Introduction: Theorizing the work of global justice

Setting the scene

At the dawn of the twenty-first century, the legacy of the previous one weighs heavily upon us. The 'age of extremes' (Hobsbawm 1994) was marked by great accomplishments, but also by a series of catastrophic developments that in many ways defined our present relationship to it: totalitarianisms of the Left and the Right, war, ecological degradation, genocide, widening North–South disparities, grinding poverty, and so on. The litany is a familiar one, not least because the end of the twentieth century was punctuated by ongoing civil wars, the reproduction of structural inequalities, famines and widespread crimes against humanity in the former Yugoslavia and Rwanda.

Predictably, this predicament has given rise to two sorts of response from progressive quarters. Many are falling prey to a fatalistic *Zeitgeist*, which is itself spawning positions ranging from stoic resignation about the state of the world to a weary and disillusioned cynicism about emancipatory projects, and even a kind of nihilistic despondency. There is indeed little doubt that recent tendencies – the hegemony of neoliberal capitalism, the clash between rival brands of politico-religious fundamentalisms and the assertion of a US-led 'war on terror', or the continuing ravages of the HIV/AIDS pandemic in the global South – only seem to justify the mood of despair. Furthermore, one of the great paradoxes of our epoch originates out of the disjuncture between the multiplication of human rights discourses nationally and globally, on the one hand, and the unrelenting violation of such socio-economic and civil-political rights, on the other – often by the very same actors who drape themselves in humanitarian rhetoric (Chomsky 2003; Teeple 2004).

By contrast, in the wake of the possibilities opened up by the end of the Cold War and the collapse of the bloc-driven logic of bipolar geopolitical confrontation on the world stage, some intellectual circles are championing an unbridled buoyancy. For a brief period in the 1990s, the United Nations Security Council was revived as a relatively effective

organ of global governance on account of greater, albeit always tenuous and strategically driven, collaboration between erstwhile rivals. Despite recent setbacks and the vexing lack of enforceability, multilateralism is gaining traction because of a build-up of a vast infrastructure of international agreements (the Kyoto Accord, the International Treaty to Ban Landmines, etc.) and judicial institutions (such as the International Criminal Court and the International Criminal Tribunals for former Yugoslavia and Rwanda). In addition, the formation of a global civil society out of expansive transnational networks of non-governmental organizations (NGOs), social movements and concerned citizens is sustaining a bullish mood among certain progressive thinkers, for whom the civic 'multitude' represents the new agent of history that will radically transform the current world order (Hardt and Negri 2000; 2004).

It would be tempting to follow the lead of pessimists or utopians, yet I want to claim that another path can be trodden – one that, without overstating either scenario, simultaneously recognizes the dire circumstances in which humankind finds itself and the potential for emancipation cultivated by numerous and diverse struggles around the planet aiming to fully and universally realize socio-economic and civil-political rights via an alternative globalization. The project of global justice has come to stand as shorthand for these struggles and their associated discourses, although it should be seen as neither an ill-fated delusion nor a teleological necessity; instead, it represents nothing more, yet nothing less, than a set of emancipatory possibilities rising out of the ashes of the last century. Whether or not these possibilities become actualized depends less on formal normative principles and institutional arrangements than on the work of global justice, that is, how and to what extent civic associations enact the social labour required to counter the sources of structural and situational violence around the planet and to give birth to a different world order. As I will contend throughout this book, the work of global justice is arduous and without guarantees, for it often falls short of protecting the lives of much of the world's population – let alone dramatically improving its material and symbolic standing. Much remains to be accomplished if we are to eradicate crimes against humanity and structural inequalities, while any gains hitherto achieved are merely provisional. For its part, global civil society does not represent a harmonious space where a just world order is bound to flourish, but rather a contested and differentiated site in which actors of opposite political persuasions confront one another; even what might appear as its progressive elements are by no means natural carrier groups of an alternative globalization, since many putatively Left NGOs and

social movements are losing their financial and ideological independence *vis-à-vis* governments, international organizations and private corporations, to become fully integrated into an international human rights industry.

