Crisis	131
	The Evolving Definition of Refugee Status and the Discretionary Application of Humanitarian Law	137
	Refugees' Rights versus States' Rights	139
	Compromising Refugees' Rights on the Altar of State Sovereignty: The Evolving Role of the UNHCR	141
	Economic Refugees Reconsidered	144
	The Analogy between Hostile Work Environments and Poverty	147
	The Special Duty to Decriminalize and Protect Victims of Human Trafficking	148
	Cosmopolitanism and the Case for Open Borders	150
	Communitarianism and the Case for Restrictive Borders	154
	Parents Who Migrate: The Hidden Cost of Divided Agency	156
	Discourse Ethics and Border Policy	159
	Discourse Ethics and Immigration Policy	162
	Discourse Ethics and Immigration Courts	167

*Contents*

ix

4	Imperial Power and Global Political Economy: Democracy and the Limits of Capitalism	171
	Imperial Power and International Relations: The Logic of Underdevelopment and Unsustainable Economies	173
	Contractarian Duties and the Moral Burdens of Empire	183
	Free versus Fair Trade	188
	Markets and Negative Externalities: Dependency, Environmental Degradation, and Global Warming	196
	Toward an Efficient and Just Reduction of Negative Externalities: Market Strategies versus Government Regulation	199
	The Limits of Capitalism	203
	Economic Democracy	212
PART III HUMAN RIGHTS		
5	Human Rights and Global Injustice: Institutionalizing the Moral Claims of Agency	221
	The Ambiguous Status of Human Rights	225
	Political Theories of Human Rights: Rawls on the Law of Peoples	232
	Legal Theories of Human Rights: Habermas on Constitutional Law	238
	Moral Approaches to Human Rights	243
	Understanding Human Rights Contextually: Pluralism Reconsidered	250
	Institutional and Interactional Human Rights: Do Global Economic Structures Violate Human Rights?	251
	Legitimizing Human Rights: Discourse Theory and Democracy	258
6	Making Humanitarian Law Legitimate: The Constitutionalization of Global Governance	262
	Justifying the International Human Rights Regime	270
	Modern International Law and Constitutional Legitimacy: Preliminary Remarks	277
	The UN and Global Constitutional Order	282
	The UN Charter as Constitution of a Single Legal Order	292
	Toward a More Legitimate and Democratic International Order	298
	Subjecting the UNSC to Judicial Review: A Step Toward Democratic Constitutionalization	304
	Democratizing Global Constitutional Review in a Fragmented Legal Universe	306

7	Nationalism, Religion, and Deliberative Democracy:	
	Networking Cosmopolitan Solidarity	313
	Solidarity: A Preliminary Analysis	316
	Mechanical and Organic Solidarity	318
	Civic Solidarity	320
	Civic Solidarity: An Incoherent Concept?	322
	Religion and Civic Solidarity	329
	From Religion to Cosmopolitan Solidarity	339
	Building Cosmopolitan Solidarity Out of Solidarity Networks	341
	<i>Bibliography</i>	344
	<i>Index</i>	361