If this is the case, then why bother with global justice at all? Two principal reasons come to mind. Normatively, it represents the single most compelling political substantiation of the principle of universal moral equality available today and one of the key 'moral horizons of our time' (Badinter 1998). While it is imperative to recognize that governments and transnational corporations are appropriating humanitarian discourses to advance their own geopolitical or commercial interests, we cannot reduce human rights *per se* to mere instruments of *realpolitik*, Euro-American hegemony or globalized capital. As such, the belief that all human beings are entitled to a full spectrum of socio-economic and civil-political rights, and conversely that abuses of such rights ought not be tolerated because of a territorially unbounded sense of mutuality, is acquiring an enviable ethical weight in many societies. The cosmopolitan stretching of the moral imagination, to the point that distant strangers are treated as concrete and morally equal persons whose rights are being violated or incompletely realized, offers nascent public legitimacy and political traction for the interventions of progressive groups in national and global civil societies. Because of the presence of human rights discourses, these groups can push for greater public debate about the past (how do we remember crimes against humanity, and how do we deal with their contemporary effects?), the present (how should we halt collective suffering in our midst, and how do we achieve a just world order?) and the future (how do we avert eventual humanitarian disasters, and how do we promote the capacities of all?), including challenging systemic sources of inequality and domination.

The second reason that global justice matters is strategic, for if the aforementioned construction of a multilateral human rights edifice on the international stage appears to be a strictly formal development, it does enable progressive forces to use legal means to rein in corporate and state power along democratic and egalitarian lines, or at least to try symbolically to shame institutions violating human rights into respecting their official engagements. Furthermore, radical interventions through the official infrastructure of human rights to contest the hegemony of existing economic and political structures can represent one step toward an alternative globalization, by chipping away at the root causes of humanitarian crises, crimes against humanity and sustained material deprivation. The work of global justice, then, can move beyond what is often the liberal individualist and formalist biases of conventional human rights

paradigms, employing existing institutional and legal tools gradually to leverage changes toward a substantial reorganization of economic and political structures and redistribution of material and symbolic resources in line with the cosmopolitan idea of planetary egalitarian reciprocity (Habermas 2003: 369; Woodiwiss 2005: 150n1).

Hence, this book is intended as a contribution to a critical and substantive theory of global justice, one that converts the latter from an ideal steeped in noble sentiments and intentions, or a juridified concept enshrined in multilateral declarations, into an ensemble of emancipatory practices constructed through ethico-political labour. To do so, it examines the social processes and repertoires of collective action that underpin transnational struggles against gross human rights abuses, while also indicating what normative and socio-political steps can be enacted in order to further an alternative globalization. But before turning to these matters more fully, we should consider some of the main paradigms in the vast literature on global justice, which as I shall endeavour to demonstrate in the next section, suffer from either formalism or an absence of theoretical systematicity. Following this discussion is a brief exposition of critical substantivism, the analytical framework that I am proposing to address the flaws of other approaches and to bridge the gap between formalism and empiricism because of its orientation to hermeneutical critique. For its part, prior to supplying a brief overview of each chapter, the final section of this introduction presents critical substantivism's conceptual apparatus: the notions of practice and mode of practice, as well as the action-theoretical model of the work of global justice.

Mapping the intellectual terrain

Although a comprehensive review of the multiplicity of writings on global justice is well beyond the scope of this introduction, three key paradigms can be discussed: philosophical normativism, politico-legal institutionalism and global civil society empiricism.[1] What I want to suggest is that, despite vitally contributing to the analysis of global justice, these paradigms have not adequately grasped its substantive dimensions – namely, the fact that it is created out of the labour stemming from modes of ethico-political practice, which provide it with a patterned social thickness, and that it exists as much as an enacted reality than a formal project.

Taking their cue from various sources (ancient Graeco-Roman Stoicism, Enlightenment Kantianism, non-Western humanism, etc.),

[1] More specialized writings on bearing witness, forgiveness, foresight, aid and solidarity are treated in each of the book's five chapters.

philosophical normativists primarily interpret global justice via the prism of the elaboration of a cosmopolitan ethics. This begins from a subject's self-understanding as a citizen of the world and a concerned member of humankind (*'la terre est ma patrie'*), who is conversant with and appreciative of a variety of different socio-cultural settings and their accompanying customs, beliefs, norms and symbolic systems; the prototypical cosmopolitan subject is a well-travelled and open-minded polyglot who regularly negotiates between and crosses cultural boundaries, since nothing human is foreign to her. Of greater direct relevance here is the ethical imperative that follows from this world-dwelling identity, the recognition of universal moral equality. For philosophical normativism, then, human beings are entitled to the realization of the same socio-economic and civil-political rights as well as to enjoy the same freedoms and protections regardless of their specific circumstances or socio-cultural location. Global justice thrives on concern for the well-being of all persons in the world, the faraway stranger no less than the proximate neighbour. More concretely, philosophical normativists specify universal moral principles, such as hospitality and egalitarian reciprocity, that can guide the juridification of international relations for the construction of a peaceful and multilateral world community, and that can legitimate global distributive justice through the reallocation of material resources on a planetary scale.[2]

If they overlap to a degree with the normativist counterparts, politico-legal institutionalists treat global justice as a question of redesigning the world system in accordance with international human rights procedures and cosmopolitan principles. Institutionalism thereby urges the reform or complete overhaul of the existing transnational legal infrastructure and set of multilateral political institutions, in order to increase democratic accountability and socio-economic fairness as well as to tackle problems confronting humankind as a whole (environmental degradation, migration, etc.). Proposals range from a world parliament to multiscaled yet interconnected executive structures with overlapping jurisdictions, and from global citizenship (a status granting socio-economic and civil-political rights and accorded to all human beings) to the enforcement of an international legal regime that would regulate interstate relations and the conduct of powerful transnational private actors (e.g., through taxation of financial transactions or international labour codes). Put succinctly,

[2] For a sample of philosophical normativist writings, see Apel (2000), Appiah (2003; 2006), Beitz (1999), Bohman and Lutz-Bachmann (1997), Dallmayr (2002; 2003), De Greiff and Cronin (2002), Derrida (2001), Habermas (2001 [1998]; 2003), Kant (1991b [1795]), Nussbaum (2002a [1996]), Pogge (1992; 2001a; 2002b) and Singer (2002).

politico-legal institutionalists believe that transforming the official system of planetary governance produces the clearest path to global justice.[3]

Undoubtedly, philosophical normativism and politico-legal institutionalism are vital to elaborate the ethical doctrines, structures and procedural models that undergird an alternative globalization. However, both paradigms suffer from a formalist bias that adopts a view of global justice 'from above', whereby the latter is formulated essentially through prescriptive or legislative means; the protection and attainment of socio-economic and civil-political rights becomes a matter of finding the most compelling universal ethical principles or the best-designed institutional plan. Here, the problem originates from these approaches' social thinness, since they do not supply a sense of how global justice is made from the ground up, that is to say, how socio-political actors situated in dense and meaningful lifeworlds engage in practices to counter structural and situational forms of violence and to advance emancipatory projects. These actors, it should be pointed out, do not necessarily or principally orient themselves toward abstract norms or official institutions and juridified relations, but rather understand what they do as tasks performed in order to face up to severe material deprivations and crimes against humanity, among other perils they encounter experientially. Therefore, formalism skews interpretation away from the social labour and modes of practice that supply the ethical and political soil within which the norms, institutions and procedures of global justice are rooted, but to which the latter is not reducible. Without sufficiently attempting to make sense of these types of social action, neither philosophical normativists nor politico-legal institutionalists can adequately account for what makes up the substance of global justice and for the arduous processes that lead to its constitution in specific moments and places.

Global civil society empiricism represents the third, and rather sprawling, tendency characterizing literature on global justice. Instead of focusing on normative or legal-institutional dimensions *per se*, empirically engaged analysts are drawing a comprehensive portrait of the transnational networks of informal actors (social movements, NGOs and activists) that are driving global justice from below by leading to the formation of a politicized civic realm existing beyond territorial borders. Accordingly, writings in this vein describe in some detail various aspects of global civil society or one of its carrier groups: its composition (the groups that are part of it); its strategic and organizational facets (the

[3] Politico-legal institutionalist writings include Archibugi (2003), Archibugi *et al.* (1998), Beck (2000; 2005), Falk (1995; 2000), Habermas and Derrida (2003), Held (1995; 2004) and Higgott and Ougaard (2002).

strategies, resources and infrastructure that it uses and mobilizes); the political causes and problems it confronts (global warming, war, gender equality, human rights, emergency relief, etc.); as well as its institutional history (defining moments, key figures and gradual build-up of its capacity and linkages). Many studies of global civil society view the latter as the principal agent of an alternative globalization, civic associations generally representing progressive forces that can help counterbalance the role of hegemonic states and transnational corporations in national and world politics.[4] Others, however, are less sanguine, claiming that global civil society is organizationally incoherent on account of the bewildering range of its constituent parts and their lack of coordination or commonality, that it remains an ineffective actor on the planetary stage because of its underinstitutionalization and lack of influence on official decisional bodies, or that it is itself a problematic entity in light of the democratic unaccountability and ideological diversity of its participants (which can include conservative as well as progressive elements), their loss of autonomy in recent years, as well as the scant material and symbolic gains they have produced.[5]

Leaving aside this debate, what is relevant for our purposes is the fact that global civil society empiricism corrects the formalism of other approaches, yet its organizational treatment of civic associations does not supply a sufficiently substantive, action-theoretical perspective on global justice – that is to say, a consideration of the patterns of socio-political and ethical doing and thinking that these civic associations enact. Indeed, these modes of practice establish the social density of global civil society, whereas its political orientation is defined largely by the capacity

[4] See Anheier *et al.* (2001; 2002; 2003; 2004), Clark (2003), Glasius *et al.* (2005), Kaldor (2003), Keane (2003), Keck and Sikkink (1998), Lipschutz (1992), Peterson (1992), Rajagopal (2003), Scholte (2002) and Smith (1998).

[5] The limited impact of global civil society on the world scene is due to a number of exogenous and endogenous factors. Exogenously, civic associations' struggles and campaigns are often neutered by Euro-American states' indifference or hostility because of their narrowly defined conceptions of national interests, by bureaucratic ineptitude or inertia from within the ranks of the United Nations system and by generalized denial or callousness among Western publics (Barnett 2002; Boltanski 1993; Cohen 2001; Farmer 2003; Power 2002a). Endogenously, international NGOs are losing their financial and political independence *vis-à-vis* Western states, domestic governments in the global South, and the United Nations – a process of clientelism that has accelerated because of some organizations' compliance with the US-led 'war on terror' and their calls for a greater number of military interventions for ostensibly humanitarian purposes. In addition, the kind of development aid that NGOs supply can sometimes worsen impoverished populations' already dire circumstances by creating long-term dependence, being diverted to prop up oppressive political regimes, or being utilized by one side in an armed conflict (Baker 2002; de Waal 1997; Ignatieff 2001; Kennedy 2004; Laxer and Halperin 2003; Morris-Suzuki 2000; Rieff 2002; Terry 2002; Weissman 2004).

of transnationally minded NGOs and social movements to engage in emancipatory tasks against dominant forces and obstacles in the current world order. To understand how global justice is made, we need to treat it as more than an amalgamation of progressive networks and actors and turn our attention to the arduous and contingent forms of struggle that compose it. Overall, then, philosophical normativism, politico-legal institutionalism and global civil society empiricism leave what I am calling the work of global justice undertheorized. Let us now turn to critical substantivism, which can address this gap in a variety of ways.

A critical theory of global justice

The substantive perspective on global justice mentioned above can be buttressed by a critical theorization of it, one that aims to negotiate the productive tension between the interpretation of the actual state of human rights struggles today and the evaluation of what these struggles should accomplish and how the existing world order can be organized in an emancipatory fashion; thus, it draws from a tradition of critical hermeneutics that explicitly connects analytical and normative dimensions, as well as interpretive and structural approaches, to examine social phenomena (see Figure 1).[6]

To counter the top-down predilections of formalism that produce an experientially and culturally thin account of socio-political life, the vantage-point proposed here is oriented toward making sense of the realities of participants involved in the social labour of global justice, their intentions, and the meanings they give to this labour. Concretely, this signifies taking seriously the socio-cultural aspects of global justice by beginning theorizing at the phenomenological level of actors' lifeworlds and their intersubjectively produced webs of meaning, in order to supply interpretively thick explanations of what these actors are doing and thinking in situations involving the defence or advance of human rights. In other words, what needs to be understood are the belief-systems that groups and individuals hold and the cultural and socio-political rituals they perform. Indeed, it is only when critical theory aims for hermeneutic

[6] See, *inter alia*, Adorno *et al.* (1976 [1969]), Alexander (2003), Benhabib (1986; 2002), Calhoun (1995), Fraser (1997), Fraser and Honneth (2003), Habermas (1987 [1971]), Honneth (1991 [1985]; 1995 [1992]), Kögler (1996), Rabinow and Sullivan (1987), Ricoeur (1981), Taylor (1985 [1971]) and Walzer (1983). Although it represents a distinctive intellectual constellation, critical hermeneutics regroups thinkers whose work differs in its epistemological emphases. Indeed, some stress the interpretive dimension of the paradigm by primarily aiming to make sense of intersubjectively constituted webs of meaning (e.g., Alexander, Taylor, Ricoeur), while others underscore its orientation to critique of the established social order (Adorno, Habermas, Benhabib, etc.).

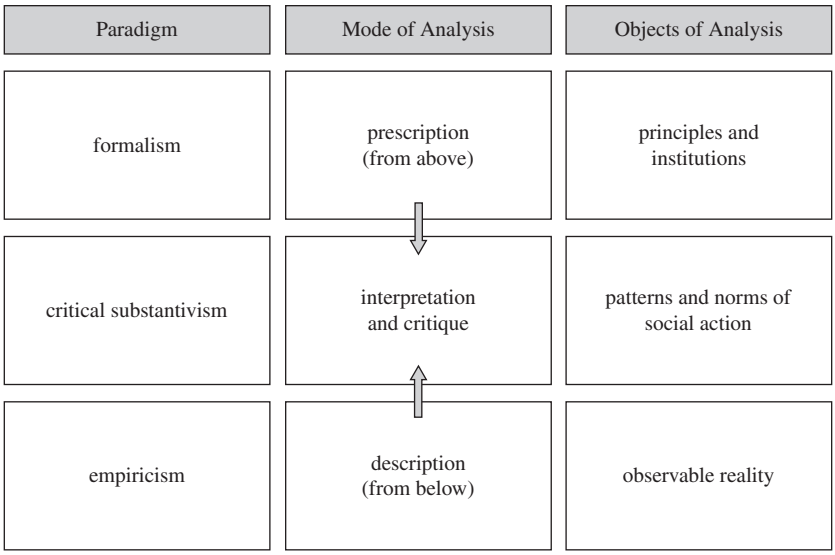

Figure 1. Analytical paradigms of the social.

thickness and empirical engagement that it properly comes to terms with the perils and possibilities related to global justice, and thereby advances normative proposals about an alternative globalization.

Accordingly, each of the chapters in the book draws upon a range of primary and secondary sources to develop its models of the practices of global justice and illustrate how groups and individuals are enacting them. The first chapter, on bearing witness, is framed by writings from Holocaust and Hiroshima atomic bomb survivors, as well as those on the Rwandan genocide and other recent events. The tribulations of post-apartheid South Africa, Chile after the Pinochet regime, Australian treatment of Aboriginal peoples and Jewish–German relations in the aftermath of the Holocaust all supply material for the second chapter, on forgiveness. The study of campaigns to prevent the use of nuclear weapons, environmental degradation and humanitarian crises informs the third chapter, which deals with foresight. Research on the discourses of development and humanitarianism, and especially on the HIV/AIDS pandemic in sub-Saharan Africa, represents the empirical core of the fourth chapter, on the practice of aid. And studies of the various components of the alternative globalization movement help to ground the claims about universal solidarity advanced in the book's final chapter.

However, since other authors have published a plentiful and excellent supply of primary research on, and detailed case studies of, human rights

projects, this book proposes a theoretically driven analysis of the work of global justice. If it questions formalism's interpretive thinness, the version of critical theory employed here is no less sceptical of a strictly descriptive empiricism that confines the human sciences to the observation, depiction and explanation of social reality, in a manner supposedly devoid of any normative content (Apel 1984 [1979]; Habermas 1987 [1971]).[7] On the contrary, research is analytically most solid when reflexive about the value commitments that, without determining its interpretation of empirical findings, certainly inform it; in fact, a critical normativity can bolster empirical understanding of socio-political situations or structural forces by helping to identify and assess their emancipatory potentialities and perils. The articulation of analytical rigour and ethico-political commitment is particularly compelling in light of this book's subject-matter, since an exclusively descriptive chronicling of structural injustices and severe human rights violations is of questionable worth if it is not coupled to a reflection on how they can be averted or overcome through various forms of social action. Surely, the ubiquity of famine, chronic poverty, genocide and pandemics, among other kinds of mass suffering in the world, call for normatively and publicly engaged human sciences.

The critical substantivism that I elaborate in this book is organized analytically around a double movement: it begins 'from below' by unpacking and making sense of the social labour of groups and persons implicated in human rights struggles in historically specific socio-cultural contexts, yet proceeds 'upward' to formulate normative reconstructions of what is required ethically and politically of these struggles to advance the work of global justice. Hence, aside from examining the 'actually existing' patterns of socio-political action produced by progressive civil society participants, critical substantivism advocates an extension and intensification of the emancipatory tasks that contribute to an alternative globalization. The latter – which represents a precondition for the universal realization of civil-political and socio-economic rights – is built upon structural transformations of the world order, through the domestic and transnational redistribution of material and symbolic resources, the enshrining of political freedoms and civil rights in vibrant public spaces, and the cultivation of a cosmopolitan sense of concern for the well-being of distant strangers (see the Conclusion for an elaboration). Given how far we find ourselves from such a state of affairs, and the fact that abuses of

[7] This is a common rendition of sociology, championed from within the discipline by those who guard their version of its scientific standing and by those outside of it who classify it as an empirical form of knowledge participating in a broader intellectual division of labour (whereby normativity is the domain of moral philosophers and political theorists).